

Honorable  
Jennifer Homendy  
Chair

## **Calls for Action on Conception Dive Boat Safety Recommendations**

Date: 9/2/2024

Event Type: Remarks

Location: MV Conception Memorial: Point Castillo, Santa Barbara, California

Accident No: DCA19MM047

Thank you for joining us.

I'm Jennifer Homendy, and I'm honored to serve as Chair of the National Transportation Safety Board.

Today is Labor Day, the last big week of summer. It's a day where many people are off of work, away from school, enjoying time with their families and friends.

Some may be headed to the beach, right here in Santa Barbara, or the pool. Some may be on vacation, at barbecues, or having a picnic in the park.

For others – mothers, fathers, wives, husbands, sisters, brothers, daughters, sons, friends – today is a day of tremendous, unimaginable grief. Heartache that will last their lifetimes.

Today marks five years since a fire erupted on board the small passenger vessel, Conception, in Platts Harbor off the coast of Santa Cruz Island. That fire took the lives of 33 passengers and 1 crewmember.

The NTSB investigates significant tragedies, including major marine casualties. We investigated this fire; I was the Board Member on scene.

I'm here to honor – remember – the 34 victims and once again demand action, action to implement NTSB's safety recommendations that were issued four years ago...recommendations that, if implemented, will save lives...could have saved the 34 people who died on board the Conception.

In our final report, we recommended that the U.S. Coast Guard:

- Require vessels that have overnight accommodations to have interconnected smoke and fire detectors in all accommodation spaces so that when one detector alarms, the other detectors also alarm.

- Develop and implement an inspection procedure to verify that small passenger vessel owners and operators conduct roving patrols and to ensure the wakefulness of roving patrols.
- Provide a means of escape for passengers and crew into a different space than the primary exit; and,
- Ensure there are no obstructions to emergency egress, including reliance on doors and hatches above bunk spaces.

The Coast Guard didn't take immediate action on these, but then Congress weighed in and mandated action in 2021. The Coast Guard implemented an interim final rule. We're thankful for that action. [Asked for how implementing it.]

What the Coast Guard has not done – which we have asked them to do since at least 2013 – is issue a regulation that requires all operators of U.S. flag passenger vessels, including small passenger vessels, to implement a safety management system, or SMS.

In marine safety, SMS ensures compliance with existing regulations. It is a process to ensure that rules and procedures related to safe operations are in place. It covers preventive maintenance and emergency procedures, delineates chain of command, and specifies crewmember duties and responsibilities like roving patrols.

We first issued a recommendation to the Coast Guard for SMS related to ferries in 2003 and for all passenger vessels in 2012, following our investigation of two devastating ferry accidents in New York: one killed 11 passengers and injured 70. The other injured 50 passengers and crewmembers; 3 of those injuries were serious.

Congress also weighed in (in 2010) requiring the Coast Guard to take action and require SMS for passenger vessels, including small passenger vessels, like the Conception.

In a 2013 letter to the NTSB, the Coast Guard said they were initiating a rulemaking to require SMS. We heard nothing further.

Then another ferry accident occurred in New York on January 9, 2013, resulting in 80 injuries. Again, we called on the Coast Guard to act on SMS.

In 2018, the small passenger vessel Island Lady caught fire. 15 people were injured; one died. Again, we called on Coast Guard to act on SMS and improve fire training on board vessels and provide more fire extinguishing equipment.

Then in 2019, a fire erupted on the Conception and 34 people die.

How many times do we have to call on the Coast Guard to act?

How many more people need to get injured?

How many more people need to die?

How many more times does Congress need to keep telling the Coast Guard to do something?

The last we heard from the Coast Guard on SMS was their issuance of an Advance Notice of Proposed Rulemaking in January 2021, almost four years ago. The next stage is a Notice of Proposed Rulemaking then a Final Rule. We aren't even at a Final Rule. That's still years away.

What is taking so long? It's been years – YEARS – since our first recommendation!

Families, friends have lost loved ones.

These aren't just statistics.

They aren't just numbers. These are people. Lives that will never be the same.

This is the cost of no action [read names]!

Today, I'm sending letters to the Secretary of Homeland Security and to the Coast Guard Commandant. I sent a similar letter to the Commandant last year. That spurred no action, so I called Secretary Mayorkas this past week. I requested a call with the Coast Guard Commandant, Linda Fagan. I hope we will be able to schedule that soon. And I also spoke with Congressman Carbajal.

The call with the Secretary went well. He committed to follow-up and talk with the Coast Guard and, of course, the Congressman has been with us on this issue.

I hope this will all lead to swift action.

With that, I want to turn it over to Vicky Moore.

Source: <https://www.nts.gov/Advocacy/Activities/Pages/homendy-20240902.aspx>

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Transcoded by Michael E. Eidenmuller, Ph.D.