



Commandant
United States Coast Guard

US Coast Guard STOP 7501
Washington, DC 20593-7501
Staff Symbol: CG-5122
Phone: (202) 372-1016

COMDTCHANGENOTE 16000
07 AUG 2017

COMMANDANT CHANGE NOTICE 16000

Subj: CH-15 TO MARINE SAFETY MANUAL, VOLUME I, ADMINISTRATION AND MANAGEMENT, COMDTINST M16000.6

Ref: (a) Marine Industry Training Program, COMDTINST 1500.4 (series)

1. PURPOSE. This Commandant Change Notice publishes a change to the Marine Safety Manual, Volume I, Administration and Management, COMDTINST M16000.6.
2. ACTION. All Coast Guard unit commanders, commanding officers, officers-in-charge, deputy/assistant commandants, and chiefs of headquarters staff elements must comply with the provisions of this Manual. Internet release is authorized.
3. DIRECTIVES AFFECTED. With the addition of this Commandant Change Notice, Marine Safety Manual, Volume I, Administration and Management, COMDTINST M16000.6 is updated.
4. DISCLAIMER. This guidance is not a substitute for applicable legal requirements, nor is it itself a rule. It is intended to provide operational guidance for Coast Guard personnel and is not intended to nor does it impose legally-binding requirements on any party outside the Coast Guard.
5. MAJOR CHANGES. Chapter 7.H. of this Manual has been remove and is now superseded by Reference (a).

DISTRIBUTION – SDL No. 168

	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z
A																										
B		X	X		X									X	X	X	X									
C					X							X	X	X												
D	X	X	X								X	X														
E					X									X	X											
F																										
G																										
H																										

NON-STANDARD DISTRIBUTION:

6. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS.

- a. The development of this Commandant Change Notice and the general policies contained within it have been thoroughly reviewed by the originating office in conjunction with the Office of Environmental Management, and are categorically excluded (CE) under current USCG CE # 33 from further environmental analysis, in accordance with Section 2.B.2. and Figure 2-1 of the National Environmental Policy Act Implementing Procedures and Policy for Considering Environmental Impacts, COMDTINST M16475.1 (series). Because this Manual contains guidance on, and provisions for, compliance with applicable environmental mandates, Coast Guard categorical exclusion #33 is appropriate.
- b. This Directive will not have any of the following: significant cumulative impacts on the human environment; substantial controversy or substantial change to existing environmental conditions; or inconsistencies with any Federal, State, or local laws or administrative determinations relating to the environment. All future specific actions resulting from the general policies in this Manual must be individually evaluated for compliance with the National Environmental Policy Act (NEPA), DHS and Coast Guard NEPA policy, and compliance with all other environmental mandates. Due to the administrative and procedural nature of this Manual, and the environmental guidance provided within it for compliance with all applicable environmental laws prior to promulgating any directive, all applicable environmental considerations are addressed appropriately in this Manual.

7. DISTRIBUTION. No paper distribution will be made of this Manual. An electronic version will be located on the following Commandant (CG-612) web sites. Internet:

<http://www.dcms.uscg.mil/directives/> and CGPortal:
<https://cgportal2.uscg.mil/library/directives/SitePages/Home.aspx>.

8. PROCEDURE. If maintaining a paper library, remove and replace the following sections of Marine Safety Manual, Volume I, Administration and Management, COMDTINST M16000.6 :

<u>Remove</u>	<u>Replace</u>
Section 7.H. (Pages 7-29 to 7-36)	Pages 7-29 to 7-30

9. RECORDS MANAGEMENT CONSIDERATIONS. This Manual has been thoroughly reviewed during the directives clearance process, and it has been determined there are no further records scheduling requirements, in accordance with Federal Records Act, 44 U.S.C. 3101 et seq., NARA requirements, and Information and Life Cycle Management Manual, COMDTINST M5212.12 (series). This policy does not have any significant or substantial change to existing records management requirements.

10. FORMS/REPORTS. None.

11. REQUEST FOR CHANGES. All requests for changes should be directed to Commandant (CG-5P).

J. P. NADEAU /s/
Rear Admiral, U.S. Coast Guard
Assistant Commandant for Prevention Policy



COMDTCHANGENOTE 16000
20 APRIL 2012

COMMANDANT CHANGE NOTICE 16000

Subj: CH-14 TO MARINE SAFETY MANUAL (MSM), VOLUME I, ADMINISTRATION AND MANAGEMENT, COMDTINST M16000.6

1. PURPOSE. This Commandant Change Notice provides changes to the subject Manual for the information, use and guidance of Coast Guard personnel assigned to marine safety duties.
2. ACTION. All Coast Guard unit commanders, commanding officers, officers-in-charge, deputy/assistant commandants, and chiefs of headquarters staff elements shall comply with the provisions of this Commandant Change Notice. Internet release is authorized.
3. DIRECTIVES AFFECTED. NONE.
4. SUMMARY OF CHANGES. The enclosed Chapter 10, Occupational Health and Safety Program, cancels the existing chapter and provides updated information while also incorporating the relevant policy information from cancelled COMDTNOTE 16000 - Confined Space Entry Policy Aboard Merchant Vessels for Marine Safety and Environmental Protection Personnel. This change establishes Appendix D – Confined Space Entry Policy Questions and Answers.
5. PROCEDURES. Remove and replace the following sections of Marine Safety Manual Volume I, Administration and Management, COMDTINST M16000.6:

Remove

Insert

Chapter 10 Table of Contents, CH-3

Chapter 10 Table of Contents, CH-14

Chapter 10, CH-3

Chapter 10, CH-14

Chapter 10 Appendices A, B, C, E, F and G

Chapter 10 Appendices A, B, C, E, F and G, CH-14

DISTRIBUTION – SDL No. 159

	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z	
A																											
B		X	X		X									X	X	X	X										
C					X							X	X	X													
D	X	X	X								X	X															
E					X									X	X												
F																											
G																											
H																											

NON-STANDARD DISTRIBUTION:

6. RECORDS MANAGEMENT CONSIDERATIONS. This Commandant Change Notice has been evaluated for potential records management impacts. The development of this Notice has been thoroughly reviewed during the directives clearance process, and it has been determined there are no further records scheduling requirements, in accordance with Federal Records Act, 44 U.S.C. 3101 et seq., National Archives and Records Administration (NARA) requirements, and the Information and Life Cycle Management Manual, COMDTINST M5212.12 (series). This policy does not have any significant or substantial change to existing records management requirements.
7. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS. Environmental considerations under the National Environmental Policy Act (NEPA) were examined in the development of this Commandant Change Notice. This Notice included preparation of guidance documents that implement, without substantive change, the applicable Commandant Instruction or other Federal agency regulations, procedures, manuals, and other guidance documents. It is categorically excluded from further NEPA analysis and documentation requirements under Categorical Exclusion (33) as published in COMDTINST M16475.1D, Figure 2-1. An Environmental Checklist and Categorical Exclusion Determination (CED) are not required.
8. FORMS/REPORTS. None.

P. F. THOMAS /s/
Captain, U.S. Coast Guard
Acting Director, Prevention Policy

Encl: (1) CH-14 TO MARINE SAFETY MANUAL, VOLUME I, ADMINISTRATION AND
MANAGEMENT, COMDTINST M16000.6

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
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COMDTNOTE 16000

31 JULY 2003

COMMANDANT NOTICE 16000

CANCELLED: 30 JULY 2004

Subj: CH-13 TO MARINE SAFETY MANUAL, VOLUME I, ADMINISTRATION AND
MANAGEMENT, COMDTINST M16000.6

1. PURPOSE. This Notice provides changes to the subject Manual for the information, use and guidance of Coast Guard personnel assigned to marine safety duties.
2. ACTION. Area and district commanders, commanders of maintenance and logistics commands, and commanders of Headquarters units shall ensure compliance with the provisions of this Notice.
3. SUMMARY OF CHANGES. The enclosed Chapter 12, Information and Data Systems, cancels the existing chapter and provides updated information on all information and data systems related to the marine safety program.
4. PROCEDURES. Remove and insert the following pages:

Remove

CONTENTS III-IV, CH-7

12-i through 12-60 CH-11

Insert

CONTENTS III-IV, CH-13

12-i through 12-34, CH-13

5. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS. Environmental considerations were examined in the development of this directive and have been determined to be not applicable.

DISTRIBUTION – SDL No. 140

	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z	
A																											
B		8	*		5									208	1	1	2										
C				*							1	*	*														
D	1	2*	1							1*	*																
E				*										2	*												
F																											
G																											
H																											

NON-STANDARD DISTRIBUTION: (See page 2.)

COMDTNOTE 16000

6. FORMS/REPORTS. None.

T. H. GILMOUR /s/
Rear Admiral, U.S. Coast Guard
Assistant Commandant for Marine Safety,
Security and Environmental Protection

Encl: (1) CH-13 to COMDTINST M16000.6

Non-Standard Distribution:

B:c CCGD13 (15); CCGD8 (19); CCGD7 (11); CCGD9 (8); CCGD5 (7); CCGD1, 17 (6);
CCGD11 (5); CCGD14 (4); MLCLANT, MLC PAC (1).
E:e Marine Safety Center (35).
C:e San Francisco (42); New Orleans (37); Morgan City (30); Long Beach (27); Anchorage (20);
Houston-Galveston (19); Mobile (18); Portland OR, Galveston, Hampton Roads, Honolulu,
Chicago (16); Boston (15); Port Arthur (13); Puget Sound, Corpus Christie (12); Jacksonville
(11); Philadelphia, Tampa, Guam (10); Savannah (9); Paducah, St. Louis, Providence,
Louisville, Wilmington (8); Memphis, Portland ME, Pittsburgh, San Juan (7); Milwaukee, San
Diego, Buffalo, Juneau (6); Miami, Duluth, Detroit, Toledo, Huntington, Valdez (5);
Cleveland, Sault Ste. Marie, Long Island Sound (4); Charleston (3).
C:m Arlington, Acteur/MIO Europe, Feact/Asia (10); Falling Waters (5).
C:n New York (37); Baltimore (22); South Texas (12); San Diego (6).
D:b National Strike Force Coordination Center (1) (only).
D:k New York (3); Jacksonville, New Orleans, Houston, San Francisco (1) (extra).
D:1 CG Liaison Officer MILSEALIFTCOMD (Code N-CG7), CG Liaison Officer RSPA (DHM-
22), CG Liaison Officer Army Corps of Engineers, CG Liaison Officer American Samoa, CG
Advisor NWC, CG Advisor Panama Canal Authority, CG Liaison Officer JUSMAGPHIL, CG
Liaison Officer (IMO) London, CG Consultant (IMO/SAID) Caribbean, CG Attaché USDAO
Bogotá; CG Liaison World Maritime University, CG Liaison Officer ABS (1).

ABS (8).

DOJ Torts Branch (Washington, DC; New York; San Francisco only) (1).

MARAD (MRG 4700) (1).

MSC (M-24) (1).

NOAA Fleet Inspection Officer (1).

NTSB (Marine Accident Division) (2).

World Maritime University (2).

U.S. Merchant Marine Academy, Kings Point, NY (1).

U.S. Department
of Transportation

United States
Coast Guard



Commandant
United States Coast Guard

2100 Second Street, S.W.
Washington, DC 20593-0001
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COMDTNOTE 16000
31 October 1997

COMMANDANT NOTICE 16000

CANCELED OCT 30 1998

Subj: CH-11 TO COMDTINST M16000.6 (SERIES), MARINE SAFETY MANUAL,
VOLUME I, ADMINISTRATION AND MANAGEMENT

1. PURPOSE. This notice provides changes to the subject manual for the information, use and guidance of Coast Guard personnel assigned to marine safety duties.
2. ACTION. Area and district commanders, commanders of maintenance and logistics commands, and commanders of Headquarters units shall ensure compliance with the provisions of this Notice.
3. SUMMARY OF CHANGES.
 - a. Sections 12.A. through 12.E. have been updated to reflect changes in Headquarters organization, responsibilities and information systems.
 - b. Section 12.I. has been updated to reflect changes in MSIS codes and their use.
 - c. Sections 12.N was added to establish time frames for the entry of MSIS data.
 - d. Section 12.O. was added to address Freedom of Information Act and Records Management issues related to data systems that are not addressed by other Commandant Instructions.



COMDTNOTE 16000
31 October 1997

4. PROCEDURES. Remove and insert the following pages:

<u>Remove</u>	<u>Insert</u>
12-i through 12-40, CH-7	12-i through 12-60, CH-11

R.C. NORTH
Rear Admiral, U.S. Coast Guard
Assistant Commandant for Marine Safety
and Environmental Protection

Encl: (1) CH-11 to COMDTINST M16000.6

Non-Standard Distribution:

B:c CCGD13 (15); CCGD8 (19), CCGD7 (11), CCGD9 (8), CCGD5 (7), CCGD1, 17 (6); CCGD11 (5); CCGD14 (4); MLCLANT, MLCPAC (1).

C:e San Francisco (42); New Orleans (37); Morgan City (30); Long Beach (27); Anchorage (20); Houston-Galveston (19); Mobile (18); Portland OR, Galveston, Hampton Roads, Honolulu, Chicago (16); Boston (15); Port Arthur (13); Puget Sound, Corpus Christi (12); Jacksonville (11); Philadelphia, Tampa, Guam (10); Savannah (9); Paducah, St. Louis, Providence, Louisville, Wilmington (8); Memphis, Portland ME, Pittsburgh, San Juan (7); Milwaukee, San Diego, Buffalo, Juneau (6); Miami, Duluth, Detroit, Toledo, Huntington, Valdez (5); Cleveland, Sault Ste. Marie, Long Island Sound (4); Charleston (3).

C:m Arlington, Acteur/MIO Europe, Feact/Asia (10); Falling Waters (5).

C:n New York (37); Baltimore (22); South Texas (12); San Diego (6).

D:b National Strike Force Coordination Center (1) (only).

D:k New York (3); Jacksonville, New Orleans, Houston, San Francisco (1) (extra).

D:l CD Liaison Officer MILSEALIFTCOMD (Code N-CG7), CG Liaison Officer RSPA (DHM-22), CG Liaison Officer Army Corps of Engineers, CG Liaison Officer American Samoa, CG Advisor NWC, CG Advisor Panama Canal Commission, CG Liaison Officer JUSMAGPHIL, CG Liaison Officer (IMO) London, CG Consultant (IMO/SAID) Caribbean, CG Attache US DAO Bogota, CG Liaison World Maritime University, CG Liaison Officer ABS (1).

F:j Except Tampa.

ABS (8).

DOJ Torts Branch (Washington, DC; New York; San Francisco only) (1).

MARAD (MRG 4700) (1).

MSC (M-24) (1).

NOAA Fleet Inspection Officer (1).

NTSB (Marine Accident Division) (2).

World Maritime University (2).

U.S. Merchant Marine Academy, Kings Point, NY (1).

U.S. Department
of Transportation

United States
Coast Guard



G-MSR-2
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United States Coast Guard

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FAX: (202) 267-4402

COMDTNOTE 16000
31 March 1997

COMMANDANT NOTICE 16000

CANCELLED: MAR 31 1998

Subj: CHANGE 10 TO MARINE SAFETY MANUAL, VOLUME I, ADMINISTRATION
AND MANAGEMENT, COMDTINST M16000.6 (SERIES)

1. PURPOSE. This Notice provides changes to subject Manual for the information, use, and guidance of Coast Guard personnel assigned to marine safety duties.
2. ACTION. Area and district commanders, commanders of maintenance and logistics commands, and commanders of headquarters units, shall ensure compliance with the provisions of this Notice.
3. SUMMARY OF CHANGES. Guidance for OCMI delegation of signature authority is contained in new paragraph 2.I.2.a.(2), OCMI Signature Redlegation.
4. PROCEDURES. Remove and insert the following pages:

<u>Remove</u>	<u>Insert</u>
2-i and 2-ii, CH-7	2-i and 2-ii, CH-10
2-23 and 2-24, CH-7	2-23 and 2-24, CH-10
	Appendix A, CH-10
5. DOCUMENTATION. Date and sign the Record of Changes. File this Notice with the Manual as a record of changes.

J.C. CARD
Rear Admiral, U.S. Coast Guard
Assistant Commandant for Marine Safety
and Environmental Protection

Encl: (1) CH-10 to COMDTINST M16000.6 (SERIES)

COMDTNOTE 16000

Non-Standard Distribution:

ABS (1).
DOJ Torts Branch (Washington, DC; New York; San Francisco only) (1).
MARAD (MRG 4700) (1).
MSC (M-24) (1).
NOAA Fleet Inspector (1).
NTSB (Marine Accident Division) (1).
World Maritime University (1).
U.S. Merchant Marine Academy, Kings Point, NY (1).

U.S. Department
of Transportation

United States
Coast Guard



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COMDTNOTE 16000
OCTOBER 20,1994

COMMANDANT NOTICE 16000

CANCELLED: OCT 19 1995

Subj: CH-9 TO COMDTINST M16000.6 (SERIES), MARINE SAFETY MANUAL,
VOLUME I, ADMINISTRATION AND MANAGEMENT

1. PURPOSE. This Notice provides changes to subject manual for the information, use, and guidance of Coast Guard personnel assigned to-marine safety duties.
2. ACTION. Area and district commanders, commanders of maintenance and logistics commands, commanders of Headquarters units, and Commander, Coast Guard Activities Europe shall ensure compliance with-the provisions of this Notice.
3. SUMMARY OF CHANGES.
 - a. Pages 7-45 and 7-46 of Chapter 7, Professional Training and Qualification, are replaced adding two lines that were inexplicably left off page 7-45 when it was printed out.
 - b. The text of Section 9.C, Public Access To Information, is removed and replaced by the statement: See Privacy and Freedom of Information Acts Manual, COMDTINST M5260.2 (Series).
4. PROCEDURES. Remove and insert the following pages:

<u>Remove</u> 7-45 and 7-46, CH-7 9-i through 9-ii,-CH-7	<u>Insert</u> 7-45 and 7-46, CH-9 9-i through 9-ii, CH-9
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COMDTNOTE 16000

Remove

9-9 through 9-20, CH-7

Insert

9-9 through 9-14, CH-9

JOSEPH J. ANGELO
ACTING CHIEF, OFFICE OF MARINE SAFETY,
SECURITY AND ENVIRONMENTAL PROTECTION

Encl: (1) CH-9 to COMDTINST M16000.6

Non-Standard Distribution:

- B:c CCGD13 (15); CCGD8 (14); CCGD7 (11); CCGD9 (8); CCGD5 (7); CCGD1, 17 (6); CCGD2, CCGD11 (5); CCGD14 (4); MLCLANT, MLCAPAC (1).
- C:e San Francisco (42); Morgan City (30); Los Angeles/Long Beach (27); New Orleans (25); Baltimore (22); Anchorage (20); Houston (19); Mobile (18); Portland OR, Galveston, Hampton Roads, Honolulu (16); Boston (15); Port Arthur (13); Puget Sound, Chicago, Corpus Christi (12); Jacksonville (11); Philadelphia, Tampa, Guam (10); Savannah, (9); Paducah, St. Louis, Providence, Louisville, Wilmington (8); Memphis, Portland ME, Pittsburgh, San Juan (7); Milwaukee, San Diego, Buffalo, Juneau (6); Miami, Duluth, Detroit, Toledo, Huntington, Valdez (5); Cleveland, Sault Ste. Marie (4); Charleston (3).
- C:m New York (15); Sturgeon Bay (3).
- D:b National Strike Force Coordination Center (1) (only).
- D:d New Orleans (12); New-York (6) (extra).
- D:k New York (3); Jacksonville, New Orleans, Houston, San Francisco (1) (extra).'
- D:l CG Liaison Officer MILSEALIFTCOMD (Code N-CG7), CG Liaison Officer RSPA (DHM-22), CG Liaison Officer MARAD (MAR-742), CG Liaison Officer Army Corps of Engineers, CG Liaison Officer American Samoa, CG Advisor NWC, CG Advisor Panama Canal Commission', CG Liaison Officer JUSMAGPHIL, CG Liaison Officer (IMO) London, CG Consultant (IMO/SAID) Caribbean, CG Attache US DAO Bogota, CG Liaison World Maritime University, CG Liaison Officer ABS (1).
- E:o New York (15); Grand Haven (4); Long Island Sound (2); Sault Ste. Marie (1).
- F:j Except Tampa.
ABS (8).
DOJ Torts Branch (Washington, DC; New York; San Francisco only) (1)
MARAD (MRG 4700) (1).
MSC (M-24) (1).
NOAA Fleet Inspection Officer (1).
NTSB (Marine Accident Division) (2).
World Maritime University (2).
U.S. Merchant Marine Academy, Kings Point, NY

U.S. Department
of Transportation

United States
Coast Guard



Commandant
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COMDTNOTE 16000
9 FEB 1994

COMMANDANT NOTICE 16000

CANCELLED: FEB 8 1995

Subj: CH-8 TO COMDTINST M16000.6 (SERIES), MARINE SAFETY
MANUAL, VOLUME I, ADMINISTRATION AND MANAGEMENT

1. PURPOSE. This Notice provides changes to subject manual for the information, use, and guidance of Coast Guard personnel assigned to marine safety duties.
2. ACTION. Area and district commanders, commanders of maintenance and logistics commands, commanders of Headquarters units, and Commander, Coast Guard Activities Europe shall ensure compliance with the provisions of this Notice.
3. SUMMARY OF CHANGES. The enclosed Chapter 4, Law Enforcement, cancels the existing chapter and consolidates a completely new enforcement policy.
4. PROCEDURES. Remove and insert the following pages:

Remove

CONTENTS I through II, CH-7
4-i through 4-viii, CH-4
4-1 through 4-75, CH-4

Insert

CONTENTS I through II, CH-8
4-i through 4-ii, CH-8
4-1 through 4-29, CH-8

COMDTNOTE 16000

Remove
FIGURES I through FIGURES II,
CH-7

Insert
FIGURES I through FIGURES
II, CH-8

A.E. HENN
Rear Admiral, U.S. Coast Guard
Chief, Office of Marine Safety,
Security and Environmental
Protection

Encl: (1) CH-8 to COMDTINST M16000.6

Non-Standard Distribution:

B:c CCGD9, 13 (15); CCGD8 (14); CCGD7 (11); CCGD5 (7);
 CCGD1, 17 (6); CCGD2, CCGD11 (5); CCGD14 (4);
 MLCLANT, MLCPAC (1).

C:e New Orleans (90); San Francisco (42); Puget Sound
 (40); Morgan City (30); Los Angeles/Long Beach
 (27); Baltimore (22); Anchorage (20); Houston (19);
 Mobile (18); Portland OR, Galveston, Hampton Roads,
 Honolulu (16); Miami, Boston (15); Port Arthur
 (13); Chicago, Corpus Christi (12); Jacksonville
 (11); San Diego, Philadelphia, Tampa, Guam (10);
 Savannah, Duluth (9); Paducah, St. Louis,
 Providence, Louisville, Wilmington (8); Memphis,
 Portland ME, Pittsburgh, Cleveland (7); San Juan,
 Buffalo, Juneau (6); Detroit, Toledo, Huntington,
 Valdez (5); Charleston, Milwaukee (4).

C:m New York (75); St. Ignace (4); Sturgeon Bay (3).

D:b National Strike Force Coordination Center (1)
 (extra).

D:d New Orleans (12); New York (6) (extra).

D:k New York (3); Jacksonville, New Orleans, Houston,
 San Francisco (1) (extra).

D:l CG Liaison Officer MILSEALIFTCOMD (Code N-CG7), CG
 Liaison Officer RSPA (DHM-22), CG Liaison Officer
 MARAD (MAR-742), CG Liaison Officer Army Corps of
 Engineers, CG Liaison Officer American Samoa, CG
 Advisor NWC, CG Advisor Panama Canal Commission, CG
 Liaison Officer JUSMAGPHIL, CG Liaison Officer
 (IMO) London, CG Consultant (IMO/SAID) Caribbean,
 CG Attache US DAO Bogota, CG Liaison World Maritime
 University, CG Liaison Officer ABS (1).

E:o New York (15); Grand Haven (4); Long Island Sound
 (3); Sault Ste. Marie (1).

F:jp Except Tampa.
 ABS (8).
 DOJ Torts Branch (Washington, DC; New York; San
 Francisco only) (1).
 MARAD (MRG 4700) (1).
 MSC (M-24) (1).
 NOAA Fleet Inspection Officer (1).
 NTSB (Marine Accident Division) (2).
 World Maritime University (2).
 U.S. Merchant Marine Academy, Kings Point, NY (1).

U.S. Department
of Transportation

United States
Coast Guard



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COMDTNOTE 16000
DECEMBER 23, 1993

COMMANDANT NOTICE 16000

CANCELLED: DEC 22 1994

Subj: CH-7 TO COMDTINST M16000.6 (SERIES), MARINE SAFETY
MANUAL, VOLUME 1, ADMINISTRATION AND MANAGEMENT

1. PURPOSE. This Notice provides changes to subject manual for the information, use, and guidance of Coast Guard personnel assigned to marine safety duties.
2. ACTION. Area and district commanders, commanders of maintenance and logistics commands, commanders of headquarters units., and Commander, Coast Guard Activities Europe shall ensure compliance with the provisions of this instruction.
3. PROCEDURES.
 - a. Remove and insert the following pages:

Remove

CONTENTS I through II, CH-4

CONTENTS III through IV, CH-5

1-3 through 1-4

2-i through 2-iv

2-v, CH-2

2-1 through 2-32

2-33 through 2-40, CH-2

7-i through 7-v

Insert

CONTENTS I through II,
CH-7

CONTENTS III through IV,
CH-7

1-3 through 1-4b, CH-7

2-i through 2-iii, CH-7

2-1 through 2-33, CH-7

7-i through 7-v, CH-7

<u>Remove</u>	<u>Insert</u>
7-1 through 7-44	7-1 through 7-58, CH-7
9-i through 9-ii	9-i through 9-ii, CH-7
9-1 through 9-16	9-1 through 9-20, CH-7
Appendix A, Chapter 10, CH-3	Appendix A, Chapter 10, CH-7
11-i through 11-ii	11-i through 11-iii, CH-7
11-15 through 11-28	
11-28 through 11-29, CH-2	11-15 through 11-27, CH-7
12-i through 12-vii, CH-5 12-5	12-i through 12-x, CH-7
12-6 through 12-8, CH-5	12-5 through 12-8b, CH-7
12-24e through 12-24g, CH-5	12-24e through 12-24h, CH-7
FIGURES I, CH-4	FIGURES I through II, CH-7

- b. Make the following pen-and-ink changes to pages 12-30 and 12-31:
Change FIGURE 12-2 to FIGURE 12-1; and
Change FIGURE 12-3 to FIGURE 12-2.

4. SUMMARY OF CHANGES. Substantive changes have been marked with a vertical line; editorial changes are not marked.
- a. Chapter 1 contains a revised list of the Marine Safety Manual volumes. Volume IX will be Marine Environmental Protection and Volume XI will be Vessel Documentation.
- b. Chapter 2 (Authority And Performance Standards for Marine Safety Activities) has been rewritten. Sections 2.J (Port Safety And Security (PSS) And Marine Environmental Protection (MEP) Mission Performance Standards), 2.K (Authority For Commercial Vessel Safety (CVS) Performance Standards), and 2.0 (MSIS) are still being developed.
- c. Chapter 7 (Professional Training And Qualification) has been updated to reflect current policy and procedures and the current training and qualification program. Section 7.J (Reserve Training) has been developed.
- d. Chapter 9 (Miscellaneous Administrative Concerns) has been updated. There are substantive changes throughout the chapter, the more extensive changes being to the sections on Management of Regulatory Projects, Marine Safety Council, Packaged Hazardous Materials, Stipulations Of Confidentiality, and Public Information Assist Team (PIAT).

COMDTNOTE
16000

- e. A revised Appendix A has been added to Chapter 10 (occupational Health And Safety Programs).
- f. Chapter 11 (External Relations) sections on Parties To International Conventions and Great Lakes Pilotage have been updated. A new Figure 11-1 is located at the end of the chapter.
- g. Chapter 12 (Information And Data Systems) contains changes to the sections on Reporting Procedures and Total Time Spent Per Activity.
- h. Starting with this change, conversion of the Marine Safety Manual to the metric system begins.

A. E. HENN
REAR ADMIRAL, U.S. COAST GUARD
CHIEF, OFFICE OF MARINE SAFETY,
SECURITY AND ENVIRONMENTAL
PROTECTION

Encl: (1) CH-7 to COMDTINST M16000.6

COMDTNOTE 16000

Non-Standard Distribution:

B:c CCGD9, 13 (15); CCGD8 (14); CCGD7 (11); CCGD5 (7);
CCGD1, 17 (6); CCGD2, CCGD11 (5); CCGD14 (4);
MLCLANT, MLCPAC (1).

C:e New Orleans (90); San Francisco (42); Puget Sound
(40); Morgan City (30); Los Angeles/Long Beach
(27); Baltimore (22); Anchorage (20); Houston (19);
Mobile (18); Portland OR, Galveston, Hampton Roads,
Honolulu (16); Miami, Boston (15); Port Arthur
(13); Chicago, Corpus Christi (12); Jacksonville
(11); San Diego, Philadelphia, Tampa, Guam (10);
Savannah, Duluth (9); Paducah, St. Louis,
Providence, Louisville, Wilmington (8); Memphis,
Portland ME, Pittsburgh, Cleveland (7); San Juan,
Buffalo, Juneau (6); Detroit, Toledo, Huntington,
Valdez (5); Charleston, Milwaukee (4).

C:m New York (75); St. Ignace (4); Sturgeon Bay (3).

D:b National Strike Force Coordination Center (1)
(extra).

D:d New Orleans (12); New York (6) (extra).

D:k New York (3); Jacksonville, New Orleans, Houston,
San Francisco (1) (extra).

D:l CG Liaison Officer MILSEALIFTCOMD (Code N-CG7), CG
Liaison Officer RSPA (DHM-22), CG Liaison Officer
MARAD (MAR-742), CG Liaison Officer Army Corps of
Engineers, CG Liaison Officer American Samoa, CG
Advisor NWC, CG Advisor Panama Canal Commission, CG
Liaison Officer JUSMAGPHIL, CG Liaison Officer
(IMO) London, CG Consultant (IMO/SAID) Caribbean,
CG Attache US DAO Bogota, CG Liaison World Maritime
University, CG Liaison Officer ABS (1).

E:o New York (15); Grand Haven (4); Long Island Sound
(3); Sault Ste. Marie (1).

F:j Except Tampa.
ABS (8).
DOJ Torts Branch (Washington, DC; New York; San
Francisco only) (1).
MARAD (MRG 4700) (1).
MSC (M-24) (1).
NOAA Fleet Inspection Officer (1).
NTSB (Marine Accident Division) (2).
World Maritime University (2).
U.S. Merchant Marine Academy, Kings Point, NY (1).

U.S. Department
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United States
Coast Guard



Commandant
United States Coast Guard

2100 Second Street, S.W.
Washington, DC 20593-0001
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COMDTNOTE 16000
24 FEB 1991

COMMANDANT NOTICE 16000

CANCELLED AUG 23 1993

Subj: CH-6 to COMDTINST M16000.6 (Series), Marine Safety
Manual, volume I, Administration and Management

1. PURPOSE. This Notice provides changes to subject manual for the information, use, and guidance of Coast Guard personnel assigned to marine safety duties.
2. SUMMARY OF CHANGES.
 - a. Chapter 6, Personnel Management, has been updated.
 - b. Appendix B (Safety and Occupational Health Coordinator's Library), Appendix C (List of Benzene Containing Products), and Appendix E (List of Oils Considered to Pose A Minimal Health Risk to Response Personnel) have been added to Chapter 10, Occupational Health and Safety Programs. Also included are revised pages 3 and 4 of previously published Appendix G.
3. ACTION.
 - a. Remove and insert the following pages:

Remove

6-i through 6-ii, CH-1
6-1 through 6-12
6-13 through 6-14, CH-1
10-iii through 10-iv,
CH-3

Insert

6-i through 6-ii, CH-6
6-1 through 6-12, CH-6
6-13 through 6-21, CH-6
10-iii through 10-iv, CH-6

APPENDIX B, CH-6
APPENDIX C, CH-6

COMDTNOTE 16000

24 FEB 1993

Remove

3 through 4, APPENDIX G,
CH-3

Insert

APPENDIX E, CH-6
3 through 4, APPENDIX
G, CH-6

A. E. HENN
Rear Admiral, U.S. Coast Guard
Chief, Office of Marine
Safety, Security
and Environmental Protection

Encl: (1) CH-6 to COMDTINST M16000.6

Non-Standard Distribution:

B:c CCGD9, 13 (15); CCGD8 (14); CCGD7 (11); CCGD5 (7);
CCGD1, 17 (6); CCGD2, CCGD11 (5); CCGD14 (4);
MLCLANT, MLCPCAC (1).

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(40); Morgan City (30); Los Angeles/Long Beach
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Honolulu (16); Miami, Boston (15); Port Arthur
(13); Chicago, Corpus Christi (12); Jacksonville
(11); San Diego, Philadelphia, Tampa, Guam (10);
Savannah, Duluth (9); Paducah, St. Louis,
Louisville, Wilmington (8); Memphis, Portland ME,
Pittsburgh, Cleveland (7); San Juan, Buffalo,
Juneau (6); Detroit, Providence" Toledo,
Huntington, Valdez (5); Charleston, Milwaukee (4).

C:m New York (75); St. Ignace (4); Sturgeon Bay (3).

D:b National Strike Force Coordination Center (1)
(extra).

D:d New Orleans (12); New York (6) (extra).

D:k New York (3); Jacksonville, New Orleans, Houston,
San Francisco (1) (extra).

D:l CG Liaison Officer MILSEALIFTCOMD (Code N-CG7), CG
Liaison Officer RSPA (DHM-22), CG Liaison Officer
MARAD (MAR-742), CG Liaison Officer Army Corps of
Engineers, CG Liaison Officer American Samoa, CG
Advisor NWC, CG Advisor Panama Canal Commission, CG
Liaison Officer JUSMAGPHIL, CG Liaison Officer
(IMO) London, CG Consultant (IMO/SAID) Caribbean,
CG Attache US DAO Bogota, CG Liaison World Maritime
University, CG Liaison Officer ABS (1).

E:o New York (15); Grand Haven (4); Long Island Sound
(3); Sault Ste. Marie (1).

F:j Except Tampa.
ABS (8).
DOJ Torts Branch (Washington, DC; New York; San
Francisco only) (1).
MARAD (MRG 4700) (1).
MSC (M-24) (1).
NOAA Fleet Inspection Officer (1).
NTSB (Marine Accident Division) (2).
World Maritime University (2).
U.S. Merchant Marine Academy, Kings Point, NY (1).

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COMDTNOTE 16000
8 SEP 1992

COMMANDANT NOTICE 16000

CANCELLED 7 MAR 1993

Subj: CH-5 to COMDTINST M16000.6 (Series), Marine
Safety Manual, Volume I, Administration and
Management

1. PURPOSE. This Notice provides a change to subject manual for the information, use, and guidance of Coast Guard personnel assigned to marine safety duties.
2. SUMMARY OF CHANGE. This change reflects revisions to the MSIS Port Safety Module that went on-line 1 July 1991. It provides revised reporting instructions and explains the use of the various MSIS codes in the Port Safety Module.
3. ACTION.
 - a. Remove and insert the following pages:

Remove
CONTENTS III through IV
12-i through 12-v
12-5 through 12-24

Insert
CONTENTS III through IV, CH-5
12-i through 12-vii, CH-5
12-5 through 12-24h, CH-5

A. E. HENN
Chief, Office of Marine Safety,
Security and Environmental
Protections

Encl: (1) CH-5 to COMDTINST M16000.6

COMDTNOTE 16000
8 SEP 1992

Non-Standard Distribution:

B:c CCGD9, 13 (15); CCGD8 (14); CCGD7 (11); CCGD2 (10); CCGD5 (7); CCGD1, 17 (6); CCGD11 (5); CCGD14 (4); MLCLANT, MLCPAC (1).

C:e New Orleans (90); San Francisco (42); Puget Sound (40); Morgan City (30); Los Angeles/Long Beach (27); Baltimore (22); Anchorage (20); Houston (19); Mobile (18); Portland OR, Galveston, Hampton Roads, Honolulu (16); Miami, Boston (15); Port Arthur (13); Jacksonville (11); San Diego, Philadelphia, Tampa, Guam (10); Savannah, Duluth (9); Paducah, St. Louis, Chicago, Louisville, Wilmington (8); Memphis, Portland ME, Pittsburgh, Cleveland (7); San Juan, Buffalo, Juneau (6); Detroit, Providence, Corpus Christi, Toledo, Huntington, Valdez (5); Charleston, Milwaukee (4).

C:m New York (75); St. Ignace (4); Sturgeon Bay (3).

D:d New Orleans (12); New York (6) (extra).

D:k New York (3); Jacksonville, New Orleans, Houston, San Francisco (1) (extra).

D:1 CG Liaison Officer MILSEALIFTCOMD (Code N-CG7), CG Liaison Officer RSPA (DHM-22), CG Liaison Officer MARAD (MAR-720.2), CG Liaison Officer Army Corps of Engineers, CG Liaison Officer American Samoa, CG Advisor NWC, CG Advisor Panama Canal Commission, CG Liaison Officer JUSMAGPHIL, CG Liaison Officer (IMO) London, CG Consultant (IMO/SAID) Caribbean, CG Attache US DAO Bogota, CG Liaison World Maritime University(1).

E:o New York (15); Grand Haven (4); Long Island Sound (3); Sault Ste. Marie (1).
ABS (2).
DOJ Torts Branch (Washington, DC; New York; San Francisco only) (1).
MARAD (MRG 4700) (1).
MSC (M-24) (1).
NOAA Fleet Inspection Officer (1).
NTSB (Marine Accident Division) (2).
World Maritime University (2).
U.S. Merchant Marine Academy, Kings Point, NY (1)

U.S. Department
of Transportation

United States
Coast Guard



COVER OMITTED
(G-MP-4)

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FAX: (202) 267-4402

COMDTNOTE 16000
07 MAY 1992

COMMANDANT NOTICE 16000

CANCELLED: 06 NOV 1992

Subj: CH-4 to COMDTINST M16000.6 (Series), Marine Safety Manual,
Volume I, Administration and Management

1. PURPOSE. This Notice provides a change to subject manual for the information, use, and guidance of Coast Guard personnel assigned to marine safety duties.
2. SUMMARY OF CHANGE.
 - a. This revision of Chapter 4, Marine Safety Law Enforcement, of the Marine Safety Manual (MSM) provides guidance for the enforcement of Marine Safety and Environmental Protection laws and regulations. It outlines enforcement options, policies, and objectives; standardizes program terminology; and promotes the consistency of effort between the various program functions.
 - b. The enforcement policy is intended to set broad program direction. Commanding officers are expected to evaluate individual situations in light of the policy set forth in chapter 4; but they must have the flexibility to tailor their enforcement efforts to best serve program goals. Decisions made in accordance with the outlined policy should provide for a reasonable amount of consistency so that the public can expect similar treatment throughout the nation.
 - c. The revision of chapter 4 is being issued at this time in order to publish the material in a timely manner. A comprehensive revision to this volume is in progress and will be published upon its completion.

