

*Under 46 U.S. Code §6308, no part of a report of a marine casualty investigation shall be admissible as evidence in any civil or administrative proceeding, other than an administrative proceeding initiated by the United States.*

1 U.S. Coast Guard Marine Board Investigation ICO the sinking of SS El Faro held in

2 Jacksonville, Florida held

3 24 May 2016

4 Volume 17

5 **CAPT Neubauer:** Good morning. This hearing will come to order. Today is May 24th,  
6 2016 and the time is 9:01. We are continuing at the Prime F. Osborn Convention  
7 Center in Jacksonville, Florida. I am Captain Jason Neubauer, of the United States  
8 Coast Guard, Chief of the Coast Guard Office of Investigations and analysis,  
9 Washington D.C. I'm the Chairman of the Coast Guard Marine Board of Investigation  
10 and the presiding officer over these proceedings. The Commandant of the Coast Guard  
11 has convened this board under the authority of Title 46, United States Code, Section  
12 6301 and Title 46 Code of Federal Regulations Part IV to investigate the circumstances  
13 surrounding the sinking of the SS El Faro with the loss of 33 lives on October 1<sup>st</sup>, 2015  
14 while transiting East of the Bahamas. I am conducting the investigation under the rules  
15 in 46 C.F.R. Part IV. The investigation will determine as closely as possible the factors  
16 that contributed to the incident so that proper recommendations for the prevention of  
17 similar casualties may be made. Whether there is evidence that any act of misconduct,  
18 inattention to duty, negligence or willful violation of the law on the part of any licensed or  
19 certificated person contributed to the casualty, and whether there is evidence that any  
20 Coast Guard personnel or any representative or employee of any other Government  
21 agency or any other person caused or contributed to the casualty. I have previously  
22 determined that the following organizations or individuals are parties in interest to the  
23 investigation. Tote Incorporated, ABS, Herbert Engineering Corporation and Mrs.

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1 Teresa Davidson as next of kin for Captain Michael Davidson, Master of the SS El Faro.

2 These parties have a direct interest in the investigation and have demonstrated the  
3 potential for contributing significantly to the completeness of the investigation or  
4 otherwise enhancing the safety of life and property at sea through participation as party  
5 in interest. All parties in interest have a statutory right to employ counsel to represent  
6 them, to cross-examine witnesses and have witnesses called on their behalf.

7 I will examine all witnesses at this formal hearing under oath or affirmation and  
8 witnesses will be subject to Federal laws and penalties governing false official  
9 statements. Witnesses who are not parties in interest may be advised by their counsel  
10 concerning their rights. However, such counsel may not examine or cross-examine  
11 other witnesses or otherwise participate.

12 These proceedings are open to the public and to the media. I ask for the  
13 cooperation of all persons present to minimize any disruptive influence on the  
14 proceedings in general or the witnesses in particular. Please turn your cell phones or  
15 other electronic devices off or to silent or vibrate mode. Please minimize entry and  
16 departure from the hearing room while the hearing is in session. Photography will be  
17 permitted during this opening statement and during recess periods. The members of  
18 the press are welcome and an area has been set aside for your use during the  
19 proceedings. The news media may question witnesses concerning the testimony that  
20 they have given after I have released them from these proceedings. I ask that such  
21 interviews be conducted outside of this room. Since the date of the casualty the  
22 National Transportation Safety Board and Coast Guard have conducted substantial  
23 evidence collection activities and some of that previously collected evidence will be

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1 considered during these hearings. Should any person have or believe that he or she  
2 has information not brought forward, but which might be of direct significance, that  
3 person is urged to bring that information to my attention by emailing [elfaro@uscg.mil](mailto:elfaro@uscg.mil).  
4 The Coast Guard relies on strong partnerships to execute its missions. And this Marine  
5 Board of Investigation is no exception. The NTSB has provided a representative for this  
6 hearing. Mr. Thomas Roth-Roffy, seated to my left is the Investigator in Charge for the  
7 NTSB investigation. Mr. Roth-Roffy, would you like to make a brief statement?

8 **Mr. Roth-Roffy:** Yes, good morning Captain. Good morning all. I'm Thomas Roth-  
9 Roffy, Investigator in Charge for the National Transportation Safety Board's  
10 investigation of this accident. The NTSB has joined this hearing to avoid duplicating the  
11 development of facts. Nevertheless, I do wish to point out that this does not preclude  
12 the NTSB from developing additional information separately from this proceeding if that  
13 becomes necessary. At the conclusion of these hearing the NTSB will analyze the facts  
14 of this accident and determine the probable cause independently of the Coast Guard,  
15 issue a separate report of the NTSB findings, and if appropriate issue recommendations  
16 to correct safety problems discovered during this investigation. Thank you Captain.

17 **CAPT Neubauer:** Thank you. We will now call our first witnesses for the day. Captain  
18 Kevin Stith.

19 **LCDR Yemma:** Please raise your right hand, sir? A false statement given to an  
20 agency of the United States is punishable by a fine and or imprisonment under 18  
21 United State Code Section 1001, knowing this do you solemnly swear that the testimony  
22 you're about to give will be the truth, the whole truth and nothing but the truth, so help  
23 you God?

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1 **WIT:** I do.

2 **LCDR Yemma:** Thank you. Please be seated. Can you please state your full name  
3 and spell your last name for the record?

4 **WIT:** Kevin P. Stith, S-T-I-T-H.

5 **LCDR Yemma:** And counsel please?

6 **Counsel:** Good morning. Robert Birthisel, Hamilton, Miller and Birthisel. B-I-R-T-H-I-  
7 S-E-L.

8 **LCDR Yemma:** Thank you, sir. Captain Stith you please tell the board where you're  
9 currently employed and what your position is?

10 **WIT:** I'm currently employed as Master of the Perla Del Caribe for Tote Services.

11 **LCDR Yemma:** And can you also describe some of your general responsibilities in that  
12 position please?

13 **WIT:** General responsibilities as Master of the Perla Del Caribe or Master of any vessel  
14 is to uphold all the laws and regulations according to SOLAS, C.F.R.'s. In general to  
15 take care of the vessel, the crew and the environment. To make sure that we operate in  
16 a safe reliable and ethical manner.

17 **LCDR Yemma:** Can you also tell the board about your prior relevant work experience  
18 please?

19 **WIT:** My work experience in the maritime industry has been gained over the past 20  
20 years. Starting with my education in the United States Merchant Marine Academy. I  
21 graduated in 1996 with a Third Mate's license, commissioned in the United States Naval  
22 Reserve. And I also obtained a QMED's license. That's a qualified member of the  
23 engine department. Serving as an oiler, electrician, junior engineer and I could sail in

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1 any unlicensed position in the engine, deck or stewards department. I can sail as a  
2 Third Mate unlimited on any oceans. After I graduated the United States Merchant  
3 Marine Academy I sailed on various types of ships. Over my 20 years I've sailed  
4 commercially and on Government vessels. I've also worked ashore. During that time it  
5 was my goal to try and sail on as many types of vessels that I could so I could gain  
6 experience, see how other people do things. See how the commercial industry works  
7 as opposed the Government industry. So in that time I sailed on coastal tankers,  
8 tankers going through the Panama Canal between the Gulf Coast, the West Coast, the  
9 East Coast. Transitioned to Government vessels. Sailed on SeaBee lash vessels,  
10 container lash vessels, lash barge vessels, RO-RO vessels, combination LO-LO RO-  
11 RO CON-RO vessels, OPDS tankers. During my time at the United States Merchant  
12 Marine Academy I did my cadet shipping, my sea years on container vessels, ITB  
13 tankers, and I was also assigned to a Spruance Class Destroyer for the United States  
14 Navy. So over my 20 years I've had various experiences, coast wise shipping,  
15 international shipping, preposition shipping, and fortunate to have gained a lot of  
16 training over those years through various avenues through my union, through the  
17 Military Sealift Command, through various company initiatives with the commercial  
18 companies. I've also obtained a security clearance with the Military Sealift Command  
19 for work on different types of Government vessels including the afloat forward staging  
20 bases, MPF ships and MPS ships. And vessels that are prepositioned throughout the  
21 world. I also worked ashore for approximately a year and a half subcontracting as a  
22 marine surveyor. As a marine surveyor I conducted on hire, off hire surveys, bunker  
23 surveys, draft surveys, SIRE surveys, bulk grain, bulk sugar, cargo surveys on behalf of

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1 shippers, stevedores, owners, lash barge surveys, pure barge surveys. So just about  
2 every type of survey there was. Also worked as a pollution control rep a number of  
3 times offshore in the Gulf of Mexico. and ashore in the Mississippi River. I have had  
4 some limited experience in the Gulf of Mexico in the offshore industry working on OSVs  
5 and ocean going tugs, anchor handling tugs, Transatlantic towing tugs. And worked on  
6 the West Coast of Africa on tug boats working with the offshore industry over there. I  
7 think that about summarizes my experience, some of my training including all the  
8 required training to, you know on a Military Sealift Command vessel including helo  
9 control officer, CBRD, AT Level 1, 2, and 3. You know medical training, first aid,  
10 stability, cargo, Port Engineer training. Training in various computer and maintenance  
11 systems, NS5, AMOS, SAMM. As I stated I also worked as a -- had training as a Port  
12 Engineer and I worked subcontracted as a Port Engineer for Tote Services during the  
13 dry docking of the various Government vessels. So I've also had that shore side  
14 experience. I think that about sums it up.

15 **LCDR Yemma:** Thank you Captain. And your degree from the Merchant Marine  
16 Academy is that your highest level education completed?

17 **WIT:** That is a Bachelor's of Science, Marine Transportation with a minor in  
18 engineering.

19 **LCDR Yemma:** Okay. Thank you, sir. Mr. Fawcett is going to have some questions  
20 for you now.

21 **WIT:** Very good.

22 **Mr. Fawcett:** Good morning Captain Stith, nice to see you again.

23 **WIT:** Thank you, sir.

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1 **Mr. Fawcett:** So all of my questions will be frame in the time period before the loss of  
2 the El Faro and we'll discuss two broad topic areas. One will be your experience as  
3 Master of the El Yunque and Chief Mate of the El Faro. And then the topic area will be  
4 the El Faro at sea which will include weather, your observations as well as voyage  
5 planning. So we'll take a break in between. But the scheme will be we'll ask our  
6 questions then we'll go to the NTSB, the parties and then follow up questions and then  
7 move to the next round. So if you would like to take a break at any time please let us  
8 know and we'll try to accommodate you.

9 **WIT:** Very good.

10 **Mr. Fawcett:** So if you could briefly explain the process that took you to the position as  
11 Chief Mate on the El Faro.

12 **WIT:** To get to the position of Chief Mate on the El Faro I believe it began originally as  
13 when I was working as a Port Engineer for Tote Services. We were dry docking a  
14 couple of vessels. The Bellatrix and the Altair [sic] in Mobile. After that job was  
15 complete I was left without employment for a time. And I was contacted by Tote  
16 Services to see if I would be available to do a relief job for a vessel, Bellatrix in reserve  
17 status. I took that job and while I was working on that job as Chief Mate Tote Services  
18 contacted me again and they asked me for an updated resume because they were still  
19 recruiting for the new Marlin Class of vessels that they were delivering, or going to take  
20 delivery of. So I said I would be very interested in coming in and interviewing and  
21 submitting my resume for one of those positions. When I submitted my resume they  
22 came back and said we would like to have you in for an interview. I went to  
23 Jacksonville, traveled from New Orleans to Jacksonville for the interview. Shortly

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1 thereafter they said that they would like to still consider me for a position on one of the  
2 new vessels, but in the meantime they would like to see how I would work out on the EL  
3 Class ship, the El Faro and El Yunque. And I was agreeable to that. I was looking for a  
4 new challenge, a new experience. So I accepted the position, the Chief Mate's position  
5 on the El Faro. And I think I joined the vessel the first week of August 2015.

6 **Mr. Fawcett:** So after you served as Chief Mate on the El Faro you moved up to  
7 Master of the El Yunque, is that correct?

8 **WIT:** Yes, sir.

9 **Mr. Fawcett:** At some point did any shore side person communicate the expectations  
10 of how Tote expected you to manage those ship?

11 **WIT:** I'm not sure if I understand your question.

12 **Mr. Fawcett:** Well in other words did Captain John Lawrence or anyone at Tote bring  
13 you into the office or come aboard the vessel and have a discussion with you as to how  
14 you were going to operate the El Yunque as Master?

15 **WIT:** When I moved over from the El Faro to the EL Yunque as Captain the promotion  
16 as Captain comes with all the duties and responsibilities as Master of the vessel. I was  
17 under the understanding that that was my job. I don't know if you're looking for  
18 something else.

19 **Mr. Fawcett:** Yeah. What I'm saying is Tote's expectation as to how – there's been all  
20 kinds of questions asked during the course of this investigation about whether the  
21 Captain needed permission to deviate from a route, what the contact with shore side  
22 would be during a hurricane or storm or how the vessel was expected to be operated

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1 with regard to stability or trim or list. Did anyone from Tote ashore say, you know in any  
2 informal or formal way this is how we expect you to operate this vessel for us?

3 **WIT:** The only communication was generally operate this ship safely and efficiently. As  
4 I remember it the ship was approximately 40 years old and they told me, you know  
5 operate this ship like it's going to run for another 20 years. So that was my mind set.

6 **Mr. Fawcett:** Since you served on board both the El Faro for a period of time and the  
7 El Yunque, were both vessel operated in a consistent manner? In other words by that I  
8 mean navigation, operations, the way the ship was maintained, the small items like you  
9 know how the life boats were provisioned. Those kind of areas were they consistently  
10 managed or were there a difference between the vessels?

11 **WIT:** If I were to compare the EL Faro and El Yunque I would say they're very similar. I  
12 think there was a lot of cross deck training or transferring of personnel back and forth.  
13 The crew members that I sailed with on both El Faro and the El Yunque a lot of them  
14 had been on all three of the EL Class ships. They knew the run. They knew the  
15 equipment. They knew where everything was. They knew the routines. And so I think  
16 there was a lot of consistency in that regard. Maintenance wise everything seemed to  
17 be very, very similar. The way they were operated, the routes, it was – you could  
18 basically plug and play you know. Take one person from another ship and put them on  
19 the other ship and it would be virtually the same.

20 **Mr. Fawcett:** So as Master of the El Yunque how long did you serve in that capacity?

21 **WIT:** Approximately 30 days.

22 **Mr. Fawcett:** Could you, while the ship was clear and away at sea could you describe  
23 your in brief, your general routine for a typical day at sea?

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1     **WIT:** While I was Master on the El Yunque a typical day and pretty much every day for  
2     me as Master, I'll get up at approximately 0600. I'll check my emails. And personally I  
3     like to make a round of the ship. I just like to know what's going on. So I would go  
4     down to the mess decks, go down to the main deck. And typically on the El Yunque  
5     and the El Faro the deck guys, the day workers, the Boatswain and the two AB's would  
6     be turning to. So I just like to see them out that they were already out working. And just  
7     get a feel for what was going on for that day. Typically the Chief Mate stood the 04 to  
8     08 watch. So he would be up on the bridge and wouldn't be on, necessarily on deck  
9     with the day workers. So I like to you know take a hands on approach and you know  
10    just see what was going on so I could basically figure out or help the Chief Mate figure  
11    out what needed to be done, you know for that day and for the voyage. After that I  
12    would typically go up to the bridge, talk with the Chief Mate, discuss the plan of the day.  
13    You know anything else that we needed or any other things I would like to see done.  
14    And then it would just be the regular routine of the day, answering emails and taking  
15    care of payroll items, addressing safety issues or just the general routine of the day.  
16    Checking the ETA, you know keeping updated on any weather, any other information  
17    that came in. Maintenance and purchasing items. Making sure that we were  
18    adequately tracking our requisitions. Making sure people were keeping up on PM's and  
19    safety inspections. Afternoons would pretty much be the same. Go up at lunch time,  
20    check the speed, check the ETA's, submit the noon report. Make sure that the watch  
21    was standing a proper watch. And evenings make sure that things were all set for the  
22    night. Most likely make another round of the ship, see how the work from the day

1 progressed. See if we need to do anything to get ready for coming in to port or out of  
2 port. See if things were just well taken care of.

3 **Mr. Fawcett:** That was very helpful, thank you, sir. So when you reported aboard the  
4 El Faro for the first time how did you come up to speed for the unique operations on  
5 board the El Faro?

6 **WIT:** When I came aboard the El Faro I think I was very, very fortunate not only to be  
7 put with the crew that I was put with, because they were highly qualified and very  
8 experienced. But I was kind of surprised that they were going to have myself as Chief  
9 Mate and the Chief Mate that I was relieving to be there and allow me to ride the vessel  
10 with Chief Mate Shultz for 3 to 4 days, observe the cargo operations in San Juan.  
11 Observe the daily routines underway on the way Northbound from San Juan to  
12 Jacksonville. And then observe and assist and eventually take over the cargo  
13 operations in Jacksonville. In that regard we got to spend a lot of time together  
14 discussing the way the ship operated, the routine, getting to know the people, getting to  
15 know the ship, the various systems on the ship and Chief Mate Shultz was very  
16 experienced with these ships and he had a lot of years, a lot of knowledge where you  
17 might call local knowledge of the El Faro and El Morro and their lashing systems and  
18 you know how things operated, the lay of the land. So we spent all 8 hours of watch  
19 together and typically all 8 hours of overtime together, if not our off work hours  
20 discussing things and interacting. He had his relief notes prepared. So he handed  
21 those to me when I got on board. I reviewed them. And over the course of our  
22 turnover, our 3 or 4 days turnover, you know as I had questions we would talk about  
23 things. You know basically how to manage, you know deck operations, how to manage

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1 cargo operations, you know some best practices, procedures. I was also fortunate in  
2 the fact that when I first joined El Faro his relief was also on board. His relief had, the  
3 gentleman that he relieved, Mr. Ray Thompson, the Captain, so we had a lot of  
4 experience and knowledge there all at the same time. And we were able to basically  
5 pass a lot of information back and forth between us. And it was an excellent learning  
6 experience. I don't know of another company that does a turnover process like that. So  
7 I was kind of shocked to see Tote Services, you know allow us to do that. So that was  
8 very good.

9 **Mr. Fawcett:** And what was the duration of that turnover and how many loading and  
10 unloading cycles did you observe before you – before you served as Chief Mate on your  
11 own?

12 **WIT:** I joined the vessel in San Juan Puerto Rico. I believe they were still discharging  
13 at that point. So I joined during the discharging portion. And then, you know saw the  
14 entire loading operation. We had one day there and then 2 ½ or 3 days underway and  
15 then we were, Chief Mate Shultz and I were still together during the discharging and  
16 loading operation in Jacksonville. So I would say that we were together for 4 to 5 days.

17 **Mr. Fawcett:** During that time did they show you the cargo lashing manual for the ship?

18 **WIT:** Between Chief Mate Shultz and Captain Thompson they showed me where all the  
19 information for the vessel and how to load the vessel and all the reference material,  
20 including the trim and stability book and the cargo securing manual. All of our ISM  
21 required records and guidelines, basically everything the Chief Mate needs.

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1 **Mr. Fawcett:** Okay. But did they show you the actual cargo securing manual and the  
2 contents of the manual so that they could explain the way cargo is supposed to be  
3 lashed versus walking around the deck and pointing different things out?

4 **WIT:** Yes, sir.

5 **Mr. Fawcett:** Thank you. And just to make sure that we have things straight for the  
6 public, you're a Master, Captain's a Master, perhaps the other officers that were aboard  
7 the Chief Mates that you mentioned had a Masters license. So you could say there  
8 were 2, 3, or 4 Masters aboard, but really there's one Master aboard, is that correct?  
9 From the perspective of command of the vessel.

10 **WIT:** That's correct.

11 **Mr. Fawcett:** Thank you. So for you personally with your extensive background and  
12 experience on a really diverse number of vessels, what were the challenges for the El  
13 Faro from the standpoint of cargo lashing and securing unique to that vessel?

14 **WIT:** The challenges, is that your question?

15 **Mr. Fawcett:** Correct.

16 **WIT:** I think I were to say challenges, I think a better – there might be a better term, but.  
17 Typically you have various types of cargo that come on a ship, standardized container  
18 cargo and then you also have other rolling stock that come on the ship. Including  
19 tractor trailers, smaller trailers with the other types of cargo like jet skis or speed boats  
20 or some other non-standard type of cargo. And you also have cattle trailers. And  
21 straight automobiles. So you have a couple basic types of cargo. Securing them you  
22 just rely on experience of the Stevedores. You rely on your own experiences and you

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1 rely on the information in the cargo securing manual. So I would say it's pretty straight  
2 forward.

3 **Mr. Fawcett:** I would like to turn your attention and Commander Yemma will put it up  
4 on the screen, but Coast Guard Exhibit 216 and it will be pages 3 and 5. So what  
5 you're looking, or going to be looking at are some photos taken on the El Morro in 2009.  
6 And what they show is a chassis with a box on it that has basically come upsett. And it  
7 might not be lashing or securing, it might be a failure of the chassis itself where an  
8 attachment point has failed. And what I would like to do is ask your professional  
9 opinion, could something like this that occurs on a voyage at sea cause a cascading  
10 effect where other cargo might break lose?

11 **WIT:** I guess you can say a lot of things. There's a lot of hypothetical situations. I see  
12 in this instance, it only toppled one container. So like anything's possible.

13 **Mr. Fawcett:** If cargo broke lose at sea and you were in severe weather conditions  
14 could the crew stabilize that cargo?

15 **WIT:** I think you would have to take each event and analyze it and see. There's  
16 various measures someone could take. But to put the cargo back into position, no. The  
17 crew would not be able to do that.

18 **Mr. Fawcett:** So if you had a situation where the ship was at sea in severe weather  
19 and cargo did break lose, how would you become aware of it considering that you were  
20 out in severe weather?

21 **WIT:** I guess I would have to say, again there's a lot of hypothetical situations. For  
22 severe weather, like I said each situation is different. You would have to – I can't really  
23 say. You know you would have to make a round or something.

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1 **Mr. Fawcett:** And just to be clear on the El Faro and the El Yunque they didn't have  
2 closed circuit cameras to monitor the status of cargo in the holds?

3 **WIT:** No, sir.

4 **Mr. Fawcett:** Okay. So turning your mind back to the time when you reported aboard  
5 the El Faro, you served on the El Faro for how long of a period?

6 **WIT:** I believe it was 3 weeks.

7 **Mr. Fawcett:** Okay. So that would have been in the beginning of August. Captain  
8 Davidson was the Captain, is that correct?

9 **WIT:** Captain Thompson was there with me for 3 days and then Captain Davidson was  
10 there the rest of the time.

11 **Mr. Fawcett:** So Captain Davidson had been considered back in May for command of  
12 one of the new ships. And then there was a – he was not going to go to the new ship.  
13 And then there was a period of time where he interviewed again for the new ship. And  
14 he was, as it's been characterized been put on the short list for command of one of the  
15 new ships. Did you know when you worked with Captain Davidson what the status of  
16 his employment was in terms of the future employment of Captain Davidson?

17 **WIT:** I personally did not know what his future was.

18 **Mr. Fawcett:** Did he ever discuss the – his thoughts about is relationship with Tote  
19 Maritime or Tote Services?

20 **WIT:** The only discussion that we had was I would say a very open discussion one day  
21 where he said, if I recall correctly that he enjoyed working with Tote. That his time on  
22 the El Faro he liked the ship, he liked sailing on this run. And that he would like to  
23 continue. He also told me that he would like to see me, you know if that's what Tote's

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1 intentions were going to be to you know work with him or be his relief. And that was  
2 really the only conversation we ever had about his interaction with Tote.

3 **Mr. Fawcett:** When you signed off as Chief Mate did someone perform an evaluation  
4 of how you performed as Chief Mate aboard?

5 **WIT:** I don't recall getting an evaluation, no.

6 **Mr. Fawcett:** So you've had – you've had bridge management or bridge resource  
7 management training, correct?

8 **WIT:** Yes, sir.

9 **Mr. Fawcett:** Okay. So one of the – one the things they teach you in bridge resource  
10 management training is that complacency and routine can be dangerous in shipboard  
11 operations. Would you say that's correct?

12 **WIT:** I think that's correct in any situation.

13 **Mr. Fawcett:** So based on your time that you served with Captain Davidson, how did –  
14 what were your observations on how he combated the effects of routine to prevent  
15 complacency on the regular run, it's liner service on a schedule back and forth between  
16 San Juan and Jacksonville? What did Captain Davidson do to reduce the effects of that  
17 routine?

18 **WIT:** When I think about that question I think the thing that comes to mind is his  
19 interaction with the crew. Being on the bridge, being around, talking with the crew and  
20 basically I would say leading – leading by example. I think that he had high standards,  
21 something that I respected and something that you don't see a lot of times. A lot of  
22 times there is complacency, but with his work ethic and standards I think he got people

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1 to perform to a higher level. So that in of itself was what I would say combating  
2 complacency.

3 **Mr. Fawcett:** I would like to take just one particular shipboard operation. I would like to  
4 talk about it so that we could understand how things were done on the EI Faro. And  
5 that would be the unmooring operation as the vessel departed the dock and prepared to  
6 head for sea. So I'm going to ask you a series of questions. Was there any kind of  
7 guide or standard that was followed on board the EI Faro for that operation, checklist?

8 **WIT:** With Tote Services we do have a pre-departure, pre-route checklists. And  
9 typically you followed by the Mate who's preparing the bridge for undocking or docking  
10 or arrival in that case. We also – anytime in my experience with Captain Davidson in  
11 those three weeks, anytime that we docked or undocked he would always come on the  
12 radio before we got there and brief everybody as to what was going to happen. And he  
13 laid out his expectations, let everybody know what the process was going to be and  
14 basically how to reduce their risks, make sure everybody had hard hats, gloves, eye  
15 protection, safety vests, work boots. And he always made a point to instruct people to  
16 work safely, watch out for each other and just take your time and do it right. I really  
17 remember that because it's something that I really hadn't experienced somebody to  
18 really, you know give very, very detailed and explicit instructions. So I was actually very  
19 appreciative of it.

20 **Mr. Fawcett:** Thank you. That was echoed also by another crew member. What was  
21 your duty for unmooring operations? Where were you posted?

22 **WIT:** My duty was typically on the bow for docking and undocking.

23 **Mr. Fawcett:** Okay. And you have the radio, is that correct?

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1 **WIT:** Yes, sir.

2 **Mr. Fawcett:** During that undocking evolution did you ever hear on the radio or observe  
3 the taking of off shore drafts while you were out on the bow?

4 **WIT:** Not while we were docking or undocking.

5 **Mr. Fawcett:** Okay. When would the taking of off shore drafts be facilitated on board  
6 the El Faro?

7 **WIT:** Sometime between the completion of cargo and the time that we got the stability  
8 information from the shore side.

9 **Mr. Fawcett:** And so completion of cargo to taking, you know unmooring stations at the  
10 bow, how long would that take usually? Based on your experience on the El Faro.

