

DOSH DIRECTIVE

Division of Occupational Safety and Health
Department of Labor and Industries
Keeping Washington safe and working

21.90

Charter Boat Inspections

Updated: February 15, 2019

I. Purpose

This Directive provides guidance to enforcement and consultation staff regarding Charter Boat inspections under Chapter 88.04 RCW, the Charter Boat Safety Act.

II. Scope and Application

This Directive applies to all DOSH operations statewide, and replaces all previous instructions on this issue, whether formal or informal.

This Directive has been reviewed for applicability, and remains effective with a new issue date of February 15, 2019.

III. Background

DOSH is responsible for implementing and enforcing the requirements of Chapter 88.04 RCW, the Charter Boat Safety Act. The Act requires L&I “to inspect or provide for the inspection of every charter boat once every twelve months with the vessel in the water, and once every sixty months with the vessel in drydock, to determine if the vessel and its equipment comply with the rules promulgated by L&I and with applicable state and federal laws and regulations.” The section also provides for L&I to inspect such vessels “if the department has reasonable cause to believe either that a provision of this chapter has been violated or that an inspection is necessary to ensure the safety of persons or property on the vessel.”

Charter boat is defined in RCW 88.04.015(3) as a vessel or barge operating in Washington State waters that is not inspected or licensed by the United States Coast Guard (USCG) and over which the USCG does not exercise jurisdiction and which is rented, leased, or chartered to carry more than six persons or cargo.

RCW 88.04.025(1) provides that no such vessel may be operated unless it has a valid certificate of inspection from either L&I or the USCG.

IV. Enforcement Policies

- A. The Maritime Supervisor is responsible for ensuring that the owners of all certified charter vessels are aware of the need to renew their certificate of inspection.
- B. The Maritime Supervisor is responsible for scheduling the inspections and ensuring that any determinations based on the inspections are made in accordance with applicable DOSH and USCG guidelines.

- C. Only designated and qualified Maritime inspectors are permitted to conduct Charter Boat Inspections. A fully qualified charter vessel inspector would have a full understanding of vessel stability (including how to perform a simplified stability test), sea worthiness and overall safety afloat. The inspector must also have a working knowledge of steel, aluminum, wooden and fiber-reinforced plastic (FRP) hull vessels. Proof of these qualifications would be the successful completion of a vessel inspection course recognized by the United States Coast Guard, such as the USCG Marine Inspector Course in Yorktown, VA.
- D. Annual Charter Boat inspections are requested by and scheduled through the owner of the vessel(s). The owner pays L&I a fee to inspect the vessel(s). This inspection is not a DOSH compliance inspection and is not entered into the WIN system. This inspection is to ensure the vessel(s) meet the requirements of Chapter 296-115 WAC, and applicable USCG regulations. After successful completion of this inspection, L&I will issue the owner a "Certificate of Inspection" to place on the charter vessel. This certificate expires one year from the issuance date.
- If deficiencies are found during the inspection, L&I will not issue a certificate until the deficiencies have been corrected. The owner of the vessel will be advised that it may not be operated as a charter boat until the deficiencies have been corrected.
- E. In the event that hazards not associated with the vessel inspection are observed during the above inspection, such as employees exposed to the hazard of drowning while working on a dock without the use of PFDs or deficiencies with a maritime crane, the Maritime inspector must contact the Maritime Supervisor to report the hazards. The Maritime Supervisor will decide whether to assign a compliance inspection to the inspector conducting the Charter Boat inspection, or assign another Maritime inspector. Any such inspection must be conducted in accordance with all applicable guidance in the DOSH Compliance Manual and must be entered into the WIN system.

V. Who to Contact

If DOSH staff need further guidance or interpretive assistance regarding specific charter boat inspections situations, staff should consult with the Maritime Supervisor.

VI. Review and Cancellation

This DOSH Directive will be reviewed for applicability two years from the issue date, and will remain effective unless superseded or canceled.

Approved:



Anne F. Soiza

L & I Assistant Director

Division of Occupational Safety and Health