

A REVIEW OF CRUISE SHIP SAFETY AND LESSONS LEARNED FROM THE COSTA CONCORDIA ACCIDENT

(112-74)

HEARING
BEFORE THE
SUBCOMMITTEE ON
COAST GUARD AND MARITIME TRANSPORTATION
OF THE
COMMITTEE ON
TRANSPORTATION AND
INFRASTRUCTURE
HOUSE OF REPRESENTATIVES
ONE HUNDRED TWELFTH CONGRESS
SECOND SESSION

FEBRUARY 29, 2012

Printed for the use of the
Committee on Transportation and Infrastructure



Available online at: <http://www.gpo.gov/fdsys/browse/committee.action?chamber=house&committee=transportation>

U.S. GOVERNMENT PRINTING OFFICE

73-104 PDF

WASHINGTON : 2012

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
Fax: (202) 512-2104 Mail: Stop IDCC, Washington, DC 20402-0001

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

JOHN L. MICA, Florida, *Chairman*

DON YOUNG, Alaska	NICK J. RAHALL II, West Virginia
THOMAS E. PETRI, Wisconsin	PETER A. DeFAZIO, Oregon
HOWARD COBLE, North Carolina	JERRY F. COSTELLO, Illinois
JOHN J. DUNCAN, JR., Tennessee	ELEANOR HOLMES NORTON, District of Columbia
FRANK A. LoBIONDO, New Jersey	JERROLD NADLER, New York
GARY G. MILLER, California	CORRINE BROWN, Florida
TIMOTHY V. JOHNSON, Illinois	BOB FILNER, California
SAM GRAVES, Missouri	EDDIE BERNICE JOHNSON, Texas
BILL SHUSTER, Pennsylvania	ELIJAH E. CUMMINGS, Maryland
SHELLEY MOORE CAPITO, West Virginia	LEONARD L. BOSWELL, Iowa
JEAN SCHMIDT, Ohio	TIM HOLDEN, Pennsylvania
CANDICE S. MILLER, Michigan	RICK LARSEN, Washington
DUNCAN HUNTER, California	MICHAEL E. CAPUANO, Massachusetts
ANDY HARRIS, Maryland	TIMOTHY H. BISHOP, New York
ERIC A. "RICK" CRAWFORD, Arkansas	MICHAEL H. MICHAUD, Maine
JAIME HERRERA BEUTLER, Washington	RUSS CARNAHAN, Missouri
FRANK C. GUINTA, New Hampshire	GRACE F. NAPOLITANO, California
RANDY HULTGREN, Illinois	DANIEL LIPINSKI, Illinois
LOU BARLETTA, Pennsylvania	MAZIE K. HIRONO, Hawaii
CHIP CRAVAACK, Minnesota	JASON ALTMIRE, Pennsylvania
BLAKE FARENTHOLD, Texas	TIMOTHY J. WALZ, Minnesota
LARRY BUCSHON, Indiana	HEATH SHULER, North Carolina
BILLY LONG, Missouri	STEVE COHEN, Tennessee
BOB GIBBS, Ohio	LAURA RICHARDSON, California
PATRICK MEEHAN, Pennsylvania	ALBIO SIRES, New Jersey
RICHARD L. HANNA, New York	DONNA F. EDWARDS, Maryland
JEFFREY M. LANDRY, Louisiana	
STEVE SOUTHERLAND II, Florida	
JEFF DENHAM, California	
JAMES LANKFORD, Oklahoma	
REID J. RIBBLE, Wisconsin	
CHARLES J. "CHUCK" FLEISCHMANN, Tennessee	

SUBCOMMITTEE ON COAST GUARD AND MARITIME TRANSPORTATION

FRANK A. LoBIONDO, New Jersey, *Chairman*

DON YOUNG, Alaska	RICK LARSEN, Washington
HOWARD COBLE, North Carolina	ELIJAH E. CUMMINGS, Maryland
ANDY HARRIS, Maryland	CORRINE BROWN, Florida
FRANK C. GUINTA, New Hampshire	TIMOTHY H. BISHOP, New York
CHIP CRAVAACK, Minnesota	MAZIE K. HIRONO, Hawaii
BLAKE FARENTHOLD, Texas	MICHAEL H. MICHAUD, Maine
JEFFREY M. LANDRY, Louisiana,	NICK J. RAHALL II, West Virginia
<i>Vice Chair</i>	<i>(Ex Officio)</i>
JOHN L. MICA, Florida <i>(Ex Officio)</i>	

CONTENTS

	Page
Summary of Subject Matter	v
TESTIMONY	
PANEL ONE	
Vice Admiral Brian M. Salerno, Deputy Commandant for Operations, United States Coast Guard	9
PANEL TWO	
Sameer and Divya Sharma, <i>Costa Concordia</i> survivors	37
PANEL THREE	
Christine Duffy, President and CEO, Cruise Lines International Association, accompanied by Michael Crye, Executive Vice President, Cruise Lines International Association	47
Captain George Wright, Senior Vice President, Marine Operations, Princess Cruises, accompanied by Vicky Rey, Vice President, Guest Services and Support, Carnival Cruise Lines	47
Captain Evans Hoyt, Master of <i>Norwegian Spirit</i> and <i>Pride of America</i> , Norwegian Cruise Lines	47
Brian W. Schoeneman, Legislative Director, Seafarers International Union	47
PREPARED STATEMENTS SUBMITTED BY WITNESSES	
Vice Admiral Brian M. Salerno	69
Sameer and Divya Sharma	97
Christine Duffy	100
Captain George Wright	114
Captain Evans Hoyt	122
Brian W. Schoeneman	131
SUBMISSIONS FOR THE RECORD	
Hon. Rick Larsen, a Representative in Congress from the State of Washington, request to submit the following written statements from:	
Dennis Young, International Longshore and Warehouse Union	5
Geoffrey Scimone, "Trapped in Paradise"	32
United States Coast Guard, inserts for the record	20, 27, 28
Hon. Doris O. Matsui, a Representative in Congress from the State of California, request to submit letter from Kendall Carver, Chairman, and Jamie Barnett, President, International Cruise Victims Association, Inc., February 27, 2012	22
Hon. Mazie Hirono, a Representative in Congress from the State of Hawaii, request to submit the following article: Tom Hals, Andrew Longstreth, and Steve Stecklow, "Insight: Laws Leave Cruise-ship Victims at Sea," Reuters, February 21, 2012, http://www.reuters.com/assets/print?aid=USTRE81K06J20120221	63
Vice Admiral Brian M. Salerno, Deputy Commandant for Operations, United States Coast Guard, responses to questions from Hon. Rick Larsen, a Representative in Congress from the State of Washington; Hon. Doris O. Matsui, a Representative in Congress from the State of California; and Hon. Don Young, a Representative in Congress from the State of Alaska	77

IV

	Page
Christine Duffy, President and CEO, Cruise Lines International Association, responses to questions from Hon. Rick Larsen, a Representative in Congress from the State of Washington; and Hon. Doris O. Matsui, a Representative in Congress from the State of California	104
Captain George Wright, Senior Vice President, Marine Operations, Princess Cruises, responses to questions from Hon. Rick Larsen, a Representative in Congress from the State of Washington; and Hon. Doris O. Matsui, a Representative in Congress from the State of California	118
Captain Evans Hoyt, Master of <i>Norwegian Spirit</i> and <i>Pride of America</i> , Norwegian Cruise Lines, responses to questions from Hon. Rick Larsen, a Representative in Congress from the State of Washington; and Hon. Doris O. Matsui, a Representative in Congress from the State of California .	128

ADDITIONS TO THE RECORD

Terry Lynn Carson, written testimony	136
Justin Charles Evens, <i>Costa Concordia</i> survivor, written testimony	137
Richard Wayne Sanford, P.E. Department Chair, Anderson High School, written testimony	139



U.S. House of Representatives
Committee on Transportation and Infrastructure

John L. Mica
Chairman

Washington, DC 20515

Nick J. Rahall, III
Ranking Member

James W. Cook II, Chief of Staff

James H. Zola, Democrat Chief of Staff

February 24, 2012

MEMORANDUM

TO: Members, Subcommittee on Coast Guard and Maritime Transportation

FROM: Staff, Subcommittee on Coast Guard and Maritime Transportation

RE: Hearing on "A Review of Cruise Ship Safety and Lessons Learned from the COSTA CONCORDIA Accident"

PURPOSE

On February 29, 2012, at 10:00 a.m. in 2167 Rayburn House Office Building, the Subcommittee on Coast Guard and Maritime Transportation will hold a hearing to examine the COSTA CONCORDIA accident and the safety of cruise vessels operating out of U.S. ports.

BACKGROUND

The COSTA CONCORDIA Accident

The COSTA CONCORDIA is owned and operated by Costa Crociere, a company incorporated in Italy and owned by Carnival Corporation. It was built by the Fincantieri Genova Sestri Shipyard in Genoa, Italy at a cost of \$570 million and was launched in 2006. Registered under the Italian flag, it displaces 114,147 tons and measures 952 feet in length with a beam (width) of 116 feet and a draught of 27 feet (fully loaded).

At 7 p.m. local time on the evening of Friday, January 13, 2012, the COSTA CONCORDIA set sail from the port of Civitavecchia northwest of Rome, Italy. It

was on a seven day cruise bound for Savona, Italy and then Marseille, France, Barcelona, Spain and other ports of call in the western Mediterranean. It was carrying 4,252 individuals onboard (3,229 passengers and 1,023 crew members). At approximately 9:40 p.m., the vessel struck a granite reef approximately 900 feet off the coast of the Italian island of Giglio. The allision caused a 164 foot long gash in the port side of the COSTA CONCORDIA. The vessel suffered flooding, causing it to list to its port side. Eventually, it came to rest on its starboard side in 45 feet of water along the shore of Giglio near the island's port.

Though it will be some time before the official marine casualty investigations are complete, extensive press reports indicate that the Captain of the COSTA CONCORDIA, Francesco Schettino, overrode a pre-programmed, owner-approved navigation track line in order to pass close to the island of Giglio. Media reports also indicate that the Captain had done this maneuver on a previous voyage, but in this instance he ordered the vessel to turn too late causing the allision with the reef.

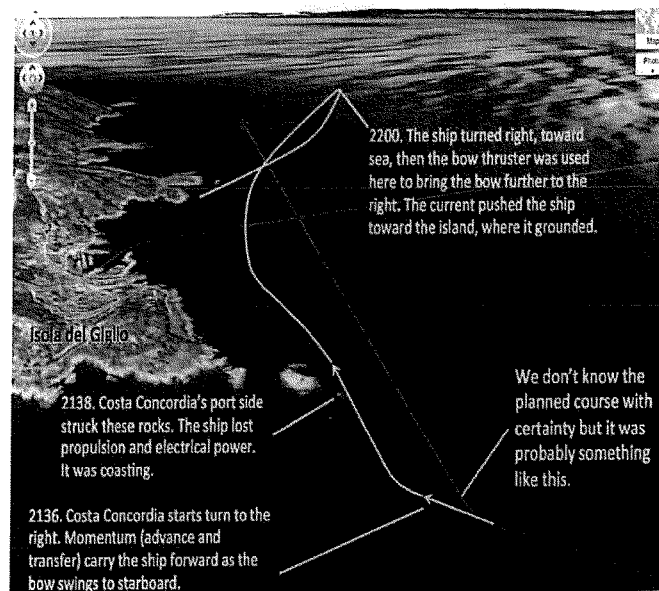


Image available at www.costaconcordiagrounding.com

Though the COSTA CONCORDIA began taking on water immediately after the allision, the call to abandon ship was neither immediate nor clear. Almost an hour elapsed before passengers were informed of the damage and ordered to evacuate. After the alarm sounded, the evacuation was reportedly chaotic and hampered by the severe listing of the vessel. Some passengers and crew jumped into the water and either swam for shore or were recovered by lifeboats. It has been reported that

Captain Schettino abandoned the ship well before most of the passengers evacuated and refused to return when ordered to do so by the Italian Coast Guard. An approximate timeline of the COSTA CONCORDIA accident is attached (Attachment A).

There are currently 21 known fatalities, and 11 people remain missing, including two Americans from Minnesota. Rescue divers searched the vessel and found three survivors two days after the incident. No more survivors were located and the search was called off. More bodies could be recovered during salvage operations, which are expected to take several months.

The COSTA CONCORDIA had approximately 2,300 tons of fuel (500,000 gallons) onboard at the time of the accident. The ship's 17 fuel tanks are double hulled and no oil has leaked yet. However, the wreck happened within the "Santuario dei Cetacei," Europe's biggest marine park and sanctuary for marine mammals. Costa Crociere has contracted with a salvage company to remove the fuel. Salvage work began on February 13, 2012.

Captain Schettino is currently being held by Italian authorities. He has been charged under Italian law with causing a shipwreck, abandoning ship, and with 34 counts of manslaughter. If convicted on all charges, he could face over 2,500 years in prison. Ciro Ambrosio, the vessel's first mate has also been charged with offenses related to the accident.

Cruise Vessel Safety Regulation

The International Convention on Safety of Life at Sea (SOLAS):

The International Convention on Safety of Life at Sea (SOLAS) sets out the international standards for vessel safety. SOLAS seeks to protect those who travel on vessels by regulating vessel construction and stability, firefighting systems, safety equipment, radio communications, safe navigation procedures, vessel management, and carriage of cargo. First adopted in 1914 in response to the TITANIC disaster, the current version was written in 1974 and went into force in 1980. It has since been updated on several occasions through amendments which are generally adopted automatically by its signatory states. The United States and Italy are parties to this convention.

Since the COSTA CONCORDIA was registered in Italy, the vessel was subject to SOLAS requirements, as well as any additional Italian domestic regulations. The vessel was built to SOLAS construction standards. Under SOLAS, vessels are required to complete annual safety inspections, as well as a full drydock inspection every five years to ensure compliance with the convention.

Although the COSTA CONCORDIA complied with SOLAS requirements, the accident may point to areas in the convention that need further discussion. For example, SOLAS requires that cruise vessels be able to launch lifeboats at up to 20 degrees of list on either side. However, the list aboard the COSTA CONCORDIA reached 35 degrees during evacuation. The crew was unable to lower the lifeboats on the high side (port) once the list passed 20 degrees, so many passengers were forced to cross the sinking vessel in search of low side (starboard) lifeboats with additional capacity.

SOLAS also requires three means of communication with passengers to instruct and reinforce emergency and vessel abandonment procedures:

1. Multilingual placards and information on lifejackets, escape routes and muster locations must be prominently displayed in the passenger's stateroom.
2. A passenger safety briefing which is given immediately before sailing or immediately after sailing which includes instructions to be followed in the event of an emergency.
3. A passenger muster drill in which passengers are required to don their lifejackets and report to their muster locations on the life boat deck.

The muster drill and safety brief must be conducted within 24 hours of sailing. If there are multiple ports of embarkation, multiple passenger briefings and passenger muster drills must take place to afford 100 percent of the passengers the opportunity to receive the required instructions. The COSTA CONCORDIA was underway for less than three hours when the collision occurred, within the 24 hour window allotted by SOLAS.

Finally, SOLAS construction standards require a cruise vessel to remain afloat and stable with as many as three water tight compartments flooded. Construction standards also require the installation of automatic-closing watertight doors between compartments. It remains unknown how many compartments flooded aboard the COSTA CONCORDIA and whether the watertight doors functioned as designed.

The International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers (STCW):

The 1978 International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers (STCW) established basic requirements on training, competence, testing, and certification of seafarers based on their duties aboard a vessel. Member states are obliged to meet or exceed these basic requirements. The convention has since been amended in 1995 and 2010. The U.S. and Italy are each a party to this convention.

STCW contains emergency-related training requirements for seafarers working on board cruise vessel:

- All persons employed on board a cruise vessel must receive familiarization training on vessel abandonment procedures and personal survival techniques.
- Personnel providing direct services to passengers in passenger spaces on board passenger ships must be able to communicate effectively with passengers during emergencies in an appropriate language or languages and demonstrate to passengers the use of personal life-saving appliances.
- Masters, officers, and other personnel designated on the muster list to assist passengers in emergency situations must complete training in crowd management.
- Masters, officers, and other persons designated on the muster list as having responsibility for the safety of passengers in emergency situations must complete training in crisis management and human behavior.

SCTW requires refresher training and recertification every five years. The vessel must maintain documents to prove that all seafarers have completed required training.

Generally, hotel and entertainment staff, which comprise the vast majority of workers employed on board foreign-flagged cruise vessels, are not required to carry a maritime credential indicating certification as a properly trained seafarer. However, both SOLAS and SCTW require hotel and entertainment staff to receive safety training and such staff designated on the muster list with responsibilities to assist passengers in an emergency are required to receive the same training as seafarers.

U.S. Port State Control Regulations:

The U.S. Coast Guard regulates all cruise vessels calling on U.S. ports, regardless of the vessel's flag state. The Coast Guard inspects each foreign-flagged cruise vessel calling on a U.S. port at least twice a year to ensure compliance with SOLAS, STCW, and several other international and U.S. regulations governing safety, security, environmental protections. During an annual inspection, a team of Coast Guard inspectors will board the foreign flag cruise vessel and check for the following safety related items:

- Paperwork
 - A documented Safety Management System, decision support system for emergency management, vessel search and rescue plan;
 - Fire fighting certificates, lifeboat and liferaft inspection reports;

- Crew merchant mariner certificates/licenses, crew medical certificates, crew training logs, drill records, SOLAS and SCTW training manuals.
- Vessel Systems
 - Lifeboat, liferaft, and life preserver numbers and condition, lifeboat equipment, lifeboat launching system functionality;
 - Fire/damage control system, sprinklers, alarms, smoke detection system, watertight doors and shutters, fire pumps;
 - Emergency generators, lights, signage, egress instructions and potential obstructions;
 - Communications equipment including radio, public address system, emergency satellite beacon, search and rescue transponders, automatic identification system, long range identification and tracking system;
 - Navigation system including radar, charts, voyage data recorder, steering and engine control systems;
 - Engineering and bilge spaces, valves, generators, engines and propulsion equipment;
 - Hospital, crew, galley, and guest spaces for sanitation and proper signage and equipment.
- Crew Competency
 - Fire drills testing crew communications, proper use of fire control systems, equipment, and procedures, whether proper instructions are given to passengers, and medical team response;
 - Passenger evacuation drills testing crew orders and communications to passengers, crew competency in assisting passenger egress and controlling muster areas;
 - Abandon ship drills testing direction from the bridge, crew competency in the use of lifeboat launching equipment and the operation of the lifeboat by witnessing the launch and recovery of a lifeboat, as well as the deployment of life rafts, and the launch and retrieval of fast rescue boats.

Safety Regulations for U.S.-Flagged Cruise Vessels:

U.S. regulations for U.S.-flagged cruise vessels comply with SOLAS and SCTW, but are more specific and in some instances more stringent. For example, all personnel employed on board U.S. cruise vessels are required to hold a Merchant Mariner Credential, except for individuals employed on board for no more than 30 days in a 12-month period as entertainers, and those with no duties (including emergency duties) related to navigation or safety of vessel.

Only one U.S.-flagged high capacity cruise vessel is currently in operation: the PRIDE OF AMERICA. The vessel is owned and operated by Norwegian Cruise lines and conducts cruises along the Hawaiian Islands.

The Cruise Vessel Safety and Security Act of 2010

The Cruise Vessel Safety and Security Act of 2010 (P.L. 111-207) was enacted on July 27, 2010. It requires the following of all cruise vessels calling on U.S. ports:

- Safety railings must be at least 42 inches above the deck.
- Cabin doors must have peepholes, latches, and time sensitive key cards.
- Vessels must maintain video surveillance and provide access for law enforcement agencies investigating an incident.
- Passengers must have access to a safety guide informing them of security and medical personnel aboard, as well as variances in laws that will occur as the ship enters different jurisdictions.
- Victims of sexual assault must have access to trained medical personnel and rape kits, and national response hotlines.
- Vessels must record all complaints and claims in an official logbook.
- Vessel owners must report all crimes to the Federal Bureau of Investigation (FBI).

Some of these provisions went into effect immediately and others were scheduled to take effect on January 27, 2012. The Coast Guard is in the process of writing regulations for those sections that require rulemaking. Attached is a chart provided by the Coast Guard summarizing its progress in implementing the Act (Attachment B).

The Act also requires the Coast Guard to work with the FBI to develop training standards for cruise vessel personnel on appropriate methods for prevention, detection, and evidence preservation of criminal activities occurring on board cruise vessels. Beginning two years after the issuance of these standards, a foreign flagged cruise vessel may not call on a U.S. port without at least one crewmember who has received training.

WITNESSES

Panel I

Vice Admiral Brian M. Salerno
Deputy Commandant for Operations
United States Coast Guard

Panel II

Mr. and Mrs. Sameer and Divya Sharma
COSTA CONCORDIA Survivors

Panel III

Ms. Christine Duffy
President and CEO
Cruise Lines International Association

Accompanied by:
Michael Crye
Executive Vice President Technical and Regulatory
Cruise Lines International Association

Mr. George Wright
Senior Vice President Marine Operations
Princess Cruises

Accompanied by:
Ms. Vicky Rey
Vice President Guest Service and Support
Carnival Cruise Lines

Captain Evans Hoyt
Master of NORWEGIAN SPIRIT and PRIDE OF AMERICA
Norwegian Cruise Lines

Mr. Brian W. Schoeneman
Legislative Director
Seafarers International Union

ATTACHMENT A

Approximate Timeline of COSTA CONCORDIA Disaster

Based on Various Press Accounts

7:00 p.m.—COSTA CONCORDIA departs Port of Civitavecchia, near Rome, with 4,229 passengers and crew members on board for a seven-day cruise.

9:16 p.m.—COSTA CONCORDIA deviates from charted course and makes a left turn to get a closer view of the Tuscan Island of Giglio. The detour is approximately five miles off course.

9:40 p.m.—Vessel strikes a rocky outcrop on its port side roughly 300 meters off Giglio.

9:45 p.m.—Electricity is lost.

9:55 p.m.—First alarm is sounded to inform crew of a problem.

9:57 p.m.—Vessel's captain, Francesco Schettino, first contacts vessel operator, Costa Crociere, and reports having lost electrical power and flooding in one compartment.

10:00 p.m.—COSTA CONCORDIA begins listing to port.

10:06 p.m.—Captain Schettino makes second call to Costa Crociere and reports flooding in second compartment.

10:08 p.m.—Captain Schettino attempts to maneuver vessel towards the shore of Giglio by using bow thruster to turn bow to the right. Reports indicate the vessel began listing to starboard at this point.

10:14 p.m.—Italian Coast Guard contacts COSTA CONCORDIA after passengers contact police on land to inform them of problems with the vessel. Concordia crew tells Coast Guard they are experiencing a blackout.

10:16 p.m.—Third call is made from bridge of COSTA CONCORDIA to Costa Crociere to discuss size of the breach. Schettino gives assurances that situation is "under control."

10:33 p.m.—Captain Schettino makes fourth call to inform Costa officials that ship was listing and he was in contact with Italian authorities.

10:35 p.m.—Captain Schettino makes final call to tell Costa officials he planned to abandon vessel.

10:58 p.m.—Abandon ship signal is given and crew begins deploying lifeboats.

11:15 p.m.—First lifeboat reaches shore of Giglio.

12:42 a.m. (Jan. 14)—Coast Guard contacts Captain Schettino while on a lifeboat and orders him back onboard the Concordia.

1:46 a.m.—Coast Guard again calls Schettino and orders him back on board to give an inventory of passengers.

January 31—Search for missing passengers inside vessel is called off due to increasingly dangerous underwater conditions.

February 13—Crews begin pumping out the nearly 2,400 tons of fuel remaining in the COSTA CONCORDIA's storage tanks.

ATTACHMENT B

Coast Guard Efforts to Implement the Cruise Vessel Safety and Security Act of 2010

1.	Identified and engaged DOJ/FBI and DOT/MARAD Subject Matter Experts to address issues that the USCG does not typically regulate to support policy and regulatory development.
2.	Initiated regulatory development; project request approved by Marine Safety and Security Council.
3.	Published a Federal Register Notice seeking information on technologies to detect persons who have gone overboard and video recording systems to inform rulemaking.
4.	Issued Policy Letter 11-09 which established guidelines for Coast Guard Marine Inspectors examining cruise vessels for compliance.
5.	Inter-agency workgroup (DHS/USCG, DOJ/FBI, DOT/MARAD) completed development of crime scene preservation standards and curricula. Issued Policy Letter 11-10 providing Coast Guard Marine Inspectors with guidance for enforcing requirement to have one crewmember onboard trained.
6.	Commenced modification to current reporting procedures for cruise ships to verify at least one person onboard is trained in crime scene preservation.
7.	Established internet based portal (NCC@uscg.mil) to facilitate electronic submission reports. Disseminated information to industry.
8.	Posts statistical compilation of incidents no longer under investigation by the FBI at http://www.uscg.mil/hq/cg2/cgis Developed an explanation of the statistics (cases closed by the FBI) that will be posted on the website to address possible misrepresentations. Recommended verbiage is being reviewed by FBI General Counsel.
9.	Submitted proposal to IMO recommending creation of a new work programme item to develop international guidelines to protect passengers and crewmembers on board passenger ships.
10.	Regulatory development team participated in familiarization tour to garner insight on cruise ship operational environment.
11.	Met with victim advocacy groups and cruise industry. Addressed concerns and provided overview of implementation and enforcement strategy.

A REVIEW OF CRUISE SHIP SAFETY AND LESSONS LEARNED FROM THE COSTA CONCORDIA ACCIDENT

WEDNESDAY, FEBRUARY 29, 2012

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON COAST GUARD AND
MARITIME TRANSPORTATION,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC.

The subcommittee met pursuant to notice at 10:02 a.m. in Room 2167, Rayburn House Office Building, the Hon. Frank LoBiondo (Chairman of the subcommittee) presiding.

Mr. LOBIONDO. Good morning. The subcommittee will come to order. To begin with I would like to yield to Mr. Larsen for a unanimous consent request.

Mr. LARSEN. Mr. Chairman, I ask unanimous consent that Congresswoman Doris Matsui be allowed to assume the dais and participate as a member of the subcommittee for this hearing.

Mr. LOBIONDO. Without objection, so ordered.

The subcommittee will now proceed. Before we start out with the topic of the hearing, I want to acknowledge the terrible tragedy that the Coast Guard suffered last night. For those of you who may not be aware, a helicopter went down in Alabama that was on a training mission, and there was a tragic loss of one life that we know about and three remaining Coast Guard personnel that are missing.

Our thoughts and prayers go out to the families and to the entire Coast Guard family for what they are suffering and going through. And we all know this is one of the hazards that they face, but this is the reality that we are tragically never wanting to hear about.

We expect that the hearing will take a little bit of time, so I am going to ask the cooperation of the Members that we will limit the opening statements to myself and Mr. Larsen, and we will welcome them to make any statements they may want when we can get to them in the order that we normally do. The subcommittee is meeting this morning to review the cruise vessel safety in the wake of the *Costa Concordia* accident on January 13th. The *Costa Concordia* struck a rock off the Italian coast.

To date, the accident has claimed the lives of at least 25 individuals, and 7 individuals remain unaccounted for, including 2 American citizens. I am sure I speak for all of us when I express our condolences to the families and to the victims. Our goal today is to help prevent a similar accident from occurring in U.S. waters,

or aboard a cruise vessel which calls on American ports. As such, we will review current safety regulations to ensure that they are adequate.

I look forward to hearing how international safety standards performed in this incident, whether the standards were followed and whether U.S. safety regulations are different or sufficient to prevent a similar accident here within our waters. We have several witnesses from the cruise industry today, and I want to applaud the cruise industry for their recent decision to voluntarily change crew's routine and conduct regarding the abandoned ship muster drill to make it prior to sailing.

However, our understanding is that the efforts to abandon ship aboard the *Costa Concordia* were delayed and there was possible confusion with the crew and their direction of passengers. And we'd like to hear a little bit more from the industry about what steps are being taken to improve the performance during emergency situation.

Finally, I am interested in how far the Coast Guard and industry have come in implementing the Cruise Vessel Safety Security Act of 2010. The Act largely deals with criminal activity aboard cruise vessels; but, nonetheless, it is an issue that impacts passenger safety, which is the primary focus of this hearing.

The cruise industry impacts millions of Americans annually. In 2010 more than 10 million U.S. residents embarked on a cruise. It's a huge number. This activity generated more than \$37 billion for the U.S. economy and sustained nearly 330,000 American jobs. The cruise industry and the Coast Guard must continue to work together to ensure that taking a cruise remains one of the safest and most enjoyable ways to travel.

I want to thank the witnesses for appearing today and we want to note on behalf of the subcommittee that we understand, very clearly, that there's an ongoing investigation; and, as such, we understand that the witnesses today may not be able to answer all the questions we have about what happened, and clearly due to the nature of investigation and legalities that are involved with this.

We will continue to monitor the investigation and look forward to a full accounting of what happened when the investigation is complete and that information becomes available. In the interim, we will look for ways to improve passenger safety based on what we know so far. With that I'd like to yield to Mr. Larsen.

Mr. LARSEN. Mr. Chairman, thank you, and as well allow me to express my prayers and thoughts to the women and men of the U.S. Coast Guard and the families of the Coast Guard men who have passed or are missing in the recent accident. I want to thank you for scheduling the morning's hearing to delve into the safety of cruise vessels in light of the January 13th, 2012, grounding of the Italian cruise ship *Costa Concordia* off the coast of Italy.

Before I begin my remarks, as well, Mr. Chairman, I would like to extend my condolences to the families of the 25 passengers and crewmembers who died as a result of this tragic marine casualty, and also the seven other families for whom their loved ones remain unaccounted. I want to welcome Mr. and Mrs. Sameer and Divya Sharma, two passengers aboard the *Costa Concordia* who traveled to Massachusetts on short notice to be with us today as well.

Mr. Chairman, the sea is beautiful and most often benign; nevertheless, it remains relentless and an ever present threat to those who travel over its depths at times. The *Costa Concordia* incident reminds us that we cannot be complacent while at sea. The ocean remains capable in a moment of disabling and sinking even our most modern and technologically advanced ships.

It will be at least a year before the Italian Government completes its Marine Casualty Investigation and determines the exact circumstances that caused the *Concordia* to run aground; but, there's no reason for us to delay efforts to reassess the present regulatory regime for cruise vessels in the United States and internationally.

If anything, reports this week of another cruise ship, the *Costa Allegra*, adrift in pirate-infested waters in the Indian Ocean due to an onboard fire should further focus our attention. So, I welcome this opportunity. We need to ensure that cruise ships operating in the U.S. waters meet or exceed all standards for safe design, construction, manning, and operation.

The traveling public expects no less a standard. After all, all forms of transportation, be it plane, train, automobile or ship, are successful only to the extent that public perceives them to be safe and reliable to use. And, in general, the cruise industry is considered a safe, leisure travel option by most travelers. It also happens to generate substantial economic benefits in the United States.

According to 2010 information, cruises arriving and departing from U.S. ports generated \$18 billion in direct spending on goods and services and provided \$37.85 billion in total economic benefits in the U.S. And, importantly, over 329,000 jobs were generated in the U.S. by cruise industry expenditures. The Pacific Northwest where I am from is a growing market for the cruise industry. It is headquarters for Holland America Line and One Star Cruise Line. Furthermore, it is creating jobs and generating direct spending in Washington State.

So, clearly, there is a lot at stake economically; but, also at stake are the lives and the safety of the more than 11 million passengers in 2011 that embarked from U.S. ports on cruise vessels with nothing but the expectation of safe passage and a trove of wonderful vacation memories. The *Costa Concordia* accident provides us with a new impetus to ask tough questions to determine whether we remain vigilant or whether we have become complacent in our efforts to regulate the safety of the cruise industry.

For instance, are the international standards established under the International Convention of the Safety of Life at Sea and the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers sufficient to ensure that cruise vessels are built, operated and manned to the highest practical safety standards? Are training and certification requirements for seafarers under these conventions, especially for emergency evacuation and crisis management, adequate in light of a greatly increased size and complexity of newly constructed cruise vessels?

And, also, are passengers boarding cruise ships given adequate indoctrination concerning emergency evacuation procedures such as muster drills? And, if not, how might this be improved? These are just some of the questions that immediately come to mind. I would be interested in hearing from the Coast Guard and the cruise in-

dustry regarding their respective progress as well as in implementing new requirements established pursuant to the Cruise Vessel Safety and Security Act.

In closing, the best way to ensure long-term economic health of the cruise industry in the U.S. is to ensure they are appropriately regulated and that the American public justifiably considers a cruise vacation a safe and secure form of leisure travel. With that, Mr. Chairman, I yield back, but I have one additional unanimous consent request, if I may. It is the unanimous consent request to put into the record the statement from the International Longshore and Warehouse Union.

Mr. LOBIONDO. Without objection, so ordered.

[The information follows:]

Testimony of Dennis Young
International Longshore and Warehouse Union
before the
House Transportation and Infrastructure Committee
Subcommittee on Coast Guard and Maritime Transportation
Hearing on Cruise Ship Safety
February 29, 2012

Good morning Chairman Lobiondo and members of the Committee. As the Southeast Alaska representative for my union, I thank you for the opportunity to submit written testimony on behalf of the men and women of the International Longshore and Warehouse Union, (ILWU) on the important subject of cruise vessel safety. The ILWU represents longshore workers in Alaska, Washington, Oregon, California, Hawaii, and British Columbia, Canada. In the wake of the Costa Concordia tragedy, it is very appropriate to review all aspects of cruise vessel safety to protect passengers and crew to the fullest extent possible.

In the state of Alaska, the cruise vessel industry has gone to great lengths to avoid hiring qualified and trained longshore workers to perform line handling operations or loading and unloading operations. Since August 2011, the cruise vessel industry began forcing untrained American staff aboard their vessels to perform dangerous longshore activities placing these Americans and the passengers at risk. Upon recognition that their previous efforts to force foreign crew to perform the work is a violation of Section 258 of the Immigration Act, they switched tactics and now argue that the law is intended to prohibit only foreign crew from performing the work in question.

With few exceptions, Section 258 of the Immigration and Nationality Act has the effect that foreign crewmen may not perform longshore work in the United States. Longshore work is defined as "any activity related to the loading and unloading of cargo, the operation of cargo-related equipment (whether or not integral to the vessel), and the handling of mooring lines on the dock when the vessel is made fast or let go, in the United States or the coastal waters thereof.

Prior to the Summer of 2011, the industry claimed an exemption under the prevailing practice exception of the law. Section 258c of the Act exempts particular activities of longshore work in and about a local port if there is a collective bargaining agreement covering at least 30 percent of the longshore workers in the area that permits the activities or if there is no such collective bargaining agreement and the employer of the alien crewmen files an appropriate attestation, in a timely fashion, that the performance of the activity is permitted under the particular practice of the particular port. The Area Arbitrator in Alaska has communicated with CBP that the prevailing practice exception is not applicable. The All-Alaska longshore contract does not permit these activities. The cruise vessel industry's assertion is bogus.

Under Section 258 (d), the state of Alaska exception, the cruise industry is supposed to make a bona fide effort to hire U.S. longshore workers to perform the work, but has instead elected to use subterfuge to avoid at all costs to hire Alaskans to work the vessels.

At issue is the line handling of tender vessels that transport passenger vessels to shore. Foreign flagged cruise vessels have utilized their foreign seafarers illegally to perform related US Longshore work for many years. Even though the seafarers are trained under STCW standards related to Marine safety it all becomes dependent upon which countries regulations they are trained under to determine the overall extent of the individual being effectively trained in Marine safety. It has been our experience in working with the Seafarers aboard most of these vessels that they are ordered to work as directed and have little to no ability to question the authority of the officers aboard the vessel regardless of potential Health and Safety hazards they may encounter. The USCG regulations that oversee American flagged vessels are the most stringent in the World and most countries do not compare when it comes to protecting the health and safety of the worker or in this case the passengers. As of August 2011, when the Foreign Cruise vessels were informed by CBP that they were in violation of Section 258 they began to use untrained and unqualified American hotel and entertainment cruise staff that do not have the general knowledge or skill to ensure the health and safety of themselves, other crew members, the passengers and the other surrounding passengers on other local watercraft when performing US Longshore related functions. Hotel and Entertainment staff employees are not required to meet the same, if any, STCW requirements of obtaining a Maritime certificate becoming a licensed Seafarer.

The current practice of securing the vessel to the dock has been reduced to deploying a single bow spring line and powering the vessel into the dock is a dangerous practice. The vessel is at risk of being pushed off the dock by other approaching vessels. The vessel pushing itself against the dock at an angle creates an undertow and constant wake that endangers other watercraft. The vessels are performing these unsafe conditions in a fast manner inconsistent with safety protocols followed by U.S. longshore workers.

The loading and unloading of cargo aboard these vessels is transferred by hand or hand truck from vessel to or to dock. There are times that hoisting equipment is necessary and operated by untrained and unskilled American staff aboard the vessels.

The operator and other crewmen on board the tender vessels (usually lifeboats taken from the cruise ship) are foreign nationals that transfer significant numbers of passengers from the ship to shore. These operators are not required to have the same U.S. Coast Guard licensing of an American Captain/Crew and are not fully aware of the safety protocols that are followed by USCG licensed operators.

In sum, in an effort to avoid hiring qualified U.S. longshore workers, the Cruise industry is placing the lives of passengers, crew, and American workers in harms way. In the interest of safety it is critical that the industry cease and desist these unsafe practices. First, we call on the U.S. Coast Guard to mandate that this work shall be performed by qualified U.S. longshore workers. Secondly, require all tender vessels to be adequately made secure both fore and aft to the mooring dock before any passengers or cargo related activities are to be performed. If legislation is necessary, we recommend that the Cruise Vessel Safety and Security Act be amended to reserve the longshore work related to the cruise vessels be performed by qualified U.S. longshore workers in the interest of the safety of the passengers and crew and that all vessels be adequately made fast to prevent them from surging away from the dock while passenger or cargo activities are taking place.

Thank you for the opportunity to testify in writing on this important issue. I would be pleased to answer any questions you may have.

Mr. LOBIONDO. Thank you, Mr. Larsen.

I would like to recognize the chairman of the full Committee on Transportation and Infrastructure, Mr. Mica.

Mr. MICA. Well, first of all, thank you for yielding to me and also to you and Mr. Larsen for complying with the request to conduct this hearing this morning, and I felt as chair of the full committee that it was incumbent upon our committee and this subcommittee to review both this incident and where we are on cruise ship safety in light of this and other incidents. But I must first also identify my remarks with others today who have expressed their sympathy to and condolences to the United States Coast Guard.