COMDTNOTE 16000
07 May 1992

3. ACTION.

a. Remove and insert the following pages:

Remove

FIGURES I
CONTENTS I through V
4-i through 4-iv
4-i through 4-37

Insert

FIGURES I, CH-4
CONTENTS I through IV, CH-4
4-1 through 4-viii, CH-4
4-1 through 4-75, CH-4

R. C. NORTH
ACTING CHIEF, OFFICE OF MARINE
SAFETY, SECURITY AND ENVIRONMENTAL
PROTECTION

Encl: (1) CH-4 to COMDTINST M16000.6

Non-Standard Distribution:

- B:c CCGD9, 13 (15); CCGD8 (14); CCGD7 (11); CCGD2 (10); CCGD5 (7); CCGD1, 17 (6); CCGD11 (5); CCGD14 (4); MLCLANT, MLCPCAC (1).
- C:e New Orleans (90); San Francisco (42); Puget Sound 40); Morgan City (30); Los Angeles/Long Beach (27); Baltimore (22); Anchorage 20; Houston (19); Mobile 18); Portland OR, Galveston, Hampton Roads, Honolulu (16); Miami, Boston (15); Port Arthur (13); Jacksonville (11); San Diego, Philadelphia, Tampa, Guam (10); Savannah, Duluth (9); Paducah, St. Louis, Chicago, Louisville, Wilmington (8); Memphis, Portland ME, Pittsburgh, Cleveland (7); San Juan, Buffalo, Juneau (6); Detroit, Providence, Corpus Christi, Toledo, Huntington, Valdez (5); Charleston, Milwaukee (4).
- C:m New York (75); St. Ignace (4); Sturgeon Bay (3).
- D:d New Orleans (12); New York 6) (extra).
- D:k New York (3); Jacksonville, New Orleans, Houston, San Francisco (1) (extra).
- D:l CG Liaison Officer MILSEALIFTCOMD (Code N-CG7), CG Liaison Officer RSPA (DHM-22), CG Liaison Officer MARAD (MAR-720.2), CG Liaison Officer Army Corps of Engineers, CG Liaison Officer American Samoa, CG Advisor NWC, CG Advisor Panama Canal Commission, CG Liaison Officer JUSMAGPHIL, CG Liaison Officer (IMO) London, CG Consultatn (IMO/SAID) Caribbean, CG Attache US DAO Bogota, CG Liaison World Maritime University (1).
- E:o New York (15); Grand Haven (4); Long Island Sound (3); Sault Ste. Marie (1).
ABS (2).
DOJ Torts Branch (Washington, DC; New York; San Francisco only) (1).
MARAD (MRG 4700) (1).
MSC (M-24) (1).
NOAA Fleet Inspection Officer (1).
NTSB (Marine Accident Division) (2).
World Maritime University (2).

U.S. Department
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United States
Coast Guard



(G-MP-4)
Commandant
United States Coast Guard

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COMDTNOTE 16000
21 APR 1992

COMMANDANT NOTICE 16000

CANCELLED 20 OCT 1992

Subj: CH-3 to COMDTINST M16000.6 (Series), Marine Safety Manual, Volume
I, Administration and Management

1. PURPOSE. This Notice provides a change to subject manual for the information, use, and guidance of Coast Guard personnel assigned to marine safety duties.
2. SUMMARY OF CHANGES. This Change is a revision of Chapter 10, Occupational health and safety program for all aspects of marine safety. The Coast Guard will utilize the technical expertise at the district offices in a risk management approach to hazards. Chapter 10 appendices A and G are included in this change; appendices B, C, D, E, F, and H will be added in a future change.
3. ACTION.
 - A. Remove and insert the following pages:

Remove
CONTENTS I through V
FIGURES I
10-i through 10-ii
10-1 through 10-27

Insert
CONTENTS I through V, CH-3
FIGURES I, CH-3
10-i through 10-iv, CH-3
10-1 through 10-36, CH-3
APPENDIX A, CH-3
APPENDIX G, CH-3.

R. C. NORTH
CAPTAIN, U.S. COAST GUARD
ACTING CHIEF, OFFICE OF MARINE
SAFETY, SECURITY & ENVIRONMENTAL
PROTECTION

Encl: (1) CH-3 to COMDTINST M16000.6

COMDTNOTE 16000
21 APR 1992

Non-Standard Distribution:

B:c CCGD9, 13 (15); CCGD8 (14); CCGD7 (11); CCGD2 (10); CCGD5 (&);
CCGD1, 17 (6); CCGD11 (5); CCGD14 (4); MLCLANT, MLCPCAC (1).

C:e New Orleans (90); San Francisco (42); Puget Sound (40); Morgan City
(30); Los Angeles/Long Beach (27); Baltimore (22); Anchorage (20);
Houston (19); Mobile (18); Portland OR, Galveston, Hampton Roads,
Honolulu (16); Miami, Boston (15); Port Arthur (13); Jacksonville
(11); San Diego, Philadelphia, Tampa, Guam (10); Savannah, Duluth
(9); Paducah, St. Louis, Chicago, Louisville, Wilmington (8);
Memphis, Portland ME, Pittsburgh, Cleveland (7); San Juan, Buffalo,
Juneau (6); Detroit, Providence, Corpus Christi, Toledo, Huntington,
Valdez (5); Charleston, Milwaukee (4).

C:m New York (75); St. Ignace (4); Sturgeon Bay (3).

D:d New Orleans (12); New York (6) (extra).

D:k New York (3); Jacksonville, New Orleans, Houston, San Francisco (1)
(extra).

D:l CG Liaison Officer MILSEALIFTCOMD (Code N-CG7), CG Liaison Officer
RSPA (DHM-22), CG Liaison Officer MARAD (MAR-720.2), CG Liaison
Officer Army Corps of Engineers, CG Liaison Officer American Samoa,
CG Advisor NWC, CG Advisor Panama Canal Commission, CG Liaison
Officer JUSMAGPHIL, CG Liaison Officer (IMO) London, CG Consultant
(IMO/SAID) Caribbean, CG Attache US DAO Bogota, CG Liaison World
Maritime University (1).

E:o New York (15). Grand Haven (4); Long Island Sound (3); Sault Ste.
Marie (1).
ABS (2).
DOJ Torts Branch (Washington, DC; New York; San Francisco only) (1).
MARAD (MRG 4700) (1).
MSC (M-24) (1).
NOAA Fleet Inspection Officer (1).
NTSB (Marine Accident Division) (2).
World Maritime University (2).

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Commandant
United States Coast Guard

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COMDTNOTE 16000
24 MAR 1992

COMMANDANT NOTICE 16000

CANCELLED 23 SEP 1992

Subj: CH-2 to COMDTINST M16000.6 (Series), Marine Safety Manual, Volume I, Administration and Management

1. PURPOSE. This Notice provides a change to subject manual for the information, use, and guidance of Coast Guard personnel assigned to marine safety duties.
2. SUMMARY OF CHANGES. The changes to chapters 1, 2, 11, and 12 of the Marine Safety Manual (MSM), Volume I, are required to reflect new staff symbols, programmatic reorganization, and realignment. The majority of the enclosed changes deal with a description of the Recreational Boating Safety (RBS) Program which is administered by the Office of Navigation Safety and Waterway Services (G-N). G-N and G-M jointly manage the boating standards factory visit program for recreational boating manufacturers. The responsibility for performing the actual factory visits of recreational boat manufacturers was transferred from G-N to G-M on 15 April 1988 and announced in the Federal Register. Guidance to marine safety personnel for conducting these visits is contained in the Boating Standards Manual, COMDTINST 16761.2B. Substantive changes have been marked with a vertical line; editorial changes are not marked. The following substantive changes have been made:
 - a. Sections 1.J.1 through 1.J.6 are deleted and replaced with a new section 1.J.1. Subsequent paragraphs 1.J.7 and 1.J.8 are renumbered 1.J.2 and 1.J.3.
 - b. In section 1.J.2.b. (4), "One specific group of operators definitely in need of boating education is the boating law violator." is deleted.
 - c. In section 1.J.3, "New Hampshire and" is deleted as New Hampshire is now a reporting authority under Appendix A to 33 CFR 173.
 - d. Section 1.J.8.a and 1.J.8.b are renumbered as 1.J.3.a and 1.J.3.b. "Such investigation, however, is not required, as the" is deleted from

COMDTNOTE 16000
24 MAR 1992

2. d. (cont'd) paragraph 1.J.3.a. After replacing the word "boating" with the word "such", the remainder of the sentence is moved to paragraph 1.J.3.b following the word "jurisdiction.
- e. In section 1.K.3, (G-CMC) is amended to read (G-LRA).
- f. Section 2.J.12, Standards For Recreational Boating Standards Factory Visits, is added.
- g. In section 2.N.3.d, the words "out-weigh the hazards that" are added after "national defense interests."
- h. Sections 2.O.a and 2.O.b are updated to agree with the current CFR's.
- i. In section 11.F.1, (G-B) is amended to read (G-N).
- j. In section 11.F.2, COMDTINST 16750.6 is amended to read COMDTINST M16750.8.
- k. In section 12.P.1, (G-BP) is amended to read COMDTINST M16750.8.
- l. In section 12.P.2, (G-BAU) is amended to read (G-NAB-1).
- m. In section 12.P.3, (G_BP) is amended to read (G-NAB-6).
- n. In section 12.P.4, the first sentence in paragraph is revised and (G-BBS) is amended to read (G-NAB-6).
- o. In section 12.P.5, (G-BP) is amended to read (G-NAB-6).

3. ACTION.

- a. Remove and insert the following pages:

<u>Remove</u>	<u>Insert</u>
CONTENTS I through II	CONTENTS I through II, CH-2
1-iii through 1-iv	1-iii, CH-2
1-31 through 1-39	1-31 through 1-34, CH-2
2-v	2-v, CH-2
2-33 through 2-40	2-33 through 2-40, CH-2
11-28 through 11-29	11-28 through 11-29, CH-2
12-33 through 12-34	12-33 through 12-34, CH-2

A. E. HENN
Rear Admiral, U.S. Coast Guard
Chief, Office of Marine Safety,
Security and Environmental
Protection

Encl: (1) CH-2 to COMDTINST M16000.6

Non-Standard Distribution:

B:c CCGD9, 13 (15); CCGD8 (14); CCGD7 (11); CCGD2 (10); CCGD5 (7);
CCGD1, 17 (6); CCGD11 (5); CCGD14 (4); MLCLANT, MLCPCAC (1).

C:e New Orleans (90); San Francisco (42); Puget Sound (40); Morgan City
(30); Los Angeles/Long Beach (27); Baltimore (22); Anchorage (20);
Houston (19); Mobile (18); Portland OR, Galveston, Hampton Roads,
Honolulu (16); Miami, Boston (15). Port Arthur (13); Jacksonville
(11); San Diego, Philadelphia, Tampa, Guam (10); Savannah, Duluth
(9); Paducah, St. Louis, Chicago, Louisville, Wilmington (8);
Memphis, Portland ME, Pittsburgh, Cleveland (7); San Juan, Buffalo,
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Valdez (5); Charleston, Milwaukee (4).

C:m New York (75); St. Ignace (4); Sturgeon Bay (3).

D:d New Orleans (12); New York (6); (extra).

D:k New York (3); Jacksonville, New Orleans, Houston, San Francisco (1)
(extra).

D:l CG Liaison Officer MILSEALIFTCOMD (Code N-CG7), CG Liaison Officer
RSPA (DHM-22), CG Liaison Officer MARAD (MAR-720.2), CG Liaison
Officer Army Corps of Engineers, CG Liaison Officer American Samoa,
CG Advisor NWC, CG Advisor Panama Canal Commission, CG Liaison
Officer JUSMAGPHIL, CG Liaison Officer (IMO) London, CG Consultant
(IMO/SAID) Caribbean, CG Attache US DAO Bogota (1).

E:o New York (15); Grand Haven (4); Long Island Sound (3); Sault Ste.
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ABS (2).
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MARAD (MRG 4700) (1).
MSC (M-24) (1).
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COMDTNOTE 16000
12 SEP 1991

COMMANDANT NOTICE 16000

CANCELLED: 12 MAR 1992

Subj: CH-1 to COMDTINST M16000.6 (Series), Marine Safety Manual, Volume I, Administration and Management

1. PURPOSE. This Notice provides changes to subject manual for the information, use, and guidance of Coast Guard personnel assigned to marine safety duties.
2. SUMMARY OF CHANGES.
 - a. A new section 6.F has been added to provide guidelines for overseas inspection assignment to Temporary Additional Duty (TAD) for marine inspection personnel, to ensure full employment consistent with personnel, quality of life, and safety considerations.
 - b. Sections 1.D.5.b, 12.I, and 12.J.3 (Port and Environmental Safety (PES)/Marine Environmental Response (MER) Quarterly Activities Reports (QAR's) are deleted. The 1 April 1991 - 30 June 1991 QAR will be the last QAR to be submitted. PES/MER and unit administration and support activities reporting will be via the Marine Safety Information System (MSIS) product set Port Safety Activity Report (PSAR). Specific guidelines for the PSAR are included in the MSIS transaction guide. Instructions for personnel resource management/unit activity reporting will be promulgated in a future change to Volume I of the Marine Safety Manual, COMDTINST M16000.6. Sections 1.D.5.b and 12.I will be amended at a later date to address unit activity reporting and unit staffing requirements.
3. ACTION.
 - a. Remove and insert the following pages:

Remove

CONTENTS III through IV
FIGURES I
6-i through 6-ii
6-13

Insert

Record of Changes
CONTENTS III through IV, CH-1
FIGURES I, CH-1
6-i through 6-ii, CH-1
6-13 through 6-14, CH-1

COMDTNOTE 16000
12 SEP 1991

3. b. Please make the following pen-and-ink changes:
Delete text of sections 1.D.5.b and 12.I and write "To be Developed." In addition, write "To Be Developed" after the corresponding entries listed on chapter contents pages 1-ii and 12-i. Delete section 12.J.3 and renumber paragraphs 12.J.4 and 12.J.5 to read 12.J.3 and 12.J.4. Delete the 12.J.3 entry on chapter contents page 12-iii and renumber sections 12.J.4 and 12.J.5 to read 12.J.3 and 12.J.4.

- c. Make the following pen-and-ink change to page 2 of Form CG-5122:
Change (G-MP-3) to (G-MP-4).

A. E. HENN
CHIEF, OFFICE OF MARINE SAFETY,
SECURITY & ENVIRONMENTAL PROTECTION

Encl: (1) CH-1 to COMDTINST M16000.6

Non-Standard Distribution:

B:c CCGD9, 13 (15); CCGD8 (14); CCGD7 (11); CCGD2 (10); CCGD5 (7);
CCGD1, 17 (6); CCGD11 (5); CCGD14 (4); MLCLANT, MLCPAC (1).

C:e New Orleans (90); San Francisco (42); Puget Sound (40); Morgan City
(30); Los Angeles/Long Beach (27); Baltimore (22); Anchorage (20);
Houston (19); Mobile (18). Portland OR, Galveston, Hampton Roads,
Honolulu (16); Miami, Boston (15); Port Arthur (13); Jacksonville
(11); San Diego, Philadelphia, Tampa, Guam (10); Savannah, Duluth
(9); Paducah, St. Louis, Chicago, Louisville, Wilmington (8);
Memphis, Portland ME, Pittsburgh, Cleveland (7); San Juan, Buffalo,
Juneau (6); Detroit, Providence, Corpus Christi, Toledo, Huntington,
Valdez (5); Charleston, Milwaukee (4).

C:m New York (75); St. Ignace (4); Sturgeon Bay (3).

D:d New Orleans (12); New York (6) (extra).

D:k New York (3); Jacksonville, New Orleans, Houston, San Francisco (1
(extra).

D:l CG Liaison Officer MILSEALIFTCOMD (Code N-CG7), CG Liaison Officer
RSPA (DHM-22), CG Liaison Officer MARAD (MAR-720.2), CG Liaison
Officer American Samoa, CG Advisor NWC, CG Advisor Panama Canal
Commission, CG Liaison Officer JUSMAGPHIL, CG Liaison Officer (IMO)
London, CG Consultant (IMO/SAID) Caribbean, CG Attache US DAO Bogota
(1).

E:o New York (15); Grand Haven (4); Long Island Sound(3); Sault Ste.
Marie (1).
ABS (2).
DOJ Torts Branch (Washington, DC; New York; San Francisco only) (1).
MARAD (MRG 4700) (1).
MSC (m-24) (1).
NOAA Fleet Inspection Officer (1).
NTSB (Marine Accident Division) (2).
World Maritime University (3).

U.S. Department
of Transportation

United States
Coast Guard



(G-MP-3)
Commandant
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COMDTINST M16000.6
5 MAY 1986

COMMANDANT INSTRUCTION M16000.6

Subj: Transmittal Of Volume I - Administration And Management - Marine
Safety Manual, COMDTINST M16000.6

1. PURPOSE. This Instruction releases the revised volume I of the Marine Safety Manual (MSM) for the information, use, and guidance of Coast Guard personnel assigned to Marine safety duties. It presents the authority, background, and rationale for the various programs associated with these duties, and prescribes essential functions which must be performed in order to attain the overall marine safety objectives of the Coast Guard.
2. DIRECTIVES AFFECTED. COMDTINST M16000.3 (old CG-495) dated 7 OCT 1977 is cancelled. In addition, the following Commandant Instructions (or their enclosures) are cancelled and have been incorporated into this volume:

<u>COMDTINST</u>	<u>VOLUME I LOCATION</u>
5010.8, enclosures (1) and (2)	Paragraph 12.I.7
5010.9A	Section 12.I
M16450.26, enclosure (3) only	Section 4.K
M16450.27, enclosure (3) only	Section 4.L
16460.4C, paragraphs 4.a - 4.c only	Section 4.M
16601.4	Section 5.C
16671.2	Section 4.N

3. DISCUSSION.
 - a. A comprehensive manual which provides guidance on the application of Coast Guard regulations, and explains the rationale behind their development, is vital to the successful execution of the marine safety program. This volume serves that function by providing an overview of the various marine safety-related Coast Guard program areas, plus a more detailed overview of the specific legal authorities, enforcement policies, management standards, professional training, and administrative and information systems which relate to these program areas.

3. b. Since this revised volume differs considerably from its predecessor, the master Table of Contents, found in the front of this volume, contains a cross-reference to the location of material in the previous volume I. This master Table of Contents reflects the updating of all chapters (i.e., the inclusion of policy and rulemaking changes). The following major changes are highlighted, as they contain new information that will significantly impact marine safety operations:

Subparagraph I.J.8.b	Provides new guidance concerning responsibility for the investigation of boating accidents.
Section 2.K	Establishes new port and environmental safety (PES) and marine environmental response (MER) mission performance standards, and provides guidance on prioritizing missions during periods of resource or operational constraints. The new mission performance standards become effective upon receipt.
Figure 3-1	Reorganizes certain functions at a typical marine safety office (MSO).
Chapter 4	Consolidates uniform law enforcement policy related to the marine safety programs.
Section 4.G	Provides guidance on issuing captain of the port (COTP) Orders and Letters of Warning.
Section 5.C.3	Requires districts to forward summaries of Title 33, 46, and 49 CFR hazardous material violations to Commandant (G-WPE) for preparation of the annual report to Congress and publication of enforcement cases in the Hazardous Materials Newsletter.
Section 12.I	Revises instructions for completing the PES/MER Quarterly Activities Report (QAR), Form CG-4957. This revised form, Figure 12-1, is to be reproduced locally and should be used beginning with the first quarter of FY87.

- c. In addition, several chapters of old CG-495 will be incorporated into other volumes of this manual:

<u>OLD LOCATION</u>	<u>NEW LOCATION</u>
12-4	VOLUME II, CHAPTER 16. MARINE EQUIPMENT AND MATERIALS
14-1	VOLUME II, CHAPTER 25. SUBMERSIBLE VESSELS

3. c. (cont'd)

<u>OLD LOCATION</u>	<u>NEW LOCATION</u>
15-1	VOLUME VI, CHAPTER 2. DEEPWATER PORTS
16-1	VOLUME II, CHAPTER 22. MARINE FACILITIES AND STRUCTURES
18-1	VOLUME II, CHAPTER 24. OTHER CONTINENTAL SHELF ACTIVITIES (To Be Developed)

- d. The provisions of this volume may not cover individual situations which are best handled through experience and sound judgment. Hence, the policies and guidance issued herein are intended to promote consistent and uniform execution of the marine safety program, without undue restriction of independent judgment on the part of marine safety personnel.
- e. In conforming with the policies of the Coast Guard Directives System, the MSM will continue to utilize three-ring binders. Coast Guard subscribers may obtain these binders through the federal supply system, using stock number 7510-01-114-3612. As three-ring binders are more readily available than four-ring binders, acquisition by the general public should present little difficulty.
- f. All personnel are encouraged to use the self-mailer, Form CG-5122, to make suggestions for improving the volume.
4. CHANGES. When necessary, the volume will be updated by consecutively numbered changes.
5. ACTION. District commanders and commanding officers shall ensure that personnel performing marine safety duties are familiar with the provisions of this volume. In cases of apparent conflict between this volume and provisions of statutes or regulations, the latter provisions shall be applied and Commandant (G-M) or (G-W), whichever is appropriate, shall be advised of the apparent conflict. In cases where there is an apparent conflict between the volume and current marine practice, Commandant (G-M) or (G-W) should be contacted for further resolution of the matter. Appropriate action will be taken in such cases to correct conflicting provisions of this volume.

J. W. KIME
Chief, Office of Merchant Marine
Safety

COMDTINST M16000.6
5 MAY 1986

Non-Standard Distribution:

B:c CCGD3, 9 (15); CCGD8 (14); CCGD7 (11); CCGD2 (10); CCGD13 (9); CCGD5 (7); CCGD1, 17 (6); CCGD11, 12 (5); CCGD14 (4).

C:e San Francisco (25); Baltimore, Galveston (22); Mobile (19); Boston (18); Hampton Roads (17); Long Beach, Portland OR (16); Miami, Honolulu (15); Anchorage, Puget Sound (13); Jacksonville (11); Savannah, Duluth (9); Paducah, St. Louis, Wilmington, Port Arthur (8); Pittsburgh, Cleveland (7); Portland ME, Cincinnati, Nashville, San Juan, Tampa, Chicago, Buffalo, San Diego, Juneau (6); Providence, Memphis, Corpus Christi, Detroit, Toledo, Valdez (5); Huntington, Louisville, Milwaukee (4); Charleston (3).

C:m New Orleans (140); New York (22); Houston (12); Philadelphia (9); St. Ignace (4); Sturgeon Bay (3).

D:d New Orleans (12); New York (6) (extra).

D:k New York (3); Jacksonville, New Orleans, Houston, San Francisco (1) (extra).

D:l CG Liaison Officer MILSEALIFTCOM M-65 STRAT MOB, CG Liaison Officer American Samoa, CG Liaison Officer JUSMAGPHILL, CG Advisor NWC (1).

E:o New York (15); New Orleans (13); Houston (12); Philadelphia (6); Muskegon (4); New Haven (3); Sault Ste. Marie (2); New London (1).
Panama Canal Coast Guard Advisor (1).
NTSB (Marine Accident Division) (2).
DOJ Torts Branch (Washington, DC; New York; San Francisco only) (1).
ABS (2).
MSC (M-24) (1).
NOAA Fleet Inspector (1).
CGLO MARAD (MAR 720.1) (1).

DEPARTMENT OF
TRANSPORTATION
U S COAST GUARD
CG 5122 (Rev. 10-54)

**SUGGESTION FOR IMPROVING
THE MARINE SAFETY MANUAL, COMDTINST M16000 SERIES**

INSTRUCTIONS

Thoroughly describe your suggestion, giving careful consideration to whether it has local, Coast Guard-wide or broad marine safety applications. You may wish to discuss your suggestion with appropriate supervisors and other personnel before submitting this form.

FROM (Unit name and address)

NATURE OF SUGGESTION

- ADDITION CORRECTION
 DELETION OTHER (Specify)

SUGGESTION: Explain your proposal in sufficient detail so reviewing officers will know exactly what you are proposing. Specify if your proposal has local, Coast Guard-wide or broad marine safety application. Cite the specific section(s) of the manual you are commenting on and specify the benefits of your suggestions. (If more space is needed continue on extra sheets)

SIGNATURE (Title and Grade)

DATE

PREVIOUS EDITION IS OBSOLETE

SUGGESTION FOR IMPROVING THE MARINE SAFETY MANUAL, COMDTINST M16000
SERIES

TABLE FIGURE OMITTED
LOG GRAPHIC

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Section	1.C Commercial Vessel Safety (CVS) Program
Section	1.D Port And Environmental Safety (PES) Program
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CHAPTER 1. MARINE SAFETY PROGRAM

A. Philosophy Of The Marine Safety Program.

1. Historical Objectives.

a. Origin Of The Program. In the early 1800's, Congress was reluctant to address "marine safety" issues with regard to the steamboat industry. Only after a long series of marine incidents, involving heavy losses of life and property, did Congress enact legislation and create a federal organization, the Steamboat Inspection Service, to preserve and protect the public from preventable marine incidents. The preservation of life in the aftermath of a marine incident was carried out by federal search and rescue forces; the protection aspect (before-the-fact) was handled by federal agencies involved with maritime law enforcement and aids to navigation. The Coast Guard's current marine safety programs still retain the overall philosophical objectives of the historical preservation and protection programs. As a result of myriad statutes and regulations affecting the marine environment and the marine industry, several distinct programs concerned with marine safety and related issues have evolved: Commercial Vessel Safety (CVS), Port and Environmental Safety (PES), Marine Environmental Response (MER), Waterways Management (WWM), Recreational Boating Safety (RBS), and Bridge Administration (BA).

b. Origin Of The Marine Safety Office (MSO). In 1972, the Commandant decided to consolidate CVS, PES/MER/WWM, BA, and RBS investigative activities in the field under the MSO structure. The previous segregation of review and response activities result in well meant, but fragmented, "marine safety" policies tending to focus on symptoms rather than causes of marine casualties and incidents. Under consolidation, attention is better focused on preventing marine casualties and incidents through appropriate legislation and regulations, coordinated field efforts to implement requirements, and education of the maritime public. In 1982, the policy concerning the investigation of recreational boating fatalities was changed to reflect that only those accidents which were inadequately investigated by the state, as determined by the Commandant or the district commander, would be investigated by investigations departments of MSO's/marine inspection offices (MIO's). States are considered the primary investigative authority for all boating accidents as provided by 33 CFR 174.103.

2. Operational Intent. While Congress provided the Coast Guard with certain specific powers and constraints to enforce marine related laws and regulations, different approaches to enforcement have evolved as a result of the variances between various statutes. For example, CVS Program objectives can be met by withholding a Certificate of Inspection (COI) from a vessel that does not comply with the safety standards prescribed by laws and regulations, or by withholding a license or merchant mariner's document (MMD) from any person who does not comply with the requirements of appropriate federal laws and regulations. The PES Program, on the

MARINE SAFETY MANUAL

- 1.A.2. (cont'd) other hand, has no issuance of licenses or documents, nor "before-the-fact" inspection and certification of potential pollution sources, except for certain vessels and liquid bulk facilities. Originally, the enforcement concept for PES was one of "crime and punishment." Since the program's inception, emphasis has shifted from punishment to prevention because, ultimately, the only true protection from pollution incidents comes from preventing them. The PES Program focuses upon port facilities and merchant shipping.
 3. Personnel Intent Today, all personnel assigned to CVS, PES/MER/WWM Program funded billets can be referred to as "marine safety" personnel. It is the Commandant's goal that such personnel eventually be well trained in all aspects of marine safety. This is not the goal during the first MSO tour, an assignment where an individual should develop expertise in one program before expanding. It is recognized that not all personnel will have the same level of experience in all aspects of "marine safety," regardless of rank or grade, because the term encompasses not only marine safety functions (e.g., marine inspection, pollution investigation), but others that are of an operational nature. The Commandant has determined that the public will be served best by consolidated administration of marine safety activities and a positive approach to training and diversification of unit personnel. An "us" and "them" attitude or the notion that an MSO has a "captain of the port (COTP) side" distinct in importance from a "marine inspection office (MIO) side" is counterproductive and should be discouraged by unit managers.
- B. Marine Safety Manual (MSM). The MSM is the primary policy and procedural statement for the marine safety programs of the Coast Guard. Published for the use of all Coast Guard marine safety and industry personnel, it prescribes the essential functions which must be performed to attain the overall objectives of the CVS and PES/MER/WWM Programs and certain investigative functions of the RBS Program. The MSM should be used as a guide for consistent and uniform administration of marine safety activities, without undue hampering of independent action and judgment by marine safety personnel.
1. Effective Use Of The MSM. District commanders and unit commanding officers (CO's) shall ensure that they and their personnel are familiar with the provisions of this manual. This is particularly important in view of the large amount of new and revised policy contained in this manual. The MSM must be used in concert with appropriate marine safety laws and regulations. In any case of apparent conflict between provisions of this manual and any statute or regulation, the legal requirements shall be observed. Commandant (G-MP) should be informed of the conflict so that the matter can be resolved. In case of conflict between provisions of this manual and conventional practice, the appropriate Headquarters staff element should also be contacted for resolution of any doubt.
 2. Publications And Directives Affected. The MSM has superseded the following publications:
 - a. Merchant marine safety Manual (CG-203);

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- b. Reporting Requirements For Hearings, Depositions, Statements, Marine Boards of Investigation, and Conferences (CG-203-1);
- c. Port Security Manual (CG-299);
- d. Classified Supplement to the Port Safety/Security Manual (CG-299-1);
- e. Boating Accident Investigator's Manual (CG-472); and
- f. MSM (CG-495).

In addition, separately issued Instructions and Notices are incorporated in this manual periodically. Each transmittal notice should be consulted for specific information.

3. MSM Structure.

- a. Volumes. The MSM consists of 11 volumes. The material in these volumes has been arranged generally to coincide with the functional activities of a district commander and a marine safety unit. These functional activities can be found in the Organization Manual, Commandant Instruction (COMDTINST) M5400.7D (Series), and the Organization Manual For Field Units, CG-229-1. As the MSM volumes are consolidated and reprinted, they will appear as follows:

I	Administration and Management	COMDTINST M16000.6
II	Materiel Inspection	COMDTINST M16000.7
III	Marine Industry Personnel	COMDTINST M16000.8
IV	Technical	COMDTINST M16000.9
V	Investigations	COMDTINST M16000.10
VI	Ports and Waterways Activities	COMDTINST M16000.11
VII	Port Security	COMDTINST M16000.12
VIII	The Special Interest Vessel (SIV) Program (CONFIDENTIAL)	COMDTINST M16000.13
IX	Marine Environmental Protection	COMDTINST M16000.14
X	Interagency Agreements And Acronyms	COMDTINST M16000.15

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XI Vessel Documentation COMDTINST M16000.16

- b. Format. The reprinting of the MSM conforms with the Coast Guard Directives System. As seen in subparagraph 1.B.3.a above, each volume has a separate "M" instruction number and begins with Chapter 1, although all are considered part of a larger "MSM." Each volume is divided into chapters, sections, paragraphs, and subparagraphs. Pages are numbered in numerical sequence within a chapter (e.g., 33-3 is the third page of chapter 33 of a volume). Figures (formerly "plates") are numbered in numerical sequence within a given chapter (e.g., Figure 4-3 is the third figure found in chapter 4 of a volume.)
4. Headquarters Control. The Marine Safety Manual Section of the Coordination Branch, Commandant (G-MP-4), serves under the Planning Staff, Commandant (G-MP), as the control and clearance point for all material developed for the manual.
5. Amendment Process. Parts of this manual will be published or revised periodically, according to their development by Headquarters program staffs. These will be issued as consecutively numbered changes. Readers are encouraged to use the self-mailer, Form CG-5122, to make suggestions for improving the manual. The form should be completed in accordance with the instructions contained thereon and sent directly to Commandant (G-MP-4), which will coordinate a response with the appropriate program staff.
6. Distribution. Standard allowances of the MSM are provided to area/district commanders, administrative activities, and other affected recipients for planning and review purposes. Non-standard allowances are provided to: Coast Guard field units for use by personnel in daily activities; the pertinent marine safety schools at Reserve Training Center (RTC) Yorktown; Coast Guard liaison officers; affected government agencies, such as the National Transportation Safety Board (NTSB); and civilian interests, such as the American Bureau of Shipping (ABS). Non-standard distribution is determined by the CO's evaluation of need and the unit's authorized billet/position allowances. Commandant (G-MP) periodically reviews each recipient's distribution requirements. CO's determining greater or lesser distribution requirements should advise G-MP by utilizing Form CG-5323, Request for Allowance Change.
7. Unit Accountability. Each volume of the MSM is a permanent part of the unit's publication allowance, based

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on the billets or positions authorized. The MSM is not intended as a personal issue to be retained by departing personnel. In this regard, appropriate accountability procedures shall be maintained by each unit receiving the manual. In addition, personnel shall ensure that copies of the manual are kept up-to-date, as indicated in Commandant Notice (COMDTNOTE) 5600.

8. Public Availability. Much of the MSM's policy, procedures, and instructions affect the maritime industry and other members of the public. Volumes I through VII and X are available for subscription purchase through the Superintendent of Documents, U.S. Government Printing Office (GPO), Washington, D.C. 20402. They are not obtainable from regional GPO bookstores. A subscription period runs for an indefinite period of time, during which subscribers receive the basic volumes and all changes issued during that period. Renewal notices and notices of any price changes are sent by the GPO in ample time for subscribers to continue service. As an added convenience, each individual volume and changes may be subscribed to separately.

1.C. Commercial Vessel Safety (CVS) Program.

1. Objective. The objective of the CVS Program is to minimize deaths, personal injuries, and property loss or damage associated with vessels and facilities engaged in commercial, scientific, or exploratory activity in the marine environment. This objective is pursued through the administration of federal statutes, the development and enforcement of federal regulations and standards, and the implementation of international agreements.
2. Program Premises. The premises of the CVS Program reflect the external forces generated by the maritime industry and statutory mandates based upon legally defined requirements. Within legislative mandates, the program must be responsive to the activities of the marine transportation and ocean industries, as expansions/contractions in their workload will directly impact program workloads. The CVS Program is basically a "life safety" program that has a focus beyond the preservation of life alone. It is an inherent part of a larger maritime safety effort that attains additional objectives through the PES/MER/WWM and RBS Programs. In a practical sense, the CVS Program is not a separate entity. Its people are multimission oriented, and the units to which they are assigned perform multimission functions. Three main objectives underlie the Commandant's approach to vessel safety in the CVS Program:
 - a. To minimize the probability of any casualty or accident occurring to a vessel and, hence, reduce the risk to personnel on the vessel and ashore, other vessels, and the marine environment;
 - b. To minimize the effects of a casualty or accident and the probability of the vessel being lost or rendered useless as a result of a casualty or accident; and
 - c. To maximize the probability of survival and rescue of personnel in the event abandonment of the vessel becomes necessary.

Fulfillment of these objectives, together with efficient operation of the vessel's system and equipment, constitute the criteria for a safe ship. The regulations provide the details of how a vessel may meet the criteria, and the authority to deny certification to a vessel that does not meet the criteria. Periodic vessel inspections are intended to ascertain whether or not a vessel has been maintained in accordance with these criteria.

3. Historical Development.

- a. Initial Federal Activities. The CVS Program began in 1838 when Congress, alarmed at the frequency and severity of steamboat boiler explosions, passed the first federal law "for the better security of life" on steamboats. This provided for inspectors, appointed by district judges, to examine each steamboat boiler every 6 months, and each hull every year, under the administration of the Secretary of the Treasury. Upon determining that a steamboat was in such condition that it could be navigated safely, the inspector issued a COI

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- 1.C.3. a. (cont'd) attesting to the steamboat's seaworthiness. The law also required steamboats to carry certain firefighting and lifesaving equipment. No provision was made for licensing of operating personnel, but owners were required to employ "competent" pilots and engineers. These early inspections by the steamboat inspectors were mostly ineffective, and in 1852 Congress acted to improve the administration of the program. The country was divided into nine districts, each under the jurisdiction of a "supervising inspector." Supervising inspectors directed the efforts of local inspectors and provided technical advice. These supervisory inspectors met annually to discuss problems of national importance and to strive for uniformity in administration of the program. The new law also provided for the licensing of pilots and engineers.
- b. Steamboat Inspection Service. After a series of marine disasters following the Civil War, Congress repealed all previous marine statutes and enacted a new comprehensive code of navigation and vessel inspection laws that became Title 52 of the Revised Statutes of the U.S. The new laws provided for a "Steamboat Inspection Service" to include local inspectors of hulls and boilers and the licensing of masters and mates, and a local and national administrative organization under the Treasury Department in Washington, D.C. The years that followed saw a gradual reduction in marine casualties.
- c. Twentieth-Century Developments. The Steamboat Inspection Service was transferred to the Department of Commerce and Labor in 1903 and renamed the Bureau of Navigation and Steamboat Inspection. Following the burning of the U.S. steamer MORRO CASTLE in 1934, the Bureau was reorganized. In 1936 it was renamed the Bureau of Marine Inspection and Navigation (BMIN), and in 1942 its duties were transferred to the Coast Guard. A new component of this agency was a "technical staff" employed to review and approve plans for new passenger vessels which were to be of fireproof construction. In addition, new statutory provisions in 1936 required all seamen on merchant ships of 100 gross tons (GT) or more to possess a Certificate of Identification or a Continuous Discharge Book (CDB) issued by the inspectors.
- d. Extensions Of Federal Laws. The original inspection laws provided for the regulation of steamboats only for the purpose of passenger safety and, later, for crew safety. Gradually, Congress extended the provisions of the inspection laws to protect property and other groups of vessels as follows:
- (1) Sail vessels over 700 GT and barges over 100 GT carrying passengers for hire, in 1898;
 - (2) All mechanically-propelled vessels over 15 GT carrying freight or passengers for hire, in 1905 (inspection) and 1906 (licensing personnel);
 - (3) Seagoing barges of 100 or more GT, in 1908;

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- 1.C.3.d. (4) Seagoing motor vessels of 300 GT, except fishing vessels, in 1936;
- (5) All vessels carrying flammable or combustible liquid cargo in bulk, in 1936;
- (6) All mechanically propelled vessels of 65 feet in length or less, all sail vessels of 700 GT or less, and all barges of 100 Gt or less, carrying more than six passengers for hire, in 1956;
- (7) Platforms on the Outer Continental Shelf (OCS), in 1978; and
- (8) Offshore supply vessels (OSV's), in 1980.
- e. Limited Regulation Of Vessels. In the above cases, each group of vessels was made subject to the entire regulatory scheme originally devised for steam vessels. In other cases, Congress provided for limited regulation of groups of vessels whether or not they were generally subject to the inspection laws.
- (1) The Motorboat Act of 1910 required that all motorboats carrying passengers for hire be under the control of a federally licensed operator. This law also required that certain items of equipment be carried in all motorboats, but made no provision for periodic inspection or certification of these vessels.
- (2) Provisions of the Seamen's Act of 1915 were made applicable to merchant vessels of the United States of over 100 GT except river vessels.
- (3) The Officers' Competency Certificates Convention, 1936, required all seagoing vessels of over 200 GT to be manned by licensed officers.
- (4) The International Load Line Act (1929) and Coastwise (Great Lakes) Load Line Act (1935) were made applicable to merchant vessels of over 150 GT departing on a voyage by sea or the Great Lakes.
- (5) The International Load Line Act of 1973 made the 1966 International Load Line Convention applicable to vessels over 79 feet.
- (6) The Bridge-to-Bridge Radiotelephone Act of 1972 applies to power-driven vessels of 300 GT and upward while navigating; every vessel of 100 GT and upward carrying one or more passengers for hire while navigating; every towing vessel of 26 feet or over in length while navigating; and every dredge and floating plant engaged in or near a channel or fairway in operations likely to restrict or affect the navigation of other vessels. [NOTE: On the Great Lakes, the Great Lakes Agreement between Canada and the U.S. applies.]

