

**WAC 317-31-210 Determination of substantial risk.** (1) The office shall determine whether a vessel poses a substantial risk after boarding and inspecting the vessel during its scheduled stay in port, or upon notice of any condition on board that poses a substantial risk of harm to the public health and safety and the environment. The office shall determine substantial risk based on the condition of the vessel and crew, and the professional judgment of its inspectors.

(2) The office shall board each fishing vessel at least once every two years.

(3) The office may not board vessels subject to chapter 317-21 WAC for purposes of making a substantial risk determination.

(4) Vessel inspections involve evaluation of the following:

(a) Documented compliance with applicable federal laws and regulations, and international maritime conventions;

(b) Vessel crewing and personnel policies and practices that ensure compliance with the vessel's Safe Manning Certificate or Certificate of Inspection, and that address language capabilities, work hours, health, and training;

(c) Safety and environmental management policies and practices that address vessel and personnel safety, pollution prevention, management oversight, preventive maintenance, and inspections and surveys;

(d) Vessel operating policies and practices for bridge operations and navigation, ground tackle procedures, emergency preparedness;

(e) Engineering policies and practices for maintaining machinery, organization, and operating procedures; and

(f) Condition of engineering and deck spaces including safety and lifesaving equipment.

(5) Vessel inspectors use a boarding checklist that incorporates accepted industry standards to gather information to guide vessel inspectors in making determinations of substantial risk. Vessel owners and operators may receive a copy of a boarding checklist prior to their vessel entering state waters by submitting a request by mail or telefax to the following address:

Washington State Office of Marine Safety  
P.O. Box 42407  
Olympia, Washington 98504-2407  
USA  
Telefax: 1-800-664-9184

[Statutory Authority: RCW 88.46.050 and 43.21I.030. WSR 96-12-077, § 317-31-210, filed 6/5/96, effective 7/6/96.]