

inspected fish processing vessel entered into service after Dec. 31, 1987, having more than 16 individuals on board primarily employed in preparation of fish on navigable waters of United States or owned in United States and operating on high seas, for provisions which related to uninspected fishing vessel, fish processing vessel, or fish tender vessel, and in subsec. (b) substituting "carriage of bulk" for "carriage of liquid bulk".

FOREIGN BUILT VESSELS, EQUIVALENT COMPLIANCE
UNTIL JULY 28, 1990

Pub. L. 100-424, § 7, Sept. 9, 1988, 102 Stat. 1592, provided that: "Until July 28, 1990, a foreign built fish processing vessel subject to chapter 45 of title 46, United States Code, is deemed to comply with the requirements of that chapter if—

"(1) it has an unexpired certificate of inspection issued by a foreign country that is a party to an International Convention for Safety of Life at Sea to which the United States Government is a party; and

"(2) it is in compliance with the safety requirements of that foreign country that apply to that vessel."

§ 4502. Safety standards

(a) The Secretary shall prescribe regulations which require that each vessel to which this chapter applies shall be equipped with—

(1) readily accessible fire extinguishers capable of promptly and effectively extinguishing a flammable or combustible liquid fuel fire;

(2) at least one readily accessible life preserver or other lifesaving device for each individual on board;

(3) an efficient flame arrestor, backfire trap, or other similar device on the carburetors of each inboard engine which uses gasoline as fuel;

(4) the means to properly and efficiently ventilate enclosed spaces, including engine and fuel tank compartments, so as to remove explosive or flammable gases;

(5) visual distress signals;

(6) other equipment required to minimize the risk of injury to the crew during vessel operations, if the Secretary determines that a risk of serious injury exists that can be eliminated or mitigated by that equipment; and

(7) a placard as required by regulations prescribed under section 10603(b) of this title.

(b)(1) In addition to the requirements of subsection (a) of this section, the Secretary shall prescribe regulations requiring the installation, maintenance, and use of the equipment in paragraph (2) of this subsection for vessels to which this chapter applies that—

(A) operate beyond 3 nautical miles from the baseline from which the territorial sea of the United States is measured or beyond 3 nautical miles from the coastline of the Great Lakes;

(B) operate with more than 16 individuals on board; or

(C) in the case of a fish tender vessel, engage in the Aleutian trade.

(2) The equipment to be required is as follows:

(A) alerting and locating equipment, including emergency position indicating radio beacons;

(B) subject to paragraph (3), a survival craft that ensures that no part of an individual is

immersed in water sufficient to accommodate all individuals on board;

(C) at least one readily accessible immersion suit for each individual on board that vessel when operating on the waters described in section 3102 of this title;

(D) marine radio communications equipment sufficient to effectively communicate with land-based search and rescue facilities;

(E) navigation equipment, including compasses, nautical charts, and publications;

(F) first aid equipment and medical supplies sufficient for the size and area of operation of the vessel; and

(G) ground tackle sufficient for the vessel.

(3) Except for a nonapplicable vessel, an auxiliary craft shall satisfy the equipment requirement under paragraph (2)(B) if such craft is—

(A) necessary for normal fishing operations;

(B) readily accessible during an emergency; and

(C) capable, in accordance with the Coast Guard capacity rating, when applicable, of safely holding all individuals on board the vessel to which the craft functions as an auxiliary.

(c)(1) In addition to the requirements described in subsections (a) and (b) of this section, the Secretary may prescribe regulations establishing the standards in paragraph (2) of this subsection for vessels to which this chapter applies that—

(A)(i) were built after December 31, 1988, or undergo a major conversion completed after that date; and

(ii) operate with more than 16 individuals on board; or

(B) in the case of a fish tender vessel, engage in the Aleutian trade.