We have learned in the last 24 hours, again, the high price that's been paid by the men and women that serve us every day, making certain that we are safe and secure in the seas and waterways. And, again, I am incredibly saddened to hear of your loss, and our prayers and thoughts are with the families. And, as Mr. Larsen said, the same holds true for cruise ship passengers and crew and others that were lost in the *Concordia* tragedy.

Some may say, well, maybe we shouldn't hold this, the hearing, and I said, "No. I think that it is very important that we examine what took place and where we are as far as cruise ship safety." You know, it is sort of a warning signal when you have a fairly new mega liner hit rocks and suddenly sink. In light of that incident, again, there will be investigation as to responsibility. But our responsibility in the United States Congress is to make certain that every passenger who boards a cruise ship, particularly from our shores, and also U.S. citizens who board internationally, have the very safest experience possible, and that this Congress has provided and updated the laws, the regulations and work with the agencies like the Coast Guard to make certain that those protections are in place.

First of all, the cruise industry, I think, is one of the most incredible entrepreneurial achievements by the private sector that I have seen in my lifetime, probably my great grandparents came by steerage and maybe at the turn of the century, for so many decades, a cruise ship experience or passenger by sea who cruised for pleasure was limited to the rich and famous. And here, entrepreneurs have made what was once a very limited experience for a very few people one of the most pleasurable, enjoyable experiences of their lifetime. And I have been on cruises that I have seen the joy people have.

They save their hard-earned money all year to go on a cruise, and it's an incredible experience that makes some of their dreams come true. By the same token, though, we are very dependent now on this as an industry. My State of Florida is one of the premier cruise States and the departure and arrival locations we have ports from. And I was at Port Canaveral last week, I believe it was, touring there, looking at some of what was going on. But the economic impact of this industry is just huge, not to mention the great experience, pleasure, and vacation it affords folks.

But, again, we have a responsibility to make certain that that experience is safe. Some of the responsibility is not just the United States. It is also to international organization. So, I intend and I would ask both ranking member and the chairman to take from

this hearing information and we need to make certain that our international organizations that also set standards are updating those standards. And we can't do this just by ourselves or put in place laws that just protect Americans from our ports, but we have a responsibility to work with the international organizations to make certain that they also update their standards.

So that being said, we also have a new era of cruise ships. Some of these cruise ships have 5,000–6,000 people. I believe this one had over 4,200 people onboard. We also saw too a cruise ship and this cruise ship was, I think, the length of an aircraft carrier. That cruise ship when it hit the rocks and it tilted over, it certainly got everybody in the world's attention to what can happen with a mega cruise liner and we are very fortunate in a way that the cruise ship landed on some land and rocks. If it had sunk, the number of deaths would have been incredible.

The other thing that was astounding to me having been on cruise ships, when you go over sideways, everyone thinks of the *Titanic* in the way it sank or a ship going down in the sea. But, when a megaliner tilts over and turns over, immediately you have disabled—in that case—probably half of the safety evacuation vessels.

We may need to look at some different types of equipment for different types of megaliners and different types of safety procedures, including the practice and drill there were questions raised about. So I think we can take from this hearing some positive improvements; unfortunately, at great personal loss to some families. And hopefully we can make this experience, which we have relied on and that we have grown to take for granted, an even safer experience.

So, again, I salute the Coast Guard for their fine work and look forward to their recommendations. The other witnesses that have been assembled, and Chairman LoBiondo and Mr. Larsen, thank you so much, and I yield back.

Mr. LOBIONDO. Thank you, Mr. Chairman. Our first witness today is Coast Guard Vice Admiral Brian Salerno, who is the deputy commandant for operations.

Welcome, Admiral, you are recognized for your statement.

**TESTIMONY OF VICE ADMIRAL BRIAN M. SALERNO, DEPUTY
COMMANDANT FOR OPERATIONS, UNITED STATES COAST
GUARD**

Admiral SALERNO. Good morning, Chairman Mica, Chairman LoBiondo, Ranking Member Larsen and distinguished members of the committee. Thank you for the opportunity to appear before you and discuss issues related to cruise ship safety.

Thank you, especially, for your expression of sympathy for the Coast Guard's loss last evening. We are a small Service and events like that touch us all very deeply. So we very much appreciate your acknowledgment of that this morning.

Every year, over 170 large passenger ships operate from United States ports and they embark approximately 11.5 million passengers. The safety of these passengers and the crews which operate these vessels has been a longstanding focus of the Coast Guard. Every year we conduct thorough examinations of these vessels to ensure that they comply with all United States and international

safety, security, and environmental standards, and ensure that their crews are well trained.

In my role as deputy commandant for operations I am responsible for setting the safety, security, and environmental standards, for U.S.-flag, commercial vessels and for foreign-flag vessels which visit our ports. I am responsible for conducting investigations when accidents or violations of our standards occur, and I am responsible for the policy regarding the conduct of search and rescue.

For all of these reasons the recent casualty involving *Costa Concordia* is of great interest to us. We are certain that there will be much to learn from this casualty, and we are open to the possibility that our regulations and the internal regulations produced by the International Maritime organization may need to be strengthened based on the outcome of the investigation being led by the Italian Government.

Accordingly, we have offered to assist in Italy's investigation as an interested party due to the significant number of American citizens who were onboard, including two who remain missing. This was a tragic event and all of us in the Coast Guard extend our heartfelt condolences to the families and friends of the missing and the lost.

This year marks the 100th anniversary of the loss of the *Titanic*; and, despite a century of technological improvements in maritime passenger safety, the *Costa Concordia* accident reminds us that all of our new technologies as beneficial as they are cannot be taken for granted that they are only as good as the human systems that operate and maintain them, and the regulatory regimes which enforce the rules. To improve passenger vessel safety on a global scale, the Coast Guard leads the U.S. efforts at the international maritime organization where world maritime safety standards are set.

The focus on international standards is important, because just as in the *Costa Concordia* case, American citizens are frequently passengers on vessels, which otherwise have no U.S. connection. As the agency responsible for verifying the safety of foreign vessels, which visit our ports, the Coast Guard has established the most rigorous ports they control program in the world.

All foreign-flag cruise ships which embark passengers in the United States must undergo a control verification exam before they are permitted to operate. This examination is comprehensive in nature. It includes pre-construction concept reviews, examinations of the hull and test of safety systems during construction, and followed by annual and periodic examinations for however long the vessel operates from U.S. ports.

It is during these exams that we also verify compliance with environmental standards and security procedures, including those procedures required under the Cruise Vessel Safety and Security Act. In 2009 the Coast Guard established the cruise ship National Center of Expertise. This center is the focal point for providing Coast Guard Marine inspectors with the indepth technical knowledge of cruise ship design and operations and serves as an indicator of how seriously we take our responsibilities.

One of the greatest safety challenges we could potentially face is a mass rescue operation involving cruise ship. While we worked

diligently with the cruise lines to minimize the risk of such an event occurring, we have also developed and continually refined our search and rescue and mass rescue contingency plans. We undertake this level of emergency planning in conjunction with the cruise industry. We hold copies of cruise ship emergency plans, and we periodically test them to ensure seamless coordination in the event of an actual emergency.

Over the last 5 years the Coast Guard has conducted 36 mass rescue exercises involving passenger vessels. Each Coast Guard district has specific positions authorized by Congress to focus on this responsibility. As mentioned, we do not have the facts on the *Costa Concordia* accident; however, as an immediate measure, I have directed Coast Guard field inspectors to witness passenger muster drills required by the International Safety of Life At Sea Convention, whenever they are onboard for an annual or periodic examination. This contrasts with the SOLAS requirement in place internationally for a muster drill within 24 hours of leaving port.

I am also pleased that the cruise industry itself has announced new emergency drill policies requiring mandatory muster drills for embarking passengers prior to departure from port, again exceeding the international requirement. In closing, I want to assure the committee that the Coast Guard views the safety of passengers as its highest maritime safety priority. We have the best port State-controlled program in the world for verifying the safety of vessels embarking in our ports. And, through the IMO we work diligently to enhance the safety of U.S. passengers regardless of where they embark a vessel anywhere in the world.

Meanwhile, we have taken measures to implement the Cruise Ship Safety and Security Act of 2010 and we are engaged in additional regulatory efforts to give full effect to that law and to enhance the personal protection of passengers on cruise ships. The Coast Guard looks forward to continued cooperation with this committee, with passenger victim groups and with the passenger industry itself to maximize cruise vessel safety, security and environmental protection.

Thank you, again, for the opportunity to testify today, and I will be pleased to answer your questions.

Mr. LOBIONDO. Thank you, Admiral. Your statement actually covered a number of questions that I was going to pose, but a couple for you. Does the Coast Guard have any plans to conduct an independent investigation on the loss of the two American lives?

Admiral SALERNO. Sir, we are conducting an investigation. In fact, we are currently embarked and interviewing, the process of interviewing all of the U.S. citizens who were passengers on the *Costa Concordia*. We are about 30 percent complete in that process.

There is a standard series of questions that we are asking each of the passengers. We have invited the National Transportation Safety Board to participate with us in that, and from that we expect to develop a picture of what took place onboard and to truly understand some of the human factors that were, I think, critical in the unfolding of this casualty.

Mr. LOBIONDO. Admiral, we would be very interested when that is concluded, if you are able to share those results with us, it would be very helpful to the subcommittee.

Admiral SALERNO. Yes, sir. We would be happy to share that information.

Mr. LOBIONDO. You may have commented on this. I just wanted to just make sure I understand. Has the Coast Guard reached out to Italian authorities to offer your assistance with their investigation?

Admiral SALERNO. Yes, sir, we have. The Italian authorities have indicated that they will welcome our participation. There are a number of other countries that have also sought the same status as interested parties, and the Italian Government has indicated they will do that, extend that same courtesy to them. Incidentally, with the more recent event on the *Costa Allegra* we have asked for the same status as an interested party, and we fully expect to be granted that status as well.

Mr. LOBIONDO. And do you have any reason to believe that the Italian authorities would not share their final results of their investigation, or do you believe they will share with us?

Admiral SALERNO. We believe they will share with us. All the indications are that there will be full disclosure.

Mr. LOBIONDO. OK. Thank you. That is all for me, right now, Admiral.

Mr. Larsen?

Mr. LARSEN. Thank you, Mr. Chairman.

Admiral, as you know, we have had the *Concordia* and the *Allegra* here. Does the Coast Guard have any history of examining these vessels for any reason, these particular vessels?

Admiral SALERNO. The *Concordia*, initially, was intended for service in the United States but the plans changed very early on. So we commenced an initial examination overseas. It was never completed, because the company's plans changed, and that ship has never come to the United States. The other vessel, to our knowledge, we have not had any contact with that vessel at all, at all.

Mr. LARSEN. With regards to the invitation from the Italian Government, is that process by invite only, or is there any formal role in this case because there are U.S. citizens involved and so we can inject ourselves, or is it by invite?

Admiral SALERNO. It is based on a casualty code put forward by the International Maritime organization, which has procedures for cooperation. And so we are using the provisions of that code to make the approach to the Italian Government, and they have responded accordingly.

Mr. LARSEN. OK. So it is not driven by Italian Government or by U.S. Coast Guard. It is driven by the IMO standards that are in place.

Admiral SALERNO. It is an IMO standard. We as an interested party did request and the Italian Government has responded.

Mr. LARSEN. That's all part. OK. Remind me why we are an interested party in the *Allegra*.

Admiral SALERNO. Because there are eight U.S. citizens who were passengers onboard that vessel.

Mr. LARSEN. OK. Good. Can you tell me a little bit about the Center for Excellence and how it operates? Does that operate more in a school setting? Is it a seminar setting? How is that focused?

Admiral SALERNO. It actually has multiple functions. It is first and foremost designed to train our marine inspectors from around the country. So, wherever we have cruise ship activity, including the Pacific Northwest, inspectors would go to Miami where the center is located, receive very indepth training with Coast Guard specialists and with industry partners.

Industry provides vessels for our examinations so that we can not only have some classroom instruction, but hands-on, real-life, go through the ship, understand in detail how all the systems work. So it is a cooperative effort that we undertake with the industry; and, in fact, we have had a number of industry members go through the center as well, so they can better understand Coast Guard expectations.

That informs the industry as to what we look for in a safety culture, onboard the ship, the kinds of systems that we pay particular attention to so that they are always maintained, and they are integrated into the ship's safety management system.

Mr. LARSEN. With regards to the mass rescue exercises, how many did you say you have conducted? In your oral testimony, you put a number.

Admiral SALERNO. To get that right, let me get the number. It's 36, and they are conducted in every Coast Guard district. All passenger vessels, so not all of them are cruise ships. Some of them are high-capacity passenger vessels that are smaller than what we typically think of as a cruise ship.

Mr. LARSEN. Like a Victoria clipper?

Admiral SALERNO. Exactly. So we do mix it up. They operate a little bit differently; but, each one of them poses unique risks, so we exercise all different types of ships all around the coast in every district.

Mr. LARSEN. OK. I think for now that is good, Mr. Chairman. I know we have further questions on our side, so I will yield back.

Mr. LOBIONDO. Thank you, Mr. Larsen.

Mr. Mica?

Mr. MICA. Thank you, Admiral. That is interesting. Your last name is Salerno, and my family sailed from Salerno when they came to the United States. And I will be in Salerno on Easter with some of them, but good to have you hear; and, again, thank you so much for your service. I just love the U.S. Coast Guard.

You know, they never come and lobby me. Their pay is a small portion of what some of the other Federal folks earn. They never pick at my office. They are just wonderful folks to deal with and they do such a great job I can't say enough about what you do. But I have got a couple of questions.

The muster drill thing, you know, right now we are all dealing with anecdotal accounts, and we will hear some from the actual passengers. And I think that's great that we bring them in. This is a pretty big ship, but there are even bigger ships out there. Is the muster drill and the lifeboat safety drill currently—I guess it is a 24-hour requirement. Do you think that is adequate?

I know many of the cruise ships have upped that to a much shorter time when folks board. Should that be updated by U.S. regulation and international law?

Admiral SALERNO. Well, we have certainly made it a requirement as part of our examinations to witness that trail, and I think that is almost a reasonable outcome from what we are seeing from this casualty. The cruise lines themselves have made that a voluntary practice within the United States. I believe that may apply internationally as well that they can probably fill you in on that.

Mr. MICA. Do you think it needs to be looked at?

Admiral SALERNO. I do. I think it needs to be looked at.

Mr. MICA. Again, we would like to take your recommendation. I don't know if it needs to be in law, but maybe in regulation. I don't know if it needs to be in law, but maybe in regulation, and then also to the international organizations. So we have the best possible standard for that drill, because the safety drill is very important in people knowing what to do, and maybe revising it a little bit with the mega liners. Again, these are massive ships and multi-storied.

The other thing, too, when I saw the ship go over, I guess the ship is now that the lifeboats and safety devices are geared to a 20-degree tilt. That might be something else we want to look at is I think it went to 35. The ship is still, you know, on its side. If it had been in deep water, that puppy would have gone down pretty dramatically.

There would have probably been a much greater loss of life; and, what stunned me again is probably half of your lifeboats and your safety devices are on that side, so they would have been wiped out. And they would have to account for maybe 2,000 or 1,500 of those passengers who would have no way—maybe the life vest, but we heard problems with that too.

So we may want to look at that, and, you know, in the past they put the life vests in the cabin or someplace like that, maybe working with the industry to see, again, availability of both the lifeboat vessel which would take folks off. And most seas—well, I guess the Italian sea at that time wasn't that cold. But, you get into frigid waters, the survival rate drops pretty dramatically. So I think we need to look at that in light of the size of these, again, these mega cruise liners. Would you agree?

Admiral SALERNO. Yes, sir. I think there are two broad categories of inquiry here. What are the technological standards that you just mentioned? We need to take a hard look in light of this casualty. Are the standards correct? Did the equipment function in accordance with the standards, and are the standards sufficiently rigorous?

I think that is one question. The other is the human factors, you know, crew performance: training, the ability to operate under pressure; all of that needs to be looked at as well, so two buckets.

Mr. MICA. Finally, let me say this. You know. These hearings are great and we do learn things from the hearings. We will learn things today, and I would ask the ranking member, Mr. Larsen, and also Mr. LoBiondo.

What I would suggest we do as a followup is let's convene a roundtable with the Coast Guard and others, and then let's get their recommendations. And what they can cover by regulation, we will work with them on. If we need to change the law, let's take their recommendations. Then, if I could ask you also, since the

international standards are also imposed for Americans outside our borders, but that it is very important that you lead an effort. And I think one of those bodies is in London?

Admiral SALERNO. Yes, sir. The International Maritime Organization is the primary agent.

Mr. MICA. Right. To take to them our recommendations so that we can protect Americans from U.S. ports, but there are so many Americans now that travel internationally on these international liners, so we will set a date appropriate to the majority and the minority for a roundtable followup. And then we would like to try to get your recommendations for law changes and what you can do by regulation, what these two gentleman take to the international organizations to recommend an update. Can I yield to Mr.—

Mr. LOBIONDO. Mr. Chairman, you can do whatever you like.

Mr. MICA. Well, no. I only do what Mr. Young asked for, because he is more ranking as far as chairman.

Mr. YOUNG. Thank you, and thank you, Mr. Chairman. And first let me say thank the chairman, Mr. LoBiondo, for this hearing. But, you know, I will tell you this. There is nothing wrong with the ship. This was a good ship. There are probably three errors and they are all human errors.

One, we had a captain that forgot he was a captain. As a captain, I can tell I was very embarrassed. He took it off the plot. He was too close to the shore, and there is nothing wrong with the ships we have in the industry. One thing also in our area we have American pilots that pilot the ships in our waters, especially in the Northwest, crucially important. If the pilot had been onboard that ship as he should have been, this would not have happened.

Was the crew trained? Maybe, maybe not; I am not sure about that. And I want us to be careful about casting aspersions to the American cruise lines in American waters, because we are doing a very good job. We have had a good safety record. We have had one bad fire in Alaska over the last 35 years, and had a great rescue by the Coast Guard. And that is something that is really important to me to recognize where the problem lies. This was a human activity that should never have occurred.

We go through a very rigorous program in our waters about safety for our cruise ships. Are we perfect? No. Huge industry, pretty doggone good. I really want you to understand that, Admiral, because to me this is important that we don't have a black eye all the way around the world about the cruise industry. And you say, well, why am I saying this? Because we have a very fine industry in Alaska.

We have over 1 million passengers a year come to the State of Alaska. I have never heard them complain about any of the activities of the crews or the captain, so that is important. And, Mr. Chairman, if I could ask one question, it has really nothing to do with this, but I have been requested to do it.

The Longshoremen have asserted that neither the foreign crew nor the American staffs onboard the foreign cruise ships have required safety training to load, unload and tie up vessels in our Nation's ports. How would you respond to the concern that unqualified personnel loading and unloading and tying up vessels at our Nation's ports may endanger our passenger safety? And, do you be-

lieve legislation required to further protect passenger safety during the loading and unloading and tying up the vessels of our Nation's ports?

This is a complaint I have had from, of course, an interest group, but this also ties into the safety factor, how it is loaded. I used to be a loadmaster too. How the ship is loaded, where it is loaded; what is the passengers' requirements? What is the crew's requirements about handling all types of things? And I guess you can comment on it, Admiral, if you can.

Admiral SALERNO. Well, certainly, as far as loading equipment, stores, trim and stability are very, very important on any ship, particularly important, of course, when you have passengers involved, looking after their safety. I have not heard the particular concern raised by the Longshoremen's Union, but I would be very interested in looking into that.

Mr. YOUNG. I appreciate it and I notice how quick people forget. And, thank you, Mr. Chairman. You were not on the timer. The ranking member was not on the timer. The chairman was on the timer, but as an ex-chairman I was put on the timer. With that, I yield back my time.

Mr. LOBIONDO. I will reserve comment on that, but for those of you who may not be aware, Mr. Young, I believe, is the only Member of Congress who actually holds a captain's license. So he does speak with some personal experience.

Ms. Brown? Or, excuse me, Mr. Larsen?

Mr. LARSEN. Mr. Chairman, I just noted to Mr. Young that in the future when he is ranking member I will be sure he is put on the timer.

Mr. YOUNG. Thank you. That won't happen for a while!

[Laughter.]

Mr. LOBIONDO. OK. Ms. Brown, you are recognized?

Ms. BROWN. Thank you. Let me take this opportunity to thank the U.S. Coast Guard for not just the work that you do in Florida, but throughout the country. We have given you a tremendous amount of responsibility, and you all have come up to the challenge. And every time I get a chance to thank you publicly, how you all responded after 9/11, I have to, because you all was the first branch that was there and protecting our country right after that tragedy. So, thank you.

There is no doubt that this accident in Italy was tragic. My thought and prayers go out to those who was killed and injured, and we must take every chance necessary to protect the safety of the passengers. But we can't vilify the entire industry because of the reckless action of one rogue employee who failed to follow the policy and protocol of his own company. As a Member from the State of Florida and a representative of the Port of Jacksonville, I am particularly interested in the cruise industry.

The cruise industry is a critical, economic engine for the State of Florida. Over 8 million passengers embarked from Florida in 2010 and the industry contributed more than \$6.3 billion in direct spending. In addition, the cruise industry is the second-largest employer in Florida, generating more than 123,000 jobs paying \$5.4 billion. But, I do want to go back to the question that I want to ask you about do you think that the Italian Coast Guard did every-

thing that they could to assist the passengers, and what recommendations would you make that we add additional recommendations?

Admiral SALERNO. Thank you, Congresswoman. To the best of my awareness the Italian Coast Guard pursued the response in a very, very aggressive, very professional manner. I have nothing to suggest otherwise. We, of course, at the very beginning of the investigation, I think we will learn more about not only the actions of the crew but rescue organizations, which will be beneficial to us as we refine our search and rescue, and mass rescue operational plans.

Ms. BROWN. And I know the investigation is going on, but there is a great amount of concern as to how the captain handled the situation. And, what procedures could we put in place to make sure that, I mean, afterwards it was not from the press account. Of course, you can't always believe the press account, but, you know, it was an acknowledgment that it was an emergency.

And, in addition, my understanding that it is 24 hours before they have to have the muster drill. I understand now that the cruise industry have gone back and said that before you leave that port that you're going to have that training, and I think that is very important, and I am glad that they instituted it throughout.

Admiral SALERNO. Yes, I think that is a noteworthy improvement and I am very pleased with the industry for taking that initiative, even in advance of being required to do so. So I think that is a positive development. As far as the actions of the master, obviously, the investigation will shed more light on it. I don't know of any professional mariner who is willing to step up and defend what the apparent lack of leadership that clearly took place on that ship.

Ms. BROWN. What about the training of the crew, because it seemed like everything was kind of in disarray. And, every time I have gone on cruises and I send my mom on cruises and family, the first thing they do is they have that training as to how in case of an accident, you know, you put on your gear and everything.

Admiral SALERNO. That is correct.

Ms. BROWN. That hadn't happened. They got on the cruise. Everybody was dressed for dinner, but they had not had that initial safety training.

Admiral SALERNO. There are well-defined requirements of training for crewmembers. Anybody with a safety position, including, you know, hotel staff that may have a safety position and crowd management, ushering people to their embarkations stations. And so all of that is required, and periodically refreshed.

We enforce those regulations vigorously in our core State-controlled program. We work very closely with the industry and convey our expectations about a safety culture; and I think the results are in the numbers. The cruise ship industry in the United States has a very good safety record. It is among the safest of all maritime activity.

So, that doesn't happen by accident. It requires commitment by regulators and by the industry itself, and the numbers, I think, bear that out.

Ms. BROWN. My last question is I understand on the equipment, the safety boats were on side, and they had to walk all the way

to the other side. So was there any discussion as to making sure it is at a certain level, because I understand if it is at certain feet, then it is underwater or something.

Admiral SALERNO. There are some very precise technological requirements for lifeboats. The angle at which they must be lowered—20 degrees was mentioned earlier—that's correct. There is also trim. You have 10 degrees either fore and aft trim. So operating against adverse conditions, yes. Also at play here is the stability condition of the ship.

One of the questions we do not yet have an answer to is how much flooding occurred in that ship, and should it have listed over as far as it did. We don't know if water tight doors were closed internal to the ship, which may have spread the flooding beyond the design limits. All questions that we need to know as part of the investigation we'll pursue with the Italian Government.

Ms. BROWN. Once again, I want to thank the men and women for their service.

Admiral SALERNO. Thank you.

Ms. BROWN. And I yield back the balance of my time.

Mr. LOBIONDO. Thank you, Ms. Brown.

Mr. Coble, Master Chief.

Mr. COBLE. Thank you, Mr. Coble. I appreciate that.

Mr. Chairman, this has nothing to do with my questioning, but are the acoustics flawed? It appears to be muffled.

Mr. LOBIONDO. The acoustics are different today, and I am not sure whether that is controlled by the control room or just something a little bit different.

Mr. COBLE. I thank you. Admiral, good morning.

As has been indicated earlier, we are deeply concerned about the loss last night, Admiral.

Admiral SALERNO. Thank you, sir.

Mr. COBLE. Admiral, will the Coast Guard conduct an independent investigation in the loss of the two American citizens aboard the *Costa Concordia*?

Admiral SALERNO. Well, we are, as mentioned, sir, interviewing all the U.S. passengers who were onboard to develop as complete a picture as we possibly can as to what took place on that vessel. And as mentioned, look to the chairman. We will share that information with this committee.

Mr. COBLE. I thank you for that. Admiral, is it possible for a cruise vessel to fail an inspection and then not be permitted to operate in U.S. waters?

Admiral SALERNO. Yes, sir, that is possible. And there have been instances where the Coast Guard inspector has not been pleased and is detained to ship. That doesn't happen very often, and it quite honestly hasn't happened in a number of years now, because I think we have developed a strong enough expectation with the industry. And they responded by instituting safety cultures within their companies to make sure that they meet all of our very strenuous requirements. But, yes, it is possible. If we are not satisfied, the ship won't sail.

Mr. COBLE. And when the Coast Guard in fact does detect deficiencies, how do you follow up to ensure that the deficiency had been corrected?

Admiral SALERNO. We do follow up. You know, depending on the severity of the deficiency, we may allow a certain amount of time for correction. If there is some immediate danger, we would require an immediate fix.

Mr. COBLE. Admiral, let me ask you this. Are the hotel and entertainment staff aboard U.S.-flagged cruise vessels required to be a credentialed merchant mariners?

Admiral SALERNO. Yes, sir, they are. U.S.-flagged cruise vessels are required to be licensed by the Coast Guard. The crew must hold Merchant Mariner credentials and they must have the training associated with the safety positions that they hold on those vessels.

Mr. COBLE. And I would assume that that would probably lead to a more competent crew. Would it not?

Admiral SALERNO. That's the goal, yes, sir. That training is designed to achieve a level of competency that is a baseline. Now, when we witness fire drills, boat drills, on board not only U.S.-flag ships, but on foreign-flag ships, that is one of the ways that we verify that the training has taken hold, that people actually know how to use the equipment. They know how to communicate, and they can perform their functions in an efficient manner. So that is one of the controls we have, in verifying that.

Mr. COBLE. Thank you, Admiral. Good to have you with us. I yield back, Mr. Chairman.

Mr. LOBIONDO. Thank you, Mr. Coble. Mr. Cummings?

Mr. CUMMINGS. Thank you very much, Mr. Chairman.

First of all, let me associate myself with the words of Ms. Brown with regard to the tremendous work that the Coast Guard does every day. I call them the thin blue line at sea, and also I express my concern and prayers and condolences for the losses that we have suffered here recently, those families are going through some difficult times.

As the Coast Guard faces continuing budget challenges, perhaps the single most important thing we can do to ensure the safety of the cruise industry in the United States and indeed the safety of our entire maritime transportation system is to ensure that the hard one gains and the Coast Guard and Marine Safety Program are not lost, and that this critical program continues to receive the resources it needs to be able to engage fully qualified personnel to carry out thorough inspections and investigations.

And I want to thank Ms. Matsui and certainly the cruise industry, and victims for helping us as we address many of these issues in the 2010 reauthorization. Everybody should know, Title 5 of the Coast Guard Reauthorization Act of 2010 established certain standards for the prevention and response and workforces. Title 5 required that there be in each sector a chief of prevention who is at least a lieutenant.

A lieutenant commander is a GS-13, and who is a marine inspector and qualified marine casualty investigator or marine safety engineer. Is a qualified chief of prevention in place at each sector now?

Admiral SALERNO. Yes, sir. We have qualified members at nearly every sector, and as I think we have briefed you in the past, sir, we have also included a number of civilian marine inspectors in our

workforce. Our goal is 30 percent. So every sector has civilians who will be our longstanding experts in every port. They have the local knowledge. They have the awareness of the industry, and they also assist in the training of more junior people. So I think we have made considerable process under Title 5 of the Coast Guard.

Mr. CUMMINGS. Very good. The Title 5 required that a certificate of inspection must be signed by the senior Coast Guard members or be an employee who inspected the vessel, in addition to the officer in charge of marine inspection. Is the Coast Guard in compliance with this requirement?

Admiral SALERNO. Sir, I will have to confirm that that has been put in effect. It is certainly our intention to comply with the Title 5 requirement.

[U.S. Coast Guard insert for the record:]

The Coast Guard is not currently in compliance with this section of the Coast Guard Authorization Act of 2010. However, the Marine Inspector signature block on the Certificate of Inspection will be incorporated as an enhancement in the spring 2013 update of the Coast Guard's Marine Information for Safety and Law Enforcement System database.

Mr. CUMMINGS. How soon can you get us that information?

Admiral SALERNO. I should be able to get that to you within a day or so, sir.

Mr. CUMMINGS. All right. Thank you. Similarly, Title 5 required that any individual adjudicating an appeal or waiver of a decision regarding marine safety should be qualified. A qualified specialist will have a senior staff member who is a qualified specialist and who concurs in writing with the decision on appeal. Is the Coast Guard in compliance with that?

Admiral SALERNO. Yes, sir. We are making sure that there are qualified people throughout the chain of review.

Mr. CUMMINGS. Very good. What is being done to include geographic stability among the marine inspector and investigative workforce?

Admiral SALERNO. The primary reason, the primary methodology for geographic stability is the civilian workforce. That gives us some rootedness in every court so that that's a hedge against the military workforce, which by its very nature does move around more frequently, but civilians provide that stability.

Mr. CUMMINGS. Very good. Let me ask you. How many inspectors do you have who are qualified to examine cruise ships, and is the inspector workforce currently adequate to meet the current work load?

Admiral SALERNO. Sir, for qualified inspectors for cruise ships, there are currently 326. And the current workforce, yes, is adequate. We have added a number of new billets over the past fiscal years, 400 plus, I think, until 2011. In 2011 there are some additional, and we will annualize some that were brought onboard in 2012, so over 500 overall new positions.

And we intend to hold onto that, even though we were in a very tight budget environment. So it has been growth and a no-growth

environment, so I think that speaks to the level of commitment the Coast Guard has to this mission.

Mr. CUMMINGS. How many of the captains of the cruise vessels that call on the United States are Americans operating on the U.S. Coast Guard issued licenses?

Admiral SALERNO. The foreign-flag cruise ships are, I think, almost exclusively captained by foreign masters, but they do meet international standards that we have helped develop through the IMO.

Mr. CUMMINGS. So I guess that sort of leads to my next question, and my last question. Captains who are not licensed by the U.S. Coast Guard, what review do you conduct of their licensing or fitness for duty?

Admiral SALERNO. Well, we certainly checked their credentials issued by their home governments; and, then, as we go through our inspections, and particularly with fire and lifeboat drills, that is our ability to assess their competence. In every inspection we question the crew as to their knowledge as to safety requirements, security requirements, and environmental, and we make some judgments based on that. We have held and detained ships in the U.S. when we have come to the conclusion in sensitive safety positions onboard did not know their duties.

Mr. CUMMINGS. Very well, and thank you, Mr. Chairman.

Mr. LOBIONDO. Thank you, Mr. Cummings.

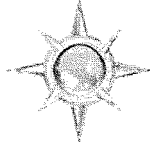
Ms. Matsui.

Ms. MATSUI. Thank you, Mr. Chairman, and thank you for allowing me to be a part of this important hearing.

I would like to thank the witnesses for being here today and particularly the survivors from the *Costa Concordia*. And I would like to ask unanimous consent that a letter from the International Cruise Victims Association be submitted for the record.

Mr. LOBIONDO. No objection.

[The information follows:]



International Cruise Victims Association, Inc.

February 27, 2012

Chairman Frank LoBiondo
Subcommittee on Coast Guard and Maritime Transportation
507 Ford HOB
Washington, DC 20515

Dear Chairman LoBiondo:

In 2010 the *Cruise Vessel Safety and Security Act* was passed by Congress and signed into law. The intent of this bill was to improve safety on Cruise ships.

While this important legislation starts to protect U.S. citizens sailing on a foreign-flagged cruise ship, many of the same crimes that concerned Congress then continue to be happening now and are being underreported. We would hope that this Committee meeting, in addition to reviewing tragic events of the Costa Concordia, will take steps to make sure the intent of Congress is being carried out during the implementation of this legislation that was passed under your leadership.

International Cruise Victims (ICV) has held several meetings over the past year with FBI and Coast Guard officials. The latest meetings were held on February 9th and 10th with these two organizations. As a result, ICV has several major concerns regarding the Implementation of the current CVSSA in line with the intent of this legislation.

Areas of most **serious concern** include the following:

1. A definite objective of the legislation was to have all alleged crimes reported. In practice, this is not happening and needs to be corrected. Previous FOIA requests in prior years show that over 100 alleged crimes take place each quarter, while last year, only 16 cruise ship crimes were reported on the Coast Guard Web site for the **entire year** of 2011. **Clearly, steps need to be taken to correct this so that the report reflects the true intent of the legislation.**
2. Prior to the passage of the CVSSA, cruise lines interviewed the victim and *voluntarily* notified the FBI. The FBI would then determine which cases to

take on. The historic passage of the CVSSA **significantly** changed this procedure as it requires the following:

- i. **“(5) provide the patient free and immediate access to—**
- ii. **“(A) contact information for local law enforcement, the Federal Bureau of Investigation, the United States Coast Guard, the nearest United States consulate or embassy, and the National Sexual Assault Hotline program or other third party victim advocacy hotline service; and
“(B) a private telephone line and Internet-accessible computer terminal by which the individual may confidentially access law enforcement officials, an attorney, and the information and support services available through the National Sexual Assault Hotline program or other third party victim advocacy hotline service.**

The statement below by the head of the FBI San Diego office clearly indicates this procedure **is not being followed** and therefore needs to be implemented and adhered to. Some form of verification that the victim has been given their rights must exist. These sections were included in the bill to eliminate third party employees of the cruise line from filtering out the direct information regarding crimes. As in the Miranda Act on land, a victim at sea must be informed of their rights before giving out any information.

In a television news interview which aired in San Diego and Los Angeles earlier this month the following was indicated:

The head of San Diego's FBI office told News 8, "nationwide, his agency investigates about 50 crimes nationally onboard cruise ships per year. *"You're talking about a pleasure vacation-type activity that usually does not lend itself to crime. **So the numbers are fairly low,**" said Special Agent in Charge, Keith Slotter. **"Most crimes that occur onboard a cruise ship on a four, five, or seven day cruise are going to be investigated by the security staff onboard, as it should be," Slotter said.**"*

The link to this item can be found at the following:

<http://www.cbs8.com/story/16811039/fallbrook-mother-of-lost-at-sea-passenger-questions-cruise-ship-safety>

3. The legislation also called for the development of training standards and curricula to allow for the certification of passenger vessel security personnel on the appropriate methods for prevention, detection, evidence preservation and reporting of criminal activities. All vessels on which a U.S. citizen is a passenger must have at least one crew member onboard who is certified as having successfully completed this training. However, The Model Course CVSSA 11-01 as prepared and issued by the USCG, the FBI, and The U.S. Merchant Marine Academy was put out without the chance for comments, and is clearly deficient. Outside experts have indicated that this course as it is structured now will not properly train anyone to fulfill the requirements as intended. Their model course on "Crime Prevention, Detection, Evidence Preservation and Reporting," devotes a total of 3.5 hours to actions that preserve crime scenes, crime scene reporting, and documentation.

It's hard to imagine that devoting 6 minutes to the subject of retention of video surveillance records, or 20 minutes to teaching crowd management and control techniques would be considered sufficient. Equally unfathomable is the thought that this could be taught in a non-structured course with no pre-exam to establish the initial level of competence, no practical exercise with a crime scene, and no final exam. No outside expert in maritime security would agree with your assessment that 8 hours of on-line training is all that is needed.

4. While companies submitted serious bids for a Man Overboard System, there appears to have been little activity to evaluate these programs. None of the companies that submitted bids last July have ever been contacted. This should be a **high priority item** since the Coast Guard is spending hundreds of thousands on Search and Rescue operations for those who might be missing from a cruise ship. In just two cases, over \$900,000 was spent to search for two such victims who were never located. \$900,000 was paid entirely by the taxpayers. Clearly, if the Coast Guard knew where and when someone went missing, it would improve the chances of rescue and dramatically cut costs.
5. There is a requirement under CVSSA for an Acoustical Sounding Device to protect cruise ships from terrorist attacks. The provisions is as follows:

"(E) The vessel shall be equipped with a sufficient number of operable acoustic hailing or other such warning devices to provide communication capability around the entire vessel when operating in high risk areas (as defined by the United States Coast Guard)."

Apparently the Coast Guard has not made cruise lines add this since **their unique** definition of "high risk areas" does not include **Maritime Terrorism** attacks, but basically only pirate attacks. It's strange that such

wording was inserted into this legislation since it defeats the very reason for this requirement. This needs to be corrected.

While not directly tied to the CVSSA, ICV is concerned with the quarterly meetings held by CLIA for FBI/Coast Guard members. We feel this presents a **conflict of interest** for those attending a meeting hosted by the very organization they are to regulate. If there are to be such meetings, we feel they need to be hosted by the FBI/Coast Guard and include both members of CLIA and International Cruise Victims since we represent the voice of the victims and their concerns.

We also continue to be deeply concerned that our FOIA request last April to the FBI for a complete listing of all alleged crimes has not been complied with. Since these requests have been honored in previous years, we strongly feel that immediate steps need to be taken to provide ICV with this requested information.

After five congressional hearings and with the CVSSA passing with only four votes against it, it's clear that there is a problem. For Congress to address the issues raised by the Costa Concordia tragedy, they must first make sure the intent of recently passed CVSSA is fully implicated as per the intent of this legislation as a major start to improve the safety of passengers and crew on a cruise ship. If you have any questions, please let us know. We do appreciate your support.

