**SAFETY ADVISORY: POTENTIAL OPERATIONAL HAZARD**

**OPERATION OF TEXAS FLATS BOATS/BAY BOATS**

This safety notice is being distributed to increase recreational boater awareness of the Coast Guard’s concerns regarding the safe handling of shallow draft Texas Flats Boats or Bay Boats.   Improper handling of this unique style of boat can result in serious injuries or fatalities.   Please consult the Coast Guard’s *Boating Safety Circulars*Issues 88 and 89 which can be found at: [http://www.uscgboating.org/content/boating-safety-circulars.php](http://click.icptrack.com/icp/relay.php?r=11418086&msgid=105850&act=XE5G&c=1449813&destination=http%3A%2F%2Fwww.uscgboating.org%2Fcontent%2Fboating-safety-circulars.php)

Testing of these boats under U.S. Coast Guard supervision identified that under certain operating conditions these uniquely designed hulls have a tendency to experience “end swapping” or “hull skipping” which could result in serious injuries or fatalities.

The Coast Guard reports that when making hard turns to port or starboard at 25 mph or greater, these vessels may experience an uncontrollable spin of up to 180 degrees, putting the bow down into the water and causing the aft end to rise out of the water.   This uncontrollable action may result in occupants being thrown overboard, and may result in serious injuries from propeller strikes.

These vessels are designed to operate in shallow waters along the coast, which make them very popular with fisherman in Gulf Coast regions.   Examiners in these areas should be aware of the Coast Guard’s safety concerns with respect to the operation of this type of vessel, and when possible, inform operators of  the potential “end swapping” or “hull skipping” that may occur during hard turns at high speed.

Please give this information the widest distribution possible.

**Enjoying the Waterways in a Safe (and Legal) Manner**

This safety alert seeks to raise awareness regarding federal safety requirements for vessels carrying any paying passengers onboard a vessel on navigable U.S. waters.

Picture the following scenario: The sea bass are running and your friend has a friend who can take you and another person fishing for a reasonable fee. He owns a boat that is ideal for fishing. You have a great day on the water, catch plenty of fish, and begin to return at dusk. While heading back in your Captain misreads the lights of another oncoming vessel and the boat you are on just barely escapes a high-speed, broadside collision. Everyone is thrown around as your boat goes through the other boat’s wake and nearly capsizes. You return to the dock with everyone onboard shaken by the experience and you quickly come to the realization that it was simply luck nobody was injured or killed.

In the above instance, what seemed as an almost benign arrangement was in fact an illegal and unsafe operation. While sharing costs of a boat trip is perfectly legitimate and legal, in this hypothetical case, the Captain was required to be credentialed by the Coast Guard. As a result, he did not possess the basic safety knowledge to operate as a Captain of an Uninspected Passenger Vessel (UPV). Additionally, he was not regularly tested for illegal drug use and his vessel may have lacked proper safety equipment necessary for passenger safety operations. There are many other examples of non-compliant UPV operations, which have become all too common across the nation as new smartphone apps have made it easier to connect the general public with boat owners offering excursions. Boat owners or operators that serve as masters of UPVs and carry paying passengers are required by law and regulation to meet federal requirements for that type of operation. In accordance with Title 46 USC 4106, if a UPV is operated in violation of applicable laws and regulations, the owner, charterer, managing operator, agent, master, and individual in charge may be liable for a $5,000 civil penalty per incident.

This requirement is especially relevant for prospective passengers who book transportation services from a smartphone app and common examples include: water-taxis, offshore fishing, sight-seeing, water sports, burial-at-sea services, whale watching, sunset/dinner cruises, diving charters, corporate/school functions, movie shoots, and special events like Christmas boat parades, sailing regattas, and firework shows.

What makes these types of services fall under federal requirements as commercial vessel services is whether or not one of the passengers paid a fee for the service provided. More specifically, whenever consideration is contributed as a condition of carriage on the vessel and that consideration (i.e., payment) directly or indirectly flows to the owner, operator, agent or any other person who has a fiscal interest in the vessel, the transaction results in the excursion becoming a commercial service. There are exceptions related to bareboat charters, but a charter agreement would have to be in place and the charterer would have to be given full control of the vessel including the choice of who would serve as the operator/master.

The many safety requirements for UPVs relate to licensing, watch standing, vessel documentation, mandatory drug testing regime, casualty reporting, required charts and electronic equivalencies, navigation lights and sound signals, life saving and firefighting equipment, safety orientation and instruction, and pollution prevention. All of these different items build a “safety net” that goes well beyond the knowledge of an average boat operator and the basic safety equipment found on a typical recreational boat.

The Coast Guard strongly urges potential customers to be mindful of the dangers of using unauthorized boat operators. For your safety and the safety of others, please ensure that your boat operators are credentialed by the U.S. Coast Guard and are operating vessels with the required safety equipment aboard.

This safety alert was developed by the Office of Investigations and Casualty Analysis. Any questions or comments should be sent to: HQS-PF-fldr-CG-INV@uscg.mil.

