



# MCIB

Marine Casualty Investigation Board  
*Bord Imscrúú Taismí Muirí*

**REPORT OF THE  
INVESTIGATION INTO  
A FATAL INCIDENT  
ON THE RIVER SUIR,  
CAHIR, CO. TIPPERARY  
11th NOVEMBER 2017**

**REPORT NO. MCIB/275  
(No.4 OF 2019)**

The Marine Casualty Investigation Board (MCIB) examines and investigates all types of marine casualties to, or on board, Irish registered vessels worldwide and other vessels in Irish territorial waters and inland waterways.

The MCIB objective in investigating a marine casualty is to determine its circumstances and its causes with a view to making recommendations for the avoidance of similar marine casualties in the future, thereby improving the safety of life at sea.

The MCIB is a non-prosecutorial body. We do not enforce laws or carry out prosecutions. It is not the purpose of an investigation carried out by the MCIB to apportion blame or fault.

The legislative framework for the operation of the MCIB, the reporting and investigating of marine casualties and the powers of MCIB investigators is set out in The Merchant Shipping (Investigation of Marine Casualties) Act, 2000.

In carrying out its functions the MCIB complies with the provisions of the International Maritime Organisation's Casualty Investigation Code and EU Directive 2009/18/EC governing the investigation of accidents in the maritime transport sector.



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The Marine Casualty Investigation Board was established on the 25th March, 2003 under the Merchant Shipping (Investigation of Marine Casualties) Act, 2000.

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## 1. SUMMARY

On the morning of the 11th November 2017 a group of people were engaged in kayaking in the vicinity of Cahir Castle, Co. Tipperary.

One member of the group capsized while negotiating a weir (sluice) and entered the water. He was unable to get to safety and floated approximately 4.18 kilometres (kms) down the River Suir where rescue services recovered him. He did not respond to first aid.

Note all times are local time.

## 2. FACTUAL INFORMATION

### 2.1 The Vessel

Type of vessel:	Liquid Logic Hoss Kayak.
Construction:	Double ended kayak constructed of Aquatuff Plastics.
Principal Particulars:	Hull I.D. No.WS EQIC 17649 YOY.
Length Overall:	2.39 metres (m).
Beam:	0.66 m.
Cockpit Size:	5 x 47 centimetres (cm).
Capacity:	59 - 109 kilograms (kgs).

The vessel is under the size of craft required to comply with the recreational craft and personal watercraft Directive 2013/53/EU.

The vessel as inspected was structurally in a satisfactory condition with no breaches of the hull fabric. Various scrapes and gouges were apparent on the hull which were consistent with a vessel used for kayaking.

The vessel was fitted with internal foam buoyancy and two inflatable 25 litre buoyancy bags. When the vessel was recovered one of the buoyancy bags was missing.

### 2.2 Grades of River

The River Suir rises just north of Templemore and is 185 kms in length to its mouth near the Port of Waterford. It passes through Cahir, Clonmel and Carrick on Suir. It does not become tidal until below Carrick on Suir.

The grades of river relevant to this incident are:

- Grade 1 - Flat Water: Water is stationary or extremely slow moving and without any obstructions.
- Grade 2 - Moderately Difficult: The way down a river is clear but simple obstructions do exist. Small stoppers and small drops can be present. There are places where the flow accelerates. There is a choice of routes.
- Grade 3 - Difficult: There is a route that is easily recognisable from the water. Waves can be irregular. Boulders and obstructions can be numerous. Stoppers and small eddies exist. Inspection is advisable.

The weir area where the incident occurred would be considered a Grade 2, or on the day, a Grade 3.

### **2.3 Voyage Particulars**

An ad hoc group of 12 kayakers, varying in age from nine years to 67 years and of different skill qualifications, departed the town mall slip in Cahir at approximately 10.30 hrs on the 11th November 2017. Some of the group had their own kayaks and safety equipment and others had kayaks and safety equipment provided by the adventure organisation set up by the Casualty and a partner.

Initially the group paddled upstream and then returned to the slipway at approximately 11.00 hrs. The group then split into two, one group paddling downstream on an eastern passage. The other group consisting of four people planned to paddle to join the first group after navigating a weir on the western side of the main channel. The first person negotiating the weir capsized and entered the water. The person was unable to rescue himself and get to safety and floated approximately 4.18 kms down the River Suir where rescue services recovered him from the water. He did not respond to first aid (see Appendix 7.2 Location of the Incident).

### **2.4 Type of Casualty**

This was a very serious marine casualty with loss of one life.

