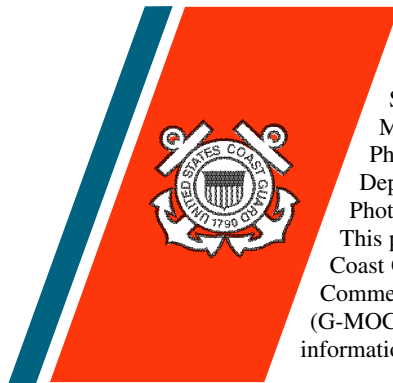


Federal Requirements for Commercial Fishing Industry Vessels



August 1, 2001.



On the cover: Safe and sound after a successful fishing trip, a classic Southeast troller rests at her Moorings in Sitka, Alaska. Photo courtesy of Alaska State Department of Tourism. Photographer: Rex Melton This pamphlet was published by Coast Guard Headquarters Commercial Fishing Safety (G-MOC-3) Division. Regulatory information is current through

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GENERAL INFORMATION

This pamphlet contains federal requirements for fishing industry vessels. Owners/operators may be required to comply with additional regulations specific to the state in which the vessel is registered or operated. Contact your local authorities to ensure compliance with state laws.

Each requirement in the pamphlet is followed by its respective cite from the Code of Federal Regulations (CFR). This pamphlet is intended to summarize the regulations as applicable to most vessels. It is not intended to be all-inclusive. Additional details on the requirements can be found in the CFR, available at your local library or government bookstore, or contact the Fishing Vessel Safety Coordinator in your area (see list on last page of this pamphlet). If the CFR is not available from these sources, it can be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402 or call (202) 512-1800.

What is the "Commercial Fishing Industry Vessel Safety Act (CFIVSA) of 1988"?

It is the law passed by Congress, which required the Coast Guard to issue new regulations for safety equipment and operating procedures for fishing, fish tender and fish processing vessels. It also increases casualty reporting requirements.

Why are these regulations necessary?

To implement the CFIVSA of 1988 and to make the commercial fishing industry a safer place to work.

Who does this affect?

These regulations apply to all U.S. uninspected commercial fishing, fish tender, and fish processing vessels, whether documented or state registered. Compliance with specific regulations may be based upon:

- Type and length of vessel
- Area of operations
- Seasonal conditions
- Number of people on board
- Whether the vessel is documented or state registered
- The date the vessel was built or converted

Will my fishing industry vessel be boarded at sea by Coast Guard Officers?

Possibly. Boarding of fishing industry vessels already occurs throughout the country on a random basis and this program will continue.

Will an at sea boarding delay or disrupt my fishing operations?

Not necessarily. Efforts are made to keep the at-sea boarding as brief as possible, however delays may be encountered. You can assist by becoming familiar with the safety requirements and by being prepared and cooperative during the boarding.

If deficiencies are found during an at-sea boarding, what will happen?

A violation report will be issued which could lead to a civil penalty. If a violation report is issued, the owner/operator has the right to write in defense and/or provide evidence that the deficiencies have been corrected.

Is it possible for my vessel to be prohibited from operating or have operations terminated?

If the boarding officer determines that an especially hazardous condition exists, the vessel voyage could be terminated. The regulations identify eleven items that may grounds for voyage termination:

1. Insufficient or unserviceable survival gear (such as PFDs, immersion suits, survival craft, etc.)
2. No operable EPIRB or radio (when required)
3. Inadequate fire fighting equipment
4. Excessive volatile fuel/vapors in bilges
5. Instability resulting from overloading, improper loading, or lack of freeboard
6. Inoperable bilge system (when required)
7. Intoxication of operator (.04% BAC)
8. Lack of adequate operable navigations lights during periods of reduced visibility.
9. Watertight closures missing or inoperable (when required)
10. Flooding or uncontrolled leakage in any space
11. A missing or expired Certificate of Class for a fish processing vessel (when required)

Is there an examination program available to fishing industry?

Voluntary dockside examinations are available to commercial fishing vessels. These free examinations are thorough vessel checks, which examine all safety equipment. The examinations are done by qualified Coast Guard personnel, or a third party organization accepted and designated by the Coast Guard (contact your local Coast Guard District Fishing Vessel Safety Coordinator for additional information). The presence of a valid examination decal may reduce your chances of being boarded or greatly reduce the at-sea boarding time spent on safety checks.

The examination is designed to educate the fishing public and to ensure vessel safety. There is no penalty for not passing the exam. However, if the exam is passed, a decal is issued indicating the vessel is in compliance with all applicable Coast Guard regulations.

Will the voluntary dockside examination disrupt or delay my fishing operations?

The dockside examination is conducted at your request and at a time mutually agreed upon by all parties. There should be no delay or disruption of fishing operations. You can actually save time and money by "investing time" in the voluntary dockside examination.

Who do I contact for more information?

