Stability Guideline Implementation Plan

On February 3, 2005, the WCB published a preliminary guideline for fishing vessel stability. The guideline became effective April 4, 2005, 60 days after its issuance as a preliminary guideline.

The Board recognizes that developing an effective implementation plan requires meaningful consultation with industry participants. To assist in developing this plan, meetings were held with industry participants, December 9, 2004 and April 21, 2005. The feedback provided by industry has been factored into this plan.

Transport Canada is currently in the process of finalizing fishing vessel regulations that include stability as one component. These regulations are expected to be completed by November 2006. Compliance with the stability component of those regulations is expected to be required when the regulations are promulgated with an ambitious three year implementation timeframe. The WCB stability guideline is consistent with the direction of Transport Canada's proposed regulations. Transport Canada's proposed regulations have been factored into this implementation plan.

The WCB's stability guideline explains the Board's requirement for stability documentation. An underlying requirement is that the documentation is based on technically accurate information. This information will require the work of a Naval Architect or a professional with equivalent knowledge or skills. Industry has expressed concern over the potential cost this will incur. Further, they have expressed that education is needed for vessel operators to ensure stability can be maintained through all phases of operation.

Implementation Plan

The Board intends to implement the fishing vessel stability guideline with three strategies; education, consultation and enforcement.

Education

The Board recognizes the importance the fishing industry places on stability education. The Board will support stability education in the following ways:

Industry support:

The Board, through the Industry Services Fishing Manager, will seek to support industry based educational initiatives through its existing programs and where necessary facilitate new initiatives.

Board Officers:
Prevention Officers will provide education presentations on the content of the stability guideline and the implementation plan.

Consultation
Prevention Officers will provide consultation on application and compliance with the fishing vessel stability guideline.

Enforcement
Currently, the BC fishing fleet consists of about 3500 vessels and all are required to meet the stability requirements as set out in the guideline. There are currently vessels within the fishing fleet that have stability information; however, most vessels are not currently in compliance. Further, it is unclear if any of the vessels with current stability information would meet the intent of the guideline which is ensuring vessel Masters have appropriate stability instructions. Recognition of this low level of compliance does not indicate acceptance of the current state of compliance, rather it frames the scope of the challenges ahead.

Discussion with the Naval Architect community has determined that the current capacity to complete stability assessments on fishing vessels is likely no more than 500 vessels per year. Discussion with the Naval Architect community continues and the Board will have a better understanding of the practical resource limitations as implementation continues.

Enforcement of the requirements of OHSR 24.72 (b), as set out in the Board's guideline, will be risk based. Vessels in higher risk categories will be the focus of planned inspections prior to lower risk vessels. This does not exclude lower risk vessels from inspections that may be conducted as a result of complaints or other information brought to the Board's attention, however, planned inspections will focus on higher risk vessels.

In order to conduct risk based inspections, risk criteria must be established. During its recent consultations, Transport Canada presented proposed risk criteria for vessels 12- 24M in length and vessels under 12M. Vessels that meet the criteria are required to have inclining experiments conducted and

those that do not meet the risk criteria are able to meet simplified stability requirements. The proposed requirements are as follows:

Application-Fishing Vessels 12-24 Metres in Length

(1) The authorized representative for new and existing fishing vessels between 12 and 24 metres in length, inclusive, shall ensure that an inclining experiment is conducted in accordance with this Regulation and TP XXXX Section 2 for vessels;

(a) 15 metres in length or greater;
(b) Engaged in trawling, dragging or other similar means of fishing where heavy gear is towed, or is engaged in purse seining;
(c) Transferred to Canadian registry;
(d) Employed in bulk carriage of herring or capelin;
(e) Employed in carriage of liquid cargo;
(f) Operating beyond Group 3 voyages;
(g) Operating between 01 December and 31 March inclusive, in area where ice accretion is likely to occur;
(h) Having multiple decks;
(i) Where roll period tests results do not comply with the minimum criteria of TP XXXX Appendix 4;
(j) Where cockpits or wells are fitted in the freeboard deck. or
(k) Having anti-rolling tanks

(2) In all other cases, the authorized representative shall ensure that the fishing vessel satisfies the simplified stability criteria set out in TP XXXX, Part B.