(2) The standards shall be minimum safety standards, including standards relating to—

(A) navigation equipment, including radars and fathometers;

(B) lifesaving equipment, immersion suits, signaling devices, bilge pumps, bilge alarms, life rails, and grab rails;

(C) fire protection and firefighting equipment, including fire alarms and portable and semiportable fire extinguishing equipment;

(D) use and installation of insulation material;

(E) storage methods for flammable or combustible material; and

(F) fuel, ventilation, and electrical systems.

(d)(1) The Secretary shall prescribe regulations for the operating stability of a vessel to which this chapter applies—

(A) that was built after December 31, 1989; or

(B) the physical characteristics of which are substantially altered after December 31, 1989, in a manner that affects the vessel's operating stability.

(2) The Secretary may accept, as evidence of compliance with this subsection, a certification of compliance issued by the person providing insurance for the vessel or by another qualified person approved by the Secretary.

(e) In prescribing regulations under this chapter, the Secretary—

(1) shall consider the specialized nature and economics of the operations and the character, design, and construction of the vessel; and

(2) may not require the alteration of a vessel or associated equipment that was constructed or manufactured before the effective date of the regulation.

(f) To ensure compliance with the requirements of this chapter, the Secretary—

(1) shall require the individual in charge of a vessel described in subsection (b) to keep a record of equipment maintenance, and required instruction and drills;

(2) shall examine at dockside a vessel described in subsection (b) at least once every 5 years, but may require an exam at dockside every 2 years for certain vessels described in subsection (b) if requested by the owner or operator; and

(3) shall issue a certificate of compliance to a vessel meeting the requirements of this chapter and satisfying the requirements in paragraph (2).

(g)(1) The individual in charge of a vessel described in subsection (b) must pass a training program approved by the Secretary that meets the requirements in paragraph (2) of this subsection and hold a valid certificate issued under that program.

(2) The training program shall—

(A) be based on professional knowledge and skill obtained through sea service and hands-on training, including training in seamanship, stability, collision prevention, navigation, fire fighting and prevention, damage control, personal survival, emergency medical care, emergency drills, and weather;

(B) require an individual to demonstrate ability to communicate in an emergency situation and understand information found in navigation publications;

(C) recognize and give credit for recent past experience in fishing vessel operation; and

(D) provide for issuance of a certificate to an individual that has successfully completed the program.

(3) The Secretary shall prescribe regulations implementing this subsection. The regulations shall require that individuals who are issued a certificate under paragraph (2)(D) must complete refresher training at least once every 5 years as a condition of maintaining the validity of the certificate.

(4) The Secretary shall establish an electronic database listing the names of individuals who have participated in and received a certificate confirming successful completion of a training program approved by the Secretary under this section.

(h) A vessel to which this chapter applies shall be constructed in a manner that provides a level of safety equivalent to the minimum safety standards the Secretary may establish for recreational vessels under section 4302, if—

(1) subsection (b) of this section applies to the vessel;

(2) the vessel is less than 50 feet overall in length; and

(3) the vessel is built after January 1, 2010.

(i)(1) The Secretary of Health and Human Services shall establish a Fishing Safety Train-

ing Grants Program to provide funding to municipalities, port authorities, other appropriate public entities, not-for-profit organizations, and other qualified persons that provide commercial fishing safety training—

(A) to conduct fishing vessel safety training for vessel operators and crewmembers that—

(i) in the case of vessel operators, meets the requirements of subsection (g); and

(ii) in the case of crewmembers, meets the requirements of subsection (g)(2)(A), such requirements of subsection (g)(2)(B) as are appropriate for crewmembers, and the requirements of subsections (g)(2)(D), (g)(3), and (g)(4); and

(B) for purchase of safety equipment and training aids for use in those fishing vessel safety training programs.

(2) The Secretary of Health and Human Services, in consultation with and based on criteria established by the Commandant of the Coast Guard¹ shall award grants under this subsection on a competitive basis.

(3) The Federal share of the cost of any activity carried out with a grant under this subsection shall not exceed 50 percent.

(4) There is authorized to be appropriated \$3,000,000 for each of fiscal years 2018 through 2019 for grants under this subsection.

