



COMDTINST 16711.13B
AUG 17 1995

COMMANDANT INSTRUCTION 16711.13B

Subj: IMPLEMENTATION OF THE COMMERCIAL FISHING INDUSTRY VESSEL
REGULATIONS

Ref: (a) Commercial Fishing Industry Vessel Safety Training and Qualification,
COMDTINST 16711.14
(b) Civil Penalty Procedures and Administration, COMDTINST 16200.3A
(c) Fishing Industry Vessel Third Party Examination and Procedures for Designation of
"Accepted Organizations" and "Similarly Qualified Organizations, NVIC 13-91".

1. PURPOSE. The purpose of this Instruction is to promulgate revisions to Coast Guard implementation policies for the Commercial Fishing Industry Vessel Regulations. This Instruction reiterates goals, establishes new policies, and outlines responsibilities of personnel and units having coordination, boarding and examination roles. It shall be used by all Active Duty, Reserve, Auxiliary and Civilian personnel involved in the Commercial Fishing Industry Vessel Safety Program. The Coast Guard's goal of achieving a significant reduction in commercial fishing industry fatalities and vessel losses through education, voluntary dockside examinations and at-sea boardings remains unchanged.
2. ACTION. Area and district commanders, commanding officers of Headquarters units, chiefs of offices and special staff divisions at Headquarters shall ensure compliance with the requirements of this Instruction.
3. DIRECTIVES AFFECTED. COMDTINST 16711.13 and 16711.13A are hereby cancelled.

4. BACKGROUND. Pursuant to the passage of the Commercial Fishing Industry Vessel Safety Act of 1988 (P.L. 100-424), the Coast Guard published regulations in Title 46 Code of Federal Regulations (CFR) Part 28 detailing equipment, design and operational requirements for commercial fishing industry vessels, including fishing, fish processing and fish tender vessels. This revision incorporates lessons learned and recommendations received from the field since the inception of the program.
5. DISCUSSION. This plan focuses on education, public awareness, voluntary dockside examinations of vessels, required biennial examination of fish processing, and Aleutian Trade Act vessels and at-sea boardings, as the means to achieve industry safety improvements. It describes the use of resources from all operating programs in Headquarters, on the Area and District staffs and at the operating units. It revises boarding, voluntary dockside examination, and Marine Safety Information System (MSIS) data entry policies.
 - a. There are approximately 121,000 commercial fishing industry vessels nationwide, ranging from small vessels to large sophisticated factory trawlers. These vessels include all those that commercially engage in the catching, taking, or harvesting of fish, and then sell their catch. It also includes fish tender vessels and fishing processing vessels. It does not include sport fishing vessels, recreational vessels, charter boats carrying passengers for hire, or inspected passenger vessels (head boats) engaged solely in sport fishing. The definition also does not include vessels which are required to be registered as "commercial" by states simply because they use certain types of gear, i.e., traps, pots, and gill nets, or because they catch a particular species.
 - b. The comprehensive safety regulations found 46 CFR Part 28 have significant safety equipment carriage requirements designed to make the industry safer. The Coast Guard, working cooperatively with the commercial fishing industry and the safety training industry, is striving to improve the industry's safety record. Voluntary dockside examinations, education and awareness programs, and safety equipment checks in conjunction with boardings, are currently having a positive effect. These initiatives will continue.
 - c. The intent of these regulations is to reduce commercial fishing vessel fatalities and losses. In order for any regulations to have a meaningful impact, they must be comprehended by the industry affected. This implementation plan couples education with credible enforcement at sea. Voluntary dockside examinations of commercial fishing industry vessels can assist operators in understanding the regulations. These examinations are

no fault and nonadversarial. They serve as a fisherman's information resource. Voluntary dockside examinations encourage compliance and discourage unsafe operations. There is ample evidence that this approach is effective. The Coast Guard Auxiliary has been conducting a very successful voluntary recreational vessel Courtesy Marine Examination program for many years. The only statutory requirement for commercial fishing vessels to undergo any type of examination are for fish processing vessels and fish tender vessels engaged in the Aleutian Trade to undergo third party examination once every two years (biennial examination). Therefore, the voluntary dockside examination program must be aggressively promoted in order to be successful.

