

**§ 199.40**

lifefloats, but does not include rescue boats.

*Tank vessel* means a vessel that is constructed or adapted to carry, or that carries, oil or hazardous material in bulk as cargo or cargo residue, and that—

- (a) Is a vessel of the United States;
- (b) Operates on the navigable waters of the United States; or
- (c) Transfers oil or hazardous material in a port or place subject to the jurisdiction of the United States.

*Toxic vapor or gas* means a product for which emergency escape respiratory protection is required under Subchapter 17 of the International Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk (IBC Code) and under Subchapter 19 of the International Code for the Construction and Equipment of Ships carrying Liquefied Gases in Bulk (IGC Code).

*Vessel constructed* means a vessel, the keel of which is laid or which is at a similar stage of construction.

*Warm water* means water where the monthly mean low water temperature is normally more than 15 °C (59 °F).

[CGD 84-069, 61 FR 25313, May 20, 1996, as amended by USCG-1999-6216, 64 FR 53229, Oct. 1, 1999; USCG-1999-5040, 67 FR 34807, May 15, 2002; USCG-2004-18884, 69 FR 58352, Sept. 30, 2004; USCG-2006-24371, 74 FR 11267, Mar. 16, 2009; USCG-2009-0702, 74 FR 49241, Sept. 25, 2009]

**§ 199.40 Evaluation, testing and approval of lifesaving appliances and arrangements.**

- (a) Each item of lifesaving equipment required by this part to be carried on board the vessel must be approved.
- (b) Each item of lifesaving equipment carried on board the vessel in addition to those required by this part must—
  - (1) Be approved; or
  - (2) Be accepted by the cognizant OCMi for use on the vessel.
- (c) The Commandant (CG-521) may accept a novel lifesaving appliance or arrangement if it provides a level of safety equivalent to the requirements of this part and the appliance or arrangement—
  - (1) Is evaluated and tested in accordance with IMO Resolution A.520(13), Code of Practice for the Evaluation, Testing and Acceptance of Prototype

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Novel Life-saving Appliances and Arrangements; or

- (2) Has successfully undergone evaluation and tests that are substantially equivalent to those recommendations.
- (d) During the vessel's construction and when any modification to the life-saving arrangement is done after construction, a vessel owner must obtain acceptance of lifesaving arrangements from the Commandant (Marine Safety Center).
- (e) The OCMi may accept substitute lifesaving appliances other than those required by this part except for—

- (1) Survival craft and rescue boats; and
- (2) Survival craft and rescue boat launching and embarkation appliances.
- (f) Acceptance of lifesaving appliances and arrangements will remain in effect unless—

- (1) The OCMi deems their condition to be unsatisfactory or unfit for the service intended; or
- (2) The OCMi deems the crew's ability to use and assist others in the use of the lifesaving appliances or arrangements to be inadequate.

[CGD 84-069, 61 FR 25313, May 20, 1996, as amended by USCG-2009-0702, 74 FR 49241, Sept. 25, 2009]

**§ 199.45 Tests and inspections of life-saving equipment and arrangements.**

- (a) *Initial inspection.* The initial inspection of lifesaving appliances and arrangements for certification includes a demonstration of—
  - (1) The proper condition and operation of the survival craft and rescue boat launching appliances at loads ranging from light load to 10 percent overload;
  - (2) The proper condition and operation of lifeboats and rescue boats, including engines and release mechanisms;
  - (3) The proper condition of flotation equipment such as lifebuoys, life-jackets, immersion suits, work vests, lifefloats, buoyant apparatus, and associated equipment;
  - (4) The proper condition of distress signaling equipment, including emergency position indicating radiobeacons