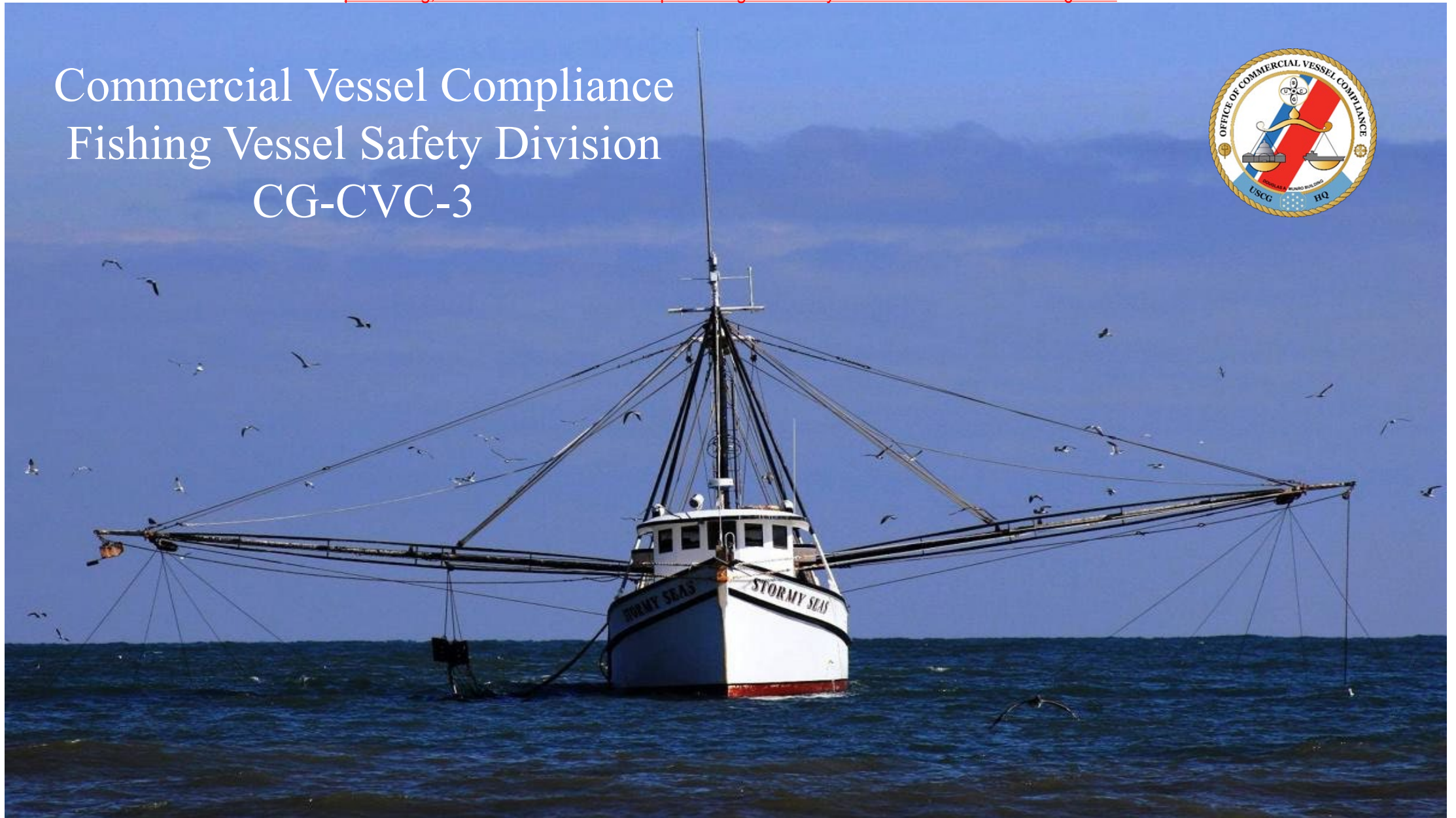
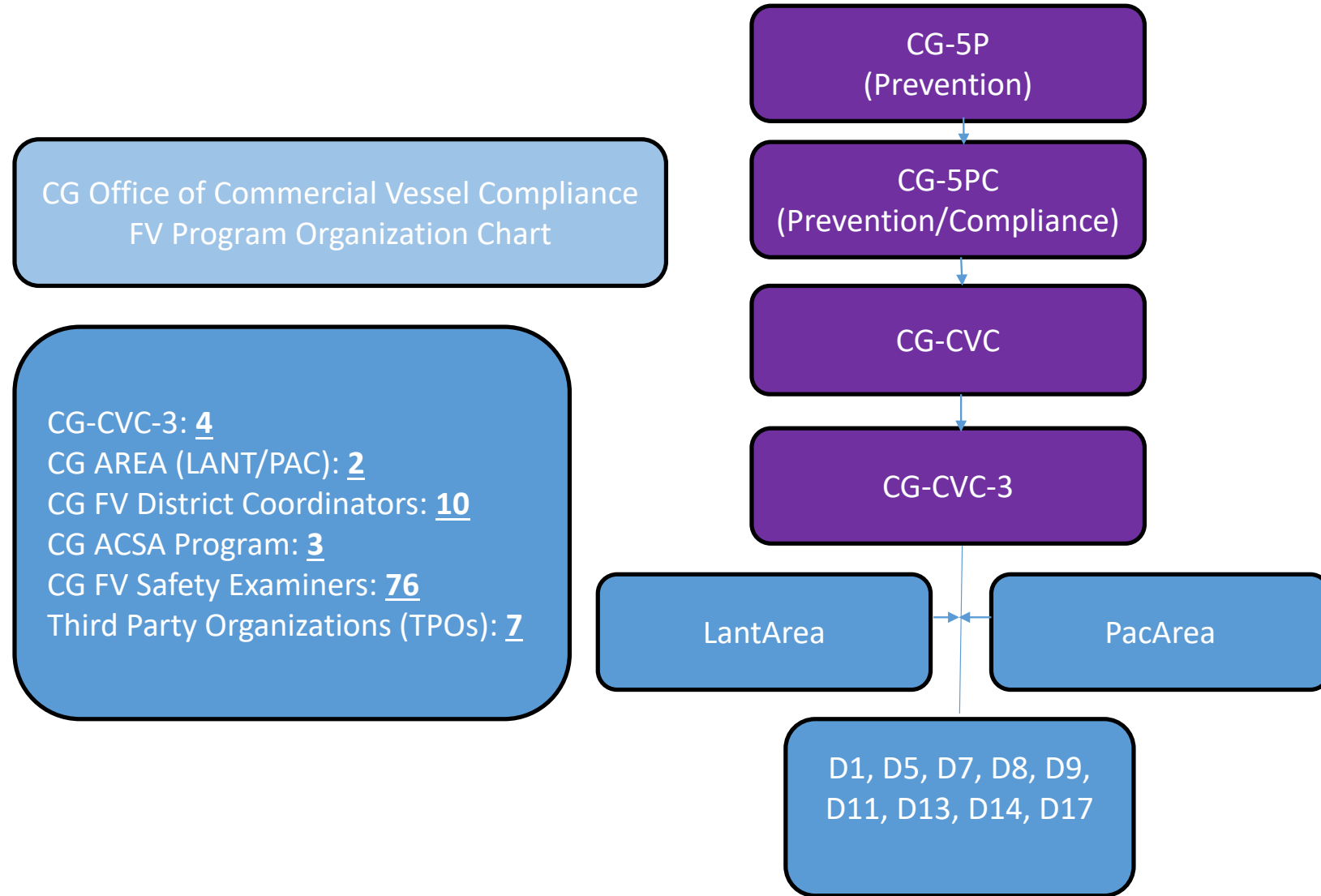
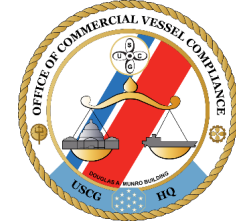


