

Transport Canada

Fishing Vessel Safety Regulations (FVSR) Phase I & II

Brazil Rock Lobster Association Annual General Meeting



Introduction - What's New?

Phase I of the *Fishing Vessel Safety Regulations* amendments, was published in the *Canada Gazette*, Part II on July 13, 2016, and came into force on July 13, 2017.

Phase II of the FVSR amendment is currently under way and is expected to be in *Canada Gazette part I*, in 2025. (Construction) Canada Gazette will be 45-90 days following and then a **One Year phase in of the regulations.**

The new *Fishing Vessel Safety Regulations* are a result of extensive consultation with stakeholders, including fishing vessel owners, provincial and territorial safety groups and representatives of fishing safety associations from coast to coast to coast.

Regulatory Requirements represent the minimum level of safety!



Responsibilities

The *Canada Shipping Act, 2001* outlines the vessel owner's **obligations** for understanding the regulatory requirements that apply to their vessel / operation, and for ensuring they comply at all times. (ref CSA 2001 s.106)

From FVSR

Responsibility

*3.02 Unless otherwise indicated in this Part, the **authorized representative** (AR - aka Owner) and the **master** of a fishing vessel shall ensure that the requirements of this Part are met.*

NOTE: The FVSR Phase II will continue this wording around AR / owner responsibilities and will in some cases, include the builder, manufacture, etc.



Responsibilities

The AR is responsible to ensure **Safe Operation** of the vessel by:

- Ensuring it is designed, constructed and equipped to operate safely and be seaworthy in its area of operation (s.3.03)
- Not exceeding design limitations (s.3.07)
- Not operating carelessly (s.3.08)
- Not jeopardizing safety: Lifejackets/PFD's to be worn in conditions that could jeopardize safety (s.3.09)



Addressing Known Safety Risks

2022 Transportation Safety Board (TSB) Watchlist

Despite various initiatives that have sparked the development of a safety culture within the commercial fishing industry, the same safety deficiencies on board fishing vessels continue to put the lives of thousands of Canadian fish harvesters at risk.

From July 2020 to June 2022, there were 19 fatalities related to commercial fishing in Canada. The number of fish harvesters that lose their lives annually has not decreased, and continues to average about 11 per year, making harvesting marine resources one of the most hazardous occupations in the country. The vast majority of these fatalities were preventable.



Addressing Known Safety Risks

To reduce the risk of accidents and deaths the FVSR requires:

- The use of PFDs, when safety may be jeopardized
- **Written** safety procedures
- Record keeping (Modifications / Drills / Maintenance)
- Safety Equipment based on vessel **length** and **voyage**
- Stability assessments for **new** vessels
- Adequate stability for **existing** vessels
- Stability Notices for **all** vessel assessed



Statutory Requirement

For vessels over 15 GT, Periodic Inspections and Certification are required.

Vessels 15GT and less, do not required an inspection or certificate, but are still required to comply with the applicable regulations.

*Note: Owners can meet this obligation by participating in the Small Vessel Compliance Program for Fishing Vessel (SVCP-F)



Small Vessel Compliance Program Fishing Vessels (SVCP-F)

SVCP-F is a program that will provide owners and operators of small fishing vessels with tools and guidelines to help them meet their obligations, to comply with regulations, made under the Canada Shipping Act 2001.

SVCP-F documents can be found on-line and completed checklists can be submitted electronically.



Small Vessel Compliance Program Fishing Vessels (SVCP-F)



TP 15360 (01/2022)

**SMALL VESSEL
COMPLIANCE PROGRAM (SVCP)**
Small Fishing Vessel

2705000

EXPIRY DATE
DATE D'EXPIRATION :

**PROGRAMME DE CONFORMITÉ
DES PETITS BÂTIMENTS (PCPB)**
Petit bâtiment de pêche

2027 2028 2029 2030

The owner of this vessel is a participant in the
Small Vessel Compliance Program (Small Fishing Vessel)

Le propriétaire de ce bâtiment participe au programme
de conformité des petits bâtiments (Petit bâtiment de pêche)

Valid only if accompanied by a letter of Confirmation of Participation in the Program.
Valide seulement si accompagné par une Lettre de confirmation de participation au programme.
Marine Safety and Security | Sécurité et sûreté maritimes



FVSR Scope - Currently

Part 0.1

Commercial fishing vessels not exceeding 24.4 m in length or 150 gross tonnage.

