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give notice of illness, injury, or disability to their employer.

§ 28.20 OMB control numbers.

(a) This section collects and displays the control numbers assigned to information collection and recordkeeping requirements in this part by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). This section complies with the requirements of 44 U.S.C. 3507(f) which requires that agencies display a current control number assigned by the Director of the OMB for each approved agency information collection requirement.

(b) Display.

46 CFR part or section where identified or described	Current OMB control No.
§ 28.80	1625–0061
§ 28.90	1625–0061
§ 28.135	1625–0061
§ 28.165	1625–0061
§ 28.530	1625–0061
§ 28.710	1625–0061
§ 28.720	1625–0061

[CGD 88–079, 56 FR 40393, Aug. 14, 1991, as amended by USCG–2004–18884, 69 FR 58344, Sept. 30, 2004]

Subpart A—General Provisions

§ 28.10 Authority.

The regulations in this part are prescribed by the Commandant of the Coast Guard, pursuant to a delegation of authority by the Secretary of Transportation set forth in 49 CFR 1.46(b), to carry out the intent and purpose of 46 U.S.C. 3316 which authorizes the Secretary to rely on reports, documents, and certificates issued by the American Bureau of Shipping (ABS) or a similar United States classification society, or an agent of the ABS or similar society; sections 4502 and 4506 which require safety equipment and operational stability for certain vessels in the commercial fishing industry; section 6104 which requires the Secretary of Transportation to compile statistics concerning marine casualties compiled from vessel insurers and to delegate that authority to compile statistics from insurers to a qualified person; and section 10603 which requires seamen on commercial fishing industry vessels to

§ 28.30 Applicability.

(a) Except as provided in paragraph (b) of this section, this part is applicable to all United States flag vessels not inspected under this chapter that are commercial fishing, fish processing, or fish tender vessels. This includes vessels documented under the provisions of subchapter G of this chapter and vessels numbered by a State or the Coast Guard under the provisions of 33 CFR subchapter S. Certain regulations in this part apply only to limited categories of vessels. Specific applicability statements are provided at the beginning of those regulations.

(b) This part does not apply to a small boat or auxiliary craft that is deployed from a fishing industry vessel for the purpose of handling fishing gear.

[CGD 88–079, 56 FR 40393, Aug. 14, 1991; 56 FR 49822, Oct. 1, 1991, as amended by USCG–2004–18884, 69 FR 58344, Sept. 30, 2004; USCG–2004–18884, 69 FR 68089, Nov. 23, 2004]

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§ 28.40 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a). To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and make the material available to the public. All approved material is on file at the U.S. Coast Guard, Office of Design and Engineering Standards (G-MSE), 2100 Second

Street SW., Washington, DC 20593-0001 or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. All material is available from the sources indicated in paragraph (b) of this section.

(b) The material approved for incorporation by reference in this part and the sections affected are:

American Boat and Yacht Council (ABYC),	
3069 Solomons Island Road, Edgewater, MD 21037	
E-1-1972—Bonding of Direct Current Systems	28.345
E-8-1985—Alternating Current (AC) Electrical Systems on Boats.	28.345
E-9-1981—Recommended Practices and Standards Covering Direct Current (DC) Electrical Systems on Boats.	28.345
H-2-1989—Ventilation of Boats Using Gasoline	28.340
H-25-1986—Portable Fuel Systems for Flammable Liquids ..	28.335
H-33-1989—Diesel Fuel Systems	28.335
P-1-1986—Installation of Exhaust Systems for Propulsion and Auxiliary Engines.	28.380
American Society for Testing and Materials (ASTM),	
100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.	
ASTM F 1321-92, Standard Guide for Conducting a Stability Test (Lightweight Survey and Inclining Experiment) to Determine the Light Ship Displacement and Centers of Gravity of a Vessel.	28.535
International Maritime Organization (IMO),	
Publications Section, 4 Albert Embankment, London SE1 7SR, United Kingdom:	
Resolution A.658(16) “Use and Fitting of Retro-Reflective Materials on Life-Saving Appliances”, dated November 1989.	28.135
National Fire Protection Association (NFPA),	
1 Batterymarch Park, Quincy, MA 02269:	
70-1990—National Electrical Code (also known as ANSI/NFPA 70-1990).	28.350; 28.370; 28.865
302-1989—Pleasure and Commercial Motor Craft	28.335; 28.340; 28.345
17-1985—Dry Chemical Extinguishing Systems	28.330
17A-1986—Wet Chemical Extinguishing Systems	28.330
Society of Automotive Engineers (SAE),	
400 Commonwealth Drive, Warrendale, PA 15096:	
SAE J 1475-1984—Hydraulic Hose Fitting for Marine Applications.	28.880
SAE J 1942-1989—Hose and Hose Assemblies for Marine Applications.	28.405
Underwriters Laboratories, Inc. (UL),	
12 Laboratory Drive, Research Triangle Park, NC 27709-3995	
UL 217-1985—Single and Multiple Station Smoke Detectors	28.325; 28.830
UL 710-1990—Exhaust Hoods for Commercial Cooking Equipment.	28.330

[CGD 88-079, 56 FR 40393, Aug. 14, 1991, as amended by CGD 95-072, 60 FR 50461, Sept. 29, 1995; CGD 94-025, 60 FR 54444, Oct. 24, 1995; CGD 96-041, 61 FR 50726, Sept. 27, 1996; CGD 97-057, 62 FR 51042, Sept. 30, 1997; USCG-1999-5151, 64 FR 67176, Dec. 1, 1999]

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§ 28.50 Definition of terms used in this part.

