REPORT OF THE STANDING COMMITTEE ON CONSTRUCTION AND EQUIPMENT

Agenda

1. Introduction and Approval of Agenda.
2. Regulatory Update:
   - *Small Vessel Regulations* (up to 15 GT) (Kevin Monahan, TC).
   - *Vessel Fire Safety Regulations* (Lynn Denis, TC).
   - *Small Vessel Regulations* – Phase 2 (15 GT - 150 GT) (Luc Tremblay, TC).
   - *Vessel Construction Regulations* (above 150 GT) (Ousmane Alkaly, 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.
9. Consultation Session: *Life Saving Appliances Regulations* (Separate Agenda – begins at 13:30 hours).

The meeting of the Standing Committee chaired by Luc Tremblay, Transport Canada was held on Wednesday, April 28, 2010. The report of the *Life Saving Equipment Regulations* Consultation Session is attached as Annex A.

1. INTRODUCTION AND APPROVAL OF AGENDA

The Standing Committee on Construction and Equipment was well attended with around 40 persons.

The Agenda was reviewed and accepted as presented.

2. REGULATORY UPDATE

Small Vessel Regulations (up to 15 GT)

Kevin Monahan, Transport Canada, gave an update presentation of the *Small Vessel Regulations*. It was explained that the proposed *Small Vessel Regulations* were pre-published in Part I of the *Canada Gazette* on April 25, 2009. The comments received were considered and the work to update the proposed Regulations has been completed. Final approval and publication in Part II of the *Canada Gazette* II is anticipated before the May long weekend.

Final publication of the revised Construction Standards for Small Vessels (TP 1332) and the new Canadian Lifesaving Appliances Standard (TP 14475) will be coincidental with final approval and publication of the *Small Vessel Regulations* in Part II of the *Canada Gazette.*

Kevin Monahan also explained that an update to the *Contraventions Regulations* would come into force at the same time as the *Small Vessel Regulations*. This update includes new fines in line with the new *Small Vessel Regulations* and a revision of fine amounts for most items.

Vessel Fire Safety Regulations

A regulatory update was provided by Lynn Denis, Transport Canada, on the *Vessel Fire Safety Regulations* informing participants that the drafting of the regulations is completed and that pre-publication in Part I of the *Canada Gazette* is anticipated for late spring or early summer 2010.

It was also mentioned that a copy of the proposed draft Regulations was made available at the previous November 2009 CMAC meeting.

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

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

It was explained that the *Small Vessel Regulations* Phase 2 will fill the space between the new *Small Vessel Regulations* (to come into force in May 2010) 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 be applicable to passengers vessels and non-passengers (cargo, etc.) of more than 15 gross tonnage and not more than 24 metres and passenger carrying vessels of less than 15 gross tonnage carrying more than 12 passengers. It will not be applicable to pleasure craft (the new *Small Vessel Regulations* is already applicable to all sizes) and fishing vessels (to be included in the proposed *Fishing Vessel Safety Regulations*).

Application to a small group of vessels with unusual design (e.g. ACV, HSC) or with special operating characteristics will be decided during the research and policy development phases of the *Small Vessel Regulations* Phase 2. It is expected that some of these groups will not be part of the proposed Regulations and will instead be addressed in the *Special-purpose Vessels 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 personal (rails, bulwark, etc.).
- Equipment (anchor, cables, etc.).
- Accommodation.
- Subdivision and stability, both intact and damaged.

The requirements for life saving equipment and fire safety are presently being developed as part of the reform of the *Life Saving Equipment Regulations* and the *Vessel Fire Safety Regulations*. A separate part in each of these two regulations will be applicable to vessels of more than 15 gross tonnage up to 24 metres. During the development of the *Small Vessel Regulations* Phase 2 the integration of these parts under the new *Small Vessel Regulations* will be considered.

Operational requirements for vessels up to 24 metres will not be part of the *Small Vessel Regulations* Phase 2 and will remain in their respective regulations such as the *Collision Regulations*, *Navigation Safety Regulations*, *Marine Personnel Regulations*, *Regulations for the Prevention of Pollution from Ships and for Dangerous Chemicals*, etc.

The *Small Vessel Regulations* Phase 2 will make use of performance-based requirements as opposed to prescriptive requirements, whenever possible. The requirements will be risk-based and selected to offer the best balance of safety, economic considerations, and protection of the environment. When possible they 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. Standards from other international or national organizations will be adopted, where available.

The development of the *Small Vessel Regulations* Phase 2 will be parallel to the development of the *Vessel Construction Regulations*. When suitable, requirements developed for the *Vessel Construction Regulations* will be incorporated, for example regarding intact and damage stability, electrical requirements, etc.

The next steps are the development of the Project Charter and schedule during the summer of 2010. The internal Transport Canada regulatory development working group should be created in the fall of 2010.

Vessel Construction Regulations

An overview of the *Vessels Construction Regulations* Project was presented. 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 and MARPOL.
- Consolidate the requirements into one regulation.

