BC Timber Sales Awareness and Guidance for Small Commercial Marine Vessel Legal Requirements

Background

The use of Small Commercial Marine vessels is a part of our business. Our staff and contractors may use and operate these types of vessels as part of their work.

The following information is intended to assist our staff in understanding the Transport Canada and Worksafe BC requirements for small commercial marine vessels (or boats as referred to in OHS reg's). This is not an exhaustive list of the legal requirements. For specific questions staff should contact the Transport Canada Marine Safety office, Worksafe BC, or refer to the applicable regulations.

BCTS staff that are potential passengers or inspecting contractors will need to have a sufficient level of awareness to help determine if the boat is meeting legal requirements and to identify potential safety concerns.

The responsibility is on the owner/operator of the vessel to ensure the applicable Transport Canada and other related requirements are being met. The vessel owner must develop procedures for safe operation of the vessel in normal and emergency conditions, ensure that the crew is trained so that it can carry out its duties with skill, and maintain a record of the training that has been carried out. The owner must also make sure the operator has the certification necessary to operate the vessel. Together the owner and operator must make sure the crew meets the certification and training requirements.

What is a Small Commercial Marine Vessel?

This category covers all vessels used for non-pleasure purposes, other than commercial Fishing Vessels. As many of these vessels are used for commercial purposes they are commonly referred to as small "commercial" vessels by the marine industry. Although not operated for profit, vessels operated by government agencies and other volunteer organizations fall under the "commercial" umbrella as they are not operated solely for pleasure.

For vessels other than passenger vessels, the gross tonnage of the vessel determines the requirements that apply. A passenger vessel is any vessel that carries at least one passenger. A

passenger is generally anyone who pays for a trip on a vessel. Transport Canada has divided small commercial marine vessels into two categories. 0-15 gross tons carrying up to 12 passengers. 15-150 gross tons carrying more than 12 but no more than 25 berthed or 100 unberthed passengers.

https://www.tc.gc.ca/eng/marinesafety/debs-small-vessels-menu-2258.htm

Highlights of Requirements for Small Commercial Marine Vessels

All non-pleasure vessels must be registered with Transport Canada.

https://www.tc.gc.ca/eng/marinesafety/oep-vesselreg-menu-728.htm

0 – 15 gross tons carrying up to 12 passengers

Transport Canada does not require this type of vessel to be inspected or certified to carry passengers.

The responsibility for inspecting a vessel to ensure it is structurally sound and meeting legal requirements falls to the owner or authorized representative.

There are numerous safety and environmental requirements for small vessels in the Canada Shipping Act. Transport Canada has a Small Vessel Compliance Program (SVCP) which helps owners and operators operate legally. The SVCP is not mandatory, but meeting the requirements are. Participants in the SVCP receive a blue decal to display on their vessel. If the vessel you are looking at is part of this program and has the blue decal it is an indication that requirements are being met.

https://www.tc.gc.ca/eng/marinesafety/svcp-menu-3633.htm

Some of the requirements covered in the SVCP that we can look for are as follows

- Are there safety procedures in place for dealing with emergencies?
- Are crews trained for dealing with emergencies?
- Are passengers given a pre-departure safety briefing?
- Is there adequate safety / emergency response equipment on board? (Life jackets, life rafts, flashlights, first aid kits, extinguishers etc.)
- Is there navigation equipment on board?
- Is there communication equipment on board? (radio etc.)
- Is the vessel stable?

15-150 gross tons carrying more than 12 but no more than 25 berthed or 100 unberthed passengers.

Transport Canada requires a valid operating certificate for this type of vessel. Certificates are valid for a period of time and are initially issued after a first inspection and at periodic inspections thereafter. Inspections must be done by Transport Canada.

Passenger vessels more than 15 gross tons or carrying more than 12 passengers must be inspected yearly. A more extensive inspection is required every fourth year in addition to the annual inspection. Vessels over 15 and not over 150 gross tons that do not carry passengers, including towed barges more than 15 nautical miles from land and carrying a crew must be inspected every four years. Life saving and fire-fighting equipment will be checked and in some cases tested. Scuppers and the closures for hatches, doors and other openings will be examined to make sure they keep water out. Main and auxiliary steering gear and fire-resistant bulkheads and doors will be inspected and self-closing arrangements for fire-resisting doors will be tested.

https://www.tc.gc.ca/eng/marinesafety/debs-small-vessels-csv-15-150-1633.htm

https://www.tc.gc.ca/eng/marinesafety/tp-tp14070-menu-1648.htm

Crew Certification requirements

Certification that shows that a crew has at least the minimum level of training required is mandatory for all non-pleasure vessel crews in three areas: First Aid, Operator Competency, and Basic safety training. For details on the requirements refer to table 4-1 found in the Crew Certification section on the following web link https://www.tc.gc.ca/eng/marinesafety/tp-tp14070-3582.htm

Reporting Marine Safety Concerns to Transport Canada

The Transportation Safety Board of Canada (TSB) administers a program called SECURITAS that enables you to report-in confidence-concerns you may have about safety in the marine, pipeline, rail and air modes of transportation. The incidents and potentially unsafe acts or conditions you report through SECURITAS are not always reported through other channels.

http://www.tsb.gc.ca/eng/securitas/

BC Forest Safety Council Resources on Marine Safety

The BC Forest Safety council has good information on Marine Safety. For BCTS staff that use marine craft they should be aware of the contents.

http://www.bcforestsafe.org/marine_safety

Worksafe BC Requirements for Water Operations

Worksafe BC has regulations for Water Operations under Part 26 Forestry Operations and Similar Activities. These include requirements for marine vessels. Marine vessels are referred to as boats in the regulations. Click on the link below to get to the regulations.

https://www.worksafebc.com/en/law-policy/occupational-health-safety/searchable-ohs-regulation/ohs-regulation/part-26-forestry-operations