Questions may be answered by contacting your Coast Guard District Fishing Vessel Safety Coordinator. A listing of these coordinators is on the last page of this pamphlet.

DEFINITIONS

Boundary Lines – lines that follow the general trend of the seaward high water shorelines and across entrances to small bays, inlets and rivers (refer to 46 CFR Part 7 for specific descriptions).

Coastal Water –

- U.S. waters of the Great Lakes,
- territorial seas of the United States, or
- waters directly connected to the Great Lakes and territorial seas where any entrance exceeds two nautical miles between opposite shorelines to the first point where the largest distance between shorelines narrows to two miles.

Cold Water – water where the monthly mean temperature is normally 59°F/15°C or colder.

Fish Processor – a vessel that commercially prepares fish or fish products other than by gutting, decapitating, gilling, skinning, shucking, icing, freezing, or brine chilling.

Fish Tender – a vessel that commercially supplies, stores, refrigerates, or transports fish, fish products, or materials directly related to fishing or the preparation of fish to or from a fishing, fish processing or fish tender vessel or a fish processing facility.

High Seas – waters beyond the Territorial Sea (generally beyond three miles of the coast).

Length – length listed on a vessel's Certificate of Documentation or Certificate of Number except where otherwise specifically noted to be the overall length.

Territorial Seas – water within the belt three nautical miles wide measured off the coast of the United States and the Territorial Sea Baseline.

Warm Water – water where the monthly mean temperature is normally more than 59°F/15°C.

REQUIREMENTS FOR ALL COMMERCIAL FISHING INDUSTRY VESSELS

PERSONAL FLOTATION DEVICES (PFDs) AND IMMERSION SUITS

- 46 CFR 28.105 – General Requirements
- 46 CFR 28.110 – Number and Stowage
- 46 CFR 28.135 – Markings
- 46 CFR 28.140 – Maintenance

There must be at least one Coast Guard approved device of the proper size for each person on board the vessel (see table below). Unapproved immersion suits (also known as "Exposure or Survival Suits") carried on board prior to 1991, are acceptable as long as they are maintained and in good condition.

All devices must have 62 square inches of retroreflective tape (31 square inches on the front and 31 square inches on the back and the same on the inside if the device is reversible). The retroreflective tape on immersion suits must be placed so that the tape can be seen if the wearer is in a floating position.

When vessels operate on ocean, coastwise, and Great Lakes voyages a Coast Guard approved PFD light (approval series 161.012) must be attached to the front shoulder area of the required device.

AREA OF OPERATION	VESSEL TYPE	DEVICE
Seaward of the Boundary Line, north of 32°N, or south of 32°S, and Lake Superior	Documented	Immersion Suit
Coastal Waters on the West Coast of the U.S. north of Pt. Reyes, CA; Beyond coastal waters, cold waters; and Lake Superior	All	Immersion Suit
All other waters (includes all Great Lakes except Lake Superior)	40 feet or more	Type I, Immersion Suit

AREA OF OPERATION	VESSEL TYPE	DEVICE
All other waters (includes all Great Lakes except Lake Superior)	Less than 40 feet	Type I, II, and III, Immersion Suit

TYPE I PFD



TYPE II PFD

TYPE III PFD



IMMERSION SUIT
(also known as exposure suit or survival suit)

THROWABLE FLOTATION DEVICES

46 CFR 28.115 – General Requirements

46 CFR 28.135 – Markings

A Coast Guard approved throwable flotation device (ring life buoy or throwable cushion) must be carried on board, as determined in the following:

VESSEL LENGTH	DEVICE REQUIRED
Less than 16 feet	None
16 feet to less than 26 feet	1 throwable cushion or 1 orange 24 inch ring life buoy with 60 feet of line *
26 feet to less than 65 feet	1 orange 24 inch ring life buoy with 60 feet of line*
65 feet or more	3 orange 24 inch ring life buoys – at least one device must have 90 feet of line

* Vessels less than 65 feet may use an approved white 20 inch or larger ring life buoy if its is in serviceable condition and if it was installed on board before September 15, 1991.

A commercial "Lifesling™", Coast Guard approved Type IV may be substituted for a ring life buoy, if the vessel has a 10' high lifting point above the deck and there is 150' of line attached.



TYPE IV PFD

SURVIVAL CRAFT

46 CFR 28.120 – General Requirements

46 CFR 28.125 – Stowage

46 CFR 28.130 – Equipment

46 CFR 28.135 – Markings

46 CFR 28.140 – Maintenance

Commercial fishing vessels are required to carry Coast Guard approved survival craft of sufficient capacity to accommodate every person on board as determined by the tables on page 11.

EXCEPTIONS:

Vessels less than 36 feet operating within 12 miles of the coastline with three or less people on board are not required to carry a survival craft.

