

Q & As - COMMERCIAL F/V SAFETY TRAINING REQUIREMENTS
CURRENT REQUIREMENTS:

April 2012

Q- Who is currently required to have safety training such as emergency instructions, drills and safety orientations?

A- Documented commercial fishing vessels, of any length or with any size crew, that operate beyond the U.S. Boundary Line, or documented fishing vessels with more than 16 individuals onboard operating inside the U.S. Boundary Line, or Fish Tender vessels engaged in the Aleutian Trade. (46 C.F.R. Part 28 Subpart C)

Q- Where is the federal "Boundary Line"?

A- Generally speaking, it is a line that follows the trend of the seaward high water shorelines and crosses entrances to small bays, inlets and rivers. 46 CFR Part 7 gives specific descriptions, particularly where they deviate from this general description. For example, in the Gulf of Mexico this line is 12 nautical miles from high water shorelines.

Q- What is a "documented vessel"?

A- Federal law requires that any vessel of at least 5 net tons which engages in the fisheries on the navigable waters of the United States or in the Exclusive Economic Zone (and Great Lakes trade or coastwise trade) must have a Certificate of Documentation bearing a valid endorsement appropriate for the activity in which engaged. A fishery endorsement entitles a vessel to employment in the fisheries as defined, subject to Federal and State laws, and entitles the vessel to land its catch, wherever caught, in the U.S.

Q- What type of safety training is required **currently** for documented vessels operating beyond the Boundary line?

A- See first question and response above. Monthly emergency drills and instruction (46 C.F.R. § 28.270(a). Emergency Drill Conductor training for the person conducting the required monthly emergency drills on a vessel (46 C.F.R. § 28.270(c)). Also, First Aid/CPR if more than 2 individuals are onboard (46 C.F.R. § 28.210).

Q- What are the requirements for First Aid/CPR training based on number of crewmembers?

A- Under 46 C.F.R. § 28.210, Commercial Fishing Vessel First Aid/CPR training requirements vary based on the number of individuals on board the vessel.

- 3-16 people onboard: 1 person First Aid and 1 CPR trained (can be same person).
- 17-49 people onboard: 2 people First Aid and 2 CPR trained (can be same persons).
- 50 or more onboard: 4 people First Aid and 4 CPR trained (can be same persons).

Q- Is First Aid/CPR or Drill Conductor refresher training **currently** required?

A- An individual trained as a Drill Conductor and holding proof of such training is currently not required to complete refresher training. An individual trained in First Aid and/or CPR must hold a certificate indicating completion of an approved course. While the regulations in 46 CFR 28.210 do not specifically state that refresher training is required, they do state that the individual(s) must be certified. Since certifications have an expiration date, refresher training is necessary to keep a certification current and valid.

Q- When are emergency drills required?

A- At least once each month when the vessel is working. (See 46 CFR 28.270)

Q- Who may conduct the monthly emergency drills? How long has this been in effect?

A- Since 1994, only an individual who is trained in the proper procedures in conducting the drills (a "F/V Drill Conductor"). The Drill Conductor does not have to be a member of the crew. Since 1994, the person conducting the drills must be able to show a valid "Drill Conductor certificate".

Q- Can a Coast Guard license or STCW Basic Safety Training certificate substitute for a Drill Conductor certificate?

A- No, these do not cover all the fishing vessel safety procedures for emergency drills.

FUTURE TRAINING REQUIREMENTS

- Q- Didn't **new** fishing safety training requirements become law in 2010?
- A- Congress adopted the Coast Guard Authorization Act that was signed into law October 15, 2010. However, new training requirements in the law will not be fully implemented until regulations are published that are in line with that law. These pending regulations are being drafted and will be published as soon as they have cleared all administrative reviews.
- Q- Are there changes in the new fishing vessel statutes that will affect who has to be trained?
- A- Yes. Under the 2010 law, the U.S. Boundary Line is replaced by the 3 mile line as the applicable operating area, the same as the EPIRB requirement. In addition, the training is required for the operator of both state-registered and federally-documented fishing vessels operating beyond 3 nautical miles.
- Q- What are the potential future training requirements?
- A- Under the 2010 law, individuals in charge of a fishing vessel have to pass a training program and/or demonstrate knowledge and competency in seamanship, navigation and publications, collision prevention, stability, fire fighting and prevention, damage control, personal survival, emergency medical care, emergency drills, weather, and emergency communication. Curriculum requirements are being developed.
- Q- Will the trainee have to be a member of the crew?
- A- Yes, the master or individual in charge.
- Q- Will there be grandfathering for some of these topics for those with sea time experience?
- A- Under the 2010 law, the program also must recognize and give credit for recent past relevant experience in fishing vessel operation. If you hold a license issued by the Coast Guard, you may receive credit toward some of the competencies.
- Q- When will this training be required?
- A- No date is set at this time. The regulations are under development. There could be some type of a phase-in period.
- Q- Will there be a period of time to obtain training before it is required?
- A- This will be determined as the Coast Guard develops its new regulations. It is possible that implementation could stretch over several years.
- Q- Will refresher training be required?
- A- Yes. Under the 2010 law, the training certification will be valid for 5 years after which refresher training will be required to keep the certificate current for another 5 years.
- Q- What are the changes in the law and pending regulations that will affect training?
- A- The pending regulations will fully implement the 2010 law. Under that law, the change in treating state-numbered fishing vessels the same as documented vessels requires more people to be trained, since state-numbered vessels were previously exempt from training and drill requirements. Also, changing the demarcation line for applicability from the Boundary Line to 3 nautical miles requires additional vessels and fishermen to comply with training requirements. However, where the Boundary Line is inside 3 nautical miles, if fishermen do not go outside of 3 nautical miles, the 2010 law exempts them from some of these requirements.