11 **WIT:** Based on those 3 weeks it varied. I can't remember exactly. But generally I  
12 would say an average of maybe 30 minutes.

13 **Mr. Fawcett:** So the ship comes off the dock, gets – tugs are working it out into the  
14 stream, it's trying to shape itself, head down the river. Could you tell me what you did  
15 with the mooring lines on the bow?

16 **WIT:** As we were moving away from the berth and heading down river we would spool  
17 the wire back onto the winch and we would put the pennant, the eye of the pennant on  
18 one of the bits, a sets of bits. We passed the wires out the bull nose so we used the  
19 sets of bits near the centerline chock, the bull nose there so the eyes were secured on  
20 there. The lines were faked out on deck and as I remember we would either put the  
21 eyes of the lines over the bits or they would pass a line through the, one end of the line  
22 and you would basically grab half of the line and secure that to the bits. So we did that

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1 for each of the soft lines. And then the line that was on the 2<sup>nd</sup> deck the wire, that would  
2 be done in the same manner.

3 **Mr. Fawcett:** So the soft line is how long, approximately?

4 **WIT:** If I would have to say I would say approximately 400 feet.

5 **Mr. Fawcett:** And the circumference of the line would be? Is it floating line?

6 **WIT:** As I recall it was floating.

7 **Mr. Fawcett:** Okay. So we measure lines in circumference, but for the benefit of the  
8 public approximately how many inches in diameter would that be?

9 **WIT:** In diameter, as I think back I would say maybe 2 ½ inches, 3 inches.

10 **Mr. Fawcett:** So what you did with the line as far as putting it on the bits or putting the  
11 eyes on the bits, did the Chief Mate that you relieved did he say this is how we do it on  
12 El Faro? Was it a standard marine practice? Was it Captain Davidson's practice?

13 **WIT:** On the El Faro I think that was just the routine. My experience departing the ship  
14 – departing San Juan and departing every other time the deck guys, the Boatswain the  
15 day men they just – they did it without even explicit instructions. So I think it was just  
16 routine on – with those guys. They just knew that's something – and that's typical for  
17 ships that don't stow lines when they get underway.

18 **Mr. Fawcett:** Okay. So other ships strike the line below with line and a road locker so  
19 it's clear of the weather decks. And at the end of August the El Faro set sail into the  
20 prospects of meeting Hurricane Danny and Tropical Storm Erika. On that voyage do  
21 you recall if the mooring lines were struck below or lashed with sufficient lines to prevent  
22 them from going overboard?

23 **WIT:** They were secured.

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1 **Mr. Fawcett:** And how was that?

2 **WIT:** We took small line, small stuff and secured them to the bits. And the lines that  
3 were on the 2<sup>nd</sup> deck we either used ratchet straps to ratchet them down or we used  
4 small stuff to secure them in place.

5 **Mr. Fawcett:** And it doesn't seem like an important point, but small stuff would be small  
6 diameter line. Would that be synthetic line or would that be manila or sisal line?

7 **WIT:** I believe we had synthetic line.

8 **Mr. Fawcett:** Can you give an approximate size to that?

9 **WIT:** Approximate ½ inch.

10 **Mr. Fawcett:** And was that following a pre-departure heavy weather plan? In other  
11 words did Captain Davidson gather the ship's officers and say we have a heavy weather  
12 plan, this is what I want you to do? Was it by direction of Captain Davidson or did the  
13 crew just do it?

14 **WIT:** I think the, when I think about it, I think just like I said before it was their routine to  
15 secure everything. My experience with those guys they were very professional and they  
16 took a lot of pride in what they did, took pride in the ship. And I think they, like I said it  
17 was just the routine. We didn't do anything, to my recollection exceptional as far as  
18 securing the lines for that voyage.

19 **Mr. Fawcett:** So the El Faro, and this is my last question for this round, but the El Faro  
20 is over 700 feet long. Did someone make rounds to make sure that the stern lines on  
21 that voyage were fastened, you know secured in the same fashion in going out into  
22 heavy weather?

23 **WIT:** Yes, sir.

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1 **Mr. Fawcett:** And who would that have been?

2 **WIT:** Me.

3 **Mr. Fawcett:** Thank you, sir. That's all I have for you now.

4 **CAPT Neubauer:** Commander Denning.

5 **CDR Denning:** Good morning Captain Stith. You described earlier the extensive  
6 experience of Chief Mate Shultz. Can you go into a little bit more detail on your  
7 understanding of his experience on this class of vessels when you were relieving it?

8 **WIT:** Yes. I felt very fortunate to be placed with Steve. In our discussions and  
9 turnovers you know we basically I would like say compare notes, our experiences. He  
10 had a lot of experience with the Navy and I had a lot of experience with Military Sealift  
11 Command interacting with the Navy and the Coast Guard. So we had a lot of common  
12 interest there. From my understanding he had a lot of experience on this type of ship,  
13 the EL Class ship on the EL Morro and I believe he was also on the El Yunque maybe  
14 as, you know some other rating, Third Mate or Second Mate. But from my  
15 understanding he was also on the – a similar class of vessels the Westward Adventure  
16 and the Great Land. I think his experience in this general type of vessel is maybe 10  
17 years where he sailed as Second Mate and Third Mate and Chief Mate. He was  
18 basically – he enjoyed sailing on this type of ship. The run, he liked the run. The cargo  
19 operation, he just liked everything about being on the ship. So I think you know he had  
20 said he had spent a lot of time on these ships and some other time on Government  
21 vessels doing other things. But you know he was very experienced with these.

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1 **CDR Denning:** Thanks for that. So I want to talk to you about as the head of the deck  
2 department as the Chief Mate you're overall – you were overall in charge of lashing,  
3 correct?

4 **WIT:** Yes, sir.

5 **CDR Denning:** Can you tell us, so Mr. Fawcett spoke with you about securing the  
6 lines, I would like to talk a little bit about securing the cargo. We went into great depth  
7 with a lot of other witnesses on how it's normally lashed, we're not going to go into that  
8 with you. But specifically what, when you were expecting heavy weather what  
9 additional storm lashings were required?

10 **WIT:** As I think about any heavy weather or storm we typically didn't add anything  
11 additional. The, from my recollection on those ships they what I would consider over  
12 lashed. Basically to eliminate any confusion among heavy weather or storm lashing or  
13 winter or summer or different lashing profiles, they just lashed to the highest standard  
14 that they have. Basically they used every piece of lashing equipment that they could  
15 find. And that's how they did it all the time. So people wouldn't have to say oh I need  
16 extra. If you did get a piece of cargo or something where you thought because of the  
17 position or the nature of the cargo that you felt from your experience that you wanted  
18 more lashing all you had to do is ask and they would put it on. They would find it.

19 **CDR Denning:** So Mr. Fawcett spoke with you about the deviate – about going through  
20 Tropical Storm Erika. You were on board during that particular voyage, correct?

21 **WIT:** I can't remember. Can you refresh my memory of the dates?

22 **CDR Denning:** Certainly. So we've heard testimony from other witnesses and we went  
23 into a fair amount of detail about the deviation voyage where Captain Davidson sailed

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1 through Old Bahama Channel at the end of August 2015. It was on the 25<sup>th</sup>. And from  
2 records that we have you were on board as Chief Mate during that time, correct?

3 **WIT:** Yes, that's correct.

4 **CDR Denning:** So during that particular voyage were the lashings done as they  
5 normally were or were any additional lashings placed that you can recall?

6 **WIT:** I don't recall requesting any additional lashing.

7 **CDR Denning:** And did you have discussions with Captain Davidson on his  
8 expectations for lashing? Particularly going through heavy weather.

9 **WIT:** As I recall, you know I spoke with Second Mate Charlie who had been there for a  
10 long time and his experience particularly because he was always very, very involved  
11 with the cargo operation. So I got his input. I think I spoke with the Captain before we  
12 left. Also Jeremy Riehm, the Third Mate he also had a lot of experience. So I tried to,  
13 you know get a lot of different inputs in what different people thought. And from their  
14 inputs I don't remember them you know saying oh we need more or anything like that.  
15 So I relied on their experience, not only on this run, but on that ship and with that  
16 lashing system.

17 **CDR Denning:** If you could turn to an exhibit that I'm going to direct you to it may help  
18 refresh your memory. If you go to Exhibit 4 page 58. This is an email from Captain  
19 Davidson to John Lawrence. And in that email he says we've been securing our cargo  
20 with additional storm lashings as needed. All departments have been instructed to  
21 secure their areas and I'll keep you duly notified throughout the remainder of the  
22 voyage.

1 **Mr. Fawcett:** I would just like to add an additional notation. And that's that in it he says  
2 I anticipate the weather to start deteriorating late on 8/27/15 and continue into the  
3 morning of 08/28/15 with East, Southeast winds around 40 knots and seas 10 to 12 feet  
4 slightly off the port bow. So that, I think that's the context of Captain Davidson's  
5 message ashore.

6 **CDR Denning:** So this was an email during that voyage. So I bring that up just to  
7 hopefully refresh your memory of any potential conversations between yourself and  
8 Captain Davidson on additional lashing. This is to help give us a sense for what  
9 Captain Davidson's expectations might be for going into heavy weather.

10 **WIT:** As I read this email and think about the situation and recall those circumstances I  
11 think you know talking with the other Mates and having our morning conversation,  
12 typically Captain Davidson would come up to the bridge like I would do if I were Master.  
13 And I told him what we had been doing. And you know during my rounds, during cargo  
14 rounds as Second Mate would make his rounds when he went down for soundings, we  
15 would keep our eye out for any cargo that needed any additional lashings. So if we saw  
16 something that we thought might need additional lashing that we would put it on. Not  
17 necessarily that we needed to, but just if we did that we would put it on. I don't recall  
18 the Boatswain or the Second Mate or anybody telling me, hey I think we need additional  
19 lashings. So I don't recall any additional ones put on.

20 **CDR Denning:** Okay. Also on the lashing topic. We got extensive descriptions  
21 yesterday from Mr. Kidd about how Portus lashes the cargo. One of the things we've  
22 been asking about is for the non-standard cargo. How is it determined how many  
23 lashings for – that those types of cargo would get? Let's say you know tractors with

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1 bulldozers or any unusual cargo. How did you determine what lashing was necessary  
2 for those?

3 **WIT:** When you think about non-standard cargo you – you have to take into account a  
4 couple of things. And you know what you have available to you as far as the ship, your  
5 lashing system available and the weight of the cargo. And I think generally you know  
6 anybody who's familiar with you know non-standard cargo would say that you take the  
7 weight of the cargo and you want to apply lashings to it to exceed the weight of the  
8 cargo. And typically you would have that on both sides. So if you had something that  
9 rolled one way you would have – you would be able to support the force completely on  
10 one side. And then when it rolled the other way you would be able to completely  
11 support the force when it rolled that way.

12 **CDR Denning:** So the cargo securing manual has some detailed calculations in it,  
13 methods. Did you ever use those advance calculation methods to determine?

14 **WIT:** I can't even say that I ever did or had a situation where I needed to.

15 **CDR Denning:** Did you have any particular, as Chief Mate, did you have any particular  
16 standing orders for how – for standing of cargo ops in port?

17 **WIT:** Before we got into port I would typically send out an email to the Mates and I  
18 would also print it out for the Port Mate when they came in. With a general flow and  
19 sequence of events I would out – I would try to outline what I expected out of each of  
20 the Mates. So yeah we definitely, we had cargo orders or port orders for the Mates.

21 **CDR Denning:** And you would send that by email?

22 **WIT:** Yes. I also like to print it out. Sometimes because of when I wrote it out – wrote it  
23 up you know the Second Mate or the Third Mate wouldn't go up to the bridge and so he

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1 wouldn't see it. So I would print it out and I would hang it on his door, leave it on my  
2 desk or you know take it down to the mess halls, see him at breakfast or lunch or what  
3 have you.

4 **CDR Denning:** So you would type up an email and print that particular email or was it -  
5 ---

6 **WIT:** Yes.

7 **CDR Denning:** An attachment? There was no attachment to it?

8 **WIT:** No.

9 **CDR Denning:** So when we took testimony from Mr. Thompson, Captain Thompson  
10 the other day he spoke of some Chief Mate standing orders. Did you ever see any of  
11 his standing orders and use that?

12 **WIT:** I can't, I can't really recall specifically.

13 **CDR Denning:** Would it change, your email, would it change from port call to port call  
14 significantly?

15 **WIT:** The routine of the port stays and the cargo operation is pretty much a similar  
16 outline. So it would be basically be the specifics of the cargo operation, you know are  
17 we going to do 100 tons of ballast or 150 tons of ballast. Are we going to start on bay,  
18 you know 2 or bay 8. Are they going to have three gangs? So I would try and outline  
19 that to them so they would have the information and know how to proceed, you know  
20 during their watch. So the general outline was the same, but the details will vary  
21 somewhat.

22 **CDR Denning:** So you spoke at the standard routine for securing for sea. Was any of  
23 that procedure written down anywhere? As far as what you mentioned with the lines.

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1     **WIT:** As I think about it the only place that it may have been written down is in the  
2 turnover notes. I believe that, you know when I was relieved I passed that information  
3 on to my relief in the turnover notes. That may be the only place.

4     **CDR Denning:** So the turnover notes from one Chief Mate to another?

5     **WIT:** Yes, sir.

6     **CDR Denning:** And then how did you communicate your expectations with the  
7 Boatswain and the deck department? Was that all verbal then?

8     **WIT:** Yes. The only other thing that I like to do personally is take a piece of scratch  
9 paper every morning and write out the jobs for the day for the Boatswain and give it to  
10 him. So he had something to reference you know. A lot of things go on during the day  
11 and you don't necessarily remember everything. So I like to write it out and give them a  
12 little note.

13     **CDR Denning:** So we've seen standing orders from a couple of the Captain's on this  
14 class of vessel. But we haven't for obvious reasons had an opportunity to review  
15 Captain Davidson's. They weren't sent ashore to the best of our knowledge. From your  
16 recollection of his Master's standing orders did it include anything about securing for  
17 sea?

18     **WIT:** I can't recall.

19     **CDR Denning:** Thank you. That's all I have Captain.

20     **CAPT Neubauer:** At this time we'll go to the NTSB. Mr. Furukawa.

21     **Mr. Furukawa:** Good morning Captain Stith.

22     **WIT:** Good morning.

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1 **Mr. Furukawa:** Captain Fawcett was asking about ships evolutions and checklists.

2 Was there an evolution checklist for fire and boat drills?

3 **WIT:** Tote Services does have a checklist for fire and emergency and abandon ship  
4 drills. As Chief Mate and as Captain being familiarized and system as I am I like to use  
5 those. So while I was on the El Faro I like to at least make sure that the Mates could  
6 reference that as a guideline. But during the drills they typically took their own notes so  
7 they could write it down in the log book.

8 **Mr. Furukawa:** When you were Chief Mate on the El Faro did you participate in any fire  
9 and boat drills?

10 **WIT:** Yes.

11 **Mr. Furukawa:** How often did you have them?

12 **WIT:** We had fire and emergency and abandon ship drills every week.

13 **Mr. Furukawa:** Every week, okay. So three?

14 **WIT:** I would say three.

15 **Mr. Furukawa:** Drills, okay. Was there the first day out at sea, the second day out at  
16 sea? Do you recall when you would do fire and boat drills?

17 **WIT:** I can't remember specifically. I believe we typically did drills heading South. I  
18 think we had a little bit more time to get to Puerto Rico. I can't remember specifically if it  
19 was going South or North, but it was typically on the same day every week and going  
20 one direction.

21 **Mr. Furukawa:** During the abandon ship drill did you exercise the port and starboard  
22 life boats?

23 **WIT:** Yes we did.

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1 **Mr. Furukawa:** Did you ever put them in the water?

2 **WIT:** While we were underway we never put the boats in the water. While I was on the  
3 El Faro I never had the opportunity to put the boats in the water like for the quarterly on  
4 load relief test. We did lower the life boat, I believe it was the starboard life boat down  
5 to the dock in San Juan Puerto Rico for the quarterly test. Between the ships we had a  
6 set of wooden cradles where we could lower the starboard side life boat. Since we  
7 always went starboard side to we really never had a good opportunity to lower that boat  
8 all the way down to the water. Underway it's a risky maneuver, it's something you try to  
9 avoid. The port boat you could lower down to the water in San Juan very well because  
10 typically it was calm conditions and you had people available, more people available.

11 **Mr. Furukawa:** So you did see the starboard life boat go into – lowered to the cradles  
12 in San Juan?

13 **WIT:** That's correct.

14 **Mr. Furukawa:** And the port life boat, did you put that in the water?

15 **WIT:** While I was there we did not. I believe it had already been done for the quarter.  
16 So we just needed to do the starboard boat.

17 **Mr. Furukawa:** Okay. And is that logged in the log book?

18 **WIT:** I'm sure it is.

19 **Mr. Furukawa:** And in your weekly drills were the boats lowered down to the  
20 embarkation deck?

21 **WIT:** It would all depend on the circumstances, the weather, other operations going on,  
22 on the ship. So I think you know as a general rule you try to. If the ship is rolling  
23 obviously you don't want to. But I think we made attempts if there was good weather.

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1 **Mr. Furukawa:** Do you remember if the port and starboard life boats went down to the  
2 embarkation deck for the weekly drills?

3 **WIT:** I can't remember specifically. Over the past year I've conducted so many fire and  
4 boat drills, so many different ships. Sometimes I'm thinking about the El Faro you think  
5 about the El Yunque and COI's and other inspections. So I don't want even want to  
6 take a guess.

7 **Mr. Furukawa:** Okay. Do you remember anything particular about the davits, the  
8 winches, the falls, brakes, wires of the El Faro's boats?

9 **WIT:** As I recall on the El Faro the lifesaving equipment had actually undergone a lot of  
10 maintenance and preservation. And I'm very familiar with this type of life boat, life boat  
11 davit, the entire system. And from what I could see it had been maintained and they  
12 were doing active maintenance on it. I believe they had replaced some pad eyes on  
13 them, some securing pad eyes, some other things. The boats for their age seem to be  
14 in excellent condition. I was pleased with their condition, the wires, the falls. From what  
15 I recall I was satisfied.

16 **Mr. Furukawa:** Okay. Were there any issues with corrosion on the davits?

17 **WIT:** When I think about the davits I don't think we had any active corrosion. What I  
18 would call active corrosion at that time. I think they had done some preservation and  
19 steel replacement prior to my arrival. So when I was there I don't believe that we had  
20 any issues.

21 **Mr. Furukawa:** And during the abandon ship drills where was your location?

22 **WIT:** I believe I was at life boat number 1. I can't recall exactly my station number. But  
23 I was at the life boat directing the – in charge of the life boat.

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1 **Mr. Furukawa:** Okay. During abandon ship drills would the crew don life jackets?

2 **WIT:** Yes. It was my instruction for the crew to show up to the life boats with their life  
3 jackets on, with their immersion suits and with hard hats. In my experience it's – I prefer  
4 to see guys show up to the life boats with their life jackets already on. That way you  
5 come prepared. Typically you go back to your room after the fire and emergency drill,  
6 get a life jacket, put it on while you're on the way to the boat. By the time you show up  
7 to the boat you should be ready to get into the boat.

8 **Mr. Furukawa:** You said that the crew members would show up with their survival  
9 suits. In the bag?

10 **WIT:** Yes, sir.

11 **Mr. Furukawa:** During the three weeks did they ever don their immersion suits, survival  
12 suits?

13 **WIT:** I would have to refer back to the tracked training and the training logs.

14 **Mr. Furukawa:** Okay. Do you remember if there was any, if it was a monthly thing or a  
15 quarterly thing where they were required to don their survival suits?

16 **WIT:** Again I think it's on the quarterly tracked training.

17 **Mr. Furukawa:** The 5 polish supernummaries, the riding gang, do you remember  
18 where their muster station was during fire and boat drills?

19 **WIT:** As I recall their fire and emergency location would have been I think the starboard  
20 bridge wing. They would muster there. For the life boats they were assigned a life boat  
21 and I can't recall which one, if they were evenly disbursed or if they all went to the same  
22 life boat.

23 **Mr. Furukawa:** Do you know if you ever saw them don their life jackets?

1     **WIT:** All I can say is everybody who attended the drills, the abandon ship drills showed  
2     up with their life jackets.

3     **Mr. Furukawa:** When they mustered at the life boat stations did you do a roll call, take  
4     muster?

5     **WIT:** Yes we took muster. Basically I have like a cheat sheet of who should be at the  
6     life boat and I would make a quick count, make sure that my count matched the number  
7     of people that were supposed to be there. If the count matched I would then go down  
8     and make sure that I have all the people that I'm supposed to have, the correct billets  
9     typically. People forget, you know you've got a 50 percent chance of showing up at the  
10    right boat, you know boat 1 or boat 2. And sometimes guys forget and they've got to go  
11    to the other side, so.

12    **Mr. Furukawa:** Okay. Do you remember if the Polish, any of the Polish riding gang  
13    was accounted for musters?

14    **WIT:** As I recall they were.

15    **Mr. Furukawa:** And as Master of the El Yunque is there any differences in the – these  
16    drills between the two vessels?

17    **WIT:** I would have to say no. I think they were very similar. When I was on the El Faro  
18    Captain Davidson typically he let me run the drills. Basically we would come up in the  
19    morning, have a meeting and I would tell him what I thought we should do for drills and  
20    he would have his input, you know because I was in charge of the track training and  
21    what you do for the quarter. So we would go over that and I would be in charge of the  
22    drills as they progressed. Same thing, I like to take an active part when I was Captain.  
23    So I typically gave the Chief Mate there ideas what I thought that we should do and

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1 basically led the drills as Captain over there. So they were the same because I was in  
2 charge.

3 **Mr. Furukawa:** And are the El Yunque's life boats, is there any differences between EL  
4 Yunque's life boats, the condition of those boats compared to the El Faro's?

5 **WIT:** I would say no.

6 **Mr. Furukawa:** Thank you very much. That's all I have.

7 **CAPT Neubauer:** Mr. Roth-Roffy.

8 **Mr. Roth-Roffy:** Thank you Captain. Tom Roth-Roffy, NTSB. Good morning Captain  
9 Stith.

10 **WIT:** Good morning, sir.

11 **Mr. Roth-Roffy:** I just want to follow up a little bit on your background experience. You  
12 mentioned quite a bit experience on a number of different vessels. Could you please  
13 tell us how much time you have as a Master of vessels in your background?

14 **WIT:** I would say that started in 2005. I sat for my Master's license and shortly after I  
15 received my first Master's assignment on the USNS Algol [sic] we activated for  
16 hurricane evasion or sortie out of New Orleans, tropical storm or something. After that  
17 sailed on and off either as Chief Mate or Officer in Charge or Master from 2005 or 2006  
18 to present. If I were to quantify the actual days assigned as Master I don't think I have  
19 an accurate count, but maybe a year, year and a half.

20 **Mr. Roth-Roffy:** And Mr. Fawcett asked you about the expectations expressed to you  
21 from Tote when you started sailing as Master. Who in your view was your supervisor as  
22 the Master of the El Yuque? Who did you actually report to?

23 **WIT:** My chain of command began with the Port Engineer.

1 **Mr. Roth-Roffy:** And who was that as you recall?

2 **WIT:** For the El Yunque?

3 **Mr. Roth-Roffy:** Yes, sir.

4 **WIT:** For the El Yunque that would be the Port Engineer Mr. Bill Weinbecker.

5 **Mr. Roth-Roffy:** And going now back to the El Faro. Do you recall any discussions  
6 between the engineers and the Master regarding any significant engineering problems  
7 on the vessel while you were aboard?

8 **WIT:** No.

9 **Mr. Roth-Roffy:** Do you recall any less significant items that are worth mentioning?

10 **WIT:** For the El Faro I believe the only thing that we undertook, I think they had some  
11 super heater tubes that needed to be – needed some maintenance. I was pretty  
12 impressed with the engineering plant and the maintenance of the plant on there. And I  
13 was impressed with their experience. So I didn't get too much involved. I had a lot of  
14 confidence in their abilities. So I really didn't get too much involved with that.

15 **Mr. Roth-Roffy:** Did you have an opportunity to go down below and look around?

16 **WIT:** Not very much.

17 **Mr. Roth-Roffy:** And in your view what was the working relationship between Captain  
18 Davidson, the Chief Engineer and the other engineers? Would you characterize it as  
19 good or less than good?

20 **WIT:** I thought it was excellent. And actually he, Captain Davidson placed a very high  
21 value on the relationship between the deck department and the engine department.  
22 Realized that that's the key to successful operation is people working together.

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1 Because we need them and they need us. So he really impressed on everybody, you  
2 know we've got a good situation here don't mess it up.

3 **Mr. Roth-Roffy:** So communications between the Chief Engineer and the Master how  
4 would you characterize that in general?

5 **WIT:** In general very good. Sat at the same table when they ate and emailed back and  
6 forth, posted notes on the board. He did a good, a very good job of communicating  
7 operations specifically when we're going to take arrival, when we were going to test  
8 gear, when we're going to get underway. Those were always clearly communicated.

9 **Mr. Roth-Roffy:** Thank you Captain. That's all I have.

10 **CAPT Neubauer:** Good morning Captain Stith.

11 **WIT:** Good morning.

12 **CAPT Neubauer:** Sir, before we – before I start my line of questioning I wanted to say  
13 thank you for being involved with the investigation since October and helping both the  
14 NTSB and the Coast Guard obtain information.

15 **WIT:** I appreciate the opportunity to be here and be a part of it and represent my  
16 shipmates.

17 **CAPT Neubauer:** Sir. I just have some follow up questions and they're for the time  
18 period where you were Chief Mate on the El Faro. You remembered the voyage in late  
19 August where the El Faro was underway and it's into the Tropical Storm Erika  
20 conditions as I understand it.

21 **WIT:** Yes, sir.

22 **CAPT Neubauer:** Towards the end of the voyage the vessel did experience some  
23 weather related to that storm, do you remember that?

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1 **WIT:** Yes, sir.

2 **CAPT Neubauer:** Do you remember how the vessel handled at that point? And I'm  
3 looking specifically for any increase in roll period, anything that stands out in your mind.

4 **WIT:** In my experience I've been – experienced very, very different weather systems  
5 and I think weather conditions. In my estimation the ship was rolling, I wouldn't say it  
6 was excessive or you know I had any concerns or anything. I wasn't concerned about  
7 you know a permanent list or anything or snap rolling or synchronous rolling. It just  
8 seemed like we were taking some good rolls. Moderate swells, moderate rolls.

9 **CAPT Neubauer:** Do you remember taking any actions to improve stability? And I'm  
10 specifically referring to like ballasting or before you encountered those Tropical Storm  
11 Erika conditions?

12 **WIT:** Not for that voyage, no, sir.

13 **CAPT Neubauer:** Do you remember specifically how Captain Davidson monitored the  
14 weather during that voyage? And I'm looking for every tool that he would use.