Accepted organization means an organization which has been designated by the Commandant for the purpose of examining commercial fishing industry vessels under the provisions of § 28.73.

Accommodations include:

- (1) A messroom.
- (2) A lounge.
- (3) A sitting area.
- (4) A recreation room.
- (5) Quarters.
- (6) A toilet space.
- (7) A shower room.
- (8) A galley.
- (9) Berthing facilities.
- (10) A clothing changing room.

Alcohol concentration means either grams of alcohol per 100 milliliters of blood, or grams of alcohol per 210 liters of breath.

Aleutian trade means the transportation of cargo, including fishery related products, for hire on board a fish tender vessel to or from a place in Alaska west of 153 degrees West longitude and east of 172 degrees East longitude if that place receives weekly common carrier service by water, to or from a place in the United States, except a place in Alaska.

Approved means approved by the Commandant unless otherwise stated.

Auxiliary Craft means a vessel that is carried onboard a commercial fishing vessel and is normally used to support fishing operations.

Boundary lines means the lines described in part 7 of this chapter. In general, they follow the trend of the seaward high water shorelines and cross entrances to small bays, inlets, and rivers. In some areas, they are along the 12-mile line that marks the seaward limits of the territorial sea and, in other areas, they come ashore.

Buoyant Apparatus means a buoyant apparatus approved by the Commandant.

Coast Guard Boarding Officer means a commissioned, warrant, or petty officer of the Coast Guard having authority to board any vessel under the Act of August 4, 1949, 63 Stat. 502, as amended (14 U.S.C. 89).

Coast Guard Representative means a person employed at the cognizant U.S. Coast Guard Sector Office or Marine

Inspection Office, or an accepted organization, or a similarly qualified organization approved in examining commercial fishing industry vessels. Contact Office of Vessel Activities, Fishing Vessels Safety Division, Commandant (CG-5433), U.S. Coast Guard, 2100 Second Street S.W., Washington, DC 20593-0001 for a current list of accepted organizations or similarly qualified organizations.

Coastal Service Pack means equipment provided in liferafts approved by the Commandant for coastal service.

Coastal waters means coastal waters as defined in 33 CFR 175.105.

Coastline means the territorial sea baseline as defined in 33 CFR 2.20.

Cold water means water where the monthly mean low water temperature is normally 59 °F (15 °C) or less.

Commandant means the Commandant of the Coast Guard or an authorized representative of the Commandant of the Coast Guard.

Commercial fishing industry vessel means a fishing vessel, fish tender vessel, or a fish processing vessel.

Currently corrected means corrected with changes contained in all Notice to Mariners published by the Defense Mapping Agency Hydrographic/Topographic Center.

Custom engineered means, when referring to a fixed gas fire extinguishing system, a system that is designed for a specific space requiring individual calculations for the extinguishing agent volume, flow rate, and piping, among other factors, for the space.

District Commander means an officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within a district.

Documented vessel means a vessel for which a Certificate of Documentation has been issued under the provisions of 46 CFR part 67.

Equipment Packs means equipment provided in liferafts approved by the Commandant.

Especially hazardous condition means a condition which may be life threatening or lead to serious injury if continued.

Fish means finfish, mollusks, crustaceans, and all other forms of marine

animal and plant life, except marine mammals and birds.

Fish processing vessel means a vessel that commercially prepares fish or fish products other than by gutting, decapitating, gilling, skinning, shucking, icing, freezing, or brine chilling.

Fish tender vessel means a vessel that commercially supplies, stores, refrigerates, or transports fish, fish products, or materials directly related to fishing or the preparation of fish to or from a fishing, fish processing or fish tender vessel or a fish processing facility.

Fishing vessel means a vessel that commercially engages in the catching, taking, or harvesting of fish or an activity that can reasonably be expected to result in the catching, taking, or harvesting of fish.

Fishing Vessel Drill Conductor means an individual who meets the training requirements of 46 CFR 28.270(c) for conducting drills and providing instruction once a month to each individual on board those vessels to which Subpart C of this section applies.

Fishing Vessel Safety Instructor means an individual or organization that has been accepted by the local Officer-in-Charge, Marine Inspection to train Fishing Vessel Drill Conductors to conduct drills and provide instruction on those vessels to which subpart C of this part applies.

Gasoline as used in this part includes gasoline-alcohol blends and any other fuel having a flash point of 110 °F (43.3 °C) or lower.

Inflatable Buoyant Apparatus means an inflatable buoyant apparatus approved by the Commandant.

Inflatable Lifteraft means an inflatable liferaft that is approved by the Commandant.

