

KYLE P. McAVOY, CAPTAIN, USCG (Retired)
Marine Safety Expert

More than twenty-six years of active duty service in the United States Coast Guard's Marine Safety and Prevention programs. His career spanned executive leadership, the generation of national and international inspection and environmental compliance policies and procedures for commercial ships (including international cargo vessels, energy industry (oil & gas) vessels, fishing vessels, passenger vessels, etc.), conducting ship inspections, conducting the investigation and analysis of ship casualties, ensuring the integrity of the Marine Transportation System via waterways management, and the development of policy germane to commercial mariner's Merchant Mariner Credentials (Licenses and Documents).

PROFESSIONAL EXPERIENCE

2016 to present **Robson Forensic, Inc.**
Associate

Conduct technical investigations and analysis, and provide reports and testimony as needed to resolve commercial and personal injury litigation in the maritime domain.

2012 to 2016 **Coast Guard Headquarters**
Office Chief, Office of Commercial Vessel Compliance Policy

Led the Coast Guard effort to analyze national and international maritime authorities and conventions, determine their intent, and then develop and implement national ship inspection and examination policies to ensure the safety, security, and environmental compliance of all commercial vessels. Areas of focus included (but were not limited to):

- **Appeals.** Maintained the final authority on behalf of the Commandant, regarding decisions on commercial ship inspection or examination issues under appeal. Developed and maintained policy determinations as a result of appeals challenging Merchant Mariner Credential (License) issuance decisions.
- **Articulated Tug-Barges (ATB).** Oversaw the study of ATB manning levels to determine how the evolution of the ATB design and its operational uses has modified traditional mariner responsibilities.
- **Ballast Water Management/Invasive Species.** Examined and affirmed alternate compliance methodologies while Coast Guard approval of Ballast Water Management Systems matures.
- **Emergent threats (e.g., Ebola).** Oversaw expedient national policy directives when needed. For example, to minimize the threat of Ebola entering the U.S. via maritime vectors, established new maritime reporting protocols to support World Health Organization (WHO) and Center for Disease Control (CDC) efforts.
- **Emission Control Area (ECA).** Worked with the **Environmental Protection Agency (EPA)** and developed new guidelines and technical objectives to enforce the mandates of **MARPOL Annex VI** to minimize sulfur content in engine exhaust gas.

THE EXPERTS
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- **Fishing Vessels.** Established programs to meet the 2010 Congressional mandates for the examination of commercial fishing vessels.
- **Flag State Inspections/Port State Control Examinations.** Responsible for the ongoing development of Coast Guard inspection and examination policies to be executed under the regulatory authorities of the Coast Guard's **Officer-In-Charge, Marine Inspection (OCMI)** and the **Captain of the Port (COTP)**, within all field commands.
- **Maritime Security Program (MSP).** Oversaw the implementation of consolidated national policy governing ships inspected under the MSP.
- **Merchant Mariner Credentials (Licenses and Documents).** Oversaw the development of strategies for compliance with the requirements of the **Standards of Training, Certification, and Watchkeeping (STCW)** and all domestic credential (license) developments.
- **Outer Continental Shelf (OCS).** Oversaw the continual evaluation, analysis, and development of compliance policy applicable to the complex OCS oil and gas industry.
- **Parasailing.** Oversaw the collaboration between the Coast Guard, water sports association members, and the American Society for Testing and Materials (**ASTM**), to develop voluntary standards for commercial parasailing operations.
- **Third Party Organization (TPO) procedures.** Oversaw the development of new TPO options and authorities within 46 CFR **Subchapter M**, to be leveraged under the new inspection program for the Towing Vessel fleet. Critically analyzed the existing use of TPO processes and delegated authorities under the Coast Guard's **Alternate Compliance Program (ACP)**, to better determine how the Coast Guard could optimize and harmonize its authority and oversight procedures.

