

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



September 2, 2024

The Honorable Alejandro Mayorkas  
Secretary  
US Department of Homeland Security  
2707 Martin Luther King Jr Ave SE  
Washington, DC 20528

Admiral Linda L. Fagan  
Commandant  
US Coast Guard Headquarters  
2803 Martin Luther King Jr. Avenue, SE  
Washington, DC 20593

Dear Secretary Mayorkas and Admiral Fagan:

Today marks the five-year anniversary of the tragic fire and sinking of the *Conception* dive boat off the coast of Santa Barbara, California, which resulted in the unnecessary deaths of the 34 people who had been asleep on board, below deck. This terrible fire in 2019 was my first marine investigation as an NTSB Board member, and my experience investigating the tragedy and my bond with the families affected and deepened my commitment to improving marine safety, as I have previously written. I am committed to ensuring the pain these families have faced receives the weighty and urgent consideration it deserves, and that NTSB's safety recommendations resulting from this incident are implemented with all possible haste so that no one else suffers a similarly tragedy.

With this commitment in mind, I write to urge your immediate rectification of the US Coast Guard's unacceptable inaction in response to long-standing NTSB recommendation M-12-3, which was issued to the US Coast Guard over 12 years ago, in 2012, as a reiteration of previous recommendation M-05-6 dating back even further to 2005.

For decades, the NTSB has urged the US Coast Guard to take action to mandate safety management systems (SMS), and for many years the US Coast Guard has failed to complete this action. Fourteen years ago, the United States Congress provided the necessary authority for the Coast Guard to implement NTSB's SMS safety recommendation under the Coast Guard Authorization Act of 2010. Three years ago, Congress mandated in the Elijah E. Cummings Coast Guard Authorization

Act of 2020 that the Coast Guard carry out all the NTSB recommendations issued or reiterated as a result of the *Conception* investigation. Inexplicably, three years later, the Coast Guard has yet to implement recommendation M-12-3, has yet to issue a long-promised Notice of Proposed Rulemaking (NPRM) on this issue, and has failed to respond acceptably to our recommendation.

NTSB is in receipt of Coast Guard correspondence from Vice Admiral Peter W. Gautier, Deputy Commandant for Operations, dated July 25, 2024, stating the Coast Guard has been “diligently working” on this NPRM “with all due haste,” but NTSB cannot accept this explanation given the length of inaction. Greater speed is required.

I strongly urge your full attention to this matter, and I urge the Coast Guard’s swift issuance of an NPRM and expeditious final rulemaking that addresses NTSB recommendation M-12-3. The families affected by the *Conception* tragedy deserve no less.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

CC: The Honorable Maria Cantwell  
The Honorable Ted Cruz  
The Honorable Gary Peters  
The Honorable Todd Young  
The Honorable Laphonza Butler  
The Honorable Alex Padilla  
The Honorable Sam Graves  
The Honorable Rick Larsen  
The Honorable Daniel Webster  
The Honorable Salud Carbajal