

**Coast Guard Authorization Act of 2010  
(Public Law 111-281)**

**NEW REQUIREMENTS  
FOR  
COMMERCIAL FISHING INDUSTRY VESSELS  
INCLUDE ...**

**Bob Perkins**



## Section 604 of the Auth Act

- Changes to Chapter 45 of Title 46 U.S. Code, “Uninspected Commercial Fishing Industry Vessels”
- Changes to Chapter 51 of 46 USC, “Load Lines”
- Builds on requirements from CFIV Safety Act of 1988
- Expected to enhance safety of crews and vessels



- Parity for Documented and State vessels
  - Ø Uniform standards for all vessels
  - Ø “Documented” deleted from 46 USC 4502(b)(1)
- Demarcation Line Changed for Operating Area and Equipment Standards
  - Ø “Boundary Line” deleted from 46 USC 4502(b)(1)(A) and replaced with “3 nautical miles”
  - Ø Boundary line could vary from outside the headlands to over 12 miles in some locations
  - Ø 3 mile line is well know and marked on most charts
  - Ø Applies on Great Lakes too



- New Survival Craft Standard
  - Ø A new performance standard for primary lifesaving equipment
  - Ø 46 USC 4502(b)(2)(B) is amended – replaces “lifeboats or liferafts” with “a survival craft that ensures no part of an individual is immersed in water”
  - Ø Lifefloats and buoyant apparatus will no longer be accepted on vessels operating beyond 3 miles
  - Ø Phase-in period may be considered in implementing regulations
- Recording Safety
  - Ø New provision for vessels operating beyond 3 nautical miles
  - Ø Individual in charge of a vessel must record equipment maintenance and required drills and instruction
  - Ø 46 USC 4502(f) is amended adding this requirement



- Examinations and Certificates of Compliance
  - Ø A dockside safety exam at least once every 2 years is now mandatory for vessels operating beyond 3 miles
  - Ø A “certificate of compliance” will be issued to a vessel successfully completing an exam
  - Ø 46 USC 4502(f) is amended adding this requirement
  - Ø The certificate must be kept onboard
  
  - Ø The certificate may be removed and the vessel’s voyage terminated if non-compliance with terms of the certificate
  - Ø Section 608 of the Auth Bill amends 46 USC 2117 to add this authority and requirement



- Training for Individuals in Charge

- Ø Individuals in charge of a vessel operating beyond 3 miles must pass a training program covering certain competencies
- Ø A new 46 USC 4502(g) adds this requirement
- Ø The training will be based on professional knowledge and skill through sea service and hands-on training including:
  - seamanship                      - navigation                      - collision prevention
  - fire fighting and prevention                      - emergency medical care
  - damage control                      - stability                      - weather
  - personal survival                      - emergency drills
  - ability to communicate in an emergency
- Ø Credit can be given for recent experience on fishing vessels
- Ø A certificate will be issued upon successful completion
- Ø Must complete refresher training every 5 years
- Ø CG to establish a public database of those trained



- Construction Standards for Smaller Vessels
  - Ø New provisions added as 46 USC 4502(h)
  - Ø Applicable to vessels operating beyond 3 miles
  - Ø CG may establish construction standards for vessels less than 50 feet overall in length, and built after January 1, 2010
  - Ø Note, “overall in length” is different from “registered length”
- Load Lines
  - Ø 46 USC 5102(b) is amended – requires load lines be assigned on fishing vessels 79 feet or greater in length and built after July 1, 2012
  - Ø A new 46 USC 5103(c) requires an “alternate loadline compliance program” for vessels  $\geq 79$  feet, built before July 1, 2012, but undergo a “substantial change” after that date
  - Ø Industry will help develop the program



- ## Classing of Vessels

- Ø 46 USC 4503 is amended to make survey and classification requirements applicable to all fishing vessels if: operating beyond 3 miles, at least 50 overall in length, and built after July 1, 2012
- Ø A vessel classed before July 1, 2012 must remain classed