Vessels 36 feet or greater operating within 12 miles of the coastline with three or less people on board may substitute a Coast Guard approved Buoyant Apparatus for the required survival craft.

Vessels less than 36 feet which meet the flotation provisions of 33 CFR 183 and which operates within 12 miles of the coastline are not required to carry a survival craft.

An auxiliary craft, which is *integral to and necessary for* normal fishing operations, may be substituted for a survival craft (except for an inflatable liferaft) if it is readily accessible during an emergency and is capable of safely holding all persons on board.

NOTE: Careful review of the tables and table notes is recommended!



**ALL DOCUMENTED VESSELS AND
UNDOCUMENTED VESSELS WITH
MORE THAN 16 PEOPLE ON BOARD**

VESSEL AREA	TYPE	REQUIREMENT	
Beyond 50 miles of the coastline	All	Inflatable Liferaft with SOLAS A Pack	
Between 20-50 miles of coastline	All	Inflatable Liferaft with SOLAS B Pack	
C O L D W A T E R S	Beyond Boundary Line, between 12-20 miles of coastline	All	Inflatable Liferaft with Coastal Pack
	Beyond Boundary Line, within 12 miles of coastline; Inside the Boundary Line; or Lakes, bays, sounds, or rivers	36 feet or more	Inflatable Buoyant Apparatus ¹
	46 CFR 28.120 (a) and (c)		
Beyond Boundary Line, within 12 miles of coastline; Inside the Boundary Line; or Lakes, bays, sounds, or rivers	Less than 36 feet	Buoyant Apparatus ²	

VESSEL AREA	TYPE	REQUIREMENT	
W A R M W A T E R S	Beyond 50 miles of the coastline	All	Inflatable Liferaft with SOLAS A Pack
	Between 20-50 miles of coastline	All	Inflatable Liferaft with Coastal Pack
	Beyond Boundary Line, within 20 miles of coastline	All	Life Float ^{1,2}
	Inside Boundary Line; or on Lakes, Bays, Sounds, or Rivers	All	None

	VESSEL AREA	TYPE	REQUIREMENT
G R E A T L A K E S	Great Lakes, cold waters	36 feet or more	Inflatable Buoyant Apparatus ¹
	Great Lakes, cold waters	Less than 36 feet	Buoyant Apparatus ²
	Great Lakes beyond 3 miles of coastline, warm waters	All	Buoyant Apparatus ²
	Great Lakes, within 3 miles of coastline, warm waters	All	None

**UNDOCUMENTED VESSELS WITH
16 PEOPLE OR LESS ON BOARD**

46 CFR table 28.120 (b)

	VESSEL AREA	TYPE	REQUIREMENT
C O L D W A T E R S	Beyond 20 miles of the coastline; or Beyond the Boundary Line, between 12-20 miles of coastline	All	Inflatable Buoyant Apparatus
	Beyond Boundary Line, within 12 miles of coastline; Inside the boundary Line; or Lakes, Bays, Sounds, or Rivers	36 feet or more	Buoyant Apparatus ¹
	Beyond Boundary Line, within 12 miles of coastline, Inside the Boundary Line; or Lakes, Bays, Sounds, or Rivers	Less than 36 feet	Buoyant Apparatus ²

	VESSEL AREA	TYPE	REQUIREMENT
W	Beyond 20 miles	All	Inflatable Buoyant
A	of the coastline		Apparatus
R			
M	Beyond Boundary	All	Life Float ^{1,2}
W	Line, within 20		
A	miles of coastline		
T	Inside Boundary	All	None
E	Line; or Lakes,		
R	Bays, Sounds, or		
S	Rivers		

	VESSEL AREA	TYPE	REQUIREMENT
G	Great Lakes,	All	Buoyant Apparatus ^{1,2}
R	cold waters		
E			
A	Great Lakes,	All	Buoyant Apparatus ^{1,2}
T	beyond 3 miles of		
L	coastline, warm		
A	waters	waters	
K	Great Lakes,	All	None
E	within 3 miles of		
S	coastline, warm		

¹ A Coast Guard approved Buoyant Apparatus may be substituted provided the vessel operates within 12 miles of the coastline with three or fewer people on board.

² A vessel less than 36 feet which operates within 12 miles of the coastline with three or fewer people on board is not required to carry a survival craft.

The SOLAS A Pack is equivalent to a formerly approved Ocean Service Pack and the SOLAS B Pack is equivalent to a formerly approved Limited Service Pack.

A non-Coast Guard approved survival craft installed on board a vessel before September 15, 1991, may continue to be used if it is of the same type required, is outfitted with the required equipment pack, and is serviced annually by a Coast Guard approved service center.

A Coast Guard approved Lifeboat may be substituted for any survival craft, provided it is installed and equipped in accordance with 46 CFR 199.

