

COMMERCIAL FISHING SAFETY ADVISORY COMMITTEE (CFSAC)
Certification and Construction Standards for New Fishing Vessels 50-79 Feet

TASK STATEMENT 16-04 ACTION SHEET

TASK TITLE: ALTERNATE CONSTRUCTION STANDARDS and CERTIFICATION for NEW COMMERCIAL FISHING VESSELS 50-79 FEET IN LENGTH

BACKGROUND:

Since 2010 when the Coast Guard Authorization Act established a requirement for certain new commercial fishing vessels to meet all survey and classification requirements and maintain that certification, the fishing industry has registered concerns and objections to those requirements. The Coast Guard Authorization Act of 2015, signed into law in February 2016, provided relief on the classification requirement for new fishing or fish tender vessels that will operate beyond 3 nautical miles of the Baseline, are 50-79 feet overall in length, and are built after the date of the law (February 9, 2016).

The law amended Chapter 45 of Title 46 of the U.S. Code by adding a new subsection (e) to Section 4503. Subsection (e) provides for these smaller new vessels to be built to equivalent class standards, but not be classed, if certain conditions are met. The text of (e) is as follows:

(e) The requirements referred to in subsection (c)(2)(B)(ii)(I) are the following:

(1) The vessel is designed by an individual licensed by a State as a naval architect or marine engineer, and the design incorporates standards equivalent to those prescribed by a classification society to which the Secretary has delegated authority under section 3316 or another qualified organization approved by the Secretary for purposes of this paragraph.

(2) Construction of the vessel is overseen and certified as being in accordance with its design by a marine surveyor of an organization accepted by the Secretary.

(3) The vessel—

(A) completes a stability test performed by a qualified individual;

(B) has written stability and loading instructions from a qualified individual that are provided to the owner or operator; and

(C) has an assigned loading mark.

(4) The vessel is not substantially altered without the review and approval of an individual licensed by a State as a naval architect or marine engineer before the beginning of such substantial alteration.

(5) The vessel undergoes a condition survey at least twice in 5 years, not to exceed 3 years between surveys, to the satisfaction of a marine surveyor of an organization accepted by the Secretary.

(6) The vessel undergoes an out-of-water survey at least once every 5 years to the satisfaction of a certified marine surveyor of an organization accepted by the Secretary.

(7) Once every 5 years and at the time of a substantial alteration to such vessel, compliance of the vessel with the requirements of paragraph (3) is reviewed and updated as necessary.

(8) For the life of the vessel, the owner of the vessel maintains records to demonstrate compliance with this subsection and makes such records readily available for inspection by an official authorized to enforce this chapter.

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DESCRIPTION OF TASK:

1. The Coast Guard requests the Committee review and discuss the requirements (options) set forth in 46 USC 4503(e), and provide comments and recommendations on developing Coast Guard guidance or policy on the following:
 - A. What should be required of the naval architect or marine engineer to document that/which class standards or equivalents were used in the design of the vessel?
 - B. What should be required of the marine surveyor who oversees construction of the vessel to document that it was constructed as designed?
 - C. What documentation should be required to show stability testing, instructions, and a loading mark have been completed and assigned?
 - D. How should the Coast Guard be notified of any substantial alteration plans?
 - E. How should condition surveys be reported to the Coast Guard?
 - F. How should out of water surveys be reported to the Coast Guard?
 - G. How should stability reviews be reported to the Coast Guard?
 - H. How and where should vessel records be maintained?

2. Until such time as the requirements of 46 USC 4503(e) may be promulgated into regulation, what is the Committee's recommendation as to the best format to provide guidance to the industry on explaining, complying with, and documenting the requirements of 4503(e) so that these vessels may exercise the alternative to survey and classification requirements?

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Forwarded for Committee Consideration: _____
JENNIFER F. WILLIAMS, Captain, USCG
Designated Federal Officer (DFO)
Date Forwarded: _____

Committee Action Accepted: _____

Chairman, CFSAC
Date Approved: _____

Working Group Chair
