

NATIONAL TRANSPORTATION SAFETY BOARD

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 IN RE: :
 :
 THE EL FARO INCIDENT OFF THE: NTSB Accident No.
 COAST OF THE BAHAMAS ON : DCA16MM001
 OCTOBER 1, 2015 :
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INTERVIEW OF: JIM FISHER-ANDERSEN, DIRECTOR,
 MARINE AND TERMINAL OPERATIONS

Tuesday,
 October 13, 2015

Jacksonville, Florida

BEFORE:

TOM ROTH-ROFFY, Investigator-in-charge, NTSB
 MR. ROTH-ROFFY:
 KENNETH BRAGG, NTSB
 MIKE KUCHARSKI, NTSB
 CARRIE BELL, NTSB
 BRIAN YOUNG, NTSB
 [REDACTED] [REDACTED] U.S. Coast Guard
 LOUIS O'DONNELL, ABS
 [REDACTED] [REDACTED] [REDACTED] U.S. Coast Guard
 LEE PETERSON, TOTE Services
 MELISSA SERRIDGE, TOTE Services
 KEVIN STITH, TOTE Services
 [REDACTED] [REDACTED] U.S. Coast Guard
 AL SHEPHERD, ABS

PRESENT ON BEHALF OF THE INTERVIEWEE:

GIL FELTEL, ESQ., Tanner Bishop

This transcript was produced from audio
 provided by the National Transportation Safety Board.

1 P-R-O-C-E-E-D-I-N-G-S

2 9:20 a.m.

3 MR. YOUNG: Good morning. It's 9:20 on
4 October 13, 2015. We are here interviewing Jim Fisker-
5 Andersen from TOTE. We are recording this interview if
6 that's okay with you?

7 MR. FISKER-ANDERSEN: Yes, absolutely.

8 MR. YOUNG: Thank you. The purpose of this
9 investigation is to increase safety. We're not here to
10 assign fault, blame, or liability. The NTSB is the
11 lead investigative agency and we cannot offer any
12 guarantee of confidentiality or immunity from illegal
13 or licensed actions. A transcript or summary of this
14 interview will go into the public docket. You're
15 allowed to have one representative of your choice with
16 you. The representative may not testify for the
17 interviewee, and his comments should be limited and
18 objections are not grounds for NTSB to refrain from
19 asking questions.

20 My name is Brian Young. I'm the
21 investigator for the Engineering Group. We are an
22 independent federal agency charged with determining the
23 probable cause of transportation accidents and
24 promoting transportation safety. We are not part of
25 DOT or the United States Coast Guard and the NTSB has

1 no regulatory or enforcement powers.

2 As you are aware, we have the party system.
3 A few different parties are being represented here, the
4 Nautical Operations, the Human Performance, the
5 Engineering, and our IIC are all here.

6 We are in the fact-finding phase of our
7 investigation. After this, we'll go back to
8 Washington, D.C. and perform our analysis, determine a
9 probable cause and if necessary, issue recommendations.

10 If you don't understand any of our
11 questions, please ask to have it repeated. And if you
12 realize you may have misstated or need to modify a
13 previous answer, it's fine to do so.

14 So we'll go around the room, introduce
15 ourselves. Again, my name is Brian Young. I am the
16 Engineering Group chairman for the NTSB.

17 MR. ROTH-ROFFY: My name is Tom Roth-Roffy,
18 NTSB, Investigator-in-Charge.

19 MR. O'DONNELL: I'm Lou O'Donnell, ABS.

20 MS. BELL: Carrie Bell, NTSB, Human
21 Performance.

22 MS. SERRIDGE: Melissa Serridge, TOTE
23 Services, Human Performance Group.

24 MR. PETERSON: Lee Peterson, TOTE Services.

25 MR. BRAGG: Kenneth Bragg, NTSB, Human

1 Performance Investigator.

2 MR. [REDACTED] [REDACTED] [REDACTED] U.S. Coast
3 Guard, Civilian Investigator, Human Performance Group.

4 MR. STITH: Kevin Stith, TOTE Services,
5 Operations Group.

6 MR. [REDACTED] [REDACTED] [REDACTED] Coast Guard,
7 Operations Group.

8 MR. SHEPHERD: Al Shepherd with American
9 Bureau of Shipping with a Coast Guard Manual Systems
10 Certification. I'm here with the Human Performance
11 Group.

12 MR. KUCHARSKI: Good morning, Jim. Mike
13 Kucharski, NTSB, Group Chairman, Operations.

14 [REDACTED] [REDACTED] [REDACTED] [REDACTED] U.S. Coast Guard,
15 Engineering Group.

16 MR. FELTEL: Gilbert Feltel, Tanner Bishop
17 Law Firm here as Mr. Fisker-Andersen's representative.

18 MR. FISKER-ANDERSEN: And I'm Jim Fisker-
19 Andersen, Director of Marine Commercial with TOTE
20 Services.

21 MR. YOUNG: And just for the record, could
22 you please just spell your name?

23 MR. FISKER-ANDERSEN: It's Jim, J-I-M.
24 Fisker, F-I-S-K-E-R, dash, Andersen, A-N-D-E-R-S-E-N.

25 MR. YOUNG: Thank you, Jim, for being here

1 and for all your support over this week. A lot of
2 questions we may have discussed in the past few days,
3 but there may be a few repeats just for the record, so
4 we have an official record of our discussion.

5 MR. FISHER-ANDERSEN: Understand.

6 MR. YOUNG: So if you could just give us a
7 brief overview of your maritime career, history, and
8 training that brought you to this position just for the
9 record, please?

10 MR. FISHER-ANDERSEN: Certainly. A 1990
11 graduate of California Maritime Academy, a B.S. in
12 Marine Engineering Technology. From graduation, I
13 immediately started sailing in * (10:24:39) tractor
14 trailer fleet up in Alaska where I continued sailing
15 for five years approximately. Then I came ashore.
16 I've been ashore in marine operations and port
17 engineering for approximately 20 years. In that 20
18 years, includes 7 years with a major cruise line as
19 both technical superintendent and marine safety
20 compliance, did a part of the tenure there. And I've
21 been with TOTE approximately seven years.

22 MR. YOUNG: In the seven years with TOTE,
23 what positions have you held?

24 MR. FISHER-ANDERSEN: When I was in Takoma,
25 I was approximately four years as a Port Engineer for

1 the North Star and then at some point in the spring of
2 2013, I became Director of Marine and Terminal
3 Operations. And then relocated to Jacksonville and was
4 a Port Engineer for the El Yunque for a year. And then
5 the last year, beginning of this year, Director of Main
6 Commercial.

7 MR. YOUNG: Can you describe what the
8 Director of Marine Commercial entails? What does that
9 job entail?

10 MR. FISHER-ANDERSEN: I work closely with
11 the port engineers to keep the ships running.

12 MR. YOUNG: And when you say "work closely
13 with the port engineers" do they report to you or are
14 you all the same level?

15 MR. FISHER-ANDERSEN: No, they report to me.

16 MR. YOUNG: How many port engineers are
17 there for the fleet?

18 MR. FISHER-ANDERSEN: I work most closely
19 with Tim Neeson and Bill Weinbecker (phonetic) in
20 Blount Island.

21 MR. YOUNG: Do each of those port engineers,
22 are they assigned to a particular ship?

23 MR. FISHER-ANDERSEN: Correct. Tim Neeson
24 is assigned to El Faro and Bill Weinbecker, El Yunque.

25 MR. YOUNG: And just going back a little bit

1 with your training experience, do you hold a current
2 U.S. Coast Guard license?

3 MR. FISKER-ANDERSEN: Yes, First Assistant
4 Engineer Motor; Third Assistant Engineer Steam.

5 MR. YOUNG: And have you ever sailed on your
6 steam license?

7 MR. FISKER-ANDERSEN: No.

8 MR. YOUNG: As your position as Director of
9 Marine Commercial, the two port engineers report to
10 you?

11 MR. FISKER-ANDERSEN: Correct.

12 MR. YOUNG: What is the oversight that you
13 have for the vessels in terms of engineering when it
14 comes to maintenance and purchases?

15 MR. FISKER-ANDERSEN: I'm copied on a lot of
16 communications from the vessels, but it's generally
17 port engineer who are taking action on those items. I
18 will back them up if necessary.

19 MR. YOUNG: Are you responsible or aware of
20 any maintenance that's overdue? How would you know if
21 the maintenance is not being performed on any of the
22 ships?

23 MR. FISKER-ANDERSEN: Generally, that would
24 be communicated from the chief engineer or the port
25 engineer to me if they're having concerns or issues.

1 MR. YOUNG: And does TOTE, as a company,
2 have any sort of procedure that checks the outstanding
3 maintenance?

4 MR. FISHER-ANDERSEN: Formally, that would
5 be done through our internal audit program.

6 MR. YOUNG: Okay. And do you recall when
7 the last internal audit was conducted?

8 MR. FISHER-ANDERSEN: I don't recall.

9 MR. YOUNG: Okay. When it comes to
10 maintenance and purchasing, does the company have any
11 policy that monitors the procurement of parts to assure
12 that the parts are being received in a timely manner?

13 MR. FISHER-ANDERSEN: I don't recall.

14 MR. YOUNG: Just what I'm getting at is
15 there any sort of program or spreadsheet that would
16 monitor the purchases to ensure that they are being --
17 action is being taken. So if a purchase requisition
18 goes into the system that the process is followed, and
19 a purchase order is issued. Is there any system the
20 company has to monitor that to ensure that parts are
21 being delivered?

22 MR. FISHER-ANDERSEN: I don't know.

23 MR. YOUNG: Okay. Do you have access to the
24 preventive maintenance service and purchasing system at
25 your computer?

1 MR. FISKER-ANDERSEN: Yes.

2 MR. YOUNG: And what is the name of the
3 system?

4 MR. FISKER-ANDERSEN: AMOS (phonetic).

5 MR. YOUNG: Okay. Do you monitor the
6 activity in there daily?

7 MR. FISKER-ANDERSEN: No.

8 MR. YOUNG: Weekly?

9 MR. FISKER-ANDERSEN: No.

10 MR. YOUNG: Monthly?

11 MR. FISKER-ANDERSEN: As an issue might be
12 indicated to me in a communication, I'll go in and take
13 a look at the specific issues.

14 MR. YOUNG: Okay. I'm going to just take a
15 break when it comes to AMOS and maintenance and
16 monitoring of purchasing and his experience before we
17 move on to any other subjects and pass it around the
18 room. We'll go around.

19 MR. ROTH-ROFFY: Tom Roth-Roffy, NTSB. Just
20 a follow-up question on your experience. You mentioned
21 seven years with a major cruise line. Can you identify
22 that company, please?

23 MR. FISKER-ANDERSEN: All American Line.

24 MR. ROTH-ROFFY: And again, what was your
25 duties, responsibilities for those seven years?

1 MR. FISHER-ANDERSEN: Part of the time I was
2 a technical superintendent and part of it in marine
3 safety compliance.

4 MR. ROTH-ROFFY: What parts?

5 MR. FISHER-ANDERSEN: Three years as a
6 technical superintendent, four years as marine safety
7 compliance.

8 MR. ROTH-ROFFY: Thank you. No more
9 questions.

10 UNIDENTIFIED SPEAKER: If we have any
11 questions to what topic?

12 MR. YOUNG: Experience, background,
13 maintenance oversight and purchase oversight.

14 [REDACTED] [REDACTED] [REDACTED] [REDACTED] with the Coast Guard.
15 Regarding the maintenance system and the ordering
16 system, does that include just your input and your
17 purview? Is it just on the engineering side or does it
18 also include deck side, safety, life saving equipment?

19 MR. FISHER-ANDERSEN: All of it.

20 [REDACTED] [REDACTED] All of it. Thank you.

21 MR. SHEPHERD: Al Shepherd, American Bureau
22 of Shipping. Jim, just a couple of questions for
23 clarification. I'm not clear on some of the
24 purchasing. The port engineers get directly involved
25 with a wide range of things such as things that need to

1 keep the ship moving, right, function and operate so
2 they can perform their mission. Also, any special
3 projects that may be going on like for the El Faro and
4 El Yunque, you were involved in a project to *
5 (10:32:51)

6 MR. FISHER-ANDERSEN: Correct.

7 MR. SHEPHERD: *

8 MR. FISHER-ANDERSEN: Correct.

9 MR. SHEPHERD: So that would come under your
10 group, right?

11 MR. FISHER-ANDERSEN: Correct.

12 MR. SHEPHERD: With regard to purchasing,
13 let me ask it this way. There were projects set up for
14 different ships, different projects and things that
15 were going on?

16 MR. FISHER-ANDERSEN: Correct.

17 MR. SHEPHERD: So that also fell in your
18 group?

19 MR. FISHER-ANDERSEN: Correct.

20 MR. SHEPHERD: So you would be involved in
21 the bottom line aspect of it?

22 MR. FISHER-ANDERSEN: That's correct.

23 MR. SHEPHERD: Okay, with your particular
24 project as long as it was on budget -- let me ask you,
25 were you getting routine updates from the port

1 engineers as far as the budget and so forth?

2 MR. FISKER-ANDERSEN: Generally, yes.

3 MR. SHEPHERD: You wanted to be involved if
4 it was going over budget?

5 MR. FISKER-ANDERSEN: I tried to be involved
6 either way.

7 MR. SHEPHERD: Either way, okay. Thank you,
8 Jim. What's the system in place? Let's say when
9 something gets ordered from the ship, I assume you
10 order by the chief engineer or the master?

11 MR. FISKER-ANDERSEN: Correct.

12 MR. SHEPHERD: And when it comes shore side,
13 where does it go?

14 MR. FISKER-ANDERSEN: It's a requisition as
15 it's approved from the ship. It's in -- it's exported
16 by AMOS. Once it's an approved requisition by the
17 chief -- captain, chief engineer. And then it's queued
18 into the port engineer's box where he tags it as a --
19 moves it as query. Purchasing takes that query, sends
20 it out for quote and then they tag it back to the port
21 engineer as a -- it's a -- I don't remember the status,
22 but it's queued back with price into the port engineer
23 and the port engineer has to make a final approval on
24 it.

25 MR. SHEPHERD: So the port engineer is the

1 one who makes the approval. It doesn't go through you
2 personally?

3 MR. FISKER-ANDERSEN: No.

4 MR. SHEPHERD: Is there a dollar amount that
5 has to go through you or above someone other than a
6 port engineer?

7 MR. FISKER-ANDERSEN: There is a cap on the
8 dollar amount and then if it's above a port engineer's
9 level, then it has to go to Vice President of Marine.

10 MR. SHEPHERD: Okay.

11 MR. FISKER-ANDERSEN: Who is a higher level.

12 MR. SHEPHERD: Does it go through you first
13 or just right to him?

14 MR. FISKER-ANDERSEN: It would be right to
15 him.

16 MR. SHEPHERD: Okay. Good. And then it was
17 kind of hit on a bit, but just for further
18 clarification when something gets ordered, from the
19 standpoint of safety, sometimes things that are ordered
20 are consummables. Other times things are ordered
21 because they need them to fulfill a safety requirement
22 or operational requirement. So those things are they
23 prioritized?

24 MR. FISKER-ANDERSEN: We have two ways of
25 prioritizing. In the order form they can prioritize

1 and also as it's submitted, a port engineer has a
2 function where they can quote or urgent quote if they
3 need to get things going immediately, like next trip
4 have it ready to go. We use those functions as
5 required.

6 MR. SHEPHERD: As is there a mechanism for -
7 - and this has already been hit on, but is there a
8 mechanism for once it's been ordered and it's not being
9 delivered to the ship, is there a follow up from your
10 group or just when the ship comes back, say hey, we
11 ordered this two months ago and we haven't gotten it
12 yet. What's the deal?

13 MR. FISHER-ANDERSEN: We'll pick up the
14 phone and call Purchasing.

15 MR. SHEPHERD: Okay.

16 MR. FISHER-ANDERSEN: We'll get it there.

17 MR. SHEPHERD: I'm sorry, so to be clear, so
18 Purchasing will kind of track it?

19 MR. FISHER-ANDERSEN: Correct. If the ship
20 hasn't received something, they'll let us know.

21 MR. SHEPHERD: Right, okay, but that's the
22 means, the ship will notify they haven't gotten it.

23 UNIDENTIFIED SPEAKER: Just one question.
24 As part of the process, does Purchasing put in -- does
25 a port engineer put in the information like when the

1 parts get prioritized, does Purchasing when they send
2 it out for quote, that's one of the requirements for
3 the vendors to know? Say I have to receive it within a
4 week, so when I'm quoting it --

5 MR. FISKER-ANDERSEN: There's a need by date
6 on the order page.

7 MR. SHEPHERD: Okay, so last question. Is
8 there someone within the company who is going to track
9 this to see if it's getting to the ship on a date they
10 need in question or is the only mechanism when the ship
11 says hey we ordered this some time back. We didn't get
12 it.

13 MR. FISKER-ANDERSEN: I don't know.

14 MR. SHEPHERD: Okay. Thank you.

15 MR. KUCHARSKI: Mike Kucharski, NTSB. And
16 Brian feel free to cut it off if you think it should go
17 to questions somewhere else.