The hierarchy of survival craft in descending order is Lifeboat, Inflatable Liferaft with SOLAS A Pack, Inflatable Liferaft with SOLAS B Pack, Inflatable Liferaft with Coastal Service Pack, Inflatable Buoyant Apparatus, Life Float, Buoyant Apparatus. A survival craft higher in the hierarchy may be substituted for any survival craft required in these tables.

STOWAGE OF SURVIVAL CRAFT

46 CFR 28.125

Inflatable Liferrafts that are required to be equipped with a SOLAS A or B equipment pack must be stowed so as to float free and automatically inflate in the event the vessel sinks.

All other survival craft (Inflatable, Liferaft, Inflatable Buoyant Apparatus, and any auxiliary craft used in their place) must be readily accessible for launching or stowed to float free if the vessel sinks.

A hydrostatic release unit used in a float free arrangement must have a Coast Guard approval number starting with 160.062. A float free link may be used with a Buoyant Apparatus or a Life Float and must be certified to meet 46 CFR, subpart 160.073.



LIFE FLOAT AND BUOYANT APPARATUS EQUIPMENT

46 CFR 28.130

Each Life Float and Buoyant Apparatus must be fitted with pendants, a lifeline, a painter, and a floating electric water light that has a Coast Guard approval number starting with 161.010.

LIFESAVING EQUIPMENT MARKING

46 CFR 28.135

Lifesaving equipment must be marked as follows:

ITEM	MARKING	TYPE OF RETROREFLECTIVE MATERIAL*
PFD (Type I, II, III, or wearable Type V); immersion suit	Vessel name, or name of owner of the device, or name of person to whom it is assigned	I or II
Ring life buoy	Vessel name	II
Life Float, Buoyant Apparatus or auxiliary craft	Vessel name	II
EPIRB	Vessel name	II

An Inflatable Liferaft or Inflatable Buoyant Apparatus needs no marking other than that provided by the manufacturer or servicing facility.

***Type I** – Material used on flexible and rigid surfaces, except rigid surfaces that are continuously exposed

***Type II** – Weather resistant material used on continuously exposed rigid surfaces

SCHEDULED MAINTENANCE AND INSPECTION OF LIFESAVING EQUIPMENT

46 CFR 28.140

46 CFR 25.26-50

The vessel master must be certain that all lifesaving equipment is in good working order and ready for immediate use before the vessel leaves port and whenever the vessel is operated.

ITEM	INTERVAL
Inflatable wearable PFD (Type V commercial hybrid)	Service annually ¹
Other PFDs and immersion suits	Inspect, clean and repair as necessary ²

ITEM	INTERVAL
Buoyant Apparatus and Life Float	Inspect, clean and repair as necessary ²
Inflatable Liferaft and Inflatable Buoyant Apparatus	Service annually ^{3,4}
Hydrostatic release - mechanical	Service annually ³
Hydrostatic release - disposable	Replace by expiration date
EPIRB	Test monthly ²
Dated batteries and other dated items	Replace by expiration date
Undated batteries	Replace annually
Water activated batteries	Replace by expiration date or whenever they are used or exposed to water, whichever is first

1. Must be serviced according to manufacturer's guidelines.
2. May be carried out by the master or other Knowledgeable Individual.
3. Must be serviced at a facility specifically approved by the Coast Guard.
4. New Inflatable Liferaft or Inflatable Buoyant Apparatus has two years before having to be serviced; annually thereafter.

DISTRESS SIGNALS

46 CFR 28.145

AREA

Ocean, over
50 miles from
coastline

Ocean, 3-50
miles from the
coastline or more
than 3 Miles from
coastline on the
Great Lakes

Coastal

DEVICES REQUIRED

3 parachute flares (160.136)
6 hand flares (160.121)
3 smoke signals (160.122)

3 parachute flares (160.136 or
160.036)
6 hand flares (160.121 or
160.021)
3 smoke signals (160.122,
160.022 or 160.037)

Night: one S.O.S. electric light
(161.013) *and*
Day: one flag (160.072) or smoke
Signals *or*
3 approved flares for both day
and night



RED FLARE
(hand held/day and night)



(day only)

PARACHUTE FLARE
(day & night)



ORANGE SMOKE SIGNAL
(hand held/day only)



**FLOATING ORANGE
SMOKE SIGNAL**
(day only)



ORANGE FLAG



**ELECTRIC DISTRESS
SIGNALS**
(night only)

**EMERGENCY POSITION INDICATING RADIO
BEACONS (EPIRB)**

46 CFR 28.150
46 CFR 25.26



EPIRBS



Vessels operating on the high seas (beyond the 3 mile territorial sea line) are required to carry a 406 MHz EPIRB, Category I or Category II, as follows:

VESSEL TYPE	EPIRB REQUIRED
36 feet or more	406MHz Category I
36 feet or more with flotation**	406MHz Category I <i>or</i> 406MHz Category II
Less than 36 feet	406MHz Category II

** to qualify a Builder's Certification is required stating vessel is constructed with sufficient inherently buoyant material to keep the flooded vessel afloat

Category I – float-free, automatically activated.
Category II – manually activated

The EPIRB must be tested when it is installed and at least once every month. The master is responsible for seeing that the EPIRB is tested.