Commercial Vessel Compliance Fishing Vessel Safety Division CG-CVC-3



No part of a report of a marine casualty investigation shall be admissible as evidence in any civil or administrative proceeding, other than an administrative proceeding initiated by the United States. 46 U.S.C. §6308.



U.S. Domestic Fishing Vessel Population (CY20)

Total U.S. Fleet (Active)	<u>Totals</u>	
	Documented	State
Documented	31,401	33,935
State		
Total:	65,336	
	Documented	State
Commercial Fishing Vessel	31,248	33,886
Fish Processor	59	12
Fish Tender	94	37
	31,401	33,935
	65,336	

CFVS Examinations (CY20)	Documented	State
Commercial Fishing Vessel	3,397	1,366
Fish Processor	43	2
Fish Tender	26	8
	3,466	1,376
	4,842	

CFVS Decals Issued (CY20)	Documented	State
Fishing Vessel	2,556	913
Fish Processor	33	1
Fish Tender	19	7
	2,608	921
	3,529	

CFVs -
D13 - 4,770
D17 - 7,808
Fish Tender Vessels
D13 - 33
D17 - 72

CFVs that use Pots and/or Traps -
D13 -218
D17 - 87

Marine Information for Safety & Law Enforcement (MISLE) Data

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CFV Fleet Size	
Fishing Vessel Sub-Type	<u>Totals</u>
BANDIT RIGGED	450
DIVING	414
DREDGER	856
GENERAL	44,067
GIL-NETTER	2,581
HAND HARVEST, NON-DIVE COLLECTING	568
HAND LINE	639
HARPOONER	33
HOOK AND LINE	1,954
JIG BOAT	100
LANCHA	25
LOGLINER	713
MULTI-RIGGED	634
POT/TRAP	5,460
SCALLOPER	503
SEINER, SIDE CHUTE	94
SEINER, STERN CHUTE	244
SHRIMPER	2,364
TRAWLER, OTHER	220
TRAWLER, PAIR	45
TRAWLER, SIDE	334
TRAWLER, STERN	1,060
TROLLER	1,324
WHALER	213

Marine Information for Safety & Law Enforcement (MISLE) Data

History: Fishing Vessel Legislation

- **Commercial Fishing Industry Vessel Safety Act (CFIVSA) of 1988** → authorized CG to establish stability regulations; 1991 46 CFR Part 28 Regulations (lifesaving equip, communications, equip, distress, signals, firefighting equip, etc.); established Commercial Fishing Safety Advisory Committee (CFSAC)
- **Coast Guard Authorization Act (CGAA) of 2010** → established training and safety equipment requirements; included Alternate Safety Compliance Program (ASCP)
- **Coast Guard and Maritime Transportation Act (CGMTA) of 2012** → 2013 Class/Load Line requirements
- **CGAA of 2015** → add requirement for commercial fishing vessels operating beyond 3 nautical miles be examined dockside at least once every 5 years and be issued a Certificate of Compliance (COC)

History: Fishing Vessel Legislation

- **CGAA of 2015** → 2016 New Construction Alternative to Class option (46 USC 4503(d))
- **CGAA of 2018** → ASCP (reporting adequacy of 4503(d)); Fishing Safety and Training Grants; National Commercial Fishing Safety Advisory Committee (N-CFSAC); FV Safety Communication Plan; Auxiliary Survival Craft provisions; may require an exam at dockside every 2 years for certain vessels if requested by owner/operator
- **CGAA of 2020** → Fishing Safety and Training Grant changes; N-CFSAC; GMDSS exemptions; Automatic Identification System (AIS) Devices to mark fishing equipment

Regulation Process

Need for a Regulation established:

- Program need (Reg Project Proposal (RPP))
- Petitions from stakeholder population
- Legal requirement
- Authorization Act(s)

Statute/Law:

- Law to U.S. Code
- Some mandates may have statutory deadlines
- Self-executing
- Non self-executing (may require Rule-Making Project)

Rule Making Project:

- Regulatory Project Team
- Notice of Proposed Rule Making
- Structured process/procedures
- Public comment periods (established parameters)
- Analysis; analyze public comment; may involve economic study
- Legal review
- Agency clearance process
- DHS Office of General Council review/comment

Unified Agenda:

- Status of regulation projects

Commercial Fishing Vessels-Implementation of 2010 and 2012 Legislation (Current Rule Project)

Unified Agenda: Commercial Fishing Vessels-Implementation of 2010 and 2012 Legislation

- Docket I.D. uscg-2012-0025
- The current Agenda entry for the CFV rulemaking is available at : **Reg.info.gov**
<https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201810&RIN=1625-AB85>
- Intent: Align fishing industry vessel regulations with relevant provisions of 2010 -2012 Legislation
- Notice of Proposed Rule Making (NPRM): 06/21/2016
- NPRM Comment Period: (08/15/16 – 12/18/16)
- The date of the next action is “TBD” (to be determined)

Alternate Safety Compliance Program

- CGAA of 2010: Added a subsection to 46 U.S.C. §4503
- Requires the Coast Guard to prescribe and develop, in cooperation with the commercial fishing industry, an alternate safety compliance program for –
 - *Commercial fishing vessels that operate beyond the 3 nautical mile line, if the vessel: is at least 50 feet overall in length, is built before July 1, 2012, and is 25 years of age or older; or, is built on or before July 1, 2012, and undergoes a substantial change to the dimension of, or type of vessel, completed after July 1, 2012, or a later date set by the Coast Guard*
- CGMTA of 2012: changed the dates of applicability from July 1, 2012 to **July 1, 2013**

