

CANADA SHIPPING ACT, 2001 (CSA 2001)
REGULATORY AMENDMENT PROJECT
PUBLIC CONSULTATION

SMALL VESSEL REGULATIONS

CANADIAN MARINE ADVISORY COUNCIL (CMAC)

Spring 2014

INFORMATION PAPER

Please forward your comments to:
Larry Spears at larry.spears@tc.gc.ca or
Honey Walsh at honey.walsh@tc.gc.ca
Small and Fishing Vessels
Design and Equipment Standards
Transport Canada, Marine Safety and Security
Tower C, Place de Ville
11th Floor, 330 Sparks Street
Ottawa, Ontario K1A 0N5

Fax: (613) 991-4818

Website: cmac-ccmc@tc.gc.ca

RDIMS# 9331106

This information Paper has been prepared for comment and discussion.

Regulatory Amendment Project – Information Paper for Public Consultation

CSA 2001 – Small Vessel Regulations

CMAC – Spring 2014

Responsible Authority

Julie Gascon, Executive Director, Domestic Vessel Regulatory Oversight and Boating Safety

INTRODUCTION:

The proposed amendments to the *Small Vessel Regulations* are provided for discussion. The scope of these amendments include pleasure craft requirements as they relate to the following:

1. Stand-Up Paddleboards (SUP)
2. Pyrotechnic distress signals
3. Pleasure craft licensing provisions

The proposed regulatory amendments will address a number of issues identified by various stakeholders in partnership with Transport Canada. This discussion paper is an important part of the process to realize the goal of achieving a responsible, reasonable and thoughtful approach to regulatory amendment in consultation with Canadians.

PURPOSE:

The purpose of this discussion paper is to present proposed amendments to the *Small Vessel Regulations* for the Spring 2014 consultation session at the Canadian Marine Advisory Council (CMAC).

STATUS:

Transport Canada is in the early stages of the Development Phase starting with the consultation responsibilities of the regulatory amendment process. Regulatory amendment submissions for the *Small Vessel Regulations* are anticipated to be published in the *Canada Gazette* in the Spring 2015.

BACKGROUND:

The *Small Vessel Regulations (SVR)* include the safety equipment carriage requirements and the Pleasure craft licence requirements for vessels in Canada.

Item 1 – Stand Up Paddleboards (SUP)

Since the latest version of the SVR came into force, a new vessel type / activity that originated in Hawaii has gathered interest around the world and continues to grow in popularity in Canada. Although it originated as a surfing activity, it has evolved into a paddle activity that takes place on all water-body types. When used as a surfing activity Transport Canada does not consider this activity a navigating vessel and therefore does not regulate it. However, the paddle community has recognized the potential of this craft and has adapted it for navigation purposes on rivers, lakes and oceans in all types of conditions. As a new activity to Canada, some discussions have taken place surrounding appropriate carriage requirements for SUP. Paddle Canada, a nationally represented paddling organization that includes SUP courses and certifies SUP instructors has expressed support for the wearing of flotation devices while paddling SUP. An amendment to the SVR is required to ensure an appropriate and reasonable approach to safety equipment is applied.

Similar provisions will be considered for non-pleasure human powered vessels.

Item 2 – Pyrotechnic Distress Signals (Flares)

The Small Vessel Regulations require all vessels over 6m in length to carry flares on bodies of water where they can be more than one nautical mile from shore. Flares are used to signal distress by notifying rescuers of an emergency or aiding rescuers to pinpoint the location of a known vessel in distress.

The recreational boating community and enforcement agencies have expressed concern over the difficulty of dealing with expired flares and the environmental impact resulting from their disposal. Various changes have occurred in the boating environment since the flare requirement was first introduced and technological advances in electronic communications and SAR alert systems have provided new ways for boaters to communicate. Improved navigation systems and increased boating traffic have also changed the equipment needs of recreational boaters.

The lack of flares has not been identified as a primary contributing factor in boating fatalities in recent years and as such Transport Canada is proposing an option to reduce the number of mandatory flares for multiple vessel categories. This option will help alleviate the unnecessary purchase of flares for circumstances where they do not add significantly to safety and reduce the hazards and environmental impact resulting from expired flares.

Similar provisions will be considered for non-pleasure vessels.

Item 3 – Pleasure Craft Licence (PCL)

- I. When the new SVR came into force in April, 2007, an expiry date of 10 years was introduced for all PCL issued, transferred, renewed or updated as described in Section 106. Pleasure craft licences issued prior to 2007 did not have an expiry date. The PCL program is undergoing improvements that will increase client services by developing an online application system. To help with the administration of the database, some minor wording needs to be amended.
- II. The expiry date was set at 10 years. With the convenience of an online system, a 5 year expiry will help to ensure information collected is accurate.

DETAILS ON THE PROPOSED AMENDMENTS:

Item 1 – SUP

The purpose of this regulatory amendment is to include regulatory text for stand up paddleboard under Section 220 “Exception for Human-Powered Pleasure craft” which uses relatively straight forward language as provided below:

If every person on board a paddleboat, a watercycle, a sealed-hull, sit-on-top kayak or a **stand up paddleboard** is wearing a personal flotation device or lifejacket of an appropriate size, the paddleboat, watercycle, kayak or stand up paddle board is required to carry on board only the following safety equipment: (a) a sound-signaling device; and (b) a watertight flashlight, if the paddleboat, watercycle or kayak is operated after sunset or before sunrise or in periods of restricted visibility.

Item 2 – Pyrotechnic Distress Signals (Flares)

The proposed regulatory amendments for this item would involve amendments to Subpart 3, Section 213 of the Small Vessel Regulations, General Exceptions for Pleasure Craft, Visual Signals.

213. (3) for vessels more than 6 metres in length the number of pyrotechnic distress signals in Section 205 may be reduced by 50 percent for each type required if the vessel is operated within [3] [5] nautical miles from shore and the vessel is equipped with;

- a) A VHF radiotelephone, if operating in a VHF coverage area or;
- b) if outside of VHF coverage, radio equipment capable of establishing continuous two-way communications with an organization on shore providing communications with the vessel or;
- c) a 406 MHz PLB worn by the vessel operator or;
- d) A 406 MHz EPIRB

In addition it is proposed that the table in Section 205 would be amended as follows:

Column 1		Column 2
Item	Length	Visual Signals
1.	not more than 6 m	(a) a watertight flashlight; or (b) three pyrotechnic distress signals other than smoke signals <i>not more than one of which is a smoke signal</i>
2.	more than 6 m but not more than 9 m	(a) a watertight flashlight; and (b) six pyrotechnic distress signals other than smoke signals
3.	more than 9 m	(a) a watertight flashlight; and (b) twelve pyrotechnic distress signals, not more than six of which are smoke signals

Item 3 – Pleasure Craft Licence (PCL)

The proposed amendment will remove the word “update” and would reduce the expiry to 5 years.

Example – Section 106 would read “a pleasure craft licence is valid for a period of 5 years beginning on the day on which it is issued, transferred or renewed; the word **updated** would be removed.

NEXT STEPS:

Once consultations with stakeholders conclude, this information will be used as part of the regulatory impact analysis statement.