All 406 MHz EPIRBs must be registered with NOAA (National Oceanic and Atmospheric Administration). There is no fee for registration. Contact the Fishing Vessel Safety Coordinator in your area for a registration form.



FIRE EXTINGUISHING EQUIPMENT

- 46 CFR 25.30 – Extinguishers
- 46 CFR 28.155 – Excess Fire Detection and Protection Equipment
- 46 CFR 28.160 – Portable Fire Extinguishers

Vessels must carry Coast Guard approved fire extinguishers. The *minimum* amounts are specified in the following tables. Additional fire detection and protection equipment may be installed if it does not endanger the vessel or individuals on board. Excess extinguishers do not have to be Coast Guard approved but must be listed and labeled by an independent nationally recognized testing laboratory and must also meet an appropriate industry standard for design, installation, testing, and maintenance.



VESSELS LESS THAN 65 FEET IN LENGTH

Length (feet)	No fixed fire extinguishing system in machinery space	Fixed fire extinguishing system in machinery space
Less than 16'	1 B-I	0
16' to less than 26'	1 B-I	0
26' to less than 40'	2 B-I	1 B-I
40' to less than 65'	3 B-I	2 B-I

Vessels less than 26 feet with outboard motors are not required to carry fire extinguishers if their construction will not permit the entrapment of explosive or flammable gases or vapors.

One B-II extinguisher may be substituted for two B-I extinguishers.

VESSELS 65 FEET AND OVER

Vessels that are 65 feet and over must comply with the requirements noted in the following tables:

TABLE A

Space	Type	Quantity/Location
Safety areas, communication corridors	A-II	1 in each main corridor not more than 150 feet apart (may be located in stairways)
Pilothouse	C-I	2 in vicinity of the exit
Service spaces, galleys	B-II <i>or</i> C-II	1 per 2,500 sq feet or fraction, suitable for hazards involved
Paint lockers	B-II	1 outside the space at the exit
Accessible baggage and storerooms	A-II	1 per 2,500 sq feet or fraction, near exits, either inside or outside the space
Work shops and similar spaces	A-II	1 outside the space near an exit
Internal combustion propelling machinery	B-II	1 for each 1,000 BHP or fraction; not less than 2 or more than 6
Electric propulsion motors or generator unit of open type	C-II	1 for each propulsion generator unit
Auxiliary spaces	B-II	1 outside the space near an exit
Internal combustion machinery	B-II	1 outside the space near an exit
Electric emergency motors or generators	C-II	1 outside the space near an exit

TABLE B

This table outlines the minimum number of required B-II fire extinguishers.

<u>Gross Tonnage</u>		<u>Minimum Number</u>
<u>Over</u>	<u>Less than</u>	
0	50	1
50	100	2
100	500	3
500	1000	6
1000	unlimited	8

Vessels over 300 gross tons are also required to be fitted with either a B-III semi-portable or a fixed fire extinguishing system in the machinery space.

CASUALTIES AND INJURIES

- 46 CFR 28.80 – Report of Casualty
- 46 CFR 28.90 – Report of Injury
- 46 CFR 28.165 – Placard

Vessels must post in a prominent place, a placard (at least 5 by 7 inches) which reads:

NOTICE

Report All Injuries

United States Law, 46 United States Code 10603, requires each seaman on a fishing vessel, fish processing vessel, or a fish tender vessel to notify the master or individual in charge of the vessel or other agent of the employer regarding any illness, disability, or injury suffered by the seaman when in service to the vessel not later than seven days after the date on which the illness, disability, or injury arose.

The person who receives any injury report may be required to notify the Coast Guard or the vessel's insurance company.

If any of the following incidents occur, the owner, agent, master, operator, or person in charge, shall notify the nearest Coast Guard Marine Safety Office, Coast Guard Marine Inspection Office, or Coast Guard Group Office whenever a vessel is in a marine casualty (as per 46 CFR 4.05-1) consisting in:

- groundings
- loss of main propulsion or primary steering
- loss of life
- injuries which require professional medical treatment beyond first aid and which render the individual unfit to perform vessel duties
- any damage over \$25,000
- any occurrence which affects vessel seaworthiness (such as fire, flooding, or the failure or damage to fixed fire extinguishing systems, lifesaving equipment, auxiliary power generating equipment or bilge pumping systems)

In addition to the incidents listed above, the following must be reported by the master or other vessel representative to the underwriter of primary insurance for the vessel or the Marine Index Bureau or another organization accepted by the Coast Guard.

