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**REPORT OF INVESTIGATION
INTO THE
LOSS OF CREWMEMBER
OVERBOARD
FROM THE MFV "MDAC"
ON
15th JULY 2009**

**REPORT No. MCIB/173
(No. 8 of 2010)**



Report MCIB/173 published by The Marine Casualty Investigation Board
19th July 2010

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1. SYNOPSIS

- 1.1 While shooting a string of lobster pots on the morning of 15th July 2009 from the MFV "MDAC" off Fenit, Co. Kerry, Mr. Patrick Egan's leg became caught in a bight of rope and he was pulled over the side.
- 1.2 Mr. Denis Williams, the Skipper, stopped the engine and took all way off the vessel. He then hauled Mr. Egan back on board the boat but was unable to resuscitate him. Mr. Egan died due to acute cardio-respiratory failure and drowning.

2. FACTUAL INFORMATION

2.1 Technical Details:

Description of the vessel

Boat type: Aquaster 43 with inboard engine and forward wheelhouse

Engine: Daewoo 6 cylinder diesel rated at 100kW

LOA: 12.52 m

Breadth: 3.88 m

Depth: 1.2 m

Gross Tonnage: 9.73

2.2 Persons on Board:

Mr. Denis Williams, Fenit, Co. Kerry.
Skipper-Owner.

Mr. Patrick Egan, Fenit, Co. Kerry.
Crewmember.

2.3 Meteorology information:

A Met Éireann Weather and Sea Conditions Report for Wednesday 15th July 2009, 0600 - 12:00 hrs. UTC, for the incident area is attached at Appendix 8.1.

EVENTS PRIOR TO THE INCIDENT

3. EVENTS PRIOR TO THE INCIDENT

- 3.1 The MFV "MDAC" sailed from Fenit, Co. Kerry at about 06.25 hrs. on 15th July 2009 with two crew on board, Mr. Denis Williams, Skipper-Owner and Mr. Patrick Egan, Crewman.
- 3.2 The vessel has a substantial working deck and is rigged to handle strings of lobster pots.
- 3.3 The vessel is equipped with a hydraulic pot stacker to aid in the retrieval of pots and the stern of the vessel has a purpose built door in the bulwark to allow the pots to run straight over the side. (see Photo No. 1).
- 3.4 The two men had hauled 4 strings of pots which they re-baited and re-shot. They then took a tea break. Between 08.30 hrs. and 08.45 hrs. they hauled a 5th string and were in the process of shooting same. Each string was made up of 40 pots with 60 feet of line between each pot.
- 3.5 Lobsters were cleared from the pots and placed in a bucket of water. It was the usual practice to transfer the lobsters to a storage cage on the port side of the vessel. The pots were stored on this side after being cleared and re-baited ready for shooting.
- 3.6 The lobsters could not be placed in the cage until most of the pots had been shot and it was not safe to access the storage cage until all the pots and the dan buoy had been shot.
- 3.7 Mr. Egan was a hard and diligent worker always looking for something to do. He had a tendency to start moving the lobsters from the bucket to the storage cage before the last of the pots had been shot.



Photo No. 1: Working deck and open stern door on the MFV "MDAC".

4. THE INCIDENT

- 4.1 The 5th string had almost been shot when Mr. Williams, who was in the wheelhouse, heard Mr. Egan cry out. Mr. Williams saw Mr. Egan sliding across the deck towards the stern. (see Photo No. 2).



Photo No. 2: View of the wheelhouse from aft. Mr. Egan was standing on the starboard (right side) of the wheelhouse. The pot ropes have been disturbed after Mr. Egan was pulled over the side but the potential for a fisherman to be snared can be clearly seen from this photograph.

- 4.2 Mr. Williams immediately put the engines astern. All way did not come off the vessel immediately and Mr. Egan continued to slide across the deck and over the stern. He disappeared below the surface being pulled under by the weight of the pots.
- 4.3 When Mr. Williams saw Mr. Egan disappear out the stern door, he stopped the engines for fear the propeller would injure Mr. Egan as the boat gathered way astern.
- 4.4 Mr. Williams then ran aft and attempted to haul the pot rope but was unable to get Mr. Egan to the surface. He took a turn of rope around a strongpoint and ran back to the wheelhouse to get a knife and to clutch in the hydraulics on the pot stacker. He also re-engaged the engine to continue coming astern.
- 4.5 Mr. Williams managed to retrieve enough slack line to take a turn around the stacker and began hauling up the pot string.