15 **WIT:** As I think back in those days for that voyage in particular, the same as the other  
16 ships, my current ship we use the Bon Voyage System. And I think that was the, you  
17 know probably his primary resource. You know it was – had been proven over the  
18 years reliable and in my development in say trying to learn from him and you know with  
19 hopefully the potential to become a Captain with Tote Services on the commercial run,  
20 you know I would like to see how he handled situations. So I think that in our  
21 conversations he had full faith in that Bon Voyage System. But at the same time he  
22 also had us doing things which I think over the years have kind of fallen off with  
23 standard practices, you know some places with the modernization of technology and

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1 these weather forecasting systems. But he liked to use the SAT C weather, the EGC  
2 weather that came in. And it was my routine when I was learning, you know as Third  
3 Mate and Second Mate on other ships, when you get the EGC weather in you don't just  
4 tear it off and file it. You tear it off, you look at it, you look for anything that's applicable  
5 to your area. And what I would do and what he ended up doing which I thought was –  
6 reminded me of when I was learning he would take a red pen and underline anything  
7 that applied to us. If there were storm warnings or there were gusty winds predicted he  
8 would underline it and he would initial it and he would post it either on the bridge or we  
9 had some magnets next to the SAT C, the GMDSS. We would hang it right there. We  
10 also used the chart for the Caribbean and the Southwest Atlantic there. And if there  
11 was a storm system, a tropical storm or a gale or a low that was developing he would  
12 tend to take a pencil and plot it and ask us to maintain that plot as the weather came in.  
13 So the BVS and the SATC and the EGC and using that chart tracker. We would get  
14 NAVTEXs, but I would say you know those three methods from what I could see were  
15 his, basically what he relied on.

16 **CAPT Neubauer:** And when you say BVS was that just the usually the 6 hour  
17 updates?

18 **WIT:** From what I remember you would get – we would get the 6 hour and then the half  
19 an hour or an hour after that we would get another update, the tropical update.

20 **CAPT Neubauer:** So you specifically remember getting the tropical storm updates?

21 **WIT:** I do.

22 **CAPT Neubauer:** Did Captain Davidson participate in the emergency drills that you  
23 ran?

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1 **WIT:** Yes, sir.

2 **CAPT Neubauer:** Thank you. Those are the questions that I have at this time. I would  
3 like to go to the parties in interest. Tote?

4 **Tote Inc:** No questions, sir.

5 **CAPT Neubauer:** ABS?

6 **ABS:** No questions, sir.

7 **CAPT Neubauer:** Mrs. Davidson?

8 **Ms. Davidson:** No questions. Thank you Captain.

9 **CAPT Neubauer:** Herbert Engineering?

10 **HEC:** No questions, thank you.

11 **CAPT Neubauer:** The hearing will now recess before we start with the second line of  
12 questioning and reconvene at 10:40.

13 *The hearing recessed at 1027, 24 May 2016*

14 *The hearing was called to order at 1041, 24 May 2016*

15 **CAPT Neubauer:** The hearing is now back in session. Mr. Fawcett will start this line of  
16 questioning.

17 **Mr. Fawcett:** Sir, if you will turn your attention to Coast Guard Exhibit 4, it'll come up on  
18 the screen. Page 115 to 118. Commander Yemma will scroll through it and take a look  
19 at that for a moment if you would, sir. Do you recall those email messages?

20 **Tote Inc:** What, excuse me Mr. Fawcett, what page are we on?

21 **Mr. Fawcett:** One second, just a minute let me get this correct. Yeah, it should be  
22 Exhibit 4, pages 115 to 118.

23 **Tote Inc:** Thank you.

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1 **Mr. Fawcett:** Okay. So basically what you have here ----

2 **Tote Inc:** Sir, for some reason our exhibit stops at 114. Was there additional pages  
3 added to that exhibit?

4 **Mr. Fawcett:** Yes, yes there were. I'll just characterize those for you while we're  
5 looking for them. These were emails that were sent on the, what we describe as the  
6 deviation voyage that occurred in late August. And in them there were a couple of  
7 subject areas, they've been bundled together. One of them was that shore side they  
8 found there was an error in the loading of the vessel where four reefers were discovered  
9 that had been put on the ship that weren't on the CargoMax system. Do you recall that?

10 **WIT:** Not specifically, no, sir.

11 **Mr. Fawcett:** Okay. And later you had discovered that another, after you got the  
12 clarification from shore from the cargo manual which included a tonnage weight for the  
13 cargo you had discovered an additional reefer that hadn't been put on board the EI  
14 Faro. Do you recall that?

15 **WIT:** Again not specifically. I've taken so many loads and discharges that.

16 **Mr. Fawcett:** Okay. If you will take a minute just to look at that.

17 **CAPT Neubauer:** Tote were you able to find that exhibit?

18 **Tote Inc:** Not yet, sir.

19 **CAPT Neubauer:** Mr. Fawcett I would like the parties in interest to have it available  
20 when we discuss it.

21 **Mr. Fawcett:** Yes, sir.

22 **CAPT Neubauer:** Can we go to – put that line on hold and go to a different question  
23 and come back to it?

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1 **Mr. Fawcett:** Yes, we will, sir. Thank you. Exhibit 4 page 56. Once again refers to an  
2 email that was sent on the 26<sup>th</sup> of August, 2015 and it was from the ship to Captain  
3 Lawrence. Or correction to Mr. Morrell. And it says I am tracking direct to San Juan by  
4 the Old, and I'm going to paraphrase, by the Old Bahama Channel which is 160 nautical  
5 miles more than our normal offshore route. We are not making the best of speed to  
6 opposing currents and slightly lower than normal RPM. As a result of the weeping  
7 economizer tube in the port boiler. The Chief Engineer is taking the edge of the boiler  
8 to avoid the possibility of bypassing it. As Chief Mate during that voyage were you  
9 aware of the details of the condition of the boiler?

10 **WIT:** When I think about that particular voyage I don't recall that amount of detail. I  
11 don't remember reduced RPM's or anything specifically. More so just the weather.

12 **Mr. Fawcett:** Turning to Captain Davidson's style, and I apologize for the exhibit we'll  
13 clarify that. That deviation voyage, how did he communicate the concerns about the  
14 voyage and the potential impact of the tropical weather to the vessel's crew?

15 **WIT:** As I remember for that voyage I think we did a couple things before we got  
16 underway. I remember him having a very detailed discussion with the Second Mate  
17 Charlie. I happened to come up to the bridge, I think I was checking the list at the time  
18 and they were on the bridge. They had the charts out for the Old Bahama Channel for  
19 the Straits of Florida. And he was instructing the Second Mate Charlie exactly where he  
20 wanted to go, how far off the islands. I believe there was a route already on the chart  
21 and he was instructing Charlie, you know to adjust this course line, adjust this voyage  
22 plan. You know lets plan on this speed. So while I was there and while they were  
23 discussing it I found a learning opportunity for this route and you know just to see how

1 he handled things. So I got involved. What other options you have, this type of thing.  
2 As far as communicating about the voyage there was that discussion and then I  
3 remember him posting on the white boards, the dry erase boards in the mess decks,  
4 you know prepare for the voyage. You know secure your rooms, secure for heavy  
5 weather. And I believe during our drills and training, you know he reiterated the fact that  
6 we need to constantly monitor the weather. Not only for the hurricane season but  
7 continuously. You know people sometimes get complacent and you know on this run  
8 generally it's very nice weather, you know cruise ship run. And we can't get  
9 complacent, you know prepare as if you could take a roll anytime. So we talked about  
10 that during training also. So those were the three main areas I would say. Pre-  
11 departure about the voyage plan, you know passing information on the white boards  
12 and during drills and training.

13 **Mr. Fawcett:** Okay. So the Captain was having a conversation about voyage planning  
14 with the Second Mate. And as a training opportunity you observed that discussion, is  
15 that correct?

16 **WIT:** Yes, sir.

17 **Mr. Fawcett:** Did that discussion eventually come to the point or was there a  
18 discussion where the navigation officers were gathered as a group to talk about the  
19 voyage plan, the implications of the weather and their collaborative duties to protect the  
20 ship?

21 **WIT:** I wouldn't say all at once as a formal meeting. I believe, you know when we got  
22 underway and preparing to get underway he communicated those topics to each one of  
23 individually. Any night orders that he may have had. I found that he spent a lot of time

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1 on the bridge, at least with me. Typically in the morning he would spend 2 hours and  
2 evening he would spend about 2 hours. During the day I would also find him up on the  
3 bridge, you know at noon. But not – so I think he communicated all of those to us,  
4 maybe individually.

5 **Mr. Fawcett:** Would you say that's a matter of individual style of Captain Davidson or  
6 was that the way that you had seen other Masters manage those operations?

7 **WIT:** I would say it's just a matter efficiency or effectiveness. It's hard to get all the  
8 Mates together for more than a couple minutes at any time. Primarily because of work  
9 and rest hours. And you know when I'm on the bow the Second Mate is on the stern or  
10 the Third Mate is on the stern and somebody is on the bridge. And then somebody has  
11 to go on their rest hour. So it's very hard to get everybody together unless you're on the  
12 radio. And that was, like I said before during docking and undocking. Instead of having  
13 like a formal on the bridge pre-departure meeting he would pass that information on the  
14 radio.

15 **Mr. Fawcett:** So we asked about the drills and Captain Davidson's involvement with  
16 the drills. What was Captain Davidson's involvement with the safety meetings that took  
17 place on board the vessel while you aboard?

18 **WIT:** While I was aboard I would say that we only had one formal safety meeting. And  
19 at that safety meeting he led it. He printed out the previous month's safety meeting, the  
20 report. Reviewed that report for the entire crew that was gathered. The old business,  
21 new business, safety issues, security issues. And then he went on to new business, the  
22 new safety meeting, opened up the floor to anybody who had safety issues or near  
23 misses that they wanted to present. He also asked me if I had any input knowing that I

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1 had quite a bit of experience with Tote Services and their ISM system. He also opened  
2 it up to the gentleman who is going to be my relief to see if he had any input. So he led  
3 the discussion. I can't remember specific topics that came up, but I know it lasted quite  
4 a while. I would say half an hour.

5 **Mr. Fawcett:** Thank you. So Commander Yemma has passed out the exhibit so that  
6 you could have it in your hand. And if you will take a minute to look through it. This is  
7 Jacksonville departure in late August listing some errors and loading of the vessel and  
8 differential in the departure message weight versus the final weight that had been  
9 corrected for that voyage. So does that refresh your memory?

10 **WIT:** If you just give me a minute to review this.

11 **Mr. Fawcett:** Thank you.

12 **WIT:** Okay. It looks – I can't remember all the specifics or the circumstances around it.  
13 But I do recall this situation.

14 **Mr. Fawcett:** Okay. So there were, it appears to me from looking through that email  
15 that there were 5 reefers that weren't put in the stow plan in the CargoMax and  
16 ultimately there was a difference in the load between what was originally delivered to  
17 you before you departed Jacksonville. So my question is, not the details of that, but  
18 when you receive that email in that sort of comprehensive knowledge did you relay that  
19 to Captain Davidson? And the second part of that is did he direct you to recalculate the  
20 stability concerns that might be raised by that error in loading?

21 **WIT:** I just need a minute to think about it. I can't remember specific conversations.  
22 But just as a matter of being the Chief Mate I do calculations anytime there's a  
23 correction. And if there were any issues resulting from that addition of reefers or

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1 weights I would have brought it up. But I don't recall any other specific conversations or  
2 anything.

3 **Mr. Fawcett:** So do you remember him telling you to recalculate it?

4 **WIT:** I don't recall that specifically.

5 **Mr. Fawcett:** Thank you. So turning to, we had some questions about the BVS system  
6 and what Captain Davidson used for the hurricane avoidance and weather reporting.  
7 Did he ever talk to you about the capabilities of BVS to get on demand updates of  
8 tropical weather information?

9 **WIT:** With the BVS system it was new to me when I came to the El Faro. So as any  
10 new situation or learning experience I asked the most experienced people that I knew  
11 on the ship, Chief Mate Steve about it and then Captain Davidson. And they had both  
12 had a lot of experience with it. In the program, the user manual and the quick reference  
13 guide are right there on the – in the program you just click on the help button. They said  
14 go ahead and review those and – as far as the – so I did review those. And as far as  
15 the immediate data request I don't remember any specific conversations about that or  
16 we used that as a, you know a standard or anything like that. But just in general  
17 instruction looking at the user manual I knew of it.

18 **Mr. Fawcett:** Did anybody train you on, there's a feature where you can click on the  
19 BVS to click tropical so that you get the tropical update? And I know you served on  
20 both ships, so the details might be muddy. But I just want to clarify whether you recall  
21 on the El Faro that you had the tropical button click so you would get tropical updates.

22 **WIT:** From what I remember I would say that the box was checked because I do  
23 remember getting those tropical updates. I always – when I first got there I thought it

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1 was curious that we would be getting so many weather – weather files. And why was  
2 one coming in a half an hour, an hour later. So and that's what they told me, you know,  
3 you get a – and also the data package says tropical – tropical weather or tropical  
4 forecast on it, so. That's pretty straight forward there.

5 **Mr. Fawcett:** So on the El Faro the weather went to the Captain, it went to the bridge  
6 when he sent it to the bridge? And the practice on the El Yunque is different. The  
7 practice on the El Yunque that the weather goes to the bridge in addition to other places  
8 and that the bridge officers have the ability to see the weather that comes in as soon as  
9 it comes in. Do you know why the El Yunque observed that practice?

10 **WIT:** Different ships can set up the data request and the data schedule independently.  
11 I know from setting up the system on my new ship that when it's set up or installed you  
12 set up those parameters. You can install the program on any workstation that you want.  
13 If you want the data file to go to a particular workstation you have to initialize that so the  
14 file can be sent there. You have to coordinate that with the Applied Weather  
15 Technologies. So just knowing in between the two ships they were just both initially set  
16 up differently. I don't know why.

17 **Mr. Fawcett:** So you're on the El Faro and you're a Chief Mate but you're going to  
18 move up as Master of one of the company vessels. Initially it was the El Yunque and  
19 then future perhaps one of the Marlins. So on that deviation voyage as we call it in late  
20 August, the vessel departed Jacksonville and then shaped her course down the Straits  
21 of Florida through the Old Bahama Channel route. So did Captain Davidson explain to  
22 you what the company's interaction was with him relating to deviated voyages where he  
23 would change the course and plan for the ship to go to San Juan or back and forth?

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1     **WIT:** Yes. But just to clarify. In my time on the El Faro and El Yunque I wasn't sure  
2     what my future employment was going to be. I wasn't notified of any promotion  
3     basically until I was off the ship. And in my experience, you know these types of things  
4     are only tentative until you're actually there. So they change very quickly. But – so in  
5     my time on those ships I didn't know if I was going to stay there as Chief Mate, be  
6     promoted, be demoted to Second Mate for somebody, I just didn't know. As far as the  
7     second part of our question. Relating to adjusting the course and speed or ETAs what  
8     he passed on to me was that the company was interested in getting the ship and the  
9     cargo to port very safely and efficiently taking care of the crew and the cargo. And if  
10    you needed to adjust the ETA or the departure it was just a matter of notifying the  
11    terminal managers and the Port Engineers so they could arrange labor and contractors.  
12    And that basically the priority was getting the ship in safe.

13    **Mr. Fawcett:** Did he talk to you at all about the vessel went the Old Bahama route, did  
14    he say anything about notifying the company prior to departure or upon departure of the  
15    route that he intended to take if it deviated from the, what's been described as the  
16    Atlantic route?

17    **WIT:** He didn't have any conversations with me that I can recall of him notifying the  
18    company. I don't think I was involved in that process.

19    **Mr. Fawcett:** So now you step aboard the El Yunque as Master. Do you recall the  
20    approximate date that occurred?

21    **WIT:** I believe I got off the El Faro approximately August 28<sup>th</sup>, 29<sup>th</sup> in San Juan. I  
22    stayed in San Juan for 2 or 3 days waited for the El Yunque to get there. So  
23    approximately September 1<sup>st</sup> or 2<sup>nd</sup>.

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1 **Mr. Fawcett:** So a few days later you stepped aboard the El Yunque in command?  
2 Who briefed you on your reporting requirements and permissions or practices related to  
3 the route you chose and so forth? Did anybody do that?

4 **WIT:** Yes. Again I was fortunate enough to have a 4 or 5 day turnover period with  
5 Captain Mike Richie. So we spent, again similar to my turnover with Chief Mate Steve,  
6 we spent 4 or 5 days together going over almost every aspect of the operation of the  
7 ship. How they did things as far as ISM, where the files were, personnel, records,  
8 payroll. You know the general operation, how things work, work hours. And from what I  
9 saw it was all very, very similar. And so it – I asked Captain Richeie just as another  
10 resource, you know information that I had gotten from Captain Davidson you know on  
11 how he handled situations as far as weather routing and you know what to do as far as  
12 tropical storms. I asked the same question of Captain Richeie. And he gave me some  
13 insights and you know some options. You know if you get a developing low or  
14 hurricanes or tropical storms and if they develop in certain areas what options you have.

15 **Mr. Fawcett:** So in your experience the tropical weather forecast that are in textural  
16 product have a pretty significant discussion at times about the accuracy of models of  
17 storms and the errors in the prediction of paths of storms. During your time on the El  
18 Faro did you see a discussion centered around one of those textural products where  
19 they discussed about the prediction errors of storm track or intensification?

20 **WIT:** I can't say so.

21 **Mr. Fawcett:** Did Captain Davidson, you mentioned Captain Richie on the El Yunque,  
22 did Captain Davidson have a discussion with you about his general storm avoidance  
23 plans, what his personal philosophy was for storm avoidance?

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1 **WIT:** I think it's pretty standard that ever situation is unique. And you have to evaluate  
2 all the information that you have at the time and the resources that you have and make  
3 an informed decision using those things. So there it's – there isn't like a rule of thumb.  
4 But, or what have you, but more or less options that you have. The Old Bahama route,  
5 the Northwest Providence Channel, going further out to sea to the East. You know so  
6 depending on the circumstances that exist at the time you have those options.

7 **Mr. Fawcett:** Okay. But I'm speaking directly of Captain Davidson. Did he discuss  
8 with you his philosophy for storm avoidance considering the fact that you were going out  
9 into a tropical storm or perhaps a hurricane?

10 **WIT:** No. No particular philosophy.

11 **Mr. Fawcett:** So Captain Davidson's involvement with cargo operations and stability  
12 and so forth, how involved was Captain Davidson with the work that you did as Chief  
13 Mate in calculating stability and supervising the stowage and lashing of cargo?

14 **WIT:** I found him to be very active. You know he would check in with me during the  
15 day quite a bit, come sit in my office, ask me how things were going. Wanted to know,  
16 you know what time we would be finished. He kept an eye on the list. If we went more  
17 than 2 degrees he would make a point of calling me on the radio and asked me what  
18 was going on. So I would tell him. He made a point of making sure that we didn't have  
19 a list during meal hours. That was important to him so people could eat normally. He  
20 was very in tune with the cargo operations. I know he had communications with the  
21 shore side personnel that were doing the cargo planning and preparing the CargoMax.  
22 And they would have a discussion about the final stability of the ship before – even  
23 before I got the information.

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1 **Mr. Fawcett:** So did Captain Davidson require you to sign the standing orders and the  
2 night orders?

3 **WIT:** Yes.

4 **Mr. Fawcett:** So in one of your email exchanges with Captain Davidson nearing the  
5 accident voyage time you had mentioned that you had recorded 100 knot gusts when  
6 you were on the El Yunque. Where did the figure 100 knots come from? And what did  
7 you mean by recorded?

8 **WIT:** The anemometer was mounted on the front of the bridge over the console. And I  
9 just happened to be on the bridge at the time. I can't remember exactly who the Mate  
10 on watch was. But it stayed there. It basically – it was a digital readout and basically  
11 from what I could see pegged it out. And so I can see the winds over time were starting  
12 to die down so I reset it so it would clear that number out and we could see what was  
13 going on at that time. And I can't remember if it was the AB or the Mate on watch who  
14 said oh man I wanted to take a picture of that. You know because it's something you  
15 really see all that much. I said oh well, cleared it, you know. So yeah there was a gust,  
16 but I think it was back down around 80 knots, you know. And those were relative winds,  
17 those weren't true winds, so.

18 **Mr. Fawcett:** So when you pegged you mean that the wind gust could exceed 100, is  
19 that correct?

20 **WIT:** What I witnessed was the number 100 and it stayed there. So I felt that if we  
21 wanted an accurate number, and clear the number 100 out we would see a different  
22 number.

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1 **Mr. Fawcett:** And then just you mentioned relative wind, by that you mean the  
2 combination of your vessels movement in concert with the wind to create the relative  
3 wind, is that correct?

4 **WIT:** That's correct.

5 **Mr. Fawcett:** So the wind could be faster or the wind could be slower depending if  
6 you're running from the wind direction and depends on that, correct?

7 **WIT:** Yeah, it depends on the wind vector and your vessel's movement vector.

8 **Mr. Fawcett:** Speaking of the weather. It appears from looking at IMARSAT that the  
9 July time frame, at the end of July the El Faro ceased sending voluntary weather  
10 observations ashore. So when you were on there looking through the email I couldn't  
11 see any voluntary weather reports ashore. Do you recall whether you created synoptic  
12 weather reports and sent them ashore?

13 **WIT:** I believe the Second Mate was. That was my understanding. I personally did not.

14 **Mr. Fawcett:** How about on the El Yunque, do you do that? Or did you do that?

15 **WIT:** On the El Yunque I believe so, yes. I believe the Second Mate also handled that.

16 **Mr. Fawcett:** Now the NOAA and the National Hurricane Center have, as part of their  
17 voluntary weather reporting program a need to know about vessel surface reports when  
18 in close proximity to hurricanes. They also use them as a scarce resource to track the  
19 hurricane from surface observations. Did anybody ever talk to you about that in your  
20 time on the El Faro about the need to make those reports when venturing out in a  
21 tropical weather?

22 **WIT:** I don't recall that.

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1 **Mr. Fawcett:** I'm going to now move into the accident time frame. And you're now in  
2 command of the, I believe you're in command of the El Yunque getting ready to sail  
3 from San Juan, is that correct?

4 **WIT:** Yes, sir.

5 **Mr. Fawcett:** If you could take a moment and reflect on how you prepared your ship to  
6 proceed to Jacksonville with the threat of Hurricane Joaquin and the movements of that  
7 storm as it gradually intensified. What were your thoughts as how to prepare your ship?

8 **WIT:** As I recall I basically took what I learned, not only from the El Faro and the  
9 experience that we had at the end of August, but the experiences I've had in other  
10 weather situations, other hurricanes, tropical storms and made sure that we covered all  
11 the basis. I basically sat down and developed a list of items that I thought were  
12 important and I took that to the Chief Mate and discussed each one of those items with  
13 him making sure that everybody knew about securing, not only their room but their work  
14 space, watertight openings and hatches, the cargo and making sure that everybody was  
15 prepared for possible heavy weather. At that time the weather predictions I think only  
16 had it as a tropical storm or maybe even just a numbered storm, it wasn't even named.  
17 So there was weather out there and I just wanted to reiterate, you know that it could  
18 develop into something. And at that time by all accounts the weather information that I  
19 had was predicting that it was either going to be stationary or track to the North. And  
20 really it wouldn't be that much of an issue. But it was out there and could intensify.

21 **Mr. Fawcett:** So I have not looked at the email IMARSAT emails back and forth  
22 between Tote or anyone ashore in the El Yunque. Can you briefly describe the  
23 communications you had with Tote, either by SAT Phone or other means of

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1 communication including IMARSAT related to your plans and intentions for managing  
2 that weather system that was out there on that voyage?

3 **WIT:** I didn't have any particular communications. We departed San Juan as normal.  
4 When we did I believe it was, you know just a weather system and it didn't, for me, it  
5 didn't warrant anything specific. At that time it didn't affect our ETA or anything else.  
6 So I didn't have any specific communications with the company.

7 **Mr. Fawcett:** Your departure message said that you had reviewed and approved the  
8 voyage plan. Is that typical for what you would have sent ashore when you departed  
9 San Juan?

10 **WIT:** Yes, sir.

11 **Mr. Fawcett:** Did the voyage plan have any specifics related to instructions for bridge  
12 officers on how to manage the potential for the impact of that storm?

13 **WIT:** No, sir.

14 **Mr. Fawcett:** We're now going to turn our attention to basically meeting the El Faro  
15 when you were Northbound heading to Jacksonville. I understand it could be somewhat  
16 of a – bring back some thoughts to you. So if you would like to stop at any time please  
17 let us know, okay.

18 **WIT:** Thank you.

19 **Mr. Fawcett:** So you sail from Jacksonville and the El Faro is coming your way on the  
20 Atlantic route. You're going to meet at sea. Could you please describe the sequence of  
21 events, you know as you became aware of where the El Faro was, what happened and  
22 what subsequently happened? Not, I mean to the point where you last communicated  
23 with the El Faro.

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1 **WIT:** Speaking about the VHF conversation?

2 **Mr. Fawcett:** Well I mean first you have to become aware of the ship is out there. So  
3 talk about how you were aware the vessel was and then go into VHF and any other  
4 subsequent communications you had with the El Faro please.

5 **WIT:** Just I guess there were two, two means of email and VHF. When I began my  
6 voyage everything appeared to be fine. The weather system was out there, we're  
7 monitoring it. As it intensified I noted it and noted that it was not tracking as the BVS  
8 and EGC weather had predicted. That was after maybe the first report. So I took note  
9 of it. I thought to myself if I get another report and the predictions are incorrect I'm  
10 going to have to do something about it. So in the next report I saw that it continued to  
11 track to the Southwest, opposite of the prediction. So at that time I decided that the  
12 best course of action was to increase speed and that would increase the distance  
13 between us and the storm. So when I did that I thought it best to check in with the El  
14 Faro to see, you know how they were going to handle the situation because they would  
15 be getting the same weather information. So I sent an email to Captain Davidson, you  
16 know saying hey I see a storm out here and you know I was just wondering how you  
17 guys are handling things and how things are going over there. I don't have the email in  
18 front of me, but ----

19 **Mr. Fawcett:** You can, Captain Stith you can refer to Coast Guard Exhibit 004, page 95  
20 and 96 if that helps refresh your memory. Take all the time you need, sir.

21 **WIT:** Thank you.

22 **CAPT Neubauer:** Mr. Fawcett can you describe that email?

23 **Mr. Fawcett:** Yes I can, sir.

1     **CAPT Neubauer:** At least to who it was from.