- d. Violations written during an at-sea boarding, and or termination, are tools used to address noncompliance. When used consistently, these tools encourage compliance. Voluntary dockside examinations, biennial examinations, and at-sea boardings are equally important, complement one another, and must be implemented uniformly in order to achieve the desired effect. Maintenance of vigorous voluntary dockside examinations, education and awareness, and at-sea boarding programs have and will continue to save lives. This district coordinated, multi-mission, Coast Guard/industry effort is designed to achieve our mutual goal of improving safety in the commercial fishing industry.

6. PROCEDURE.

- a. **Voluntary Dockside Examination.** With publication of this Instruction, the scope of the dockside examination program is expanded from 46 CFR Part 28 requirements, to include additional regulations identified in the Commercial Fishing Vessel Safety Examination Booklet, CG-5587.
 - (1) The Commercial Fishing Vessel Safety Examination Booklet, CG-5587, is implemented with this Instruction. This booklet has been developed as a tool to assist dockside examiners by providing a comprehensive listing of appropriate regulations in a simple checklist format. It was developed with input from all districts and respective Headquarters programs. All units conducting voluntary dockside examinations shall use this form to record voluntary dockside examinations of commercial fishing industry vessels. The booklet is self-explanatory and lets the examiner and fishing vessel operator know exactly, which regulations are applicable, which regulations have been complied with, and whether there are any deficiencies.
 - (2) When deficiencies are noted during a voluntary dockside examination the operator shall be advised

accordingly, in writing, using the examination booklet. The operator should be encouraged to correct all deficiencies as soon as possible, depending on the gravity of the deficiency. No citations shall be issued for outstanding items listed on the examination booklet during the course of a voluntary dockside exam. No vessel shall be targeted for an at-sea boarding as a result of having a deficiency noted at a voluntary dockside examination.

- (3) Commercial fishing industry vessels successfully completing a voluntary dockside examination shall be issued an examination decal which is to be installed on, or adjacent to a starboard, forward, pilot house window. The decal shall be installed by the examiner, when possible. These decals have no expiration date but are considered valid for a period of 2 years from the date of issue. Decals are not required by law or regulation for commercial fishing vessels. However, their display serves as an indicator to boarding officers that the vessel has been examined comprehensively dockside and was found to be in full compliance with all applicable Federal regulations. While the existence of a decal may reduce the likelihood of an at-sea boarding, it is not a guarantee that the vessel will not be boarded while underway. Personnel should avoid suggesting to vessel operators that a decal will prevent at-sea boardings. However, when a vessel maintains the conditions under which the decal was issued (i.e., operating area, appropriate type, quantity, and serviceability of equipment and material), the likelihood of the vessel's operations being terminated or the vessel receiving a citation at sea for items checked dockside, is substantially diminished. Operators should be encouraged to maintain a copy of the Commercial Fishing Vessel Safety Examination Booklet on board their vessels in order to expedite at-sea boardings.
- (4) Examination Decals, Commercial Fishing Vessel Safety Examination Booklets, the Commercial Fishing Vessel Job Aid, and the Boarding Report Form (CG-4100F) are produced by Commandant (G-MCO) and distributed to districts and "Accepted Third Party Organizations" as appropriate.
- (5) The uniform for dockside examiners shall be in accordance with district policies, except that weapons will not be worn by voluntary dockside examiners. If a serious threat is known to exist in the area where a voluntary dockside examination has been requested, the request shall be declined and the reason for the denial explained. In addition, alternate arrangements should be proposed to

accommodate a dockside examination in a more appropriate and secure location.

- (6) The ability to measure the effectiveness of the Coast Guard's fishing vessel safety initiative will be accomplished through specific data capturing on the MSIS coupled with an annual district audit/oversight program. This process will allow managers to better identify both program strengths as well as weaknesses and will enhance the effort to improve the management of this very important safety program.
- b. **Biennial Examinations.** Fish Processing and Aleutian Trade Act vessels not subject to inspection must undergo examination once every two years (biennially) by the American Bureau of Shipping (ABS) or other approved third party organization.
- (1) In accordance with reference (c), examinations are to be performed by the ABS, a "similarly qualified organization," or a surveyor of an "accepted organization." The intervals between examinations shall not exceed two years.
 - (2) A fish processing vessel found to be in compliance will be issued a certification of compliance. The certification of compliance issued to a fish processing vessel must be retained on board the vessel until superseded in accordance with regulations.
 - (3) A fish processing vessel, which is issued a certification of compliance, and also found, through a voluntary dockside examination, to be in compliance with all Federal Regulations (to include Title 33) will be issued a serialized examination decal. The decal will be displayed by the vessel on, or adjacent to, a starboard side forward pilothouse window.
 - (4) The decals will be produced and distributed by Commandant (G-MCO) directly to the headmasters of each third party organization.
 - (5) A copy of the certification of compliance and serial number of the decal, if issued, shall be forwarded by the organization to the appropriate Coast Guard district commander (Attn: Fishing Vessel Safety Coordinator) for entry into MSIS.
- c. **At-Sea Boarding.** Fishing vessel safety boardings are normally conducted in conjunction with Search and Rescue (SAR) and Law Enforcement (LE). No planned patrols/sorties should be done for the sole purpose of safety equipment enforcement. Decals will not be issued