(j)(1) The Secretary of Health and Human Services shall establish a Fishing Safety Research Grant Program to provide funding to individuals in academia, members of non-profit organizations and businesses involved in fishing and maritime matters, and other persons with expertise in fishing safety, to conduct research on methods of improving the safety of the commercial fishing industry, including vessel design, emergency and survival equipment, enhancement of vessel monitoring systems, communications devices, de-icing technology, and severe weather detection.

(2) The Secretary of Health and Human Services, in consultation with and based on criteria established by the Commandant of the Coast Guard, shall award grants under this subsection on a competitive basis.

(3) The Federal share of the cost of any activity carried out with a grant under this subsection shall not exceed 50 percent.

(4) There is authorized to be appropriated \$3,000,000 for each of fiscal years 2018 through 2019 for activities under this subsection.

(k) For the purposes of this section, the term “auxiliary craft” means a vessel that is carried onboard a fishing vessel and is normally used to support fishing operations.

(Added Pub. L. 98-364, title IV, § 402(7)(C), July 17, 1984, 98 Stat. 447; amended Pub. L. 98-557, § 33(a), Oct. 30, 1984, 98 Stat. 2876; Pub. L. 100-424, § 2(a), Sept. 9, 1988, 102 Stat. 1585; Pub. L. 101-595, title VI, § 602(c), Nov. 16, 1990, 104 Stat. 2990; Pub. L. 104-324, title III, § 307, Oct. 19, 1996, 110 Stat. 3918; Pub. L. 105-383, title III, § 301(b)(5), Nov. 13, 1998, 112 Stat. 3417; Pub. L. 111-281, title VI, § 604(a), Oct. 15, 2010, 124 Stat. 2962; Pub. L. 112-213, title III, § 305(a), (b), Dec. 20, 2012, 126 Stat. 1564; Pub. L. 113-281, title III, § 309, Dec. 18,

¹ So in original. Probably should be followed by a comma.

2014, 128 Stat. 3045; Pub. L. 115-282, title V, §§ 504-506, Dec. 4, 2018, 132 Stat. 4271.)

AMENDMENTS

2018—Subsec. (b)(2)(B). Pub. L. 115-282, §504(1), substituted “subject to paragraph (3), a survival craft” for “a survival craft”.

Subsec. (b)(3). Pub. L. 115-282, §504(2), added par. (3).

Subsec. (f)(2), (3). Pub. L. 115-282, §505, added pars. (2) and (3) and struck out former pars. (2) and (3) which read as follows:

“(2) shall examine at dockside a vessel described in subsection (b) at least once every 5 years, and shall issue a certificate of compliance to a vessel meeting the requirements of this chapter; and

“(3) shall complete the first dockside examination of a vessel under this subsection not later than October 15, 2015.”

Subsec. (i)(1). Pub. L. 115-282, §506(1), substituted “Secretary of Health and Human Services” for “Secretary” in introductory provisions.

Subsec. (i)(2). Pub. L. 115-282, §506(1), (2), substituted “Secretary of Health and Human Services” for “Secretary” and inserted “, in consultation with and based on criteria established by the Commandant of the Coast Guard” before “shall award”.

Subsec. (i)(3). Pub. L. 115-282, §506(3), substituted “50” for “75”.

Subsec. (i)(4). Pub. L. 115-282, §506(4), substituted “\$3,000,000 for each of fiscal years 2018 through 2019” for “\$3,000,000 for each of fiscal years 2015 through 2017”.

Subsec. (j)(1). Pub. L. 115-282, §506(1), substituted “Secretary of Health and Human Services” for “Secretary”.

Subsec. (j)(2). Pub. L. 115-282, §506(1), (5), substituted “Secretary of Health and Human Services” for “Secretary” and inserted “, in consultation with and based on criteria established by the Commandant of the Coast Guard,” before “shall award”.

Subsec. (j)(3). Pub. L. 115-282, §506(6), substituted “50” for “75”.