18 MR. YOUNG: Okay.

19 MR. KUCHARSKI: But just the hierarchy and
20 your report up, who do you report up to?

21 MR. FISKER-ANDERSEN: Phil Morrell
22 (phonetic), Vice President.

23 MR. KUCHARSKI: Vice President?

24 MR. FISKER-ANDERSEN: Right.

25 MR. KUCHARSKI: And is he Vice President of

1 Operations?

2 MR. FISHER-ANDERSEN: Vice President of
3 Marine.

4 MR. KUCHARSKI: Marine. So does that
5 encompass deck and engine?

6 MR. FISHER-ANDERSEN: Yes. Functionally,
7 yes.

8 MR. KUCHARSKI: Functionally, yes.
9 So your exact title is Director of Commercial?

10 MR. FISHER-ANDERSEN: Director of Marine
11 Commercial.

12 MR. KUCHARSKI: Marine Commercial, okay. So
13 doe that encompass deck and engine-related items?

14 MR. FISHER-ANDERSEN: Some yes, in relation
15 to maintenance and safety items. LSI, LSA.

16 MR. KUCHARSKI: Life saving appliances, LSA,
17 is that it?

18 MR. FISHER-ANDERSEN: Yes.

19 MR. KUCHARSKI: And would that also include
20 things on deck like machinery?

21 MR. FISHER-ANDERSEN: Yes.

22 MR. KUCHARSKI: Then what things would not
23 be reported to you deck-wise, what would you not get
24 involved with?

25 MR. FISHER-ANDERSEN: SMS issues.

MR. KUCHARSKI: Safety Management Systems

1 issues?

2 MR. FISHER-ANDERSEN: Right.

3 MR. KUCHARSKI: Okay. What about like
4 navigation-type issues or weather-routing type issues.
5 The master doesn't interface with you at all on that?

6 MR. FISHER-ANDERSEN: Only on an informal
7 bubble if I'm on board for lunch and we're talking
8 about the weather and what's ahead of him.

9 MR. KUCHARSKI: Do you know who the master
10 reports to, direct report shore side?

11 MR. FISHER-ANDERSEN: Can you be more
12 specific?

13 MR. KUCHARSKI: Yes, navigation issues,
14 weather issues, cargo-related issues. Is there someone
15 shore side that if he had a problem or a report or a
16 change in this --

17 MR. FISHER-ANDERSEN: Can you be more
18 specific, please?

19 MR. KUCHARSKI: Yes. Let's say he wanted to
20 change the route with the travel. Let's say that he
21 had some kind of a problem with the operation of the
22 vessel that he wanted to go to shore side directly.

23 MR. FISHER-ANDERSEN: Can you please tighten
24 up your question?

25 MR. KUCHARSKI: Sure. If he needed to talk

1 to somebody about weather routing at the company, who
2 would he talk to?

3 MR. FISKER-ANDERSEN: The company gives
4 broad discretion to the masters for weather routing and
5 he can certainly reach out to the designated person,
6 but they're not giving, the masters are given broad
7 discretion on their own for weather routing.

8 MR. KUCHARSKI: So if he wanted to hire a
9 service for weather routing, who would he go to with
10 that question?

11 MR. FISKER-ANDERSEN: That hasn't come up.

12 MR. KUCHARSKI: And if he had a problem
13 overall with the way things were being secured on the
14 vessel, who would he go to?

15 MR. FISKER-ANDERSEN: If it was a securing
16 issue, that would generally be handled at the terminal
17 level. And I don't recall that ever getting beyond
18 that level.

19 MR. KUCHARSKI: So someone at the TOTE
20 level?

21 MR. FISKER-ANDERSEN: Sure.

22 MR. KUCHARSKI: And if he had any problem or
23 wanted to order extra navigation equipment, who would
24 he go to?

25 MR. FISKER-ANDERSEN: That would generally

1 be handled through the port engineer?

2 MR. KUCHARSKI: Through the port engineer
3 who would then be a direct report to you?

4 MR. FISHER-ANDERSEN: Yes.

5 MR. KUCHARSKI: Do you have any other
6 interface with the vessel's Deck Department?

7 MR. FISHER-ANDERSEN: Yes.

8 MR. KUCHARSKI: Who in the Deck Department
9 would you interface with?

10 MR. FISHER-ANDERSEN: The captain
11 periodically.

12 MR. KUCHARSKI: And what type of issues
13 would you discuss?

14 MR. FISHER-ANDERSEN: It was generally
15 informal, not structured conversations on the ship
16 operation, maintenance, upcoming inspections, dry dock
17 issues.

18 MR. KUCHARSKI: Would it be a fair
19 assessment to say it would be mainly engineering type
20 or maintenance type issues?

21 MR. FISHER-ANDERSEN: I wouldn't limit it to
22 just that. At least on an informal level.

23 MR. KUCHARSKI: Do you have -- is the report
24 captain in your hierarchy?

25 MR. FISHER-ANDERSEN: I'm not sure if

1 anybody has that title?

2 MR. KUCHARSKI: In AMOS, we talked about
3 requisitioning, is it also a planned maintenance
4 system?

5 MR. FISKER-ANDERSEN: Correct.

6 MR. KUCHARSKI: Does the ship have AMOS on
7 board?

8 MR. FISKER-ANDERSEN: Yes.

9 MR. KUCHARSKI: Is AMOS -- is there any
10 method of synchronizing computers of what the ship puts
11 on to upgrade in your computers?

12 MR. FISKER-ANDERSEN: There's a daily
13 download. I believe it's twice daily download from the
14 ship where the file is exported and it's live on our
15 side. That data packet is exported over the satellite.

16 MR. KUCHARSKI: The satellite, great. And
17 is any information on AMOS passed physically by an
18 electronic method or by hard copy when the ship comes
19 in port?

20 MR. FISKER-ANDERSEN: No. It's all
21 electronic.

22 MR. KUCHARSKI: How do you verify that the
23 planned maintenance is being done by the vessel?

24 MR. FISKER-ANDERSEN: That's via internal
25 audits.

1 MR. KUCHARSKI: And who would internally
2 audit?

3 MR. FISHER-ANDERSEN: The designated person.

4 MR. KUCHARSKI: The designated person. That
5 would be John Lawrence?

6 MR. FISHER-ANDERSEN: Correct.

7 MR. KUCHARSKI: Okay or his predecessor,
8 whoever at the time.

9 MR. FISHER-ANDERSEN: Or ABS.

10 MR. KUCHARSKI: Or ABS. They would perform
11 --

12 MR. FISHER-ANDERSEN: Or the Coast Guard.

13 MR. KUCHARSKI: -- internal audits?

14 MR. FISHER-ANDERSEN: That's external.

15 MR. KUCHARSKI: External. So John Lawrence.
16 Is there anyone from the engineering staff that would
17 participate in that?

18 MR. FISHER-ANDERSEN: No.

19 MR. KUCHARSKI: Thank you.

20 [REDACTED] [REDACTED] Good morning, Jim. [REDACTED] [REDACTED]
21 Coast Guard. With regards to maintenance oversight,
22 who has the authority for critical equipment if a piece
23 of equipment is having maintenance performed on it and
24 the decision is made to defer that maintenance, who in
25 the company makes that decision to defer? For example,

1 when I'm * (10:46:00) or we're going to clear it off
2 from the shipyard, who makes that decision?

3 MR. FISKER-ANDERSEN: I think that's
4 generally openly discussed if we're talking about --

5 [REDACTED] [REDACTED] Who ultimately makes the
6 decision.

7 MR. FISKER-ANDERSEN: Can you be specific?
8 Can you be specific on the type of equipment you're
9 talking about?

10 [REDACTED] [REDACTED] Critical equipment, anything
11 that's determined by your Safety Management System to
12 be a piece of critical equipment, for example, for
13 example a boiler repair, like a refractory repair or
14 something like that, something that's considered a
15 critical piece of equipment which is identified as
16 propulsion, gas turbines, anything like that. If
17 there's something that's determined to be in need of
18 repair and a decision has to be made to clear it off,
19 who makes that decision? Who has the final authority
20 to say we're going to wait for the shipyard or we're
21 going to wait until the ship is out of * (10:46:53) or
22 something? What's the process for that?

23 MR. FISKER-ANDERSEN: Not all critical
24 equipment can be deferred.

25 [REDACTED] [REDACTED] Okay, but if it is, who has the

1 authority to say -- do you perform a risk analysis to
2 do that? Do you have a discussion?

3 MR. FISHER-ANDERSEN: Absolutely.

4 [REDACTED] [REDACTED] And at the end of that risk
5 analysis the president of the company has the authority
6 to say we're going to go ahead and wait on it.

7 MR. FISHER-ANDERSEN: We would never defer
8 anything that would be a -- compromise the ship.

9 [REDACTED] [REDACTED] Well, I understand that, but
10 some things get deferred. They get put off in a
11 shipyard. Who makes that decision? Who makes the
12 decision it's not a critical repair that needs to be
13 made and we're going to wait for the shipyard?

14 MR. FISHER-ANDERSEN: That would be the
15 chief engineer, the captain, and the port engineer
16 would be absolutely involved in that.

17 [REDACTED] [REDACTED] Would they collaborate on it and
18 unanimously make a decision and we're going to wait for
19 the shipyard?

20 MR. FISHER-ANDERSEN: Right. That's never
21 one person who is going to make a decision like that.

22 [REDACTED] [REDACTED] Okay. Thank you.

23 UNIDENTIFIED SPEAKER: Mike Jossee
24 (phonetic), NTSB, following along back on AMOS. In
25 AMOS, do they actually identify for the El Faro, was it

1 identified which pieces are critical equipment?

2 MR. FISHER-ANDERSEN: In AMOS. I don't
3 remember.

4 UNIDENTIFIED SPEAKER: Thank you.

5 MR. STITH: Kevin Stith, TOTE Services.
6 Just a question here regarding maintenance, purchasing.
7 You periodically attend the ships, correct?

8 MR. FISHER-ANDERSEN: That's correct.

9 MR. STITH: And when you go on the ships,
10 any of the crews, chief engineers, captain, ever
11 reported having issues with deliveries in a timely
12 manner or problems with the AMOS system or the
13 purchasing process?

14
15 MR. FISHER-ANDERSEN: If it's been brought
16 to my attention we deal with it immediately.

17 MR. STITH: But no big problems like this
18 thing isn't working or --

19 MR. FISHER-ANDERSEN: My only recollection
20 was in an oil delivery for our backup charge of turbine
21 oil some time ago and that was -- we dealt with that
22 immediately.

23 MR. STITH: Okay. So --

24 MR. FISHER-ANDERSEN: We fired that vendor.

25 MR. STITH: If there's any issues, they're

1 dealt with immediately?

2 MR. FISKER-ANDERSEN: Correct.

3 MR. STITH: Otherwise, there's no problems?

4 MR. FISKER-ANDERSEN: Correct.

5 MR. STITH: So also has any of the crew
6 reported having any issues with the port engineers
7 processing requisitions or anything like that?

8 MR. FISKER-ANDERSEN: No.

9 MR. STITH: Okay, that's all.

10 MR. PETERSON: This is Lee Peterson. I have
11 a couple of questions for you, Jim. So the Purchasing
12 Department, they do have a dedicated purchasing
13 specialist for each ship, is that correct?

14 MR. FISKER-ANDERSEN: Correct.

15 MR. PETERSON: And they interface with the
16 ship directly?

17 MR. FISKER-ANDERSEN: Correct.

18 MR. PETERSON: Chief engineers and captains
19 talk to these people on a regular basis?

20 MR. FISKER-ANDERSEN: Correct.

21 MR. PETERSON: When parts are delivered,
22 what's the process for that? Who do they go to first?

23 MR. PETERSON: They go through our receiving
24 warehouse and they're consulted and brought on board
25 and then the ships actually receive the deliveries in

1 AMOS.

2 MR. PETERSON: Are they received at the
3 warehouse, is that relayed back to the Purchasing
4 Department?

5 MR. FISHER-ANDERSEN: I don't recall.

6 MR. ROTH-ROFFY: Tom Roth-Roffy, NTSB. Just
7 a couple of follow ons. Are you going to be getting
8 into the budget as a topic or issue area?

9 MR. YOUNG: That's next, yes.

10 MR. ROTH-ROFFY: Okay, so I'll hold on to
11 that. Are you involved in any SMS auditing, internal
12 audits of the vessel?

13 MR. FISHER-ANDERSEN: No.

14 MR. ROTH-ROFFY: Are you * (10:51:18).

15 MR. FISHER-ANDERSEN: I don't recall.

16 MR. ROTH-ROFFY: Do you know who is on the
17 normal internal audit staff because Mr. Lawrence?

18 MR. FISHER-ANDERSEN: His direct report.

19 MR. ROTH-ROFFY: Okay. The port engineers
20 work for you directly, is that correct?

21 MR. FISHER-ANDERSEN: Correct.

22 MR. ROTH-ROFFY: Do you do performance
23 evaluations for these persons?

24 MR. FISHER-ANDERSEN: That would be coming
25 up soon. I haven't yet. I've only been the director

1 since January 1st.

2 MR. ROTH-ROFFY: Okay, so it is part of
3 TOTE's staff supervisory management process?

4 MR. FISHER-ANDERSEN: Correct.

5 MR. ROTH-ROFFY: So there should be some
6 historical performance evaluations on file for these
7 persons, right?

8 MR. FISHER-ANDERSEN: I believe so.

9 MR. ROTH-ROFFY: Who supervises or who is
10 the captain's senior in terms of -- within the
11 management system?

12 MR. FISHER-ANDERSEN: That would generally
13 be the designated person, but functionally we're --
14 from that port engineer's side, we work quite closely
15 with the senior management on the ship.

16 MR. ROTH-ROFFY: I'm sorry, could you repeat
17 that last part?

18 MR. FISHER-ANDERSEN: Functionally we work -
19 - the port engineers work quite closely with the senior
20 management of the ship, both deck and engine.

21 MR. ROTH-ROFFY: Okay, so -- but they don't
22 really -- they're not in their chain of command or
23 their line of authority or are they?

24 MR. FISHER-ANDERSEN: The port engineer will
25 write the evaluation on the two senior people on the

1 ship, the ship engineer and the captain.

2 MR. ROTH-ROFFY: Okay. And you review those
3 performance evaluations that are prepared by the port
4 engineer?

5 MR. FISHER-ANDERSEN: Yes, I would. We
6 haven't done those for this year.

7 MR. ROTH-ROFFY: And how many vessels and
8 could you name them that you oversee in your position
9 before the time of the accident?

10 MR. FISHER-ANDERSEN: El Yunque, El Faro,
11 the construction of 495 and 496 as technical support,
12 and a little bit for North Star and Midnight Sun.

13 MR. ROTH-ROFFY: * (10:54:03).

14 MR. FISHER-ANDERSEN: North Star and
15 Midnight sun.

16 MR. ROTH-ROFFY: And where did you *
17 (10:54:06)

18 MR. FISHER-ANDERSEN: Alaska Trade.

19 MR. ROTH-ROFFY: Is that the only * Alaska
20 Trade up there?

21 MR. FISHER-ANDERSEN: That's two vessels,
22 North Star, Midnight Sun. Sorry.

23 MR. ROTH-ROFFY: That's all I have for now.
24 Thank you.

25 MR. YOUNG: Let me just continue around the

1 room with the AMOS questions and purchasing and
2 maintenance. So we'll continue around clockwise if
3 that's okay.

4 UNIDENTIFIED SPEAKER: Are we going to come
5 back and revisit as a topic area evaluations?

6 MR. YOUNG: Yes, we can set a separate area.
7 I just want to stick with the AMOS purchasing,
8 maintenance. This is Brian Young with the NTSB.
9 Speaking about AMOS and purchasing and maintenance, do
10 the purchasing specialists report to you?

11 MR. FISHER-ANDERSEN: No.

12 MR. YOUNG: Who would they report to?

13 MR. FISHER-ANDERSEN: Purchasing manager.

14 MR. YOUNG: And when it comes to purchasing
15 parts, the ship will put in a purchase req. for
16 consumables or say critical parts or standard
17 replacement parts. How would the ship procure
18 services?

19 MR. FISHER-ANDERSEN: That's generally
20 communicated directly to the port engineer and the port
21 engineer will directly arrange that. If an order isn't
22 made, already in the system, the port engineer will be
23 make the service requisition.

24 MR. YOUNG: And would that service
25 requisition be made in AMOS as well?

1 MR. FISHER-ANDERSEN: Correct.

2 MR. YOUNG: So is there a differentiation
3 between parts and services in AMOS?

4 MR. FISHER-ANDERSEN: If an outside vendor
5 is required, generally, that's immediate action by the
6 port engineer.

7 MR. YOUNG: So the port engineer would put
8 in a purchase order?

9 MR. FISHER-ANDERSEN: Yes.

10 MR. YOUNG: Okay.

11 MR. FISHER-ANDERSEN: If the ship hasn't
12 already put one in.

13 MR. YOUNG: Okay, but somebody is able to
14 order services via AMOS?

15 MR. FISHER-ANDERSEN: Yes.

16 MR. YOUNG: Okay. And is there a set budget
17 for parts in AMOS through your department?

18 MR. FISHER-ANDERSEN: There's a budget.

19 MR. YOUNG: Does that include services as
20 well?

21 MR. FISHER-ANDERSEN: We have different
22 budget codes. But we have a budget, but we don't have
23 a problem for breaking that budget.

24 MR. YOUNG: Okay, so have there ever been
25 any issues or any repercussions for going over budget?

1 MR. FISKER-ANDERSEN: No.

2 MR. YOUNG: No. And again through AMOS and
3 Purchasing, you have an upcoming shipyard, are any
4 services or parts already -- have they been ordered
5 through AMOS for any upcoming work in a shipyard?

6 MR. FISKER-ANDERSEN: Yes.

7 MR. YOUNG: Were there any parts ordered?

8 MR. FISKER-ANDERSEN: Yes.

9 MR. YOUNG: And would they be visible in
10 AMOS under the parts requisition?

11 MR. FISKER-ANDERSEN: Yes.

12 MR. YOUNG: Okay. Again, AMOS, parts,
13 budgets, going around the room.

14 MR. O'DONNELL: Yes, Jim. Lou O'Donnell,
15 ABS. Just a quick question, with your budgets,
16 sometimes I recall do you have like two separate
17 budgets like normal consumables, 90, 100, 120 day *
18 (10:57:24) budget and then like sometimes it's called
19 like an unforeseen budget or emergency repairs budget?

