

**REPORT OF THE
STANDING COMMITTEE ON CONSTRUCTION AND EQUIPMENT**

Agenda

1. Introduction and Approval of Agenda.
2. Regulatory Update:
 - *Vessel Fire Safety Regulations* (Lynn Denis, TC).
 - *Vessel Construction Regulations* (above 150 GT) (Ousmane Alkaly, TC).
 - *Small Vessel Regulations – Phase 2* (15 GT to 150 GT) (Luc Tremblay, TC).
3. Update on IMO work (Luc Tremblay, TC):
 - Maritime Safety Committee (MSC).
 - Design and Equipment (DE).
 - Fire Protection (FP).
 - Stability Load Line and Fishing Vessels (SLF).
4. Report of North American Lifejacket Standards Working Group (Ravi Shankar, TC).
5. Report of Tug and Barge Working Group (Chris Wiley, TC).
6. Regional Issues.
7. Other Business.
8. Tentative agenda items for the next CMAC meeting.
Separate Agenda – begins at 13:30 hours
9. Consultation Session: *Life-Saving Appliances Regulations*.

The meeting of the Standing Committee chaired by Luc Tremblay, Transport Canada was held on Wednesday, November 3, 2010.

1. INTRODUCTION AND APPROVAL OF AGENDA

The Standing Committee on Construction on Construction and Equipment convened on Wednesday, November 3, 2010 and was well attended (around 40 persons).

The agenda was reviewed; the Chair noted that a request was received the week before to add two items to the agenda and those will be presented under the Other Business topics. The agenda was accepted as presented.

2. REGULATORY UPDATE

Vessel Fire Safety Regulations

Lynn Denis, Project Manager for the Regulatory Project on the *Vessel Fire Safety Regulations*, provided an update. Participants were informed that pre-publication in Part I of the *Canada Gazette* is anticipated for fall / winter 2010.

One participant required clarification on why Transport Canada was still approving fire-extinguishing systems instead of having them approved by a product certification body or by a Classification Society. The Chair explained that this new requirement is under the proposed regulations, which are still not in force.

Vessel Construction Regulations

Patrick Bérubé, Transport Canada, presented an update on the *Vessels Construction Regulations* Project. The main objectives of the project are to:

- Provide performance-based requirements that are both safe and allow for innovation;
- Harmonize with or incorporate international standards, as amended, to make fleet replacement easier and keep the regulations updated;
- Enable the ratification of international conventions such as SOLAS, MARPOL; and
- Consolidate the requirements into fewer regulations.

The project management plan including the five different phases of the project life cycle was explained. Presently we are at the beginning of Phase III, which is the execution phase.

It was indicated that work is progressing on making concordance tables between the current Canadian regulations and standards and the SOLAS Convention and other international standards. Good concordance have been found in most cases and the objective of replacing Canadian standards, such as the *Stability, Subdivision, and Load line Standards* (TP 7301) with the equivalent IMO International Stability Code 2008 or the *Ships Electrical Standards* (TP 127) with IEEE and IEC standards should be achieved.

Following the presentation, questions of clarification where made.

One question was concerning the possible incorporation of the *Standards and Guidelines for the Construction, Inspection and Operation of Barges that Carry Oil in Bulk* (TP 11960) in the *Vessel Construction Regulations*. The Chair indicated that the review of this standard is to be made under the *Regulations for the Prevention of Pollution from Ships and for Dangerous Chemicals* review.

Another participant expressed his preference for having anything related to construction under a single regulation, including other elements, such as oil/water separator, that should be part of the machinery requirements to facilitate the reference.

The Chair indicated that although these kinds of elements were under the responsibility of other groups under different regulations, there was a possibility to include a reference in the guidelines that will be developed for the *Vessel Construction Regulations* to these other regulations in cases where some elements may affect the construction of the vessel.

Small Vessel Regulations – Phase 2 (15 GT – 150 GT)

A presentation was made by Luc Tremblay on the development of the Phase 2 of the *Small Vessel Regulations*.

It was explained that the *Small Vessel Regulations* Phase 2 would fill the space between the new *Small Vessel Regulations* (recently came into force) and the future *Vessel Construction Regulations*. The lower limit of application will be for vessels of more than 15 gross tonnage or more than 12 passengers and the upper limit will be vessel of less than 24 metres.