Part I

Commercial fishing vessels exceeding 15 gross tonnage but not exceeding 24.4 m in length or 150 gross tonnage. (Certificated).

Part II

Commercial fishing vessels not exceeding 15 gross tonnage.



FVSR Phase II Scope (DRAFT)

Part 1 – Existing FVSR Part 0.1 (Phase I of the Amendment)

Part 2 – New Vessels (More Than 9m)

Part 3 – New Vessels (Not More Than 9 meters)

Part 4 – Existing Vessels

Part 5 – Compliance Notice, Declaration of Conformity and Hull Serial Number (Less than 15GT)

New = One year after FVSR Phase II comes into force (Construction / Contract)



Key Definitions

New (July 13th, 2018)

Hull Length

Major Modification



Major Modification Definition

Major Modification

FVSR s.3.48(3) In this section, **major modification** means a modification or repair, or a series of modifications or repairs, that substantially changes the capacity or size of a fishing vessel or the nature of a system on board a fishing vessel, that affects its watertight integrity or its stability.



Major Modification Definition

Change in Activity

A change to a fishing activity may have a negative impact on your fishing vessel's stability and the forces acting on your fishing vessel may change.

Before undertaking any change in fishing activity, consideration should be given to the potential effects that it could have on the vessel's stability characteristics.

TP 15392E - Guidelines for fishing vessel major modification or a change in activity



Stability

Required for all fishing vessels built after July 13th, 2018

Existing fishing vessels (built prior to July 13th, 2018) stability shall be adequate to safely carry out the vessel's intended operations

Full or Simplified Stability


Any vessel that undergoes a Major Modification that affects its stability is required to undergo a stability assessment.



Stability


STABILITY NOTICE

Vessel Name: xxxx | Vessel Type: xxxx
Fishing Species: xxxx | Source: xxxx




CRAB POTS

NUMBER OF
POTS ON DECK

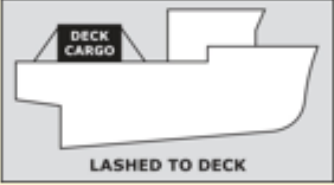


ANTI-ROLL TANK
OPERATING
LEVEL


XXXX




NUMBER OF CREW



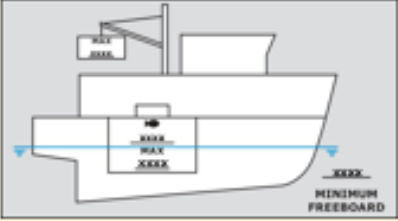
LASHED TO DECK



NO WINTER
OPERATIONS



NO SKIFF ONBOARD



MINIMUM
FREEBOARD

NOTES:

Personal Floatation Devices (PFD)

No person shall operate, or permit another person to operate, a fishing vessel in environmental conditions or circumstances that could jeopardize the safety of persons on board unless a lifejacket required by this Part, or a personal flotation device is worn.

- (a) by all persons on board, if the vessel has no deck or deck structure; or
- (b) by all persons on the deck, in the case of a vessel that has a deck or deck structure.

PFDs shall be marked with either:

- CAN/CGSB-65.11-M88, or
- UL 1180
- Level 70 (NEW)

Also, the PFD on a Fishing Vessel shall;

- Be fitted with retro-reflective tape and a whistle
- have an outer covering of a highly visible colour



Aquaculture

Where does Aquaculture fit in our Regulations?