- Any injury which incapacitates an individual for more than 72 hours
- Damage to or by a vessel, its cargo, apparel or gear, except for fishing gear while not on board a vessel, or that impairs the seaworthiness of the vessel, or that is initially estimated at \$2500 or more.

LOAD LINE REQUIREMENT

46 USC 5101

Fishing vessels are exempt from load line requirements. However, fish processing and fish tender vessels 79 feet or greater may be required to comply with the load line requirements. Contact the District Fishing Vessel Safety Coordinator in your area for further information or refer to 46 CFR Subchapter E and 46 USC Chapter 51.

RULES OF THE ROAD

33 CFR 88.05

Vessels 12 meters (39.4 feet) or more in overall length that operate shoreward of the COLREGS Demarcation Lines must have a copy of the Inland Navigation Rules on board. In some areas, like Alaska, there are no waters shoreward of the Demarcation Line and this does not apply.

POLLUTION PREVENTION

33 CFR 151, 155

Vessels 26 feet or more in overall length must post an oil pollution placard and a garbage placard.

Vessels 40 feet or more in overall length, which operate on an ocean voyage (beyond the territorial sea), must have a written solid waste management plan which describes procedures for collecting, processing, storing, and discharging garbage and designates a person in charge of carrying out the plan. This class vessel must also maintain a garbage log.

DRUG-TESTING REQUIREMENTS

46 CFR Parts 4 & 16

Any vessel required to carry Coast Guard licensed or documented crew must comply with the random, pre-employment, and periodic marine employment testing requirements. If a "serious marine incident" (see definition in 46 CFR 4.03-2) occurs, every person directly involved must be tested for evidence of dangerous drugs as well as alcohol, regardless of whether they are licensed or documented crew on board.

OPERATION OF A VESSEL WHILE INTOXICATED

33 CFR Part 95

No vessel may be operated by an intoxicated "individual" (defined as any crewmember, pilot or watchstander on any commercial vessel). An individual operating a commercial vessel is considered intoxicated at a blood alcohol concentration (B.A.C.) .04 or more, or the effect of the intoxicant consumed is easily observed by the individual's general appearance or behavior

**OFFICERS' COMPETENCY CERTIFICATES
CONVENTION 1936**

46 USC 8304

Masters, mates, and engineers on vessels of 200 gross tons or more that operate beyond the Boundary Line must have the appropriate Coast Guard license.

MARINE SANITATION DEVICE

33 CFR Part 159

All vessels with installed toilet facilities must have an operable Coast Guard certified Marine Sanitation Device (MSD) or a holding tank. If a "y" valve is installed with a holding tank, it must be secured to direct the flow into the holding tank while the vessel operates on U.S. navigable waters.

ADDITIONAL REQUIREMENTS FOR DOCUMENTED VESSELS OPERATING BEYOND THE BOUNDARY LINE OR WITH MORE THAN 16 PEOPLE ON BOARD, OR FISH TENDER VESSELS ENGAGED IN THE ALEUTIAN TRADE

FIREMAN'S OUTFITS AND SELF-CONTAINED BREATHING APPARATUS (SCBA)

46 CFR 28.205

Vessels with more than 49 people on board must carry at least two fireman's outfits, stowed in widely separated locations. Each fireman's outfit must consist of an SCBA with an attached lifeline, one flashlight, a rigid helmet, boots, gloves, protective clothing, one fire ax, and a spare air bottle.

Any vessel equipped with refrigeration units using ammonia must be equipped with at least two SCBAs. The SCBAs must be approved by MSHA/NIOSH and must be equipped with a full-face piece as well as a spare 30-minute air supply.

FIRST AID EQUIPMENT AND TRAINING

46 CFR 28.210

Each vessel must carry a first aid manual and a medicine chest of suitable size for the number of people on board. Both items must be kept in a readily accessible location.

Vessels with more than two people on board must have someone certified in first aid and CPR (one person certified in first aid and CPR may be counted for both) as follows:

3 to 16 people	1 person in first aid and 1 person in CPR
17 to 49 people	2 people in first aid and 2 people in CPR
50 or more people	4 people in first aid and 4 people in CPR



GUARDS FOR EXPOSED HAZARDS

46 CFR 28.215

Guards, hand covers, or railings must be installed in way of hazardous machinery to protect vessel personnel from injuries. This is not meant to restrict necessary access to fishing equipment such as winches, drums, or gurdies. Internal combustion engine exhaust pipes within reach of personnel must be insulated or otherwise guarded to prevent burns.

NAVIGATION INFORMATION

46 CFR 28.225

Vessels are required to carry navigational information that covers the area they will operate or transit as follows:

- Currently corrected charts of appropriate scale for safe navigation
- Currently corrected copy, or applicable extract, of:
 - U.S. Coast Pilot**
 - Coast Guard Light List**
 - Tide Tables**
 - Tidal Current Tables**

COMPASS

46 CFR 28.230

There must be an operable magnetic steering compass along with a compass deviation table at the vessel's operating station.