2     **Mr. Fawcett:** Yes. You sent an email, Captain Mike just wondering how you're doing  
3     with the hurricane out there. And I assume you meant we sped up yesterday morning  
4     to get out of – to get in front of it. We were to the Northwest of it. Or we're to the  
5     Northwest of it now. It appears to be steadily intensifying and tracking to the Southwest.  
6     Have a safe voyage. His response was, morning Captain. I've been watching the  
7     system for the better part of a week. We did alter our direct route slightly more to the  
8     South which will put Joaquin 65 nautical miles to the North of us at its CPA, which is an  
9     abbreviation for closest point of approach. That's my notation. Fortunately we departed  
10    the dock in JAX on time last evening and making 20 knots, which my for K, doesn't hurt  
11    either. All departments have been duly notified and we should be on the backside by  
12    10/01/008, thanks for the heads up. And that's Captain Davidson. Your response was,  
13    subject Hurricane Joaquin. That's good to hear hopefully it will turn to the North soon  
14    and we passed to the West of it. We recorded 100 knot relative wind gust. Luckily it  
15    was coming from directly ahead. Best regards Kevin Stith. Did that refresh your  
16    memory?

17    **WIT:** Yes, sir.

18    **Mr. Fawcett:** I have a couple of questions. I would like to take you back to how you  
19    knew the El Faro was in relatively close proximity, in other words VHF radio is only line  
20    of sight. In other words from antenna to antenna. So how did you know they were out  
21    there?

22    **WIT:** I just knew the route and their schedule.

23    **Mr. Fawcett:** So you didn't see them on your AIS, the automatic identification system?

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1 **WIT:** When we first started and proceeded we didn't have visual contact or electronic  
2 contact until we were – until we were close enough. I forget which day it was. But yeah  
3 we did end up seeing them.

4 **Mr. Fawcett:** So does your radar show the names of the vessels that have AIS on it?  
5 Is one of those elaborate systems that has that kind of information?

6 **WIT:** Not on the El Faro or the El Yunque, no, sir.

7 **Mr. Fawcett:** Okay. So there was a VHF which is ship to ship radio conversation  
8 between your bridge and the El Faro. Could you talk about that communication that  
9 took place?

10 **WIT:** Yes, sir. One of the evenings and I can't remember exactly which day it was. It  
11 must have been the 30<sup>th</sup>. I had dinner. I came up to the bridge after dinner to check on  
12 things. And when I came up the, either the Chief Mate or the Second Mate was there  
13 and they were speaking on the VHF already with the El Faro. I don't know who initiated  
14 the communications. But they were speaking, I think the Chief Mate was speaking with  
15 Chief Mate Steve over there. And he had just gotten off. I think he had just signed off.  
16 So I said oh man I wanted to talk to Steve. I wanted to tell him, you know thanks for  
17 everything that he showed me. So I picked up the VHF and I called over there and I  
18 said hey Steve how are you doing? You know I saw some good pictures of you on  
19 Facebook, you know sailing and fishing. How was your vacation? You know we talked  
20 briefly for a minute, you know about those things. And I think that's really about all we  
21 talked about. He spoke about, he was wondering, you know how long I was going to be  
22 there, you know if I knew anything else about Marlin Class ships. He wondered if I  
23 could come back and relieve him, you know when his trip was done. Because he

1 wasn't sure, you know who would be coming to relieve him. And I said I would – I  
2 wasn't sure what Tote had in store for me. So that's about the gist of our conversation.  
3 Really we didn't talk about anything else.

4 **Mr. Fawcett:** Did anybody else use the VHF to talk to their friends on the El Faro?

5 **WIT:** Not while I was on the bridge. Just from my recollection it was our Chief Mate  
6 and myself.

7 **Mr. Fawcett:** So approximately how long transpired between that radio conversation  
8 and the time you decided to send the email to Captain Davidson?

9 **WIT:** I can't recall.

10 **Mr. Fawcett:** Was it more than a couple of hours or?

11 **WIT:** I don't – I really don't even want to guess.

12 **Mr. Fawcett:** Did you send that email out of concern for the safety of the El Faro as  
13 she proceeded in proximity of the storm?

14 **WIT:** The original email?

15 **Mr. Fawcett:** Yes, correct.

16 **WIT:** Oh, when I think about it I think I wanted to more so to learn from Captain  
17 Davidson's experience to see how he would handle a situation on the South bound  
18 route. Obviously I was North bound and knew what my options were. So I was – I just  
19 wanted to find out how he was handling things, especially you know when I passed on  
20 the information that I had.

21 **Mr. Fawcett:** So when Captain Davidson replied to your email and he discussed the  
22 various aspects of that including the CPA with respect to Hurricane Joaquin, did you

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1 have any concerns based on your background and experience for his intended course  
2 of action?

3 **WIT:** What I would say is that I trusted Captain Davidson's experience, especially on  
4 this route. And I knew somewhat of his background in talking with him in different  
5 situations that he had encountered. And I felt if he had a solid plan that it was well  
6 thought out and he had considered everything. And I thought if he had a plan that it  
7 was appropriate. And that's – that was my perception of his plan.

8 **Mr. Fawcett:** Okay. You sent the final message where you communicated to him the –  
9 your measurement and observations of wind speed. Can you tell me why you included  
10 that particular element in the email?

11 **WIT:** I just thought it was neat, I guess it's not very often that you know on this run that  
12 you experience something like that.

13 **Mr. Fawcett:** Okay. So your, your basically your strategy for the El Yunque was you  
14 were running ahead of the storm, and of course you're heading towards Jacksonville,  
15 but you're running ahead of the storm at 20 knots. Did your vessel sustain any storm  
16 related damage from Hurricane Joaquin?

17 **WIT:** No, sir.

18 **Mr. Fawcett:** And in your professional opinion if Captain Davidson had followed in your  
19 wake so to speak to avoid the storm, at least for a short period of time, might he have  
20 reduced the likelihood of damage to his vessel?

21 **WIT:** How do you mean, sir?

22 **Mr. Fawcett:** In other words you're running ahead of the storm as a means to get to the  
23 port, but you're also avoiding the storm. Could the El Faro have run in the same course

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1 and direction that you did and reduce the likelihood of damage to the El Faro? At that  
2 time.

3 **CAPT Neubauer:** Just to clarify he was on a North bound voyage. Can you clarify the  
4 question?

5 **Mr. Fawcett:** Yes, sir. In other words you ran ahead of the storm and you did not  
6 sustain damage. Even though Captain Davidson and the El Faro was proceeding to  
7 Jacksonville, could he have put his ship about and reduced the likelihood, as a storm  
8 mitigation measure to reduce the likelihood of damage to the ship and cargo?

9 **WIT:** All I can say is what information I have in the emails here. And you know I don't  
10 know everything that was going on, on the El Faro at the time, all the circumstances or  
11 anything else. So I don't – I can't really say without knowing and without having been  
12 there.

13 **Mr. Fawcett:** And just my final question. I need to ask you if you could assess the  
14 capability of the bridge officers that were on the accident voyage based on your  
15 personal observations. Would they have the necessary assertiveness to critically  
16 provide negative feedback to the Master of a ship in a situation such as the El Faro  
17 found themselves in? In other words one of the tenants of bridge resource  
18 management is that everybody gets to voice their concern for a pending operation. So  
19 if you would for a minute if you would agree that all were, you know could provide that  
20 negative critical feedback, that's fine. If not please explain.

21 **WIT:** I personally only know Steve Shultz and Jeremy Riehm. I wasn't familiar with the  
22 Second Mate Danielle. So on a personal level I felt that both Jeremy and Steve felt  
23 comfortable bringing up anything to the Captain. I think that there was an open line of

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1 communication. I think that as Captain of the ship he listened to what people said. That  
2 didn't mean that he always made decisions that they liked or maybe understood. But I  
3 felt that he was an open meticulous fair Captain that, you know he fostered that. He  
4 asked me what I thought about situations, how I handled things. So I think there was  
5 definitely an open line of communication to him.

6 **Mr. Fawcett:** Thank you very much Captain Stith.

7 **CAPT Neubauer:** Commander Denning.

8 **CDR Denning:** So I just want to make sure we're real clear on one issue, back the  
9 BVS topic. Are you absolutely certain from your time on board El Faro that they were  
10 receiving the tropical weather updates? The ones after the normal BVS package. And  
11 specifically the reason why I'm asking this question is during previous testimony from  
12 applied weather technology they can tell from their system what information the El Faro  
13 is receiving. And they specifically said during their testimony that on the final voyage  
14 that feature was not turned on and they were not receiving those. So I want to make  
15 sure from your time on board what your recollection is. And I want to make sure that  
16 you're clear on El Faro versus El Yunque. Because you did serve on both vessels. So  
17 can you make sure you're absolutely clear what El Faro was receiving during that time?

18 **WIT:** To my recollection when I was there on the El Faro I remember receiving –  
19 receiving those weather updates for the tropical.

20 **CDR Denning:** So that was in August, correct?

21 **WIT:** Yes.

22 **CDR Denning:** Different topic. If you could turn to Exhibit 188. These are some log  
23 books from the El Faro. Exhibit 188 page 8. It is hard to read, it's very small so I

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1 apologize for that. It might be easier on the printed copy and even that might be  
2 challenging, but it's a photograph of the log book, not a scan.

3 **Counsel:** Which page?

4 **CDR Denning:** Page 8. So page 8 I think that's – can you confirm if that's your  
5 signature on the bottom? Bottom right as Chief Mate.

6 **WIT:** Yes, that's my signature.

7 **CDR Denning:** Towards the middle of the page at 2143 there's a notation on there that  
8 says BCW secure. What's the BCW? What is that? What does that mean there?

9 **WIT:** I just need a minute.

10 **CDR Denning:** I'm just trying to understand what that particular acronym is, BCW  
11 secure. Are you familiar with the acronym BCW?

12 **Counsel:** We're trying to locate it.

13 **CDR Denning:** So it's in the middle of the page in the engine performance category.  
14 It's the 6<sup>th</sup> line at 2143. We're just trying to understand what that particular acronym  
15 might be if you recall. I'm not sure if you made that entry or if it was the Mate on watch.

16 **WIT:** That's an O, it BOW, bow secure.

17 **CDR Denning:** Oh BOW secure, okay. Again it's a bad photo.

18 **WIT:** Yeah, not bad penmanship. The – after departure the Boatswain always lets us  
19 know when he leave the bow, especially at night so that we know that the anchors are  
20 secure and all the lines are secure. And that everybody has left the deck and  
21 everybody is safe in the house.

22 **CDR Denning:** Thank you for clarifying that.

23 **WIT:** Yes.

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1     **CDR Denning:** Regarding the CargoMax software used on board, can you tell me how  
2     you were trained or became familiar with it? If you used it on prior vessels to your time  
3     on the Ponce Class ships.

4     **WIT:** My first exposure to CargoMax was on tankers in the late 90's. So I've seen  
5     CargoMax, the CargoMax program on various types of ships, tankers, most of the  
6     Government contract ships use the CargoMax program. As part of the requirements to  
7     be Chief Mate on the majority of those Government contracts you're required to attend  
8     training. And as part of that training CargoMax is included. So I've probably would say  
9     8 different ships that I've been on have used CargoMax. When I reported to the EI  
10    Faro, because this CargoMax version is – every CargoMax is different according to the  
11    vessel, stow plan and in general operating procedures, operating guidelines you have to  
12    basically get in and find out what the nuances are of that CargoMax. So the Chief Mate,  
13    Steve Shultz we went over CargoMax numerous times on what to look for and you know  
14    how to operate the system.

15    **CDR Denning:** During your?

16    **WIT:** During our turnover.

17    **CDR Denning:** Do you recall any of the specific nuances from that ship?

18    **WIT:** I think in general just making sure that you monitor, you know the stresses, the  
19    GM, the GM margin, the – making sure that the cargo weight totals match what the  
20    shore side cargo weight totals are. Also that, you know your drafts, your observed  
21    drafts and the CargoMax drafts, you know how they relate to each other.

22    **CDR Denning:** Did you also review the trim and stability booklet with Chief Mate  
23    Shultz?

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1 **WIT:** Yes we did.

2 **CDR Denning:** And during your review of the trim and stability booklet and CargoMax  
3 did you have an opportunity to look at the wind heel calculations in both of those tools?

4 **WIT:** I can't say specifically. I do know that from my time on the El Faro and the El  
5 Yunque that they used the auto wind heel calculation. The GM criteria.

6 **CDR Denning:** Thank you. That's all the questions I have.

7 **CAPT Neubauer:** Mr. Furukawa.

8 **Mr. Furukawa:** Thank you Captain. Captain Stith earlier you said that the Master of  
9 the ships report to the Port Engineer. Is there a Port Captain that you can report to or  
10 bounce off questions or ideas about weather?

11 **WIT:** For the commercial vessels, Tote Maritime there is not a Port Captain per se.

12 **Mr. Furukawa:** Is anybody ashore within the company have deck experience, senior  
13 level deck experience?

14 **WIT:** From my knowledge of the office personnel there quite a number of management  
15 personnel that do have deck experience.

16 **Mr. Furukawa:** Were you free to ask any of them or communicate with them?

17 **WIT:** Yeah, to free to pretty much communicate with all the senior management team  
18 members.

19 **Mr. Furukawa:** Did you?

20 **WIT:** I have communicated on various topics with them, yes.

21 **Mr. Furukawa:** For weather?

22 **WIT:** I would not say that I ever had the situation or the necessity to communicate  
23 about weather to them, no.

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1 **Mr. Furukawa:** Okay, thank you. As Master of the El Yunque do you get an evaluation  
2 from the Port Engineer?

3 **WIT:** Yes, sir.

4 **Mr. Furukawa:** Do you know about how many that you've had? Is it annual or by  
5 voyage?

6 **WIT:** With Tote Services particularly over the past 2 or 3 years I've worked for them on  
7 and off in different capacities. I believe that I've received an evaluation as Master of the  
8 Bellatrix and as Master of the El Yunque.

9 **Mr. Furukawa:** Thank you. When you say during Erika, hurricane tools are the BVS,  
10 the SAT C weather, charting the storm and tracking on a small scale chart, did you ever  
11 practice Buy Ballots law? Did you do that on the El Faro?

12 **WIT:** I do remember discussing it with the Second Mate, we opened up [in audible]  
13 Bowditch, we looked at it.

14 **Mr. Furukawa:** Did you go out on the bridge wing?

15 **WIT:** I don't remember doing that, no.

16 **Mr. Furukawa:** With the Second Mate did you discuss the dangerous semicircle and  
17 navigable semicircle?

18 **WIT:** Yes. I remember discussing, having that conversation.

19 **Mr. Furukawa:** Do you remember anything in the Captain's night orders, or correction.  
20 In his standing orders and his night orders about weather?

21 **WIT:** I don't remember anything in particular from his – from either of his orders.

22 **Mr. Furukawa:** How about you as Master, do you have anything in your standing  
23 orders about weather?

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1 **WIT:** Yes. Visibility, sea conditions, things of that nature. Instructions to notify me  
2 when things deteriorate. What appropriate actions to take if I'm not on the bridge or I'm  
3 not immediately available.

4 **Mr. Furukawa:** Anything for the Mates to determine whether – what semicircle they're  
5 in?

6 **WIT:** Nothing specific in my standing orders.

7 **Mr. Furukawa:** Anything specific about what's the minimum distance to the center of a  
8 weather system?

9 **WIT:** Not in my standing orders.

10 **Mr. Furukawa:** You stated earlier that the El Faro stopped sending weather reports  
11 ashore around sometime in July, the voluntary weather reporting. Do you know why?

12 **WIT:** No, sir, I do not.

13 **Mr. Furukawa:** Did you notice it at the time? Did you ask?

14 **WIT:** No, I didn't.

15 **Mr. Furukawa:** You said on the storm voyage that you increased speed to increase the  
16 distance from the center of the storm. Do you know what your CPA from the Joaquin?

17 **WIT:** I would have to look at the plot of our track line and the plot of the storm to  
18 determine that. I can't remember.

19 **Mr. Furukawa:** 100 miles, 150 miles, 200 miles?

20 **WIT:** I really can't say without the information in front of me.

21 **Mr. Furukawa:** When you communicated with Captain Davidson and he said planned a  
22 distance of 65 miles. Did that set off any alarms to you or any concerns?

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1 **WIT:** I think like I said before I had full faith in Captain Davidson and his experience  
2 and I had faith if he had a plan it seemed well thought out that it was going to be a  
3 success.

4 **Mr. Furukawa:** Okay. Talking earlier with – talking earlier about bridge resource  
5 management. You said that Captain Davidson would listen to concerns of his Mates.  
6 But he would make decisions, and did you say even if they're not understood?

7 **WIT:** To clarify that for you as Captain of a ship sometimes we make decisions  
8 because it's your duty professionally and ethically. And sometimes you don't time to  
9 explain everything that you do or to make people understand. But you expect them to  
10 obey lawful orders. So in some situations people might not understand why you  
11 decided to do things.

12 **Mr. Furukawa:** Okay. And while you were Chief Mate on the El Faro was there  
13 something that he made a decision that you didn't understand?

14 **WIT:** No.

15 **Mr. Furukawa:** So this was something that Chief Mate Shultz had passed to you?

16 **WIT:** No. It's just a generalization about the Master's position on the ship.

17 **Mr. Furukawa:** Okay. So nothing specific about Captain Davidson?

18 **WIT:** No, sir.

19 **Mr. Furukawa:** That's all I have. Thank you.

20 **CAPT Neubauer:** Mr. Roth-Roffy.

21 **Mr. Roth-Roffy:** Yes, sir, thank you. Good morning again Captain Stith, Tom Roth-  
22 Roffy, NTSB. Just one or two questions, sir. Just recalling your wind observations on  
23 the El Yunque as you were near the storm. I believe there was some discussion about

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1 100 knot wind speed and it was a relative speed. Do you happen to recall what the  
2 calculated true wind speed would have been for that observation?

3 **WIT:** I believe as indicated in my email it was a head wind directly on our head. So  
4 that's good for us meaning the waves and the seas we were heading into them. So you  
5 subtract our ship speed, which I don't have directly in front of me, but approximately 20  
6 knots. So for that particular wind gust the true wind speed would have been  
7 approximately 80 knots.

8 **Mr. Roth-Roffy:** I believe you've stated that the gust had pegged out the indicator  
9 which to me would mean that you're quite not sure what the actual speed was, is that  
10 correct?

11 **WIT:** Well I saw it stop at 100. I didn't know if it went any higher. It's a digital readout.  
12 So it may have gone – the unit may be able to read wind speeds higher than 100. I just  
13 saw that it stopped at 100.

14 **Mr. Roth-Roffy:** And were you able to estimate the wind speed by direct observation  
15 rather than referring to the anemometer and readout?

16 **WIT:** Yes.

17 **Mr. Roth-Roffy:** And do you recall what wind speeds you observed around that time?

18 **WIT:** I would say they were consistent with what the anemometer was showing.

19 **Mr. Roth-Roffy:** And recalling again your time aboard the El Faro as Chief Mate do  
20 you have a recollection of the operational status of the anemometers and how many  
21 there were?

22 **WIT:** In the three weeks that I was there I do remember that we had the same type as  
23 the El Yunque and the same type that I'm familiar with on the majority of the ships that

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1 I've sailed on over the years. The digital readout. And as I recall it was fully  
2 operational.

3 **Mr. Roth-Roffy:** Okay. Thank you very much. That's all I have.

4 **CAPT Neubauer:** Captain I just have a couple follow up questions before we go to the  
5 parties in interest. Around the time that you increased speed to avoid Joaquin and  
6 before you had the email conversation with Captain Davidson, did you anticipate that  
7 the El Faro would be taking the Old Bahama Channel? Did you think about that?

8 **WIT:** No I did not.

9 **CAPT Neubauer:** Did you give yourself a GM margin for voyage while you were doing  
10 the El Faro or El Yunque?

11 **WIT:** It was standard practice to calculate stability. And verify the results from  
12 CargoMax, or the requirements in the trim and stability book. As I learned from my time  
13 dealing with shore side personnel and the different Captains that I sailed with and  
14 turnovers I came to understand that through experience, proven experience and  
15 reliability over the course of a decade or 15 years that they found that a minimum GM of  
16 .5 or half a foot was sufficient. Typically on my time on the El Faro as Chief Mate we  
17 had a GM margins much higher than that.

18 **CAPT Neubauer:** When you began your service as Master on El Yunque you were  
19 aware of that .5 GM margin or .5 feet was the preferred margin?

20 **WIT:** I can't remember what it was when I came to that knowledge or if it was on the El  
21 Faro or El Yunque or when it was. I wouldn't said that it was the preferred margin, but  
22 that would be basically like a minimum. That would give us sufficient GM to arrive in  
23 Puerto Rico concerning our fuel burn off and still have some GM margin left over.

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1       **CAPT Neubauer:** Were you ever asked to go below .5 feet?

2       **WIT:** I was never asked to go below that margin.

3       **CAPT Neubauer:** Thank you. At this time I would like to go to the parties in interest.

4       Tote?

5       **Tote Inc:** No questions, sir.

6       **CAPT Neubauer:** ABS?

7       **ABS:** No questions, sir.

8       **CAPT Neubauer:** Mrs. Davidson?

9       **Ms. Davidson:** I have one. Captain Stith for storm avoidance purposes the most  
10       critical information that a deck officer can have is accurate weather data, correct?

11       **WIT:** I would say for voyage planning and routing, yes.

12       **Ms. Davidson:** No further questions.

13       **CAPT Neubauer:** Herbert Engineering?

14       **HEC:** No questions.

15       **CAPT Neubauer:** Are there any final questions for Captain Stith before we recess?

16       **Ms. Davidson:** No, sir.

17       **CAPT Neubauer:** Mr. Furukawa.

18       **Mr. Furukawa:** Sorry Captain. John Furukawa again. On the accident voyage, did you  
19       ever calculate your distance from the center of the storm?

20       **WIT:** I can't recall if I did not. I just remember being relieved that we were past it.

21       **Mr. Furukawa:** Okay. You said for Captain Davidson he kept a chart, a small scaled  
22       chart. With the storm and it's track did you do the same on the El Yunque?

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1 **WIT:** I remember typically doing it on the ships that I've been on. I can't remember  
2 specifically if we had it on the El Yunque. But generally I would, yes.

3 **Mr. Furukawa:** Okay. When you experienced the 100 knot gust weren't you curious  
4 how far away you were from the storm center?

5 **WIT:** This is something that I've thought about. And at the time I realized we had 100  
6 knot wind gust and what the BVS and even the SAT C weather was telling us was  
7 incorrect. So I determined that what, with the information I was getting was unreliable.  
8 So basically to disregard a lot of that information and go with what I was experiencing,  
9 the conditions on hand. And from that I don't think I would be able to accurately  
10 determine how far away from the center of the storm I was.

11 **Mr. Furukawa:** Do you remember which Mate had the watch when the 100 knot gust  
12 was noted?

13 **WIT:** I don't remember. I don't recall.

14 **Mr. Furukawa:** But you don't remember the Mate on watch saying how close the  
15 storm's center was?

16 **WIT:** No, sir.

17 **Mr. Furukawa:** Thank you. That's all I have.

18 **CAPT Neubauer:** Captain Stith when you got into port, I think it was the 30<sup>th</sup> of  
19 September did you continue to track Joaquin?

20 **WIT:** Through the BVS yes.

21 **CAPT Neubauer:** Did you notice that the – any latency in the information you were  
22 receiving?

23 **WIT:** I didn't note anything out of the ordinary in the delivery of the data.

1     **CAPT Neubauer:** Do you remember noticing if the storm was tracking to the South  
2     still?

3     **WIT:** After we got in it appeared that it started – it was continuing to track to the  
4     Southwest. And by then shortly after we got in I was fully involved with the attempt to  
5     communicate with the El Faro, engaged in that, so. I was more concerned about  
6     communications than continuing to track – track the storm.

7     **CAPT Neubauer:** You were more concerned with like the email communications?

8     **WIT:** The office since they didn't have GMS – GMDSS communication equipment they  
9     asked me if I could try and contact them through DSC means, digital selective calling  
10    means or through the HF/MF single side band radio. So I tried to contact them through  
11    email on the fleet broad band SAT phone. Through the MF/HF, through radio telex.  
12    And I started to do that and I reported back that I didn't hear anything back. And then  
13    they asked me if I could do it again and to continue to do that as often as physically  
14    possible until I heard anything. So I continued to try. Myself and the Second Mate were  
15    on the bridge for a long time trying to make contact with them.

16    **CAPT Neubauer:** Were you ever able to make contact?

17    **WIT:** No, sir.

18    **CAPT Neubauer:** Who at the office were you communicating with during that time  
19    period?

20    **WIT:** I was first contacted by Ms. Eunice Cadorette Young. She contacted me by  
21    satellite phone while we were still underway in route to Jacksonville.

22    **CAPT Neubauer:** Did you subsequently talk to anybody else at the company or was  
23    that your primary contact? In regards to this issue.

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1       **WIT:** I also spoke with Ms. Patty Finsterbusch [sic].

2       **CAPT Neubauer:** And just to clarify was that attempt after you had made the final  
3       email contact with Captain Davidson?

4       **WIT:** Yeah. It was 12 hours. It was – I would say 12 hours. I was surprised when she  
5       called.

6       **CAPT Neubauer:** Are there any final questions for Captain Stith at this time? Captain  
7       Stith you are now released as a witness at this Marine Board of Investigation. Thank  
8       you for your testimony and cooperation. If I later determine that this board needs  
9       additional information from you I will contact you through your counsel. If you have any  
10      questions about this investigation you may contact the Marine Board Recorder,  
11      Lieutenant Commander Damian Yemma. At this time do any of the PII's have any  
12      issues with the testimony that we just received?

13      **Tote Inc:** No, sir.

14      **ABS:** No, sir.

15      **Ms. Davidson:** No, sir.

16      **HEC:** No, sir.

17      **CAPT Neubauer:** Thank you. The hearing will now recess and reconvene at 1:30.

18               *The hearing recessed at 1204, 24 May 2016*

19               *The hearing was called to order at 1331, 24 May 2016*

20      **CAPT Neubauer:** The hearing is now back in session. We will now hear testimony  
21      from Mr. Stephen Hohenshelt, ABS surveyor.

22      **LCDR Yemma:** Sir, would you please raise your right hand? A false statement given  
23      to an agency of the United States is punishable by a fine and or imprisonment under 18

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1 United State Code Section 1001, knowing this do you solemnly swear that the testimony  
2 you're about to give will be the truth, the whole truth and nothing but the truth, so help  
3 you God?

4 **WIT:** Yes I do.

5 **LCDR Yemma:** Please be seated, thank you. Can you please state your full name and  
6 spell your last name for the record?

7 **WIT:** Stephen Hohenshelt, H-O-H-E-N-S-H-E-L-T.

8 **LCDR Yemma:** And counsel?

9 **Counsel:** Jerry White, White, W-H-I-T-E. Hill, Rivkins, LLP.

10 **LCDR Yemma:** Thank you, sir. Mr. Hohenshelt can you please tell the board where  
11 you're currently employed and what your position is?

12 **WIT:** I'm currently employed by the American Bureau of Shipping in our corporate  
13 office in Houston, Texas. And position is an ISM audit coordinator.

14 **LCDR Yemma:** And what are some of your responsibilities in that position?

15 **WIT:** In my current position I work in our management system certification, Americas  
16 division office. We have a team which essentially runs the audit portion of the American  
17 Bureau of Shipping for our Americas division.

