



Fish News

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Congress Approves USCG Reauthorization Legislation

Earlier this month, the U.S. House and Senate passed the U.S. Coast Guard (USCG) reauthorization legislation (H.R. 2838) and sent the measure to the President's desk for his signature. The legislation contains several crucial provisions for commercial fishermen:

NPDES Vessel Discharge Permits:

H.R. 2838 continues the existing moratorium on vessel discharge permits for another year, from December 2013 to December 2014. That means all sizes of commercial fishing vessels and commercial-use vessels less than 79 feet will not be mandated to have an NPDES permit until December 2014.

Commercial Fishing Vessel Dockside Examinations:

The USCG reauthorization legislation requires "all vessels to be examined by October 15, 2015 and at least once every 5 years" after that. That compares to the current provision, which requires "all vessels to be examined by October 2012 and at least once every two years" after that.

Change in Safety Training Program Reporting:

H.R. 2838 eliminates the requirement that the safety training course results (for those operating beyond 3 miles) be made available on a "publically accessible" database.

New Survival Craft Requirements:

H.R. 2838 changes the requirement so that the Secretary can approve use of a survival craft (whose design allowed any part of an individual to be immersed in water) from a drop dead date of January 1, 2015 to “the date that is 30 months after the date on which the report described in subsection (c) is submitted” (180 days after passage of H.R. 2838).

Changes to Load Line Requirements for New Vessels:

H.R. 2838 changes the date requirement for fishing vessel load line requirements from *do not apply* “unless the vessel was built after July 1, 2012” to “unless the vessel was built after July 1, 2013”. In addition, the law would change the term for a fishing vessel that undergoes a “substantial change” to the term “major conversion”.

Changes to Vessel Certification Requirements:

H.R. 2838 changes the date requirement for ABS-type certification for vessels operating beyond 3 miles and that are at least 50 feet overall length from “after July 1, 2012” to “after July 1, 2013”.

In addition, H.R. 2838 changes the current law date requirement for another provision. Currently, after January 1, 2010, a fishing vessel, fish processing vessel or fish tender vessel operating beyond 3 miles must comply with an alternate safety compliance program if the vessel is at least 50 feet in overall length, is built before July 1, 2012 and is 25 years of age or older. H.R. 2838 changes the date to “is built before July 1, 2013”.

Furthermore, the current law requires a fishing vessel, fish processing vessel or fish tender vessel built before July 1, 2012 that has a substantial change done to the dimension of or type of vessel completed after July 1, 2012 or the date the Secretary establishes standards for on an alternate safety compliance program must comply with the safety program. H.R. 2838 changes two provisions: both the “July 1, 2012” dates are changed to “July 1, 2013” and the term “substantial change” is replaced by the term “major conversion”.

Finally, H.R. 2838 adds a definition of the term “built” to Title 46, which from that point forward, means the vessel’s construction has reached any of the following stages –

1. The keel is laid.
2. Construction has started, including at least 50 metric tons or one percent of the estimated mass of all structural materials, whichever is less.

Fish News will keep readers updated as to when the President provides his signature for this legislation.

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