### **2.5 Weather Forecast Conditions**

Met Éireann estimated the weather conditions in the area at the time of the incident were light wind from the west, overcast with rain of a light drizzly nature generally light, though continuous (see Appendix 7.3A Met Éireann Weather Report).

### **2.6 River Conditions**

On the day of the incident the River Suir was reported to be swollen and fast flowing due to recent rain. Met Éireann estimated total rainfall from midnight to 6.00 am on the 11th November 2017 at 4 to 5 mm (see Appendix 7.3B Met Éireann Report on Rainfall for October and November 2018).

The river does not become tidal until downstream of Carrick on Suir.



## 2.7 Emergency Response

11th November 2017

- 11.30 hrs. A 999 call was initiated by a passer-by who reported a person in the water after a kayak capsized.
- 11.33 hrs. R117, the Waterford based helicopter was tasked.
- 11.34 hrs. The Gardaí at Cahir were informed of a person in the water.
- 11.38 hrs. Limerick Fire Control reports a person in the water.
- 11.45 hrs. R117 proceeding to the scene. Helicopter is unable to take an active part in the search and rescue due to poor visibility and requested permission to stand down at 12.31 hrs. The helicopter returned to base at 12.54 hrs.
- 12.02 hrs. The Fire Brigade attempted to snag the Casualty at the Swiss Cottage without success. The Casualty was reported to be face down in the water.
- 12.38 hrs. The Casualty was recovered from the water, near Garnavilla House, with the assistance of Suir River Rescue.

## 2.8 Cause of Death

The Coroner's autopsy report states that death was due to drowning. The conclusions of the Coroner's autopsy report are provisional at the time of publication of this report. Determination of death causation is a matter for the Coroner's inquest.

## 2.9 Qualifications and Experience of the Casualty

The Casualty and his business partner set up the adventure organisation in 2016. The Casualty had been trained to level 3 River Skills but had not been assessed for Level 3 River Skills. He was training to become a Level 2 instructor trainee (see Appendix 7.4 Canoeing Ireland Level 2 Kayak Skills).

The adventure organisation was not affiliated to Canoeing Ireland. Canoeing Ireland is recognised by the Irish Sports Council and the Olympic Council of Ireland (OCI) as the National Governing Body (NGB) for paddle sports in Ireland. It is affiliated to International and European Canoe Federations. Canoeing Ireland oversees training and qualification standards for the sport. Canoeing Clubs are affiliated to and regulated by the Irish Canoe Union<sup>1</sup>.

1. Irish Canoe Union means the company registered and operating under the trading name Canoeing Ireland.

## 3. NARRATIVE

- 3.1 On the 11th November 2017 a group of kayakers consisting of a total party of 12 people, varying in age from nine years to 67 years and of different skill qualifications, departed the town mall slip in Cahir at approximately 10.30 hrs. Some of the group had their own kayaks and safety equipment and others had kayaks and safety equipment provided by the adventure organisation.
- 3.2 All persons were wearing Personal Floatation Devices (PFDs) and safety helmets.
- 3.3 After departure from the slip the group paddled upstream in relatively benign water, returning to the slip area at approximately 11.00 hrs.
- 3.4 One member of the group proceeded ashore due to hip pads in a kayak causing some discomfort.
- 3.5 The 11 remaining persons split into two groups, one group comprised a level 2 instructor (see Appendix 7.4 Canoeing Ireland Level 2 Kayak Skills) and six persons. This group opted to paddle downstream to an area on the eastern side of Cahir Castle.
- 3.6 The other group was led by the level 2 kayak instructor trainee (the Casualty). The Casualty was still classified as an instructor trainee as he had not completed all elements of the level 2 kayak instructor course. The remainder of the group comprised two teenagers, 12 and 15 years of age, and one man in his early 50s. The teenagers were certified to level 1. The man had not been certified to level 1 but had previous kayaking experience. This group opted to proceed down a tributary on the western side of Cahir Castle, a more challenging route than the eastern route (see Appendix 7.1 Photographs No. 7 and No.8). This involved negotiating a weir at an old mill and subsequently meeting up with the first group in flat water on the eastern side of the Castle.
- 3.7 As the group of four approached the weir the Casualty, the most experienced member of the group, gave verbal instructions as to how best to navigate the weir. He stated he would go first and be followed by the two teenagers and the man following last.
- 3.8 The first person to negotiate the weir was the level 2 trainee kayak instructor. During his manoeuvres his kayak capsized and he entered the water. He surfaced on the right hand side of the river. He was seen standing facing against the wall on the western downriver side of the weir and making his way downstream. He did not appear to be in any difficulty. He did not acknowledge or communicate in any way with the three remaining kayakers. He quickly went out of sight of remaining kayakers due to a bend in the tributary.