Length means the length listed on the vessel's Certificate of Documentation or Certificate of Number.

Lifeboat means a lifeboat approved by the Commandant.

Liferaft means a liferaft approved by the Commandant.

Major conversion means a conversion of a vessel that—

(1) Substantially changes the dimensions or carrying capacity of the vessel;

(2) Changes the type of the vessel;

(3) Substantially prolongs the life of the vessel; or

(4) Otherwise so changes the vessel that it is essentially a new vessel, as determined by the Commandant.

Mile means a nautical mile.

North Pacific Area means all waters of the North Pacific Ocean and Bering Sea north of 48°30' north latitude including waters in contiguous bays, inlets, rivers, and sounds.

Officer in Charge, Marine Inspection (OCMI) means an officer of the Coast Guard who commands a Marine Inspection Zone described in 33 CFR part 3 or an authorized representative of that officer.

Open to the atmosphere means a space that has at least 15 square inches (9680 square millimeters) of open area directly exposed to the atmosphere for each cubic foot (0.0283 cubic meters) of net volume of the space.

Operating station means the principal steering station on the vessel from which the vessel is normally navigated.

Pre-engineered means, when referring to a fixed gas fire extinguishing system, a system that is designed and tested to be suitable for installation as a complete unit in a space of a set volume, without modification, regardless of the vessel on which installed.

Similarly qualified organization means an organization which has been designated by the Commandant for the purpose of classing or examining commercial fishing industry vessels under the provisions of § 28.76.

Switchboard means an electrical panel which receives power from a generator, battery, or other electrical power source and distributes power directly or indirectly to all equipment supplied by the power source.

Warm water means water where the monthly mean low water temperature is normally more than 59° F. (15° C.).

Watertight means designed and constructed to withstand a static head of water without any leakage, except that "watertight" for the purposes of electrical equipment means enclosed so that equipment does not leak when a stream of water from a hose with a nozzle one inch (25.4 millimeters) in diameter that delivers at least 65 gallons (246 liters) per minute is played on the enclosure from any direction from a

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distance of 10 feet (3 meters) for five minutes.

Weather deck means the uppermost deck exposed to the weather to which a weathertight sideshell extends.

Weathertight means that water will not penetrate into the unit in any sea condition.

[CGD 88-079, 56 FR 40393, Aug. 14, 1991, as amended by CGD 94-025, 60 FR 54444, Oct. 24, 1995; CGD 96-041, 61 FR 50726, Sept. 27, 1996; CGD 96-046, 61 FR 57272, Nov. 5, 1996; USCG-2001-9044, 68 FR 42602, July 18, 2003; USCG-2004-18884, 69 FR 58344, Sept. 30, 2004; USCG-2006-25556, 72 FR 36330, July 2, 2007; USCG-2008-0906, 73 FR 56508, Sept. 29, 2008]

§ 28.60 Exemption letter.

(a) *Types of exemptions.* (1) *Specific exemption* means an exemption for an individual commercial fishing industry vessel.

(2) *Class exemption* means an exemption for a class or fleet of commercial fishing industry vessels.

(b) *Exemption procedure.* A request for an exemption of either type must be in writing, have specific reasons for the request, and be sent to the Coast Guard District Office having jurisdiction over the waters where the vessel(s) will be operating. Coast Guard District geographical areas are described in 33 CFR part 3. The District Commander will review the request to determine that:

(1) Good cause exists for granting an exemption; and

(2) The safety of the vessel and those on board will not be adversely affected.

(c) The District Commander will either approve or deny the request in writing. In granting a request, the District Commander will specify the terms under which the exemption is granted and distribute the letter describing these terms to the party or parties requesting the exemption.

(d) *Exemption letter.* Exemption letters, or suitable copies, describing the terms under which the exemption is granted shall be maintained at all times on board each vessel to which any exemption applies.

(e) *Right of appeal.* Any person directly affected by a decision or action taken under this part may appeal in accordance with § 1.03 of this chapter.

(f) *Rescinding an exemption letter.* Exemptions granted may be rescinded by the District Commander if it is subse-

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quently determined that the safety of the vessel and those onboard is adversely affected.

[CDG 96-046, 62 FR 46675, Sept. 4, 1997]

§ 28.65 Termination of unsafe operations.

(a) A Coast Guard Boarding Officer may direct the master or individual in charge of a vessel, with the concurrence of the District Commander, or staff authorized by the District Commander, to immediately take reasonable steps necessary for the safety of individuals on board the vessel if the Boarding Officer observes the vessel being operated in an unsafe manner and determines that an especially hazardous condition exists. This may include directing the master or individual in charge of the vessel to return the vessel to a mooring and remain there until the situation creating the especially hazardous condition is corrected or other specific action is taken.

(b) Hazardous conditions include, but are not limited to, operation with—

(1) An insufficient number of life-saving equipment on board, to include serviceable Personal Flotation Devices (PFDs), serviceable immersion suits, or adequate survival craft capacity.

