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United States Coast Guard

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To Distribution

Subj: CARRIAGE OF LIFESAVING AND FIREFIGHTING EQUIPMENT ON BOARD UNINSPECTED TOWING VESSELS IN EXCESS OF SUBCHAPTER C REQUIREMENTS

Ref: (a) 46 USC § 3306(e)
(b) Department of Homeland Security Directive 0170.1, paragraph 92
(c) Pub.L. 108-293, The Coast Guard and Maritime Transportation Act of 2004
(d) Title 46, Code of Federal Regulations, Subchapter C

1. Purpose. This policy letter provides temporary exemptions from the requirements in 46 CFR Subpart 25.25, 46 CFR 25.30-15 (as it pertains to towing vessels), and 46 CFR Part 27 Subpart C and establishes guidance with regards to the carriage of "excess" lifesaving and firefighting equipment on uninspected towing vessels (UTVs). The Coast Guard finds these exemptions are in the public interest to protect life and property by providing specific, interim guidance for lifesaving and firefighting equipment options for existing towing vessels and the crewmembers working on them. This policy is temporary in nature and may be superseded for inspected towing vessels when pending regulations for the inspection of towing vessels becomes effective.

2. Action. Sector Commanders and OCMIs shall direct their Marine Inspectors and Towing Vessel Examiners to use this policy when examining UTV equipment until superceded by regulations for the inspection of towing vessels.

3. Directives Affected. None.

4. Background. As provided for by reference (a) and (b), the Coast Guard may suspend the requirements of a lifesaving or firefighting equipment regulation, if the Coast Guard finds it is in the public interest. Despite certain "excess" equipment providing protection to the vessel and crew, industry may feel compelled to remove "excess" lifesaving and firefighting equipment onboard their vessels due a new awareness of regulatory requirements brought about through recent Coast Guard examinations as part of the Towing Vessel Bridging Program.

a. Current regulations mandate the use of various types of equipment to meet the regulatory requirements. Recent focus on current regulations has provided incentive for owners to choose to only outfit their vessels with the minimum amount and type of equipment required by regulation and to remove what is in "excess". The regulations and the Coast Guard did not intend for this result when the regulations were drafted.

As an example, some owners with fixed carbon dioxide firefighting systems removed those systems because they did not meet the requirements in 46 CFR Part 76 and kept only a B-V as allowed by regulation. Despite the fact that fixed carbon dioxide firefighting systems provide a higher degree of protection, it was easier and cheaper to strip the vessel of this equipment and go back to solely having B-V extinguishers onboard, because the regulations allowed for it.

Another example is the use of non-standard work vests. It has come to the attention of the Coast Guard that towing vessel crewmembers sometimes opt to not wear life jackets or work vests while onboard because the type of life jackets and work vests that are required under regulations inhibit maneuverability in consideration to the type of work being conducted. While carrying the appropriate number of approved (Type I) life jackets onboard in accordance with existing regulations, the way these regulations are worded, the types of PFDs that these crewmembers prefer to use as "work vests", while approved, are actually not approved as work vests and not authorized for use as such.

b. The Coast Guard has pending regulations as part of an active rulemaking project to implement a comprehensive towing vessel inspection regime to enhance the safety of towing vessels and mariners working on them (See RIN 1625-AB06, "Inspection of Towing Vessels"; 75 FR 21809, April 26, 2010). In the pending regulations we plan to address this issue of "excess" equipment. The exemption authority provided by reference (a) is specific to vessels subject to inspection and, as stipulated in section 415 of reference (c), towing vessels were added to the list of vessels subject to inspection in 2004. Currently, reference (d) does not address carriage of "excess" equipment on UTVs.

5. Policy. Until pending regulations as part of the 1625-AB06 rulemaking become effective, UTVs may temporarily carry lifesaving and firefighting equipment in "excess" of that required by existing regulations, provided that the "excess" equipment does not endanger the vessel or individuals on board in any way, subject to the following additional conditions:

a. Generally, any Coast Guard type-approved equipment may be carried as "excess" provided it is maintained in accordance with the equipment manufacturer's recommendations and/or appropriate national industry consensus standard(s). *Example: Coast Guard approved visual distress signals that are not required to be carried onboard UTVs.*

b. Generally, any system or equipment that is not Coast Guard approved may be carried as "excess" as long as it is listed by an independent testing laboratory and is designed, installed, tested, and maintained in accordance with the equipment manufacturer's recommendations and appropriate national industry consensus standard(s) (i.e., UL, ASTM, NFPA, NEC, etc.). *Example: Hand-held fire extinguishers that are UL listed but not Coast Guard approved.*

c. Existing fire detection systems and equipment that are carried and designated by the operator as "excess" are exempt from 46 CFR 27.203 (c) through (g) provided it is listed by an independent testing laboratory and is designed, installed, tested, and maintained in accordance with the equipment manufacturer's recommendations and relevant NFPA standard(s).

d. Existing fire suppression equipment that is carried and designated by the operator as "excess" is exempt from reference (d), Subpart C. In lieu of those requirements, fire suppression equipment may be designated and carried as "excess" provided it is listed by an independent testing laboratory and is designed, installed, tested, and maintained in accordance with the equipment manufacturer's recommendations and relevant NFPA standard(s).

Example: If a vessel meets the applicable fire suppression equipment requirements by having a B-V extinguisher on board, but also has an installed fixed CO_2 system, this fixed system can be considered "excess equipment" and is not required to meet 46 CFR Part 76. However, this system will still have to be listed by an independent testing laboratory and be designed, installed, tested, and maintained in accordance with the manufacturer's recommendations to assure it is capable of working when required.

e. Personnel working on vessels are exempt from using only work vests when working near or over the water (See Reference (d), Subpart 26.30). In lieu of work vests, personnel working on towing vessels may wear Coast Guard approved Type II or III PFDs.

f. The vessel owner must designate which system or piece of equipment is intended to meet the regulatory standards, and which equipment is "excess", demonstrating compliance with appropriate regulatory standards and this policy. An inspection note should be placed in MISLE to document the description, type and location of "excess" systems and equipment.

g. "Excess" systems and equipment cannot take the place of inoperable required equipment unless the designated "excess" equipment meets all regulatory requirements.

h. "Excess" systems and equipment that are not listed by an independent testing laboratory, and not designed, installed, tested, and maintained in accordance with the manufacturer's instructions and appropriate national industry consensus standard(s) could be mistaken for properly serviced equipment and should be removed from the vessel. Items being transported to another port for servicing or utilized for training purposes should be stored or identified in such a manner that the crew cannot mistake these items for approved ready equipment.

6. Questions. Questions concerning this policy should be directed to Mr. Patrick Lee at patrick.j.lee@uscg.mil or 202-372-1135. This policy and other Towing Vessel Bridging Program documents are posted on Homeport at http://homeport.uscg.mil/USvsls.

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