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Homeland Security

United States
Coast Guard



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From: E. P. CHRISTENSEN, CAPT
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CG-543 Policy Letter
No.11-11

To: Distribution

Subj: ENGINEER OFFICER ENDORSEMENTS ON UNINSPECTED
COMMERCIAL FISHING INDUSTRY VESSELS

Ref: (a) Title 46 United States Code (46 USC) Part F—Manning of Vessels
(b) Title 46 United States Code (46 USC) §3302—Exemptions [from Inspection]
(c) Title 46 Code of Federal Regulations (46 CFR) Subchapter B—Merchant
Marine Officers and Seamen
(d) USCG Marine Safety Manual, Volume III, Marine Industry Personnel

1. PURPOSE. The purpose of this policy letter is to summarize and clarify references (a) – (d) as they pertain to Engineer Officers on Uninspected Commercial Fishing Industry Vessels.

2. ACTION. OCMI's shall apply the following guidance to vessels as applicable and bring this letter to the attention of appropriate individuals in the commercial fishing industry. Internet release is authorized.

3. DIRECTIVES AFFECTED. Marine Safety Manual (MSM), COMDTINST M16000 (series). MSM Volume III will be amended during its next revision to include the applicable portions of this policy letter.

4. BACKGROUND. Requirements for officers on uninspected vessels are promulgated in 46 CFR Subchapter B. Several casualty investigations, including the loss of the ALASKA RANGER, have found that engineers were not properly licensed to serve in their assigned positions. In its September 30, 2009 accident report, the National Transportation Safety Board recommended that the U. S. Coast Guard conduct refresher training for its marine inspectors and commercial fishing vessel examiners on the licensing and manning regulations that apply to commercial fishing industry vessels.

To be in compliance with the regulations, more than one licensed engineer may need to be employed on board a vessel if there are watch requirements. During discussions with the Coast Guard on this requirement, some commercial fishing industry groups indicated that an implementation time period is essential to meet the manning requirements due to

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the shortage of licensed engineers for these fleets. Numerous commercial fishing industry vessel owners have indicated that they are unable to financially compete with large shipping companies for licensed engineers who serve on inspected vessels. Based on this hiring challenge, vessel owners are encouraging and supporting crew members currently serving in their engine departments to complete requirements and to apply for a Designated Duty Engineer endorsement and/or a Chief or Assistant Engineer Uninspected Fishing Industry Vessel endorsement.

5. DISCUSSION. There have been misinterpretations of 46 CFR 15.820(b) in regards to who must hold an appropriately endorsed license or Merchant Mariner Credential (MMC) authorizing service as a chief engineer on uninspected commercial fishing industry vessels. The misinterpretation is rooted in use of the phrase "...individual engaged or employed to perform the duties of chief engineer..."

The various grades and types of endorsements acceptable for engineers employed on uninspected commercial fishing industry vessels can be confusing, particularly when attempting to cross-reference the requirements in the U.S. Code or the regulations in 46 CFR. To provide guidance in their application, terms of reference and answers to questions are provided in enclosure (1).

This policy letter does not discuss STCW endorsements because fishing vessels, including fishing vessels which operate as fish processing vessels or fish tender vessels, are exempt, in accordance with 46 CFR 11.202(g).

6. IMPLEMENTATION. In order to ensure that the engineer officer endorsement requirements can be met without extended disruption of vessel operations, enforcement of the requirements for an appropriately endorsed engineering officer may be delayed for a reasonable period of time by the OCMI upon receipt of an acceptable plan from the fishing vessel owner to identify and hire a licensed mariner or to allow experienced crew members to complete requirements to obtain a license. In no case should the delay be extended beyond January 1, 2014.

7. DISCLAIMER. This guidance is not a substitute for applicable legal requirements, nor is it itself a regulation. It is not intended to nor does it impose legally-binding requirements on any party. It represents the Coast Guard's current interpretation of the engineer officer endorsement requirements and is intended to assist industry, mariners, the general public, and the Coast Guard, as well as other Federal and state regulators, in applying statutory and regulatory requirements. An alternative approach for complying with the requirements will be considered, if the approach satisfies the requirements of the applicable statutes and regulations.

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The point of contact regarding engineer officer endorsements on uninspected commercial fishing industry vessels is Mr. Jack Kemerer, Chief of the Fishing Vessel Safety Division, Office of Vessel Activities, United States Coast Guard Headquarters. He can be reached at (202) 372-1249, or Jack.A.Kemerer@uscg.mil.