2008 to
2012

Coast Guard Headquarters

Traveling Marine Inspector, Advisor to Offshore National Center of Expertise

On behalf of the Coast Guard Assistant Commandant for Prevention Policy, led USCG inspections and investigations on challenging and unique cases beyond field unit capability. Areas of focus included (but were not limited to):

- **Outer Continental Shelf (OCS).** Established and managed the Coast Guard's OCS – National Center of Expertise. Advised Coast Guard and industry experts on newly developing and complex inspection issues and policies.
- **USCG/NTSB Marine Board of Investigation (MBI).** Led the investigation and chaired the board proceedings, to determine the cause of the sinking of the fishing vessel *Lady Mary*, a scallop fishing vessel that claimed the lives of 6 crewmen.

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2004 to 2008 **Coast Guard Sector Delaware Bay, Philadelphia**
Chief of the Prevention Department

Led 150 plus member department to ensure the integrity of safety and security inspections, casualty investigations, and waterways management decisions related to commercial shipping and the Maritime Transportation System in the PA, NJ, & DE Tri-State region. Verified compliance with regulatory standards and imposed operational restrictions or controls to maximize safety and security and to minimize pollution threats. Areas of focus included (but were not limited to):

- **Casualty Investigations.** Responsible for the execution of ship and personnel casualty investigations. Examples included the investigation into what caused the 265,000 gallon crude oil spill from the Cypriot Tanker *Athos I* in November of 2004.
- **Flag State Inspections/Port State Control Examinations.** Responsible for the regional execution of commercial vessel and facility inspections and examinations. Examples included the oversight of new tanker construction to non-traditional US standards, the determination and enforcement of Maritime Security Levels on ships and facilities, the identification and prosecution of criminal pollution cases, and the detention of ships with identified safety or security risks within port (or their expulsion from port).
- **Waterways Management.** Responsible for managing the integrity of the Marine Transportation System, including that all Aids to Navigation (AToN's) were in place and adequately administered, and that all Notice to Mariners and Marine Safety Zones were published and enforced (including ice season restrictions, Marine Event Permits, Marine Safety or Security Zones, Dredging Operations, etc).

2000 to 2004 **Coast Guard Marine Safety Center**
Chief of the Tank Vessel and Offshore Division, Salvage Engineering Response Team Leader

Led division that reviewed and approved plans and drawings for new ship construction and engineering design modifications for commercial tank vessels and OCS industry vessels. Ensured designs/plans were in accordance with international & national standards and regulatory oversight programs. Oversaw the salvage expertise provided to Coast Guard units responding to major shipping accidents. Areas of focus included (but were not limited to):

- **Outer Continental Shelf (OCS).** Examined and approved the first prototype use of polyester mooring systems to determine their feasibility for Floating Production Units.
- **Oil Pollution Act of 1990 (OPA 90).** Verified structural arrangements and worst case oil outflow calculations for compliance with OPA 90.
- **Structural Fire Protection.** Analyzed Structural Fire Protection tradeoffs between steel, aluminum, and composites within escape routes for offshore rigs/units.

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1996 to **Coast Guard Marine Safety Office New Orleans**

1998 *Ship Inspector/Examiner, Ship plan reviewer, Accident Investigator, Trainer*

Carried out Flag State Inspections and Port State Control Examinations on commercial ships to assess a vessel's fitness for its intended route and service, and to verify compliance with regulatory standards; imposed operational restrictions or controls as necessary to maximize safety and security, and to minimize pollution threats. For international detentions, filed appropriate reports via **International Maritime Organization (IMO)** protocol. Assessments included evaluation of hull integrity (strength/watertight integrity), machinery/engineering systems, lifesaving systems, fire protection systems, navigation systems, stability characteristics, etc. Trained new Coast Guard Inspectors and Examiners on all processes. Reviewed and inspected technical modification proposals for regional US commercial ships in accordance with applicable standards. Reviews included detailed assessment of fire protection systems, lifesaving systems, egress capabilities, stability analysis, etc. Conducted ship and personnel casualty investigations to determine cause and evaluate the need for regulatory improvements, as well as potential responsible party liability.

