

PFD Requirements Should Be Based on Risk

by Richard Hiscock

A previous article – “Are Immersion Suits Enough?” – concluded that it would be wise for vessels to carry PFDs in addition to immersion suits. We now must discuss current PFD regulations for uninspected vessels that are based on vessel length rather than risk or operational area.

The current PFD regulations for uninspected vessels, including uninspected commercial fishing vessels, require vessels 40-feet or more in length, and vessels carrying passengers for hire, to carry a Type I or Type V (hybrid) PFD for each person on board. Vessels less than 40-feet in length may carry a Type I, II, III or V (hybrid) PFD for each person on board.

These regulations were adopted shortly after Congress replaced a 1910 Motor Boat Act with the Motor Boat Act of 1940, requiring all motor boats subject to the act to “carry at least one life preserver, or life belt, or ring buoy, or other device of the sort prescribed by the regulations of the supervising inspectors . . . for each person on board . . .” The act also required that a motor boat “carrying passengers for hire carry at least one life preserver for each person on board.”

But, the regulations adopted under the 1940 act specifically required motor boats of forty feet or over and not more than sixty-five feet in length (Class

3 vessels), and vessels carrying passengers for hire to carry an approved life-preserver or ring buoy. Smaller motor boats (Class A, 1 and 2) could carry an approved life preserver, ring buoy or buoyant cushion. With minor modification these regulations remain in effect today.

More than forty years later, in 1983, Congress codified the marine safety statutes eliminating references to class and length. The current statute requires that “each uninspected vessel propelled by machinery shall carry at least one readily accessible life preserver or other lifesaving device, of the type prescribed by regulation, for each individual on board.”

In 1988 Congress adopted the Commercial Fishing Industry Vessel Safety Act requiring that vessels subject to the act “shall be equipped with at least one readily accessible life preserver or other lifesaving device for each individual on board.”

It is long past time for the Coast Guard to use the flexibility granted it by Congress to write PFD regulations for uninspected vessels that address risk rather than a specific vessel length.

Why? Because today it is not uncommon for smaller vessels of 20 to 30 feet in length to make voyages many miles from shore. There is nothing significant or special about a length of 40 feet, except that it was used to define a Class 3 vessel at a time when

it was felt that a vessel of 40 feet or longer might make voyages farther offshore.

We should look anew at the PFD regulations applicable to uninspected commercial vessels and recreational vessels. Requiring a Type I PFD on a vessel operating a specified number of miles from shore might make more sense.

At the earliest opportunity the Coast Guard and applicable advisory committees should revisit PFD requirements for uninspected commercial vessels, including fishing vessels, and come up with PFD regulations based on risk not length of vessel. And at the same time we should examine the recreational vessel PFD requirements that have no specific requirement for a Type I PFD on any recreational vessel. Maybe it is time to consider one?

Ideally, with a bit of creative thinking it should be possible to devise a uniform set of regulations for all uninspected vessels – commercial and recreational.

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