

Coast Guard First District and National Transportation Safety Board (“NTSB”) Joint Investigation Into  
a Fire on Board the M/V Spirit of Boston, March 24, 2023

Submitted by City Cruises, Party In Interest

**AFFIDAVIT OF GARY FROMMELT**

Comes now the affiant and states:

1. My name is Gary Frommelt. I am an adult competent to testify as a part of the Coast Guard and NTSB marine casualty investigation and have personal knowledge about the matters set forth herein.
2. I have been the Vice President of Marine Operations for City Cruises, US (“City Cruises”) since February 2022.
3. I have held a Coast Guard Chief Engineer’s (Inland) License since 1984 and sailed on my license into the 1990s before moving into marine operations management positions. I have worked in the USCG inspected passenger vessel industry my entire career. I have held a variety of watchstanding and overall marine operations management positions with a variety of U.S. companies since the late 1970s. I was in charge of Marine Operations for Entertainment Cruises (“EC”) from 2007 to 2015. The EC fleet for the most part is the Chicago and East Coast operations of what is now City Cruises. In addition to my industry positions, I was a founding member of the Passenger Vessel Association’s Safety Committee (now Safety and Security) and serve as a committee member to this day. I served a term as President of the Passenger Vessel Association as well.

4. Safety is of the utmost importance and is at the core of City Cruises' operational culture. It is codified within Hornblower's RESPECT service system.
5. Fire safety and fire prevention are two of the many safety related topics that fall within my responsibility as the Vice President of Marine Operations. I manage vessel safety directly through port level Directors of Marine Operations (DMO). Port level DMOs manage safety and security on all of the vessels within their port's fleet of responsibility. I, along with the General Managers, are responsible for setting strategic goals, overseeing fleet wide staffing and maintenance, and ensuring DMOs have the resources they need to conduct operations and address operational problems or concerns as they arise. I hold a monthly fleet wide call with of the fleet DMOs. DMOs provide operational updates on the status of their fleets, provide updates on projects as applicable, and discuss issues associated with vessel crew and training as well as concerns or impediments to their operations.
6. In addition to the fleet DMO calls, City Cruises holds a monthly call with each individual DMO. This call is hosted by one of the National Marine Operations Team members and I join whenever possible.
7. In addition to the aforementioned monthly fleet wide DMO meetings, City Cruises conducts monthly SafeCruise meetings, which are focused solely on identifying and addressing safety issues in all departments including marine, food and beverage, sales and marketing, and human resources.

8. Each week, all of the port General Managers and Vice Presidents have a call with the Chief Operating Officer. Each General Manager has the opportunity during these calls to provide a report on the status of operations, personnel, and equipment at each port.
9. Marine crewmembers are responsible for all on board vessel safety and security issues. Each marine crewmember receives focused training and is responsible for responding to on board safety and security incidents. Marine crew drills and crew training is logged into the ship's logbook and is logged in the HELM electronic vessel management system.
10. Vessel restaurant staff do not fill safety sensitive positions and receive (1) annual web-based general work safety training as part of their onboarding process and (2) vessel specific safety awareness trainings. These are focused on how to egress, communications with marine crew, and awareness of safety equipment within that employee's workspace. Restaurant staff are trained to identify safety or security issues and notify the proper level of management or assistance depending on the situation. When guests are on board, restaurant staff will immediately notify a member of the marine crew. When guests are not on board, restaurant staff will notify their supervisor and shoreside emergency response (Police, Fire, or EMS depending on the situation). The annual web-based safety training is tracked by the human resources department. Vessel specific safety awareness training is completed at the port level.
11. While the cause of the fire on the Spirit of Norfolk is not known, City Cruises' internal review has indicated that a possible cause was electrical arcing near the port main diesel engine that spread to adjacent combustible materials. As a result, the National Marine Operations Team has instructed the Port DMOs to conduct a thorough review of engine

spaces throughout the fleet to minimize the storage of unnecessary materials in these spaces. The team has performed spot checks during city visits to check for engine room condition and fire safety/prevention checks.