18 **LCDR Yemma:** Can you also tell the board about your prior relevant work experience  
19 please?

20 **WIT:** Prior to where I am now I graduated from the United States Merchant Marine  
21 Academy in 2004. From 2004 until 2008 I was sailing on my engineering license. From  
22 2008 until present I've been employed by ABS.

23 **LCDR Yemma:** And what is your highest level of education completed?

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1 **WIT:** Bachelor's degree in marine engineering.

2 **LCDR Yemma:** Thank you, sir. Commander Odom will have questions for you now.

3 **CDR Odom:** Good morning Mr. Hohenshelt. I'm Commander Mike Odom, I'm with the  
4 Traveling Marine Inspectors in Coast Guard Headquarters. And all the questions I have  
5 for you today are in the time frame of the El Faro or before. And I have a line – one line  
6 of questioning that I'm going to go through with you. And briefly I'm going to cover your  
7 experience, your training, our understanding of the ACP program, the Alternate  
8 Compliance Program and then we're going to go into the surveys that you completed  
9 back in January and February of 2015 on board the El Faro. And at if at any time you  
10 feel like you need a break just ask me and Captain Neubauer will consider your request.  
11 Do you understand?

12 **WIT:** I understand.

13 **CDR Odom:** Okay. So the first question I would like to ask you could you please give  
14 us an overview of your employment history prior to your employment with ABS as it  
15 relates to the marine industry. Go into a little bit more detail than what you did in your  
16 opening statement.

17 **WIT:** Yes, sir. Upon graduation I joined the MEBE, uh MEBA union where I served as  
18 Third Engineer on numerous different ships. The bulk of the work that I completed for  
19 about 3 years was with Inner Lake Steamship Company located on the Great Lakes.  
20 About 3 of my 4 years was spent serving up there.

21 **CDR Odom:** And can you go into your – a little bit of detail about your courses, studies  
22 at Kings Point? What was your major and what license did you have when you  
23 graduated?

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1     **WIT:** My major was marine engineering. Upon graduation I had an unlimited Third  
2     Engineers license for steam, motor or gas turbine.

3     **CDR Odom:** And from the beginning of your employment with ABS can you please  
4     provide us a history of your assignments and the responsibilities within those  
5     assignments?

6     **WIT:** Upon beginning my employment with ABS I was in the Fort Lauderdale port office  
7     as a surveyor. I was there from 2008 until 2013. From 2013 until the end of 2015 I was  
8     in the ABS San Juan station. From January this year I relocated to my position in the  
9     ABS office in Houston.

10    **CDR Odom:** Thank you. And can you give us a very specific understanding of your  
11    experience and qualification when it comes to operating and surveying marine water  
12    tube boilers used for propulsion on ships similar to the plant used by the El Faro?

13    **WIT:** Yes. With direct regards to marine propulsion boilers at Kings Point you will take  
14    some steam engineering courses. You will spend 300 days at sea, 100 days your  
15    sophomore year, and 200 days your junior year of which time you will be on a steam  
16    ship completing various steam projects and working as a cadet. Your senior year you  
17    complete numerous steam balance projects for engine rooms. And you'll also have –  
18    we have boiler simulators located on campus which we'll use as part of our lab classes.  
19    And additionally as a cadet I had spent two 60 day trips on two different steam vessels.  
20    And upon graduation I did sail Third Engineer on a steam vessel.

21    **CDR Odom:** So you were employed on a steam vessel after graduation?

22    **WIT:** Correct, sir.

23    **CDR Odom:** And was that plant similar to the plant that was used by the El Faro?

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1 **WIT:** Yes, sir.

2 **CDR Odom:** Thank you. And are you also qualified with ABS to perform ISM or safety  
3 management system audits on behalf of the Coast Guard?

4 **WIT:** Yes, sir.

5 **CDR Odom:** Can you describe that training process?

6 **WIT:** Yes. About how much detail? Essentially I believe it's PR9 describes the IACS  
7 requirements. You begin with a theoretical training which is your classroom training  
8 which would be one week ISO and one week pure ISM training. And they must be  
9 completed within a certain time frame which I completed at the ABS Academy. Upon  
10 completion of the courses you're required to do four observation audits with a qualified  
11 auditor where they will evaluate you based on how you performed as an observer. Or  
12 completing the audit under their supervision. Upon which you would prepare your  
13 training certificates and observations and submit to the management systems group in  
14 ABS Houston who would review it and if all was satisfactory they would certify you or  
15 qualify you as an ISM auditor.

16 **CDR Odom:** Thank you. And in completing your surveys on the El Faro back in  
17 January and February of 2015, at that time were you aware the El Faro was enrolled in  
18 the Alternate Compliance Program with the U.S. Coast Guard?

19 **WIT:** Yes I was.

20 **CDR Odom:** And what is your understanding of the applicable rules and regulations to  
21 the El Faro under that program?

22 **WIT:** Under the ACP program essentially we would be completing the statutory surveys  
23 and issuing certificates on behalf of the United States Coast Guard. So when carrying

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1 out a survey the surveyor would, in addition to the requirements of the applicable IMO  
2 regulations there would be the additional requirements laid forth by the U.S. Coast  
3 Guard for U.S. flagged vessels enrolled in the ACP program.

4 **CDR Odom:** And in conducting your surveys, your statutory surveys on the El Faro in  
5 January and February of 2015, were Coast Guard marine inspectors present during  
6 those surveys?

7 **WIT:** They were not present for the surveys.

8 **CDR Odom:** Can you briefly describe your relationship at that time with Sector San  
9 Juan, U.S. Coast Guard Sector San Juan and the marine inspectors?

10 **WIT:** Very briefly for the 2, slightly over 2 years I was in ABS San Juan station I felt we  
11 had a very good working relationship with the Sector at San Juan inspectors. And I  
12 have nothing but good things to say about them. I believe every time I needed their  
13 assistance they were always available. And I would like to think I gave them the same  
14 treatment.

15 **CDR Odom:** Did you often conduct joint boardings? Was it common to do joint  
16 boardings for statutory Alternate Compliance Program type surveys?

17 **WIT:** The only ACP vessels I recall coming to San Juan were the Tote steam ships.  
18 However, we would work together on various local U.S. flagged ships which were not  
19 ACP program. And additional we would work together with port state inspection or  
20 various other clearing deficiencies for ships as they came in and such.

21 **CDR Odom:** And has ABS or the U.S. Coast Guard ever provided you with any training  
22 as it pertains to your obligations and authorities under the alternate compliance  
23 program?

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1 **WIT:** Yes. We are under continuous training all the time in ABS. And the most recent  
2 one I would – can recall is during our experienced surveyor validation training. We do  
3 get a presentation on the ACP program, current updates, any changes, what is  
4 expected of us and so on.

5 **CDR Odom:** So within the Alternate Compliance Program it describes the surveyors as  
6 an agent of the Coast Guard when they're conducting statutory surveys. Are you  
7 familiar with that?

8 **WIT:** Yes, sir.

9 **CDR Odom:** So can you describe to us what that means to you?

10 **WIT:** Essentially if I am on board an ACP vessel acting as an agent for the Coast  
11 Guard I would be representing them in every way and would be expected to do the  
12 inspection or survey to their standard.

13 **CDR Odom:** So with that being said can you describe and how you manage the  
14 competing demands of being an agent of the Coast Guard in one respect when doing  
15 statutory surveys, and then being a Class surveyor when doing your Class surveys and  
16 also trying to satisfy the paying customer? Can you describe how you manage all those  
17 different elements?

18 **WIT:** Sure, no problem. With regard to maintaining the Class and statutory surveys in  
19 my experience you would go on board the vessel and you're guided by the rules,  
20 statutory, documentations and you would complete the surveys as applicable.  
21 However, you would be respectful to the ship's commercial needs. By that I mean if  
22 they have a sailing time you would want to coordinate your efforts to try and complete

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1 your surveys on time. Or if they can't be done you would coordinate with the ship to  
2 arrange the next attendance.

3 **CDR Odom:** Has that ever become a conflict when it was difficult to manage?

4 **WIT:** No. Usually when you first get on board the vessel you would ask about how  
5 much time we have to complete the survey. And if you know up front that it can't be  
6 done you would let them know we need more time to do this. At which point they would  
7 either have to stay longer or complete it at the next time they're in port.

8 **CDR Odom:** So when you go on board the vessels to complete a survey under the  
9 Aternate Compliance Program do you normally limit yourself to the scope of the  
10 requested survey or is it common for you to expand beyond the scope of your survey?

11 **WIT:** Your primary objective would be what they requested you to come to look at.  
12 However, once on board you're constantly observing everything, where you're heading,  
13 if you're walking on deck to look at something up forward you would be mindful of  
14 everything in your area both for safety and for any deficiencies which may be – present  
15 themselves.

16 **CDR Odom:** With respect to the El Faro did the age of the vessel in any way affect  
17 your approach to how you surveyed the vessel? For example, in earlier testimony from  
18 an ABS surveyor in discussion about testing system it was stated that the age of the  
19 vessel was a safety concern when applying pressures to a system. So is this  
20 something of a consideration when conducting surveys?

21 **WIT:** There are – it is a consideration for the age of the vessel. But that's only because  
22 the age of the vessel after certain age increments the requirements get more difficult.  
23 However, as far as enforcing the rules it would make no difference.

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1 **CDR Odom:** So during your surveys was there ever any discussion between yourself  
2 and Tote representatives about the future of the vessel? Or was there discussion about  
3 the possible retrofit that were to take place for Alaska service?

4 **WIT:** When I was on board in January and February of 2015 this was – I was not aware  
5 of it.

6 **CDR Odom:** Was there any discussion about taking the vessel out of service?

7 **WIT:** I believe one of the ships, the EL Morro was recently scrapped. So we did  
8 discuss that and thought that might have been in the future. But nobody – we didn't  
9 discuss or if they did know they didn't make any mention to me about the future of the El  
10 Faro.

11 **CDR Odom:** Thank you. And I would like to turn to Exhibit 191 and review that. This is  
12 the 5 year history of the El Faro from ABS Safe Net. And a list of the surveys that were  
13 completed. So in looking at this I see annual machinery survey 4. Is that correct that  
14 that was commenced on the 9<sup>th</sup> of January and that was your survey?

15 **WIT:** That is correct.

16 **CDR Odom:** And then it looks like the done date is 13 February 2015. So can you  
17 explain this to us and how this working? It looks like you made multiple visits to the  
18 vessel. Can you explain that to us?

19 **WIT:** No problem. The – Tote had requested me to come do their annual surveys while  
20 in port in San Juan on January 9<sup>th</sup>. And I was on board around 8 a.m., but in discussion  
21 during our kickoff meeting it was clear we would not able to finish all surveys that day.  
22 So we did continue work to about 5, 5 p.m. at which point I updated the vessel's report,  
23 explained to them what items were remaining and we would continue to work on them

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1 at the next subsequent attendances. The bulk of the annual surveys were completed  
2 on January 9<sup>th</sup>. However, operationally a few items could not be done that day. Mainly  
3 the ballast tank inspections the way they were not in a position to have them available  
4 that day.

5 **CDR Odom:** Okay. And you were also doing surveys for statutory certificates also.  
6 Can you describe that? Which certificates you were ----

7 **WIT:** If I recall I was on board to do the annual for the IOPP, IAPP, the safety  
8 construction and safety equipment.

9 **CDR Odom:** And for the audience what's an IOPP and an IAPP?

10 **WIT:** IOPP is the International Oil Pollution Prevention and IAPP is the international air  
11 pollution prevention.

12 **CDR Odom:** And those are related to maritime pollution certificates, MARPOL?

13 **WIT:** Yes, sir.

14 **CDR Odom:** And looking at this survey history you were doing, machinery survey 4  
15 and full survey 4 and going back to the history that 1, 2, 3 and 4, is there a difference  
16 between 1, 2 and 3 and 4 or all they all the same survey?

17 **WIT:** The annuals 1, 2, 3, and 4 would be identical with the small exception if a rule  
18 changed or regulation happened to change between those years. Otherwise they  
19 remain the same ----

20 **CDR Odom:** But other than that they're all the same survey.

21 **WIT:** Same scope, same requirements.

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1 **CDR Odom:** Thank you. Also I see that there was a boiler survey back in – on the 30<sup>th</sup>  
2 of December 2013. Port and starboard boilers were surveyed. Would you have  
3 participated in that in any way? Or I see it was done in Florida, Fort Lauderdale.

4 **WIT:** Correct. I was not involved in this. I don't know if it was in Fort Lauderdale. This  
5 would just indicate that the Fort Lauderdale office had completed this survey. But I was  
6 not involved in this one.

7 **CDR Odom:** Okay, thank you. Exhibit 165 if could take a look at that please. This is  
8 the general instruction for ABS for preparing for a survey. This particular instruction has  
9 a revision date of the 3<sup>rd</sup> month of 2016, which was not applicable at the time you did  
10 the survey on the El Faro. But I'm using it as an example because obviously there was  
11 a revision 3. Can you just look at that and tell me and use it as a guide for what you  
12 would have used to prepare for the surveys prior to conducting them?

13 **WIT:** Of course, sir.

14 **CDR Odom:** Specifically on page 2. Where it says preparing.

15 **CAPT Neubauer:** Commander Odom I would like to make a clarification before we  
16 continue. Mr. Hohenshelt was – do you know if there was a revision 2 in place? Do you  
17 remember that prior to this document?

18 **WIT:** I believe there must have been a revision 2 in place.

19 **CAPT Neubauer:** I just wondered if you had used something similar to this or seen  
20 something like this before your survey?

21 **WIT:** Yes, sir. This is a, I would say a very routine general preparation tool that would  
22 be used as guidance that could be referred back to. So I'm quite familiar with the

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1 requirements. So I have no problem speaking to this to whichever specific question you  
2 had.

3 **CAPT Neubauer:** Thank you. Commander Odom.

4 **CDR Odom:** I would just like to know how you prepare for surveys and how the items  
5 in this list are completed. What type of review you did prior to the statutory surveys?

6 **WIT:** Generally upon receiving the request to attend a vessel you would want to make  
7 sure you understood what they were asking for, the scope of the surveys. And the  
8 second thing you would do is open a work order and review the status to make sure that  
9 the surveys they requested are indeed what they need to complete. Mainly they might  
10 request a wrong survey or just use the wrong words, simple stuff like that. So you  
11 ensure that all the surveys that are due, you would advise them and make sure that  
12 they are on the report and let them know that's what you'll be carrying out. Upon that  
13 you would review the status for any – any status comments. Status comments would  
14 alert the surveyor if there's any, I guess anything out of the ordinary they would have to  
15 know for that certain ship. An example would be on every ACP vessel there is a status  
16 comment that says this is an ACP vessel, local Coast Guard must be notified prior to  
17 attending this vessel and makes reference to the supplement and other forms the  
18 surveyor to review prior to boarding. In addition to that within our own quality  
19 procedures for every flag administration we have our additional requirement or special  
20 instructions as we call them, you would have to review that for whichever flag of the ship  
21 you were going to board. Within that would be any substantial equivalence or  
22 requirements in addition to or any requirements not observed. That would also detail  
23 the authority we have to carry out certain surveys, what we can issue, all that

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1 information would be found in our quality system. And upon review of that it would just  
2 be a matter of refreshing the rule requirements for the surveys being requested.

3 **CDR Odom:** And do you recall how much notification you were given by Tote  
4 whenever they asked for these surveys to be completed?

5 **WIT:** I believe I had quite a bit of time as this was an ann – this was not a – this was a  
6 planned survey. So I believe I had about a week or so notice.

7 **CDR Odom:** Do you recall how much time and how you notified the Coast Guard that  
8 you were performing these surveys?

9 **WIT:** I would have taken the email request I received from Tote and forwarded it Sector  
10 San Juan.

11 **CDR Odom:** Is there a particular person you would have forwarded that to, or is it just  
12 a general mailbox?

13 **WIT:** I had – there was three people in Sector San Juan who I would generally send it  
14 to. All my correspondence went to the same three people.

15 **ABS:** Excuse me.

16 **CDR Odom:** Did they respond to it?

17 **ABS:** Excuse me Commander Odom. We have those notices if I may provide them to  
18 the witness or refresh his recollection concerning to whom he sent notice.

19 **CDR Odom:** I have no problem with that. Captain?

20 **CAPT Neubauer:** Yes. Go ahead.

21 **WIT:** Can you remind me, was the question who I sent it to or?

22 **CDR Odom:** Who you sent it to and how much time was given to the Coast Guard prior  
23 to the actual commencement of the survey.

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1 **WIT:** Okay. Generally speaking would you like to – shall I give it by name, or position?

2 **CAPT Neubauer:** You can give the actual names.

3 **WIT:** Yes, sir. All my correspondence through Sector San Juan was given to  
4 Lieutenant Commander Matt Meskun [sic], Mr. Jerry McMillan and Mr. Andrew Schock.  
5 Those were my three main points of contact who all my dealings were made through.

6 **CDR Odom:** And can you briefly just look and see approximately how much notification  
7 you had given prior to 9 January?

8 **WIT:** For the 9 January request I had received – I received a request on January 7<sup>th</sup>. It  
9 was sent to the Coast Guard on January 8<sup>th</sup>.

10 **CDR Odom:** So the day before you boarded the vessel is when it went to the Coast  
11 Guard, is that correct?

12 **WIT:** Yes, sir.

13 **CDR Odom:** Okay, thank you.

14 **ABS:** And when you get to it we do have the other notices for the other surveys when  
15 you want to consider.

16 **CDR Odom:** I think I'm satisfied with that.

17 **CAPT Neubauer:** Can we check the time intervals on a few others?

18 **CDR Odom:** Yes, sir. So if you want to go ahead and do that if you have those for the  
19 February survey, if you want to pull that out and just give us a quick, since we're on that  
20 topic. You can look at the 5 year survey. You boarded the vessel in – on January 23<sup>rd</sup>  
21 and also on the 13<sup>th</sup> of February.

22 **WIT:** Looks for the February attendance the Coast Guard was notified on the 12<sup>th</sup> and I  
23 received notification back from them on the 12<sup>th</sup>, approximately 20 minutes afterwards.

1 **CDR Odom:** So what did that notification say just out of curiosity? Did they indicate  
2 anything in it?

3 **WIT:** Essentially I just advised them that I would be attending the El Faro to complete,  
4 or attempt to complete the annual surveys the next day. They replied back that the  
5 qualified deep draft inspectors were not available the next day to attend.

6 **CDR Odom:** Thank you. And also on the 23<sup>rd</sup> of January, would you happen to have  
7 that notification?

8 **WIT:** I'm flipping through but I don't have it in front of me right now.

9 **CAPT Neubauer:** Sir, can you go back to the 12 February notification? I didn't get the  
10 date that you received that at ABS.

11 **ABS:** Based on copy of the email we have that's not clear. We would have to check  
12 the record to determine.

13 **CAPT Neubauer:** Understand Mr. White. Can we get these records from you? A  
14 complete set of the notifications for the three surveys that we're talking about today?

15 **ABS:** Yes, sir.

16 **CAPT Neubauer:** Okay.

17 **CDR Odom:** Thank you for that. So moving on you were, to be clear you were not  
18 there to credit any items to the special machinery survey under the continuous  
19 machinery survey program, is that correct?

20 **WIT:** Umm that is correct. There at the time I was on board or within the window, they  
21 had to complete their annual machinery survey. None of their special machinery items  
22 were due. Had they been due or overdue I would have credited them in my survey. But  
23 at the time they chose to not carry them out.

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1 **CDR Odom:** So with that being said I assume the answer to this next question is yes.  
2 You're qualified to complete and do a continuous machinery survey?

3 **WIT:** Yes, sir.

4 **CDR Odom:** So are you familiar with -- most of the engineering machinery on the EI  
5 Faro was enrolled in the ABS program for a condition monitoring?

6 **WIT:** Yes, sir. I'm aware.

7 **CDR Odom:** In that the machinery annual survey 4, which you provided credit for  
8 during these surveys, can you describe the specific items that you would have reviewed  
9 under the ABS condition monitoring program?

10 **WIT:** I think I need to make some clarifications. At the time of my survey the EI Faro  
11 was not enrolled in the condition monitoring program with ABS. It was enrolled in the  
12 continuous survey of machinery, but not specifically the condition monitoring.

13 **CDR Odom:** So would you be able to provide us a date, not right now, but when they  
14 were enrolled in condition monitoring?

15 **WIT:** I do not know, I believe someone from ABS could. I believe from past testimony  
16 Tote had begun the process of implementing the condition monitoring program.  
17 However, it was not fully completed. So as such the CM notation was never added to  
18 the vessel. So when I was on board it did not have the CM notation, I would not have  
19 carried out the annual machinery survey in that way.

20 **CDR Odom:** Thank you. I would like to ask some questions now about the U.S.  
21 supplement and that is Exhibit 113 if you would like to look at it.

22 **WIT:** Of course.

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1 **CDR Odom:** While he's looking at the – looking up the exhibit there. It's my  
2 understanding that during the machinery annual survey and the hull annual survey that  
3 you were working on, is this where the supplement specific items would be completed?

4 **WIT:** My understanding or maybe to help clear, if it was a Class related machinery item  
5 only we would use the rules. However, and many times a lot of the Class machinery  
6 items do overlap with statutory requirements. A perfect example would be the oily water  
7 separator, is both a statutory requirement and a Class requirement. So when on board  
8 you would use the Class rules to meet the machinery survey requirement and you  
9 would use the MARPOL to meet the requirement – the statutory requirement of the oily  
10 water separator. Now any doubt in between the two the supplement would be there to  
11 bridge the gap or to settle any additional requirements or equivalence or confirmation  
12 and so on.

13 **CDR Odom:** Thank you. So I'm going to ask you some questions about the  
14 supplement. And I would like for you to just give me your understanding of how ABS  
15 uses the supplement. This is the supplement that is dated 1 April 2011. And is this the  
16 supplement that would have been applicable to the El Faro?

17 **WIT:** Yes, sir.

18 **CDR Odom:** So going to page 5. And specifically looking in that section where it states  
19 Section 4. It states that it contains the check sheets to be used both during and after  
20 instruction. And in parenthesis it says not U.S. Coast Guard approved. What is your  
21 understanding of that? It's my understanding that the supplement is U.S. Coast Guard  
22 approved in its entirety. So has ABS added things to the supplement that have not  
23 been reviewed by the Coast Guard?

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1 **WIT:** With regards to the parenthesis that says not U.S. Coast Guard approved, I am  
2 not – I can't – I'm not sure why that's in parenthesis or where that typing would have  
3 come from or the history behind it or its intent.

4 **CDR Odom:** Thank you. So going on to – look at, in regards to this checklist that we're  
5 talking about, I'm going to page 11. And I'm trying to get an understanding of how these  
6 checklists within the supplement, or looking on page 11 under, at the bottom, under  
7 supplemental reporting it states what the requirement is for this check sheet. Can you  
8 read that and give me your understanding of what that means? Specifically the last line  
9 is a little confusing. The last line of the first paragraph under supplemental reporting.

10 **WIT:** With regards to these checklists, within ABS for the statutory requirements we  
11 have our own checklists. For example safety equipment survey or safety construction  
12 survey and these would cover all the requirements of the SOLAS code. However,  
13 within this supplement there are a few items which are in addition to the requirements of  
14 SOLAS. So for ACP vessels added to our checklist internally would be the additional  
15 requirements for ACP vessels located in the same checklist in addition to. However, the  
16 same survey on the same class of ship by a different flag these ACP checklist items  
17 would not appear. It would only be on the ACP vessels.

18 **CDR Odom:** So you use this checklist within the supplement as a supplement to the  
19 checklist that you were just describing? Am I understanding that right? Or do you not  
20 use this checklist?

21 **WIT:** Let me try to explain. The checklist that is provided within the supplement, any  
22 area that is not already covered by our checklist has been manually put into our  
23 checklist that the surveyor would have on board to use, so.

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1 **CDR Odom:** So there's nothing in this checklist that I shouldn't find in your ABS  
2 checklist? And would it refer back to the supplement in your checklist? Would it be  
3 telling you in your checklist that it's an additional supplement item?

4 **WIT:** Yes, sir. Our checklist you would find all the same items. And also for a lot of the  
5 areas it would refer to the supplement and where it came from or why it's there.

6 **CDR Odom:** Thank you. I would like to take a look at the checklist that's within the  
7 supplement real quick. And I think that's on page 64, 63. It starts on page, with the  
8 cover, page 64 where it talks about checklist on ACP classification surveys SLC. That  
9 would be safety construction, correct?

10 **WIT:** Correct. I'm on the same page.

11 **CDR Odom:** Yep. And then checklist on ACP statutory surveys SLE, which would be  
12 section 2. And that stands for – that would be the safety equipment survey, correct?

13 **WIT:** Correct.

14 **CDR Odom:** Alright. So going on down to the next page 65, it talks about checklist on  
15 ACP classification surveys alternate compliance and the U.S. supplement ABS rules to  
16 be done in conjunction with initial MAS and renewal SLC surveys. What is MAS stand  
17 for? I cannot find that in the list of acronyms.

18 **WIT:** MAS is mandatory annual survey.

19 **CDR Odom:** So would that include these surveys that you were doing?

20 **WIT:** Correct. In classification or for ABS we would refer to annual survey 1. However,  
21 common and SOLAS or MARPOL they'll refer to it as the mandatory annual survey, or  
22 MAS.

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1 **CDR Odom:** Thank you. Going to page 66, item number 1, it's I1, talks about fire hose  
2 for a hydrostatically tested to the maximum fire pump pressure to which they may be  
3 exposed, but not less than the minimum pressure of 6.9 bar. And it talks about not  
4 endorsing these certificates unless that's done. Is it my understanding that you guys do  
5 all the fire hose test on every annual survey?

6 **WIT:** Correct.

7 **CDR Odom:** Okay. And going down to page – get to the life boat section here, going  
8 to section III of that list which is life boat operation test on page 66. I would like for you  
9 to explain to me your understanding of comment A. And you can – I'll read it. It says,  
10 the Coast Guard inspectors will have a prove efficiency test to conduct during their  
11 boardings. At that time the crew must operate each boat in the water and the following  
12 test will be carried out. So if I understanding that correctly, is that like exempting you  
13 guys from running the boats in the water? They're saying that we do it so you guys  
14 don't do it? So as an ABS surveyor, just explain to me what's your understanding of  
15 that comment is.

16 **WIT:** Of course. Essentially for the, within SOLAS there are the annual survey  
17 requirements for the life boat testing which we would be doing no matter what which  
18 would be the operational test. However, at our annual survey we may or may not  
19 release the boats into the water. However, they would have been operationally tested  
20 including the davits, the winch, the brake and all the other items listed in the  
21 requirements under section III.

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1 **CDR Odom:** Thank you. My under – your understanding of the supplement is that it's  
2 supposed to gap the differences between the regulations and the Class rules, is that  
3 correct?

4 **WIT:** Correct.