The approach for establishing requirements of the type of vessels that should be considered in the scope of the *Vessels Construction Regulations* Project was presented. The appropriate analysis methodology that is followed to conduct the Project was presented as well. The project management plan including the five different phases of the project life-cycle were explained. Presently, Transport Canada is at the beginning of Phase III, which is the execution phase. This phase we will be completed with anticipated pre-publication in the Part I of the *Canada Gazette* in 2012.

Stakeholders have expressed interest in the project and many questions were raised on issues such as:

- Concerns about having to resort to Marine Technical Review Board (MTRB) prior to the coming into force of the proposed Regulations as a performance-based approach would raise issues that should be solved through MTRB. The reality is that it takes months to process a MTRB request and the proposed Regulation would introduce more problems than it solves.
- Whether the proposed Regulations would include provisions that would explain how marine safety inspectors should apply performance-based requirements to conduct their inspections? It was answered that the issue is related to enforcement and will be part of the guidelines and working instructions and not the proposed Regulations themselves.
- What would happen to the existing TPs in particular TP 127? The answer was, most of the TPs will be repealed and replaced by the proposed Regulations.

Answers to the initial questions were provided and stakeholders seemed satisfied with them.

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 Committee was invited to have a look at the Transport Canada and IMO websites and encouraged to send any comments or concerns to Transport Canada for consideration.

Some participants suggested that Transport Canada should make the IMO working documents readily available on the Website. It was also suggested that Transport Canada should look at the United States Coast Guard model of having an IMO planning meeting with the industry before each IMO meeting.

4. REPORT OF NORTH AMERICAN LIFEJACKET STANDARDS WORKING GROUP

The of report of the Working Group on North American Lifejacket Standards was presented by the chair Ravi Shankar, Transport Canada.

The Working Group convened its fourth meeting on April 26, 2010. It was encouraging to note that approximately 23 participants representing a mix of the stakeholders were present at the meeting and contributed towards a meaningful discussion.

Ravi Shankar acknowledged the request for adding one item to the Agenda proposed by BC Ferries. Since items 2 and 3 were addressing the request made, the Agenda was adopted without making any changes.

The following summary provides an overview of the proceedings.

Paul Potter, CORD Group, provided an update on the work done during the past six months on the North American Standards for Lifejackets. The goal of the drafting group is to compare Canadian Standards with ISO 12402, recognizing the differences that will be discussed with ISO and thus reduce the number of national deviations without compromising on safety. Paul Potter identified that Canadian process and structure for the implementation plan as yet to be developed and suggested that Canada follows the same mechanism as is followed in the United States for managing a standard.

Sam Wehr, Mustang Survival, briefed the Working Group on North American Lifejacket Standards versus ISO. He began by stating that a lot has been achieved on the comparison of ISO, Canadian, and American standards. The presentation gave an overview of the risk based model (known as RBM) that is being developed by an expert group represented by test labs, manufacturers, and regulators from both sides of the border.

Sam Wehr also indicated that acceptance of 50N devices is still being debated in the United States. Ravi Shankar confirmed that the drafting group is clear on the inclusion of 70N devices into the new standard, either by persuading the ISO group to accept it as a new part of the standard, or otherwise it will stay as a deviation to the standard.

Ravi Shankar made the last but brief presentation on the implementation plan. The Working Group was informed that the standard will be incorporated by reference into the proposed *Life Saving Appliances Regulations*, and national deviations, if any, will be in the addendum to the Standard. This however, is subjected to the lawyer's acceptance in case new regulations come into force before the North American Standards are published.

5. REPORT OF THE TUG AND BARGE WORKING GROUP

The agenda was introduced and open for additions. Jan Zwaan, Transport Canada, indicated that he wished to add an item concerning failures that have occurred on a Wagner Steering Great Jog Switch currently installed on a number of Canadian tugs. The addition was accepted and the agenda was approved.

Chris Wiley, Transport Canada gave a presentation outlining the agenda and the achievements of the Working Group to date. Reports were expected from the expert teams on: composite unit definition for the *Collision Regulations*; inclusion of the Oil Barge Standards into the regulatory work plan; barges carrying oil on the west coast; and the terms of reference for a study on arctic fuel barge overwintering. Phil Nelson noted that, as indicated in the presentation, the Working Group had expressed a desire to have one set of regulations concerning tug barges. Currently, the advice being received from Transport Canada senior management and the Regulatory Reform Project Team was that a single tug / barge regulation is not the preferred way forward.

There was a discussion on the issue of whether items of importance to the tug / barge industry will be missed in the Regulatory Reform Project and whether the *Special-purpose Vessels Regulations* are a suitable home, as well as the role of Guidelines or Safety Management systems. The item was unresolved although on the question of whether that was still the wish of the group, a majority of those who were poled, indicated that this was still the preferred option (but a large number of the group remained silent on the issue).

Ray Krick made a presentation on the practicalities of utilizing the agreed definition of a composite unit in the *Collision Regulations* and Annexes. The context of the definition and the proposal was that if the combination manoeuvres as one unit, it should be lit as one unit. However, the details of doing so would require some flexibility in interpretation by Transport Canada rather than a change in the regulation.

