

**CHAPTER 45—UNINSPECTED COMMERCIAL FISHING INDUSTRY VESSELS**

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AMENDMENTS

2010—Pub. L. 111-281, title VI, § 604(c)(4), (e)(2), Oct. 15, 2010, 124 Stat. 2965, 2966, substituted “Fishing, fish tender, and fish processing vessel certification” for “Fish processing vessel certification” in item 4503 and “Commercial Fishing Safety Advisory Committee” for “Commercial Fishing Industry Vessel Safety Advisory Committee” in item 4508.

2002—Pub. L. 107-295, title III, § 331(b), Nov. 25, 2002, 116 Stat. 2105, inserted “Safety” before “Advisory Committee” in item 4508.

1988—Pub. L. 100-424, § 2(a), Sept. 9, 1988, 102 Stat. 1585, in chapter heading substituted “UNINSPECTED COMMERCIAL FISHING INDUSTRY VESSELS” for “FISH PROCESSING VESSELS”, substituted “Safety standards” for “Regulations” in item 4502, “Fish processing vessel certification” for “Equivalency” in item 4503, “Prohibited acts” for “Penalties” in item 4504, and added items 4505 to 4508.

**§ 4501. Application**

(a) This chapter applies to an uninspected vessel which is a fishing vessel, fish processing vessel, or fish tender vessel.

(b) This chapter does not apply to the carriage of bulk dangerous cargoes regulated under chapter 37 of this title.

(Added Pub. L. 98-364, title IV, § 402(7)(C), July 17, 1984, 98 Stat. 446; amended Pub. L. 100-424, § 2(a), Sept. 9, 1988, 102 Stat. 1585.)

AMENDMENTS

1988—Pub. L. 100-424 amended section generally, in subsec. (a) substituting provisions which related to uninspected fish processing vessel entered into service after Dec. 31, 1987, having more than 16 individuals on board primarily employed in preparation of fish on navigable waters of United States or owned in United States and operating on high seas, for provisions which related to uninspected fishing vessel, fish processing vessel, or fish tender vessel, and in subsec. (b) substituting “carriage of bulk” for “carriage of liquid bulk”.

FOREIGN BUILT VESSELS, EQUIVALENT COMPLIANCE UNTIL JULY 28, 1990

Pub. L. 100-424, § 7, Sept. 9, 1988, 102 Stat. 1592, provided that: “Until July 28, 1990, a foreign built fish processing vessel subject to chapter 45 of title 46, United States Code, is deemed to comply with the requirements of that chapter if—

- “(1) it has an unexpired certificate of inspection issued by a foreign country that is a party to an International Convention for Safety of Life at Sea to which the United States Government is a party; and
- “(2) it is in compliance with the safety requirements of that foreign country that apply to that vessel.”

**§ 4502. Safety standards**

(a) The Secretary shall prescribe regulations which require that each vessel to which this chapter applies shall be equipped with—

(1) readily accessible fire extinguishers capable of promptly and effectively extinguishing a flammable or combustible liquid fuel fire;

(2) at least one readily accessible life preserver or other lifesaving device for each individual on board;

(3) an efficient flame arrestor, backfire trap, or other similar device on the carburetors of each inboard engine which uses gasoline as fuel;

(4) the means to properly and efficiently ventilate enclosed spaces, including engine and fuel tank compartments, so as to remove explosive or flammable gases;

(5) visual distress signals;

(6) other equipment required to minimize the risk of injury to the crew during vessel operations, if the Secretary determines that a risk of serious injury exists that can be eliminated or mitigated by that equipment; and

(7) a placard as required by regulations prescribed under section 10603(b) of this title.

(b)(1) In addition to the requirements of subsection (a) of this section, the Secretary shall prescribe regulations requiring the installation, maintenance, and use of the equipment in paragraph (2) of this subsection for vessels to which this chapter applies that—

(A) operate beyond 3 nautical miles from the baseline from which the territorial sea of the United States is measured or beyond 3 nautical miles from the coastline of the Great Lakes;

(B) operate with more than 16 individuals on board; or

(C) in the case of a fish tender vessel, engage in the Aleutian trade.

(2) The equipment to be required is as follows:

(A) alerting and locating equipment, including emergency position indicating radio beacons;

(B) a survival craft that ensures that no part of an individual is immersed in water sufficient to accommodate all individuals on board;

(C) at least one readily accessible immersion suit for each individual on board that vessel when operating on the waters described in section 3102 of this title;

(D) marine radio communications equipment sufficient to effectively communicate with land-based search and rescue facilities;

(E) navigation equipment, including compasses, nautical charts, and publications;

(F) first aid equipment and medical supplies sufficient for the size and area of operation of the vessel; and

(G) ground tackle sufficient for the vessel.

