



National Transportation Safety Board

Washington, D.C. 20594

Office of Marine Safety

March 23, 2018

Mr. Gustavo Abaroa
General Director - DPA
Baja Ferries S.A. de C.V.
Ave. Emilio Barragan y Prolongacion Carnaval s/n, Fracc.
Playa Sur, Mazatlan, Sinaloa, Mexico

Re: Technical review of the Human Performance Factual Report related to the *Caribbean Fantasy*

Dear Mr. Abaroa:

The NTSB investigative team has reviewed all technical review comments submitted by Baja Ferries S.A. de C.V. related to the Human Performance Factual Report on the *Caribbean Fantasy* casualty. Below is a disposition of the each of the comments.

All editorial suggestions have been considered and will be incorporated as appropriate.

Sincerely,

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Adam Tucker
Investigator-in-charge
National Transportation Safety Board
490 L'Enfant Plaza, S.W.
Washington, DC 20594

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DCA16FM052 Caribbean Fantasy**NTSB Draft Human Performance Factual Report for Technical Review**

No.	Party	Page/ Line	Party Comments	NTSB - Disposition of party comments
1	Baja	5/5	Security Officer, ... Comment from Baja Ferries: Security Officer didn 't report to Hotel Director, he reported to Ship Security Officer who is the Staff Captain.	Corrected.
2	Baja	5/17	Safety officer 's computer was not able to be accessed by investigators. Comment from Baja Ferries: We don't know which is the reason, USCG- NTSB had the computer and password was provided by Baja Ferries, S.A. de C.V.	Investigators could not access the safety officer's computer because there was a hard disk error. Modified wording as follows: Investigators recovered the safety officer's computer from the vessel but were unable to access its contents.

3	Baja	8/12	<p>The company had no record of the safety officer having training in qualification for instructors, supervisors and assessors as per STCW code.</p> <p>Comment from Baja Ferries: The code states this requirement as follows: STCW Code, Section B-V6.2 Any person, on board or ashore, conducting in-service training of a seafarer intended to be used in qualifying for certification under the Convention should have received appropriate guidance in instructional techniques. The training on board was not intended to get a certification.</p>	Concur. Sentence deleted.
4	Baja	12/25	<p>On August 8, 2016, the safety officer sent an email to Ship Supply of Florida, one of the Caribbean Fantasy's crewing agencies, noting that she had incomplete documentation on 40 crew members, including missing crowd management training certificates, expired medical exam certificates, and lack of seaman's books. A return email from the company stated that they were still waiting for the crowd management certificates for nearly half of the crew listed, though no plan to provide training or certification was discussed in the email. Comment from Baja Ferries: This situation was addressed, Certificates were on board, Ship Supply sent them via several emails to safety officer.</p>	<p>Comment from Baja Ferries has been added to factual report: According to a company management representative, this issue was rectified, stating, "the situation was addressed, certificates were onboard, Ship Supply sent them via several emails to safety officer".</p>
5	Baja	13/19	<p>Although the computer was recovered from the accident site, NTSB investigators were not able to gain access to the device.</p> <p>Comment from Baja Ferries: Answered in 5/17</p>	<p>Addressed in previous comment (comment #2). Investigators could not access the safety officer's computer because there was a hard disk error. Modified wording as follows: Investigators recovered the safety officer's computer from the vessel but were unable to access its contents.</p>

