



16711
CG-CVC Policy Letter
15-06 (CH-1)
Mar 30 2016

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To: Distribution

Subj: VHF-DSC RADIO EQUIPMENT INSTALLATION REQUIREMENT FOR SMALL
PASSENGER AND COMMERCIAL FISHING VESSELS

Ref: (a) 47 Code of Federal Regulations (CFR) § 80.905(a)(1)
(b) 46 CFR § 184.502
(c) 46 CFR § 28.245

1. **PURPOSE.** This policy letter provides guidance to Officers in Charge, Marine Inspection (OCMIs), Marine Inspectors (MIs), and Commercial Fishing Vessel Examiners (CFVEs) on how to verify the installation of required Very High Frequency (VHF) radios with Digital Select Calling (DSC)¹ capabilities on inspected small passenger vessels and commercial fishing vessels to ensure compliance with reference (a).
2. **DIRECTIVES AFFECTED.** CG-CVC Policy Letter 15-06, dated December 15, 2015, is cancelled and superseded by this policy letter.
3. **BACKGROUND.** The Coast Guard requires Small Passenger Vessels, inspected under 46 C.F.R. Subchapter T, and Commercial Fishing Industry Vessels regulated under 46 C.F.R. Part 28 to carry communications equipment that complies with the Federal Communications Commission (FCC) requirements set forth in 47 C.F.R. Part 80. The Coast Guard definitions and applicability under Title 46, CFR are different than the FCC's definitions and applicability under Title 47, CFR. Based upon the FCC's definitions and applicability, Coast Guard inspected small passenger vessels that transport seven to twelve passengers for hire, and commercial fishing vessels of 300 gross tons and greater must be equipped with a VHF-DSC radio installation beginning one year after the United States Coast Guard (CG) notified the FCC that shore-based Sea Area A1 coverage has been established.²

¹ DSC is an internationally approved system for automatically contacting vessels. It allows mariners to instantly send an automatically formatted distress alert to rescue authorities anywhere in the world, and to initiate or receive distress, urgency, safety and routine radiotelephone calls to or from any similarly equipped vessel or shore station without either party being near a radio loudspeaker. DSC also allows ship and shore stations to call each other directly, rather than requiring a radio operator to continuously monitor a common calling channel to identify the specific caller.

² Sea Area A1 is an area within the radio coverage of at least one VHF Coast Station in which continuous DSC alerting is available as defined by 47 CFR § 80.1069(a)(1).

4. On January 20, 2015, the CG notified the FCC that it had published a Federal Register notice declaring Sea Area A1 in certain areas off the coast of the United States to be within twenty nautical miles seaward of the territorial baseline along the East, West, and Gulf coasts of the United States, excluding Alaska, but including Hawaii, Puerto Rico, Guam, the Virgin Islands of the United States, and the Northern Mariana Islands of Saipan, Tinian, and Rota.³ This determination was made because the Coast Guard now has service, in Sea Area A1, under its Rescue 21 Distress System coverage. On April 16, 2015, the FCC released Public Notice DA 15-466 announcing the new radio equipment installation requirements for certain commercial vessels.
5. Consequently, and in accordance with reference (a), Coast Guard inspected small passenger vessels that transport seven to twelve passengers for hire and commercial fishing vessels of 300 gross tons and greater operating in Sea Area A1 must upgrade to Class A VHF-DSC radio equipment, or obtain a Exemption from Ship Station Requirements (or ship exemption) from the FCC, no later than January 20, 2016 to facilitate sending automatically formatted distress alerts instantly to rescue authorities.
6. DISCUSSION. Instant distress alerts, sent through a VHF-DSC capable marine radio, allow the Coast Guard to respond more quickly to an emergency if the alert contains position information. To include position information in a distress alert, the VHF-DSC radio should be properly connected to a GPS Receiver (electronic position fixing device) or have a VHF-DSC marine radio with integral GPS. In accordance with references (b) and (c), commercial fishing vessels and small passenger vessels must comply with the applicable requirements for any radio installation, including the requirements for a station license and installation certificates to be issued by the FCC as set forth in Title 47 Code of Federal Regulations (CFR) Part 80. Vessels that operate solely within 20 nautical miles of land in Sea Area A1 must be equipped with a radiotelephone installation that conforms to the appropriate performance standards in 47 C.F.R. 80.1101(c)(2). Part of that compliance includes a vessel inspection by a FCC-licensed technician who conducts a detailed inspection of radio installations, in accordance with 47 C.F.R. 80.59, and issues a Safety Radiotelephone Certificate. During Coast Guard inspections for certification or re-inspections, the Coast Guard verifies that vessels have on board a valid Safety Radiotelephone Certificate issued by the FCC. In accordance with 47 C.F.R. 80.413, a record of onboard equipment must be maintained to include the date and type of equipment which is added or removed.
7. Note that the FCC defines a passenger carrying vessel (or what is commonly referred to as a “small passenger vessel”) for the purposes of their regulations and issuance of FCC certificates differently than the Coast Guard. The FCC defines a small passenger vessel as a vessel that transports seven to twelve passengers for hire. Additionally, the FCC defines a