(c)(1) In addition to the requirements described in subsections (a) and (b) of this section, the Secretary may prescribe regulations establishing the standards in paragraph (2) of this subsection for vessels to which this chapter applies that—

(A)(i) were built after December 31, 1988, or undergo a major conversion completed after that date; and

(ii) operate with more than 16 individuals on board; or

(B) in the case of a fish tender vessel, engage in the Aleutian trade.

(2) The standards shall be minimum safety standards, including standards relating to—

- (A) navigation equipment, including radars and fathometers;
- (B) lifesaving equipment, immersion suits, signaling devices, bilge pumps, bilge alarms, life rails, and grab rails;
- (C) fire protection and firefighting equipment, including fire alarms and portable and semiportable fire extinguishing equipment;
- (D) use and installation of insulation material;
- (E) storage methods for flammable or combustible material; and
- (F) fuel, ventilation, and electrical systems.

(d)(1) The Secretary shall prescribe regulations for the operating stability of a vessel to which this chapter applies—

- (A) that was built after December 31, 1989; or
- (B) the physical characteristics of which are substantially altered after December 31, 1989, in a manner that affects the vessel's operating stability.

(2) The Secretary may accept, as evidence of compliance with this subsection, a certification of compliance issued by the person providing insurance for the vessel or by another qualified person approved by the Secretary.

(e) In prescribing regulations under this chapter, the Secretary—

- (1) shall consider the specialized nature and economics of the operations and the character, design, and construction of the vessel; and
- (2) may not require the alteration of a vessel or associated equipment that was constructed or manufactured before the effective date of the regulation.

(f) To ensure compliance with the requirements of this chapter, the Secretary—

- (1) shall require the individual in charge of a vessel described in subsection (b) to keep a record of equipment maintenance, and required instruction and drills;
- (2) shall examine at dockside a vessel described in subsection (b) at least once every 5 years, and shall issue a certificate of compliance to a vessel meeting the requirements of this chapter; and
- (3) shall complete the first dockside examination of a vessel under this subsection not later than October 15, 2015.

(g)(1) The individual in charge of a vessel described in subsection (b) must pass a training program approved by the Secretary that meets the requirements in paragraph (2) of this subsection and hold a valid certificate issued under that program.

(2) The training program shall—

- (A) be based on professional knowledge and skill obtained through sea service and hands-on training, including training in seamanship, stability, collision prevention, navigation, fire fighting and prevention, damage control, personal survival, emergency medical care, emergency drills, and weather;
- (B) require an individual to demonstrate ability to communicate in an emergency situation and understand information found in navigation publications;

(C) recognize and give credit for recent past experience in fishing vessel operation; and

(D) provide for issuance of a certificate to an individual that has successfully completed the program.

(3) The Secretary shall prescribe regulations implementing this subsection. The regulations shall require that individuals who are issued a certificate under paragraph (2)(D) must complete refresher training at least once every 5 years as a condition of maintaining the validity of the certificate.

(4) The Secretary shall establish an electronic database listing the names of individuals who have participated in and received a certificate confirming successful completion of a training program approved by the Secretary under this section.

**(h) A vessel to which this chapter applies shall be constructed 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, if—**

- (1) subsection (b) of this section applies to the vessel;**
- (2) the vessel is less than 50 feet overall in length; and**
- (3) the vessel is built after January 1, 2010.**

(i)(1) The Secretary shall establish a Fishing Safety Training Grants Program to provide funding to municipalities, port authorities, other appropriate public entities, not-for-profit organizations, and other qualified persons that provide commercial fishing safety training—

- (A) to conduct fishing vessel safety training for vessel operators and crewmembers that—
  - (i) in the case of vessel operators, meets the requirements of subsection (g); and
  - (ii) in the case of crewmembers, meets the requirements of subsection (g)(2)(A), such requirements of subsection (g)(2)(B) as are appropriate for crewmembers, and the requirements of subsections (g)(2)(D), (g)(3), and (g)(4); and
- (B) for purchase of safety equipment and training aids for use in those fishing vessel safety training programs.

(2) The Secretary shall award grants under this subsection on a competitive basis.

(3) The Federal share of the cost of any activity carried out with a grant under this subsection shall not exceed 75 percent.

(4) There is authorized to be appropriated \$3,000,000 for each of fiscal years 2015 through 2017 for grants under this subsection.

(j)(1) The Secretary shall establish a Fishing Safety Research Grant Program to provide funding to individuals in academia, members of non-profit organizations and businesses involved in fishing and maritime matters, and other persons with expertise in fishing safety, to conduct research on methods of improving the safety of the commercial fishing industry, including vessel design, emergency and survival equipment, enhancement of vessel monitoring systems, communications devices, de-icing technology, and severe weather detection.

(2) The Secretary shall award grants under this subsection on a competitive basis.