

FREQUENTLY ASKED QUESTIONS (FAQ's):

New Commercial Fishing Vessel Safety Requirements in the

Coast Guard Authorization Act of 2010

Q: How will this law improve safety?

A: Based on fatality rates, commercial fishing is the most dangerous occupation in the United States. The Coast Guard Authorization Act of 2010 expands construction, safety equipment, and oversight requirements for commercial fishing industry vessels, to address shortcomings in fishing vessel safety. A summary of the new requirements can be viewed by clicking [here](#).

Q: When will the new requirements take effect?

A: Section 604 of the Authorization Act makes numerous significant changes to Chapter 45 of Title 46 United States Code, "Uninspected Commercial Fishing Industry Vessels." However, before these changes take effect, the Coast Guard must promulgate implementing regulations.

The Act does include dates for when some provisions will apply:

- Vessels less than 50' overall in length built after January 1, 2010 must meet equivalent construction and safety standards for recreational vessels.
- Vessels 50' overall in length or greater, operating beyond 3 miles of the baseline, are required to meet survey and classification requirements if built after July 1, 2012.
- Vessels 79' or greater in length, and built after July 1, 2012, are required to be assigned a load line.

Other provisions of the Authorization Act will not take effect until the Coast Guard publishes an Interim or Final Rule in the Federal Register. The rulemaking process takes time and requires a public notice and comment period. Published Rules will state when specific requirements will take effect.

Q: How will the Coast Guard keep the public informed about the status of the Rulemaking?

A: As with any regulatory development project, there are rules about what can be discussed and when. Information regarding the Coast Guard's Fishing Safety Program, safety requirements, and initiatives can be found on this website or on the Coast Guard's Homeport webpage for commercial fishing vessels. The Federal Register will be used to publish any notices regarding rulemaking.

Q: How much time will commercial fishing vessel owners/ operators have to get their vessels into compliance with new requirements after a Final Rule is published?

A: The time frames in which vessels must be in compliance with each requirement will be published in the proposed and final rules. Phase-in periods may be considered for each requirement based on its impact to vessels, owners, and operators.

Q: Will I have the opportunity to comment on proposed regulations?

A: Yes. Anyone may comment on proposed regulations. A notice of proposed rulemaking will be published in the Federal Register to urge public participation. The rulemaking will be published in the Federal Register to urge public participation. The rulemaking document will be supplemented with a press release to help raise awareness of the proposed rule. The comment period is usually 90 days or longer. We encourage any interested person or organization to provide comments during that time. Comments are to be submitted as outlined in the Federal Register notice.

Q: What can a commercial fishing vessel owner/operator do to ensure his/her vessel complies with the new law?

A: Included in the new statute is a requirement that the Coast Guard examine at dockside all fishing vessels operating beyond 3 nautical miles (nm) from the baseline from which the territorial sea of the United States is measured or 3nm from the coastline of the Great Lakes*, at least once every two years, and issue a Certificate of Compliance to vessels meeting the safety requirements.

Fishing vessel owners and operators should ensure their vessels are in compliance with all applicable regulations so they can successfully complete the safety examination and receive a Certificate of Compliance (COC). If deficiencies are found during a required examination, and not corrected on the spot, they could result in the vessel not being permitted to operate until the vessel complies with all applicable safety requirements.

Vessel owners or operators can request a dockside safety examination from their local Coast Guard Sector Office or Marine Safety Unit, even before the mandatory requirement takes effect. A contact list for examiners can be found on this site on the "Locate Examiners" page.

(* The territorial sea baseline is defined in 33 CFR 2.20, and the 3-mile line is found on most nautical charts.)

Q: What about vessels that do not operate beyond 3nm from the baseline from which the territorial sea of the United States is measured or 3nm from the coastline of the Great Lakes?

A: These vessels will not be required to complete a dockside safety examination or be issued a Certificate of Compliance. However, the Coast Guard will continue to provide voluntary dockside examinations for the vessels as they do now.

Q: When will my life float or buoyant apparatus no longer fulfill the requirement for a survival craft?