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- 1.C.3.e. (7) The International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) became effective 15 July 1977, and apply to all vessels operating outside the navigational lines of demarcation, called COLREGS Demarcation Lines.
- (8) The Inland Navigation Rules Act of 1980 (Inland Rules) became effective on 24 December 1981 (except on the Great Lakes where the effective date was 1 March 1983) and apply to all vessels operating inside the COLREGS Demarcation Lines.
- f. Codification Of Title 46. Public Law (P.L.) 98-89, enacted in August 1983, did much to clarify the complex scheme of CVS laws, which had developed in the piecemeal fashion described above over nearly two centuries. P.L. 98-89 revised, reorganized, and consolidated nearly all Coast Guard enforced provisions of Title 46, United States Code (U.S.C.), into a format organized essentially along program function lines. This was accomplished without controversial change to substance of the law, and resulted in the repeal of the outdated source laws, most notably Titles 52 and 53 of the Revised Statutes. Existing Coast Guard regulations were carried forward under the corresponding provisions of the "new" Title 46.
- g. Oversight Efforts. Today, Coast Guard regulations have incorporated the provisions of the International Convention for the Safety of Life at Sea (SOLAS) 1974 to ensure compliance with such provisions by U.S. vessels on international voyages. Foreign passenger, cargo, and tank vessels arriving at or departing from U.S. ports are also examined under the control provisions of SOLAS by Coast Guard inspectors to ensure that they are maintained in compliance with the terms of the convention certificates issued by their home governments. They are also examined to ensure compliance with U.S. pollution prevention standards, navigation safety, and other requirements.
4. Regulatory Standards. CVS standards are published in Chapter I of Titles 33 and 46, Code of Federal Regulations (CFR). The regulations provide detailed guidance for the design and operation of inspected vessels, and establish minimal requirements for uninspected vessels.
- a. Regulations For Specific Vessel Types. The following subchapters prescribe rules and regulations for vessels and facilities by type:
- | | | |
|-----|---------------------|--|
| (1) | 33 CFR Subchapter N | Artificial Island and Fixed Structures on the OCS; |
| (2) | 46 CFR Subchapter C | Uninspected Vessels; |
| (3) | 46 CFR Subchapter D | Tank Vessels; |
| (4) | 46 CFR Subchapter H | Passenger Vessels; |
| (5) | 46 CFR Subchapter I | Cargo and Miscellaneous Vessels; |

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- 1.C.4.a. (6) 46 CFR Subchapter I-A Mobile Offshore Drilling Units (MODU's);
- (7) 46 CFR Subchapter O Certain Bulk Dangerous Cargoes;
- (8) 46 CFR Subchapter R Nautical Schools;
- (9) 46 CFR Subchapter S Subdivision and Stability;
- (10) 46 CFR Subchapter T Small Passenger Vessels; and
- (11) 46 CFR Subchapter U Oceanographic Research Vessels.
- b. Regulations With General Applicability. The following subchapters prescribed regulations pertaining to basic structure, systems, and equipment applicable to vessels of all types:
- (1) 33 CFR Subchapter A Bridge-to-Bridge Radiotelephone;
- (2) 33 CFR Subchapter D International Navigation Rules;
- (3) 33 CFR Subchapter E Inland Navigation Rules;
- (4) 33 CFR Subchapter O Pollution;
- (5) 33 CFR Subchapter P Ports and Waterways Safety;
- (6) 33 CFR Subchapter S Boating Safety;
- (7) 46 CFR Subchapter E Load Lines;
- (8) 46 CFR Subchapter F Marine Engineering;
- (9) 46 CFR Subchapter J Electrical Engineering;
- (10) 46 CFR Subchapter Q Specifications; and
- (11) 46 CFR Subchapter V Marine Occupational Safety and Health Standards.
- c. Other Regulations. The following subchapters prescribe various types of administrative, personnel, and investigative procedures:
- (1) 46 CFR Subchapter A Procedures Applicable to the Public, Including Casualty Revocation Proceedings;
- (2) 46 CFR Subchapter B Merchant Marine Officers and Seamen;

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1.C.4.c. (3) 46 CFR Subchapter G Documentation and Measurement of Vessels; and

(4) 46 CFR Subchapter P Manning of Vessels.

5. Types Of Inspections. A complete description of all types of CVS inspections may be found in volume II of this manual.
6. Other CVS Activities. Inspection is a substantial part of field CVS activities. It is so significant that for many years field units were called "MIO's." The title of "officer in charge, marine inspection (OCMI)" illustrates this significance, as do the facts that the CVS program has often been referred to as "merchant marine inspection" and most CVS field officers are termed "marine inspectors." This predominance of "inspection" is recognized not just within the Coast Guard, but within the industry as well. It is inaccurate, however, to conclude that marine inspection is only function of the CVS Program, or that it accounts for more staff years than other CVS activities. Program standards studies have revealed that marine inspection activities, including plan approval, accounts for about 37 percent of that total CVS operational staff year requirements.
 - a. Plan Approval. When U.S. commercial vessel interests contemplate the construction of a new vessel, their naval architects are guided by a set of standards. These standards are found in federal regulations, codes of classification and engineering societies, and "good marine practice." Vessel plans, which vary in sophistication depending upon the vessel type, are submitted to CVS personnel or to ABS under applicable memorandums of understanding (MOU's) for approval. Equipment components (firefighting and lifesaving equipment, and certain construction materials) are likewise subject to some form of approval. Bulk liquid cargoes are required to undergo an evaluation of their hazards prior to classification; those with significant hazards are assigned a set of minimum requirements which the tank vessel must meet in order to transport the product. As a vessel is being constructed, certain tests and inspections are required by CVS inspectors. The degree of examination depends upon the quality assurance/quality control programs of the constructor, the prospective owner, and specific agreements in effect with the cognizant classification society. When the vessel inspection has been completed, the cognizant OCMI issues an initial COI. Plan approval interest will continue for the duration of the vessel's life to ensure that major repairs, alterations, and regulated replacement equipment meet the required standards.
 - b. Regulation Of Manning Standards And Crew Qualification. COI's contain provisions for the required minimal manning of an inspected vessel. Certain laws require the presence of licensed officers and certificated seamen of certain qualifications on various types of vessels. The varying levels of crew qualification are addressed in a large variety of federal regulations. Vessel personnel qualifications fall into two major categories:

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- 1.C.6.b. (1) Licensed Officers. These include masters, mates, engineers, pilots, staff, and radio officers. Licensed officers who satisfy the various experience, physical, and testing requirements of the regulations are issued licenses that are renewed at 5-year intervals.
- (2) Unlicensed Personnel. These include able seamen (AB), ordinary seamen, qualified members of the engineering department (QMED's), wipers, stewards, lifeboatmen, and tankermen. These personnel are issued MMD's that do not expire.

Licensed officers on vessels over 100 GT (other than "river" vessels) hold MMD's as well as their licenses. Records of licenses and MMD's are maintained in a central filing system at Coast Guard Headquarters, as is other information relating to the employment of commercial vessel personnel.

- c. Marine Investigations. Three specific statutory enactments address the matter of commercial vessel mishaps:
- (1) The legal responsibility of officers licensed by the Steamboat Inspection Service for loss of life occasioned by their misconduct, negligence, or inattention to duty was first recognized in the Act of 1838. If, after conducting an investigation, the local Board of Inspectors was satisfied that the officer in question was incompetent or guilty of misbehavior, negligence, or unskillfulness, or had endangered life or willfully violated any provision of the steamboat inspection laws, the board was required to immediately suspend or revoke the officer's license. This investigatory power granted to the local Board of Inspectors was used as the authority for the investigation of marine casualties. The exercise of authority in excess of that specifically granted by law was no doubt due to the fact that marine casualties often are related to the misconduct or negligence of some licensed officer. In 1916, the Secretary of Commerce, in his annual report, pointed out that since there was no general authority of law for investigating marine casualties, if there were a disaster in which all of the licensed officers were killed, the Department would have no authority to investigate the cause of the casualty. It was not until 1936 that an act was passed that enabled the investigators to examine a casualty to determine the cause. But, at that time, the aim was still to determine whether there was any act on the part of any person that caused the accident. This has since evolved into the present law at 46 U.S.C. Chapter 63 which requires investigation to determine the cause of the casualty as well as matters relating to personal fault.
- (2) 46 U.S.C. Chapters 61 and 63 require the report and investigation of marine casualties (as defined by regulation), including deaths. These statutes serve as the basis for a continuous monitoring of CVS activities wherein "failures" of the system

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- 1.C.6.c. (2) (cont'd)(casualties) are required to be reported and investigated to determine casual factors and to initiate appropriate remedies. Citizens' reports of violations of navigation, vessel inspection, and marine documentation laws and regulations may be investigated (33 CFR 1.07-10(a)). Where indicated, punitive or remedial action is instituted. A limited number of surveillance and detection operations are conducted by CVS personnel to discover various violations of vessel inspection and navigation laws.
- (3) The Outer Shelf Lands Act of 1953 (OCSLA) and the amendments of 1978 (43 U.S.C. 1331-1356) require that the Secretary of the Department of Interior (DOI) and the Secretary of the Department in which the Coast Guard is operating investigate and make public reports on fires, major oil spillages, deaths, and serious injuries. The responsibilities of each agency are declared in the MOU between the Coast Guard and the U.S. Geological Survey (now the Minerals Management Service (MMS)). Additionally, the Coast Guard is charged with investigating allegations of violation of safety regulations affecting occupational safety and health. All of these investigations provide the CVS Program with needed accident data concerning activities on the U.S. OCS.

7. CVS Program Standards.

- a. Interrelation Of Programs. The program standards for the CVS Program state the functional activities performed by CVS personnel, expressed as tasks placed upon the CVS Program by existing U.S. law and regulations. The CVS Program is an Operational law enforcement program whose authority, as discussed in previous paragraphs, is founded in many specific statutes. Federal regulations give effect to those laws and, at the same time, provide amplifying guidance, implementation policy, and procedures to the regulated public. While the objectives of CVS Program are derived primarily from national concern (as expressed in federal legislation) for the safety of U.S. passengers on all vessels and for crews on U.S. vessels, they directly relate to PES concerns and to RBS concerns. For examples, if a commercial vessel is safely operated, the risk of collision between it and a smaller recreational craft is reduced; also, a potential pollution incident resulting from spilled fuel has been averted. The CVS Program also complements the Search and Rescue (SAR) Program by serving to prevent marine accidents, thus reducing the need for SAR operations. At the same time, those programs and others, such as the Aids to Navigation (ATON) Program, provide safety benefits to persons on board commercial vessels, thereby complementing CVS Program objectives.
- b. Specific CVS Standard. The CVS Program standards listed below are dictated by one or more statutory mandates:
- (1) Develop and establish standards relative to the safety of commercial vessels.

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- 1.C.7.b. (2) Develop and establish minimum standards for safe carriage of hazardous materials.
- (3) Administer and enforce materiel safety standards relative to the maintenance and operation of inspected vessels.
- (4) Administer and enforce materiel safety standards relative to the design, construction, and equipment on vessels subject to the inspection laws (Title 46, U.S.C., Subtitle II, Part B).
- (5) Administer and enforce the Department of Transportation's (DOT's) packaged hazardous materials regulations in the marine mode.
- (6) Administer and enforce equipment standards and operational requirements relative to uninspected commercial vessels.
- (7) Administer and enforce operational and materiel safety standards for foreign commercial vessels subject to U.S. jurisdiction.
- (8) Administer and enforce personnel standards and qualifications for all licensed and unlicensed personnel.
- (9) Administer and enforce equipment and materiel standards for offshore platforms.
- (10) Initiate and conduct investigations of reported marine accidents, casualties, violations of laws and regulations, misconduct, negligence, and incompetence.
- (11) Initiate and conduct investigations of reported fires, deaths, serious injuries, and major oil spills on the OCS. Initiate and conduct investigations of alleged violations of safety regulations affecting occupational safety and health on the OCS.
- (12) Facilitate marine transportation through the tonnage measurement of commercial vessels.
- (13) Facilitate marine transportation through the administration of vessel documentation laws.
- (14) Maintain seamen licensing and certification records, including a continuous update of each merchant seaman's employment.
- c. Marine Safety Information System (MSIS). In November 1984, the Vessel Inspection Module was deployed in MSIS. This module is designed to capture and report all data relevant to periodic and special inspections of vessels required to hold a COI. To assist units as a decision support tool for vessel inspections, MSIS provides complete and real-time performance histories of vessels, information on associated involved parties, information on vessel particulars and systems, and previous inspections, including deficiencies and any special notes that may have been entered by the inspector. The OCMI

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1.C.7. c. (cont'd) can use this information to better allocate the unit's resources for CVS inspection activities, and more effectively carry out the CVS Program. The field inspector can use this available pre-inspection information to conduct more effective inspections. MSIS tracks a vessel from scheduling the inspection, filing inspection and deficiency reports, recording special examination requirements and inspection notes, to issuing a system-generated Certificate of Inspection, Form CG-841. In the system's automatic tickler system, the OCMI is notified of inspections that need to be scheduled, overdue inspections, and actions by other ports on vessels that are certificated by the OCMI, such as clearing deficiencies or COI action. The system also provides logs of scheduled and overdue inspections, case summaries, and case status. MSIS generated notification letters are automatically generated to provide involved parties with information concerning inspection scheduling and status of deficiencies. Through the field units' CVS activity reporting of inspections and associated staff hours, Headquarters will use MSIS to analyze and redirect the CVS Program's resources. In this context, MSIS will eventually replace the Monthly Report of Inspection Activities, Form CG-2801.

8. Program Organization.

- a. Headquarters Organization. Overall direction of the CVS Program is provided by the Office of Merchant Marine Safety, Commandant (G-M), the Commandant's staff component having direct responsibility for the program. The Chief of the Office is the Program Director; the Deputy Chief is the Program Manager. The Office is composed of the following staff components and divisions:
- (1) Traveling Inspector Staff, Commandant (G-MT), promotes uniformity in the application of marine safety laws and regulations to vessels and facilities by performing materiel inspections.
 - (2) Planning Staff, Commandant (G-MP), coordinates long-range program planning and field administration, legislative and regulatory development, training for Coast Guard marine safety personnel, and responds to Administration, Congressional, and public inquiries.
 - (3) Merchant Vessel Inspection Division, Commandant (G-MVI), Marine Technical and Hazardous Materials Division, Commandant (G-MTH), and Merchant Vessel Documentation Division, Commandant (G-MVD) exercise joint control over vessels, facilities, and materiel.
 - (4) Merchant Vessel Personnel Division, Commandant (G-MVP), controls the licensing, documenting, and qualifications of merchant mariners and seamen recordkeeping.
 - (5) Marine Investigation Division, Commandant (G-MMI), establishes policy for marine investigative functions conducted in the field and makes recommendations for the prevention of marine casualties for the CVS Program.

1.C.8. b. Field Organization.

- (1) Unit Structures. There are presently 40 MSO's nationwide; in larger ports where consolidation is considered unwieldy, 6 MIO's remain. These are the operating units that carry out the "field" functions of the CVS Program: vessel, facility, and factory inspections; casualty and personnel investigations; vessel and seamen certification; and vessel documentation. MSO's are generally subdivided into three departments: inspection, investigation, and port operations. MIO's do not deal with PES Program functions; hence, they do not have a port operations department. The licensing and certification function and the vessel documentation function are carried out by regional offices within certain MSO's and MIO's. There are 17 regional examination centers (REC's) and 15 regional documentation offices. In certain zones, program requirements may exist in an area remote from the MSO/MIO. In such locations, subunits are established. Subunits of MSO's are termed marine safety detachments (MSD's); subunits of MIO's are termed marine inspection detachments (MIDET's); subunits of COTP's are termed port safety detachments (PSD's).
- (2) Field Administrators. The CO of an MSO/MIO bears the regulatory title of OCMI. The military title would be Commanding Officer, Marine Safety Office, or Commanding Officer, Marine Inspection Officer. The OCMI reviews the initial findings upon which vessel certificates and personnel documents are issued. The OCMI is also responsible for the administration of the CVS Program within the geographic subdivision of the Coast Guard district; this is termed a "marine inspection zone." Civilian administrative law judges (ALJ's) are located at various units in the continental United States to hear cases brought against a seaman's license or MMD. Additional information concerning CVS Program administration and organization is contained in volumes II through V of this manual and the Organization Manual, COMDTINST M5400.7.
- (3) Technical Support. There is a marine safety (m) division in each of the 12 district offices. Technical branches (mmt's) were established under the marine safety divisions at New York, New Orleans, and San Francisco to provide plan review and technical guidance for the field units within their geographic areas. In the summer of 1986, the mmt's will be consolidated into the Marine Safety Center (see chapter 3 of this volume).

D. Port and Environmental Safety (PES) Program.

1. Objectives. The two objectives of the PES Program are:
 - a. To prevent, detect, and control pollution by oil, hazardous substances, or refuse; and

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- 1.D.1. b. To ensure the safety and security of vessels, facilities, structures, and persons on navigable waters of the U.S. and the OCS.
2. PES Program Goals. PES Program goals are to:
 - a. Develop and maintain the capability to respond to emergencies;
 - b. Enforce federal laws and regulations in 100 percent of COTP zones;
 - c. Reduce the spill rate during transfer operations of oil and hazardous substances;
 - d. Control the entry and the movement of all SIV's in U.S. ports and waterways;
 - e. Establish a downward trend in vessel casualties from unsafe cargo practices;
 - f. Control access of personnel to U.S. ports;
 - g. Reduce the incidence and magnitude of fires, explosions, or other serious casualties on designated waterfront facilities; and
 - h. Reduce pollution in the offshore environment.
3. Historical Development. The PES Program of the U.S. Coast Guard has gradually developed in response to a series of catastrophic events which commenced in 1917, and the increased environmental awareness of the early 1970's. This resulted in legislation tasking the Coast Guard with additional maritime enforcement responsibility for marine safety, and primary responsibility for maritime pollution prevention. Additional growth of the PES Program is continuing with the implementation of Annexes I and II of the International Convention For the Prevention of Pollution From Ships, 1973, as modified by the Protocol of 1978 (MARPOL 73/78), to control the operational discharges of oil and chemicals from ships. Annexes III, IV, and V relating to packaged hazardous substances, sewage, and garbage will follow and extend program development into the 1990's. Some of the major events that increased public awareness and led to legislation for the PES Program are summarized in Figure 1-1.
4. Elements Of The PES Program.
 - a. PES Enforcement Activities.
 - (1) Safeguard U.S. ports, waterways, port facilities, vessels property, and persons in the vicinity of those ports from accidental harm.
 - (2) Gather, through harbor patrols, serial surveillance, and other means, information necessary to promote safety of vessels, ports, environment, surrounding communities, and offshore areas.

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FIGURE 1-1

EVENTS INFLUENCING PES LEGISLATION

EVENT	RESULTING LEGISLATION	LEGISLATIVE CONTRIBUTION TO PES PROGRAMS
Black Tom explosion July 30, 1916	Espionage Act June 15, 1917	Empowered to make regulations to prevent damage to harbors and vessels during national security emergency.
SS MUENCHEN fire/explosion February 11, 1930	Dangerous Cargo Act March 28, 1940	Authority to develop and enforce regulations governing carriage of explosives and dangerous cargoes on vessels.
Cunard Pier fire May 6, 1932 SS SAINT AMBROSIE and Algiers dock fire July 27, 1939		
Texas City, TX explosion/fires April 16, 1947	33 CFR 126 April 17, 1964	Required more stringent regulation of ammonium nitrate, nitro carbonitrate, and bulk hazardous cargoes in general.
"The Red Scare" 1949-1950	Magnuson Act August 9, 1950 E.O. 10173 October 18, 1950	Provided permanent port security regulations, broad powers to search vessels in U.S. waters and control movement of foreign vessels in U.S. ports.
South Amboy, NJ explosion May 19, 1950	Amendment to the Dangerous Cargo Act July 16, 1952	Prohibited issuing of explosives loading permits to vessels unless shipment conforms to regulations and permit reflects any other COTP requirements.

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FIGURE 1-1 (cont'd)

EVENT	RESULTING LEGISLATION	LEGISLATIVE CONTRIBUTION TO PES PROGRAMS
SS TORREY CANYON grounding/oil spill March 18, 1967	Ports and Waterways Safety Act of 1972 July 10, 1972	Provided port safety authority and capability beyond Magnuson Act to protect use of ports as transportation facilities and to aid efforts against degradation of marine environment.
USS YANCY damage to Chesapeake Bay Bridge		
January 21, 1970 SS OREGON STANDARD and SS ARIZONA STANDARD collision/oil spill January 18, 1971		
SS ARGO MERCHANT grounding/oil spill December 15, 1976	Port and Tanker Safety Act of 1978 October 17, 1978	Improved supervision and control of vessels in U.S. waters and provided inspection and compliance program for tank vessels carrying oil and hazardous cargoes.
SS SANSINENA explosion December 17, 1976		
Rash of tanker accidents December 1976/January 1977		

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- 1.D.4.a
- (3) Conduct in port boarding of U.S. and foreign vessels to determine compliance with pollution prevention regulations, navigation safety regulations, marine sanitation regulations, and to monitor cargo transfer operations.
 - (4) Set safety zones, control vessel movement, issue COTP orders to protect the safety of personnel performing port operations, the facilities located in port, and the environment.
 - (5) Enforce the statutes, regulations, and international agreements governing the safe handling, stowage, and movement of hazardous cargo on vessels in the navigable waters of the U.S. and at waterfront facilities.
 - (6) Enforce the statutes, regulations, and international agreements governing the prevention of pollution from facilities and vessels within waters under the jurisdiction of the U.S.
 - (7) Enforce the pollution prevention regulations under MARPOL 73/78 for vessel operational controls and equipment and use of reception facilities for oil and noxious liquid substances.
 - (8) Enforce the statutes and regulations under MARPOL 73/78 governing the discharge of ballast, tank washings, and other wastes containing oil or noxious liquid substances into the high seas.
 - (9) Monitor and enforce the permitted ocean dumping of chemicals, sewage sludge, dredged material, etc.
 - (10) Monitor and enforce requirements for ocean incineration operations.
 - (11) Detain or deny entry to vessels which pose a significant safety threat to the port or environment.
 - (12) Inspect waterfront facilities and enforce associated safety, cargo transfer, and pollution prevention regulations.
 - (13) Enforce the statutes, regulations, and international agreements governing deepwater ports.
 - (14) Enforce the statutes and regulations governing offshore lightering activities.

b. Port Security Activities.

- (1) Administer the SIV Program.
- (2) Respond to threats or acts of intentional damage, destruction or disruption, espionage, sabotage, or terrorism in U.S. ports, harbors, and waters under U.S. jurisdiction.

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- 1.D.4.b (3) Establish and enforce security zones.
- (4) Develop and maintain emergency response plans for military readiness, port and vessel accidents of all types, counterterrorism, civil disturbance preparedness, and natural disasters.
- (5) Issue port security cards.
- (6) Inspect facilities and ships for compliance with port security requirements.
5. Program Evaluation And Management. Mission performance standards have been developed to establish and evaluate port safety and security objectives; a quarterly activities report (QAR) is submitted by each COTP to document the activities accomplished and the resources expended. These are reviewed by the district commander (m) and Commandant (G-W) to oversee specific field activities and to aid in long-range planning (see chapter 12 of this volume).
- a. Marine Safety Information System (MSIS).
- (1) Background. After many casualties involving foreign tank vessels in U.S. waters in the 1960's and 1970's, Presidential Initiatives were developed to reduce the number and the effects of collisions, groundings, explosions, and discharges of pollutants involving such vessels. One element in these proposals was a "marine safety information system," through which COTP's would be able to identify vessels having histories of repeated safety violations, or for which dangerous conditions were reported. The Coast Guard was, at that time, already operating a Port Safety Reporting System (PSRS) that provided limited histories and safety data, and a Pollution Incident Reporting System (PIRS) that was used to gather and maintain data on pollutant discharges in U.S. waters or involving U.S. vessels (this was used primarily for analytical purposes). The Presidential Initiatives spurred expansion of these systems and development of cross-referencing capabilities. This unified data base became the Interim MSIS in September 1977. Accumulation of data involving all U.S. and foreign vessels required to provide 24-hour advance notice of arrival to the COTP was given high priority.
- (2) Port Safety Module. In April 1984, the Interim MSIS became the Port Safety Module in the long-range MSIS, a comprehensive computerized system designed to incorporate all facets to marine safety activities. A major benefit of the system is real-time vessel information available to the COTP, so that any unit's resources may be better allocated, and vital needs for port safety response effectively met. The COTP and the unit boarding officers can retrieve the operating histories of vessels, including vessel particulars, summaries, violations records, involved party information, current SIV or vessel of particular

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- 1.D.5.a (2) (cont'd) interest (VPI) information, and the results of previous boardings at other ports. Using this available information, the COTP can quickly ascertain if a vessel requires a PES examination, a cargo monitor, checking and clearing a discrepancy issued by another port, or active control of all activities of the vessel while in the port area. At the port level, MSIS tracks a vessel from its scheduled arrival in the port, through the boarding decision, as well as provide a means to report the results of the boarding. At the district level, MSIS provides the means to report and track violations resulting from discrepancies with legal actions that result from a boarding. Information entered into MSIS by a port and the district updates the vessel's history in MSIS, and is available to other ports for use in future boarding decisions.
- (3) Marine Pollution Product Set. In October 1985, the Marine Pollution Product Set was deployed in MSIS, replacing the PIRS. Like the Port Safety Module of MSIS, the system provides the means to report pollution incidents (it does not, at this time, replace the pollution report message), associates the incident with vessel and non-vessel sources and responsible parties, and provides a means for tracking pollution related violations at the unit and district levels.
- b. (TO BE DEVELOPED)
- c. Long-Range Forecast For U.S. Ports and Waterways. This tool will enable management of PES activities on the basis of reasonable foresight, rather than data that is years old by the time activity is initiated. These forecasts will benefit budgetary planning as well as resource and personnel allocations. Elements likely to be forecast include:
- (1) Types and amounts of cargoes moving through a port area;
 - (2) Numbers and types of vessels moving through a port area;
 - (3) Numbers and types of facilities within a port area; and
 - (4) Vessel traffic patterns and densities.

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- 1.E. Marine Environmental Response (MER) Program. The Coast Guard's concerns extend to pollution and threats of pollution in the coastal zone. This zone includes U.S. waters subject to the tide, U.S. waters of the Great Lakes, specified ports and harbors on inland rivers, and the contiguous zone and waters on the high seas out to 200 miles. There are five elements involved: assessing discharges and releases to ensure appropriate response; preventing spills whenever possible; ensuring that responsible parties clean up discharges of oil and releases of hazardous substances; mitigating the effects of spills that do occur; and reducing the potential for spills or operational discharges outside U.S. waters from entering U.S. waters or fouling U.S. coastlines. These elements are considered in all cases of pollution or threatened pollution that arise from deepwater ports or OCS activities; damage or threaten natural resources under the exclusive management jurisdiction of the U.S.; threaten the U.S. coastline or related interests; or that may cause other major harmful consequences.
1. Background. Since the 19th century, the Coast Guard and its forebears have been involved in the enforcement of U.S. antipollution laws. A lack of public concern and political interest meant few resources and funds were available for adequate enforcement prior to 1970. A series of casualties, beginning with the 1967 grounding and disastrous discharge from the oil tanker TORREY CANYON, led to the Coast Guard's present MER efforts. These are founded on statutes intended to minimize pollution by authorizing various federal agencies to promulgate standards and regulations. Among these are:
- a. Marine Protection, Research and Sanctuaries Act (MPRSA) which addresses ocean dumping and establishes marine sanctuaries.
 - b. Act to Prevent Pollution From Ships (APPS) 1980, resulting from MARPOL 73/78.
 - c. Ports and Waterways Safety Act of 1972 (PWSA) which addresses the control of vessel traffic entering U.S. ports and the construction of tank vessels for safety and pollution abatement purposes.
 - d. Federal Water Pollution Control Act (FWPCA), as amended, which provides, in part, for:
 - (1) The prevention and elimination of marine pollution by oil, hazardous substances, pollutants, and sewage from vessels:
 - (2) Notification or early detection of discharges of oil or release of hazardous substances;
 - (3) Enforcement in cases of violation;
 - (4) Response and clean-up activities should an actual or threatened release or discharge occur; and
 - (5) The regulation or marine sanitation devices (MSD's) to comply with standards set by the EPA.

- 1.E.1. e. Intervention on the High Seas Act.
 - f. CERCLA.
2. Program Activities. The Coast Guard's environmental concerns are pursued through development of international agreements and treaties, and through the development, administration, and enforcement of federal statutes and regulations. These elements are accomplished by:
 - a. Ensuring that all potential or actual spills of oil or hazardous substances occurring within areas of Coast Guard jurisdiction are brought to the attention of the Coast Guard and are assessed.
 - b. Responding to discharges and threats of discharges of oil or releases of hazardous substances to minimize any damage and remove the pollutant from the environment.
 - c. Monitoring clean-up actions by responsible parties to ensure appropriate response actions are taken.
 - d. Working through the International Maritime Organization (IMO) to achieve higher levels of pollution control for all classes of vessels.
 3. Pollution Response Activities. After notifying the Coast Guard, the party responsible for a discharge or release usually undertakes removal; if not, the Coast Guard urges the polluter to do so. The clean-up activities are monitored by the Coast Guard to ensure that appropriate action is being taken. If the responsible party fails to act properly or cannot be located, the federal government may take over the clean up pursuant to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). In such a case, the responsible party is liable, with certain exceptions, for all costs of removal up to their limits of liability. To respond to major discharges, the Commandant has established the National Strike Force (NSF). This consists of teams of highly trained personnel that are prepositioned on the Atlantic, Gulf, and Pacific coasts to assist on-scene coordinators (OSC's) of federal response activities. In addition, the NSF has assisted foreign governments upon request in major international pollution cases.
 4. Response Oversight. The Coast Guard operates the National Response Center (NRC) around-the-clock to receive notification of pollution incidents and to ensure that information is passed to the predesignated Coast Guard or EPA OSC for response. The NRC provides a toll-free number (800-424-8802) for making pollution reports from anywhere in the United States. The NRC provides contact with other government agencies and the Chemical Transportation Emergency Center (CHEMTREC), an industry center for environmental and safety information on chemicals. To meet increasing national response requirements, an extensive research and development program has been undertaken, resulting in the development of cargo removal equipment, containment and pollutant recovery devices, and forensic identification equipment.

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- 1.E.5. International Conventions. A number of international conventions are aimed at resolving pollution problems:
- a. International Convention Relating To Intervention On The High Seas In Cases Of Oil Pollution Casualties, 1969 and the 1973 Intervention Protocol;
 - b. Convention On The Prevention Of Marine Pollution By Dumping Of Wastes And Other Matter, 1972 (London Dumping Convention); and
 - c. MARPOL 73/78.
6. Program Enforcement Provisions. The federal responsibility for the removal of discharged oil and hazardous substances has been apportioned between the Coast Guard and the EPA. The federal agencies cannot require anyone to clean up an oil spill; however, if federal funds are used for the clean up, the costs (up to certain limits) are passed to the owner or operator of the discharging vessel or facility or under certain circumstances to the person causing the discharge. Liability is limited in accordance with the statutory schemes applicable to the source of the particular discharge of oil or hazardous substances. These schemes are embodied in Section 311 of the FWPCA, Section 204(c) of the Trans-Alaska Pipeline Authorization Act (TAPAA), Title III of the OCSLA of 1978, Section 18 of the Deepwater Port Act of 1974 (DPA), and Section 107 of CERCLA. Most spills and responses occur under the statutory scheme embodied in Section 311 of the FWPCA.
7. Penalty Provisions. Any owner, operator, or person-in-charge of an onshore or offshore facility or vessel over which the U.S. has jurisdiction (i.e., a U.S. vessel or a facility or foreign vessel in U.S. waters) from which oil or an EPA designated hazardous substance is discharged in "such quantities as may be harmful" into navigable waters of the U.S., upon the adjoining shorelines, into contiguous zone waters, in connection with activities under the OCSLA or the DPA, or that may affect natural resources under exclusive U.S. management authority, is subject to a civil penalty assessment separate from any other civil or criminal penalty or liability imposed by the FWPCA (except in the case of certain EPA permit related discharges). This act prescribes that a civil penalty of not more than \$5,000 for each offense shall be assessed. The FWPCA also requires that the person-in-charge of the vessel or facility must, as soon as acquiring knowledge of any discharge of "such quantities as maybe harmful" of oil or reportable quantity of hazardous substance, immediately notify the appropriate agency (the Coast Guard). The NRC has been identified as the primary location for receiving reports of oil discharges or hazardous substances releases. When the NRC cannot be contacted, 33 CFR 153.203 lists other agencies that may be notified. Failure to give immediate notice makes the responsible person subject to criminal penalties of not more than \$10,000 or a year's imprisonment, or both. Masters, licensed officers and operators, and other persons certificated by the Coast Guard may also be subject to suspension and revocation (S&R) proceedings conducted under the authority of 46 U.S.C. Chapter 77 and 46 CFR 5. Discharges may also result in other civil penalty and criminal

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- 1.E.7. (cont'd) fine provisions under Section 309 of the FWPCA, the Rivers and Harbors Act 99 (the Refuse Act), and the APPS 1980.
- F. Coast Guard In-House Compliance With Environmental Law. In-House environmental compliance, although not a marine safety program function, is a responsibility of all marine safety units. All Coast Guard facilities must comply with the same federal, state, and local environmental standards, procedural requirements, and schedules for cleanup that apply to individual citizens and corporations. Executive Order (E.O.) 12088 requires the Commandant, district commanders, and CO's to be responsible for ensuring that Coast Guard facilities comply with environmental laws including any applicable standards concerning pollution abatement. Information for the development of Spill Prevention, Control, and Countermeasures (SPCC) plans may be found in the Civil Engineering Manual, COMDTINST M11000.1. The definition of a hazardous waste, as well as information regarding recordkeeping, reporting, manifest requirements, and overall management of hazardous wastes may be found in COMDTINST M16478.1A. Information pertaining to the management and disposal of polychlorinated biphenyls (PCB's) may be found in COMDTINST M16478.2. In-house assistance is available from the district hazardous waste point-of-contact or the Environmental Compliance and Review Branch, Commandant (G-WP-3), FTS/commercial 8/202-426-3300.
- G. Marine Pollution Financial Responsibility And Compensation Activity. This activity is an element of the MER operating program. The Financial Responsibility Division, Commandant (G-WFR), administers the financial responsibility provisions of five water pollution statutes: the FWPCA, as amended by the Clean Water Act of 1977; the TAPAA; the Outer Continental Shelf Lands Act Amendments of 1978 (OCSLAA); the DPA, as amended; and CERCLA. Under these laws and implementing regulations, U.S. and foreign flag vessel operators and offshore facility owners or operators are required to establish and maintain evidence of their financial ability to meet potential liability for clean-up costs, and certain other damages resulting from discharges of oil and hazardous substances. Generally, vessel and facility owners or operators who are unable or unwilling to demonstrate their ability to meet pollution liability are prohibited from operating in U.S. waters or on the OCS. In addition to vessel and facility financial responsibility, Commandant (G-WFR) also administers the Offshore Oil Pollution Compensation and Deepwater Port Liability Funds. These two fee-supported pollution funds are available for clean-up and removal costs and damages, arising from U.S. OCS or deepwater port activities, when the damage caused by the responsible party exceeds or is exempt from statutory liability, or when the responsible party cannot otherwise immediately meet its liability.
1. Philosophy. Equity, social policy, and tort law place the initial and primary responsibility to compensate victims of pollution damage on the vessel operator whose vessel caused the damage. That being the case, it is proper for a vessel operator, regardless of nationality, to be required by law to demonstrate the ability to meet such responsibility in return for the right to conduct business on the public waters of the United States. In fact, prudent vessel operators voluntarily choose to have the ability (e.g., insurance) to respond to claims that otherwise could cause financial ruin. Similarly, the owners or operators of offshore facilities

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- 1.G.1. (cont'd) engaged in OCS crude oil exploration, production, or transportation activities, or U.S. deepwater port activities are held financially responsible for pollution liability as a condition of doing business.
2. Objective. The scope of financial responsibility activities encompasses the world's maritime and offshore industries which, either totally or partially, conduct business in U.S. waters or the U.S. OCS. The major objective of the program has been to bring about a reversal of the traditional practice whereby U.S. taxpayers and other damaged parties often suffered the financial loss resulting from the cleanup of oil and other pollutants discharged into U.S. waters. Among the reasons why spillers were able to avoid responsibility for spills were the following: insolvent operators, foreign-based "paper" corporations with no U.S. assets, and the 1851 limitation of liability law which so limited a vessel owner's liability that, at times, little or no damages could be recovered. Under the current program, however, a discharger's ability to shift the clean-up cost burden to the U.S. Treasury (or an insolvent vessel operator's ability to enter and conduct business on the public waters of the United States with impunity) is practically nonexistent. To date, the program has been an unqualified success, thanks to the enforcement efforts of U.S. Customs and MSO/COTP units.
3. Certificates Of Financial Responsibility (COFR's). Under the above-mentioned laws, vessel and facility owners or operators establish and maintain satisfactory evidence of insurance, surety bonds, guarantees, or self-insurance which guarantee reimbursement to the U.S. Government and certain other damaged parties, up to the limits required by law. COFR's are issued to owners or operators of vessels and offshore facilities which meet the financial responsibility requirements. Enforcement of vessel certificates is provided by MSO's or COTP's and by the U.S. Customs Service. Failure of a vessel to carry a valid COFR results in automatic detainment of the vessel until Commandant (G-WFR) advises the involved enforcement official that the vessel has substantially complied with the law. Offshore facility certificate enforcement matters are handled by Commandant (G-WFR).
4. Coast Guard/U.S. Customs Service Enforcement. Commandant (G-WFR) maintains a Monday through Saturday watch, 0830 to 1700 EST, to process telephone inquiries on vessel COFR's received from Coast Guard and Customs Service enforcement officials in the field. (The Sunday watch was eliminated due to budget restrictions.) This joint Coast Guard/Customs Service enforcement program is designed to make enforcement more effective, but less burdensome to the vessel operating industry. Its geographic scope ranges from Alaska to the Gulf of Mexico and from the Pacific Trust Territories to the U.S. Virgin Islands. During an average year, Commandant (G-WFR) will receive and immediately process 1,400 telephone enforcement inquiries. Only 1 to 2 percent of the involved vessels which are the subjects of those enforcement inquiries will suffer actual detainment beyond their intended sailing times for noncompliance with the law. In the remaining cases, Commandant (G-WFR) will be able to preclude actual detainment by informing the enforcement officials that the vessels are in, or have recently come into, substantial compliance with the

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- 1.G.4. (cont'd) law, even though COFR's are not on board (e.g., a COFR may have been misplaced by the vessel operator or applied for too late to be placed on board before the vessel entered U.S. waters).
5. Regulations. Program implementing and governing regulations are published in Title 33 CFR, Subchapter M - Marine Pollution Financial Responsibility and Compensation, Parts 130-132 and 135-137.
6. Financial Responsibility Benefits. In addition to considerations of equity, properly implemented financial responsibility requirements can be justified on the basis of the four major benefits that flow from them.
- a. First, a vessel can escape United States jurisdiction after causing pollution damage. Nevertheless, the insurance or other evidence of financial responsibility currently required to be kept on file with Commandant (G-WFR) ensures that if a vessel can be identified through witnesses, oil fingerprinting, or other means, the interests of the United States and other claimants will be protected up to the statutorily fixed amounts of liability. Financial responsibility requirements thus make custody of the vessel largely irrelevant.
- b. Second, and for the same reason controlling cases of noncustody, financial responsibility requirements ensure that a statutorily fixed amount of liability will be met even if the discharging vessel sinks (or facility is destroyed) during the incident which causes the spill, is heavily mortgaged, or has a market value far below the amount of pollution claims brought against it. Specifically, the so-called direct action provisions contained in existing financial responsibility statutes enable claimants to proceed directly against the insurer or other guarantor who provides the evidence of financial responsibility on behalf of the facility or vessel, without regard to whether or not the spiller is willing or able to pay from its own resources. Similarly, in cases where liability for a discharge caused by a so-called "paper corporation" is proven after the discharger has ceased operations and dissolved its corporate existence, the previously established evidence of financial responsibility is still valid and available to claimants by means of direct action against the insurer or other guarantor (a financial responsibility law without a built-in direct action provision would, of course, gut its effectiveness).
- c. Third, financial responsibility requirements tend to prevent unscrupulous and/or financially unsound vessel or facility owners or operators from entering or operating in United States waters or the OCS. Such owners or operators either do not have the necessary initial operating capital to purchase insurance or simply do not wish to purchase insurance. An owner or operator with an unfavorable pollution history or an operator whose vessel cannot pass a pollution survey without needed repair would find it difficult or impossible to obtain insurance. Without insurance from an acceptable insurer or some other acceptable showing of financial responsibility, no COFR, which is a prerequisite for operation in United States waters or on the OCS, would be issued.