- 3.9 It is stated that the Casualty had negotiated the weir on several earlier occasions and had previously capsized and come out of the kayak at this location. He was expected to make his way further downstream and exit at one of several convenient locations.
- 3.10 On previous capsizing incidents the Casualty had managed to cross the tributary and exit the river at the southern end of mill. When the three remaining kayakers saw their colleague capsize they decided not to attempt going over the weir and elected to return to the slip. They assumed that the Casualty would exit the water safely.
- 3.11 A passing motorist on the bridge in Cahir saw a person in the water behind the Castle at 11.30 hrs. and made a 999 call. After informing the emergency services he proceeded to park his car and cross Inch Field. At this stage the Casualty was seen being swept downriver with his head down.
- 3.12 Between 11.33 hrs and 11.34 hrs the emergency services were tasked - Gardaí, R117 Helicopter and Fire Brigade. At 11.47 hrs Cahir River Rescue was informed of a person in the river. They proceeded downriver by road and launched at Ballybrado.
- 3.13 At 12.02 hrs. the Fire Brigade attempted to snag the Casualty at Swiss Cottage but the attempt was unsuccessful. The Casualty was noted to be drifting in the middle of the river towards Ardfinnan.
- 3.14 At 12.38 hrs. the Casualty was recovered from the river in the vicinity of Garnavilla House, approximately 4.18 kms downstream from Cahir Castle. The Casualty was recovered face down and was not wearing a PFD. Emergency Cardiopulmonary Resuscitation (CPR) was attempted without success.
- 3.15 Items recovered from the Casualty were a pink Egalu safety helmet and a Delta Pathfinder breathable nylon waterproof jacket. The jacket had been cut by first responders to enable CPR. There was no apparent damage, scrapes or gouges on the safety helmet. There were no CE or ISO markings on the helmet.

## 4. ANALYSIS

- 4.1 The Casualty and his business partner set up the adventure organisation in 2016. The two partners underwent level 2 kayak instructor training between April and December 2016. The Casualty was a participant in the Clonmel Instructor Training Initiative that ran in 2016 and was training to be a Level 2 Instructor. He was still classified as an instructor trainee as he had not completed all elements of the course. He had been trained up to Level 3 River Skills but had not completed his Level 3 River Skills Assessment (see Appendix 7.4 Canoeing Ireland Level 2 Kayak Skills).
- 4.2 The adventure organisation was not affiliated to Canoeing Ireland. Canoeing Ireland is recognised by the Irish Sports Council and the OCI as the NGB for paddle sports in Ireland. It is affiliated to International and European Canoe Federations. Canoeing Ireland oversees training and qualifications standards for the sport. Canoeing Clubs are affiliated to and regulated by the Union.
- 4.3 The weir area where the incident occurred would be considered a Grade 2 or on the day a Grade 3.
- Grade 2 Moderately Difficult is ‘a way down a river is clear but simple obstructions do exist. Small stoppers and small drops can be present. There are places where the flow accelerates’.
  - Grade 3 Difficult is ‘a route that is easily recognisable from the water. Waves can be irregular. Boulders and obstructions can be numerous. Stoppers and small eddies exist’.
- 4.4 Prior to negotiating the weir, no recorded risk assessment was carried out and no recorded plan was in place for an incident occurring. Chapter 7 of the Code of Practice for Safe Operation of Recreational Craft (COP) concerns canoeing and kayaking.
- 4.5 However, from the evidence available it appears the Casualty made a number of dynamic risk assessments as he traversed downstream.
- 4.6 The Casualty was not wearing a PFD when he was recovered from the river. He was wearing a PFD prior to going down the weir and therefore it was either removed by the Casualty or lost between the time of the incident and the time of the recovery.
- 4.7 The buoyancy aids provided by the adventure organisation were to the EN ISO 12402-5 standard 50 N which is recommended for swimmers of any age, for use in relatively sheltered/calm waters and intended for those who may have to wait for rescue.
- 4.8 These aids may be suitable in instances where the wearers remain capable of helping themselves. Whilst these PFDs may be less bulky than other types of PFDs, they should not be used in rough conditions or when there is wave splash. Their application and

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description are as follows: swimmers only; sheltered waters; help at hand; limited protection against drowning; is not a lifejacket. This is the standard buoyancy aid used for kayaking in Ireland.

- 4.9 The helmet recovered from the Casualty was not marked as complying with Standard CE EN 1385, the Safety Standard for Water Sports, including kayaking.