Subsec. (j)(4). Pub. L. 115-282, §506(7), substituted “\$3,000,000 for each of fiscal years 2018 through 2019” for “\$3,000,000 for each of fiscal years 2015 through 2017”.

Subsec. (k). Pub. L. 115-282, §504(3), added subsec. (k). 2014—Subsec. (i)(4). Pub. L. 113-281, §309(a), substituted “2015 through 2017” for “2010 through 2014”.

Subsec. (j)(4). Pub. L. 113-281, §309(b), substituted “2015 through 2017” for “2010 through 2014”.

2012—Subsec. (f)(2). Pub. L. 112-213, §305(a)(2)(A), substituted “at least once every 5 years” for “at least once every 2 years”.

Subsec. (f)(3). Pub. L. 112-213, §305(a)(1), (2)(B), (3), added par. (3).

Subsec. (g)(4). Pub. L. 112-213, §305(b), substituted “an electronic” for “a publicly accessible electronic”.

2010—Subsec. (a)(6). Pub. L. 111-281, §604(a)(1)(A), added par. (6) and struck out former par. (6) which read as follows: “a buoyant apparatus, if the vessel is of a type required by regulations prescribed by the Secretary to be equipped with that apparatus;”.

Subsec. (a)(7), (8). Pub. L. 111-281, §604(a)(1), redesignated par. (8) as (7) and struck out former par. (7) which read as follows: “alerting and locating equipment, including emergency position indicating radio beacons, on vessels that operate beyond 3 nautical miles from the baselines from which the territorial sea of the United States is measured, and which are owned in the United States or beyond 3 nautical miles from the coastline of the Great Lakes; and”.

Subsec. (b)(1). Pub. L. 111-281, §604(a)(2)(A), struck out “documented” before “vessels”.

Subsec. (b)(1)(A). Pub. L. 111-281, §604(a)(2)(B), substituted “3 nautical miles from the baseline from which the territorial sea of the United States is measured or beyond 3 nautical miles from the coastline of the Great Lakes” for “the Boundary Line”.

Subsec. (b)(2)(B). Pub. L. 111-281, §604(a)(2)(C), substituted “a survival craft that ensures that no part of

an individual is immersed in water” for “lifeboats or liferafts”.

Subsec. (b)(2)(D). Pub. L. 111-281, §604(a)(2)(D), inserted “marine” before “radio communications”.

Subsec. (b)(2)(E). Pub. L. 111-281, §604(a)(2)(E), substituted “nautical charts, and publications” for “radar reflectors, nautical charts, and anchors”.

Subsec. (b)(2)(F). Pub. L. 111-281, §604(a)(2)(F), substituted “and medical supplies sufficient for the size and area of operation of the vessel” for “, including medicine chests”.

Subsec. (b)(2)(G). Pub. L. 111-281, §604(a)(2)(G), amended subpar. (G) generally. Prior to amendment, subpar. (G) read as follows: “other equipment required to minimize the risk of injury to the crew during vessel operations, if the Secretary determines that a risk of serious injury exists that can be eliminated or mitigated by that equipment.”

Subsec. (f). Pub. L. 111-281, §604(a)(3), amended subsec. (f) generally. Prior to amendment, subsec. (f) read as follows: “To ensure compliance with the requirements of this chapter, at least once every 2 years the Secretary shall examine—

“(1) a fish processing vessel; and

“(2) a fish tender vessel engaged in the Aleutian trade.”

Subsecs. (g) to (j). Pub. L. 111-281, §604(a)(4), added subsecs. (g) to (j).

1998—Subsec. (a)(7). Pub. L. 105-383 substituted “beyond 3 nautical miles from the baselines from which the territorial sea of the United States is measured, and which are owned in the United States” for “on the high seas”.

1996—Subsec. (a)(7). Pub. L. 104-324 inserted “or beyond 3 nautical miles from the coastline of the Great Lakes” after “high seas”.