**SAFETY ADVISORY: RBS ALERT**

**Smoke Distress Signal Recall**

The Coast Guard has withdrawn the Certificate of Approval for NAMMO LIAB AB Orange Hand Smoke Distress Signal, due to risk of spontaneous combustion when dropped.

These smoke signals may be labeled and marketed as “Polar MK 4” by NAMMO LIAB AB or as “IKAROS” by Hansson Pyrotech. “IKAROS” Hansson Pyrotech is the more current manufacturing name. There are approximately 2,790 signals with the potentially defect in the US market.

Any signal manufactured after October 2013 must be properly disposed of and replaced with a product that satisfies the vessel’s carriage requirements.

**UPDATE FOR VESSEL EXAMINERS AND Boat Owners**
**SIRIUS SIGNAL LIGHT**

Vessel Examiners should be aware of the capabilities and approvals of the SIRIUS SOS C-1001 electronic distress light. This light is acceptable as a nighttime visual distress signal.
SIRIUS has included a daytime distress flag in the SOS C-1001 packaging so that it can market the package as a solution for a combined day/night signal, and as a replacement for flares. As long as the SIRIUS Signal Model SOS C-1001 is carried in conjunction with an acceptable daytime distress signal, this satisfies the daytime/nighttime signaling requirement.
All electronic visual distress signals, in order to be acceptable, must be legibly and indelibly marked with the statement: “Night Visual Distress Signal for Boats Complies with U.S. Coast Guard Requirements in 46 CFR §161.013. For Emergency Use Only”, and must also be marked with the manufacturer’s name, replacement battery type and lamp size.
If an electric light is designed for use with dry cell batteries the label must advise the consumer on the battery replacement schedule, which under normal conditions would maintain performance requirements of 46 §CFR 161.013-3
When conducting a vessel safety check, all Auxiliary Vessel Examiners (VEs)and Power Squadron examiners are to check/verify this piece of safety equipment in accordance with the Vessel Safety Check Manual, COMDTINST M16796.8A. Any further questions or concerns regarding this equipment should be routed appropriately via the chain of leadership and management.

**Information for the current VE Manual and Paper Exams**

All prior versions of the Vessel Safety Check Manual *and* the USCG Auxiliary Operational Facilities guide are canceled and superseded by this new version: Members will notice that the VE Manual is now in a new format, consistent with a typical Commandant Instruction and other USCG Auxiliary Manuals. The “comic book” feel and illustrations have been replaced by the new format, which is intended to be less ambiguous and more instructive for Vessel Examiners. This change in presentation will also allow the Manual to be updated and corrected more frequently than we have seen in the past.

While the format of the new VSC Manual differs from the old, it *does not* represent any material changes to the Vessel Safety Check program. Going forward, the VE mission will continue as it has previously, except the updated Manual will guide VSC activities and act as a stronger resource to build proficiency in USCG Auxiliary and US Power Squadrons Vessel Examiners. f you have any questions or concerns regarding this new Manual or the VSC program, please forward them on through your Chain of Leadership.

**Test A -**[**Click Here**](https://www.usps.org/images/Exec/Safety/vsc/USPS_Test_A_1214.pdf) **Test B -**[**Click Here**](https://www.usps.org/images/Exec/Safety/vsc/USPS_Test_B_1214.pdf) **Instructors giving training and tests please contact me direct for answer sheets.****R/C Lorenzo Gonzalez-Aleman, SN**

 **VE totals for *award purposes* are gathered on info submitted up to 30 October 2015. Any VSCs after that date are only gathered for yearly totals.**

 **How to submit your online VSC Reports to USPS (**[**Click Here**](https://www.usps.org/images/Exec/Safety/vsc/Examiners.pdf)**)**

 **05-02-2014 - CG Marine Safety Alert. INADEQUATE SNAPHOOKS ON LIFEJACKETS - REVERE MODELS 198RT & 160RT (**[**click Here**](https://www.usps.org/images/Exec/Safety/vsc/Marine%20Safety%20Alert%2004-14.pdf)**)**

 **Questions posed by a USPS VE and answered by the US CG Aux**

As far as I know, the USCG does not have an expiration date for the dry chemical fire extinguishers that we check as part of a VSC. You addressed this in your comments on the VSC web site back in May 2012.
Yesterday, I bought two new Kidde Model 110 dry chemical extinguishers from West Marine (1-A:10-B:C). The label, printed in bright red, says:
“This product must be removed from service 12 years after date of Manufacturing per NFPA 10. Year of Manufacturing located on the bottom of Cylinder.”
The National Fire Protection Association (NFPA) is well regarded as a standard-setting organization. Since these Kidde dry chemical extinguishers are widely used on smaller boats, what should you do when conducting a VSC when the extinguishers exceed the in-service date as established by NFPA?
Thanks very much for your help.