at-sea during the course of an enforcement boarding. Display of a Commercial Fishing Vessel Safety Examination decal is not intended to preclude boardings for law enforcement reasons. However, vessels which display decals less than two years old shall be considered low priority safety boarding targets, unless visible indications of unsatisfactory conditions dictate otherwise. In the case where a boarding unit has numerous targets to choose from, all other things being equal, the display of a current decal should be taken into consideration, and should lessen the probability of boarding. In addition, vessels which are boarded for LE purposes can expedite the safety aspects of the boarding process by displaying an examination decal, and presenting the vessel's copy of the completed dockside examination booklet.

- c. (1) The safety equipment examination on a vessel which displays a current decal will normally consist of no more than a spot check of the following: survival craft (when required), personal flotation devices/ immersion suits, ring buoys, distress signals, fire extinguishing equipment, Emergency Position Indicating Radio Beacon (EPIRB) (when required), and a walk-through of major spaces to ensure that there are no obvious "especially hazardous conditions." The walk-through of major spaces is not intended to broaden the scope of a routine boarding. Efforts should be made to expedite the safety aspects of the boarding since the decal indicates that the vessel has already undergone an extensive dockside examination. In addition, while aboard Subpart C vessels (documented vessels that operate beyond the boundary line or any vessel operating with more than 16 individuals onboard), the BO shall query crewmembers as to the frequency and types of drills and instruction taking place (BO's may check logbook entries although there is no current requirement that the master maintain a log of such activity), and if conditions warrant, request crewmembers to demonstrate some knowledge of the contingencies listed in 46 CFR §28.270.
- (1) The safety equipment examination on a vessel, which does not display a current decal, shall consist of a check for quantity, type, maintenance, and condition of each item mentioned in the previous paragraph as well as a walk-through of all major spaces.

- (3) Neither of the above abbreviated boardings is intended to limit the authority of boarding officers, but rather to focus the boarding party on some of the most crucial safety equipment. When significant deficiencies are noted during an at-sea boarding, a more comprehensive examination may be warranted, either at sea or upon the vessel's return to port.
- (4) Violations noted during at-sea boardings shall be processed for penalty action in accordance with standard policies. District commanders are empowered to implement programs and policies, whereby, a penalized vessel may mitigate any fines by undergoing and successfully completing a dockside examination. This would encourage vessel operators to fully comply with the requirements, and will go a long way in furthering the Coast Guard's goal of reducing vessel casualties and losses.
- (5) When especially hazardous conditions are noted during a boarding, the operations of the commercial fishing industry vessel may be terminated. Termination decisions shall be made with the concurrence of the district commander. Enclosure (1) provides guidance on the gravity and types of some especially hazardous conditions which may warrant termination.
- (6) Commercial fishing vessel at-sea boardings shall be recorded on the Boarding Report Forms CG-4100, CG-4100F, and the Supplemental Boarding Report Form CG-4100S as appropriate. The Boarding Report should be annotated to indicate whether or not the boarded vessel displayed a current examination decal. The CG-4100F shall be completed in accordance with the instructions printed on its reverse side.
- (7) When a vessel's operations are terminated, steps shall be taken to ensure the safety of the vessel and crew. If the vessel is considered unseaworthy, it shall be escorted to a safe mooring or harbor, unless more urgent operational priorities arise. The basis for all terminations shall be indicated on the CG-4100S. A vessel which is terminated shall undergo a comprehensive CG-4100 boarding (to include all items on the CG-4100F) upon arrival at a mooring or safe harbor. Assistance in completing this comprehensive boarding, and any follow-up validation for compliance, shall be requested from the nearest Marine Safety Office (MSO). The MSO will conduct a post termination dockside examination as per 6.a.