1990—Subsec. (b). Pub. L. 101-595, §602(c)(1), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “In addition to the requirements of subsection (a) of this section, the Secretary shall prescribe regulations for documented vessels to which this chapter applies that operate beyond the Boundary Line or that operate with more than 16 individuals on board, for the installation, maintenance, and use of—

“(1) alerting and locating equipment, including emergency position indicating radio beacons;

“(2) lifeboats or liferafts sufficient to accommodate all individuals on board;

“(3) at least one readily accessible immersion suit for each individual on board that vessel when operating on the waters described in section 3102 of this title;

“(4) radio communications equipment sufficient to effectively communicate with land-based search and rescue facilities;

“(5) navigation equipment, including compasses, radar reflectors, nautical charts, and anchors;

“(6) first aid equipment, including medicine chests; and

“(7) other equipment required to minimize the risk of injury to the crew during vessel operations, if the Secretary determines that a risk of serious injury exists that can be eliminated or mitigated by that equipment.”

Subsec. (c). Pub. L. 101-595, §602(c)(1), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “In addition to the requirements described in subsections (a) and (b) of this section, the Secretary may prescribe regulations establishing minimum safety standards for vessels to which this chapter applies that were built after December 31, 1988, or that undergo a major conversion completed after that date, and that operate with more than 16 individuals on board, including standards relating to—

“(1) navigation equipment, including radars and fathometers;

“(2) life saving equipment, immersion suits, signaling devices, bilge pumps, bilge alarms, life rails, and grab rails;

“(3) fire protection and firefighting equipment, including fire alarms and portable and semiportable fire extinguishing equipment;

“(4) use and installation of insulation material;
 “(5) storage methods for flammable or combustible material; and
 “(6) fuel, ventilation, and electrical systems.”

Subsec. (f). Pub. L. 101-595, § 602(c)(2), amended subsec. (f) generally. Prior to amendment, subsec. (f) read as follows: “The Secretary shall examine a fish processing vessel at least once every two years to ensure that the vessel complies with the requirements of this chapter.”

1988—Pub. L. 100-424 amended section generally, substituting “Safety standards” for “Regulations” in section catchline, adding subsecs. (a) and (b), redesignating former subsec. (a) as (c) and establishing list of standards as minimum safety standards, in addition to requirements of subsecs. (a) and (b), for vessels built after Dec. 31, 1988, or that undergo major conversion completed after that date, that operate with more than 16 individuals on board, adding subsec. (d), redesignating former subsec. (b) as (e) and striking out provisions which required Secretary to consult with representatives of private sector, experienced in operation of these vessels, to ensure practicability of regulations, and adding subsec. (f).

1984—Subsec. (b)(3). Pub. L. 98-557 substituted “this chapter” for “the exemption”.

EFFECTIVE DATE OF 1990 AMENDMENT

Pub. L. 101-595, title VI, § 602(f), Nov. 16, 1990, 104 Stat. 2992, provided that: “This section [amending this section and sections 2102, 3302, 5102, 8104, and 8702 of this title, and enacting provisions set out as a note under section 7306 of this title] is effective on the date of enactment of this section [Nov. 16, 1990] except as follows:

“(1) The requirements imposed by section 3302(c)(4)(B) and (C) of title 46, United States Code, (as enacted by subsection (b) of this section) is effective 6 months after the date of enactment of this Act.

“(2) Before January 1, 1993, section 4502(c) (as amended by subsection (c) of this section) does not apply to a fish tender vessel engaged in the Aleutian trade, if the vessel—

“(A)(i) before September 8, 1990, operated in that trade; or

“(ii) before September 8, 1990, was purchased to be used in that trade and, before June 1, 1992, entered into service in that trade; and

“(B) does not undergo a major conversion.