20 MR. FISKER-ANDERSEN: Yes.

21 MR. O'DONNELL: Okay. And when you say the
22 ship in the port can order services, would it be normal
23 that if the ship needed the service of like a tech for
24 a pump or any piece of equipment on a ship whether it's
25 deck or engine that the master or the chief engineer

1 would probably make that request. It would go to the
2 port engineer and the port engineer would do the
3 logistics to get that wrap or whatever with assistance
4 from other departments in the company as soon as like
5 if they needed it next port or next month or two months
6 from now, is that how it would essentially work?

7 MR. FISHER-ANDERSEN: If it was required for
8 the next port, there would generally be a phone from
9 the ship.

10 MR. O'DONNELL: Let me redirect my question.
11 So let's just say you needed a life raft tech, let's
12 say the ship is going through Jacksonville to San Juan
13 and you need the tech when you got to San Juan, okay,
14 it would be a phone call back expediting or maybe let's
15 say official purchase-wise. The captain would maybe
16 make -- or the chief would maybe make a req. The req.
17 would go to port engineer. The port engineer would
18 probably come to you or to the office or whoever in the
19 office and that would be set up? Or is there a process
20 where you can maybe expedite and say just a phone call?

21 MR. FISHER-ANDERSEN: To expedite an order,
22 generally, the process would be a requisition would be
23 made and an email would be sent to back that up. And
24 if it was -- depending if you're out of time, it might
25 even include a phone call.

1 MR. O'DONNELL: Okay.

2 MR. FISHER-ANDERSEN: That's your extra
3 insurance.

4 MR. O'DONNELL: Okay. No further questions.
5 Carrie?

6 MS. BELL: None.

7 MR. SHEPHERD: Al Shepherd, ABS. Just a
8 couple, Jim. I know this is difficulty thinking for
9 your ratings. With budget, it was brought up earlier,
10 a question was asked earlier about if ever any issues
11 or any repercussions with going over budget. Have you
12 had issues or have there been times you've had to go
13 over budget in the last --

14 MR. FISHER-ANDERSEN: Certainly.

15 MR. SHEPHERD: Okay. Can you give us a
16 couple of examples?

17 MR. FISHER-ANDERSEN: We have a monthly
18 budget which is broken up into several components,
19 consummables, repair maintenance, health and safety,
20 but quite honestly I ignore that. We order what we
21 need to order to run the ship. And if anybody
22 questions it, we just explain what it was for and
23 that's the end of the story.

24 MR. SHEPHERD: Have there been any -- what
25 are the type of things -- you said certainly, so I'm

1 just trying to pin it down a bit. What were some of
2 the reasons you've had in the last year or so for
3 having to go over budget on a * (11:00:39) budget item?

4 You mentioned several categories, safety and others.

5 MR. FISHER-ANDERSEN: Repairs to the mooring
6 winches.

7 MR. SHEPHERD: Okay.

8 MR. FISHER-ANDERSEN: We've had some
9 expenses on that recently.

10 MR. SHEPHERD: Anything * (11:00:50)
11 systems, boiler systems, generators?

12 MR. FISHER-ANDERSEN: None of those
13 specifically that I can recall.

14 MR. SHEPHERD: Thank you.

15 MR. ROTH-ROFFY: Are we in budget now?

16 MR. YOUNG: Yes, sir.

17 MR. ROTH-ROFFY: Tom Roth-Roffy, NTSB. Just
18 a follow on to budget topic. What is your involvement
19 in budget development for the vessel as the director of
20 * (11:01:30)?

21 MR. FISHER-ANDERSEN: Directly involved in
22 the process every year.

23 MR. ROTH-ROFFY: The incorporation of the
24 budget for the subsequent year?

25 MR. FISHER-ANDERSEN: Correct.

1 MR. ROTH-ROFFY: So is there some kind of a
2 team that gets together to develop budget estimates?

3 MR. FISKER-ANDERSEN: Correct.

4 MR. ROTH-ROFFY: Who is part of that team,
5 besides yourself?

6 MR. FISKER-ANDERSEN: Myself and then
7 generally Vice President of Marine would be copied on
8 that and then the accounting side, the Sea Star line,
9 the operations side, and then accounting side.

10 MR. ROTH-ROFFY: And could you give us --
11 there are various different categories of budget
12 expenses, right?

13 MR. FISKER-ANDERSEN: Yes.

14 MR. ROTH-ROFFY: Maintenance and repair
15 would be a separate category?

16 MR. FISKER-ANDERSEN: That's the one that
17 I'm focused on.

18 MR. ROTH-ROFFY: Okay. Can you tell me the
19 approximate value of that budget line item?

20 MR. FISKER-ANDERSEN: When you add them all
21 together, it's about \$100,000 a month.

22 MR. ROTH-ROFFY: Per ship?

23 MR. FISKER-ANDERSEN: Per ship.

24 MR. ROTH-ROFFY: Can you tell me if there's
25 a trend in that budget item in terms of increasing,

1 decreasing, or staying over the past few years?

2 MR. FISHER-ANDERSEN: Every ship I've ever
3 been involved with it's always cyclical. It's never
4 flat lined.

5 MR. ROTH-ROFFY: All right, so comparing
6 this year to last is it higher or lower?

7 MR. FISHER-ANDERSEN: Same.

8 MR. ROTH-ROFFY: I'm sorry?

9 MR. FISHER-ANDERSEN: The same.

10 MR. ROTH-ROFFY: Same. Would it be possible
11 to provide a copy of the budgets for the vessel over
12 the past -- how many years has it been in operation in
13 the Puerto Rican trade?

14 MR. FISHER-ANDERSEN: Long before I was
15 there.

16 MR. ROTH-ROFFY: Okay, so I don't know how
17 far back you would be to actually --

18 MR. FISHER-ANDERSEN: It came into service
19 out here in about 1999-2000, right around there.

20 MR. ROTH-ROFFY: Okay, but it was in lay up.

21 MR. FISHER-ANDERSEN: Oh, on the El Faro,
22 I'm sorry.

23 MR. ROTH-ROFFY: The El Faro, specifically.

24 MR. FISHER-ANDERSEN: We can provide
25 whatever you require.

1 MR. ROTH-ROFFY: So yes, go back as far as
2 you can on El Faro, three or four years.

3 MR. FISKER-ANDERSEN: * (11:03:58).

4 MR. ROTH-ROFFY: She's been out here I want
5 to say 2010, 2008.

6 MR. FISKER-ANDERSEN: What did you want to
7 see clearly?

8 MR. ROTH-ROFFY: Just the budget for the
9 vessel operation.

10 MR. FISKER-ANDERSEN: Okay.

11 MR. ROTH-ROFFY: I'm sure that's
12 proprietary, so you want to stamp it appropriately.

13 MR. FISKER-ANDERSEN: Yes, sir.

14 MR. ROTH-ROFFY: That's all I have. Thank
15 you.

16 MR. FISKER-ANDERSEN: Thank you.

17 MR. YOUNG: Before we move on to the next
18 topic which is going to be discussing the upcoming
19 shipyard in terms of planning, is there are any other
20 questions about general purchasing or maintenance? Do
21 you need a break?

22 MR. FISKER-ANDERSEN: I'm good.

23 UNIDENTIFIED SPEAKER: A couple on
24 maintenance.

25 MR. YOUNG: We're on maintenance.

1 UNIDENTIFIED SPEAKER: Jim, is there a
2 program to test buttons on the ship?

3 MR. FISHER-ANDERSEN: Not that I'm aware of.

4 UNIDENTIFIED SPEAKER: Is there a program to
5 test the d-rings on the ship?

6 MR. FISHER-ANDERSEN: Not that I'm aware of,
7 no.

8 UNIDENTIFIED SPEAKER: Is there a program to
9 test the lashing gear including chains, straps,
10 binders, turn buckles, twist locks, security locks?

11 MR. FISHER-ANDERSEN: Not that I'm aware of.

12 UNIDENTIFIED SPEAKER: Is there any program
13 that you have internally for main deck items where the
14 containers are secured to the deck?

15 MR. FISHER-ANDERSEN: Can you ask the
16 question again?

17 UNIDENTIFIED SPEAKER: Yes, the vessel has
18 these high beams on deck, I believe, where they have a
19 container that secures two of those high beams.

20 MR. FISHER-ANDERSEN: Right.

21 UNIDENTIFIED SPEAKER: Do you have any
22 internal program to check those, a TOTE program?

23 MR. FISHER-ANDERSEN: Not that I'm aware of.

24 UNIDENTIFIED SPEAKER: How about the lashing
25 gear itself, the chains, the particular pieces. Do you

1 have any program for testing those? I may have already
2 asked that.

3 MR. FISKER-ANDERSEN: I don't recall one.

4 UNIDENTIFIED SPEAKER: You don't recall.

5 Okay. Thank you.

6 MR. YOUNG: Moving on -- okay.

7 MR. STITH: Just a follow on question. This
8 is Kevin Stith with TOTE Services. Although cargo
9 securing equipment, all that has been provided to the
10 ship in accordance with the Cargo Securing Manual, is
11 that correct?

12 MR. FISKER-ANDERSEN: Yes, that's correct.

13 MR. STITH: The Cargo Securing Manual is
14 approved by ABS?

15 MR. FISKER-ANDERSEN: That's correct.

16 MR. STITH: If new equipment is needed or
17 attachments are needed, what's the process for
18 installing a new D-ring or a pad eye, something like
19 that?

20 MR. FISKER-ANDERSEN: We would obtain that
21 through a local vendor and then have that installed and
22 inspected by American Bureau of Shipping.

23 MR. STITH: Okay. Thank you.

24 UNIDENTIFIED SPEAKER: Just one quick follow
25 on on that, the actual lashing gear itself, you provide

1 the ship with lashing gear as they need it.

2 MR. FISHER-ANDERSEN: That's certified
3 lashing gear.

4 UNIDENTIFIED SPEAKER: Certified lashing
5 gear, but there's no testing program for lashing gear
6 that's on the ship right now.

7 MR. FISHER-ANDERSEN: None that I'm aware
8 of.

9 UNIDENTIFIED SPEAKER: How do you know then
10 when something needs to be replaced?

11 MR. FISHER-ANDERSEN: I haven't run into
12 that.

13 UNIDENTIFIED SPEAKER: No further questions.
14 Thank you.

15 MR. PETERSON: This is Lee Peterson. Can I
16 chime in on that?

17 MR. FISHER-ANDERSEN: Yes.

18 MR. PETERSON: The main operations, Don
19 [REDACTED] he does visual inspections. Vessels do
20 visual inspections on those things. He goes through
21 all the * (11:07:53) and he'll toss what's bad and
22 reorder. But I think you're asking about some kind of
23 -- like a -- put the dynamo on them or something like
24 that. That kind of testing.

25 UNIDENTIFIED SPEAKER: Some kind of

1 objective test of buttons or D-rings besides just
2 visually looking at them. Thank you.

3 MR. YOUNG: This is Brian Young with the
4 NTSB. Just as a reminder, if you could introduce
5 yourself to the recording because a lot of people --
6 for the transcriber. It's going to be difficult
7 without having our names in front of what we say.

8 So we'd like to move on and talk about the
9 upcoming shipyard. Are you involved with preparing the
10 drydocks spec in the shipyard work?

11 MR. FISHER-ANDERSEN: Yes.

12 MR. YOUNG: Is there a full dry dock spec
13 prepared?

14 MR. FISHER-ANDERSEN: Correct.

15 MR. YOUNG: We have requested that document.
16 But I don't think a lot of people have seen it yet, but
17 could you just give us a brief overview as to the work
18 that was expected to be performed in the shipyard?

19 MR. FISHER-ANDERSEN: I'd have to refer to
20 the document. I don't want to do it off the top of my
21 head.

22 MR. YOUNG: Okay, was the vessel due to be
23 drydocked?

24 MR. FISHER-ANDERSEN: Yes. Well, no. We're
25 drydocking it early.

1 MR. YOUNG: Okay. Was the vessel planned to
2 be drydocked in the upcoming shipyard?

3 MR. FISHER-ANDERSEN: Yes. But that's an
4 early drydocking.

5 MR. YOUNG: Okay.

6 MR. FISHER-ANDERSEN: For operational
7 reasons.

8 MR. YOUNG: And to your knowledge, was there
9 any items in the spec to repair any of the main
10 propulsion machinery such as the boilers or main unit?

11 MR. FISHER-ANDERSEN: The boiler, yes.

12 MR. YOUNG: And what was the scope of work
13 for the boilers?

14 MR. FISHER-ANDERSEN: The refractory on the
15 front wall, the burner throats, core bells. That's all
16 I can think of off the top of my head.

17 MR. YOUNG: Okay, and were you aware of any
18 boiler tubes are going to be replaced whatsoever in
19 either boiler?

20 MR. FISHER-ANDERSEN: I don't recall. I'd
21 have to refer back to the survey.

22 MR. YOUNG: Okay. That was pretty recent.

23 MR. FISHER-ANDERSEN: That survey is
24 available.

25 MR. YOUNG: That's the survey conducted by

1 Wallis Sheck, (phonetic)?

2 MR. FISHER-ANDERSEN: Right.

3 MR. YOUNG: In addition to the upcoming
4 planned shipyard period, we understand that there was a
5 riding gang (phonetic) aboard the vessel and for the
6 record can you advise as to what the riding gang was
7 doing aboard El Faro?

8 MR. FISHER-ANDERSEN: In broad terms, they
9 were preparing the ship to retu
10 rn to Alaska service.

11 MR. YOUNG: And can you give us a brief
12 overview as to what that entailed?

13 MR. FISHER-ANDERSEN: That would be the
14 installation of railroad winches including running
15 power to those winches. The installation of the
16 Butterworth heater. And the deck heating system.

17 MR. YOUNG: And were there ever any progress
18 reports from the riding gang that were forwarded to
19 you?

20 MR. FISHER-ANDERSEN: Those would have come
21 from Jeff Mathias.

22 MR. YOUNG: And who would he report to back
23 in the home office?

24 MR. FISHER-ANDERSEN: He was directly
25 sending

1 those to Tim Neeson and to my recollection that would
2 be copied to myself and Bill -- well, let me correct
3 that. I believe they were sent to Tim. I was copied
4 on those sometimes. And I would generally forward
5 those as well.

6 MR. YOUNG: Who would you forward them to?

7 MR. FISHER-ANDERSEN: Vice President of
8 Marine.

9 MR. YOUNG: And what was the frequency of
10 these progress reports? Were they daily?

11 MR. FISHER-ANDERSEN: No. It would be
12 weekly or every couple of weeks.

13 MR. YOUNG: And would a description of the
14 work completed be included on these?

15 MR. FISHER-ANDERSEN: Yes.

16 MR. YOUNG: And at any time was any work
17 performed to your knowledge of the main propulsion
18 system such as the boilers or the main turbine gear?

19 MR. FISHER-ANDERSEN: None that I can recall
20 reading.

21 MR. YOUNG: Thank you. And we have -- the
22 records, we have requested the shipyard spec plus these
23 progress reports, so they are documents that we are
24 looking into receiving.

25 We'll pass it around the room for any

1 upcoming shipyard or riding gang work that has been
2 planned or occurring.

3 MR. [REDACTED] [REDACTED] [REDACTED] Coast Guard.
4 Could you just -- Tim, what is his full name?

5 MR. FISHER-ANDERSEN: Tim Neeson, forward
6 engineer of El Faro.

7 MR. O'DONNELL: Lou O'Donnell, ABS. Jim, do
8 you recall part of this -- what you were referring to,
9 the shipyard spec and the other drydocking -- was there
10 an item in the spec for commencement of the five year
11 special survey and all your statutory renewal surveys?

12 MR. FISHER-ANDERSEN: I'd have to refer back
13 to the document.

14 MR. O'DONNELL: Okay.

15 MR. FISHER-ANDERSEN: I don't recall where
16 we are in the cycle.

17 MR. O'DONNELL: Okay. No further questions.

18 MS. BELL: Carrie Bell, NTSB. We were
19 talking about the riding gang. Is there anything that
20 you have to do to ensure that they are prepared to be
21 on board, any kind of training or anything that you
22 were responsible for ensuring they have prior to that?

23 MR. FISHER-ANDERSEN: We have an orientation
24 for people who are coming aboard that brief them on the
25 responsibilities and makes them aware of their safety

1 function in the event of an emergency on board. So
2 that's part of the signing on is a familiarization with
3 the department they're working for. So that would have
4 been the chief engineer who briefed them.

5 MS. BELL: Do you get any record of that
6 being completed?

7 MR. FISHER-ANDERSEN: Those would have been
8 retained on board.

9 MS. BELL: No emails?

10 MR. FISHER-ANDERSEN: None that I recall
11 ever receiving. Not our practice.

12 MS. BELL: And are there any requirements
13 for them to be able to speak English while on board the
14 ship?

15 MR. FISHER-ANDERSEN: Not that I'm aware of.

16 MS. BELL: Thank you. That's all I have.
17 No more questions.

18 MR. [REDACTED] Coast Guard, a
19 riding gang question again. Who determines their
20 suitability to be on board ship?

21 MR. FISHER-ANDERSEN: We need a team who can
22 work to class standards. So for example, a welder
23 needs to be a certified welder.

24 MR. [REDACTED] But circling back to the human
25 performance side and whether they can speak English or

1 not, who would be responsible for conveying safety and
2 emergency instructions to those crews in an
3 understandable fashion?

4 MR. FISKER-ANDERSEN: Functionally, they
5 generally had someone on board who spoke enough English
6 that could be communicated to them.

7 MR. [REDACTED] Was there any oversight to
8 make sure they were able to communicate emergency
9 instructions effectively?

10 MR. FISKER-ANDERSEN: I don't know.

11 MR. [REDACTED] Thank you.

12 MR. BRAGG: Ken Bragg, NTSB. Does the
13 riding gang typically participate in safety drills?

14 MR. FISKER-ANDERSEN: They would have
15 absolutely been part of the drill.

16 MR. BRAGG: And is there a mechanism which
17 their participation is evaluated? In other words, if
18 there was a problem with them participating in the
19 safety drill, say due to lack of being able to
20 communicate, is there any way that that's relayed or
21 addressed?

