

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

<https://cgmix.uscg.mil/Equipment/Default.aspx>

ADVICE AND RECOMMENDATIONS:

- Repeal
- Replace
- Modification

The CFSAC advises and recommends that the United States Coast Guard modify the collection of Coast Guard Approved Lifesaving and Emergency Equipment information and the availability of that information in the Approved Equipment Listing Database and existing XML Web Services to include:

- (1) All U.S.C.G. approved lifesaving and emergency equipment,
- (2) the equipment manufacturer's criteria and instructions for the inspection and maintenance of U.S.C.G. approved equipment, and
- (3) the manufacture's recommended inspection, maintenance and service intervals, for the equipment which owners, masters or persons in charge of a vessel are required to maintain the equipment in accordance with the manufacturer's guidelines.

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

The information collection should be modified so that manufactures of lifesaving and emergency equipment are required, at the time of application for U.S.C.G. approval: (1) Provide inspection criteria, instructions and frequency, (2) Provide maintenance criteria, instructions and frequency, and (3) Provide service frequency requirements for the equipment for which they seek approval.

The information collection should be modified so that manufactures of lifesaving and emergency equipment can easily, quickly and securly modify, after U.S.C.G. approval: (1) the inspection criteria, instructions and frequency, (2) the maintenance criteria, instructions and frequency, and (3) the service frequency requirements for the equipment directly through the CGMIX website. Manufactures should be required to enter and update their inspection, maintenance and service interval guidance.

The information collection should be modified so that the data for all U.S.C.G. approved equipment, for which owners, masters or persons in charge of a vessel are required to maintain the equipment in accordance with the manufacturer's guidelines, that is not currently available in the CGMIX database is made available. This can be done by requiring that application programming interfaces (APIs) are provided to the Coast Guard for data kept in other databases and utilizing those APIs to populate the CGMIX database with the data for equipment not currently kept in the CGMIX database.

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)

BACKGROUND: Each item of lifesaving equipment, including unapproved equipment, must be maintained and inspected in accordance with: The manufacturer's guidelines (46 CFR 28.140). 46 U.S.C. §4502(f) is amended by the Coast Guard Authorization Act of 2010 to add a requirement that the individual in charge of a vessel operating beyond 3 nautical miles keep a record of equipment maintenance, and required instruction and

drills. 46 CFR Part 28 will be amended to reflect this requirement. This provision will ensure there is a maintenance record documenting safety equipment testing and repair required by regulation or manufacturers' recommendations. (Update on U.S. Commercial Fishing Industry Vessel Requirements Based on Section 604 of the Coast Guard Authorization Act of 2010 And Section 305 of the Coast Guard and Maritime Transportation Act of 2012) Each and every individual in charge of a vessel operating beyond 3 nautical miles will be burdened with searching for the latest manufacturer's recommendations for dozens, and in some cases many dozens, of individual pieces of U.S.C.G. approved equipment in order to comply with these regulations.

DISCUSSION: The purpose of the Coast Guard Maritime Information Exchange (CGMIX) website is to make Coast Guard maritime information available on the public internet in the form of searchable databases and through XML Web Services. Unfortunately not all Coast Guard approvals are listed in this database. For some equipment Coast Guard approvals must be found at the European Marine Equipment Directive website. Other Coast Guard approved equipment, that is tested and approved by independent laboratories, isn't listed in the CGMIX database but in the databases of the independent laboratories. The regulated public is burdened with navigating these diverse sites, with different terms of use, for incomplete information on U.S.C.G. Approved Lifesaving and Emergency Equipment.

The result of not having manufacturers' guidance readily available is suboptimal inspection and maintenance of the lifesaving and emergency equipment. This has resulted in the loss of life and property and increased costs as a result of higher insurance premiums.

The modification recommended by the CFSAC will allow the marine industry to leverage technological advances, reduce the time and effort to comply with operational readiness regulations and increase efficiencies complying with documentation requirements and reduce costs.

The modification recommended by the CFSAC will significantly reduce the reporting and recordkeeping burden by having this critical information readily available in a central location.

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

Over time risks to health or safety would likely decrease significantly as the benefits of having all manufacturer's inspection and maintenance guidance available from a single source are realized. Having the manufacturer's inspection and maintenance guidance readily available from the U.S.C.G. database that contains searchable listings of all

approved equipment for use on commercial vessels will increase the likelihood and frequency that manufacturers' guidance will be utilized. This increased utilization of the manufacturers' guidance will increase the situational awareness surrounding the equipment and the likelihood the equipment will operate in the manner it was designed in lifesaving and emergency situations.

Those that are tasked with enforcement of 46 CFR Part 28.140 will have available the appropriate compliance information resulting in more thorough and uniform enforcement of the regulation which will further decrease risks to health or safety.

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

The manufacturer's inspection and maintenance guidelines are not readily available and not widely known within the fishing industry. This has led to a reduction of work being performed because that which should be done to perform the manufacture's recommended inspections and maintenance isn't being done. The additional work that will be created if the U.S.C.G. implements the CFSAC's recommendations will lead to the creation of higher paying positions for individuals within companies performing the work and the creation of service providers willing to perform these inspection and maintenance services for owners, masters or persons in charge of a vessel.

NOTE: The benefits to health and safety will more than make up the costs to industry of the work being performed.

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

The lack of having the proper and necessary inspection and maintenance guidance readily available to both the regulated public and those tasked with enforcement has contributed to the lack of a safety culture within the commercial fishing industry. Information must be widely known to be widely used, it must be widely used to be widely effective and if the use of manufactures' inspection and maintenance guidelines were widely effective the significant loss of life and property within the commercial fishing industry could be reduced by the amount that ineffective inspection and maintenance of lifesaving and emergency equipment has contributed to these losses.