

CFSAC REGULATORY REFORM SUBCOMMITTEE RECOMMENDATION REPORT

SUBJECT: EVALUATION OF EXISTING COAST GUARD REGULATIONS, GUIDANCE DOCUMENTS, INTERPRETATIVE DOCUMENTS, AND COLLECTIONS OF INFORMATION

IDENTIFICATION DETAILS OF REGULATION, GUIDANCE OR INFORMATION COLLECTION (BY SECTION, PARAGRAPH, SENTENCE, CLAUSE, ETC.):

- Existing regulation
- Guidance
- Collection of information

46 CFR 28.270 - Paragraph (a) - Sentence: The master or individual in charge of each vessel must ensure that drills are conducted and instruction is given to each individual on board at least once each month.

ADVICE AND RECOMMENDATIONS:

- Possible repeal
- Replacement
- Modification

The CFSAC advises and recommends the sentence be modified so that each required drill and the required instruction must be performed before vessels engage in fishing activities and within periods of no more than 30 days in duration while engaged in fishing activities. It is recommended that the option of a single different drill is conducted each week be preserved as long as there is no more than 30 days between each of the four types of required drills.

IF MODIFICATION - SPECIFIC RECOMMENDATIONS FOR HOW THE REGULATION, GUIDANCE, OR INFORMATION COLLECTION SHOULD BE MODIFIED:

The CFSAC recommends the sentence modified to read: The master or individual in charge of each vessel must ensure that drills are conducted and instruction is given to each individual on board at least once each month while the vessel is engaged in fishing activities and that there is no more than 30 days between each abandoning the vessel drill, fighting a fire drill, recovering an individual from the water drill, minimizing the effects of unintentional flooding drill and the giving of the required instructions to each individual on board.

HOW AND TO WHAT EXTENT REPEAL, REPLACEMENT OR MODIFICATION WILL REDUCE COSTS OR BURDENS TO INDUSTRY:

Types of costs – mark all that apply

- Costs that are outdated or are no longer necessary
- Costs which are no longer enforced as written or which are ineffective
- Costs tied to reporting or recordkeeping requirements that impose burdens that exceed benefits (explain why the reporting or recordkeeping requirement is overly burdensome, unnecessary, or how it could be modified)

This sentence in the regulations is ambiguous. Regulations that are open to multiple interpretation cause unnecessary inefficiencies and burden on industry. Making the regulation clear will eliminate the inefficiencies and the burden to industry.

THE EXTENT TO WHICH RISKS TO HEALTH OR SAFETY WOULD LIKELY INCREASE:

Risks to safety will likely decrease as drills are conducted and instruction is given more regularly. One possible interpretation of the regulation would allow drills to be conducted on July 1st and not again until August 31st. Although drills were conducted and instruction given once in each of the two months, it was not the intent of the

regulation that the vessel and crew would be permitted to go 61 days between drills and instruction.

HOW AND TO WHAT EXTENT THE REGULATION, GUIDANCE, OR INFORMATION COLLECTION HAS LED TO THE ELIMINATION OF JOBS OR INHIBITS JOB CREATION:

N/a

PROVIDE QUANTITATIVE AND/OR QUALITATIVE DATA TO SUPPORT AND ILLUSTRATE THE IMPACT, COST, OR BURDEN, AS APPLICABLE. IF THE DATA IS NOT READILY AVAILABLE INCLUDE INFORMATION AS TO HOW SUCH INFORMATION CAN BE OBTAINED BY THE COMMITTEE OR THE COAST GUARD

N/a