ANCHORS AND RADAR REFLECTORS

46 CFR 28.235

Vessels must be equipped with anchor(s) and chain(s), cable, or rope, appropriate for the vessel and the waters of the vessels intended voyage.

Nonmetallic hull vessels must be equipped with a radar reflector unless the vessel rigging provides a radar signature at six miles.



GENERAL ALARM SYSTEM

46 CFR 28.240

A general alarm system is required when any accommodation or work space is remotely located from the operating station. The system must have a contact-maker at the operating station and must be capable of notifying individuals in any accommodation or work space. In noisy work spaces, a flashing red light is also required.

Each general alarm bell and flashing red light must be identified with red lettering at least 1/2 inch high as follows:

**ATTENTION
GENERAL ALARM – WHEN ALARM
SOUNDS GO TO YOUR STATION.**

A public address system may be used instead of a general alarm system if it complies with the above and can be activated from the operating station. The system must be tested prior to getting underway and at least once each week while underway.

COMMUNICATION EQUIPMENT

46 CFR 28.245, 28.375

33 CFR 26.03

47 CFR 80



Vessels must be equipped with communication equipment as follows:

AREA	COMMS EQUIPMENT
0 to 20 miles	VHF 156-162 MHz band
20 to 100 miles	VHF & 2-4 MHz band*
100 miles and beyond	VHF & 2-27.5 MHz band*

*radiotelephone transceiver

If a vessel operates in waters near Alaska where no public coast station or Coast Guard station is within range of the 156-162 or 2-4 MHz bands, it must be equipped with radiotelephone communication equipment operating within the 2-27.5 MHz band.

A radiotelephone transceiver operating on the 4-20 MHz band may be used as long as it was installed on board before September 15, 1991.

A single radiotransceiver which meets the above requirements, or a cellular telephone or satellite communication system servicing the area the vessel operates may be substituted to meet the above requirements.

All communications equipment must be able to be operated from a vessel's operating station and must comply with FCC requirements including a Ship Radio Station License (See page 31 for FCC license requirements).

There must be an emergency source of power—independent of the main electrical power supply and outside the main machinery space—capable of powering communicating equipment for at least three continuous hours.

HIGH WATER ALARMS

46 CFR 28.250

If a vessel is 36 feet or more it must be equipped with high water alarms—both visual and audible—at the operating station. The alarms must indicate high water levels in each of the following normally unmanned areas: spaces with a through-hull fitting below the deepest load waterline; machinery space bilge, bilge well, shaft alley bilge, or other space subject to flooding from sea water piping within the space; and a space with a non-watertight closure such as those with a non-watertight hatch on the main deck.

BILGE SYSTEMS

46 CFR 28.255

Vessels must be equipped with a bilge pump capable of draining any watertight compartment, other than tanks and small buoyancy compartments, under all service conditions. If a portable bilge pump is used to meet this requirement, a suitable suction hose and discharge hose must be provided. The suction and discharge hoses must be able to reach the bilges of all watertight compartments it must serve and ensure overboard discharge.

The portable pump must be capable of dewatering each space at a rate of at least 2-inches of water depth per minute. For larger vessels see specific requirements in 46 CFR 28.255.

ELECTRONIC POSITION FIXING DEVICES

46 CFR 28.260

Vessels 79 feet or more must be equipped with an electronic position fixing device, such as SAT NAV, GPS, LORAN, OMEGA, or RDF, capable of providing accurate fixes for the area of operation.

EMERGENCY INSTRUCTIONS

46 CFR 28.265

Emergency instructions, mounted in a conspicuous location, are required as follows:

- survival craft embarkation stations and personnel assignment
- fire, emergency, and abandon ship signals
- immersion suit location and donning information
- procedures for making distress calls
- list of each individual's responsibility in case of an emergency
- emergency and special evolution procedures

More specific details including posting requirements can be found in 46 CFR 28.265.

INSTRUCTIONS, DRILLS, AND SAFETY ORIENTATION

46 CFR 28.270

Drills must be conducted and instructions provided at least once every month and must include procedures for:

- abandoning the vessel
- fighting a fire
- recovering a person who has gone overboard
- stabilizing the vessel after unintentional flooding
- launching survival craft and recovery of lifeboats and rescue boats
- donning immersion suits, PFDs, fireman's outfit and SCBAs
- making a radio distress call and use of visual distress signals
- activating the general alarm
- reporting all inoperative alarms and fire detection systems

The drills must be conducted:

- as if it was an **actual emergency** and every person on board must participate
- by a **trained individual** (not necessarily the master, individual in charge of the vessel, or even a member of the crew) (refer to the CFR cite above for the specific requirements).