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- 1.G.6. d. Fourth, a facility or vessel owner or operator who is required by law to maintain financial responsibility for pollution liability in order to operate, and who thereafter discharges a pollutant, need not hesitate to notify the Coast Guard and hire a clean-up contractor before wind, tide, or currents magnify the area of ecological damage. Insurance companies do not look with favor on operators who fail to promptly notify the Coast Guard of a spill and/or take immediate action to reduce the damage. Since 1970, there has been a combination financial responsibility/fund approach, both under existing statutes and various proposed bills. Under this approach, the vessel or facility owner or operator retains the initial and primary responsibility to compensate victims of pollution, while the various funds come into play only for damages or clean-up costs which are not the responsibility of the discharger, or which exceed the discharger's liability or for which liability cannot be fixed. Moreover, if the financial responsibility factor were excluded from the current combination approach, it would be necessary to increase the amount of the various pollution funds by a higher federal levy on oil (i.e., U.S. consumers) and/or higher appropriations from the U.S. Treasury (i.e., U.S. taxpayers).

H. Waterways Management (WWM) Program.

1. Program Objective. The objective of the WWM Program is to safeguard persons, facilities, vessels, and the marine environment subject to U.S. jurisdiction from destruction, damage, or loss resulting from vessel mishaps. The Waterways Management Division, Commandant (G-WWM), supervises the planning and implementation of regulations for the prevention of collisions and groundings. The chief of this Division serves as the primary U.S. delegate to the IMO Subcommittee on the Safety of Navigation, and as the chairman of Working Group for Safety of Navigation, SOLAS. The Division also provides representatives to the International Association of Lighthouse Authorities, for its Technical Committee on Vessel Traffic Services, and to the Marine Safety Subcommittee of the International Association of Ports and Harbors.
2. Vessel Traffic Services (VTS). Under 33 U.S.C. 1221-1232, the Coast Guard is authorized to establish VTS to prevent damage to vessels, bridges, and other structures; protect the navigable waters of the U.S. from environmental harm; and impose civil penalties or seek criminal sanctions for breaches of statutes or regulations in this regard. The Coast Guard will establish, operate, and maintain vessel traffic centers (VTC's) in U.S. port areas where mandated. Increasing congestion in ports and waterways and the continuing influx of hazardous cargoes and petroleum products make the avoidance of casualties and accidents more critical than ever. Where established, VTS will reduce the risks of such occurrences and will facilitate the use of port areas and waterways.
3. Regulatory Activities. The WWM Program is involved in the Administration of Federal Anchorages (33 CFR 109, 110); Inland Waterways Navigation Regulations (33 CFR 162); Towing of Barges (33 CFR 163); Navigation Safety

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1.H.3. (cont'd) Regulations (33 CFR 164); and Safety Zones and Regulated Navigation Areas (33 CFR 165.)

I. Navigation Safety Program.

1. Program Organization. Under 14 U.S.C. 81, the Coast Guard is authorized to provide aids for safe and efficient navigation of all vessels in waters subject to the jurisdiction of the United States. For the protection of navigation, the Office of Navigation, Commandant (G-N), also may require lights and other warning devices on U.S. and foreign artificial islands and fixed structures used for exploration or exploitation of the OCS. Lights and other signals may be required on fixed and floating structures (owned or operated by U.S. citizens) used for any purpose on the high seas. Commandant (G-N) oversees the Coast Guard's activities in this regard. Its concerns include the Lateral System of Buoyage; establishment and enforcement of the Navigation Rules; development and maintenance of electronic aids to navigation; construction, marking, and maintenance of bridges over navigable waterways; and the Intracoastal Waterways (ICW) System. This program shares interests with the PES and WWM Programs.

2. Headquarters Activities.

a. Program Control. The divisions within the Office of Navigation, Commandant (G-N), oversee field activities concerned with navigation safety.

b. Bridge Administration. The Bridge Administration Division, Commandant (G-NBR), is responsible for the following activities:

- (1) Promulgation and maintenance of regulations implementing the laws governing the permitting, operation, alternation and lighting of bridges;
- (2) Development and dissemination of policy and guidance for a consistent nationwide application of procedures for bridge permits, drawbridge operation regulations, alterations of obstructive bridges and bridge lighting;
- (3) Review of bridge permit applications and issuance/denial of a bridge permit;
- (4) Review of proposed drawbridge operation regulations and issuance/denial of a regulation change;
- (5) Investigation and evaluation of reports of obstructive bridges and issuance of an order to alter an obstructive bridge;
- (6) Preparation and maintenance of instructions and publications relating to bridge administration, such as COMDTINST M16590.5, Bridge Administration Manual; COMDTPUB P16590.1, Bridges Over Navigable Waters of the United States, Atlantic Coast; and COMDTPUB P16591.1, Bridge Permit Application Guide; and

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1.I.2.b. (7) Development and maintenance of the Bridge Administration Information System.

c. Radio Aids (RA) To Navigation. The Radionavigation Division, Commandant (G-NRN), is responsible for:

- (1) Administration and operation of Coast Guard radionavigation systems;
- (2) Providing information on Coast Guard radionavigation systems to the civilian user community;
- (3) Publishing and updating various radionavigational manuals and pamphlets;
- (4) Providing a point-of-contact for civil maritime users wanting information on Department of Defense (DOD) operated radionavigation systems;
- (5) Assisting other federal agencies wanting to use Coast Guard radionavigation systems;
- (6) Financial management of the radionavigation systems; and
- (7) Directing efforts necessary to improve the operation of and increase the efficiency of Coast Guard radionavigation systems.

d. Short Range Aids (SRA). The Short Range Aids to Navigation Division, Commandant (G-NSR), is responsible for:

- (1) Administration, operation, and routine maintenance of aids to navigation;
- (2) Administration of field ATON support units;
- (3) Assurance of the most efficient aids to navigation systems through the overview of the Waterways Analysis and Management System (WAMS), development of the SRA Systems Design Manual, and review of district recommendations to establish, discontinue, or change aids to navigation;
- (4) Maintenance of the Coast Guard's Light Lists (COMDTINST M16502.1 through M16502.7), and overseeing issuance of district Notices to Mariners;
- (5) Financial management of the ATON system;
- (6) Preparation and review of various ATON publications;
- (7) Coordination of assignment and training of ATON personnel;

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- 1.I.2.d. (8) Establishment and maintenance of the Navigation Rules and Regulations; and
- (9) Coordination of the establishment and maintenance of Traffic Separation Schemes and Fairways.
- e. Engineering Support. The Civil Engineering Division, Commandant (G-ECV), provides the following navigation safety support:
 - (1) Development, evaluation, and maintenance of technical standards for visual and audible short-range ATON systems;
 - (2) Technical review of proposed changes to, or innovations in, ATON systems;
 - (3) Preparation and review of such publications as the Aids to Navigation Manual - Technical, COMDTINST M16500.3, and the Aids to Navigation Bulletin; and
 - (4) Coordination with the National Aids to Navigation School.
- J. Coast Guard Recreational Boating Safety Program.
 - 1. Purpose. The purpose of the Coast Guard Recreational Boating Safety (RBS) program is to improve the safety of the recreational boating public by reducing injuries and deaths on the nation's waterways. The program stems from laws enacted as early as 1940. Initially these laws prescribed limited standards for motorboat equipment and numbering boats. Today's RBS program encompasses a much broader emphasis toward making boating safer.
 - a. The Coast Guard has detailed manufacturing standards and can require the manufacturer to repair any noncompliances or safety defects which are discovered after a boat is sold to a consumer. Enforcement relies on two mechanisms, laboratory testing of boats purchased on the open market and factory visits. The visits also allow for education of factory personnel.
 - b. There is direct public contact through law enforcement boardings, coordination with state governments, and Coast Guard Auxiliary members. The Coast Guard has a national, toll-free Boating Safety Hotline allowing the boating public to ask questions, report defective products or other boating problems.
 - c. The Coast Guard compiles and analyzes boating accident data to uncover problem areas and develop solutions. One development set federal standards and penalties for operating a vessel while intoxicated.
 - d. The Coast Guard Auxiliary, a volunteer civilian organization officially supporting Coast Guard missions, conducts training courses and courtesy vessel examinations to increase the public's knowledge.
 - e. States have united in a national organization of State Boating Law Administrators to promote stronger and more uniform state laws. As a

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- 1.J.1. e. (cont'd) result, many have strengthened their boating safety laws and stepped up education and enforcement activities. The Coast Guard supports these activities with grant monies distributed to the states based on their levels of financial and resource dedication and number of numbered vessels.
- f. The Coast Guard consults with a 21 member National Boating Safety Advisory Council twice a year, and works with individual Council members from the marine industry, state boating safety and national boating organizations/public boating interests throughout the year regarding improving manufacturing standards, public education and operating regulations. The Coast Guard also works with recognized independent organizations such as the American Boat and Yacht Council, the Society of Automotive Engineers, Underwriters Laboratories, the National Fire Protection Association, etc.
- g. Grant monies are disbursed to national non-profit public service organizations for boating safety projects.
2. Penalty Assessment Procedures. The Coast Guard penalty procedure regulations, 33 CFR Subpart 1.07, provide a fair and equitable system of penalty assessment consistent with all statutory safeguards, and require that the violator be provided an opportunity to provide information or material that denies, explains, or mitigates the violation. (See chapter 5 of this volume.)
- a. Hearing Officer's Actions. 33 CFR Subpart 1.07 grants authority to hearing officers to assess civil penalties. Hearing officers are authorized to process manufacturer-related penalty cases in accordance with the procedures outlined in the Boating Standards Manual, COMDTINST M16761.2.
- b. Implementation.
- (1) Civil Penalties. 46 U.S.C. 4311 provides authority to assess various civil and criminal penalties against any person who violates 46 U.S.C. Chapter 43 and its implementing regulations. 46 U.S.C. 4311 provides that violators of 43 U.S.C. 4307(a)(1) (manufacture, construction, etc., of recreation vessels or associated equipment) shall be liable to a civil penalty of not more than \$2,000 per boat for each violation. The maximum penalty shall not exceed \$100,000 for any related series of such violations. A person violating any other provision of 46 U.S.C. Chapter 43 and its implementing regulations is liable for a civil penalty of not more than \$1,000. The Coast Guard is permitted under 46 U.S.C. 2107 to remit, mitigate, or compromise any penalty prior to referral to the attorney general. Uncollected civil penalties should be referred to the district legal officer for collection action.
- (2) Criminal Penalties. In addition to civil penalties, 46 U.S.C. 4311 provides for criminal penalties of not more than \$5,000 for each violation or up to 1 year of imprisonment, or both, for

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- 1.J.2.b. (2) (cont'd) persons who willfully operate a recreational vessel in violation of 46 U.S.C. Chapter 46 or the regulations issued thereunder. The district legal officer should be consulted concerning possible criminal proceedings.
- (3) Official Warnings. Warnings have been used for several years as an effective tool in the penalty process. The district commander can issue a Letter of Warning to the offender instead of submitting a civil penalty case for minor violations. (Further guidance regarding Letters of Warning is provided in chapter 4 of this volume.) Boarding officers are authorized under 33 CFR 1.08 to issue "on-the-spot" warnings for specific minor offenses. The use of the warning in lieu of a monetary penalty has resulted in a greatly reduced administrative workload for the Coast Guard.
- (4) Training Courses. The offering of a boating safety course in lieu of preparing a civil penalty case against an owner or operator is authorized. The district commander has the option of permitting the violator to take a boating safety course, and either not referring the case to the hearing officer or referring it with a recommended for lenient action. Education of the boater is one of the prime objectives of the RBS Program. This program offers the individual a chance to "save" money and gain boating knowledge.
3. Investigations Of Boating Casualties. 33 CFR 173.51-173.59 requires an operator of the vessel involved in a boating accident to file a report if the accident meets certain criteria. Boat operators are required to file a report with the reporting authority for the state in which the accident occurred (to the Coast Guard in Alaska) or to the state in which the boat is numbered or principally used if the accident occurred on high seas.
- a. Coast Guard Investigation. The Coast Guard's authority to investigate marine casualties is contained in 46 U.S.C. Chapter 63. Under this authority, an investigation may be conducted to determine cause and to fulfill the other requirements of 46 U.S.C. 6301 for any boating accident occurring upon waters over which the Coast Guard exercises jurisdiction.
- b. Field Investigations. It is not the policy of the Coast Guard to investigate boating accidents involving only recreational vessels, which occur within the territorial sea and under states jurisdiction; investigation of such accidents is a state function. [NOTE: A regulatory project has been initiated to clarify the Coast Guard's role in investigating recreational boating accidents.] OCMI's are responsible for the investigation of all boating fatalities occurring beyond the territorial waters of the United States for which there is no state investigation. OCMI's are also responsible for investigations of boating accidents involving commercial vessels which meet the reporting criteria of 46 CFR 4.05. OCMI's may conduct

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- 1.J.3. b. (cont'd) investigations of any boating accidents when, in their opinion, such accidents are of particular interest for the enhancement of safety or for the public welfare.
- c. Training. Investigating officers (I.O.'s) should possess a thorough knowledge of boating safety statutes, implementing regulations, and an understanding of boat operation, handling characteristics, and construction. They should also be familiar with the overall RBS Program and its data needs derived from boating accident. investigations.
- K. Civil Penalty Hearing Officer Program. Each district commander delegates to one or more Coast Guard officers or employees on the district staff the authority to act as hearing officer. The hearing officer considers and decides civil penalty violation cases, using the rules appearing in 33 CFR Subpart 1.07. These rules are designed to permit fair and impartial consideration of alleged violations of law or regulation while affording alleged violators certain rights, principally the right to be heard. The procedures are informal and flexible, providing a simpler, speedier, and less onerous process for both alleged violators and the government. (See chapter 5 of this volume for additional information on the civil penalty hearing officer.)
1. Reporting. The hearing officer reports to the district chief of staff (dcs), or a designated senior hearing officer, and has no other responsibility, direct or supervisory, for the investigation of cases being considered.
 2. Responsibility. The hearing officer is solely responsible for the decision (i.e., whether or not a violation occurred and, if so, what an appropriate penalty might be) in any specific civil penalty case being considered. The hearing officer, however, is directed by the chief of staff or a designated senior hearing officer in the general performance of responsibilities and duties.
 3. Policy. General policy coordination for hearing officers is directed by the Marine Safety Council, Commandant (G-LRA). This coordination is managed by the Council's Executive Secretary. Policy regarding appeals and certain other legal aspects of the penalty process originates from the Office of Chief Counsel (G-L).

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CHAPTER 2. AUTHORITY AND PERFORMANCE STANDARDS FOR
MARINE SAFETY ACTIVITIES

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CHAPTER 2. AUTHORITY AND PERFORMANCE STANDARDS FOR MARINE SAFETY ACTIVITIES

A. Sources Of Authority. The basic authorities for all Coast Guard activities are found in the Public Laws (P.L.), Statutes at Large, Revised Statutes (R.S.) of the United States, United States Code (U.S.C.), Executive Orders (E O.'s), various executive agency reorganization plans, and treaties and conventions to which the United States is party. These are the sources which establish the Coast Guard's responsibilities and jurisdiction in marine safety matters. If the Coast Guard has been assigned regulatory responsibility as part of its delegated authority in a particular field, the Commandant may then issue specific regulations designed to implement this authority. When validly issued, these regulations carry the same force of law as the statute. The following discussion outlines the main sources of law for marine safety programs, while highlighting the relative weight and significance of these authorities in our system of jurisprudence and law enforcement.

1. Session Laws. The primary source of authority for all Coast Guard activities lies in the Acts of Congress. Acts of Congress are bills that are passed by both Houses of Congress and signed by the President, or again passed by both Houses after a Presidential veto. These acts are first published in a form called session laws. A session law can be identified by its public law number and the date of enactment. The public law number is issued to each law in order of enactment. For example, P.L. 83-500, July 15, 1954, represents the 500th law either signed by the President or enacted by the 83rd Congress over a presidential veto. This form of identification is necessary only until publication of the statutes in a permanent form, generally until the end of the year in which enactment took place. However, the use of the public law number continues to be permissible and is often useful in tracking legislative history.
2. Statutes At Large. All Acts of Congress are initially published in a permanent form in a series of volumes entitled Statutes at Large. Originally issued as a cumulation of several years of Congressional actions, then as actions of a particular Congress for a 2-year period, Statutes at Large are now published annually and numbered sequentially. As they were initially cumulations, volumes 1 through 5 cover the years 1789-1845. Now there is a volume for each year; volume 83 contains the acts of the first session of the 91st Congress (1969). Thus, volume 96 covers 1982, volume 97 covers 1983, etc.

- 2.A.2. a. Referencing The Law. The basic reference for a statute is the volume and page of Statutes at Large at which an act begins. The Narcotics Drug Law, for example, is thus identified as 68 Stat. 484. A more complete citation than this is needed because more than one act may appear on the same page of the volume, and because the date itself is of importance. Through 1956, the work of a session of Congress was divided into consecutively numbered chapters. Each chapter was, in fact, a unit of legislation that might be divided into sections. A full citation is therefore in the form: date; chapter; section number, if appropriate; volume number of Statutes at Large; the abbreviation "Stat."; and the page number of the volume. The number of the page at which the text of the entire act begins may be properly cited when the entire act is being referenced. The page number of a particular section is appropriate only when that section is being referenced. Thus, the proper citation for the full act mentioned above is: The Act of July 15, 1954, ch. 512, 68 Stat. 484. In this particular case, the chapter (or act) had two sections and both appeared on the same page of the book. The first section would therefore be cited "The Act of July 15, 1954, ch. 512, sec. 1, 68 Stat. 484." When Section 2 is cited, "sec. 2" would be substituted. Frequently the symbol "S" will be substituted for the word "section" or any abbreviation thereof.
- b. Revisions To The System. In 1957 the chapter division was abandoned and the public law number was substituted in its place in the official citation system. Thus, the citation for the law that added nurses as staff officers in the merchant marine, would appear as follows: The Act of September 23, 1963, P.L. 88-128, 77 Stat. 164.
3. Revised Statutes (R.S.). In 1874 it was recognized that the cumulation of Acts of Congress, which then comprised 17 volumes, made identification and research very confusing because the laws were published in random order and not according to subject. An Act of Congress updated and organized all permanent laws as of December 1, 1873 into one publication called the Revised Statutes. This action essentially repealed all permanent laws existing as of that date. The presently correct citation to the body of law thus enacted is the section number in the R.S. format. There is no law in effect that is designated in volumes 1-17 of the Statutes at Large. What had been, for example, "Act of Aug. 7, 1789, ch. 9,

- 2.A.3. (cont'd) sec. 4, 1 Stat. 54" became "R.S. 4235." Many of the sections of the Revised Statutes have been subsequently amended. But the "R.S." form of identification is still the correct official designation of the law. In a few instances, new laws were enacted in R.S. format (e.g., the Tanker Act was enacted in 1936 as "R.S. 4417a").
4. U.S. Code (U.S.C). The format of the R.S. was not rigidly followed after 1874. Although some new laws such as the Tanker Act were added, and many amendments were enacted in the form, "R.S. _____ is hereby amended to read as follows. . .," most new laws were cast in the Statutes at Large form only, as in this example: "The Seamen's Act of 1915, ch. 153, 38 Stat. 1164." As there were 20 sections to this act, unless a particular section number is inserted after "ch. 153," the page number might properly be anywhere from 1164 to 1185.
- a. Changes To The Body Of The Law. The situation became as confused as it had been in 1874. The Revised Statutes still existed, but by 1925 only Statutes at Large citations were available for most of the materials in Volumes 18 through 43. In 1926, an official compilation called the United States Code reorganized all permanent laws into 50 titles. It was intended as an official tool for easy identification of the law. The correct positive statement of the law was still contained in the R.S., or after 1874 in the Statutes at Large. However, the U.S.C. text was taken as prima facie evidence of the law, subject to correction if it could be shown that the "positive" law was in fact otherwise.
- b. Establishment Of "Positive Law." With the adoption of the U.S.C., which is republished every 6 years, there is more than one acceptable form of citation for a particular law. For example, section 311 of the Federal Water Pollution Control Act (FWPCA) was placed in the code as section 1321 of title 33 (the Navigation and Navigable Waters title), and may be cited as "33 U.S.C. 1321 (1986)." In most cases, positive law is the Statutes at Large or Revised Statutes text, not the U.S.C. The latter text is reliable, however, and an appropriate citation format. In many cases, Congress gives statutes names when enacting them. In such cases, the law can be referred to by name (e.g., Federal Water Pollution Control Act 311, 33 U.S.C. 1321 (1986)). Several U.S.C. titles have been specifically enacted into positive law, as in the case of Title 14 (Coast

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- 2.A.4. b. (cont'd) Guard). All prior laws concerning the Coast Guard were repealed as of August 4, 1949, and Title 14 became the law in this regard. Thus, "14 U.S.C. ____" is not only a correct citation relative to the Coast Guard, but also refers to the positive law. Titles 10 (Armed Forces), 18 (Crimes and Criminal Procedure), 28 (Judiciary and Judicial. Procedure), parts of 46 (Shipping), and 49 (Transportation) have been so codified. Title 33 (Navigation) has not been codified. Hence, in referring to the navigation laws, the official citations remain those of the R.S. or Statutes at Large; however, citation to the United States Code is correct.
- c. Privately Published Editions Of The U.S.C. Although the U.S.C. is published by Congress, there is a more familiar, privately prepared and published edition called United States Code Annotated (U.S.C.A.). Its text is identical to that of the official edition. Its principal distinctive feature is a series of annotations. These consist of excerpts from, or digest statements of, court decisions that have construed or applied the section in question. This annotated code is kept up to date by annual pocket parts, which can be inserted in the back of each volume and used until a new edition of the basic volume is published. Another privately published edition is called United States Code Service; it has similar features.
- d. Using The U.S.C. In any version of the U.S.C., the text of each section is immediately followed by citation to the legislative history. The citations also identify amendments to a section since its first enactment. Both the official and the annotated versions of the U.S.C. now give a brief description of the effect of any amendment to the text of the section. In the titles of the U.S.C. (and U.S.C.A.) that have been enacted into "positive law," the source citations to Acts of Congress are given, although they are not required.
5. Summary Of Conaressional Authority. For any given law there is an identifying citation. Depending on the origin of the enactment, it will be in one or more of three possible forms:
- a. Section number of the R.S. (e.g., R.S. 4281);
- b. Date, P.L. number, chapter and/or section number, and

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- 2.A.5. b. (cont'd) volume and page in the Statutes at Large (e.g., P.L. 93-115, sec. 2, October 1, 1973, 87 Stat. 418); or
- c. Title and section number of the U.S.C.

The U.S.C. and U.S.C.A. are generally the most frequently cited sources of authority and they are sufficient for all purposes. It must be remembered that the text of the U.S.C. and U.S.C.A. is updated annually to reflect amendments. In using these sources the reader must check the latest annual supplement (in the U.S.C.) or pocket part (in the U.S.C.A.) to verify that the section referred to is current. For amendments issued within the last calendar year, or for new laws, the district legal office (dl) should be consulted.

6. Executive Orders (E.O.'s) And Proclamations. These presidential documents are used to execute functions relating to both executive statutory authority and inherent powers. Although proclamations are commonly associated with formal announcements of policy or public notice, and executive orders with a more direct exercise of authority, they are legally equivalent. Most executive orders and proclamations are published in the Federal Register. Those lacking general applicability or legal effect, or which proclaim treaties or other international agreements, however, are not published. Executive orders and proclamations are also compiled and published in Title 3A of the Code of Federal Regulations (CFR). When issued under the specific authority of a statute some of them are also published in the U.S.C. and U.S.C.A. with the authorizing statutory section. They are also found in the Weekly Compilation of Presidential Documents, published and distributed by the Government Printing Office (GPO).
7. Reorganization Plans. Until December 31, 1984, when their enabling authority expired (5 U.S.C. 905), reorganization plans had become a frequently used form of executive action. They consisted of proposals for changes to agencies of the executive branch, sent to Congress as executive proposals. A reorganization plan approved by congress could abolish, transfer, or reorganize executive agencies. Those plans that became effective were published in the Federal Register, in Title 3A of the CFR, and in the Weekly Compilation of Presidential Documents. All effective plans also appear in Title 5 of the U.S.C., following the particular reorganization act under which they were authorized. This collection, in proximity to the basic statute, also

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- 2.A.7. (cont'd) includes helpful notes, Presidential messages, and executive orders relating to the plans. It is, therefore, the most useful reference source for these documents.
8. Memorandums Of Understanding (MOU's). When two or more executive agencies share jurisdiction in a particular area of responsibility, they will often draw up an MOU to delineate the areas of specific interest and responsibility for each agency. This overall agreement contributes to efficient government operations. For example, the Coast Guard may agree to provide facilities, ships, and aircraft for another agency to expedite its work, thus preventing the duplication of facilities, services, and inventory. These agreements specify where each agency believes its responsibilities and jurisdiction lie, and give an indication of how each agency intends to discharge these duties. Volume X of this manual includes copies of all marine safety-related MOU's.
- B. Enabling Authorities For The Captain Of The Port (COTP), Officer In Charge, Marine Inspection (OCMI), And On-Scene Coordinator (OSC).
1. Operation Of The Coast Guard.
- a. Treasury Department. The Act of January 28, 1915, ch. 20, sec. 1, 14 U.S.C. 1, created the U.S. Coast Guard by combining the Lifesaving Service with the Revenue Cutter Service. It established the Coast Guard as a branch of the armed forces and a military service within the Treasury Department, except when it is operating as a service in the Navy. Reorganization Plan No. 26 of 1950, 64 Stat. 1280, sec. 1(a), transferred the functions of officers, agencies, and employees of the Department to the Secretary of the Treasury. It vested in the Secretary the authority and power to delegate the performance of any of his/her functions, with certain exceptions, to any officer, agency, or employee within the Department. Treasury Department Order No. 120 directed officers, agencies, and employees of the Department to continue to perform the functions they were authorized to perform prior to the effective date of Reorganization Plan No. 26, and further provided that all prior authorized regulations and procedures should remain in effect until changed by appropriate authority.

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- 2.B.1. b. Department Of Transportation (DOT). P.L. 89-670, sec. 6 (formerly 49 U.S.C. 1655(b)(1), now 49 U.S.C. 108(a)) transferred the Coast Guard to the DOT in 1967, and vested the Coast Guard related functions, powers, and duties formerly held by the Secretary of the Treasury in the Secretary of the Department of Transportation (SEC DOT). All regulations and procedures of the Coast Guard remained intact upon the transfer.
- c. General Activities. The Secretary of the Department in which the Coast Guard operates is authorized to confer Coast Guard related duties and powers upon the Commandant (14 U.S.C. 631), and to promulgate regulations as deemed appropriate to carry out provisions of law applicable to the Coast Guard (14 U.S.C. 633). Although appointed by the President, the Commandant shall execute the functions of the Coast Guard subject to the general supervision of the Secretary, unless specified otherwise (see 14 U.S.C. 632). To execute his vested powers and authority, the Commandant may delegate duties and authority to personnel and issue rules, orders, and instructions (not in conflict with law) concerning the internal organization, administration, and personnel of the Coast Guard.
2. COTP. Under 14 U.S.C. 634(a), the Commandant is specifically authorized to designate any officer (including a warrant or petty officer), as a "captain of the port" for such ports or adjacent high seas or water over which the U.S. has jurisdiction as he deems necessary, to facilitate execution of Coast Guard duties prescribed by law. Executive Order No. 10173, presently found in title 33, CFR, part 6 and Article 3-2-2 of Coast Guard Regulations further describe the COTP as the officer designated by the Commandant to give immediate direction to Coast Guard law enforcement activities within an assigned area.
3. OCMI.
- a. Origins. On 28 February 1871, a Congressional enactment (16 Stat. 440) reorganized the Steamboat Inspection Service and established and defined the types, duties, and hierarchy of marine inspectors. All laws concerning vessel inspection in effect prior to the enactment of this legislation were repealed. In addition, the act centralized administration of the service in the office of a Supervising Inspector General. Included in the new hierarchy was a Board

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- 2.B.3. a. (cont'd) of Local Inspectors, composed of an appointed hull inspector and a boiler inspector in a designated "collection-district," who had to be qualified to form competent and reliable opinions about their respective subjects. Appointments to such positions, upon approval by the Secretary of the Treasury, did ". . . from the date of designation, constitute a Board of Local Inspectors" (16 Stat. 443, sec. 11). The Board of Local Inspectors was empowered and required to:
- (1) Satisfy themselves of the suitability of the hulls of steam vessels and their equipment at least once a year, upon written request of the vessel owner or master (sec. 11, later R.S. 4417).
 - (2) Satisfy themselves on the strength, form, suitability, etc., of boilers and machinery fittings on all steam vessels, at least once a year (sec. 11, later R.S. 4418).
 - (3) Subject vessel boilers to prescribed standards of hydrostatic testing (sec. 11, later R.S. 4418).
 - (4) Issue prescribed certificates attesting to the vessel's compliance with standards to proper authorities (sec. 11, later R.S. 4421).
 - (5) License and classify masters, mates, and officers of all steam vessels (sec. 14, later R.S. 4438).
 - (6) Investigate acts of incompetence or misconduct committed by any licensed officers while acting under authority of their licenses, and to revoke or suspend such licenses if any provision of applicable law had been violated (see. 19, later R.S. 4450).
 - (7) Inspect steam vessels in districts outside their own where no local board existed (sec. 22, later R.S. 4456).
 - (8) Examine arriving and departing vessels, as often as necessary, to detect noncompliance with requirements of law and defects that had become apparent since the last inspection (sec. 21, later R.S. 4453).

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2.B.3. b. Organizational Changes. The Steamboat Inspection Service was transferred from the Treasury Department to the Department of Commerce and Labor in 1903. In 1913, this Department was split into the Department of Labor and the Department of Commerce; the latter became the new home of the Steamboat Inspection Service. On June 30, 1932, the Steamboat Inspection Service was combined with the Bureau of Navigation to form the Bureau of Navigation and Steamboat Inspection. In 1936, this Bureau was redesignated the Bureau of Marine Inspection and Navigation (BMIN). On February 28, 1942, Executive Order No. 9083, Federal Register 1609 (1942) transferred BMIN to the Coast Guard for the duration of the Second World War. Reorganization Plan No. 3 of 1946, 60 Stat. 1097, made this transfer permanent and abolished the BMIN and its designations of various inspectors.

c. Postwar Organization. In Coast Guard General Order 2-46, 11 Fed. Reg. 7775 (1946), the Commandant proclaimed that all rules, regulations, permits, privileges, and orders in effect prior to the transfer of functions to him under Reorganization Plan No. 3 were to remain in effect. Hence, the names were changed, but powers and authority remained the same. Thereafter, under the authority in 33 CFR 1 and 46 CFR 1, the Commandant assigned and distributed the inspection functions transferred to him to these areas:

<u>Former Function</u>	<u>Assigned To</u>
BMIN and its Director; Board of Supervising Inspectors	Commandant
Supervising Inspector Board of Local Inspectors	District Commander OCMI
Local Inspectors and Assistant Inspector	Marine Inspectors

d. Enabling Authorities For The OCMI. The OCMI now performs and exercises the powers and duties, formerly vested in the Board of Local Inspectors, originally defined in 16 Stat. 443. Under present law, the authority is granted by Title 46 U.S.C. to the Secretary of the Department in which the Coast Guard is operating. The Secretary has delegated the

- 2.B.3. d. (cont'd) authority to the Commandant (49 CFR 1.46) and the Commandant has further delegated it to the OCMI (33 CFR 1.01-20).

4. On-Scene Coordinator (OSC). The enabling authority for the OSC is derived from the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (40 CFR 300). This plan mandates the coordination and direction of federal pollution control efforts at the scene of discharge of oil or release of hazardous substances to be accomplished through an OSC, who shall be predesignated in accordance with a regional contingency plan (RCP). The Environmental Protection Agency (EPA) and the Coast Guard are required to ensure that OSC's are predesignated for all areas within a given region. The EPA furnishes OSC's for the inland zone, and the Coast Guard furnishes OSC's for the coastal zone. This zone includes waters subject to the tide, the contiguous zone, certain other offshore waters (generally out to 200 miles [370.4 kilometers]), the Great Lakes, and specified ports and harbors on inland rivers. Under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), the OSC also has jurisdiction over hazardous substance releases on land, into ambient air, affecting groundwater, or land surfaces included in the coastal zone. Generally, the land areas of the coastal zone are immediately adjacent to waters where the Coast Guard is the OSC. The Department of Defense (DOD) is also designated under CERCLA to act as OSC for hazardous substance releases from DOD vessels and facilities. DOD does not act as OSC for oil discharges from their vessels or facilities.

C. Specific Authorities For Requiring Coast Guard Inspection And Licensed Or Certificated Personnel On Vessels. In August 1983, the Coast Guard-administered portions of Title 46, U.S.C. were revised, consolidated, and enacted as "positive law." The revision reorganized and restated laws in subject matter categories useful to marine safety personnel. Each chapter of Title 46 contains a more detailed table of contents. Figure 2-1 presents the basic organization.

D. Major Legislative Authorities For the Marine Environmental Protection (MEP) Program. The basic operating authorities for Coast Guard marine environmental protection activities follow:

The Federal Water Pollution Control Act of 1972, as amended (FWPCA) and the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA) charge the Coast Guard to prepare for and respond to marine pollution incidents, coordinating public and private response efforts.