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Enclosure: (1) Analysis and Information Regarding Engineer Officer Endorsements
on Uninspected Commercial Fishing Industry Vessels

Analysis and Information Regarding Engineer Officer Endorsements On Uninspected Commercial Fishing Industry Vessels

(1) SYNOPSIS

This document is organized in a series of common questions regarding engineering endorsements on uninspected fishing industry vessels. Each question is followed by an answer and explanation of the requirements. Definitions and references are also provided.

(2) TERMS OF REFERENCE

Assistant engineer means a qualified officer in the engine department.
Reference: 46 CFR 10.107

Chief engineer means any person responsible for the mechanical propulsion of a vessel and who is the holder of a valid officer endorsement as chief engineer.
Reference: 46 CFR 10.107

Endorsement is a statement of a mariner's qualifications, which may include the categories of officer, staff officer, ratings, and/or STCW appearing on a merchant mariner credential. *Reference: 46 CFR 10.107*

Officer endorsement means an annotation on a merchant mariner credential that allows a mariner to serve in the capacities in 46 CFR 10.109(a). The officer endorsement serves as the license and/or certificate of registry pursuant to 46 U.S.C. subtitle II part E.
Reference: 46 CFR 10.107

Seagoing vessel means a self-propelled vessel in commercial service that operates beyond the Boundary Line established by 46 CFR part 7. It does not include a vessel that navigates exclusively on inland waters.
Reference: This document uses the term "seagoing" in reference to 46 CFR Subpart G. "Seagoing" is not defined in that subpart, so this definition is taken from 46 CFR 15.1101, which accurately reflects the intent of 46 USC 8304 – Manning of Vessels.

Uninspected refers to a vessel that is not required to be inspected by the Coast Guard for issuance of a Certificate of Inspection. Uninspected vessels may include vessels that are issued a certificate by the American Bureau of Shipping (ABS) or that are examined by the Coast Guard or others for issuance of a Certificate of Compliance.
Reference: 46 CFR 2.01-5

Watch - The Coast Guard interprets the term *watch* to be the direct performance of vessel operations, whether deck or engine, where such operations would routinely be controlled and performed in a scheduled and fixed rotation. The performance of maintenance or work necessary to the vessel's safe operation on a daily basis does not in itself constitute the establishment of a watch. *Reference: 46 CFR 15.705*

Analysis and Information Regarding Engineer Officer Endorsements
On Uninspected Commercial Fishing Industry Vessels

(3) QUESTIONS AND ANALYSIS OF ENGINEERING ENDORSEMENTS

(a): Which uninspected fishing industry vessels are required to have a licensed chief engineer?

Answer:

All mechanically propelled, seagoing, uninspected fishing industry vessels of 200 gross tons or over on which any individual onboard has some responsibility for mechanical propulsion. Virtually every vessel has someone onboard with responsibility for mechanical propulsion, as discussed below.

Explanation of the term “engaged or employed to perform the duties of chief engineer.”

46 CFR 15.820(b) states: “An individual *engaged or employed to perform the duties of chief engineer* on a mechanically propelled, uninspected, seagoing, documented vessel of 200 gross tons or over must hold an appropriately endorsed license or MMC authorizing service as a chief engineer.”

This term has been misinterpreted by some to imply that they may hire less qualified persons in lieu of appropriately licensed engineers [refer to (g) for a list of appropriate endorsements] if they do not believe the engineer duties onboard a vessel are great enough to warrant a licensed chief engineer. However, this interpretation is inconsistent with the definition of “Chief engineer” given in the regulations (46 CFR 10.107) which describes the chief engineer as “any person responsible for the mechanical propulsion of a vessel.” It is hard to imagine a fishing industry vessel on which no one is “responsible for mechanical propulsion” while underway. Even small vessels with outboard engines have someone responsible for mechanical propulsion of the vessel. Because the duties associated with this responsibility generally require a greater level of skill and experience as vessel size increases, the regulations set the threshold “of 200 gross tons or over” as the vessel size at which licensing is required.

46 USC 8304(c) is the authority for this regulation and likewise sets the threshold “of 200 gross tons or over” as the vessel size at which chief engineers, as well as masters, mates, and assistant engineers shall be licensed as such for service on certain uninspected vessels.