6	Baja	19/10	<p>According to the DPA, the company was having issues with crewmembers not "communicating sufficiently in English "... Comment from Baja Ferries:</p> <p>I believe this description of the language communication in the ship is incomplete. The concern I expressed on sufficiency in English language was with hotel staff crew. There was a program to improve this. The hotel crew, however, dealt principally directly with passengers who mostly spoke Spanish. In my interview I expressed that I did not have concern with deck and engine crew as they did always communicate in English regardless of their mother language.</p> <p>I can understand the crewmembers who used an interpreter for the on-scene interviews was because it was offered, and because it was an interview by Government officials the crew felt more calm explaining in Spanish. Also, from what I saw and was told the ship's officers all were interviewed without problems or complications in English and no translator was needed. Also, it was observed at the Public Hearings that the officers gave testimony in English without complications. The text of the draft report suggests this was a big problem with officers and the principal crew, but I believe it was not.</p>	<p>Added the following sentence following the referenced sentence: The DPA stated that this was more of an issue with hotel staff whose primary communications were with passengers, who were predominately Spanish-speaking.</p>
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7	Baja	23/25	<p>The Emergency Contingency Plan that was found on the bridge was out of date (revision 4 issued 05110) and was a document controlled by their previous management company, V Ships (V Ships Leisure, Monaco) management structure.</p> <p>Comment from Baja Ferries: Baja Ferries has its own Emergency Contingency Plan Version 1 Issued 05/ 14 Rev. 0, 111 pages. This was placed on board MN Caribbean Fantasy. We have a digital copy at office. I can upload for NTSB review if I receive a cloud access.</p>	<p>Added the following verbiage in the paragraph prior to the referenced paragraph: Company officials later provided investigators with a more current electronic version of the ECP, which included a decision support system. An appendix in this document contained ECP/SOPEP Master's Decision Support System, which included checklists, communication forms and media Pro formas related to foreseeable emergencies.</p>
8	Baja	25/3	<p>An Emergency Contingency Plan which was different from the emergency plan and station bill</p> <p>Comment from Baja Ferries: Same comment as in 23/25 above</p>	<p>See above comment.</p>
9	Baja	27/12	<p>Further, when company representatives were asked about the decision support system, they stated there was none in place.</p> <p>Comment from Baja Ferries: We wish clarify, the Decision Support System is included in Emergency Contingency Plan. This is not a stand-alone document. I can u load for NTSB review if I receive a cloud access.</p>	<p>The following paragraph was added to the end of the Decision Support System section: Company officials later provided investigators with a more current electronic version of the ECP, which included a decision support system. An appendix in this document contained ECP/SOPEP Master's Decision Support System, which included checklists, communication forms and media Pro formas related to foreseeable emergencies.</p>
10	Baja	27/28	<p>Also challenging to investigators was the inability to access to the safety officer's computer.</p> <p>Comment from Baja Ferries: Commented in 5/17</p>	<p>See previous comments related to this.</p>

11	Baja	29/14	<p>...The Coast Guard informed the NTSB that they were aware of this non-conformity and that the company did not provide a reason why the testing did not take place within the required time limit</p> <p>Comment from Baja Ferries: On Mar 1, 2017, Mr. Jorge Blasini sent to LTJG [REDACTED] USCG, the file CG-26928 002</p>	<p>Noted and revised. The referenced paragraph has been modified as follows: The master, staff captain, safety officer, second officer on watch, able-bodied seaman (quartermaster) on watch, chief engineer, third engineer on watch, motorman on watch, and wiper on watch were tested for the presence of illegal drugs and alcohol per federal regulations. However, testing was not completed during the 32-hour maximum time window for drugs and 8-hour maximum time for alcohol following an accident, as required by Title 46 Code of Federal Regulations (CFR) Part 4.06, as well as the company's SMS policy. This regulation (Part 4.06-3(a) states that alcohol testing must be conducted within two hours unless precluded by safety concerns...and must be completed as soon as the safety concerns are addressed...not required to be conducted more than 8 hours after the occurrence of the incident. It was completed the morning of August 20, 2016. All toxicology results were negative. However, alcohol testing was never conducted as required by regulation. The Coast Guard informed the NTSB that they were aware of these non-conformities. The company informed the Coast Guard, via CG form 2692 that they did not initially complete the drug tests "because of the evacuation and abandon operation". However, everyone was off the vessel within eight hours and could have been tested for alcohol within the required time limits.</p>
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