## 5. CONCLUSIONS

- 5.1 The autopsy report states that the cause of death was due to drowning. The Coroner's autopsy report is provisional at the time of publication of this report. Determination of the cause of death is a matter for the Coroner.
- 5.2 After capsizing, the Casualty was seen standing and then making his way downstream. He did not appear to be in difficulty and did not communicate with the remainder of the group.
- 5.3 There is no documented record of a risk analysis of the potential dangers prior to setting out on the course over the weir on the western side of Cahir Castle. The Code of Practice for the Safe Operation of Recreational Craft sets out the requirements for kayaks in Chapter 7 and specifically for river kayaking in section 7.5 of the Code.
- 5.4 The Casualty was recovered from the water without any PFD. He was wearing a PFD prior to going down the weir. It is unclear whether he removed it himself or whether it was lost during the incident.
- 5.5 The adventure organisation was not affiliated to Canoeing Ireland, which is not a legal requirement.

## **6. SAFETY RECOMMENDATIONS**

- 6.1 It is recommended that the Minister for Transport, Tourism and Sport issue a Marine Notice reminding kayakers and kayaking and canoeing organisations of their obligations to comply with the Code of Practice for the Safe Operation of Recreational Craft and in particular to Chapter 7, which specifically deals with canoeing/kayaking.

## 7. APPENDICES

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Appendix 7.1 Photographs.



Photograph No. 1: General View of the kayak.



Photograph No. 2: Cockpit of the kayak.

### Appendix 7.1 Photographs.



Photograph No. 3: Buoyancy Bag.



Photograph No. 4: Bottom of the kayak.

Appendix 7.1 Photographs.



Photograph No. 5: Hull ID No. on the kayak.



Photograph No. 6: Area where the group launched.  
The initial paddling was upstream in the vicinity of the railway bridge.

Appendix 7.1 Photographs.



Photograph No. 7: Weir where the capsizing occurred.



Photograph No. 8: Sluice and weir, sluice on the left-hand side of the photograph.

Appendix 7.1 Photographs.



Photograph No. 9: Rapid flowing water downstream from weir.



Photograph No. 10: Tributary from the weir to the main channel.

Appendix 7.1 Photographs.



Photograph No. 11: Area where the Casualty was seen by a passer-by on the bridge.



Photograph No. 12: Area where the Casualty was seen by a passer-by on the bridge.

Appendix 7.1 Photographs.



Photograph No. 13: Location of the weir.



Photograph No. 14: Position of the Casualty when seen by a passer-by who raised the alarm.


## APPENDIX 7.2

### Appendix 7.2 Location of the Incident.





Appendix 7.3A Met Éireann Weather Report.



**MET ÉIREANN**  
*The Irish Meteorological Service*

**General Meteorological Situation:** A slow moving frontal system affected the area during the periods in question.

**06:00 hours to 12:00 hours**

**Wind:** Light from the west (270 to 280 degrees) 7 to 10 knots (Beaufort Force 3).

**Weather:** The period was overcast and damp with outbreaks of rain. The rain was of a misty and drizzle nature – generally light, though quite continuous. I estimate total rainfall for the period at 1 to 2 mm.

**Temperatures:** The air temperature was 12 to 13 degrees Celsius.

**Visibility:** Moderate (4 to 6 km).

**Sea States** Small wavelets or near calm (less than 0.1 meters).

**12:00 hours to 18:00 hours**

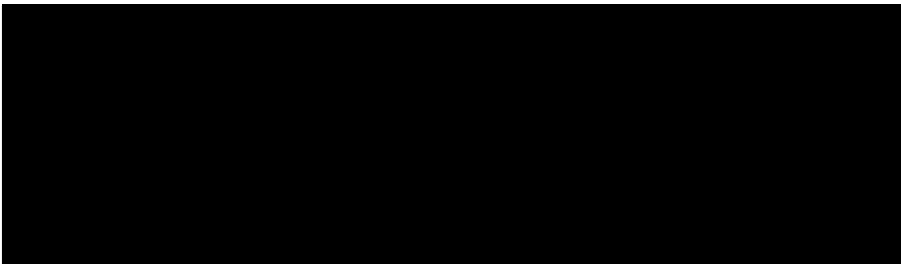
**Wind:** Light from the west (250 to 270 degrees) 9 to 12 knots (Beaufort Force 3 to 4).

**Weather:** Overcast and misty with occasional rain. The rain was generally light but mixed with drizzle. It was quite continuous. I estimate the total rainfall for period at 2 to 3 mm. Most likely raining with mist at 1:30 pm.