There was some discussion on the realities of perceptible movement, the consistency from one voyage to the next, and whether the aspect of the lighting was always the same. The Council of Marine Carriers indicated that the proposal made practical sense and noted that they would be comfortable adding a flashing light as required on the Great Lakes on West Coast installations. As the solution was dependent upon a forward mast on the barge, there was one note of caution from Colin Eckford, Seaspan, advising that their ITB operation utilized a bow loading barge, making the forward mast location somewhat problematic. Examples of possible lighting requirements were given from vessels in the McKeil fleet. Rob Turner, Transport Canada, indicated that each situation would require a vessel by vessel review, and that while there were a number of concerns that would still need to be worked out, overall the concept of adapting by policy seemed reasonable. He requested that the same presentation be made to the Standing Committee on Navigation and Operations for their input.

Leo Stradiotti made a presentation on the various classes of barges that carry oil on the West Coast. There were recommendations attached to each of the classes of barges. The general consensus was that the current state of the Type III Type C barges needs to be improved, as did the enforcement / compliance to a minimum recommended standard for this particular class of barges.

It was noted that oil recovery barges were included in the presentation and there was a clarification made by Chris Wiley on what had been discussed previously and the recommendations that had gone forth from the Working Group on the status of oil recovery barges. He reiterated that what had been agreed in the Working Group and the advice received from Transport Canada Legal were consistent in that single hull oil barges used in oil recovery operations were to be exempt from the double hulling requirements in 2015 when recovering oil. However, if the recovered oil was to be transported from the recovery scene to a port that was not local (to be defined in the future) a double hulled barge would be required for the transit.

Desmond Raymond, Transport Canada, gave a short update on the Term of Reference for a study to be undertaken in the Prairie and Northern Region, on the use of fuel barges in the Arctic and the practice of overwintering these barges.

Jacques Fortin, Transport Canada, handed out a proposal to study barge issues in the St Lawrence.

It was noted that Transport Canada Headquarters had undertaken a study to examine the compatibility of the United States and Canadian regulations with respect to tugs and barges. This topic was on the agenda (among others) on recent meeting with the United States Coast Guard in Washington.

It was noted that now that the definition issues appeared to be resolved with respect to the *Collision Regulations*, there were still issues outstanding with respect to the use of the definition with regards to other regulations – specifically with respect to the *Marine Personnel Regulations*. An expert team comprised of Ray Krick, Phil Nelson, a Union Representative, and Chris Wiley volunteered to undertake to produce recommendations for the upcoming November CMAC meetings.

Jan Zwaan provided information on the failure of a Wagner Steering Jog Switch fitted on a number of tugs in Canada. The issue was as a result of a Transportation Safety Board report involving the failure of such a switch and the loss of steering, which in turn caused a girding incident when the barge overtook the tug. The intent is to produce a Ship Safety Bulletin. A small number of hard copies of the information were available. For those who were unable to receive a copy at the meeting, it is available from Jan Zwaan. The Working Group suggested that the information also be presented to the Working Group on Fishing Vessel Safety Regulatory Issues.

6. REGIONAL ISSUES

No Regional issues were raised during the meeting.

7. OTHER BUSINESS

A concern was raised by Jeff Penton regarding the carriage of workers on offshore supply vessels in Newfoundland. Transport Canada has limited the capacity to 36 workers (passengers) in line with some SOLAS requirements. Due to the flight restrictions for helicopters, since last year's accident, there is more pressure to carry workers by ship. Would it be considered to increase the number of workers carried if the vessel has the capacity, considering also that the workers are trained in MED.

Luc Tremblay indicated that the Committee was not in a position to discuss the issue but that it will be put on the record.

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 in November 2010. They were invited to consult the CMAC website and were advised that the Agenda 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

During the afternoon of April 28, 2010, 33 participants attended the Consultation Session on the proposed *Life-Saving Appliances Regulations*.

Serge Théorêt, Transport Canada, provided an update on the initiatives and the context and requirements of the proposed Regulations. A review of the proposed structure of the life-saving requirements and the vessel classes based on voyages was provided, as well as an elaborate explanation on specific new life-saving appliance requirements and conditions relating to:

- Personal life-saving appliances.
- Visual signals.
- Survival crafts.
- Launching and embarkation appliances.
- Distress alerting and communication equipment.

After the presentation, participants were then invited to review version three of the proposed *Life-Saving Appliances Regulations* and provide their feedback to the Project Managers by May 31, 2010. The proposed *Life-Saving Appliances Regulations* are anticipated for pre-publication in Part I of the *Canada Gazette* in the winter of 2012.

A few clarification questions were raised on issues such as immersion suit testing, life raft inspections, service provider availability, storage of lifejackets on open decks and availability of infant lifejackets as well as a recurring question concerning the benefits and costs associated to implementing the new requirements being proposed in the regulations. The participants were provided with the required answers and informed that a Cost-Benefit Analysis will be conducted and that stakeholders will be consulted.