22 MR. FISKER-ANDERSEN: That would have been
23 addressed on board.

24 MR. BRAGG: Okay.

25 MR. [REDACTED] [REDACTED] [REDACTED] Coast Guard.

1 Sorry, Brian, if I can just finish the loop on that.
2 Are there any safety instructions on board the ship
3 preparing Polish language either pictograms or actual
4 instructions for critical safety operations such as
5 abandon ship, donning a life jacket, anything like
6 that?

7 MR. FISHER-ANDERSEN: I don't know.

8 MR. [REDACTED] Thank you.

9 MR. [REDACTED] [REDACTED] [REDACTED] with the Coast
10 Guard. The safety orientation performed by the chief
11 engineer, do you happen to know if it included closing
12 of water tight doors, any water tight doors they might
13 use while under way?

14 MR. FISHER-ANDERSEN: I don't recall if that
15 was part of the orientation.

16 MR. STITH: Kevin Stith, TOTE Services.
17 During the riding gang orientation, is it common or
18 typical to have a demonstration of donning a life
19 jacket and instructions in abandon ship duties?

20 MR. FISHER-ANDERSEN: Absolutely.

21 MR. STITH: Thank you.

22 MR. SHEPHERD: Al Shepherd, American Bureau
23 of Shipping. Jim, just a couple of questions. With
24 regard to the riding crew, you had -- there were five
25 posts?

1 MR. FISKER-ANDERSEN: Correct.

2 MR. SHEPHERD: Twelve were used as mechanics
3 on board, is that correct?

4 MR. FISKER-ANDERSEN: I believe they were
5 welders and fitters I think was our last conversation.

6 MR. SHEPHERD: Okay, good. And were they
7 doing any hot work while they were on board at this
8 time?

9 MR. FISKER-ANDERSEN: Yes.

10 MR. SHEPHERD: Okay. What's the procedure
11 for doing hot work on board?

12 MR. FISKER-ANDERSEN: A hot work permit is
13 required.

14 MR. SHEPHERD: What does that entail?

15 MR. FISKER-ANDERSEN: Chief mate will
16 evaluate the area that they're going to be working,
17 make sure there's no combustibles in the area. If it
18 involves an enclosed space they'll use their gas meter
19 to check the space, make sure that there's no fire
20 danger. And we'll also use a fire watch if they're
21 working on adjacent space to make sure that there's no
22 fire risk.

23 MR. SHEPHERD: Were they doing any hot work
24 in any of the machinery spaces?

25 MR. FISKER-ANDERSEN: I'd have to refer back

1 to the update.

2 MR. SHEPHERD: Thank you. On the hot work
3 that was done, that has to be signed off by the
4 captain?

5 MR. FISHER-ANDERSEN: Chief engineer or the
6 chief mate.

7 MR. SHEPHERD: Would the captain be made
8 aware of it?

9 MR. FISHER-ANDERSEN: Actually, there is
10 often a notification request for hot work that would
11 come into the office and we would approve that, port
12 engineer or DP or myself.

13 MR. SHEPHERD: So it's approve shore side
14 before they can actually do the work on board. So it
15 could be approved up to the day before?

16 MR. FISHER-ANDERSEN: Right. For some areas
17 and I don't recall which areas those are.

18 MR. SHEPHERD: This particular riding crew,
19 is this their first trip or had they been riding on the
20 El Faro?

21 MR. FISHER-ANDERSEN: They'd been aboard for
22 some time.

23 MR. SHEPHERD: The same folks?

24 MR. FISHER-ANDERSEN: There's been some
25 changes to the group.

1 MR. SHEPHERD: Okay. All right. So chances
2 are they received this orientation some time back.

3 MR. FISHER-ANDERSEN: Right, but any changes
4 new, new members joining, they would have received an
5 orientation.

6 MR. SHEPHERD: Do you know if the riding
7 crew was on board, have they participated in any
8 drills?

9 MR. FISHER-ANDERSEN: Absolutely.

10 MR. SHEPHERD: The crew that -- not the
11 ship's crew, but the contractors.

12 MR. FISHER-ANDERSEN: They would
13 participate.

14 MR. SHEPHERD: I'm saying they would
15 participate, but do you know if they have actually
16 participated in a drill? What I'm asking is were they
17 ever on board? Were they on board at the time a drill
18 was conducted?

19 MR. FISHER-ANDERSEN: I don't know.

20 MR. SHEPHERD: That's all I have. Thank
21 you, Jim.

22 MR. KUCHARSKI: Mike Kucharski, NTSB. Jim,
23 just maybe sort of close the loop on that. When you
24 say that absolutely that was by company policy --

25 MR. FISHER-ANDERSEN: Everybody participates

1 in the drill.

2 MR. KUCHARSKI: Okay but you have no direct
3 knowledge of them donning a life jacket or going
4 through these particular steps. Have you actually seen
5 them do that?

6 MR. FISHER-ANDERSEN: No.

7 MR. KUCHARSKI: So, it is records somewhere?
8 You have somewhere their orientation was --

9 MR. FISHER-ANDERSEN: The orientation I am
10 familiar with having seen that as routine company
11 procedure.

12 MR. KUCHARSKI: The orientation process?

13 MR. FISHER-ANDERSEN: Correct.

14 MR. KUCHARSKI: So, is there a form that
15 after they receive their orientation --

16 MR. FISHER-ANDERSEN: Yes.

17 MR. KUCHARSKI: -- someone signs off on?

18 MR. FISHER-ANDERSEN: Yes.

19 MR. KUCHARSKI: And for the riding crew,
20 would that be the chief engineer, the chief mate, who
21 would that be?

22 MR. FISHER-ANDERSEN: The chief engineer.

23 MR. KUCHARSKI: Chief engineer. And who
24 audits to that?

25 MR. FISHER-ANDERSEN: That audit would be a

1 designated person because those forms are retained
2 onboard.

3 MR. KUCHARSKI: Who is John Lawrence
4 (phonetic)?

5 MR. FISKER-ANDERSEN: Correct.

6 MR. KUCHARSKI: Thank you. No further
7 questions.

8 [REDACTED] [REDACTED] [REDACTED] [REDACTED] U.S. Coast Guard.
9 With regards to the scope of work that all eight
10 members were doing onboard the ship, was there any
11 reason for them to be inside the cargo holds?

12 MR. FISKER-ANDERSEN: Off the top of my
13 head, I can't think of anything.

14 [REDACTED] [REDACTED] And also just the scope of work
15 that they were doing and the yard specs for the
16 upcoming yard period, could you just give us an idea of
17 what the long-term intentions were for this vessel with
18 TOTE? What was the long-term, were you going to keep
19 it in service for one more year, five more years, ten
20 more years? What was the plan with the yard? What was
21 the intention with the vessel, knowing that you had a
22 new vessel coming in to take this route?

23 MR. FISKER-ANDERSEN: Right. The intention
24 was that this was going to be a relief ship for the two
25 Orca conversions.

1 ██████████ For how long? A relief ship for
2 how long?

3 MR. FISHER-ANDERSEN: It would have been --

4 ██████████ Stocking out for a year or --

5 MR. FISHER-ANDERSEN: It would have been
6 this season, for say a 12-week period from December and
7 12 weeks on and then the following year the same thing.
8 To my knowledge, nothing specific beyond that.

9 ██████████ So, approximately another one or
10 two years of service.

11 MR. FISHER-ANDERSEN: Right.

12 ██████████ Thank you very much.

13 MR. ROTH-ROFFY: Tom Roth-Roffy, NTSB. Can
14 you tell me about the history of using riding gangs
15 within the TOTE organization? How often do you have
16 these gangs onboard and how far have you been using
17 them or how long have you been using them?

18 MR. FISHER-ANDERSEN: I believe this is the
19 first time, to my knowledge, that we have had these
20 guys onboard the El Faro. I think we have used, before
21 I was involved with the El Morro doing some steel work
22 underway, the same company.

23 MR. ROTH-ROFFY: The same company?

24 MR. FISHER-ANDERSEN: Yes.

25 MR. ROTH-ROFFY: Imtech?

1 MR. FISKER-ANDERSEN: Imtech, yes.

2 MR. ROTH-ROFFY: And what was the
3 contractual arrangement with the Imtech as far as the
4 number of workers and the duration of the work?

5 MR. FISKER-ANDERSEN: We issued them a
6 purchase order and requested a specific skill set to
7 perform work onboard.

8 MR. ROTH-ROFFY: How long was that work
9 projected to last?

10 MR. FISKER-ANDERSEN: Up until and possibly
11 including the dry-dock period.

12 MR. ROTH-ROFFY: And just for the record,
13 when was the ship planning to go into dry-dock or
14 shipyard?

15 MR. FISKER-ANDERSEN: November 6th or 19th,
16 Grand Bahama Shipyard.

17 MR. ROTH-ROFFY: You mentioned something
18 about an early dry-docking for operational reasons.
19 Could you be more specific?

20 MR. FISKER-ANDERSEN: She wasn't due for
21 dry-docking until February, give or take a couple of
22 weeks, end of February. But that wouldn't be
23 acceptable for her relief work for the Midnight Sun
24 conversion. So, we pulled that date tighter in to
25 dry-dock before her expiration so that we wouldn't hit

1 the end date in the middle of the conversion.

2 MR. ROTH-ROFFY: All right, so that
3 specification package for that period is finished? All
4 the items are in it?

5 MR. FISHER-ANDERSEN: Yes, the full pricing
6 specification.

7 MR. ROTH-ROFFY: Like the work, statement of
8 work, work items, is that complete?

9 MR. FISHER-ANDERSEN: Yes, the pricing
10 specification is completed and that is generally a very
11 broad all-encompassing specification. It is very
12 broad. It includes a lot of items which may or may not
13 be finally done.

14 MR. ROTH-ROFFY: And has that contract been
15 awarded to the shipyard in Grand Bahamas?

16 MR. FISHER-ANDERSEN: We have communicated
17 that that is a confirmed date.

18 MR. ROTH-ROFFY: That was, of course, before
19 the incident.

20 MR. FISHER-ANDERSEN: Obviously, yes.

21 MR. ROTH-ROFFY: Going back to the riding
22 gang, do you specify the nationality of the workers
23 that you are requesting or is that left up to the yard?

24 MR. FISHER-ANDERSEN: That is left up to the
25 vendor.

1 MR. ROTH-ROFFY: Do you also have U.S.
2 citizens serving on the riding gangs?

3 MR. FISHER-ANDERSEN: Absolutely.

4 MR. ROTH-ROFFY: Through the same agency?

5 MR. FISHER-ANDERSEN: No.

6 MR. ROTH-ROFFY: Is there a reason why you
7 selected this agency for the foreign nationals?

8 MR. FISHER-ANDERSEN: Availability.

9 MR. ROTH-ROFFY: Is there some benefit in
10 cost per hour?

11 MR. FISHER-ANDERSEN: The primary decision
12 was availability. We couldn't get enough guys from JAX
13 Machine.

14 MR. ROTH-ROFFY: And you mentioned the
15 person that was supervising this riding gang. Was he
16 the only one or were there other persons assisting him
17 in supervision?

18 MR. FISHER-ANDERSEN: Jim Robinson spent at
19 least a week filling in for Jeff, who was also working
20 onboard for some of the conversion period, you know the
21 underway conversion period. That is why he was
22 familiar with the job.

23 MR. ROTH-ROFFY: And on the accident voyage,
24 were there other, for example, third-engineer young
25 licensed people dedicated to working with this riding

1 gang?

2 MR. FISHER-ANDERSEN: I'm not aware of that.

3 MR. ROTH-ROFFY: Do you know if there is a
4 limit to the number of persons in addition to the crew
5 by your COI?

6 MR. FISHER-ANDERSEN: Yes.

7 MR. ROTH-ROFFY: Do you know what that limit
8 is?

9 MR. FISHER-ANDERSEN: I would have to go
10 back and reference the COI but I know we were under the
11 limit.

12 MR. ROTH-ROFFY: And just generally, you
13 mentioned preparing the ship for Alaskan trade, RORO
14 winches, (inaudible) heater, and I think you said deck
15 heating.

16 MR. FISHER-ANDERSEN: Right.

17 MR. ROTH-ROFFY: And this is because of the
18 cold weather operation, the deck heating and the
19 (inaudible) heater, what was that used for?

20 MR. FISHER-ANDERSEN: I don't know
21 specifically. I can only explain how it was explained
22 to me it was a reheating cycle for the condenser water,
23 the condenser cooling water.

24 MR. ROTH-ROFFY: And the RORO winches, why
25 would you need -- I mean there is enough RORO trading

1 out. Right? Why do you need more RORO winches?

2 MR. FISHER-ANDERSEN: Well, we only have one
3 RORO winch -- excuse me, one RORO ramp on the starboard
4 side back out. And for Alaska trade, we need more
5 winches, more ramps to load the ship because right now
6 she is in a row-con (phonetic) configuration, where we
7 use the container cranes to load containers. And then
8 RORO configuration, we would have three ramps on the
9 starboard side and two on the port side.

10 MR. ROTH-ROFFY: So is the plan projected to
11 also carry containers in the Alaska trade?

12 MR. FISHER-ANDERSEN: Only on chassis. It
13 would be a straight roll-on/roll-off operation, no
14 cranes.

15 MR. ROTH-ROFFY: That's all I have. Thank
16 you.

17 MR. KUCHARSKI: Quick shipyard follow-up,
18 just a real quick one. There were two notations for
19 reduced gantlines on the vessel, on the class reduced
20 schedule. Were they in the shipyard scope of work?

21 MR. FISHER-ANDERSEN: I don't recall any
22 work along those lines.

23 MR. KUCHARSKI: Thank you.

24 MS. BELL: I have one. This is Carrie Bell,
25 NTSB. One more question about the orientation

1 familiarization training. In the time you have been
2 with TOTE, can you recall anytime that anyone in
3 management has participated in or observed any of those
4 familiarization trainings or drills?

5 MR. FISHER-ANDERSEN: I have.

6 MS. BELL: You have. How many times have
7 you done that?

8 MR. FISHER-ANDERSEN: I specifically
9 remember sitting on one on the North Star when we had a
10 vendor come onboard.

11 MS. BELL: Did you actually participate or
12 were you just observing?

13 MR. FISHER-ANDERSEN: I was observing, while
14 I was in the control room, as they were starting the
15 process.

16 MS. BELL: Thank you.

17 MR. YOUNG: Brian Young with the NTSB. Just
18 continuing on with the riding gang, looking at any of
19 the previous --

20 MR. KUCHARSKI: I saw a hands up. Let's --

21 MR. YOUNG: We are going to take a break, I
22 think.

23 (Whereupon, the above-entitled [REDACTED] went
24 off the record and resumed at 10:43 a.m.)

25 MR. YOUNG: Okay, so we are back on record

1 after our break. It is 10:43 on October 13th. We were
2 discussing the riding gang and shipyard upcoming work.

3 This is Brian Young with the NTSB. I have a
4 question about the riding gang. Looking back at their
5 progress reports, do you know the hours that they were
6 working on a daily basis?

7 MR. FISHER-ANDERSEN: My best knowledge of
8 that is from the phone call we had from Imtech
9 yesterday, where they were talking about working
10 12-hour days.

11 MR. YOUNG: Okay and do you know what time
12 they may have been starting every day, if it was eight
13 in the morning? What I am trying to establish is --

14 MR. FISHER-ANDERSEN: I don't know.

15 MR. YOUNG: Okay. That's all I have for
16 riding gang.

17 MR. ROTH-ROFFY: Just one, Jim. In talking
18 to Imtech yesterday, were you aware if they had one of
19 the crew that was fluent in English and if there was
20 any confusions or misunderstandings that let's say
21 leader of the riding gang could redirect or translate
22 or clarify the communication? Were you aware of that?

23 MR. FISHER-ANDERSEN: I believe one of them
24 spoke better English than the other ones.

25 MR. ROTH-ROFFY: Okay, that's all I have,

1 thank you.

2 MS. BELL: One more question about that
3 orientation training you said that you observed. You
4 said you observed it from the control room. Where did
5 you say you observed it from?

6 MR. FISHER-ANDERSEN: That was in the engine
7 control room. They were just starting the process of
8 orientation. I didn't watch the whole process
9 beginning to end but there was a very formal briefing
10 that the person would go through and all of that was
11 logged.

12 MS. BELL: Okay, thank you.

13 MS. SERRIDGE: No questions.

14 MR. SHEPHERD: No questions.

15 MR. YOUNG: And this is Brian Young with the
16 NTSB.

17 The last question with this round. Have you
18 ever gone to sea with the El Faro?

19 MR. FISHER-ANDERSEN: No, never.

20 MR. YOUNG: Okay, we are going to change
21 gears now. We are going to switch it over to the
22 nautical or the operations group to begin their round
23 of questions.

24 MR. KUCHARSKI: Hi, Jim, Mike Kucharski
25 again, NTSB.

1 Did you have any interface or discussions
2 with the master of the El Faro on or about the 28th,
3 29th of September?

4 MR. FISHER-ANDERSEN: I don't recall
5 anything of those days but there was -- I did receive a
6 communication with him on Wednesday before the incident
7 and I don't recall if that is the 30th. Was Wednesday
8 the 30th?

9 MR. KUCHARSKI: That sounds right, yes.

10 MR. FISHER-ANDERSEN: Yes, I received an
11 email from him.

12 MR. KUCHARSKI: What was the basic --

13 MR. FISHER-ANDERSEN: I was copied on an
14 email discussing that he was tracking the hurricane and
15 he had a plan to pass ahead of the hurricane by 65
16 nautical miles and expected to be ahead of it by 0800
17 on the first. And then he followed that narrative and
18 description with a question about whether it would be
19 acceptable to go through the old Bahamas Channel on the
20 northbound leg.