**Temperatures:** The air temperature was a steady 12 to 13 degrees Celsius.

**Visibility:** Moderate (5 to 7 km).

**Sea States** Small wavelets (less than 0.1 meters).



**Appendix 7.3B** Met Éireann Report on Rainfall for October and November 2018.

From: [REDACTED]  
Subject: [REDACTED]  
Date: 30 November 2018 at 15:47  
To:

**From:** [REDACTED]  
**Sent:** 14 May 2018 12:05  
**To:** Marine Casualty Investigation Board  
**Subject:** Kayak incident

Attention [REDACTED]

your ref: mcib/12/275  
Ours: ws1730/1801\_19

Further to you query dated 24th April 2018, the following additional info is available

**1** I estimate (based on the nearest stations) that the rainfall for October 2017 was around 80% of normal in the Cahir area. However it was stormy at times during the second half of that month.  
I estimator the rainfall for November 2017 to be 75% of normal. The first half of the month however was the drier half overall.

**2** I estimate the total rainfall from midnight to 6:00 am on the 11th November 2017 at 4 to 5 mm.

**With kind regards**

[REDACTED]  
Meteorologist, (General forecast Division). Phone [REDACTED] Fax [REDACTED]  
[REDACTED]  
Email: [REDACTED]

## Appendix 7.4 Canoeing Ireland Level 2 Kayak Skills.



### Level 2 Kayak Skills

#### General aims

The Level 2 Kayak Skills Award aims to enable participants to:

1. Kayak safely and competently on flat water and Grade I rivers as a member of a group being led.
2. Assist in basic rescues.

#### Requirements

Participant must successfully demonstrate the following techniques and skills:

1. An understanding of the Basic Safety Rules of canoeing.
2. An ability to Enter and Exit a kayak correctly.
3. Forward Paddle, Reverse Paddle, and Stop.
4. An ability to turn while stationary using Forward Sweep Stroke, Reverse Sweep Stroke and a combination of Forward and Reverse Sweep Strokes.
5. Simple Draw Stroke.
6. Low Brace.
7. Turning on the Move.
8. Edging while the kayak is moving.
9. Capsize Drill.
10. An ability to assist in an Assisted X Rescue and/or an H Rescue.

#### Assessment

1. The Level 2 Kayak Skills Assessment must take place outdoors on flat water (i.e. water of Grade I difficulty). No part of an assessment can be taken in a swimming pool.
2. During an assessment all techniques and skills must be demonstrated to an assessor's satisfaction in order to achieve this award.
3. It may not be feasible for a junior or disabled person to assist fully in rescues - such candidates should, however, have a full understanding of the correct sequence of each of the required rescues and have some role to fulfil in the completion of these rescues.
4. A spraydeck must be worn throughout an assessment.
5. All strokes should be demonstrated in relevant situations i.e. use of a simple draw stroke to manoeuvre the kayak to the bank. Strokes should be demonstrated on both sides of the kayak.
6. The Level 2 Kayak Skills Award is not a compulsory pre requisite for any subsequent Canoeing Ireland skills awards.
7. No age restriction applies to this award.

## Appendix 7.4 Canoeing Ireland Level 2 Kayak Skills.

### Assessment Guidelines

1. The Level 2 Kayak Skills Award can only be assessed by a currently registered Canoeing Ireland Instructor who is, at minimum, a Level 2 Kayak Instructor.
2. The assessment will be carried out with a maximum of six candidates to one assessor for Level 2 Instructors and eight candidates to one assessor for Level 3 Instructors and above.
3. All required assessment rescues should be kept until the end of an assessment.
4. Generally guidelines will be given, should a candidate fail an assessment, as to the areas that they need to improve on.

### Notes for Level 2 Kayak Skills Awards

#### Safety Rules of Canoeing

- You must be able to swim.
- You must always wear a buoyancy aid.
- You must always ensure that there is adequate kayak buoyancy.
- You must never canoe alone.

#### Entry and Exit

Can be carried out with or without the use of paddles, depending on what is most appropriate to the situation.

#### Forward Paddling

Some directional instability is allowed for. This should not include complete loss of forward movement or continuous veering from side to side, aiming for a point/gap as a task.

#### Reverse Paddling

Some directional instability is allowed for. This should not include complete loss of reverse movement or continuous veering from side to side. A wider stroke than that used for forward paddling is permissible.

#### Stopping

Stopping should occur in a straight line allowing some leeway, but not veering from side to side. Ability to stop should be demonstrated while paddling forward and in reverse.

#### Forward Sweep Stroke

There should be full arm extension. The sweep should be initiated at the front of the kayak and continued to stern with trunk rotation evident.