Enhanced Oversight Program (EOP) & Voluntary Safety Initiatives and Good Marine Practices for Commercial Fishing Industry Vessels

- **ASCP suspension (2016):** The ASCP requirement acknowledged that older vessels require additional safety measures beyond those found in 46 CFR Part 28. Further development of ASCP requirements was found by the CG to be premature due to the lack of alternative standards. The Coast Guard suspended development of the ASCP standards;
- The Coast Guard developed the additional safety measures as voluntary safety guidelines and best practices implemented through an Enhanced Oversight Program (EOP); announced in Marine Safety Information Bulletin (MSIB) 11-16;
- 2017: The EOP was re-named the “Voluntary Safety Initiatives and Good Marine Practices for Commercial Fishing Industry Vessels” (released Jan 2017)

Alternate Safety Compliance Program

- CGAA of 2018: re-designated the Alternate Safety Compliance Program to a stand-alone sub-statute to appear after 46 U.S.C. §4503 as **46 U.S.C. §4503a**
- CGAA of 2018: changed the date for applicable CFVs to comply with the ASCP **from** January 2020 **to** the date that is 3 years after the date that the Secretary prescribes an ASCP **and** allows, “a separate alternate safety compliance program to be developed for a specific region or specific fishery”

Alternate Safety Compliance Program

- 46 U.S.C. § 4503(e): (e)(1) Not later than 10 years after the date of the enactment of the Coast Guard Authorization Act of 2016, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that provides an **analysis** of the **adequacy** of the requirements under subsection § 4503(d)
- (e)(2): If the report required under this subsection includes a determination that the safety requirements under subsection (d) are not adequate or that additional safety measures are necessary, then the Secretary may establish an **alternate safety compliance program** for fishing vessels or fish tender vessels (or both) which are described in subsection (c)(2) and which comply with the requirements of subsection (d)

** 46 U.S.C. § 4503(d) details an alternative to class construction/maintenance option for certain fishing vessels or fish tender vessels 50'-180' overall in length.*

Fishing Vessel Safety Exams

- Fishing Vessel Safety Exams required at dockside once in 5 years (46 U.S.C. 4502); applicable to fishing vessels that:
 - Operate beyond 3 NM from shore;
 - Operate w/more the 16 persons on-board;
 - Fish tender vessels engaged in the Aleutian trade;
- General exam check list items are reflected in the CG-5587 (dockside exam form)

The image shows the USCG Dockside Commercial Fishing Vessel Safety Examination form (CG-5587). The form is titled "DEPARTMENT OF HOMELAND SECURITY U.S. Coast Guard USCG DOCKSIDE COMMERCIAL FISHING VESSEL SAFETY EXAMINATION". It contains various fields for vessel information, including name, number, call sign, hull color, superstructure color, vessel length, gross tonnage, net tonnage, and maximum port beam. It also includes sections for vessel type (e.g., Fishing Vessel, Fish Tender, Fish Processor), propulsion (e.g., Diesel, Gas, Electric), and gear (e.g., Long Line, Trap, Stabling, Troll). The form has a "Date Rec'd" field, a "Date Valid" field, and a "Vessel Representative's Name" field. At the bottom, there is a "Date Issued" field and a "Issuing Examiner's Signature" field. The form is marked "DUPLICATE COPY" and "Form # 7533-01096-001".

CG-5587 Dockside Exam Form Content

- **Bridge/Documents** (Certificate of documentation, Load Line Certificate)
- **Lifesaving Equipment** (PFD, immersion suits, life-rafts)
- **Fire Fighting Equipment** (fire extinguishers, fixed FF systems)
- **Engineering** (bilge alarms, flame arrestors, ventilation, MSD)
- **Navigation** (VHF radio, GPS, Emergency Position Indicating Radio Beacon (EPIRB), compass, charts/pubs)
- **First Aid Equipment** (medicine chest, first aid manual)
- **Pollution** (placards, garbage log, waste management plan)
- **Stability** (stability instructions; watertight integrity)

Fishing vessel vs. fish tendering vessel

Fishing Vessel

- General provisions of 46 CFR Part 28 are applicable.
- 28.50 (definitions) Fishing Vessel: means a vessel that commercially engages in the catching, taking, or harvesting of fish or an activity that can reasonably be expected to result in the catching, taking, or harvesting of fish.

Fish Tender Vessel

- General provisions of 46 CFR Part 28 are applicable.
- 28.50 (definitions) Fish Tender Vessel: means a vessel that commercially supplies, stores, refrigerates, or transports fish, fish products, or materials directly related to fishing or the preparation of fish to or from a fishing, fish processing or fish tender vessel or a fish processing facility.