THE INCIDENT

- 4.6 Mr. Egan's leg appeared first with a turn around his Wellington boot. Mr. Williams fearing that the boot would come off, attached another line above Mr. Egan's knee and tied this off to the boat's handrail.
- 4.7 Mr. Williams experienced some difficulty hauling Mr. Egan through the stern door with the remaining string of pots pulling astern, the pot stacker pulling overhead and the rope around Mr. Egan's knee tied off to the handrail. (see Photo. No. 3).



Photo No. 3: The pot stacker. Two rope ends can be seen trailing from the hauling drum. This was the means by which Mr. Egan was recovered.

- 4.8 It was while pulling Mr. Egan on board that Mr. Williams tore Mr. Egan's jacket and t-shirt.

5. EVENTS FOLLOWING THE INCIDENT

- 5.1 Once on board Mr. Williams attempted to revive Mr. Egan.
- 5.2 Mr. Williams phoned his brother to alert the lifeboat crew. His brother is a member of the crew and he thought it would be quicker to phone him than relay a message by radio to Valentia MRCC.
- 5.3 Mr. Williams maintained a course to Fenit to converge with the lifeboat and with the vessel steering set to automatic continued to try and revive Mr. Egan.
- 5.4 The Fenit Lifeboat was alongside the MFV "MDAC" within 30 minutes and two lifeboat crewmembers boarded the MFV "MDAC" and continued to attempt resuscitation of Mr. Egan. This proved unsuccessful.

CONCLUSIONS

6. CONCLUSIONS

- 6.1 Mr. Egan was an experienced crewman and had been employed on the MFV "MDAC" for two years.
- 6.2 The post mortem report confirms that no ethanol or prescribed drugs were found in Mr. Egan's blood or urine and the cause of death was acute cardio-respiratory failure and drowning.
- 6.3 Mr. Egan was not wearing a personal flotation device (PFD) at the time of the incident as is required under S.I. 586 of 2001, (Fishing Vessel (Personal Flotation Devices) Regulations), 2001.
- 6.4 The minimum buoyancy supplied by a PFD is 50 Newton and it is unlikely that a PFD of this specification would have had any impact on the incident.
- 6.5 The MFV "MDAC", however, had 150 Newton PFD's in her safety inventory. Given the weight and tension on the line of pots, it is again unlikely that a 150 Newton PFD would have returned Mr. Egan to the surface.
- 6.6 It is equally possible that Mr. Egan drowned in the short period between being swept off the deck and the recovery of his body by means of his trapped leg.
- 6.7 Mr. Williams made strenuous attempts to revive Mr. Egan and these attempts were continued on by the two crewmembers from the lifeboat.
- 6.8 Mr. Egan had not completed the courses required under S.I. 587 of 2001, (Fishing Vessel (Basic Safety Training) Regulations, 2001).
- 6.9 Weather was not a factor.

7. RECOMMENDATIONS

- 7.1 The Minister for Transport should enforce the wearing of lifejackets/PFDs by all persons engaged in fishing activities.
- 7.2 The Minister for Transport should consider developing a Safety Management System for fishing vessels.

LIST OF APPENDICES

8. LIST OF APPENDICES

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Appendix 8.1 Met Éireann Weather and Sea Conditions Report.



MET ÉIREANN
The Irish Meteorological Service

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Dublin 9, Ireland. Baile Átha Cliath 9, Éire. Fax: +353-1-806 4247
www.met.ie E-mail: met.eireann@met.ie

Specialist field: Marine Meteorology
Reference: WS3018/2B/20090715m.doc

Title Report : Weather and Sea conditions Report for Wednesday 15 July 2009
06:00 – 12:00 hours UTC, 52°22'N 9°56'W (5 miles off Fenit, Tralee Bay), Co Kerry

Accident detail : A fisherman fell overboard from MFV "MDAC" and subsequently died.

