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STATE OF ALASKA
1992 LEGISLATIVE SESSION

Version: SB 358

(S) Publish Date: 2-18-92

Revision Date: _____ Department Affected: Public Safety

Title: "An Act making the theft of certain BRU: Fish & Wildlife Protection

equipment theft in the second degree." Component: Enforcement & ISU

Sponsor: Senator Eliason

Requestor: Senate Judiciary

COMPONENT SERIAL NO.

4	9	0
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EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
FUND SOURCE:						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact is anticipated.

Changes in SB 358 (JUD) reflect NO FISCAL CHANGE from the original fiscal note. This fiscal note is appropriate.

2/14/92 Re
date Comte Aide (initial)

Prepared By: Captain Conrad G. Seibel Phone: 269-5509

Division: Fish & Wildlife Protection Date: 2/1/92

Approved by Commissioner: Richard L. Burton Richard L. Burton

Agency: Department of Public Safety Date: 2/3/92

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

No. 2
Bill Version: SB 358
(S) Publish Date: 2-18-92

Revision Date: _____
Title: "An Act making the theft of certain safety and survival equipment from a commercial fishing vessel theft in the second degree."
Sponsor: Eliason
Requestor: Senate Judiciary

Department Affected: Administration
BRU: Public Defender Agency
Component: Public Defender Agency

COMPONENT SERIAL NO.

1	6	3	1
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)
(See attached.)

Changes in SB 358 (JUD) reflect NO FISCAL CHANGE from the original fiscal note. This fiscal note is appropriate.
2/14/92 RC
date Comte Aide (initial)

Prepared by: John Salemi, Public Defender
Division: Public Defender Agency

Phone: 279-7541
Date: January 27, 1992

Approved by Commissioner: Nancy Bear Usura
Agency: Administration

Date: 2/3/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. SB 358

ANALYSIS: (continued)

Normally in order to be charged with the crime of theft in the second degree, one must steal property which has the value of more than \$500. This proposal expands the definition of Theft in the Second Degree to include Theft of Safety and Survival Equipment from a Commercial Fishing Vessel regardless of its value.

This bill, if passed into law, will have no fiscal impact on the Public Defender Agency.

FISCAL NOTE

No. 1

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Version: SB 358

(S) Publish Date: 2-18-92

Revision Date: _____ Department Affected: Department of Law
 Title: "...making the theft of...survival BRU: Prosecution
equipment theft in the second degree." Component: All
 Sponsor: Senator Eliason
 Requestor: Senate Judiciary Committee COMPONENT SERIAL NO.

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85 through 91

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS. CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
FUND SOURCE:						
TOTAL						

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Changes in SB 358 (JUD) reflect NO FISCAL CHANGE from the original fiscal note. This fiscal note is appropriate.

2/14/92 RV
date Comte Aide (initial)

Prepared By: Richard I. Pegues, Director Phone: 465-3672

Division: Administrative Services Date: February 3, 1992

Approved by Commissioner: Charles E. Cole, Attorney General

Agency: Department of Law Date: February 3, 1992

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 358

This bill amends AS 11.46.130 to provide that a person commits the crime of theft in the second degree if the property is vessel safety or survival equipment and the property is taken from a licensed commercial fishing vessel or a vessel used exclusively for commercial salmon fishing that has been exempted from state licensing requirements under AS 16.05.495. The bill also amends AS 16.05.710(b) to provide that when a person is convicted of this crime a court shall, in addition to the penalty imposed by law, suspend one or more of the person's commercial fishing privileges or licenses for one year for a first conviction, and suspend their privileges for two years for a second or subsequent conviction. Theft in the second degree is a class C felony.

The Department of Law does not anticipate a fiscal impact because many safety and survival devices have a value that exceeds the \$500 threshold for theft in the second degree.

ALASKA STATE LEGISLATURE SENATE

SENATOR RICHARD I. ELIASON

PRESIDENT OF THE SENATE
LABOR & COMMERCE COMMITTEE
RESOURCES COMMITTEE
RULES COMMITTEE
CHAIRMAN SPECIAL COMMITTEE ON
DOMESTIC & INTERNATIONAL
COMMERCIAL FISHERIES



P O BOX 143
SITKA ALASKA 99835

P O BOX V
JUNEAU ALASKA 99811
(907) 465-4916

FAX (907) 465-4928

1/29/92

TESTIMONY OF SEN. DICK ELIASON, PRIME SPONSOR, REGARDING SB 358,
"An Act making the theft of certain safety and survival equipment form a
commercial fishing vessel theft in the second degree."

The U. S. Coast Guard, in the course of implementing provisions of the Commercial Fishing Industry Vessel Safety Act of 1988, has issued regulations which include requirements for the safety and survival equipment aboard uninspected commercial fishing vessels. The regulations went into effect in late 1991, although some provisions have a delayed effective date. The purpose of the regulations is to prevent unnecessary loss of life, and the Coast Guard believes they will also result in fewer pollution incidents arising from vessel loss.

Alaska fishermen are required to make substantial expenditures on safety and survival equipment in order to comply with these regulations, and more vessels than ever before are equipped with survival suits, EPIRBs (Emergency Position Indicating Locator Beacons), and fire fighting equipment. This is good news, especially in light of the fact that commercial fishing is considered one of the most dangerous occupations.

Unfortunately, there have been increasing problems with theft of safety equipment from fishing vessels. The repercussions of such a theft can be disastrous. At the top of the list is the horrible possibility that lives would be lost due to an emergency at sea, the very thing the new Coast Guard regulations seek to prevent. The theft of equipment just prior to a fishing opening could result in the loss of the opportunity to fish, either because the theft was discovered and the vessel remained in port, or because the Coast Guard exercised its authority to compel the vessel to return to port immediately. Given the brevity of the fishing openings these days, an individual could miss an entire opening and be financially ruined as a result. In addition, the Coast Guard may impose stiff civil and criminal penalties for violations of the regulations.

Sponsor Statement

SB 358
page two

Senate Bill 358 makes it a class C felony, rather than a class A misdemeanor, to steal certain safety and survival equipment from a commercial fishing vessel, whether or not the value of the property exceeds \$500. The safety and survival equipment is closely defined in the bill. The measure also includes a section to provide that if the offense is committed by a commercial fisherman, he or she stands to lose fishing licenses and privileges. This is consistent with penalties now on the books for theft of fishing gear.

The purpose of the legislation is to discourage the theft of safety equipment from commercial fishing vessels, and I strongly encourage its adoption.

DIVISION OF LEGAL SERVICES

**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

240 Main Street, Suite 500
Juneau, Alaska 99801-2101

MEMORANDUM

February 3, 1992

SUBJECT: CS to SB 358, adding theft of aircraft safety equipment and upgrading the crime to a class C felony

TO: Senator Rick Halford

FROM: Robert Glennon Casey *RGC*
Legislative Counsel

A committee substitute has been prepared which adds "aircraft safety equipment" to the list of items whose theft would violate AS 11.46.130.

It would be much better, however, if the committee substitute defined aircraft safety equipment. That would follow the example of the original bill, which adds "vessel safety or survival equipment" as items whose theft would violate the statute and then goes on to define safety and survival equipment.

To further parallel the other items in the list, I have limited this to thefts from aircraft. Also, you requested that the status of the crime be upgraded to a class C felony. AS 11.46.130 is already a class C felony, so the committee substitute makes no change in that area.

RGC:gc
92-093.glc

Enclosure

Alaska Marine Safety Education Association

Box 2592, Sitka, Alaska 99835

(907) 747-3287

April 3, 1992

Senator Eliason
Alaska State Legislature
P.O. Box V (MS 3100)
Juneau, Alaska 99811

Dear Senator Eliason:

This letter is in full support of your bill to make the theft of safety and survival equipment onboard boats and aircraft a felony (SB 358).

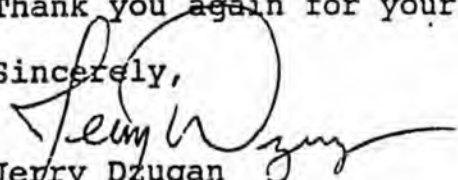
As you are well aware, recent requirements for survival equipment for commercial fishing vessels may cost some owners thousands of dollars. There has been and will be a strong temptation on the part of some people to "borrow" this equipment from owners who are in compliance with the law. This would place these owners at risk in an emergency since the survival gear they thought they had onboard would not be there.