“Aquaculture” is an industry involving vessels of varying types, performing various activities, operations and functions.

“Aquaculture vessel” is not a “class or type” of vessel specifically defined in the Act or Regulations. While there is no reference to aquaculture vessel, “aquaculture facility” is referenced in some definitions.

The Act defines one type of vessel: Pleasure Craft. All other vessels are “vessel other than a pleasure craft”, or for short, non-pleasure craft. Regulations, further define vessels, such as fishing, passenger, and non-passenger.



Aquaculture

Aquaculture Activities Determine Vessel Type

Feed Supply Vessel = non-passenger vessel (cargo)

Transiting personnel to and from barge/cage = passenger vessel

Towing cages or barges = non-passenger vessel (tug)

ROV operations, cage cleaning & inspection, de-licing, anchor handling = non-passenger vessel (workboat)

Harvest Vessel = fishing vessel, if under 24m in length

Harvest Vessel = non-passenger vessel (cargo), if over 24m in length



Compliance & Enforcement

TCMSS works directly with vessel owners to bring vessels to compliance, sometimes through enforcement.

TC takes a measured approach to enforcement. We begin with verbal and written guidance for regulator non-compliance and moves to formal deficiency notices with due dates to rectify deficiencies.

Occasionally, for safety reasons, non-compliant vessels may not be allowed to sail until the deficiencies are corrected and meet all applicable regulations.

TC requirements may get updated at any time. TC encourages vessel owners to consult with TC when considering or undertaking modifications to a vessel to ensure their safety and compliance with regulations

The enforcement action of issuing an administrative monetary penalty is the final recourse.



Next Steps

Phase II of the FVSR is currently being consulted on through the Canadian Maritime Advisory Council (CMAC) process.

Phase II of the FVSR will;

- address fishing vessel construction up to 24.4m in length or 150GT.
- address existing vessels through Critical Safety Elements and TSB recommendations.

Existing vessels will continue to be required to meet Part I and Part II of the current FVSR, until a major modification is undertaken.

Next Steps towards Phase II of the FVSR are to;

- Consider and Incorporate stakeholder comments received.
- Further develop requirements.



Next Steps

To accommodate the new regulations, Transport Canada has updated its Small Fishing Vessel Safety webpage links

<https://www.tc.gc.ca/eng/marinesafety/debs-fishing-vessels-small-menu-292.htm>

Authorized Representatives should visit the webpage to stay up to date with the latest information. (Google Search – [Small Fishing Vessel Safety](#))

Small fishing vessels' Authorized Representatives should become familiar with the new requirements and take the necessary steps to ensure they are in compliance.



FVSR Phase II – Part 5 - New Vessels Compliance Notices, Declarations of Conformity, and HINs

*The **builder, manufacturer, rebuilder, or importer** of a fishing vessel must ensure that, before the initial transfer of ownership of the vessel to the reseller or end user, the vessel is fitted with a compliance notice permanently attached to the inside of the vessel, in a conspicuous location plainly visible from the operating position.*

A compliance notice must contain at least the following information:

(a) the model of the fishing vessel.

(b) the name of the builder, manufacturer, rebuilder or importer and the manufacturer's identification code.

(c) a statement declaring that the vessel met the applicable construction requirements of either Part 1 or Part 2 of these Regulations as they read on the date of construction, manufacture, rebuilding or importation of the vessel; and

(d) for vessels not provided with a stability notice, the design limitations of the vessel.



Other Points of Interest ...

Assigned Formal Tonnage (AFT) – SSB 15/2023

- Being phased out and ends on July 1st, 2026

How to measure Hull Length – SSB 25/2022

Hinged Fins – SSB 03/2024

Removable Decks – SSB 02/2024

Fishing Vessel Safety Procedures and Crew Familiarization – SSB 14/2024



Fishing Vessel Safety Regulations

**Please do not hesitate to contact your local
Transport Canada Centre if you have any
questions.**

Thank you !

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Representative for TCMSS.**

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