21 So, I could see that it had been some time
22 since he had sent that, maybe an hour or two since he
23 had sent that email. So, I responded to that email.

24 MR. KUCHARSKI: The email was directly to
25 you.

1 MR. FISHER-ANDERSEN: No, I was only copied
2 on the email.

3 MR. KUCHARSKI: Who was it directly sent to?

4 MR. FISHER-ANDERSEN: Designated person.

5 MR. KUCHARSKI: John Lawrence.

6 MR. FISHER-ANDERSEN: Correct.

7 MR. KUCHARSKI: And you were copied.

8 MR. FISHER-ANDERSEN: Correct.

9 MR. KUCHARSKI: But you replied to the
10 captain.

11 MR. FISHER-ANDERSEN: That is correct.

12 MR. KUCHARSKI: And you had no deck-side
13 nautical experience engineering base.

14 MR. FISHER-ANDERSEN: That is correct.

15 MR. KUCHARSKI: How about any other
16 discussions about weather or any other related deck
17 items, if you will, on or about the 28th or the 29th of
18 September with the officers onboard the ship?

19 MR. FISHER-ANDERSEN: I don't remember.

20 MR. KUCHARSKI: Do you assist in developing
21 the master's evaluations?

22 MR. FISHER-ANDERSEN: Yes.

23 MR. KUCHARSKI: And who else develops those
24 evaluations?

25 MR. FISHER-ANDERSEN: As a port engineer,

1 that would be a function that you would do.

2 MR. KUCHARSKI: Okay, so you two engineers,
3 you evaluate the master.

4 MR. FISHER-ANDERSEN: Yes.

5 MR. KUCHARSKI: Is there anyone else
6 involved in this process?

7 MR. FISHER-ANDERSEN: Then that would go to
8 HR.

9 MR. KUCHARSKI: Directly to HR?

10 MR. FISHER-ANDERSEN: Yes.

11 MR. KUCHARSKI: And John Lawrence is not
12 involved in this process?

13 MR. FISHER-ANDERSEN: I don't know.

14 MR. KUCHARSKI: Do you assist in the process
15 of promoting or hiring captains? Like Captain Davis,
16 specifically, were you part of that process?

17 MR. FISHER-ANDERSEN: No.

18 MR. KUCHARSKI: Would you be in that process
19 to promote or assist in evaluating for hiring or
20 promoting?

21 MR. FISHER-ANDERSEN: Yes, I would be asked
22 for feedback on that, based on my personal evaluations,
23 personal observations.

24 MR. KUCHARSKI: What function do you serve
25 in development or approval of ship or shore safety

1 management system items?

2 MR. FISHER-ANDERSEN: I don't know how to
3 answer that. I am more involved on the operational
4 level of the ship.

5 MR. KUCHARSKI: So, if there is a change to
6 the engineering, I will be specific on the engineering
7 -- well, no, anything. Forget that. If it is an
8 engineering change or recommended change to the safety
9 management of the ship system, you know the ship wants
10 to put in, who approves that?

11 MR. FISHER-ANDERSEN: I would certainly be
12 involved in that but I can't think of a specific
13 instance when I have done that.

14 MR. KUCHARSKI: Okay, so you believe there
15 is a process in place but you haven't actually
16 participated in that process.

17 MR. FISHER-ANDERSEN: Not that I can recall.

18 MR. KUCHARSKI: What is the steel
19 inspector's job in San Diego? In your hierarchy here
20 you have a steel inspector Manuel Vasquez (phonetic).
21 What is his function?

22 MR. FISHER-ANDERSEN: He acts as an owner's
23 representative while the ship is being constructed to
24 ensure that the ship is being built to specification
25 and assist ABS in spotting issues that may be class

1 issues before they become -- before the ship is
2 delivered.

3 MR. KUCHARSKI: That is strictly on the new
4 build side?

5 MR. FISKER-ANDERSEN: Correct.

6 MR. KUCHARSKI: Is there a position of
7 Director of Engineering in the commercial crew?

8 MR. FISKER-ANDERSEN: That is functionally
9 myself.

10 MR. KUCHARSKI: Functionally yourself but
11 you are called the operations manager.

12 MR. FISKER-ANDERSEN: I'm Director of Marine
13 Commercial.

14 MR. KUCHARSKI: Marine Commercial, which is
15 engineering?

16 MR. FISKER-ANDERSEN: Yes.

17 MR. KUCHARSKI: Okay.

18 MR. FISKER-ANDERSEN: We work very closely
19 with the ships in TOTE. It is generally a port
20 engineer's function, who is on the ships every week.
21 That is the closest person to the ships is the port
22 engineer.

23 MR. KUCHARSKI: The port engineer.

24 MR. FISKER-ANDERSEN: He is on the ship
25 every week.

1 MR. KUCHARSKI: Are there any policies that
2 you are aware of that TOTE has that are above and
3 beyond compliance?

4 MR. FISHER-ANDERSEN: Well, the one right in
5 front of me is when I was involved with the Orca ships,
6 we put a high fog system on the Orca ships, which shows
7 one which was an investment in not only the safety of
8 the ship but also the people onboard. And each of
9 those was a quarter million dollar installation that
10 wasn't required by anyone else other than our own
11 assessment that we wanted to make the ship safer to
12 operate. So, that is the biggest single one that I can
13 think of off the top of my head. And there was no one
14 who asked us to do that. We chose to do that.

15 MR. KUCHARSKI: On the El Faro, she burned
16 HFO, heavy fuel oil?

17 MR. FISHER-ANDERSEN: Yes, RMK 500.

18 MR. KUCHARSKI: Okay. Did she also have low
19 sulfur capabilities?

20 MR. FISHER-ANDERSEN: My understanding is
21 you can't burn ultra-low in a boiler.

22 MR. KUCHARSKI: Anybody else in the group on
23 the navigation work, the deck side?

24 MR. O'DONNELL: One redirect from the
25 nautical side operations side. Are you aware of El

1 Faro, redirecting on [REDACTED] question -- this is Lou
2 O'Donnell with ABS -- any equipment or any systems or
3 anything on El Faro above and beyond compliance for
4 that vessel's age, based on our key-laying (phonetic)
5 date, things like that, navigation equipment,
6 machinery, anything like that, bilge alarms?

7 MR. FISHER-ANDERSEN: The bilge alarm system
8 was actually, to my recollection was above and beyond
9 what was required.

10 MR. O'DONNELL: Okay. Anything new around
11 the engineering side, deck side, navigation
12 communications equipment?

13 MR. FISHER-ANDERSEN: We had an additional
14 radar and an additional gyro on the bridge to ensure
15 that we had backup for the SOLAS required equipment.
16 So, that was normal for TOTE to do on every ship. We
17 never want to leave it as delivered.

18 MR. O'DONNELL: Maybe any further
19 redundancies with crew besides your minimum safe
20 manning on the deck and the engine side?

21 MR. FISHER-ANDERSEN: We had additional crew
22 members onboard. I believe it was an additional third
23 and I think we had additional unlicensed as well to
24 stay ahead of the maintenance.

25 MR. O'DONNELL: So, redirect quickly, again,

1 that would make the chief mate and the first engineer
2 day workers or are they watchstanders?

3 MR. FISKER-ANDERSEN: I don't believe the
4 first and chief mate were watchstanders.

5 MR. O'DONNELL: Okay, no further questions.

6 MS. BELL: Carrie Bell, NTSB. You were
7 speaking about the performance evaluations earlier.
8 And you mentioned that the port engineers evaluate the
9 master and, at that point, you provide the feedback.
10 You said that you provide the feedback.

11 MR. FISKER-ANDERSEN: Well, I have only been
12 the director for ten months. So, as a port engineer,
13 that would be one of my responsibilities is to evaluate
14 the captain and chief engineer.

15 MS. BELL: So what kind of feedback would
16 you provide and to whom?

17 MR. FISKER-ANDERSEN: That would be -- well
18 as a new position, I would be involved in that process,
19 absolutely.

20 MS. BELL: So, I'm trying to get a better
21 understanding of how your department functions in
22 relation to the safety and operations group because you
23 mentioned a couple of times the DPA and working in that
24 role.

25 So, can you explain a little bit more about

1 how your department works with the safety and
2 operations group?

3 MR. FISKER-ANDERSEN: Sure. Every week when
4 the ship comes in to Jacksonville, the port engineer is
5 onboard. He meets with the captain and the chief
6 engineer. This is generally an informal meeting to
7 discuss ship's business and to follow on back to the
8 purchasing side, what do you need that you are not
9 getting. And there is a very open dialogue with the
10 captain and chief engineer and the chief mate. So,
11 there is a very close relationship there with those
12 individuals, both professionally and personally.

13 MS. BELL: With the captain and the port
14 engineer?

15 MR. FISKER-ANDERSEN: Yes. Captain and port
16 engineer and the chief engineer and the chief mate.
17 The chief mate is usually very busy with cargo but
18 there is generally some interface there as well.

19 MS. BELL: And so how does the DPA fit in?
20 I'm just trying to understand.

21 MR. FISKER-ANDERSEN: DPA is more of an
22 audit function.

23 MS. BELL: Okay. So, earlier when you were
24 talking about the weather and there was an email that
25 was sent to John Lawrence and you were copied on that.

1 MR. FISKER-ANDERSEN: Correct.

2 MS. BELL: Do you know if he responded to
3 that email?

4 MR. FISKER-ANDERSEN: I never saw a response
5 from him and that is why I responded to it.

6 MS. BELL: Okay.

7 MR. FISKER-ANDERSEN: I wanted to ensure
8 that there was no ambiguity or question that taking
9 another route was acceptable.

10 MS. BELL: And then did he respond to that
11 email?

12 MR. FISKER-ANDERSEN: No, not that I was
13 copied on.

14 MS. BELL: Okay. That's all I've got right
15 now.

16 MR. [REDACTED] I apologize, I was out. But
17 we haven't moved into evaluation of personnel.

18 MR. FISKER-ANDERSEN: We are not, yes.

19 MR. [REDACTED] Okay. So, [REDACTED] [REDACTED]
20 Coast Guard.

21 Would you agree that the duties and
22 responsibilities of shipboard engineers and deck
23 officers are different?

24 MR. FISKER-ANDERSEN: Absolutely.

25 MR. [REDACTED] Okay. So how would the port

1 engineer be qualified to evaluate the ship's master?

2 MR. FISHER-ANDERSEN: I think based on
3 observations of management style.

4 MR. [REDACTED] So, they would evaluate the
5 master's management style?

6 MR. FISHER-ANDERSEN: Could I take a short
7 break to confer with counsel?

8 Well, our team is made up of people who have
9 very diverse backgrounds -- myself, as an operations
10 side and engineering side for 20 years and then Bill
11 Winebecker (phonetic) spent a considerable amount of
12 time in the Coast Guard and Tim Neeson sailed for 20
13 years. So, I think we have a very broad diverse team
14 with a broad background that we bring to the table.

15 So, it wouldn't be just one person's
16 thumbnail on an evaluation. We would take -- I think
17 there would be some conference on where an individual
18 lies.

19 MR. [REDACTED] Okay, so who signs the
20 evaluation?

21 MR. FISHER-ANDERSEN: It would be the port
22 engineer.

23 MR. [REDACTED] And Tim Neeson's background,
24 you say he sailed but in what capacity?

25 MR. FISHER-ANDERSEN: Chief engineer.

1 MR. [REDACTED] Okay and then the Coast Guard
2 folks, were they deck officers?

3 MR. FISKER-ANDERSEN: Engineer.

4 MR. [REDACTED] Okay, so who in your company
5 evaluates the nautical competency of the master with
6 regard to nautical operation?

7 MR. FISKER-ANDERSEN: Well, it would go
8 through, as far as on the office side, I don't know.

9 MS. BELL: Carrie Bell, NTSB. In reference
10 to that, can you describe how training and evaluation
11 deficiencies are conveyed to the safety and operations
12 group? It kind of goes to the conferring between the
13 two groups.

14 MR. FISKER-ANDERSEN: Can you help me with
15 that question?

16 MS. BELL: I'm still not really
17 understanding how when you do a performance evaluation,
18 if there is any kind of deficiency or performance,
19 anything that you think they need to work on as it
20 relates to safety, how that gets relayed to the safety
21 and operations group. Because I would think it would
22 be -- it would effect --

23 MR. FISKER-ANDERSEN: If there is a safety
24 issue, we would deal with it on the spot.

25 MS. BELL: How do you do that?

1 MR. FISHER-ANDERSEN: Direct correction with
2 the individual.

3 MS. BELL: So, if there is an unsatisfactory
4 evaluation, what is the remedial -- I mean if you deal
5 with it, how do you deal with it?

6 MR. FISHER-ANDERSEN: If there is a safety
7 issue, we directly speak with the person and then if
8 there is an issue whether or not dealing with it --
9 first time is a verbal. The second time is a written.
10 And then up to and including dismissal, if there is a
11 safety issue.

12 MS. BELL: And who makes that decision?

13 MR. FISHER-ANDERSEN: That would go up
14 through the chain of upper management but we would
15 never let something like that lie. No way.

16 MR. ██████████ ██████████ ██████████ Coast Guard.
17 So one of the things we have been discussing heavily in
18 this examination of the facts is weather routing. Is
19 there a process within the company, that you are aware
20 of, where they analyze the movement of the vessel,
21 historically, in relation to voyages where weather has
22 been a factor? After the voyage, as a corporate group,
23 does anybody say let's talk about that voyage and what
24 are the lessons learned?

25 MR. FISHER-ANDERSEN: The ships are -- we

1 select experienced masters to run our ships with broad
2 experience and we don't directly tell the ships how to
3 route.

4 MR. [REDACTED] Okay, that wasn't my question.
5 In other words, if we look at historical tracks of the
6 vessel, in one historical track, the vessel came down
7 closer to the Florida Coast and then it appeared like
8 it maybe made passage through Old Bahama Channel. As a
9 corporation, does someone in your corporation after the
10 fact discuss why did you do this, what were the
11 decisions made? For example, it added time to the
12 delivery of your cargo. Is there a process where you
13 evaluate those decisions?

14 MR. FISHER-ANDERSEN: We never question the
15 captain's decision.

16 MR. [REDACTED] No, I didn't say question but
17 I said evaluate. It is a little different. In other
18 words, your questioning assumes that you are doing it
19 now. And what we are saying is how did you evaluate
20 what they have historically done after a voyage?

21 MR. FISHER-ANDERSEN: I've never
22 second-guessed a captain's voyage or routing.

23 MR. [REDACTED] So, you haven't?

24 MR. FISHER-ANDERSEN: No.

25 MR. [REDACTED] Has anybody that you are aware

1 of?

2 MR. FISKER-ANDERSEN: No.

3 MR. [REDACTED] So, you do not perform an
4 evaluation of your voyages related to weather that have
5 happened in the past?

6 MR. FISKER-ANDERSEN: No.

7 MR. [REDACTED] Do you participate in
8 employment interviews for senior officers?

9 MR. FISKER-ANDERSEN: Yes.

10 MR. [REDACTED] Can you talk about what a
11 typical interview would be like or let's take the chief
12 engineer?

13 MR. FISKER-ANDERSEN: We would generally --
14 well, for a chief engineer I don't think -- I can't
15 recall being in an interview for a chief engineer.

16 MR. [REDACTED] Master.

17 MR. FISKER-ANDERSEN: It would incorporate a
18 number of people from our senior management and we
19 would bring or we have brought questions from all
20 ranges of safe -- their impressions of how do you run a
21 safe ship, discussions of past experience with
22 operational challenges, groundings, fires, casualties,
23 issues with -- they ask for a discussion on issues they
24 have had with crew members, human resources challenges,
25 how they dealt with those challenges, discussions on

1 their experience. Those are generally pretty in-depth
2 interviews.

3 MR. [REDACTED] And where do your ships
4 operate? What region would you describe it?

5 MR. FISKER-ANDERSEN: Caribbean Basin.

6 MR. [REDACTED] Would you ask in your
7 interviews how captains or senior people like chief
8 mate or the captain would operate their vessels in
9 weather situations, such as hurricanes?

10 MR. FISKER-ANDERSEN: I can't recall a
11 specific question to that -- along those lines.

12 MR. [REDACTED] So how do you know -- if you
13 leave this up to the captain to make their decisions,
14 how do you know that the captain is going to make
15 adequate decisions representing your interests?

16 MR. FISKER-ANDERSEN: I don't know how to
17 answer that question.

18 MR. [REDACTED] What did you say again?

19 MR. FISKER-ANDERSEN: I don't know how to
20 answer that question.

21 MR. [REDACTED] And if you fleet somebody up
22 to the positions master, how do you determine -- do you
23 participate in the decision to fleet somebody up from
24 say chief mate to master?

25 MR. FISKER-ANDERSEN: Yes.

1 MR. [REDACTED] And what would be the
2 mechanism? How does that happen?

3 MR. FISHER-ANDERSEN: That would be a
4 similar process for vetting by senior management,
5 discussing a person's qualifications, including an
6 interview that would take into account their previous
7 experience and the same line of questioning as we would
8 for a new individual.

9 MR. [REDACTED] Do you solicit input from
10 previous masters that have worked for the individual?

11 MR. FISHER-ANDERSEN: Yes.

12 MR. [REDACTED] Do those address concerns
13 about weather?

14 MR. FISHER-ANDERSEN: Not specifically, that
15 I can recall.

16 MR. [REDACTED] Thank you.

17 MS. BELL: I have a follow-up question about
18 the weather. Carrie Bell, NTSB.

19 So, if the captain decides to depart in
20 weather that is questionable, was there a procedure for
21 checking in or keeping track of that vessel en route?

22 MR. FISHER-ANDERSEN: The captain sends in a
23 noon report every day. There may be a comment included
24 in those reports discussing their routing or their
25 course, alterations that will affect the schedule but

1 that is a one-way conversation. We never question an
2 alteration to the course or schedule.