AMSEA feels that the penalty for the theft of this equipment currently does not reflect the true nature of the seriousness of this act. Therefore, we fully support your bill to make the theft of this equipment a felony.

Please let us know if there is anything we can do to help this legislation along in the final days of the legislature.

Thank you again for your sponsorship of this bill.

Sincerely,



Jerry Dzugan
Executive Director

c.c. Rep. Richard Foster, Chair House Transportation Committee

MEMBER ORGANIZATIONS

Alaska Department of Health & Social Services,
Emergency Medical Services Section
Alaska Department of Public Safety
Northstar Survival, Inc.
Southeast Alaska Regional Health Corporation

Southeast Regional Emergency Medical Services Council
United States Coast Guard
University of Alaska Marine Advisory Program
Alaska Department of Education
Alaska Vocational Technical School (AVTEC)

Alaska Marine Safety Education Association

Box 2592, Sitka, Alaska 99835

(907) 747-3287

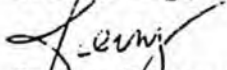
Oct. 30, 1991

Laura Fleming:

Enclosed is the whole 9 yards; Final Rule of the Commercial Fishing Vessel Safety Act, the USCG boarding officer's checklist, and a copy of N-VIC 12-91. The last page of 12-91 outlines the specific guidelines boarding officers will use to determine whether or not to terminate a F/V's voyage due to a potential or existing safety hazard.

Sorry I didn't include this with the original mailing. Please feel free to contact me if you have any other questions.

Sincerely,



Jerry Dzugan
Director

MEMBER ORGANIZATIONS

Alaska Department of Health & Social Services,
Emergency Medical Services Section
Alaska Department of Public Safety
Northstar Survival, Inc.
Southeast Alaska Regional Health Corporation

Southeast Regional Emergency Medical Services Council
United States Coast Guard
University of Alaska Marine Advisory Program
Alaska Department of Education
Alaska Vocational Technical School (AVTEC)



UNITED FISHERMEN OF ALASKA

211 4th Street, Suit 112
Juneau, AK 99801
907-586-2820
Fax# 907-463-2545

February 4, 1992

MEMBER ASSOCIATIONS

Alaska Crab Coalition
Alaska Independent Fishermen's
Marketing Association
Alaska Longline Fisherman's
Association
Alaska Trollers Association
Bering Sea Fishermen's Association
Bristol Bay Driftnetters Association
Concerned Area 'M' Fishermen
Cook Inlet Aquaculture Association
Copper River Fishermen's Cooperative
Cordova District Fishermen United
Kenai Peninsula Fishermen's Association
North Pacific Fisheries Association
Northern Southeast Regional
Aquaculture Association
Peninsula Marketing Association
Petersburg Vessel Owners Association
Prince William Sound
Aquaculture Association
Prince William Sound Seiners Association
Seafood Producers Cooperative
Southeast Alaska Seiners
Southern Southeast Regional
Aquaculture Association
United Cook Inlet Drift Association
United Southeast Alaska Gillnetters
Western Alaska Cooperative
Marketing Association

The Honorable Dick Eliason
Alaska State Senate
Post Office Box V
Juneau, Alaska 99811

RE: Senate Bill 358

Dear Senator Eliason:

On behalf of the United Fishermen of Alaska, I would like to support the proposed amended language to AS 11.46.130(a) which would elevate the theft of certain safety and survival equipment from a commercial fishing vessel to theft in the second degree, as well as other proposed language under SB 358.

It has come to my attention, over the past several years, that theft of safety and survival equipment has become an increasing problem. Fortunately, at least in one instance of which I am aware, the theft of survival suits was discovered prior to an emergency situation. This equipment, for purposes of accessibility in time of distress, is often stored outside of a locked cabin or storage locker. This, unfortunately, also makes this equipment more readily accessible to theft. Also, life rafts and emergency locator beacons are installed in such a manner that they cannot be secured from theft.

Our organization wholeheartedly supports your sponsorship and efforts on behalf of this worthwhile legislation. It is our sincere hope that the proposed statutory change will act as a deterrent to those unscrupulous individuals who would thoughtlessly remove survival equipment from a commercial fishing vessel and jeopardize fishermen's lives.

Very truly yours,

Greg Seider
Executive Director

GS:phl

✓ cc: Senator Rick Halford
Senator Fred Zharoff

PUBLIC OPINION MESSAGE

DEAR: SENATOR ELIASON

NAME: GRANT H. TRASK
TITLE: DIRECTOR, SEAFOOD PRODUCER'S CO-OP
ADDRESS: BOX 400 SECOND STREET
CITY: PETERESBURG ZIP: 99833
PHONE: 772-3775

BILL NO: SB 358

SUBJECT: THEFT OF BOAT SAFETY/SURVIVAL EQUIP

MESSAGE: THANK YOU FOR YOUR BILL INTRODUCING PENALTIES FOR THE THEFT SURVIVAL AND SAFETY EQUIPMENT. THE 350 MEMBERS OF SEAFOOD PRODUCER'S CO-OPERATIVE SUPPORT YOU. OUR LIVELIHOOD AND PROFESSIONALISM DEPENDS ON KEEPING ALL ASPECTS OF OUR BUSINESSES INTACT AND THIS BILL SHOULD SERVE AS DETERRANT TO ANYONE INCLINED TO JEOPARDIZE THIS.

PC MID: 15103124
DATE: 92/02/03
TIME: 10:31:24
LIONAME: PETERSBURG LIO

COPIES: REPRESENTATIVE SENATORS

TAYLOR

HALFORD
ZHAROFF

Wednesday
August 14 1991

ACTUAL REGS
START ON PAGE 40396

REGS
START
PAGE 40396

Part II

**Department of
Transportation**

Coast Guard

**46 CFR Part 28
Commercial Fishing Industry Vessel
Regulations; Final Rule**

Commercial Fishing Vessel Safety Act

THE FINAL RULE: A SUMMARY OF THE COMMERCIAL FISHING VESSEL SAFETY ACT

NOTE: The following is a partial summary, for Alaska waters, of the regulations and is not all inclusive. Effective date is September 15, 1991 unless otherwise noted. We strongly recommend fishermen to review the regulations and the checklist themselves. In Alaska call the USCG F/V Safety Coordinator at 1-800-478-7369 and leave your name and address for a free copy of the regulations and boarding officer checklist.

REQUIREMENTS FOR ALL FISHING VESSELS

1. Immersion suit accessible and of an appropriate size for each person onboard. If beyond the Boundary Line retro-tape, PFD light and name (vessel, owner of device, or person assigned) must be on suit (after 9/1/92)
2. Ring Life Buoys (RLB) {orange, 24" diameter, with retro-tape and vessel name}
 - a. Vessels 16' to < 26': Bouyant cushion or RLB plus 60' line minimum.
 - b. Vessel 26' to < 65': RLB plus 60' line minimum.
 - c. Vessel \geq 65': Minimum 3 RLBs one with a 90' line.
3. Survival craft required on documented vessels after 9/1/92 or on state registered vessels after 9/1/95 except those with less than 4 people within 12 miles of shore. Liferrafts with appropriate equipment packs and installed onboard before 9/15/91 are "grandfathered". Under limited conditions "auxiliary craft" may be substituted. F/V less than 36 ft. that have positive flotation and operate within 12 miles of shore are exempt. This section may be subject to future revision.
4. Distress flares if more than 3 miles from shore: 3 parachute flares; 6 handheld flares; 3 smoke flares. Lesser requirements if within 3 miles.
5. Injury placard posted.
6. 406 EPIRB if operating beyond 3 mile Territorial Sea Line. After 9/1/92 must be marked with vessel name.
7. Two fireman's outfits if more than 49 people on board.
8. Two SCBAs required with spare 30 minute bottles if ammonia refrigeration system on board.
9. First Aid book & equipment. First Aid training required by 9/1/93.
10. Guards for exposed hazards.
11. Unobstructed escape routes.
12. Relevant, up-to-date charts, Coast Pilot, light list, tide & current tables. Maintain charts using Local Notice to Mariners.
13. Compass, anchor, and radar reflector (for nonmetallic hull not providing a signature from 6 miles).
14. General alarm (after 9/1/92).
15. VHF Communication equipment to contact Coast Guard (SSB past 20 nautical miles). See Final Rule.
16. High water alarms if vessel 36 ft. or more, bilge pumps, piping & dewatering systems regardless of length.
17. F/V over 79 ft must have electronic position fixing device.
18. Monthly emergency instruction, drills & orientation.
19. Training in drill instruction. (effective 9/1/94).

