



Transportation
Safety Board
of Canada

Bureau de la sécurité
des transports
du Canada



MARINE TRANSPORTATION SAFETY INVESTIGATION REPORT M21A0315

SINKING AND LOSS OF LIFE

Unregistered fishing vessel known as *Island Lady*
Labrador Sea, Newfoundland and Labrador
17 September 2021

The Transportation Safety Board of Canada (TSB) investigated this occurrence for the purpose of advancing transportation safety. It is not the function of the Board to assign fault or determine civil or criminal liability. **This report is not created for use in the context of legal, disciplinary or other proceedings.** See the Terms of use at the end of the report.

Description of the vessel

The occurrence vessel, commonly known as the *Island Lady*, was a fibreglass fishing vessel of open construction (Figure 1) that was not registered with Transport Canada (TC). The *Island Lady* was approximately 8.5 m long, and powered by 2 independent gasoline outboard motors (90 hp each). A hydraulic gillnet hauler was located on the starboard side amidships. The hydraulic pump for this hauler was powered by a gasoline engine installed on the port side on the top of the cabin.

The vessel was equipped with a radar, a GPS (global positioning system) plotter, a satellite phone, and a very high frequency-digital selective calling (VHF-DSC) radio. The DSC function of the VHF radio was not operable, because the radio was not registered with Innovation, Science and Economic Development Canada.¹

¹ Registering a VHF-DSC radio gives the owner a Maritime Mobile Service Identity number that makes it possible to contact other vessels directly and send a signal for help in an emergency. For more information,

In addition to the fitted equipment, the vessel normally carried 2 insulated fish totes, hand totes containing ice, and spare gas cans. The vessel also carried life jackets, 2 immersion suits, a life ring, and flares.

Figure 1. The *Island Lady* (Source: Transport Canada)



The voyage

The master² and one crew member³ departed the fish plant in Mary's Harbour, Newfoundland and Labrador, at about 0700⁴ on 17 September for the cod fishing grounds (Figure 2). The master's intentions were to retrieve all of the gillnets and associated catch, ending his 2021 cod fishing operation. When the vessel departed, the winds were variable at 10 to 15 knots, and the morning forecast was for the winds to increase to southwest at 25 knots in the afternoon. The water temperature was reported to be 5 °C.

At about 1200, the vessel was seen south of Battle Harbour, Newfoundland and Labrador. The afternoon forecast had changed to a gale warning, with southwest winds of 25 knots increasing to 35 knots. Shortly after 1600, 2 calls were made using the *Island Lady's* satellite phone. One call was received by the local fish plant employee but the conversation was broken and the

see Innovation, Science and Economic Development Canada, "Maritime Mobile Service Identities (MMSIs) and Maritime Identities (MIs)," at https://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/h_sf06198.html (last accessed on 24 May 2022).

² The master had been certified with the Professional Fish Harvesters Certification Board as a Level II professional fish harvester, since 2013. He also held a Fishing Master, Fourth Class certificate of competency, a Marine Emergency Duties A1 training certificate, and a Radio Operators Certificate - Maritime Commercial.

³ The crew member was certified with the Professional Fish Harvesters Certification Board as an apprentice fish harvester in June 2020. No training records were available.

⁴ All times are Newfoundland Daylight Time (Coordinated Universal Time minus 2.5 hours).

connection was subsequently lost; the other call was to a friend of the crew member, and a message was left on her answering machine, but the message received was incomprehensible.