Reference : WS3018/2B/20090715m.doc
MCIB/173 "MDAC", Tralee Bay

Author : W. J. Phelan, MSc
Marine Meteorologist
Met Éireann, Glasnevin Hill, Dublin 9
Phone: 01 8064285 Fax: 01 8064247
Email: marine@met.ie

Report Issued : 8 December 2009

Signed :



W.J. Phelan, MSc

1. Weather and Sea conditions Report for Wednesday 15 July 2009 06:00 – 12:00 hours UTC, 52°22'N 9°56'W (5 miles off Fenit, Tralee Bay), Co Kerry

1.1 Meteorological situation:

An unstable westerly airflow covered the area with scattered heavy showers.

1.2 Weather & Sea Conditions Wednesday 15 July 2009:

06:00 – 12:00 hours UTC

Winds: West Force 3 to 4 with maximum gusts of 20 knots

Weather: Showers (in particular from 8:15 – 8:30 a shower in Tralee bay was detected by the radar)

Visibility: Moderate in showers, otherwise good

Sea State¹: Moderate

¹ Sea state is for open sea area, please note that position 52°22'N 9°56'W is exposed to the west- and northwest. Areas closer to Fenit in Tralee bay are more sheltered.



Appendix 8.1 Met Éireann Weather and Sea Conditions Report.



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2. Sea Area Forecast

| | | |
|--|---|--|
| | WeatherDial Fax Product Code 0021 General Forecasting Division Fax: 1570 131 835 Sea Area Forecast | |
| | | |

Sea Area Forecast until 0600 Thursday 16 July 2009
Issued at 0500 Wednesday 15 July 2009

1. Gale warning: NIL

Small craft warning: NIL

2. **Meteorological situation at 0300:** A frontal depression of 1000 hPa over Wales will drift northeastwards across Britain and gradually fill, while an unstable mainly west to northwest airflow develops over Ireland.

3. **Forecast for coasts from:** Bloody Foreland to Howth Head to Carnsore Point and the Irish Sea.

Wind: Variable, mainly Northeast to Northwest force 3 or 4. Becoming West to Northwest force 4 or 5 this morning and backing West to Southwest force 3 or 4 later today. Decreasing force 3 or less tonight.

Forecast for coasts from: Carnsore Point to Slyne Head to Bloody Foreland.

Wind: North to Northwest, backing West to Northwest force 4 or 5. Decreasing force 3 or 4 later today and becoming variable force 3 or less tonight.

Weather for all coasts of Ireland and the Irish Sea: Some inshore fog at first. Scattered heavy, possibly thundery showers today, with more widespread rain at first in the Irish Sea.

Visibility for all coasts of Ireland and the Irish Sea: Moderate to poor in rain, showers or inshore fog, otherwise good.

3a. **Warning of heavy swell:** Nil.

4. **Outlook for a further 24 hours until 0600 Friday 17 July 2009:** Light variable winds, later becoming fresh northwest. Scattered heavy showers, with a risk of thunder.



Appendix 8.1 Met Éireann Weather and Sea Conditions Report.



MET ÉIREANN
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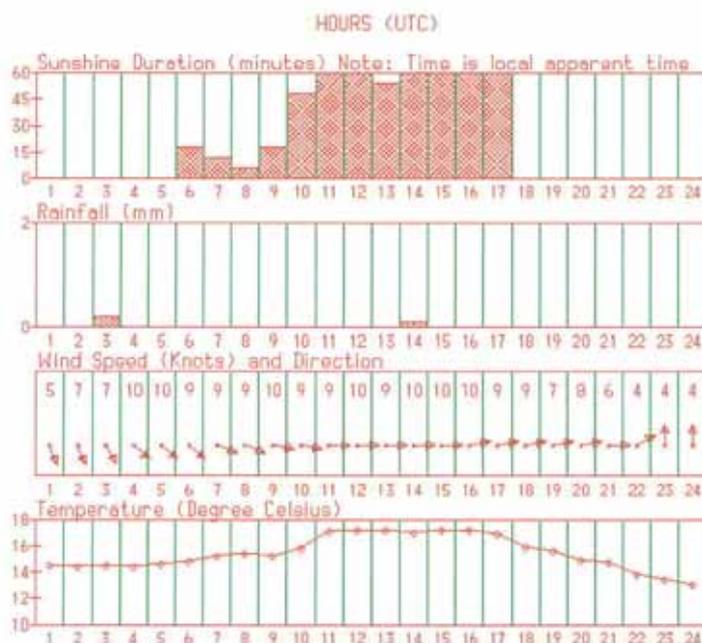
Glasnevin Hill, Dublin 9, Ireland. Cnoc Ghlas Naíon, Baile Átha Cliath 9, Éire. www.met.ie
Tel: +353-1-806 4200 Fax: +353-1-806 4247 E-mail: met.eireann@met.ie