(2) An inoperable Emergency Position Indicating Radio Beacon (EPIRB) or radio communication equipment when required by regulation. There should be at least one operable means of communicating distress. When both are required, then at least one must be in operable condition to avoid termination of the voyage;

(3) Inadequate firefighting equipment on board;

(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 master or individual in charge of a commercial fishing vessel. An individual is intoxicated when he/she is operating a commercial fishing vessel and has an alcohol concentration of .04 percent, or the intoxicant's effect on the person's manner,

disposition, speech, muscular movement, general appearance or behavior is apparent by observation;

(8) A lack of adequate operable navigation lights during periods of reduced visibility;

(9) Watertight closures missing or inoperable;

(10) Flooding or uncontrolled leakage in any space; or

(11) A missing or expired certificate of class, as required by 46 U.S.C. 4503(1), for a fish processing vessel.

(c) A Coast Guard Boarding Officer may direct the individual in charge of a fish processing vessel that is missing a Load Line Certificate, or that does not comply with the provisions of the Load Line Certificate issued by the American Bureau of Shipping or a similarly qualified organization, to return the vessel to a mooring and to remain there until the vessel obtains such a certificate.

[CGD 96-046, 61 FR 57273, Nov. 5, 1996, as amended at CGD 96-046, 62 FR 46676, Sept. 4, 1997; USCG-2004-18884, 69 FR 58344, Sept. 30, 2004]

§ 28.70 Approved equipment and material.

(a) Equipment and material that is required by this subchapter to be approved or of an approved type, must have been manufactured and approved in accordance with the design and testing requirements in Subchapter Q of this chapter or as otherwise specified by the Commandant.

(b) A listing of current and formerly approved equipment and materials may be found on the internet at: <http://cgmix.uscg.mil/equipment>. Each OCMI may be contacted for information concerning approved equipment.

[CGD 88-079, 56 FR 40393, Aug. 14, 1991, as amended by USCG-2004-18884, 69 FR 58344, Sept. 30, 2004]

§ 28.73 Accepted organizations.

An organization desiring to be designated by the Commandant as an accepted organization must request such designation in writing. As a minimum the organization must verify that it is an organization—

(a) With a Code of Ethics;

(b) Whose surveyors are familiar with the requirements of this chapter re-

lated to commercial fishing industry vessels;

(c) Whose surveyors are familiar with the operations and equipment on board commercial fishing industry vessels;

(d) Whose only interest in the fishing industry is in ensuring the safety of commercial fishing industry vessels and surveying commercial fishing industry vessels;

(e) That has grievance procedures;

(f) That has procedures for accepting and terminating membership of an individual, including minimum professional qualifications for surveyors;

(g) That maintains a roster of present and past accepted members and surveyors; and

(h) That has an Apprentice/Associate program for surveyors.

§ 28.76 Similarly qualified organizations.

An organization desiring to be designated by the Commandant as a similarly qualified organization must 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

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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 that requires professional medical treatment (treatment beyond first aid) and that renders the individual unfit to perform his or her routine duties.

(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 (a division of ISO Claim Search), Floor 22-8, 545 Washington Boulevard, Jersey City, NJ, 07310-1686.

(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.

[CGD 88-079, 56 FR 40393, Aug. 14, 1991, as amended by CGD 96-046, 61 FR 57273, Nov. 5, 1996; USCG-2008-0906, 73 FR 56509, Sept. 29, 2008]

§ 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.

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§ 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. Equip-

ment 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, 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; and Lake Superior.	Documented Vessel ..	Immersion suit or exposure suit.	28.135; 25.25-9(a); 25.25-13; 25.25-15.
Coastal Waters on the West Coast of the United States north of Point Reyes, CA; Beyond Coastal Waters, cold water; and Lake Superior.	All vesselsdo	Do.
All other waters (Includes all Great Lakes except Lake Superior).	40 feet (12.2 meters) or more in length.	Type I, Type V commercial hybrid, immersion suit, or exposure suit. ¹	28.135; 25.25-5(e); 25.25-5(f); 25.25-9(a); 25.25-13; 25.25-15.
	Less than 40 feet (12.2 meters) in length.	Type I, Type II, Type III, Type V commercial hybrid, immersion suit, or exposure suit. ¹	Do.

¹ 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 table.

[CGD 88-079, 56 FR 40393, Aug. 14, 1991, as amended by CGD 88-079b, 57 FR 34189, Aug. 3, 1992; CGD 95-012, 60 FR 48048, Sept. 18, 1995; USCG-2000-7790, 65 FR 58458, Sept. 29, 2000]

§ 28.115 Ring life buoys.

(a) Except as provided in paragraph (b) of this section and §28.305, 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

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(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.

(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—

(1) Maintained in good and serviceable condition as required by Table 28.140; and

(2) 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 the minimum required.

(f) A lifeboat may be substituted for any survival craft required by this section, provided it is arranged and equipped in accordance with part 199 of this chapter.

(g) The capacity of an auxiliary craft carried on board a vessel that 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 10.97 meters (36 feet) in length that meets the flotation provisions of 33 CFR part 183 is exempt from the requirement for survival craft in paragraph (a) of this section for operation on—

(1) Any waters within 12 miles of the coastline.