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FIGURE 2-1

ORGANIZATION OF TITLE 46 U.S.C. - SHIPPING

<u>SUBTITLE</u>	<u>SECTION</u>
I. [Reserved - general]	101
II. Vessels and seamen	2101
III. Maritime Liability	30101
[BALANCE OF TITLE RESERVED]	
SUBTITLE II - VESSELS AND SEAMEN	
PART A - GENERAL PROVISIONS	
<u>CHAPTER</u>	<u>SECTION</u>
21. General	2101
23. Operation of vessels generally	2301
PART B - INSPECTION AND REGULATION OF VESSELS	
31. General	3101
33. Inspection generally	3301
35. Carriage of passengers	3501
37. Carriage of liquid bulk dangerous cargoes	3701
39. Carriage of animals	3901
41. Uninspected vessels	4101
43. Recreational vessels	4301
45. Uninspected commercial fishing industry vessels	4501
PART C - LOAD LINES OF VESSELS	
51. Loadlines	5101
PART D - MARINE CASUALTIES	
61. Reporting marine casualties	6101
63. Investigating marine casualties	6301
PART E - LICENSES (Merchant Seaman), CERTIFICATES, AND MERCHANT MARINER'S DOCUMENTS	
71. Licenses and certificates of registry	7101
73. Merchant mariner's documents	7301
75. General procedures for licensing, certification, and documentation	7501
77. Suspension and revocation	7701

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FIGURE 2-1 (cont'd)

<u>CHAPTER</u>		<u>SECTION</u>
PART F - MANNING OF VESSELS		
81.	General	8101
83.	Masters and officers	8301
85.	Pilots	8501
87.	Unlicensed personnel	8701
89.	Small vessel manning	8901
91.	Tank vessel manning standards	9101
93.	Great Lakes pilotage	9301
PART G - MERCHANT SEAMEN PROTECTION AND RELIEF		
101.	General	10101
103.	Foreign and intercoastal voyages	10301
105.	Coastwise voyages	10501
106.	Fishing voyages	10601
107.	Effects of deceased seamen	10701
109.	Proceedings on unseaworthiness	10901
111.	Protection and relief	11101
113.	Official logbooks	11301
115.	Offenses and penalties	11501
PART H - IDENTIFICATION OF VESSELS		
121.	Documentation of vessels	12101
123.	Numbering undocumented vessels	12301
125.	Vessel Identification System	12501
PART I - STATE BOATING SAFETY PROGRAMS		
131.	Recreational boating safety	13101
PART J - MEASUREMENT OF VESSELS		
141.	General	14101
143.	Convention measurement	14301
145.	Regulatory measurement	14501
147.	Penalties	14701
SUBTITLE III - MARITIME LIABILITY		
301.	General	30101
313.	Commercial Instruments and Maritime Liens	31301

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2.D. (cont'd) The Ports and Waterways Safety Act of 1972, as amended (PWSA) provides local Coast Guard Captains of the Port (COTP) with authority to control the activities of vessels and waterfront facilities. This includes issuing COTP orders, promulgating safety zones and regulated navigation areas, establishing vessel traffic services (VTS), directing or prohibiting vessel movements and facility activities; and under the Act to Prevent Pollution From Ships (ratification of the international MARPOL 73/78 protocols) and the FWPCA the Coast Guard has promulgated comprehensive shipboard and waterfront facilities pollution prevention regulations. The Coast Guard inspects U.S. and foreign vessels for compliance with these standards and procedures.

1. Applicable Laws And Regulations. The specific statutes and regulations which provide Coast Guard authority and jurisdiction in the marine environmental protection program are listed below. As the nation's maritime law enforcement agency per 14 U.S.C. 89, the Coast Guard may enforce any U.S. law, coordinating actions with appropriate federal, state, or local agencies.
 - a. Clean Water Act of 1977 (86 Stat. 862; 33 U.S.C. 1321; 40 CFR 300; 33 CFR 153-156; 86 Stat. 871; 33 U.S.C. 1322);
 - b. The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) as amended by the Superfund Amendments and Reorganization Act of 1986 (SRA) (42 U.S.C. 9601; 40 CFR 300);
 - c. Ports and Waterways Safety Act (PWSA), as amended by the Port and Tanker Safety Act of 1978 (92 Stat. 1471; 33 U.S.C. 1221-1232; 33 CFR 126 and 160-167);
 - d. The Act to Prevent Pollution From Ships (ratification of the international MARPOL 73/78 protocols) (94 Stat. 2298; 33 U.S.C. 1901 et. seg.; 33 CFR 151, 155, 157, and 158; 46 CFR 25);
 - e. Deep Water Port Act, as amended (88 Stat. 2128, 2131; 33 U.S.C. 1504; 33 CFR 148-150);
 - f. Refuse Act of 1899 (33 U.S.C. 407);
 - g. Marine Protection, Research and Sanctuaries Act of 1972 (MPRSA) (33 U.S.C. 1401 et. seg.; 40 CFR 220-223) (Domestic legislation implementing the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter (London Dumping Convention of 1972);

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- 2.D.1. h. Outer Continental Shelf Lands Act (OCSLA), as amended (43 U.S.C. 1801);
 - i. Hazardous Material Transportation Act (HMTA) (88 Stat. 2157; 49 U.S.C. 1804; 49 CFR 171-173 and 176);
 - j. The International Safe Container Act (46 U.S.C. 1503; 49 CFR 450-453);
 - k. Subtitle II of Title 46 United States Code (46 U.S.C. 3701-3718; 33 CFR 157; 46 CFR subchapters D and 0);
 - l. Intervention on the High Seas Act (33 U.S.C. 1471);
 - m. Shore Protection Act of 1988 (33 U.S.C. 3501 et. seq., 33 CFR 151);
 - n. Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1901 et. seq.; 33 CFR 151; 46 CFR 25)(Ratification of optional Annex V of MARPOL 73/78);
 - o. Ocean Dumping Ban Act of 1988 (33 U.S.C. 1401 et. seq.; 40 CFR 220-233);
 - p. Trans-Alaska Pipeline Authorization Act (TAPAA) (43 U.S.C. 1653 (c));
 - q. Rivers and Harbors Act of 1899, as amended (33 U.S.C. 411-413);
 - r. Coastal Zone management Act of 1972 (16 U.S.C. 1451 et. seq.; 15 CFR 920-938);
 - s. Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, P.L. 101-646;
 - t. OPA 90 Title 1, 7, P.L. 101-380; and
 - u. Hazardous Materials Transportation Uniform Safety Act (HMTUSA)(P.L. 101-615, 49 U.S.C. 1801).
- E. Specific Authority For The Port Safety And Security (PS-El Program). The specific statutes and regulations authorizing Coast Guard PSS activities are divided into two basic groups: port security and port safety. The statutes and regulations authorizing Coast Guard PSS activities are listed in Figure 2-2.
- 1. Port Security. The PSS port security responsibilities are derived from:

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FIGURE 2-2
PORT SAFETY AND SECURITY

		PROGRAM HISTORY	
DATE	EVENT	RESULTING LEGISLATION/ REGULATION. (IF ANY)	REMARKS
07/30/16	Black Tom Island Explosion SS	Espionage Act of June 15, 1917 (40 STAT 220)	Authority to issue regulations to prevent damage to harbors and vessels during national emergency.
02/11/30	MEUNCHEN fire & explosion	Dangerous Cargo Act - 28 March. 1940	Authority to develop and enforce regulations governing carriage of explosives and dangerous cargoes.
05/06/32	Cunard pier fire	"	"
07/27/39	SS SAINT AMBROSIE and Algiers dock fire	"	"
04/16/47	Texas City explosions & fire	Regulations In 33 CFR 126. 04/17/64	More stringent regulation of ammonium nitrate, nitro carbo nitrate and bulk hazardous cargoes in general.
1949-1950	"The Red Scare"	Magnuson Act. 08/09/50, (50 U.S.C. 191) & Executive Order 10173, 10/18/50, 33 CPR 6	Permanent Port Security Regulations, broad powers to search vessels in U.S. waters, control of foreign vessel movements in U.S. ports.
05/19/50	South Amboy, New Jersey explosion	Amendment to the Dangerous Cargo Act. 07/16/52	Regulations for carriage of explosives. Provisions for port authority requirements.
March 1967	SS TORREY CANYON grounding & oil spill (& subsequent domestic incidents)	Federal Water Quality Improvement Act 03/25/70(84 STAT 191). Executive Order 11735 delegated authority to EPA & USCG	Required the Coast Guard to "establish procedures, methods and requirements for equipment to prevent discharges of oil from vessels and onshore and offshore facilities."
01/20/70	USS YANCEY collision with Chesapeake Bay bridge	Ports & Waterways Safety Act of 1972. 10 JUL 1972(33 U.S.C. 1221)	Extended authority of the Magnuson Act to protect use of ports as transportation facilities and to aid efforts against degradation of the marine environment.

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FIGURE 2-2 (cont'd)

DATE	EVENT	RESULTING LEGISLATION/ REGULATION. (IF ANY)	REMARKS
01/18/71	SS OREGON STANDARD/SS ARIZONA STANDARD collision & oil spill	Ports & Waterways Safety Act of 1972, 10 JUL 1972(33 U.S.C. 1221)	Extend authority of the Mangnuson Act to protect use of ports an transportation facilities and to aid efforts against degradation of the marine environment. The first Headquarters office created since 1946, (When G-M was established).
July, 1971	Creation of the office of Marine Environment A systems (G-W) at Headquarters from components of the office of Operations		
1971/1972	Puget Sound Transfer monitoring study	33 CPR 155	Used to evaluate transfer monitors as a PSS mission and to assist with generation of prevention regulations. CG role with Federal consistency determinations.
		Coastal Zone Management Act of 1972 (15 CPR 920- 938) Marine Protection, Research and Sanctuaries of 1972(Ocean Dumping Ban Act) (33 U.S.C. 1401) (40 CFR 220- 233)	U.S. regulations to implement U.S. ratification of the convention for the Prevention of Pollution of the Be& from the Dumping of Wastes (London Dumping Convention). Tasked CG with surveillance of ocean dumping activities.
10/18/72	Enactment of Public Law 92- 500		Federal Water Pollution Control Act Amendments of 1972.
12/21/72	Original Pollution Prevention Regulations Published. (Effective on 07/01/74)	33 CFR 154-156	Established equipment, procedural & personnel requirements for oil transfer operations.
11/02/73	International Convention for Prevention of Pollution from Ships (MARPOL) Deepwater Port Act of 1974 (33 U.S.C. 1501)	(See below) 33 CPR 148-150	CG tasked with approval and licensing of deepwater ports

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 FIGURE 2-2 (cont'd)

DATE	EVENT	RESULTING LEGISLATION/ REGULATION. (IF ANY)	REMARKS
07/01/74	Effective date of the Pollution Prevention Regulations	33 CFR 154-156	
12/15/76	SS ARGO MERCHANT grounding & oil spill, off Massachusetts	Port & Tanker Safety Act, 10/17/78 (46 U.S.C. 3710, at seq.) 33 CFR 164	Increased supervision & control of vessels in US waters. Inspection & compliance program for tank vessels carrying oil & hazardous cargoes. Required creation of MSIS to track vessel histories.
12/17/76	SS SANSIMENA explosion in Los Angeles harbor. followed by a series of tanker accidents in or near US waters	"	
12/22/77	Public Law 95-217		Federal Water Pollution Control Act Amendments of 1977
08/12/80	US Ratifies Annexes I & II of the MARPOL convention	The Act to Prevent Pollution from Ships. 10/21/80. (PL 96-478) (33 U.S.C. 1901 et seq.)	
10/02/83	Effective date for Annex I of MARPOL	33 CFR 151, 155, 157, 158	International standards for reducing oil pollution. Operational requirements, including Crude Oil Washing. Construction requirements including Segregated ballast tanks.
03/07/84	MOU between Secretary of Transportation and Secretary of Navy		Creation of the Atlantic and Pacific Maritime Defense Zones.
10/07/85	The Italian cruise liner ACHILLE LAURO is hijacked and a U.S. citizen is killed	International Maritime and Port Security Act (33 U.S.C. 1226. 46 U.S.C. app 1801) - 8/27/86	Amended the Ports and Waterways Safety Act (33 U.S.C. 1226) authorizing activities and regulations to prevent terrorism.
AUG. 1986	The Office of G-W and O-M merged		Headquarters organization changed to match District/field office structure.

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FIGURE 2-2 (cont'd)

DATE	EVENT	RESULTING LEGISLATION/ REGULATION.(IF ANY)	REMARKS
08/27/86		International Maritime and Port Security Act(46 U.S.C. app 1801)	Amended the Ports and Waterways Safety Act(33 U.S.C. 1226) authorizing activities and regulations to prevent terrorism.
04/06/87	Effective date of MARPOL Annex II	33 CFR 151, 158	International standards for reduction of pollution by Noxious Liquid Substances from ships.
1/1/89	Effective date of MARPOL Annex V	33 CFR 151. 158 Shore Protection Act of 1988	Effective data within U.S. prohibits all discharge of plastic into any waters. Restricts other forms of vessel generated garbage. Required Coast Guard issued permits for the transport of municipal & commercial waste.
11/18/88	Executive Order 12656		Requirements for each Federal Department to perform specific emergency preparedness and response activities. Superceded EO 11490.
3/24/89	Grounding of the EXXON VALDEZ in Prince William Sound, Alaska	Oil Pollution Act of 1990	Largest oil spill in US waters - 41.64 million liters. Renewed national interest in environmental protection.
8/18/90	OPA 90		Amended FWPCA & required tank vessel and facility response plan.
11/29/90	Effective date of Aquatic Nuisance Prevention and Control Act of 1990 M/V		Prevents unintentional introduction of nonindigenous species into waters of U.S. through Ballast Water Management.
1/4/92	Santa Clara loses containers containing hazardous materials off New Jersey coast during storm		

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- 2.E.1. a. Espionage Act (40 Stat. 220) as amended (50 U.S.C. 191, para. 1; 33 CFR Part 6);
- b. Magnuson Act (64 Stat. 427; 50 U.S.C. 191, para.2); and
- c. Parts and Waterways Safety Act (PWSA) (46 U.S.C. app. 1801-1809; 33 U.S.C. 1226).
2. Port Safety. The PSS port safety responsibilities are derived from:
- a. Ports and Waterways Safety Act (PWSA) (92 Stat. 1471; 33 U.S.C. 1221-1232; 33 CFR 126 and 160-167);
- b. Subtitle II of Title 46 (46 U.S.C. 3701-3718; 33 CFR 157; 46 CFR 35.01-1, 35.32, and 35.35);
- c. Hazardous Materials Transportation Act (HMTA) (88 Stat. 2157; 49 U.S.C. 1804; 49 CFR 171-173 and 176);
- d. 33 CFR 160 Ports and Waterways Safety - General; and
- e. 33 CFR 165 Regulated Navigation Areas and Safety Zones.

F. Specific Authority For The Bridge Administration (BA) Program. The laws governing the construction, operation, and alteration of bridges over the navigable waters of the United States were first administered by the U.S. Army Corps of Engineers (USACE). The Coast Guard administered the approval of bridge lighting. With the formation of DOT, certain functions, duties, and responsibilities of the Secretary of the Army were transferred to the SECDOT on April 1, 1967. The authority to administer these laws was delegated to the Commandant of the Coast Guard by Section 1.46 of Title 49, CFR. Parts of this authority have been further delegated by the Commandant to the district commanders by 33 CFR 1.01 and 1.05.

1. Laws. The following laws govern the construction, operation, alteration, and lighting of bridges across the navigable waters of the U.S.:
- a. Section 5 of the Act of August 18, 1894, as amended (28 Stat. 362; 33 U.S.C. 499), concerns drawbridge operation and civil and criminal penalties for violations.
- b. Sections 9 and 18 of the Act of March 3, 1899, as amended (30 Stat. 1151 and 1153; 33 U.S.C. 401 and 502), concern bridge construction, alteration or

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- 2.F.1. b. (cont'd) removal of obstructive bridges, bridge lighting, drawbridge operation, and civil and criminal penalties for violations.
 - c. The Act of March 26, 1906, as amended (34 Stat. 497; 33 U.S.C. 491 et. seq.), concerns bridge construction, alteration or removal of obstructive bridges, bridge lighting and drawbridge operation, and civil and criminal penalties for violations.
 - d. The Truman-Hobbs Act, June 21, 1940, as amended (54 Stat. 497; 33 U.S.C. 511 et. seq.), concerns alteration or removal of obstructive bridges, cost-sharing between the Coast Guard and bridge owner(s), removal of bridge at owner's-expense, and criminal penalty for violations.
 - e. The General Bridge Act of 1946, as amended (54 Stat. 497; 33 U.S.C. 525 et. seq.), concerns bridge construction and civil and criminal penalties for violations.
 - f. The Act of August 4, 1949, as amended (63 Stat. 501; 14 U.S.C. 85), concerns lighting of fixed and floating structures and criminal penalty for violations.
 - g. The Department of Transportation Act of 1966 (80 Stat. 931; 49 U.S.C. 1651 et. seq.), concerns transfer of BA functions.
 - h. The International Bridge Act of 1972, (86 Stat. 731; 33 U.S.C. 535), concerns construction and operation of bridges connecting the United States with any foreign country; also subject to the provisions of the Act of March 26, 1906.
 - i. The Surface Transportation Assistance Act of 1978, as amended (92 Stat. 2689; 23 U.S.C. 144), concerns bridge construction and exemption from bridge permit in certain cases.
2. Regulations. The following regulations relate to governing the construction, operation, alteration, and lighting of bridges across the navigable waters of the U.S.
- a. 33 CFR 1 - General Provisions. Delegation of authority for bridge construction permitting and drawbridge operation rulemaking; civil and criminal penalty procedures for violations of law related to

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- 2.F.2. a. (cont'd) bridge construction, drawbridge operation, alteration or removal of obstructive bridges, and bridge lighting.
- b. 33 CFR 114 - General. Purpose and policy on bridge construction permitting, drawbridge operation regulations, and violations of related laws.
- c. 33 CFR 115 - Bridge Locations and Clearances; Administrative Procedures. Policy and procedures for bridge construction permitting.
- d. 33 CFR 116 - Alteration of Obstructive Bridges. Policy and procedures for alteration or removal of obstructive bridges.
- e. 33 CFR 117 - Drawbridge Operation Regulations. Policy and procedures for changing drawbridge operation regulations; lists special drawbridge operation regulations.
- f. 33 CFR 118 - Lighting of Bridges. Policy and procedures for approval of bridge lighting; criminal penalties for violations of law.

G. Specific Authority For The Recreational Boating Safety (RBS) Program. The primary authority for the RBS Program came from the Federal Boat Safety Act of 1971. The provisions of this act have been codified in Title 46, U.S.C. The cited statutes provide authority for:

1. Establishing minimum safety standards for recreational vessels and associated equipment, and establishing procedures and tests required to measure conformance (46 U.S.C. 4302); compliance enforcement (46 U.S.C. 4303); exemption (46 U.S.C. 4305); federal preemption (46 U.S.C. 4306); and prohibited manufacturer acts (46 U.S.C. 4307(a)).
2. Enforcing recreational vessel manufacturer requirements to repair or replace defective or non-complying vessels (46 U.S.C. 4310).
3. Prohibiting unsafe operation of a vessel (46 U.S.C. 4307(b)); termination of unsafe operation (46 U.S.C. 4308); imposing penalties for negligent operations (46 U.S.C. 2302).
4. Prescribing casualty reporting (46 U.S.C. 6101); collecting, analyzing, and publishing reports and statistics on marine casualties (46 U.S.C. 6102).

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- 2.G.5. Prescribing a standard numbering system for vessels (46 U.S.C. Chapter 123); documenting of pleasure vessels (46 U.S.C. Chapter 121).
 6. Establishing guidelines and standards for state recreational boating safety programs and distributing funds to assist states in carrying out programs (46 U.S.C. 13101-13109).
 7. Establishing and consulting with the National Boating Safety Advisory Council (46 U.S.C. 13110).
 8. Administering the Coast Guard Auxiliary (14 U.S.C. 821-894).
- H. Grants Of Authority. The general authority for the Coast Guard to enforce or assist in the enforcement of applicable federal laws on or under the high seas and waters subject to U.S. jurisdiction is set forth in 14 U.S.C. 2. Under 14 U.S.C. 89, Coast Guard commissioned, warrant, and petty officers are authorized to board any vessel subject to the jurisdiction of the U.S., make inquiries of those aboard, examine the vessel's documents and papers, and inspect or search the vessel for law enforcement purposes. Similarly, under 14 U.S.C. 704 a member of the Coast Guard Reserve on active duty or inactive duty training has the same authority, rights, and privileges.
1. Marine Investigations. The basic authority for marine casualty investigations (to include recreational boating accidents) is 46 U.S.C. Chapter 63. The basic authority for personnel investigations is 46 U.S.C. Chapter 77. The basic authority to investigate casualties on the Outer Continental Shelf (OCS) is 43 U.S.C. 1348. A general description of the delegation of authority is found in 46 CFR 1.01 and 49 CFR 1.46.
 2. Marine Inspection. The Secretary has delegated authority to the Commandant in 49 CFR 1.46. The Commandant has delegated considerable authority and responsibility for the performance of marine inspection functions to district commanders and OCMI's. A general description of the delegation of functional authority is set forth in 46 CFR 1.01. Executive Order No. 12234 delegates the responsibility of enforcing the International Convention for the Safety of Life at Sea (SOLAS 74) to DOT.
 3. Specific Navigation And Vessel Inspection Laws. Powers and functions delegated to the Commandant by the SEC DOT (pursuant to 14 U.S.C. 631 and 46 U.S.C. 2104) are listed in 49 CFR 1.46.

2.H. 4. Marine Environmental Protection (MEP). The basic authorities for performing MEP functions are derived from the FMPCA, 33 U.S.C. 1321, and CERCLA, 42 U.S.C. 9604. Authorities to act under both these laws have been delegated to district commanders and Coast Guard OSCs. The delegations under CERCLA are contained in 33 CFR 1.01-70, and the delegations under FWPCA are contained in 33 CFR 153.105. Both delegations provide the OSC with broad authority to act to remove discharges of oil or releases of hazardous substances. This authority has been limited to exclude actions against vessels that would constitute intervention. Commandant Instruction (COMDTINST) 16451.5A details the scope of intervention actions and procedures to be followed by OSCs.

I. Line Of Authority. The Commandant, as senior officer of the Coast Guard, has ultimate responsibility for the execution of military and regulatory duties assigned to the Coast Guard. To execute the Coast Guard's marine safety duties effectively, the Commandant has delegated authority to specific **positions (e.g., district commanders, OCMI's, COTPs)** in the Coast Guard to execute certain command functions.

1. Chain Of Command.

a. Regulatory Control. 33 CFR 1.01 and 46 CFR 1.01 provide for the delegation of authority by the Commandant to district commanders, OCMI's, and COTPs. 33 CFR 3.01-1(d) and (e) **describe** the command authority of OCMI's and COTPs within their geographic zones. 46 CFR 1.01-15 (a) states **that** the military chain of command **is from the district commander to each Officer in Charge, Marine Inspection, within the district**. In some cases, authority flows from the Commandant to the district commanders and then to OCMI's and COTPs. In other cases, it flows directly from G-C to the OCMI's and COTPs, as well as to the district commanders (see 33 CFR 160.111). **Final authority is vested in the OCMI for the performance, within the area of his Jurisdiction, of the functions** specified in 33 CFR 1.01-20, subject to appeal as provided in 46 CFR 2.01-70. Thus, while the OCMI is under administrative command of the district commander, the delegated authority runs from the Commandant through the district commander or directly from the Commandant.

b. Military Control. The concept of OCMI and COTP authority relates to operational responsibilities for safety of life and property, national security, and environmental protection, under applicable laws, apart from the Coast Guard's internal command and support network. Where internal management is involved, the authority of the unit commanding officer (CO) is exercised. An OCMI or COTP is the

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- 2.I.1. b. (cont'd) CO of the principal Coast Guard facility that is charged with performance of Commercial Vessel Safety (CVS) or PSS/MEP duties for a certain geographical area. In the United States, these are "district units" and their CO's report directly to the respective district commanders. This permits the unit to function at a remote location without the burden of a large administrative support staff.

2. Titles For Signing Correspondence, Documents, Etc.

a. OCMI.

- (1) OCMI Signature. The CO of a marine inspection office (MIO) or a marine safety office (MSO) will be governed by the provisions of Article 7-1-9 of Coast Guard Regulations with respect to signing official correspondence, documents, etc., except as modified by other parts of this manual. The term "officers" as used in the regulations includes both military and civilian personnel. When the OCMI signs licenses, certificates, and documents other than official service correspondence, the signature shall appear above the title "Officer in Charge, Marine Inspection."
- (2) OCMI Signature Redelegation. Pursuant to 46 CFR 2.01-30, an OCMI may redelegate, in writing, to one individual on his staff, authority to sign Temporary Certificates of Inspection (CG-854) and Certificates of Inspection (COI) documents updated as a result of mid-periods, reinspections, drydockings, and administrative changes such as change of address. (The written redelegation remains in effect until terminated in writing.) The individual given signature authority must sign and state "By direction" above the title "Officer in Charge, Marine Inspection." (See Appendix A for example.)

- b. COTP. With the exception of the COTP Order, there are no documents for which the COTP may not delegate authority to sign. The COTP may designate an officer (as provided by Coast Guard Regulations) to sign official communications, as appropriate. When the COTP signs official communications, the signature shall appear above the title "Captain of the Port." A designated representative of the COTP may sign official communications with a signature, followed by the words "By direction of the Captain of the Port."

- c. Documentation Officers. These officers are authorized to approve applications, sign certificates

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- 2.I.2. c. (cont'd) of documentation, certificates of ownership, and abstracts of title, and record and certify copies of instruments provided for in 46 CFR 67.
- J. Port Safety And Security (PSS) And Marine Environmental Protection (MEP) Mission Performance Standards. (BEING DEVELOPED)
- K. Authority For Commercial Vessel Safety (CVS) Performance Standards. (BEING DEVELOPED)
- L. Authority For Maritime Defense Zone (MDZ).
1. Purpose. The MDZ concept grew out of a review of Coast Guard roles and missions which Congress mandated to identify those areas where the Coast Guard could enhance defense capabilities within statutory limitations. The Navy and Coast Guard (NAVGARD) Board forwarded the "Review of Coast Guard Wartime Tasking" study to the Chief of Naval Operations (CNO) and the Commandant on 19 March 1981. The primary recommendations of the study concerned the formal linking of the existing Coast Guard command and control structure for U.S. coastal areas to the Navy Fleet Commanders-in-Chief (CINC's) on each coast, and planning for the coastal defense mission. By an MOA between the SECDEF and the Secretary of the Navy on March 7, 1984, the Coast Guard Atlantic and Pacific area commanders were given collateral duties as the Commanders, Maritime Defense Zones Atlantic and Pacific, respectively. In performing their MDZ duties, they report to the Navy Atlantic and Pacific Fleet CINC's, even in peacetime.
 2. Command Structure. The MDZ's are Navy commands, even though the MDZ Commanders are Coast Guard officers. In wartime or when properly directed, the MDZ Commanders will perform those tasks relating to the coastal defense of the United States assigned by the appropriate Navy Fleet CINC utilizing Coast Guard and Navy forces, as assigned.
 3. MDZ Sectors. The two MDZ's are each divided into sectors. These sectors generally follow the Coast Guard district boundaries. Most sectors are commanded by the local Coast Guard district commander, with a senior Navy officer serving as the deputy sector commander. However, there are four sectors (two on each coast) where the situation is reversed; they are commanded by Navy officers and senior Coast Guard officers serve as the deputies.

2.M. Authority For Exemptions And Waivers.

1. Exemptions. SOLAS 1974 requires an exemption certificate to be carried aboard certain passenger, cargo, and tank vessels embarked on international voyages when they do not fully comply with the provisions of the Convention. The Commandant may issue an exemption certificate, through the OCMI, to a vessel exempted from complying with certain requirements of the Convention. In conjunction with this rule, the Federal Communications Commission (FCC) may issue an exemption certificate that modifies the Cargo Ship Safety Radiotelephone Certificate or the Cargo Ship Safety Radiotelegraphy Certificate (see 46 CFR 2.01-25).

2. National Defense Waivers.

a. Authority Of The Commandant. The Commandant has the authority to issue general or individual waivers of navigation and vessel inspection laws and regulations administered by the Coast Guard in any case when it is deemed necessary in the interest of national defense. See 64 Stat. 1120 (the note preceding Section 1, 46 U.S.C. App.), and 46 CFR 2.45 for a description of general waiver authority.

b. Authority Of District Commanders And Their Or The Representatives Of The Commandant.

Under 46 CFR 6.01 and 33 CFR 19.01, the Commandant has provided for certain vessels a waiver of compliance with the navigation and vessel inspection laws and regulations administered by the Coast Guard, and has established the terms and conditions applicable to such waivers. Among these terms is the authority for district commanders or their designated representatives to issue waivers to vessels on an individual basis, without reference to the Commandant, in cases when delay created by referral may adversely affect national defense interests. Each district commander may designate, in writing, qualified commissioned or civilian officers of appropriate rank or position to act as representatives in carrying out these provisions. In an order of designation, the district commander may impose restrictions and conditions upon the authority of such representatives. Copies of such designations shall be forwarded to the Office of Marine Safety, Security and Environmental Protection, Commandant (G-M). The ports at which such representatives are designated shall be determined by the respective district commanders. The following regulations have been issued under the provisions of 64 Stat. 1120:

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- 2.M.2.b. (1) 46 CFR 6.01 And 33 CFR 19.01. These regulations authorize the district commander or a representative to waive compliance with the navigation and vessel inspection laws and regulations to the extent deemed necessary, in the interest of national defense, for a particular vessel. Waivers requested in accordance with these provisions should be submitted in time for normal processing. However, in cases of extreme urgency a decision on the request may be made by the district commander or a representative, if referral to Headquarters would result in an undue delay of the vessel's sailing.
- (2) 46 CFR 6.06 And 33 CFR 19.06. These regulations require the district commander or a representative to waive compliance with the navigation and vessel inspection laws and regulations for a particular vessel chartered to or operated by the Military Sealift Command (MSC), pursuant to the request of the Commander, MSC, or a designated representative. Such waivers shall in all cases be granted consistent with 64 Stat. 1120. It should be noted that waivers under this authority are restricted to individual vessels operated by or chartered to MSC. Vessels operated under general agency agreement are not included under this authority, and shall be handled under 46 CFR 6.01 and 33 CFR 19.01, unless a waiver is requested by the Secretary of Defense or a designee.

3. Procedures For Effecting National Defense Waivers of Navigation And Inspection Laws.

- a. General Waivers. 46 CFR 2.45-20 states that only the Commandant is authorized to issue general waivers which affect more than one vessel in one order.
- b. Individual Waivers Issued Under 46 CFR 6.01 And 33 CFR 19.01.
- (1) General. Under this procedure, application may be made by any person interested in the vessel involved, including representatives of any interested government agency. In all cases in which the OCMI believes that the delay involved in referral to the Commandant will not prevent the vessel from sailing on time or otherwise be contrary to national defense, applications shall

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- 2.M.3.b. (1) (cont'd) be forwarded to the Commandant for action. In other words, it is intended that waivers be effected in the field only in those cases in which time will not permit action by the Commandant. [NOTE: The OCMI must be the judge of whether time will permit reference of the application to the Commandant.]
- (2) Oral Applications. While it is contemplated that applications will be made in writing, except in unusual circumstances, no oral application made with representations of urgency and otherwise merited should be denied on the ground that it could have been made in writing. However, all particulars of cases in which the oral application privilege appears to have been abused shall be reported to the Commandant for appropriate action. This action may be taken either by initiating suspension and revocation (S&R) proceedings against licensed officers, or by reporting to the federal agency whose representatives abused this privilege. Commandant (G-M) should also be advised of all waivers effected upon oral application that are not reduced to writing and filed within the period specified in the waiver order, as required by 46 CFR 6.01 or 33 CFR 19.01. In such cases, the Commandant will advise the cognizant district commander whether statutory penalties for failure to comply with the requirements should be invoked.
- c. Applications Considered By Coast Guard Officers. Although the representations of the person making a waiver application should always be given due consideration, it is not contemplated that a Coast Guard officer authorized to effect the waiver will be guided solely by such representations. Each application should be considered in the light of such factors as:
- (1) The time at which the vessel is scheduled to depart;
 - (2) The mission of the vessel;
 - (3) The requirements of law proposed to be relaxed;
 - (4) The effects of relaxation upon the safety of the vessel and the persons aboard; and

- 2.M.3.c. (5) The consequences of failure to relax such requirements insofar as national defense is concerned and other relevant factors.

If, after full consideration of the application, the officer judges that the national defense justifies the risk so calculated, the waiver should be made effective to the extent deemed justified. If the officer believes that the waiver is not justified, the waiver order shall not be issued, regardless of the representations contained in the application.

- d. Guidelines For Waivers Of Manning Requirements. If a request for a waiver of manning requirements is requested under 46 CFR 6.01 or 33 CFR 19.01, and it is determined that national defense interests are involved, a waiver may be granted under the following conditions:

- (1) The owner, operator, or master has made a diligent effort to obtain properly qualified personnel.
- (2) Waivers to permit the substitution of unlicensed personnel to fill billets for licensed personnel will not be granted.
- (3) Except for the master and chief engineer, licensed officers may be substituted without regard to grade, provided the officer is a holder of a license of proper route and scope (e.g., a person holding a second or third mate license may be authorized to serve as acting chief mate, and should sign on the vessel in this acting capacity, consistent with subparagraph 2.M.3.d.(4) below).
- (4) No substitution of personnel to a higher capacity than that for which they are currently licensed or certificated shall be made without the concurrence of the master and, in those cases involving engine room personnel, the chief engineer.
- (5) Waivers to sail with a master and two mates and a chief and two engineers may be granted. The requirements of 46 U.S.C. 8301 may be waived in cases that would require the master or chief engineer to stand a watch.

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- 2.M.3.d. (6) The holders of Able Seaman (AB) ratings (Limited or Special) may be substituted for required able seamen.
- (7) The requirements for at least 65 percent of the deck crew, exclusive of licensed officers and apprentices, to be AB's may be reduced to 33 percent. Waivers issued under this guide should be restricted to the actual percentage required; blanket reductions to 33 percent should not be granted. Vacant AB positions must be filled by experienced ordinary seamen or other deck ratings who are satisfactory to the master; they shall be signed on as acting able seamen. Those persons filling acting AB positions must show proof of their acuity of vision, color sense, and hearing. This may be done by a licensed physician or licensed physicians assistant.
- (8) Waivers may be granted to permit one-third of the oilers and one-third of the fireman/ watertenders to be replaced by wipers or qualified members of the engineering department (QMED's) acceptable to the chief engineer. Waivers granted under these terms should allow the chief engineer sufficient time to ensure that replacements are capable of standing the required watch.
- e. Application For Waiver And Waiver Orders, Form CG-2633. All applications for waivers of navigation and vessel inspection laws and waiver orders shall be made on Form CG-2633. One copy of every application filed and acted upon in the field shall be forwarded to the Merchant Vessel Inspection and Documentation Division, Commandant (G-MVI), on waivers concerning inspection, and to the Merchant Vessel Personnel Division, Commandant (G-MVP), on waivers concerning personnel. This shall be done whether or not the application is approved. In cases when the application is denied, a notation to that effect, signed by the cognizant officer, shall be made on the copy sent to Headquarters.
- f. Requests Concerning Military Sealift Command (MSC) Vessels. The following is a list of officials designated by the Commander, MSC, to apply for individual waivers under 46 CFR 6.06 and 33 CFR 19.06:
(1) Commander, MSC, Washington, DC;

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- 2.M.3.f.
- (2) Commander, MSC, Atlantic Area, New York, NY;
 - (3) Commander, MSC, Gulf Subarea, New Orleans, LA;
 - (4) Commander, MSC, Pacific Area, San Francisco, CA;
 - (5) Commanding Officer, MSC Office, Guam, Marianas;
 - (6) Commanding Officer, MSC Office, Honolulu, HI;
 - (7) Commander, MSC Office, Seattle, WA;
 - (8) Commander, MSC Eastern Atlantic and Mediterranean Area, London, England;
 - (9) Commanding Officer, MSC Office, Bremerhaven, Germany;
 - (10) Commander, MSC Mediterranean Subarea, Leghorn, Italy; and
 - (11) Commander, MSC Far East Area, Yokosuka, Japan.

N. Appeals.

1. Right To Appeal. Most CFR subchapters provide guidance for individuals who feel aggrieved by any OCMI or COTP decision. Specific citations for right to appeal categories follow:

a. 33 CFR.

- (1) 1.07-70 Enforcement; Civil and Criminal Penalty Proceedings
- (2) 6.10-9 Protection and Security of Vessels, Harbors, and Waterfront Facilities
- (3) 125.47 Identification Credentials for Persons Requiring Access to Waterfront Facilities or Vessels
- (4) 127.015 Liquefied Natural Gas Waterfront Facilities
- (5) 135.405 OCSLAA Denial of Entry/Detention Orders
- (6) 140.25 OCS Activities
- (7) 150.425 Suspension of Oil Transfer Operations

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2.N.1.a. (8) 156.113 Compliance With Oil Transfer Suspension Orders

(9) 157.06 Tank Vessels Carrying Oil in Bulk

(10) 160.7 Ports and Waterways Safety

b. 46 CFR.

(1) 2.01-70 Vessel Inspections

(2) 5.701 S&R Proceedings

(3) 10.204 Marine Licensing

(4) 12.02-25 Certification of Seamen

(5) 15.510 Manning

(6) 30.20-50 Tank Vessels

(7) 42.07-75 Load Lines

(8) 50.20-40 Plan Submittal and Approval

(9) 157.18-10 Officers' Competency Certificates Convention, 1936

(10) 90.01-7 Cargo and Miscellaneous Vessels

(11) 175.30-1 Small Passenger Vessels

(12) 188.01-7 Oceanographic Research Vessels

(13) 187.05-35 Small Passenger Vessels (Licensing)

2. Suspension And Revocation (S&R) Proceedings Under 46 U.S.C.

7702. The decisions of an administrative law judge (ALJ) may be affirmed, reversed, altered, modified, or remanded by the Commandant. The Commandant's decision on appeal shall be final in the absence of a remand under 46 CFR 5, Subpart J. However, the party adversely affected may appeal the Commandant's decision to the National Transportation Safety Board (NTSB), according to rules set forth in 49 CFR 825.

3. Administrative Orders Issued Pursuant To Section 106(a) Of

CERCLA. Any person directly affected by an administrative order may request reconsideration by the OSC. If not satisfied with the decision of the OSC, that person may appeal in writing to the appropriate district

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2.N. 3. (cont'd) commander. The Chief of the Marine Safety Division (m) processes appeals to the district commander, whose decision is final. A detailed discussion of the Commandant's policy and procedures for appeal is discussed in CERCLA Response Authority and Associated Coast Guard Policies, COMDTINST M16465.29.