Specialist field: Marine Meteorology
Reference: WS3018/2B/20090715m.doc

3. Station Report

DAILY STATION REPORT

STATION : Valentia Observatory Co. Kerry. DATE : 15 Jul 2009



DAILY WEATHER SUMMARY

| | | | |
|-------------|---------|--------------|------------|
| SUNSHINE | | TEMPERATURE | |
| total hours | 8.6 | max | 17.7 deg C |
| | | min | 12.9 deg C |
| | | mean | 15.3 deg C |
| | | grass min 9h | 10.9 deg C |
| RAINFALL | | WIND | |
| amount | 0.3 mm | mean speed | 8.4 knots |
| duration | 0.3 hrs | max gust | 18 knots |



Appendix 8.1 Met Éireann Weather and Sea Conditions Report.



MET ÉIREANN
The Irish Meteorological Service

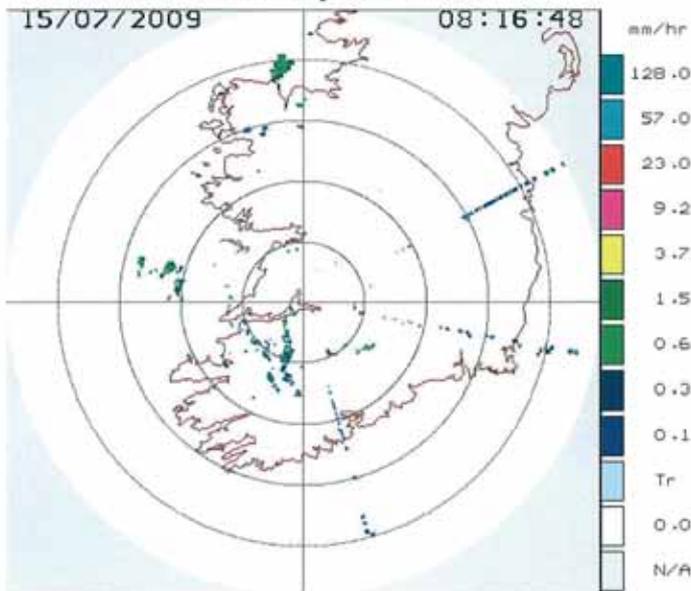
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Specialist field: Marine Meteorology
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4. Radar Picture 15 July 2009 08:16 UTC



5. Observations from Weather buoy M3 (station number 62092 51.2N 10.5W)

| Date – time (UTC) | wind_dir (degree from North) | wind_speed (knots) | wind_gust (knots) | wave_height (meters) | wave_period (seconds) |
|----------------------|---------------------------------|-----------------------|----------------------|-------------------------|--------------------------|
| 15-jul-2009 06:00:00 | 320 | 14 | 20 | 1.9 | 6 |
| 15-jul-2009 07:00:00 | 310 | 13 | 18 | 2.0 | 6 |
| 15-jul-2009 08:00:00 | 290 | 12 | 17 | 2.0 | 6 |
| 15-jul-2009 09:00:00 | 290 | 12 | 16 | 1.9 | 6 |
| 15-jul-2009 10:00:00 | 290 | 12 | 16 | 1.7 | 6 |
| 15-jul-2009 11:00:00 | 290 | 10 | 15 | 1.7 | 6 |
| 15-jul-2009 12:00:00 | 280 | 10 | 14 | 1.7 | 6 |

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6. Glossary of technical terms