REQUIREMENTS FOR F/V WITH KEELS LAID OR CONVERTED AFTER 9/15/91

This section sets standards for the areas of liferaft launching, fire fighting systems, galley hoods, fuel systems, ventilation, electrical standards, radar and depth sounding equipment, deck rails, life lines, and grab rails. See Final Rule for details.

REQUIREMENTS FOR STABILITY

Applies to F/Vs more than 79 ft. that has had keel laid or altered after 9/15/91. Sets standards and tests for these vessels. Future rule making will affect this section and smaller F/Vs. See Final Rule for details.

REQUIREMENTS FOR DOCUMENTED VESSELS WITH MORE THAN 16 PEOPLE ON BOARD OR OPERATING BEYOND THE BOUNDARY LINE

1. Fire extinguisher(s).

continued next page

Continued...

continued from page 5

TRAINING REQUIREMENTS

Applies only to documented F/Vs beyond the boundary line or with more than 16 people onboard (POB).

1. First Aid & CPR (After September 1, 1993) Acceptable certification follows:

- First Aid:
1. American Red Cross
 2. OSHA
 3. USCG approved
- CPR:
1. American Red Cross
 2. American Heart Association
 3. USCG approved

- a. F/V with more than 2 POB must have one person trained in First Aid and CPR (can be same person).
- b. F/V with more than 16 POB needs two trained in First Aid/CPR.
- c. F/V with more than 49 POB needs 4 trained in First Aid/CPR.

2. Instruction, Drills and Safety Orientation:

Master will conduct drills and instruction once a month in the following:

- a. abandoning vessel.
- b. fighting a fire in different locations.
- c. recovering an individual in the water.
- d. minimizing the effects of flooding.
- e. launching survival craft.
- f. donning immersion suits and PFDs.
- g. donning fire clothing and SCBA (if so equipped).
- h. radio distress calls and visual distress signals.
- i. activating the general alarm.
- j. reporting inoperative alarm systems.

3. Drill Instruction. After Sept. 1, 1994 no person may conduct the drills or provide instruction without that person having been trained in the proper procedures for conducting the activity.

4. Safety Orientation. The master must insure that a safety orientation is given to each individual onboard that has not received the instruction or participated in the drill.

5. Emergency Instructions. Instructions must be posted or be kept readily available (F/V with less than 4 people) covering:

- a. survival craft embarkation stations.
- b. fire, emergency and abandon ship signal.
- c. location of immersion suits & illustration of donning procedure.
- d. procedures for making a distress call.
- e. essential action to be taken in an emergency.
- f. procedures for rough weather or conditions.
- g. procedures for anchoring.
- h. persons overboard procedures.
- i. fire fighting procedures.

6. Master must insure that lifesaving equipment is in good condition and readily available for immediate use.

SPECIAL NOTES

Vessels whose liferafts qualify to be grandfathered should keep a copy of receipt with date of purchase onboard. *See Final Rule for details.*

Grandfathered liferafts must still follow the yearly repacking schedule and be repacked by a certified repacker (repacker must be certified by manufacturer of raft).

Be sure to do the following and record in your log book:

1. Monthly Drills.
2. Monthly EPIRB test.
3. Inspect all other survival gear regularly.

Refer to the Final Rule to clarify questions or call your local USCG Fishing Safety Coordinator. In Alaska call 1-800-478-7369.

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NOTE - LAST PAGE

COMDTPUB P16700.4
NVIC 12-91

13 SEP 1991

NAVIGATION AND VESSEL INSPECTION CIRCULAR NO. 12-91

Subj: Termination of Unsafe Operations Aboard Commercial Fishing Industry Vessels

1. PURPOSE. The purpose of this Circular is to provide guidance to commercial fishing industry vessel owners/operators and Coast Guard personnel on termination of unsafe operations on commercial fishing industry vessels.
2. BACKGROUND.
 - a. The Commercial Fishing Industry Vessel Safety Act of 1988, P.L. 101-424 (now codified as 46 U.S.C. Chapter 45), addresses safety of commercial fishing industry vessels in several ways. One of these ways is by addressing unsafe operations.
 - b. Title 46 U.S.C. Section 4505 states that a Coast Guard enforcement official "may direct the individual in charge to immediately take reasonable steps necessary for the safety of the individuals on board the vessel if the official observes the vessel being operated in an unsafe condition that the official believes (emphasis added) creates an especially hazardous condition."
 - c. Termination of unsafe operations may result in the master or individual in charge of a vessel being ordered to return the vessel to a mooring until the hazardous condition is corrected or to cease a specific operation until the especially hazardous condition is alleviated or corrected. It is emphasized that immediate return of a vessel to a mooring is only one of several options available to boarding officers. Other options include but are not limited to:

DISTRIBUTION - SOL No. 129

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A																											
B		2	0		3		3	1						3	2	1		1	1							3	0
C					*							1	*														
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H																											

NON-STANDARD DISTRIBUTION: (See Page 4.)

NAVIGATION AND VESSEL INSPECTION CIRCULAR NO. 12-91
13 SEP 1991

2. c. (1) Immediate correction of the hazardous condition;
- (2) Filing of a Report of Violation against the owner, master, individual in charge of the vessel;
- (3) Referral to the Marine Safety Office or Marine Inspection Office for investigation and possible Suspension and Revocation action against Coast Guard issued licenses.

3. DISCUSSION.

- a. This Circular does not replace or modify existing statutes or regulations, but provides guidance and illustrations of conditions under which a commercial fishing industry vessel may be subject to termination action under 46 U.S.C. 4505.
- b. Boardings of commercial fishing industry vessels are routinely conducted by the Coast Guard. One part of the boarding officer's responsibility is to assess whether a vessel may present an especially hazardous condition warranting termination action. This Circular is intended to provide guidance to all interested parties on conditions which may be deemed especially hazardous and enforcement action which may be appropriate.
- c. In evaluating the safety of a vessel, there are many considerations that bear upon the decision that an especially hazardous condition exists. It is impossible to list all of the variables that should be considered in evaluating the safety of a particular vessel. However, enclosure (1) lists some of the areas that have proven to be problems in past casualties and should be considered in evaluating a vessel's safety. This list is not all inclusive; it attempts to illustrate the general gravity of conditions which may warrant enforcement action.
- d. Decisions to terminate operations of fishing industry vessels are made by boarding officers in accordance with district policies. Once the decision has been made to terminate operations, the boarding officer will decide whether to remove individuals and whether to escort or tow a fishing industry vessel to a mooring. This decision will be based on the judgement of the Coast Guard boarding officer considering the particular

13 SEP 1991

12-9

3. d. (cont'd) circumstances at the time of the boarding. Consideration will be given to existing/future weather, sea conditions, the extent of the unsafe condition, the ability of the vessel to effect adequate temporary repairs, etc.
 - e. It is recognized that termination of commercial operations may have a serious economic impact on owners/operators. In all cases, the basis for termination will be the potential for loss of life or injury resulting when an especially hazardous condition exists.
 - f. It is the obligation of the owner and master to ensure that each vessel is properly maintained, equipped, and operated at all times. While at sea, the master has the responsibility to operate the vessel within the limits of its design capabilities.
4. PENALTIES. The owner, charterer, managing operator, agent, master, and individual in charge of a fishing industry vessel, which is operated in violation of the regulations prescribed under 46 U.S.C. Chapter 45, may each be assessed a civil penalty of up to \$5,000. Any vessel which is assessed a penalty under 46 U.S.C. 4507 is liable in rem for the penalty. A person willfully violating this chapter is subject to a fine of up to \$5,000 and imprisonment for up to one year. These penalties are in addition to termination of the operation and Suspension and Revocation proceedings against Coast Guard issued licenses.
5. IMPLEMENTATION.
 - a. District commanders are encouraged to give this NVIC wide dissemination.
 - b. This Circular is effective immediately.
 - c. District Fishing Vessel Safety Coordinators shall work closely with District Operational Law Enforcement staff by providing technical assistance to ensure uniform enforcement.