#### Reverse Sweep Stroke

## Appendix 7.4 Canoeing Ireland Level 2 Kayak Skills.

Trunk rotation to place paddle in the water at stern should be evident. There should be continuous sweep to the front of the kayak as the trunk unwinds. There should be full arm extension throughout.

### **Draw Stroke**

The paddle should remain in the water throughout. Some slight bow or stern swing is acceptable. An ability to maintain the paddle shaft vertically should be evident. Some body rotation towards the paddling side should be evident.

### **Low Brace Support**

The kayak must be sufficiently tilted for water to reach the spraydeck. A good push down with the elbows above paddle and associated hip action should be evident.

### **Turing on the Move**

The kayak should be moved at good speed through a series of turns. The turns should be induced by applying a combination of strokes and edge control appropriate to the kayak and the participant. The kayak should continue moving throughout the series of turns without stopping or significantly slowing down.

### **Capsize Drill**

While wearing a spraydeck, and followed by a 10 metre swim towing the kayak and paddle to the bank, then emptying the kayak correctly. The paddle should be retained.

## NATURAL JUSTICE - CORRESPONDENCE RECEIVED

Section 36 of the Merchant Shipping (Investigation of Marine Casualties) Act, 2000 requires that:

- '36 (1) Before publishing a report, the Board shall send a draft of the report or sections of the draft report to any person who, in its opinion, is likely to be adversely affected by the publishing of the report or sections or, if that person be deceased, then such person as appears to the Board best to represent that person's interest.
- (2) A person to whom the Board sends a draft in accordance with subsection (1) may, within a period of 28 days commencing on the date on which the draft is sent to the person, or such further period not exceeding 28 days, as the Board in its absolute discretion thinks fit, submit to the Board in writing his or her observations on the draft.
- (3) A person to whom a draft has been sent in accordance with subsection (1) may apply to the Board for an extension, in accordance with subsection (2), of the period in which to submit his or her observations on the draft.
- (4) Observations submitted to the Board in accordance with subsection (2) shall be included in an appendix to the published report, unless the person submitting the observations requests in writing that the observations be not published.
- (5) Where observations are submitted to the Board in accordance with subsection (2), the Board may, at its discretion -
- (a) alter the draft before publication or decide not to do so, or
  - (b) include in the published report such comments on the observations as it thinks fit.'

The Board reviews and considers all observations received whether published or not published in the final report. When the Board considers an observation requires amendments to the report that is stated beside the relevant observation. When the Board is satisfied that the report has adequately addressed the issue in the observation, then the observation is 'Noted' without comment or amendment. The Board may make further amendments or observations in light of the responses from the Natural Justice process.

'Noted' does not mean that the Board either agrees or disagrees with the observation.

## 8. NATURAL JUSTICE - CORRESPONDENCE RECEIVED

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Note: The names and contact details of the individual respondents have been obscured for privacy reasons.

## CORRESPONDENCE 8.1

### Correspondence 8.1 Irish Coast Guard and MCIB response.

An Roinn Iompair,  
Turasóireachta agus Spóirt  
Department of Transport,  
Tourism and Sport



22<sup>nd</sup> Jan 2019

[REDACTED]  
Chairman MCIB

Dear [REDACTED]

Your letter dated 10<sup>th</sup> Jan 2019 re DRAFT report fatal accident Co Tipperary, refers.

The Coast Guard acknowledges the opportunity to comment on the report and has No observations on the content or findings.

MCIB RESPONSE: Noted.


Yours sincerely,

[REDACTED]  
A/Director  
Irish Coast Guard

Lána Líosain, Baile Átha Cliath, D02 TR60, Éire  
Leeson Lane, Dublin, D02 TR60, Ireland  
T +353 1 6783454/3427| admin@irishcoastguard.ie  
www.dttas.gov.ie



Correspondence 8.2 Fire Chief Tipperary Co Co and MCIB response.

 Comhairle Contae Thiobraid Árann  
Tipperary County Council

Comhairle Contae Thiobraid Árann,  
Oifigi Cathartha,  
Cluain Meala,  
Co. Thiobraid Árann  
Tipperary County Council,  
Civic Offices, Clonmel,  
Co. Tipperary

Comhairle Contae Thiobraid Árann,  
Oifigi Cathartha,  
An tAonach,  
Co. Thiobraid Árann  
Tipperary County Council,  
Civic Offices, Nenagh,  
Co. Tipperary


t 0761 06 5000  
e customerservice@tipperarycoco.ie  
tipperarycoco.ie

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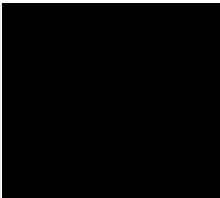
  