The information in this Marine Weather Report is derived by extrapolation from reports of the offshore weather buoys, from Met Éireann's nearby synoptic land stations, archived weather charts, satellite and radar images and wave model data. Please note that all times in this report are given in Universal Time Coordinate (UTC)

- UTC = Universal Time Coordinate = Greenwich Meantime
- Irish Summer Time = UTC + 1 hour (April – October)
- Barometric pressure in hector Pascal (hPa) = millibar (mbar)
- Wind direction in degrees from North
- Wind speed in Beaufort Force or knots (see section 1.5)
- Temperatures in degrees Celsius
- Significant wave height in meters

1.3 Wave Heights / State of Sea

The wave height is the vertical distance between the crest and the preceding or following trough. The table below gives a description of the wave system associated with a range of significant wave heights.

| Sea State (Descriptive) | Significant Wave height in meters |
|-------------------------|-----------------------------------|
| Calm | 0 – 0.1 |
| Wavelets | 0.1 – 0.5 |
| Slight | 0.5 – 1.25 |
| Moderate | 1.25 – 2.5 |
| Rough | 2.5 – 4 |
| Very rough | 4 – 6 |
| High | 6 – 9 |
| Very high | 9 – 14 |
| Phenomenal | Over 14 |

Individual waves in the wave train will have heights in excess of the significant height. The highest wave of all will have a height about twice the significant height.

1.4 Visibility

Descriptions of visibility mean the following:

| Visibility (Descriptive) | Visibility in nautical miles (kilometres) |
|--------------------------|---|
| Good | More than 5 nm (> 9 km) |
| Moderate | 2 – 5 nm (4 – 9 km) |
| Poor | 0.5 – 2 nm (1 – 4 km) |
| Fog | Less than 0.5 nm (< 1km) |



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1.5 Beaufort scale of wind force

| Force | Description | Wind Speed (km/hr) | Wind Speed (knot) | Land Signs | Sea State | Sea Height* (Metres) |
|-------|-----------------|--------------------|-------------------|--|---|----------------------|
| 0 | Calm | 0 - 0.9 | 0 - 0.9 | Smoke rises vertically | Sea like mirror | 0 |
| 1 | Light Air | 1 - 5 | 1 - 3 | Smoke Drifts | Ripples | 0.1(0.1) |
| 2 | Light Breeze | 6 - 11 | 4 - 6 | Leaves rustle, wind vane moves | Small wavelets | 0.2(0.3) |
| 3 | Gentle Breeze | 12 - 19 | 7 - 10 | Light flag will wave, small twigs and leaves move constantly | Large wavelets, crests begin to break, perhaps scattered white horses | 0.6(1.0) |
| 4 | Moderate Breeze | 20 - 28 | 11 - 16 | All flags extended, small branches move, dust and paper blow about | Small waves, becoming longer, fairly frequent white horses | 1.0(1.50) |
| 5 | Fresh Breeze | 29 - 38 | 17 - 21 | Small trees begin to sway | Moderate waves, many white horses, chance of some spray | 2.0(2.5) |
| 6 | Strong Breeze | 39 - 49 | 22 - 27 | Large branches move | Large waves begin to form with foam crests. Probably some spray | 3(4) |
| 7 | Near Gale | 50 - 61 | 28 - 33 | Walking into wind difficult, whole trees move | Sea heaps up and white foam from breaking waves blown in streaks | 4(5.5) |
| 8 | Gale | 62 - 74 | 34 - 40 | Twigs break from trees, walking difficult | Moderately high waves of greater length; edges of crests begin to break. Foam is blown in well-marked streaks | 5.5(7.5) |
| 9 | Strong Gale | 75 - 88 | 41 - 47 | Slight structural damage | High waves, dense streaks of foam, crests of waves begin to topple. Spray may affect visibility | 7(10) |
| 10 | Storm | 88 - 102 | 48 - 55 | Trees uprooted, structural damage | Very high waves with long overhanging crests. Foam in great patches of dense white streaks. Tumbling sea becomes heavy and shock-like. Visibility affected. | 9(12.5) |
| 11 | Violent Storm | 103 - 117 | 56 - 63 | May cause widespread damage, rare inland | Exceptionally high waves, sea completely covered with long white patches of foam, wave crests are blown into froth. Visibility affected | 11.5(16) |
| 12 | Hurricane | 118+ | 64+ | Causes devastation. | Air filled with foam and spray. Sea completely white with driving spray; visibility seriously affected. | 14+ |

* The column sea height (probable maximum height in brackets) is added as a guide to show roughly what may be expected in the open sea, remote from land.