NAVIGATION AND VESSEL INSPECTION CIRCULAR NO. 12-91.

3 SEP 1991

5. d. Owners and operators of commercial fishing industry vessels are encouraged to maintain and equip their vessels in a manner consistent with the regulations and good marine practice. Questions regarding this Circular should be addressed to the nearest Coast Guard District Office, Attn: Fishing Vessel Safety Coordinator.



D. H. WHITTEN
ACTING CHIEF, OFFICE OF MARINE SAFETY,
SECURITY AND ENVIRONMENTAL PROTECTION

Encl: (1) Termination of Unsafe Operations on Board Commercial Fishing Industry Vessels

Non-Standard Distribution:

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NOAA Fleet Inspection Officer (1).

ABS (220).

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 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.

These items are applicable to United States flag vessels that are commercial fishing, fish processing, or in a fish tendering 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 should be referenced for specific applicability.

UNSAFE PRACTICES

1. Operation without sufficient lifesaving equipment on board. This may include:
 - a. No personal flotation devices (PFD's) or required immersion suits on board, insufficient quantity of PFD's or immersion suits, or PFD's and immersion suits which are unserviceable.
 - 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 either an operable Emergency Position Indicating Radio Beacon or radio communication equipment. Either or both may be required by the regulations. When both are required then one must be operable. The intent is that there be at least one means of communicating distress.
3. Operation without adequate firefighting equipment on board.

Enclosure (1) to Navigation and Vessel Inspection Circular No. 12-9

4. Excessive volatile fuel (gasoline or solvents) or volatile fuel vapors in bilges.
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 vessels other than recreational vessels are considered to be intoxicated when they have an alcohol concentration of .04% by weight or more 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.
9. Watertight closures missing or inoperable.
10. Flooding or uncontrolled leakage.
11. Failure to have a currently endorsed Load Line Certificate, when required.

TO: LAURA FLEMING, SEN. SENATORS OFFICE
FROM: JERRY DEUGAN, AMSON

Enclosure (1) to Navigation and Vessel Inspection Circular No. 12-91

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 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.

These items are applicable to United States flag vessels that are commercial fishing, fish processing, or in a fish tendering 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 should be referenced for specific applicability.

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1. Operation without sufficient lifesaving equipment on board. This may include:
 - a. No personal flotation devices (PFD's) or required immersion suits on board, insufficient quantity of PFD's or immersion suits, or PFD's and immersion suits which are unserviceable.
 - 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 either an operable Emergency Position Indicating Radio Beacon or radio communication equipment. Either or both may be required by the regulations. When both are required then one must be operable. The intent is that there be at least one means of communicating distress.
3. Operation without adequate firefighting equipment on board.

Enclosure (1) to Navigation and Vessel Inspection Circular No. 12-91

4. Excessive volatile fuel (gasoline or solvents) or volatile fuel vapors in bilges.
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 vessels other than recreational vessels are considered to be intoxicated when they have an alcohol concentration of .04% by weight or more 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.
9. Watertight closures missing or inoperable.
10. Flooding or uncontrolled leakage.
11. Failure to have a currently endorsed Load Line Certificate, when required.

request such designation in writing. As a minimum the organization must verify that it—

(a) Publishes standards for vessel design and construction which are as widely available as and which are of similar content to the standards published by the ABS;

(b) Performs periodic surveys in a wide range of localities during and after construction to ensure compliance with published standards, including drydock examinations, in a manner similar to the ABS;

(c) Issues certificates testifying to compliance with the published standards;

(d) Has as its primary concern the survey and classification of vessels;

(e) Has no interest in owning or operating fishing, fish processing, or fish tender vessels; and

(f) Maintains records of surveys and makes such records available to the Coast Guard upon request in a manner similar to the ABS.

§ 28.80 Report of casualty.

(a) Except for a casualty which is required to be reported to the Coast Guard on Form CG 2692 in accordance with part 4 of this chapter, the owner, agent, operator, master, or individual in charge of a vessel involved in a casualty must submit a report in accordance with paragraph (c) of this section, as soon as possible after the casualty, to the underwriter of primary insurance for the vessel or to an organization listed in paragraph (d) of this section whenever the casualty involves any of the following.

(1) Loss of life.

(2) An injury to an individual that causes that individual to remain incapacitated for a period in excess of 72 hours.

(3) Loss of a vessel.

(4) Damage to or by a vessel, its cargo, apparel or gear, except for fishing gear while not on board a vessel, or that impairs the seaworthiness of the vessel, or that is initially estimated at \$2,500.00 or more.

(b) Each underwriter of primary insurance for a commercial fishing industry vessel must submit a report of each casualty involving that vessel to an organization listed in paragraph (d) of this section within 90 days of receiving notice of the casualty and whenever it pays a claim resulting from the casualty. Initial reports must be in accordance with paragraph (c) of this section. Subsequent reports must contain sufficient information to identify the casualty and any new or corrected casualty data.

(c) Each report of casualty must include the following information:

(1) The name and address of the vessel owner and vessel operator, if different than the vessel owner;

(2) The name and address of the underwriter of primary insurance for the vessel;

(3) The name, registry number, call sign, gross tonnage, year of build, length, and hull material of the vessel;

(4) The date, location, primary cause, and nature of the casualty;

(5) The specific fishery, intended catch, and length of fishery opening when applicable;

(6) The date that the casualty was reported to the underwriter of primary insurance for the vessel, or to an organization acceptable to the Commandant;

(7) The activity of the vessel at the time of the casualty;

(8) The weather conditions at the time of the casualty, if the weather caused or contributed to the cause of the casualty;

(9) The damages to or by the vessel, its apparel, gear, or cargo;

(10) The monetary amounts paid for damages;

(11) The name, birth date, social security number, address, job title, length of disability, activity at the time of injury, type of injury, and medical treatment required for each individual incapacitated for more than 72 hours, or deceased as a result of the casualty;

(12) The name, registry number, and call sign of every other vessel involved in the casualty; and

(13) The monetary amount paid for an injury or a death.

(d) A casualty to a commercial fishing industry vessel must be reported to an organization that has knowledge and experience in the collection and processing of statistical insurance data and that has been accepted by the Commandant to receive and process casualty data under this part. The Commandant has accepted for this purpose:

(1) Marine Index Bureau, Inc., P.O. Box 1984, New York, NY 10158-0612.

(2) Reserved.

Note: The Coast Guard intends to treat information collected under this section from underwriters of primary insurance as exempt from disclosure under the Freedom of Information Act because it is commercial and financial information which, if disclosed, would be likely to cause substantial harm to the competitive position of the underwriter.

§ 28.90 Report of injury.

Each individual employed on a commercial fishing industry vessel must notify the master, individual in charge of

the vessel, or other agent of the employer of each illness, disability, or injury suffered while in service to the vessel not later than seven days after the date on which the illness, disability, or injury arose.

§ 28.95 Right of appeal.

Any person directly affected by a decision or action taken under this part, by or on behalf of the Coast Guard, may appeal therefrom in accordance with part 1, subpart 1.03 of this chapter.

Subpart B—Requirements For All Vessels

§ 28.100 Applicability.

Each commercial fishing industry vessel must meet the requirements of this subpart, in addition to the requirements of parts 24, 25, and 26 of this chapter.

§ 28.105 Lifesaving equipment—general requirements.

(a) In addition to the requirements of this subpart, each commercial fishing industry vessel must comply with the requirements of part 25 subpart 25.25 of this chapter.

(b) Except as provided in § 28.120(d), each item of lifesaving equipment carried on board a vessel to meet the requirements of this part must be approved by the Commandant. Equipment for personal use which is not required by this part need not be approved by the Commandant.