Note: Designating the mariner who is responsible for the mechanical propulsion of the vessel as anything other than Chief Engineer does not change the licensing requirements. It is the responsibility of the owner, charterer, managing operator, master, or person in charge or command of the vessel to ensure that appropriate personnel are carried to meet the requirements of the applicable navigation and shipping laws and regulations (46 CFR 15.103).

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On Uninspected Commercial Fishing Industry Vessels

(b): Which uninspected fishing industry vessels have specified watch divisions?

Answer:

Uninspected fishing vessels have no specified engineer watch division. Certain uninspected fish processing vessels and fish tender vessels have specified engineer watch divisions as discussed in (c) and (d), below.

Note: A vessel required to have three watch divisions requires at least 3 licensed engineers to perform those watches. Likewise, a vessel required to have two watch divisions requires at least 2 licensed engineers to perform those watches.

(c): Which fish processing vessels have specified watch divisions?

Answer:

An Uninspected Fish Processing vessel is required to have at least 2 licensed engineers if it falls into one of two categories listed in 46 USC 8104(l).

Subsection (l) requires licensed individuals on uninspected fish processing vessels, to be divided, when at sea, into at least 2 watches if the vessel—

- (1) entered into service before January 1, 1988, and is more than 1,600 gross tons; or
- (2) entered into service after December 31, 1987, and has more than 16 individuals on board primarily employed in the preparation of fish or fish products.

Subsection (m) states that this section is not applicable for uninspected fish processing vessels which do not fall into one of those 2 categories. 46 CFR 15.705 confirms that for uninspected fishing vessels which do not fall into one of these two 2 categories there is “no watch division specified.”

(d): Which uninspected fish tender vessels have specified watch divisions?

Answer:

In accordance with 46 USC 8104 (o), uninspected fish tender vessels greater than 200 gross tons [46 CFR 15.825] are required to have the licensed individuals and crewmembers divided, when at sea, into either 2 or 3 watches, depending on when it was purchased and/or first operated as a fish tender vessel.

A division of 3 watches is required unless the vessel:

- (A) before September 8, 1990, operated in that trade; or
- (B) before September 8, 1990, was purchased to be used in that trade; and before June 1, 1992, entered into service in that trade.

Uninspected fish tender vessels falling into either category (A) or (B) are required to have licensed individuals divided into at least 2 watches.

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(e): Do fishing industry vessels without specified watch divisions have to carry assistant engineers?

Answer:

A vessel for which the regulations do not specify a division of watches should establish watches as necessary to perform vessel operations. The establishment of adequate watches is the responsibility of the vessel's master as stated in 46 CFR 15.705 (a). Ensuring that the Master has appropriate personnel to fulfill that duty is the responsibility of the owner, charterer, managing operator, master, or person in charge or command of the vessel in accordance with 46 CFR 15.103.

46 CFR 15.825 states: "An individual in charge of an engineering watch on a mechanically propelled, seagoing, documented vessel of 200 gross tons or over, other than an individual described in §15.820, must hold an appropriately endorsed license or MMC authorizing service as an assistant engineer."

If the chief engineer goes to sleep and leaves another crew member in charge of engine operations, where such operations would routinely be controlled and performed, this other crewmember becomes the individual in charge of the engineering watch. His or her actual status as "assistant engineer" does not diminish even if his/her standing orders are to notify the chief engineer upon the slightest change of watch conditions which could impact the safety of the vessel.

A vessel may have an engine room which does not necessitate an engineering watch. If a single engineer is carried on a mechanically propelled, seagoing, documented fishing industry vessel of 200 gross tons or over, he/she should hold an endorsement authorizing service as the Chief Engineer on the vessel (see part (g) below for a list of appropriate endorsements).

Although it may not be possible to enforce the requirement for an Assistant Engineer with an appropriate endorsement during a dockside exam due to the lack of a specified watch division or manning requirements, a vessel may be found to be in violation of 46 USC 8304 upon boarding or investigation if an engineering watch is established without appropriately licensed assistant engineers.

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On Uninspected Commercial Fishing Industry Vessels

(f): On which vessels is a designated duty engineer acceptable?

Answer:

Designated duty engineers may fill the position of chief engineer or assistant engineer on uninspected fishing industry vessels of not more than 500 gross tons, with respect to any limitations.

