



REASSESSMENT OF THE RESPONSES FROM TRANSPORT CANADA TO MARINE SAFETY RECOMMENDATION M94-05

ACCESSIBILITY OF EMERGENCY EQUIPMENT

Background

On 02 April 1992, a small open charter boat, with four persons on board, capsized off Mara Rock, BC, throwing all four occupants into the cold water (TSB Report M92W1031). As a result, two people died from hypothermia, and the two remaining survivors were rescued, after approximately 23 hours in the water, suffering from acute hypothermia.

In Lake Huron in 1992, four of six persons on board, including the operator, perished from drowning when a chartered cabin cruiser on a fishing expedition became fouled in a fishing net, swamped and capsized (TSB Report M92C2007). Neither of the two co-owners operating the vessel possessed a certificate of competency. The vessel did not carry adequate lifesaving and life support equipment. Nor did the vessel carry pyrotechnics or other means of communication.

For many years, fishing vessels and pleasure yachts have been chartered or rented to carry passengers. Some of these vessels are sufficiently large to place them in a category of over 100 GRT which would otherwise require them to be appropriately certificated and inspected. However, many charter operators are able to conduct commercial operations with boats that are subject to neither the safety inspection, crew qualification requirements of the *Canada Shipping Act*, nor to the regulations for passenger operations.

The Board issued interim recommendation M94-05 on 09 February 1994. The Board concluded its investigations and released reports M92C2007 and M92W1031 on 23 August 1994 and 17 January 1995, respectively.

Board Recommendation M94-05 (09 February 1994)

The Board was concerned that current operational practices and the lack of regulatory control over charter operations compromise the safety of individuals. In the interim the Board recommended that:

The Department of Transport initiate research and development into ways of ensuring the accessibility of all emergency equipment, including in capsizing situations.

M94-05

Response to M94-05 (02 May 1994)

The Minister of Transport accepts the recommendation. Research is presently being carried out nationally and internationally on the accessibility and availability of emergency lifesaving equipment. Results of the research will be forwarded to the TSB when available.

Board Assessment of the Response to M94-05 (28 July 1994)

The response indicates that research projects on the accessibility and availability of emergency lifesaving equipment are presently being carried out nationally and internationally. TBS staff was able to identify those currently being conducted in Canada on liferaft stowage racks, easy recovery of liferafts, the development of a Safety of Life At Sea (SOLAS) liferaft, lifejackets and Emergency Position Indicating Radio Beacon (EPIRB).

The Department has offered to forward the results of the research to the TSB when available. Based on the known scope and objectives, it is difficult to assess if these research will lead to better accessibility and availability of emergency lifesaving equipment, as intended by the recommendation. However, they will no doubt lead to better design and development of emergency and lifesaving equipment, which in turn may improve their accessibility and availability. The response is considered **Satisfactory in Part**.

Response to M94-05 (December 2000)

The research was cancelled but a subsequent study on safety equipment accessibility on small commercial vessels was completed but it did not fully address the safety deficiencies of concern to TSB. The issue of accessibility of lifesaving equipment will be reviewed as part of the *Life Saving Equipment Regulations* and the *Small Vessel Regulations*, as part of Transport Canada's *Canada Shipping Act Reform Project*.

Board Reassessment to the Response to M94-05 (15 September 2004)

Amendments to the *Life Saving Equipment Regulations* require that all vessels under 25 m in length, which carry life rafts, have life rafts that float free in the event of the vessel sinking, and lifesaving equipment to be readily available. Proposed amendments to the *Small Vessel Regulations* will require vessels to carry properly sized lifejackets for each person on board.

The response is considered **Satisfactory Intent**.

Board Reassessment to the Response to M94-05 (7 December 2005)

As an alternative approach, amendments were made to the *Life Saving Equipment Regulations* to require all vessels under 25 m in length, which carry life lifesaving equipment to be readily available. Proposed amendments to the *Small Vessel Regulations* will require vessels to carry properly sized lifejackets for each person on board. A Distress Alerting Risk Assessment study to evaluate the need for more effective distress alerting capabilities on small commercial vessels is expected to be completed and a decision on distress alerting capabilities will be made by the end of 2005.

No substantial change to address the safety deficiency since the last reassessment.

Next TSB Action (07 December 2005)

TSB staff will monitor the proposed action.

Response to M94-05 (November 2006)

TC's update, dated November 2006, indicated that TC has finalized its report on the Marine Distress Alerting Risk Assessment and will be presenting the report to the Marine Safety Executive Committee of Marine Safety. Based on the report and the consideration by MSE, TSB will be informed of Marine Safety's action.

Board Reassessment to the Response to M94-05 (November 2006)

TC's update indicated that its Distress Alerting Risk Assessment study to evaluate the need for more effective distress alerting capabilities on small commercial vessels has been completed, and that the study will be considered by senior management.

Therefore, the assessment remains at **Satisfactory Intent**.

Next TSB Action (November 2006)

TSB staff will consider the outcome of the results of the report and consideration by MSE.

Response to M94-05 (June 2008)

TC's update, dated June 2008, indicated that Ship Safety Bulletin 07/2007 - *Inflatable Life rafts and Rescue Platforms, Stowage and Proper Access*, was issued in August 2007. The Bulletin advises all shipowners and operators that the float free requirement for liferafts (including those that are davit launched) will be proposed to become mandatory for all vessels as part of the proposed *Fishing Vessel Safety Regulations* and the proposed *Small Vessel Regulations*. This will also become mandatory under the *Life Saving Equipment Regulations*. (Follow-up information indicated that the proposed *Small Vessel Regulations* are anticipated to be pre-published in the Canada Gazette, Part I in spring 2009, the proposed *Fishing Vessel Safety Regulations* in fall/winter 2009/2010, and the *Life Saving Equipment Regulations* in spring/summer 2010.

Board Reassessment to the Response to M94-05 (September 2008)

The proposed requirement for float free arrangements, if fully implemented, will substantially reduce the risks associated liferafts that are not fitted to float free.

Therefore, the assessment of the response remains at **Satisfactory Intent**.

Next TSB Action (September 2008)

TSB staff will monitor the proposed action.

Response to M94-05 (March 2010)

TC's update, dated March 2010, indicated that the contents of Ship Safety Bulletin 07/07 issued in August 2007 will be proposed to become mandatory for all vessels as part of the proposed new *Fishing Vessel Safety Regulations* and the proposed *Small Vessel Regulations*. This will also become mandatory under the proposed *Life Saving Appliances and Arrangements Regulations*.

The proposed new Fishing Vessel Safety Regulations are anticipated to be pre-published in Part I of the Canada Gazette in the fourth quarter of 2011. The proposed *Small Vessel Regulations* were pre-published in Part I of the Canada Gazette on April 25, 2009. Final approval and publication in Part II of the Canada Gazette is anticipated for the second quarter of 2010. There is no anticipated publication date for the *Life Saving Appliances and Arrangements Regulations* at this time; however, formal consultations with stakeholders began at the Regional and National fall 2009 Canadian Marine Advisory Council meetings.

Board Reassessment to the Response to M94-05 (28 July 2010)

Given the completion of the Distress Alerting Risk Assessment study to evaluate the need for more effective distress alerting capabilities, the coming into force the *Small Vessel Regulations* on 12 May 2010, in which liferafts carried on board must be stored in a manner that allows for automatic float free release, and the proposed amendments to various regulations, the safety deficiency associated with inaccessible safety equipment will be substantially reduced.

The assessment of the response is considered **Fully Satisfactory**.