³ This determination was based upon the performance of the USCG Rescue 21 System, and in accordance with applicable provisions of the International Convention for the Safety of Life at Sea, 1974. Rescue 21 is the Coast Guard’s advanced command, control and direction-finding communications system that was created to better locate mariners in distress. It is comprised of strategically placed VHF Coast Stations that provide a continuous watch on DSC Channel 70 for receiving and responding to digital distress signals. In addition to declaring Sea Area A1 along the designated coasts, the USCG informed mariners that the Rescue 21 System also provides VHF Coast Stations along the Great Lakes, and that Rescue 21 facilities are being built along the Western Rivers and in Alaska. See *Declaration of Sea Area A1*, 80 Fed. Reg. 2722, 2723 (2015).

“passenger ship,” in 47 USC §153, as a ship that is certificated to carry more than twelve passengers, which is consistent with the SOLAS, Regulation 2 definition. In accordance with Subpart W of Title 47 CFR Part 80, all passenger ships – regardless of size – should be in compliance with the rules applicable to Global Maritime Distress and Safety System (GMDSS) for the carriage of ship radio equipment per 47 CFR 80.1085. In this particular case, passenger ships must be provided with a VHF-DSC radio installation that meets the performance standards in that section of the regulations.

8. The FCC rules require Class A VHF-DSC equipment to satisfy the requirements of 47 C.F.R. 80.1085. However, under FCC Public Notice (DA 16-63), dated January 19, 2016, licensees may request a ship exemption to permit the use of a Class D VHF-DSC radio in lieu of a Class A radio. Licensees must provide justification for the exemption and file it under Schedule G of FCC Form 605 which is located at:
<http://wireless.fcc.gov/uls/index.htm?job=home>.
9. **ACTION**. MIs and CFVEs should ensure carriage of the proper equipment, inspect onboard equipment records, and check proper installation of the VHF-DSC radio through visual inspection of the equipment during the vessel’s next scheduled inspection or examination. Typically, the DSC alert button is red and is marked with “DSC” or “Distress” on the front radio panel.⁴ While the MI or CFVE may conduct an operational test of the radio equipment⁵, they are not required to test the functionality of the radio’s DSC alert feature. If there are doubts or concerns about the adequacy of the equipment installation, the suitability of electrical wiring connecting components, or the proper maintenance of the equipment, the local FCC technician should be consulted before taking further action.
 - a. If compliance with reference (a) or proof of a FCC-issued ship exemption cannot be verified, MIs should issue a deficiency (CG-835) to the vessel for failing to satisfy this carriage requirement. MIs should *not* issue a “no sail” exclusively for this deficiency but ensure operators are seeking compliance with this requirement (e.g., providing a receipt for the VHF-DSC radio purchase or evidence of a scheduled radio installation). The options for MIs to issue a CG-835 are as follows:
 - i. For owners and/or operators who demonstrate proof of a pending application for a ship exemption from the FCC, MIs may issue a CG-835 for up to nine (9) months from the date of this policy letter to help facilitate this process; or
 - ii. MIs may issue a CG-835 for up to six (6) months without proof of purchase or an exemption request.

⁴ VHF-DSC radios are fitted with a dedicated red distress or emergency button. The button requires two separate and independent actions to activate a distress call. This usually involves lifting the hinged flap over the button and holding the button down for a short period.

⁵ To conduct an operational test means to observe that the radio operator is able to (1) make contact with another vessel or a coast station on VHF Marine Channel 16 (156.8 MHz); (2) move to a VHF frequency and reestablish contact with the vessel or coast station; and (3) obtain a signal report from the other vessel or coast station which indicates that communications capability exists. See *Coast Guard/FCC MOU dated 10 July 1984*.

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- b. CFVEs should note the deficiency in the Commercial Fishing Vessel Safety Examination Booklet (CG-5587) and not issue the Commercial Fishing Vessel Safety Decal until installation of the radio equipment can be verified. NOTE: A Boarding Officer may issue a Notice of Violation (NOV) to a commercial fishing vessel for this deficiency but should not terminate the voyage unless other circumstances are present that warrant a voyage termination due to additional safety concerns in accordance with part C.1.b.2 of the Maritime Law Enforcement Manual.
10. QUESTIONS. Questions concerning this policy and guidance should be directed to the Office of Commercial Vessel Compliance at CG-CVC-1@uscg.mil or (202) 372-1251.

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