4. MARPOL Detention Orders. See 33 U.S.C. 1904(g).

O. MSIS. (BEING DEVELOPED)

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CHAPTER 3. MARINE SAFETY ORGANIZATION

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CHAPTER 3. MARINE SAFETY ORGANIZATION

A. Headquarters. The Commandant directs the policy and administration of the Coast Guard under the general supervision of the Secretary of the Department of Transportation (SEC DOT). He is assisted by management and technical assistants who serve as principal advisors in those areas in which they are qualified. Generally, policy and general programs for operations and support are developed by the Commandant for implementation by district commanders, who perform command and support functions for units under their command. With respect to the regional regulatory responsibilities and authorities of captains of the port (COTP's) and officers in charge, marine inspection (OCMI's), the district commanders perform command and appellate review roles. The goal for the Coast Guard's field organization is to achieve the best utilization of resources while being flexible enough to adapt to changes in workloads and local conditions. Consolidation of program functions at marine safety offices (MSO's) has been a major step in this direction. Under the present Headquarters organization, the responsibility for the broad scope of marine safety functions encompassed in this manual and related laws and regulations is divided among the Offices of Merchant Marine Safety, Commandant (G-M); Marine Environment and Systems, Commandant (G-W); Navigation, Commandant (G-N); and Boating, Public, and Consumer Affairs, Commandant (G-B).

1. Commandant (G-M) Responsibilities.

- a. Managing and coordinating all phases of the Commercial Vessel Safety (CVS) Program.
- b. Administering and enforcing vessel materiel safety standards relative to the design, construction, and equipment of vessels subject to the vessel inspection laws.
- c. Administering and enforcing materiel safety standards relative to the maintenance of inspected vessels.
- d. Administering and enforcing equipment standards relative to documented uninspected commercial vessels.
- e. Administering and enforcing vessel and materiel safety standards for foreign vessels subject to U.S. jurisdiction.
- f. Developing and establishing national and international standards relating to the safety of commercial vessels.
- g. Developing and establishing standards related to occupational safety and health for the maritime industry.
- h. Administering and enforcing personnel standards and qualifications for all licensed and unlicensed personnel.
- i. Administering and enforcing equipment and materiel standards for offshore platforms.

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- 3.A.1. j. Initiating and conducting investigations of reported marine accidents, marine casualties, violations of law and regulations, and incidents of misconduct, negligence, and incompetence.
- k. Conducting surveillance operations and boardings to detect violations of navigation and vessel inspection laws and regulations.
- l. Tonnage measurement of vessels.
- m. Administering vessel documentation laws.
- n. Monitoring workplace safety and conducting investigations on Outer Continental Shelf (OCS) facilities and platforms.
- o. Administering OCS inspection program.
- p. Maintaining liaison with international organizations (e.g., the International Maritime Organization (IMO)).
- q. Shipment and discharge of merchant marine personnel, and maintaining seamen's records.
- r. Ensuring the operational status and quality of data of the Marine Safety Information System (MSIS), and providing policy and guidance to districts and field units concerning MSIS CVS activity reporting.

2. Commandant (G-W) Responsibilities.

- a. Managing and coordinating the Port and Environmental Safety (PES) Marine Environmental Response (MER), Waterways Management (WWM), and Financial Responsibility (WFR) Programs, including the promulgation of policies, standards, and guidelines to govern the operations of the National Strike Force (NSF).
- b. Acting for SECDOT on internal and external matters relating to port and water resources utilization and development for which DOT has responsibility.
- c. Establishing, operating, and maintaining vessel traffic services (VTS) for ports, harbors, and other waters subject to congested vessel traffic.
- d. Investigating incidents, accidents, or acts involving the loss, destruction of, or damage to structures that affect or may affect the safety or environmental quality of ports, harbors, or navigable waters of the U.S.
- e. Managing functions relating to the safety of navigable waters, port facilities, adjacent shore areas, and movement of hazardous cargos in waterborne commerce.

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- 3.A.2. f. Conducting surveillance operations, vessel boardings and facility inspections to detect violations of laws and regulations pertaining to pollution prevention, the transportation of hazardous materials, and navigation safety.
 - g. Enforcing federal laws on navigable waters, exclusive of laws that are specifically the responsibilities of Commandant (G-B), (G-M), (G-N), or (G-O).
 - h. Enforcing maritime treaties and laws on the high seas.
 - i. Regulating and facilitating the construction and operation of deepwater ports off the coasts of the U.S.
 - j. Conducting surveillance operations, monitoring, and boardings to detect violation of laws and regulations pertaining to ocean dumping and ocean incineration of hazardous materials and other wastes.
 - k. Administering vessel and offshore facility financial responsibility and certification functions.
 - l. Maintaining close liaison with international bodies and foreign governments as well as other U.S. government agencies to promote a consistent international approach to the prevention, reduction, and elimination of pollution in the marine environment. This includes: representing the U.S. at international forums; facilitating implementation of international pollution prevention treaties; maintaining joint international contingency plans and bilateral agreements; and conducting and coordinating technical exchanges and training.
 - m. Ensuring the operational status and quality of data of the MSIS, and providing policy and guidance to the districts and field units concerning MSIS marine environment and systems activity reporting.
 - n. Managing functions relating to the security of navigable waters, port facilities and vessels, including the Special Interest Vessel (SIV) Program, which are intended to prevent or deter intentional damage or destruction, sabotage and espionage, and acts of terrorism.
 - o. Developing mobilization planning policy and guidance applicable to the PES/MER/WWM Program areas.
 - p. Overseeing and coordinating all in-house environmental compliance, including pollution abatement standards and the management and disposal of hazardous waste produced by Coast Guard facilities.
3. Commandant (G-B) Responsibilities.
 - a. Developing, coordinating, and directing a national Recreational Boating Safety (RBS) Program aiming at reducing accidents, injuries, and fatalities associated with the use of recreational boats through preventive means on waters of the U.S.

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- 3.A.3. b. Establishing criteria and technical safety standards for boats and associated equipment, and implementing a control system to ensure compliance with such requirements, including a defects notification program.
 - c. Administering the enforcement of federal laws and regulations governing recreational boating, the reporting and investigating of boating accidents, and the publishing of boating accident statistics.
 - d. Maintaining liaison with the various states and jurisdictions, federal agencies, private industry, and other private, public, and international organizations concerned with boating safety.
 - e. Overseeing the operations of the Coast Guard Auxiliary, its boating education program, and other areas of assistance to the Coast Guard.
 - f. Coordinating a national public education program to make boat owners, operators, and occupants aware of the elements of boating safety.
4. Commandant (G-N) Responsibilities. The Office of Navigation is responsible for approving the construction of bridges, regulating the operation of drawbridges, requiring the alternation of removal of obstructive bridges, and administering the enforcement of the laws and regulations related in bridges.
 5. Commandant (G-CMC) Responsibilities.
 - a. Advising the Commandant on regulatory policy and process, utilizing the Marine Safety Council.
 - b. Ensuring that all regulatory initiatives are well-considered and impose no greater burden upon the public than is reasonably necessary.
 - c. Managing, monitoring, and serving as the focal point for the development and implementation of Coast Guard regulations affecting the general public.
 - d. Recommending the convening of public hearings when necessary or desirable.
 - e. Ensuring that the Towing Safety Advisory Committee (TSAC) is consulted whenever necessary.

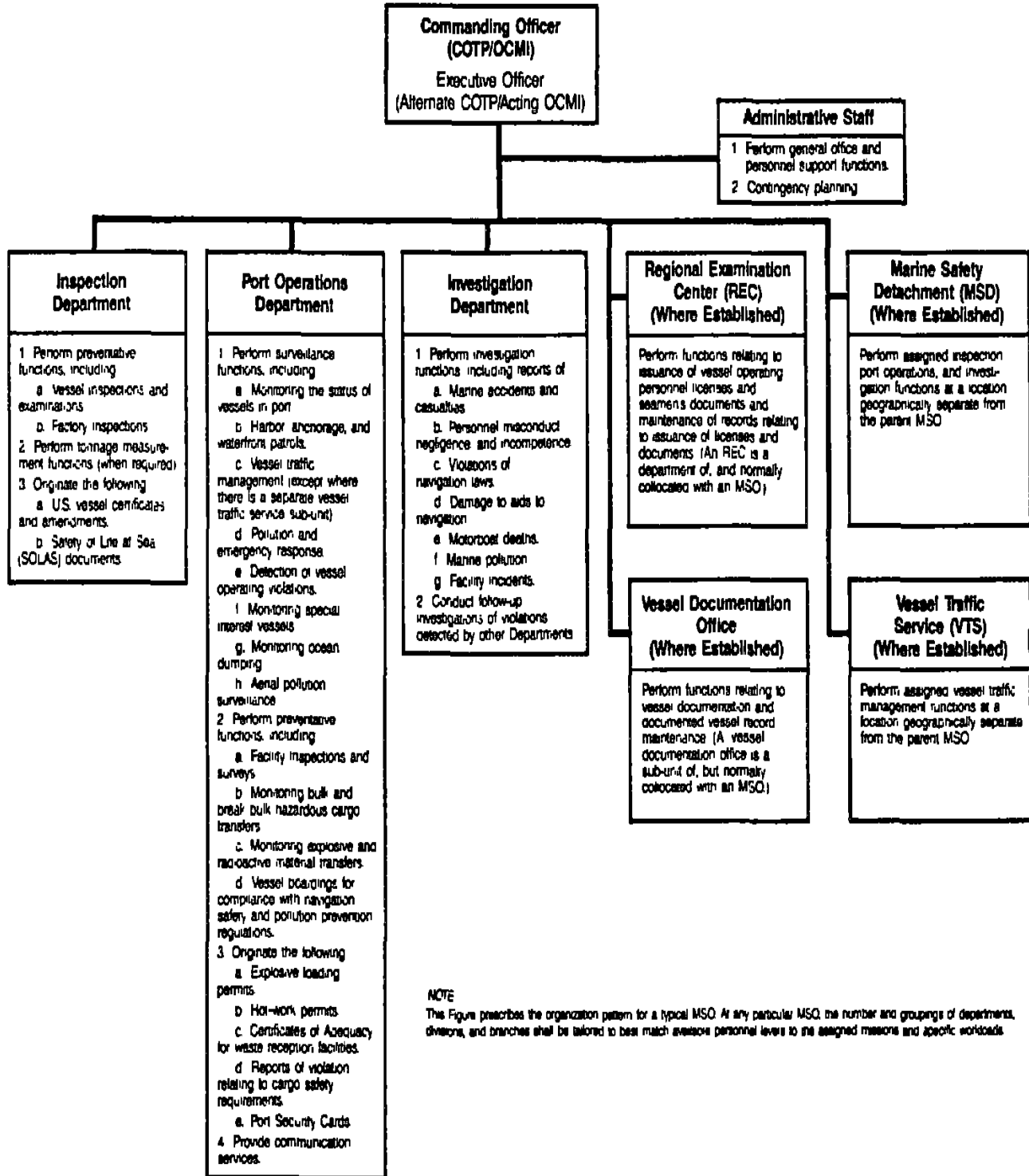
B. Field.

1. Marine Safety Center (MSC). The basic organization of the MSC is addressed in the Coast Guard Organization Manual, Commandant Instruction (COMDTINST) M5400.7. The MSC is a Headquarters unit under the technical control of the Chief, Office of Merchant Marine Safety. The MSC centralizes the primary plan review functions relative to the design, construction, alternation, and repair of U.S. commercial vessels. [NOTE: The MSC will be established about 1 July 1986 and will consolidate the

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- 3.B.1. (cont'd) field merchant marine technical (mmt) offices of the Third, Eighth, and Twelfth Coast Guard Districts.]
2. District Level. The basic organization of a district command is outlined in the Coast Guard Organization Manual, COMDTINST M5400.7. The district commander, as the principal representative of the Commandant, is responsible for the support of units under his command. He is specifically charged with ensuring that Coast Guard duties are performed efficiently, safely, and economically within his district. In the performance of his duties, the district commander is assisted by administrative and technical advisors in those areas in which they are qualified. The marine safety division is the staff component that administers the CVS and PES/MER/WWM Programs at the district level. Port safety stations (PSSTA's), marine inspection offices (MIO's), and MSO's are generally district units. In addition, some bases, groups, and stations have commanding officers (CO's) designated as COTP's.
 3. Marine Safety Officer (MSO). Figure 1-3 shows the prescribed organization of a typical MSO and the type of functional alignment desired. Sufficient flexibility is permitted for local command option and considerations of unit size. To the extent practicable, MSO CO's shall utilize this organizational structure for their individual commands.
 4. Marine Safety Detachment (MSD). When there is a need to provide marine safety services at a remote location, an MSD may be established upon the submittal of a planning proposal by the district commander and its approval by the Commandant. This review process is required because personnel at an MSD perform combined functions of the OCMI/COTP/on-scene coordinator (OSC). The MSD supervisor, equivalent to that of a unit department head, acts under the supervision of the CO of the "parent" MSO, and exercises OCMI/COTP/OSC powers in the zone in which the MSD is located.
 5. Vessel Traffic Service (VTS). A VTS can be a separate unit, a subunit, or part of an MSO's port operations department. It provides VTS within a defined area. Separate VTS units have their own CO's.
 6. National Strike Force (NSF). The Coast Guard NSF is one of the special forces available to assist OSC's in carrying out pollution response functions. The NSF, comprised of the Pacific, Gulf, and Atlantic Strike Teams and NSF Dive Team, is under the operational and administrative control of the respective area commander. Each strike team has a CO and responds to OSC requests for assistance within a defined area. When responding to a spill, members are under the operational control of the OSC. See volume VI of this manual for information on the administrative and operational requirements of the NSF.
 7. Marine Inspection Office (MIO). An MIO is headed by a CO who is also designated as an OCMI. An MIO's organizational pattern and workload are similar to that of an MSO, except that the port operations department and COTP functions do not exist. Due to managerial considerations at several major U.S. ports, some MIO's will remain separate units.

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- 3.B.8. Marine Inspection Detachment (MIDET). A MIDET is a subunit of an MIO, established where CVS functions are required at a remote location. MIDET supervisors are designated by the Commandant, but act under the supervision of the OCMI of the "parent" marine inspection zone.
9. Captain Of The Port (COTP). Due to managerial considerations at several major ports, some COTP's will remain separate from OCMI's. In such cases, a unit is headed by a CO who is also designated as a COTP. The unit may be a base, group, or PSSTA.
- a. Port Safety Station (PSSTA). PSSTA's are separate COTP units attached to bases or groups, or are district units which primarily support PES/MER/WWM Programs, but may provide assistance for other Coast Guard programs as well.
- b. Port Safety Detachment (PSD). A PSD is a subunit of a PSSTA or COTP established where there is a need to provide PES/MER/WWM services at a location remote from the "parent" station. The supervisor of a PSD is designated by the Commandant, but acts under the supervision of the COTP who is responsible for the "parent" COTP zone.
10. Regional Examination Center (REC). An REC, headed by the Chief, Maritime Personnel Department, is a department of an MIO or MSO. The primary functions of the REC's are the licensing of officers and certification of seamen. These involve quantification of sea service/experience and evaluation of other professional qualifications, administration of written examinations and practical demonstrations of skills (including traveling examination teams for remote location testing), and issuance of the appropriate documents or licenses. An REC may have a monitoring facility.
11. Vessel Documentation Office. A Vessel Documentation Office, headed by a Vessel Documentation Officer, is a subunit of an MIO or MSO. In the Ninth Coast Guard District the Vessel Documentation Office is a subunit of the Marine Safety Division (m). The primary functions of the Vessel Documentation Office are the review of applications for documentation and related submissions to determine the eligibility of vessels for documentation with a coastwise license, a Great Lakes license, a fishery license, a pleasure license, or a registry endorsement; and the review of mortgages, notices of claim of lien, bills of sale, and other instruments of title to determine their eligibility for recordation. The Vessel Documentation Office is the place (homeport) where these instruments are recorded, and where the record copies of these instruments are retained and made available, in accordance with the Ship Mortgage Act, 1920.

C. Program Billeets And Positions.

1. District Level.

- a. District/Area Commander. The district commander, as the direct representative of the Commandant, has command responsibility for the performance of duties assigned to the Coast Guard within the geographical limits of his district. The Third District (New York)

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- 3.C.1. a. (cont'd) and Twelfth District (San Francisco) commands are co-termed "Area" commands. These have larger staffs to coordinate and oversee the activities carried out by the district and semiautonomous commands under them (see 33 CFR 3 for delineations of area and district boundaries). With regard to marine safety functions, the district/area commander has been delegated general authority over, and responsibility for, administration and enforcement of the CVS, PES/MER/WWM, Bridge Administration (BA), and RBS Programs.
- b. Chief, Marine Safety Division (District Commander (m)).
- (1) Responsibilities. The staff officer assigned to assist the district commander in the administration and enforcement of the Coast Guard's marine safety programs is designated the "chief, marine safety division." Under the general direction of the district commander and chief of staff, this officer and the officer's staff members coordinate, review, and approve MSO, COTP, and OCMI marine safety activities and taskings, and evaluate unit performance based on established mission performance standards. Marine safety activities include, but are not limited to:
- (a) Vessel inspections, examinations, and certifications.
 - (b) Licensing and certificating of merchant mariners, and actions taken against their licenses and certificates, as warranted.
 - (c) Tonnage measurement and documentation of vessels.
 - (d) Investigations for violations of marine safety and environmental protection statutes and regulations.
 - (e) Investigations of marine casualties.
 - (f) Review of vessel design and equipment plans.
 - (g) Enforcement of offshore oil production activities within Coast Guard jurisdiction.
 - (h) Activities relative to marine pollution prevention.
 - (i) Enforcement of regulations for safety and security of vessels and waterfront facilities.
 - (j) Enforcement of regulations for the safe storage, labelling, packing, and handling of hazardous materials, explosives, and other dangerous cargoes shipped in bulk and packaged form.
 - (k) Safe operation of tank vessels and liquefied gas carriers.

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- 3.C.1.b.(1)
- (l) Providing Coast Guard membership to the Regional Response Team (RRT).
 - (m) Development and maintenance of federal regional, federal local contingency and mobilization plans. Coordination of activities under the multi-agency memorandum of understanding (MOU) on port readiness (COMDTINST 16601.5).
 - (n) Coordinating activities relative to environmental response.
 - (o) Monitoring of field unit MSIS activity; reviewing and adjudicating reports of violation filed in MSIS within the district; providing district MSIS policy guidance as appropriate; and monitoring, coordinating, and allocating MSIS terminal and hardware resources within the district.
 - (p) Establishing and maintaining liaison with other government agencies, such as the Environmental Protection Agency (EPA), Minerals Management Service (MMS), and Occupational Safety and Health Administration (OSHA), U.S. Army State Area Commanders (STARC's), Continental U.S. Army Commanders (CONUSA's), Regional Corps of Engineers Commander, Military Traffic Management Command (MTMC), U.S. Navy Military Sealift Command (MSC), Naval Control of Shipping Organization (NCSORG), and Maritime Administration's (MARAD's) Federal Port Controller (also state and local agencies, such as sheriffs, police, fire, and fish and wildlife departments).
 - (q) Inspection of OCS facilities.
 - (r) Investigations for violations of safety and environmental statutes and regulations on the U.S. OCS.
 - (s) Surveillance of ocean dumping and incineration activities.
 - (t) Inspection and oversight of deepwater ports and associated activities.
 - (u) Certification and inspection of reception facilities for oil and noxious liquid substances (NLS).
 - (v) Conducting harbor patrols within COTP zones.
 - (w) Planning, conducting, and evaluating contingency drills and mobilization exercises.
 - (x) Conducting SIV activities.
- (2) Staff Liaison. The marine safety division is responsible for marine safety activities in the district command, much as the Offices of Merchant Marine Safety and Marine Environment and

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- 3.C.1.1.b. (2) (cont'd) Systems are responsible for such activities at the national level. However, district control is defined within geographic limits, and appeals may be made of district level decisions to Commandant (G-M) and (G-W). The chief, marine safety division, advises the district commander on actions taken by the OCMI's and the COTP's in the district; is responsible for uniform application of statutory and regulatory requirements; and maintains awareness of the effects of such requirements on members of the maritime industry. The district commander (m) must be continually aware of the resources and needs of the marine safety units in the district organization, and take timely actions to redistribute resources or request resources in accordance with the Planning and Programming Manual to meet mission performance standards. Close coordination must also be maintained between the marine safety division and other district staff elements that affect the activities of those units.

c. Chief, Boating Safety Division (District Commander (b)). The staff officer assigned to assist the district commander in carrying out the Coast Guard's RBS Program at the district level is designated as the "chief, boating safety division." Under the general direction and supervision of the district commander and the district chief of staff, this officer has responsibility to:

- (1) Coordinate with the Coast Guard Auxiliary, state boating officials, U.S. Power Squadrons, American Red Cross, marine trade and boat owner associations, and other organizations involved with boating safety.
- (2) Direct the operation of the Coast Guard Auxiliary.
- (3) Administer the Boating Standards Program in accordance with COMDTINST's and applicable laws and regulations.
- (4) Maintain liaison with state boating law administrators in order to promote comity between jurisdictions and encourage uniformity and reciprocity of boating laws and regulations.
- (5) Maintain Coast Guard/state agreements to establish the working relations between the Coast Guard and the states to encourage them to assume a greater role in enforcing boating safety laws and regulations and educating boaters.
- (6) Coordinate with Coast Guard Headquarters, MSO's, and state boating law administrators regarding boating accident reporting, review, and investigation.

d. Hearing Officer. One or more district civil penalty hearing officers are designated by the district commander and delegated authority to receive allegations of, and to assess civil penalties as appropriate for, violations of the Federal Water Pollution Control Act (FWPCA), as amended (33 U.S.C. 1251 et seq.), the Ports and Waterways Safety Act

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3.C.1. d. (cont'd) (PWSA) (33 U.S.C. 1221 et seq.), the Hazardous Materials Transportation Act (HMTA) (49 U.S.C. 1801 et seq.), statutes relating to the Carriage of Liquid Bulk Dangerous Cargoes (46 U.S.C. 3701-3718), the Act to Prevent Pollution From Ships (APPS) (33 U.S.C. 1901 et seq.), and all other Coast Guard-administered statutes which provide for penalties. Chapter 5 of this volume explains the responsibilities of the hearing officer and the procedures for review of alleged violations.

2. Unit Level.

a. Officer In Charge, Marine Inspection (OCMI).

(1) Duties. The OCMI administers the Coast Guard's marine safety "field" activities within a marine inspection zone delineated by regulations (see 33 CFR 3). The OCMI's duties are to administer, enforce, and give direction to the programs that implement the marine safety status and regulations, relative to:

- (a) Inspection of vessels to determine their fitness for the services for which they are intended, and their compliance with applicable statutes, regulations, and standards related to construction, equipment, manning, and operation.
- (b) Inspection of shipyards, waterfront facilities, and factories.
- (c) Inspection of mobile offshore drilling units (MODU's), artificial islands, and structure operating on the OCS of the United States.
- (d) Vessel documentation functions are the responsibility of the following OCMI's for the area indicated:

<u>OCMI</u>	<u>Area</u>
Boston	First Coast Guard District
St. Louis	Second Coast Guard District
New York	Third Coast Guard District, (except Philadelphia Marine Inspection zone)
Philadelphia	Philadelphia Marine Inspection Zone
Norfolk	Fifth Coast Guard District
Miami	Seventh Coast Guard District

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3.C.2.a.(1) (d) (cont'd)

<u>OCSI</u>	<u>AREA</u>
New Orleans	Eighth Coast Guard District, (except Texas and New Mexico)
Houston	Texas and New Mexico
Los Angeles/Long Beach	Eleventh Coast Guard District
San Francisco	Twelfth Coast Guard District
Seattle	Washington and Montana
Portland, OR	Oregon and Idaho
Honolulu	Fourteenth Coast Guard District
Juneau	Seventeenth Coast Guard District

[NOTE: Documentation in the Ninth Coast Guard District is a district function.]

- (e) Licensing and certification of seamen in those ports where REC's are located (see volume III of this manual).
- (f) Investigation of marine casualties and personnel injuries and deaths aboard commercial and recreational vessels, and OSC facilities.
- (g) Detection of, and investigations into reports of, violations of statutes or regulations, misconduct, incompetence, or misbehavior of merchant mariners or other persons aboard commercial vessels; initiation of remedial action to suspend or revoke licenses and certificates of merchant mariners for such occurrences.
- (h) Enforcement of the navigation and vessel inspection laws, and of all laws relating to seamen in general.
- (i) Detection of unsafe conditions and practices, to the end that the greatest practicable levels of safety are maintained.
- (j) Application and enforcement of all treaties, agreements, MOU's, etc., involving marine safety matters.
- (k) Managing the MSIS at the unit level including hardware and software integrity, and ensuring timely and quality data entry for CVS activities through a unit review and validation process.

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- 3.C.2.a. (2) Authority. The OCMI is vested with the authority to perform such activities, and to delegate them to subordinates, by the Code of Federal Regulations (CFR). The OCMI, though designated and assigned by the Commandant, is directly answerable to the district commander. The OCMI's decisions may be appealed to the district commander and ultimately to the Commandant, whose decision is final (see chapter 2 of this volume). The OCMI serves as the CO of an MSO or MIO, in accordance with the provisions of Coast Guard Regulations, COMDTINST M5000.3, and applicable Commandant and district directives. The OCMI is responsible for the supervision and training of all unit personnel, so that they are qualified to perform the duties of the marine safety programs. Sound judgment in the discharge of these duties shall be emphasized, so that requirements and standards are reasonably applied.
- (3) Responsibility. The OCMI and those under the OCMI's authority shall adhere to the procedure established by statutes and regulations, international treaties, agreements, COMDTINST's and Commandant Notices (COMDTNOTE's), Navigation and Vessel Inspection Circulars (NVIC's), and the provisions of this manual to ensure uniform application of requirements and standards to vessels, facilities, and personnel. The OCMI shall strive to avoid unreasonable requirements and arbitrary or unreasonable decisions in the discharge of the marine safety programs. In some cases, requirements may vary for similar vessels because of different proposed routes or service and other circumstances. In the event that inspection of a vessel type is not covered by regulations or other standards, the OCMI shall make recommendations to the Commandant, via the district commander. In the interim, the OCMI shall act to promote a reasonable level of safety and to minimize unnecessary expenses on the part of vessel and facility owners and operators.
- (4) Professional Concerns And Liaison. For the most effective execution of responsibilities, the OCMI must consider the many elements affecting the safety and activity levels within the marine inspection zone. These include:
- (a) Geographic arrangements of principal and secondary waterways;
 - (b) Shipping companies and their personnel;
 - (c) Equipment factories and their personnel;
 - (d) Shipyards and repair facilities;
 - (e) Maritime unions and their officers;
 - (f) Other Coast Guard units operating within the zone; and
 - (g) The American Bureau of Shipping (ABS).

MARINE SAFETY MANUAL

- 3.C.2.a. (4) (cont'd) The OCMI shall ensure effective liaison with representatives of these and other interests. The Commandant believes that cooperative consultations result in better relations with members of the maritime industry and interested agencies, and better promote the objectives of the marine safety programs.
- b. Acting OCMI (AOCMI). In the absence of the OCMI, the unit executive officer (XO) serves as the AOCMI. This officer is authorized to perform all duties of the OCMI while serving in that capacity. Should both officers be absent, the district commander will designate a qualified marine inspector as AOCMI. This designation shall be given in writing, for a specified period of time. A copy of the designation shall be forwarded to the Office of Personnel, Commandant (G-P).
- c. Captain Of The Port (COTP).
- (1) Duties. The COTP is designated by the Commandant and is answerable to the district commander. The COTP is responsible for administering and enforcing the PES/MER/WWM Programs within the boundaries of the "COTP zone," as defined in the regulations (see 33 CFR 3), and may be assigned concurrent duties, such as CO, MSO, group commander, or CO of a Coast Guard base. With only PES/MER/WWM duties, the COTP's unit is loosely referred to as a "captain of the port." If the unit duties include CVS elements, the unit is referred to as a "marine safety office." The COTP serves as the CO, in accordance with COMDTINST M5000.3 and applicable directives. [NOTE: The cognizant district commander serves as the COTP in a zone for which no COTP has been designated by the Commandant.] The COTP's responsibilities are as follows:
- (a) Supervision and control of vessel movements and moorings within the zone, including vessel traffic control; supervision and control of vessel anchorages within the zone.
 - (b) Monitoring of vessels and facilities which transfer bulk liquid cargoes.
 - (c) Enforcement of the regulations concerning port security, port and waterways safety, tank vessel operations, shipment of military explosives, bulk solid cargoes, and packaged hazardous materials.
 - (d) Periodic examination of foreign vessels of novel design or construction, or the operation of which involves potential unusual risks in U.S. waters.
 - (e) Ensuring compliance with the load line regulations for vessels making foreign and domestic voyages (see volume IV of this manual).

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- 3.C.2.c (1)
- (f) Enforcement of all pollution prevention laws and regulations.
 - (g) Immediate response to, and investigation of, discharges of oil and refuse into the navigable waters of the U.S., and releases of hazardous substances into the environment.
 - (h) Surveillance of ocean dumping and incineration operations, and the enforcement of applicable regulations.
 - (i) Issuance of permits for "hot work" aboard vessels and at waterfront facilities, for the handling of designated dangerous cargoes, and the suspension or termination of such permits as warranted.
 - (k) Promotion of the Automated Mutual Assistance Vessel Rescue (AMVER) system among members of the maritime industry and fostering of the AMVER Educational Program.
 - (l) Issuance of COTP Orders and establishment of safety and security zones, when necessary to prevent accidental or intentional damage to any vessel, waterfront facility, or structure, or when otherwise appropriate.
 - (m) Conduct of security boardings of certain foreign vessels entering U.S. waters (see volume VIII (CONFIDENTIAL) of this manual).
 - (n) Restriction of access to vessels, waterfront facilities, or structures when necessary for national security or public safety or as directed by the Commandant, and the enlistment of support from other federal, state and/or local agencies for the enforcement of such restrictions.
 - (o) Ensuring the general safety and security of ports and waterways within the COTP zone, and the prevention of destruction, loss of, or damage to vessels, facilities, or structures in U.S. navigable waters or on adjacent shorelines.
 - (p) General Coast Guard law enforcement activities, as prescribed by 33 CFR 6 and 14 U.S.C. 89.
 - (q) Managing the MSIS at the unit level including hardware and software integrity, and ensuring timely and quality data entry for COTP activities through a unit review and validation process.

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- 3.C.2.c (2) Authority. The COTP is vested with the authority to perform the above activities, and to delegate them to staff members (33 CFR 1.01-30). COTP enforcement decisions may be appealed to the district commander and ultimately to the Commandant, whose decision is final. Appeal procedures are found in the various regulations the COTP enforces (see chapter 2 of this volume). The COTP may serve as the CO of a COTP office, MSO, or PSSTA, as per Coast Guard Regulations, COMDTINST M5000.3. The COTP is responsible for the supervision and training of all personnel in the command, ensuring they are qualified to perform the duties of the PES/MER Programs.
- (3) Professional Concerns and Liaison. The COTP has a broad role as the coordinator and overseer of all PES/MER activities within the COTP zone. The COTP must carefully consider many elements and interests affecting PES/MER and ensure effective liaison with all interested parties. These elements and interested parties include:
- (a) Geographic arrangement and character of waters and facilities within the COTP zone.
 - (b) Shipping terminals and other waterfront facilities and their operators.
 - (c) Federal agencies having specific responsibilities relative to PES/MER. These agencies include the EPA, U.S. Navy, MSC, U.S. Army Corps of Engineers (USACE), U.S. Customs Service, National Oceanic and Atmospheric Administration (NOAA), and OSHA.
 - (d) Federal, state, and local enforcement, safety and environmental agencies whose activities impact upon PES/MER. These agencies include the Drug Enforcement Agency (DEA), Federal Bureau of Investigation (FBI), harbor masters, marine divisions of state police, environmental, fish and wildlife agencies, and fire departments.
 - (e) Environmental action groups.
 - (f) Entities that provide port services, such as port authorities, pilots, shipping agents, longshoremen's and maritime unions and their officers.
 - (g) Other Coast Guard units operating within the COTP zone.
 - (h) The National Cargo Bureau, Inc. (NCB).
- d. Alternate COTP. The Commandant designates an officer to act as alternate COTP. This officer performs the duties of COTP and has the COTP's authority in the absence of the designated COTP. When both officers are absent, the district commander acts as the COTP.

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3.C.2. d. (cont'd) Initiation of, or changes to such designations shall be requested in writing from Commandant (G-P) via Commandant (G-W).

e. On-Scene Coordinator (OSC). It is the policy of the Coast Guard to ensure that timely and effective response action is taken to control and remove discharges of oil and releases of hazardous substances, including substantial threats of discharges and releases, into the coastal zone, unless such removal actions are being conducted properly by the responsible party. Each COTP, under the National Oil and Hazardous Substance Pollution Contingency Plan (NCP) (40 CFR 300) and applicable Regional Contingency Plan (RCP), coordinates federal activities on scene as either the predesignated OSC of first federal official, in the absence of the predesignated OSC.

(1) Designations and Duties. The Coast Guard is charged with designating OSC's for oil discharges and for the immediate removal of hazardous substances, pollutants, or contaminants into or threatening the coastal zone except that the Coast Guard will not provide predesignated OSC's for discharges and releases from hazardous waste management facilities or in similarly chronic incidents. The term coastal zone delineates an area of federal responsibility for response action. Precise boundaries are determined by the EPA/Coast Guard agreements and identified in federal RCP's.

[NOTE: The EPA is responsible for designating OSC's for the Inland Zone (i.e., the environment inland of the coastal zone, excluding the Great Lakes and specified ports and harbors of inland rivers). The Department of Defense (DOD) is responsible for designating OSC's for all actions resulting from releases of hazardous substances, pollutants, or contaminants from DOD facilities and vessels.]

- (a) The coastal zone includes all U.S. waters subject to the tide, U.S. waters of the Great Lakes, specified ports and harbors on the inland rivers, waters of the contiguous zone, other waters of the high seas subject to the NCP, and the land surface or land substrata, ground waters, and ambient air proximal to those waters.
- (b) There shall be only one OSC at any time during the course of a response operation. Should a discharge or release affect two or more areas, the RRT shall designate the OSC, giving prime consideration to the area vulnerable to the greatest damage. If this is impracticable, the National Response Team (NRT) will designate the OSC.

(2) Responsibilities.

- (a) Developing and maintaining a federal local contingency plan covering the Coast Guard OSC's zone;
- (b) Evaluating the magnitude and severity of a discharge or release;

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- 3.C.2.e.(2)
- (c) Notifying members of the RRT, as appropriate;
 - (d) Determining the feasibility of removal;
 - (e) Determining whether removal efforts of the suspected polluter are proper;
 - (f) Assuming federal control when a polluter is unknown, not acting responsibly, or whose removal effort is insufficient;
 - (g) Ensuring adequate supervision or monitoring of removal activities; and
 - (h) Making final determinations of when removal is complete (thus terminating federal response efforts).

Volume VI of this manual provides additional guidance on the role of the OSC.

- f. On-Scene Commander/Coordinator (OSC). This alternative term usage is found in the Canada-United States Joint Marine Pollution Contingency Plan and is synonymous with "On-Scene Coordinator" as used in the NCP. Canada uses the term "On-Scene Commander" whereas the U.S. uses the term "On-Scene Coordinator." The appropriate Canadian Coast Guard regional director and the appropriate U.S. Coast Guard district commander each designate an OSC for the various regions. The U.S. predesignates the OSC's, whereas the Canadians designate individuals on a case-by-case basis. The determination as to which party will actually assign the OSC for a particular incident is dependent on the location of the spill (incident), and the relative threat that it poses to the U.S. and Canada. The country that is most threatened by the spill (incident) assigns the OSC. If the relative threat shifts to the other party, then the assignment of the OSC could switch. The designated OSC that is not acting as OSC will serve as the Deputy OSC for the particular incident, and will serve as liaison and coordinate with the assigned OSC as appropriate.
- g. Off-shore Oil Pollution Compensation Fund Representatives. These persons are designated by the Commandant and assigned to the staffs of the Atlantic Area, and Eighth and Eleventh District Commanders. They are responsible for initial review of cases alleging violations of Title III of the Outer Continental Shelf Lands Act Amendments (OCSLAA) of 1978 (43 U.S.C. 1811 et seq.). These representatives monitor performances of private claims adjusters and provide services to the federal OSC as required (see subparagraph 3.C.2.e above). In cooperation with the chief of the district marine safety division, the RRT, and the OSC, they provide training for private claims adjusters and coordinate their integration into on-scene activities. They can authorize payments of single claims up to \$100,000 and multiple claims up to \$200,000.

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- 3.C.2. h. Offshore Oil Pollution Compensation Fund Claims Adjusters. These are private claims adjusters contracted by the Fund Administrator and paid through the fund. They are identified in regional and local contingency plans, and report to the scene of an OCS-related pollution incident whenever damage claims payable from the fund result. The responsibility of Fund Claims Adjusters is the settlement of damage claims. While on-scene, they can provide valuable information to the OSC and all reasonable assistance, in the way of transportation and other support requirements, should be granted.
- i. Proper Use of Titles.
- (1) Command Personnel. The Coast Guard's marine safety programs are administered through the command structure of Headquarters, the area/district command, the unit, and the subunit (where appropriate). As in other operating units, these have an internal organization of a CO and various subordinates, as required by the scope of the unit's assignments. [NOTE: Subunits, such as PSD's or MSD's, are controlled by "supervisors" who report to the parent unit's CO.] The officers specified by regulations to be responsible for marine and environmental safety are specified in the regulations as the OCMI and COTP (see subparagraphs 3.C.2.a and 3.C.2.c above). They also serve as the CO's of their respective units. These terms should not be confused.
- (2) Units. The MSO is the unit under which the field functions of the CVS, PES/MER/WWM, and RBS Programs have been consolidated; the CO of such units has dual responsibilities as the OCMI and COTP. Other units have not been consolidated, for reasons of size or other management needs. MIO's are involved with CVS and RBS (investigative) functions, and are commanded by officers responsible only for the duties of the OCMI. PSSTA's and COTP's deal with PES/MER/WWM functions, and are commanded by officers responsible only for the duties of the COTP.
- j. Supervisory Positions.
- (1) Chief, Inspection Department. This officer, who may also serve as the XO of the unit, is responsible for immediate supervision of activities relating to the promotion of marine safety through preventive measures, including:
- (a) Boarding and inspecting U.S. vessels, and foreign vessels in U.S. waters, to determine their levels of compliance with applicable statutes, regulations, and Coast Guard policy concerning their structure, equipment, manning, and general worthiness for the routes and services in which they operate.
- (b) The conduct and satisfactory results of fire and lifeboat drills.