Very sincerely yours,

Kendall Carver, Chairman
Jamie Barnett, President

International Cruise Victims Association, Inc
International Cruise Victims Association of the UK, LTD

www.internationalcruisevictims.org

Ms. MATSUI. The *Costa Concordia* accident is an unfortunate tragedy that once again highlights the need to constantly evaluate cruise ship safety, as does the current situation with the *Costa Allegra*. We must not only examine the physical safety of the ship and the safety procedures in place to respond to an emergency, but also to the security of the passengers while onboard.

In July of 2010, President Obama signed into law the Cruise Vessel Security and Safety Act. Legislation I sponsored after learning that one of my constituents suffered a rape while on a cruise vacation, and that there was no process onboard to properly handle the crime. This law is a first step towards providing greater security for passengers, from requiring cabin door peepholes and security latches, to improving medical care and support to victims of sexual assault.

This law also gives the public access to information about the number of crimes committed on cruise ships, and puts much needed procedures in place to ensure the proper preservation of evidence necessary to prosecute the criminal. All provisions of this law went into effect by or on January 27th, 2012. I have raised concerns about whether the law is being properly or timely implemented and look forward to getting answers to these questions today.

As you know, Admiral Salerno, the Cruise Vessel Security and Safety Act required that each cruise ship integrate video surveillance and man overboard technology to the extent that such technology is available. It is my understanding that the Coast Guard has received several proposals from different companies that manufacture man overboard detection devices. Have the cruise lines integrated man overboard technology aboard their vessels as required by law?

Admiral SALERNO. Ma'am, that aspect of the law was determined not to be self-executing, so we have embarked on a regulatory process. The first step in that process was to seek information from the industry to determine the availability of technology that can be used for man overboard detection, so we are engaged in that process right now.

Our intention is to take that information and convert that into a notice of proposed rulemaking to fully implement that provision of the law. Other aspects of the law that are self-executing, we have through policy—I've already implemented procedures.

Ms. MATSUI. Where are you in the rulemaking process now?

Admiral SALERNO. In the process we are gathering information, quite honestly, from the affected public.

Ms. MATSUI. OK. We would like to do that as quickly as possible.

Admiral SALERNO. Absolutely.

Ms. MATSUI. Admiral, the law also requires at least one crewmember be adequately trained in proper crime scene preservation techniques. I understand that the Coast Guard worked with the FBI and the Maritime Administration to come up with a model 8-hour training course. How do you know if a crewmember has satisfactorily completed this training?

Admiral SALERNO. The training would be certified by the company, and it would be examined during the course of our normal inspections of the vessel.

Ms. MATSUI. So, do the cruise ships have to provide actual documentation that this training has been completed?

Admiral SALERNO. They have to have that documentation on-board, and I will confirm for you whether they have to affirmatively send it in. I don't have that detail, but I'll confirm that for you.

[U.S. Coast Guard insert for the record:]

The cruise ship companies are not required to send documentation directly to the Coast Guard or the FBI. However, cruise ships must inform the Coast Guard in their Advanced Notice of Arrival that one or more properly trained crewmembers are onboard the vessel. In addition, the Coast Guard will confirm the cruise ship's compliance during annual and periodic examinations through a review of the crewmember's training certificate.

Ms. MATSUI. And who is conducting the training of the crewmembers?

Admiral SALERNO. The training is conducted by the cruise lines themselves based on a model course that was developed in conjunction with the FBI and the Maritime Administration.

Ms. MATSUI. OK. And how do you know that the training actually follows the recommendations of the model course?

Admiral SALERNO. That would be verified through our routine inspections at the vessels. We would do that as part of the—

Ms. MATSUI. OK. That's part of the course. OK.

Admiral SALERNO [continuing]. Part of the inspection program.

Ms. MATSUI. OK. Well, I still have concerns that the 8 hours might not be adequate time to properly train a crewmember in crime preservation techniques, and I do hope we can work together to ensure the cruise ships have the expertise necessary.

Admiral SALERNO. Yes, ma'am. The program in place now is an interim one, and we are absolutely open to suggestions to improve that program.

Ms. MATSUI. I think you understand how important it is to the cruise victims that all of this be done in as expeditious manner as possible.

Admiral SALERNO. Yes, Congresswoman.

Ms. MATSUI. And I truly appreciate what the Coast Guard is doing. I along with the others do appreciate your service. And I know that my time is moving now, and I do have a few more questions, but I am hoping that I can have written—OK. Thank you very much. Thank you very much for that. I appreciate that. Have the cruise lines integrated video surveillance aboard their vessels as required by law?

Admiral SALERNO. Ma'am, I will have to confirm that with you. I don't have the details on that, but I can get back to you on that.

Ms. MATSUI. So, OK. So you have no idea of the reasons behind that at all?

Admiral SALERNO. I don't have the information on that, ma'am. I will get back to you.

[U.S. Coast Guard insert for the record:]

All cruise ships have video surveillance systems of various types. The Coast Guard is developing regulations to implement the requirements for video recording and surveillance systems as required by the Cruise Vessel Security and Safety Act of 2010. Furthermore, Coast Guard policy requires that a copy of video recordings using currently installed video-recording equipment, which pertain to an alleged crime under investigation, shall be provided to law enforcement officials upon request.

Ms. MATSUI. OK. Will there be a rulemaking process for that also?

Admiral SALERNO. That is part of the rulemaking process.

Ms. MATSUI. Admiral Salerno, as you know, the law also requires cruise ships to report crimes committed upon their ships, and the Coast Guard is to provide the information to the public through an Internet portal. I have raised some concerns about the low number of crimes actually being reported.

There were 16 reported for the entire year of 2011. Can you walk me through how the following crime would be reported/investigated? Let's say a sexual assault occurs on the high seas involving a U.S. citizen on a Jamaican-flagged ship, leaving an American port headed for Cancun. I would like to know who would have jurisdiction over this crime, how would jurisdiction be determined, and who would be able to make an arrest?

Admiral SALERNO. For a crime of that nature the process would be the cruise lines would report that. It would go to the FBI. There would be investigation by the FBI, typically in conjunction with Coast Guard investigators. The FBI would post the results once the case is final. We would put that on our portal, but we are posting closed cases. So what you see as low numbers are closed cases. There are more cases that are still open, still under investigation, not closed out. So that's not representative of the total.

Ms. MATSUI. So that's not represented on the portal at all?

Admiral SALERNO. Correct.

Ms. MATSUI. OK. So, you know, a key element of this law was to provide the public with correct information regarding crime on cruise ships, and I do hope that the Coast Guard and the FBI are doing everything in their power to have complete information. And I will be following up with you and the FBI.

Admiral SALERNO. Yes, ma'am.

Ms. MATSUI. Thank you very much, Mr. Chairman.

Mr. LOBIONDO. Thank you, Ms. Matsui.

Mr. Farenthold?

Mr. FARENTHOLD. Thank you. I apologize for arriving late. I was in a FEMA hearing in another building. But I am sure you have probably covered this, but reassurances for American citizens on cruise ships coming out of American ports, I realize that under foreign-flag vessels we don't have nearly as much jurisdiction as we do under U.S.-flagged vessels. But the economies of the cruise industry typically result in foreign-flagged vessels. Would you feel comfortable taking your family on a cruise out of a U.S. port?

Admiral SALERNO. I would, and I say that because we do have the most rigorous examination program in the world. And we have

received cooperation from the industry in adopting a safety culture, so that even when we are not watching, I have confidence that they are doing the right thing.

Mr. FARENTHOLD. And do you feel like there is anything else that we need to be doing to ensure cruise ship safety? Again, obviously we have no jurisdiction outside of ships that call on our ports. Where are we short?

Admiral SALERNO. Well, I think our interest in the *Costa Concordia* investigation is to explore that very question. We need to be open to the fact that some of our regulations may need to be strengthened. The international regime may need to be strengthened. Maybe training needs to be strengthened. Those are questions without answers at this point, but I think we need to be open to the fact that we will have something to learn from this, and then we would like to stay connected with this committee as to what those things may be.

Mr. FARENTHOLD. I will look forward to working with you and I will yield back the remainder of my time.

Mr. LOBIONDO. Thank you. Ms. Brown?

Ms. BROWN. Thank you, Mr. Chairman. I want to thank you all for calling this meeting. And the purpose of this meeting is to see what we need to do to strengthen the industry at the hundred years since the *Titanic* sank and what policies that we need to implement to make sure that we can protect all of the passengers.

We often say U.S. passengers, but people come from all over the world to sail on our ships. And, in fact, I went to Barcelona, and there is a cruise ship that leaves Orlando, Florida, that goes to Barcelona. So it is an international business. And I want to commend Ms. Matsui for pursuing making sure that people are safe on the ships when they travel. But my understanding, the cruise industry is one of the safest in the world as far as being attacked. You can be attacked in my neighborhood, as far as that goes. Can you tell us a little about that? Because I would not want to leave here with the image that traveling on a cruise ship is not safe. I send my mother on a cruise ship, so I know it is safe.

Admiral SALERNO. Our numbers, I think, speak for themselves. Cruise ships consistently rank among the lowest of the category of ships that have marine casualties. So all the major types of casualties that we measure, collisions, groundings, fires, floodings, those types of things. They are single digit numbers in all these different categories, so, yes, comparatively safe. And I think, overall, objectively speaking, it is a safe industry.

But, as mentioned, that doesn't happen by accident. That takes a lot of effort; and, we from a Coast Guard perspective, are relentless in applying that effort, working with the lines to keep them safe.

Ms. BROWN. Well, thank you very much. And I also would like to have an opportunity to respond to the Rep, that we are going to have adequate time to respond to or make additional comments in the record. Is that correct?

Mr. LOBIONDO. Absolutely.

Ms. BROWN. All right. Thank you. Mr. Cummings.

Mr. CUMMINGS. Mr. Chairman, I just have a question or two and just followup on what Ms. Brown just said. Mr. Chairman, last

week in Oversight and Government Reform we had a hearing on the Chevy Volt. And one of the things that came out of that hearing was we wanted to make it clear that the Volt was a safe car. And one of the things that the head of GM said to us was that, you know, it's nice for you to have this hearing. The car is safe, but there is going to be some collateral damage.

And just following up on what Ms. Brown just asked, I want to make sure that we are being fair to our cruise industry. I worked very closely with the cruise industry when we were trying to pull all of this together, the reauthorization, and I found them to be very fair, very reasonable. And as they would say to me over and over again, "Cummings, this is just as important to us that we have safety on our ships as it is to you." And I thought that they were very fair and very balanced, very reasonable. And so I don't want the word to go out that because of these incidents that really is not us.

See. I want that clear, but I know what happens, just like with the Chevy Volt. And when the president of GM said that he was concerned that there would be collateral damage, and when we talk about the collateral damage here, we are talking about an industry that hires a lot of people, an industry that provides families in these difficult economic times with one of the cheapest and most inclusive vacations that they can get. I don't want there to be collateral damage to that industry.

So I wanted to make it very clear. I want you to reiterate what you just said, that it is a safe industry, and that leads me to my question. Are there things that you would like to see us do, more than what we are doing, to make it even safer? I mean nothing is perfect. It's not a product. It is a project, ever evolving.

We have learned every day from our mistakes. So the question is is there anything that we should be doing that we are not doing. And I am just curious, because I don't want the word to go out that we haven't fulfilled our responsibility. I believe that the industry is doing the best they can, but I don't want them to be blindsided by a hearing that paints them in a light that is just not accurate. That's all.

Admiral SALERNO. And thank you, Congressman Cummings. It is not my intention to paint the industry as a—

Mr. CUMMINGS. No, I think you have done a pretty good job. I just want to make sure we are real clear, because you know how people are.

Admiral SALERNO. Right.

Mr. CUMMINGS. They get a little tidbit of information, and particularly with these incidents that had nothing to do with us.

Admiral SALERNO. Correct.

Mr. CUMMINGS. Next thing you know, that industry then suffers when it shouldn't suffer.

Admiral SALERNO. Yeah. I think we look at our casualty statistics very closely, and we do bear out the fact that this is a safe industry. So they have a good record. We obviously want to work with the industry to maintain that record, but it is objectively speaking, a safe industry.

Mr. CUMMINGS. And how do we protect our progress?

Admiral SALERNO. We continue from a Federal perspective, continue to stay engaged with the industry. We will watch this casualty, see what unfolds from it, and we would certainly like to stay connected with the committee as to the results of what we find on that investigation to see if there may be other things that we need to do. We don't have the answers to that yet, but again we need to be open to what we learned from this investigation.

Mr. CUMMINGS. Thank you very much. Thank you, Mr. Chairman.

Ms. BROWN. Mr. Chairman?

Mr. CUMMINGS. I yield to the lady.

Ms. BROWN. Yes. Mr. Chairman—former Mr. Chairman, but you said, “cheap,” and I just want you to know that cruise is comprehensive, affordable travel, having been a travel agent prior to coming to Congress.

Mr. CUMMINGS. So, reclaiming my time, I take back the word “cheap,” and I would substitute it, Mr. Chairman, with “affordable.” And I yield back. Thank you for correcting me, Ms. Brown. I yield back.

Mr. LoBIONDO. Mr. Larsen.

Mr. LARSEN. Mr. Chairman, I ask unanimous consent to enter into the record the statement from Geoffrey Scimone.

Mr. LoBIONDO. Without objection, so ordered.

[The information follows:]

Written Statement for the House Transportation and Infrastructure Subcommittee on Coast Guard and Maritime Transportation hearing:

“A Review of Cruise Ship Safety and Lessons Learned from the Costa Concordia Accident.”

Wednesday, February 29th

by Geoffrey Scimone

Submitted for the Record

“Trapped in Paradise”

These are my accounts of my family’s rescinded contract with Costa that began in Barcelona, Spain on January 9, 2012 aboard the Costa Concordia cruise ship. I hope that my testimony will help many leaders come together to effect some positive change in the cruise industry.

We have been told there are 32 presumed dead,senselessly. Their stories will forever go untold. Their experience must have been even more horrifying than ours. I please ask for a moment of silence for the lives that were not saved that night.

My family and I witnessed this tragedy which was caused by at least the following 12 factors. Some of which, Costa (and their owner, Carnival) have actually been allowed to develop, “especially by deliberate effort over time”. An example of each of these 12 will be described in the following chronological accounting of our 2 ½ hours of terror.

- a) policies that blur the distinction between marketing, sales, and adequate safety meetings;
- b) unsafe technological design and construction;
- c) a tragic standard operational policy, endorsed by the company that permits one person to ignore, and override all safety procedures and alarms.
- d) unsafe cabin construction, and inspection;
- e) a very inexperienced and under trained crew,
- f) the defiant lack of minimum safety standards by a company that held the lives of over 4000 people in its care. Standards that they have been deliberately reducing over time, instead of upgrading.
- g) Lastly, our experience will show the negligence by Costa to fulfill their end of a cruise contract that their owner, Carnival Corporation from Miami Florida, has been deceptively crafting for years. Each modification to this fine printed veil, coming after tragedies they were involved in to different degrees. They have been deliberately expanding this cloak, out of control, trying to avoid an obligation of responsibility to the care and safety of the passengers that they carry on their 100 Ships throughout the world.

On Monday, we embarked around 2pm. By 4pm, our entire family attended a “Safety meeting” in a bar room/ lounge. Staff member Sean was very, very eloquent I thought at the time, more like a salesman than most safety officers I had previously come in contact with. That was clarified to me minutes later. After showing a short safety video, Sean began his elaborate

presentation about all the shore excursions that we could purchase right then and there. Tuesday, Wednesday, and Thursday, reminded me of the six other cruises I had been on, except for one remarkable difference. There was no still no Muster Drill at the Lifeboat stations since we boarded on Monday.

On Friday, January 13, 9:30pm, my wife Nancy and I were in the theater, second row, end seats, on the port side. Our son John, and his wife, Meghan, and baby Lilah were in their cabin on Deck 2 Starboard. At around 9:42, suddenly the ship shuddered, and scraped against something solid. I didn't know the exact location of the Ship at the time, but I have been on boats for 57 years, and I was sure we were hitting land. It was not in open water. It was a low rumbling tone, a deep, vibrating, heavy scraping for what seemed about 7 or 8 seconds, the length of time to open the side of a ship moving at around 15 knots with a 175 foot gash. The Ship immediately leaned about 15 or 20 degrees toward the port side. Without waiting, I stood up, held Nancy's hand, and told her firmly, "we are out of here." As we raced out the back door of the theater, I noticed 99 percent of the people had not yet even stood up. Nancy said, "We need to get our life jackets!" We raced up 4 flights to our cabin 7296, on Port Side to get them. As we approached our cabin door, I told Nancy, "I will dial John, while you get the life jackets." We entered the cabin, it was dark, no electricity. My iPhone provided light to dial our cabin phone. Nancy screams to me that the closet is blocked. She cannot get the jackets! Evidently the dressing room sink, faucet and countertop were not even bolted to the walls of the cabin when the Ship was constructed in 2006. It had fallen and blocked the closet doors and the jackets. She was able to lift it off the floor and grabbed all 4 jackets from the closet. John's line was busy. Lilah must be sleeping I thought. I lead the way back down to Deck 4. I thought to go to the Starboard side simply because it was the high side of the Ship at that time. We raced directly to a railing in front of a Lifeboat, Starboard Side, near mid-ship. I didn't know which exact Lifeboat was ours, or if one was assigned, because we never had a Lifeboat Muster Drill on the Concordia. This was our fifth night on the Ship. We were ready and waiting to board at a Lifeboat about 6 minutes after striking the rock. I felt hopeful. Then it turned really bad.

The staffer, holding a two-way radio, looked to be about 19 yrs. old. We were standing at the railing, there was no time to waste. But, the staffers were making us all wait! She said she had to wait for word from the Captain. She said "everything is under control, it is an electrical problem". We all heard that too often in the next two hours. Many passengers told her the Ship is sinking! Within a few more minutes, there were probably hundreds of passengers near us on Deck 4 within sight, being forced to stand and wait. It was obvious to hundreds of people that the Ship was in trouble. It was just not obvious to the Captain and the crew. I felt as though I could not do anything productive, I was disgusted, and helpless. Many kept pleading to the staffers, "let's go, let's board, let's go," She would not let us. Time was wasting, tragically. I could not do anything here, I felt like the staff was going to kill us. What positive steps could I take at all? The passengers continued pleading with the crew to load the Lifeboats to no avail. Staff was waiting for the order of the Captain. I pleaded to other male staffers for their sanity to take over. It did not. I had an idea to reason with a Male staffer (maybe 21) to understand the stupidity of the situation. I told the staffer, looking directly, into his eyes, "You need to make the most important decision of your life right now. Start putting these people in the boats, NOW. Then you can say everything is under control". He would not! He was waiting for the command of the Captain.

10:02 pm (time is exact, confirmed by my phone history): At that precise moment, I had to make the determination that the Captain, nor anyone on the ship within my view, were in control of the emergency; I called the Italian emergency number (112). On the line, was an Italian speaking man, after I told him the situation in English, he immediately hung up the phone!

10:02, again, I tried again. An Italian speaking man hangs up the call, again! 10:04 (exactly), finally, an English speaking attendant talks with me. I told him, "you need to send the Coast Guard, we are on the Costa Concordia, we are going down. The Ship hit something, and we are sinking." He asked for our coordinates. I told him, "I am a passenger, I think we are about three hours north of Civitavecchia, headed to Savona, take a look right there, and you will see the Concordia sinking"! He then took down my contact info. Unfortunately, I did not tell him that the crew was holding us captive. I should have. Now, there was a lot more waiting. I started to think about our children, and racing down to Deck 2 in case John and Meghan were somehow unaware of what was going on. I was very afraid to go down to Deck 2 inside the Ship. It is the first moment at all that I am more afraid, than confidently reacting. Right then I was thinking that I was going to die in Italy, land of my Grandfather. I convinced myself to run to Deck 2, I turned my back to the Lifeboat, and stood on my toes, stretching, planning for a path through the throngs of people, and amazingly, saw John's head above hundreds of people that stood between us. He is about 100 feet away, and saw me also, and I waved him to come to us. Unbelievably, we were reunited with our family. It was a near miracle. With baby in John's arms, they were able to near us at the rail. But we were still waiting for the staffers to take action. These two highly educated passengers were delayed getting to the Lifeboats because they didn't know where the Lifeboats were. They are an educated Doctor with a Master's Degree, and a computer specialist with a Master's Degree. There probably were many hundreds of other people that did not know which deck the Lifeboats were on because there was no Muster Drill for at least the past 5 days that we know of. Because Costa has this ability to sell a cruise embarking from many ports, in a constant circle, it is unknown to me, when or if they perform a proper Muster Drill. Meghan had asked a staffer for an infant lifejacket and was told by the staffer, incredibly, "The baby does not need a lifejacket. Do you see me wearing a lifejacket? Everything is under control." John said that the staffer then began to grab lifejackets from other nearby crew members and threw them forcefully down on the deck to emphasize, I guess, that there was no problem, "everything is under control, it is only an electrical problem". Impossible to believe, I know. Much of the crew, even some in supervisory positions displayed a lack of training and a lack of experience, and a lack of decisiveness under pressure. I have seen on video that many were actually joking, and hamming in front of cameras during the crisis, maybe while people were drowning. A staffer, with a 2-way radio in hand, actually commanded passengers to "Go back to your cabins, everything is under control". I was still wondering why the crew wouldn't take action. They were obeying the captain, of course.

We gave up hope that these boats would be launched by these staffers. We decided to try going to the Portside, Deck 4. There, with baby Lilah, we were allowed by others to stand in front of a boat, still waiting. John had laced the strap of his life jacket through the sleeves of baby Lilah's pajamas (because she was still not provided with a preserver) in preparation to jump to the Sea to save our lives.

10:23 At this exact time, hopeless, I texted Katie (our daughter at home) a love note.

One hour from the rock, still the same story, no boat launches on this side of the Ship either. No action by the crew. I felt again like the crew is now going to kill us. Finally, the siren alert sounds at around 11:00pm. Really, 1 hour twenty minutes after it should have been sounded. The staff tells us that we can finally load our Lifeboat. Some of the crew helped, I helped others who were less able. Until this point, I saw relatively very little rude pushing from a small number of various people during the entire crisis. But then the Lifeboat was deemed full by the Crewman at the other gate. Now it began to get less courteous, more people wanted to push on. But, the boat was full, the crewman yelled at people on the deck, "This boat is full, there are more boats, go to them". He pointed sideways. I am standing with one foot on the ship, one

foot on the edge of the Lifeboat. I was thinking, definitely that I am going on the roof of my family's boat, I have helped around 50-80 people board, I am going with my family, one way or the other. They finally have the word to lower. Suddenly upon getting approval from someone on the radio, two crewmen started to hurry too quickly. I thought at that moment, they now seem to be rushing too fast. After standing with arms folded for an hour and a half, they now make a HUGE mistake. A man in uniform appeared, (older, 50-60 yrs old my guess) had the control box with the wire attached. He started to lower it crooked and stopped, for a moment. Then he dropped it rapidly, and it went, down, and tipped, and then wedged against the Ship's hull. I was now standing on the ledge of the Ship next to and now above the Lifeboat with my family and about one hundred others inside it, all crushed by gravity to one side of the tilted Lifeboat. A picture taken the next day is attached to these notes. Operator looked helpless and confused. I called to him to raise it, to un-jam it. He ignored me. Maybe he didn't speak English I thought. I motioned with my arms and hands in an upward motion and yelled again to raise it up. He did nothing. By now people were exiting the Lifeboat with great difficulty because of the angle. 15 seconds later I looked to the Controller. He was gone. In less than one minute, he abandoned over 100 passengers on the lifeboat that he crashed. I have never seen him again. Other staffers and some male passengers, and I evacuated all the people from our Lifeboat. It took about 25 minutes in total to get out of the wrecked Lifeboat. It was finally empty, and we were free to go.... on a sinking ship.

There were 2 other lifeboats remaining near us but were not usable. At this time, it seemed the boat was tilting to Starboard at more than 20 degrees. We decided as a family that we would have to try to make it to the low side of the ship to exit. We left Portside Deck 4, and entered the dark inside of the ship to cross to the Starboard Deck 4. While crossing this area the Ship listed a lot more at this exact time, because suddenly, we were knocked over by sliding white fiberglass storage containers, metal ashtrays, and furniture. I fell to the floor three times, the last time sliding out onto Deck 4 with Meghan, and we both crashed into the railing. I stood up and looked over the railing and saw that the sea level was close to Deck 3. It felt like the Ship was around 35 degree tilt by now, and very wet, and very difficult to move about. Optimistically, at this moment, I thought if we have to jump, we might not get killed when we hit the water. Jumping into the Sea to save our lives was now a possible option. I fell again trying simply to walk towards the Ship's door. I had to crawl to the Ship door because of the slippery steep slope, held the door handle, and then stood up. I reached back for Meghan's hand, and pulled her and myself into the doorway where the rest of the family had slid to. We decided to go down to Deck 3, but couldn't find a stairway. Fortunately, for us, John took the lead here, and through the darkness, he found a stairway leading down to level 3 and then a door out to Deck 3. There was some light on the decks. It is now almost 2 hours since hitting the rock.

We made it to Deck 3, I slid to the railing again, and pulled the rail gate locking pin, and opened the gates to the Sea in front of us. There was an empty Lifeboat nearby that had returned from the Island and miraculously it was driven alongside the tilted ship and some men helped me lash the lines to the railing. About 25 of us boarded onto the bobbing Lifeboat, and the Deck was empty at our railing. Someone untied the lines, and we headed towards the dock.

The driver struggled to move away from the ship because of all the hanging lines. At one point we were bound against a hanging line with a pulley on the end of it. I leveraged it away from the roof of the Lifeboat. We were moving. I thought we were home free. But, there were still more problems ahead. At 11:44pm exactly, somewhere between the Ship and the dock, from inside our second Lifeboat, a traumatized Nancy called Katelyn in Florida and got no answer. She left this message on Kate's Phone.

"Katie, it's mommy, our boat hit something.....and its tilting..... and our first life boat crashed, and now we're in another lifeboat....and I don't know which.....close to land, hopefully we'll get there,and I'll call you tomorrow,..... but I don't know where we are,..... we're out on the Mediterranean somewhere by Rome, and I'll call you as soon as I know some more.....bye.....I love you"

I was standing on a seat with my head above the roof on the side opening, looking forward. Two very young crew members were sitting on the centerline of the roof, blocking the vision of our driver. I called out to them to move, but, perhaps they did not speak English. Suddenly a Pilot Boat approached directly in our path, within 100 feet, and the driver of the Pilot Boat had to maneuver hard in reverse to miss us.

Our driver could not see where he was driving. Incredibly, we were almost involved in another (third) crash in two hours because a crewman was blocking the drivers view. At that point I reached over and pulled the young crew member over by me on the side of the roof so that our driver could navigate. Minutes later we were at the dock on Giglio Island! Over two hours after striking the rock.

There were hundreds of people. Our family rushed off the dock to get to land, as soon as possible. Almost immediately we came upon an ambulance that stopped and brought us, and another elderly couple directly to a small hospital, less than a minute away. A few minutes later, I looked out from Giglio and saw the Ship tilting around 75 degrees, Starboard Deck 3, our exit point, about 50 feet below sea level.

Mr. LOBIONDO. Ms. Brown, Mr. Cummings, anything else?

[No response.]

Mr. LOBIONDO. Mr. Farenthold? Nothing else.

Well, Admiral, thank you very much. This was, I think, extremely helpful, and as we proceed, I would just like to reemphasize a couple of things as we close off this first panel.

Mr. Mica had made the request that we have this hearing over the tragedy with the *Costa Concordia*, that we also use this opportunity as the admiral has pointed out. And I think we will hear, additionally, that the U.S. cruise industry has been very proactive with the Coast Guard, which we are going to look forward to following up on and highlight the realities Mr. Cummings and Mr. Brown, I think, amply did.

But to make sure that we don't have collateral damage with U.S. citizens with the cruise industry because of our safety record being so incredible, and that is due to the proactive nature of the Coast Guard and working with the industry, we will look forward to the results of the investigation, which as you said, Admiral, will I think give us more. But at this point I feel comfortable in saying, not being a lawyer and all the qualifications or qualifiers that need to go with this, every indication is that this was incredibly poor judgment on behalf of one individual mariner, at best.

At worst it is much more damning, and when you have somebody that exercised extremely poor judgment and lack of judgment, it is a very difficult problem to deal with. So, Admiral, we thank you for being here.

We will have a very brief adjournment as we can set up for the next panel.

Admiral SALERNO. Thank you, Mr. Chairman.

[Recess.]

Mr. LOBIONDO. The committee will return to order.

For a second panel we have Mr. Sameer and Mrs. Divya Sharma of Medford, Massachusetts. The Sharmas are survivors of the *Costa Concordia* and are here today to give us their firsthand account of what happened.

We welcome you both. We thank you for taking the time to share with us, and you are now recognized for whatever statements you would like to make.

TESTIMONY OF SAMEER AND DIVYA SHARMA, COSTA CONCORDIA SURVIVORS

Mr. SHARMA. Thank you, Mr. Chairman.

Mrs. SHARMA. Thank you, Mr. Chairman.

First of all, thank you for giving us the opportunity to come in here and present what we have to say. I would just start off saying that this was our fifth-year wedding anniversary trip, our first trip to Europe. We were very excited, and as Ms. Brown had said earlier, it is a very affordable way to travel. We had cruised before. So that kind of like helped us to make up our mind to take another cruise.

We boarded the *Costa Concordia* on Friday, January 13, 2012, from Civitavecchia, Italy, between 5:00 p.m. and 6:00 p.m. The first impression was the ship was huge and very beautiful. The boarding

process was fairly easy. Since we had one of the non-European passports we had to surrender our passports to the crewmembers.

After that we went to our room that was on the ninth deck. At this point we had had no communication regarding the emergency safety drill or any instructions from anyone from the crew telling us where to go in case of emergency. We were in full spirit of our vacation and were very happy to be on board.

Soon after getting situated, we started to unpack our luggage and started to get ready for our dinner reservation at 9:00 p.m. on the third deck. At about 9:15, we were at our dinner table on deck three and were in the process of ordering our food, and we had just ordered our appetizers. At that moment there was a violent shaking of the ship followed by loud crash noises as the plates and the glasses broke due to the listing of the ship towards the starboard side. Lights went out immediately, but there was no announcement as to what had happened. It was pitch dark with no visibility.

Everyone nearby started to scream, and a few minutes into the ordeal the emergency lights came on, and we observed that the ship is now listing on the port side. This is when the first announcement came on telling us that it was nothing but an electrical failure and that everything is under control. Crewmembers urged the passengers to remain calm and seated.

The staff started to bring out people's food as if nothing bad had happened. While the ship is still tilted, we saw a few crewmembers in our dining room break down crying and extremely panicked. When we glanced outside, we saw around five to seven crewmembers wearing life jackets, but still the announcements continued telling us to remain calm and seated, and the electric issue is being worked on and everything is under control.

Around 10:00 p.m., about 30 minutes into the situation, we are still in our dining room when my husband decided it is time for us to go and to at least get our life jackets from the room because at this point we have no idea if we do not have to go back to our room where else can we get our life jackets from. We had no knowledge from where we can get the life jackets otherwise. I had spotted the life jackets in the closets of the room since I was unpacking and putting our luggage away.

As we went out of the dining room, we were highly unbalanced due to the tilt, and there were water and wine and broken glass on the dining room floor. It was extremely hard for us to walk and maintain our balance.

Once outside, we were immediately unable to locate the stairs as we had taken the elevators to get on deck three. There were dim emergency lights indicating the stairs, and we climbed six floors to our room on deck nine to get to our room without guiding us in the dark. Somehow we did manage to get to our room holding the guard rails, very much exhausted and now panicked.

As we were getting to our room, there were constant announcements of the same message: ladies and gentlemen, everything is under control at this point, and it seems to be a generator failure. Please stay calm and wait for further instructions and be cooperative.

What caught our attention was that all the announcements were made on behalf of the captain, and never once did we hear the cap-

tain speak. However, there was a sense of panic in the announcer's voice that kept making the announcement. Finally we did manage to get our door unlocked using our card key after several failed attempts. The room had no light, and it was extremely dark. I stumbled upon a few things that had fallen on the floor. At that time my husband decided to stay in the middle of the door to keep it open and pushing the furniture back to make some room to get our life jackets.

The ship felt a little more tilted, and the room's furniture had shifted significantly. I knew where the life jackets were because I had just unpacked the luggage to arrange in the closets. Once we got the life jackets, we immediately got out of the room and spotted our stateroom attendant nearby. I at that moment asked the room attendant where are we supposed to go, and she replied in a very irritated tone, saying, "Madam, at this point there is no emergency. You do not need to go anywhere. Please stay here and wait for further instructions and for the emergency alarm to sound," which we had no idea how it would sound like.

As she started walking away and we asked her again in an emergency where are we supposed to meet, she replied at that point, "The muster stations are on deck four."

At this point we were still unaware what was the root cause of this ordeal. There were no emergency alarms going on, and the same announcement kept on repeating telling the passengers to remain calm and the electrical issue is under control.

While we are going to the deck four, we saw the crewmembers amongst us running around panicked, frustrated, and clueless. No one seemed to have any clear idea as to what they had to do in this situation or where they were supposed to send us. People seemed to direct themselves onto deck four and stood near any available lifeboat. As we were making our way to the deck four where the muster stations were, we located and saw a lot of people just sitting outside of their rooms waiting. People were also sitting on the stairs closer to deck four, but we went ahead and stood closer to a lifeboat.

At this point there were three or four crewmembers per lifeboat, and they were trying to keep the crowd away from the boats. Still there was no communication from their side as to when they would allow us to get on the lifeboat or what we are supposed to do.

The time by now is around 10:30 p.m., and one of the crewmembers came and practically gave us the same instructions this time, urging all of us to go back to our rooms and wait for further instructions and everything is under control. A few people did what was being asked for, but we decided to stand near the exit door near the lifeboat. By now it was really difficult to stand straight as the ship was listing towards the port violently.

At this point we decided amongst ourselves and located a rock where we could swim to in case they kept us waiting for any longer to get into the lifeboats. We tried asking a couple of crewmembers to tell us what had happened, and they simply shrugged their shoulders and went on. The lifeboat crew was equally clueless and kept waiting for further instructions from the captain that never came.

People started to panic and getting frustrated as the ship is tilting more by the minute. We were getting frustrated, aggravated, and the crowd was pushing and shoving against each other, still no sign of any emergency alarms or any evacuation instructions from the captain. Finally the lifeboat crew let us on as they saw the crowd getting enraged and out of control. There was no order of boarding the lifeboat, and everyone was shoving, pushing, and kicking to get onto the lifeboat.

At this point I would like to close it and pass the microphone off to my husband, Mr. Chairman.

Mr. SHARMA. So once on the lifeboat, people stand, stood, whatever they could do. Within 1 minute the boat was full with all the people, and now the lifeboat was overcrowded, and while the crewmembers were trying to disengage the boat from the ship, it would not happen, and at this point the crewmembers were asking people to get off the lifeboat because it is overcrowded. However, we did not see anybody at this point go to another lifeboat and risk it once finally when they got onto the lifeboat.

Once we are in there, in the lifeboat, that was the most scary part of all the tragedy for us. When the lifeboat was still stuck and followed by the banging noise of the hammers or hammer-like equipment they were trying to use to break off the ropes, and once the ropes broke off, a ripping noise came like something had ripped from the boat, and now we landed right into the water from the fourth floor.

We thought that now that we are onto the water at this point we will be able to at least get out if we have to because now we can see a rock nearby.

Once we were on the water, it was not immediately that the boat started to move because of the overweight of the boat. We started seeing the blue smoke coming out of the boat, and it was not moving at all. It was making almost like a circle as there was a current nearby that was caused by the ship. The boat is not moving at all, and now we are seeing a tall, gigantic building of this ship leaning on top of our boat.

At this point I asked my wife—who does not know how to swim—I said we have a life jacket. I am going to try to take this tarp off, and we are going to jump now because we are about 10 minutes into the boat that has not moved an inch and the ship is moving on top of us every single second.

So from this point as I am trying to lift the tarp in order to jump out of the lifeboat, I am unable to do that as instruction by the crewmember was to keep the tarp on while we were on the water, and a lot of people were working against or with me to pick up the tarp, but I was unable to do.

And soon after, inch by inch the boat started to move and finally we were able to get away from the cruise ship, and that is when we spotted nearby there was a lighthouse, and we were able to get out. One of the things I noticed while we were on the boat, the Coast Guard from Italy were also nearby, and that is what was giving us assurance in case we had to jump out and stay onto that rock nearby. Somebody would come and get us.

So we do thank the Coast Guard who were there, which we now learn that it was by the passengers who had called the Coast

Guard and not any member from the crew who had gone to the police or to the Coast Guard for help.

Once on the shore, confusion and chaos continued. It was not an end, and how we would keep while we were on the ground, we were thinking that we were being assured by the crewmember all the time how and under control electrical issue can cause this ship to sink. While on the ship there was not one instance where crewmember or anybody had mentioned that there was anything wrong other than the electrical issue. So we felt very betrayed, very much lied to at that point, which I and my wife who were celebrating our fifth-year wedding anniversary trusted these people with our lives, and they took that for granted and were not honest with us at any given point.

Thank you.

Mr. LOBIONDO. Well, that is a pretty compelling account of your experience. I had a number of questions, but your thoroughness of your statement, you have covered the questions that I had.

Mr. Larsen.

Mr. LARSEN. Thank you for your statement and your testimony. I am sorry about your experience.

Having nothing to do with it, I am embarrassed by what happened. It is shocking what happened.

Were you at any time informed by anyone that the vessel had struck a rock and was severely damaged, at any time?

Mrs. SHARMA. No, never.

Mr. LARSEN. Not at any time.

Mrs. SHARMA. Never. Actually the first time we got to know that a rock has struck was when we were in the U.S. Embassy the next day. That is when we saw the picture of the ship completely submerged in water with the rock sticking out.

Mr. LARSEN. A full 24 hours later about. At any time were you give any concise guidance about how to evacuate the ship, any time?

Mr. SHARMA. No, there was no time at all as long as we were on the ship or onto the lifeboat that what to do, whatever. It was always the time, the crucial time that they had on their hand, not one person from the crew or anybody had mentioned that, what had happened and what to do in an emergency.

Mr. LARSEN. Not even in embarkation, not even when things were calm and you were about to sit down to dinner or even before then?

Mrs. SHARMA. No.

Mr. SHARMA. No, nothing at all.

Mr. LARSEN. Mrs. Sharma, you noted in your testimony that you spotted life jackets, and you leave me with the impression that you were not actually told where the life jackets were, but you happened to see them in your closet.

Mrs. SHARMA. No. It was only because I was hanging one of his suits, and that was the only closet that did not have any shelves. It was easy for me to hang it in. That is when I ended up spotting the life jackets. They did not tell us where they were, but that is where, when I opened the closet and I saw the orange jackets there.