§ 28.110 Life preservers or other personal flotation devices.

(a) Except as provided by § 28.305 of this chapter, after November 15, 1991, each vessel must be equipped with at least one immersion suit, exposure suit, or wearable personal flotation device of the proper size for each individual on board as specified in table 28.110 and part 25, subpart 25.25 of this chapter. Notwithstanding the provisions of paragraphs (c) and (d) of § 25.25-1 of this chapter, each commercial fishing industry vessel propelled by sail or a manned barge employed in commercial fishing activities must meet the requirements of this paragraph.

(b) Each wearable personal flotation device must be stowed so that it is readily accessible to the individual for whom it is intended, from both the individual's normal work station and berthing area. If there is no location accessible to both the work station and the berthing area, an appropriate device must be stowed in both locations.

TABLE 28.110.—PERSONAL FLOTATION DEVICES AND IMMERSION SUITS

Applicable waters	Vessel type	Devices required	Other regulations
Seaward of the Boundary Line and North of 32° N; or South of 32° S; or Great Lakes.	Documented vessels.....	Immersion suit or exposure suit ¹	28.135; 25.25-9(a); 25.25-13; 25.25-15.
Coastal waters or beyond cold waters (includes Great Lakes).	All vessels.....do ¹	Do.
All other waters.....	40 feet (12.2 meters) or more in length....	Type I, Type V commercial hybrid, immers on suit, or exposure suit ² .	28.135; 25.25-5(e); 25.25-5(f); 25.25-9(a); 25.25-13; 25.25-15.
Do.....	Less than 40 feet (12.2 meters) in length.	Type I, Type II, Type III, Type V commercial hybrid immersion suit, or exposure suit ² .	Do.

¹ Until September 1, 1995, individuals weighing less than 44 pounds (198 Newtons) may substitute an approved personal flotation device of the appropriate size for a required immersion suit or exposure suit.

² Certain Type V personal flotation devices are approved for substitution for Type I, II, or III personal flotation devices when used in accordance with the conditions stated in the Coast Guard approval label.

§ 28.115 Ring life buoys.

(a) Except as provided in paragraph (b) of this section and § 28.305, after November 15, 1991, each vessel must be equipped with a throwable flotation device or a ring life buoy as specified in table 28.115. If the vessel is equipped with a ring life buoy, at least one ring life buoy must be equipped with a line which is at least:

(1) 60 feet (18.3 meters) in length for a vessel less than 65 feet (19.8 meters) in length; or

(2) 90 feet (27.4 meters) in length for a vessel 65 feet (19.8 meters) or more in length.

(b) For each vessel less than 65 feet (19.8 meters) in length, an approved 20 inch (0.51 meters) or larger ring life buoy which is in serviceable condition and which was installed on board before September 15, 1991, may be used to meet the requirements of paragraph (a) of this section.

TABLE 28.115.—THROWABLE FLOTATION DEVICES

Vessel length	Devices required
Less than 16 feet (4.9 meters).	None.
16 feet (4.9 meters) or more, but less than 26 feet (7.9 meters).	1 buoyant cushion, or ring life buoy (Type IV PFD) meters).
26 feet (7.9 meters) or more, but less than 65 feet (19.8 meters).	1 ring life buoy approval number starting with 160.009 or 160.050; orange; at least 24 inch (0.61 meters) size.
65 feet (19.8 meters) or more.	3 ring life buoys, approval number 160.50; orange; at least 24 inch (0.61 meters) size.

Note: Certain Type V PFDs are approved for use in substitution for Type IV PFDs, when used in accordance with the conditions stated in the Coast Guard approval label.

§ 28.120 Survival craft.

(a) Except as provided in paragraphs (b) and (d) through (h) of this section, each vessel must carry the survival craft specified in table 28.120(a), table 28.120(b), or table 28.120(c), as appropriate for the vessel, in an aggregate capacity to accommodate the total number of individuals on board.

(b) The requirements of this section do not apply to a vessel with less than 4 individuals on board which operates within 12 miles of the coastline.

(c) Except as provided by § 28.305, compliance dates for the requirements for the number and type of survival craft in tables 28.120(a), 28.120(b), and 28.120(c) are:

(1) For a documented vessel that operates in the North Pacific Area, September 1, 1992;

(2) For a documented vessel that operates in the Great Lakes or in the Atlantic Ocean north and east of a line drawn at a bearing 150° true from Watch Hill Light, Rhode Island, September 1, 1993;

(3) For each other documented vessel, September 1, 1994; and

(4) For each other vessel, September 1, 1995.

(d) Each survival craft installed on board a vessel before September 15, 1991, may continue to be used to meet the requirements of this section provided the survival craft is:

(1) Of the same type as required in tables 28.120(a), 28.120(b), or 28.120(c), as appropriate for the vessel type; and

(2) Maintained in good and serviceable condition.

(e) Each inflatable liferaft installed on board a vessel before September 15, 1991, may continue to be used to meet the requirements for an approved inflatable liferaft, provided the existing liferaft is maintained in good and serviceable condition as required by table 28.140, and it is equipped with the equipment pack required by tables 28.120(a), 28.120(b), or 28.120(c), as appropriate for the vessel type. Where no equipment pack is specified in tables 28.120(a), 28.120(b), or 28.120(c), a coastal service pack is required.

(f) An approved lifeboat may be substituted for any survival craft required by this section, provided it is arranged and equipped in accordance with part 94 of this chapter.

(g) The capacity of an auxiliary craft carried on board a vessel which is integral to and necessary for normal fishing operations will satisfy the requirements of this section for survival craft, except for an inflatable liferaft, provided the craft is readily accessible during an emergency and is capable of safely holding all individuals on board the vessel. If the auxiliary craft is equipped with a Coast Guard required capacity plate, the boat must not be loaded so as to exceed the rated capacity.

(h) A vessel less than 36 feet in length which meets the positive flotation provisions of 33 CFR part 183 is exempt from the requirement for survival craft in paragraph (a) of this section for operation on the following waters:

(1) Within 12 miles of the coastline, any waters; and
(2) Rivers

TABLE 28.120 (a).—SURVIVAL CRAFT FOR DOCUMENTED VESSELS

Area	Vessel type	Survival craft required
Beyond 50 miles of coastline.....	All	Inflatable liferaft with SOLAS A pack.
Between 20-50 miles of coastline, cold waters.....	All	Inflatable liferaft with SOLAS B pack.

TABLE 28.120 (a).—SURVIVAL CRAFT FOR DOCUMENTED VESSELS—Continued

Area	Vessel type	Survival craft required
Between 20-50 miles of coastline, warm waters.....	All.....	Inflatable liferaft.
Beyond Boundary Line, within 20 miles of coastline, cold waters.....	All.....	Inflatable liferaft.
Beyond Boundary Line within 20 miles of coastline, warm waters.....	All.....	Life float.
Inside Boundary Line, cold waters; or Lakes, bays, sounds, cold waters; or Rivers, cold waters.....	36 feet (11 meters) or more in length.....	Inflatable buoyant apparatus.
Do.....	Less than 36 feet (11 meters) in length.....	None.
Inside Boundary Line, warm waters; or Lakes, bays, sounds, warm waters; or Rivers, warm waters.....	All.....	None.
Great Lakes, cold waters.....	36 feet (11 meters) or more in length.....	Inflatable buoyant apparatus.
Do.....	Less than 36 feet (11 meters) in length.....	Buoyant apparatus.
Great Lakes, beyond 3 miles of coastline, warm waters.....	All.....	Buoyant apparatus.
Great Lakes, within 3 miles of coastline, warm waters.....	All.....	None.

Note: The hierarchy of survival craft in descending order is lifeboat, inflatable liferaft with SOLAS A pack, inflatable liferaft with SOLAS B pack, inflatable liferaft with coastal service pack, inflatable buoyant apparatus, life float, buoyant apparatus. A survival craft higher in the hierarchy may be substituted for any survival craft required in this table.