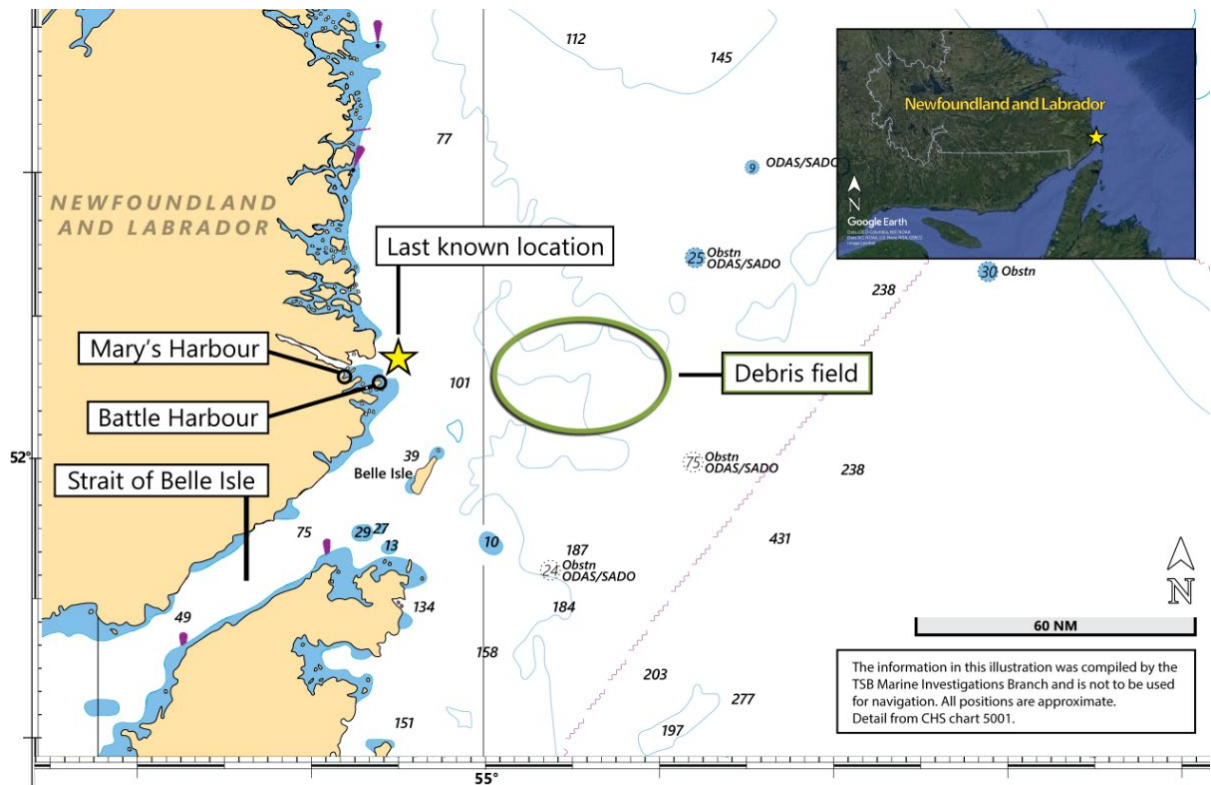
At approximately 1830, the master's father noticed his son was not on social media as was usual near the end of the day. Based on this information, the father initiated a search for the *Island Lady*. Other harvesters joined the search. At the time the search began, winds were reported as southwest at 25 knots, with 1.5 m seas. The Canadian Coast Guard (CCG) Marine Communications and Traffic Services Labrador overheard discussion about the search on the VHF radios and issued a PAN PAN call. Shortly afterwards, the Maritime Rescue Sub-Centre St. John's tasked CCG and other search and rescue resources.

The only information available about the area to search was the *Island Lady's* position when it was last seen at about 1200 earlier that day. The search involved multiple vessels (fishing vessels, pleasure craft, and CCG vessels) and several aircraft, covering more than 4000 square nautical miles. At about 1100 the next day, the search located debris from the *Island Lady*, including a fish tote full of cod, 2 hand totes, and some gas cans. Also the next day, local fish harvesters found 4 of the *Island Lady's* 14 gillnets on the Battle Harbour wharf.

After 48 hours of searching, the file was turned over to the RCMP as a missing persons case. The search continued for nearly 2 weeks with assistance from the province, fish harvesters, and the CCG. During the search neither the crew or vessel nor the 10 remaining gillnets were found.

The investigation into this occurrence could not determine with certainty the cause of the disappearance of the *Island Lady*. However, it is likely that the vessel sank and that both crew entered the water unexpectedly, without life-saving appliances for flotation and protection from environmental conditions, and without being able to successfully make a distress call.

Figure 2. Chart of the occurrence area indicating the last known location of the *Island Lady* and the location where debris was recovered (Source of main image: Canadian Hydrographic Service, Chart 5001; source of inset image: Google Earth, with TSB annotations)



Similar occurrences

Between 2015 and 2021, 15 similar occurrences were reported to the TSB, resulting in the loss of life of 34 fish harvesters. In all 15 occurrences, distress alerting devices (e.g., emergency position-indicating radio beacons [EPIRBs] and personal locator beacons [PLBs]⁵) were not used. In 11 of the 15 occurrences, personal flotation devices (PFDs) were not used either.⁶

⁵ Transport Canada, *Navigation Safety Regulations, 2020* (SOR/2020-216) (as amended 06 October 2021), subsections 209(3) and (4). In February 2022, the Newfoundland and Labrador Fish Harvesting Safety Association began organizing a subsidy for fish harvesters in Newfoundland and Labrador to purchase PLBs. PLBs transmit an emergency signal to immediately alert search and rescue resources and initiate search and rescue efforts. They must be activated by the crew.

⁶ TSB marine transportation safety occurrences M21A0412, M21A0161, M20A0258, M20A0160, M19P0242, M19A0090, M19A0082, M18P0394, M18P0184, M18A0303, M18A0078, M18A0076, M16A0327, M16A0140, and M15A0189.

Vessel stability

Inadequate vessel stability has contributed to a number of fatalities in the past. The TSB's investigation into the capsizing of the fishing vessel *Caledonian*⁷ resulted in the Board recommending that

the Department of Transport require that all small fishing vessels undergo a stability assessment and establish standards to ensure that the stability information is adequate and readily available to the crew.

TSB Recommendation M16-03

In response to the recommendation, TC and industry collaborated to develop guidance related to the assessment of stability for fishing vessels.⁸

The *Island Lady* had never been formally assessed for stability, so the vessel's inherent stability limits were unknown, and the crew was unaware of the vessel's safe operating limits.