- (8) All violations shall be cited when terminations are ordered. In addition, the operator or master shall be notified in writing on the CG-4100S that the vessel shall not be operated unless specific (list) "especially hazardous conditions" are corrected. This information should be stated on the CG-4100S. A follow-up compliance examination may be recommended by the boarding unit. MSO/MIO resources shall be requested for this follow-up. Follow-up examinations should be conducted jointly when resources are available.

(8) PROGRAM RESPONSIBILITIES.

- a. Area and district commanders are to ensure that effective examination, education, and enforcement programs are developed and implemented as outlined in this instruction and in accordance with reference (a). Program managers are sensitive to unit workload and recognize that considerable investment in training time is necessary. The program manager has invested in the resources necessary to deliver quality training to all program participants. Program responsibilities are as follows:
 - (1) District fishing vessel safety coordinators shall:
 - (a) Promote the availability of voluntary dockside examinations, and their non-adversarial nature. Develop local fishing vessel safety incentives. Give public recognition to proactive industry safety leaders. Conversely, enforcement actions taken against non-complaint vessels at sea, should also receive wide publicity.
 - (b) Coordinate, with the Director of Auxiliary, the use of Auxiliarists as voluntary dockside examiners, when qualified in accordance with reference (a). The use of Auxiliarists in other commercial fishing vessel public awareness and education initiatives is also encouraged, as resources permit.
 - (c) Promote cooperation and interaction between all operational units having fishing vessel safety responsibilities, and with Reserve and Auxiliary augmentation resources.
 - (d) Ensure the establishment and maintenance of district-wide fishing vessel safety boarding and examination officer training consistent with reference (a) to include annual training for all examination and enforcement units.

Annual combined unit regional training may be conducted within districts in lieu of local unit training when budgetary, personnel, or geographic constraints dictate. However, twice yearly local unit contact is highly desirable.

- (e) Maintain close liaison with local equipment manufacturers, servicing facilities, and fishermen's associations\cooperatives. Promote safety and encourage self-policing.
- (f) Maintain close liaison with federal, state, and local boating and fisheries officials.
- (g) Maintain close liaison with the local fishing industry vessel third party examination organizations. These may include the American Bureau of Shipping, similarly qualified organizations, and accepted organizations as defined in the regulations.
- (h) Develop annual program support budgets using district funds. Submit annual budget support augmentation request by CG-14144, to Commandant (G-MCO).
- (i) Maintain and provide Commandant (G-MCO) with critical calendar year program statistics. make all program records available for annual audit\review by Commandant (G-MCO) no later than 14 February of each year.
- (j) Supply year dated decals (G-MCO produced) to all voluntary dockside examination units (except third parties).
- (k) Review and enter all commercial fishing industry boarding report forms (CG-4100) into MSIS prior to forwarding to a hearing officer thus ensuring District-wide consistency. Use reference (b) for penalty assessment recommendation.
- (l) Ensure that all commercial fishing vessel CG- 4100 reports of violation are entered into the Forty-One Hundred Activity Report (FOAR) and the Marine Violation Report (MVCR) product set no later than 20 working days after receipt of the report.

- (m) Ensure that all commercial fish processing vessel biennial examinations, certifications of compliance (COC), and voluntary dockside examinations are entered into the MIAR product set in MSIS. Do not use the PSAR product set for dockside exams. Data entry shall be in the following products: PNID, VFID, VFIP, MISF, MIAR, MIDR, and MIDE. Additional documents may be required until modifications to MSIS are complete. Ensure minimum data is entered into the MSIS as per G-MCO policy. Biennial and dockside exams conducted by Accepted Organizations and Similarly Qualified Organizations must be entered 5 working days after receipt of the reports.
 - (n) Communicate safety awareness and outreach programs by working closely with district public affairs to coordinate all forms of public media (TV, radio, trade publications, newspapers, etc.) related to fishing vessel safety.
 - (o) Review all FV regulation exemption requests and forward, along with district recommendations, to Commandant (G-MCO) for final determination.
 - (p) Provide appropriate recommendations and endorsements to assist the district commander in granting, on a case-by-case basis, exemptions from the carriage requirements of EPIRBs, when determined that carriage of an EPIRB will not significantly enhance the overall safety of the vessel and crew. Forward copies of all granted and denied request letters to Commandant (G-MCO).
- (2) Cutter and group commanders shall:
- (a) Conduct fishing vessel safety boardings in conjunction with SAR and law enforcement, using personnel from operational units and augmenting reservists. Voluntary dockside examinations and other safety awareness initiatives may be conducted, and are encouraged as resources permit. The use of augmenting Auxiliarists in the voluntary dockside examination program is strongly encouraged.
 - (b) Designate a unit contact point to act as liaison with the district fishing vessel safety coordinator and to promote cooperation between group units and the local MSOMIO.