3 MS. BELL: Just to clarify, I am not saying
4 you are questioning that. I am just saying to keep --

5 MR. FISHER-ANDERSEN: It's a one-way
6 conversation.

7 MS. BELL: Okay. So, you don't check in
8 with them periodically just to make sure everything --
9 if you know that the weather is kind of bad, just to
10 check in to make sure everything is okay? Is there any
11 kind of check in?

12 MR. FISHER-ANDERSEN: No.

13 MS. BELL: Thank you.

14 MR. ██████████ ██████████ ██████████ follow-up.

15 Do you have a protocol for operations in
16 hurricane season that is different from your normal
17 operating protocols?

18 MR. FISHER-ANDERSEN: In the terminal, we
19 have procedures for hurricane season that addresses the
20 Coast Guard requirements within the JAX port. And then
21 we have a notation in our OMV about hurricane
22 avoidance.

23 MR. ██████████ And the OMV is?

24 MR. FISHER-ANDERSEN: The vessel operating
25 manual.

1 MR. [REDACTED] Can you recall what that
2 protocol is?

3 MR. FISHER-ANDERSEN: It references a
4 nautical publication and I can't tell you any more than
5 that without looking it up.

6 MR. [REDACTED] And in the -- is there
7 anywhere -- I asked about protocol. But is there some
8 kind of procedure where if there is a tropical
9 depression or storm or hurricane in the Caribbean in
10 the vicinity of where the ship is going to go, that
11 they update the frequency of their communications to
12 the office?

13 MR. FISHER-ANDERSEN: None that I am aware
14 of.

15 MR. [REDACTED] And when does that one-way
16 communication take place daily?

17 MR. FISHER-ANDERSEN: Noon.

18 MR. [REDACTED] So at 1200 the day before this
19 particular event would have been the last one-way
20 communication from the ship.

21 MR. FISHER-ANDERSEN: In regards to an
22 official check in but there was also --

23 MR. [REDACTED] A required check in.

24 MR. FISHER-ANDERSEN: A required check in
25 but there was also the communication that I received,

1 that I was copied on from the captain regarding the
2 weather and the conditions and the routing.

3 MR. [REDACTED] And when was that? I might
4 have been absent.

5 MR. FISKER-ANDERSEN: That was on Wednesday.

6 MR. [REDACTED] At what time, approximately?

7 MR. FISKER-ANDERSEN: Well, I was on the
8 West Coast. So, I believe it was -- I think I was
9 reading it about 11:00 on the West Coast.

10 MR. [REDACTED] So, sometime in the afternoon.
11 You are talking about 1100?

12 MR. FISKER-ANDERSEN: Right.

13 MR. [REDACTED] Okay, thank you.

14 MR. ROTH-ROFFY: Tom Roth-Roffy, NTSB. Just
15 to follow-up and I apologize if you have already
16 discussed this.

17 MR. FISKER-ANDERSEN: No, that's fine.

18 MR. ROTH-ROFFY: I won't ask you to respond
19 to the same question. But I believe human factors was
20 asking about -- I forgot what she was asking about but
21 relevant to what I am going to ask you about.

22 MR. FISKER-ANDERSEN: Yes.

23 MR. ROTH-ROFFY: So, is there anybody
24 onshore that is watching the vessel, particularly
25 during severe weather in the area of the operation of

1 the vessel? For example, an operations manager
2 evaluating the weather, looking at the ship's position,
3 looking at the forecast, and kind of providing some
4 oversight or guidance to the master from shore?

5 MR. FISHER-ANDERSEN: That is done at the
6 ship-port level. We don't do it. That is not a
7 function that we perform within the management on the
8 shore side.

9 MR. ROTH-ROFFY: Is there anybody watching
10 the weather?

11 MR. FISHER-ANDERSEN: Absolutely.

12 MR. ROTH-ROFFY: Who watches the weather?

13 MR. FISHER-ANDERSEN: John -- DP, Vice
14 President of Marine is watching. I'm watching. Port
15 engineers are watching. Everybody -- we are all
16 watching.

17 MR. ROTH-ROFFY: Okay, so it is in a
18 structured way or is it just you occasionally look at
19 the weather? Do you guys confer on the threats or risk
20 to the vessel that is operating in the weather system?

21 MR. FISHER-ANDERSEN: We are always
22 watching.

23 MR. ROTH-ROFFY: Yes, but do you guys watch
24 -- specifically, before the incident, was there any
25 discussion among those people you mentioned about

1 potential risk to the vessel that was operating in that
2 weather environment? You looked at it yourself. Did
3 you talk to anybody?

4 MR. FISKER-ANDERSEN: You know to this
5 particular storm?

6 MR. ROTH-ROFFY: Correct.

7 MR. FISKER-ANDERSEN: I was in San Francisco
8 with the East Labella. So, specific to this storm, I
9 had not pulled up the National Weather Service and
10 looked at it. The limit to my own knowledge of that
11 storm was what I read in that email from the captain.

12 MR. ROTH-ROFFY: And yet, you approved his
13 decision.

14 MR. FISKER-ANDERSEN: Well the only thing
15 for me to respond to was the question in the bottom
16 about whether he -- he was seeking approval to take a
17 longer route on the return. And I didn't want to leave
18 him hanging.

19 MR. ROTH-ROFFY: Sure.

20 MR. FISKER-ANDERSEN: I wanted to convey my
21 support for his decision to take a longer route and not
22 leave that to question, that absolutely, he can take
23 the longer route.

24 MR. ROTH-ROFFY: And you said that other
25 people were watching the weather or would normally

1 watch the weather. Do you know did they confer?

2 MR. FISHER-ANDERSEN: None that I was copied
3 on.

4 MR. ROTH-ROFFY: All right, so we are going
5 to be talking to the DP, right? And the other person
6 you mentioned, who was that?

7 MR. FISHER-ANDERSEN: Vice President of
8 Marine Government. He pays attention as part of our
9 routine.

10 MR. ROTH-ROFFY: To occasionally look at the
11 weather on a regular basis?

12 MR. FISHER-ANDERSEN: Yes. Sure.

13 MR. ROTH-ROFFY: On a regular basis?

14 MR. FISHER-ANDERSEN: He has, on a regular
15 basis, printed out hurricane tracks and posted it on
16 the wall.

17 MR. ROTH-ROFFY: Okay. And does he have
18 some background in weather observation?

19 MR. FISHER-ANDERSEN: Well, he has been
20 running ships for 30 plus years.

21 MR. ROTH-ROFFY: In what capacity, a shore
22 side manager or as a vessel master?

23 MR. FISHER-ANDERSEN: Shore side manager.

24 MR. ROTH-ROFFY: Okay. Do we have him on
25 the list?

1 PARTICIPANT: Is that Phil Morrow
2 (phonetic)?

3 MR. FISHER-ANDERSEN: No, that would be --

4 MR. ROTH-ROFFY: He's commercial.

5 MR. FISHER-ANDERSEN: -- Mitch Walker.

6 MR. ROTH-ROFFY: All right. So, he is on
7 the shore side kind of oversight of the vessel. Maybe
8 we can talk to him.

9 That's all I have. Thanks, Jim.

10 MR. YOUNG: This is Brian Young with the
11 NTSB. We have been talking a lot about evaluations and
12 I have got one question, if that is okay, on
13 evaluations. I understand there has been a lot of
14 evaluations of captains. Have you ever been involved
15 with or evaluated the chief engineer who was aboard the
16 El Faro at the time of the incident, Richard Pusatere?

17 MR. FISHER-ANDERSEN: I would have to go
18 back and look at my records. I don't remember. For
19 the El Faro, it would have been Tim Neeson who did that
20 evaluation.

21 MR. YOUNG: Okay but you were never involved
22 in the evaluation of the --

23 MR. FISHER-ANDERSEN: Not of the El Faro.

24 MR. YOUNG: Okay. I'll pass that on. Next.

25 [REDACTED] [REDACTED] What is the function within your

1 corporation organization? Where does risk management
2 lie in relation to your job?

3 MR. FISKER-ANDERSEN: They are more
4 functionally more in an audit function than an SMS
5 function.

6 [REDACTED] [REDACTED] Okay but in relation to your
7 position, do they work for you or work directly with
8 you?

9 MR. FISKER-ANDERSEN: I would say work with
10 me is a better description. We don't work for each
11 other.

12 [REDACTED] [REDACTED] Is a hurricane a risk?

13 MR. FISKER-ANDERSEN: Certainly.

14 [REDACTED] [REDACTED] And so do they have any function
15 that you might have not recollected related to
16 hurricanes?

17 MR. FISKER-ANDERSEN: You know other than
18 the reference in our SMS system but there is no policy
19 that requires the ship to check in with the route
20 planning a hurricane. There is only guidance.

21 [REDACTED] [REDACTED] What I am saying is how do they
22 manage that risk at the corporate level? How does your
23 risk management division manage the risk associated
24 with adverse weather and hurricanes?

25 MR. FISKER-ANDERSEN: That responsibility is

1 placed upon the captain.

2 [REDACTED] [REDACTED] So you have no part in it.

3 MR. FISKER-ANDERSEN: Correct.

4 [REDACTED] [REDACTED] Thank you.

5 MR. SHEPHERD: I have got a couple of
6 questions. Just briefly, because this has been covered
7 a good bit already. I just wasn't clear on a couple of
8 things.

9 MR. FISKER-ANDERSEN: Sure.

10 MR. SHEPHERD: With regard to the master's
11 evaluation, that is done by the port engineers, by your
12 group, the three of you.

13 MR. FISKER-ANDERSEN: And then it goes up
14 through the train to the --

15 MR. SHEPHERD: So, two engineers have input
16 in that.

17 MR. FISKER-ANDERSEN: Sure. But please
18 understand, though, that my position is a new position
19 and we haven't done a round of evaluations for this
20 year.

21 MR. SHEPHERD: I understand. Good, thank
22 you.

23 And then you said it gets routed up, it goes
24 up. What is the next level?

25 MR. FISKER-ANDERSEN: From myself, we would

1 route it to HR. But like I said, this is a new
2 position. So, we haven't done a round of evaluations
3 with myself in this position.

4 MR. SHEPHERD: Is there a sheet that is made
5 up?

6 MR. FISHER-ANDERSEN: Yes.

7 MR. SHEPHERD: And what kind of things, what
8 kind of questions, what were the topics of evaluations?

9 MR. FISHER-ANDERSEN: I would have to go
10 back in my memory. It is about ten items and they are
11 ranked one to five and then there is a comment section.

12 MR. SHEPHERD: Okay.

13 MR. FISHER-ANDERSEN: And the points, I
14 couldn't recall off the top of my head.

15 MR. SHEPHERD: Okay but from your group, I
16 understand, I am not pressing the point, I am just
17 asking in general, from your group, engineering,
18 basically, you said your title is -- I read this thing
19 in your title, Director of Marine Commercial.

20 MR. FISHER-ANDERSEN: Right.

21 MR. SHEPHERD: But you also are essentially
22 the same as Director of Engineering.

23 MR. FISHER-ANDERSEN: That is my strongest
24 background is in engineering.

25 MR. SHEPHERD: Okay, so and you have got

1 port engineers working for you.

2 MR. FISKER-ANDERSEN: Right.

3 MR. SHEPHERD: So, from the engineering
4 perspective, what kinds of things -- what is your
5 principle interest in things that you are looking at
6 for how the master performs their duties?

7 MR. FISKER-ANDERSEN: Safety, that is number
8 one.

9 MR. SHEPHERD: Okay. And anything to do
10 with operation of vessel, navigation?

11 MR. FISKER-ANDERSEN: We don't have any
12 criteria for evaluating his navigation.

13 MR. SHEPHERD: Okay. I think this has
14 already been asked but that is not done anywhere else
15 within the company?

16 MR. FISKER-ANDERSEN: None that I am aware,
17 no.

18 MR. SHEPHERD: Okay. We'll move on now to
19 risk management. How does TOTE assess risk? Has there
20 been a risk assessment within TOTE?

21 MR. FISKER-ANDERSEN: We track our injuries
22 and loss time injuries very closely, track all that,
23 record it and report it on a quarterly basis, the whole
24 fleet.

25 MR. SHEPHERD: Okay, well, those are after

1 the fact. Risk assessment would be something that is
2 before. These are things that can go wrong and they
3 could possibly be weighted once more.

4 MR. FISHER-ANDERSEN: Well, we do our JHAs
5 on a daily basis for all work we do onboard and
6 evaluate risk at that level on a daily basis. That is
7 incorporated into our daily routine.

8 MR. SHEPHERD: Okay, thank you. And I have
9 a question that deals with the amount of overtime. Do
10 you want me to hold off on that or is it okay to ask it
11 now?

12 Okay, with regard to we had an interview
13 with the second system engineer earlier in the week.
14 He mentioned that he stands a four-day watch and then
15 he said that he works, once he goes off watch, and he
16 has preference of course, and he works from 8 to 12 for
17 maintenance.

18 So, is that typical of your other
19 watchstanders? How many -- if you look at the
20 engineering crew you have onboard, what kind of
21 overtime are they working, is each individual working?

22 MR. FISHER-ANDERSEN: You know I honestly
23 never pay attention to how much overtime they are
24 working. They only, obviously, we have to stay within
25 our STCW work and rest hours. We are very conscious of

1 that, especially in relation to our interaction with
2 the ship and scheduling of the ship in Jacksonville.
3 So, we pay very close attention to the work and rest
4 hours.

5 MR. SHEPHERD: Right.

6 MR. FISHER-ANDERSEN: But in regards to
7 overtime, we get a monthly report from the captain on
8 the overtime. It is a budget-related --

9 MR. SHEPHERD: Let me just approach it from
10 another angle. So you stated earlier you have an extra
11 third, you think you have an extra third onboard, a
12 third system.

13 MR. FISHER-ANDERSEN: Yes.

14 MR. SHEPHERD: And you think you have an
15 extra unlicensed person onboard.

16 MR. FISHER-ANDERSEN: Yes, at least.

17 MR. SHEPHERD: So are they day workers or do
18 they perform watchstanding duties so that the first
19 assistant can come off the watchstanding?

20 MR. FISHER-ANDERSEN: I'm sorry, I don't
21 know.

22 MR. SHEPHERD: Okay. But at any rate, if
23 you have an extra person onboard, there is extra
24 maintenance, it facilitates extra maintenance in one
25 way or another.

1 MR. FISKER-ANDERSEN: Absolutely.

2 MR. SHEPHERD: Either they are day workers
3 and doing the maintenance or it facilitates someone who
4 could only be on the watch schedule come off the watch
5 schedule to perform maintenance.

6 MR. FISKER-ANDERSEN: Right. There would be
7 work undone without them.

8 MR. SHEPHERD: And do you know if those
9 persons that are day workers, are they working eight
10 hours a day or 12 hours a day?

11 MR. FISKER-ANDERSEN: I don't know.

12 MR. SHEPHERD: Okay and I'm not trying to
13 press the point.

14 MR. FISKER-ANDERSEN: No, that's okay. We
15 have extra people onboard to stay ahead of the
16 maintenance.

17 MR. SHEPHERD: I'm just trying to get a
18 sense of it. Right.

19 And how long have you been having these
20 extra people onboard?

21 MR. FISKER-ANDERSEN: As long as I have been
22 involved with these ships.

23 MR. SHEPHERD: Okay.

24 MR. FISKER-ANDERSEN: It is a long history
25 of it.

1 MR. SHEPHERD: Okay. So, it is not a new
2 trend?

3 MR. FISHER-ANDERSEN: No, to my knowledge,
4 it is how they have always been run.

5 MR. YOUNG: Just on the same note -- this is
6 Brian Young with the NTSB -- do you typically carry a
7 larger crew on the El Faro, compared to the El Yunque
8 or is there typically the same crew size?

9 MR. FISHER-ANDERSEN: I believe it is always
10 the same crew size. They are the same on the Orcas as
11 well, always more.

12 MR. YOUNG: Looking at the crew list the
13 other day between the vessels, we did see one or two
14 additional third engineers.

15 MR. FISHER-ANDERSEN: On what ship?

16 MR. YOUNG: The El Faro. Was there any
17 reason for that, other than maintenance training?

18 MR. FISHER-ANDERSEN: I don't know.

19 MR. YOUNG: Okay, thanks.

20 MR. [REDACTED] [REDACTED] [REDACTED] Coast Guard.
21 Just a follow up on Al's questions. Who within the
22 company provides oversight to make sure that fatigue
23 doesn't become a factor for ship work crews?

24 MR. FISHER-ANDERSEN: Like I said, we are
25 very conscious of maintaining our work rest hours, as

1 required by STCW, and that is tracked. The captain
2 tracks that. There is an Excel spreadsheet, which he
3 keeps track of, and those are retained. And that would
4 be something that would be reviewed during that
5 internal audit.

6 MR. [REDACTED] And then do you review the
7 shipboard safety meeting records?

8 MR. FISKER-ANDERSEN: I believe those are
9 copied at the port engineer on a monthly basis.

10 MR. [REDACTED] Okay, is there anybody else --

11 MR. FISKER-ANDERSEN: Those would be sent to
12 the DP.

13 MR. [REDACTED] Thank you.

14 MS. BELL: Carrie Bell, NTSB. Just a
15 clarification.

16 You mentioned your position is new in the
17 company.

18 MR. FISKER-ANDERSEN: Correct.

19 MS. BELL: You are not new to the position,
20 the position itself is new.

21 MR. FISKER-ANDERSEN: No, the position is
22 new. Correct.

23 MS. BELL: Is it fair to say, then, since we
24 have a lot of questions about where everything fits in,
25 is it fair to say that the company is still sort of

1 working out the functions of your department in
2 relation to the other groups?

3 MR. FISKER-ANDERSEN: Sure, that's fair.

4 MS. BELL: That's all I have.

5 MR. [REDACTED] Coast Guard,
6 again. Related to evaluation and performance of your
7 officers, who would evaluate the consequences in the
8 performance of the individuals, if there was a
9 navigational incident?

