



## US COAST GUARD Office of Commercial Vessel Compliance (CG-CVC) Mission Management System (MMS) Work Instruction (WI)

Category	Commercial Fishing Vessel Safety				
Title	Risk Based Fishing Vessel Exam Program				
Serial	CVC-WI-025(1)	Orig. Date	21AUG20	Rev. Date	N/A
Disclaimer:	<p>This guidance is not a substitute for applicable legal requirements, nor is it itself a rule. It is not intended to nor does it impose legally-binding requirements on any party. It represents the Coast Guard's current thinking on this topic and may assist industry, mariners, the public, and the Coast Guard, as well as other federal and state regulators, in applying statutory and regulatory requirements. You can use an alternative approach for complying with these requirements if the approach satisfies the requirements of the applicable statutes and regulations. If you want to discuss an alternative approach (you are not required to do so), you may contact the Coast Guard Fishing Vessel Safety Division (CG-CVC-3) at <a href="mailto:CGFishSafe@uscg.mil">CGFishSafe@uscg.mil</a> who is responsible for implementing this guidance.</p>				
References:	<p>(a) <a href="#">Chapter 45 of Title 46, United States Code (USC)</a>          (b) <a href="#">46 Code of Federal Regulations (CFR), Part 28</a>          (c) <a href="#">Coast Guard Authorization Acts of 2010 (2010 CGAA)</a>          (d) <a href="#">Coast Guard and Maritime Transportation Act of 2012 (2012 CGMTA)</a>          (e) <a href="#">Coast Guard Authorization Act of 2015 (2015 CGAA)</a></p>				

A. Purpose. This work instruction outlines the Coast Guard's risk based commercial fishing vessel (FV) exam program. Targeting FVs that are viewed as higher risk allows the Coast Guard to appropriately leverage assets and focus initiatives to promote increased safety within the commercial fishing industry. The Coast Guard's goal is to increase safety of high risk FVs by encouraging these vessels to maintain a 2-year Commercial Fishing Vessel Safety (CFVS) Decal, and thus, greatly reducing the likelihood of a marine casualty, loss of life, or voyage termination due to unsafe conditions.

### B. Discussion.

- Commercial fishing continues to be one of the most hazardous occupations in the country.<sup>1</sup> Casualty data shows that a high number of FV losses are a result of contributing conditions such as human factors, equipment failure, and poor system maintenance. More frequent examinations of firefighting, lifesaving, and other safety systems, as evidenced by the CFVS decal, on vessels that have a higher probability of being in a marine casualty will help to reduce the risk that these vessels may pose to people and the environment.
- Reference (d) requires that certain commercial fishing vessels complete a dockside examination at least once every 5 years. Successful completion of a FV dockside exam documented with a "Form CG-5587" signed by a Coast Guard examiner or a signed letter of compliance from an accepted Third Party Organization (TPO) marine surveyor demonstrates that required safety systems and equipment are functional and compliant with applicable federal regulations. In addition to "Form CG-5587", the examiner provides a CFVS Decal that indicates successful completion of a dockside examination. While the CFVS examination is valid for 5 years from examination completion date, the CFVS Decal is ONLY valid for up to 2 years after the examination completion date.

<sup>1</sup> Bureau of Labor Statistics (2020): <https://www.bls.gov/news.release/pdf/cfoi.pdf>

### 3. Definitions.

- a. Fishing Vessel (FV) is a vessel that commercially engages in the catching, taking, or harvesting of fish or other activity that can reasonably be expected to result in the catching, taking, or harvesting of fish.
- b. AT-RISK FV. Many FVs built prior to July 1, 2013 were not built to classification society rules, nor would many of these older vessels be accepted for classification due to their age and original non-class construction. Typically, older fishing vessels lack the design standards, engineered systems, and construction oversight required for newer vessels. Congressional intent is clear that certain vessels require additional Coast Guard engagement due to their potential risk.<sup>2</sup> These vessels include:
  - 1) built before July 1, 2013,
  - 2) are at least 50 feet overall in length, and
  - 3) operate beyond 3 nautical miles from the baseline from which the territorial seas of the United States is measured or beyond 3 nautical miles from the coastline of the Great Lakes.