**And the US CG AUX answer:**

This has been an issue that has come up on the Auxiliary side and I have had many conversations with CGHQ about it. Their recommendation is that as long as the fire extinguisher is in good condition, not rusted, and the gauge is still in the green, pass the vessel and award the VSC decal. However, **EDUCATE** the boater as to the manufacturer recommendation that the fire extinguisher should be replaced and removed from service after 12 years from the date of manufacture (or date stamped on the bottom).

CGHQ understands what the NFPA10 rule states, but the VSC is based on the CFR. There is no requirement to follow the NFPA 10. That's a manufacturer recommendation. For example, it is mandatory that new fire extinguishers are manufactured and sold with a mounting bracket, however, the fire extinguisher does not have to be mounted to pass the VSC.

Hope this helps,

Mike

**VEs can change their Zip Code** when moving from northern to southern locations and vice-versa as 'snow birds' for the purpose of the 'I Want A VSC' location identifier. Just have a District or Squadron rep with a password to DB2000 enter the Zip Code change into the DB2000 data base. The change will be in effect within 7 days. Remember to change it back when you return home.

**Fire Extinguisher Info For VEs Update by ANSUL Technical Bulletin #45**[**(click here)**](https://www.usps.org/images/Exec/Safety/ANSUL%20TB%2045.pdf)

**Enjoying the Waterways in a Safe (and Legal) Manner**: This safety alert seeks to raise awareness regarding federal safety requirements for vessels carrying any paying passengers onboard a vessel on navigable U.S. waters. Picture the following scenario: The sea bass are running and your friend has a friend who can take you and another person fishing for a reasonable fee. He owns a boat that is ideal for fishing. You have a great day on the water, catch plenty of fish, and begin to return at dusk. While heading back in your Captain misreads the lights of another oncoming vessel and the boat you are on just barely escapes a high-speed, broadside collision. Everyone is thrown around as your boat goes through the other boat’s wake and nearly capsizes. You return to the dock with everyone onboard shaken by the experience and you quickly come to the realization that it was simply luck nobody was injured or killed. In the above instance, what seemed as an almost benign arrangement was in fact an illegal and unsafe operation. While sharing costs of a boat trip is perfectly legitimate and legal, in this hypothetical case, the Captain was required to be credentialed by the Coast Guard. As a result, he did not possess the basic safety knowledge to operate as a Captain of an Uninspected Passenger Vessel (UPV). Additionally, he was not regularly tested for illegal drug use and his vessel may have lacked proper safety equipment necessary for passenger safety operations. There are many other examples of non-compliant UPV operations, which have become all too common across the nation as new smartphone apps have made it easier to connect the general public with boat owners offering excursions. Boat owners or operators that serve as masters of UPVs and carry paying passengers are required by law and regulation to meet federal requirements for that type of operation. In accordance with Title 46 USC 4106, if a UPV is operated in violation of applicable laws and regulations, the owner, charterer, managing operator, agent, master, and individual in charge may be liable for a $5,000 civil penalty per incident. This requirement is especially relevant for prospective passengers who book transportation services from a smartphone app and common examples include: water-taxis, offshore fishing, sight-seeing, water sports, burial-at-sea services, whale watching, sunset/dinner cruises, diving charters, corporate/school functions, movie shoots, and special events like Christmas boat parades, sailing regattas, and firework shows. What makes these types of services fall under federal requirements as commercial vessel services is whether or not one of the passengers paid a fee for the service provided. More specifically, whenever consideration is contributed as a condition of carriage on the vessel and that consideration (i.e., payment) directly or indirectly flows to the owner, operator, agent or any other person who has a fiscal interest in the vessel, the transaction results in the excursion becoming a commercial service. There are exceptions related to bareboat charters, but a charter agreement would have to be in place and the charterer would have to be given full control of the vessel including the choice of who would serve as the operator/master. The many safety requirements for UPVs relate to licensing, watch standing, vessel documentation, mandatory drug testing regime, casualty reporting, required charts and electronic equivalencies, navigation lights and sound signals, life saving and firefighting equipment, safety orientation and instruction, and pollution prevention. All of these different items build a “safety net” that goes well beyond the knowledge of an average boat operator and the basic safety equipment found on a typical recreational boat. The Coast Guard strongly urges potential customers to be mindful of the dangers of using unauthorized boat operators. For your safety and the safety of others, please ensure that your boat operators are credentialed by the U.S. Coast Guard and are operating vessels with the required safety equipment aboard. This safety alert was developed by the Office of Investigations and Casualty Analysis. Any questions or comments should be sent to: HQS-PF-fldr-CG-INV@uscg.mil. Inspections and Compliance Directorate

© United States Power Squadrons® 2015 | Contact Us | [Disclaimer Statement |](https://www.usps.org/images/secretary/itcom/disclaimer.pdf)[Trademark Statement](https://www.usps.org/images/secretary/itcom/trademark.pdf)[|](https://www.usps.org/images/secretary/itcom/disclaimer.pdf)[Privacy Statement](https://www.usps.org/images/secretary/itcom/privacy.pdf)