The *Small Vessel Regulations* Phase 2 will not be applicable to pleasure craft (the new *Small Vessel Regulations* is already applicable to all sizes) and fishing vessels (to be in the *Fishing Vessel Safety Regulations*).

The main scope of *Small Vessel Regulations* Phase 2 will be:

- Vessel structure including materials, welding and fabrication;
- Main and auxiliary machinery (propulsion, shafting, bilge system, fuel system, steering gear, etc.);
- Electrical systems;
- Weathertight integrity (windows, doors, etc.);
- Water freeing arrangement;
- Protection of personnel (rails, bulwark, etc.);
- Equipment (anchor, cables, etc.);
- Accommodation; and
- Subdivision and stability, both intact and damaged.

The regulations will make use of performance-based requirements as opposed to prescriptive requirements, whenever possible. When possible the regulations will offer flexibility by allowing alternatives based on the “equivalent level of safety” principle. It is not planned to have a construction standard for vessels up to 24 metres published by Transport Canada as Standards from other international or national organizations will be adopted where available.

An update was made on the work in progress which include the review of all Board Decisions applicable to vessels of less than 24 metres, review of Ship Safety Bulletins, Notices to Surveyor and a review of Transportation Safety Board recommendations, investigations and occurrences database regarding these types of vessels.

The next steps are the completion of the project plan and schedule and the formation of the internal Transport Canada regulatory working group in the winter of 2011.

Phil Nelson, Council of Marine Carriers, asked if the *Small Vessel Regulations* Phase 2 would be incorporating requirement for towboats. He mentioned that it was his understanding that a decision was taken to address the requirements for towboats in a separate regulation. The Chair stated that he could not confirm or deny but his understanding was that the final decision was not taken and although specific requirements for tugs will be considered during the development of the *Small Vessel Regulations* Phase 2, no final decision was taken on where these will be addressed. Phil Nelson reiterated that due to the unique nature of tugboats, they should have their own regulation, and that if not part of a specific regulation at least all requirements for construction and equipment and for all size of tugs should be grouped into a single regulation.

3. UPDATE ON IMO WORK

Maritime Safety Committee (MSC)

Design and Equipment (DE)

Fire Protection (FP)

Stability Load Line and Fishing Vessels (SLF)

A presentation was made to present a high level update on the IMO work regarding construction and equipment. The presentation explained in brief the structure of IMO and the Committee (MSC) and Sub-Committees (DE, SLF, and FP) with the most direct impact on construction and equipment.

It was highlighted that it is becoming important for all stakeholder to be aware and follow the work that is ongoing at IMO as the new regulations are incorporating IMO instruments, as amended from time to time, both for Convention and non-Convention vessels.

The group was invited to have a look at Transport Canada and IMO websites and encouraged to send any comments or concerns for consideration. The new update to the OMI website for access to public document was presented. It was shown that public access to all meeting documents, circulars, and resolutions has been improved and requires a simple free registration.

A participant added that it is also possible to subscribe to the IMO newsletter and that important changes are indicated in the letter.

Following the agenda items on Regional Issues, Victor Santos-Pedro, Transport Canada, gave an update on the IMO Design and Equipment Sub-Committee session 54 held between October 25th and 29th.

An update was also given on the status of the guidelines for the survival craft release hook. An ad-hoc working group met between October 20th and 22nd in London on the subject. The work was not finalised at this DE session, however an agreement was reached at the end of the meeting based on a proposal by the industry and the work will be forwarded for completion at the next MSC meeting at the end of November.

The accidental release of hooks is a major cause of accidents and Canada plans to implement the IMO guidelines, as soon as they are completed.

An update was also made on the development of the guidance to ensure a consistent policy for watertight doors to remain open during navigation. There was no resolution at this meeting and the work is going to be forwarded to the MSC for finalisation. Canada is following the development of the guidelines and will provide an update at the CMAC meeting when a resolution is reached at IMO.