- (c) Facilitate unit participation in annual fishing vessel regulations and policy training conducted by the district fishing vessel safety coordinator or designated representative.
 - (d) Report fishing vessel boardings on CG-4100, CG-4100F, and CG-4100S as appropriate and forward a copy to the district fishing vessel safety coordinator.
 - (e) Terminate unsafe operations, when appropriate, as provided for in 46 U.S.C ^4505 and enclosure (1).
- (3) Commanding officers of MSOs and MIOs shall:
- (a) Designate a unit fishing vessel coordinator to act as liaison with the district fishing vessel safety coordinator and promote cooperation between group units and the MSO/MIO. Normally, the unit coordinator will be the designated fishing vessel safety examiner tasked with conducting voluntary dockside examinations. Use of augmenting reserves and Auxiliarists qualified in accordance with reference (a) is highly encouraged.
 - (b) Report dockside examinations on the Commercial Fishing Vessel Safety Examination Booklet (CG-5587).
 - (c) Ensure that all commercial fishing vessel dockside exam results are entered into the MIAR product set in MSIS as per current Commandant policy within 5 working days after the exam is finalized. Do not use the PSAR product set for dockside exams. Data entry shall be in the following products: PNID, VFID, VFIP, MISF, MIAR, MIDR, and MIDF. Additional documents may be required until modifications to MSIS are complete. Dockside exams conducted by USCG Auxiliarists and reserves must be entered into MSIS within 5 working days following receipt of the reports.
 - (d) Upon request, provide dockside technical support to boarding units, as resources permit.
 - (e) Promote voluntary dockside examinations by advocating its benefits and non-adversarial nature.
 - (f) Issue examination decals (district supplied) to vessels successfully completing a dockside examination.

- (g) Reports of violation shall not be submitted in the case of voluntary dockside examinations. Owners shall be advised of any deficiencies, and provided with details of all requirements. They shall also be advised that operating their vessel with such deficiencies could result in penalties if they are boarded at-sea.
- (h) Marine Casualty Investigation Reports (MCIRs) involving a commercial fishing loss of life or vessel must be passed to the district fishing vessel safety coordinator. Port File Mail Box (PFMB) products, E-mail, or fax may be used to forward the MCIR case number. Refer to Commandant policy for additional guidance. This information is necessary for accurate compilation of data by the district fishing vessel safety coordinator.
- (i) All state commercial fishing vessel casualties must be entered into MSIS as required by G-MAO. States can conduct the investigation; however, it is up to the local MSO to ensure proper entry of casualty data into MSIS.
- (j) An investigating Officer (IO) investigating a vessel casualty involving death, injury, loss of a vessel, or casualty meeting any of the other reporting criteria, will enter a Marine Casualty Investigation Report (MCIR) in the Marine Investigation Module (MINMOD) of MSIS within five working days. The IO shall ensure that the vessel's service is correctly entered to indicate a commercial fishing vessel. The report should also indicate equipment, operating environment, and hazardous materials causal factors, including any human factors associated with them. How human factors, not only human error, such as planning, omission, and oversight contributed to the incident, should be recorded on the Marine Casualty Human Factor (MCHF) supplement. The performance of lifesaving equipment, such as EPIRBs, liferafts, PFDs, etc., should also be addressed in the case via the Marine Casualty Lifesaving (MCLS) supplement. These entries provide an important reflection on the impact existing regulations have on commercial fishing vessel safety.

- (k) Review all reportable marine casualty cases involving commercial fishing vessels. Conduct a post casualty dockside examination when the investigating officer determines that noncompliance with the regulations may have played a part in the cause of the casualty. Unit investigation departments are highly encouraged to participate with a post casualty dockside examination. This initiative provides an opportunity to improve casualty prevention and education throughout the fishing industry.
 - (l) Coordinate and conduct post termination dockside examinations of all commercial fishing vessels involved in a termination of their voyage at-sea or at the dock. This provides an opportunity to educate the individual in bringing the subject vessel into compliance and ultimately an unterminated status. The result of this effort will be increased industry awareness and subsequent compliance with the regulations.
- b. Chiefs of Headquarters Offices of M, N, O, and R shall continue to work closely together to ensure cooperation between various programs involved in the implementation of the Commercial Fishing Industry Vessel Regulations.
- c. Commandant (G-MCO) shall:
 - (1) Act as program manager for the Fishing Vessel Safety Regulations. Develop policy and guidance working with each Office having responsibilities under this instruction.
 - (2) Initiate and coordinate development of Fishing Vessel Safety Program Training.
 - (3) Develop educational materials for fishermen, boarding officers, and examiners.
 - (4) Produce and distribute standard examination decals to districts and third party organizations.
 - (5) Review requests from third parties requesting to become designated as "Similarly Qualified" or "Accepted Organizations." Issue acceptance letters to qualifying organizations.
 - (6) Review, record, and make determinations on all exemption requests submitted by each district office.