(2) Rivers.

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).
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 160.050; 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.

[CGD 88-079, 56 FR 40393, Aug. 14, 1991; 56 FR 47679, Sept. 20, 1991; 56 FR 49822, Oct. 1, 1991; CGD 95-012, 60 FR 48048, Sept. 18, 1995]

§ 28.120 Survival craft.

(a) Except as provided in paragraphs (b) through (h) of this section and 28.305, 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 vessels less than 10.97 meters (36 feet) in length with 3 or fewer individuals on board which operate within 12 miles of the coastline.

(c) A buoyant apparatus may be substituted instead of the requirements in this section for vessels 10.97 meters (36 feet) or more in length with 3 or fewer individuals on board which operate within 12 miles of the coastline.

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.

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

Area	Vessel type	Survival craft required
Between 20–50 miles of coastline, <i>cold</i> waters	All	Inflatable liferaft with SOLAS B pack.
Between 20–50 miles of coastline, <i>warm</i> waters	All	Inflatable liferaft.
Beyond Boundary Line, between 12–20 miles of coastline, <i>cold</i> waters.	All	Inflatable liferaft.
Beyond Boundary Line, within 12 miles of coastline, <i>cold</i> waters.	10.97 meters (36 feet) or more in length.	Inflatable buoyant apparatus. See note 2.
Beyond Boundary Line, within 12 miles of coastline, <i>cold</i> waters.	Less than 10.97 meters (36 feet) in length.	Buoyant apparatus. See note 2.
Beyond Boundary Line, within 20 miles of coastline, <i>warm</i> waters.	All	Life float. See note 2.
Inside Boundary Line, <i>cold</i> waters; or Lakes, bays, sounds, <i>cold</i> waters; or Rivers, <i>cold</i> waters.	10.97 meters (36 feet) or more in length.	Inflatable buoyant apparatus. See note 2.
Inside Boundary Line, <i>cold</i> waters; or Lakes, bays, sounds, <i>cold</i> waters; or Rivers, <i>cold</i> waters.	Less than 10.97 meters (36 feet) in length.	Buoyant apparatus. See note 2.
Inside Boundary Line, <i>warm</i> waters; or Lakes, bays, sounds, <i>warm</i> waters; or Rivers, <i>warm</i> waters.	All	None.
Great Lakes, <i>cold</i> waters	10.97 meters (36 feet) or more in length.	Inflatable buoyant apparatus. See note 2.
Great Lakes, <i>cold</i> waters	Less than 10.97 meters (36 feet) in length.	Buoyant apparatus. See note 2.
Great Lakes, beyond 3 miles of coastline, <i>warm</i> waters	All	Buoyant apparatus. See note 2.
Great Lakes, within 3 miles of coastline, <i>warm</i> waters	All	None.

NOTE: 1. 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.
 2. If a vessel carries 3 or fewer individuals within 12 miles of the coastline, see §28.120 (b) and (c) for carriage substitution.

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, between 12–20 miles of coastline, <i>cold</i> waters.	All	Inflatable buoyant apparatus.
Beyond Boundary Line, within 12 miles of coastline, <i>cold</i> waters.	10.97 meters (36 feet) or more in length.	Buoyant apparatus.
Beyond Boundary Line, within 12 miles of coastline, <i>cold</i> waters.	Less than 10.97 meters (36 feet) in length.	Buoyant apparatus. See note 2.
Beyond Boundary Line, within 20 miles of coastline, <i>warm</i> waters.	All	Life float. See note 2.
Inside Boundary Line, <i>cold</i> waters; or Lakes, bays, sounds, <i>cold</i> waters; or rivers, <i>cold</i> water.	10.97 meters (36 feet) or more in length.	Buoyant apparatus.
Inside Boundary Line, <i>cold</i> waters; or Lakes, bays, sounds, <i>cold</i> waters; or Rivers, <i>cold</i> water.	Less than 10.97 meters (36 feet) in length.	Buoyant apparatus. See note 2.
Inside Boundary Line, <i>warm</i> waters; or Lakes, bays, sounds, <i>warm</i> waters; or Rivers, <i>warm</i> waters.	All	None.
Great Lakes, <i>cold</i> waters	All	Buoyant apparatus. See note 2.
Great Lakes, beyond 3 miles of coastline <i>warm</i> waters	All	Buoyant apparatus. See note 2.
Great Lakes, within 3 miles of coastline <i>warm</i> waters ..	All	None.

NOTE: 1. 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.
 2. If a vessel carries 3 or fewer individuals within 12 miles of the coastline, see §28.120 (b) and (c) for carriage substitution.

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, <i>cold</i> waters	All	Inflatable liferaft with SOLAS B pack.
Between 20–50 miles of coastline, <i>warm</i> waters	All	Inflatable liferaft.
Beyond Boundary Line, between 12–20 miles of coastline, <i>cold</i> waters.	All	Inflatable liferaft.
Beyond Boundary Line, within 12 miles of coastline, <i>cold</i> waters.	10.97 meters (36 feet) or more in length.	Inflatable buoyant apparatus.
Beyond Boundary Line, within 12 miles of coastline, <i>cold</i> waters.	Less than 10.97 meters (36 feet) in length.	Buoyant apparatus.