TABLE 28.120(b).—SURVIVAL CRAFT FOR UNDOCUMENTED VESSELS WITH NOT MORE THAN 16 INDIVIDUALS ON BOARD

Area	Vessel type	Survival craft required
Beyond 20 miles of coastline.....	All.....	Inflatable buoyant apparatus.
Beyond Boundary Line, within 20 miles of coastline, cold waters.....	All.....	Inflatable buoyant apparatus.
Beyond Boundary Line, within 20 miles of coastline, warm waters.....	All.....	Life float.
Inside Boundary Line, cold waters; or Lakes, bays, sounds, cold waters; or Rivers, cold waters.....	36 feet (11 meters) or more in length.....	Buoyant apparatus.
Do.....	Less than 36 feet (11 meters) in length.....	None.
Inside Boundary Line, warm waters; or Lakes, bays, sounds, warm waters; or Rivers, warm waters.....	All.....	None.
Great Lakes, cold waters.....	All.....	Buoyant apparatus.
Great Lakes, beyond 3 miles of coastline, warm waters.....	All.....	Buoyant apparatus.
Great Lakes, within 3 miles of coastline, warm waters.....	All.....	None.

Note: The hierarchy of survival craft in descending order is lifeboat, inflatable liferaft with SOLAS A pack, inflatable liferaft with SOLAS B pack, inflatable liferaft with coastal service pack, inflatable buoyant apparatus, life float, buoyant apparatus. A survival craft higher in the hierarchy may be substituted for any survival craft required in this table.

TABLE 28.120(c).—SURVIVAL CRAFT FOR UNDOCUMENTED VESSELS WITH MORE THAN 16 INDIVIDUALS ON BOARD

Area	Vessel type	Survival craft required
Beyond 50 miles of coastline.....	All.....	Inflatable liferaft with SOLAS A pack.
Between 20-50 miles of coastline, cold waters.....	All.....	Inflatable liferaft with SOLAS B pack.
Between 20-50 miles of coastline, warm waters.....	All.....	Inflatable liferaft.
Beyond Boundary Line, within 20 miles of coastline, cold water.....	All.....	Inflatable liferaft.
Beyond Boundary Line within 20 miles of coastline, warm waters.....	All.....	Life float.
Inside Boundary Line, cold waters; or Lakes, bays, sounds, cold waters; or Rivers, cold waters.....	36 feet 11 (meters) or more in length.....	Inflatable buoyant apparatus.
Do.....	Less than 36 feet (11 meters) in length.....	None.
Inside Boundary Line, warm waters; or Lakes, bays, sounds, warm waters; or Rivers, warm waters.....	All.....	None.
Great Lakes, cold waters.....	36 feet (11 meters) or more in length.....	Inflatable buoyant apparatus.
Do.....	Less than 36 feet (11 meters) in length.....	Buoyant apparatus.
Great Lakes, beyond 3 miles of coastline, warm waters.....	All.....	Buoyant apparatus.
Great Lakes, within 3 miles of coastline, warm waters.....	All.....	None.

Note: The hierarchy of survival craft in descending order is lifeboat, inflatable liferaft with SOLAS A pack, inflatable liferaft with SOLAS B pack, inflatable liferaft with coastal service pack, inflatable buoyant apparatus, life float, buoyant apparatus. A survival craft higher in the hierarchy may be substituted for any survival craft required in this table.

§ 28.125 Stowage of survival craft.

(a) Each inflatable liferaft required to be equipped with a SOLAS A or a SOLAS B equipment pack must be stowed so as to float free and automatically inflate in the event the vessel sinks.

(b) Each inflatable liferaft, inflatable buoyant apparatus, and any auxiliary craft used in their place, must be kept readily accessible for launching or be stowed so as to float free in the event the vessel sinks.

(c) Each hydrostatic release unit used in a float-free arrangement must be

approved under part 160, subpart 160.062 of this chapter.

(d) Each float-free link used with a buoyant apparatus or with a life float must be certified to meet part 160, subpart 160.073 of this chapter.

§ 28.130 Survival craft equipment.

(a) *General.* Each item of survival craft equipment must be of good quality, effective for the purpose it is intended to serve, and secured to the craft.

(b) *Inflatable liferafts.* Each inflatable liferaft must have one of the following equipment packs as shown by the markings on its container:

- (1) Coastal Service;
- (2) SOLAS B Pack (formerly "Limited Service"); or
- (3) SOLAS A Pack (formerly "Ocean Service").

(c) Each life float and buoyant apparatus must be fitted with a lifeline, pendants, a painter, and a floating electric water light approved under part 161 subpart 161.010 of this chapter.

(d) *Other survival craft.* A vessel must not carry survival craft other than inflatable liferafts, life floats, inflatable buoyant apparatus, or buoyant apparatus, such as lifeboats or rigid liferafts, unless the survival craft and launching equipment comply with the requirements for installation, arrangement, equipment, and maintenance contained in 48 CFR part 94.

§ 28.135 Lifesaving equipment markings.

(a) Except as provided in paragraph (d) of this section, after September 1, 1992, lifesaving equipment carried

aboard a vessel pursuant to the requirements of this subpart of part 25, subpart 25.25 of this chapter must be marked as specified in table 28.135.

(b) Lettering used in lifesaving equipment markings must be in block capital letters.

(c) Retroreflective markings required by this section must be with material approved under part 161, subpart 161.018 of this chapter. The arrangement of the retroreflective material must meet IMO Resolution A.658(16).

(d) A wearable personal flotation device must be marked with the name of either the vessel, the owner of the device, or the individual to whom it is assigned.

TABLE 28.135.—LIFESAVING EQUIPMENT MARKINGS

Item	Markings required, name of vessel	Retroreflective material
Wearable personal flotation device (Type I, II, III, or wearable Type V); immersion suit or exposure suit.	See § 28.135(d)	Type I or Type II.
Ring life buoy	X	Type II.
Inflatable liferaft	See note	See note.
Inflatable buoyant apparatus	See note	See note.
Life float	X	Type II.
Buoyant apparatus	X	Type II.
Auxiliary craft	X	Type II.
EPIRB	X	Type II.

Note: No marking other than that provided by the manufacturer and the servicing facility is required.

§ 28.140 Operational readiness, maintenance, and inspection of lifesaving equipment.

(a) The master or individual in charge of a vessel must ensure that each item of lifesaving equipment must be in good working order, ready for immediate use, and readily accessible before the vessel

leaves port and at all times when the vessel is operated.

(b) Except for an inflatable liferaft or an inflatable buoyant apparatus less than two years of age, each item of lifesaving equipment, including unapproved equipment, must be maintained and inspected in accordance with:

- (1) Table 28.140;

(2) The servicing procedure under the subpart of this chapter applicable to the item's approval; and

(3) The manufacturer's guidelines.
(c) An inflatable liferaft or inflatable buoyant apparatus must be serviced at a facility specifically approved by the Commandant.

(d) An escape route from a space where an individual may be employed or an accommodation space must not be obstructed.

TABLE 28.140.—SCHEDULED MAINTENANCE AND INSPECTION OF LIFESAVING EQUIPMENT

Item	Interval		Regulation
	Monthly	Annually	
Inflatable wearable personal flotation device (Type V commercial hybrid).		Servicing	28.140
Personal flotation devices, exposure suits and immersion suits.		Inspect, clean and repair as necessary	23.140
Buoyant apparatus and life floats		Inspect, clean and repair as necessary	28.140
Inflatable liferaft		Servicing	28.140
Inflatable buoyant apparatus		Servicing	28.140
Hydrostatic release		Servicing	28.140
Disposable hydrostatic release		Replace on or before expiration date	28.140
Undated batteries		Replace	28.140
Dated batteries ¹ and other items		Replace on or before expiration date	25.26-5, 28.140
EPIRB	Test		25.26-5

¹ Water activated batteries must be replaced whenever they are used.

§ 28.145 Distress signals.

Except as provided by 28.305, after November 15, 1991, each vessel must be equipped with the distress signals specified in table 28.145.

