Marine Safety Information Bulletin

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Implementation of New Requirements for Commercial Fishing Vessels

The purpose of this Bulletin is to remind the commercial fishing industry about safety and equipment requirements established by the *Coast Guard Authorization Act of 2010* and the *Coast Guard and Maritime Transportation Act of 2012*. The Acts made significant changes to Chapters 45 and 51 of Title 46 United States Code (USC) that will be reflected in amended regulations (Parts 28 and 42 of Title 46 Code of Federal Regulations (CFR)). These new requirements are scheduled to go into effect by the date(s) set forth under the law. The specific provisions to be implemented are discussed and explained in this Bulletin.

Mandatory Dockside Safety Examinations: Both Acts mentioned above amended 46 USC §4502(f) and directed that both State-registered and Federally-documented vessels that meet the following criteria, receive a safety examination no later than October 15, 2015, the date this requirement is scheduled to take effect. The criteria includes: operating beyond 3 nautical miles of the baseline of the U.S. territorial sea or the coastline of the Great Lakes, operating anywhere with more than 16 individuals on board (either inside 3 miles of the baseline or beyond 3 miles of the baseline), and fish tender vessels engaged in the Aleutian trade. These vessels will need to complete this dockside safety examination at least once every 5 years, however, some vessels, depending on their operation or areas of service, may be subject to a more frequent examination schedule.

If you have had your vessel examined recently, but the safety decal that was issued expires before the new requirement takes effect, you should have your vessel re-examined prior to October 15, 2015 if the above criteria applies. If you do not have a valid safety decal after October 15, 2015, you could be subject to operational controls that may be directed by a Captain of the Port Order. To help alleviate last minute exam scheduling backlogs, do not wait until the last minute to request an examination as there will likely be a rush on examination requests closer to the scheduled October 2015 deadline.

Survival Craft: The Acts also amended 46 USC §4502(b)(2)(B) by deleting the words "lifeboats or liferafts," and replacing them with, "a survival craft that ensures that no part of an individual is immersed in water..." This means that all commercial fishing industry vessels operating beyond 3 nautical miles of the boundary line or the coastline of the Great Lakes will be required to carry a survival craft that keeps you out of the water (i.e., a lifeboat, inflatable liferaft, or inflatable buoyant apparatus) in the event of an abandon ship need. Current life floats and buoyant apparatus are not designed to keep an individual out of the water when used in an emergency. This requirement for a survival craft, such as a lifeboat, inflatable liferaft, or inflatable buoyant apparatus that keeps one out of the water, is scheduled to go into effect on February 16, 2016.

Newly-Built Vessels: Note – The 2012 Act amended 46 USC §4503 by adding a new subsection (e) that states, "For the purposes of this section, the term *"built"* means, with respect to a vessel, that the vessel's construction has reached any of the following stages: (1) The vessel's keel is laid. (2) Construction identifiable with the vessel has begun and assembly of that vessel has commenced comprising of at least 50 metric tons or one percent of the estimated mass of all structural material, whichever is less." Also note that, "overall in length," means the horizontal distance of the hull between the foremost part of the stem and the aftermost part of the stern excluding fittings and attachments, which is different from the "registered length."

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With this in mind, and with regard to vessels at least 50 feet overall in length, the 2010 Act amended 46 USC §4503 to add a requirement that commercial fishing vessels at least 50 feet overall in length, built after July 1, 2012 that operate beyond 3 nautical miles of the baseline must be designed, constructed, and maintained to the standards of a recognized classification society. The 2010 Act also required that vessels classed before July 1, 2012 shall remain subject to the requirements of a classification society and have on board a certificate from that society. The 2012 Act extended that "built after" date to July 1, 2013. So, after July 1, 2013, if a vessel 50 feet or more overall in length was, or is, built, it must meet survey and classification requirements. A vessel 50 feet or greater overall in length built after July 1, 2013, but not built to class, will be ineligible to commercially fish beyond 3 nautical miles of the baseline under a Fishery endorsement on its Certificate of Documentation.

Vessels less than 50 feet overall in length: The 2010 Act, also amended 46 USC §4502 by adding a new subsection (h) that requires commercial fishing vessels less than 50 feet overall in length, built after January 1, 2010, to be constructed in a manner that provides a level of safety equivalent to the minimum safety standards established for recreational vessels. The standards/requirements for recreational vessels can be found in 33 CFR Parts 181 and 183.

Load Lines: The 2010 Act amended 46 USC §5102(b) to require commercial fishing vessels 79 feet or greater in length (and that will operate beyond the Boundary Line) to have a load line assigned. Per the 2010 Act, this provision applied to commercial fishing vessels built after July 1, 2012, however, the 2012 Act changed the effective date to July 1, 2013. Generally, most commercial fishing vessels were previously exempt from load line requirements. A load line indicates the minimum safe freeboard to which a vessel may be loaded. Conditions evaluated when calculating and assigning a load line include watertight integrity of the vessel, subdivision, and loading capacity. To be consistent with the definition for determining length for load line purposes already accepted and in use for other vessels, the registered or documented length of a commercial fishing vessel will be used for load line applicability as set forth in Subchapter E of 46 CFR Part 42.

Alternate Safety Programs: The 2010 Act added a new Subsection (d) to 46 USC §4503. This provision requires the Coast Guard to prescribe and develop, in cooperation with the commercial fishing industry, an Alternate Safety Compliance Program for commercial fishing vessels that operate beyond the 3 nautical mile line, if the vessel is: (1) at least 50 feet overall in length; (2) was built before July 1, 2012; and (3) is 25 years of age or older (in 2020); or, was built on or before July 1, 2012, and undergoes a substantial change to the dimension of, or type of vessel, completed after July 1, 2012, or a later date set by the Coast Guard. The 2012 Act changed the date of applicability from July 1, 2012 to July 1, 2013. In general, the Alternate Safety Compliance Programs must be prescribed by 2017 and implementation beginning by 2020. The Coast Guard is in the process of finalizing draft criteria and requirements for the Programs and the Commercial Fishing Safety Advisory Committee has been consulted on the draft. Prior to final promulgation, the fishing industry will be offered an opportunity to review, comment, and make recommendations as to how to apply the requirements based on risk, vessel operations, and operating areas. The 2010 and 2012 Acts also amended 46 USC §5103 by adding a requirement for vessels that undergo a major conversion after July 1, 2013, or a date set by the Secretary, to comply with an Alternate Load Line Compliance Program. This Program will be developed in cooperation with the fishing industry. The Alternate Load Line Compliance Program will apply to vessels 79 feet or greater in length, and the criteria is expected to be included in the Alternate Safety Compliance Program guidelines for consideration by the industry.

Questions regarding these requirements should be forwarded to the Coast Guard Office of Commercial Vessel Compliance, Fishing Vessels Division (CG-CVC-3) at **202-372-1249** or by email at **CGCVC@uscg.mil**. Or, you may also contact your local Coast Guard District Fishing Vessel Safety Coordinator or local Sector Fishing Vessel Safety Examiner. The points of contact for these individuals can be found on the web site, www.fishsafe.info, and click on the "Locate Examiners" tab.

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