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

Area	Vessel type	Survival craft required
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.	10.97 meters (36 feet) or more in length.	Inflatable buoyant apparatus.
Inside Boundary Line, cold waters; or Lakes, bays, sounds, cold waters; or Rivers, cold waters.	Less than 10.97 meters (36 feet) in length.	Buoyant apparatus.
Inside Boundary Line, warm waters; or Lakes, bays, sounds, warm waters; or Rivers, warm waters.	All	None.
Great Lakes, cold waters	10.97 meters (36 feet) or more in length.	Inflatable buoyant apparatus.
Great Lakes, cold waters	Less than 10.97 meters (36 feet) 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: 1. The hierarchy of survival craft in descending order is lifeboat, liferaft with SOLAS A pack, Inflatable liferaft with SOLAS A pack, liferaft with SOLAS B 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.

[CGD 96–046, 61 FR 57273, Nov. 5, 1996; CGD 96–046, 61 FR 68162, Dec. 27, 1996, as amended by CGD 96–046, 62 FR 46676, Sept. 4, 1997; USCG-2002–13058, 67 FR 61278, Sept. 30, 2002]

§ 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 46 CFR part 199.

[CGD 88–079, 56 FR 40393, Aug. 14, 1991, as amended by CGD 84–069, 63 FR 52813, Oct. 1, 1998]

§ 28.135 Lifesaving equipment markings.

(a) Except as provided in paragraph (d) of this section, lifesaving equipment carried aboard a vessel pursuant to the requirements of this subpart or 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 164, subpart 164.018

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.

[CGD 88-079, 56 FR 40393, Aug. 14, 1991; 56 FR 49822, Oct. 1, 1991, as amended by CGD 95-012, 60 FR 48048, Sept. 18, 1995]

§ 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) Each item of lifesaving equipment, including unapproved equipment, must be maintained and inspected in accordance with:

- (1) Table 28.140 in this section;
- (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 no later than the month and year on its servicing sticker affixed under 46 CFR 160.151-57(n), and whenever the container is damaged or the container straps or seals are broken. It must be serviced at a facility specifically approved by the Commandant for the particular brand.

(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	
(1) Inflatable wearable personal flotation device (Type V commercial hybrid)	Servicing	28.140
(2) Personal flotation devices, exposure suits and immersion suits.	Inspect, clean and repair as necessary.	28.140
(3) Buoyant apparatus and life floats	Inspect, clean and repair as necessary.	28.140
(4) Inflatable liferaft	Servicing ¹	28.140
(5) Inflatable buoyant apparatus	Servicing ¹	28.140
(6) Hydrostatic release	Servicing ¹	28.140
(7) Disposable hydrostatic release	Replace on or before expiration date.	28.140
(8) Undated batteries	Replace	28.140
(9) Dated batteries ² and other items	Replace on or before expiration date.	25.26-50, 28.140
(10) EPIRB	Test	25.26-50

¹ For a new liferaft or inflatable buoyant apparatus, the first annual servicing may be deferred to two years from the date of first packing if so indicated on the servicing sticker.

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²Water activated batteries must be replaced whenever they are used.

[CGD 88-079, 56 FR 40393, Aug. 14, 1991; 56 FR 49822, Oct. 1, 1991, as amended at USCG-2001-11118, 67 FR 58540, Sept. 17, 2002; USCG-2004-18884, 69 FR 58344, Sept. 30, 2004]

§ 28.145 Distress signals.

Except as provided by 28.305, 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 160.136; plus 6 hand flares, approval series 160.121; plus 3 smoke signals, approval series 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 160.136, or 160.036; plus 6 hand flares, approval series 160.121 or 160.021; plus 3 smoke signals, approval series 160.122, 160.022, or 160.037.
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 161.013 or 3 approved flares; plus Day visual distress signals consisting of one distress flag, approval series 160.072, or 3 approved flares, or 3 approved smoke signals. ¹

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

[CGD 88-079, 56 FR 40393, Aug. 14, 1991, as amended at 60 FR 48048, Sept. 18, 1995; USCG-2000-7790, 65 FR 58458, Sept. 29, 2000]

§ 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 25.26.

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 spaces.
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.

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

Space	Classification	Quantity and location
Electric emergency motors or generators ...	C-II	1 outside the space in the vicinity of exit.

[CGD 88-079, 56 FR 40393, Aug. 14, 1991; 56 FR 47679, Sept. 20, 1991]

§ 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 10603, 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, or for Fish Tender Vessels Engaged in the Aleutian Trade

§ 28.200 Applicability.

Each documented commercial fishing industry vessel must meet the requirements of this subpart in addition to the requirements of subparts A and B of this part if it:

- (a) Operates beyond the Boundary Lines;
- (b) Operates with more than 16 individuals on board; or
- (c) Is a fish tender vessel engaged in the Aleutian trade.