Victor Santos-Pedro explained the status of the work on the development of a Mandatory Polar Code. The importance of the Code for the Arctic Waters of Canada was explained and it was indicated that the intention of Canada was to adopt this Code when completed and that consultation on the subject is being initiated. Options for adoption of the Code are considered; this could be either through an update of the *Arctic Shipping Pollution Prevention Regulations* or through an update of the *Equivalent Standards for the Construction of Arctic Class Ships* (TP 12260). It was also mentioned that three sessions of the DE Sub-Committee are planned for the development of the Code and that the work should be completed for approval by the Marine Safety Committee after the 2012 DE Sub-Committee.

4. REPORT OF NORTH AMERICAN LIFEJACKET STANDARDS WORKING GROUP

Ravi Shankar, Transport Canada, presented the report of the Working Group on North American Lifejacket Standards. The Working Group convened its 5th meeting on November 2, 2010. It was encouraging to note that approximately 22 participants representing a homogenous mix of stakeholders were present at the meeting and contributed towards a meaningful discussion. The Chair suggested deletion of agenda item 4 as there was nothing to report since the last meeting and added one new item as proposed by Bob Askew, Mustang Survival, under the heading “proposal to form a correspondence group for comments and review of the draft standard”. The agenda was adopted with these two changes. The following summary provides an overview of the proceedings.

It was agreed that Sam Wehr, Mustang Survival, would lead the presentation while Paul Potter, CORD Group, would provide his input by way of remarks, as and when required. Sam Wehr provided an overview on the background, organization of ISO’s standard on lifejackets (12402), work-plan, and schedule for completion of the project, i.e. drafting, consultation and publishing of the *North American Lifejacket Standards* (NAM) on lifejackets. He further briefed the Working Group on how the differences among CGSB, UL and NAM standards versus ISO were identified, discussed or being discussed with ISO’s technical committee and steps taken to ensure that the NAM standard has minimum deviation from ISO 12402.

It was agreed that Transport Canada will explore the possibility of providing a link to the USCG website, where standard related material is posted, through the CMAC website. Though the website is accessible by the general public, this step will further facilitate the accessibility by Canadian stakeholders. It will encourage our stakeholders to provide feedback to Transport Canada, who will bring them up for discussion and consideration at Standards Technical Panel or drafting group meetings. Bob Askew volunteered to come up with the terms of reference for the proposed correspondence group within a month and the Chair invited the participants to join this group.

In closing, the Chair thanked all the participants and reiterated that it is imperative that the group participate actively and provide Transport Canada with their comments and feedback after reviewing the material posted on the website.

5. REPORT OF THE TUG AND BARGE WORKING GROUP

The Working Group was held on November 1, 2010 and was chaired by Phil Nelson, Council of Marine Carriers, and Chris Wiley, Transport Canada.

In anticipation of reporting to the Marine Safety Executive on the progress of the Working Group to date, the history and the Terms of Reference were reviewed with the group. With respect to the progress on the Terms of Reference, the following ten issues have been considered by the Working Group.

1. Definition of integrated tug/barge – definition agreed / work plan for standard / use of definition to trigger *Marine Personnel Regulations*.
2. Definition for use in the *Collision Regulations* – agreed by Working Group and discussed at the Standing Committee on Navigation and Operations on Tuesday, November 2, 2010.
3. Oil/Chemical Barge Standards – work plan agreed.
4. It was noted that the industry on the west coast is current disarray over the inability to build to the provisions of the previous Transport Canada Oil Barge Standards (which much of the existing tonnage has been built to). Commercially, there is a need to replace tonnage especially to comply with the forthcoming double hull requirements for barges. The use of ro/ro cargo on decks of oil barges has an unblemished safety record of 70 plus years. There are currently no Class rules to cover such a situation – Lloyds is now examining the possibility of approval. Fuel tanker trucks on deck barges – decrease to 10 cubic metres for requirement of Ship Oil Pollution Emergency Plan (SOPEP).
5. Hazardous substances of deck barges – currently covered in the *Cargo, Fumigation and Tackle Regulations*.
6. Navigation in ice – recommendation to be included in future.
7. Oil recovery barges – double hull by 2015, if transit Single hull acceptable for local oil recovery.
8. Fuel storage barges – double hull by 2015, if transit Single hull acceptable if moored, preventative maintenance, risk assessment to local community.
9. Standard bollard pull rating – use Robert Allen procedure.
10. Operational practices for tug/barges – use of safety management plan/Domestic Safety Management (DSM).

