



ASSESSMENT OF THE RESPONSES TO MARINE SAFETY RECOMMENDATION M08-05

CANADIAN COAST GUARD TOWING POLICY, PROCEDURES AND PRACTICES

Background

On the morning of 29 March 2008, the small fishing vessel *L'Acadien II*, with six crew members on board, capsized 18 nautical miles off Cape Breton Island, Nova Scotia, while being towed in ice by the light icebreaker CCGS *Sir William Alexander*. Two crew members were quickly rescued by another small fishing vessel. Several hours later, three deceased crew members were recovered from the overturned vessel by Department of National Defence search-and-rescue technicians. One crew member is still missing and presumed dead.

The Board issued the safety recommendation on 26 November 2008.

Board Recommendation M08-05 (26 November 2008)

A towing operation can be a complex undertaking. Safe towing depends on a multitude of factors – including environmental conditions, size and condition of the tow, size of the assisting vessel, training and experience of crews, towline length, and speed and direction of the vessels involved – and requires close coordination and communication between the tow and the assisting vessel.

The Board notes the interim Canadian Coast Guard (CCG) suspension on the towing of small vessels with persons on board while in ice. However, small fishing vessels participating in the annual commercial hunt will continue to require assistance, especially for those unsuited for navigation in ice.

The Board, therefore, believes that permanent and comprehensive safety measures are required to address all of the risks associated with towing small vessels in ice. Recognizing that the timely provision of towing or other assistance to disabled vessels can be an effective way of meeting the national search-and-rescue objective of preventing loss of life and injury, the Board recommends that:

The Department of Fisheries and Oceans develops comprehensive safe towing policies, procedures, and practices that take into account all safety risks associated with towing small vessels in ice-infested waters.

M08-05

Response to M08-05 (23 February 2009)

In her letter of 23 February 2009, the Minister of Fisheries and Oceans indicated that a team had been established to develop an action plan to respond to the recommendation. This action plan is also intended to respond to the Search and Rescue Operation Report and the independent Girouard Report. CCG plans to release its action plan concomitantly with the assessment of the response to the recommendation.

The Minister accepted and concurred with the recommendation and will pursue implementation of their response through the following means:

- Develop an 'assistance to disabled vessels' policy applicable to the whole of CCG;
- Develop clearer seamanship procedures and guidelines for towing by CCG ships;
- Conduct a review of training, technology and equipment for towing applicable to CCG operations; and
- Initiate research to better understand towing dynamics and associated risks.

It is the intention of the CCG to have the guidelines developed in time for the next ice season (i.e. early 2010). The Commissioner of the CCG will inform the Board of any follow-up action.

As an interim measure, CCG Fleet Circular FC 07-2008, *Suspension of the Towing of Small Vessels with Persons On board While in Ice*, which was implemented in April 2008, will remain in place.

The CCG has also drafted four icebreaking program directives that deal with provision of icebreaking services, commercial and fishing harbour breakouts and support to sealing vessels. These draft directives 1 have been developed with the intent to provide guidance in the interpretation and application of the level of service for both CCG personnel as well as for clients receiving program services. The directives are currently the subject of a consultation with stakeholders, including fishers engaged in fisheries, which take place in seasons where ice might be present either in harbours or on fishing grounds.

Board Assessment of Response to M08-05 (30 April 2009)

The Board believes that permanent and comprehensive safety measures are required to address the risks associated with towing small vessels in ice.

The proposed action plan will address the policies, procedures, and practices related to towing in ice and take into account the associated risks. Moreover, the knowledge gained from the proposed research could significantly reduce the residual risks associated with towing in ice.

It is worth noting that until such time as this plan is implemented, Fleet Circular FC 07-2008 will remain in effect.

Therefore the response to the recommendation is considered to be **Satisfactory Intent**.

Next TSB Action (30 April 2009)

The Board will monitor the progress of the implementation of the action plan and will reassess the deficiency on an annual basis or when otherwise warranted.

The deficiency file is assigned an **Active** status.

Response to M08-05 (April 2010)

In her update of 20 April 2010, the Minister of Fisheries and Oceans indicated that the CCG accepted and concurred with the recommendation and pursued implementation through the release of the *Integrated Action Plan, Response to Investigative Reports F/V L'Acadien II, March 28-29 on 14 July 2009*.

CCG committed to develop an 'assistance to disabled vessels policy' applicable to the whole of CCG; develop clearer seamanship procedures and guidelines for towing by CCG ships; conduct a review of training, technology and equipment for towing applicable to CCG operations and initiate research to better understand towing dynamics and associated risks.

To date the following items are in progress or have been completed:

- A draft of the *CCG Assistance to Disabled Vessels Policy* has been developed and client consultations commenced in December 2009. The CCG will continue consultations over the next six months. A review of the draft policy will be based on input from clients. CCG expects to implement the policy by the end of March 2011.
- A draft *Fleet Towing Procedures* will be completed and translated by April 2010.
- A towing dynamics study is underway at Memorial University. A preliminary report was received in February 2010. The final findings will be used to update the *Fleet Towing Procedures*.
- A formal literature review on towing procedures contracted to Dalhousie University has been completed. A towing equipment review commenced in January 2010 will be ongoing for the next year.

The approved version of the *Assistance to Disabled Vessels Policy* is planned for issuance and implementation in 2010/2011. Until such time that the policy is issued, the moratorium applicable to vessels less than 33 metres in length (CCG Fleet Circular 07-2008, *Suspension of the Towing of Small Vessels with Persons on Board While in Ice*) remains in effect.

Board Reassessment of Response to M08-05 (May 2010)

Follow-up information provided by the CCG indicated that the draft *CCG Assistance to Disabled Vessels Policy* has been posted on its website to solicit comments during the summer of 2010. Comments received on the policy will also be used to finalize the draft *Fleet Towing Procedures*, which has been updated using the findings of the towing dynamics study. It is anticipated that the procedures will be issued once the *CCG Assistance to Disabled Vessels Policy* has been implemented in 2011.

The proposed action plan will address the policies, procedures and practices related to towing in ice and take into account the associated risks. Moreover, the knowledge gained from the proposed research could significantly reduce the residual risks associated with towing in ice.

It is worth noting that until such time as this policy is implemented, Fleet Circular FC 07-2008 will remain in effect.

The response to the recommendation remains **Satisfactory Intent**.

Next TSB Action (May 2010)

The Board will monitor the progress of the implementation of the action plan and will reassess the deficiency on an annual basis or when otherwise warranted.

The deficiency file is assigned an **Active** status.

Response to M08-05 (January 2011)

In December 2010, the Commissioner of the CCG issued the *Assistance to Disabled Vessels Policy*. This policy was incorporated into the Coast Guard Fleet Safety Manual and disseminated to all Coast Guard vessels in the fleet. Section 7.E.8 of the Fleet Safety Manual gives specific procedures, in the form of checklists, on towing safely in ice and replaces Fleet Circular 07-2008 which originally placed a moratorium on towing vessels less than 33 m in length and with persons on board.

Board Reassessment of Response to M08-05 (March 2011)

The CCG has issued comprehensive safe towing policy and procedures that, if implemented on board all fleet vessels, will significantly reduce or eliminate the risks associated with towing small vessels in ice-infested waters.

Thus, the assessment of the response has been changed to "**Fully Satisfactory**".

Next TSB Action (March 2012)

The deficiency file is assigned an **Inactive** status.