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January 16, 2013

Dear Commercial Fishing Industry Vessel Owner and Operator:

On August 15, 2012, I issued a letter explaining that after October 15, 2012, all commercial fishing, fish tender and fish processing vessels that operated (or transited) more than 3 nautical miles offshore must demonstrate full compliance with existing fishing industry vessel safety regulations by completing a biennial safety examination. That requirement was one of several mandates established by the *Coast Guard Authorization Act of 2010*. The examination requirement applied to State-registered or Federally-documented vessels, to vessels with more than 16 individuals on board operated anywhere, and to fish tender vessels engaged in the Aleutian Trade.

That statutory biennial examination requirement for these vessels has changed. The *Coast Guard and Maritime Transportation Act of 2012*, which was signed into law by the President on December 20, 2012, modified the law to require that dockside safety examinations must be completed at least once every 5 years (instead of 2 years), and that the first dockside exam of a vessel must be completed no later than October 15, 2015. Please note, however, that depending on the type and area of vessel operations, other examination requirements may still apply (such as for Distant Water Tuna Fleet manning exemptions, District-granted equipment exemptions, post-SAR boarding and safety checks, post-voyage termination compliance checks, etc.).

The development of specific regulations to clarify the new examination (and other) requirements of the law is ongoing. Mandatory safety exams on many vessels, for now, are not required until after October 15, 2015. If you had your vessel examined for the first time based on the mandates described in my August letter, please recognize that it was not done in vain. Completion of the exam demonstrated that your vessel was in compliance with current safety regulations. At this point, I encourage you to continue to have your vessel examined at least every 2 years, which will help you align with the current period for which a safety decal is issued after successfully completing an examination. Also, be aware that a 2-year examination requirement remains in effect for your vessel and operation if you are subject to carrying a NOAA Fisheries Observers, or if your vessel is a fish processing vessel or fish tender vessel engaged in the Aleutian trade.

To arrange for an examination, or to obtain more information on methods to ensure compliance, please contact your local Coast Guard Sector, Marine Safety Unit, or Field Office and ask for the local fishing vessel safety examiner. 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 questions regarding exam requirements, 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 Area or District Fishing Vessel Safety Program coordinators listed on our website.

For your future awareness, and as required by the *Coast Guard Authorization Act of 2010* and the *Coast Guard and Maritime Transportation Act of 2012*, the Coast Guard is updating the regulations applicable to all U.S. commercial fishing vessels, fish processing vessels, and fish tender vessels. That project, when finished, may have additional requirements for fishing vessels beyond the current regulations. There will also be a new Coast Guard Certificate of Compliance (COC) form that will be used when the regulations are updated, but in the interim, a valid safety decal or signed exam form will signify compliance.

As a last note, if you operate your vessel and it is boarded and found not to be in full compliance with the current regulations, 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.

A handwritten signature in black ink, appearing to read "Kyle P. McAvoy".

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