5 **CDR Odom:** Okay. So I would like to ask you some questions with regards to steam  
6 inspections and what your understanding of what ABS does during a boiler inspection  
7 and what the supplement addresses. So with that I would like you to take a look at  
8 Exhibit 200 page 172. And this is the ABS rules Part 7, Chapter 7 for boiler surveys.

9 **ABS:** You know it's not included here, but it looks like it's pulled up on the screen here.

10 **CDR Odom:** Thank you.

11 **ABS:** Under paragraph 3?

12 **CDR Odom:** It's – I'm going through – it's Part 7, Chapter 7, Section 1. The title of that  
13 section is boiler surveys.

14 **WIT:** Okay. We have it on the screen.

15 **CDR:** Okay. So I'm going to go through a couple items here with you and see what  
16 your understanding is. But internal and external examination, now understand it says at  
17 each survey that this is a reference from the boiler survey that would have been done  
18 on the 13<sup>th</sup> of December that we reviewed. And have you ever carried out one of those  
19 surveys, internal and external examination of a boiler?

20 **WIT:** For a propulsion boiler or any boiler?

21 **CDR Odom:** For a propulsion boiler. For a boiler like the El Faro.

22 **WIT:** I only carried out one on a propulsion boiler. It was on the EL Morro during its  
23 intermediate dry docking in 2012.

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1 **CDR Odom:** Okay. So can you explain to me what would be done in this section for  
2 the internal and external examination of a boiler?

3 **WIT:** Of course. Essentially twice every 5 years or during the due dates of the boiler  
4 survey they would have to open up both the fire side and the water, the drums, the  
5 economizer, all pieces of the boiler would be opened up for internal inspection. Of  
6 course usually they would clean it first and then we would go in, look for damage, look  
7 for anything really.

8 **CDR Odom:** And looking at Section 9, looking at repairs, can you explain what your  
9 understanding of that section is?

10 **Tote Inc:** Sir, the document that you're referring to was provided to us, but the excerpt  
11 pages that were cited, printed and put in our books but we're not – those pages aren't in  
12 there. Can you just give us a minute to pull that document up?

13 **CDR Odom:** Sure.

14 **CAPT Neubauer:** I recommend we take a short break to coordinate this exhibit. The  
15 hearing will recess and reconvene at 2:30.

16 *The hearing recessed at 1418, 24 May 2016*

17 *The hearing was called to order at 1430, 24 May 2016*

18 **CAPT Neubauer:** The hearing is now back in session. Commander Odom can you  
19 continue with your line?

20 **CDR Odom:** Thank you. So going back to Exhibit 200 and we were discussing the  
21 requirements for boiler surveys. And in our discussion we had talked about your  
22 previous experience doing the survey that would have been required in number 1, which  
23 is where you would have done the fire side and the water side and entered the boiler.

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1 And you had stated that you had done it once before. Can you be clear on your  
2 qualification and how you became qualified to do this type of boiler survey? Specific to  
3 item number 1.

4 **WIT:** Okay. To become qualified for a boiler survey within ABS you would have to  
5 attend for a minimum of two boiler surveys as an observer under the guidance of a  
6 qualified surveyor. After that during the third one you would carry out the survey by  
7 yourself, again with a qualified surveyor, however, carrying out the survey by yourself  
8 and if you were deemed good enough you would become qualified to carry out the  
9 survey in the future by yourself.

10 **CDR Odom:** And you completed that entire process?

11 **WIT:** For the ----

12 **CDR Odom:** For ----

13 **WIT:** For the El Morro that survey I was the only, I believe I was the only surveyor on  
14 board.

15 **CDR Odom:** Okay, thank you. Going back to ----

16 **CAPT Neubauer:** Commander Odom before you go back to -----

17 **CDR Odom:** Okay.

18 **CAPT Neubauer:** To follow up on that question. Just when you say you were the only  
19 surveyor on board were you doing that as the lead surveyor for the boiler inspection?

20 **WIT:** Yes, sir. The ship was attended in Freeport, Bahamas at Grand Bahama  
21 shipyard. So I was the lead surveyor and also I believe I was the only surveyor on  
22 board for the surveys they completed during her time in the shipyard.

23 **CAPT Neubauer:** Prior to that point had you done two boiler surveys under instruction?

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1     **WIT:** After construction I would have – I was always qualified to do the survey there. I  
2     would have done multiple before that time.

3     **CAPT Neubauer:** You would have done multiple boiler inspections under instruction  
4     prior to the El Morro?

5     **WIT:** I don't completely understand your – when you say under construction, because  
6     under construction to me would mean a new build or a newly – new build shipyard.

7     **CAPT Neubauer:** Yes, sir. Sorry, I said under instruction. I'm trying to understand if  
8     you had your two boiler surveys done under instruction from another ABS surveyor.

9     **WIT:** Forgive me. I think I may have – I thought I heard you say under construction, but  
10    I believe that now I heard you say under instruction. So yes, prior to the 2012  
11    inspection of the El Morro I would have completed the requirements of two observation  
12    surveys under instruction and I would have completed a third one under guidance or  
13    observing and became qualified.

14    **CAPT Neubauer:** Thank you.

15    **CDR Odom:** Okay. So item number 1 in the exhibit is an external and internal  
16    examination, both fire side and water side, steam side. And then going down the  
17    hydrostatic testing it's my understanding, correct me if I'm wrong, that this is specific to  
18    repairs, is that correct?

19    **WIT:** Yes, sir. I believe it states upon repairs or modifications the hydrostatic testing  
20    would be required.

21    **CDR Odom:** So outside of part 4 which is a vessel under construction there would be  
22    no requirement to do any hydrostatic testing of a boiler at any regular interval just for the  
23    verification of the integrity of the system, is that correct?

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1 **WIT:** I believe there is no hydrostatic testing requirement interval per the ABS rules.

2 **CDR Odom:** Thank you. And looking at, in the same section, looking at item 3 which is  
3 boiler mountings and safety valves, which I also understand would have been done at  
4 the 13 December survey, the boiler port and starboard surveys on the 13<sup>th</sup> of December  
5 2013 I believe it was. As a qualified boiler inspector can you describe this section to us  
6 and what it means by boiler mountings and safety valves? And what would have been  
7 surveyed at this interval?

8 **WIT:** Of course. The boiler mountings would be essentially any valve or piece of  
9 equipment connected to the boiler, namely like your stop valves, or blow down valves,  
10 or safety valves would be the main ones. Essentially they're to be removed, examined  
11 internally and then put back in operation and operationally tested.

12 **CDR Odom:** So going to I believe it's page 173 of the exhibit, the last page of this  
13 chapter which is item number 13. Can you describe that section to us and it's my  
14 understanding that this is the only obligation you would have had to complete in this  
15 section at your annual machinery survey, is that correct?

16 **WIT:** Per the ABS rules this is section 13 is what I would have done on board.

17 **CDR Odom:** And what is that?

18 **WIT:** Well essentially the function test of the safety valves using the hand relieving gear  
19 and also the, you know the visual external examination.

20 **CDR Odom:** Thank you. Can you please turn to Exhibit 199? Exhibit 199 is 46 Code  
21 of Federal Regulations Section 61-05.10. And within this section on page 2 is a table.  
22 This is the Federal Regulations requirements for test intervals of a boiler. In the second  
23 column is water tube boilers. And within in that there's listed in years, is what the

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1 numbers are in that column, they are requirements to do a hydrostatic test every 2 ½  
2 years, every 5 years, I'm sorry, it's other vessels, every 5 years, waterside inspections,  
3 boiler safety valve test every 2 ½ years, studs and bolt inspections every 5 years,  
4 mounting inspection every 10 years and steam gauge test every 10 years. As a subject  
5 matter expert in steam or the ABS qualified steam surveyor, do you find these two  
6 things comparable between what ABS and their rules state and what the Coast Guard  
7 or what the Code of Federal Regulations require?

8 **ABS:** Just one point of clarification. The purpose of the ACP supplement and the rules  
9 have been discussed by several witnesses. So to the extent your question asks his  
10 opinion, as far as the applicability of the C.F.R.'s to the ACP and the rules I think the  
11 question lacks foundation.

12 **CDR Odom:** I understand completely that the Code of Federal Regulations is not  
13 applicable to the El Faro. I'm asking him in his opinion does he think that the ABS rules  
14 are comparable to what the requirements are of the Federal Regulations.

15 Understanding that the Federal Regulations are not applicable to the El Faro because of  
16 ACP.

17 **CAPT Neubauer:** Do you have an opinion on that, sir?

18 **WIT:** With what I was recently presented right in front of me I would say that certain  
19 aspects of this C.F.R., namely the hydro testing 5 year interval is not incorporated into  
20 the ABS rules. So if that answers your – I agree with your assessment if that was the  
21 question.

22 **CDR Odom:** And are you aware of anything in the supplement that requires hydrostatic  
23 testing at regular intervals for a vessel like the El Faro?

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1 **WIT:** To my knowledge there is no requirement in the supplement.

2 **CDR Odom:** Thank you.

3 **WIT:** For hydro testing.

4 **CDR Odom:** So I would like to move on to discuss repairs real quick. And in Exhibit  
5 200 page 173, item 9 which we just discussed with some hydrostatic testing of repairs.

6 I would like to discuss what that means and how you would test a repair under this  
7 section with regards to a hydrostatic test pressure. If a system was rated at 1050 psi  
8 and you made a – a repair was made to that system what would be the basis for  
9 determining the hydrostatic test pressure used to test that part or that repair?

10 **WIT:** Assuming I had already taken into account the ABS rules, supplement, the  
11 minimum requirement, are you talking in addition to that? Or simply what is the bare  
12 bone requirement?

13 **CDR Odom:** What would you use? As a steam surveyor what would be your bare  
14 bones requirement for requiring a hydrostatic test of that repair?

15 **WIT:** For me personally the minimum requirement would be at least to the operating  
16 pressure.

17 **CDR Odom:** So if the data plate on the boiler said 1050 psi would you consider that the  
18 operating pressure? Is that the same thing?

19 **WIT:** Well there's – the operating pressure is different than the rated pressure or the  
20 max allowable working pressure.

21 **CDR Odom:** And how and who determines the operating pressure?

22 **WIT:** The operating pressure would be set by the automation or the parameters done  
23 inside the boiler system itself. For example once the boiler reaches a certain pressure it

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1 will adjust the fuel or other, the air intake to maintain that level. So that would  
2 essentially set the operating pressure.

3 **CDR Odom:** Thank you. Kind of shifting over to your audit function. If you were going  
4 to test a repair on a boiler system when would you expect that repair to be completed  
5 and tested? Would it be before the vessel or before the system was returned to  
6 operation? Or would you consider it a non-conformity or an issue if the operator made  
7 the repair to the system and then notified you after the system had been back in  
8 operation for a few weeks and then called ABS out to do a test on it? Would you  
9 consider that an issue?

10 **WIT:** Is this a generic question or a?

11 **CDR Odom:** It is.

12 **WIT:** A specific? In general there are numerous reasons why the ship would have to  
13 carry out repairs. For example they're underway to the next point at which point they  
14 would have no choice but to do the repairs themselves and contact ABS afterwards.  
15 However, generally the way the rules are written is they should be advising us  
16 beforehand so we can agree upon the repair and be there throughout the various stop  
17 points for inspection and then the final testing at the conclusion.

18 **CDR Odom:** So if the vessel was in port the expectation would be to test it prior to  
19 returning it to service?

20 **WIT:** If repairs were carried out they would, I believe they should be tested prior to  
21 putting back in operation.

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1       **CDR Odom:** Thank you. At the time of your surveys that you completed on the El Faro  
2       in January and February 2015 how many ABS surveyors were assigned to Puerto Rico  
3       with you?

4       **WIT:** I worked in San Juan station by myself. So no one else.

5       **CDR Odom:** Alright I would like to shift over to your actual survey reports and discuss  
6       what you did during those surveys. And that will be Exhibit 229. And understanding  
7       that there are a lot of duplicate items between the statutory surveys and the Class  
8       surveys I'm going to give you the exhibit page. This is about a 60 page exhibit. And I'm  
9       going to give you the page and the item number. So when I do that, what I would like  
10      you to do is explain to me what the item is and what you did to survey that item. But  
11      before we go there I would like to talk about the checklist a little bit first. How do you  
12      build these checklists? Are they preformatted for you? Or do you build them in SAFE  
13      NET? Do you pick and choose what items are in it?

14      **WIT:** Yes. Essentially within our reporting system when the task is added, whether it's  
15      annual machinery, boiler, repair, any survey there are – the check sheets will populate  
16      themselves.

17      **CDR Odom:** So it wouldn't be uncommon for, I mean that's what the not applicable  
18      section is for, for you to come across things that are not applicable to the vessel.

19      **WIT:** Correct.

20      **CDR Odom:** And it's up to you to make that determination as you go through the  
21      survey on what items are applicable and what items are not?

22      **WIT:** Yes, sir. Very often it may be applicable for one type of ship, but not applicable to  
23      a different type of ship. So the non-applicable gets answered quite often.

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1 **CDR Odom:** How do you do that? Do you just do it based on your knowledge or do  
2 you actually look up every reference to ensure it's not applicable before you check that  
3 box?

4 **WIT:** A lot comes with experience. For an example during the survey of the El Faro I  
5 would have checked not applicable for the inert gas system questions and other areas  
6 like that.

7 **CDR Odom:** Right, the obvious stuff. Alright, so going to the exhibit page 7, starting on  
8 that page with item number 2, which is listed machinery spaces. If you could read  
9 through that and explain to us specifically what that item is and what you did to satisfy it.

10 **WIT:** This check sheet item number 2 is kind of the all encompassing checklist item.  
11 This is one of the things you would check off after you've satisfied all the other  
12 requirements. And as you read through the question it also, without referencing any  
13 piece of machinery it also talks to the general safety conditions, the cleanliness, the  
14 operational status of the engine room in itself.

15 **CDR Odom:** So when you did this on the El Faro can you tell us what your  
16 observations were in relations to this item?

17 **WIT:** In regard to this overall survey of the machinery space I found the El Faro to be  
18 satisfactory.

19 **CDR Odom:** So to satisfy this you just walked through the engine room and look  
20 around?

21 **WIT:** I better understand the question now.

22 **CDR Odom:** Okay.

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1     **WIT:** Essentially you would be in the engine room for a long period of time. You would  
2     be testing the bilge alarms. While in the lower level of the engine room testing the bilge  
3     alarms you would also get in the bilges, look around, look for any doublers, soft  
4     patches, look for the physical condition of all the piping. Similarly while testing the  
5     boilers you would be looking around the burner area. You would be checking  
6     essentially the whole area. And while going through you would be looking for any safety  
7     violations, broken hand rails, oil on the deck, untidiness, wasted, you know pieces of  
8     machinery that just aren't operating right. Maybe there's excessive vibration, excessive  
9     heat. Essentially throughout, you know because your – the complete machinery survey  
10    takes a good couple of hours. So you're constantly observing the general condition of  
11    the engine room, not just the one specific piece of equipment you're testing at that  
12    moment.

13    **CDR Odom:** Thank you. Moving on to item number 3. Can you tell us about that item  
14    and how you surveyed it?

15    **WIT:** Item 3 refers to the emergency generator. And for the testing of the emergency  
16    generator on the El Faro we would have opened the bus tie breaker located on the main  
17    switchboard, which essentially would have simulated a blackout and we would have  
18    tested – that should have started the emergency generator, so.

19    **CDR Odom:** So as far as the dead ship starting arrangement did you – was there any  
20    test completed with that?

21    **WIT:** Essentially the – as far as a full dead ship condition that is not required. What we  
22    do is we would simulate the blackout or loss of power by opening the breaker connected  
23    to the main to the emergency switchboard.

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1 **CDR Odom:** Okay. There's a reference, an SVR reference on the bottom there and  
2 that's Exhibit 200. Or 230 is the exhibit number. And it specifically refers to 3.1.3, when  
3 you go to the exhibit that will be at the bottom of page 1. This is a – from the ABS rules  
4 part 4, which is construction of new vessels, which would not have been applicable for  
5 your survey.

6 **WIT:** Correct.

7 **CDR Odom:** So my question is reading 3.1.3 starting from a dead ship condition, which  
8 is where this is described and what that is. Can you read that section and talk to it a  
9 little bit, specifically the last line of that section says, for steam ships the 30 minute time  
10 limit is to be taken from the time from blackout to light off of the first boiler. In reading  
11 this section my understanding of it is that this is a system that is designed into the  
12 emergency generator that would give a ship the ability to restart the plant from the  
13 emergency generator power system. Is that correct?

14 **ABS:** Just a point of clarification are you asking with regard to this rule or with regard to  
15 the El Faro?

16 **CDR Odom:** With regards to this rule. Is that – am I understanding it correctly?  
17 Because it's referred to in your check sheet as a reference on item number 3 as  
18 required by SVR 4-8-2/3.1.3, which is what we're reading here. I'm just trying to  
19 understand what this system is and what it does.

20 **WIT:** Okay. I think I understand the question.

21 **CDR Odom:** Understanding you're not obligated to test this. I'm just trying to  
22 understand.

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1 **WIT:** Right. Essentially as you stated part 4 is relevant to rules for during the  
2 construction of a ship. So they would have, when they say dead ship it's assuming  
3 there's no fuel, no nothing on board, so the emergency generator would start and then  
4 from that you would use the emergency fuel pumps to transfer fuel to the day tank  
5 which in turn could be used to start the boiler. So there is a system for bringing the ship  
6 on line from a cold dead condition. However, on the yearly examination you would test  
7 just blackout test and the automatic starting of the emergency generator.

8 **CDR Odom:** Based on item number 3 being checked yes, this system did exist on the  
9 El Faro, is that correct?

10 **WIT:** If it was built to the rules it has to exist.

11 **CDR Odom:** Okay. But there is at any time in any ABS survey this would be tested?  
12 Or is this the only time it would be verified is at new construction?

13 **WIT:** The intent of the second exhibit you referenced from part 4, that would be done  
14 prior to delivery. But it would not – barring any reason to a modification to the system,  
15 that would be the only time you might do the full test again.

16 **CDR Odom:** So with regards to the crew's competency to use this system or a drill or  
17 anything like that, that would never be something that would be verified?

18 **WIT:** On board the ship they would have to in the engine room have posted procedures  
19 for bringing a ship back in line after a blackout and that would be part of the SMS, part  
20 of their emergency preparedness and they would have to be familiar with that.

21 **CDR Odom:** Did they have that on the El Faro that you recall? That procedure.

22 **WIT:** I cannot vividly remember seeing it, but it is something that essentially every ship  
23 in the world would have in the engine room.

1       **CDR Odom:** Thank you. So moving on to item number 7 back in your survey checklist.  
2       Exhibit 229, page 7, item number 7. Can you go through, the steering arrangements  
3       and discuss what was tested during that item?

4       **WIT:** Of course. During the annual survey it is a – we would do the operational test of  
5       the steering gear. It would be very similar to say a pre-departure, pre-arrival steering  
6       gear check. Essentially the way I do it is with one pump at a time you would test to say  
7       15 degrees, at 15 degrees followed by hard over to hard over. Repeat the process for  
8       the pump number 2. You would also check the loss of power alarms. You would check  
9       the automatic starting of the secondary pump after the loss of power. And you would  
10      also check the hydraulic oil level alarms. That would have been from bridge control.  
11      You would also test the local emergency control.

12      **CDR Odom:** Right.

13      **WIT:** You would also verify the pump is located. You would check the safety flooring  
14      around the gear itself. You would look for any kind of excessive leaks. You would  
15      verify the communications from the emergency steering location to the wheelhouse. At  
16      this moment that's all I can.

17      **CDR Odom:** Alright item 9 is testing of the means of communication. And I think you  
18      covered that. That you tested that from the steering gear space. But the navigation  
19      bridge, and also did you test the communications in the machinery spaces? For looking  
20      at item number 9 on your left.

21      **WIT:** Yes, sir. That would have been tested.

22      **CDR Odom:** Okay.

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1 **WIT:** You know it wouldn't have been a part of the steering test, but communication  
2 from the engine room to the bridge was checked.

3 **CDR Odom:** No deficiencies in any of these items?

4 **WIT:** No, sir.

5 **CDR Odom:** And going on to item 10, the bilge pumping system. Can you describe  
6 everything you checked on that?

7 **WIT:** This would refer to the bilges located in the engine room. So essentially there I  
8 would just ask the engineers to start the bilge pump and I would physically watch the  
9 level of the bilge go down. Generally there's very little water in the bilge. So however  
10 the pump was able to start and immediately remove the – because the level of the water  
11 was not even above the rose box. You could see the level go down upon starting the  
12 pump.

13 **CDR Odom:** Did you do any test of the cargo space on your other survey?  
14 Understanding this is from the machinery survey, but you did the hull side also. So  
15 during that survey did you cargo space rose boxes?

16 **WIT:** Yes, sir.

17 **CDR Odom:** And can you describe how that test was conducted and what your  
18 observations were?

19 **WIT:** If I remember correctly we would have checked all the bilge alarms located in the  
20 cargo space and we would also have operationally tested them. And myself and the  
21 crew would have been standing there and wait for the level in the bilge to go down.

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1 **CDR Odom:** Would that have also been a thorough look at all the piping for wastage  
2 and also included the reach rods if there were any for the valves on the bilge system?  
3 Do you recall?

4 **WIT:** I believe the suction for the bilge was located just forward of the bulkhead for the  
5 main engine room. So it was just at, I don't believe there was a – I can't recall for sure if  
6 there was a valve there or not.

7 **CDR Odom:** What about check valves in the system? The engine room and the  
8 system for the cargo holds. Were there any check valves and did you verify if they were  
9 properly suited and installed?

10 **WIT:** If they were there we would have traced the system. But again I cannot  
11 remember for sure.

12 **CDR Odom:** Thank you. We're going to page 8. Talking about items 12 and 13 if you  
13 want to combine those. Going back this is the emergency source of electrical power.  
14 You pretty much already covered that in our last discussion, so. Let's go to item 13 and  
15 it talks about cable penetrations and watertight and fire rated bulkheads. Did you  
16 examine the penetrations? Were they all suited and were any of them overstuff as far  
17 as the requirements for how many wires can pass through them or?

18 **WIT:** Yes, sir. This would have been relevant through for every area of the boat  
19 essentially. So you're – you always check every penetration. I believe most engine  
20 room penetrations were not, these cable passes they were, you know essentially for the  
21 bilge for example would have been hard welded. But any cable penetration you would  
22 have checked for the correct sealing.

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1 **CDR Odom:** And going to page 9 item 26. It talks about closing arrangements. Would  
2 this have included the watertight doors or is specific to ventilation?

3 **WIT:** This item in the annual machinery checklist would have been relevant to the  
4 engine room equipment, supply, exhaust fans.

5 **CDR Odom:** And watertight doors?

6 **WIT:** Correct.

7 **CDR Odom:** So in general terms, again since you did the machinery and the hull can  
8 you talk to us about the condition throughout the entire vessel of the watertight  
9 bulkheads, the watertight doors to include manholes and the main cargo closing doors?

10 **WIT:** Of course. Every one, taking them one at a time. The cargo, the large cargo  
11 doors we did it at lunch time because there was no cargo rolling on and off. So one by  
12 one, I believe there were about 7 or 8 doors all were wide open at the, because of the  
13 cargo operations, so one by one we would have closed them all. Checked the  
14 operation of all the hinges, the physical condition of the gaskets, the hydraulic motors  
15 and pumps. We would check the condition of all this. And once completely closed they  
16 would have just put it back open to continue the operations. And that was done for all of  
17 them, no deficiencies were noted. With regard to watertight doors I assume you're  
18 talking about regular access.

19 **CDR Odom:** Yes.

20 **WIT:** Access doors throughout the vessel. Again it's the same premises. Every door  
21 would be inspected. You would check proper operation, check the gasket and make  
22 sure the dogs are locked tight. There's no air gap within it. And I believe your last one  
23 was as far as manholes. As far as manholes as in a tank top manhole ----

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1 **CDR Odom:** As in a scuttle.

2 **WIT:** Okay. As in the scuttles we used just about all of them for transiting between the  
3 different decks of the cargo area. So they were all looked at. And all found in good  
4 condition and operationally checked.

5 **CDR Odom:** Do you remember what type they were? Were they the type that  
6 individually dogged or did they have a hand wheel on them?

7 **WIT:** For the access scuttles they had a wheel I believe.

8 **CDR Odom:** And did they operate? Were they difficult? Did they secure tightly? Were  
9 they hard to move or were they pretty loose and free to spin?

10 **WIT:** For all of them to generalize I would say they operated pretty easy and then could  
11 be tightened once closed.

12 **CDR Odom:** Thank you. Going to page 13 item number 2. And now we're on the  
13 survey for the hull survey side. Can you describe that item and what your findings  
14 were?

15 **WIT:** Yes. This is very similar to I believe it was the question you asked regarding the  
16 annual machinery survey, this is kind of an all encompassing one. As you see it states  
17 all the weather decks, hull plating, all the closing appliances. This is kind the question  
18 you would check after you've completed all the other inspections throughout the hull  
19 survey.

20 **CDR Odom:** And it was my understanding you found some wastage somewhere  
21 around the fore peak. And was that on this survey that you found that?

22 **WIT:** On my first attendance, January 9<sup>th</sup>, yes there was a small hold opening on the  
23 vertical bulkhead in way of the Boatswain store locker.

1 **CDR Odom:** And can you describe how big it was and what they did to repair it?

2 **WIT:** The entire affected area was maybe about 2 inches in total diameter. And the  
3 way they fixed it was using a hard epoxy on both sides of the bulkhead. The epoxy was  
4 about if I recall about 2 feet of the hard resin epoxy on both sides.

5 **CDR Odom:** Did you notify the Coast Guard by any chance that that was discovered or  
6 did you make them aware of it?

7 **WIT:** I cannot remember if I did or not. I do not think I did because that didn't – didn't  
8 affect – it didn't present an immediate threat to the environment or cancellation of any  
9 certificate due to the relative small nature of the deficiency.

10 **CDR Odom:** Thank you. Going to page 35. And now we're on the annual safety  
11 construction survey 4. And because the way this is laid out we're kind of bouncing back  
12 and forth a little bit between hull and machinery. But I just want to confirm the intent of  
13 this item. Specific to item number 17. Can you speak to that as far as what was done?  
14 Did you actually test anything? This implies that it's just a check that the Chief Engineer  
15 had completed all of the required periodic safety test procedures.

16 **WIT:** No, for item number 17 the El Faro did not have a Class approved automation  
17 system. Generally a ship that is manned in the engine room would not want or need the  
18 automation notation. So as part of the safety construction, and again this would come  
19 strictly from the ACP supplement. This item is not found on other checklist for other  
20 ships of other flags. On board there is an approved boiler automation testing  
21 procedures with detailed instructions on what to do and how to do it. So that manual or  
22 instructions we would have gone through the items on there together with the crew.

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1 **CDR Odom:** And the approval date on that is 11 April 1998, is that what that's stating  
2 at the bottom?

3 **WIT:** Correct.

4 **CDR Odom:** For that test procedure.

