

Tab A, No. 7

**Coast Guard Authorization Act of 2010
(Public Law 111-281)**

**Coast Guard and Maritime Transportation Act of 2012
(Public Law 112-213)**

**Coast Guard and Maritime Transportation Act of 2014
(Public Law 113-281)**

**UPDATE: NEW REQUIREMENTS
FOR
COMMERCIAL FISHING INDUSTRY VESSELS**

Office of Commercial Vessel Compliance
Fishing Vessels Division
U.S. Coast Guard Headquarters

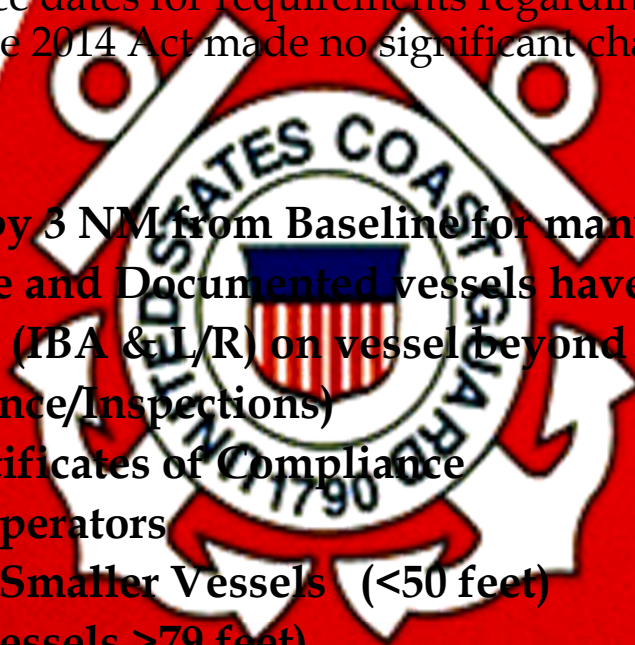
IN REVIEW

What the Laws did:

Section 604 of the 2010 Auth Act made numerous changes to Chapter 45 of Title 46 United States Code (U.S.C.) [46 USC 4502-4508], "Uninspected Commercial Fishing Industry Vessels." The Act also amended Chapter 51, "Load Lines." Section 305 of the 2012 Act changed the compliance dates for requirements regarding safety exams and construction of new vessels. The 2014 Act made no significant changes to the items below.

Areas Impacted:

- **Boundary Line is replaced by 3 NM from Baseline for many requirements**
- **Parity for All Vessels - State and Documented vessels have same requirements**
- **Out-of-water Survival Craft (IBA & L/R) on vessel beyond 3 NM**
- **Records (Drills & Maintenance/Inspections)**
- **Vessel Examinations & Certificates of Compliance**
- **Competency Training for Operators**
- **Construction Standards for Smaller Vessels (<50 feet)**
- **Load Line Requirements (vessels >79 feet)**
- **Classing of Vessels (vessels 50 feet and longer)**
- **Alternate Safety Compliance Programs (under development for older vessels)**
- **Other Provisions (Training/Research Grants & CFSAC)**



GOING AHEAD

Regulatory Strategy:

- USCG is working on a rulemaking project to implement requirements set forth in the laws, intends to publish an **Interim Rule**.
 - > An *Interim Rule* will add requirements based on the specific and direct language of the law; no discretionary revisions. Comments may be received before the rule is finalized, but the rule(s) are fully enforceable upon issuance.
 - > Regulatory changes that are discretionary will require a Notice (*NPRM*) and offer a comment period before a rule can be finalized. Public meetings may also be held to receive comments.
 - > The process involves a lot of time and effort, and delays are not uncommon during review and clearance for new rules or revisions.

GOING AHEAD

Current Timeline for Requirements:

- Construction standards for vessels under 50 feetApplicable since January 1, 2010
- Load lines required for vessels 79 feet or greater, built after *(July 1, 2013*)*
- Survey and classification on vessels 50 feet or greater, built after *(July 1, 2013*)*
- Vessel Dockside Safety Examinations for certain vessels, must have one by *(Oct 15, 2015*)*
- Buoyant apparatus and life floats no longer approved/allowed after..... *(Feb 26, 2016 *)*
- Develop an Alternate Safety Compliance Program for vessels at least 50 feet in length, built before *(July 1, 2013*)* , and are over 25 years of age by..... January 1, 2017
- Vessel above must comply with an Alternate Safety Compliance Program.....January 1, 2020

** Owners of a fleet of 30 vessels or more subject to an Alternate Safety Compliance Program must meet program requirementsJanuary 1, 2030

++ Rulemaking is a deliberative process that requires an extensive amount of review. They must be finalized/cleared through the USCG, DHS and OMB before publication.