Fishing vessel vs. fish tendering vessel

Fishing Vessel

- CFVs built before 1 July 2013 are not required a LL (*regardless of size*);
- CFVs built after 1 July 2013, that are 79' & longer, and that operate outside the Boundary Line require a LL;
- CFVs built before September 15, 1991 do not have regulations governing stability, unless vessel undergoes applicable alterations to fishing or processing equipment (per 28.500) or has been substantially altered on or after Sept 15, 1991.

Fish Tender Vessel

- FTVs require a LL if 79' & longer, operate outside Boundary Line, and:
 - are 500gt or more (*regardless of build date*), or
 - were constructed as FTV after 1 Jan 1980, or
 - were converted to FTV after 1 Jan 1983, or
 - engage on foreign voyages (*not exempted from international ICLL convention*)

46 CFR 28.500 Applicability

- The subpart applies to each commercial fishing industry vessel which is 79 feet (24 meters) or more in length that is **not** required to be issued a load line under subchapter E of this chapter and that -
- Has its keel laid or is at a similar stage of construction or undergoes a major conversion started on or after September 15, 1991;
- Undergoes alterations to the fishing or processing equipment for the purpose of catching, landing, or processing fish in a manner different than has previously been accomplished on the vessel;
- Has been substantially altered on or after September 15, 1991;
- 28.530(a): (stability instructions): The intent of this section is to ensure that vessel masters and individuals in charge of vessels are provided with enough stability information to allow them to maintain their vessel in a satisfactory stability condition;
- Stability instructions must be developed by a qualified individual;
- Stability instructions must be in a format easily understood by the master or individual in charge of the vessel-

National Commercial Fishing Safety Advisory Committee (N-CFSAC)

- The Commercial Fishing Safety Advisory Committee (CFSAC) provided advice and recommendations to the United States Coast Guard and the Department of Homeland Security on matters relating to the safe operation of commercial fishing industry vessels. **The CFSAC was disestablished in December of 2020, and the National-CFSAC was established.**
- The National Commercial Fishing Safety Advisory Committee (Committee) was established on December 4, 2018, by the *Frank LoBiondo Coast Guard Authorization Act of 2018* (Pub. L. No. 115-282, 132 Stat 4192).
- The function of the Committee: to advise the Secretary of the Department of Homeland Security through the Commandant of the United States Coast Guard on matters relating to safe operation of commercial fishing industry vessels including the matters of-
 - navigation safety
 - safety equipment and procedures
 - marine insurance
 - vessel design, construction, maintenance, and operation; and
 - personnel qualifications and training and review regulations proposed under Chapter 45, Title 46 (during preparation of the regulations).

Advisory Committee

Contributions/task recommendations:

- Contribute in the development of safety standards
- Training (stability/damage control) CGAA 2010
- EOP and Voluntary Safety Initiatives and Good Marine Practices for Commercial Fishing Industry Vessels
- Initiatives contributed to CG National Maritime Center Stability and Damage Control “CG Accepted Courses” (2018/2019)
- Championing “Man Overboard” study addressing falls overboard fatalities on CFVs (2019-present).

High Risk Fishing Vessel Initiatives

- **Identified high-risk-vessel population:** FVs built before July 1, 2013, are at least 50 feet overall in length, and 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
- 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
- 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.
- 4,810: Known active high risk CFV population (approximate)
- CG-CVC-WI-025: CG guidance outlining risk based commercial fishing vessel program (Aug 2020)
- Urging owner/operators of fishing vessels identified as high-risk to maintain a 2 year dockside exam
- CG identifies high-risk-vessels that do not maintain a 2 year dockside exam decal; these vessels are a priority during CG at-sea boarding's.
- Since start of focused initiatives, **20%** of target high risk FV populations have received a satisfactory dockside exam

CG-CVC-3 Program Outreach

- Marine Safety Information Bulletins (MSIB):
 - MSIB 04-16: Clarification on Survival Craft Requirements for Uninspected Commercial Fishing Industry Vessels
 - MSIB 11-17: Remain Upright by Fully Understanding Vessel Stability
 - MSIB 01-21: Improving Fishing Vessel Stability
- CFVS National Communication Plan (media, training, dock walks)
- DCO-FISHSAFE web <https://www.dco.uscg.mil/FishSafe>
- Maritime Commons Blog
- FV District Coordinator and field unit target initiatives
- Stability training <http://www.fishsafewest.info/>
- FV Check-List-Generator

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END