

Corrective Action Plan (CAP)

Vessel Name:	SubM RCP VSL
Auditor/Surveyor:	9/11/2023

Finding #	Citation	Finding	Type	Corrective Action	Responsible Person	Status (Open or Closed)	Planned Date to be Complete (Open CA)	Date Closed	Obj Evid Req
[REDACTED]	46 CFR 142.215	Regulations require that vessels are to be equipped with approved fire extinguishers. These fire extinguishers are required to be mounted in approved mounting brackets. Four fire extinguishers were identified to be mounted in non approved holders, (pin type) These holders will need to be replaced with approved mounting brackets.	Finding	[REDACTED] would like to appeal the following finding from the M/V [REDACTED] - Subchapter M/AWO-RCP Vessel Audit conducted on (09/11/2023) by Auditor [REDACTED]. Please see the finding details below. Finding #: [REDACTED] Citation - 46 CFR 142.215: Regulations require that vessels are to be equipped with approved fire extinguishers. These fire extinguishers are required to be mounted in approved mounting brackets. Four fire extinguishers were identified to be mounted in non-approved holders, (pin type). These holders will need to be replaced with approved mounting brackets. We are unaware of any other towing companies that have received a NC for this item, and are confident as a company that we are not the only ones with these type of extinguisher brackets in operation. We would like to appeal this referenced item to [REDACTED] and the Coast Guard, if necessary. We have successfully completed COI issuance of all (36) vessels in our fleet, and have completed several second issuances of COIs on other vessels in our fleet without this item being an issue. The main point in this appeal is that the style of bracket in question does in fact secure the extinguisher and does not at all cause any issue with the extinguisher's use in an emergency. It is worth noting that [REDACTED] has never had any issue where our extinguishing unit brackets did not adequately support and protect the extinguisher. In addition, these brackets have always provided an effective means for access to our extinguishers when needed to help assist with fighting any potential fire hazard.	[REDACTED]	Open	3/1/2024		<input checked="" type="checkbox"/>

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				<p>The National Towing Vessel Center of Expertise addressed this issue some time ago and still stands by their opinion on the matter today. We have that recent correspondence with them as evidence of their position.</p> <p>If this consideration would not be accepted, would an alternate arrangement consideration under 142.210(b) be acceptable?</p> <p>We would like to request that the target completion date for this finding to be extended to (6) months - (3/11/2024) to allow proper time for the appeal process to be completed.</p>					

December 7, 2023

RE: Appeal of Finding [REDACTED] as Identified During External Audit of ITV [REDACTED]

CC: [REDACTED]
[REDACTED]

This letter is in response to the subject appeal by [REDACTED] on November 1, 2023. The specific finding is identified below.

Regulations require that vessels are to be equipped with approved fire extinguishers. These fire extinguishers are required to be mounted in approved mounting brackets. Four fire extinguishers were identified to be mounted in non-approved holders, (pin type). These holders will need to replace with approved mounting brackets.

Related References:

- [REDACTED]
- 46 CFR 142.215 – Approved Equipment [General Requirements for Towing Vessels]
- 46 CFR 162.028-3 – Requirement [Extinguishers, Fire, Portable, Marine Type]
- NFPA 10 – Standard for Portable Fire Extinguishers

[REDACTED] has reviewed subject finding, your appeal, and the above listed references. Your appeal was reviewed by [REDACTED]. Additionally, prior to your official appeal, I had a conference call with [REDACTED] (auditor) and you to gain perspective on the scenario. Our review and conversations have helped us identify the following information.

[REDACTED] auditors are trained to identify the use of proper bracket for hand portable fire extinguishers by reading the label which bears the UL listing information.



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46 CFR 142.215 (Subchapter M) discusses approved equipment including portable fire extinguishers. It specifies the extinguishers must be approved by CG-ENG and that the current listing may be found at <https://cgmix.uscg.mil/equipment>.

46 CFR 162.028-3(c) (Subchapter Q) specifies that portable fire extinguishers must be tested and listed for marine use by a recognized laboratory and comply with the appropriate UL (Underwriters Laboratory) standards. In paragraph (c) the requirement is identified:

“Every portable fire extinguisher must be supplied with a suitable bracket which will hold the extinguisher securely in its stowage location on vessels or boats, and which is arranged to provide quick and positive release of the extinguisher for immediate use. During vibration testing, the extinguisher must be tested in the marine bracket.”

NFPA, Chapter 4, lays out the standards for portable fire extinguishers including that the extinguisher is to be listed and labeled with appropriate ANSI/UL standards (see 4.1.1 and 4.1.2). Chapter 6.1.3 provides standards for placement of fire extinguishers. In 6.1.3.4 the following standard is identified:

“Portable fire extinguishers other than wheeled extinguishers shall be installed using any of the following means:

- (1) Securely on a hanger intended for the extinguisher*
- (2) In a bracket incorporating releasing straps or bans supplied by the extinguisher manufacturer*
- (3) In a listed bracket incorporating releasing straps or bands approved for such purpose*
- (4) In approved cabinets or wall recesses”*

Then in 6.1.3.6 it is specified that *“Fire extinguishers in vehicles or under other conditions where they are subject to dislodgement shall be installed in approved strap-type brackets specifically designed for this application.”*

█ believes the language in Subchapter Q and NFPA 10 indicate portable fire extinguishers in use on vessels are to be mounted with the bracket listed on the extinguisher. Our key focus is NFPA 10, paragraph 6.1.3.4.3 and 6.1.3.6 which incorporates the Q-spec requirement that vibration testing be performed in the marine bracket.