[CGD 94-025, 60 FR 54444, Oct. 24, 1995]

§ 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;
- (ii) The American Heart Association; or
- (iii) A course approved by the Coast Guard under §10.205(h)(2)(iii) of this chapter.

(c) Each vessel that operates with more than 2 individuals on board must

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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) 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 for both requirements.

(e) 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 for both requirements.

[CGD 88-079, 56 FR 40393, Aug. 14, 1991, as amended by CGD 95-012, 60 FR 48048, Sept. 18, 1995]

§ 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, the National Imagery and Mapping Agency, 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 promulgated by the National Ocean Service; and

(ii) Tidal current tables promulgated by the National Ocean Service, or a river current publication issued by the U.S. 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.

[CGD 88-079, 59 FR 40393, Aug. 14, 1991, as amended by CGD 96-046, 61 FR 57275, Nov. 5, 1996; CGD 96-046, 62 FR 46677, Sept. 4, 1997; USCG-2001-10224, 66 FR 48619, Sept. 21, 2001]

§ 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 non-metallic hull vessel must have a radar reflector.

§ 28.240 General alarm system.

(a) Except as provided in paragraph (f) of this section, 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.

[CGD 88-079, 56 FR 40393, Aug. 14, 1991, as amended by CGD 95-012, 60 FR 48048, Sept. 18, 1995]

§ 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 156-162 MHz band or the 2-4 MHz band, in addition to the VHF radio 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 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.

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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 § 28.375.

§ 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,

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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 instructions.

(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 156.8 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.”

(v) Release the microphone button briefly and listen for acknowledgment. If no one answers, repeat steps in paragraphs (d)(4) (iii) and (iv) of this section.

(vi) If there is still no answer, or if the Coast Guard or another vessel responds, say: “Mayday—This is the M/V (Insert Name of Your Vessel).”

(vii) Describe your position using latitude and longitude coordinates, LORAN coordinate, or range and bearing from a known point.

(viii) State the nature of the distress.

(ix) Give number of individuals aboard and the nature of any injuries.

(x) Estimate the present seaworthiness of your vessel.

(xi) Describe your vessel: (Insert length, color, hull type, trim, masts, power, and any additional distinguishing features).

(xii) Say: “I will be listening on Channel 16/2182 (or other channel monitored).”

(xiii) End message by saying: “This is (insert vessel’s name and call sign).”

(xiv) If your situation permits, stand by the radio to await further communication with the Coast Guard or another vessel. If no answer, repeat, then try another channel.

(5) Essential action that must be taken in an emergency by each individual, such as:

(i) Making a distress call.

(ii) Closing of hatches, airports, watertight doors, vents, scuppers, and valves for intake and discharge lines which penetrate the hull, stopping of fans and ventilation systems, and operation of all safety equipment.

(iii) Preparing and launching of survival craft and rescue boats.

(iv) Fighting a fire.

(v) Mustering of personnel including—

(A) Seeing that they are properly dressed and have put on their lifejackets or immersion suits; and

(B) Assembling personnel and directing them to their appointed stations.

(vi) Manning of fire parties assigned to deal with fires.

(vii) Special duties required for the operation of fire fighting equipment.

(6) The procedures for rough weather at sea, crossing hazardous bars, flooding, and anchoring of the vessel, such as:

(i) Close all watertight and weather-tight doors, hatches and airports to prevent taking water aboard or further flooding in the vessel.

(ii) Keep bilges dry to prevent loss of stability due to water in bilges. Use power driven bilge pump, hand pump, and buckets to dewater.

(iii) Align fire pumps to use as bilge pumps, if possible.

(iv) Check all intake and discharge lines which penetrate the hull for leakage.

(v) Personnel should remain stationary and evenly distributed.

(vi) Personnel should don lifejackets and immersion suits if the going becomes very rough, the vessel is about to cross a hazardous bar, or when otherwise instructed by the master or individual in charge of the vessel.

(7) The procedures for anchoring the vessel.

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(8) The procedures to be used in the event an individual falls overboard, such as:

- (i) Throw a ring life buoy as close to the individual as possible;
- (ii) Post a lookout to keep the individual in the water in sight;
- (iii) Launch the rescue boat and maneuver it to pick up the individual in the water;
- (iv) Have a crewmember put on a life-jacket or immersion suit, attach a safety line to the crewmember, and have the crewmember standby to jump into the water to assist in recovering the individual in the water if necessary;
- (v) If the individual overboard is not immediately located, notify the Coast Guard and other vessels in the vicinity; and
- (vi) Continue searching until released by the Coast Guard.

(9) Procedures for fighting a fire, such as:

- (i) Shut off air supply to the fire—close hatches, ports, doors, ventilators, and similar openings.
- (ii) Deenergize the electrical systems supplying the affected space, if possible.
- (iii) Immediately use a portable fire extinguisher or use water for fires in ordinary combustible materials. Do not use water on electrical fires.
- (iv) If the fire is in a machinery space, shut off the fuel supply and ventilation system and activate the fixed extinguishing system, if installed.
- (v) Maneuver the vessel to minimize the effect of wind on the fire.
- (vi) If unable to control the fire, immediately notify the Coast Guard and other vessels in the vicinity.
- (vii) Move personnel away from the fire, have them put on lifejackets, and if necessary, prepare to abandon the vessel.

