U.S. Department of Transportation
United States Coast Guard

Commandant (G-MVI-4)
United States Coast Guard

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NAVIGATION AND VESSEL INSPECTION CIRCULAR NO. 13-91

Subj: Fishing Industry Vessel Third Party Examination and Procedures for Designation of "Accepted Organizations" and "Similarly Qualified Organizations"

1. PURPOSE. This Circular explains the fishing industry vessel Third Party Examination program. Guidance is provided on how organizations may become "accepted organizations" or "similarly qualified organizations" for the purpose of carrying out Commercial Fishing Industry Vessel Regulation compliance examinations. The American Bureau of Shipping, similarly qualified organizations and accepted organizations would supplement the Coast Guard Marine Safety program, as third parties examiners, by providing biennial examination services for fish processing vessels, as required in 46 Code of Federal Regulations (CFR) 28.710, and periodic voluntary examinations of other uninspected commercial fishing industry vessels, when requested by owners.

2. DISCUSSION.

a. The purpose of the Coast Guard's third party examination program is to take advantage of the established corps of surveying professionals in the maritime industry as a supplement to the Coast Guard's own uninspected fishing industry vessel boarding and examination program. Marine surveyors presently conduct surveys of many commercial fishing industry vessels for insurance underwriters, owners and banks, and frequently include examination for compliance with applicable Coast Guard regulations as a service to their clients. The intent of the third party program is to utilize this corps of professionals familiar with surveying vessels to improve fishing vessel

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2. a. (cont'd) safety by increasing the total number of vessels examined annually. The Coast Guard envisions "Third Parties" such as the American Bureau of Shipping, similarly qualified organizations and accepted organizations, conducting required and voluntary safety examinations of fishing industry vessels. These examinations are conducted at the request of the owner. In the case of required biennial examination of fish processing vessels (as defined in 46 U.S.C. 2101 (11b)), the interval between examinations shall not exceed two years in accordance with 46 CFR 28.710 (a). Typically, examinations are conducted when a vessel is not actively engaged in fishing activities.

   b. The Coast Guard has had a long and beneficial relationship with the American Bureau of Shipping. "similarly qualified organizations" and "accepted organizations" are entities in the fishing vessel regulations with which the Coast Guard would also like to work closely. The relationship which develops will be directly proportional to the quality of service, expertise and reputation of the organization. A very high level of surveyor competence is expected. The success of the "similarly qualified organization" and "accepted organization" programs is dependent upon the organization's maintenance of high standards and qualifications.

3. <u>THIRD PARTY EXAMINATIONS</u>.

   a. The fishing vessel regulations in 46 CFR Subpart F, section 28.710 require biennial examination of fish processing vessels for compliance with the regulations contained in Subchapter C, Part 28. Examinations are to be performed by the ABS, a similarly qualified organization, or a surveyor of an accepted organization. These vessels, when examined and found to be in compliance, will be issued a certification of compliance in accordance with 46 CFR 28.710(c), and a serialized examination decal, which will be displayed by the vessel on a starboard side forward pilothouse window. These decals will be produced and distributed by Commandant (G-MVI) through each district fishing vessel safety coordinator, and will be a controlled item. The certification of compliance must be retained on board the vessel until superseded in accordance with 46 CFR 28.710(d). A copy of the certification of compliance

3. a. (cont'd) and serial number of the decal issued, will be forwarded by the organization to the Coast Guard district commander (Attn: Fishing Vessel Safety Coordinator).

b. In addition to the required examination of fish processing vessels, third parties may conduct voluntary examinations of fishing, and fish tendering vessels. This voluntary program should be perceived by owners and operators as an opportunity to verify compliance with the regulations as part of, or independent from, other surveys which may be conducted. These voluntary examinations are similar to those conducted on fish processors, except a certification of compliance is not required. A report signed by the individual performing the examination should be completed instead. The report should include the name of the examiner, the third party organization they represent, and a statement that the vessel has been examined and found in compliance with the provisions of 46 CFR 28. Procedures for issuance and display of decals should be similar to those discussed above. A copy of the report should be forwarded by the organization to the Coast Guard district commander (Attn: Fishing Vessel Safety Coordinator).

c. All third party examiners are expected to have the capability of verifying compliance with regulations, interpretations, and policies of the Coast Guard which are applicable to U.S. flag fishing industry vessels.

d. Owners of commercial fishing industry vessels can benefit from these examinations by having experienced, professional surveyors assisting them in complying with the regulations. Permitting third party examiners to issue decals will allow the Coast Guard to more effectively enforce the Commercial Fishing Industry Vessel Regulations by concentrating its boarding efforts on vessels which do not display decals.

e. There is no Coast Guard limit to the services that an accepted third party organization can provide. Fishermen are encouraged to seek any services beyond the requirements in the regulations, which improve safety. Charges for services and business considerations provided by organizations conducting third party examinations are the responsibility of the respective parties.

4. BECOMING AN "ACCEPTED ORGANIZATION."

a. The regulatory definition and qualification criteria to become an accepted organization can be found in 46 CFR 28.73. This definition is intended to specifically apply to organizations, as opposed to individuals. In the preamble to the proposed Commercial Fishing Industry Vessel Regulations, dated April 19, 1990, under "Implementation of Regulations," the Coast Guard stated it would like to take advantage of surveyors which belong to organizations, and cited the National Association of Marine Surveyors (NAMS) as an example. Organizations are being considered in lieu of individuals because the Coast Guard does not have the resources to evaluate the qualifications of individual surveyors. This will be the responsibility of the accepted organization. Third party examinations are required by many insurance underwriters for commercial fishing industry vessels, and those inspections could serve a dual role.

b. Evidence of compliance with the following criteria must be provided to Commandant (G-MVI):

(1) Ethics. The Coast Guard demands a strong commitment to ethics within the third party program. The Coast Guard will require each organization to submit a copy of their Code of Ethics as one measure to ensure the integrity of the third party examination program. The Coast Guard will evaluate the Code of Ethics to ensure it is realistic, well publicized in the organization seeking acceptance, and easily understood by members of the organization.