Mr. SHARMA. And I had no idea where the life jackets were. Only she knew where the life jackets were.

Mr. LARSEN. On the outside, the Italian coast guard, it sounds like from your perspective, a good response from the Italian coast guard once they knew about it?

Mr. SHARMA. Yes.

Mr. LARSEN. Yes, yes. Well, again, I am glad you are here to give us your first-hand experience. I am sorry for your experience, but thank you very much for coming.

Thank you, Mr. Chairman.

Mr. SHARMA. Thank you.

Mr. LOBIONDO. Mr. Guinta.

Mr. GUINTA. Thank you very much, Mr. Chairman.

And thank you for being here to account to what occurred, and again, I am sorry that both of you had to go through this as well as every member on that ship.

A couple of quick questions that I have. Was this your first cruise ship or did you have experiences in other cruises?

Mrs. SHARMA. This was our second cruise, but this was our first transatlantic cruise.

Mr. GUINTA. So were there any differences between the one you took before and this one in terms of safety procedures?

Mrs. SHARMA. Absolutely. The one that we took before we were explained. We went through the security drill. They told us that in case of emergency do not go back to your room. They showed us where the life jackets were on the muster station. They also made us go through the entire drill how we are supposed to get onto the lifeboat, what is the protocol. So we felt very safe in our first cruise.

Mr. GUINTA. An did that happen for this cruise?

Mrs. SHARMA. No. At no given point were we told where the muster stations were, what we are supposed to do, who we are supposed to contact. I mean, luckily we do not have any kids. I am grateful we do not because a lot of times the kids are separate from the parents. So, I mean, we had no information what to do.

Mr. GUINTA. Is it fair to say that you feel you were not properly communicated to regarding safety requirements and standards on the ship while you were on the ship?

Mrs. SHARMA. Correct.

Mr. GUINTA. And then can you just talk a little bit about—I am trying to understand what was communicated to you while you were on the ship versus what was communicated to you after you vacated and once you were in safe ground. Were the two different in terms of what was occurring?

Mr. SHARMA. So at any point while we were on the ship the crewmembers kept waiting for some announcement nearby the speaker, which never came from the captain, and only time they let us onto the boat because now people were very enraged and very angry as the ship had tilted enough, and at every point we were told that it is an electric issue and everything is under control, and we do not have to get off the boat at this point.

Mr. GUINTA. So this is coming from either the crew or the staff on the ship?

Mrs. SHARMA. Yes, it was somebody on behalf of the captain.

Mr. GUINTA. On behalf of the captain.

Mrs. SHARMA. On behalf of the captain.

Mr. GUINTA. And how long was that type of message communicated to you and other customers on the ship? For what length of time?

Mr. SHARMA. So from 9:30 to 10:54. While we were on that lifeboat, the same message was being presented to us. The only reason I know the specific times is because I had taken a few photos, and I go back. They had recorded the timing on those pictures.

Mr. GUINTA. And the final question I have is can you convey to this panel when you were first notified or aware of actual damage that occurred. Were you on the ship or was it when you were off the ship?

Mrs. SHARMA. When we were off the ship.

Mr. GUINTA. You were off.

Mrs. SHARMA. And as I said before, the first time, I guess, we got to see the length of damage and what actually had happened or even that the captain was not on the ship was when we were in the U.S. embassy getting our emergency passports. That is when we came to know that the reason why the announcements were made on behalf of the captain was because the captain was not there.

Mr. GUINTA. And then one final question. Since the completion of this tragedy, how has the company handled communicating with you? What have they offered you? Have they compensated you? Have they refunded your trip? What kind of experience have you had since?

Mr. SHARMA. So we had made a lot of independent plan beyond this cruise ship for our vacation. So immediately the cruise line has refunded us for what was charged by them, and they had requested us to send other charges that had occurred and they will be refunding that as well. So the communication, all the communication happened via mail.

Mr. GUINTA. OK. Well, thank you again for coming and testifying and sharing with us your experience, and again, my apologies to you.

Mrs. SHARMA. Thank you.

Mr. LoBIONDO. Ms. Brown.

Ms. BROWN. First of all, thank you so very much for coming.

This is truly a teachable moment because everything you are saying is what it is that went wrong and how we can improve because from step one throughout the entire process everything absolutely was not handled properly.

Did you all embark there or some other place? Because I understand this was not the first sailing. So had you just entered the ship?

Mrs. SHARMA. Yes. This was our first day. That was another thing that we noticed when we were onboard. We got outside our room and like all the other people, they had some paperwork in their mailbox, and my husband happened to ask our stateroom attendant what is going on. Why do they have the paper and why we do not?

And she said that it is because it is a nonstop cruise. So for the people who are in the other room, it is their last day and they are

disembarking in Savona, but since you embarked at Civitavecchia, this is your first day.

Mr. SHARMA. And we were in 4 hours of our cruise. So we had just gotten onto the cruise that day.

Ms. BROWN. Yes. You got on around dinnertime.

Mr. SHARMA. Yes.

Ms. BROWN. But I understand the new procedure is that regardless, before they sail, they will give you the safety information.

You know, this is really like I said, step one, two and three. We need to record everything that happened to make sure that it never absolutely happens again. I am so happy for your safety and coming here to enlighten us as to what happened step by step.

You know, I have heard so many different stories, but there is no excuse that the captain was not there, that he did not up his responsibility. I understand he was dining, but obviously you did not see him at dinner.

Mrs. SHARMA. No, we did not.

Ms. BROWN. He was not at the captain's table.

Mrs. SHARMA. No.

Ms. BROWN. I am trying to make a little joke of it, but it is no joke.

Mrs. SHARMA. Yes.

Ms. BROWN. I mean, clearly, if you are the captain of a ship, you have a responsibility to make sure your passengers are safe. But you know, it goes back to this is one person. I cannot imagine anyone responding in that mannerism.

And so I am happy that you all are safe, and thank you so much for coming.

And I yield back the balance of my time.

Mr. LOBIONDO. Mr. Cummings.

Mr. CUMMINGS. Thank you very much, Mr. Chairman.

I agree with Ms. Brown that this is, indeed, a teachable moment, and I, too, am sorry that this happened to you. This fifth anniversary, was it fifth?

Mrs. SHARMA. It was the fifth.

Mr. CUMMINGS. Wedding anniversary?

Mrs. SHARMA. Yes.

Mr. CUMMINGS. I hope you do not mind me saying congratulations.

Mrs. SHARMA. Thank you.

Mr. CUMMINGS. I am sorry you had to go through this hell, and hopefully nothing like this will ever happen again.

But going back to the teachable moment, I know you have thought about this, and I want to thank you for your testimony. It was very, very clear. But when you look back, are there things? You said that you have been on cruises before, I think you said, and you got some kind of information about safety. There is going to be some testimony later on, and you may be already aware of this, that on February 9th, 2012, CLIA members instituted a new passenger muster policy requiring mandatory muster drills for embarking passengers prior to the departure from port, and this is a new policy which exceeds existing legal requirements.

But to those people from the cruise industry that might be in the room, what would you like to make sure is in that drill? In other

words, just like when you get on the airplane and they tell you how to fasten your seatbelt and all that kind of thing, but what would you want? I mean, having had this experience, and none of us probably except some of the people that may have been on the ship with you all have gone through this type of experience.

Looking back on it, what kind of information would you have loved to have seen or have heard when you got on the ship?

Mrs. SHARMA. So the first thing that we would have liked to have seen is getting some kind of information, just even if it is the basic information, because in our previous cruise while we were signing in, they were telling us please proceed to this deck. This is where the security drill is going to be. And as soon as you hear "security" because personally, when we went onto this cruise we trusted the crewmembers and the captain that they know what they are doing. Nobody deserves to die on their vacation, let alone go through all of this trouble. But we would have really loved to see some kind of assurance or some kind of direction saying, you know, where the life jackets are, where the lifeboats are, who is supposed to do who.

Like you know, in our previous experience they had somebody responsible for Group A, somebody responsible for Group B. So we knew who to contact in terms of emergency, and they were supposed to stand there. So something like that would have been really nice to see.

Language was another barrier that we felt there. The majority of the crewmembers, they did not speak English or had difficulty in communicating. So that made it a little more frustrating because we had to wait for somebody to translate it into English, and once the information passes from one person to the other, it changes. It starts to change. I think that also added to the aggravation and confusion at *Costa Concordia*.

Mr. SHARMA. And a lot of times we tried to find people who spoke English and other languages when the announcement was being made to let us know what was the message. So we relied on like third parties to tell us what was happening.

So like Divya said, the life jacket location would have been very nice because I actually had no idea. If it was not for our teamwork that she knew where the life jacket were, and we would not have had to go all the way from the third deck to ninth deck to just get our life jackets. That was a lot of time and a lot of energy wasted, and then coming down on fourth deck again just for the sake of a life jacket.

We did not care at that point for any other luggage or any other things that were in the room to leave behind. It was only for the sake of the life jacket that we had to go up there.

Mr. CUMMINGS. Let me ask you this. You said that you had had contact with the crew folks, and I think I understood you to say they compensated you for certain losses that you may have sustained; is that right?

Mr. SHARMA. So directly for what we paid for the cruise alone. So we had made our separate arrangements to get to the port, stay in a hotel, book our flights separately, which was not done with the Costa, which was done with other companies that we flew with. So the only thing that they refunded immediately was the charge on the credit card from *Costa Concordia*.

Mr. CUMMINGS. And to your knowledge, just in another minute, Mr. Chairman, to your knowledge, have you now released them from any further liability or have you been paid up to a certain point and then if there are other—in other words, if you had other expenses or you wanted to claim any kind of damages, have you signed anything that says the company is no longer liable?

Mrs. SHARMA. No. No, we have not at this point.

Mr. SHARMA. No, we have not.

Mrs. SHARMA. Because we still haven't—they did send us a claim form for all the things that we had lost in our cabin, but we have not signed anything that releases them for further liabilities, no.

Mr. SHARMA. And also they had mentioned in one of their letters that they will try to recover our belongings and get back to us. At this point they would like to know the estimate of the valuables that we have left behind in case they are unable to get those to us.

Mr. CUMMINGS. I have got to ask you this. Would you take a cruise again?

Mrs. SHARMA. Not in the near future, no.

Mr. CUMMINGS. No?

Mrs. SHARMA. No.

Mr. CUMMINGS. Thank you very much.

Mrs. SHARMA. Thank you.

Mr. LOBIONDO. Ms. Brown, anything else?

Ms. BROWN. I yield back my time.

Mr. LOBIONDO. Mr. Larsen.

Mr. LARSEN. No, thank you.

Mr. LOBIONDO. Well, Mr. and Mrs. Sharma, thank you. Thank you very much for being here. It was very thorough, very compelling, and I am sure very difficult. But it helps us to piece together what our mandate was for getting a complete picture here. At least from my standpoint and, I think, from my colleagues, it again points to one individual whose incredible lack or loss of judgment has resulted in a lot of anguish and much worse for some others. So we believe we will be following up with the investigation as it continues, but your being here today was extremely helpful. We thank you very much.

We do not have any more questions. We are now going to take a brief adjournment to go to our third panel.

Mrs. SHARMA. Thank you.

Mr. LOBIONDO. Thank you.

[Recess.]

Mr. LOBIONDO. We will come back to order and recognize our third witness panel. First is Ms. Christine Duffy, who is president and CEO of the Cruise Lines International Association. Ms. Duffy is accompanied by the association's executive director, vice president Michael Crye.

Also on the panel is Mr. George Wright, the senior vice president for marine operations at Princess Cruises. Mr. Wright is accompanied by Ms. Vicky Rey, vice president of guest services at Carnival Cruise Lines.

Next is Captain Evans Hoyt, who is the captain of the Norwegian Cruise Lines' *Pride of America*, the only U.S.-flagged, high-capacity cruise vessel currently in operation.

And our final witness is Mr. Brian Schoeneman, who is the legislative director for the Seafarers International Union.

We thank you for being here. We welcome you. Ms. Duffy, you are free to proceed.

TESTIMONY OF CHRISTINE DUFFY, PRESIDENT AND CEO, CRUISE LINES INTERNATIONAL ASSOCIATION, ACCOMPANIED BY MICHAEL CRYE, EXECUTIVE VICE PRESIDENT, CRUISE LINES INTERNATIONAL ASSOCIATION; CAPTAIN GEORGE WRIGHT, SENIOR VICE PRESIDENT, MARINE OPERATIONS, PRINCESS CRUISES, ACCOMPANIED BY VICKY REY, VICE PRESIDENT, GUEST SERVICES AND SUPPORT, CAR-NIVAL CRUISE LINES; CAPTAIN EVANS HOYT, MASTER OF NORWEGIAN SPIRIT AND PRIDE OF AMERICA, NORWEGIAN CRUISE LINES; AND BRIAN W. SCHOENEMAN, LEGISLATIVE DIRECTOR, SEAFARERS INTERNATIONAL UNION

Ms. DUFFY. Thank you, Mr. Chairman. Chairman LoBiondo, Ranking Member Larsen, members of the subcommittee, thank you for inviting me to testify today.

My name is Christine Duffy. I am president and CEO of Cruise Lines International Association, also known as CLIA. Sitting with me today is Michael Crye, executive vice president of technical and regulatory affairs and CLIA. Michael is a retired captain who served 24 years in the Coast Guard.

Before I begin my remarks, let me just state also that the cruise industry and CLIA work very closely with and depend upon the Coast Guard, and we wish to express our condolences for the loss that they had last evening.

I also want to acknowledge and express our apologies and thanks to Mr. and Mrs. Sharma who appeared today and testified to tell their story and their experience.

I would certainly prefer to be with you today under very different circumstances. The *Concordia* incident has had a profound impact on our entire industry, and I speak for all of our cruise line members in expressing our deepest condolences to everyone that has been affected by this tragedy. As an industry, we are wholly committed to examining what happened, identifying lessons that can be learned, and to working with governments and regulators to insure that recommended measures are adopted.

My remarks today will not focus on speculation over the causes of the *Concordia* incident. There are ongoing investigations by Italian maritime and law enforcement authorities, and we hope to have their conclusions as soon as possible.

CLIA represents 26 major cruise lines serving North America and also serves more than 16,000 affiliated travel agents and agencies across the United States. Last year our member lines, 211 ships, served 16.3 million passengers, up from 7.2 million in the year 2000.

Safety is this industry's number one priority. It is absolutely essential to our business. Nothing is more important than that. Every aspect of the cruise experience is heavily regulated and monitored under both U.S. and international maritime law. A United Nations agency, the International Maritime Organization, or IMO,

mandates global standards for the safety and the operation of cruise ships.

The most important of these standards are detailed in the International Convention for the Safety of Life at Sea, or SOLAS, which provides the uniform worldwide set of mandates regarding safety equipment, crew training, evacuation, and emergency procedures and navigation safety standards.

A vital part of SOLAS is the international safety management code, which assigns safety responsibilities and procedures so that every member of the onboard crew and cruise lines understands and is trained in his or her precise responsibilities, especially in the event of an emergency. The stringent standards embodied by the International Maritime Organization, SOLAS, and the ISM code have multiple layers of enforcement at the international, flag state, and port state level.

In the United States, as we heard earlier, the U.S. Coast Guard enforces all maritime regulatory requirements through the announced and unannounced inspections and a rigorous annual inspection of every ship that embarks passengers in the United States. At any time the local coast guard captain of a port can prevent any cruise ship from departing if a serious violation of any regulation is found.

Because of the cruise industry's commitment to safety, supported by strict regulations and vigorous enforcement mechanisms, cruising is, as we heard from Vice Admiral Salerno, one of the very safest forms of recreational travel in the world. In the decade prior to the grounding of the *Concordia*, there were a total of 28 fatalities on cruise ships related to operational casualty out of 223 million passengers and crew who sailed during those years. Twenty-two of those fatalities involved crewmembers, and six involved passengers.

Now, let me be very clear. Not a single fatality is acceptable to our industry, and we have and we will continue to work hard to prevent such incidents. We treat every one of these tragedies as a profound reminder of our duty to continuously improve our practices, procedures, and performance.

The *Concordia* incident is no different. Almost immediately following the accident CLIA member cruise lines launched a cruise industry operational safety review, which is a comprehensive assessment of the critical human factors and operational aspects of maritime safety. This review is underway and will allow our cruise line members to share best practices on operational safety procedures, consulting with independent experts and collaborating closely with governments and regulatory bodies to implement necessary changes to enhance safety.

I am pleased to report that on February 9th, CLIA members instituted the very first of these recommendations, announcing the new muster policy requiring that mandatory muster drills for embarking passengers be conducted prior to departure from port. This new policy, which has been undertaken voluntarily by CLIA members both here and abroad, exceeds existing legal requirements and became effective immediately.

As additional best practices emerge from our review, recommendations will be made on an ongoing basis. This continues a

long tradition in our industry to focus on continuous improvements to proactively improve safety procedures.

The cruise industry also has a strong record of working with Congress to initiate and enact new laws that are dedicated to advancing passenger safety. CLIA worked with many members of this subcommittee to assist in the development and enactment of the Cruise Vessel Security and Safety Act in July of 2010, bringing consistency and clarity to the security and safety regulations for the cruise industry in the United States.

CLIA member cruise lines are already in compliance with all effective provisions, including required crime reporting and logging, the use of latch and computerized key technology, maintenance of 42-inch rail heights in all passenger areas, and peep holes in all cabins. We will continue to work with law enforcement agencies both in the United States and around the world to ensure that all of the bill's provisions are fully implemented.

Thank you again for the opportunity to provide this testimony and for us to detail the substantial oversight and accountability of cruise lines both in the United States and internationally. We remain fully and deeply committed to continuous enhancement of our guests and crewmembers, as it is without question our most important priority.

I look forward to responding to your questions. Thank you.

Mr. LOBIONDO. Thank you, Ms. Duffy.

Mr. Wright, you are recognized.

Mr. WRIGHT. Mr. Chairman, Ranking Member Larsen, and members of the subcommittee, my name is George Wright. I am the senior vice president for marine operations for Princess Cruises, which is a subsidiary of the Carnival Corporation.

On behalf of the entire Carnival family I want to say first of all that we are all deeply saddened by this tragic accident involving the *Costa Concordia*. Our thoughts and our hearts are with the passengers, the crew, and their families.

The safety of our passengers and crew are our top priority, and every day we strive to achieve high levels of safety, and we are committed to intensifying this effort as much as we can.

Prior to joining Princess Cruises, I served in the Coast Guard for 27 years, retiring in the rank of captain. My last assignment was the Coast Guard Captain of the Port, Los Angeles-Long Beach, and we were responsible for all Coast Guard operations in southern California. My duties varied widely from field operations to headquarters, including serving as a member on the U.S. delegation to the International Maritime Organization where we were committed to efforts to emphasize and focus on the role of the human element in preventing maritime casualties through the Coast Guard's Prevention through People Program.

My focus at Princess is to lead a team to provide safe, secure, and environmentally sound operations in compliance with the rules and regulations of the IMO, the United States, and other countries as well as with local, State, and regional requirements. We accomplish this through the establishment of policies and procedures that meet or exceed national and international requirements and through training, audits and inspections, both internal and external.

With respect to verifying compliance externally, the Coast Guard as the port state control authority in the United States can board and inspect our ships at any time. Regular Coast Guard inspections are conducted on cruise ships operating out of U.S. ports at least twice a year.

Training is an integral part of safety, and we have strict standards for the qualifications of our captains and our deck officers, which include formal training and years and years of experience. Prior to being hired, our deck officers must be licensed to perform the functions required for their level of responsibility onboard. Officers and crewmembers undergo regular safety and emergency training.

Our crewmembers focus on the mission of safe and secure and environmentally sound operations every day. Every crewmember is given a safety briefing and instruction as to their emergency duties based on their specific position on board when they sign onto the ship. They also participate in onboard safety drills, including fire and abandon ship drills, and attend at least one fire and abandon ship drill every month.

Specific lifesaving and firefighting training is also provided in either shore-based or shipboard programs. We regularly inspect our lifesaving and other safety equipment, including lifeboats and life jackets to insure they are available and always in good working condition. Educating passengers regarding safety procedures is equally important.

Regarding musters, CLIA announced a new muster policy, voluntarily adopted by all member lines, including Princess Cruises, which exceeds international requirements by calling for a mandatory muster of all embarking passengers prior to departing from port. During these musters key emergency procedures and where to go in case of an emergency are explained to the passengers.

And finally, the Carnival group of companies have engaged outside industry leading experts in the fields of emergency response, training, and implementation to conduct an audit of all of the company's emergency response and safety procedures, and to conduct a thorough review of the *Concordia* accident. This company-wide initiative will identify lessons learned and best practices to further ensure the security and safety of all of our passengers and crew.

We are committed to taking the results of the internal audit and providing the recommendations to the industry-wide operational safety review so that the entire cruise industry can benefit from our learnings.

I appreciate the opportunity to appear before the subcommittee today and look forward to answering any questions you may have for me.

Thank you.

Mr. LoBiondo. Thank you, Mr. Wright.

Captain Hoyt, you are now recognized.

Captain HOYT. Chairman LoBiondo, Ranking Member Larsen, honorable members of the subcommittee, before I begin my formal statement, I would like to give my condolences to those members of the U.S. Coast Guard who we have lost and also all those who have lost loved ones or who have suffered loss on the *Costa Concordia*.

My name is Evans Hoyt, and I currently serve as captain of Norwegian Cruise Lines' *Pride of America* and have more than 30 years of seafaring experience. I am pleased to testify before you this morning on behalf of the entire cruise industry. All of us in the cruise industry appreciate the time and consideration you are applying to this important issue, and we particularly appreciate you giving us this opportunity to appear before you and address your concerns.

While I am unable to provide specific information or speculate on the causes of the *Concordia* incident, I can provide the subcommittee expert opinion on the training of cruise ship captains, ship oversight, and emergency preparedness.

I am a captain for Norwegian Cruise Lines which operates both foreign-flag ships and a U.S.-flag ship. I have commanded four of Norwegian's cruise ships since 2005 and have served as master in the U.S. and international fleet. Prior to joining Norwegian Cruise Lines I served as captain of the SS Cape Island for the U.S. Maritime Administration, conducting voyages in the Persian Gulf carrying military cargo and personnel in support of Operation Iraqi Freedom.

I graduated from the U.S. Merchant Marine Academy at Kings Point in 1982, earned my Master Mariner's license in 1988, taking my first deep sea command in 1990.

As the captain, the master in command of a cruise ship, my highest priority is the safety of the passengers and crewmembers. I take into account every factor possible in determining the best course of action to insure the safety of my passengers and crew.

The cruise industry is a heavily regulated industry with strong enforcement mechanisms. The International Maritime Organization mandates global standards for the safety and operation of cruise ships through adoption of treaties, regulations and regulations. The most important of these treaties is the International Convention for the Safety of Life at Sea, ratified by the United States and most other nations. SOLAS provides comprehensive mandates on safety equipment, safety procedures, and emergency preparedness.

The laws governing the operation of cruise ships, whether they are U.S.- or foreign-flag are comprehensive and stringent. Onboard operations are prescribed by an established mandatory safety management system which outlines shipboard and crew procedures necessary to prepare and respond to emergency situations.

Written procedures for emergency preparedness, response to potential emergency situations, and an established program for shipboard personnel drills and exercises are required. These SMS procedures must be fully documented, and are subject to both internal and external audits by a comprehensive network of maritime experts from the flag state and shipping classifications' societies.

The U.S. Coast Guard conducts oversight of cruise ship operations through its flag state regulatory program for U.S. flag vessels and its port state control program for non-U.S.-flag vessels. The Coast Guard conducts annual inspections and regularly re-inspects all cruise ships that embark passengers in U.S. ports. All seafarers, including captains and bridge officers, must be trained in accordance with the stringent IMO standards. The training of

cruise ship officers and crew sets some of the highest standards in the maritime industry.

While cruise ships remain an extremely safe form of transportation, we as captains train for worst case situations with the safety of passengers and crew given the highest priority.

Another critical part of a captain's duties and responsibilities is the management of the bridge team or bridge resource management. Bridge resource management is a process by which all members of the bridge team coordinate expertise and maximize effectiveness of onboard systems and procedures during critical operations to enhance navigational safety.

Additionally, all crewmembers receive training in emergency procedures, safety, security, and first aid. This training ensures the crewmember is familiar with the emergency operations and location of emergency equipment on that particular ship.

Crewmembers are also required to participate in emergency drills. This training includes a mock search and rescue of passengers trapped in their staterooms. Safety in Life at Sea also addresses recordkeeping for these drills and training sessions.

The cruise industry and entire maritime community is constantly reviewing and enhancing the operations and safety practices of ships in any way that can improve the safety and security of both passengers and crew. The cruise industry also operates to individual standards that are above the requirements of all agencies that regulate the industry.

I again want to thank the subcommittee for the opportunity to testify this morning on behalf of the cruise industry and cruise ship captains. The cruise industry is committed to providing a safe and secure environment for everyone onboard our ships. Put simply, the well-being of our passengers and crewmembers is and will remain our highest priority.

I would be pleased to answer any additional questions the subcommittee might have regarding these topics. Thank you.

Mr. LOBIONDO. Thank you, Captain Hoyt. I am certain we will have some questions for you.

Mr. Schoeneman.

Mr. SCHOENEMAN. Thank you, Mr. Chairman.

Good afternoon, Mr. Chairman and Ranking Member Larsen, members of the subcommittee. My name is Brian Schoeneman, and I am the legislative director for the Seafarers International Union of North America. We represent unlicensed merchant mariners in a variety of capacities in both the domestic and international trades, including the cruise industry.

On behalf of President Mike Sacco of the SIU and all of our members, we want to thank you for conducting this hearing and for all of your continued support of the United States Merchant Marines.

The *Costa Concordia* accident has highlighted the critical need for qualified mariners and well trained crewmembers onboard cruise ships. It is especially important given that the vast majority of the shipboard personnel on cruise ships are hospitality staff, not mariners, that all crewmembers are well trained. In situations where every second counts, training makes all the difference.

Training has been a key benefit to SIU membership since our founding in 1983. Our training center, the Paul Hall Center for Maritime Training and Education, has been training mariners for almost half a century, and since its founding, the center has trained over 185,000 students and issued more than 250,000 safety and continuing education certificates to mariners. We have been training cruise ship personnel since 1978.

We were proud to be a part of Norwegian Cruise Lines' America's Reestablishment of the American Flag Cruise Industry in 2005, and our members currently sail alongside Captain Hoyt on the *Pride of America*.

In order to assist in the training of cruise ship personnel for NCL, we opened a new, state-of-the-art training facility at Barber's Point in Hawaii. The facility provides basic safety and cruise ship center training to meet the needs of our U.S.-flag fleet and the increased demand for mariners in the Hawaiian trades. Since opening, we have trained over 4,000 crewmembers and have provided training to outside groups, including the Hawaiian National Guard.

All of our training programs are designed to comply with the SOLAS requirements that were discussed earlier, the standards of training certification and watch keeping currently proved by the IMO, and all Coast Guard regulations. The specifics of our course curricula are available in my written testimony.

At the end of the day, when it comes to training, all of our crewmembers, mariner and non-mariner alike, must know what to do in the event of an emergency not simply because they must do so under the law, but because so many lives depend upon their training and professionalism. And while we are confident that we provide the best training the world and that the Coast Guard is there to insure that our mariners have met all their legal requirements, we are less confident of this when it comes to vessels that are sailing under flags of convenience.

We believe that the proliferation of the use of FOCs, especially in the cruise industry, creates a growing concern for safety. Today the vast majority of cruise ships calling on U.S. ports are sailing under the Bahaman, Panama, or Bermudan flags of convenience, among others.

Now, to be clear, the issue is not whether proper standards for crewmember training are available internationally. We feel that SOLAS and STCW requirements are generally adequate so long as they are complied with. With the continued concern over fraudulent mariner documents and a world economic crisis that has put millions out of work, it is critical we know that the mariner who reports for duty is who she says she is, and that the documents she is providing is what it purports to be.

That is best done under a system with strong flag state control, as we have in the United States, as Admiral Salerno made clear this morning.

We are also concerned with the issue of communication between crewmembers and passengers. While this is not an issue on U.S.-flag vessels where most of the crew are American and speak English, on ships documented under an FOC, the crew is often of various nationalities and often do not speak the same language. Even onboard the *Costa Concordia*, which was an Italian-flag ship

not under an FOC, there were crewmembers from over 40 nationalities, and as our individuals who were onboard the vessel have testified this morning, there were issues with communication and a language barrier onboard that ship that contributed to some of the issues that were found there. We find it hard to believe, but breakdowns in communications in a crisis, they are simply going to be inevitable.

Now, while crew training and communication are important, we believe that in best order to protect the passengers, the passengers themselves must feel confident that they know what to do in the event of an emergency, and that is why we strongly support the new emergency drill policy that CLIA has adopted that has been spoken of multiple times here this morning.

This policy now requires mandatory musters for all embarking passengers prior to departure from a port, and as current law notes, that is not the case under IMO regulations. They simply require within 24 hours of embarkation a muster drill.

As the *Costa Concordia* accident has proven, this is simply not good enough. Accidents can happen at any time, and passengers must understand what to do in an emergency even before the ship gets underway. That is just common sense.

In conclusion, as we all work together to avoid accidents like the *Costa Concordia*, we must always remember that the best way to protect passengers and respond to an emergency is to insure that crewmembers are well trained and professional and passengers and crew alike know what to do in an emergency. Training saves lives. It is that simple.

Thank you for allowing us to testify today, and I would be happy to answer any questions you may have.

Mr. LOBIONDO. Thank you very much.

Captain Hoyt, I would like to start with you, and I thank you again for being here and your testimony. I do not believe we have been acquainted before today, but I come away with the distinct impression that if you had been the captain of the *Costa Concordia*, we would not be having this hearing today.

So I believe you heard Mr. and Mrs. Sharma's testimony.

Captain HOYT. Yes, sir.

Mr. LOBIONDO. Could you walk us through if you were a captain, and you are captain of *Pride of America*, or a ship that had an unforeseen accident how after the accident you would have handled that situation or you would have instructed the crew to handle that situation?

Captain HOYT. Well, I would not want to comment on the actual *Costa Concordia* accident.

Mr. LOBIONDO. We will do a hypothetical.

Captain HOYT. In the event of an accident, we have the processes and procedures in place to put out general alarm at the moment where you need to bring passengers to muster stations.

Mr. LOBIONDO. OK. I understand with the nature of the investigation you probably cannot go there.

Can you say as captain of the *Pride of America*, would you have turned off the track for any reason in that similar situation?

Captain HOYT. I do not see a situation where we would put ourselves into a similar situation as that, no, sir.

Mr. LOBIONDO. I think probably the balance of the questions would be a problem for you. I do not want to put you in that situation.

Ms. Duffy, if we could turn to you, have you made or do you plan to make other policy changes in response to this accident?

Ms. DUFFY. As I mentioned, we announced the operational safety review almost immediately following the *Concordia* incident. We are working through a process with our member lines, who are also conducting internal reviews, which is also required whenever there is an incident like this under the safety management code. So this review will have several different phases that it will go through, and there will be, we anticipate, other best practices and lessons learned that we will be able to implement and communicate particularly as the Italian authorities complete the ongoing investigation.

Mr. LOBIONDO. Does the association have a model policy on the abandoned ship policy?

And if so, have your members adopted these policies?

Ms. DUFFY. The association sits at the International Maritime Organization as the nongovernmental organization and with all of our members follows the regulations that are in place under the SOLAS, which was discussed, as well as the international safety management code and all of the crew training and emergency preparedness that is required of our members.

Mr. LOBIONDO. So in light of all this, have you gone back and reviewed crew training on all of your ships since the accident?

Ms. DUFFY. That is one of the areas under the operational safety review particularly focused on human factors, which will include crew training.

Mr. LOBIONDO. Thank you.

Mr. Schoeneman, can you tell us what the difference is between training aboard a U.S.-flag cruise vessel and a foreign vessel operating in compliance with training standards?

Mr. SCHOENEMAN. Sure. At least under our situation, we make sure that all of the members of the Seafarers receive the same training that qualifies them to sail both on a U.S.-flag vessel as well as on a foreign-flag ship.

In general, the requirements are fairly similar. STCW and SOLAS requirements match what the Coast Guard requires for our members. All of our crewmembers on board U.S.-flag vessels, not simply the mariners, but also the hospitality staff, are required to take a number of course in addition to the standard basic life safety training, which provides firefighter training, personal survival training. They also get training on how to handle crowd management as well as human behavior in an emergency. So the folks at least are given the basic training to be able to direct passengers to their muster stations, get them on board their life crafts, and get those life crafts off the ship in a timely fashion.

Some of our members are also given specific training on survival craft operations. We have a 37-hour course that trains members to do that.

Mr. LOBIONDO. Excuse me. How many hours?

Mr. SCHOENEMAN. Thirty-seven hour.

Mr. LOBIONDO. OK.

Mr. SCHOENEMAN. And we also have training for search and rescue onboard the vessel, as well as for folks who are responding. We have got a very good track record. Members of our union have responded in a number of emergency situations, not simply on cruise ships but also whenever there has been a need to get folks off of objects very quickly. In particular, I would highlight the committee recognizing that our members were the first on scene for the Miracle of the Hudson in New York when the airliner landed in the Hudson. Members of the SIU onboard ships in the Hudson River were able to take the crew folks off that passenger airliner very quickly. It is part of the training that all of our members are given, and we are very proud of what they have been able to accomplish.

Mr. LOBIONDO. Thank you.

Mr. Larsen.

Mr. LARSEN. Thank you, Mr. Chairman.

I do not know why it was so ingrained in me. I could have been watching a lot of television, but this pop culture phrase certainly that was ingrained in me growing up was that the captain goes down with the ship. It is like the ultimate responsibility, you know, goes with the person in charge of the ship, and that lesson, you can apply that anywhere. Somebody has to be responsible when something is underway.

I think that is why for U.S. viewers of news on this particular case, we are in such shock hearing about stories of this particular captain. It just runs counter to sort of everything that many of us just grew up learning, and so that is one of the reasons why we are here today, to try to understand not just what is behind that idea, but you know, what you all do on a cruise vessel to ensure that the responsibility is distributed and folks know what their jobs are. Ultimately, there is one person who knows what every job is, and that is the captain, but everyone else is supposed to do that job and this still gets into the question of training and so on that the Chairman has been asking about.

So a couple of questions on that point about the responsibility on the ship. Captain Hoyt, the cruise line industry, I think, under SOLAS has to effectually evacuate people within 30 minutes from a ship under SOLAS, as I understand. How does that happen? How do you train for that? How do you do that?

Captain HOYT. The training is constant and ongoing. I mean, the keys of it are the weekly trainings that we have, the all hands crew training in which we launch boats and have scenario-based training.

In addition to that there is constant training going on throughout the month. Every day there is classes going on for one team or another that is part of the evacuation process, and it is through training and drilling that you are able to accomplish that mission.

Mr. LARSEN. Does training take place while you are underway with the crew that is on the ship?

Captain HOYT. Yes, sir. It is ongoing throughout, throughout the operation.

Mr. LARSEN. Perhaps for Mr. Wright, are you captain?

Mr. WRIGHT. A retired captain.

Mr. LARSEN. That is a captain. Captain Wright, with regard to that training, when folks report for duty, you know, for the cruise

season, how much contact in your particular company, how much contact do you have with folks before they even get to the ship so that they are prepared for the first cruise as well as when they get the ongoing training as you are working through the season?

Mr. WRIGHT. So they undergo all of the mandatory training that my colleagues have identified under STCW, and then we have a team of fleet safety instructors, and they have been trained in all of the required STCW mandatory training, such as proficiency in survival craft and rescue boats and survivability and all those, crowd management, crisis management, and they will go and stay on the ship, one or two trainers, for a week or two, maybe three times a year, and they then train the crew right on scene with the ship's equipment, and spend the time that they can in that situation because they are taking away from their other duties. So they fit that in around the schedule.

And so it is pretty comprehensive training for all of the people that have those emergency duties, including the muster personnel and stairway guides, so that if there is a horrible panic situation like that, they know the proper information to provide, including making sure that the stateroom stewards turn on the emergency channel that shows the passengers as soon as they get in the cabin, you know, the emergency procedures that they should follow and also show them where their life jackets are.

So that is the kind of ongoing thing that we do onboard the ship.

Mr. LARSEN. Mr. Schoeneman, can you talk about the retraining that has occurred at Barber's Point? You talked about training 4,000 folks, but certainly folks have to keep coming back through.

Mr. SCHOENEMAN. Sure. We do upgrades and upgrade training for all of our mariners based on the amount of time that they have been at sea. They are able to come back either to Barber's Point or to Piney Point in Maryland to get upgrade training.

We provide as much as we possibly can to our members to make sure that they know that they have the ability to come back and get that training, and it is a union benefit. Generally we do our best to make sure that when they walk up the gang plank that they know enough and are familiar enough with both the systems onboard the vessel, as well as general training guidelines, so that they can do their jobs as well as make sure they can get passengers on and off the ship in an emergency in the most efficient manner possible.

So we put a very high emphasis on training with the SIU, and we look forward to working with CLIA and the others as they are working on their standards, and we would like to be a part of that.

Mr. LARSEN. Captain Hoyt, how often do your crews practice mustering thousands of passengers?

Captain HOYT. Three times per month.

Mr. LARSEN. That is three times per month?

Captain HOYT. Is the all hands training, emergency drill. Four times a month we do or the fourth week in the month we do part of the entire muster. Three times in the month we go through the entire process, including launching of lifeboats. So from the initial——

Mr. LARSEN. Including launch?

Captain HOYT. Yes. So from the initial stages of a planned scenario emergency up through the evacuation process.

Mr. LARSEN. Do you have any unplanned scenario emergencies?

Captain HOYT. Yes, we do.

Mr. LARSEN. You do? What is the difference between a planned scenario emergency and an unplanned emergency?

Captain HOYT. Well, we have scheduled drill times.

Mr. LARSEN. Right.

Captain HOYT. You are taking 1,000 crewmembers and putting them through these processes. So you have to pick the times at which to do that.

Mr. LARSEN. I see. OK.

Captain HOYT. In addition to that, we will also have unplanned emergencies, things that would activate certain sets of emergency response teams as part of a surprise drill just to help maintain readiness.

Mr. LARSEN. Yes. OK. I think just one and maybe back to Captain Wright since you have had some experience up there. Well, I do not want to ask the question this way, but tell me about planning for the Arctic and the Antarctica, applying this kind of training into those settings.

Mr. WRIGHT. So the planning for cruising in those regions?

Mr. LARSEN. Planning for cruising, but planning for the emergencies in those settings.