Application-Fishing Vessels Under 12 Metres in Length

(3) The authorized representative of new and existing fishing vessels of under 12 metres in length, shall ensure that an inclining experiment is conducted in accordance with this Regulation and TP XXXX Section 2 for vessels:

(a) Engaged in trawling, dragging or other similar means of fishing, where heavy gear is towed, or is engaged in purse seining;
(b) Transferred to Canadian registry;
(c) Operating beyond Group 3 voyages;
(d) Operating between 01 December and 31 March inclusive; , in area where ice accretion is likely to occur;
(e) Having multiple decks;
(f) Where roll period tests results do not comply with the minimum criteria of TP XXXX Appendix 4; or
(g) Having anti-rolling tanks

(6) In all other cases, the authorized representative shall ensure that the fishing vessel satisfies the simplified stability criteria set in TP XXXX, Part B.

The Board will use the applicable proposed Transport Canada criteria as a basis for assigning risk to vessels. In addition, vessels participating in specific fisheries will be prioritized. Vessels participating in the following fisheries will be inspected on a priority basis:

- Trap vessels
- Packers
- Trawl vessels
- Seine vessels
- Longline

The more risk factors a vessel meets the sooner it will be scheduled for inspection. For example:

A 18 M trawler, fishing beyond Group 3 voyages with liquid tanks will meet 4 risk factors (a,b,e,f). This vessel would be scheduled for inspection prior to a vessel that meets fewer risk factors.

As part of its commitment to implement the guideline, the Board will attempt to conduct 400 - 500 stability inspections each year. The Board will identify a list of priority vessels and contact the owners of these vessels to inform the owners that their vessel has been selected for inspection.

A review of 2004 licensed fishing vessels in the Trap, Packer, Trawl and Seine fisheries, over 15m, revealed that there are 402 priority vessels. Of these 142 are currently required to have up to date stability books as required by Transport Canada regulations. These 402 vessels will be the focus of the first year of inspections. Each year, a new risk-based list of vessels will be generated.

A Board Officer will meet the owner at an arranged time and will confirm the stability risk factors that exist on the vessel. This will include the risk factors used to prioritize the vessel but will also document any additional risk factors observed by the Officer. This may include:

- Stern ramps or platforms added,
- Added net reels
- Raised net reel or net drum stands
- Weights added on the mast of boom including winches, lighting, etc
- Excess material stored on the vessel such as fishing gear, equipment oil, fuel capacity, etc
- Liquid tanks
- Fuel tank cross connections
- Added ballast

- Freezers added to vessel
- Weight removed from vessel
- Other weights added

The Officer will take a history of the vessel's modification that have occurred over at least the past 10 years and document this information in an inspection report.

The Officer will request the vessel owner provide access to the instructions the owner provides to the Master with respect to stability. Where no instructions exist the Officer will issue an order to the owner to develop written instructions. A copy of the guidelines for stability are to be provided to the owner. As outlined in the guideline, these instructions are to be based on stability information for the vessel. In the case of vessels meeting the risk factors for inclining experiments as set out in Transport Canada's proposals, the Board will expect that inclining experiments will be done to develop the written instructions.

Where the owner provides the Officer with a copy of the instructions to the Master, the Officer will determine, through the owner, what criteria was used to develop the instructions. Where instructions have not been based on accurate technical data provided by a qualified person, the Officer will issue an order requiring the data be verified by a qualified person.

Unless the Officer determines that the vessel is unsafe for use, the Officer will allow the owner 30 days to develop a compliance plan for the order issued. The compliance plan should demonstrate that compliance will be achieved within 180 days of when the compliance plan is due. Where a vessel is determined to be unsafe by the Officer, the Officer will follow the protocol outlined in Prevention policy 24.70, 24.71, 24.72, 24.73.