** Date changes as a result of the Authorization Act of 2012.*



GOING AHEAD

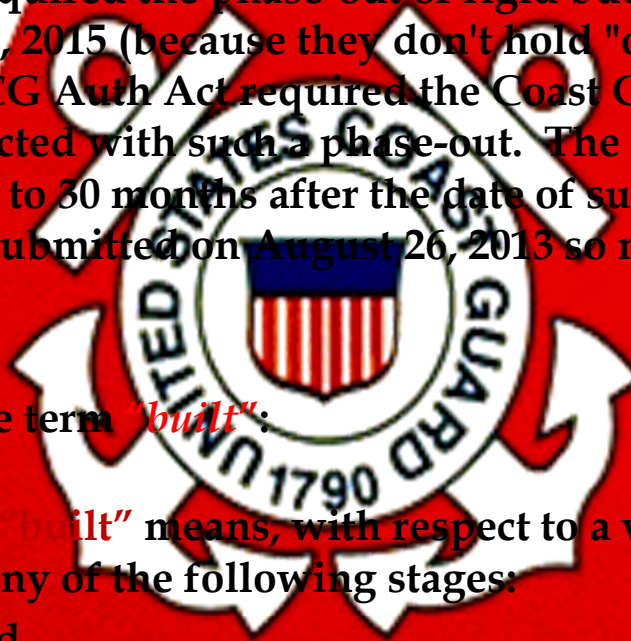
Highlights of Amendments made by the 2012 Auth Act :

1. Amended the biennial dockside examination requirement and states that all commercial fishing vessels operating beyond 3NM from the baseline or 3 nm from the coastline of the Great Lakes (including vessels with 16 or more individuals on board and fish tenders engaged in the Aleutian Trade) *will be required to be examined at least once every 5 years.*
2. Amended the mandatory dockside examination implementation date from October 16, 2012 by stating commercial fishing vessels operating beyond 3NM from the baseline or 3 nm from the coastline of the Great Lakes *shall complete the first dockside examination no later than October 15, 2015.*
3. Revised the “July 1, 2012” build date for the classification/ASCP requirements (CFV’s > 50’), load line requirements (CFV’s >79’) and makes these requirements applicable to vessels built after *July 1, 2013.*

GOING AHEAD

Highlights of Amendments made by the 2012 Auth Act :

4. The 2010 CG Auth Act required the phase-out of rigid buoyant apparatus and life floats no later than January 1, 2015 (because they don't hold "occupants" completely out of the water). The 2012 CG Auth Act required the Coast Guard to submit a report to Congress on issues connected with such a phase-out. The same statute pushed the effective date of "phase-out" to 30 months after the date of submission of the report. The report to Congress was submitted on August 26, 2013 so now the effective date is o/a **February 26, 2016**.
5. Provides definition of the term "**built**":
 - **46 USC 4503(e)** : The term "**built**" means, with respect to a vessel, that the vessel's construction has reached any of the following stages:
 - (A) The vessel's keel is laid.
 - (B) Construction identifiable with the vessel has begun and assembly of that vessel has commenced comprising of at least 50 metric tons or one percent of the estimated mass of all structural material, whichever is less.



GOING AHEAD



Thinking of building a new fishing vessel?

The law affects the construction of new fishing vessels that **operate beyond 3 nm from the baseline** from which the territorial sea of the United States is measured or 3 nm from the coastline of the Great Lakes.

The vessels are grouped and/or identified as follows:

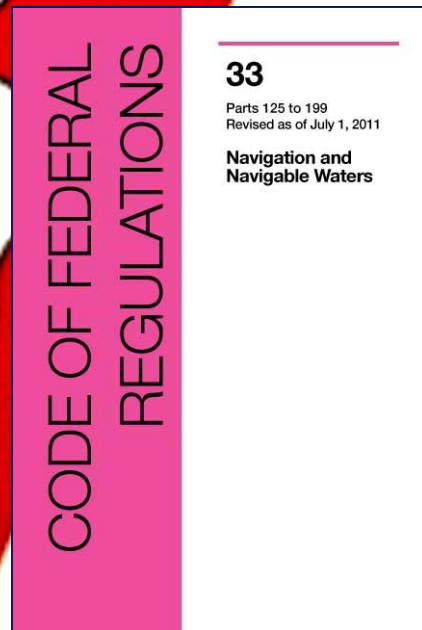
- Vessels less than 50' **overall** in length built after January 1, 2010
- Vessels 50' **overall** in length or greater built after July 1, 2013
- Vessels 79' or greater in length, and built after July 1, 2013

* **Overall length can differ from registered length**

GOING AHEAD

Vessels less than 50' overall in length built after January 1, 2010:

- Such vessels are to be built in a manner that provides a level of safety equivalent to the minimum safety standards the Secretary may establish for recreational vessels under section 4302.
- The existing regulations for recreational boats that apply are:
 - 33 CFR PART 181 – MANUFACTURER REQUIREMENTS**
 - 33 CFR PART 183 – BOATS AND ASSOCIATED EQUIPMENT**
- Those parts pertain mostly to flotation and systems.
- Topics covered include, but are not limited to:
 - Safe Loading
 - Safe Powering
 - Flotation Requirements
 - Electrical Systems
 - Fuel Systems
 - Ventilation



AMERICAN BOAT & YACHT COUNCIL (ABYC) and BOAT BUILDER HANDBOOK INFORMATION:

American Boat and Yacht Council:

Mr. John Adey

(401) 990-4460 ... Ext: 117

jadey@abycinc.org

Boat Builders Handbook:

Copy available online at the recreational Boating Safety
website:

www.uscgboating.org



GOING AHEAD



Have an existing/older fishing vessel?

Alternate Safety Compliance Program:

Applies to commercial fishing vessels that operate beyond the 3 nautical mile line, if the vessel is:

- (1) at least 50 feet overall in length;
- (2) was built before July 1, 2013; and
- (3) is 25 years of age or older (in 2020);

OR, was built on or before July 1, 2013, and undergoes a substantial change to the dimension of, or type of vessel, completed after July 1, 2013, or a later date set by the Coast Guard.

- In general, the Alternate Safety Compliance Programs must be prescribed by 2017 and implementation beginning by 2020 (Owners of fleets of 30 vessels or more, subject to an Alternate Safety Compliance Program, must meet program requirements by January 1, 2030).
- The Coast Guard is in the process of finalizing draft criteria and requirements for the Programs.
- The Commercial Fishing Safety Advisory Committee has been consulted on the draft.
- Prior to final promulgation, the fishing industry will be offered an opportunity to review, comment, and make recommendations as to how to apply the requirements based on risk, vessel operations, and operating areas.

Alternate Load Line Compliance Program:

The 2010 and 2012 Acts also amended 46 USC §5103 by adding a requirement for fishing vessels built on or before July 1, 2013, that undergo a major conversion completed after the later of July 1, 2013, or the date the Coast Guard establishes standards for an alternate loadline compliance program, to comply with such program.

- This Program will be developed in cooperation with the fishing industry.
- The Alternate Load Line Compliance Program will apply to vessels 79 feet or greater in length.
- The criteria is expected to be included in the Alternate Safety Compliance Program guidelines.

OTHER RECENT CHANGES OF INTEREST:

Small Vessel General Permit (sVGP):

- EPA published the sVGP on September 10, 2014, with an effective date of December 19, 2014, to provide National Pollutant Discharge Elimination System (NPDES) permit coverage for discharges incidental to the normal operation of non-military, non-recreational vessels less than 79 feet (i.e., "small vessels").
- EPA issued the sVGP in anticipation of the December 18, 2014 expiration date of the then existing moratorium on permitting.
- On December 18, 2014 the Coast Guard and Maritime Transportation Act of 2014 extended that moratorium for an additional three years, until December 18, 2017 (Ballast water discharges from vessels less than 79 feet in length are not affected by the moratorium).

EPA Website: <http://water.epa.gov/polwaste/npdes/vessels/Small-Vessel-General-Permit.cfm>

Automatic Identification Systems (AIS):

- Self propelled commercial fishing, fish tenders and fish processing vessels 65 feet and greater, no matter where they operate (**not just within a VTS area**), must have an AIS installed and operating in compliance with these rules no later than March 1, 2016. ([46 CFR 164.46\(b\)\(1\)\(i\)](#)).
- Either a Class A or Class B AIS may be used by all commercial fishing industry vessels.
- "Class A" units cost about \$3,230, where a "Class B" unit averages about \$700.

Notice of Arrival (NOA):

- The requirement to submit a NOA applies to all commercial fishing vessels, beginning April 30, 2015, that: (1) Are greater than 300 gross tons; (2) Are coming from a foreign port.

U.S. COAST GUARD CONTACT INFORMATION:

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Websites:

www.FishSafe.info

Federal eRulemaking Portal:

www.regulations.gov

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(CG-CVC-1) USCG Classification Society Liaison:

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The image features the United States Coast Guard emblem centered on a red background. To the left of the emblem is a diagonal blue stripe. The emblem itself is white with a central shield containing a red and white striped field and a blue top section. The shield is flanked by two crossed anchors. The text 'UNITED STATES COAST GUARD' is written in a circular path around the shield, with '1790' at the bottom. Overlaid on the emblem and the red background is the word 'QUESTIONS?' in a large, black, serif font.

QUESTIONS?