

September 2015

U.S. Department of
Homeland SecurityUnited States
Coast GuardCommandant
United States Coast Guard2703 Martin Luther King Jr. Ave. SE
Washington, DC 20593-7501
Staff Symbol: CG-CVC-3
Phone: (202) 372-1249
Fax: (202) 372-8377
Email: CGCVC3@uscg.mil

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Dear Commercial Fishing Industry Vessel Owner and Operator:

As you are likely aware, the *Coast Guard Authorization Act of 2010 (P.L. 111-281)* ("2010 CGAA") and the *Coast Guard and Maritime Transportation Act of 2012 (P.L. 112-213)* ("2012 CGMTA") mandated certain requirements, the deadlines of which are fast approaching. This letter is to remind you of one of these requirements, namely the mandatory dockside safety examination, and to assist you in ensuring your vessel remains in compliance with all federal laws and regulations.

Mandatory dockside safety examinations are required for certain fishing vessels starting October 15, 2015. Here are the basic things you need to know:

1. If you fish outside 3 nautical miles (NM) from ~~shore~~^{baseline}, or, if you carry more than 16 individuals on board regardless of where you operate, or, if you are engaged in the Aleutian Trade, you will have to successfully complete a dockside safety examination and be issued a safety decal for your commercial fishing vessel no later than October 15, 2015.
2. If you fall into these categories and have previously had your vessel examined after January 1, 2013, you are not required to have your vessel re-examined until five years from the date of the examination when the decal was issued. However, it is recommended, and you are highly encouraged to have your vessel re-examined prior to the expiration date on your decal and be issued a new decal to show compliance with current requirements.
3. To arrange for an examination, or to obtain more information on methods to ensure compliance, please contact your local Coast Guard Sector, Marine Safety Unit, or Field Office and ask for the local fishing vessel safety examiner. You may also request an examination through a link on our www.fishsafe.info website. The examiner will make every effort to accommodate your operations and schedule an examination, but I highly encourage you to reach out to your local unit early and not wait until the deadline.

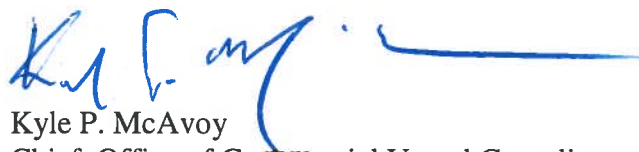
The 2010 CGAA required that all commercial fishing, fish tender, and fish processing vessels that operate more than 3 NM offshore, carry more than 16 individuals, or, for the purposes of a fish tender, engage in the Aleutian trade, demonstrate full compliance with fishing vessel safety regulations by completing a biennial dockside safety examination. The 2012 CGMTA specified that completion of the first exam shall be no later than October 15, 2015 and allowed for follow-on exams *at least* once every 5 years (vice biennially). The successful completion of an examination and thus the receipt of a safety decal will demonstrate that your vessel is in compliance with current safety regulations and requirements found at 46 CFR Part 28.

If you are boarded by the Coast Guard and found not in full compliance with the current regulations or statutory requirements, you may be subject to enforcement action, to include a civil penalty, termination of the vessel's voyage, or other operational controls. Having a current and valid safety decal on your vessel may reduce the extent and time Boarding Officers will examine safety and survival equipment on your vessel because the decal indicates your were in compliance with those requirements. A safety decal will not, however, limit boardings for fisheries enforcement purposes.

Please be aware that this letter is not intended to limit or alter requirements that may exist elsewhere. For example, a safety examination requirement may already be in effect for your vessel if you are required to carry a NOAA Fisheries Observer. If so, you are required by NOAA regulations in ⁵⁰46 CFR Part 600.746 to have completed a safety examination and been issued a safety decal within the last two years.

While this letter primarily focuses on the Congressional mandate found in the *2010 CGAA* and *2012 CGTMA* regarding mandatory dockside safety examinations, there are other requirements that will affect commercial fishing vessels. For example, Section 609 of *2010 CGAA* added a new section 3104 to Part B of 46 U.S. Code. Section 3104 prohibits the approval of survival craft unless that craft "ensures that no part of an individual is immersed in water" and allows survival craft currently in service that do not meet this standard to remain in service as approved survival craft only until January 1, 2015. In section 303 of the *2012 CGTMA*, Congress directed the Coast Guard to submit a report on the carriage of survival craft that ensure no part of an individual is immersed in water, and to delay implementation of the elimination of survival craft that do not meet this standard until 30 months from the submission of the report. The Coast Guard submitted its report on August 26, 2013, making February 26, 2016 the date that existing survival craft that immerse any part of a body in water be replaced with survival craft that do not. By current statutory mandate, therefore, all existing approvals of a survival craft that does not keep an individual out of the water will become invalid on February 26, 2016, and all commercial fishing, fish tender, and fish processing vessels that operate beyond 3NM must carry survival craft that ensure no part of an individual is immersed in water, and is sufficient to accommodate all individuals on board.

If you have any questions, please feel free to contact Mr. Jack Kemerer, Chief of my Fishing Vessels Division at Coast Guard Headquarters (CGCVVC3@uscg.mil), or one of our Area or District Fishing Vessel Safety Program coordinators listed on our website.



Kyle P. McAvoy
Chief, Office of Commercial Vessel Compliance
U.S. Coast Guard
By direction