Marine Casualty Investigation Board  
Leeson Lane  
Dublin 2

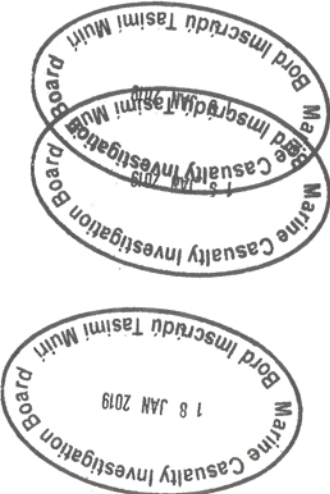
15 January 2019

Re: Fatal Incident at Cahir Co Tipperary 11<sup>th</sup> November 2017

Dear 

Further to yours of 10<sup>th</sup> January in relation to a fatal incident at Cahir Co Tipperary on November 11<sup>th</sup> 2017, please be advised that I have no comments or observations.

Yours faithfully,  
  
Chief Fire Officer



MCIB RESPONSE: Noted.

## Correspondence 8.3 Witness and MCIB response.

Observations on Draft Report in fatal incident Cahir Co. Tipperary on the 11 November 2017

<p>1. Summary                  "floated approximately 3.2 km down the river"-in section 2.3 "Voyage Particulars" "floated approximately 2.6 miles(4.18 km) down the river"                  In 3. Narrative 3.14 "approximately 4.2 km downstream"</p>	}	<p><b>MCIB RESPONSE:</b> Noted. The report has been amended.</p>
<p>2. Factual Information                  2.2 "or on the day, a grade 3"- in my opinion the sluice was grade 2 on the day                  2.6 River conditions "reported to be swollen and fast flowing" In my opinion this is an exaggeration. Our weakest paddlers on the day had no difficulty paddling upstream against the current for a distance of over half a kilometre. River level was rising slowly due to rain on Friday.                  "rainfall midnight to 6am on the 11<sup>th</sup> November 2017 at 4 to 5mm"-according to Appendix 7.3 Met Éireann report "rainfall for October 2017 was around 80% of normal.... rainfall for November 2017 was 75% of normal. The first half of the month was the drier half overall"                  Appendix 7.2 Met Éireann <u>Weather</u> "estimate total rainfall for the period 1 to 2 mm"                  On the day a light drizzle had cleared at about 10am.</p>	}	<p><b>MCIB RESPONSE:</b> Noted.</p>
<p>3.3 "paddled up stream in relatively benign water"-hardly "swollen and fast flowing"</p>	}	<p><b>MCIB RESPONSE:</b> Noted.</p>
<p>2.10 Qualifications &amp; Experience of the Casualty-the Casualty was certified level 2 skills and had undergone RSR 1 and 2 and REC 1 and 2 during his instructor training. He had several supervised sessions on Level 3 water and was a medal winner in the National Slalom Competition . He was a member of Canoeing Ireland (who organised the instructor training course) and the club of which he was a member is also affiliated to Canoeing Ireland. The Adventure Organisation was in the process of becoming affiliated with Canoeing Ireland</p>	}	<p><b>MCIB RESPONSE:</b> Noted.</p>
<p>3. Narrative                  3.6 "relatively flat water"- it was flat                  3.15 "no CE or ISO markings on the helmet"-the helmet is a standard helmet used in canoeing clubs and adventure organisations</p>	}	<p><b>MCIB RESPONSE:</b> Noted. The report has been amended.</p>
<p>4. Analysis                  4.2 He was a member of Canoeing Ireland, as is the club of which he was a member.                  4.3 In my opinion the sluice is a Grade 2 play feature with no boulders or obstructions                  4.4 "Section 7.4" relates solely to sea kayaking and it is hardly relevant                  "Section 7.5"-the Casualty, myself and the experienced paddlers of the club ran the sluice at least once a week and were very familiar with it in a variety of flow conditions</p>	}	<p><b>MCIB RESPONSE:</b> Noted. The report has been amended.</p>

Correspondence 8.3 Witness and MCIB response.

4.4 "fitted and fastened correctly"- speculation?

MCIB RESPONSE: Noted.  
The report has been amended as per point 4.6 in published report.

4.6 Surely the only relevant line in this paragraph is "this is the standard buoyancy aid used for kayaking in Ireland" I find the rest confusing and suggestive of inferior equipment

MCIB RESPONSE: Noted.  
The report has been amended as per point 4.7 of published report.

5. Conclusions

5.3 "requirements of the COP were not complied with"-Which requirements were not complied with?