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- 3.C.2.j.(1)
- (c) Shipyard inspections of new construction, alterations, and repairs of vessels.
 - (d) Inspections of factories producing materials and equipment for vessels.
 - (e) Inspection of vessels of novel design or construction, or the operation of which poses unusual potential risk.
 - (f) Enforcement of regulations for the transportation and stowage of cargoes and the carriage of passengers.
 - (g) Review of vessel and vessel equipment plans and specifications, and assistance in this regard to other federal agencies (such as the MSC and the USAGE), as requested.
 - (h) Assistance in the overall enforcement of navigation and vessel inspection laws.
 - (i) Maintenance of all records, files, and automated systems in accordance with current directives.

The Chief, Inspection Department shall: ensure that all required inspections and other duties are fulfilled in accordance with legal requirements, the policy of the OCMI, sound judgment, and prudence so as to avoid delays or unreasonable requirements to the industry; require all reports, logs, and other paperwork to be completed and submitted as necessary, to apprise the OCMI of the conditions of vessels within the inspection zone; require notification as soon as practicable of problems or dangerous situations, so that effective new technical information and inspection requirements as they are developed.

- (2) Chief, Investigation Department. This officer is responsible for overseeing the investigative activities of the unit (including) the forwarding of reports and case materials to the district commander, the Commandant, and to other agencies, as warranted). These include the investigation and report of:
- (a) Marine casualties and accidents, to determine their cause and to recommend means of preventing recurrences.
 - (b) Alleged acts by licensed and certificated merchant mariners that, if proven, may warrant suspension or revocation (S&R) of their documents and/or forwarding of the case to the U.S. attorney for criminal prosecution.

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- 3.C.2.j.(2)
- (c) Reported violations of load line requirements.
 - (d) Damage to aids to navigation (ATON) within the inspection zone.
 - (e) Reported violations of the navigation and vessel inspection laws.
 - (f) Casualties or incidents at waterfront or offshore facilities within the inspection zone.
 - (g) Discharges of oil, other hazardous substances, or refuse into the navigable waters or adjoining shorelines of the U.S.

The Chief, Investigation Department shall ensure that reports from personnel of other unit departments are followed up, as appropriate, and shall also provide for ongoing training for "all hands" in methods of investigation, legal requirements, and policy affecting the activities noted above.

- (3) Chief, Maritime Personnel Department. On 1 July 1982, the number of marine safety/inspection offices performing the merchant seamen's licensing/certification function was reduced from 49 to 17. In those units retaining this function, the entity providing for its performance is called an REC. The individual directly responsible for REC operation is the Chief Maritime Personnel Department. As in the past, the officer serves as a departmental head within the MSO/MIO unit structure. In order to assure policy continuity and enhanced professionalism in the licensing area over the long term, however, the Chief, Maritime Personnel Department is designated by the Commandant and retains this position for the entire tour length. The officer is responsible for:
- (a) Receiving and reviewing applications for an original license or merchant marine's document (MMD), extensions of route, and raise of grade or renewal.
 - (b) Evaluating the professional qualifications of applicants.
 - (c) Compiling, administering, and grading examinations for applicants.
 - (d) Awarding licenses to successful applicants. In the case of staff officers on merchant vessels, this process includes receiving applications and issuing certificates of registry to eligible applicants. In the case of seamen, the process includes receiving applications; evaluating the eligibility of applicants; giving oral or written and practical examinations when required by law; issuing Continuous Discharge Books (CDB's) and MMD's to eligible applicants; making appropriate endorsements on such documents;

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- 3.c.2.j.(3)
- (d) (cont'd) forwarding applications for seamen's documents for securing screening; and issuing validated security documents.
 - (e) Evaluating submitted training courses for Coast Guard approval.
 - (f) Maintaining all records, reports, and other documentation concerning merchant mariners.

The Chief, Maritime Personnel Department shall provide for ongoing training for personnel in the department. The officer is also responsible for the security of all examination materials, whether prepared locally or by the Coast Guard Institute, and for the immediate reporting of any loss, damage to, or compromise of examination materials.

- (4) Chief, Port Operations Department. This officer is responsible for PES/MER/WWM concerns of the unit, including:
 - (a) Supervising port monitoring and surveillance activities.
 - (b) Supervising and controlling vessel movement and mooring within the port and anchorages within the COTP zone. This includes vessel traffic control if a separate VTS has not been established for the port.
 - (c) Ensuring the safety of vessels, facilities, personnel, waterways, and structures in the port area from accidental or intentional harm.
 - (d) Monitoring vessel status in the port area.
 - (e) Conducting harbor, anchorage, and waterfront patrols.
 - (f) Detecting load line violations.
 - (g) Responding immediately to port emergencies and to discharges of oil or refuse into the navigable waters, or releases of hazardous substances within the unit's OSC zone.
 - (h) Surveillance of ocean dumping and incineration operations and enforcement of applicable requirements.
 - (i) Conducting security and SIV boardings for certain foreign
 - (j) Establishing and enforcing security and safety zones and regulated navigation areas, and limited access areas, as warranted, to prevent accidental or intentional harm to any vessel, facility, or structure in the port area, or for purposes of public safety or national security.

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- 3.C.2.j. (4)
- (k) Managing and coordinating serial surveillance activities for pollution response.
 - (l) Supervising the unit communications system.
 - (m) Promoting the AMVER System and the AMVER educational program to merchant mariners.
 - (n) General enforcement of the navigation and vessel inspection laws and regulations.
 - (o) Issuance of port security cards, as warranted.
 - (p) Developing emergency response plans and exercises.
 - (q) Developing and maintaining various contingency plans.
- (5) Supervisor, Marine Inspection Detachment (MIDET). The MIDET is a subunit of an MIO (see paragraph 3.B.8 above). The MIDET Supervisor is designated by the Commandant, but acts under the direction of the OCMI.
- (6) Supervisor, Port Safety Detachment (PSD). The PSD is a subunit of the PSSTA or COTP (see paragraph 3.B.9.b above). The PSD Supervisor is designated by the Commandant, but acts under the direction of the COTP.
- (7) Supervisor, Marine Safety Detachment (MSD). The MSD is a subunit of an MSO (see paragraph 3.B.4 above). The MSD Supervisor is designated by the Commandant, but acts under the direction of the OCMI/COTP.

k. Field Positions.

- (1) Marine Inspector. The marine inspector is an officer or civilian assigned to the inspection department of an MSO or MIO to perform the field duties of the CVS Program. The inspector must understand and apply federal statutes and regulations, Coast Guard policy, and accepted industrial standards in the inspection of construction, alterations and repairs, equipment, and operating procedures for various types of vessels. To this end, the inspector shall be thoroughly familiar with applicable references (including this manual), and shall take advantage of available technical training and references. [NOTE: Qualified petty officers are termed "assistant marine inspectors."]
- (a) Records Of Inspections. The inspector shall submit reports, logs, and other work records and, as warranted, report verbally to the Chief, Inspection Department on the conditions and status of vessels inspected. The inspector shall bring all situations requiring greater experience, or a "command decision," to the attention of the Chief, Inspection Department as soon as practicable.

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- 3.C.2.k.(1)
- (b) Requirements For Judgment. The marine inspector must be alert generally to possible violations of the navigation and vessel inspection laws. When such practices or conditions are observed, immediate action shall be taken to have the practice stopped or the condition corrected. The steps required in such cases will naturally vary in each case, often, calling the matter to the attention of the vessel's master or officers will be sufficient. At other times, it may be necessary to issue a Notice of Merchant Marine Inspection Requirements, Form CG-835, and to report the conditions to the Chief, Inspection Department. Serious cases, or those in which there is disagreement over how to resolve the conditions, shall be brought to the OCMI's attention immediately for resolution. Refusal of the vessel's master to comply with the inspector's requirements may lead to revocation of the vessel's Certificate of Inspection (COI) or S&R proceedings concerning the MMD's of the master or officers aboard the vessel.
 - (c) Interface With Industry. The marine inspector's duties affect one of the largest industries in the U.S. The ultimate objective of the CVS Program is the protection of life and property in the maritime environment. The professional attitude and deportment of the inspector is vital to the achievement of that objective. It must be remembered that the merchant mariner or commercial operator is in business to make a profit. Sound judgment and understanding is required of the marine inspector, so that appropriate safety standards are maintained without imposing unnecessary or unreasonable standards on vessel and facility owners, operators, and crews. However, safety is not to be compromised due to financial hardship.
 - (d) Resident Marine Inspector. This officer is a marine inspector assigned to work at a specific location, such as a shipyard or factory, away from the MSO\MIO for a prolonged period. In such assignments, the resident inspector operates under the supervision of the Chief, Inspection Department.
 - (e) Hull, Boiler, And Electrical Inspectors. The "H" designator is assigned to marine inspectors who are qualified to inspect vessel structures and deck equipment for compliance with requirements. The "B" designator is assigned to marine inspectors who are qualified to inspect the machinery and propulsion systems of vessels for compliance with requirements. The "E" designator is assigned to marine inspectors who are qualified to inspect electrical installations and equipment on board vessels for compliance with requirements and standards.

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- 3.C.2.k. (2) Investigating Officer (I.O.). The I.O. is an officer or employee of the Coast Guard who is designated by the OCMI, the district commander, or the Commandant to investigate and report on matters involving marine casualties and accidents; personnel deaths, injuries, negligence, misconduct, and incompetence; reported violations of load line requirements; damage to ATON; oil and hazardous substances pollution incidents; waterfront facility casualties or accidents, and other reported violations of the navigation and vessel inspection statutes and regulations. Qualified petty officers are termed "assistant I.O.'s." [NOTE: The OCMI is an I.O. without further designation under 46 CFR 4.03-30.]
- (3) Licensing Examiner/Evaluator. This is an officer or employee of the Coast Guard who is qualified to prepare, conduct, and evaluate applications of, and examinations given to, applicants for merchant marine licenses and documents.
- (4) Explosives Loading Supervisor. This is an officer or petty officer of the Coast Guard who acts under the control of the COTP in the preloading inspection of cargo handling gear, directing the loading and stowage of explosives, and determining that safe securing procedures are adhered to.
- (5) Dangerous Cargoman. This is an officer or petty officer of the Coast Guard who acts under the control of the COTP to enforce requirements regarding the handling, stowage, and transportation of hazardous cargoes, as defined in Coast Guard and DOT regulations (Titles 46 and 49 CFR).
- (6) Port Securityman. This is a reserve officer or petty officer of Coast Guard who acts under the control of the COTP in patrolling safety and security zones, conducting harbor and anchorage patrols, enforcing load line requirements, and conducting waterfront facility spot checks, inspections, and surveys.
- (7) Pollution Investigator. This is an officer or petty officer assigned to investigate cases of pollution to determine whether a violation of law occurred and, if so, to determine the source of pollution and to document the violation. The pollution investigator may also assist the COTP in the latter's role as an OSC under the NCP. The pollution investigator must be thoroughly familiar with all applicable laws and regulations.
- (8) On-Scene Coordinator's (OSC's) Representative. This is an officer or petty officer designated by the OSC to act as on-scene representative for monitoring responsible party response actions or supervising federally-funding response actions under the NCP.

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- 3.C.2.k. (9) Tonnage Surveyor. This is an officer or employee of the Coast Guard (or of an authorized classification society) who computes gross and net tonnages of vessels. Tonnages are used nationally and internationally for, among other things, parameters in regulating vessels, establishing manning levels, determining qualifications for marine licenses, and providing a basis for tolls. [NOTE: See volume IV of this manual for a discussion of tonnage measurement.]
- (10) Vessel Documentation Specialist. This is an officer or employee of the Coast Guard who is responsible for the documentation of vessels under the laws of the United States, and for the examination, acceptance, and recording of bills of sale, notices of claims of lien, mortgages, and other documents relating to vessels (see 46 CFR 67.01-1). The Coast Guard is charged with maintaining such records in accordance with 46 App. U.S.C. 921-927. The vessel documentation specialist maintains the official record of the application for documentation and other submissions required by law at that home port. The vessel documentation officer is the principal advisor in vessel documentation matters for that port. Technical advice is furnished by Commandant (G-MVD).
- (11) Shipping Commissioner. [NOTE: The Coast Guard Appropriations Act passed in 1979 prohibited the Coast Guard from expending any funds in support of the Shipping Commissioners. The function of signing and discharging seamen is being performed by vessel masters in accordance with NVIC 1-86].
3. Maritime Defense Zone (MDZ). MDZ's are Navy commands, even though the MDZ Commanders may be Coast Guard officers. The MDZ's primary mission is to carry out the coastal defense of the United States. Currently the MDZ commands are engaged in developing contingency plans and conducting training exercises relating to that mission. In wartime or in times of heightened tension, the MDZ Commanders will perform those tasks relating to the coastal defense of the United States assigned by the appropriate Navy Fleet Commander-in-Chief (CINC) utilizing USCG, USN, and other DOD forces as assigned. The primary missions currently assigned to the MDZ Commanders include planning for and exercises of: command and control of assigned assets; coastal and harbor defense; and maritime surveillance. Other missions which the MDZ Commanders may perform jointly with other commands include planning for and exercises of: antisubmarine warfare (ASW); mine countermeasures; harbor breakout; and naval control of shipping. In addition, the following Coast Guard statutory responsibilities will be carried out concurrently with the MDZ mission: search and rescue (SAR); port security and safety short range ATON; domestic icebreaking; and CVS.

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CHAPTER 4. LAW ENFORCEMENT

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CHAPTER 4. LAW ENFORCEMENT

A. Enforcement Perspective And Scope.

1. Perspective. The guidance provided by this chapter signals a strong Coast Guard national law enforcement posture. This posture requires the initiation of appropriate enforcement actions which serve to minimize the risk to people, property, and the marine environment. For all situations where prima facie evidence of a violation exists, administrative, judicial, and/or criminal enforcement actions should be initiated, regardless of how the violation is discovered (i.e., through a port safety boarding, a marine inspection, or other activity). For instances involving civil violations, enforcement actions should range from issuance of a Letter of Warning for a minor, first time violation which is immediately corrected to the initiation of civil violation cases (including Letters of Undertaking/Surety Bonds or denial/revocation of endorsements for a Certificate of Documentation, as appropriate).
2. Scope. This chapter provides an overview of marine safety and environmental protection law enforcement. It defines enforcement from a system's perspective and establishes overall enforcement principles. Furthermore, this chapter categorizes enforcement options and provides policy thresholds for initiating various enforcement options. Guidance concerning specific enforcement actions are described in detail elsewhere in the Marine Safety Manual and in other instructions, as referenced within this chapter.

B. Enforcement Objectives And Principles. Law enforcement is the next logical step beyond educational efforts and regulatory controls imposed to minimize maritime risks.

1. Enforcement Objectives. Marine safety law enforcement supports the overall goals of the marine safety program to promote the safety of life and property at sea and protect the marine environment. Marine safety law enforcement actions are intended to correct deficiencies, deter future noncompliance, and minimize risks to persons, property, or the marine environment.
 - a. Mandate. Marine safety enforcement programs must successfully detect deficiencies and violations, rectify them by exercising appropriate corrective and

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operational control mechanisms, and deter future violations through the appropriate use of administrative, judicial, and criminal proceedings.

- b. Timeliness. Effective enforcement programs require timely action to detect deficiencies and violations, and complete corrective, operational, and adjudicative enforcement actions.
 - c. Documentation. Enforcement actions should be formally documented and communicated both externally (i.e., deficiency or violation notifications, letters, incident reports, etc.) to the involved parties and internally within the Coast Guard (i.e., messages, MSIS reports, etc.) as required. Meeting enforcement objectives depends in large part on informed targeting and prioritization of activities. This, in turn, is dependent upon proper documentation of enforcement actions within the Marine Safety Information System (MSIS) and access at all levels of the Coast Guard organization. See chapter 12 of this manual and COMDTINST M5230 (series) for guidance.
 - d. Measurement. Effective enforcement programs require useful measures of effectiveness; providing commanding officers, district staffs, program managers, and other decision-makers information necessary to assess the impact of Coast Guard enforcement actions employed and thus measure their effectiveness.
2. Enforcement Principles. The cognizant district commander (CCGD), Captain of the Port (COTP), Officer in Charge Marine Inspection (OCMI), and Federal On-Scene Coordinator (FOSC) must have the flexibility to tailor enforcement actions to adequately serve program goals; while maintaining a desired level of national consistency. Thus, while it is desirable, and intended, that field enforcement efforts be reasonably consistent nationwide, absolute consistency would preclude the exercise of command judgment and would be contrary to program interests.
 - a. Authority And Jurisdiction. All enforcement actions are dependent upon thorough knowledge of applicable U.S. laws, regulations and international conventions, coupled with vigilance while conducting Coast Guard activities. Enforcement actions must be exercised within the constraints of authorities and jurisdiction as discussed below:

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- (1) Authority. See chapter 2 of this manual for a complete compilation of Coast Guard marine safety related legal authorities.
 - (2) Jurisdiction. These statutory responsibilities provide Coast Guard law enforcement capabilities within specific parameters over parties, places, and events. As a concept, jurisdiction can be elusive. Its establishment is dependent upon the favorable comparison of the relevant facts of the incident with the applicability of the specific law. Each law is enacted with a particular jurisdictional scope. When in doubt, it is prudent to discuss jurisdictional issues with a legal officer.
- b. Evaluation. Proper evaluation is essential to determine relevant facts and draw conclusions concerning the deficiency including seriousness, impact, duration, culpability, etc. In situations where evidence will be collected for possible administrative adjudication or criminal prosecution, appropriate evidentiary standards must be maintained for its admissibility.
 - c. Judgment. Sound judgment must be used in employing appropriate enforcement actions. Based upon the seriousness of the deficiency and sufficiency of evidence obtained, one or more appropriate enforcement actions may be initiated: corrective action, operational controls, Suspension and Revocation (S & R) proceedings, civil penalties, and criminal prosecution. No two situations are alike and the same deficiency or violation on different ships or facilities may dictate different Coast Guard enforcement actions, depending upon variables including violation histories of the specific parties involved, differing circumstances and risks, quantity and quality of available evidence, etc. Thus, while the results of enforcement actions should be equivalent for simular circumstances, the methods used are not expected to be identical in all cases.
 - d. Fairness. All enforcement actions must be directed toward those specific parties responsible for the deficiencies or alleged violations. Otherwise, target the party subject to the law or regulation who can most effectively bring about compliance or a

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remedy. Commanding officers retain ultimate responsibility for identifying responsible parties and initiating appropriate enforcement action. The level and type of enforcement action(s) initiated should be proportional to the seriousness of the deficiency or violation in terms of the impact or potential risk to lives, property or the environment.

- e. Communication. Open communications between the Coast Guard and other entities including foreign governments, intragovernmental law enforcement agencies, regulated maritime interests, etc. is fundamental. While on-site notifications to vessel/facility personnel should be exercised to the maximum extent possible, it should be viewed only as a first step in establishing effective communication. Cognizant district commanders, COTP's, OCMI's, and FOSC's must insure that timely and accurate notification is made to all entities at the appropriate levels of management directly affected by enforcement actions which they have initiated. A summary of appeal procedures is found in chapter 2 of this manual.
- f. Cooperation. In many circumstances, other federal, state, and local law enforcement organizations share concurrent jurisdiction with the Coast Guard. When such circumstances exist, mutual assistance, close working relationships, and coordination of effort is essential to minimize duplicative requirements, leverage resources, and eliminate barriers to marine transportation due to differing federal, state, or local regimes. Additionally, international cooperation is improved through the reporting of foreign vessel detentions or the referral of deficiencies for possible flag state enforcement, as detailed in applicable international conventions.

C. Definitions.

- 1. Deficiency. A deficiency is any condition, operation, or act pertaining to a vessel or facility that fails to meet acceptable standards including but not limited to those established by applicable international conventions, U. S. laws or regulations, industry standards, equipment manufacturers recommendations, "good marine practice," etc. Examples include equipment which is considered to be unsatisfactory for its intended purpose; vessel or facility operations which place persons, property, or the

environment at risk; or inadequate response by personnel to contingency drills.

2. Violation. A violation is any deficiency resulting from a failure to meet applicable U. S. statutory or regulatory requirements where sufficient evidence exists to initiate administrative, judicial, or criminal proceedings (including suspension and revocation hearings, civil penalty hearings, and criminal prosecution) as appropriate.
 - a. Major Violation. Major violations are any criminal or civil penalty violations of federal law or regulation which create an immediate and critical risk to lives, property, or the environment.
 - b. Minor Violation. Minor violations are all civil penalty violations not classified as major.
3. Prima Facie Evidence. Prima facie evidence is evidence good and sufficient on its face; such evidence as, in the judgement of the law, is sufficient to establish a given fact, or the group or chain of facts constituting the party's claim or defense, and which if not rebutted or contradicted, will remain sufficient. Prima facie evidence is evidence which, if unexplained or uncontradicted, is sufficient to sustain a judgement in favor of the issue which it supports, but which may be contradicted by other evidence.
4. Nonconforming Vessel Or Facility. A vessel or facility is regarded as nonconforming when it fails to comply with one or more applicable requirements of U. S. laws, regulations, or international conventions.
5. Substandard Vessel Or Facility. Based upon the definition of substandard provided by International Maritime Organization Assembly Resolution A.466 (XII), a substandard vessel or facility is defined as any nonconforming vessel or facility whose hull, structure, machinery, or equipment is substantially below the standards required by U. S. law or international conventions, and whose deficiencies as a whole or individually endanger persons, property, or present an unreasonable risk to the marine environment. Conditions that could result in a vessel or facility being regarded as substandard include but are not limited to the following:

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- a. The absence of principal equipment or arrangement required by U. S. laws or international conventions (e.g., absence of required life boats, life preservers, fire hoses, or fire extinguishers);
- b. Gross noncompliance of equipment or arrangement with relevant specifications of U. S. laws or international conventions (e.g., serious deficiencies of the lifesaving, firefighting, structural fire protection, steering, propulsion, communications, navigation, or cargo systems);
- c. Substantial deterioration of the structure or its essential equipment (e.g., severely wasted hull, deck, frames, or hatch covers; or inoperative fire mains, inert gas systems, pollution prevention equipment);
- d. Noncompliance with operational standards required by U. S. law, or international convention (e.g., personnel-related factors such as inability of responsible parties to perform duties, properly conduct drills, or communicate emergency procedures).

The lack of valid certificates or their attachments required under U. S. laws or international conventions will constitute prima facie evidence that the vessel or facility may be substandard and forms the basis of a decision to conduct further examination. Similarly, conditions found aboard foreign vessels which are clearly hazardous to safety or health and in nonconformance with the standards established by the International Labor Organization Convention Concerning Minimum Standards in Merchant Ships (ILO Convention 147) are indicative that the vessel may be substandard and will normally form the basis of a decision to conduct a more in-depth examination.

6. Control. Control legally means to exercise restraining or directing influence over other parties. For the purposes of this chapter, control is any verbal or written law enforcement action by the CCGD, COTP, OCMI, FOSC or their representatives which requires compliance by responsible parties. Control may be exercised simply by bringing deficiencies to the attention of the responsible party who owns or operates specific vessels or facilities and directing that corrective action be taken, or may be carried out through other enforcement actions including the initiation of operational controls,

S & R proceedings, civil penalties, and criminal prosecution.

7. Port State Control Of Foreign Vessels. Port state control is the exercise of controls over a foreign vessel by the government of a nation within which the vessel is operating. Within the context of this chapter, port state enforcement controls exercised by the U. S. Coast Guard are taken against nonconforming foreign flag vessel owners/operators and consist of corrective actions, operational controls, civil penalty action, and/or criminal prosecution.
8. Flag State Control Of U. S. Vessels. Flag state control is the exercise of control over a vessel anywhere in the world by the government of the nation whose flag the vessel is entitled to fly. Within the context of this chapter, flag state enforcement controls of U. S. flag vessels by the U. S. Coast Guard include the full range of enforcement controls authorized by law including corrective actions, operational controls, S & R proceedings, civil penalty action, and/or criminal prosecution.
9. SOLAS Intervention. A SOLAS intervention is a port state enforcement action over a foreign ship taken under the authority of Regulation 19 of Chapter I of the applicable International Convention for the Safety of Life at Sea (SOLAS) which interposes the authority of the port state between the ship and that of the flag state in order to enforce SOLAS requirements. SOLAS interventions may take several forms including requiring corrective actions, requiring a vessel to proceed for repairs, denying entry, detaining in port, etc.
10. Detention. A detention is the imposition of specific port state or flag state operational controls which prevent a vessel's departure from U. S. waters until such time as the vessel is deemed safe to proceed on its voyage. Detentions may also be imposed to ensure compliance with marine safety and pollution prevention requirements, collection of assessed civil penalties, and receipt of Letter of Undertaking/ Surety Bond to assure payment of a penalty, should it be assessed. The imposition of a restriction on a vessel's movement constitutes a detention, regardless of whether a delay from a vessel's normal or expected itinerary occurs. Detentions are normally effected through execution of one of the following controls:

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- a. CCGD/COTP Detention. A CCGD or COTP Detention Order is a detention imposed when there is reason to believe that a vessel may be unsafe or may pose a threat to the marine environment, under the authority of the Ports and Waterways Safety Act of 1972 (33 U.S.C. 1221) and implementing regulations of 33 CFR 160.113.
 - b. SOLAS Intervention Detention. A SOLAS intervention detention is an enforcement action taken under the authority of Regulation 19 of Chapter I of the applicable International Convention for the Safety of Life at Sea (SOLAS) in order to ensure foreign ships do not sail until they can proceed to sea, or proceed from port for repairs, without danger to the ship or persons on board.
 - c. Customs Hold. A customs hold is a detention imposed by the U. S. Customs Service, under applicable U. S. laws and regulations (including 19 CFR 4.61) in order to ensure vessel compliance with applicable shipping laws and international conventions as discussed in paragraph 4.E.1.a.(1) of this chapter.
- D. Enforcement Policy. A strong Coast Guard national law enforcement posture requires the initiation of appropriate enforcement actions which serve to minimize the risk to people, property, and the marine environment. For all situations where prima facie evidence of a violation exists, administrative, judicial, and/or criminal enforcement actions should be initiated, regardless of how the violation is discovered (i.e., through a port safety boarding, a marine inspection, or other activity). For instances involving civil violations, enforcement actions should range from issuance of a Letter of Warning for a minor, first time violation which is immediately corrected to the initiation of civil violation cases (including Letters of Undertaking/Surety Bonds or denial/revocation of endorsements for a Certificate of Documentation, as appropriate).
1. Overview. Enforcement controls may be taken independently or in conjunction with one another, as appropriate. Commanding officers should consider the full range of enforcement options available, and ensure the most effective collective means is employed to achieve the Coast Guard's program goals relative to marine safety, security and environmental protection. As authorized by law, enforcement actions target entities

and documents including but not limited to: individuals; Coast Guard issued licenses and merchant mariner's documents; legal entities such as partnerships and corporations; public entities such as other federal, state, or local governments; etc. Depending upon the circumstances, multiple enforcement actions may and often should be initiated for the same deficiency, including corrective actions, operational controls, S & R actions, and civil violation cases, and criminal prosecution as appropriate. However, investigations must be conducted and sufficient evidence obtained in order to initiate appropriate administrative, judicial, or criminal proceedings for suspected violation of federal laws and regulations. Figures 4-1, 4-2, and 4-3 summarize available controls for foreign vessels, U. S. flag vessels, and inspected waterfront facilities.

2. Enforcement Thresholds And Appropriate Controls. The following enforcement policy, identifying enforcement thresholds and appropriate use of enforcement controls, is intended to provide relative consistency, across distinct operational commands (i.e., among field units and CCGD's) and programs (i.e., among COTP, OCMI, and FOSC), in selecting appropriate actions within the enforcement spectrum:
 - a. Corrective Actions And Operational Controls. Upon discovery of a nonconforming vessel or facility, initial enforcement actions should establish a sufficient level of corrective actions and/or operational controls necessary to fix the problem and to minimize any resultant risk to persons, property, or the environment. The selection of appropriate corrective actions and/or operational controls require sound judgement which balances factors such as: the seriousness of the deficiency, the specific nature of the deficiency (i.e., noncompliance with U. S. law, regulation, international convention, industry standard, manufacturers instructions, "good marine practice," etc.), and the parties involved (i.e., owners, operators or persons in charge of U. S. flag vessels, foreign flag vessels, and facilities). The use of corrective actions or operational controls alone are only appropriate for situations which lack sufficient prima facie or substantial evidence necessary to prove that a violation occurred.

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- (1) Corrective Actions. Corrective actions are normally employed to allow nonconforming vessels or facilities to rectify less serious deficiencies within a reasonable period of time or to formally notify responsible parties of their legal responsibilities. Examples of specific enforcement actions available include:
 - (a) Verbally point out deficiencies, enabling on-the-spot correction. (OCMI, COTP, FOSC)
 - (b) List deficiencies and require corrective actions within a reasonable time period, or possibly deferring corrective action until a vessel's next drydocking. In all cases, deficiencies should be properly documented utilizing the appropriate MSIS product sets, and the responsible parties formally advised of the deficiencies. Formal notification should be accomplished by providing the master, owner, agent, or person-in-charge with a copy of the appropriate form listing the deficiencies. For example for U. S. vessels, use Form CG835, Merchant Marine Inspection Requirement, for examined commercial foreign flag vessels use Form CG-5437, Vessel Boarding Report; or Form CG-840S-2, Tank Vessel Enclosure; as appropriate. For inspected waterfront facilities, use Form CG-4200, Waterfront Facility Inspection Report. See chapter 2, 3, 20, and 22 of volume II of this manual for guidance, as detailed in the index under deficiencies. (OCMI, COTP)
 - (c) Issue a FOSC Letter of Federal Interest to potential responsible parties, as discussed in chapter 7 of volume VI of this manual. (FOSC)
- (2) Operational Controls. Operational controls are employed to prevent, restrict, or direct operations of vessels or facilities based upon more serious deficiencies. Operational controls are normally exercised as a preventative measure when greater control of nonconforming vessels or facilities is necessary to adequately reduce risks of injury, property damage or pollution.

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Operational controls often have a greater impact on vessel and facility operators than do corrective actions, particularly when those controls may halt operations in progress, restrict planned operations, or prevent vessel movements. For example, operational controls often have major impacts on vessels subject to payment of demurrage costs or facilities with pending cargo operations. In situations where major deficiencies are reported to the Coast Guard by conscientious owner/operators and appropriate corrective measures are initiated voluntarily which are acceptable to the COTP/OCMI/FOSC, a SOLAS intervention may be unnecessary. For example, a vessel which becomes nonconforming as a result of casualty damage suffered while within or enroute to the U. S., whose owner/operator notifies the OCMI/COTP of the deficiencies and voluntarily agrees to initiate appropriate corrective measures while in port would not normally be subjected to a SOLAS intervention. Appropriate operational controls necessary to protect life, property, or the environment within the port should be imposed through a COTP order or other authority in such circumstances. However, a SOLAS intervention should normally be initiated in situations where the deficiency appears to be the result of long term neglect, mismanagement, poor maintenance or operating practices, inability to carry out necessary operations or other circumstances that are not the result of an accident or unforeseeable equipment failure. The following categorization, while not all inclusive, provides many of the enforcement controls available to the CCGD, COTP, OCMI, and FOSC.

- (a) Substandard vessels and facilities should normally be prevented from operating until such time as it has been positively verified that they are safe enough to do so without endangering persons, property, or presenting an unreasonable risk to the marine environment. In cases where vessels are found to be substandard, operational controls through SOLAS intervention directing the vessel to proceed for repairs, denying entry, or detaining it in

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port should normally be initiated for those circumstances where the vessel's substandard condition is wholly or partially the result of a failure of the owner, operator, flag state, or classification society to ensure compliance with applicable SOLAS standards. Cognizant district commanders and unit commanding officers will normally exercise the following operational controls, as appropriate:

- (i) Deny entry of vessels into U. S. waters, under the authority of 33 CFR 160.107 and 33 CFR 160.111 or through SOLAS intervention, under the authority of Regulation 19 of chapter I. For denial of entry for foreign vessels under SOLAS authority, see paragraph 4.E.2 of this chapter for international reporting requirements and chapter 20 of volume II of this manual for detailed guidance. (CCGD, OCMI, COTP)
- (ii) Detain vessels from departing port. While 33 U.S.C. 1223 (b)(1) provides the Coast Guard with statutory authority to detain vessels, international conventions authorize controls by the U.S. government as follows:
 - A. CCGD/COTP Detention. CCGD/COTP Detentions are appropriate for nonconforming U. S. vessels or for foreign vessels which are either not conforming to the Act to Prevent Pollution from Ships (MARPOL Annexes I, II, and V per 33 U.S.C. 1901 et seq.) or have uncorrected deficiencies of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) relating to the certification of the master, chief engineer, and other officers or ratings, and which

pose a danger to persons, property, or the environment. See paragraph 4.E.2 of this chapter for international reporting and referral requirements. (CCGD, COTP)

B. Detention through SOLAS Intervention. Detentions through SOLAS intervention, under the authority of SOLAS Regulation 19 of Chapter I, are appropriate for substandard foreign vessels subject to SOLAS. See paragraph 4.E.2 of this chapter for international reporting/referral requirements and chapter 20 of volume II of this manual for detailed guidance. (OCMI)

C. Customs Hold. U. S. Customs may withhold clearance of U. S. vessels or foreign vessels departing the United States on international voyages for specific situations when requested by the COTP, OCMI, or FOSC. See paragraph E.1.a.(1) of this chapter for applicability.