(2) Organization's surveyors familiar with fishing vessel regulations. The Coast Guard must have access to documented information which shows that the organization is ensuring each of its surveyors conducting fishing vessel safety examinations is familiar with the federal regulations applicable to vessels in this industry. The task of maintaining documentation is left to the organization. Methods of ensuring surveyor qualification may include examinations or required course completions. Contents of the exams and course material shall be available for review by the Coast Guard Merchant Vessel Inspection and Documentation Division (G-MVI).

4. b. (2) (cont'd) Each surveyor of the organization entrusted to carry out these examinations must have immediate access to a current copy of:

(a) 33 CFR part 26 (Bridge to Bridge Radiotelephone Regulations);

(b) 33 CFR 155 (Pollution Prevention Regulations);

(c) 33 CFR 159 (Marine Sanitation Device Regulations);

(d) 33 CFR 173 (Vessel Numbering Regulations);

(e) 46 CFR 24-26 (Uninspected Vessel Regulations);

(f) 46 CFR 28 (Commercial Fishing Industry Vessel Regulations);

(g) 46 CFR 67-69 (Vessel Documentation Regulations);

(h) 46 CFR 105 (Commercial Fishing Vessels Dispensing Petroleum Products Regulations);

(i) Navigation Vessel Inspection Circular (NVIC) 5-86; and

(j) The applicable regional fishing vessel safety manual.

Each surveyor must also have or have access to the list of material incorporated by reference in 46 CFR 28.040. The organization must also provide a method to disseminate future information or other guidance from the Coast Guard on the subject of fishing vessel safety to each of its surveyors.

(3) <u>Organization's surveyors familiar with operations and equipment on board fishing industry vessels</u>. Each organization must ensure that it's surveyors conducting fishing vessel examinations have an understanding of fishing industry equipment and operations. Course completions, direct fishing industry experience or satisfactory examinations are some examples of methods to document this expertise. Each organization must maintain and make available for Coast Guard examination this documentation.

4. b. (4) Conflicts of interest. Accepted organizations only interest in the fishing industry shall be that of vessel survey. Any other relationship with the fishing vessel industry shall be explained. If none, state so.

(5) Grievance procedures. Each accepted organization must provide its clients with written information on how to resolve disputes relative to Coast Guard regulations. Clients should be advised that disputes which cannot be resolved between the organization and owner should be forwarded to the Coast Guard district fishing vessel safety coordinator for decision. The Coast Guard expects each accepted organization to make every effort to address disputes. Evidence of this procedure should be submitted with the organization's request for designation.

(6) Accepting and terminating individual memberships in the organization. The Coast Guard's concern is that accepted organizations must maintain a highly respected professional reputation. Each organization is only as good as the individuals that represent it. The Coast Guard expects organizations to have tough qualifications and employ only competent, experienced, and knowledgeable surveyors. The organization's procedures for acceptance and termination shall be submitted with designation request.

(7) Rosters. Organizations shall maintain a roster (past five years) of those individuals specially qualified and entrusted to carry out fishing industry vessel examinations.

(8) Apprentice/Associate program. A program which facilitates development of professional expertise and encourages continuing education is envisioned. Provision for other marine surveying disciplines to crossover to fishing vessel surveying should be made. A logical progression should be followed. This program and procedures should be maintained by the organization and made available to the Coast Guard upon request.

5. BECOMING A "SIMILARLY QUALIFIED ORGANIZATION." The regulatory definition and qualification criteria to become a similarly qualified organization can be found in 46 CFR 28.76. It is envisioned that such organizations would be classification societies similar to the ABS. Organizations requesting such designation must make written application to Commandant (G-MVI) in accordance with 46 CFR 28.76.

6. IMPLEMENTATION.

a. The Coast Guard encourages accepted third party organizations and fishermen to participate in the voluntary third party examination program.

b. District fishing vessel safety coordinators should ensure that the fishing industry is aware of this Circular and procedures for obtaining a copy.

c. Coast Guard district fishing vessel safety coordinators will monitor feedback from fishermen and vessel operators to ensure high standards are maintained by third party surveyors.

d. Commandant (G-MVI) will review applications from "accepted organizations" and "similarly qualified organizations." Once all of the information required above has been provided, Commandant (G-MVI) will determine if the submitting organization shall be designated as accepted. The designation will be in writing. It will emphasize that continuing designation is dependent upon the organization maintaining it's standards. Letters of denial will list reasons why the Coast Guard did not accept the organization.

e. Commandant (G-MVI) will provide each accepted organization and similarly qualified organization with policies, interpretations, and instructions to assure consistent application of the Commercial Fishing Industry Vessel Regulations. Coast Guard Headquarters (G-MVI) will act as contact point for policy information. Normal office hours are Monday through Friday, 7:00 a.m. - 4:00 p.m. Telephone Number: (202) 267-2307.

A. E. HENN
CHIEF, OFFICE OF MARINE SAFETY,
SECURITY & ENVIRONMENTAL PROTECTION

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