Mr. WRIGHT. Right. We have cruised in Antarctica several years, and the measures that we go to are to conduct an exhaustive risk assessment of the whole operation. Some of the measures that we implemented as a result of that risk assessment were to do some extra damage control training and provide equipment onboard the ship based on our experience in the military, and it was so successful that we decided to implement that on other ships.

We also man the ship with two captains so that they could run on/off, and there was always a captain on the bridge or available to be on the bridge. We brought an ice pilot from Argentina to be on the ship to give us advice as well as another retired Coast Guard captain whose expertise was in icebreaker, full blown icebreaker duty through most of his career. So these two advisors would advise the ship, as well as we positioned a member of the Marine Operations Department in the Marine Rescue Coordination Centre in Punta Arenas. In the event the ship ran into the worst case scenario, we would already have a company, a Princess Cruise's employee in the MRC Rescue Centre, and then finally we employed somebody like myself on the ship so there would be a senior ranking company officer there to immediately launch any kind of emergency operation we needed to do.

Mr. LARSEN. Just one last question. Will these be applied in the Arctic as well or pretty much these are Antarctica?

Mr. WRIGHT. We would look at applying any extra procedures in any region. We would always take a look at that.

Mr. LARSEN. Yes, right. Thank you, Mr. Chairman.

Mr. LOBIONDO. Ms. Brown.

Ms. BROWN. Thank you.

I think I will start with Ms. Duffy. I have a couple of questions. One, you mentioned operation safety, and I know that you are con-

ducting a policy review. When do you think it is going to be completed?

I know you are changing the muster drill, but other safety recommendations.

Ms. DUFFY. The process will be ongoing. So as we identify areas for best practices, we want to be able to proceed right away and have those implemented.

And I should say that this work, while very specific and the *Concordia* incident was a catalyst for announcing this particular operational safety review, within CLIA we have at least 25 standing committees that meet on a regular basis throughout the year focused on issues of safety, security, environmental, all different aspects that brings different cruise line members together with the CLIA technical and regulatory team that we have in place, which are all ex or retired Coast Guard people with lots of expertise in these specific areas.

So this is a process of continuous improvement all the time.

Ms. BROWN. Having been a former member of CLIA, I heard a lot of discussions about English, and I know we all think everybody should speak English, but one of the reasons why you do cruises is because you get that international flavor, whether it is just to the Bahamas or Mexico. But one thing that is universal is money. Everybody understands you do not have enough.

The question is safety. Are there ways to communicate that are not English that we could make sure everybody understands the procedure whether they speak English or whatever they speak?

I mean, I visit a church. They have got 36 different languages in that church. So can you speak to that?

Ms. DUFFY. As was said earlier, the crewmembers that are recruited to be put on a ship speak multiple languages, and there is a language of the ship, and that is the primary language that the crew communicates with onboard that ship. However, there are multiple languages spoken and focused on the demographics or the makeup of the passengers who are on that ship.

So English is often spoken as one of the languages that you would find on any of the ships, but there is always an official language that the crew uses. I believe that for the bridge team and the team in the engine room that English is the international language for those groups.

Ms. BROWN. Let me hear Captain Hoyt. I was very impressed with your expertise and your training. You know, you could be my captain any time. However, that training and expertise, I do not know how you deal with common sense because it seems like this particular captain lacked common sense, and that is something that my grandmamma had, and she did not go to college.

So what can we do to identify that what happened did not happen again? Why was this captain allowed to change the preprogramming by the company? I mean, I know you need some flexibility, but I am just curious.

Captain HOYT. Well, within our company there is a process by which a passage plan is developed. It is then confirmed by other members of the bridge team, and then it is implemented after a full brief of the navigation staff prior to departure. Any deviation from that that would be necessary for reasons of safety would en-

gender a new passage plan or an immediate deviation if necessary, which would then be discussed with the bridge team as a whole.

We utilized a navigator/co-navigator system on the bridge of our ships, and that is how that system works for us, and that is what keeps a check and balance in the mix.

Ms. BROWN. Mr. Wright, can you answer that also?

Mr. WRIGHT. Very similar. The course is plotted by the team. You are required to have a voyage passage plan from berth to berth, and that is plotted in either electronic chart or paper chart or whatever system the ship is using, and that is all discussed ahead of time, a day or two or three, with the bridge team and the captain, agreed, signed off by the captain, and any deviation to that would be for avoiding another ship, weather, or some other type of situation.

If there was a reason to deviate, then the team would regroup, decide what to do, approve it, again double check it just like Captain Hoyt, and then that is your passage plan.

Ms. BROWN. With the railroads, I mean, if a car goes off a certain track, then the home office is notified. Is that true with the crews?

I mean because this particular captain, this is not the first time that he deviated from the pattern that he is supposed to.

Mr. WRIGHT. The ship is the best to lay down the track for their voyage from berth to berth because they are there. They are extremely familiar with the currents, the weather conditions, and the traffic pattern. So they set the chart.

Now, in an electronic system, if you deviate from that track the bridge of the ship will get an alarm, and they would react to that. For example, if the ship is being set off course, but the office does not get notified of every deviation, and the office does not plan the berth to berth voyage for the ships. The ships are the best ones to do that.

Ms. BROWN. So it is so important that we have the right captain on the ship.

Mr. WRIGHT. It is important to have the right bridge team.

Ms. BROWN. The whole team.

Mr. WRIGHT. The whole team.

Ms. BROWN. OK.

Mr. WRIGHT. And so we have experience with the Center for Maritime Training, simulator for maritime training, where we will make sure we get all of our bridge officers and particularly all of the senior officers that are in charge of a watch through simulator training time, and also the academic side where they are taught about the human element. They are taught about incidents that have happened in our own companies within the Carnival Corporation, and then they run practices to make sure that does not happen in the simulator, so that it does not happen on the ship.

Ms. BROWN. Well, thank you very much, and I yield back the balance of my time.

We will all learn from this experience, I know. Thank you.

Mr. LOBIONDO. Thank you.

Ms. HIRONO.

Ms. HIRONO. Thank you, Mr. Chairman, and thank our witnesses for being here today. And I would especially like to thank Captain Hoyt who is taking time away from sailing the world on your sail-

boat and from captaining the *Pride of America* around Hawaii to be here in DC to share your thoughts with us.

The cruise industry is growing in Hawaii, and that is a good thing. Last year over 125,000 people traveled to Hawaii via cruise ships and spent \$34 million, a 52-percent increase over 2010. For most people a cruise to Hawaii or the Caribbean or other destinations is an important component of our travel and tourism industry which is responsible for millions of jobs nationwide.

Unfortunately, the *Costa Concordia* and other incidents remind us that tragedy can strike at any time. I recognize that there is an ongoing investigation into this incident, and I recognize also, and that is why you are all here, that the industry is taking steps to insure the safety of everyone aboard their vessels.

However, I would like to focus my questions on the matters of existing maritime law, some of which have been on the books for over 100 years. I think we owe it to the victims of these tragedies and their families to have a candid discussion about whether these laws still work and whether we should revisit and update them.

So one of these laws is the Death on the High Seas Act, over 90 years old. Under this law, cruise passengers are only entitled to their economic damages. So that means that retirees, children, stay-at-home spouses, and low-income workers, in other words, people who have little or no economic value under the law, they are only entitled to the cost of their funerals or coffins.

I would like to ask all of the panel members to just briefly respond to this question. Do you think it is equitable to deny maritime victims who die aboard your ships as a result of negligence the same protections that are afforded to those who die on land or in a commercial aviation accident on the high seas?

Could you briefly give me your response, panelists? We can start from my left.

Ms. DUFFY. So the Death on the High Seas Act I would say is a very complex piece of legislation. I am not an attorney and not in a position to be able to comment here on the specific provisions or measures of DOHSA at this time. What I can say is that the cruise industry will certainly work with Congress to look at any specific piece of legislation that addresses the interests of our passengers and the concerns that you have expressed, just as we have done with the Cruise Vessel Security and Safety Act.

Mr. WRIGHT. Congresswoman, I am a marine operations guy, and it really just would not be appropriate for me to comment on this.

Captain HOYT. I am afraid I, too, am not that familiar with the Act, and it is outside of the scope of what it is I do on the ships.

Ms. HIRONO. Well, maybe we need another hearing, but be that as it may though, suffice to say that people who do not have jobs, who are retired, children, under this law they are pretty much headed off at the pass in terms of any kind of recovery, and this 100-year law I believe definitely needs to be revisited.

I am sure that if you had your child, your parents, your retired parents on a ship—

[Applause.]

Ms. HIRONO [continuing]. And were they to suffer death or injury, I am sure that you would want them to be fairly compensated.

Mr. Chairman, I would like to enter into the record under unanimous consent a February 21st Reuters article that talks about the various kinds of laws that are currently on the books that need to be revisited with regard to liability and compensation for those who are injured on the high seas, death or injury on the high seas, Mr. Chairman.

Mr. LOBIONDO. Without objection, so ordered.
[The information follows:]

» Print

This copy is for your personal, non-commercial use only. To order presentation-ready copies for distribution to colleagues, clients or customers, use the Reprints tool at the top of any article or visit: www.reutersreprints.com.

Insight: Laws leave cruise-ship victims at sea

Tue, Feb 21 2012

By Tom Hals, Andrew Longstreth and Steve Stecklow

(Reuters) - When Walter Henry Alderfer learned last month about the Costa Concordia shipwreck off Italy, it brought back bad memories.

In April 2007, he, his wife and his daughter were aboard the Sea Diamond cruise ship when it struck a reef off Greece and sank into the Aegean Sea. Screaming passengers fought over life preservers, Alderfer says, and his wife hurt her neck and later needed surgery.

Five years later, the family is still seeking redress - and its experience may be instructive for survivors of the Concordia disaster.

They turned down an offer of compensation by the owner - Cyprus-based Louis Cruises, a unit of Louis PLC - that included a free voyage. They filed a federal lawsuit in New York but settled for \$2,500 - less than his wife's medical expenses and the family's lost belongings, he says - because the tickets required them to sue in Greece. An additional suit in Greece is still dragging on.

An attorney for Louis Cruises said many passengers were satisfied with the compensation offer, and Louis reached "fair and reasonable" settlements with some U.S. passengers who sought additional awards. She also said the evacuation was swift and orderly.

Most cruises proceed without mishap. But in the rare cases when passengers do suffer serious injury - at least 17 died in the wreck of the Costa Concordia on January 13 - they can face formidable obstacles in recovering significant damages, an examination by Reuters shows.

The cruise business - led by industry giant Carnival Corp. & PLC, whose Italian subsidiary owned and operated the doomed Costa Concordia - has put in place over the years a legal structure that ring-fences operators from big-money lawsuits.

The rules for seeking redress are spelled out in complex, multi-page ticket contracts that passengers may not receive until right before boarding. Victims are often required to file suits in remote jurisdictions. The wording has been the subject of decades of court battles.

Thomas Dickerson, a New York state judge who has written extensively on travel law, says the legal hurdles resulting from the industry's victories over the years give operators the upper hand in litigation and make the business highly profitable. The industry faces "fewer payouts because of all the roadblocks," he said.

Cruise industry officials say their contracts streamline the litigation process, prevent frivolous claims and lower cruise costs for passengers.

In the case of the Costa Concordia wreck, the ticket contract stated that "all claims, controversies, disputes, suits and matters of any kind whatsoever ... shall be instituted only in the courts of Genoa, Italy."

Many survivors are now discovering the challenges of the Italian court system.

Italian lawyers rarely accept cases on a contingency basis, so clients may have to pay them up front to take a case. And personal-injury cases can drag on for years, especially if there is a parallel criminal investigation. The Costa Concordia's captain is under investigation for allegedly abandoning ship. That probe must be completed before evidence will be made available to plaintiff attorneys in civil cases, said Alexander Gutierrez, a Rome lawyer who has litigated major personal-injury cases.

"I've done cases that took seven years and are not nearly as complicated" as the Costa Concordia case, he said.

Some U.S. plaintiff lawyers are attempting to test the Costa Concordia's contract terms by bringing action in Florida, home base of Carnival Corp. In one case, 39 survivors are seeking at least \$528 million in damages in a lawsuit alleging negligence that was filed in a state circuit court.

Marc Bern, the lead plaintiffs' attorney, said he believes the contract terms that require lawsuits to be filed in Italy are "null and void by virtue of the extreme nature of the conduct" of the captain. But U.S. courts have held that such clauses are valid.



5/16/12

Business & Financial News, Breaking US & International News | Reuters.com

The Costa Concordia is owned by Genoa-based Costa Crociere S.p.A., whose parent company is Carnival Corp., the world's largest cruise company with a market share of nearly 50 percent. Carnival's other cruise lines include Princess Cruises, Holland America Line and Cunard.

A spokesman for Carnival Corp. declined to respond to questions for this article. A Costa Crociere spokesman in Florida said the company does not comment on litigation.

Over the years, Carnival and its competitors have changed their ticket contracts in ways that make it tougher for passengers to bring injury claims to court or collect large settlements.

One concern is where passengers must file lawsuits. That issue has been contested all the way to the U.S. Supreme Court.

The Supreme Court case began with a cruise that real-estate broker Eulala Shute-Wood took on a Carnival ship bound for Mexico from Los Angeles in 1988. During a cake-decorating demonstration in the ship's kitchen, she fell on a freshly washed tile floor and hurt her back.

In an interview, Shute-Wood, now 75 and retired, said she received no medical attention until disembarking in Puerto Vallarta, Mexico. The experience, she said, ruined the trip for her and her husband and she sued in her home state of Washington to get a refund.

Carnival fought to dismiss her case because it was not filed in the state of Florida, as the ticket contract then stipulated. In 1991, the Supreme Court, in a 7-2 decision, sided with Carnival, ruling that the clause helped to avoid confusion over where to sue when an incident occurred in international waters. The case, *Carnival Cruise Lines Inc. v. Shute*, also affirmed the legality of such clauses, which are now common in cruise tickets and many other commercial contracts.

Andre Picciurro, a San Diego, California, attorney with Kaye Rose & Partners LLP, which serves as general counsel to the Cruise Lines International Association, said the so-called forum clause helps to "eliminate wasteful litigation" and "provides predictability for the passengers and the cruise lines."

Shute-Wood said requiring her to file her suit in Florida represented a hardship. She said she didn't know any attorneys there and feared the costs would be far more than what she had hoped to recover. "We didn't even consider it," she said. After the Supreme Court sided with Carnival, the case was quickly resolved for what her attorneys said was a small sum.

Carnival Cruise Lines, headquartered in Miami, later narrowed the forum clause on its ticket contracts. By around 2000, passengers were required to file suits in Florida's Miami-Dade County, rather than anywhere in the state. About two years later, Carnival tickets stated that claims could only be filed in federal court in Miami, provided it had jurisdiction.

A Florida appeals court upheld the federal court requirement in 2008.

Gabrielle D'Alemberte, an attorney with Robert L. Parks, P.L., in Coral Gables, Florida, said in recent years cruise lines have also tightened the rules regarding legal actions involving shore excursions. Increasingly, passengers are required to sue the excursion company, not the cruise company, in the event of injury, she said, adding that the chances of recovering any damages are very unlikely. D'Alemberte is representing three Costa Concordia passengers.

Jennifer and Joseph Henderson discovered the limits of a cruise company's liability following an ill-fated honeymoon on a Carnival cruise in the Caribbean in 1998, according to federal court records. They booked a catamaran excursion to the island of St. Lucia. Although the catamaran was not operated by Carnival, it bore the Carnival logo, and the boat's crew wore Carnival shirts, according to court records.

The catamaran struck a reef, and the couple suffered multiple injuries. In federal court in Miami, they alleged they ended up spending most of their honeymoon in pain and seeking medical attention, and sought at least \$100,000 in damages. The court dismissed the case because their ticket stated that independent contractors operate shore excursions and Carnival assumed no responsibility for any injuries.

The Hendersons couldn't be reached for comment.

Even in cases of deaths aboard cruise ships due to negligence, surviving family members may receive little compensation. That's because of a 92-year-old U.S. law that deals with redress for families of people who die at sea.

Richard Liffidge set sail with his wife on the Star Princess cruise ship from Fort Lauderdale, Florida, to the western Caribbean in March 2006 to celebrate his 72nd birthday.

Four days into the cruise, a fire broke out in the middle of the night. Liffidge and his wife tried to escape by crawling out through a wall of black smoke, according to an investigation by the government of Bermuda, where the ship was registered. The emergency hallway lights were dim, staff didn't man emergency phone stations, there were no balcony sprinklers to contain the fire, and the fire door the Liffidges were instructed to use was closed, the investigation found.

According to a lawsuit brought by Liffidge's family, the last words his wife heard him say were, "Don't let me die."

An autopsy showed Liffidge died from smoke inhalation. The family sued Princess Cruise Lines Ltd. - part of Carnival Corp. - for wrongful death. The case was settled, but one of his daughters, Lynnette Hudson, said her family only received money for funeral expenses. According to their attorney, that's all they were entitled to under U.S. law.

That law - the 1920 Death on the High Seas Act - allows families of those killed due to the negligence of a ship owner to collect for lost financial support.

5/16/12

Business & Financial News, Breaking US & International News | Reuters.com

Miriam Lebental, the California attorney who represented Hudson, said that because Liffridge was retired, there was no loss of potential earnings, and he did not provide financial support to Hudson or her siblings.

"It was horrible because what it basically told my family was that my father's life was worth zero," said Hudson, an insurance-claims adjuster from Delaware, who was not on the cruise. Carnival declined to comment on this or any other legal cases.

The United States is not a party to an international maritime treaty - known as the Athens Convention - that establishes liability for loss of life, personal injury or loss of luggage at sea. Nor is Italy.

The final cost of the personal liability claims in the Costa Concordia case won't be known for years. But the ship's owner is covered by insurance with about a \$10 million deductible, according to Carnival Corp.'s recent financial filings.

Walter Henry Alderfer, whose wife was injured in the sinking of the Sea Diamond in 2007, is pinning his family's hopes on a lawsuit filed against the government of Greece over allegedly faulty nautical charts that the ship owner blames for the wreck. But he's not optimistic. "It's been slow going," he said.

(Additional reporting by Tim McLaughlin in Boston and Philip Pulella in Rome; Editing by Martha Graybow, Michael Williams and Claudia Parsons)

© Thomson Reuters 2011. All rights reserved. Users may download and print extracts of content from this website for their own personal and non-commercial use only. Republication or redistribution of Thomson Reuters content, including by framing or similar means, is expressly prohibited without the prior written consent of Thomson Reuters. Thomson Reuters and its logo are registered trademarks or trademarks of the Thomson Reuters group of companies around the world.

Thomson Reuters journalists are subject to an Editorial Handbook which requires fair presentation and disclosure of relevant interests.

This copy is for your personal, non-commercial use only. To order presentation-ready copies for distribution to colleagues, clients or customers, use the Reprints tool at the top of any article or visit: www.reutersreprints.com.

Ms. HIRONO. I would also like to note for the record the testimony of Dennis Young, which was placed into the record, I believe, by my Colleague Larsen. That really focuses on making sure that there are the hiring of very qualified and trained longshore workers to perform the kind of handling of operations and loading and unloading operations that they are particularly trained for, since this entire hearing is about safety.

I would also like to note, Mr. Chairman, that while our testifiers unfortunately are not able to respond to the specific sets of questions that I have, suffice to say that the cruise industry does have major protections that limit recovery. They are able to put into their contracts things that are called forum clauses that the U.S. Supreme Court has said are OK, and this has led to the cruise industry placing all kinds of other limitations on who people can sue, where they can sue, how much recovery, what they are entitled to recovery, and that is very unlike many other industries where a rather larger panoply of remedies are available to them.

So thank you, Mr. Chairman, for allowing me to ask my questions. I yield back.

Mr. LoBIONDO. Mr. Cummings.

Mr. CUMMINGS. Thank you very much, Mr. Chairman.

Mr. Schoeneman, how many SIU members work in the cruise industry?

Mr. SCHOENEMAN. I believe right now it is approximately between two and 3,000. I believe about two to 3,000. I will have to double check that number for you, Mr. Cummings.

Mr. CUMMINGS. Would you get that for me please?

Mr. SCHOENEMAN. Sure. Not a problem.

Mr. CUMMINGS. Clearly, Ms. Duffy, we learned something from this, did we not?

Ms. DUFFY. Yes, sir, we have.

Mr. CUMMINGS. And what do we learn from this incident?

Let me tell you why I am asking you. This is not a setup question. CLIA, to its credit, decided that beginning on February 9th, that they were going to have this mandatory muster drills, and so that tells me that we learned something that caused CLIA to act so fast.

And I am just wondering what did we learn and how was that decision made.

Ms. DUFFY. I think what we learned as part of the incident was that the muster policy, while the regulation allowed for that to be conducted within 24 hours, that we would better serve our passengers and safety by conducting the muster prior to departing the port so that people immediately have the safety information and know where to go and what to do in the event of an emergency.

Mr. CUMMINGS. And I am asking this of all the representatives of the cruise lines. Do you believe that the experiences that we heard about from the couple an hour or so ago could occur on a vessel that serves the United States waters? Could that have happened?

Ms. DUFFY. I do not believe that now that all of the muster drills are being conducted immediately at departure, prior to the departure. I think that people would have received the muster and known what to do with better direction.

Mr. CUMMINGS. But part of the testimony, too, though was that the crew did not seem to have a clue as to what was going on. You know, if you really think about it, when you get on a plane they tell you, you know, how to deal with the mask and seatbelts and all of that, but also the implication is that the airline folk, the staff knows what to do, and that situation on the Hudson a few years ago where they were able to land a plane miraculously and everybody got off in the water, they said that a lot of that was due to staff being prepared to do what they had to do, and that if they had not been prepared, those people would be dead.

So I am just trying to figure out what about that part of it, the training piece? You heard their complaints about not the training, but nobody seemed to know what was going on.

Ms. DUFFY. Unfortunately, it would be inappropriate for me to speculate on what happened specifically with the crew or the training related to the *Concordia* incident.

Mr. CUMMINGS. Well, let's talk about yours. You talk about yours.

Ms. DUFFY. I can say that all seafarers are trained in accordance with the International Maritime Organization standards that are outlined in the STCW, which is the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, and that every officer for both navigation and engineering holds certificates of competency. All of the seafarers on the deck and the engines also hold certificates of proficiency, and as Captain Hoyt described, there is ongoing and regular safety drills and training that crew is provided.

Mr. CUMMINGS. And anybody else?

Mr. SCHOENEMAN. Mr. Cummings, I would say I feel fairly confident in saying that if this had happened on a U.S.-flag vessel the outcome would have been much different.

Mr. CUMMINGS. A little bit louder. I did not hear you. I am sorry.

Mr. SCHOENEMAN. That if this had happened on a U.S.-flag vessel, the outcome would have been much different.

Mr. CUMMINGS. And how so?

Mr. SCHOENEMAN. I believe that our members are trained and able to communicate effectively amongst themselves and with the passengers, and we would have been able to get our folks off the ship with a minimal loss of life.

Mr. CUMMINGS. I see. Anybody else?

Captain HOYT. Mr. Cummings, I would also like to add that in terms of safety, there is never any room for complacency. This is something that we need to always be evaluating and reevaluating over the process.

I would like to add that having commanded ships both in the international and the U.S. flag, that I would stand by the crews that I have had under both flags in Norwegian and their abilities to respond in an emergency.

Mr. CUMMINGS. So going back to you, Ms. Duffy, just one last thing. Mr. Chairman, just one last thing.

Ms. Duffy, you have got a C-SPAN audience here. What would you say to them? You know, you have got people now who do not have a lot of money. They are trying to eke out a little vacation. They are probably planning right now for when their kids get out

of school. What would you say to them about the cruise industry in light of all that we have heard?

This is your moment.

Ms. DUFFY. As I said, on behalf of the industry, that the *Concordia* incident is a terrible tragedy, and the cruise industry does extend our condolences to everybody that was affected. I hope that you can see the industry has been very proactive and transparent in immediately calling for the operational safety review, and that we have already begun to proceed with policies that have been implemented already.

The cruise industry remains one of the very safest recreational activities and travel options. If you look at the safety record of the industry over the past decade prior to this incident, and I think we heard from Vice Admiral Salerno this morning, who also spoke to the strong safety record of the industry. The level of training, experience, investment in technology and innovation that has happened over the last decade as we have seen the cruise industry grow globally I think stands as testament to the safety, the commitment of our members to safety as our top priority. Otherwise we would not have a successful business.

Not only is it the right thing to do, but we continuously focus on ways that we can improve the record that we have.

Mr. CUMMINGS. Thank you very much.

Mr. LOBIONDO. Thank you, Mr. Cummings.

Without any further questions, I want to thank the current panel and the previous panels very much. As I think everyone can tell, this will be an ongoing situation for the subcommittee.

We will have a lot of questions that we need answered to see where we go from here, but we appreciate your involvement.

The committee stands adjourned.

[Whereupon, at 12:55 p.m., the subcommittee was adjourned.]



Commandant
United States Coast Guard

2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: CG-0921
Phone: (202) 372-3500
FAX: (202) 372-2311

**TESTIMONY OF
VICE ADMIRAL BRIAN M. SALERNO
DEPUTY COMMANDANT FOR OPERATIONS**

**“A REVIEW OF CRUISE SHIP SAFETY AND LESSONS LEARNED FROM THE
COSTA CONCORDIA ACCIDENT”**

**BEFORE THE
HOUSE TRANSPORTATION AND INFRASTRUCTURE
SUBCOMMITTEE ON COAST GUARD AND MARITIME TRANSPORTATION**

FEBRUARY 29, 2012

Introduction

Good morning Mr. Chairman, Ranking Member Larsen, and distinguished members of the committee. Thank you for the opportunity to appear before you to discuss issues related to cruise ship safety.

In my role as the Coast Guard's Deputy Commandant for Operations, I am responsible for setting standards for safety, security, and environmental stewardship for commercial vessels, facilities and mariners, ensuring compliance with those standards, and conducting investigations of violations and accidents. I am also responsible for policy regarding the conduct of Search and Rescue (SAR). I'll touch on each of these areas in my testimony today in the context of foreign flagged cruise ships operating in U.S. waters.

While it is still too early in the investigation to comment with any certainty on the cause of the tragedy involving the cruise ship *Costa Concordia*, or the conduct of the passengers and crew after the initial incident and during the evacuation of the vessel, as mariners and safety professionals - all of us in the U.S. Coast Guard extend our heartfelt condolences to the families and friends of the loved ones lost in this tragic event.

Impetus for Safety Requirements

To understand where we are today with respect to passenger vessel safety, we should look at the lessons the past has taught us.

The 100th anniversary of the sinking of the *RMS Titanic* in April 1912 is only weeks away. The *Titanic* tragedy prompted overwhelming international response which resulted in the first Safety of Life at Sea Convention, also known as SOLAS 1914. This first version focused on lifeboats, emergency equipment, and radio watches. Improvements to the Convention made in 1929, 1948, and 1960 added requirements for subdivision, stability, machinery, firefighting, lifesaving, communications, and navigation systems. SOLAS is the key international maritime agreement focused on safety.

For the most part, large passenger vessels visiting the United States before the 1960s were in liner service, with the primary purpose of transporting passengers from one part of the world to another. With the advent of commercial airlines, the international passenger vessel industry evolved from transportation to entertainment, and liners became cruise ships.

In the 1960s, a number of serious cruise ship fires, involving heavy loss of life, brought the issue of cruise ship safety to the attention of maritime authorities worldwide. These fires involved the older passenger ships *Lakonia*, *Yarmouth Castle*, and *Viking Princess*, which had superstructures that contained some combustible materials, allowing the rapid spread of flames and total destruction of passenger spaces.

In May 1966, the Maritime Safety Committee (MSC) of the Intergovernmental Maritime Consultative Organization (IMCO), now called the International Maritime Organization (IMO), met to consider measures to improve the fire safety of passenger vessels. The committee first directed its attention to the problem of fire safety in older passenger vessels and crafted the 1966 amendments to SOLAS 60, which included additional fire protection standards for existing passenger vessels. Congress showed great interest in this work, especially since the Coast Guard had conducted a Marine Board of Investigation into the 1965 *Yarmouth Castle* fire. On November 2, 1968, Public Law 89-777 (R.S. 4400(c); 46 U.S.C. 362(c)), Fire Safety Standards for Foreign and Domestic Passenger Vessels, came into effect, which required the Coast Guard to verify that foreign cruise vessels complied with the 1966 fire safety amendments.

In 1968, the United States unilaterally required all passenger vessels with overnight accommodations for 50 or more passengers to meet the 1966 fire safety amendments or U.S. passenger vessel requirements. The Coast Guard promulgated Navigation and Vessel Inspection Circular 2-68, which provided implementing guidance on how to conduct a control verification examination on foreign flag cruise ships, specifying that “this verification may necessitate a degree of plan review, removal of panels, ceilings, etc., in addition to the testing of construction materials.” On August 26, 1983, Public Law 98-89 provided additional authority for the Coast Guard to verify that foreign flag cruise ships embarking passengers in U.S. ports comply with SOLAS convention requirements.

The Coast Guard made improvements to its vessel examination program in 1985 and 1993, which further expanded examination requirements and provided much more detailed guidelines for control verification examination procedures on foreign cruise ships. Since 1993, cruise ship designs have continued to evolve, growing in size and complexity with the capability of carrying thousands of passengers and crew, and the Coast Guard has frequently updated guidance for plan review and control verification examinations necessary for foreign cruise ships operating out of U.S. ports. Last year, there were 143 cruise ships, sailing under foreign registry, that operated out of U.S. ports and carried over eleven million passengers.

Modern Standards for Cruise Ships

Over the past decade, the international shipping community, through the IMO and with Coast Guard leadership, has moved decisively toward a proactive approach to passenger ship safety. With cruise ships growing progressively in size and capacity, in May 2000, the IMO agreed to undertake a holistic examination of safety issues pertaining to passenger ships, with particular emphasis on large cruise ships. The outcome of this proactive initiative is an entirely new prevention and survivability based regulatory philosophy for the design, construction, and operation of cruise ships.

The U.S., through the efforts of the Coast Guard, has taken a very active leadership role throughout this initiative, putting forward many of the recommendations for action taken by the various IMO Sub-Committees. The effort identified a number of areas of concern related to cruise ships, and resulted in substantial amendments to major IMO conventions, including SOLAS, International Convention for the Prevention of Pollution From Ships (MARPOL) 73/78, International Tonnage, Standards for Training, Certification, and Watchkeeping (STCW) and Load Line conventions. These conventions provide internationally-accepted standards for the design, construction, outfitting, and operation of ships. They address surveys, structures, stability, machinery, fire safety, lifesaving equipment, communications, navigation equipment, safety management, maritime security, pollution prevention, crew competency, watertight integrity, and safe loading.

Significant improvements under the five main pillars of the initiative entered into force in July 2010:

- **Prevention:** Amendments to the STCW Code and supporting guidelines focus on navigation safety and resource management;
- **Improved survivability:** New SOLAS requirements for the “safe return to port” concept address essential system redundancy, management of emergencies, and casualty mitigation, including the new concept of dedicated shipboard safety centers to manage emergencies;
- **Regulatory flexibility:** Amendments to SOLAS provide a methodology for the approval of new and innovative safety technologies and arrangements;
- **Operations in areas remote from SAR facilities:** Guidelines on external support from SAR authorities, as well as guidance to assist seafarers taking part in SAR operations have been developed; and finally
- **Health safety and medical care:** Guidelines on establishing medical safety programs, and a revised Guide on Cold Water Survival.

Other recent improvements include stability and survivability of cruise ships through new probabilistic subdivision and damage stability regulations, and flooding detection systems; improved voyage planning, particularly in remote and high latitude areas; and voyage data recorders. As a separate initiative, stemming from the 2006 fire aboard the *Star Princess*, significant improvements have been made to the fire safety features of external areas on cruise ships. Overall, the past decade has been an enormous leap forward in cruise ship safety measures and has been largely proactive as opposed to reactive to casualties as has generally been the case in the past. Coast Guard’s leadership in the international community with respect to cruise ship safety measures and our support to foreign casualty investigations evidences our dedication to U.S. passenger safety wherever our citizens embark on cruise ships.

The Safety, Security, and Environmental Protection Net

The IMO conventions form the bases for the international safety, security, and stewardship net designed to ensure consistent standards across the world wide fleet of cruise ships. The owners and operators, flag states and port states each have distinct roles in ensuring compliance with those standards.

Flag states have the primary responsibility to ensure vessels of their flag meet international and domestic standards. They often achieve this through recognized third party organizations who certify that vessels meet design, construction, operating, and manning requirements throughout the life of the vessel.

Port states verify substantial compliance with international standards and ensuring compliance with applicable domestic requirements for vessels of all flags calling in their ports. As the port state authority for the U.S., the Coast Guard has established a robust control verification program that subjects cruise ships calling in U.S. ports to a much higher level of scrutiny than other foreign flag vessels, and much higher than any other port states require for foreign flag cruise ships in their ports.

Coast Guard Control Verification Program for Foreign Flag Cruise Ships

The Coast Guard has a very robust port state control program for cruise ships. All foreign flag cruise ships arriving in the United States that embark passengers or make a U.S. port call while carrying U.S. citizens as passengers must participate in the control verification process. Cruise ships that return to U.S. service after a prolonged absence are treated as if they had never been in service in the U.S. and must undergo the entire process again.

The Coast Guard control verification program includes initial, annual, and periodic examinations for foreign flag cruise ships calling in our ports. It includes concept review during the very earliest stages of design, pre-construction plan review by Coast Guard naval architects and fire protection engineers, mid-construction inspections at the builder's yard by Coast Guard marine inspectors, an initial operational inspection of the vessel upon completion of construction, and at least annual inspections while the vessel is in service in U.S. ports. This regime allows the Coast Guard to determine that the vessel is in substantial compliance with all applicable international and domestic standards.

The engineering review of plans for structural fire protection arrangements provides a great level of assurance that shipboard fire safety arrangements meet international standards. After review, these same engineers visit the ship and confirm that the actual arrangements on the vessel are the same as those shown on the structural fire protection plans. No other port state provides this level of attention to detail for cruise ships. On the basis of this initial examination, the Coast Guard issues a certificate of compliance that allows the vessel to operate in U.S. ports.

The annual examination ensures that foreign cruise ships continue to maintain all the systems the Coast Guard previously examined during the initial exam in proper operating condition and that the flag administration has performed annual renewal surveys as required by SOLAS. Inspectors focus on firefighting, lifesaving, and emergency systems and witness a comprehensive fire and boat drill by the crew. In addition, inspectors examine the vessel for modifications that would affect the vessel's structural fire protection and means of escape. They also check for modifications completed without the vessel's flag administration approval. After a satisfactory annual examination, the Coast Guard re-issues a certificate of compliance.

Periodic examinations are also conducted, typically midway between the annual examinations. These examinations are limited in scope and build on the more comprehensive annuals, and they are intended to ensure vessels are being operated in a safe manner. The periodic examinations focus on the performance of officers and crew, with specific attention paid to their training on and knowledge of the ship's emergency procedures, firefighting, lifesaving systems, and performance during the drills. To ensure the overall material condition of the ship has not appreciably changed since the annual examination, inspectors randomly select sample items for examination. Inspectors also vary the scope of the examination depending upon the material condition of the vessel, the maintenance of the vessel, and the professionalism and training of the

crew. At every Coast Guard examination of a foreign cruise ship, the inspectors will determine whether the vessel is in substantial compliance with the international convention standards.

As a result of the *Costa Concordia* incident, I have directed Coast Guard field inspectors to witness the passenger muster required by SOLAS whenever they are onboard a cruise ship conducting an initial, annual, or periodic examination. Our personnel will witness these musters either immediately before or during vessel departure from port. I am pleased to see that the cruise industry associations announced a new emergency drill policy requiring mandatory muster for embarking passengers prior to departure from port.

Investigations

Foreign vessels operating in U.S. waters are required by U.S. law to report accidents immediately. Upon accident notification, we proactively investigate to determine causes and issue safety recommendations to prevent recurrences. It is a continuous improvement process which incorporates lessons learned from accident investigations to enhance cruise ship safety and ensure compliance with national and international laws.

After the *Costa Concordia* incident, the Coast Guard immediately offered technical expertise and support to the Government of Italy's marine casualty investigation. The Coast Guard's expertise in marine casualty investigations will prove helpful as we move forward with the investigation. Currently, Coast Guard teams are conducting interviews with the U.S. passengers to ascertain the vessel's crew level of preparedness and response. Information gained from the *Costa Concordia* investigation may assist in identifying marine casualty causal factors that could have broad application. It is long standing practice to cooperate in all manner of accident investigations involving different flag and coastal states and the Coast Guard routinely acts in this accord.

Search and Rescue (SAR) and Mass Rescue Operations (MRO)

The Coast Guard has maintained a good relationship with the cruise lines regarding search and rescue and medical evacuations. For the Coast Guard, a Mass Rescue Operation involving a cruise ship casualty offshore, with potentially thousands of passengers and crew forced to evacuate into lifeboats and the water, presents our greatest search and rescue challenge. Working with cruise line and passenger vessel companies, the Coast Guard continues to develop and improve SAR and MRO contingency plans. In addition to internal Coast Guard SAR plans, the Coast Guard holds a copy of cruise ship SAR plans and is able to incorporate the cruise ship plans into our overall SAR planning in the event of an emergency. The Coast Guard also meets periodically with cruise line medical personnel to discuss plans for medical emergencies, which pays dividends during actual medical evacuations. For example, many of the 857 medical evacuations performed by the Coast Guard last year, were conducted from cruise ships. evacuations last year.

In addition to working directly with cruise lines, Coast Guard has been working in partnership with the passenger vessel industry associations, including Cruise Lines International Association and the Passenger Vessel Association. Coast Guard works with the associations to develop, coordinate and represent Coast Guard policies and positions related to passenger vessel mass rescue plans, coordination, and exercises. Recently, Coast Guard led a Department of Homeland Security sponsored interagency table top exercise for Federal agency representatives involving a cruise ship emergency in the Arctic. Mass rescue planning involves support from many of our Federal agency and State partners.

In 2002, Congress appropriated funding for 22 permanent billets for the Coast Guard's Passenger Vessel Safety Specialist/Mass Rescue Operation Program. These billets provide the Coast Guard with increased capacity and capability to help coordinate and promote passenger vessel prevention plans, manage risk and maintain a state of readiness in response to the impressive growth in foreign and domestic passenger vessels over the past decade. Planning for a mass evacuation of a cruise ship carrying thousands of passengers and crew involves intense preparation and extensive coordination to meet the varying types of emergencies that could arise.