The officer endorsement for Designated Duty Engineer (DDE) listed in 46 CFR 10.109(a)(26) is different than the STCW endorsement for a designated duty engineer in a periodically unmanned engineroom listed in 46 CFR 109(d)(6). Unlike the STCW endorsement, it has no special relationship to periodically unattended engine rooms. Outside of 46 CFR 10.107 and §10.109, the term is nowhere used in conjunction with periodically unattended engine rooms anywhere in the Code of Federal Regulations or the United States Code.

As stated in 46 CFR 15.915 (a):

A designated duty engineer license or endorsement authorizes service as chief or assistant engineer on vessels of not more than 500 gross tons in the following manner:

- (1) A designated duty engineer limited to vessels of not more than 1000 horsepower or 4000 horsepower may serve only on near coastal, Great Lakes, or inland waters;
- (2) A designated duty engineer with no horsepower limitations may serve on any waters.

Note that there is no qualification here for periodically unattended machinery spaces. Also, the fact that DDEs are here authorized to serve as assistant engineers undermines the idea that their only purpose is as sole engineer for vessels with periodically unattended machinery spaces. Designated Duty Engineer is simply an engineering endorsement to be used on smaller vessels, and therefore requiring lesser service and testing requirements than required for engineer watchstanders on vessels greater than 500 gross tons.

Note: Any licensed assistant engineer (limited or unlimited) wishing to serve as a Designated Duty Engineer must have an additional endorsement for DDE.

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On Uninspected Commercial Fishing Industry Vessels

(g): What endorsements are acceptable for service as the licensed Chief Engineer on an uninspected fishing industry vessel.

Answer: The engineer holding any of the following licenses is eligible to sail as Chief Engineer on an uninspected fishing industry vessel within the limitations (horsepower [power rating], tonnage, propulsion mode, route, grade, or type of vessel) of the license.

Chief engineer
Chief engineer (limited)
Designated duty engineer
Chief engineer uninspected fishing industry vessels

See FIGURE 19-1 in Marine Safety Manual Vol. III. Analysis is based on the service and testing requirements for engineering endorsements.

Chief engineer

Allows the holder to serve within any horsepower limitations on vessels of any gross tons on all waters.

Chief engineer (limited)

Allows the holder to serve within any horsepower limitations on vessels of any gross tons on inland waters and of not more than 1600 gross tons in ocean, near coastal or Great Lakes service in the following manner:

- (1) Chief engineer (limited—near coastal) may serve on near coastal waters; and,
- (2) Chief engineer (limited-oceans) may serve on ocean waters.

-46 CFR 11.501(b)

Designated duty engineer

Allows the holder to serve within stated horsepower limitations on vessels of not more than 500 gross tons in the following manner:

- (1) Designated duty engineers limited to vessels of not more than 1000 horsepower or 4000 horsepower may serve only on near coastal or inland waters;
- (2) Designated duty engineers with no horsepower limitations may serve on any waters.

-46 CFR 11.501(c)

Chief engineer uninspected fishing industry vessels

Allows the holder to serve as chief engineer of uninspected fishing industry vessels. It is issued for ocean waters and with horsepower limitations. -46 CFR 11.530

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(h): What endorsements are acceptable for service as a licensed Assistant Engineer on an uninspected fishing industry vessel?

Answer:

The engineer holding any of the following licenses is eligible to sail as Assistant Engineer on an uninspected fishing industry vessel within the limitations (horsepower [power rating], tonnage, propulsion mode, route, grade, or type of vessel) of the license.

- Chief engineer*
- First assistant engineer
- Second assistant engineer
- Third assistant engineer
- Chief engineer (limited)*
- Assistant engineer (limited)
- Designated duty engineer*
- Chief engineer uninspected fishing industry vessels*
- Assistant engineer uninspected fishing industry vessels

**described in (g)*

First assistant engineer

Second assistant engineer

Third assistant engineer

These allow the holder to serve within any horsepower limitations on vessels of any gross tons on all waters.

Assistant engineer (limited)

Allows the holder to serve within any horsepower limitations on vessels of any gross tons on inland waters and of not more than 1600 gross tons in ocean service. -46 CFR 11.501(b)

Assistant engineer uninspected fishing industry vessels

Allows the holder to serve within any horsepower limitations on uninspected fishing industry vessels. -46 CFR 11.530