“(3) Before January 1, 2003, a fish tender vessel is exempt from chapter 51 of title 46, United States Code, (as amended by subsection (d) of this section) when engaged in the Aleutian trade, if the vessel—

“(A)(i) before September 8, 1990, operated in that trade; or

“(ii) before September 8, 1990, was purchased to be used in this trade and, before June 1, 1992, entered into service in that trade;

“(B) does not undergo a major conversion; and

“(C) did not have a load line assigned at any time before the date of enactment of this Act.

“(4) The requirements imposed by section 8702(b)(2) of title 46, United States Code, (as amended by subsection (e)(2)(B) of this section) are effective 1 year after the date of enactment of this Act.”

COMMERCIAL FISHING VESSEL SAFETY NATIONAL COMMUNICATIONS PLAN

Pub. L. 115-282, title VIII, § 830, Dec. 4, 2018, 132 Stat. 4315, provided that:

“(a) REQUIREMENT FOR PLAN.—Not later than 1 year after the date of enactment of this Act [Dec. 4, 2018], the Secretary of the department in which the Coast Guard is operating shall develop and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a national communications plan for the purposes of—

“(1) disseminating information to the commercial fishing vessel industry;

“(2) conducting outreach with the commercial fishing vessel industry;

“(3) facilitating interaction with the commercial fishing vessel industry; and

“(4) releasing information collected under section 15102 of title 46, United States Code, as added by this Act, to the commercial fishing vessel industry.

“(b) CONTENT.—The plan required by subsection (a), and each annual update, shall—

“(1) identify staff, resources, and systems available to the Secretary to ensure the widest dissemination of information to the commercial fishing vessel industry;

“(2) include a means to document all communication and outreach conducted with the commercial fishing vessel industry; and

“(3) include a mechanism to measure effectiveness of such plan.

“(c) IMPLEMENTATION.—Not later than one year after submission of the initial plan, the Secretary of the department in which the Coast Guard is operating shall implement the plan and shall at a minimum—

“(1) leverage Coast Guard staff, resources, and systems available;

“(2) monitor implementation nationwide to ensure adherence to plan contents;

“(3) allow each Captain of the Port to adopt the most effective strategy and means to communicate with [the] commercial fishing vessel industry in that Captain of the Port Zone;

“(4) document communication and outreach; and

“(5) solicit feedback from the commercial fishing vessel industry.

“(d) REPORT AND UPDATES.—The Secretary of the department in which the Coast Guard is operating shall—

“(1) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the effectiveness of the plan to date and any updates to ensure maximum impact of the plan one year after the date of enactment of this Act [Dec. 4, 2018], and every 4 years thereafter; and

“(2) include in such report input from individual Captains of the Port and any feedback received from the commercial fishing vessel industry.”

STUDIES REGARDING SAFETY OF FISHING VESSELS

Pub. L. 100-424, § 5(a), Sept. 9, 1988, 102 Stat. 1591, directed Secretary of Transportation, utilizing National Academy of Engineering and in consultation with National Transportation Safety Board, Commercial Fishing Industry Vessel Advisory Committee, and fishing industry, to conduct a study of safety problems on fishing industry vessels, and to make recommendations regarding whether a vessel inspection program could be implemented for fishing vessels, fish tender vessels, and fish processing vessels, including recommendations on nature and scope of that inspection, and further provided for submission of the study and recommendations to Congress before Jan. 1, 1990.

Pub. L. 100-424, § 5(b), Sept. 9, 1988, 102 Stat. 1591, directed Secretary of department in which Coast Guard is operating, in consultation with Commercial Fishing Industry Vessel Advisory Committee established under former section 4508 of this title, and with representatives of persons operating fish processing vessels to conduct a study of fish processing vessels that are not surveyed and classed by an organization approved by Secretary, and to make recommendations regarding what hull and machinery requirements could apply to such vessels to ensure that those vessels are operated and maintained in a condition in which they are safe to operate at sea, and further provided for submission of such study and recommendations to Congress before July 28, 1991.

TERRITORIAL SEA OF UNITED STATES

For extension of territorial sea of United States, see Proc. No. 5928, set out as a note under section 1331 of Title 43, Public Lands.