

**DISCUSSION AND GUIDANCE**  
**ON**  
**NEWLY BUILT COMMERCIAL FISHING VESSELS,  
SUBSTANTIAL CHANGE TO A VESSEL,  
ALTERNATE SAFETY COMPLIANCE PROGRAMS, AND  
MANDATORY SAFETY EXAMINATIONS**

**PURSUANT TO *THE COAST GUARD AUTHORIZATION ACT OF 2010***

The *Coast Guard Authorization Act of 2010* (CGAA), signed into law on October 15, 2010, established numerous new safety requirements for US commercial fishing vessels (CFV). Members of the CFV industry have expressed concern over the new vessel construction standards and provisions in the CGAA that require certain vessels to complete a dockside safety examination at least once every two years. These requirements are summarized in the following four paragraphs by topic. The discussion following those paragraphs offers insight that may help answer general inquiries about these requirements.

Construction standards for smaller vessels. The CGAA, Section 604(a)(4), requires a CFV built after January 1, 2010 that is less than 50 feet overall in length that operates beyond 3 nautical miles (of the baseline of the territorial sea or the shoreline of the Great Lakes), or with more than 16 individuals onboard, or as a fish tender vessel engaged in the Aleutian trade, to be constructed in a manner that provides a level of safety equivalent to the standards for recreational vessels established under 46 U.S.C. § 4302. Existing recreational vessel standards can be found in 33 CFR Parts 181 and 183.

Classing of vessels. The CGAA, Section 604(e)(1), extends the survey and classification requirements that formerly applied only to fish processing vessels in 46 U.S.C. § 4503 to all CFVs that are at least 50 feet overall in length, built after July 1, 2012, and that operate beyond the 3-mile line. Section 604(e)(1), prescribes these survey and classification requirements as those requirements of the American Bureau of Shipping or another similarly qualified organization approved by the Secretary.

Alternate safety compliance. The CGAA, Section 604(e)(1), also requires that CFVs of at least 50 feet overall in length, built before July 1, 2012, that are 25 years of age or older, and operate beyond the 3-mile line will need to comply with Coast Guard alternate safety compliance program requirements after January 1, 2020. A CFV built before July 1, 2012 that undergoes a substantial change to the vessel's dimensions, or a change to the type of vessel, completed after July 1, 2012, or a date established by the Secretary, will also need to comply with an alternate safety compliance program. The alternate safety compliance program(s) requirements are yet to be developed, but will be developed in cooperation with the commercial fishing industry and must be prescribed by January 1, 2017, in accordance with the CGAA, Section 604(f).

Vessel examinations. The CGAA, Section 604(a)(3), mandates a dockside safety examination at least once every 2 years for each CFV operating 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, or with more than 16 individuals onboard (whether inside or outside of the 3-mile line), or as a fish tender vessel engaged in the Aleutian trade. Vessels are to be issued a certificate of compliance to show they meet all applicable requirements of the law and regulations.

The CGAA provisions outlined above were effective upon enactment of the statute. The Coast Guard has opened a rulemaking project to align the 46 CFR Part 28 regulations with those statutory requirements. We have received inquiries from the public and industry on several aspects of the CGAA. Most of these have asked, “what is meant when the CGAA refers to a vessel’s ‘built’ date or a ‘substantial change’.”

The term “built,” as used to delineate a vessel’s build date, is used throughout International Conventions, U.S. law, and Coast Guard regulations as the date when the vessel’s keel is laid or reaches a similar stage of construction. Consistent with those intentions, the term “built,” as it applies to newly constructed CFVs (post July 1, 2012, or post January 1, 2010 for smaller vessels, which are the effective dates in the CGAA), means: when a vessel’s keel is laid; or when construction identifiable with the vessel has begun.

For the purposes of meeting requirements of an alternate safety compliance program, the term “substantial change,” has the same meaning as the term “major conversion” as defined by 46 U.S.C. § 2101(14a). A substantial change or major conversion under this definition means a conversion of a vessel that: substantially changes the dimensions (e.g. length, breadth, or depth) or carrying capacity of the vessel; changes the type of the vessel; substantially prolongs the life of the vessel; or, otherwise so changes the vessel that it is essentially a new vessel, as decided by the Commandant.

Biennial dockside safety examinations for CFVs that operate beyond 3 nautical miles of the baseline, operate with more than 16 individuals on board, or operate as a fish tender vessel engaged in the Aleutian trade will begin on October 16, 2012. A notice of this examination requirement was provided to vessel owners and operators on August 15, 2012 via a public letter. That letter and additional safety information is on our web site ([www.fishsafe.info](http://www.fishsafe.info)).

The information provided in this document has been developed by the U.S. Coast Guard, Fishing Vessels Division, Office of Commercial Vessel Compliance, Washington, DC. For more information on Fishing Vessel Safety, please visit [www.fishsafe.info](http://www.fishsafe.info). Questions may be directed to Mr. Jack Kemerer at 202-372-1249, or [jack.a.kemerer@uscg.mil](mailto:jack.a.kemerer@uscg.mil).

This document is intended to provide operational requirements for Coast Guard personnel and is not legally binding on any member of the public. Members of the public may use alternative approaches so long as they comply with existing statutes and regulations.