

March 25, 2019

**Attention: Fishing Safety Now Working Groups,
Fish Harvester Associations,
Fisheries Safety Association of Nova Scotia Board of Directors, and
Nova Scotia Fisheries Sector Council Board of Directors**

RE: PFD Requirements – Transport Canada

On behalf of the Nova Scotia Fisheries Sector Council (NSFSC) and the Fisheries Safety Association of Nova Scotia (FSANS) we would like to provide you with some clarification when it comes to PFD's and what Transport Canada is looking for.


Nova Scotia is a unique province in which we have two sets of rules when it comes to PFD's. Transport Canada has a set of rules around PFD's in their Fishing Vessel Safety Regulations and the Canada Shipping Act. The Nova Scotia Department of Labour and Advanced Education have regulations under their Occupational Health and Safety Act and Occupational Safety General Regulations.

An easy way to remember is – Transport Canada focuses more on the “what” you wear when it comes to PFD's and NS Department of Labour focuses on “when” you wear your PFD.


Attached to this letter is a message from Transport Canada on their requirements. Please review and share with your members.

If you have any questions or concerns feel free to reach out to Rob Freake – Transport Canada.

Best regards,



Lisa Fitzgerald



Amanda Dedrick

A Message from Transport Canada in regards to PFD's

Lisa / Amanda,

I would appreciate it if you could forward this reply to all associations within NS along with any suppliers, builder, buyers, etc. that have any dealings with PFDs. I have been getting numerous calls regarding PFDs and I feel the response needs to be distributed as far reaching, and to as many individuals as possible, to ensure everyone is fully informed.

From a Transport Canada Marine Safety & Security (TCMSS) point of view, in accordance with the Fishing Vessel Safety Regulations (FVSR) when there is a possibility of jeopardizing safety (aka risk of drowning) the Fishing Vessel (FV) owner is required to ensure that a life jacket or personal flotation device is WORN (ref. FVSR s.3.09). In my opinion, not many fishers will wear a life jacket when working on deck so the PFD option will most likely be the option chosen. If a person falls overboard without a life jacket or PFD on, then they will be non-compliant with the FVSR and the Canada Shipping Act 2001.

Personal Flotation Devices (PFDs) that are carried on board a fishing vessel (FV), must be **A Transport Canada approved PFD, that is highly visible and fitted with reflective tape and a whistle**. This is outlined in the *Fishing Vessel Safety Regulations* (FVSR) sections 3.09, 3.2 & 3.25 (https://laws-lois.justice.gc.ca/PDF/C.R.C.,_c._1486.pdf)

If the FV owner, operates a FV under 12m in length and within 25nm from shore, wishes to substitute lifejackets for PFDs, which means the vessel will not have any lifejackets onboard, then in addition to the TC approval, the highly visible, reflective tape and a whistle, the PFD must also have a minimum of 100 Newtons of buoyancy and must be worn. This can be found in the FVSR section 3.25(2).

Any FV in NS that has this PFD on their vessel will meet BOTH the TC requirements and the NS Dept. Of Labour requirements. The "when to wear" portion of your question should, as you have said, come from the province since their requirements are more specific than ours. Meeting the provincial wear requirement, will meet the TC requirements for NS.

What is TC approved?

If a PFD has TC approval it will be identified on a tag on the inside of the product. There will also be a Canadian General Standards Board (CGSB) number on the tag. The approval standard will be: **CAN/CGSB-65.11-88**. What must be remembered here is that the FVSR **ALSO** requires for fishing vessels that along with the TC# the PFD must be highly visible, fitted with reflective tape and a whistle in order to be acceptable for use on a fishing vessel. It is possible to get a TC approved PFD without the highly visible, reflective tape, and whistle but these **CANNOT** be used on a fishing vessel. These would be acceptable for a passenger vessel or workboat but not a FV, since this requirement is, as stated above, specifically outlined in the FVSR section 3.2(3)(a) & (b).

There is another option for approval and that is DFO/CCG but I would not expect to see many of these still available. This comes from pre 1995 approvals when TC and CCG were within the same department. An older approval that might still exist out there somewhere but none I have seen in many years.

The FVSR section 3.2(1) provides reference to the *Small Vessel Regulations* (<https://laws-lois.justice.gc.ca/PDF/SOR-2010-91.pdf>) where the approval requirements / standards (listed above) can be found.

To Summarize:

Fishing Vessel (Any Length / Tonnage) fitted with Life Jackets

- Transport Canada Approved PFD - Canadian General Standards Board *CAN/CGSB-65.11-88*
- Highly Visible Colour (if inflatable, internal Blatter needs to be high visible, external doesn't have to be)
- Retro Reflective Tape, fitted
- Whistle, Fitted (can be added after if needed)
- **Still required to carry life jackets when vessel is over 12m in length operating beyond 25nm from shore.**

Fishing Vessel (under 12m / within 25nm from shore) NOT fitted with Life Jackets

- Transport Canada Approved PFD - Canadian General Standards Board *CAN/CGSB-65.11-88*
- Highly Visible Colour (if inflatable, internal Blatter needs to be high visible, external doesn't have to be)
- Retro Reflective Tape, fitted
- Whistle, Fitted (can be added after if needed)
- **Minimum 100 newtons of buoyancy**

Any questions, from anyone, can come to me directly, at the contact info below.

Regards

Rob

Robert J. Freake

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