U.S. Department of Homeland Security

United States Coast Guard

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Dear Commercial Fishing Industry Vessel Owner and Operator:

Beginning October 16th of this year, all commercial fishing, fish tender and fish processing vessels that operate (or transit) more than 3 nautical miles offshore must be able to demonstrate full compliance with the existing fishing industry vessel safety regulations found in 46 C.F.R. Part 28, via a mandatory safety examination. While there are a few options of how to demonstrate this compliance, having a current Commercial Fishing Vessel Safety Decal (not more than 2 years old), is the most straightforward method.

This examination requirement is one of several new mandates established by the *Coast Guard Authorization Act of 2010.* While there is additional background on these pending mandates on www.fishsafe.info, the Authorization Act establishes a mandatory examination requirement if you operate beyond 3 nautical miles of the baseline of the U.S. territorial sea or the coastline of the Great Lakes, regardless of whether your vessel is State-registered or Federally-documented. It also applies to vessels operating anywhere with more than 16 individuals on board and to fish tender vessels engaged in the Aleutian Trade.

As noted, it is envisioned that the most straightforward way to demonstrate compliance will be by having a current Commercial Fishing Vessel Safety Decal. On October 16th, a valid decal will be honored as proof of compliance. Two additional methods include, having a "Form CG-5587" signed by a Coast Guard examiner, or having a signed letter of compliance from an accepted third party organization (marine surveyor) as proof that your vessel passed an examination and is therefore compliant with the current regulations.

To arrange for an examination, or to obtain more info on the other methods of compliance, please contact your local Coast Guard Sector, Marine Safety Unit, or Field Office. They will make every effort to accommodate your operations and schedule an examination. You may also request an examination through a link on the www.fishsafe.info website. If you have any additional questions, please feel free to contact Mr. Jack Kemerer, Chief of my Fishing Vessels Division at Coast Guard Headquarters (CGCVC3@uscg.mil), or one of our District program coordinators listed on our website.

For your future awareness, and as required by the *Coast Guard Authorization Act of 2010*, the Coast Guard is updating the regulations applicable to all U.S. commercial fishing vessels, fish processing vessels, and fish tender vessels. That project, however, is not yet completed, which is why the mandatory verification of compliance to safety regulations, will be to the current regulations. When the regulation updates are finished, there will also be a new Coast Guard Certificate of Compliance (COC) form that will be issued at the end of an examination. But in the interim, as noted, the Coast Guard will accept a valid safety decal, or a signed exam form.

In summary, if you operate your vessel beyond the "3-mile line" as of October 16, 2012, you must be able to demonstrate your vessel is in compliance with current safety regulations. Therefore, if your vessel has not recently been examined dockside, or it has never undergone a safety exam, you should complete a biennial safety examination as soon as possible. Also, if you are entering fisheries service for the first time on or after October 16, 2012, your vessel must pass an exam before it begins commercial fishing operations.

As a last note, if you operate beyond the "3-mile line" after October 16th without the vessel being verified in compliance with the current regulations, and it should have been, your operation may be subject to enforcement action for noncompliance with 46 C.F.R. Part 28, as well as other applicable regulations currently in effect. Such enforcement action may include civil penalties, termination of the vessel's voyage, or other operational controls such as a Captain of the Port Order.

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