TABLE 28.145.—DISTRESS SIGNALS

Area	Devices required
Ocean, more than 50 miles from coastline.	3 parachute flares, approval series 46 CFR 160.136; plus 6 hand flares, approval series 46 CFR 160.121; plus 3 smoke signals, approval series 46 CFR 160.122.
Ocean, 3-50 miles from the coastline; or more than 3 miles from the coastline on the Great Lakes.	3 parachute flares, approval series 46 CFR 160.136, or 160.036; plus 6 hand flares, approval series 46 CFR 160.121 or 160.021; plus 3 smoke signals, approval series 46 CFR 160.122, 160.022, or 160.037.

**TABLE 28.145.—DISTRESS SIGNALS—
Continued**

Area	Devices required
Coastal waters, excluding the Great Lakes; or within 3 miles of the coastline on the Great Lakes.	Night visual distress signals consisting of one electric distress light, approval series 46 CFR 161.013 or 3 approved flares; plus Day visual distress signals consisting of one distress flag, approval series 46 CFR 160.072, or 3 approved flares, or 3 approved smoke signals. ¹

¹ If flares are carried, the same 3 flares may be counted toward meeting both the day and night requirement.

§ 28.150 Emergency position indicating radio beacons (EPIRBs).

Each vessel must be equipped with an emergency position indicating radio beacon (EPIRB) as required by 46 CFR part 25, subpart 25.28.

Note: Each vessel which uses radio communication equipment must have a Ship

Radio Station License issued by the Federal Communications Commission, as set forth in 47 CFR part 80.

§ 28.155 Excess fire detection and protection equipment.

Installation of fire detection and protection equipment in excess of that required by the regulations in this subchapter is permitted provided that the excess equipment does not endanger the vessel or individuals on board in any way. The excess equipment must, at a minimum, be listed and labeled by an independent, nationally recognized testing laboratory and be in accordance with an appropriate industry standard for design, installation, testing, and maintenance.

§ 28.160 Portable fire extinguishers.

(a) Each vessel must meet the requirements of part 25, subpart 25.30 of this chapter.

(b) Each vessel 65 feet (19.8 meters) or more in length must be equipped with the minimum number, location, and type of portable fire extinguishers specified in table 28.160.

TABLE 28.160.—PORTABLE FIRE EXTINGUISHERS FOR VESSELS 65 FEET (19.8 METERS) OR MORE IN LENGTH

Space	Classification	Quantity and location
Safety areas, communicating corridors	A-II	1 in each main corridor not more than 150 feet (49.2 meters) apart. (May be located in stairways.)
Pilothouse	C-I	2 in vicinity of exit.
Service spaces, galleys	B-II or C-II	1 for each 2,500 square feet (269.1 sq. meters) or fraction thereof suitable for hazards involved.
Paint lockers	B-II	1 outside space in vicinity of exit.
Accessible baggage and storerooms	A-II	1 for each 2,500 square feet (269.1 sq. meters) or fraction thereof located in the vicinity of exits, either inside or outside the space.
Work shops and similar spaces	A-II	1 outside the space in vicinity of exit.
Machinery spaces; internal combustion propelling machinery.	B-II	1 for each 1,000 brake horsepower or fraction thereof but not less than 2 nor more than 6.
Electric propulsion motors or generator unit of open type	C-II	1 for each propulsion motor generator unit.
Auxiliary spaces	B-II	1 outside the space in the vicinity of exit.
Internal combustion machinery	B-II	1 outside the space in the vicinity of exit.
Electric emergency motors or generators	C-II	1 outside the space in the vicinity of exit.

§ 28.165 Injury placard.

Each vessel must have posted in a highly visible location accessible to the crew a placard measuring at least 5 inches by 7 inches (127 millimeters by 178 millimeters) which reads:

Notice

Report All Injuries

United States law, 46 United States Code 10003, requires each seaman on a fishing vessel, fish processing vessel, or fish tender vessel to notify the master or individual in charge of the vessel or other agent of the employer regarding any illness, disability, or injury suffered by the seaman when in service to the vessel not later than seven days after the date on which the illness, disability, or injury arose.

Subpart C—Requirements for Documented Vessels That Operate Beyond the Boundary Lines or With More Than 16 Individuals On Board

§ 28.200 Applicability.

Each documented commercial fishing industry vessel that operates beyond the Boundary Lines or that operates with more than 16 individuals on board must meet the requirements of this subpart in addition to the requirements of subparts A and B of this part.

§ 28.205 Fireman's outfits and self-contained breathing apparatus.

(a) Each vessel that operates with more than 49 individuals on board must be equipped with at least two fireman's

outfits stowed in widely separated locations.

(b) Each vessel that uses ammonia as a refrigerant must be equipped with at least two self-contained breathing apparatuses.

(c) A fireman's outfit must consist of one self-contained breathing apparatus with lifeline attached, one flashlight, a rigid helmet, boots, gloves, protective clothing, and one fire axe.

(d) At least one spare air bottle must be provided for each self-contained breathing apparatus.

(e) Each self-contained breathing apparatus must be approved by the Mine Safety and Health Administration (MSHA) and by the National Institute for Occupational Safety and Health

(NIOSH), have as a minimum a 30 minute air supply, and a full facepiece.

§ 28.210 First aid equipment and training.

(a) Each vessel must have on board a complete first aid manual and medicine chest of a size suitable for the number of individuals on board in a readily accessible location.

(b) *First aid and cardiopulmonary resuscitation (CPR) course certification.* Certification in first aid and CPR must be as described in this paragraph.

(1) First aid—a certificate indicating completion of a first aid course from:

(i) The American National Red Cross "Standard first Aid and Emergency Care" or "Multi-media Standard First Aid" course; or

(ii) A course approved by the Coast Guard under § 10.205(h)(1)(ii) of this chapter.

(2) CPR—A certificate indicating completion of course from:

(i) The American National Red Cross; or
(ii) The American Heart Association;

or
(iii) A course approved by the Coast guard under § 10.205(h)(2)(iii) of this chapter.

(c) After September 1, 1993, each vessel that operates with more than 2 individuals on board must have at least 1 individual certified in first aid and at least 1 individual certified in CPR. An individual certified in both first aid and CPR will satisfy both of these requirements.

(d) After September 1, 1993, each vessel that operates with more than 16 individuals on board must have at least 2 individuals certified in first aid and at least 2 individuals certified in CPR. An individual certified in both first aid and CPR may be counted against both requirements.

(e) After September 1, 1993, each vessel that operates with more than 49 individuals on board must have at least 4 individuals certified in first aid and at least 4 individuals certified in CPR. An individual certified in both first aid and CPR may be counted against both requirements.

§ 28.215 Guards for exposed hazards.

(a) Each space on board a vessel must meet the requirements of this section.

(b) Suitable hand covers, guards, or railing must be installed in way of machinery which can cause injury to personnel, such as gearing, chain or belt drives, and rotating shafting. This is not meant to restrict necessary access to fishing equipment such as winches, drums, or gurdies.

(c) Each exhaust pipe from an internal combustion engine which is within

reach of personnel must be insulated or otherwise guarded to prevent burns.

§ 28.225 Navigational information.

(a) Each vessel must have at least the following navigational information on board:

(1) Marine charts of the area to be transited, published by the National Ocean Service, Defense Mapping Agency Hydrographic/Topographic Center, U.S. Army Corps of Engineers, or a river authority that—

(i) Are of a large enough scale and have enough detail to make safe navigation of the area possible; and
(ii) Are currently corrected.

(2) For the area to be transited, a currently corrected copy of, or applicable currently corrected extract from, each of the following publications:

(i) U.S. Coast Pilot; and
(ii) Coast Guard Light List.

(3) For the area to be transited, the current edition of, or applicable current extract from, each of the following publications:

(i) Tide tables published by the National Ocean Service; and
(ii) Tidal current tables published by the National Ocean Service, or river current publication issued by the U.S. Army Corps of Engineers or a river authority.

(b) Each vessel of 39.4 feet (12 meters) or more in length that operates shoreward of the COLREG Demarcation Lines, as set forth in 33 CFR part 80, must carry on board and maintain for ready reference a copy of the Inland Navigation Rules, as set forth in 33 CFR chapter I, subchapter E.

§ 28.230 Compasses.

Each vessel must be equipped with an operable magnetic steering compass with a compass deviation table at the operating station.

§ 28.235 Anchors and radar reflectors.

