

**NATIONAL TOWING SAFETY ADVISORY COMMITTEE (NTSAC)  
TASK STATEMENT**

**TASK #22-01**

**I. TASK TITLE:**

Report on Recommendation to Coast Guard for Rulemaking Improvements to Subchapter M (Short Title: Subchapter M Improvement Recommendations)

**II. BACKGROUND:**

In accordance with 46 CFR 136.46, on July 20<sup>th</sup>, 2022, 100% of a company's fleet must have a valid Certificate of Inspection (COI). Over the last four years, the U.S. Coast Guard, the Third-Party Organizations, and the Towing Industry have learned a significant amount. During this implementation period, lessons learned and areas of improvement to the regulatory scheme were identified. Several of these regulatory items noted led to ambiguity, which made compliance more onerous and challenging for operators. For the sake of time, there were attempts by the Coast Guard at various levels to address some of these gaps and provide clarification, in lieu of rulemaking. The Coast Guard used policy instruments and National Towing Vessel Center of Expertise FAQs. The Coast Guard policy instruments fully satisfied the need in some circumstances, but in others, a long-term resolution is required for the regulatory shortcoming and to drive consistency across the units. Additionally, the Coast Guard previously tasked TSAC to provide recommendations related to specific Subchapter M improvements and implementation. Many aspects of these reports, to the Coast Guard's credit, led to improvements in rulemaking changes (See Enclosures). However, this initiative was not a comprehensive evaluation of Subchapter M.

Given COI implementation is complete, this provides an ideal opportunity to holistically evaluate the regulations while accounting for lessons learned, existing policy, and previous reports. The analysis will determine which items are choice candidates for resolution through the rulemaking process and other policy documents. Overall, this effort will enhance regulatory compliance without compromising safety.

**III. DISCUSSION:**

The purpose of this task statement is to capture the lessons learned, identify areas for improvement of the towing vessel regulatory scheme, and make recommendations for a future regulatory rulemaking or creation of other policy documents.

**IV. TASKING:**

NTSAC will prepare a final report for the U.S. Coast Guard that provides areas for improvement of Subchapter M and recommendations for future rulemaking efforts and policy documents.

**V. ESTIMATED TIME TO COMPLETE TASK:**

NTSAC will provide a Draft Final Report to the Coast Guard at its fall 2023 meeting.

VI. COAST GUARD TECHNICAL REPRESENTATIVE:

POC: Coast Guard Towing Vessel NCOE, Coast Guard CVC-1

VII. NTSAC CONTACT:

Chair- Brian Khey, [bkhey@marquettettrans.com](mailto:bkhey@marquettettrans.com)

Vice Chair- Mark Sawyer, [msawyer@marathonpetroleum.com](mailto:msawyer@marathonpetroleum.com)

VIII. ENCLOSURES:

- Final Report No. 1 of the TSAC Subcommittee on **Task Statement No. 16-01** - "[Recommendations Regarding the Implementation of 46 Code of Federal Regulations, Subchapter M - Inspection of Towing Vessels \(Short Title: Subchapter M Implementation\).](#)" (Posted: 20 JUN 2018)
- Final Report No. 2 of the TSAC Subcommittee on **Task Statement No. 16-01** - "[Recommendations Regarding the Implementation of 46 Code of Federal Regulations, Subchapter M - Inspection of Towing Vessels \(Short Title: Subchapter M Implementation\).](#)" (Posted: 20 JUL 2017)
- Final Report No. 3 of the TSAC Subcommittee on **Task Statement No. 16-01** - "[Recommendations Regarding the Implementation of 46 Code of Federal Regulations, Subchapter M - Inspection of Towing Vessels \(Short Title: Subchapter M Implementation\).](#)" (Posted: 20 JUN 2018)
- Final Report No. 4 of the TSAC Subcommittee on **Task Statement No. 16-01** - "[Recommendations Regarding the Implementation of 46 Code of Federal Regulations, Subchapter M - Inspection of Towing Vessels \(Short Title: Subchapter M Implementation\).](#)" (Posted: 20 JUN 2018)
- Final Report of the TSAC Subcommittee on **TSAC Task Statement 16-02** - "[Recommendations on Firefighting Training for Licensed Deck Officers \(except Apprentice Mate/Pilot\) on Towing Vessels in Inland Service.](#)" (Short Title: [Inland Firefighting](#)) **Note:** The Subcommittee submitted an interim final report to TSAC at the Spring 2018 Public Meeting. The report was incorporated into the Coast Guard's overarching regulatory reform initiative. (Posted: 18 DEC 2018).
- Final Report of the TSAC Subcommittee on **Task Statement No. 17-01** - "[Input to Support Regulatory Reform of Coast Guard Regulations - Executive Orders 13771 and 13783 \(Short Title: Reg Reform\).](#)" (Posted: 20 JUN 2018)
- Final Report of the TSAC Subcommittee on **TSAC Task Statement 17-02** - "[Load Line Exemption Review for River Barges on Lakes, Erie and Ontario.](#)" (Short Title: [LoadLine Exemption](#)). The final report was presented to the TSAC Committee in April 2020, for approval, & subsequently endorsed and provided to the U. S. Coast Guard. (Posted: 01 NOV 2020).