Coast Guard passenger vessel safety personnel at each of our Districts assist in the conduct and coordination of Coast Guard mass rescue exercises. Over the last five years, the Coast Guard conducted thirty-six mass rescue exercises involving passenger vessels, three of which involved a cruise ship. The Coast Guard has an agreement with CLIA to include an actual cruise ship as part of these exercises every two years. Since 2007, CLIA has fulfilled this partnership agreement by providing a cruise ship every other year for a full scale exercise. The purpose of these exercises is to assist the Coast Guard, other Federal, state and local search and rescue authorities and cruise ship industry partners in exercising mass rescue plans, practice interagency/industry cooperation and coordination and identify ways to improve the overall response to a major maritime disaster.

Mass rescue exercises have been structured around a five-year cycle. In 2010, the Coast Guard directed that, at a minimum, each Coast Guard District conduct and/or participate in one discussion based (e.g., seminar, workshop, game, or tabletop) and one operations based (e.g., drills, functional, full scale) mass rescue exercise over a five year period. To meet this exercise requirement, beginning this year, the Coast Guard has planned a five-year mass rescue exercise series known as "Black Swan." The exercise series will begin this year with a cruise ship seminar in New Orleans, followed by a functional drill in 2013, also in New Orleans, and full scale mass rescue exercises in Miami in 2015 and Norfolk in 2017. The scope of these exercises provide a valuable opportunity to identify and resolve the difficulties associated with rescuing hundreds or thousands of people at once. It is also a chance to address the unique challenges posed by off shore mass rescues.

The Black Swan mass rescue exercise series will focus on the exercise of Coast Guard mass rescue plans, coordination with other authorities and industry partners, notification and information processes, personnel accountability, embarking thousands of survivors on rescue ships from the water, lifeboats and rafts, and rescued passenger and crew support.

Cruise Ship Security and Crime

September 11, 2001 spurred the development of the Maritime Transportation Security Act (MTSA) and the IMO International Ship and Port Facility Security (ISPS) Code, both of which are rigorously enforced by the Coast Guard. Prior to the MTSA and ISPS, only the cruise ships that visited the U.S. and cruise terminals were required to have security plans in place. The requirement for cruise ship and facility security plans in the United States had come into effect as a result of the 1985 *Achille Lauro* terrorist incident in the Mediterranean Sea, resulting in the murder of Leon Klinghoffer - a wheel-chair bound U.S. citizen.

The Coast Guard examines every cruise ship that visits the U.S. for compliance with MTSA and ISPS requirements at the same time it carries out annual and periodic examinations. Overall, cruise ship compliance records have been extremely good, with only three security-related detentions in approximately 1,800 security examinations since July 2004.

Notwithstanding this security compliance regime, there have been serious incidents and crimes that have affected U.S. citizens aboard foreign-flagged cruise ships, however, this has led to an increased focus on protecting our citizens both in port and while they are at sea. In 2010, Congress bolstered passenger safety and security with respect to such incidents and crimes by enacting the Cruise Ship Security and Safety Act of 2010 (CVSSA). Since then, the Coast Guard has worked diligently to implement the provisions of this act.

The CVSSA prescribes security and safety requirements for designated cruise ships and is the authority for a rulemaking now under development by the Coast Guard. CVSSA amended Title 46, United States Code, by adding passenger vessel security and safety requirements, and crime scene preservation training requirements for passenger vessel crewmembers. CVSSA addresses many areas that affect personal safety and security, including: ship design; better public access to information about crime aboard cruise ships; improved precautions, response, medical care, support for victims of sexual assault; preservation of evidence necessary to prosecute criminals; and more consistent and complete reports about criminal activities. A large number of these requirements went into effect when the President signed the legislation on July 27, 2010; however, there are areas that require implementation through the publication of regulations.

Thus far, the Coast Guard has completed the following actions with respect to implementing the CVSSA:

- In June 2011, the Coast Guard published policy establishing guidelines for Coast Guard Marine Inspectors examining cruise vessels for compliance to include physical requirements, such as: rail heights; door peep-holes as one commonly sees on hotel doors, which allow cabin occupants to see who is outside before opening their cabin door; and the passenger security guide.
- The Coast Guard established an internet-based portal (NCC@uscg.mil) to facilitate electronic submission of crime reports.
- The Coast Guard established a web link to publish cruise ship sexual assault and criminal activity data received from the the Federal Bureau of Investigation (FBI) in accordance with the act: <http://www.uscg.mil/hq/cg2/cgis/>.
- An Inter-agency workgroup consisting of Coast Guard, FBI, and the Maritime Administration personnel completed development of a model course addressing crime scene preservation standards and curricula. In July 2011, the Coast Guard published policy promulgating training standards and curricula for the certification of passenger vessel security personnel.

Closing

As I close, let me emphasize that the Coast Guard places the highest priority on vessels that embark passengers in the United States; and embark U.S. passengers world-wide. We have a strong and effective port state control program for foreign cruise ships and ensure that vessels that visit the United States are in substantial compliance with applicable international and domestic standards. We participate in casualty investigations, even those taking place overseas, and we lead efforts at IMO to improve maritime safety, security, and environmental protection standards.

Furthermore, we have one of the best Search and Rescue programs in the world and we work closely with the industry on SAR planning and medical evacuations. We have efforts underway to plan for mass rescue operations.

We are taking measures to implement the CVSSA. We have accomplished much, but additional work must take place.

As a result of the *Costa Concordia* incident, we have also put into place a regime to witness passenger musters as part of our mandatory vessel examination program. As the investigation unfolds, the Coast Guard will capture lessons learned and incorporate them into our safety regime.

The Coast Guard also looks forward to continued cooperation with this committee, passenger victims groups, and the passenger vessel industry to maximize cruise vessel safety, security, and environmental protection. Although we are not asking for, or recommending to Congress, new legislation at this time, we may do so in the future once we have had the opportunity to review the *Costa Concordia* investigation.

Thank you again for the opportunity to testify today. I will be pleased to answer any questions you may have.

Question#:	I
Topic:	investigations
Hearing:	A Review of Cruise Ship Safety and Lessons Learned from the Costa Concordia Accident
Primary:	The Honorable Rick Larsen
Committee:	TRANSPORTATION (HOUSE)
Witness:	VADM Brian Salerno – U.S. Coast Guard Deputy Commandant for Operations
Organization:	U.S. Department of Homeland Security

Question: Admiral Salerno, as you know the owner of the COSTA CONCORDIA and COSTA ALLEGRA, Costa Crociere, has had the misfortune of having two of its vessels involved in serious marine casualties. Does the Coast Guard have any history of examining these vessels? Has either vessel made a port of call in the U.S.? How does this recent history affect the Coast Guard's examinations of cruise vessels operating under this line should they enter U.S. waters?

Response: The Coast Guard began plan review and examination of the COSTA CONCORDIA in 2006; however, the Coast Guard did not complete the vessel examination because the vessel has never visited the U.S. The Coast Guard had a history of examining the COSTA ALLEGRA; however, the vessel has not visited the U.S. in a number of years, with the last Coast Guard examination of that vessel being conducted in December 2005. Finally, the Coast Guard recently completed an examination of the COSTA DELIZIOSA in January 2012. There were no deficiencies.

Every cruise ship is examined by the Coast Guard at least twice per year (unless the vessel makes only one visit per year to the U.S.). Casualty history outside U.S. jurisdiction does not currently play a role in the Coast Guard's cruise ship examination program.

Question: Admiral Salerno, you referenced in your statement that the Coast Guard has actively interviewed COSTA CONCORDIA U.S. passengers. Have these interviews allowed the Coast Guard to develop a common picture of the situation aboard the vessel during the evacuation, and have these interviews provided any insights into the competence/incompetence of the crew?

Response: The Coast Guard has interviewed U.S. passengers who were onboard the COSTA CONCORDIA during the casualty to obtain information about the crews' lifesaving and emergency procedures. The U.S. passengers described the ship's abandonment in sufficient detail to understand the circumstances surrounding the evacuation procedures and provided insight into the crew's competence.

In accordance with International Maritime Organization guidelines, the U.S. is a substantially interested state in this investigation along with Italy (the Government of Italy is leading the

Question#:	1
Topic:	investigations
Hearing:	A Review of Cruise Ship Safety and Lessons Learned from the Costa Concordia Accident
Primary:	The Honorable Rick Larsen
Committee:	TRANSPORTATION (HOUSE)
Witness:	VADM Brian Salerno – U.S. Coast Guard Deputy Commandant for Operations
Organization:	U.S. Department of Homeland Security

investigation by nature of the location of incident and Italy is also the Flag State of the COSTA CONCORDIA). As the investigation process continues, more facts will be gathered and synthesized, permitting a thorough analysis of causal factors and the identification of lessons learned.

Question#:	2
Topic:	ISM
Hearing:	A Review of Cruise Ship Safety and Lessons Learned from the Costa Concordia Accident
Primary:	The Honorable Rick Larsen
Committee:	TRANSPORTATION (HOUSE)

Question: How do flag states determine that an operator such as Costa Crociere/Carnival Corporation actually practice safety management as intended by the International Safety Management (ISM) Code?

Response: The flag state, or its designated recognized organization (RO), is responsible for auditing a company's safety management system (SMS) for compliance with the functional requirements of SOLAS Chapter IX and the International Safety Management Code. The company's SMS is subject to annual verification by the flag state or RO. At the end of a satisfactory verification, the flag state will issue or endorse the Document of Compliance (DOC) for that company. The period of validity of a DOC is five years.

A vessel is also subject to annual verification of compliance with the company's SMS. The flag state or its RO will audit the vessel and its crew for compliance and practice of the company's SMS. At the end of a satisfactory audit, the flag state will issue or endorse the Safety Management Certificate (SMC) for that vessel. The period for validity of a SMC is also five years.

It is the Coast Guard's understanding that the Italian government directly handles the flag state ISM auditing for the Costa Crociere cruise ships.

Question#:	3
Topic:	flag states I
Hearing:	A Review of Cruise Ship Safety and Lessons Learned from the Costa Concordia Accident
Primary:	The Honorable Rick Larsen
Committee:	TRANSPORTATION (HOUSE)

Question: How do flag states ensure that third party competent authorities such as ABS, RINA, and DNV who issue company Documents of Compliance and vessel International Safety Management Code certificates are actually conducting examinations and surveys that determine an operator is meeting the intent of the ISM Code rather than conducting a paperwork exercise?

Response: Assurance of competent authority performance when acting on behalf of a flag state begins with the flag state's issuance of Recognized Organization (RO) status. For the U.S., 46 CFR part 8 provides the criteria by which a class society's competency is assessed and can thus be accepted as an RO to perform work on behalf of the Coast Guard. Other flag states maintain similar criteria for their respective evaluations.

After receiving RO status, a common framework that upholds a level of consistency for RO performance across class societies is that maintained by the International Association of Classification Societies (IACS). IACS consists of 13 member class societies responsible for the classification of more than 85 percent of the world's vessel tonnage.

As a condition of continuing membership, classification societies are required to submit to periodic evaluation to assess systematic policies and procedures in accordance with IACS precepts. Multiple test cases are also randomly selected for review of actual survey results and documentation practices. Flag States are invited to participate in IACS audits as a means to satisfy their own auditing requirements. The U.S. regularly participates in IACS sponsored audits along with other flag states similarly in attendance. Case specific audits may be conducted by the flag state apart from that mentioned above where indicators related to specific port state or owner/operator circumstances may be at issue.

Question#:	4
Topic:	EMSA
Hearing:	A Review of Cruise Ship Safety and Lessons Learned from the Costa Concordia Accident
Primary:	The Honorable Rick Larsen
Committee:	TRANSPORTATION (HOUSE)

Question: The European Maritime Safety Agency (EMSA) has safety and procedural requirements for EU states, including Italy. Do the U.S. regulations and implementation of the international requirements meet or exceed the EMSA standards?

Response: The Coast Guard has not evaluated European Maritime Safety Agency requirements and cannot provide a comparison to U.S. regulations. It is important to note that for foreign flagged cruise ships, the U.S. applies international conventions, such as: the International Convention for the Safety of Life at Sea; the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers; the International Convention for the Prevention of Pollution from Ships; the International Convention on Load Lines, and the International Tonnage Convention. As more countries become signatory to these conventions, the Coast Guard expects the European Union and its member countries to meet these same international conventions that the U.S. applies.

Question#:	5
Topic:	SOLAS
Hearing:	A Review of Cruise Ship Safety and Lessons Learned from the Costa Concordia Accident
Primary:	The Honorable Rick Larsen
Committee:	TRANSPORTATION (HOUSE)

Question: How does the Coast Guard know that a large cruise ship can be effectively evacuated within 30 minutes as required by SOLAS? What are the critical determinants in setting bounds on the size of cruise vessels and number of passengers and crew they can safely carry?

Response: The 30-minute timeframe for abandoning a ship (as referred to in the media and in previous hearings) is actually a requirement that calls for all survival craft to be “capable of being launched with their full complement of persons and equipment within a period of 30 minutes from the time the abandon ship signal is given after all persons have been assembled, with lifejackets donned” (see SOLAS Chapter III, Regulation 21.1.3).

The Coast Guard witnesses a lifeboat drill during each cruise ship examination that the Coast Guard performs. Coast Guard experience has been that lifeboats can be prepared, loaded, and launched well within this 30-minute period. Typically, the longest evolution during lifeboat launching is the time needed to load the lifeboat with passengers and crew. The largest of the current cruise ships use lifeboats having a capacity of up to 380 persons, and it has been shown in launching tests that loading and launching these large lifeboats could be accomplished in approximately 14 minutes.

Cruise ships may also be fitted with a marine evacuation system (MES). These systems typically comprise a series of large life rafts associated with a vertical chute or inclined slide system providing passage to an inflated platform on the water. The entire assembly deploys in minutes. These systems have been shown in full-scale tests to meet the requirement in SOLAS Chapter III, Regulation 21.1.3 for a volume on the order of 350 passengers each.

The limiting element in such drills is typically the launching of davit-launched life rafts, which most commonly accommodate vessel crew. Typically, such rafts have a 35-person capacity, and a single davit may handle four or five such life rafts. Accordingly, crews are effectively limited to five to seven minutes for swinging over, inflating, loading and launching each life raft from a single davit. Coast Guard experience has been that crews are able to meet this launching requirement.

As cruise ships become larger with capacities for more passengers and crew, there has been a trend towards larger lifeboats and the expanded use of MES. Thus far, the Coast Guard has had positive experience with performance of the larger lifeboats and MES.

Question#:	5
Topic:	SOLAS
Hearing:	A Review of Cruise Ship Safety and Lessons Learned from the Costa Concordia Accident
Primary:	The Honorable Rick Larsen
Committee:	TRANSPORTATION (HOUSE)

The overall evacuation time, including time to travel to the assembly or embarkation stations, is more complex, and is generally done by calculations rather than drills, which would be impractical for a ship carrying thousands of people. Travel time to the assembly stations is determined during plan review of each ship by calculating the travel times for a typical population of passengers (men, women, children, young, aged, mobility impaired, etc.) to pass through the corridors and stairways on each deck. These calculations are performed in accordance with the International Maritime Organization Marine Safety Committee.1/Circ. 1238 *Guidelines on evacuation analyses for new and existing passenger ships*, which is intended for use by naval architects in the early stages of design to optimize the arrangement of escape routes by identifying and eliminating congestion which may develop during an abandonment, due to the normal movement of passengers and crew along escape routes. The calculations take into account the possibility that some portion of the escape routes, assembly stations, embarkation stations or survival craft may be unavailable as a result of the casualty. Under these guidelines, the maximum total evacuation time for a large passenger ship is 80 minutes, which includes the 30 minutes needed for loading and lowering the survival craft.

The 80-minute limit begins when the passengers are notified of an emergency, and includes time for the passengers to react to the announcement and travel to the assembly stations, board the survival craft and be lowered to the water. These calculations are quite complex and are generally done by computer software that allows ship designs to be analyzed using an iterative calculation technique. All passenger ships reviewed by the Coast Guard since approximately 2002 have been designed using such evacuation guidelines.

Question#:	6
Topic:	flag states 2
Hearing:	A Review of Cruise Ship Safety and Lessons Learned from the Costa Concordia Accident
Primary:	The Honorable Rick Larsen
Committee:	TRANSPORTATION (HOUSE)

Question: How does the international community ensure flag states are complying with international requirements; is there a comprehensive list of how flag states are performing?

Response: There is no definitive compliance regime for implementation of mandatory international instruments and requirements. With that said, there is a voluntary program, administered by the International Maritime Organization (IMO) that audits compliance and implementation of their mandatory instruments/requirements. The IMO Voluntary Member Audit Scheme is a process that assesses the extent to which Member States are implementing and enforcing applicable IMO instruments. The Scheme provides a unique opportunity for the IMO to verify compliance objectives of IMO instruments and evaluate the rules and regulations that the Member State develops during their implementation. The first audit occurred in 2006 and the United States was audited in October 2007.

Results of the audits are kept confidential between the IMO, the auditors, and the audited Member State. As such there is no global, comprehensive list of Flag State performance, as it relates to compliance with international requirements.

Question#:	7
Topic:	IMO
Hearing:	A Review of Cruise Ship Safety and Lessons Learned from the Costa Concordia Accident
Primary:	The Honorable Rick Larsen
Committee:	TRANSPORTATION (HOUSE)

Question: After the ferry M/S ESTONIA disaster in 1994, there was an effort by the International Maritime Organization (IMO) to address survival and rescue of individuals on vessels at large angles of heel. What happened to that initiative and how might that have affected evacuation on the COSTA CONCORDIA?

Response: After the M/S ESTONIA capsizing in 1994, the IMO convened an international panel of experts to consider the safety of roll-on/roll-off (ro-ro) passenger ships (car ferry), typically in cross-channel or coastal service. The panel determined that because of stability issues unique to ro-ro passenger ships, such as the ESTONIA, rapid capsizing could occur under certain flooding conditions that would not allow time for an organized evacuation by the crew. Because of this, the panel concluded that it would not be effective to amend the existing survival craft launching requirements in SOLAS regulation III/48 to accommodate large angles of heel. The problem was not excessive heel, but rather insufficient time.

Accordingly, all survival craft were, and still are, required to be capable of being safely lowered against a trim of up to 10 degrees and a list of up to 20 degrees in either direction. However, the panel did make recommendations that inflatable life rafts on ro-ro ships should have self-righting capability, as the ESTONIA investigation found that numerous rafts capsized after manual or float-free launching, and could not be boarded by persons in the water.

Further, taking into account the typical operations of ro-ro ferries, where a similar ferry on a reciprocal route would be the most likely immediate rescue asset in the event of a casualty, the panel recommended, and IMO ultimately required, that ro-ro passenger ships be equipped with fast rescue boats (which are more capable than conventional approved rescue boats in rough seas) and a “means of rescue” to facilitate their acting as rescue vessels of opportunity to recover persons from the water in a mass rescue scenario.

Because these regulatory changes in the aftermath of the ESTONIA casualty were specific to that particular type of service, they are not of any particular relevance to the COSTA CONCORDIA casualty. In the COSTA CONCORDIA casualty, there was no indication that life rafts were inaccessible due to capsizing.

Question#:	8
Topic:	disaster
Hearing:	A Review of Cruise Ship Safety and Lessons Learned from the Costa Concordia Accident
Primary:	The Honorable Rick Larsen
Committee:	TRANSPORTATION (HOUSE)

Question: What would have been the consequences of a disaster similar to the COSTA CONCORDIA had it happen in the Arctic or Antarctic?

Response: Potential adverse consequences of a Mass Rescue Operation (MRO) in the Arctic or Antarctic regions, requiring the rescue of potentially hundreds to thousands of survivors, remain substantial. An MRO scenario in either polar region raises several complicated factors, including: potential distance of search and rescue (SAR) responders from the disaster location; harsh polar weather and sea conditions; and limited infrastructure and responder capabilities.

Arctic. The distances to travel to respond to a person in distress are great in the Arctic. In addition, Arctic weather is extremely harsh with ice and fog increasing the difficulty of any SAR response and decreasing survivability times compared to warmer regions. Storms also intensify due to increased temperature differentials along the ice edge. Inhospitable climate, absence of major population centers, and lack of use have led to minimal maritime support infrastructure. As a result, with limited SAR resources and a harsh environment, an Arctic MRO will be extremely difficult to conduct.

Antarctic. The challenges in conducting an Antarctic MRO are similar to the challenges faced in the Arctic. Although the U.S. has a SAR region and is responsible for coordinating SAR operations in the Arctic, it does not have a SAR region in the Antarctic and thus does not have direct responsibility for coordinating any overall SAR response. The U.S. does have aircraft and vessels which support the U.S. National Antarctic Program. These resources can be used to assist in the conduct of an MRO, which would typically be coordinated by one of the five countries responsible for SAR in Antarctic waters (New Zealand, Australia, South Africa, Chile and Argentina). However, the extreme distances, harsh polar weather and sea conditions, and limited SAR resources to conduct an Antarctic MRO would adversely impact any response.

Question: What precautions for mass rescue in remote locations has the Coast Guard taken?

Response: *Arctic Region.* Over the past 10 years, Coast Guard District 17, the maritime industry and the Alaska Federal, state and local response agencies have jointly developed MRO procedures including: an accountability process; communication of best practices;

Question#:	8
Topic:	disaster
Hearing:	A Review of Cruise Ship Safety and Lessons Learned from the Costa Concordia Accident
Primary:	The Honorable Rick Larsen
Committee:	TRANSPORTATION (HOUSE)

common Unified Command objectives and missions; joint quick response guides; and other policies and procedures to jointly support response coordination.

Our community partners in the region with specific response responsibilities include: the 11th Air Force; Alaska Army National Guard; National Park Service; Alaska State Police; North Slope Borough Search and Rescue; and others. Additionally, the Coast Guard trains and conducts regular exercises with our partners, coordinates regularly with other countries (the Russian Federation, Canada, Denmark, Iceland, Norway, and Sweden) that have search and rescue responsibilities, and shares mass rescue plans.

Antarctic Region. For the past five years, the State Department has focused on maritime safety matters at each of its annual Antarctic Treaty Consultative Meetings (ATCM). The Coast Guard is an integral member of the U.S. delegation. The Coast Guard provides SAR subject matter expertise (SME) to the State Department. These SME's are helping the Department of State develop an overarching, regional SAR agreement for Antarctica.

Question#:	9
Topic:	accidents
Hearing:	A Review of Cruise Ship Safety and Lessons Learned from the Costa Concordia Accident
Primary:	The Honorable Rick Larsen
Committee:	TRANSPORTATION (HOUSE)

Question: Is the Coast Guard prepared for cruise ship accidents similar to the COSTA CONCORDIA?

Response: The Coast Guard is fully committed and well trained to respond to accidents similar to the COSTA CONCORDIA. Additionally, the Coast Guard regularly participates in mass rescue exercises to further enhance the Service's preparation/readiness to respond to such an incident. However, the effectiveness of the Coast Guard's response to a cruise ship mass rescue operation similar to the COSTA CONCORDIA, of course depends on many variables, including: location; weather; sea state; time of year, etc. A cruise ship grounding off the U.S. coast would involve Coast Guard and other state, local, and volunteer SAR responders. Cruise ship disasters of this nature could include hundreds of thousands of passengers and crew. The Coast Guard would respond along with all available SAR agencies to minimize loss of life.

Question: I know you touched on this in your testimony but can you elaborate further on what the Coast Guard is doing to prepare?

Response: The Coast Guard is conducting and participating in regular mass rescue exercises. We continually refine our procedures with our SAR response community partners. The procedures include passenger and crew accountability process, communication best practices, common Unified Command objectives and missions.

Question: Are you confident that you have available sufficient assets to deploy should the need arise?

Response: In a COSTA CONCORDIA-like near shore scenario the Coast Guard would respond with all available assets including local and state SAR authorities. As discussed previously, having sufficient assets would depend on the location of the incident as well as a number of other factors.

Question#:	10
Topic:	safe
Hearing:	A Review of Cruise Ship Safety and Lessons Learned from the Costa Concordia Accident
Primary:	The Honorable Rick Larsen
Committee:	TRANSPORTATION (HOUSE)

Question: Should passengers sailing in other regions of the world (i.e., Europe, Asia, or S. America) feel as safe as passengers embarking from U.S. ports? How do other regions/countries compare as far as safety enforcement, and what can be done if there are concerns about safety?

Response: Other regions of the world may present different risks to passengers than the cruise ship sailings based in the United States. Risks that may exist because of the region a ship operates may include:

- Cruise ship route (what dangers do the waters themselves present);
- Density of traffic on the cruise itinerary (higher risks for collision);
- Piracy;
- Terrorism;
- Age/condition of the vessels (the U.S. typically sees newer and better maintained cruise ships and other regions may see older/less maintained cruise ships); or
- Effectiveness of port state control activities in the region.

The Coast Guard performs very robust port state control activities on foreign cruise ships. There are other regions/countries in the world that have similarly strong port state control programs. It would be unfair to not recognize the strong port state control programs that exist in some other countries, including countries who are members of the Paris, Tokyo and Vina Del Mar Memorandums of Understanding on Port State Control (for example, these include most European countries, Japan, Australia, Canada, New Zealand, Chile, etc.).

Concerns about cruise ship safety in other parts of the world are best addressed by the International Maritime Organization.

The U.S. State Department may issue travel advisories if there are safety and security concerns related to passenger ship travel in other regions of the world. Circumstances could dictate that, at the same time of the issuance of a State Department travel advisory, the Coast Guard may issue piracy-related Port Security Advisories. These advisories provide further guidance and direction to U.S. flagged vessels operating in high risk waters. Advisories can be found at <http://homeport.uscg.mil/piracy>.

Question#:	11
Topic:	AIS
Hearing:	A Review of Cruise Ship Safety and Lessons Learned from the Costa Concordia Accident
Primary:	The Honorable Rick Larsen
Committee:	TRANSPORTATION (HOUSE)

Question: How would the Coast Guard know that a foreign ship's captain is sailing too close to obstacles in U. S. waters, as may have happened to the COSTA CONCORDIA, in time to take action to avoid an accident? Does existing Automatic Identification System (AIS) technology provide the Coast Guard with this capability?

Response: The Coast Guard currently has the ability to receive vessel track data on foreign vessels approaching U.S. waterways out to 25nm. This assumes the vessel is carrying an Automatic Identification System (AIS) transponder and broadcasting in the clear. All vessels greater than 300 tons on international voyages are required to carry AIS transponders by law.

The AIS data received includes the name of the vessel, its Maritime Mobile Service Identity number, speed, course, destination, position and certain cargo information. Based on the data received and displayed on the Coast Guard's current systems, it is possible for a Coast Guard watchstander to determine if a vessel is sailing too close to obstacles in our waterways. However, the Coast Guard's ability to do this is limited to a few small areas where the Coast Guard operates Vessel Traffic Services (VTS).

Question#:	12
Topic:	NTSB
Hearing:	A Review of Cruise Ship Safety and Lessons Learned from the Costa Concordia Accident
Primary:	The Honorable Rick Larsen
Committee:	TRANSPORTATION (HOUSE)

Question: In the November 2007 M/V COSCO BUSAN allision with the San Francisco Bay Bridge, the National Transportation Safety Board concluded that the accident was partially caused by the pilot's impairment from the prescription drugs he had been taking. What has the Coast Guard done to prevent drug-impaired pilots and crewmembers from taking command of a passenger vessel sailing out of U. S. ports?

Response: Since the marine casualty involving the M/V COSCO BUSAN, the Coast Guard has developed medical guidance that has been provided to the industry in Navigation and Vessel Inspection Circular 04-08 (NVIC 04-08). Within this document, the Coast Guard provides guidance on conditions and medications that require further review by the Coast Guard's medical evaluation staff. The NVIC 04-08 is currently under revision to further develop changes in the evaluation process, as well as to update medical standards and processes.

The Coast Guard has implemented a medical evaluation process, whereby all medical evaluation forms are reviewed by the staff at the Coast Guard's National Maritime Center. Those forms submitted containing conditions listed in NVIC 04-08 are reviewed by the medical staff and follow-up information is sought to determine whether the mariner should be considered physically qualified for the credential being sought.

Additionally, the Coast Guard has established the Merchant Mariner Medical Advisory Committee. This committee provides the Coast Guard advice on the improvement of the standards and guidance provided to mariners and their physicians to ensure that those serving on vessels are physically qualified. The Coast Guard has received advice on development of Designated Medical Examiners and is working on the groundwork for the development of a program using such physicians. Furthermore, the Committee will be asked to review the revisions to NVIC 04-08 and provide advice on the information being developed.

In addition to the above measures, the Coast Guard has the authority to:

- Direct a mariner to take a chemical test if they are directly involved in a marine casualty or if the mariner is suspected of being under the influence of alcohol/drugs.
- Suspend temporarily a Merchant Mariner Credential (MMC) if there is probable cause to believe a mariner, while in a safety sensitive position and acting under the authority of their MMC, performed their duties while under the influence of alcohol and/or a dangerous drug.

Question#:	12
Topic:	NTSB
Hearing:	A Review of Cruise Ship Safety and Lessons Learned from the Costa Concordia Accident
Primary:	The Honorable Rick Larsen
Committee:	TRANSPORTATION (HOUSE)

- Take action against a MMC in cases where the medical staff at the National Maritime Center has deemed that a mariner is unfit to hold a MMC due to medical reasons, such as the mariner's use of certain prescription medications.
- Order additional testing of a drug test specimen to determine if other substances, such as prescription medications, are present, and take other warranted appropriate action.

(Note: During Department of Transportation drug tests, labs will only test for the presence of marijuana, cocaine, opiates, PCP, and amphetamines.)

Question#:	13
Topic:	safety personnel
Hearing:	A Review of Cruise Ship Safety and Lessons Learned from the Costa Concordia Accident
Primary:	The Honorable Rick Larsen
Committee:	TRANSPORTATION (HOUSE)

Question: U. S. airlines are required to have safety officers who are responsible for reporting safety issues directly to executive personnel. Do passenger cruise lines have the same types of safety personnel in their management structure? If not, why not, and should they?

Response: The International Safety Management Code requires that each company provide a designated person (or persons) ashore having direct access to the highest level of management to ensure the safe operation of each ship and to provide a link between a company and those on board the company's ships. The responsibility and authority of the designated person (or persons) includes monitoring the safety and pollution-prevention aspects of the operation of each ship and ensuring that adequate resources and shore-based support are provided.

Question#:	14
Topic:	video
Hearing:	A Review of Cruise Ship Safety and Lessons Learned from the Costa Concordia Accident
Primary:	The Honorable Doris Matsui
Committee:	TRANSPORTATION (HOUSE)

Question: Are all cruise ships currently equipped with acoustic hailing devices?

Response: The Coast Guard does not have data indicating how many cruise ships are equipped with acoustic hailing devices. The Cruise Vessel Security and Safety Act of 2010 only requires them on ships that operate in "high risk areas" as defined by the Coast Guard. Ships that embark or disembark passengers in U.S. ports are not likely to operate in high risk areas.

Question: How does the Coast Guard define "high risk areas"?

Response: There is not a specific definition or risk threshold that would categorize a particular U.S. waterway as a "high risk area" for navigation purposes. There are numerous factors that influence risk from a safety and security standpoint. In waters subject to the jurisdiction of the United States, including the territorial sea to a seaward limit of 12 nautical miles from the baseline, the Coast Guard has broad regulatory authority under the Ports and Waterways Safety Act, 33 U.S.C. 1221–1232, the Act of June 15, 1917, as amended by both the Magnuson Act of August 9, 1950 ("Magnuson Act"), 50 U.S.C. 191–195, and sec. 104 the Maritime Transportation Security Act of 2002 to establish limited and controlled access areas, such as safety zones and security zones, as well as regulated navigation areas.

For security purposes, under the authority of 33 CFR Part 101.405, the Coast Guard published MARSEC Directive 104-6 (series) to provide direction to U.S. flagged vessels operating in High Risk Waters (HRW) where acts of terrorism, piracy, and armed robbery against ships are prevalent. Due to the dynamic nature of piracy, security measures in this directive are reviewed annually, or more frequently, to validate their effectiveness. For example, in response to the expanding threat piracy poses in the Horn of Africa region the Coast Guard, in consultation with industry and other government agencies, recently increased the designated high risk area to extend further offshore. The international shipping industry recently published version 4 of the Industry Best Management Practices (BMP) to assist ships to avoid, deter or delay piracy attacks in the High Risk Area. The BMPs state that the High Risk Area defines itself by where pirate activity and/or attacks have taken place in the Gulf of Oman/Horn of Africa.

Question#:	14
Topic:	video
Hearing:	A Review of Cruise Ship Safety and Lessons Learned from the Costa Concordia Accident
Primary:	The Honorable Doris Matsui
Committee:	TRANSPORTATION (HOUSE)

Question: Have the cruise lines integrated video surveillance aboard their vessels as required by the law? If the ships have not integrated video surveillance, what are some of the reasons why this has not yet occurred?

Response: All cruise ships have installed various types of video surveillance systems. The Coast Guard is developing regulations to implement the requirements for video recording and surveillance systems as required by the Cruise Vessel Security and Safety Act of 2010. In the mean time, Coast Guard policy requires that a copy of video-recordings using currently installed video-recording equipment, which pertain to an alleged crime under investigation, shall be provided to law enforcement officials upon request.

Question#:	1
Topic:	safety training
Hearing:	A Review of Cruise Ship Safety and Lessons Learned from the Costa Concordia Accident
Primary:	The Honorable Don Young
Committee:	TRANSPORTATION (HOUSE)
Witness:	VADM Brian Salerno – USCG Deputy Commandant for Operations
Organization:	U.S. Department of Homeland Security

Question: American longshore workers have asserted that neither the foreign crew nor the American staffs on board the foreign cruise vessels have the required safety training to load, unload, and tie up vessels at our Nation's ports. How would you respond to the concern that unqualified personnel loading, unloading, and tying up vessels at our nation's ports may endanger passenger safety? Do you believe legislation is required to further protect passenger safety during the loading, unloading and tying up of vessels at our Nation's ports?

Response: The Coast Guard is very concerned about safety onboard vessels; however, the Coast Guard is not aware of concerns arising directly from crews or staffs loading, unloading, or docking ships that are not addressed through existing authorities. More specifically, vessel loading, unloading, and tie up is governed by regulations issued by the Occupational Safety & Health Administration, which is not within the scope of the Coast Guard's authority. Certainly, these types of activities always involve risk, but there is a safety regime in place for vessel stability, safety management onboard, and crew training and competency.

Feb 28, 2012

Statement By: Divya and Sameer Sharma

We boarded the Costa Concordia on Friday, January 13th, 2012 from Civitavecchia, Italy between 5:00 PM – 6:00 PM. The boarding process was fairly easy. After surrendering our passports to the crew members we went to our room on the 9th deck. At this point we have had no communication regarding the emergency safety drill or any instructions from anyone from the crew telling us where to go in case of any emergency.

We were in full sprit of our vacation and were very happy to be on board. Soon after getting situated we started to unpack our luggage and started to get ready for our dinner reservation at 9:00pm on the 3rd Deck. At about 9:15 pm we were at our dinner table on Deck 3 and were in process of ordering our food. As we had just ordered our appetizers. There was violent shaking of the ship followed by loud crash noises as the plates and glasses broke due to the listing of the ship towards the starboard side. Lights went out immediately but there was no announcement as to what had happened. It was pitch dark and with no visibility. Everyone nearby started to scream and few minutes into the ordeal the emergency lights came on and we observed that the ship is now listing on the port side. This is when the first announcement came on telling us that it was nothing but an electrical failure and that everything is under control. Crew members urged the passengers to remain calm and seated. The staff started to bring out people's food as if nothing bad had happened. While the ship is still tilted we saw a few crewmembers in our dining room break down, crying and panicked. When we glanced outside we saw around 5-7 crewmembers wearing lifejackets but still the announcements continued telling us to remain calm and seated and the electrical issue is being worked on and everything is under control. Around 10:00 pm about 30 minutes in to the situation Sameer decided it's time for us to go and at least get our life jackets from our rooms. We had no knowledge that from where we can get the life jackets other than which Divya had spotted in the closets of our room. As we went out of the dining room we were highly imbalanced due to the tilt and there were, water, wine and broken glass on the dining room floor. Once outside we were immediately unable to locate the stairs as we had taken the elevators to get to the deck 3. There were dim emergency lights indicating the stairs and we climbed 6 floors to our deck to get to our room without anyone guiding us in the dark. Somehow, we managed to get to our room holding the guardrails, very much exhausted and panicked. As were reaching our room there were constant announcements of the same message "Ladies and gentlemen everything is under control at this point and it seems to be a generator failure. Please stay calm and wait for further instructions and be cooperative" What caught our attention was that all the announcements were made on "Behalf" of the Captain and never once did we ever hear the Captain speak. However, there was a sense of panic in the announcer voice that kept making the announcement.

Finally we managed to get our door unlocked using our card key after several tries. The room had no light and it was dark. Divya stumbled upon a few things that ad fallen on the floor. Sameer stayed in middle of the door to keep it open and pushing the furniture back to make some room to get

our life jackets. The ship felt a little more tilted and the room's furniture had shifted significantly. Divya knew where the life jackets were because she had just unpacked the luggage to arrange in the closets and had seen life jackets. Once we got the life jackets we immediately got out of the room and spotted our State Room attendant nearby. Divya asked the room attendant "where we are supposed to go?" she replied in a very irritated tone "Madam at this point there is no emergency, you don't need to go anywhere, please stay here and wait for further instructions and for emergency alarm to sound" As we are walking away we ask her again, "In emergency where we suppose to meet"? She replied, "The Muster stations are on Deck 4."

At this point we were still unaware what was the root cause of this ordeal, there were no emergency alarms going off, the same announcements keep on repeating telling the passengers to remain calm and electrical issue is under control. While we are going to the deck 4, we saw the crew members amongst us running around panicked, frustrated and clueless.

No one seemed to have any clear idea as to what they had to do in this situation or where they were supposed to send us. People seemed to direct themselves onto Deck 4 and stood near any available lifeboat. As we were making our way to Deck 4 where the Muster Stations were located we saw a lot of people just sitting outside of their rooms, waiting. People were also sitting on stairs closer to Deck 4 but we went ahead and stood closer to a lifeboat. At this point there were 3-4 crewmembers per lifeboat and they were trying to keep the crowd away from the boats. The time by now was 10:30 PM and one of the crew members came and practically gave us the same instructions this time urging all of us to go back to our rooms and wait for further instructions and "everything is under control"?

A few people did what was being asked for; we decided to stand near by the exit door near the life boat. By now it was really difficult to stand straight as the ship was listing towards the port violently. At this point we decided amongst ourselves and located a rock where we would swim to in case they kept us waiting longer to get into the lifeboats. We tried asking a couple of crew members to tell us what had happened and they simply shrugged their shoulders and went on. The lifeboat crew was equally clueless and kept waiting for further instructions from the Captain that never came.