Registration

Commercial vessels must be registered with TC, even those that are not inspected for certification. Vessel registration with TC is not only a legislative requirement of the *Canada Shipping Act, 2001*, but also it gives TC the opportunity to provide safety oversight and guidance to vessel owners regarding their responsibility for compliance. In addition, up-to-date registration data mean accurate information is available to search and rescue authorities, and reliable data are available for safety regulators and other organizations in the marine safety system.

The TSB's investigation into the loss of the fishing vessel *Sarah Anne* resulted in the Board recommending that

the Department of Fisheries and Oceans require that any Canadian vessel that is used to commercially harvest marine resources have a current and accurate Transport Canada registration.

TSB Recommendation M22-01

The *Island Lady* was registered with the Department of Fisheries and Oceans as a requirement of the licence to harvest marine resources, but it was not registered with Transport Canada.

Personal flotation devices

Working on deck without wearing a PFD on a fishing vessel is an unsafe practice that has been repeatedly identified by the TSB. Unlike lifejackets, which are designed for use when abandoning a vessel, PFDs are designed to permit users to work without restrictions to movement so they can be worn at all times. However, many fish harvesters are resistant to wearing PFDs, citing issues such as discomfort, the risk of entanglement, and the perception that it is not practical or normal to use them. Furthermore, fish harvesters often underestimate the risk of ending up in the water.⁹

⁷ TSB Marine Investigation Report M15P0286.

⁸ Transport Canada, TP 15393, *Adequate Stability and Safety Guidelines for Fishing Vessels* (13 July 2018).

⁹ TSB Marine Investigation Report M09Z0001, Safety Issues Investigation into Fishing Safety in Canada.

Risk-based regulations and industry initiatives have been developed to help change behaviours and create awareness about the importance of wearing PFDs. PFD manufacturers have also improved PFD design to address fish harvester concerns about comfort and constant wear. However, many fish harvesters continue to work on deck without wearing a PFD, even when one is available.

Life-saving appliances and distress alerting devices

TC has implemented regulations regarding the carriage of life-saving appliances and distress alerting devices in the *Fishing Vessel Safety Regulations* and *Navigation Safety Regulations, 2020*. The intent of these regulations is to provide crews with life-saving appliances for protection from the elements in the event a vessel needs to be abandoned, and distress alerting devices that rapidly alert the search and rescue system that a vessel is in distress and provide an accurate location to expedite rescue, minimizing exposure time to the elements.

For vessels like the *Island Lady*, on a voyage such as was intended the options are to carry life rafts or recovery boats sufficient to carry the number of persons on board or an immersion suit or an anti-exposure work suit for each person on board.¹⁰ These vessels are also required to carry a VHF-DSC radio capable of transmitting and receiving distress and safety alerts using the DSC function, and either a float-free EPIRB, a manually-activated EPIRB, or a PLB.

Previous TSB investigations¹¹ have found that carrying a distress alerting device can contribute to saving crew members' lives.

The *Island Lady* did not carry any operable distress alerting devices. No distress signal was received, delaying the search and rescue response and severely reducing the crew's chances of survival. On multiple occasions, the absence of such equipment has contributed to preventable fatalities.

TSB Watchlist

The Watchlist identifies the key safety issues that need to be addressed to make Canada's transportation system even safer. Commercial fishing safety has been on the Watchlist since 2010. As this occurrence demonstrates, despite various initiatives under way to enhance the safety culture within the commercial fishing industry, the same deficiencies on board fishing vessels continue to be found.

Safety messages

In an emergency, getting assistance quickly is crucial to fish harvester survival. When combined with life-saving appliances, such as PFDs, a distress alerting device can be an effective means of increasing the chances of surviving an emergency. A fully functioning VHF-DSC radio, an EPIRB,

¹⁰ Immersion suits or anti-exposure work suits are required when the water temperature is less than or equal to 15 °C. Source: Government of Canada, *Fishing Vessel Safety Regulations* (C.R.C., c. 1486), subparagraph 3.28(1)(b)(ii).

¹¹ TSB marine investigation reports M98N0064, M98F0009, and M97W0236.

or a PLB can broadcast a signal to indicate the precise location of a vessel or an individual in distress, enabling search and rescue personnel to reach them more quickly.

This report concludes the Transportation Safety Board of Canada's investigation into this occurrence. The Board authorized the release of this report on 08 June 2022. It was officially released on 22 June 2022.

Visit the Transportation Safety Board of Canada's website (www.tsb.gc.ca) for information about the TSB and its products and services. You will also find the Watchlist, which identifies the key safety issues that need to be addressed to make Canada's transportation system even safer. In each case, the TSB has found that actions taken to date are inadequate, and that industry and regulators need to take additional concrete measures to eliminate the risks.

ABOUT THIS INVESTIGATION REPORT

This report is the result of an investigation into a class 4 occurrence. For more information, see the Policy on Occurrence Classification at www.tsb.gc.ca

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Transportation Safety Board of Canada
200 Promenade du Portage, 4th floor
Gatineau QC K1A 1K8
819-994-3741; 1-800-387-3557
www.tsb.gc.ca
communications@tsb.gc.ca

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