§ 28.270 Instruction, drills, and safety orientation.

(a) *Drills and instruction.* The master or individual in charge of each vessel must ensure that drills are conducted and instruction is given to each individual on board at least once each month. Instruction may be provided in conjunction with drills or at other times and places provided it ensures

that each individual is familiar with their duties and their responses to at least the following contingencies:

- (1) Abandoning the vessel;
- (2) Fighting a fire in different locations on board the vessel;
- (3) Recovering an individual from the water;
- (4) Minimizing the effects of unintentional flooding;
- (5) Launching survival craft and recovering lifeboats and rescue boats;
- (6) Donning immersion suits and other wearable personal flotation devices;
- (7) Donning a fireman's outfit and a self-contained breathing apparatus, if the vessel is so equipped;
- (8) Making a voice radio distress call and using visual distress signals;
- (9) Activating the general alarm; and
- (10) Reporting inoperative alarm systems and fire detection systems.

(b) *Participation in drills.* Drills must be conducted on board the vessel as if there were an actual emergency and must include participation by all individuals on board, breaking out and using emergency equipment, testing of all alarm and detection systems, donning protective clothing, and donning immersion suits, if the vessel is so equipped.

(c) *Training.* No individual may conduct the drills or provide the instructions required by this section unless that individual has been trained in the proper procedures for conducting the activity.

(d) The viewing of videotapes concerning at least the contingencies listed in paragraph (a) of this section, whether on board the vessel or not, followed by a discussion led by an individual familiar with these contingencies will satisfy the requirement for instruction but not the requirement for drills in paragraph (b) of this section or for the safety orientation in paragraph (e) of this section.

(e) *Safety orientation.* The master or individual in charge of a vessel must ensure that a safety orientation is given to each individual on board that has not received the instruction and has not participated in the drills required by paragraph (a) of this section before the vessel may be operated.

(f) The safety orientation must explain the emergency instructions required by §28.265 and cover the specific evolutions listed in paragraph (a) of this section.

NOTE: The individual conducting the drills and instruction need not be the master, individual in charge of the vessel, or a member of the crew.

[CGD 88-079, 56 FR 40393, Aug. 14, 1991, as amended by CGD 95-012, 60 FR 48048, Sept. 18, 1995; CGD 96-046, 61 FR 57275, Nov. 5, 1996, CGD 96-046, 62 FR 46677, Sept. 4, 1997; USCG-2002-13058, 67 FR 61278, Sept. 30, 2002]

§ 28.275 Acceptance criteria for instructors and course curricula.

(a) A Fishing Vessel Safety Instructor shall submit a detailed course curriculum that relates directly to the contingencies listed in §28.270(a), or a letter certifying the use of the "Personal Survival and Emergency Drills Course," a national standard curriculum, to the cognizant OCMI. This document can be ordered through the U.S. Marine Safety Association (USMSA), 5050 Industrial Road, Farmingdale, NJ 07727; telephone: (732) 751-0102; fax: (732) 751-0508; or e-mail: *usmsa@usmsa.org*. For the criteria of Fishing Vessel Safety Instructor, the following documentation shall be provided to the cognizant OCMI:

(1) Proof of at least 1 year of experience in a marine related field and experience that relates directly to the contingencies listed in §28.270(a) including—

(i) Experience as an instructor; or
(ii) Training received in instructional methods; or

(2) A valid merchant mariner's license issued by the Coast Guard authorizing service as master of unsuspected fishing industry vessels and proof of experience that relates directly to the contingencies listed in 46 CFR 28.270(a) including—

(i) Experience as an instructor; or
(ii) Training received in instructional methods; or

(3) A valid merchant mariner's license issued by the Coast Guard authorizing service as a master of unsuspected vessels of 100 gross tons or more and proof of experience that relates directly to the contingencies listed in 46 CFR 28.270(a) including—

(i) Experience as an instructor; or
(ii) Training received in instructional methods.

(b) Each OCMI will issue a letter of acceptance to all qualified individuals and will maintain a list of accepted instructors in his/her zone.

(c) Letters of acceptance shall be valid for a period of 5 years.

(d) Fishing Vessel Safety Instructors or the organization providing training shall issue documents to Fishing Vessel Drill Conductors upon successful completion of all required training.

[CGD 96-046, 61 FR 57275, Nov. 5, 1996, as amended by CGD 96-046, 62 FR 46677, Sept. 4, 1997; USCG-2001-10224, 66 FR 48619, Sept. 21, 2001; USCG-2004-18884, 69 FR 58344, Sept. 30, 2004; USCG-2008-0906, 73 FR 56509, Sept. 29, 2008]

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EDITORIAL NOTE: This listing is provided for informational purposes only. It is compiled and kept current by the U.S. Coast Guard, Department of Homeland Security. This index is updated as of October 1, 2008.

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