People started to panic and frustrated as the ship is tilting more by the minutes. We were getting frustrated, aggravated and the crowd was pushing and shoving against each other. Still no sign of any Emergency alarms or any evacuation instructions from the Captain. Finally the life boat crew let us in as they saw the crowd getting enraged and out of control. There was no order of boarding the lifeboats and everyone was shoving, pushing and kicking to get onto the lifeboat.

Once on the lifeboat people sat/stood wherever they found a place and the boat was full within a minute. There were more people on the boat then supposed as a lot of people were standing or sitting on the floor. Now the lifeboat would not disengage from the ship and crew member is asking the passenger to get off the boat to go to the next boat as our boat was over capacity.

The motor was not working and after trying to disengage the boat for around 5 minutes the crewmembers started using hammers to cut off the ropes. There was constant loud banging as ship is still tilting. About after 5 minutes the boat listed towards the back, then towards the front and then

finally with a loud scratching noise, which sounded like a ripping noise the boat fell onto the water upright.

Once on the water we saw that the ship was leaning on top of the boat and it would not move. We happened to observe that the decks 1 were completely submerged into the water and Deck 2 and 3 partially in the water. We saw blue smoke coming out of the engine of our life boat and the crew members were yelling and shouting back and forth in between themselves. At this point while the boat is not mobile the panic was growing by the seconds, all you could see is this huge ship tilting towards the boat. At this point Sameer decided to jump out of the boat with Divya by lifting the tarp that was covering the lifeboat. Sameer alone could not lift the tarp high enough to get enough access. About the same time the lifeboat started to move inch by inch away from the ship and finally we reached the shore after about half hour of struggle. Once ashore the confusion and chaos continued and still we were not sure what had just happened. How an “under control” electrical issue can cause the ship to sink?

**TESTIMONY OF CHRISTINE DUFFY,
PRESIDENT AND CEO, CRUISE LINES INTERNATIONAL ASSOCIATION
U.S. HOUSE OF REPRESENTATIVES
HOUSE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
SUBCOMMITTEE ON COAST GUARD AND MARITIME TRANSPORTATION**

A Review of Cruise Ship Safety and Lessons Learned from the COSTA CONCORDIA Accident

February 29, 2012

Chairman [Frank] LoBiondo, Ranking Member [Rick] Larsen, Members of the Subcommittee: Thank you for inviting me to testify today. My name is Christine Duffy. I'm President and CEO of the Cruise Lines International Association – widely known as CLIA. I became CLIA's President last February. Before joining CLIA, I was President and CEO of Maritz Travel and I began my career as travel agent.

I would prefer to be with you today under different circumstances. The Concordia incident has had a profound impact on our industry. I speak for all our cruise line members in expressing our deepest condolences to everyone affected by this tragedy. As an industry, we are wholly committed to examining what happened, and to identifying lessons that can be learned. If it becomes clear that corrective measures are necessary, we will work as an industry with governments and regulators to ensure recommended measures are adopted.

My remarks today will not focus on speculation over the causes of the Concordia incident. There are ongoing investigations by Italian maritime and law enforcement authorities and we hope to have their conclusions as soon as possible.

Rather, my testimony will provide a broader industry perspective on how cruise ships are regulated and the critical importance we place on our commitment to safety. We applaud your leadership in examining cruise ship safety and pledge to work with this Subcommittee to further our shared goal of taking all necessary steps to continue to ensure the safety of the passengers entrusted to our care.

The Cruise Lines International Association represents 26 major cruise lines serving North America, more than 16,000 affiliated travel agents and agencies across the United States, and 120 Executive Partners spanning a broad array of industries – from ports to food suppliers – that help make the cruise industry run efficiently and effectively.

In 2010, the North American cruise industry generated \$37.85 billion in U.S. economic benefits including nearly 330,000 U.S. jobs. Last year, our member lines' 211 ships served 16.3 million passengers – up from 7.2 million in 2000.

CLIA's mission is to promote the policies and practices that foster a safe, secure and healthy cruise ship environment for our guests. To fulfill that mission our member lines participate in ongoing, specialized committees, working groups, task forces and other forums to develop and promote

industry-wide policies, routinely meeting with regulators and enforcement officials to promote efficiency and best practices throughout the world. Through these varied groups, and aided by a professional technical staff, consultants, and maritime authorities, our members share information, review and assist in developing applicable national and international legal requirements, and identify best industry practices for all members to adopt.

Safety is the cruise industry's number one priority. It is absolutely essential to our business. Nothing is more important.

We are not alone in this effort. Every aspect of the cruise experience is heavily regulated and monitored under U.S. and international maritime law for the purpose of protecting the safety of cruise passengers and crews.

These regulations begin with the design and construction of the ship and extend to the operation and navigation of the vessel, the training of the crew, the emergency equipment on board, and the evacuation protocols. A United Nations agency – the International Maritime Organization (IMO) – mandates global standards for the safety and operation of cruise ships. The United States Coast Guard under the supervision of the Department of State is the primary agency that represents the United States at the IMO.

The most important of these standards are covered by the International Convention for the Safety of Life at Sea (SOLAS). This treaty has been ratified by the United States, all European Union Member States and most other nations, providing a uniform worldwide set of mandates regarding safety equipment, crew training, evacuation and emergency procedures, and navigation safety standards.

One of the most vital components of SOLAS is the International Safety Management Code (ISM). This Code is the primary mechanism for assigning safety responsibilities, functions and procedures – both among the crew onboard an individual vessel, and the cruise line as a whole. The purpose of the ISM Code – and the continuous training exercises that instill it – is to ensure that every member of the crew, from the Captain to the most entry-level hospitality staff member, understands his or her precise responsibilities, especially in the event of an emergency.

The stringent standards embodied by the IMO, SOLAS and the ISM Code have multiple layers of enforcement. The primary responsibility rests with the flag state of the vessel. Secondly, all ports where a vessel calls can, and do, take additional measures to ensure compliance.

In the United States, for example, the U.S. Coast Guard enforces all maritime regulatory requirements through both announced and unannounced inspections and a rigorous annual examination of every ship that embarks passengers in the U.S. At any time, the local Coast Guard Captain of a Port can prevent *any* cruise ship from departing if a serious violation of *any* regulation is found. CLIA's senior staff includes four retired U.S. Coast Guard officers, so we are intimately familiar with the dedication and commitment of this branch of service.

Because of the cruise industry's commitment to safety, supported by strict regulations and vigorous enforcement mechanisms, cruising is one of the safest forms of recreation and travel in the world.

In the decade from 2002 through 2011, prior to the grounding of the Costa Concordia, there were a total of 28 fatalities on cruise ships related to an operational casualty. Twenty-two of those fatalities involved crew members; just six were passengers, out of 153.4 million guests who sailed during those 10 years. Overall, the fatality rate during that decade amounted to 0.13 per million; for passengers alone, the rate was 0.04 per million.¹

Let me be clear: Not a single fatality is acceptable to our industry, and we will continue to work to prevent such incidents. One of the reasons fatal casualties are so rare is that we treat every one of these tragedies as a profound reminder of our duty to put ourselves under a microscope so we can continuously improve our practices, procedures and performance.

The Concordia incident is no different. Almost immediately following the grounding of the Concordia, CLIA member cruise lines launched a Cruise Industry Operational Safety Review – a comprehensive assessment of the critical human factors and operational aspects of maritime safety. We announced this publicly on January 27, 2012 on behalf of the global cruise industry. This Review, which is well underway, is comprised of four key components:

- First, an internal review by CLIA members of their own operational safety practices and procedures covering issues of navigation, evacuation, emergency training, and related practices and procedures.
- Second, consultation on these issues with independent external experts.
- Third, the identification and sharing of industry best practices and policies, as well as possible recommendations to the IMO for substantive regulatory changes to further improve the industry's operational safety.
- Fourth, a commitment to collaborate with the IMO, governments, and regulatory bodies to implement any necessary changes – but also to act independently and voluntarily where possible to speed safety improvements.

I'm pleased to report that the industry is already moving forward with recommendations from this Review.

On February 9, 2012 CLIA members instituted a new passenger muster policy requiring mandatory muster drills for embarking passengers prior to departure from port. This new policy exceeds existing legal requirements, which call for muster drills within 24 hours of passenger embarkation. It is being undertaken voluntarily and became effective immediately. Rather than waiting until the entire Review is completed, we will take steps to implement recommendations on industry best practices as soon as they are identified and on an ongoing basis.

¹ G.P. Wild (International) Ltd., 2012 Cruise Industry Casualty Report

The Cruise Industry Operational Safety Review continues a long tradition in our industry of taking action proactively and voluntarily to improve our safety procedures. Another prime example was the development and adoption in 2008 of a series of best practices related to guest care – specifically the need to provide practical assistance and emotional support during times of significant stress or trauma.

CLIA's guidelines on guest care practices cover a broad range of services. While each situation is different, these services typically include assigning a specific care team to work with guests or their families in times of need, both on-ship and onshore; meeting transportation and logistical needs; providing immediate, complimentary communications to shore; serving as a liaison with local governments or the U.S. embassy when appropriate; and contacting a guest or family once they have returned home to determine if they need additional support.

The cruise industry also has a strong record of working with Congress to initiate and enact new laws dedicated to advancing passenger safety. In 2010, CLIA worked with many members of this Subcommittee to assist in development and enactment of the Cruise Vessel Security and Safety Act, which was signed into law by President Obama on July 27, 2010.

This legislation brought consistency and clarity to the security and safety laws and regulations for the cruise industry in the United States. CLIA member cruise lines are already in compliance with the effective provisions of the CVSSA, including crime reporting provisions; the use of latch and computerized key technology; and the requirements that log books include all reports of crime and thefts over \$1,000. To bring further transparency to the industry, the U.S. Coast Guard and the Federal Bureau of Investigation (FBI) now maintain a website with the required reporting of crime case totals by cruise line in each category.

Our members are also in compliance with new mandates that became effective on January 27, 2012 requiring 42-inch rail heights in all passenger areas and peep holes in all passenger and crew cabins. We will continue to work with the U.S. Coast Guard, the FBI and other law enforcement agencies both in the U.S. and around the world to ensure that all of the bill's provisions are fully implemented.

Thank you again for the opportunity to provide this testimony to the Subcommittee. I hope the information provided is informative regarding the substantial oversight and accountability of cruise lines, both in the U.S. and internationally. CLIA will continue to lead the Cruise Industry Operational Safety Review and, as with the recently agreed Muster Policy, will look to apply lessons learned so that future incidents, however rare, can be avoided. We remain fully and deeply committed to continuous enhancement of the safety of our guests and crewmembers, as it is without question our top priority.

I look forward to answering your questions. Thank you.

###

SUBCOMMITTEE ON COAST GUARD & MARITIME TRANSPORTATION

"A Review of Cruise Ship Safety and Lessons Learned from the COSTA CONCORDIA Accident"

February 29, 2012

Follow-up Questions Submitted by Congressman Rick Larsen

Christine Duffy, Cruise Lines International Association

1. *How does the cruise line industry know that a large cruise ship can be effectively evacuated within 30 minutes as required by SOLAS?*
 - a. The International Convention for the Safety of Life at Sea (SOLAS) 30-minute evacuation requirement, which applies to large cruise ships, is a vessel and lifesaving equipment design and capability requirement. The ability to meet this requirement is validated during the ship's design phase and verified by testing during the ship's construction and commissioning.
 - b. The SOLAS requirement states that all survival craft shall be capable of being launched with their full complement of persons and equipment within 30 minutes from the time the abandon ship signal is given. Prior to issuance of the initial Passenger Ship Safety Certificate, the crew carries out tests related to the deployment of survival craft.
 - c. In addition, each annual Passenger Ship Safety Certificate renewal survey includes a drill and launching of lifeboats with crew to demonstrate compliance. Lifeboat launching is also a test performed during Port State Control inspections (e.g., U.S. Coast Guard).
 - d. CLIA members must also carry out regular abandon ship drills to ensure readiness, as well as to demonstrate compliance with SOLAS and company procedures. These procedures must comply with SOLAS regulations, which require that each vessel conduct an abandon ship drill every week and that every crewmember participate in at least one abandon ship drill each month.
 - e. Each lifeboat is required to be launched and maneuvered in the water by its assigned operating crew at least once every three months during a mandatory abandon ship drill.
 - f. Crewmember participation in abandon ship drills is confirmed, performance of drills is evaluated, and refresher training is provided to crewmembers on an as-needed basis. These drills are also regularly witnessed by Flag State and Port State Control inspectors, where the ability to demonstrate compliance is verified.
 - g. Passenger musters also give crewmembers frequent opportunities to participate and exercise their emergency duties.

2. *On CLIA-member vessels do you muster passengers at the abandon ship site and how do you positively account for them, by name and cabin number?*

- a. CLIA members have differing procedures and locations for passenger musters, all of which must meet or exceed the requirements of SOLAS (Chapter III, Regulation 11) and be approved by their Flag Administrations. Generally, passengers are mustered either at the lifeboat embarkation stations or at designated assembly stations.
- b. Where musters are held at designated assembly stations, it is a common practice for passengers to be led to and shown the abandon ship sites, as part of their safety briefings.
- c. CLIA members generally have documented procedures to ensure that passengers attend musters and that passengers who do not attend are identified. Specific methods vary by CLIA members' operating lines or vessels. In some cases attendance is taken at the muster; in others the ship is searched to ensure that no passengers are in their cabins, public spaces, or locations other than the muster stations.

3. *How do CLIA-member vessels account and search for missing passengers at musters stations?*

CLIA members have different procedures to account for passengers during musters, some of which were identified in response to Question 2 above. In some cases, attendance is taken at the muster; in others the ship is searched to ensure that no passengers are in their cabins, public spaces, or locations other than the muster stations.

4. *What is the percentage of staff (crew) assigned to assist passengers during an emergency or abandon ship? How often are they trained and are they fluent in the language of the majority of the passengers?*

- a. While the specific percentages vary from ship to ship, crewmembers are assigned specific duties during an emergency, including abandoning ship. In accordance with SOLAS and the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), each crewmember is to be given safety training appropriate for his or her position as a requirement for that position. Each crewmember is also to be given a safety familiarity briefing when he or she signs onto the ship.
- b. Onboard safety drills, including fire and abandon ship drills as required by SOLAS, are to be performed weekly, and each crewmember must attend an abandon ship drill at least once a month. Instruction and training in the use of the ship's firefighting equipment and systems, lifesaving appliances, and in survival at sea are given at the same interval as these drills.
- c. In accordance with SOLAS, crewmembers assigned to assist passengers during an emergency or abandon ship on CLIA member ships must either be fluent in or trained in the working language of the ship and in the English language. In addition,

in accordance with STCW (Section A-V/3), crewmembers providing direct service to passengers in passenger spaces must attain the necessary abilities to communicate with passengers during an emergency.

5. At what degree of list does the vessel's lifesaving equipment become inoperative? How do you address this limitation in your vessel's SMS?
 - a. SOLAS requires that lifesaving equipment be designed to be operable at up to 20 degrees of list on either side and up to 10 degrees of trim. This does not necessarily mean, however, that lifesaving equipment is no longer operable at more than these list or trim design conditions.
 - b. The SMS on each ship must include procedures to be followed in case of emergencies. These procedures include the storage, operation, maintenance and launching/use of all types of lifesaving equipment, including lifeboats, liferafts, lifejackets, lifebuoys, rescue boats, and embarkation ladders.
 - c. In the extremely rare event of a ship being unable to launch its lifeboats or liferafts due to excessive list or trim, the other options listed above (*e.g.*, rescue boats, lifejackets, lifebuoys, and embarkation ladders) remain available and can be used to facilitate the rescue of persons on board.
 - d. In accordance with the ISM Code, each ship's SMS must clearly state that: "... the Master has the overriding authority and the responsibility to make decisions with respect to safety ... and to request the Company's assistance as may be necessary."
6. *If lifesaving equipment becomes inoperative due to list, how is this event treated in a typical CLIA-member SMS?*

Please see response to Question 5 above.

7. *For all persons aboard your vessels, what percentage is accommodated in lifeboats and what percentage in liferafts?*
 - a. SOLAS requires that the lifeboats on each side of the ship have an aggregate capacity that will accommodate not less than 50% of the total number of persons on board.
 - b. According to SOLAS, the ship's Flag Administration may permit substitution of lifeboats by liferafts of equivalent total capacity provided that there shall never be less than sufficient lifeboats on each side of the ship to accommodate 37.5% of the total number of persons on board.
 - c. In addition, SOLAS also requires that each ship have inflatable or rigid liferafts with an aggregate capacity to accommodate at least 25% of the total number of persons on board. These liferafts must be able to be launched by at least one launching appliance on each side of the ship.
 - d. Whether in lifeboats or liferafts, the legal regime ensures that there is more than enough capacity for 100% of the occupants on board.

8. *Prior to the Costa Concordia disaster, what CLIA-member guidance was provided on performing emergency drills prior to sailing?*

Prior to the *Costa Concordia* accident, CLIA members' standards and procedures for conducting passenger musters had to meet or exceed the requirements of SOLAS (Chapter III, Regulation 19.2). On February 9, 2012, as part of CLIA's Cruise Industry Operational Safety Review, a new muster policy, unanimously adopted by all CLIA member lines, was announced. This muster policy, which was already in place for some CLIA members, has now been adopted by all CLIA members. The new muster policy exceeds existing legal requirements by calling for the mandatory muster of all embarking passengers prior to departure from port.

9. *With multi-national passengers onboard how are emergency and important announcements made and in what languages?*

- a. SOLAS and the STCW require that specialized mustering and emergency instructions be provided in multiple languages. CLIA members have established procedures that comply with these requirements. These procedures include:
 1. Providing clear instructions in the event of an emergency to every person onboard. The instructions are drawn up in the language or languages required by the ship's Flag State and in English, as well as other languages, depending on the passenger complement.
 2. Providing instructions/notices in appropriate languages in passenger cabins and conspicuously displaying them at muster stations and in other passenger spaces.
 3. Training with regard to communications with passengers, including those speaking different languages as appropriate. This includes, among other things, addressing the ability to communicate with passengers during an emergency, taking into account the languages and nationalities of passengers carried on the particular route.
- b. In summary, CLIA member lines provide mustering and emergency instructions in multiple languages and in many forms, depending upon the complement of passengers on board at any given time.

10. *How often are CLIA-member cruise line officers and crews trained in STCW crowd control and crisis management? Is this training conducted shipboard underway or shore side? In light of the Costa Concordia should this training be reevaluated?*

- a. Crisis Management and Human Behavior training is required by STCW for certain senior ship staff and other officers, and is typically given in shoreside training facilities.
- b. Crowd Management training is required by STCW for seafarers who are assigned to assist passengers in an emergency, and is typically given on board, although it may be given shoreside.

- c. STCW requires that this training be provided prior to being assigned shipboard duties, and that refresher training be given at least every five years.
- d. Training related to safety and emergency response is commonly reviewed on a periodic basis by CLIA member lines. The findings from the *Costa Concordia* investigation, when completed, will guide this review.

11. *Although Voyage Data Recorders are thought to be primarily for use after accidents, the recorded information can be reviewed anytime. How do CLIA-member cruise lines make use of the data collected by a vessel's VDR for safety management oversight and improvement purposes?*

- a. CLIA member lines have different procedures in place. For example, some lines use VDR data as and when appropriate to analyze and diagnose incidents, near misses, and other unexpected events.
- b. Some lines have been conducting trials on using VDR data for purposes of training, management oversight, and critiquing Bridge Officers' performance. These trials may result in broader deployment of this approach to other ships.

12. *What plans are in place on CLIA-member vessels for accommodating passengers and crew in the event of an emergency? How do port states assess a local community's ability to respond to disasters such as the Costa Concordia which could have been far worse in terms of the need for shore side resources?*

- a. CLIA member lines have different procedures in place. For example, some lines have implemented a "CareTeam" type of approach, the primary goal of which is to provide emotional and logistical support to passengers, crew, and their family or friends, when faced with a traumatic situation. Others have established arrangements with outside providers.
- b. CareTeams or similar personnel, which include experts who assist in the placement of passengers and crew in the event of an emergency, exercise this ability in the event of physical emergency situations, as well as for other situations, such as itinerary changes due to weather, unexpected port closures, or for other reasons.
- c. CareTeams or similar personnel typically arrange for hotel rooms, bus, car, train, and air transportation, and work closely with the local authorities through local agents.

13. *If the Costa Concordia had run aground in the Arctic or Antarctic, what precautions for mass rescue in remote locations have CLIA-member operators adopted?*

- a. Specific contingency plans are drawn up for Arctic or Antarctic itineraries. These plans are to include provisions for conducting mass rescue operations in remote locations. As an example, at the Subcommittee's hearing, Captain George Wright discussed some of precautions taken by Princess Cruises for cruising in the Antarctic. He indicated that Princess conducted an exhaustive risk assessment, which led Princess to implement extra training and provide for specialized equipment on

board. Captain Wright also indicated that Princess had two captains on board when cruising in the Antarctic and also brought on an ice pilot from Argentina and retired U.S. Coast Guard captain with expertise in ice breaking. He also noted that one senior member of Princess's Marine Operations team was stationed on the vessel when cruising in the Antarctic and one member of Princess' Marine Operations team was positioned in the Marine Rescue Coordination Centre in Punta Arenas.

14. If a CLIA-member vessel sustains damage below the waterline, how do a CLIA-member vessel's SMS procedures address maintaining the vessel with minimum list?

- a. Each company's SMS must identify potential emergency shipboard situations and contain procedures on how to respond to them.
- b. Procedures for damage below the waterline include requirements for ascertaining the extent of flooding, contacting shore-based emergency response organizations, checking the ship's stability, and determining the final trim and list of the ship in the damaged condition.
- c. In addition, SOLAS regulations include ship design provisions, such as cross-flooding, to help minimize list when the vessel has sustained design levels of damage.

15. Given the unlikely events surrounding the Costa Concordia, what changes are being made to CLIA-member SMS procedures?

As part of the cruise industry's continuous improvement efforts to review safety measures, CLIA launched a Cruise Industry Operational Safety Review to respond to maritime safety issues learned from the *Costa Concordia* accident. The Review will include a comprehensive assessment of the critical human factors and operational aspects of maritime safety related to issues of navigation, evacuation, emergency training and related procedures. Various CLIA members had already commenced similar or more expansive reviews. These reviews will allow for cruise lines to share best practices and procedures for operational safety, consult with independent external experts, and collaborate closely with the International Maritime Organization, governments, and other regulatory bodies to implement necessary changes. CLIA's members, along with those of the Passenger Shipping Association in the United Kingdom and the European Cruise Council in Brussels, have called upon every member line to engage in this effort.

16. How do other regions/countries compare as far as safety enforcement and what can be done if there are concerns about safety?

- a. There are numerous international, regional, national, and local safety enforcement authorities in the maritime industry. SOLAS is the international treaty that codifies a common set of safety regulations adopted by more than 100 countries and which is enforced by these authorities.

- b. The countries that are party to SOLAS incorporate SOLAS into their domestic legislation and enforce the regulations through their Port State Control authorities, such as the U.S. Coast Guard.
 - c. Flag States, or countries of registry, have the primary responsibility to ensure vessels flying their flag meet international and domestic standards. They often achieve this through delegating their authority to recognized third party organizations (often ship classification societies) which certify through surveys and inspections that vessels meet international requirements, including design, construction, operation, maintenance, and manning requirements, throughout the life of the vessel.
 - d. In addition, all ships are subject to inspection in accordance with the decrees, directives, regulations, and other requirements of the ports they visit every year as they apply to the various aspects of ship operations. This activity, known as Port State Control, is designed to ensure that, regardless of Flag, all ships operating in regions around the world are generally subject to the same regulations and enforcement standards. The U.S. Coast Guard is the Port State Control authority for the United States.
 - e. If serious safety concerns are raised by a Port State Control enforcement action, a report is sent to the Flag Administration, the International Maritime Organization, and to the ship owner and company management. Port State Control may order a ship to be detained until the concerns are rectified.
17. *Given the availability of Automatic Identification System tracking real time on the Internet and navigation systems that record vessel tracks, do corporate personnel ever verify actual routes with planned routes? Should vessel corporations oversee/review vessel historical tracks? How does the management of a cruise lines oversee that their vessels actually keep to the expected track lines?*
- a. Some CLIA member lines are reviewing systems and equipment that would permit active, real-time monitoring of vessel positions and tracks by shoreside management.
 - b. Some of CLIA's members are planning to actively participate in "MONALISA2", the proposed EU Motorways of the Sea project incorporating Sea Traffic Control Centers around Europe for improved vessel routing and monitoring.
18. *The International Maritime Organization panel of experts on Formal Safety Assessments identified navigation error as one of the most likely scenarios leading to a cruise ship disaster. How have CLIA-members addressed this possibility?*
- a. As indicated in the response to question No. 15 above, CLIA launched a Cruise Industry Operational Safety Review to respond to maritime safety issues learned from the *Costa Concordia* incident, calling on all members to conduct their own reviews, the focus of which is the critical human factors aspects of maritime safety. Leading CLIA members had begun such reviews and audits prior to CLIA's announcement.

- b. A key element of the CLIA and member reviews mentioned above includes Bridge Team Management which is designed to address the possibility of navigation error.
- c. Bridge Team Management is a discipline designed to, among other things, ensure that navigation errors are prevented, or detected and corrected as early as possible, to prevent accidents from occurring.

19. Do cruise lines have a protocol for the relief of a captain for unsafe acts while a cruise vessel is underway?

Flag state laws prescribe the rights and duties of ship's officers, in addition to contracts, union terms, conduct codes and employment policies that apply to them. In the United States, for example, 46 USC § 7703 allows for suspension or revocation of a U.S. license or merchant mariner's document for, among other things, failing to comply with *any* regulation intended to promote marine safety or to protect navigable waters; an act of misconduct, incompetence or negligence; or posing a threat to the safety or security of a vessel or a structure located within or adjacent to the marine environment. Title 46 USC § 2302 provides for civil fines, criminal penalties and arrest and seizure of the vessel for acts of gross negligence that endanger life, limb or property, or for being under the influence while operating a vessel. Port states generally retain rights of investigation, detention, arrest, civil fines and criminal penalties for various prohibited acts of ships' officers, including captains. This legal regime, along with individual company policies, typically forms part of the employment contract and can be relied upon by member lines to justify immediate termination of any officer or crew member.

Individual member approaches vary by line. On any vessel, as in any company, an officer in violation of certain legal or contractual obligations can be immediately relieved and terminated for just cause. CLIA member lines must also have detailed operational procedures and a manual as part of their on board Safety Management System, mandated by the ISM Code for the prevention and control of unsafe acts onboard oceangoing ships. The STCW Convention, Annex Regulation I/1, Section 1.6 defines the Chief Mate as "the officer next in rank to the master and upon whom the command of the ship will fall in the event of the incapacity of the master." The industry's Operational Safety Review will also include issues of Bridge Team Management and voyage planning.

The Honorable Doris O. Matsui
Subcommittee on Coast Guard and Maritime Transportation
“A Review of Cruise Ship Safety and Lessons Learned from the COSTA CONCORDIA
Accident”
Wednesday, February 29, 2012
Questions Submitted For the Record

Questions for Ms. Christine Duffy, Cruise Lines International Association

- How many deaths, injuries and missing persons for both passengers and crew have occurred on CLIA-member vessels in the past 5 years? How many of these were American citizens?
 - How does CLIA keep this information compiled?
 - If a crime occurs on a CLIA-member cruise vessel, what is your procedure for reporting the crime to the proper authorities?
- A. CLIA and all of their member cruise lines fully comply with reporting crimes to the proper authorities as required by the Cruise Vessel Security and Safety Act of 2010 (CVSSA) (which requires reporting to the FBI Field Office by telephone as soon as possible of serious felonies such as homicide and assault with serious bodily injury, as well as missing persons); 33 CFR § 120.220 (which requires reporting to the FBI and U.S. Coast Guard (USCG), and in some instances the Dept. of Homeland Security, of felonies); and 46 CFR Part 4 (which requires reporting to the USCG of marine casualties, including death and serious injuries). Our member lines’ practice is to report those incidents required by law and regulation. U.S. law and regulation requires all serious incidents involving American citizens on a voyage embarking or disembarking passengers in the U.S. be reported to the FBI, USCG, or both, regardless of where the incident took place. Furthermore, federal law, consistent with international law, requires the reporting to the USCG of serious marine casualties, including death or serious injury of American citizens, regardless of where the incident took place. Under the CVSSA, the U.S. Coast Guard is responsible for posting the reporting statistics on an internet database, which can be found at:

<http://www.uscg.mil/hq/cg2/cgis/CruiseLine.asp>. Additionally, all CLIA member lines provide a link to this website on their own websites.

**STATEMENT OF CAPTAIN GEORGE WRIGHT
PRINCESS CRUISES**

**HOUSE TRANSPORTATION AND INFRASTRUCTURE COMMITTEE,
SUBCOMMITTEE ON COAST GUARD AND MARITIME TRANSPORTATION**

**Hearing on “A Review of Cruise Ship Safety and Lessons Learned
from the *Costa Concordia* Accident”**

February 29, 2012

Chairman LoBiondo, Ranking Member Larsen and Honorable Members of the Subcommittee, my name is George Wright and I currently serve as the Senior Vice President, Marine Operations, for Princess Cruises. Princess Cruises is one of Carnival Corporation's wholly owned indirect subsidiaries. On behalf of the entire family of cruise lines owned by Carnival Corporation and Carnival plc (“Operating Companies”), let me say that all of us are deeply saddened by the tragic grounding of *Costa Concordia* in Italy. Our thoughts are with the passengers, the crew, and their families. The safety of our passengers and crew is our top priority. We work hard every day to achieve a high level of safety and we are committed to intensifying our efforts in this regard.

I joined Princess Cruises in June 2000, after a 27-year career with the U.S. Coast Guard. My last appointment was as Captain of the Port and Commanding Officer of the Marine Safety Office/Group Los Angeles/Long Beach. In this role, I was responsible for carrying out Coast Guard search and rescue, maritime environmental protection, law enforcement, marine safety, aids to navigation and national defense missions. I served as the Incident Commander and directed the immediate, massive multi-agency operational response to the tragic Alaska Airlines Flight 261 crash off the Southern California coast in January 2000.

During my Coast Guard career, I held a wide range of field and headquarters assignments. As Chief of the Office of Design and Engineering Standards, I was a member of the U.S. Delegation to the United Nations' International Maritime Organization's (“IMO”) Maritime Safety Committee and Design Equipment Subcommittee where I directed efforts to emphasize the role of the human element in preventing marine casualties through the U.S. Coast Guard's “Prevention Through People” program. I am a graduate of the United States Coast Guard Academy and later received a master's degree in mechanical engineering from the U.S. Naval Postgraduate School in Monterey, California.

My mission at Princess Cruises is to lead a team to provide safe, secure and environmentally sound marine operations and support our ships. Princess has highly trained and motivated employees who focus on this mission every day. My focus at Princess is to operate our ships in compliance with rules and regulations set by the IMO, the United States and other countries, as well as local, state or regional regulations. We accomplish this through the establishment of policies and procedures that meet or exceed national and international requirements, and through training, audits, and inspections, both internal and external. In the United States, the U.S. Coast Guard is the Port State Control Authority with authority to board ships at any time. Regular U.S. Coast Guard inspections are conducted on cruise ships operating out of U.S. Ports at least twice a year.

A Safety Management System ("SMS") is in place at Princess and at all of the other Operating Companies. Carnival Corporation and Carnival plc set standards and policies that comply with the requirements of the International Code for the Safe Management of Ships and for Pollution Prevention ("ISM Code"), which is incorporated into the International Convention for the Safety of Life at Sea ("SOLAS"). The ISM Code requires ship operators to create and maintain a formal, documented SMS, which includes procedures, plans and instructions, including checklists as appropriate, for key shipboard operations concerning the safety of personnel, the ship and protection of the environment. Each Operating Company's SMS is formally audited, internally and externally by the Flag State, and certificated, at both the Operating Company and ship levels. The SMS procedures, plans and instructions define various safety and other tasks and assign them to qualified personnel. In addition, Carnival Corporation and Carnival plc maintain a number of corporate standards in the health, environmental, safety and security areas, which are in excess of statutory requirements, and which all Operating Companies are required to follow.

Princess has strict standards for qualifications for Captains and other Deck Officers, which include formal training and years of experience at sea. Officers and crewmembers undergo regular safety and emergency training. Prior to being hired, our Deck Officers must be licensed to perform the functions required for their level of responsibility. Deck Officers must be certificated and trained in accordance with the requirements of the Standards of Training, Certification and Watchkeeping Convention ("STCW"). Non-licensed marine crew, as well as hotel and entertainment staff, must also be trained and certificated in accordance with STCW requirements mandated for their position on board. Depending on the type of training and certification required by STCW for their position, such training and certification may occur after hiring, but must be completed before they are allowed to start work aboard a vessel. In addition, all crewmembers must meet general criteria related to their specific job responsibilities on board.

Carnival Corporation and Carnival plc operate a Center for Simulator Maritime Training (CSMART) in Almere, Netherlands, which features a broad portfolio of maritime training courses. All senior Princess Deck Officers have attended simulator training.

Crewmembers play a role in safety, including musters, life boat drills, and evacuation. Each crewmember is given a safety briefing and instruction in their emergency duties when he or she signs onto the ship. They also participate in onboard safety drills, including fire and abandon ship drills, and attend at least one fire and abandon ship drill every month. Specific lifesaving and firefighting training is also provided in either shore based or shipboard programs.

On February 9, 2012, as part of the Cruise Lines International Association's ("CLIA") Cruise Industry Operational Safety Review following the *Costa Concordia* incident, a new muster policy, unanimously adopted by all CLIA member lines, was announced. This muster policy has now been voluntarily adopted and implemented by all Operating Companies. The new muster policy exceeds existing legal requirements by calling for the mandatory muster of all embarking passengers prior to departure from port. If passengers arrive on board after the muster has been completed, passengers will be promptly provided with individual or group safety briefings that meet the requirements for musters in accordance with SOLAS. This muster policy is designed to help ensure that mandatory musters or briefings are conducted for all new passengers at the earliest practical opportunity.

Princess regularly inspects its lifesaving and other safety equipment, lifeboats, and life jackets (PFDs) to check they are available and in good working condition. Standards and procedures are in place, pursuant to the ISM Code, to ensure that the vessels maintain onboard lifesaving equipment in accordance with SOLAS. SOLAS regulations require verification of operational readiness and maintenance, inspection, testing, and servicing of lifesaving appliances at weekly, monthly, annual, and other frequencies. The maintenance, inspection, testing, and servicing intervals vary for different types of equipment. Princess has established and implemented a planned maintenance system onboard its ships that ensures that we meet or exceed all requirements for operational readiness checks and maintenance, inspection, testing, and servicing of lifesaving appliances.

Princess regularly reviews its policies and procedures both ashore and on its ships to endeavor continuous improvement on the level of safety in our company. In addition, Carnival Corporation and Carnival plc announced a comprehensive audit and review of all safety and emergency response procedures across all of the Operating Companies to identify lessons learned and best practices to further ensure the safety of passengers and crew. Carnival

Corporation and Carnival plc have engaged outside industry experts in the fields of emergency response, organization, training and implementation to conduct this review in light of the *Costa Concordia* accident.

I appreciate the opportunity to appear before the Subcommittee today and look forward to answering your questions.

**Responses of George Wright to Follow-up Questions
Submitted by Congressman Rick Larsen
from the Hearing: "A Review of Cruise Ship Safety and Lessons Learned from the
COSTA CONCORDIA Accident"**

Internal Controls by Carnival Corporation

Captain Wright, I would like to briefly explore the in-house performance review and quality control practices of Carnival Corporation.

- **Does Carnival Corporation audit your operations?**

Yes, and Princess Cruises also conducts internal audits as per the International Safety Management (ISM) Code requirements.

- **How often do corporate representatives visit each vessel?**

Carnival Corporation personnel conduct Health, Environment, Safety and Security (HESS) Audits on at least one third of the Princess Cruises fleet every year. They follow up these audits with a visit to our headquarters in Santa Clarita, California, where a management audit of the office is conducted. Princess Cruises also conducts one internal audit on each vessel each year.

- **Who are the auditors and what are their qualifications?**

Princess Cruises uses two former ships officers, one with a Master's license and one with a Chief Engineer's license, to conduct its internal audits. I cannot speak with specificity as to the qualifications of Carnival Corporation's auditors.

- **Do these audits observe Bridge Team practices and full muster drills?**

To date, Carnival Corporation audits of Princess Cruises have focused on HESS compliance, including passenger musters. They have not concentrated on bridge operations. Princess internal audits do cover bridge operations. In addition, Princess assigns one captain to travel the fleet and continually verify bridge procedures.

- **What is the purpose of the ISM audits?**

The purpose of our internal ISM audits is to confirm that Princess Cruises and its ships are complying with the requirements of the ISM Code and our Safety Management System.

- **If deficiencies are determined, how are findings resolved?**

Any findings identified during this process are assigned to the responsible person, either ashore or afloat. Corrective actions are identified, implemented to try to make sure the finding is not repeated, and documented.

- **Who at Carnival Corporation sees the results of these audits?**

Our internal audit reports and corrective actions are reviewed by Carnival Corporation during the Carnival Corporation shipboard and shoreside audits.

Differences in Audits among Carnival Corporation Subsidiaries

Captain Wright, it is my understanding that Carnival Corporation owns several subsidiary cruise lines that compete in the North American and international cruise market.

- **Are all of Carnival Corporation's operating lines audited the same way?**

I can only speak to my personal knowledge, which relates to Princess Cruises. I believe that the corporate audits are conducted in the same manner. Each operating line is responsible for its own internal audits.

- **How are Carnival Corporation's audits different from another cruise line, from an audit conducted by an approved authority, such as a classification society, or from an audit conducted by a Port State Control Examination?**

I am not familiar with how other non Carnival Corporate cruise lines are audited. The Carnival corporate audits tend to focus more on detailed health, safety, security and environmental practices and procedures in place onboard our ships. They are typically longer in duration than a classification society or Port State Control Examination, which tend to concentrate on equipment condition and emergency drills. Flag State audits concentrate on safety equipment, certification and drills

Carnival Corporation Training

Captain Wright, training for officers and deck crews is critical to ensure that a vessel's safety management plan can be implemented competently and efficiently.

- **Can you tell me where Carnival Corporation trains its officers?**

I am not aware of how each of the Carnival Corporation operating line trains its officers. Princess Cruises trains our officers at various facilities, depending on what competency the training is addressing. For example, our officers and crew with fire fighting responsibilities receive advanced fire fighting training conducted at Warsash Maritime Academy in Southampton, U.K. Our Deck Officers are trained in Bridge Procedures and equipment at the corporate training facility, the Center for Simulator Maritime Training (CSMART) in Almere, Netherlands. Where general training is

conducted and does not require the use of a specific college, then colleges that issue certificates recognized by our Flag State are always used.