### C. Targeted Field Operations.

1. Officers in Charge, Marine Inspection (OCMI) shall strongly urge the owner or operator of an at-risk FV to complete a dockside exam every 2 years.
2. Data supports that more frequent dockside exams reduces deficiencies found during underway boardings. These additional exams promote opportunities for Coast Guard commercial fishing vessel safety examiner and vessel operator interaction, and increased attention to vessel structure, systems, maintenance, and overall operational readiness.
3. Sector Commanders shall leverage CFVS Examiner and Boarding Team assets to target at-risk FVs to confirm compliance with relevant federal requirements.
  - a. Shore Side.
    - i. OCMI's shall prioritize commercial fishing vessel exam resources to target at-risk FV owners and operators to encourage them to obtain and maintain a 2-year CFVS exam for their vessels.
    - ii. CFVS Examiners shall prioritize their operations to locate, contact, and examine at-risk FVs within their area of responsibility (AOR). Examiners shall target applicable at-risk commercial fishing industry vessel populations during dock-walks, focused campaigns, industry training, and marine expos. The Coast Guard Intelligence Enterprise should be used to further identify the location of vessels and the appropriate contact information to schedule a CFVS exam. CFVS Examiners can access the [At-Risk Fishing Vessel List](#) on CG Portal.<sup>3</sup>
  - b. At-Sea Boarding.
    - i. The Office of Commercial Vessel Compliance (CG-CVC) shall maintain a list of at-risk FVs that have failed to obtain and maintain a valid CFVS Decal. CG-CVC will flag these vessels in the Marine Information for Safety and Law Enforcement

<sup>2</sup> U.S. Senate. 114<sup>th</sup> Congress, 2<sup>nd</sup> Session. *Report of the Committee on Commerce, Science, and Transportation on S.3088* (S. Rept.114-372)

<sup>3</sup> CG Portal is a Coast Guard only accessible link.

(MISLE) database to alert Boarding teams to prioritize these vessels for an at-sea boarding.

- ii. At-risk FVs that do not have a valid CFVS Decal should have an expanded examination initiated using Report of Boarding Form 4100F. *\* Form 4100F is designed for safety compliance verification on all commercial fishing industry vessels.*
- iii. Items identified during at-sea boardings found not to be in compliance with applicable laws, rules, and regulations may be subject to fines, enforcement, and control actions.<sup>4</sup>
- iv. FVs with a valid CFVS Decal may be subject to an abbreviated at-sea boarding. At-sea boardings by the Coast Guard can vary in duration and scope. The time the Coast Guard boarding team is onboard may be minimized through vessel and crew preparations. Completion of a scheduled FV dockside exam where vessel safety systems may be examined and verified to be compliance with federal requirements prior to commercially fishing will improve the vessel safety, reduce the time the Coast Guard is onboard during an at-sea boarding, and help to prevent a termination of underway operations for unsafe conditions.

c. Control Actions.

- i. Since older vessels often lack design standards, engineered systems, and construction oversight that serve as a safety net, Captains of the Port (COTP) should heavily weigh the need for a COTP Order to restrict vessel movement for at-risk vessels that have had voyages terminated due to unsafe conditions. The items identified during an at-sea boarding may be a leading indicator of an owner or operator's failure to proactively manage the safety of their vessel and prompt the need for further Coast Guard intervention to ensure the safety of the crew and vessel.
- ii. A COTP Order that restricts the movement of a FV as a result of a voyage termination due to unsafe conditions should also require the vessel to complete a CFVS dockside exam prior to re-engaging in commercial fishing operations.

D. Scheduling a CFVS Examination. Coast Guard CFVS Examiners shall make every effort to accommodate requests to schedule CFVS examinations with fishing vessel owners and operators. In support of this initiative, CFVS Examiners shall provide local fishing industry owners and operators a means to arrange for a CFVS dockside exam and inform local fishing industry owners and operators of available resources to verify compliance with federal requirements and electronic tools such as the [CFVS Contact List](https://www.dco.uscg.mil/FishSafe) at <https://www.dco.uscg.mil/FishSafe>.

E. Questions. Inquiries related to this WI should be directed to the Office of Commercial Vessel Compliance, Fishing Vessel Safety Division (CG-CVC-3) at [CGFishSafe@uscg.mil](mailto:CGFishSafe@uscg.mil).

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 By direction

<sup>4</sup> 46 Code of Federal Regulations Part 28.65 (Termination of unsafe operations).