The intent of the Chair is to collaborate with legal and provide updates and options to MSE for a way ahead for those agreed to dates.

Outstanding Issues

1. Arctic fuel overwintering / double hull exemption for barges on McKenzie River – Prairie and Northern Region Study – update at the spring 2011 National CMAC meeting.
2. Requirements of Ballast Water Convention regarding unmanned barges.
3. There was a presentation by the Quebec Region, which provided discussion on incidents with uninspected deck barges, including navigation issues in narrow channels on the St. Lawrence River and seaway. Intend to provide guidance nationally applicable to barges not subject to inspection tools to harmonize procedures that will be available from the domestic safety management system. Barge uses as mooring pontoons, for construction platforms, used in equipment transportation, etc. The proposal from the Quebec Region is to form an Expert Group to discuss this along with bridge visibility and other operational issues.
4. Update on Canadian Alternate Compliance Program (CACP) – Pilot project. March 31, 2011 finish date. Transport Canada to review program.

6. REGIONAL ISSUES

Michael Dua, Ontario Region, Transport Canada, gave an update on some of the main elements presently happening in the region.

Makham Chowdrey, Pacific Region, Transport Canada, also presented a list of questions currently being addressed in the region.

7. OTHER BUSINESS

Two items were presented under Other Business at the request of Sean Griffiths, Secunda Marine.

The first item was concerning Transport Canada requirements regarding stair tower arrangement on cargo vessels. Sean Griffiths expressed that the Canadian requirements in the *Hull Construction Regulations* are making compliance of the foreign built vessels difficult and requested that the SOLAS requirements and interpretation should be accepted.

Luc Tremblay, Transport Canada, indicated that this element was revisited twice, both in the context of the proposed *Vessel Fire Safety Regulations* and in a recent working group of foreign built vessel and Transport Canada is not in agreement with the SOLAS interpretation, like other countries, since two of these interpretations are not taking into consideration the protection of the crew by offering a safe shelter during evacuation, but are only addressing the risk of fire and smoke propagation between decks. It was also indicated that comments on the subject could still be provided as part of the proposed *Vessel Fire Safety Regulations*, which are anticipated to be pre-published in Part I of the *Canada Gazette* shortly. Victor Santos-Pedro, Transport Canada, added that the Transport Canada interpretation is based on the result of investigating recommendations following accidents on Canadian vessels. Transport Canada

will also be participating at the IMO on the upcoming review of the MSC Circular 1120 regarding these interpretations.

Sean Griffiths also asked for the Transport Canada position regarding the Standard Respecting Standby Vessels (TP 7920) and the issuance of a Letter of Compliance. Luc Tremblay indicated that this standard exists under the MOU between Transport Canada and Offshore Boards and that this MOU is presently under review and is under the responsibility of the Regional Director of Marine Safety in the Atlantic Region. Victor Santos-Pedro added that while he was not aware of the status of the review, Transport Canada's preferred option was to withdraw the standard and no longer issue Letters of Compliance.

Two other participants expressed support for the points raised by Secunda Marine.

Maersk Supply Services also presented a point regarding the current limit of 36 workers transported on an offshore supply vessel. They mentioned that this limit should be increased to the maximum capacity of the vessel to address the increased demand. The representative from Husky Energy expressed support for the issue raised by Maersk Supply Service, noting that the persons transported are not regular passengers but are offshore workers trained in marine emergency. Victor Santos-Pedro indicated that this representation is noted and will be considered.

8. TENTATIVE AGENDA ITEMS FOR THE NEXT CMAC MEETING

Stakeholders were invited to submit agenda items to the CMAC Secretariat in advance of the next National CMAC meeting scheduled for April 26 to 29, 2011. They were invited to consult the CMAC website and where Agendas should be available on-line four weeks before the next meeting.

Prepared and/or approved by:

Luc Tremblay, Marine Safety, TC, Standing Committee Chair

ANNEX A
REPORT ON THE CONSULTATION SESSION:
LIFE-SAVING APPLIANCES REGULATIONS

MINUTES TO FOLLOW