The requirement to provide instructions may be met by viewing videotapes, followed by a discussion led by a person familiar with the subject. However, videos are ***not*** to be used ***as a substitute for actual hands-on drills.***

Prior to vessel operation, the master must be certain a safety orientation is provided to anyone who has not received the required instructions or participated in the drills. This safety orientation must explain the emergency instructions required by 46 CFR 28.265 and cover the situations listed above.

VESSELS BUILT OR UNDERGOING A MAJOR CONVERSION COMPLETED ON OR AFTER SEPTEMBER 15, 1991, AND THAT OPERATE WITH MORE THAN 16 PEOPLE ON BOARD

These vessels must comply with additional requirements which include fire extinguishing and detection systems, life-saving and signaling equipment, galley hoods, fuel systems, ventilation of enclosed spaces, electrical systems, structural fire protection, means of escape, radar and depth sounding devices, hydraulic equipment, and rails and other hand grabs. Specific requirements can be found in 46 CFR Part 28, Subpart D.

STABILITY REQUIREMENTS FOR CERTAIN VESSELS

A vessel 79 feet or more which is not required to be issued a load line, must meet certain stability requirements if:

- the keel was laid or the vessel was at a similar stage of construction or had major conversion started on or after September 15, 1991; or,
- it undergoes alterations to the fishing or processing equipment for the purpose of catching, landing, or processing fish in a manner different than has previously been accomplished on the vessel; or
- it was substantially altered on or after September 15, 1991.

See 46 CFR, Part 28, Subpart E for specific requirements.

FISH PROCESSING VESSELS

Uninspected fish processing vessels must be examined at least once every two years by a Coast Guard accepted organization, such as the American Bureau of Shipping (ABS) or Det Norske Veritas (DNV), a similarly qualified organization, or a surveyor of an accepted organization. In addition, any fish-processing vessel built or converted after July 27, 1990, must be classed by ABS, DNV or another similarly qualified organization.

OTHER APPLICABLE FEDERAL LAWS AND REGULATIONS

Cite	Requirements
46 CFR 28.800	ALEUTIAN TRADE VESSELS-Fish tender vessels that engage in the Aleutian trade must comply with additional requirements.
46 CFR 25	BACKFIRE FLAME CONTROL – Gasoline engines, except outboard motors, are required to have backfire flame control.
46 USC 8103	CITIZENSHIP—The master, chief engineer, radio officer, or officer in charge of a deck watch or engineering watch on a documented vessel must be a U. S. citizen (see USC for exceptions)

- 46 CFR 67-69 DOCUMENTATION—Commercial fishing vessels measuring 5 net tons and over must be documented, display name, hailing port and official number.
- 33 CFR 138 FINANCIAL RESPONSIBILITY—The Federal Water Pollution Control Act applies to all fishing vessels 300 gross tons or more using U.S. ports. A Certificate of Financial Responsibility must be on board.
- 46 USC 10601 FISHING AGREEMENT—A written fishing agreement with each seaman employed on vessels of 20 gross tons or more.
- 33 CFR 81 NAVIGATION LIGHTS AND SOUND PRODUCING DEVICES—Fishing vessels must comply with specific light, shape, and sound signal requirements. Vessels less than 12 meters (39.3 ft) in overall length must have an efficient sound signal. Those 12 meters or more, must also have a bell and whistle.
- 33 CFR 173 NUMBERING—Except for certain exempted vessels, self-propelled vessels of less than 5 net tons must be numbered.
- 33 CFR 155 OIL CARRIAGE—Certain vessels are prohibited from carrying oil in the forepeak tank or forward of the collision bulkhead.
- 33 CFR 156 OIL TRANSFER PROCEDURES—There are requirements for oil transfer procedures and piping tests for vessel with a capacity of 250 or more barrels of oil (10,500 gallons)
- 33 CFR 26 RADIOTELEPHONES—All power driven vessels 20 meters (65 feet) or more must comply with radiotelephone requirements.
- 47 CFR 80 RADIOTELEPHONES—Vessels of more than 300 gross tons have additional radiotelephone requirements.

- 47 CFR 80 FCC LICENSE—Any vessel 1) required by any regulation to carry radio-communicating equipment, not including EPIRBs, 2) carrying single side band, or 3) a vessel which communicates with a foreign coast station must have a current FCC license.
- 46 USC 10602 SEAMEN RIGHTS—Seamen have rights to recover wages and shares of proceeds under 46 USC 10601 Fishing Agreement.
- 46 CFR 26 SIGNAL LIGHT—Vessels over 150 gross tons on an international voyage must have a signal light.

SEXUAL ABUSE ACT OF 1986

If any member of the crew is a victim of a sexual offense, that person should immediately report the incident to the master. It is then the responsibility of the master to report to the Coast Guard any complaints of sexual offenses including aggravated sexual abuse, sexual abuse, sexual abuse of a minor or ward, and sexual contact (46 USC 10104.)

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