12. City Cruises has also committed to completing a multi-year capital plan to retro fit 24 of its dinner vessels with engine room fixed firefighting systems. This exceeds the current regulatory requirements for these vessels. City Cruises completed this work on one vessel in 2022 and will complete this installation on four additional vessels by the end of 2023. City Cruises is completing this work in conjunction with regulatory dry-dock and maintenance periods.
13. City Cruises has implemented the HELM electronic vessel management system throughout its fleet, which is used to track the status of preventative maintenance, marine training, and drills. City Cruises has also implemented the Industry Safe incident tracking system, which is used to document incidents, near misses, and lessons learned throughout the fleet.
14. While the cause of the fire on the Spirit of Boston is not known, City Cruises' internal review has indicated that a possible cause was a discarded Sterno can in the vicinity of the wait station. As a result, City Cruises has conducted a comprehensive review of the use of open flames (including Sterno cans) throughout its fleet and has reviewed all trash cans used on board vessels throughout the fleet. City Cruises has eliminated the use of all candles fleet wide, has limited the storage of Sterno cans, and implemented the use of Sterno receptacles to enhance safety and decrease fire risk associated with Sterno use. City Cruises has also ensured that only non-combustible waste disposal cans are used on board vessels.



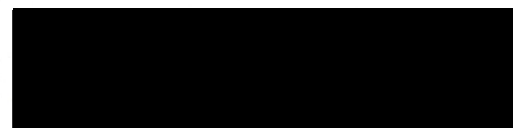
15. I believe our crew, in both cases, were well trained and responded to these unfortunate incidents in accordance with applicable federal regulations, City Cruises' policies, and my professional expectations. I believe their sound judgment and quick action helped to ensure that no crew or guests were injured as a result of these on board fires.
16. I drafted the attached document and provided it to Mr. Dan Russell, the Co-Chief Operating Officer of City Cruises US, to help prepare him for his joint interview with the Coast Guard and NTSB into the fire on board the Spirit of Boston.
17. City Cruises will continue to maintain its position as a strong leader within the commercial passenger vessel community. This includes a leadership role on the Coast Guard's Passenger Vessel Quality Partnership Committee at the national level, and at the port level through participation in Harbor Safety Committees, where available, as well as strong and transparent relationships with local Coast Guard Sector commands. For example, at the Coast Guard's request, City Cruises has recently agreed to host LT Adam Birch, the incoming Chief of Inspections at Marine Safety Unit Chicago, for a two-week internship at City Cruises as part of the Coast Guard's industry training program.

**FURTHER THE AFFIANT SAYETH NOT.**

I affirm under the penalties for perjury that the foregoing information is true and correct.

1 SEPTEMBER 2023

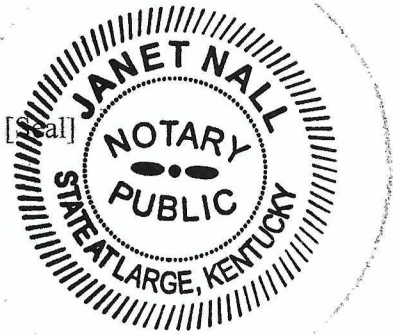
Date



**GARY FROMMELT**

COMMONWEALTH OF KENTUCKY )  
 )  
COUNTY OF JEFFERSON )

Subscribed and sworn to before me by GARY FROMMELT this 1<sup>st</sup> day of September 2023.



NOTARY [REDACTED], State-At-Large, KY

Printed Name: Janet Nall

My commission expires: 2/10/2025

## City Cruises Fire Safety

### Fleet Compliance & Activity

- Non-combustible trash receptacles inside all vessels
- No open flames other than Sterno (includes birthday candles, table candles, etc.)
- Minimum stock of Sterno maintained onboard
- MSIB 05-23 (dated 4-6-23) on Fire Safety on Small Passenger Vessels & Marine Safety Alert 07-23 (dated 6-1-23) Critical Insight from Ongoing Investigations into Small Passenger Vessel Fires – both shared with all Marine Directors and General Managers & discussed at subsequent DMO calls
- Fire Safety Topics in those areas discussed at
  - Monthly Fleet DMO Calls
  - Monthly Individual DMO Calls
  - Monthly Safe Cruise Call
  - Several Times at Fleet GM & VP Calls
- Enhanced on line training with exam portion for Deckhands – required for all Marine Crew
- HELM – PM system for improved tracking of training, drills, maintenance tasks and requests

### Fleet Initiatives Underway and/or Ongoing

- Flammable liquid lockers for onboard Sterno storage
- National Team doing onboard inspections with a focus on electrical and general fire safety & prevention
- Enhanced Basic Safety Training for Non-Marine crew
- Policy on Dockside manning if Marine Crew is not present (not sure I'd offer this unless asked)