



Fire Extinguisher Violations

Written By Unknown Author

The Hearing Office receives many cases each week involving alleged violations of the fire extinguishing equipment requirements. These cases typically involve the failure to have the required number of Coast Guard approved fire extinguishers on board because of the fire extinguisher/s' unserviceability, insufficient charge, or complete absence.

Two cites cover the bulk of the violations: 46 CFR § 25.30-20 and 46 CFR § 28.160. Note that although the first paragraph of 28.160 makes the requirements of 46 CFR Part 25, Subpart 25.30, applicable to commercial fishing vessels, 28.160(b) is the actual charging cite for fishing vessels 65 feet or more in length. For commercial fishing vessels that are less than 65 feet in length and are missing the required number of fire extinguishers, use 46 CFR § 25.30-20.

Oftentimes, however, charging units apply the wrong cites for such violations and, as a result, cases are returned, slowing the adjudication process. For example, we see cases in which parties are charged under 46 CFR 25.30-10(g), for having a fire extinguisher (without a pressure gauge) that has been determined to be unserviceable or empty. It is important to note however, that just because an empty or unserviceable fire extinguisher does not have a pressure gauge, it does not necessarily mean a violation of § 25.30-10(g) has occurred. It is important to have a good understanding of the elements of this regulation to determine whether the cite applies to a particular case.

46 CFR § 25.30-10(g) states in part: “The use of dry chemical, stored pressure, fire extinguishers not fitted with pressure gauges or indicating devices, manufactured prior to January 1, 1965 may be permitted on motorboats and other vessels so long as such extinguishers are maintained in good and serviceable condition...” (Emphasis added). Obviously, in order for a violation to have occurred under this cite, there must be evidence to support that the particular fire extinguisher is not fitted with a pressure gauge or indicating device, and was manufactured prior to January 1, 1965.

46 CFR § 25.30-10(h) states: “The dry chemical, stored pressure fire extinguishers without pressure gauges or indicating devices manufactured after January 1, 1965, shall not be labeled with the marine type labeled in § 162.028-4 of this title nor shall such extinguishers manufactured after January 1, 1965, be carried on board motorboats or other vessels as required equipment.” (Emphasis added.)

So, for cases where a required fire extinguisher with no pressure gauge or indicating device is found on board a vessel and it is determined to be empty or unserviceable, unless there is evidence to show the extinguisher was manufactured prior to January 1, 1965, the most appropriate cite to use would be 46 CFR § 25.30-20 or 46 CFR § 28.160 depending on the vessel size. This is because the vessel failed to have the required number Coast Guard approved fire extinguishers on board.

Here’s the K.N.O.T.: Know the regulations and ensure the charged cite is appropriate to the alleged violation by verifying that the case file contains supporting evidence. Getting it right the first time will help avoid delays in the adjudication process.