5.5 The Casualty was a member of Canoeing Ireland, as is the club of which he was a member.

MCIB RESPONSE: Noted.



## CORRESPONDENCE 8.4

### Correspondence 8.4 Next of Kin and MCIB response.

To whom it may concern,

Please find our observations on the draft report into fatal incident in Cahir.

2.1 size of the vessel. The directive EU 2013/53/EU is for vessels 2.5m to 24 m so is not applicable in this case. There is nothing in this that says smaller vessels should not be used. It just states that the size to which the directive applies. This is misleading and doesn't really say anything or add anything of substance to the report.

MCIB RESPONSE: Noted.

2.2 Grade of difficulty on the day. On what basis has it been determined grade 3. What is your reference point? Again no solid basis for calling it grade 3 on the day or that there was any extra difficulty compared to normal conditions. In the second paragraph please add to the "group of four" term "more experienced".

2.3 'Ad hoc' why is this term used? Mis-leading wording – it as an organised teaching group with members not receiving lessons paddling along.

MCIB RESPONSE: Noted.

2.6 The river conditions. Where did the observation of the river come from and at what time was it observed? Again as above no solid basis for this no reference quoted. The rainfall was estimated 4-5mm between midnight and 6am – is this good or bad? What difference does this make? Is this a lot of rain? Again no reference here to see what this means?

2.10 and 4.2 This is mentioned twice! 'The adventure organisation was not affiliated to Canoeing Ireland'. This is misleading as the members of the organisation were members of Canoe Ireland and were trained through Canoeing Ireland. The fact that the adventure organisation was not paid up members of a limited company who does not have mandatory regulatory authority regarding associations. The members of the adventure club abided by the rules of Canoeing Ireland, so it is misleading and hinting that the association was less than official. They had applied for membership and were waiting for reply.

MCIB RESPONSE: Noted.

3.8 Please clarify the end of this paragraph. They had decided to turn back that is why he went out of sight. This is currently vague and doesn't say anything about why he went out of sight.

MCIB RESPONSE: Noted.

3.14 Please change "the casualty was recovered face down and was not wearing a personal floatation device(PFD)" to "the casualty was recovered face down and without a personal floatation device(PFD). It has been confirmed by other members of the group he was wearing a PFD when setting out kayaking."

MCIB RESPONSE: Noted.

3.15 There is also no requirement to have ISO markings or to comply with ISO standards as they are only guidelines not directives or legislation. Also, most CE-marked products can be placed on the market subject only to an internal production control by the manufacturer with no auditing or independent check of the compliance with the relevant EU legislation. The CE mark is also a European phenomenon and if this helmet was produced outside of the EU and previously sold outside the EU may not have required a CE mark. Also CE marking is not a "safety mark" for consumers.

MCIB RESPONSE: Noted.

4.4 and 5.3 COP section 7.4 quoted is for sea kayaking. It is also inaccurate that there was a non-compliance with 7.5, the course had been studied for hidden dangers, snags, currents, etc before the boat was put on the water and as you stated this course had been taken numerous times before. There was also a plan of action on

MCIB RESPONSE: Noted.  
The Report has been amended.

Correspondence 8.4 Next of Kin and MCIB response.

who would go in which order and how to go down. I do wonder where it says this risk analysis needs to be documented in writing and how many different passages and waterways are risk assessed in this way if it actually is required.

4.6 The buoyancy aid was 50 newton CE/ISO which is recommended by Canoeing Ireland.  
The wearer in this accident was standing after the accident so was not unconscious. Please put the final line of 4.6 as the opening line of 4.6 otherwise it is again misleading.

5.5 Please remove this as again it has nothing to do with the accident and is implying a lack of compliance with the practices of Canoeing Ireland. Canoeing Ireland do not regulate clubs but offer support.

Recommendations: I do not agree with this recommendation nor do I think it would have made or would make any difference. This passage and river were well travelled by this group and this group was quite experienced. The risks had been assessed previously (as I've detailed above) and the fact that you are picking on what seems to be a documentation issue which isn't actually stated to be a recommendation or requirement anywhere to document this. This is a time-wasting exercise it seems. Especially as it has taken over a year to write a document that is insufficient, without reference and draws a strange and problematic conclusion. I honestly cannot identify anything from this report that is useful or sheds some light on the situation or what would have helped avoid the situation.

Let me know if you have any queries or want to discuss anything in the above,

Kind Regards,

[Redacted Signature]

MCIB RESPONSE: Noted.  
The report has been amended.

MCIB RESPONSE: Noted.

MCIB RESPONSE: Noted.







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