10 MR. FISKER-ANDERSEN: We haven't had one.
11 So, I would have to speculate but I would imagine that
12 it would go all the way to the top. I can imagine.
13 That would be speculative. So, I am going to stop
14 there. I don't know.

15 MR. [REDACTED] Who would --

16 MR. FISKER-ANDERSEN: It would have high
17 interest. I will say that.

18 MR. [REDACTED] How about who would review
19 loss of confidence of an officer?

20 MR. FISKER-ANDERSEN: That would go very
21 quickly to the Vice President of Operations.

22 MR. [REDACTED] And is there a formalized
23 process?

24 MR. FISKER-ANDERSEN: Well, the one incident
25 that I can recall, it was very formal when he was

1 fired.

2 MR. [REDACTED] Okay but is there a process?

3 MR. FISKER-ANDERSEN: He was immediately
4 removed.

5 MR. [REDACTED] Okay, so there is a mate who
6 slept all watch and he was demoted from a certain
7 position to another position. And the subject was loss
8 of -- the consequence was identified as loss of
9 confidence in that officer. So, in that case, would
10 there be a process we could review to find out how you
11 would handle that?

12 MR. FISKER-ANDERSEN: There may be
13 documentation. I don't have a copy of any of that.

14 I was referring to a mate on one of the
15 other ships who was removed for navigational issue.

16 MR. [REDACTED] Thank you.

17 [REDACTED] [REDACTED] So, along that line of
18 questioning -- [REDACTED] [REDACTED] U.S. Coast Guard. Back in
19 March of 2015, I believe, you guys had a loss of
20 propulsion coming out of Puerto Rico on a northbound
21 voyage, where one of the crews had made an error in the
22 engine room.

23 MR. FISKER-ANDERSEN: Right.

24 [REDACTED] [REDACTED] So, can you use that as an
25 example to tell us how your processes evaluated that

1 situation and what was the result of it?

2 MR. FISHER-ANDERSEN: I actually, myself,
3 went down to the ship and discussed it with the chief
4 engineer, who had talked with both the individuals
5 involved, officer on watch, and the unlicensed
6 individual. And it was determined, on a human factor
7 level, it was one of those multi-faceted issues where
8 there was possibly a communication error, possibly a
9 training issue and then there was also, on the
10 mechanical side, an issue of labeling.

11 And so we addressed, for a corrective
12 action, we addressed each of those three issues but did
13 not issue any written disciplinary action because of
14 the three issues. And specifically to the physical
15 side, we tie wrapped open the LUBO (phonetic) valves,
16 added labeling to the LUBO valve, which did not have a
17 label on it, although the seawater valve did, even
18 though they were painted yellow and green.

19 The first assistant and the chief engineer,
20 I believe, went through a discussion with the watch
21 officer to tune him up on his communication and
22 ensuring that a nod and a yes isn't enough. And then
23 additional training was held with the unlicensed
24 individual.

25 [REDACTED] [REDACTED] So was that documented, all of

1 those steps, are those documented somewhere within the
2 company or is that just --

3 MR. FISKER-ANDERSEN: It was discussed with
4 me. It was done. I wrote the corrective action and we
5 were finished with it.

6 [REDACTED] [REDACTED] And just one follow-on question
7 to what [REDACTED] was talking about earlier. Just for the
8 record, are you a member of any safety committees or
9 any monthly safety meetings that take place in the
10 company?

11 MR. FISKER-ANDERSEN: Yes.

12 [REDACTED] [REDACTED] What committees are they?

13 MR. FISKER-ANDERSEN: Well quarterly we have
14 a safety review and we go through all of the incidents,
15 lost time incidents, near misses, and all of those
16 incidence items are discussed with the whole fleet.
17 They are also written up and presented and then all of
18 those reports are filed onboard the ships and retained
19 for two years.

20 [REDACTED] [REDACTED] During those quarterly meetings,
21 has the topic of discussion ever been prevailing
22 conditions or trade routes in relation to weather
23 conditions?

24 MR. FISKER-ANDERSEN: Not that I can recall.

25 [REDACTED] [REDACTED] Okay.

1 MR. ROTH-ROFFY: Tom Roth-Roffy, NTSB. I
2 hate to return to the weather issue but I did have a
3 couple of questions in my mind. And I apologize again
4 if you have already addressed these.

5 MR. FISHER-ANDERSEN: That's okay.

6 MR. ROTH-ROFFY: You get the information
7 available to the master no the vessel regarding
8 weather. Can you describe what that information
9 consists of?

10 MR. FISHER-ANDERSEN: Sure but my
11 familiarity with the -- well, it is a BonVoyage System,
12 which is supplied by Applied Weather Technologies. And
13 it is a weather forecasting system. It is not a
14 weather routing system.

15 But my familiarity is an over-the-shoulder
16 explanation from the captain showing me how great this
17 system is and what the different tools are. But it
18 graphically displays predicted wind speed and
19 direction, predicted wave height and direction, and it
20 is a very interactive presentation in a color model on
21 a chart overlay. And I think if you need more detail
22 about the explanation of that system, Captain Siff
23 (phonetic) might be able to speak to that.

24 MR. ROTH-ROFFY: Is it worth pursuing or you
25 have a good understanding of it already?

1 MR. YOUNG: Just one question. Brian Young
2 with the NTSB. Is that updated -- what is the
3 frequency of updates to that? Is it live?

4 MR. FISHER-ANDERSEN: I'm told that it is
5 every six hours that that system updates and that the
6 data file is brought in via email and imported into the
7 captain's computer. That is what I am told.

8 MR. YOUNG: So, the captain has access to
9 this every six hours via email.

10 MR. FISHER-ANDERSEN: Right but I believe it
11 is an automatic extract of the data file. I'm getting
12 into areas where I don't know.

13 MR. YOUNG: Okay.

14 MR. ROTH-ROFFY: Tom Roth-Roffy, resuming.
15 What other sorts of weather information would be
16 available to the master beyond that? And is that a
17 subscription service that the company pays for?

18 MR. FISHER-ANDERSEN: Yes.

19 MR. ROTH-ROFFY: Okay, so what other
20 information would he use?

21 MR. FISHER-ANDERSEN: There is weather
22 alerts through the GMDSS system. And then there is a
23 NAVTEX.

24 MR. ROTH-ROFFY: And the source of that
25 information would be --

1 MR. FISKER-ANDERSEN: I believe the NAVTEX
2 is National Weather Service.

3 MR. ROTH-ROFFY: And weather alerts?

4 MR. FISKER-ANDERSEN: They come to the GMDSS
5 system and I don't know where those are generated.

6 MR. ROTH-ROFFY: And going back to the
7 discussion about your position being new, what was the
8 company arrangement before your position was created?
9 Who did the things that you are currently doing?

10 MR. FISKER-ANDERSEN: The director's
11 position was not a filled position. It was spread
12 between the port engineer, who was myself and Vice
13 President of Marine, who was my boss, Phil. So, I was
14 doing a lot of the functions already but moving myself
15 to the director brought in more horsepower on the deck
16 plate level. So, it allowed me to focus more on some
17 of my other responsibilities.

18 So, they were not uncompleted tasks. We
19 allowed ourselves to focus more. I still wrote the
20 budget last year but I was also a port engineer. Now,
21 I have got a port engineer and I can focus more on the
22 other functions as well.

23 MR. ROTH-ROFFY: I understand. Thank you
24 very much.

25 MS. BELL: Carrie Bell, NTSB. You mentioned

1 a navigational incident in which an employee was
2 terminated. Can you describe that?

3 MR. FISHER-ANDERSEN: The captain went to
4 the bridge, asked the mate on watch where he was; why
5 are you on this course. And he said he didn't know.
6 And the captain called the Vice President of Operations
7 and we had a relief sent to anchorage to replace him.

8 MS. BELL: Was that on advisement of the
9 captain?

10 MR. FISHER-ANDERSEN: Yes. I wasn't
11 involved in that. That is what I hear second-hand.

12 MR. BRAGG: This is Kenny Bragg, NTSB. Do
13 you know if that was, that individual was that his
14 first type of incident of this nature? Meaning, was
15 there --

16 MR. FISHER-ANDERSEN: He was new to the
17 ship.

18 MR. BRAGG: He was new to the ship. Okay.

19 MS. BELL: How new to the ship?

20 MR. FISHER-ANDERSEN: Brand new onboard.

21 MS. BELL: How many days in was this?

22 MR. FISHER-ANDERSEN: One or two.

23 MS. BELL: Can you provide his name?

24 MR. FISHER-ANDERSEN: I don't know. I
25 suppose our HR Department could provide that. I don't

1 have it. I wasn't involved in the releasing of him,
2 replacing him.

3 MR. [REDACTED] [REDACTED] [REDACTED] Coast Guard.
4 Just a couple final on the weather. The BonVoyage
5 weather information that you have a subscription for,
6 was a weather routing service subscription available?

7 MR. FISKER-ANDERSEN: I don't know.

8 MR. [REDACTED] Have you ever suggested from
9 your management position that the ship employ a weather
10 routing service?

11 MR. FISKER-ANDERSEN: No.

12 MR. [REDACTED] Have any captains or officers
13 of the ship asked you to provide a weather routing
14 subscription?

15 MR. FISKER-ANDERSEN: No.

16 MR. [REDACTED] Thank you.

17 MR. YOUNG: This is Brian Young with the
18 NTSB. Have any captains been fired in your tenure
19 working for TOTE for any reason whatsoever, that you
20 can recall?

21 MR. FISKER-ANDERSEN: Yes.

22 MR. YOUNG: And it was for any reason, for
23 navigational errors?

24 MR. FISKER-ANDERSEN: No.

25 MR. YOUNG: Was it disciplinary?

1 MR. FISHER-ANDERSEN: Yes, it was
2 disciplinary. This is was from El Faro -- or this is
3 from the El Morro. The El Morro.

4 MR. YOUNG: And in your tenure as port
5 engineer and the director, have you ever been
6 approached by any crew members with any concerns of
7 safety or condition of the El Faro concerning safety
8 issues or machinery failures?

9 MR. FISHER-ANDERSEN: No.

10 MR. YOUNG: And this is just a question,
11 kind of I just need your input on it. Do you know if
12 that ship, El Faro, had a satellite TV system aboard
13 for the crew? TracVision would be the name.

14 MR. FISHER-ANDERSEN: Yes.

15 MR. YOUNG: The El Yunque had it.

16 MR. FISHER-ANDERSEN: Yes.

17 MR. YOUNG: The same?

18 MR. FISHER-ANDERSEN: Yes.

19 MR. YOUNG: Any other general questions that
20 people want to go around?

21 MR. SHEPHERD: Al Shepherd, ABS. Jim, if
22 you don't mind, I will refer just to one place in your
23 safety manual system. You referred to them as lost
24 time incidents.

25 It says -- I'm just going to read this. It

1 says, the last sentence of 9.10.2 it says vessels that
2 go two years or more without a lost time incident are
3 nominated for the annual Jones F. Delvin Award
4 presented each year by the Chamber of Shipping of
5 America.

6 Now, has any of your vessels been nominated
7 from within?

8 MR. FISKER-ANDERSEN: Yes. And I couldn't
9 speak to specific dates. I have attended and received
10 those awards on behalf of our ships in the past and we
11 are regular recipients of those.

12 MR. SHEPHERD: So more than one?

13 MR. FISKER-ANDERSEN: Absolutely.

14 MR. SHEPHERD: Yes, good. A number of them.
15 You have had zero lost time incidents on multiple
16 ships.

17 MR. FISKER-ANDERSEN: Yes. TOTE has a very
18 good record for lost time incidents, better than
19 industry standards.

20 MR. SHEPHERD: Good. Good. One more
21 question. And please, I don't mean this to sound
22 insensitive but it should be asked.

23 Have there been any fatalities say in the
24 last two years on the El Faro, the El Marro, or the El
25 Yunque?

1 MR. FISHER-ANDERSEN: Yes, there have been.

2 MR. SHEPHERD: Okay, can you please describe
3 that?

4 MR. FISHER-ANDERSEN: There was --

5 MR. SHEPHERD: Has there been more than one,
6 first of all?

7 MR. FISHER-ANDERSEN: The only one that I
8 can think of right now is an engineer who had a medical
9 issue and the ship diverted to Canaveral. They weren't
10 able to revive him.

11 MR. SHEPHERD: So, it wasn't actually
12 work-related. It was a preexisting medical condition.

13 MR. FISHER-ANDERSEN: Correct.

14 MR. SHEPHERD: Okay, so no work-related
15 fatalities in the last two years on these three ships,
16 the El Faro --

17 MR. FISHER-ANDERSEN: No.

18 MR. SHEPHERD: Okay, thank you. And that
19 was the hard question. I apologize for it.

20 MR. FISHER-ANDERSEN: Yes. If it is okay, I
21 would rather not mention his name on the record.

22 MR. SHEPHERD: That's fine with me.

23 MR. [REDACTED] Brian's question -- [REDACTED]

24 [REDACTED] Coast Guard -- brought up a point.

25 Are you aware of any crew members on the El

1 Faro that had satellite phones?

2 MR. FISKER-ANDERSEN: No, I'm not aware of
3 anyone who had a satellite phone.

4 MR. [REDACTED] Thank you.

5 [REDACTED] [REDACTED] One question. [REDACTED] [REDACTED] with
6 the Coast Guard.

7 With regard to safety, is there any safety
8 incentive program for the employees for any awards,
9 outside of the award that you discussed, that go to
10 individual employees or any type of way for an employee
11 to anonymously report up to management concerns they
12 have with regard to safety?

13 MR. FISKER-ANDERSEN: For reporting, there
14 is a number of mechanisms to report safety concerns.
15 The first method that an employee would have for
16 reporting any -- and I would say you could say it more
17 broadly, any concerns, would be to go to his department
18 head.

19 The second place an employee would go with
20 any concerns would be the captain on the ship. And
21 then the next person he could certainly go to would be
22 the designated person. His name is displayed
23 prominently throughout the living quarters on the ship.

24

25 In addition to that, we have a hotline

1 number for TOTE, Inc. that they could contact that.
2 So, there is multiple reporting methods that an
3 employee could use, including the shipboard employees
4 with any concerns that they have.

5 [REDACTED] [REDACTED] And is there any incentive for
6 safety incidents throughout the company?

7 MR. FISHER-ANDERSEN: Currently, no, that I
8 am aware of.

9 [REDACTED] [REDACTED] And is it well-articulated
10 throughout the employees at all levels that they all,
11 or do they all have the authority to stop an operation
12 if they have a safety concern?

13 MR. FISHER-ANDERSEN: Absolutely.

14 [REDACTED] [REDACTED] Has that ever been used, that
15 you know of?

16 MR. FISHER-ANDERSEN: Not that I am aware
17 of.

18 [REDACTED] [REDACTED] Okay, thank you.

19 MR. YOUNG: This is Brian Young with the
20 NTSB. Do you know if anyone has ever reported anything
21 via that phone line?

22 MR. FISHER-ANDERSEN: Yes and it is tracked.

23 MR. YOUNG: It's tracked, okay. I mean that
24 is something we --

25 MR. FISHER-ANDERSEN: I don't have any of

1 those records but they have a method for tracking and
2 bringing to resolution closure for any reported item.

3 MR. YOUNG: Okay.

4 MS. BELL: Carrie Bell, NTSB. There is a
5 method for all of those positions, are all of those
6 four mechanisms for reporting? There is a method for
7 all of those?

8 MR. FISHER-ANDERSEN: Well for the shipboard
9 ones, I think that that would be dealt with onboard. I
10 can't speak to the specifics of those, if there is any
11 issues. But and it would depend on, I guess, the type
12 of incident that you are talking about. If there is an
13 HR incident, sometimes it is dealt with onboard and
14 documented. It is not unusual for a captain to reach
15 out for further guidance if there is an incident like
16 that. But for the 1-800 number, that would be
17 certainly documented and tracked, if it gets to that
18 level.

19 MS. BELL: And so where does that go from
20 there? Who initially gets that and where does it go?

21 MR. FISHER-ANDERSEN: That goes to our TOTE,
22 Inc. office and it is handled and it comes down through
23 the executive chain, if it had got to that level.

24 MS. BELL: So, for example, if an unlicensed
25 crew member calls in something, just a concern they

1 have in the engine room, where does that go when it is
2 routed? If they just call anonymously, what is the
3 route? How is that?

4 MR. FISHER-ANDERSEN: Via the website, they
5 can do that or by phone. Mike Holt is the key person
6 who that would go to and then that would go down, be
7 communicated down through the executive chain.

8 MS. BELL: What is his position?

9 MR. FISHER-ANDERSEN: He is chief ethics
10 officer.

11 MS. BELL: So, he would decide which
12 department that would go to and then it would route
13 down through there.

14 MR. FISHER-ANDERSEN: Correct.

15 MS. BELL: Would you reach out to that
16 person who made that complaint, if it was not
17 anonymous?

18 MR. FISHER-ANDERSEN: You know I haven't
19 been directly in that chain. So, if I was brought into
20 that process, certainly I would reach out to him.

21 MS. BELL: So, if we wanted to get the flow
22 of those actions, would that be Mike Holt that we would
23 talk to?

24 MR. FISHER-ANDERSEN: Right.

25 MS. BELL: Okay, thank you.

1 MR. [REDACTED] [REDACTED] Coast Guard.

2 When I come aboard your ships, either as a
3 new hire or a -- let's say a new hire, do I get an
4 employee handbook?

5 MR. FISHER-ANDERSEN: That is available to
6 you through the -- it is part of the onboard
7 orientation. I haven't put my hands on one for the
8 shipboard crew. So, I can't speak to that
9 specifically. We have an employee information
10 available to the crew members but I apologize, I don't
11 have the details on that.