(a) Each vessel must be fitted with an anchor(s) and chain(s), cable, or rope appropriate for the vessel and the waters of the intended voyage.

(b) Except for a vessel rigged with gear that provides a radar signature from a distance of 6 miles, each nonmetallic hull vessel must have a radar reflector.

§ 28.240 General alarm system.

(a) Except as provided in paragraph (f) of this section, after September 1, 1992, each vessel with an accommodation space or a work space which is not adjacent to the operating station, must have an audible general alarm system with a contact-maker at the operating station suitable for

notifying individuals on board in the event of an emergency.

(b) The general alarm system must be capable of notifying an individual in any accommodation space or work space where they may normally be employed.

(c) In a work space where background noise makes a general alarm system difficult to hear, a flashing red light must also be installed.

(d) Each general alarm bell and flashing red light must be identified with red lettering at least ½ inch (13 millimeters) high as follows:

Attention

General Alarm—When Alarm Sounds Go to Your Station.

(e) A general alarm system must be tested prior to operation of the vessel and at least once each week thereafter.

(f) A public address system or other means of alerting all individuals on board may be used in lieu of a general alarm system provided it complies with paragraphs (b), (c), and (e) of this section and can be activated from the operating station.

§ 28.245 Communication equipment.

(a) Except as provided in paragraphs (b) through (e) of this section, each vessel must be equipped as follows.

(1) Each vessel must be equipped with a VHF radiotelephone capable of transmitting and receiving on the frequency or frequencies within the 156–162 MHz band necessary to communicate with a public coast station or U.S. Coast Guard station serving the area in which the vessel is operating.

(2) Each vessel that operates more than 20 miles from the coastline, in addition to the VHF radiotelephone required by paragraph (a)(1) of this section, must be equipped with a radiotelephone transceiver capable of transmitting and receiving on frequencies in the 2–4 MHz band necessary to communicate with a public coast station or U.S. Coast Guard station serving the area in which the vessel is operating.

(3) Each vessel that operates more than 100 miles from the coastline, in addition to the communication equipment required by paragraph (a)(1) of this section must be equipped with a radiotelephone transceiver capable of transmitting and receiving on frequencies in the 2–27.5 MHz band necessary to communicate with a public coast station or U.S. Coast Guard station serving the area in which the vessel is operating.

(4) Each vessel that operates in waters contiguous to Alaska where no public coast station or U.S. Coast Guard

station is within communications range of a VHF radio transceiver operating on the 150-162 MHz band or the 2-4 MHz band, in addition to the VHF radio communication equipment required by paragraph (c)(1) of this section, must be equipped with a radiotelephone transceiver capable of transmitting and receiving on frequencies in the 2-27.5 MHz band necessary to communicate with a public coast station or a U.S. Coast Guard station serving the area in which the vessel is operating.

(b) A single radio transceiver capable of meeting the requirements of paragraphs (a) (2) and (3), or paragraphs (a) (2), (3), and (4) of this section, is acceptable.

(c) Satellite communication capability with the system servicing the area in which the vessel is operating is acceptable as an alternative to the requirements of paragraphs (a)(2), (a)(3), or (a)(4) of this section.

(d) A cellular telephone capable of communicating with a public coast station or a U.S. Coast Guard station serving the area in which the vessel is operating is acceptable as an alternative to the requirements of paragraphs (a)(2), (a)(3), or (a)(4) of this section.

(e) A radiotelephone transceiver installed on board a vessel before September 15, 1991, capable of transmitting and receiving on frequencies on the 4-20 MHz band may continue to be used to satisfy the requirements of paragraphs (a)(3) and (a)(4) of this section.

(f) The principle operating position of the communication equipment must be at the operating station.

(g) Communication equipment must be installed to ensure safe operation of the equipment and to facilitate repair. It must be protected against vibration, moisture, temperature, and excessive currents and voltages. It must be located so as to minimize the possibility of water intrusion from windows broken by heavy seas.

(h) Communication equipment must comply with the technical standards and operating requirements issued by the Federal Communications Commission, as set forth in 47 CFR part 80.

Note: Each vessel which uses radio equipment to meet the communication requirements of this section must have a Ship Radio Station License issued by the Federal Communications Commission, as set forth in 47 CFR part 80.

(i) All communication equipment must be provided with an emergency source of power that complies with § 23.375.

§ 28.250 High water alarms.

On a vessel 36 feet (11.8 meters) or more in length, a visual and audible

alarm must be provided at the operating station to indicate high water level in each of the following normally unmanned spaces:

(a) A space with a through-hull fitting below the deepest load waterline, such as the lazarette;

(b) A machinery space bilge, bilge well, shaft alley bilge, or other space subject to flooding from sea water piping within the space; and

(c) A space with a non-watertight closure, such as a space with a non-watertight hatch on the main deck.

§ 28.255 Bilge pumps, bilge piping, and dewatering systems.

(a) Each vessel must be equipped with a bilge pump and bilge piping capable of draining any watertight compartment, other than tanks and small buoyancy compartments, under all service conditions. Large spaces, such as engine rooms must be fitted with more than one suction line.

(b) In addition to the requirements of paragraph (a) of this section, a space used in the sorting or processing of fish in which water is used must be fitted with dewatering system capable of dewatering the space under normal conditions of list and trim at the same rate as water is introduced. Pumps used as part of the processing of fish do not count for meeting this requirement. The dewatering system must be interlocked with the pump(s) supplying water to the space, so that in the event of failure of the dewatering system, the water supply is inactivated.

(c) Except as provided by paragraph (f) of this section, each vessel 79 feet (24 meters) or more in length must be equipped with a fixed, self-priming, powered, bilge pump connected to a bilge manifold.

(d) If a bilge pump required by paragraph (a) of this section is portable, it must be provided with a suitable suction hose of adequate length to reach the bilges of each watertight compartment; it must serve and with a discharge hose of adequate length to ensure overboard discharge. A portable pump must be capable of dewatering each space it serves at a rate of at least 2 inches (51 millimeters) of water depth per minute.

(e) Except for a fire pump required by § 28.315, a bilge pump may be used for other purposes.

(f) Except where an individual pump is provided for a separate space or for a portable pump, each individual bilge suction line must be led to a manifold. Each bilge suction line must be provided with a stop valve at the manifold and a check valve at some accessible point in

the bilge line to prevent unintended flooding of a space.

(g) Each bilge suction line and dewatering system suction must be fitted with a suitable strainer to prevent clogging of the suction line. Strainers must have an open area of not less than three times the open area of the suction line.

(h) Each vessel must comply with the oil pollution prevention requirements of 33 CFR parts 151 and 155.

§ 28.260 Electronic position fixing devices.

Each vessel 79 feet (24 meters) or more in length must be equipped with an electronic position fixing device capable of providing accurate fixes for the area in which the vessel operates.

§ 28.265 Emergency instruction.

(a) Except as provided in paragraphs (b) and (c) of this section, each vessel must have emergency instructions posted in conspicuous locations accessible to the crew.

(b) The instructions identified in paragraphs (d)(6), (d)(7), (d)(8), and (d)(9) of this section, may be kept readily available as an alternative to posting.

(c) On a vessel which operates with less than 4 individuals on board, the emergency instructions may be kept readily available as an alternative to posting.

(d) The emergency instructions required by this section must identify at least the following information, as appropriate for the vessel:

(1) The survival craft embarkation stations aboard the vessel and the survival craft to which each individual is assigned;

(2) The fire and emergency signal and the abandon ship signal;

(3) If immersion suits are provided, the location of the suits and illustrated instructions on the method for donning the suits;

(4) Procedures for making a distress call, such as:

(i) Make sure your communication equipment is on.

(ii) Select 156.3 MHz (VHF channel 16), 2182 kHz, or other distress frequency used in your area of operation. Note: VHF channel 16 and 2182 kHz on SSB are for emergency and calling purposes only.

(iii) Press microphone button and speaking slowly—clearly—calmly say: "Mayday—Mayday—Mayday"

(iv) Say: "This is the M/V (Insert name of your vessel), (Insert name of your vessel), (Insert name of your vessel), Over."

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Mary Van Nimwegen

House Transportation 4-14-92