5 **WIT:** The approved procedure I would have – I'm required to write down the date.

6 **CDR Odom:** Okay. But as far as did you actually test any of the items in that  
7 procedure?

8 **WIT:** Yes. I believe there was about a dozen.

9 **CDR Odom:** Can you describe those to us and what you, briefly, you don't have to go  
10 into detail.

11 **WIT:** Really briefly it was a procedure written for the user. For example the different  
12 test. It would give detailed instructions. Namely it would tell what valves to open, what  
13 valves to close, what to expect. For example one was the low water, low water cutoff.  
14 And it would give detail instructions on which valve to close, what to open, which pumps  
15 to start, which pumps to stop. And we just followed the step by step instructions and  
16 everything the procedure said should happen, namely whether it was shut down the  
17 boiler or slow it down, all was functioning.

18 **CDR Odom:** Thank you. Going to page 39 item number 2 which is on the safety  
19 equipment survey checklist. Its documentation. Can you tell us what you observed in  
20 the log books?

21 **WIT:** Okay. If you notice there's actually 6 items to be verified on there. So I'll just  
22 start with A which refers to essentially fire and boat drills. As part of the safety  
23 equipment you would verify that all drills are being carried out, mainly emergency

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1 steering, maybe man overboard, fire, boat drills. These were all the – you would check  
2 the records. Usually in a deck log book it would just say, you know drills carried out.  
3 But they would have a drill, you know a drill records manual which you could dig into  
4 and verify that all drills are current and up to date. The onboard training and instruction  
5 this is the crew familiarization. Essentially new crew joining the ship the company has  
6 to have procedures in place to ensure their on board familiarization. Certain things  
7 have to be done within 24 hours. Certain things within 48 hours. All the way up to 2  
8 weeks later. The final items are verified. But they'll have records on the bridge for  
9 every crew member.

10 **CDR Odom:** Was there any visitors on board when you were there that this would have  
11 applied to?

12 **WIT:** This is more for the actual crew members when they sign on. It's a requirement.  
13 They have to, it's called a familiarization training. It's immediately upon joining or within  
14 the first 24 hours they have to know where their life boat is. They've got to know their  
15 roles and responsibilities in a fire drill. Certain items, you know the main safety. And  
16 then as the increments go further out it would get maybe more into job specific, or  
17 depending on what department you work in certain training the company requires you to  
18 have. But the company would design this document and that's ----

19 **CDR Odom:** So had somebody recently signed on board that you actually verified they  
20 had been through all the required training?

21 **WIT:** Essentially I would always check the crew familiarization. It would either be on  
22 the bridge or in the Master's office. And you would just look through. It's normally just  
23 in check sheet format. All the requirements for the first 24 hours, 48 hours, you know

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1 whatever the – however they designed their own checklist for this. You would just make  
2 sure it met the requirements, the crew was signing it, the person giving the instructions  
3 had signed it for each applicable area and essentially you would just flip through and  
4 you would see them all. Bear in mind ships that have been for a while they may have  
5 records this tall of, you know every past familiarization they've given.

6 **CDR Odom:** Thank you. So item C?

7 **WIT:** Item C refers to the requirements for the ship to incorporate the actual launching  
8 of the life boats into their life boat drills. You would just verify the records. More and  
9 more you'll see the computers on board will actually have the video of the life boat being  
10 operated in the water to supplement the proof of the launching.

11 **CDR Odom:** Did the El Faro have a video?

12 **WIT:** I don't think they did. But they may have had photos of it operating in the water. I  
13 can't remember. Item D again this is something you would check every time. This is  
14 generally done by the Third Officer on ships, the weekly safety inspections. This would  
15 involve you know the inventory of the life boats, checking all the provisions in the life  
16 boats. The weekly safety checks of the life boats. And it goes on you know the same  
17 weekly inspection checklist would also include, you know all the life rings, all the ship's  
18 crew, you know their survival suits, their life jackets. Should be inspecting all the fire  
19 fighting equipment. Everything related to safety equipment would be on a weekly  
20 checklist that the Third Officer typically would be inspecting. We would just check his  
21 records.

22 **CDR Odom:** Okay, thank you.

23 **WIT:** And E is non-applicable.

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1 **CDR Odom:** Okay.

2 **WIT:** And F you would have to – you would just have to verify that had there been any  
3 incidents on board you will check their records, look for any injuries or any reportable  
4 situation that may have occurred.

5 **CDR Odom:** Alright. If you would move on to item 3, communication equipment and  
6 just describe what you checked on there? Still on page 39 at the bottom, item 3.

7 **WIT:** Are you referring just to part A or all sections. Because a lot of it is not related to  
8 radio equipment.

9 **CDR Odom:** For the accommodation safety equipment.

10 **WIT:** Okay. If we go one at a time. The two way VHF radio apparatus you'll find them  
11 on the bridge and they would be serviced annually by an ABS approved technical, or  
12 radio technician. They'll have a report on there and you can do the physical verification  
13 while you're on the bridge. The radar transponders and EPIRBS generally those also  
14 will have testing certificates for them. But you would cite the transponders, you'd spot  
15 them on the bridge. You can flip them to test mode if you like. And then try to find them  
16 on the radar. The EPIRB which would be on deck you would open up, check the date of  
17 the hydrostatic release, check the physical condition and again that would have an  
18 annual servicing certificate with it.

19 **CDR Odom:** Did you actually do the test at the [in audible] SARTs and turn them on  
20 and verify that they were showing up on the radio, or on the radar?

21 **WIT:** I believe I would have unless there was some reason that day we couldn't. But  
22 that was generally something I would do on all my surveys.

23 **CDR Odom:** Thank you.

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1     **WIT:** It gets into a few details of how to check the EPIRBS and the requirements, but  
2     that would evolve in – I would have verified all that. It talks about the pyrotechnics  
3     required to be on the bridge. You would check the expiration dates and the physical  
4     condition and that they're located readily accessible and ready to use. You would verify  
5     all of that. Particularly 12 parachute flares. Further down it'll talk about the line  
6     throwing apparatus. D refers to what we spoke about earlier, the communication  
7     between the bridge and the control room or emergency – the fire room or the  
8     emergency gear room, the steering room. You would check the sound powered  
9     telephones every time you're in a new space you would check the sound powered  
10    telephone. General alarm any time the Captain can just test that on the bridge, push of  
11    a button. Again the line throwing apparatus, you would just check the physical  
12    conditions, the expiration dates, that they're readily accessible and ready to use. Again  
13    the day light signaling lamp is located on the bridge. You would just ask them to plug it  
14    into the emergency source of power and operate it. Universal coordinated time or Zulu  
15    time, they just have a clock on the bridge. Again it talks more about  
16    telecommunications between the bridge and the steering room. Again we tested that.  
17    And then that completes item 3. Should we continue on to item 4?

18    **CDR Odom:** I think we're alright with that. If we can go to page 44. Let's go and look  
19    at that. That's from the annual safety equipment survey. And this is more about, if I  
20    understand it correctly from your checklist about actually physically surveying the  
21    survival craft, item number 14. Can you give us your observations on that item?

22    **WIT:** Yes. Item 14 refers to the proper stowing of the survival crafts and that they're  
23    properly lashed, properly secured, you know ready for deployment. Because we do

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1 operationally test these boats in the davits you'll have to – we go back afterwards just to  
2 make sure they properly secured them again and that they're ready for use.

3 **CDR Odom:** And item 15? You might want to talk about 15, 16 and 17 all together  
4 that's fine.

5 **WIT:** Oh, okay. I think essentially how we would be testing these on board, if I can just  
6 speak instead of going through each line item?

7 **CDR Odom:** Yes, sir.

8 **WIT:** Pretty much for you would operationally test the life boat, the survival crafts. You  
9 would test on this, on the El Faro one of the life boats was fitted with a gas motor the  
10 other was fitted with Fleming gear. So both means of propulsion were checked. I  
11 cannot remember which side had which propulsion system. The life raft fitted on the  
12 shore side we would have lowered the boat to the embarkation deck, you know checked  
13 it for safety. And however its common not practiced to lower the life boat over the dock,  
14 so however the outboard life boat we would have operated completely down to the  
15 waterline. While going down to the waterline we would have checked the braking  
16 capability three times as required. And then as I said both boats would be stowed by to  
17 the cradle and they would have been secured and then final inspection would have  
18 been completed at that time. And of course it mentions you know the thorough  
19 examination of the releasing mechanism. You would also check the annual davit  
20 technician report and other such items.

21 **CDR Odom:** Thank you. And just for clarification you are saying you would a lot, does  
22 that mean you did check that? When you say you would?

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1 **WIT:** Sorry if my words were mixed up, but yes everything I just said is stuff I did on the  
2 El Faro.

3 **CDR Odom:** Okay, thank you for that. Moving on can we look at Exhibit 219? And can  
4 you describe this report to us? And give us what you can recall your observations were  
5 with regards to that report.

6 **WIT:** Of course. I just don't have it open yet.

7 **CDR Odom:** This exhibit is the American Bureau of Shipping check sheet for VDR and  
8 SVDR radio technician surveys.

9 **WIT:** Yes I have it in front of me now. Essentially the radio technician or our  
10 recognized specialist who do work on ABS Class ships they have access to these forms  
11 and if regardless it's the VDR, the AIS, the GMDSS, we have specific checklist that we  
12 require them to fill out in addition to whatever company forms they may have. So this is  
13 what I would need to see on board in order to accept any piece of radio equipment or in  
14 this case the VDR.

15 **CDR Odom:** And do you recall seeing this aboard the El Faro?

16 **WIT:** Yes I do.

17 **CDR Odom:** Thank you. Moving on from the checklist. You spent an enormous  
18 amount of time completing these surveys with various crew members, both with the  
19 deck and engineering departments. Would you tell us what your observations were with  
20 in way of their competency to operate the equipment, the life saving equipment and use  
21 it and the machinery? It's an overall assessment of the crew's competency and the  
22 morale also.

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1 **WIT:** Speaking in very overall terms I found the crew to very competent. There's no  
2 piece of machinery they couldn't immediately operate for me upon request. And my  
3 general feel on board all the Tote vessels and the various surveys I've performed I felt  
4 the morale was quite good and lively on board. Very positive from everyone I ever met.

5 **CDR Odom:** What about the safety culture on the vessel? Was everybody in  
6 compliance with what were the safety rules? Was everybody wearing hard hats and  
7 using hearing protection when they needed it and items like that?

8 **WIT:** I would say all basic safety requirements were met on board. Everyone wore  
9 their hard hats, safety glasses, reflective vest, required safety shoes. I never noticed  
10 any – any clear deficiencies as far as personal safety.

11 **CDR Odom:** So going back to acting as an agent of the Coast Guard, it would have  
12 been your obligation to keep confidential in your reports with regards to safety or  
13 anything that was made – at any time on any Tote vessel or shore side did anybody  
14 ever confide in you about safety issues?

15 **WIT:** I – the question is a little – can you be more specific? Meaning had anyone  
16 brought something to my attention?

17 **CDR Odom:** Right. And then would you ----

18 **WIT:** Off the record?

19 **CDR Odom:** Have kept that confidential and reported it to the Coast Guard?

20 **WIT:** No I never received any crew member complaints from any crew members.

21 **CDR Odom:** And are you aware of any limitations or policy ABS has for how many  
22 hours in a single day you can work?

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1 **WIT:** We do have a fatigue management manual. I believe it's a supplement to our  
2 ABS safety manual. And from the top of my head I believe it's, the most you can work  
3 in any one time is around 16 hours provided you get the required rest the next day. But  
4 there's different charts and such within that manual.

5 **CDR Odom:** So as the only surveyor in Puerto Rico on average how many hours a day  
6 would you say your average work day was?

7 **WIT:** Well because Puerto Rico is an island it kind of had a culture of a lot of work or  
8 very little work. And there was a good bit a travel involved. But I would say on average  
9 there was plenty of time to rest.

10 **CDR Odom:** Did you ever find yourself in a situation to include travel where you often  
11 exceeded the 12 hour or 16 hour limitation that you talked about?

12 **WIT:** If you include travel there were a few times I may have approached that  
13 threshold, however, like I said I would have been returning back to my office where I  
14 would have had rest the next day. I wouldn't have planned back to back exhausting  
15 surveys just for that reason.

16 **CDR Odom:** Thank you, sir. I appreciate your testimony. And at this time I will turn the  
17 questions back to Captain Neubauer for follow up.

18 **CAPT Neubauer:** Sir, are you okay to continue without a break or would you like to  
19 take one.

20 **WIT:** If we could take another quick break I would like that.

21 **CAPT Neubauer:** The hearing will recess and reconvene at 3:40.

22 *The hearing recessed at 1539, 24 May 2016*

23 *The hearing was called to order at 1541, 24 May 2016*

1       **CAPT Neubauer:** The hearing is now back in session. Lieutenant Commander  
2       Venturella.

3       **LCDR Venturella:** Good afternoon, sir.

4       **WIT:** Good afternoon.

5       **LCDR Venturella:** I just have a few follow up questions on the line of questioning we  
6       just went through with Commander Odom. You mentioned during the answers that you  
7       provided that you do have to have a little flexibility in your surveys for the ship's  
8       schedule. Do you recall that?

9       **WIT:** Yes.

10      **LCDR Venturella:** During your time as an ABS surveyor have you ever had to hold a  
11      vessel up from it's schedule?

12      **WIT:** To answer your question no I have never forcefully told a vessel they cannot  
13      leave. However, they know the possibility of not completing the surveys.

14      **LCDR Venturella:** Do you feel empowered to hold a vessel up if there's a Class  
15      recommendation or statutory deficiency that becomes due on the day that they're trying  
16      to depart?

17      **WIT:** Should there be a deficiency on board, which would be considered a no sail item  
18      or an immediate risk I would immediately advise the Master and the ship's  
19      representative. However, I physically cannot stop them from sailing should they decide  
20      to do so. All I can do is report the deficiency to the local port state and advise the flag  
21      administration of the ship that the ship was advised of this major deficiency to be  
22      corrected prior to departure, however they departed in spite of that.

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1     **LCDR Venturella:** So just to follow up on that a little further. If you had an item that  
2     wasn't necessarily a no sail item, but one that perhaps you gave 30 days to correct and  
3     you're now on day 30 and the vessel is departing port, what do you do in a  
4     circumstance like that? Do you extend the deficiency? What are the type of things you  
5     can have at your disposal?

6     **WIT:** To answer your question I would need more information. Meaning has the ship  
7     made no attempt to contact us or make the repair? Or have they contacted us  
8     requesting an extension.

9     **LCDR Venturella:** Let's assume they made no attempt to your awareness to this point  
10    and they just want a 30 day extension at the last minute.

11    **WIT:** Request for extension of outstanding deficiencies would be forwarded for review  
12    by our survey department. And they would provide the guidance needed whether it's  
13    acceptable based on the outstanding circumstances they provided. However, should it  
14    just not be completed and no attempt to reach us, the ship's Class would be suspended  
15    immediately upon the expiration date passing. And the ship's flag administration and  
16    company would be notified.

17    **LCDR Venturella:** Thank you. You mentioned earlier when you were discussing  
18    notification time periods from Tote, or the surveys on the El Faro and your notification  
19    timelines to the Coast Guard as well that typically you might see a day or two ahead of  
20    time for a survey and then to the Coast Guard maybe a day ahead of time. Are you  
21    familiar with the navigation vessel inspection circular 2-95 change 2? It's the Coast  
22    Guard's alternate compliance program circular that requires a 14 day advance notice to  
23    the ABS surveyor?

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1 **WIT:** Yes I'm familiar.

2 **LCDR Venturella:** Based on that familiarity do you have an understanding of the  
3 reason that it's not enforced?

4 **WIT:** In general we request as much time as possible including up to 2 weeks to  
5 schedule attendances on board. However, we understand operationally sometimes  
6 there are limitations to how much notice they can give us. If there's – if we feel there's  
7 not enough notice given we will advise them. For on a case by case basis we cannot  
8 attend or maybe we cannot do the surveys at that time. It would be – every situation  
9 would be one of a kind as far as notification and how much they've given us.

10 **LCDR Venturella:** Just want to get your opinion on this. If you did get 14 day advance  
11 notice from Tote or another maritime company do you think the level of attendance from  
12 the Coast Guard would increase?

13 **WIT:** I think that's possible, yes.

14 **LCDR Venturella:** You mentioned earlier that you used survey check sheets. We went  
15 through a lot of them. Do you use ABS rule manager to produce those check sheets?

16 **WIT:** I'm not sure what you're referring to by rule manager.

17 **LCDR Venturella:** Do you have a system that you go into to produce your check  
18 sheets for your surveys?

19 **WIT:** Yes. It's within our reporting system. Essentially we will call them our work  
20 orders. Once I assign a task to the ship that checklist would populate itself.

21 **LCDR Venturella:** So is it automatic from a vessel specific standpoint and does it have  
22 an association with the Alternate Compliance Program?

1       **WIT:** For an alternate compliance program, the vessel it would be flagged or tagged for  
2       that purpose and as such the check sheets would be generated properly with the  
3       additional requirements.

4       **LCDR Venturella:** In any of your surveys of the El Faro did you test bilge alarms in the  
5       3 hold or test any bilge pumps?

6       **WIT:** Yes. And I believe the bilge alarm and suction is right next to the emergency  
7       generator, or excuse me emergency fire pump in the 3 hold.

8       **LCDR Venturella:** Can you also close in where the bilge alarms would alarm?

9       **WIT:** I believe the audible and visual alarm would have been seen from both the  
10      navigation bridge and the engine room. But I cannot recall with certainty.

11      **LCDR Venturella:** Would you have checked either location to see if you get the alarm?

12      **WIT:** Generally I would have been in the cargo hold. So the way we would test it is  
13      through the visual, or excuse me the audible alarm coming through the walkie talkie  
14      from the crew member accepting the alarm. And later we would have followed up with  
15      the print out and the alarm history to ensure that was indeed the alarm tested or  
16      sounding.

17      **LCDR Venturella:** So based on that you would feel confident that the alarm was  
18      received in the engine room, but not necessarily on the bridge, is that correct?

19      **WIT:** Right here today I can say I cannot remember for sure if it was on the bridge or  
20      not.

21      **LCDR Venturella:** Could we go to Exhibit 230 page 667? We went over 3.1.3 starting  
22      from dead ship condition before. And I just wanted to touch on that briefly. Let me  
23      know when you're there.

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1 **WIT:** I have the exhibit.

2 **LCDR Venturella:** Okay. After starting from dead ship condition the title it has a 2009  
3 there. What do you think that means?

4 **WIT:** The date listed next to the rule is the date the rule was created or modified.

5 **LCDR Venturella:** Would this rule have necessarily applied to the El Faro?

6 **WIT:** Can you give me the reference number again?

7 **LCDR Venturella:** 3.1.3.

8 **WIT:** I would have to check the history of the rule for what was in place when the El  
9 Faro was being built.

10 **LCDR Venturella:** Can you discuss with me what type of actions need to take place for  
11 a steam ship to be brought completely back from a dead ship like this is discussing? It  
12 mentions in here the need to be able to do that within 30 minutes basically of the  
13 blackout. Do – can you maybe describe for me the complexity of that event? I mean in  
14 simple terms I guess. But you don't have to go through everything, but.

15 **WIT:** Okay. Yes, I can. In simple terms my interpretation of this is the emergency  
16 generator would start, which would energize the emergency switchboard from the  
17 emergency switchboard you should be able to move fuel from the day tank to the boiler  
18 burner at which point the boiler would ignite and you would start the steam process and  
19 start building vacuum in the condenser until you had enough to put the plant back on  
20 line.

21 **LCDR Venturella:** If, and I know you're a surveyor now, but if you were a new crew  
22 member on the El Faro that had minimal training do you think this is something that you

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1 would be able to do, you know just based on basic knowledge of steam plants? Would  
2 you be able to restore the El Faro from a blackout condition?

3 **ABS:** You're asking if a member of the unlicensed crew on the El Faro would be able  
4 do that?

5 **LCDR Venturella:** Licensed or unlicensed in either case. I'm really just looking for – I  
6 guess what I'm really asking is, is this a complex event that requires specific, vessel  
7 specific training?

8 **WIT:** I guess to answer your question, or I believe what you're asking is the crew of the  
9 El Faro would be expected to know how to carry out this procedure. For a crew with  
10 multiple times on board this would be a relatively simple procedure under ideal  
11 conditions.

12 **LCDR Venturella:** Okay. Given the complexity of this type of test and you mentioned  
13 that it would only be done or witnessed by ABS at delivery. How would you have the  
14 confidence to check off an item like that to know that they could do that? That they still  
15 have the procedures in place since delivery. The reason I ask, let me tell you why I'm  
16 asking. We have had other events on steam ships where events like this have  
17 happened and they couldn't restore the plant. Some cases taken 41 hours. So I'm  
18 trying to understand from the ABS survey standpoint how you ensure that this  
19 knowledge and the procedure remains in place from delivery.

20 **WIT:** Generally the, this in depth requirement from this exhibit is not required on the  
21 annual survey. However, during the automation testing procedure multiple times the  
22 test we carry out will purposely trip the boiler off line at which point the crew will have to

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1 bring the boiler back up on more than one occasion. However, in doing that alone does  
2 not meet what's stated here.

3 **LCDR Venturella:** Also could you talk about steering? When you surveyed the  
4 steering system on the El Faro would you have surveyed the follow up and non-follow  
5 up during your survey?

6 **WIT:** Yes.

7 **LCDR Venturella:** We briefly discussed the survey of ventilation. And I think you  
8 mentioned that your survey would have only included ventilation for the engine room, is  
9 that correct?

10 **WIT:** No. Earlier we were referencing the requirement of the annual machinery survey.  
11 Contained within those requirements would only have been the engine room ventilation.  
12 However, the annual hull and safety construction requirements would have included the  
13 whole vessel.

14 **LCDR Venturella:** So would you have examined the holds for the cargo holds including  
15 the 3 hold externally or internally? And would you have tested the fire dampers?

16 **WIT:** Yes. All ventilation systems are required to be checked. They're also required to  
17 be operationally tested and the physical condition of the dampers are required to  
18 inspected.

19 **LCDR Venturella:** On this style of vessel in many cases on the exhaust ventilation  
20 might be an inner enclosure. Are you familiar with them?

21 **WIT:** I do remember vaguely.

22 **LCDR Venturella:** Do you recall if you just went inside the outer enclosure so you  
23 could see the fire damper or did you go all the way to the hull?

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1     **WIT:** Essentially I would have gone in to check the fire damper. And then vertically to  
2     the extent possible I would have checked all the trunking inside. And as far as the lower  
3     areas of the trunking would have been an external examination.

4     **LCDR Venturella:** So do you recall if the area you were in would allow you to see the  
5     entrance through the hull for the exhaust ventilation?

6     **WIT:** I cannot remember the detailed design. So it's hard for me to answer your  
7     question.

8     **LCDR Venturella:** But in general the condition was okay for the ventilation ducts that  
9     you looked at?

10    **WIT:** Yes. All ventilation ducts were verified and found okay.

11    **LCDR Venturella:** Are you aware if the El Faro has a ventilation failure alarm that  
12    would alarm an unmanned space?

13    **WIT:** As far as a ventilation failure alarm I don't recall if they had one or not.

14    **LCDR Venturella:** Can we go to Exhibit 113? And on Exhibit 113 page 66 please.

15    **WIT:** Okay.

16    **LCDR Venturella:** Okay. There's a section on here that we briefly discussed before on  
17    life boat operational testing. And this is on the check sheet that's within the ABS  
18    Alternate Compliance Program supplement, but the check sheet itself says it's not  
19    Coast Guard approved. I think you had said these items are incorporated into the  
20    surveys that you do, is that correct?

21    **WIT:** Yes they are.

22    **LCDR Venturella:** Okay. Did I also hear you right that you wouldn't necessarily put life  
23    boats in the water?

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1 **WIT:** For the annual requirement – there’s no annual requirement for the releasing of  
2 the boats into the water.

3 **LCDR Venturella:** The requirements in here for life boat operational test, how do you  
4 read this in terms of how often this is required? The entire section 3 there. Because if  
5 you recall this check sheet is entitled – it’s for to be done in conjunction with initial. And  
6 then MAS which you gave me the definition of that before. What was that?

7 **WIT:** The manual – or mandatory annual survey.

8 **LCDR Venturella:** The mandatory annual survey and renewal. So initial mandatory  
9 annual survey and renewal and so that kind of sounds like just about every year, right?

10 **WIT:** Correct.

11 **LCDR Venturella:** Okay. So every year we have life boat operational test we have to  
12 do and we’re supposed to, let’s read a couple of these. We have to do crew proficiency  
13 test that the Coast Guard wants when which the crew has to operate the boat in the  
14 water. It says also you have to, number 2, operate the boat at full speed ahead and  
15 astern. And then you know there’s several others that would probably be done in the  
16 water. But can you explain like how do you operate full speed ahead and astern and  
17 test it the same way as you would in the water? Or how would you test the crew’s  
18 proficiency operating the boat if they’re not able to put it in the water?

19 **WIT:** My understanding looking at this is the requirement is that the proficiency for us  
20 would be accepted in the lowering of the life boat, the operating of the davits, the  
21 starting of the engine, using of the steering mechanism, operating of the bilge pump and  
22 other systems on board. If I read this correct it says the proficiency to test the boat in  
23 the water belongs to the Coast Guard.

1 **LCDR Venturella:** Thank you. No further questions.

2 **CAPT Neubauer:** Mr. Roth-Roffy.

3 **Mr. Roth-Roffy:** Good afternoon, sir. Tom Roth-Roffy, NTSB.

4 **WIT:** Good afternoon, sir.

5 **Mr. Roth-Roffy:** I would just like to revisit a few issues that have already been covered  
6 by other panelist. And go back to your experience and training in boiler surveying by  
7 ABS. You mentioned the two observations plus one being observed. What about  
8 classroom instruction. Did you have any specific training provided by ABS in how to  
9 survey a boiler?

10 **WIT:** Yes. Essentially as I stated before during our the new hire phase 1, the new hire  
11 phase 3 and after that the continuation of the validation training. The fundamentals and  
12 expectations of the various class surveys we perform are detailed in the classroom.  
13 And we'll also do case studies, lessons learned regarding these surveys and what is  
14 trending in the industry, common problems. Whenever you know trends are developed  
15 they'll be incorporated into our guidance for further use.

16 **Mr. Roth-Roffy:** Okay. I'm referring specifically to boiler surveys.

17 **WIT:** So I'm understanding the question you're asking, what is presented to us in  
18 regards to boiler surveys and how they expected us to complete them?

19 **Mr. Roth-Roffy:** Correct. And the duration of that training.

20 **WIT:** Essentially in the classroom portion it would detail the rule requirements and the  
21 intervals at which all the surveys are completed. Specific to boilers they would also  
22 reference us – we have within our quality system we'll have two things. We'll have our  
23 boiler survey instructions which will detail the mandatory points you'll have to look for

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1 and then we'll also have surveyor guidance notes for boiler surveys which are written to  
2 help guide with the nomenclature and operation of the boiler.