- ## Alternate Safety Compliance Programs

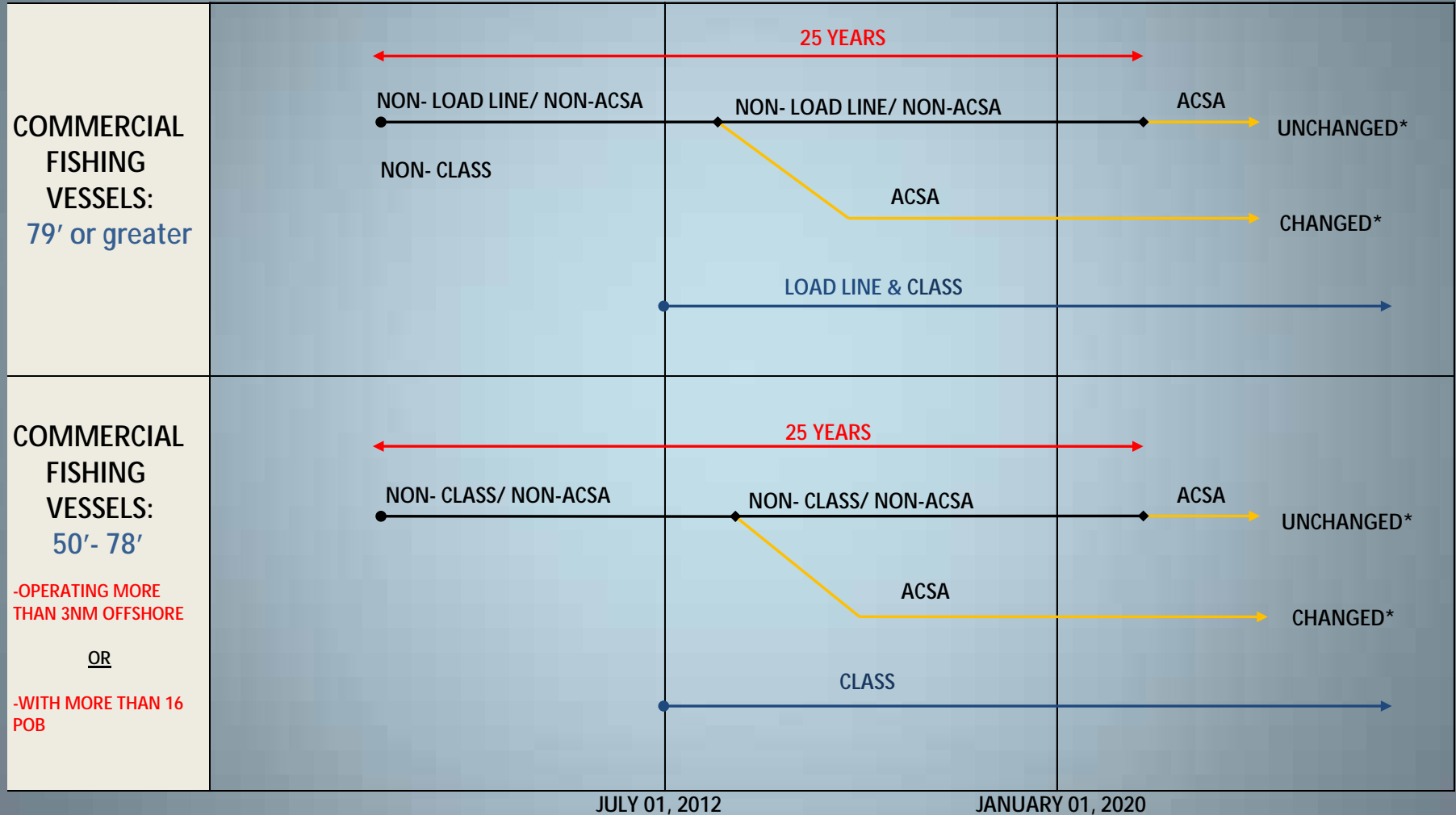
- Ø By 2020, for vessels >50', built before July 1, 2012, and are  $\geq 25$  years old
- Ø For vessels built before July 1, 2012 that undergo a substantial change after that date, or a date set by the CG
- Ø Owner(s) of 30 or more vessels entering a compliance agreement with the CG can delay meeting alternate compliance programs until 2030
- Ø Programs are to be developed in cooperation with industry and may be for specific regions and fisheries





# Load Line, Class, & ASCP Applicability for Commercial Fishing Vessels

- CG Authorization Act of 2010: Sec 604 -



\*"SUBSTANTIAL CHANGE" OF VESSEL DIMENSION OR TYPE AFTER JULY 01, 2012.

- YEAR BUILT -



- Fishing Safety Training Grants Program

- Ø To provide funding to various public entities, not-for-profit organizations, and other qualified persons for safety training
- Ø Training will be for fishing vessel operators and crews
- Ø Equipment and training aids can be funded
- Ø Grants will be awarded on competitive basis
- Ø Federal share of costs of activities is not to exceed 75%

- Fishing Safety Research Grant Program

- Ø To provide funding to various individuals to conduct research on methods of improving the safety of the industry
- Ø Grants will be awarded on competitive basis
- Ø Federal share of costs of activities is not to exceed 75%

∨ Funds will need to be appropriated for any grant programs



- Federal Advisory Committee

- Ø The committee is renamed to the “Commercial Fishing Safety Advisory Committee” and re-authorized until September 30, 2020
- Ø The committee is expanded from 17 to 18 members
- Ø Members can represent vessel owners, safety trainers, equipment manufacturers, general public, marine surveyors, and fishing communities



What does all this mean?