A: The existing regulations require buoyant apparatuses and life floats, at a minimum, for certain classes of fishing vessels. On these vessels, an approved buoyant apparatus or life float will continue to meet the regulatory requirements until new regulations are promulgated.

The Act prohibits the Coast Guard from authorizing the use of buoyant apparatuses and life floats beyond January 1, 2015, for purposes of survival craft regulations. Therefore, vessel owners should anticipate the new requirement and replace buoyant apparatus and life floats with survival craft "that ensure no part of an individual is immersed in water" such as inflatable buoyant apparatus and liferafts, before that date.

Reference: 46 USC 3104 {new}/ 46 USCG 4602 (b)(2)(B) {as amended}

Q: How many commercial fishing vessels are there, how many will be required to comply with mandatory examination requirement, and how many safety exams is the Coast Guard currently performing?

A: There are currently around 20,000 vessels federally-documented as commercial fishing vessels. There are around 55,000 to 60,000 state-registered vessels that are considered commercial and may be engaged in commercial fisheries.

Of the vessels, it is estimated that up to half could operate beyond 3 nm of the baseline or beyond 3 nm from the Coastline of the Great Lakes and will be required to complete a safety examination at least once every two years. This is an estimate based on the experience of Coast Guard Examiners, but is to be validated by the number of federal fishery permits issued.

That Coast Guard currently performs about 7,000 fishing vessel exams annually. That number is expected to triple the first year of the exams becoming mandatory.

Q: The law requires new fishing vessels 50' and greater in length to be classed, but does the American Bureau of Shipping (ABS), or other classification societies, have classification standards for these smaller vessels?

A: ABS currently has rules for vessels under 90 meters that have been applied to vessels of 50 feet or more in length, and other organizations may have similar rules. There are common design, equipment, and maintenance issues on smaller vessels such as fishing vessels, work boats, tug boats, and OSV's. A significant number of ABS classed vessels fall into these categories. Class rules are reviewed on a yearly basis and can be updated as needed.

Q: How will the new classification requirements for fishing vessel 50' and greater in length affect shipyards involved in construction of these vessels?

A: It is difficult to say how shipyards may be affected until implementing regulations are promulgated. Some shipyards that currently build fishing vessels may not be yards that ABS or other classification societies normally works with. In order for these shipyards to build a vessel to classification standards, they will have to open a dialogue with those organizations and may have to adjust their procedures to meet the construction requirements for classed vessels.

Q: What do I need to know if I'm going to build a new fishing vessel?

A: The law will affect the construction of new fishing vessels that operate beyond 3nm from the baseline from which the territorial sea of the United States is measured or 3nm from the coastline of the Great Lakes.

- Such vessels less than 50' in length are to be built in a manner that provides a level of safety equivalent to the minimum safety standards the secretary may establish for recreational vessels under Section 4302. (See 33 CFR Parts 181 and 183).
- Such vessels 50' and greater in length that are built after July 1, 2012, must be certified as meeting all survey and classification requirements.
- Such vessels 79' and greater in length that are built after July 1, 2010, must comply with load line requirements.

Q: The Coast Guard Authorization Act requires that new training requirements be developed for individuals in charge of fishing industry vessels. Should owners/operators still attend drill conductor courses?

A: Yes. A certified individual is still required to conduct monthly emergency drills and instructions.

Q: What else is affected by the Act that will affect fishing vessels and the industry?

A: The Coast Guard Authorization Act establishes grant programs for fishing safety training and fishing safety research. However, funding must be appropriated for programs, and regulations must be developed to implement the programs.

The Commercial Fishing Industry Vessel Safety Advisory Committee has been reauthorized until 2020 as the Commercial Fishing Safety Advisory Committee, and its membership composition has been revised and increased to 18 individuals representing various industry groups, fishermen, and communities.

Fishing vessel masters are not currently required to log training and maintenance, but the Act includes a provision to require the individual in charge of a fishing industry vessel, operating beyond 3nm from the baseline from which the territorial sea of the United States is measured or 3nm from the coastline for the Great Lakes, to keep a record of maintenance, and required instruction and drills.

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