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- (7) Administer the Fishing Vessel Safety Program budget. Review budget requests submitted by the districts and approve funds to augment district budgets.
- (8) Annually measure the effectiveness of the Fishing Vessel Safety Program through the use of formalized district audits. Promulgate and distribute an annual audit checkoff sheet to each district no later than 1 November of each year to be measured. This checkoff form shall be completed by district program managers and returned to Commandant (G-MCO) no later than 14 February of the following year.
- (9) Conduct annual audits of each District Fishing Vessel Safety program using the annual checkoff sheet. Evaluate program effort and make recommendations to the cognizant District Commanders regarding changes, as appropriate.
- (10) Initiate and coordinate modifications to applicable MSIS product sets. The intent of these changes is to reduce the amount of unnecessary field input, enhance accessibility to important vessel examination information, and capture deficiency data which is critical to the effective management of the program.
- (11) Monitor the use of all program resources and tools. Revise and redistribute as appropriate.

/s/
KENT H. WILLIAMS
Chief of Staff

Encl: (1) Termination Guidance

GUIDANCE ON TERMINATION OF UNSAFE OPERATIONS ON BOARD COMMERCIAL FISHING INDUSTRY VESSELS

The following practices are considered to be unsafe and may create especially hazardous conditions for individuals on board fishing industry vessels. A vessel found with one of these unsafe conditions, while operating (at-sea), may be considered for termination by a Coast Guard boarding officer. Termination will result in ordering an individual in charge of a vessel to return the vessel to a safe anchorage, mooring, or dock until the hazardous condition is corrected, or ordering cessation of a specific operation until the especially hazardous condition is alleviated or corrected. This list does not exclude any other conditions which in the opinion of the boarding officer are especially hazardous. Termination decisions shall be made with the concurrence of the District Commander.

These items are applicable to United States flag vessels that are commercial fishing, fish processing, or engaged in a fish tender- ing operation. However, each item may not apply to all vessels. Certain regulations apply only to limited categories of vessels. In all cases, 46 CFR Subpart 28 and other applicable laws and regulations should be referenced for specific applicability.

UNSAFE PRACTICES

1. Operation without sufficient lifesaving equipment on board. This may include:
 - a. Insufficient quantity of personal flotation devices (PFDs), or immersion suits when required; or PFDs and immersion suits which are unserviceable. The lack of a sufficient number of immersion suits, when required, may in itself be a basis for termination.
 - b. No survival craft on board, insufficient survival craft capacity for the number of persons on board, or a survival craft in an unserviceable condition.
2. Operation without an electronic means of communicating distress when specific equipment is required in the regulations. A radio or electronic position indicating radio beacon, or both, may be required by the regulations. The intent of this example is that there be at least one electronic means of communicating distress.
3. Operation without adequate fire fighting equipment on board.
4. Excessive volatile fuel (gasoline or solvents) or volatile fuel vapors in bilges.

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5. Instability resulting from overloading, improper loading, or lack of freeboard.
6. Inoperable bilge system.
7. Intoxication of the operator, as defined in 33 CFR 95.020. Individuals operating commercial fishing vessels are considered to be intoxicated when they have an alcohol concentration of equal to, or greater than .04% by weight in their blood; or, the effect of the intoxicant(s) consumed by the individual on the person's manner, disposition, speech, muscular movement, general appearance, or behavior is apparent by observation.
8. A total lack of operable navigation lights during periods of reduced visibility. Vessels which have some operable lights which enable them to be seen in darkness, or during periods of reduced visibility without creating an "especially hazardous condition," should be cited but may continue to operate.
9. Watertight closures missing or inoperable.
10. Flooding or uncontrolled leakage.
11. Failure to have a currently endorsed Load Line Certificate when required.