Based upon the above, █ is not supportive of your appeal. We recognize your appeal point that the subject vessel received a Certificate of Inspection (COI) and that Coast Guard Marine Inspectors have been onboard to review the vessel. We are unable to respond on behalf of the Coast Guard as



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to their opinion on this matter. However, we did reach out to CG-ENG for guidance and their response was that extinguishers are to be installed with the bracket listed on the extinguisher label.

At this point,  is maintaining the finding on the associated external vessel audit. We understand and are supportive if you would like to appeal our decision. For an appeal to Coast Guard's Eighth District, please reference 46 CFR 136.180 and 46 CFR 1.03-55(b). Additionally, the Coast Guard's Towing Vessel National Center of Expertise has published a document that you may find helpful. The [Roadmap to Successful Submissions: Exemptions, Appeals & Equivalencies](#) is available on their website, or we will provide it if you need.

Lastly, you mentioned in your appeal the possibility of gaining an alternate arrangement as discussed in §142.210. We are uncertain if the OCMI has authority to issue an alternate arrangement for fire extinguisher brackets but would recommend starting conversation with them if you so choose.

Should you have any questions or require additional information, please feel free to contact me at 



April 11, 2024

To: United States Coast Guard
Commander, District 8 (dp)
500 Poydras St,
New Orleans, LA 70113

Thru: Commanding Officer
Marine Safety Unit Paducah
224 Tully St. Paducah, KY 42003

Subject: [REDACTED] - External Audit Appeal

During an external audit, a non-conformity was issued on the [REDACTED] concerning the portable fire extinguisher's mounting bracket. The non-conformity reads as follows: "*Regulations require that vessels are to be equipped with approved fire extinguishers. These fire extinguishers are required to be mounted in approved mounting brackets. Four fire extinguishers were identified to be mounted in non-approved holders, (pin type). These holders will need to replace with approved mounting brackets.*"

On November 1, 2023, [REDACTED] submitted an appeal through [REDACTED] and we received their reply on December 7, 2023 not supporting it. Therefore, we would like reconsideration through the United States Coast Guard's appeal process.

All the portable fire extinguishers installed on board our vessels are approved fire extinguishers based on 46 CFR 142.215 and certified, serviced and maintained by fire extinguishing agencies as described in 46 CFR 142.240. It is our understanding that the "approved mounting brackets" is only one of several requirements listed on 46 CFR 162.028-3 for the equipment approval process to receive the equipment approval under Subchapter Q. The requirements listed on Subchapter Q must be met by the company seeking approval for their equipment prior to offering it for commercial use.

Additionally, these portable fire extinguishers are provided with their respective brackets when first installed by the servicing technician. Knowing that we use marine type approved portable fire extinguishers, installed by a fire extinguishing agency, we would like to appeal this non-conformity.

For many years, we have successfully operated our vessels with the current portable fire extinguisher configuration without any issues.

As part of this appeal request, we are including supporting documentation and the response from [REDACTED] dated December 7, 2023. Should you have any questions, please let me know.

[REDACTED]

[REDACTED]

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
United States Coast Guard
Eighth District

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MAR 28 2025

Dear [REDACTED]:

Thank you for submitting a formal appeal to my office in accordance with Title 46, Code of Federal Regulations (CFR) § 1.03-55(b) – *Appeals from Decisions or Actions Under Subchapter M of this Chapter*. The basis of your appeal stems from a Third Party Organization (TPO) audit conducted by [REDACTED] on the ITV [REDACTED]), whereby [REDACTED] issued a finding stating that the existing brackets for the portable fire extinguishers did not meet 46 CFR § 142.215 – *Approved Equipment*. [REDACTED] denied your request for reconsideration and cited additional references to include 46 CFR § 162.028-3 – *Requirements* and National Fire Protection Association (NFPA) 10 – *Standard for Portable Fire Extinguishers*.

After carefully reviewing all documentation that formed the appeal package, I am granting your appeal.

Factoring the regulatory path between 46 CFR § 142.215(a)(b) and § 162.028-3(c), the latter states: *“Every portable fire extinguisher must be supplied with a suitable bracket which will hold the extinguisher securely in its stowage location on vessels or boats, and which is arranged to provide quick and positive release of the extinguisher for immediate use. During vibration testing, the extinguisher must be tested in the marine bracket.”* While 46 CFR Subpart 162.028 has an incorporated by reference section with NFPA and Underwriters Laboratories (UL) standards listed, § 162.028-1 prefaces that certain material is incorporated. 46 CFR § 162.028-3(c) does not state standards are incorporated by reference for portable fire extinguisher brackets whereas other regulatory sections in Part 162 state, *“must comply with the following standards (incorporated by reference, see § ###.###).”*

Additionally, a picture of the bracket in question was requested and determined to meet the intent of the regulation in relation to “suitable bracket”, plus factoring the TPO did not provide any objective evidence that the bracket was unsuitable for keeping the portable fire extinguisher secure, providing quick release, and withstanding vibration. Should you have any questions, please do not hesitate to contact my Towing Vessel Specialist, [REDACTED], who can be reached at [REDACTED].

Sincerely,

[REDACTED]
D. C. BARATA
Rear Admiral, U.S. Coast Guard
Commander, Eighth Coast Guard District

Copy: Commandant, U.S. Coast Guard Office of Commercial Vessel Compliance (CG-CVC)
Commander, Coast Guard Atlantic Area (LANT-54)
Commander, Sector Ohio Valley
Commanding Officer, Marine Safety Unit Paducah