12 MR. [REDACTED] Okay, thank you.

13 [REDACTED] [REDACTED] Coast Guard. One
14 more follow-on question. Is the anonymous reporting
15 system and the authority to stop an operation for
16 safety, is that part of the initial indoctrination
17 onboard the ship whenever a new crew member comes
18 onboard?

19 MR. FISHER-ANDERSEN: That is part of the
20 JHA discussions.

21 [REDACTED] [REDACTED] All right, thank you.

22 MR. YOUNG: This is Brian Young with the
23 NTSB.

24 We certainly appreciate you being here and
25 answering all our questions. Do you have any questions

1 for us, anybody at the table?

2 MR. FISKER-ANDERSEN: No.

3 MS. BELL: I'm sorry --

4 MR. YOUNG: You're not done yet.

5 MS. BELL: I thought we were through. I'm
6 sorry, I apologize. I thought we were moving on to
7 another subject.

8 MR. YOUNG: No. Okay, go ahead.

9 MS. BELL: Is it all right to --

10 MR. YOUNG: Sure.

11 MS. BELL: Okay. What are the reasons a
12 ship might be delayed or not depart on time?

13 MR. FISKER-ANDERSEN: Cargo coming in late.

14 MS. BELL: And if you were delivering cargo
15 --

16 MR. FISKER-ANDERSEN: Well actually, in
17 addition to that, traffic in the river. That is often
18 the source of delay.

19 MS. BELL: What happens if cargo -- if cargo
20 is coming in late, is there any penalty to the company
21 who is delivering that cargo to you for coming in late?

22 MR. FISKER-ANDERSEN: No. None that I am
23 aware of.

24 MS. BELL: And when you are delivering your
25 -- when you get to your destination, if you are late,

1 what kind of penalties do you incur?

2 MR. FISKER-ANDERSEN: If we are late to --

3 MS. BELL: To deliver.

4 MR. FISKER-ANDERSEN: -- to deliver? I have
5 no idea if there is anything. There are no penalties
6 that I am aware of.

7 MS. BELL: So you have contracts with
8 companies that you are carrying their cargo. Do you
9 give them any guarantees about delivering, so, it will
10 be within a certain amount of time? Are you -- I don't
11 know if this is your area.

12 MR. FISKER-ANDERSEN: I'm not aware of any.

13 MS. BELL: Okay, do you work with contracts?

14 MR. FISKER-ANDERSEN: No.

15 MS. BELL: You don't.

16 MR. FISKER-ANDERSEN: No.

17 MS. BELL: Okay, well maybe some of my
18 questions will be cut short then.

19 Do you know how many cargo company contracts
20 that TOTE has currently?

21 MR. FISKER-ANDERSEN: No.

22 MS. BELL: Any idea?

23 MR. FISKER-ANDERSEN: No.

24 MS. BELL: Do you have any idea how many
25 times a month your ships depart on a delayed schedule,

1 on average?

2 MR. FISKER-ANDERSEN: Departure from
3 Jacksonville, which I pay most close attention to is
4 2000. And they generally are leaving at 2000 to 2100,
5 in that window.

6 MS. BELL: And what about delivery?

7 MR. FISKER-ANDERSEN: They are generally on
8 time. We have a pretty good record for delivery. It's
9 pretty routine.

10 MS. BELL: So, would you say it is rare for
11 them to not be within an hour of their schedule when
12 they deliver?

13 MR. FISKER-ANDERSEN: Correct.

14 MS. BELL: And are there any -- do you have
15 to fill out paperwork or does the captain have to do
16 anything additional if they come in late?

17 MR. FISKER-ANDERSEN: No, none that I am
18 aware of.

19 MS. BELL: I think that is all I have got.

20 MR. SHEPHERD: No questions.

21 MR. YOUNG: Of course, it generated one more
22 question from a few of us.

23 [REDACTED] U.S. Coast Guard.
24 I'm sorry.

25 MR. FISKER-ANDERSEN: No, that's fine.

1 ██████████ ██████████ Going back to drills. And I
2 know this is really crazy but I know they do drills
3 onboard the ship. Is there any drill or exercise where
4 the entire company participates in the chain of events
5 that are set forth on the ship?

6 MR. FISHER-ANDERSEN: Yes. We had one,
7 together with the United States Coast Guard in 2014.
8 Actually, it was on the El Faro while she was laid up,
9 standing up incident response.

10 ██████████ ██████████ With regards to --

11 MR. FISHER-ANDERSEN: I wasn't involved in
12 that. That was with Jacksonville. So, we are actively
13 engaged with local authorities, periodic exercises. I
14 think the most recent one was an L&G tabletop exercise.

15 MR. YOUNG: This is Brian Young with the
16 NTSB.

17 Your position as director, is it eligible
18 for a bonus?

19 MR. FISHER-ANDERSEN: Yes.

20 MR. YOUNG: What is that bonus based on?

21 MR. FISHER-ANDERSEN: Primarily on safety.

22 MR. YOUNG: Safety?

23 MR. FISHER-ANDERSEN: Yes and then other.
24 But I can't speak to the other but safety is number one
25 for top-down. Top-down safety.

1 MR. YOUNG: Okay, thank you. I'll defer to
2 you.

3 MR. ROTH-ROFFY: Thank you. Tom Roth-Roffy,
4 NTSB. What are the metrics for safety that your bonus
5 is based on?

6 MR. FISHER-ANDERSEN: I can't speak
7 specifically to that but we are -- I believe it is lost
8 time incidence and keeping those continually dropping.
9 We are under a lot of, I don't want to say pressure,
10 but that is our incentive is to make the ships and
11 workplace safer. That is from top-down and also from
12 bottom-up.

13 If I could expand on that, we have a very
14 robust safety culture within TOTE. And to say it
15 again, that is from the top down from Saltchuk.

16 Safety is very, very important. It has been
17 communicated to all of us in many different ways. And
18 it is also very active on the deck plate level as well,
19 where it is not just an imposed philosophy or an
20 imposed procedure. The ships crews are very active in
21 improving safety onboard. And an example of that would
22 be -- and this came from the ships. They decided that
23 you know what, we are going to step up and ensure that
24 when we are in port, we are going to wear hard hats,
25 even though that wasn't imposed by the ships or by the

1 management. It was decided onboard that we are going
2 to do that. And it was very much crew driven, that
3 they realized that they needed to step up in their own
4 use of PP. And that was embraced, obviously, by
5 management and those of us in the terminal as well, as
6 much as I don't like to wear it when it is 100 degrees
7 outside, but we all do it.

8 MR. ROTH-ROFFY: Okay and just to follow on.
9 In terms of your bonus agreement, is that specified in
10 some type of contractual agreement you have with the
11 company or how is that played out?

12 My follow-on question is, can we get a copy
13 of that agreement.

14 MR. FISHER-ANDERSEN: I don't have any of
15 that information. That has never been conveyed to me.
16 It is -- I don't have a copy of that. I don't recall.

17 MR. ROTH-ROFFY: Okay, so how do you know
18 that your bonus is based on these metrics?

19 MR. FISHER-ANDERSEN: That has been verbally
20 communicated to me.

21 MR. ROTH-ROFFY: By?

22 MR. FISHER-ANDERSEN: I apologize, I can't
23 recall.

24 MR. ROTH-ROFFY: Do your port engineers also
25 have bonus agreements?

1 MR. FISHER-ANDERSEN: They are eligible for
2 a bonus as well, yes.

3 MR. ROTH-ROFFY: And what are the basis for
4 those bonuses?

5 MR. FISHER-ANDERSEN: It is a combination of
6 your evaluation and, obviously, safety is number one
7 but also part of your evaluation.

8 MR. ROTH-ROFFY: And who performs the
9 evaluation of the port engineers?

10 MR. FISHER-ANDERSEN: I haven't done it yet.
11 So, that would be myself or the Vice President of
12 Marine.

13 MR. ROTH-ROFFY: So how are you going to --
14 will you be the one that recommends a bonus level for
15 your ports?

16 MR. FISHER-ANDERSEN: Well, I would evaluate
17 the individuals on the performance criteria, one of
18 them being safety.

19 MR. ROTH-ROFFY: But are you the one that
20 recommends a bonus amount?

21 MR. FISHER-ANDERSEN: No.

22 MR. ROTH-ROFFY: Who would make that
23 recommendation?

24 MR. FISHER-ANDERSEN: That goes into the --
25 to my working knowledge of it, not outside of that, it

1 goes into the HR Department and that is the last that I
2 have any knowledge of it.

3 MR. ROTH-ROFFY: Okay, thank you.

4 [REDACTED] [REDACTED] Just one follow-up question.

5 [REDACTED] [REDACTED] This is in line with what Tom was asking
6 here. How often is that bonus given? Is it a
7 quarterly bonus?

8 MR. FISHER-ANDERSEN: Once a year.

9 [REDACTED] [REDACTED] Once a year, an annual bonus.

10 MR. FISHER-ANDERSEN: Yes.

11 [REDACTED] [REDACTED] All right, thank you.

12 MS. BELL: I have one more question. Carrie
13 Bell, NTSB.

14 How would you describe the balance between
15 safety and maintaining a schedule?

16 MR. FISHER-ANDERSEN: Safety is number one.
17 Schedule is second, third, down the road. There is no
18 question that safety is number one. That is from
19 top-down. Everybody knows that.

20 MR. [REDACTED] [REDACTED] [REDACTED] Coast Guard.
21 Does the master get a bonus?

22 MR. FISHER-ANDERSEN: I believe he does.
23 I'm not part of that process.

24 MR. [REDACTED] Have you ever made
25 recommendations regarding the master and the bonus

1 question?

2 MR. FISHER-ANDERSEN: No.

3 MR. [REDACTED] And then are you aware, does
4 Saltchuk, the parent organization, conduct an
5 operational review of your operations?

6 MR. FISHER-ANDERSEN: Can you try and
7 rephrase the question? I apologize.

8 MR. [REDACTED] In other words, does the
9 parent corporation assess the effectiveness of your
10 operations, formally assess not the bottom line, not
11 the financial, but the actual how the operations are
12 conducted?

13 MR. FISHER-ANDERSEN: Can you tighten up the
14 --

15 MR. [REDACTED] Yes. In other words, do your
16 ships meet the schedule? Are your ships maintenance --

17 MR. FISHER-ANDERSEN: If you could stop. If
18 I could speak just to that. We do track the schedule
19 on a matrix and that is one of our KPIs, I believe.
20 That would be on the TOTE Puerto Rico side. They do
21 track that.

22 MR. [REDACTED] And does Saltchuk review that?

23 MR. FISHER-ANDERSEN: I believe it is at
24 least reported up to TOTE, Inc. I believe I am not
25 involved in that, though.

1 MR. [REDACTED] Do you know if they track
2 safety?

3 MR. FISKER-ANDERSEN: Absolutely.

4 MR. [REDACTED] Saltchuk.

5 MR. FISKER-ANDERSEN: All the way up.

6 MR. [REDACTED] Do you have to report safety
7 up?

8 MR. FISKER-ANDERSEN: All the way up safety
9 is tracked.

10 MR. [REDACTED] And then how do you do that?

11 MR. FISKER-ANDERSEN: That is through the
12 annual numbers that we track.

13 MR. [REDACTED] So, they only get it at the
14 end of the annual cycle? They don't get it --

15 MR. FISKER-ANDERSEN: Well, we are tracking
16 it on a weekly basis in our office. Every time we have
17 another lost time, it is reported to our whole group,
18 the whole operations group.

19 MR. [REDACTED] And so, what exactly do you
20 track, as regards to safety?

21 MR. FISKER-ANDERSEN: Lost time injuries and
22 near misses.

23 MR. [REDACTED] And by near miss you are
24 describing activities of people, not vessels?

25 MR. FISKER-ANDERSEN: It could be either.

1 MR. [REDACTED] So, would you also track in
2 your safety department navigational incidents?

3 MR. FISHER-ANDERSEN: That could be but I
4 have no recollection of a navigational incident.

5 MR. [REDACTED] Okay, so the propulsion lost
6 in Puerto Rico, coming out of Puerto Rico, would that
7 be tracked in your safety matrix?

8 MR. FISHER-ANDERSEN: Yes.

9 MR. [REDACTED] Thank you very much.

10 [REDACTED] [REDACTED] One more question, [REDACTED] [REDACTED]
11 Coast Guard.

12 You mentioned KPIs. Did you have a list of
13 KPIs that are established by management?

14 MR. FISHER-ANDERSEN: I don't. I don't have
15 that available.

16 [REDACTED] [REDACTED] So, there is nothing -- are the
17 KPIs written?

18 MR. FISHER-ANDERSEN: Different groups have
19 different KPIs. I don't have any for my position.

20 [REDACTED] [REDACTED] Okay, thank you.

21 MR. ROTH-ROFFY: Do you intend to go into
22 schedule issues as a separate topic or have you already
23 covered that?

24 MR. YOUNG: There was some questions about
25 scheduling and it seemed to be maybe at a higher level.

1 But if there are questions, you might as well try. We
2 did kind of discuss scheduling.

3 MR. ROTH-ROFFY: Tom Roth-Roffy, NTSB. I
4 hate to revisit stuff.

5 MR. FISHER-ANDERSEN: That's okay.

6 MR. ROTH-ROFFY: But I have got other things
7 going on and I missed some of the questions.

8 The pressures to maintain schedule, what is
9 the impact to your operation if schedules are delayed
10 or shift? You have two vessels carrying cargo on this
11 route. If one gets delayed for several days, what is
12 the impact?

13 MR. FISHER-ANDERSEN: Well, to speak
14 specifically to the schedules, you know a captain is
15 going to know before he, as he approaches port if he is
16 going to be late. So, the impact is minimized because
17 he knows when he is going to be there.

18 If a ship, at the last minute, were to
19 arrive late, we would have an extra shift of labor.
20 But if a captain is going to be late, he already knows
21 it. So, that would be in the southbound lane.

22 On the northbound lane, they actually have
23 an extra day built into the schedule. So, provided
24 that he is not more than a day behind, he has got a
25 good chance of catching up with the schedule. So, we

1 have some time built into our back pocket.

2 MR. ROTH-ROFFY: With the two ships running,
3 do they both leave their respective ports in opposite
4 directions around the same day or how is that
5 coordinated or does it [REDACTED] if it is coordinated in
6 that way?

7 MR. FISHER-ANDERSEN: Departure from
8 Jacksonville is always on the same day, Tuesday and
9 Friday nights and arrival in San Juan is always on the
10 same days as well.

11 MR. ROTH-ROFFY: If there is some adverse
12 event, such as a major equipment failure, like a boiler
13 problem, it would delay the vessel in port for several
14 days at either end. What is the impact on your
15 operation?

16 MR. FISHER-ANDERSEN: Well, we haven't had
17 that but if we are talking about several days. It
18 takes some time to catch up, if you are talking about
19 that much of a delay. And it may take, depending on
20 how many days you are talking about, we do have that on
21 the northbound lane some time in our back pocket. So,
22 that is where you can catch that time.

23 And there is other things we can do too, to
24 shave time. We can put less back on the ship
25 northbound and get the ship out of port. We can make

1 sure that we hire extra labor to get the ship unloaded.
2 So, we have some things we can do to respond to the
3 catch time.

4 MR. ROTH-ROFFY: And who is involved in
5 managing schedule delays and reorganization? Are you
6 involved in that, you know adding extra labor?

7 MR. FISHER-ANDERSEN: That would be the
8 terminal operations folks. We work really closely with
9 them as well.

10 MR. ROTH-ROFFY: Is that something you
11 routinely have to do with respect to delays or is it
12 pretty much --

13 MR. FISHER-ANDERSEN: Well, the ship, there
14 is always an adjustment to the time. That is routine.
15 We do our best to keep a schedule, operationally, just
16 so things run smoothly but adjustments, the
17 communication of those adjustments is routine.

18 MR. ROTH-ROFFY: Okay, that is all I have.
19 Thank you.

20 MR. YOUNG: Does anybody else have any
21 follow-up questions?

22 We very much appreciate all your time, Jim,
23 and you have all our contact information. And if there
24 is anything else you feel, down the road you hear, or
25 if you get any more information, of course, we are very

1 interested to find out the probable cause of this
2 accident.

3 And again, were there any questions that you
4 had for any of us? Is there any more information you
5 want to give that we haven't asked you?

6 MR. FISHER-ANDERSEN: No.

7 MR. YOUNG: Okay. Well, we will conclude
8 the interview. The time is ten minutes after 12:00.
9 Thank you again for your time.

10 (Whereupon, the above-entitled [REDACTED] went
11 off the record at 12:10 p.m.)
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C E R T I F I C A T E

██████████ El Faro Incident
Accident No. DCA16MM001
Interview of Jim Fisker-Anderson
Jacksonville, FL

DATE: 10-13-15

I hereby certify that the attached transcription of page 1 to 144 inclusive are to the best of my professional ability a true, accurate, and complete record of the above referenced proceedings as contained on the provided audio recording; further that I am neither counsel for, nor related to, nor employed by any of the parties to this action in which this proceeding has taken place; and further that I am not financially nor otherwise interested in the outcome of the action.

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|-------------|-------------|-----------------|-------------------|
| 5 | 13 | * | 1990 |
| 5 | 13 | tractor trailer | factory trawler |
| 5 | 24 | takoma | Tacoma |
| 9 | 23 | All American | Holland America |
| 16 | 12 | doe | does |
| 17 | 7 | bubble | level |
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| 38 | 18, 19 | high beams | I-beams |
| 42 | 15 | core bells | corbels |
| 43 | 1 | Wallis Sheck | Walashek |
| 43 | 14 | railroad | ro-ro |
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| 58 | 14, 19 | (inaudible) | Butterworth |
| 59 | 6 | Row-con | Ro-con |
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| 84 | 8 | East Labella | Isla Bella |
| 92 | 13 | System | Assistant |
| 98 | 15, 16 | lubo | lube oil |
| 100 | 7 | no | on |
| 100 | 22 | Siff | Stith |
| 116 | 14 | L&G | LNG |

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