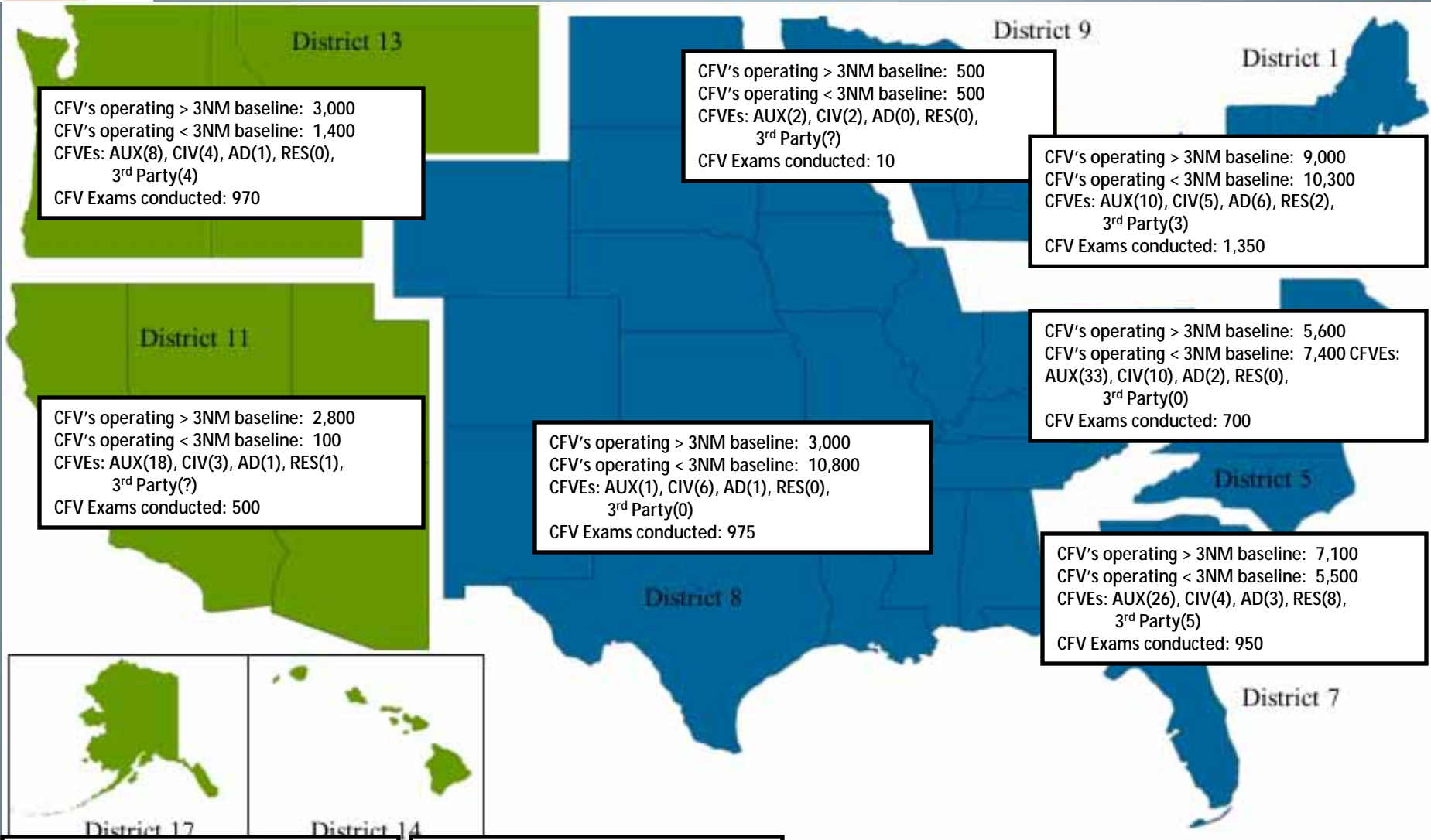
Prepare for the new requirements.

Legislation can't be implemented without rulemaking.

Questions?



# Commercial Fishing Vessel Safety Program Statistics (2009)



\* NOTE: All figures are rounded approximations as reported by District CFVS Program Coordinators. Auxiliary CFV Examiners perform on average about 20% of the total exams each year.