1994 to **Coast Guard District Staff, New Orleans**

1996 *Staff Officer*

Managed Coast Guard ship inspection and maritime casualty investigation activities throughout the Gulf of Mexico region. Reviewed and analyzed Coast Guard positions on appeals, civil penalties, and pending vessel compliance policy. Oversaw Coast Guard Personnel safety training initiatives. Oversaw the implementation of the newly developed Coast Guard **Streamlined Inspection Program (SIP)** which utilized auditing and oversight methodologies over ship owner self-inspections. Studied emergency egress and lifesaving capabilities in combination with Search and Rescue capacities applicable to rescue efforts from high capacity passenger vessels on the Mississippi River.

1990 to **Coast Guard Marine Safety Office Baltimore**

1994 *Ship Inspector/Examiner, Accident Investigator, Suspension & Revocation Proceeding Presenter*

Carried out Flag State Inspections and Port State Control Examinations on commercial ships to assess the vessel's fitness for its intended route and service, and to verify compliance with regulatory standards and impose operational restrictions or controls as necessary to maximize safety and security and to minimize pollution threats. For international detentions, filed appropriate reports via IMO protocol. Assessments included evaluation of hull integrity (strength/watertight integrity), machinery/engineering systems, lifesaving systems, fire protection systems, navigation systems, stability characteristics, etc. Conducted ship and personnel casualty investigations to determine cause and evaluate the need for regulatory improvements, as well as potential responsible party liability. Presented government/Coast Guard evidence in formal Suspension and Revocation Proceedings before an Administrative Law Judge to prove charges levied against commercial mariners.

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PROFESSIONAL CREDENTIALS/USCG CREDENTIALS

ASME/AWS Code Welding Requirements Trained, 1996
Engineer-In-Training (PE Precursor), Virginia, 2001
FEMA National Incident Management System/Response Plan Certification, 2005
Incident Command System (ICS) 300-400 Certification, 1996-1997
ISO 9001 Quality Management Systems Auditor/Lead Auditor Certification, 2008
NFPA 472-92, Hazardous Material Awareness & Operations Qualified (HAZWOPER), 2000
NFPA Shipyard Competent Person Trained, 1991, 1993
U.L. Advanced Boating Accident Investigation Trained, 1995
USCG Inspection and Examination Qualifications for the following vessel types:
 Deep Draft (Hull), Deep Draft Dry-dock, Tank Ships, Foreign Freight ships, Foreign Tank
 ships, Barges (Tank and Deck), & Small Passenger Vessels (Subchapter T & Subchapter
 K), 1992-1994
USCG Marine Casualty Investigator Qualified, 1993
USCG Marine Safety & Environmental Protection Professional designation, 2001
USCG Merchant Mariner Credential Suspension & Revocation Officer Qualified, 1993

EDUCATION

Master of Science in Engineering - Naval Architecture and Marine Engineering, University of
Michigan, 2000
Master of Engineering - Manufacturing Engineering, University of Michigan, 2000
Bachelor of Science – Mathematics (Physics Minor), State University of New York College at
Fredonia

PROFESSIONAL MEMBERSHIPS

Society of Naval Architects and Marine Engineers (SNAME)

PUBLICATIONS/PRESENTATIONS

“Regulatory Update & Workforce Planning for the Liquefied Gas Industry,” Panel Member,
USCG Liquefied Gas Senior Executive Forum, Houston, Texas, December 2015
“A Marine Forensic Analysis of Fishing Vessel *Lady Mary*,” presented at the SNAME
Maritime Convention, Houston, Texas, October 2014
“MSC’s Salvage Engineering Response Team, A Valuable Resource Tool for Marine Safety
Field Units” published in the USCG’s Proceedings of the Marine Safety Council, Summer
2004 edition
“Regulatory Complexities, The Gulf of Mexico Oil and Gas Industry,” published in the
USCG’s Proceedings of the Marine Safety Council, Summer 2004 edition

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OTHER

Collegiate Assistant Swim Coach, 1987

High School Varsity Swim Coach, 1988-1989

NY State Department of Recreation Chief Lifeguard, 1987-1989

Avid swim enthusiast, pool and open water competition, 1981-present

Recreational Boater, 1975-present

EXPERT NOT RETAINED