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7. Map of Ireland with Headlands, coastal stations and offshore weather buoys



9. CORRESPONDENCE RECEIVED

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| MCIB Response | 22 |

An Garda Síochána

Oifig an Choimisinéara
An Garda Síochána
Páirc an Fhionnuisce
Baile Átha Cliath 8
Éire

Tel/Teileafón: (01) 666 2015 / 2026
Fax/Facs: (01) 666 2013

Luaigh an uimhir tharaghta seo a leanas le do thoil:

Please quote the following ref. number:



Office of the Commissioner
Garda Headquarters
Phoenix Park
Dublin 8
Ireland

Láithreán Gréasáin / Web site:
www.garda.ie

Riomhphost / E-mail:
commissioner@garda.ie

PA 2.1.42

Mr John O'Donnell
Chairman
Marine Casualty Investigation Board
Leeson Lane
Dublin 2

Re: DRAFT Report of the Investigation into the loss of crewmember overboard from the MFV "MDAC" on 15 July 2009

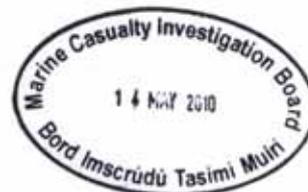
Dear Mr O'Donnell

I am directed by the Commissioner to refer to your correspondence of the 7 April 2010 in the above and to advise you that An Garda Síochána has no comments or observations to add to the draft report.

Yours sincerely


M. B. MANGAN
CHIEF SUPERINTENDENT
PERSONAL ASSISTANT
TO COMMISSIONER

13th May 2010



Ráiteas Misin / Mission Statement:

An leibhéal inscróichte is airde a bhaint amach maidir le Cosaint Phearsanta, Tiomantas don Phobal agus Slándáil Stáit.
To achieve the highest attainable level of Personal Protection, Community Commitment and State Security.

MCIB RESPONSE

The MCIB notes the contents of this letter.



Royal National Lifeboat Institution

Admiral the Lord Boyle GCB OBE DL
Trustee: John Coyle MBE OBE
Chief Executive: Paul Bolsinger

RNLI (Trading) Ltd 01073377, RNLI (Charity) Ltd 2202240 and RNLI (Employment) Ltd 1784090
are all companies registered at West Quay Road, Poole, Dorset BH12 1LZ

From:

RNLI Ireland

Airside, Swords, Co. Dublin

Telephone: (01) 8900460

Fax: (01) 8900458

www.lifeboats.ie

Inspector of Lifeboats : Martyn Smith

Mr. John O'Donnell, BL.,
Chairman
MCIB
Leeson Lane
Dublin 2

23RD April 2010

Dear Sir,

**MCIB REPORT INTO THE LOSS OF A CREWMEMBER OVERBOARD
FROM MFV "MDAC" on July 15th 2009**

Reference: Your letter MCIB/173 dated 7TH April 2010.

Thank you for offering the RNLI the opportunity to comment on the draft report into the incident that occurred on 15th July 2009

It is a sad fact that in this tragic incident Mr. Egan was more than likely beyond the help of the emergency services due to the speed of events.

It must, however, be stressed that it is a fundamental principle and vital that vessels and individuals who find themselves in difficulty in Irish waters should in the first instance alert the Irish Coast Guard by any appropriate means. As is the case with all declared maritime search and rescue providers, the RNLI and the Coast Guard have a proven modern communication and paging system that is designed to ensure the fastest possible response to incidents that occur at sea and ensures that the right individuals get the right life saving information.

By-passing this system simply causes delay and put lives at risk.

Kindest regards

Martyn Smith
**RNLI Divisional Inspector of Lifeboats
Ireland**



The RNLI is the charity that saves lives at sea

Charity number CHY 2678 in the Republic of Ireland and registered in England and Wales (209603) and Scotland (SC037736)

MCIB RESPONSE

The MCIB notes the contents of this letter.