3 **Mr. Roth-Roffy:** Regarding boilers specifically and other equipment in general does  
4 ABS have any guidance on additional surveying to be done as a result of an older  
5 vessel such as the El Faro? Any additional surveys of boilers?

6 **WIT:** The age wouldn't impact the requirements. The survey intervals would remain  
7 the same. Correct, the age is irrelevant.

8 **Mr. Roth-Roffy:** Do boilers have a rated service life in terms of number of cycles to  
9 your understanding?

10 **WIT:** Are you referring to cycles as in how many survey cycles it can do?

11 **Mr. Roth-Roffy:** No. Pressure cycles.

12 **WIT:** If it did it would have to come from the manufacturer. I don't know if they do or  
13 not.

14 **Mr. Roth-Roffy:** Do you know if ABS or the owner keeps track of the number of cycles  
15 or is able to estimate the number of cycles that the boiler has experienced throughout  
16 it's, in this case 40 year life?

17 **WIT:** Can you please clarify what you mean by cycles?

18 **Mr. Roth-Roffy:** Again it's the number of pressure cycles from 0 pressure to full  
19 operating pressure and back would be one cycle.

20 **WIT:** To my knowledge I don't think that is tracked. If the owners are tracking it you  
21 would have to ask them. But ABS does not track that.

22 **Mr. Roth-Roffy:** Going back to your survey of the steering gear system. You  
23 mentioned a number of alarms that the steering system had. Did you test each and

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1 every one of those alarms to verify that they were working? Or did you do a sample,  
2 one or two of them?

3 **WIT:** We would have checked the power failure alarm for both. And we would check  
4 the level alarm for the hydraulic oil for both. Those are the only two alarms I believe  
5 were attached. Or that we tested that day.

6 **Mr. Roth-Roffy:** Were there other alarms associated with the steering system that  
7 were not tested?

8 **WIT:** I can't remember if they were or not.

9 **Mr. Roth-Roffy:** Now regarding the boiler safety checks. You said there was some  
10 sort of a boiler automation check, safety checklist. Did you go through and check every  
11 one of the shut downs and alarms for the boilers?

12 **WIT:** Correct, yes. We followed the approved procedure.

13 **Mr. Roth-Roffy:** And regarding the cargo door, watertight doors in the cargo holds you  
14 said you did an examination of the gaskets, condition of the gaskets. Did you do any  
15 type of testing of the watertight integrity of the doors?

16 **WIT:** While on board it was – there was evidence that a chalk test had recently been  
17 completed. And the results were available. And I did notice them. So a chalk test was  
18 carried out.

19 **Mr. Roth-Roffy:** You said recently. Within the last couple years or what?

20 **WIT:** Within maybe a day of my attendance.

21 **Mr. Roth-Roffy:** And did you question the crew about the testing of those doors? Of  
22 the chalk testing of the doors?

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1 **WIT:** I just asked how they did it. Did they notice anything out of the ordinary that I  
2 would have seen walking by anyway. So but they said no all the test results were  
3 normal.

4 **Mr. Roth-Roffy:** But you didn't actually witness the chalk testing?

5 **WIT:** No I don't believe – I believe I accepted the results and the remains of the chalk  
6 on board.

7 **Mr. Roth-Roffy:** Are you familiar with the national board of boiler and pressure vessel  
8 association or inspectors?

9 **WIT:** I am not familiar with that association.

10 **Mr. Roth-Roffy:** You've never encountered such an inspector in your surveying  
11 vessels? For example in a shipyard during a repair?

12 **WIT:** It's possible I may have. I just did not know they were associated with the board  
13 or whatever you just mentioned.

14 **Mr. Roth-Roffy:** Okay. That's all I have. Thank you very much.

15 **CAPT Neubauer:** Good afternoon, sir. I just have a few summary questions before we  
16 go to the parties in interest for the final round. You mentioned your title was ISM audit  
17 coordinator. Was that the same title that you had during the surveys done on the El  
18 Faro?

19 **WIT:** My – when I was stationed in San Juan and when I was on the El Faro my title  
20 was senior surveyor. With my new job now my title is audit coordinator. But I still  
21 maintain the senior surveyor title as well.

22 **CAPT Neubauer:** Is it your understanding that ABS surveyors have full discretion for  
23 test pressures while doing any service propulsion boiler repairs?

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1 **WIT:** Could you repeat the question?

2 **CAPT Neubauer:** If you're doing a survey of a boiler, propulsion boiler repair is the test  
3 pressure at full ABS discretion for the hydro test?

4 **WIT:** The hydrostatic pressure test that would happen after a repair or modification per  
5 our rules would be up to the attending surveyor to decide based on the situation and  
6 series of events, the modification, the detail of the repair and other factors.

7 **CAPT Neubauer:** I believe you testified earlier that the Coast Guard in San Juan  
8 generally attended port state control exams and non-ACP domestic surveys, is that  
9 correct?

10 **WIT:** Correct. But to clarify the only ACP surveys I carried out were the annual surveys  
11 on the El Faro and El Yunque. Those were the only opportunities and schedules did not  
12 align for them to join me on there.

13 **CAPT Neubauer:** Does that mean that you cannot recall an instance where the Coast  
14 Guard attended an ACP survey with you?

15 **WIT:** Are you asking ever or?

16 **CAPT Neubauer:** Yes.

17 **WIT:** I recall in Fort Lauderdale we had the ACP oversight. We found it more common  
18 carrying – for the ACP oversight during ISM audits and surveys, but that may have been  
19 coincidence or you know my personal experience.

20 **CAPT Neubauer:** Did you routinely receive an email back from the San Juan office for  
21 the ACP exams confirming that they would not attend?

22 **WIT:** With the Sector San Juan any correspondence I sent to them I had received a  
23 word back 100 percent of the time.

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1 **CAPT Neubauer:** Was the response usually that there was not an inspector available?

2 **WIT:** I believe for the, again the request sent for the annual survey on the El Faro and  
3 El Yunque I believe they said they did not have anyone available.

4 **CAPT Neubauer:** Can you estimate the total number of ACP annual surveys you've  
5 done over your time with ABS?

6 **WIT:** To give a broad estimate right here and now I would say about 25 or 30.

7 **CAPT Neubauer:** Can you just briefly summarize the different levels of requirement for  
8 nonconformities that you could issue during an ACP exam?

9 **WIT:** Yes. As far as a Class related deficiency, statutory or both, or?

10 **CAPT Neubauer:** Can you start with statutory.

11 **WIT:** Okay. If on board there is a condition that would affect the validity of a statutory  
12 certificate, to give an example a defective life boat that would be considered a statutory  
13 deficiency major because it would – it would have a serious immediate threat to the  
14 safety of the ship and its crew. And because it's a major statutory deficiency it would be  
15 required to be rectified prior to the ship departing. Additionally the flag and port state  
16 would have to be notified because there is an unsafe condition in their port.

17 **CAPT Neubauer:** Can you go to the next level?

18 **WIT:** Oh sure. The other thing if it was statutory related that would reflect – uh effect  
19 the validity of a statutory certificate would be statutory deficiency minor. A minor  
20 deficiency is something that is not compliance, however does not present an immediate  
21 threat to the environment, ship or crew. This is where working in conjunction with the  
22 vessel's flag administration we would issue an agreed upon time limit for the deficiency  
23 to be rectified. Also what temporary means to immediately correct the problem had

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1       been put in place. And the validity or possibility of issuing a short term certificate for the  
2       item it affects.

3       **CAPT Neubauer:** Is there another level?

4       **WIT:** The final level on the statutory side is what we refer to as additional requirements.

5       This would be for example a requirement that is being phased in, however the ship is  
6       not required to have it until a certain date. So they would have these additional  
7       requirements placed on them. However they are not mandatory required to carry them  
8       out until whichever the phase in date set by the regulatory code is – has specified.

9       **CAPT Neubauer:** Thank you. And to clarify you would use these levels on an ACP  
10       annual survey?

11       **WIT:** For statutory related items, yes.

12       **CAPT Neubauer:** Of the 25 to 30 surveys that you've done how many condition majors  
13       have you issued personally?

14       **WIT:** Without digging through my old reports and stuff I can't recall any major ones.

15       **CAPT Neubauer:** Have you ever issued a minor deficiency?

16       **WIT:** Yes.

17       **CAPT Neubauer:** Can you give an estimate of how many?

18       **WIT:** It would be really tough to give an estimate. I would say on some ships zero. On  
19       some ships you can issue up to 10.

20       **CAPT Neubauer:** When you issued those minor deficiencies were you – did you notify  
21       the Coast Guard office?

22       **WIT:** Are you asking in general or to one specific to the El Faro?

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1     **CAPT Neubauer:** Did you ever – do you remember ever issuing deficiency minor on  
2     the El Faro?

3     **WIT:** Yes. We discussed earlier regarding the small wastage in the Boatswain locker.  
4     Because it was a small localized area and not an immediate threat I believe I did not  
5     notify the Coast Guard.

6     **CAPT Neubauer:** Do you remember any other El Faro minor deficiencies?

7     **WIT:** There was one during my first annual survey I wrote them up for the emergency  
8     generator not starting immediately. However that was rectified on the spot. So that was  
9     written as a deficiency which was closed immediately, or closed the same day.  
10    Additionally I was called out to write a deficiency against the steering gear which I was  
11    in contact with the local Coast Guard and it was agreed upon based on the condition of  
12    the steering system that we would allow them to sail to Jacksonville where permanent  
13    repairs could be completed.

14    **CAPT Neubauer:** Did that require a notification to the system, I believe it's called a  
15    PR17?

16    **WIT:** No it did not.

17    **CAPT Neubauer:** Was the Coast Guard notified of the emergency generator issue that  
18    was corrected during your survey?

19    **WIT:** No they were not.

20    **CAPT Neubauer:** At this time I would like to go to the parties in interest. Tote do you  
21    have any questions?

22    **Tote Inc:** No questions, sir.

23    **CAPT Neubauer:** ABS?

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1     **ABS:** Mr. Hohenshelt in response to some of the communications, some of the  
2     questions posed by the MBI you indicated that there was a problem with the starboard  
3     steering gear on the El Faro, correct?

4     **WIT:** Correct.

5     **ABS:** And based on the correspondence that I placed in front of you dated March 6<sup>th</sup>,  
6     2015 can you describe for the MBI what the problem was and what your proposal was  
7     to Lieutenant Commander Meskun [sic] of the U.S. Coast Guard.

8     **WIT:** If I recall correctly I believe I was actually notified by the marine inspector who  
9     was on board conducting their surveys. The last thing they noticed or one of the things  
10    they noticed was in follow up mode the steering gear was over shooting by a couple of  
11    degrees. So they asked me to come down and issue a Class report for the deficiency.  
12    So I was notified by the local inspector and I cannot remember if they contacted me  
13    before, but Tote had also contacted me around the same time. So I attended the  
14    vessel. The Chief Engineer attempted to troubleshoot and correct. However, he  
15    couldn't get it corrected after a few hours. And however, the other fire, or excuse me  
16    other steering pump was working in both modes and the affected steering pump was  
17    working in non-follow up mode correctly. So given this information I reached out to the  
18    local Coast Guard Sector San Juan. I gave them the full update of the status on board  
19    and I believe I recommended giving them a statutory deficiency to be corrected at the  
20    next port of Jacksonville valid for maybe 4 or 5 days. Enough time to get them from  
21    San Juan to Jacksonville safely.

22    **ABS:** And what was Lieutenant Commander Meskun's [sic] response to that proposal?

23    **WIT:** He was agreeable and advised me to proceed as I had recommended.

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1     **ABS:** You indicated there was a problem with the switching device on the emergency  
2 generator, correct?

3     **WIT:** During my first attempt to start it the automatic starting device did not work.

4     **ABS:** And were the findings as far as that deficiency, were those recorded in your  
5 report?

6     **WIT:** Yes. They were documented in my report.

7     **ABS:** And how was that rectified, the problem with the switch?

8     **WIT:** After the emergency generator failed to automatically start, after the first test the  
9 crew had asked that they be allowed to quickly troubleshoot the problem. And I believe  
10 the First Engineer on board began troubleshooting the emergency switch board  
11 breaker. I personally had continued on to other portions of the survey. However after  
12 about an hour they advised us it was working. I asked the First Engineer what they had  
13 done? He stated that essentially they just took the breaker out, cleaned it off, checked  
14 the connections, put it back in and it was working. We proceeded to test the automatic  
15 start four different times and it worked all four times. And I considered the situation  
16 rectified.

17     **ABS:** You indicated that you performed the annual hull survey on the El Faro. When  
18 did that survey take place, do you recall?

19     **WIT:** When? It was commenced on January 9<sup>th</sup>.

20     **ABS:** 2015 correct?

21     **WIT:** Correct.

22     **ABS:** And are you aware of any Coast Guard attendance subsequent to that date for a  
23 certificate of inspection survey?

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1       **WIT:** I cannot recall. However I do believe they may have attended subsequent to my  
2 completion of the annual surveys.

3       **ABS:** Sitting here today are you aware of any complaints by the Coast Guard based on  
4 their attendance for the COI?

5       **WIT:** I'm not aware of any complaints.

6       **ABS:** Nothing further.

7       **CAPT Neubauer:** Mrs. Davidson?

8       **Ms. Davidson:** No questions.

9       **CAPT Neubauer:** Herbert Engineering?

10       **HEC:** No questions.

11       **CAPT Neubauer:** Mr. Furukawa.

12       **Mr. Furukawa:** Thank you Captain. Good afternoon Mr. Hohenshelt.

13       **WIT:** Good afternoon.

14       **Mr. Furukawa:** You sailed from 2004 to 2008 did you upgrade your license?

15       **WIT:** I upgraded to my Second Engineer license.

16       **Mr. Furukawa:** Is that steam and diesel or?

17       **WIT:** Only motor. Steam remained as a Third's.

18       **Mr. Furukawa:** And when you were hired by ABS your survey training, what I thought I  
19 heard was ISM and audit class. Was there any other training?

20       **WIT:** Do you mean my training specific to be an ISM auditor or my training specific to  
21 everything I've done?

22       **Mr. Furukawa:** To everything you've done to be a surveyor.

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1     **WIT:** Oh. Essentially the qualifying process when you're hired with ABS begins. After  
2     you're hired you will go to our training academy for 3 ½ weeks for what we call new hire  
3     orientation phase 1 where you get the fundamentals of surveying all of our mandatory  
4     safety type training as in confined space entry, all that kind of safety. You'll get about a  
5     week worth of welding inspection and welding fundamentals. The same about a week  
6     of non-destructive examination requirements and techniques. After that 3 ½ weeks  
7     you're released back to your port you're assigned to where you'll spend on average 2  
8     years doing observations and training under the guidance of qualified surveyors. At the  
9     end of that period you'll return to new hire orientation phase 3. Phase 2 is the space in  
10    between the classroom trainings. So you'll come back for phase 3 at which point they'll  
11    kind of quiz you on your knowledge and check your understanding of the rules,  
12    understanding of survey requirements, understanding of our own processes. And after  
13    that's completed you're released back to your port to continue to get qualified on various  
14    different surveys. Understanding that different ports do different work and different  
15    surveys are completed. So you would be tailored to your port which you know if more  
16    specific to you.

17    **Mr. Furukawa:** So after phase 3 are you considered a fully qualified surveyor?

18    **WIT:** You're considered fully qualified in the sense that you can begin acquiring  
19    qualifications. There's no more prerequisites for you to – to hold you back from making  
20    your observations and continuing to get your qualifications up.

21    **Mr. Furukawa:** Okay. So it's a plus 2 year training program?

22    **WIT:** Correct.

23    **Mr. Furukawa:** Okay. How long did it take you to become a fully qualified surveyor?

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1 **WIT:** Umm for myself personally after about 2 years I was more or less able to carry  
2 out most standard ABS surveys by myself.

3 **Mr. Furukawa:** Thank you. When you do the Alternate Compliance Program you're  
4 acting as an agent of the U.S. Coast Guard. Do you have any training – are you given  
5 any training to be an agent of the U.S. Coast Guard?

6 **WIT:** I believe we talked on this briefly earlier. This – there's no formal classroom  
7 training that would give you a certificate or bonafide as an ACP inspector. However, the  
8 requirements of the ACP program, our rules, responsibilities are laid out during a  
9 presentation in new hire phase 1, new hire phase 3 and every continued surveyor  
10 validation training. And additionally the requirements of the ACP are available to us at  
11 all times within our quality document system.

12 **Mr. Furukawa:** Okay. Is there any form to sign that you're an agent of the Coast  
13 Guard for ACP?

14 **WIT:** No, not that I'm aware of.

15 **Mr. Furukawa:** When you conduct a survey for a vessel like the El Faro do you have  
16 access to the ABS survey records going back to the beginning of the vessel's life span?  
17 Back to 1976?

18 **WIT:** Immediately available to me would go back to about 2004 I believe when our  
19 reporting system became 100 percent electronic. So those records are stored and  
20 immediately available to me. I believe anything further back than that ABS will have all  
21 records on file, however you would have to request them from our, you know storage  
22 facility or maintenance facility for these records.

23 **Mr. Furukawa:** Okay. Do you know where that is?

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1 **WIT:** Umm off the top of my head I'm not sure.

2 **Mr. Furukawa:** Earlier when you were discussing the equipment, safety equipment  
3 survey familiarization training of the crew within the first 24 hours of reporting on board,  
4 do you know if this done for the Polish riding gang?

5 **WIT:** As far as for the riding gang I have no way of knowing if it was done or not.

6 **Mr. Furukawa:** Okay. Would that be something that you're supposed to check?

7 **WIT:** Umm I would have to revisit the code because riding gangs are generally not  
8 considered crew members. But each flag has different interpretations. So right here  
9 without referencing the code I can't say for sure if it was required for them to do it or not.

10 **Mr. Furukawa:** You gave a reference where we can find that?

11 **WIT:** Yes, sir. The requirements for the crew familiarization are within the ISM code.

12 **Mr. Furukawa:** For annual equipment survey that was also the life boat annual  
13 operational test?

14 **WIT:** Correct.

15 **Mr. Furukawa:** And whatever – if the boat is not put in the water how do you test full  
16 ahead and full astern?

17 **WIT:** Essentially while in the cradle safely secured the crew would operate the running  
18 equipment in place and verify the propeller turns can go up to rated speed. When I say  
19 speed I mean RPM, not knots through the water, forward and reverse and the steering  
20 device is checked.

21 **Mr. Furukawa:** Was that done?

22 **WIT:** Yes.

23 **Mr. Furukawa:** And that was pier side in San Juan?

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1 **WIT:** Correct.

2 **Mr. Furukawa:** And the releasing gear that's also manual test?

3 **WIT:** The releasing mechanism it's to be thoroughly examined. However the operation  
4 testing is at the renewal every 5 years.

5 **Mr. Furukawa:** 5 years. And what was the date of the annual equipment survey?

6 **WIT:** If you're talking the both of it and especially the life boats were tested on January  
7 9<sup>th</sup>, 2015. And if I can add on to what I said previously. There are requirements for the  
8 boat to be lowered and operated in the water. However, for the surveyor on board you  
9 would check that they are carrying out the required, I believe it's quarterly release of the  
10 life boat into the water and operation. However, as far as carrying it out while we are on  
11 board that is not required. But it is required for the crew to do it and maintain it on  
12 board.

13 **Mr. Furukawa:** Okay. So if it's the starboard life boat with the Fleming gear, do they  
14 drop the port life boat in the water and do that operational test?

15 **WIT:** I cannot remember which life boat was over the pier and which was over the  
16 water. But neither one was lowered to the water and released. The out board life boat  
17 was lowered to the water. And the in board, or dock side life boat was lowered to the  
18 embarkation deck. The life boat with the Fleming gear the crew did climb in board and  
19 operate the gear for me.

20 **Mr. Furukawa:** Okay. And the life boat that was out board that went down to the water  
21 but not released, was the – were the engine tested ahead and astern?

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1 **WIT:** The – I cannot remember which, if it was the – which life boat was out board at  
2 the time or which side the ship was. However, the engines and Fleming gear were  
3 tested in the cradle with the boat secured.

4 **Mr. Furukawa:** Okay. What kind of oversight does the Coast Guard have with the  
5 alternate compliance program for you? For you as a surveyor. Does anybody come by  
6 and watch you conduct an ACP?

7 **WIT:** I believe specifically to requirement is they aim for I believe 10 percent oversight  
8 of all ACP vessels I carry out. However, in San Juan like I said I did annual surveys on  
9 2 ACP vessels the El Faro and El Yunque and both times they were unable to come  
10 out.

11 **Mr. Furukawa:** But if you had done 10 of them then they should come out at least  
12 once?

13 **WIT:** Correct.

14 **Mr. Furukawa:** Between San Juan and Fort Lauderdale have you done about 10  
15 ACP's?

16 **WIT:** I would say more than 10. But that's about correct. Most of the ACP's I did when  
17 I was stationed in Fort Lauderdale were carried out at the Grand Bahama shipyard. At  
18 which point the Coast Guard would come out and if I recall survey the ships on dry dock  
19 and provide oversight while we were doing our surveys there.

20 **Mr. Furukawa:** So the 10 percent requirement was fulfilled?

21 **WIT:** I would say more than that.

22 **Mr. Furukawa:** Were a lot of the Coast Guard inspectors senior officer and junior  
23 officers?

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1 **WIT:** I worked with I guess a various amount or I'm not sure how to answer.

2 **Mr. Furukawa:** Okay. But you see Coast Guard inspectors come out with, you know  
3 for your surveys?

4 **WIT:** Correct.

5 **Mr. Furukawa:** Okay. With ACP that ABS does for the Coast Guard do you notice any  
6 – what's the quality of the junior officers, the ones that are coming up through the ranks  
7 now for their knowledge of surveying, or inspecting? Is there much of a difference  
8 between them and folks that have been around before ACP?

9 **WIT:** As far as you know professionalism and attitude it was always excellent.  
10 Obviously the more senior people would be leading the inspection providing guidance.  
11 However, as far as general knowledge of ships, systems, capabilities, requirements I  
12 found the junior officers to be very knowledgeable or have the tools to find what they  
13 needed.

14 **Mr. Furukawa:** So they're on track with their learning and professional growth?

15 **WIT:** I would say yes. But I have no way of knowing their career path, what's expected  
16 at what rank and what qualifications should be done in certain amount of times.

17 **Mr. Furukawa:** For ACP do you looking at manning, manning requirements?

18 **WIT:** Yes. Part of the survey is required to review the minimum safe manning  
19 document or in case of an ACP vessel this would be located on the COI and you would  
20 ensure they have the proper personnel on board to maintain the minimum safe  
21 manning.

22 **Mr. Furukawa:** Do you look at the trim and stability booklet?

23 **WIT:** I would verify the approved stability booklet is on board, yes.

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1 **Mr. Furukawa:** For life saving equipment, the life boats, how do you ensure a full  
2 weight test, a light weight test, the falls are renewed, and the falls end to end have been  
3 done?

4 **WIT:** Okay. Can you repeat the questions one at a time?

5 **Mr. Furukawa:** For life saving on the COI, I understand ACP and COI are different.  
6 But do you check for the full weight test, the light weight test, the falls renewed and the  
7 falls are end to end?

8 **WIT:** Yes. This is a 5 year requirement. It would have been done at the last renewal  
9 safety equipment survey. And that can be found in our records, the last renewal date  
10 and load test date very easily.

11 **Mr. Furukawa:** How do you test the or survey the life rafts? I understand for the El  
12 Faro there were two 25 man life rafts staffed with the life boats. And there's a 6 man life  
13 boat on board?

14 **WIT:** Correct. There's two types of life rafts. Ones that require a launching device or  
15 launching davit and others that are simply tossed over the side. I believe the El Faro's  
16 were only required to be thrown over. You would check the servicing certificate or the  
17 shore based certificate for the life raft. Additionally inside the tube would be the  
18 maintenance record. You would verify the certificate matches the equipment listed on  
19 the sticker of the life raft. You would check that it's secured properly. You would check  
20 the release or the hydrostatic release expiration date. And otherwise just a sound  
21 external examination of the condition and the cradle.

22 **Mr. Furukawa:** Same thing with the 6 man life raft forward?

23 **WIT:** Correct.

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1 **Mr. Furukawa:** That life raft is – that one's not required? That one's an extra?

2 **WIT:** No the forward one is required to be there.

3 **Mr. Furukawa:** For your experience surveying how many vessels do you survey that  
4 have open life boats with gravity davits, like a number or percentage?

5 **WIT:** Simply the only boats in my history I've surveyed that were open were the three  
6 steam ships that called San Juan, the El Morro, El Yunque and El Faro.

7 **Mr. Furukawa:** And how many other vessels do you survey?

8 **WIT:** Same question about the open life boats or how many have I surveyed?

9 **Mr. Furukawa:** Just in general that don't have open life boats.

10 **WIT:** Every other one I've ever done.

11 **Mr. Furukawa:** Do you know why a similar vessel to the El Faro was built today it  
12 would not be allowed to have open life boats and gravity davits?

13 **WIT:** That's just because the newer requirements would be enforced and ships built  
14 today have to, you know based on their keel laying date comply with whatever rules are  
15 in effect at that time.

16 **Mr. Furukawa:** Do you also check for survival suits and life jackets in your ACP?

17 **WIT:** Yes, both would be checked.

18 **Mr. Furukawa:** And how do you do that?

19 **WIT:** It's a visual inspection. The crew would produce them for me.

20 **Mr. Furukawa:** So they would do a fire and boat drill for you?

21 **WIT:** No. No, we would not require a fire and boat drill. Generally they would just have  
22 them available outside their bunk or their stateroom.

23 **Mr. Furukawa:** Would you inspect them, have them pull them out of the bag or?

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1       **WIT:** Yes I would.

2       **Mr. Furukawa:** Would you have them don them?

3       **WIT:** No I don't require that.

4       **Mr. Furukawa:** Just a general visual inspection? Thank you. That's all I have.

5       **CAPT Neubauer:** Are there any final questions at this time.

6       **Ms. Davidson:** No, sir.

7       **ABS:** No, sir.

8       **HEC:** No, sir.

9       **Tote Inc:** No, sir.

10       **CAPT Neubauer:** Mr. Hohenshelt you are now released as a witness at this Marine  
11       Board of Investigation. Thank you for your testimony and cooperation. If I later  
12       determine that this board needs additional information from you I will contact you  
13       through your counsel. If you have any questions about this investigation you may  
14       contact the Marine Board Recorder, Lieutenant Commander Damian Yemma. At this  
15       time do any of the PII's have any issues with the testimony that we just received?

16       **Ms. Davidson:** No, sir.

17       **ABS:** No, sir.

18       **Tote Inc:** No, sir.

19       **HEC:** No issues.

20       **CAPT Neubauer:** The hearing is now adjourned and will reconvene at 9 a.m. tomorrow  
21       morning.

22                   *The hearing recessed at 1646, 24 May 2016.*

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