- **Is it the same training for all of the operating lines?**

I am not aware what training is prescribed for the other lines, but all operating lines must meet the training requirements prescribed by the ISM Code, SOLAS, and STCW.

Does Carnival Corporation have its own facility similar to the training facility Mr. Schoeneman referred to in his statement?

Yes. The training conducted at the CSMART facility includes Bridge Team Management, Ship Handling, Navigation Equipment, Electronic Chart, Stability training and other courses. CSMART is a state of the art, world class maritime training facility, equipped with two full Bridge mission simulators and a new engine room simulator. The facility is one of the most advanced of its kind in the maritime industry and has been praised by the U.S. Coast Guard. *See www.csmartalmere.com* for more information on the training facility and simulator.

**Responses of George Wright to Follow-up Questions
Submitted by The Honorable Doris O. Matsui
from the Hearing: "A Review of Cruise Ship Safety and Lessons Learned from the
COSTA CONCORDIA Accident"**

Questions for Mr. George Wright, Princess Cruises

- **How many deaths, injuries and missing persons for both passengers and crew have occurred on Princess Cruises' vessels in the past 5 years? How many of these were American citizens?**

Princess Cruises reports incidents of homicide and/or suspicious death, serious injury and missing persons in conformity with the Cruise Vessel Security and Safety Act (CVSSA), flag state and other legal requirements. Statistics under the CVSSA are maintained and reported by the United States Coast Guard.

- **How does your company keep this information compiled?**

Information is maintained in a number of ways so that all reporting obligations can be observed.

- **If a crime occurs on a Princess Cruises vessel, what is your procedure for reporting the crime to the proper authorities?**

Princess reports allegations of crime as required by the CVSSA, 33CFR § 120.220, 46 CFR Part 4, and to other appropriate authorities depending upon the circumstances of the situation.

**STATEMENT OF CAPTAIN EVANS HOYT
NORWEGIAN CRUISE LINE
U.S. HOUSE OF REPRESENTATIVES
HOUSE TRANSPORTATION AND INFRASTRUCTURE COMMITTEE,
SUBCOMMITTEE ON COAST GUARD AND MARITIME TRANSPORTATION**

A Review of Cruise Ship Safety and Lessons Learned from the COSTA CONCORDIA Accident

February 29, 2012

Chairman LoBiondo, Ranking Member Larsen and honorable members of the Subcommittee, my name is Evans Hoyt, and I currently serve as Captain of Norwegian Cruise Line's Pride of America, and have more than 30 years of seafaring experience. I am pleased to submit this written testimony on behalf of the entire cruise industry. All of us in the cruise industry appreciate the time and consideration you are applying to this important issue, and we particularly appreciate you giving us this opportunity to appear before you and address your concerns. While I am unable to provide specific information or speculate on the causes of the Concordia incident, I can provide the Subcommittee expert opinion on the training of cruise ship Captains, ship oversight and emergency preparedness.

I am a captain for Norwegian Cruise Line, which operates both foreign flagged ships and a U.S. flagged ship. I have commanded four of Norwegian's cruise ships since 2005 and have served as Master in the U.S. and international cruise fleet. Prior to joining Norwegian Cruise Line, I served as Captain of the S.S. Cape Island for the U.S. Maritime Administration, conducting voyages in the Persian Gulf carrying military cargo and personnel in support of Operation Iraqi Freedom. I graduated from the U.S. Merchant Marine Academy at Kings Point, New York in 1982 and earned my Master Mariner's license in 1988, taking my first deep sea command in 1990.

As the Captain, the master in command of a cruise ship, my highest priority is the safety of the passengers and crewmembers. I take into account every factor possible in determining the best course of action to ensure the safety of my passengers and crew.

The cruise industry is a heavily regulated industry with strong enforcement mechanisms. The International Maritime Organization (IMO) mandates global standards for the safety and operation of cruise ships, through adoption of treaties, regulations and resolutions. The most important of these treaties is the International Convention for the Safety of Life at Sea (SOLAS), ratified by the United States, and most other nations. SOLAS provides comprehensive mandates on safety equipment, safety procedures, and emergency preparedness. A critical component of SOLAS is the International Safety Management (ISM) Code, which includes a mandatory, top-down apportionment of company and shipboard safety responsibilities, functions, standards and procedures.

The laws governing the operation of cruise ships, whether they are U.S. or foreign flag, are comprehensive and stringent. Onboard operations are prescribed by an established mandatory Safety Management System which outlines shipboard and crew procedures necessary to prepare and respond to emergency situations. Written procedures for emergency preparedness, response to potential emergency situations, and an established program for shipboard personnel drills and exercises are required. These Safety Management System procedures must be fully documented and are subject to both internal and external audits by a comprehensive network of maritime experts from the flag state and shipping classification societies. The U.S. Coast Guard conducts oversight of cruise ship operations through its flag state regulatory program for U.S. flagged vessels and its port state control program for non-U.S. flagged vessels. The Coast Guard conducts annual inspections and regularly reinspects all cruise ships that embark passengers in U.S. ports.

All seafarers, including Captains and bridge officers, must be trained in accordance with the stringent IMO standards outlined in the International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 2010. STCW outlines stringent standards for Captains (or masters) and they are required to monitor and comply with the requirements and measures to ensure safety of life at sea, security and the protection of the marine environment. Every candidate for certification as a deck officer and, finally, as Captain goes through rigorous training to comply with a vast set of standards of operation. The training of cruise ship officers and crew sets some of the highest standards found in the maritime industry.

All Captains must demonstrate the competence to undertake the tasks, duties and responsibilities of operating a large vessel, including the ability to plan and navigate a voyage in all conditions including restricted waters, poor meteorological conditions, ice, low visibility, congested traffic and high tidal range areas. In conducting voyages, Captains must be proficient in the use of radar and automatic radar plotting aids and Electronic Navigational Chart (ENC) data to maintain the safety of navigation, while also prepared to continue navigation of a ship in the case of error or failure in individual equipment, such as radars or compass, that make up part of the ship's navigation system.

Being properly trained and prepared in the case of an emergency is vital to a Captain's responsibilities. Of importance to this Subcommittee, are standards of training conveyed by the STCW under which a cruise ship Captain needs to be proficient in maneuvering and navigating a ship in shallow water. A Captain must understand the reduction in under-keel clearance caused by squat, rolling and pitching; must be able to navigate while passing ships and near banks; must be skilled in using pilot stations regardless of weather, tide, and stopping distances; and must know how to handle a ship in rivers, estuaries and restricted waters.

In addition, a Captain must be proficient in maneuvering to launch rescue boats or survival craft in bad weather; taking on board survivors from rescue boats and survival craft; and all other emergency procedures following an accident. While cruise ships remain an extremely safe form of transportation, we as Captains train for worst case situations with the safety of passengers and crew given the highest priority.

Under STCW, Captains are required to demonstrate competence, knowledge and proficiency to respond to emergencies and a distress at sea signal. This includes an understanding of the initial action to be taken following a collision or grounding and an ability to assess the initial damage and control the damage. In responding to an emergency a Captain must be proficient in conducting emergency steering; towing arrangements; rescuing persons from the sea; and assisting a vessel in distress and the knowledge of the action to be taken when emergencies arise in ports. Responding to a distress at sea signal also requires the knowledge of the International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual, which requires a Captain to coordinate

search and rescue operations. In addition, a Captain must be able to contribute to the safety of personnel and passengers on board by being proficient in operating life-saving devices and firefighting equipment on board ships.

Another critical part of a Captain's duties and responsibilities is the management of the Bridge Team or Bridge Resource Management (BRM). The term "bridge" refers to the room or space from which the ship is commanded. BRM is a process by which all members of the bridge team coordinate expertise and maximize effectiveness of onboard systems and procedures during critical operations to enhance navigational safety. The knowledge of BRM principles, including allocation, assignment and prioritization of resources; effective communication; leadership; and obtaining and maintaining situational awareness are all instrumental to properly managing a navigational watch.

Additionally, all crewmembers receive training in emergency procedures, safety, security, and first aid. This includes but is not limited to: emergency signals and alarms; abandon ship procedures; man overboard; fire prevention and safety; and the location and donning of lifejackets. This safety training is required every five years, however, all crew are to receive familiarization training each time they report on board and each crew member must participate in one rotation of the ship's weekly emergency drills at least once a month. This training ensures the crewmember is familiar with the emergency operations and the location of emergency equipment on that particular ship.

Certain members of the crew also will be trained in the operation of the lifeboats and other survival equipment. Masters, officers and other personnel designated to assist passengers in an emergency are also required to have completed specific training in "crowd management" and "crisis management and human behavior."

Crewmembers are also required to participate in emergency drills provided for in SOLAS, Chapter III, Regulation 19 regarding abandon ship and firefighting. The crew further receive instruction and training in the use of the ship's fire-extinguishing appliances and life-saving appliances during emergency drills. This training includes a mock search and rescue of passengers trapped in their staterooms. SOLAS also addresses record keeping for these drills and training sessions. Other crew training is

specified in Chapter III, Regulation 19.4 as well. Chapter III, Regulation 37 also contains detailed requirements for the muster list and emergency instructions. All crew must be trained in the performance of their listed emergency duties.

The training practices and drills used to ensure that all standards are complied with are also highly regulated in themselves. Stringent standards require that any simulator or onboard training of Captains and crew must be suitable for the selected objectives and training tasks. These training practices must also be capable of simulating the operating capabilities of shipboard equipment to a level of physical realism appropriate, and include the capabilities, limitations and possible errors of such equipment.

One of the Captain's many responsibilities is the decision to implement an emergency protocol. Once that decision is made all crewmembers are required by law to have pre-assigned and well-practiced duties that they will execute. They must be trained on their assignments and fully cognizant of their responsibilities.

To be adequately prepared for an emergency all cruise ships must have lifeboats, life rafts and life preservers for every person on board as well as additional capacity. Lifeboats must be capable of being loaded, launched and maneuvered away from the ship within 30 minutes of the Captain's signal to abandon ship.

All modern cruise ships are required by SOLAS to have an array of electronic navigational instruments that assist in properly navigating the vessel. Most cruise ships substantially exceed the regulatory requirements in this regard.

Additionally, the average CLIA ship, of approximately 97,000 gross tons carrying approximately 2,700 passengers and 800 crew, typically has five firefighting teams with team members who have advanced shipboard firefighting training, 4,000 smoke detectors, 500 fire extinguishers, 16 miles of sprinkler piping, 5,000 sprinkler heads and 6 miles of fire hose.

The cruise industry and entire maritime community is constantly reviewing and enhancing the operations and safety practices of ships in any way that can improve the safety and security of both passengers and crew onboard. The cruise industry also

operates to individual standards that are above the requirements of all agencies that regulate the industry. Following the recent Concordia incident in Italy, CLIA along with its member lines, announced the launch of the Cruise Industry Operational Safety Review. This Review includes a comprehensive assessment of the critical human factors and operational aspects of maritime safety. The industry will work with recognized third parties in reviewing its operations and determining best practices.

Already established through the Cruise Industry Operational Safety Review is the announcement of the new industry muster drill policy. The new muster policy, which is effective immediately, exceeds existing legal requirements by calling for the mandatory muster of all embarking passengers prior to departure from port. On rare occasions when passengers arrive after the muster has been completed, passengers will be promptly provided with individual or group safety briefings that meet the requirements for musters applicable under SOLAS.

The industry wide Operational Safety Review is just one example of the industry working to consider improvements to safety. In 2010, President Barack Obama signed the Cruise Vessel Security and Safety Act of 2010 into law (Public Law No: 111-207). CLIA supported the law and we worked closely with members on this Subcommittee on the legislation.

This legislation brought consistency and clarity to the security and safety laws and regulations for the cruise industry. In addition, it validates existing cruise industry policies that were implemented before the legislation was enacted. The industry looks forward to continuing its longstanding work with the U.S. Coast Guard, FBI, and other law enforcement agencies both in the U.S. and around the world to ensure the bill's provisions are fully implemented.

I again want to thank the Subcommittee for the opportunity to submit this testimony and testify on behalf of the cruise industry and cruise ship Captains. The cruise industry is committed to providing a safe and secure environment for everyone onboard our ships. Put simply, the wellbeing of our guests and crew will always remain our highest priority. I would be pleased to answer any additional questions the Subcommittee might have regarding these topics. Thank you.

SUBCOMMITTEE ON COAST GUARD & MARITIME TRANSPORTATION

“A Review of Cruise Ship Safety and Lessons Learned from the COSTA CONCORDIA Accident”

February 29, 2012

Follow-up Questions Submitted by Congressman Rick Larsen

Captain Evans Hoyt, Norwegian Cruise Line

Bridge Management

1. What alarm systems are installed on Norwegian Cruise Line vessels to notify the bridge of rapid flooding?

ANSWER: The technical spaces, voids, and tanks in the lower sections of all Norwegian Cruise Line (“Norwegian”) vessels have level sensors which send alarms of rising water levels to the Engine Control Room and the Bridge that are manned twenty-four hours per day. In addition, engineering watchstanders conduct regular rounds of the technical spaces.

2. Can you please describe any process that your company uses for Bridge Team Management which might prevent unauthorized or inappropriate diversions? What training do they receive? Where is this training conducted?

ANSWER: Norwegian has in place a robust procedure for passage plan development which is ultimately approved by the Captain. Any deviation to the original plan requires the creation of a new plan which is subject to the Captain’s approval. A key element of Norwegian’s Bridge Team training is the use of a “Challenge and Response” system whereby every navigation action is acknowledged and agreed upon by all members of the bridge team.

Bridge Team training occurs continuously onboard, as well as in the Netherlands at the Center for Simulator Maritime Training, whose lead instructors have been teaching Norwegian’s standard of Bridge Team and Bridge Resource Management since 2000.

3. How many officers stand watch at sea aboard Norwegian Cruise Line vessels? Is this a standard common among the industry?

ANSWER: A minimum of two officers stand watch while a Norwegian vessel is underway. This basic team is augmented by Senior Officers as demanded by the navigation conditions. This standard is found in the Cruise Industry, however, it is not universal.

4. How do safety management system procedures address distress calls and security alerts? Can you explain why a master would hesitate to send a distress call?

ANSWER: The Safety Management System and its associated Emergency Checklists include the initiation of distress calls and notifications to authorities. Norwegian's safety culture from the top down encourages the early initiation of emergency notification. I cannot speculate as to why a Master would hesitate to send a distress call as every emergency must be viewed in the context of an ongoing crisis.

Crew Competence/Emergency Procedures

1. How does your Norwegian Cruise Line select its senior officers? How are you and your fellow captains evaluated? How often and who performs these evaluations?

ANSWER: Senior Deck Officers are typically selected from within the ranks of the serving Bridge Officers and their selection is dependent upon the written evaluations of the fleet's Captains and an interview process at the corporate Senior Vice President and Chief Executive level. Captains are evaluated on an ongoing basis by the corporate Senior Vice President of Marine Operations.

2. How often do your crews practice mustering thousands of passengers? Is this common or uncommon?

ANSWER: Norwegian's crew practice mustering the full complement of passengers prior to the commencement of every cruise. I believe this to be a common practice.

3. How does your crew account for all passengers and crew in the event of an emergency?

ANSWER: In the event of an emergency, Passengers are called to their designated Assembly Muster Stations, where the Muster Teams take a roll call and immediately convey the information to the bridge via the Assembly Coordination Center.

4. Can you please describe your Company's shore side emergency response system? What are Norwegian Cruise Line's plans to assist passengers after a crisis?

ANSWER: If a vessel has to evacuate passengers, the vessel's Forward Team is mustered and put ashore to coordinate with local resources to conduct accountability, medical triage and support as necessary, as well as prepare for short term passenger care. This is supported by Norwegian's Shoreside Incident Response Center and Care Team, which are activated to aid the vessel in coordinating with authorities and assisting the Forward Team with the follow-up care, accommodation, and transportation of evacuated passengers and crew.

The Honorable Doris O. Matsui
Subcommittee on Coast Guard and Maritime Transportation
“A Review of Cruise Ship Safety and Lessons Learned
from the COSTA CONCORDIA Accident”
Wednesday, February 29, 2012
Questions Submitted For The Record

Questions for Captain Evans Hoyt, Norwegian Cruise Lines

- How many deaths, injuries and missing persons for both passengers and crew have occurred on Norwegian Cruise Lines vessels in the past 5 years? How many of these were American citizens?

ANSWER: As Captain of the Pride of America, I do not have access to or knowledge of the above requested information.

- How does your company keep this information compiled?

ANSWER: See above response.

- If a crime occurs on a Norwegian Cruise Lines vessel, what is your procedure for reporting the crime to proper authorities?

ANSWER: Norwegian Cruise Line reports allegations of crime and other serious incidents pursuant to federal regulations and the Cruise Vessel Security and Safety Act of 2010.

TESTIMONY OF BRIAN SCHOENEMAN
LEGISLATIVE DIRECTOR
SEAFARERS INTERNATIONAL UNION

HOUSE TRANSPORTATION AND INFRASTRUCTURE COMMITTEE
COAST GUARD AND MARITIME TRANSPORTATION SUBCOMMITTEE

HEARING ON CRUISE SHIP SAFETY AND LESSONS LEARNED FROM THE
COSTA CONCORDIA ACCIDENT

FEBRUARY 29, 2012

Good afternoon, Chairman LoBiondo, Ranking Member Larsen and members of the subcommittee.

On behalf of the Seafarers International Union (SIU), thank you for conducting this hearing and for giving us the opportunity to testify. I would also be remiss if I did not thank all of you for your continued support of the U.S. Merchant Marine.

As the primary organization representing unlicensed merchant mariners in both the domestic and international trades, including deep sea, inland and Great Lakes, the SIU has made safety and training a top priority. We work hard every day to provide our contracted companies with the best trained, most professional and most safety conscious mariners in the world. And we have been very successful in that regard.

The *COSTA CONCORDIA* accident has highlighted the critical need for qualified mariners and trained crewmembers on board all ships, particularly high capacity passenger vessels, such as cruise ships. And given that the vast majority of the shipboard personnel on cruise ships like the *COSTA CONCORDIA* are hospitality staff – not mariners – it is all the more important to ensure that crew training and safety procedures are maintained properly.

To that end, the SIU, like most American maritime labor unions, has established a state-of-the-art training program to ensure that both our mariners and our other cruise ship personnel receive the best, most up-to-date and in-depth training available anywhere. We've invested a considerable amount of time and money into training – so when our members go up the gangplank they know what to do if the unthinkable happens.

Experience has long since proven that training and practice saves lives, especially in situations where every second counts.

This is why the SIU places so much emphasis on training. Since our founding in 1938, we have been providing mariner training as a key part of the benefit of being a union member. In 1966, we centralized our training efforts at our training facility in Piney Point, Maryland, the Paul Hall Center for Maritime Training and Education. The Center includes a number of training programs for both new mariners and those seeking

upgrades and continuing education. Since its founding, the Paul Hall Center has trained over 185,000 students and has issued more than 250,000 safety and continuing education certificates to mariners, allowing them to meet all of the Coast Guard and international requirements for training to serve aboard U.S.-Flag vessels in a variety of trades.

As you well know, the U.S.-Flag cruise ship fleet was all but extinct in the beginning of the 21st century. Thanks to the hard work of a coalition of labor and management, along with a willingness to invest in the Jones Act cruise ship trade, Norwegian Cruise Lines made history by reintroducing the U.S.-Flag into the cruise ship trade in Hawaii. NCL America's fleet of vessels peaked at three and currently there is one vessel, the PRIDE OF AMERICA, still operating in Hawaii. We continue to support efforts to expand the U.S.-Flag cruise ship fleet.

In order to meet the influx of cruise ship personnel who would need training, the SIU opened a new, state-of-the-art training facility at Barber's Point, Honolulu, Hawaii. The Barber's Point training facility is a satellite facility of the Paul Hall Center, and provides basic safety and cruise ship centered training to meet the needs of our U.S-Flag cruise ship fleet and the increased demand for trained mariners in the Hawaii trades. The facility has trained over 4,000 crewmembers since it was opened, and has also provided training to outside groups, including the Hawaiian National Guard.

Our facility at Barber's Point includes a number of training simulators that help provide our trainees with realistic encounters, particularly when it comes to fire fighting. We have four dedicated, environmentally safe burn pads which simulate a variety of marine fires, including a "smoke house" for training with breathing equipment, a series of mazes, a helicopter fire simulator and a shipping container configured for search and rescue training.

There are a number of regulatory regimes that U.S.-Flag cruise ships operate under. They include the International Convention on Safety of Life at Sea (SOLAS), the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) and the Coast Guard regulations found in Title 46 of the Code of Federal Regulations, among others. Our training programs comply with all of the relevant provisions of SOLAS, STCW and the Coast Guard regulations for shipboard personnel.

All of our crewmembers, including both the mariners and the many hospitality workers unique to cruise ships, are given basic safety training, which includes 12 hours of personal survival training, 16 hours of fire prevention and fire fighting training, 8 hours of first aid and CPR training, and 4 hours of social responsibility and personal safety training.

In addition, our cruise ship crewmembers are required to take a number of courses specifically designed for cruise ship operations. Crewmembers are given training in crowd management, crisis management and human behavior and area specific training based on their job aboard the vessel.

Our crowd management curriculum teaches our crewmembers how to handle large numbers of passengers in an emergency situation, locating safety and emergency equipment on board a vessel, complying with ship emergency procedures, communicating effectively during an emergency and demonstrating the use of personal life saving devices to passengers. This course fulfills STCW requirements for passenger vessel operations.

Our crisis management curriculum trains our crewmembers in organizing the safe movement of passengers in embarking and disembarking, organizing shipboard resources during an emergency, optimizing the use of resources during the emergency, controlling both passengers and other personnel during an emergency and establishing and maintaining effective communications. This course also fulfills STCW requirements.

Crewmembers also have courses designed to familiarize them with the operation of lifeboats and other survival craft while aboard the ship. Our United States Coast Guard approved proficiency in survival craft curriculum includes 37 hours of instruction on the proper launch, use and recovery of survival craft, including hands-on training. For our trained crewmembers, the first time they step aboard a lifeboat will not be during an emergency.

In addition to these courses, there are also specialized courses for crewmembers based on their job assignments. For example, we also offer a food service sanitation course for cruise ship food service workers. With the potential for the fast spread of food-borne illness in a controlled environment like a cruise ship, courses like this are critical to protecting both the crew and the passengers.

We also provide a variety of other training for members of the crew, from damage control and advanced fire fighting, to water survival, search and rescue operations, oil spill response and many more.

All of our courses are designed to meet STCW and Coast Guard regulation requirements and they help to ensure that our seafarers are the best trained and most professional in the world. Our fellow unions also operate their own training schools, ensuring that we have a solid base of merchant mariners – both licensed and unlicensed – available at all times to support our national and economic security.

Our crewmember training and safety courses are all reviewed by the Coast Guard and all U.S.-Flag cruise ships are inspected by the Coast Guard or by Coast Guard approved surveyors for classification societies such as the American Bureau of Shipping. While we are confident that the Coast Guard is handling its responsibilities, we are less than confident of this when it comes to flags of convenience (FOC).

Flag state control of inspection and training oversight is critical to protecting the safety of the crew, passengers and ensuring the seaworthiness and suitability of the vessel for its intended purpose. It is our opinion, however, that the proliferation of the use of FOCs creates a growing concern for safety and training of mariners. The vast majority of the

cruise ships operating in American waters are vessels sailing under the Bahamas, Panama or Bermuda flags of convenience, raising, at the very least, some questions of how strict flag state control is over issues like crewmember training and safety.

To be clear, the issue is not whether proper standards for crewmember training are available internationally. We feel that the SOLAS and STCW requirements are generally adequate for ensuring proper education and training for crewmembers. Our concern is ensuring that crewmembers, particularly those sailing on FOC vessels or holding certifications from nations with credibility issues surrounding their mariner documents, are who they say they are and actually have the proper level of training, regardless of what it says on paper.

This is an issue that affects the entire maritime industry, not simply cruise lines and it is not a new concern. The IMO has been focusing on crew training and verification issues for over 30 years, since the original STCW convention was signed in 1978. For example, one major issue that is still being dealt with internationally is the frequency of fraudulent merchant mariner documents. One study done ten years ago by the Seafarers International Research Centre in the United Kingdom found over 12,000 detected cases of document forgery, many of which were issued to mariners serving on vessels documented under a flag of convenience. Those certificates are the primary means for verifying compliance with training and education requirements like STCW. If we cannot be sure that the documents are reliable, we cannot be sure that those crewmembers have actually obtained the requisite training needed for the safe operation of the vessels.

Another issue is much simpler – communication between crewmembers. Because our only cruise ship is a U.S.-Flag vessel, its crewmembers are either American citizens or permanent resident aliens, the vast majority of whom speak English and thus are able to speak to one another and to their officers. In addition, since the majority of the passengers embarking in U.S. ports are going to be American citizens with at least a passing familiarity with English, the crew on U.S.-Flag vessels will generally be able to communicate effectively with the passengers.

This is not always the case on FOC vessels. The COSTA CONCORDIA itself, although an Italian registered ship not documented under an FOC, had crewmembers from over 40 nations including Italy, the Philippines, India, Colombia, Peru and Spain among others. While most mariners, regardless of nationality, speak at least basic English, most of the crew on the CONCORDIA were hospitality staff. Many could not speak Italian and thus had some difficulty communicating with the officers, some of the passengers, and with each other. While there were notable exceptions onboard the CONCORDIA, this may not be the case on other vessels, particularly those under an FOC registry. This basic inability to communicate, especially in a crisis, is one difficulty that is found far too often aboard FOC flagged ships.

While crewmember training and the ability to communicate are two key components of ensuring safety during a crisis, it is also important that passengers on ships be aware of what to do in the event of an emergency. That's why we strongly support the new

emergency drill policy the Cruise Lines International Association (CLIA) has adopted. This policy now requires mandatory musters for all embarking passengers prior to departure from port. IMO regulations require a muster of passengers occur within 24 hours of embarkation, but as the COSTA CONCORDIA accident has proven, that is not good enough. Accidents can happen at any time, and it is critical that before the ship gets underway, the passengers understand what to do in an emergency. That is just common sense.

We strongly urge the Committee and the Coast Guard to codify this best practice into a mandatory one for all cruise ships calling on an American port. We also look forward to working with CLIA as their organization continues its comprehensive review of best practices throughout their industry.

In conclusion, as we all work together to avoid accidents like the COSTA CONCORDIA, it is important to remember that the best way to protect passengers and respond to an emergency is to ensure that crewmembers are well trained and professional and that passengers and crew alike know what to do in an emergency. Training saves lives. It is that simple. Further, we believe that a key component in helping ensure the delivery of such training is the proven accountability that comes with operating in a traditional flag-state system as opposed to the continued use of flags of convenience.

The Seafarers International Union has established a solid record of providing well trained mariners for every aspect of the American maritime industry. Thanks to our focus on training and education and our state-of-the-art training facilities in Maryland and in Hawaii, we are able provide some of the world's best and most comprehensive training for our members and our contracted companies.

Mr. Chairman, again we thank you for this opportunity and we thank you for your continued support of the American maritime industry and our merchant marine.

February 27, 2012

To: House & Senate Hearing Committees

Ref: Testimony for the Record by Terry Carson

My name is Terry Lynn Carson. I reside in Hurricane, Utah.

I am the eldest daughter of Elizabeth Sanchez Stevens. My mother was the grandmother to our family's only two grandchildren, Kara Lynn Carson Quinones and Shelby Lynn Sanford-Carson who were only 12 and 8 years old respectively at the time of her death. Her death continues to affect my daughters and me today.

On July 13, 2001, my mother was killed in Cabo San Lucas, Mexico while on the Carnival Cruiseline, the Elation. My sister, Lynda Denise Sanford, almost drowned with her and experienced several other traumatic injuries as a result of this incident and dragging my mother's drowned body on the beach so that she would not be washed back into the ocean while the Captain watched.

My last phone conversation with my mother who lived in Anchorage, Alaska was while she was preparing for her cruise with my sister. I will never forget it. She was giving me her loving motherly advice about her only two granddaughters. She was proud of them. The day before my mother and sister left for their cruise...she called me and was so excited to travel. She finally had made it possible after raising five children on her own.

She raised us five children on her own and encouraged us to travel also since she was born and raised in the very small town of Bishop, Texas. She also managed to accomplish becoming a licensed nurse and then a certified teacher as well as acquiring her doctorate degree in education and encouraged education in us as well as a good work ethic. Knowledge is power she would say. If only we had known that knowledge is also a struggle as has been in this case with the Death on the High Seas Act. The past ten years has been unbelievable as was the drowning of my mother and the near drowning of my sister.

Upon first hearing of the terrible news...I don't even remember if it was the 13th or 14th of July, my aunt Ruth called me from Corpus and told me to sit down. She said, "I have bad news to tell you and it's about your mother". She told me she was dead and didn't know the details but I needed to come to Corpus Christi, Texas to meet the rest of my brothers and sisters. Lynda, my sister, was bringing my mother's body to Corpus Christi, Texas from Mexico. A friend of my sister's had to drive me 1,800 miles to Corpus Christi, TX from my residence in Cherry Hill, NJ where I lived at the time of my mother's untimely and grueling death. A few days after the funeral, my oldest brother, Richard, and I flew to Anchorage to begin settling her estate. To do this in a hurried manner is an unjust way to treat someone as well.

The loss of my mother affected me as many are affected by a member of their family passing but the grueling way that my mother died and my sister was treated during this unspeakable accident which was supposed to be an enjoyable bonding time for them has left us all emotionally, physically, psychologically and financially drained and scarred. Our mother was there for everything for me and my two daughters, Kara and Shelby, whom she adored very much but never got to see them grow up to be the beautiful granddaughters they are now and she knew they would become. The loss of my mother's efforts to ensure that she was there for me to raise my children can never be compensated for in any way because DOSHA doesn't allow it. Why does this continue in this country after almost 100 years after the sinking of the Titanic?

Terry Lynn Carson

Hurricane, UT

Zachary Tronti

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

John L. Mica, Chairman
Nick J. Rathall, II, Ranking Member

RE: Hearing, Wednesday, February 29, 2012
Subcommittee on Coast Guard and Maritime Transportation

Dear Mr. Tronti,

As I start to write this I am overwhelmed with tears. This tragedy has been a major disaster I will never forget. It started out Friday, January 13, 2012 where we departed from the City of Civitavecchia onto the Costa Concordia Ship. The day started off hectic starting out to get to the point to the port of Rome. Luckily, we both made it to the ship separately and we were both overjoyed at seeing one another because we overcame our obstacles of our journey. We immediately got a snack and then got dressed for dinner. We ate first dinner at 6:30 and then went to dinner at the magic show that was never expected.

We arrived late so we were in the back of the theater. Five minutes into the show we experienced a little shaking and then a crash where we were thrown into the arms rests of the theater seats. We heard plates and dishes and glasses crashing as well as people screaming in the dining room and I turned toward the exit fast enough to see the glimpse of an elderly lady being plunged forward. A staff member stumbling behind her to embrace her and the hostess board as well all flying in the same direction. Immediately, fear grabbed our hearts as you immediately we continued to grasp the arm rests as the ship continued rocking back and forth. Which it didn't . . . which created an eerie science in the theater.

Until this woman jumped up terrified and screaming and began to run out. Immediately, everyone began to start evacuating frantically. We remained seated as the intercom came on and told us that we were okay. They were experiencing technical difficulties and we were told to go to our rooms. I looked at Keiko and I knew we weren't okay. I asked Keiko, What do we do? She said, we stay calm and we do what they ask us to do. And we did.

When the ship hit, it stuck at a 45 degree slant which made it difficult to maneuver from the 4th deck to the 7th deck where our room was. This was another 150 to 200 feet down the hall toward the rear of the ship. So getting back to the room to retrieve your life jackets was a task with the slant of the ship and thousands of frightened people. But we made it.

We waited patiently in the hall sitting on the floor with our back bracing the door with our life vests on terrified but trying to remain as calm as possible. When our next door neighbors came out and said that we are fine and that we were near a port which sounded very strange to us.

Justin Charles Evans

Costa Concordia Survivor

They told us to look for ourselves off our balcony. What I noticed was a mountain of a rock we were stuck against and an island with lights in the far distance and we became overjoyed because we knew we were not going to die that night. We made plans to jump from the balcony to the rocks if we had to. Decided it was best to wait for further instruction but not to wear ourselves down with heavy luggage or clothing in case we had to swim.

The lights started to flicker and then total darkness struck. You could hear screams in the dark which caused total terror in the hearts of us all. And, again Costa came on the intercom and said "It's just a generator, everything is okay. Stay calm." And we did.

Our neighbors ran down the hall to check on their family and we went back to our room door and sat. The lights came back on. Then Costa came over the intercom to tell us toward our muster stations. Immediately the halls became dark with people running and panicking along with piercing sirens. Keiko and I grabbed each other by the wrist as tightly as we could and made our way through the hallway of people.

Justin Charles Evans



ANDERSON HIGH SCHOOL

In Pursuit of Excellence

February 29, 2012

To: John Clark Rayfield – Republican Staff Director
House Committee on Transportation
Subcommittee on the Coast Guard & Maritime Transportation

Subject: Written Testimony of Richard Wayne Sanford
Hearing on Cruise Safety-Lessons from the Costa Concordia

I am the Richard Wayne Sanford, oldest child of Elizabeth Sanchez Stevens. On July 13, 2001, my mother died off the shoreline of Cabo San Lucas, Mexico while on an excursion. She was on the Carnival Cruise Liner, the Elation. My sister, Lynda Denise Sanford, was vacationing with my mother. My sister almost drowned. She experienced several traumatic injuries as a result of this accident. She dragged my mother's body onto the beach so she would not be washed back into the ocean while the Captain of the excursion boat watched.

My mother was born in Bishop, Texas and raised five children on her own. She encouraged us to travel. She moved to Anchorage, Alaska to teach, so trips back to Texas were always a joy. I had visited my mother when she came down to visit her family in Corpus Christi, Texas in June of 2001. She was excited to be going on her vacation vacation cruise with one of her daughters. My mother planned family reunion in 2000. I remember telling me that I would plan the next family reunion some day. Little did I know that I would be planning a reunion to celebrate her life once her body was returned back to Corpus Christi, Texas.



ANDERSON HIGH SCHOOL

In Pursuit of Excellence

I was devastated upon learning the terrible news of my mother. My sister, Deanie, phoned me while on board the Elation Cruise Liner. My mother had a saying she would recite to us when we were young. It was "knowledge is power." If only I had known that knowledge is also a struggle, as has been in this case with the Death on the High Seas Act.

I was appointed as the executor of my mother's estate by the state court of Alaska. Little did I realize the enormous responsibility I would undertake to fulfill the obligations as executor of her estate. It has taken a toll on me personally, but I continue to push forward to complete the various tasks I am responsible for as executor of her estate.

Once I learned of the facts in the accident and many of the horror stories my mother, sister and other families; I decided to file a suit based on negligence. I learned that the Death of the High Seas Act (DOHSA) of 1920 did not allow my family to sue for negligence resulting in the death of my mother, her pain and suffering as she drowned or the loss of her contribution to society as a bilingual and special education teacher.

The US Congress had allowed the cruise industry to influence it when DOHSA was amended in 2000. Consequently, DOHSA by Wrongful Act entitles these legal remedies only to commercial aviation victims. The Death on the High Seas Act (DOHSA) of 1920 entitled my mother to receive only burial expenses!

In 2006 and 2007 my congressman, Congressman Lloyd Doggett of Austin, Texas co-sponsored a Death on the High Seas Act amendment for cruise ship victims with Congressman John Lewis of Atlanta, Georgia. These bills held cruise lines accountable for negligent deaths regardless of the age of the



ANDERSON HIGH SCHOOL

In Pursuit of Excellence

victims. The amendment became a part of the original legislation of the Cruise Vessel Security and Safety Act. Once again, the US Congress allowed the cruise line industry to influence it to remove the DOHSA amendment. All of the protections of the Cruise Vessel Security and Safety Act were in jeopardy in 2010 if DOHSA was not removed. So, DOHSA was removed and the Cruise Vessel Security and Safety Act became law in July 2010 – including the requirement that all cruise ships have a man-overboard system within 18 months. The United States Coast Guard acknowledged in February 2012 that the cruise line industry has not implemented this provision of the law. Freedom of Information Act requests indicate that the US Coast Guard spent over \$900,000 in 2011 for just two searches for cruise ship passengers whose bodies were never found. American taxpayers pay for these searches. The cost to the cruise line is nothing.

Despite cruise line claims of safety, a 2008 US Senate hearing divulged that cruise lines did not know how many passengers had died or disappeared from foreign-flagged cruise ships using American ports. The cruise lines did not keep count of the dead or missing because they were not required to do so.

**ANDERSON HIGH SCHOOL***In Pursuit of Excellence*

Consequently, complaints of negligent death when the deceased has no dependents continue to be dismissed from court because DOHSA does not allow surviving adult family the right to sue for the death of their loved one. The family of the deceased does not have the opportunity to have the facts of their loved-one's death heard and decided by a jury.

Unlike DOHSA of 1920, state tort laws have evolved to reflect the value of human life in commercial maritime deaths. Every state in the United States has laws that allow victims to sue for financial damages for wrongful death. Some states also allow surviving family members to recover damages for the conscious pain and suffering of the deceased. Others also impose punitive damages for serious wrongdoing and to serve as a deterrent. In the case of wrongful maritime deaths, state law is superior to federal law.

It is inequitable, unfair, and inhumane to force cruise ship victims to apply the antiquated Death on the High Seas Act of 1920 to their loved one's death. My mother's life is no less valuable than an airline passenger's life and my family's grief is no less painful than the grief of any airline victims' family. The US Supreme Court has recommended that Congress correct this inequity for maritime victims and there are no costs associated with making this change.



ANDERSON HIGH SCHOOL

In Pursuit of Excellence

By continuing to force maritime victims to do so, the US Congress is telling survivors that the life of their loved is worthless in comparison to that of an aviation victim! The result is that cruise ship victims are victimized not only by cruise lines but by the United State Congress.

I urge Congress to do what it was intended to do – represent its people – by correcting the injustice of DOHSA of 1920 during the 100 year anniversary of the RMS Titanic tragedy that took more than 1,600 lives.

Respectfully,

Richard Wayne Sanford
Anderson High School-P.E. Dept. Chair
International Cruise Victims Association (ICVA)
<http://www.internationalcruisevictims.org/>