(iii) Remove certificate of inspection for substandard inspected U. S. flag vessels, under flag state controls authorized under 46 U.S.C.A. 3313 (b)-(d) and 46 CFR 2.01-20. (OCMI)

(iv) Direct a vessel to proceed for repairs under the authority of 46 U.S.C.A. 3313 for U. S. vessels or SOLAS Regulation 19 for foreign vessels. For guidance concerning U. S. vessels, see chapter 13 of volume II of this manual. For foreign vessels, see paragraph 4.E.2 of this chapter for international reporting/referral requirements and chapter 20 of volume II of this manual for detailed guidance. (OCMI)

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- (v) Revoke classification as designated waterfront facility under 33 CFR 126.13 and/or designated facility of particular hazard under 33 CFR 126.16, as appropriate. (COTP)
- (vi) Revoke Certificate of Adequacy for Reception Facilities, Form CG-5401, under 33 CFR 158.170. (COTP)
- (b) Nonconforming vessels and facilities with more serious deficiencies will be controlled until such time as it has been positively verified that they are capable of operating without endangering persons, property, or presenting an unreasonable risk to the marine environment. Depending upon the situation, unit commanding officers will exercise appropriate operational controls, such as controls identified for substandard vessels and facilities or other operational controls, which include:
 - (i) Remove, revoke, or void specific permits and certificates authorizing specific operations including:
 - A. Hot Work Permits, Form CG-4201, as required by 33 CFR 126.15 (c) or 49 CFR 176.54 for designated waterfront facilities, facilities of particular hazard, coal/grain facilities, shipyards, and vessels. See chapter 1 of volume VI of this manual for guidance. (COTP)
 - B. Application and Permit to Handle Hazardous Materials, Form CG4260, as required by 49 CFR 176.415 and 33 CFR 126.17. See chapter 1 of volume VI of this manual for guidance. (COTP)
 - C. Anchorage permit for federal anchorages described in 33 CFR 110 and discussed in chapter 1 of volume VI of this manual. (COTP)

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- D. Permits for handling designated dangerous cargo under 33 CFR 126.23 and/or permit for handling dangerous cargo under 33 CFR 126.31. (COTP)
- (ii) Direct a commercial U. S. vessel subject to inspection to cease operations, under flag state controls authorized by 46 U.S.C.A. 3311 and 3313. (OCMI)
- (iii) Place appropriate flag state CG-835 restrictions on U. S. commercial vessel navigation or operations currently authorized under a valid certificate of inspection, issued under 46 U.S.C.A. 3313 (b)-(d) and 46 CFR 2.01-20, for U. S. flag vessels. (OCMI)
- (iv) Restrict foreign vessel operations by formalizing appropriate port state controls on certificates issued under 46 CFR 2.01-6 including: Coast Guard Tank Vessel Examination Letter, Form CG-840S-2 for vessels carrying flammable or combustible bulk liquid cargoes listed in 46 CFR 30.25, Letter of Compliance, Form CG-2832 for vessels carrying bulk dangerous cargoes per 46 CFR 153.9, and Control Verification, Form CG-4504 for foreign passenger vessels. See chapters 19-21 of volume II of this manual for guidance. (COTP, OCMI)
- (v) Place appropriate flag or port state navigational restrictions upon issuance of a Letter of Deviation, under 33 CFR 164.53 and 164.55, authorizing individual commercial vessels greater than 1600 gross tons to operate with inoperative equipment or in deviation of the 33 CFR 164 regulations. (COTP)

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- (vi) Place appropriate operational restrictions on any vessel or waterfront facility using CCGD or COTP orders, under the Ports and Waterways Safety Act (33 U.S.C. 1221 et. seq.) and associated regulations of 33 CFR 160 Subpart B. (CCGD, COTP)

- (vii) Notify U. S. Department of Labor and attempt to resolve International Labor Organization Convention Concerning Minimum Standards in Merchant Ships (ILO Convention 147) deficiencies which are found aboard foreign vessels to be clearly hazardous to safety or health. Often the existence of such deficiencies are indicative that the vessel may be substandard, as defined in section 4.C.5 of this chapter, and will normally form the basis of a decision to conduct a more in-depth examination. However, ILO Convention 147 deficiencies in and of themselves do not justify the imposition of any operational controls (i.e., vessel detention) due to the lack of appropriate implementing legislation. Therefore the guidance provided in paragraphs 3.d.(2) and 4.c.(7) of COMDTINST 16711.12 can not be taken until the development of implementing legislation. In lieu of resolution of deficiencies resulting from actions by the United States, deficiencies may be referred internationally for action. See paragraph 4.E.2 of this chapter for referral guidance. (COTP, OCMI)

- (viii) Control vessel or facility operations under the Federal Water Pollution Control Act, as amended (FWPCA, 33 U.S.C. 1321), the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA, 42 U.S.C. 9604) or Intervention on the High Seas Act, as amended (33 U.S.C. 1471-

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1487). See COMDTINST 16451.5 (series) for guidance. (COTP, FOSC)

- (ix) Issue administrative orders necessary to protect the public health and welfare under Section 106(a) of CERCLA (42 U.S.C. 9604) or Section 311(e)(1)(B) of the FWPCA (33 U.S.C. 1321) to a vessel or facility requiring corrective measures when there is a threat of release involving oil, hazardous substances, or hazardous materials. (FOSC)
 - (x) Issue suspension orders, under 33 CFR 156.112, to terminate transfer operations in order to prevent a possible discharge of oil or hazardous material. (COTP, OCMI)
 - (xi) Require advance notice of transfer under 33 CFR 156.118 to target bulk liquid facilities conducting transfer operations. (COTP)
 - (xii) Request a U. S. Customs Service hold of vessel documents to prevent its departure. See paragraph E.1.a.(1) of this chapter for guidance. (COTP, OCMI, FOSC)
 - (xiii) Request a Temporary Restraining Order or injunction by Federal Court, after consulting with the district legal officer. See paragraph E.1.a.(2) of this chapter for guidance. (CCGD, COTP, OCMI, FOSC)
- b. Suspension And Revocation Proceedings. S & R administrative proceedings are a U. S. flag state vessel control measure which should be initiated for all situations where sufficient prima facie evidence exists that a mariner acting under the authority of a license, merchant mariner's document (MMD), or certificate of registry has committed an act of misconduct, negligence or incompetence (as defined in 46 CFR Subchapter B and 33 CFR 95), committed an act described in 46 U.S.C.A. 7703 (Bases for suspension

or revocation) or 46 U.S.C.A. 7704 (Dangerous drugs as grounds for revocation), or has violated any law or regulation intended to promote marine safety or to protect navigable waters. S & R actions, described in detail in volume V of this manual, include issuance of letters of warning and initiation of administrative proceedings under 46 U.S.C.A. Chapter 77 against any license, certificate of registry, or MMD issued by the Coast Guard. S & R cases are prosecuted by the Coast Guard under the procedures set forth in 46 CFR 5. (OCMI)

- c. Civil Penalty Violations. Civil penalty enforcement actions are separate and distinct from S & R proceedings which can also be initiated for the same offense(s). Civil penalty actions, described in detail in chapter 5 of this manual, should be initiated by the COTP, OCMI, or FOSC whenever sufficient prima facie evidence is obtained necessary to establish that certain parties violated federal law or regulation. Civil penalty enforcement actions should target those parties who can most effectively bring about compliance or a remedy and those who need to be deterred from committing future violations. For violations where several parties can with equal effectiveness bring about compliance or remedy, then civil penalty actions selected should target those parties whose failure to comply requires the greatest degree of correction. All conditions must be examined carefully for circumstances where separate civil penalty actions can and should be brought at the same time against liable parties as follows:

- (1) Letters Of Warning. A Letter of Warning is appropriate for minor violations which are corrected immediately by conscientious operators. The discovery of administrative errors in dangerous cargo manifests (i.e., missing call sign, not signed by master, etc.), incorrectly sized lettering on required warnings or signs, etc. are obvious examples where use of a Letter of Warning for first time violations is appropriate. However, a history in MSIS of continuing violations by the same party for similar U. S. laws or regulations; even though continually corrected on the spot (i.e., a history of noncompliance with detailed regulatory requirements concerning dangerous cargo manifests for a particular vessel

operator), indicates the need to exercise more stringent enforcement actions to encourage compliance. (COTP, OCMI, FOSC)

- (2) Submittal Of Violation Cases For Civil Penalty Adjudication. The COTP, OCMI and FOSC should normally initiate the civil penalty assessment process for all major non-criminal violations, for repeat offenders, and any minor violations which are not corrected immediately by the responsible party.
- (a) Recommended Penalties. If the statute does not specify factors to be considered when recommending penalty amounts, recommendations will be based upon factors including the circumstances of the incident and resultant seriousness of the violation (i.e., major or minor violation), culpability, prior history of similar violations, economic benefit of noncompliance to the responsible party, degree of success by the responsible party to minimize or mitigate injury and/or risk, etc. See COMDTINST 16200.3 (series) and chapter 5 of this manual for recommended penalty amounts and program specific policy.
- (b) Adjudication. Civil penalties, other than more serious FWPCA/CERCLA violations, are adjudicated by Coast Guard hearing officers under 33 CFR 1.07 non-adversarial proceedings and hearing officer guidance contained within COMDTINST 16200.5 (series). For FWPCA/CERCLA violations cases may be heard by hearing officers as Class I cases under 33 CFR 1.07 proceedings, prosecuted by the Coast Guard in a trial type hearing before Administrative Law Judges as Class II cases under 33 CFR 20 proceedings, or are referred to the Department of Justice for prosecution as a judicial civil penalty case. See COMDTINST 16200.3 (series) and chapter 5 of this manual for additional guidance.

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- (3) Letters of Undertaking/Surety Bonds For Foreign Vessels. Whenever a violation case is pursued, the COTP, OCMI, or FOSC should normally require a Letter of Undertaking (LOU) or Surety Bond from the vessel owner, operator, or person in charge of a foreign vessel as a port state control measure to assure payment of a penalty or fine. Specifics are as follows:
- (a) For the maximum penalty amount which may be assessed under the law for any prima facie civil penalty or criminal case initiated for suspected violation of the FWPCA (under 33 U.S.C. 1321(b)(12) or MARPOL (under the Act to Prevent Pollution from Ships, 33 U.S.C. 19089(e)). However, for FWPCA violations, if it is clear to the COTP that the Class I or Class II civil penalty forum would be appropriate for the violation, then the value of the LOU/Surety Bond should be based upon the statutory maximum penalties provided under those forums. The COTP, OCMI, or FOSC may request a U. S. Customs hold to assure compliance. See paragraph E.1.a.(1) of this chapter for further information.
 - (b) To compel payment of civil penalties or criminal fines assessed for violation of any of the following laws:
 - (i) Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.);
 - (ii) Tank vessel operating or inspection requirements (46 U.S.C.A. Chapter 37);
 - (iii) Inland Navigation Rules Act (33 U.S.C. 2071);
 - (iv) Act to Prevent Pollution from Ships (MARPOL Annexes 1, II, and V per 33 U.S.C. 1901 et seq.); or
 - (v) Federal Water Pollution Control Act, as amended (33 U.S.C. 1321) Section 311 (B)(3), 311 (C), 311 (J), and 311 (E).

(4) Denial And Revocation Of Endorsements For A Certificate Of Documentation For U. S. Vessels.

As a flag state control measure for U. S. vessels, Coast Guard documentation officers may deny the issuance or renewal of, or may revoke, the endorsements on a Certificate of Documentation issued to a U. S. flag vessel if the owner of the vessel has failed to pay a civil penalty assessed by the Coast Guard. These enforcement actions are authorized by 46 U.S.C.A. 12123 (The Oceans Act of 1992, Public Law 102-587).

- d. Criminal Violations. Violations of certain statutes entail both civil and criminal penalties, as permitted by the specific law. For example, negligent operations of a vessel under 46 U.S.C.A. 2302 provides for either civil penalty adjudication or criminal prosecution as a class A misdemeanor. During the initial investigation of possible criminal violations, the COTP, OCMI, or FOSC should normally request participation of the Coast Guard senior special agent assigned at the cognizant district office. Special agents possess criminal investigation skills which are useful when collecting evidence, interviewing suspects, etc. When sufficient evidence exists to suspect criminal violation of Federal law by specific parties, the cognizant district legal officer may seek criminal prosecution through referral to the Department of Justice in accordance with the procedures established in 33 CFR 1.07-90. For violations carrying both a civil and a criminal penalty, the cognizant district commander is authorized to determine whether to recommend civil penalty proceedings or seek criminal prosecution, per 33 CFR 1.07-95. In order for the cognizant district commander or Commandant to consider criminal action, substantial evidence establishing all elements of the violation must be properly obtained and safeguarded in accordance with Federal Rules of Evidence standards. Criminal enforcement actions are described in detail in chapter 5 of this manual.

E. Intragovernmental And International Enforcement Coordination.

1. Intragovernmental Enforcement Coordination.

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- a. U. S. Government Agencies. U. S. maritime law enforcement efforts involve many other federal agencies, including the Minerals Management Service, Immigration and Naturalization Service, U. S. Customs Service, U. S. Army Corps of Engineers, Research and Special Programs Administration, the Federal Communications Commission, Department of Labor, Environmental Protection Agency, Occupational Safety and Health Administration, Federal Bureau of Investigation, U. S. Fish and Wildlife Service, Department of Interior, Maritime Administration, Animal and Plant Health Inspection Service of the U.S. Department of Agriculture, etc. Interagency coordination of effort has been established through Memorandums of Understanding, Memorandums of Agreement, and Interagency Agreements, and are contained in volume X of this manual. In particular, the U. S. Customs Service and Department of Justice often provide significant law enforcement assistance, as follows:

- (1) Customers Service Holds On Vessels (OCMI, COTP, FOOSC). Under the authority of 46 U.S.C. 91, vessels intending to depart the United States for a foreign port must obtain a clearance from the U.S. Customs Service. The Customs Service under 19 CFR 4.61 and applicable U. S. law, will normally withhold or deny clearance based upon a request from the Coast Guard in order to ensure vessel compliance with shipping laws and international conventions. Normally, the U. S. Customs Service will exercise its authority to hold vessels in order to:
- (a) Obtain compliance of specific laws and implementing regulations through the exercise of the following specific citations authorizing detention or denial of clearance:
- (i) U. S. vessel documentation requirements (46 U.S.C.A. 12102) under 19 CFR 4.61(b)(3);
- (ii) Applicable load line requirements (46 U.S.C.A. 5113(b) under 19 CFR 4.65a;
- (iii) Certificate of Inspection or Control Verification requirements (46

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U.S.C.A. Chapter 33) under 19 CFR 4.66;

- (iv) Any violation of regulations in 33 CFR 130 regarding requirements for Certificates Of Financial Responsibility for oil pollution, under 33 U.S.C. 2716 (b)(1);
 - (v) Permit under the Shore Protection Act of 1988 under 33 U.S.C. 2605 (c); and
 - (vi) Requirements relating to a Certificate issued under the International Convention for the Prevention of Pollution from Ships (MARPOL) when the vessel in question is subject to a Coast Guard detention order (33 U.S.C. 1904 (f), 19 CFR 4.66c. (b) and (c)).
- (b) Obtain Letter of Undertaking or Surety Bond required under 33 U.S.C. 1321(b)(12) from a vessel owner, operator, or person in charge based upon the existence of either known liability for an existing unpaid FWPCA civil penalty or the existence of prima facie evidence to suspect an FWPCA violation has occurred. Customs Service authority is detailed in 19 CFR 4.66a. See paragraph 4.D.2.c.(3) of this chapter for additional information. (OCMI, COTP)
 - (c) Obtain Letter of Undertaking or Surety Bond required under 33 U.S.C. 1908 (e), of the Act to Prevent Pollution from Ships, from a vessel owner, operator, or person in charge based upon the existence of either known liability for an existing unpaid MARPOL civil penalty or criminal fine, or the existence of prima facie evidence to suspect a MARPOL violation has occurred. Customs Service authority is detailed in 19 CFR 4.66c (a). See paragraph 4.D.2.c.(3) of this chapter for additional information. (OCMI, COTP)
- (2) Department Of Justice Assistance (COTP, OCMI, FOSC).

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- (a) Request a temporary restraining order (TRO) or injunction from federal court to prohibit a person from carrying out a specific act, the violation of which results in arrest. Federal court action should only be sought when all direct enforcement actions have proven insufficient to prohibit individuals from initiating or continuing high risk operations. For example, a TRO or injunction might be sought when a vessel subject to inspection continues to operate without a Certificate of Inspection, despite notification of the inspection requirements and a direction to cease operations. Consult the cognizant district legal officer prior to initiating any such request.
 - (b) Request the U. S. attorney to prosecute criminal violations. Use of statutes or regulations providing for criminal penalties against individuals may be initiated when appropriate, regardless of whether or not the individuals involved hold Coast Guard issued licenses/documents or certificates of registry. The COTP, OCMI, or FOSC should forward possible criminal violation cases to the cognizant district legal officer for review and possible referral to the U. S. attorney for action. Examples include reckless and negligent operation of a vessel, intoxication while operating a vessel, and intentional discharges or failure to notify in pollution cases.
- b. State Governments. Many states with coastal zones and inland waterways open to commercial vessel traffic have established programs which parallel Coast Guard marine safety efforts. With the passage of the Oil Pollution Act of 1990, many states are redefining and expanding their marine safety and marine environmental protection programs through state legislation and regulation. Coast Guard and state efforts are coordinated through Memorandums of Understanding (MOU) between Coast Guard district commanders and individual states. These MOU's are

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agreements of broad scope, coordinating the state's and the Coast Guard's international, domestic, regional, state and local agendas, and providing the foundation for law enforcement cooperation.

2. International Enforcement Coordination.

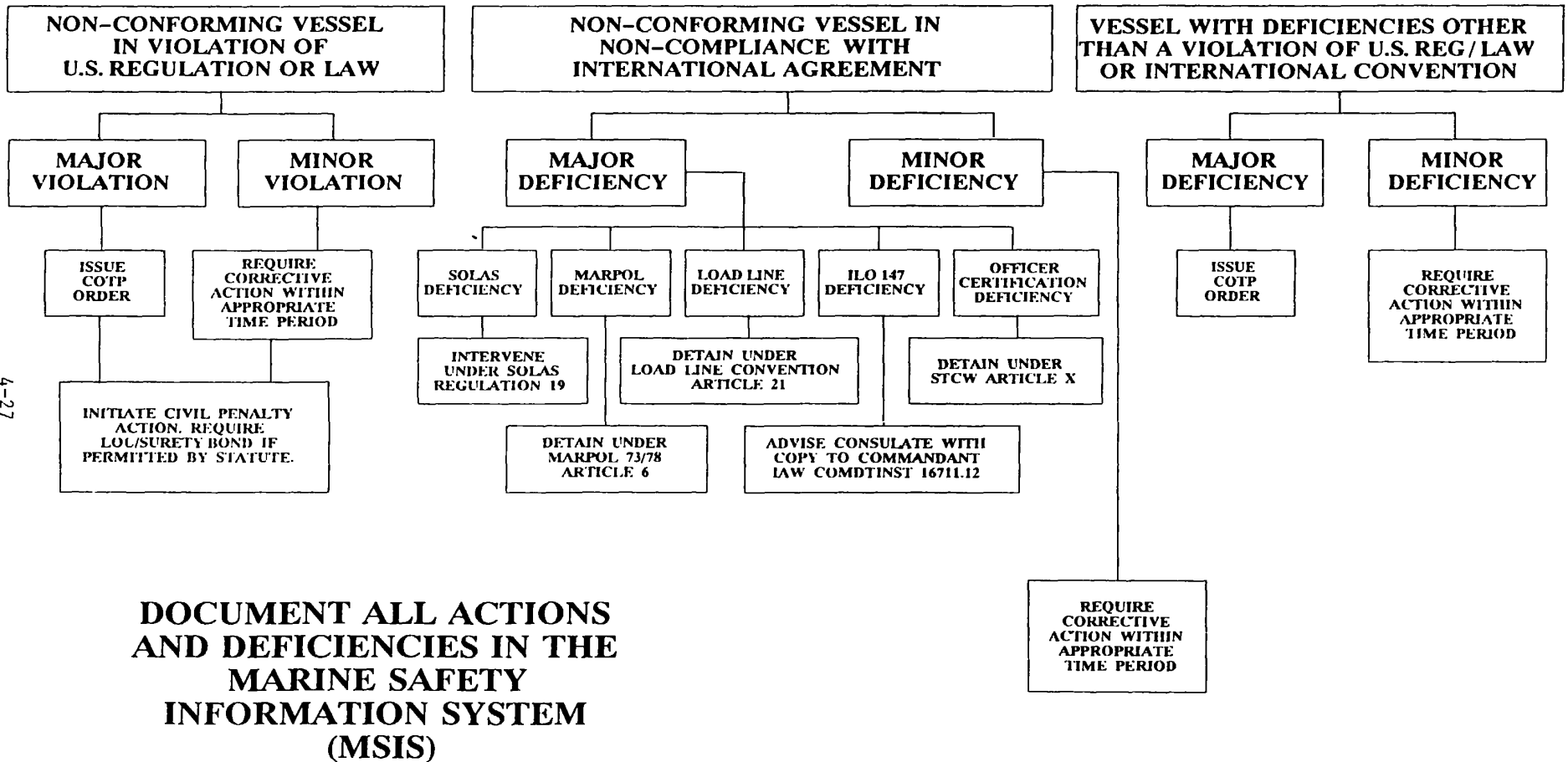
- a. General. Formal communication between the United States and foreign governments encouraging improved enforcement of international safety, security or environmental protection requirements (i.e., SOLAS, STCW, ILO 147, MARPOL, etc.) are often an effective means of eliciting increased cooperation. Coast Guard requests will normally be initiated by the appropriate G-M program manager, cleared by the chain of command, and forwarded as follows:
 - (1) SOLAS, STCW, And ILO 147 Communication. Communications concerning SOLAS, STCW, and ILO 147 are routed to the Director of the Office of Maritime and Land Transit (EB/TRA/MA) at the U. S. State Department for action.
 - (2) MARPOL Communication. Communications concerning MARPOL are routed to the Director of the Office of Oceans and International Scientific Affairs (OES) at the U. S. State Department for action.
- b. Detention Reporting And Deficiency Referrals. International reporting of specific port state detentions/interventions under the applicable international convention or the referral of STCW, MARPOL, SOLAS, or ILO 147 deficiencies for possible flag state control are as follows:
 - (1) STCW Detention. Formal notification must be made to the vessel master, and Consul or nearest diplomatic representative or the maritime authority of the flag state of such action. (See Article X (2) of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978). Notifications received by G-M from foreign governments concerning detentions of U. S. vessels will be forwarded to the cognizant OCMI for appropriate enforcement action.
 - (2) MARPOL Deficiency Referral. The appropriate G-M program manager may refer the matter to the flag

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state through the Secretary of State for appropriate action by the flag state, rather than taking the actions authorized under the Act to Prevent Pollution from Ships (APPS), per 33 U.S.C. 1908 (f). Referrals made by foreign governments to G-M concerning U. S. flag vessel deficiencies will be forwarded to the cognizant OCMI for appropriate enforcement action.

- (3) SOLAS Intervention. Although Regulation 19 (d) of Chapter I requires formal notifications to be made in the event of a SOLAS intervention of any kind, the universally accepted convention and Coast Guard policy is to formally report only those SOLAS interventions requiring a vessel to proceed for repairs, to be detained in port, or to be denied entry. Formal notifications of other SOLAS interventions may be made when deemed necessary by the OCMI. Formal notification must be made to the vessel master, and Consul or nearest diplomatic representative or the maritime authority of the flag state of such action. Notifications received by G-M from foreign governments concerning interventions of U. S. vessels will be forwarded to the cognizant OCMI for appropriate enforcement action.
- (4) ILO 147-Deficiency Referral. The appropriate G-M program manager may prepare a report referring deficiencies to the flag state (with a copy to the Director General of the International Labor Office), for action under Article 4 of the Convention Concerning Minimum Standards in Merchant Ships (Convention No. 147). See COMDTINST 16711.12 (series) for details. Referrals made by foreign governments to G-M concerning U. S. flag vessel deficiencies will be forwarded to the cognizant OCMI for appropriate enforcement action.

**FOREIGN FLAG VESSEL
PORT STATE CONTROL**



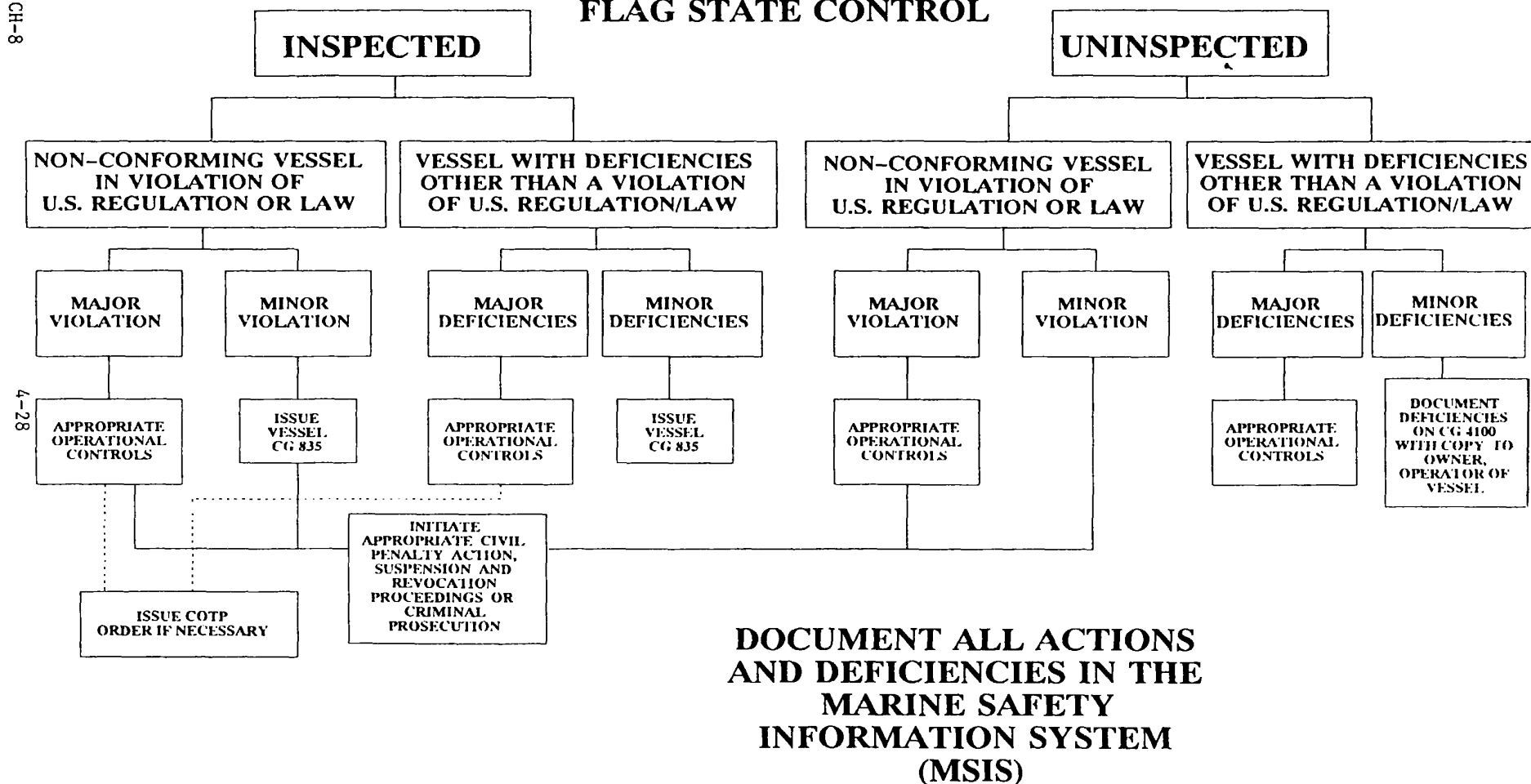
NOTE: This figure summarizes hypothetical enforcement actions and therefore should not be considered as limiting the use of all appropriate actions necessitated by the situation encountered.

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**UNITED STATES FLAG VESSEL
FLAG STATE CONTROL**

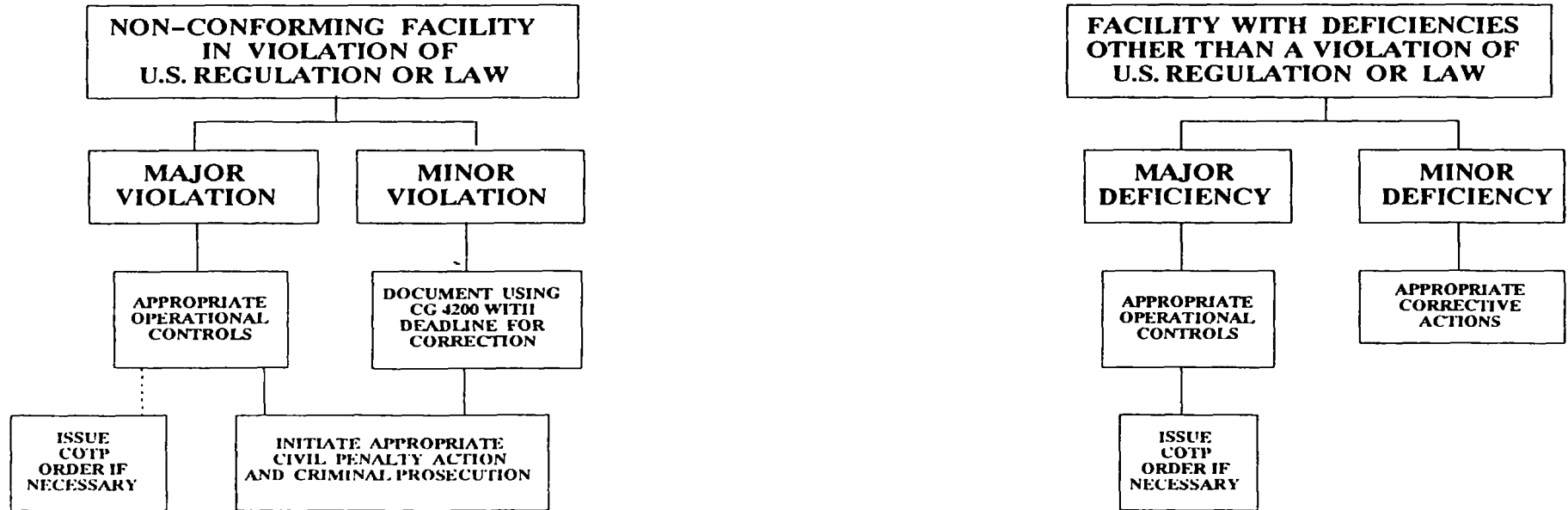
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NOTE: This figure summarizes hypothetical enforcement actions and therefore should not be considered as limiting the use of all appropriate actions necessitated by the situation encountered.

FACILITY CONTROLS



DOCUMENT ALL ACTIONS AND DEFICIENCIES IN THE MARINE SAFETY INFORMATION SYSTEM (MSIS)

NOTE: This figure summarizes hypothetical enforcement actions and therefore should not be considered as limiting the use of all appropriate actions necessitated by the situation encountered.

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CHAPTER 5. CIVIL PENALTY VIOLATIONS AND CRIMINAL OFFENSES

- A. General Violation Case Procedures. This chapter addresses the roles of the district commander, district program managers, and the civil penalty hearing officer in the disposition of reported violations of federal statutes or regulations. Its purpose is to promote uniform procedures in the preparation and processing of both civil penalty and criminal violation cases.
1. Civil Penalty Hearing Officer. The district commander delegates to one or more staff officers or employees the authority to act as a civil penalty hearing officer. The hearing officer reports directly to the district chief of staff (dcs) (see chapter 1 of this volume).
 - a. Relationship With Cases. Hearing officers decide civil penalty cases and, therefore, may have no other connection with any cases they decide. Hearing officers functioning on a collateral basis shall not hear cases involving the program to which they are assigned on a primary duty basis; for example, a hearing officer whose primary duty is with the district (mep) branch may not hear marine environmental protection (MEP) cases. Such cases should be referred to another hearing officer or returned to the district program manager with a written explanation.
 - b. Responsibility. Each hearing officer is solely responsible for the decisions made in those cases heard. Decisions are based on the evidence in the case record and on the applicable laws, regulations, and authoritative agency interpretations.
 - c. Criteria For Selection. Because hearing officers are in "high-visibility" positions dealing with inherently contentious matters, and their decisions may often be subject to judicial review, persons selected to serve in this capacity should be carefully considered on the basis of superior personal and professional traits. Hearing officers should display patience, mature judgment, and judicious temperament, especially in difficult situations. While there is presently no general requirement for a hearing officer to be of a particular rank or grade, the individual should normally be a lieutenant commander (or equivalent) or above.
 2. Civil Penalty Case. The rules governing civil penalty proceedings are found in 33 CFR 1.07.
 - a. Initiation Of Violation Cases. Information concerning apparent violations of federal law or regulation can be received from a variety of sources other than observing Coast Guard units. For example, local or other federal agency law enforcement personnel, or private citizens, may report to the Coast Guard the occurrence of an alleged reckless or negligent operation of a pleasure boat, or other vessel type. The district commander establishes policy regarding the scope and extent for the investigation of such reported incidents. Upon the completion of an investigation by a Coast Guard unit and the preliminary conclusion that a violation did occur, appropriate

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5.A.2. a. (cont'd) documentation, such as a Report of Violation, Form CG-2636, is prepared. A Marine Safety Information System (MSIS) MVR entry is made when required. Documentation, evidence, and other material on the incident, are forwarded to the district (program manager) in which the alleged violation occurred. When an agency other than the Coast Guard conducts the investigation, that agency's investigative report should be forwarded as part of the violation case. When an early determination is made that an investigation might be better conducted by another Coast Guard district, or unit of that district, and the other district has been consulted, the initial report and other information on the incident may be forwarded without preparation of a Report of Violation.

b. Preparation Of Civil Penalty Cases. Upon receipt of a violation case, the district program manager evaluates it to determine whether there is sufficient evidence to establish a "prima facie" (i.e., all elements of the violation are shown) civil penalty case. Care must be taken to ensure that all of the evidence in support of the case is present, i.e., the facts available for development of key conclusions should accompany those conclusions. If the program manager determines that a prima facie civil penalty case exists that warrants assessment of a civil penalty, the case should be prepared and submitted to the hearing officer. These evaluations and submissions should be made in accordance with current program guidelines. The district program manager may close a violation case any time prior to its forwarding to the hearing officer; for example, this might occur with the issuance of a district commander's Letter of Warning, or due to the party's participation in the Marine Safety Reporting Program (MSRP). When possible, program managers should advise originating units of the disposition of their cases, including the reasons for the actions taken in each case.

c. Civil Penalty Case Files. Each civil penalty case should be established and maintained as a separate case file (folder). A case can have any number of alleged violations. It may consist of information on several alleged violations (of various laws or regulations) occurring or observed at the same time, or on several similar alleged violations occurring over a period of time, but addressed by the single case. Normally a single case should address a single party, cases against other liable parties for the same incident being addressed by separate case files. Prior violations by the party should be shown on the record. Each case file should be assigned its own case number consisting of, at a minimum, a district identification number, a unit identification code, a calendar year identifier, and a serial number. Violation cases which are closed without opening a civil penalty case may, for administrative purposes, be filed under a general file number.

d. Hearing Officer Review. The submitted penalty case is examined by the hearing officer. If the hearing officer determines that there is not sufficient evidence to proceed, or that there is any reason why penalty action may otherwise be inappropriate, the case is returned to

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- 5.A.2.d. (cont'd) the program manager with a written statement of the reason. The program manager acts to either close the case, or to correct any deficiency, such correction permitting the resubmittal of the case for further hearing officer consideration. There may be other appropriate actions available to the program manager in disposition of the case (e.g., referral to the U.S. attorney as a criminal violation case).
3. Hearing Officer Action. The hearing officer acts in a civil penalty case in accordance with the federal regulations found in 33 CFR 1.07.
- a. Notification. Parties to penalty cases are provided written notice that civil penalty proceedings have commenced. The required notice should list those items found in 33 CFR 1.07-20(b), including "the amount of penalty that appears to be appropriate." In describing this amount in the written notice, avoid using the following terms: "penalty," "assessment," or "preliminary penalty." No penalty will be assessed until the alleged violator has been provided opportunity to reply in the case, and it has been determined the violation(s) did occur. This written notice should be delivered by any available means that can be shown on the record to have been effective. This may be by registered mail with return receipt, by hand delivery and written attestation to the delivery, or by any other suitable method. In certain circumstances, if the civil penalty is not paid, collection may be achieved by institution of in rem action (i.e., arrest of the vessel) by the U.S. attorney. For in rem liability cases, when the offender is a person other than the owner, a copy of the Letter of Notification shall be sent to the owner.
- b. Counsel/Party Representative. Once the hearing officer is notified that counsel or some other person (e.g., agent, managing operator, employer, or associate) will provide representation for the party, this notice should be entered onto the record in the case and all subsequent communications should be directed accordingly. If there is any question as to the exact nature or degree of that representation, the hearing officer should provide duplicate communication to the party directly. This is especially important where there may be the appearance of an attempt by the person making the notification of representation to force a change of the party, without Coast Guard assent. For example, in a case against a vessel master the hearing officer may receive a reply from the vessel's owner or operator which argues the case or requests an in-person hearing, but does not explicitly state that the reply is on behalf of the master (the party). This raises the question of whether the party is being represented properly, or if some other person, not really representing the party, has been injected into the case. There must be no doubt in the record as to complete communications being properly effected with the party, or a "bona fide" representative, throughout the proceedings.
- c. In-Person Hearings. These must be requested by the party. Requests for changes in location must be in writing and must be supported. While hearings are generally conducted at the office of the hearing officer, denials of such requests should be justified to the party and

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- 5.A.3.c. (cont'd) on the record. Civil penalty hearings are open to the public (including the news media and Coast Guard personnel), space permitting, for the purpose of observation. No statements from, or requests to be present are honored, given limited space or some other constraint, is at the discretion of that case's hearing officer and the district chief of staff, or a senior supervising hearing officer. Portions of an in-person hearing may be closed if material of a confidential nature is to be offered or discussed. Participation by persons other than the party may be permitted (see 33 CFR 1.07-50 and 55). It is not necessary that the hearing officer decide a case at the close of an in-person hearing. The volume or nature of the party's submissions and testimony may require considerable time for complete consideration, or the party may request time to make additional written submissions, or it may be appropriate to permit the program manager to review and rebut. Also, the hearing officer may, at the close of the in-person hearing, state that a violation was shown to have occurred, and then give the party additional time to provide further information before deciding on an appropriate penalty.
- d. Disclosure. The hearing officer must ensure that the party has been fully afforded the opportunity to view the disclosable evidence and other substantive material in the party's case file. A copy of the file can be forwarded with the Letter of Notification. Alternatively, a copy of any Report of Violation and a list of other items in the case file can accompany the Letter of Notification. At an in-person hearing it is easiest to simply have the party (or party's representative) look through the complete file. Whatever method is used, the party has a right to examine all materials in the case file and to have a copy of all written documents. This includes new evidence entered into the file after the party has been provided copies of the file or has otherwise been informed of the contents of the file. The file should reflect the particulars of the party's notification and exercise of the right to view the file.
- e. Witnesses. A party may request the assistance of the hearing officer in obtaining the appearance of a witness. If the hearing officer determines that the personal appearance of the witness may materially aid in the decision of the case, then an effort must be made to honor the request. Should the hearing officer decide that the appearance or statement of the witness is essential, but is unable to obtain either, then the case can be remanded to the district program manager for further investigation. If the hearing officer decides to deny the party's request, the party remains entitled to produce the witness by whatever means are available.
- f. Agency Participation. Participation in an in-person hearing by a program manager, or some other government entity having an investigative, administrative, or other responsibility in a case may be permitted. Strict guidelines regarding procedures should be developed and explained completely to the agency and the party. The

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- 5.A.3.f. (cont'd) hearing officer must maintain complete control of the hearing at all times.
- g. Transcripts. The hearing officer may find it necessary to review any verbatim transcript before deciding the case. If the party has caused a verbatim transcript to be made, but cannot or will not provide a copy of the transcript before the decision is to be made, then the record should clearly show this. If such transcript is subsequently submitted with an administrative appeal (see 33 CFR 1.07-60(b)), the hearing officer should carefully review it within 20 days before taking further action.
- h. Requests For Confidential Treatment. Hearing officers should caution parties making requests for confidential treatment of their submissions that the hearing officer's decision to honor such a request is subject to review. Once the material is entered into the record, third parties can request disclosure, and reviewing authority in the Coast Guard may determine that the material is subject to disclosure. Hearing officers should only accept material submitted with a request for confidential treatment after the party has been cautioned, and has reaffirmed the submission and the request for confidential treatment.
- i. Decisions. Each decision (i.e., whether a violation did occur and, if so, what penalty is appropriate) made in a case must be in writing. Further, each decision should be supported so that the party is able to discern the following:
- (1) The basis for finding that a violation did occur;
 - (2) The basis for determining the size of the penalty; and
 - (3) The answer to, or acceptance of, each argument raised by the party.

Decisions are not generally required to contain specific and detailed finding of fact for all possible issues. However, the disputed issues pertinent to the case should be covered. When the party's arguments are clearly inappropriate, incorrect, or without merit, there is no need to provide an in-depth discussion. The hearing officer should take care, though, to not casually dismiss an issue or argument out of hand. The record in a case must contain the information that compels or persuades the findings. Moreover, a complete and clearly worded decision can communicate more effectively with the party, perhaps more readily convincing the party of its appropriateness. Finally, the decision should not impart an impression that any relevant statutory factor was not duly considered. The decision can be recorded on "hearing notes," with copies provided for the party with the letter setting forth the decision (Letter of Assessment or Letter of Warning), or written into the body of the letter itself.

5.A.3.j. Dismissals.

- (1) Citations. Individual citations in a case should be dismissed only under one of the following circumstances:
 - (a) The evidence does not convince the hearing officer that the cite violation, or other violation of which the party has had full and fair notice, did occur; or
 - (b) The party to the case is an inappropriate party; or
 - (c) There is an extraordinary situation in which an injustice would result if penalty action, including a "warning," were taken. This may include the party's participation in MSRP.
- (2) Cases. Cases should be dismissed only if one of the above circumstances exists for each citation in the case, or there is an extraordinary situation in which an injustice would occur if the penalty case as a whole were to continue. For example, before coming to a decision on the facts in a case, a comparison of certain humanitarian factors (as they affect the party) with the need for completion of the penalty case may persuade the hearing officer to dismiss the case. All dismissals must be explained on the record.

k. Warnings. The issuance of warnings in civil penalty cases is permitted, except for discharges in violation of the Federal Water Pollution Control Act (FWPCA) or Deepwater Port Act, when implemented. The basis for a decision to give a warning in lieu of a monetary penalty should be explained on the record.

l. Appeals. While the rules in 33 CFR 1.07 do not directly authorize delays for submission or review of appeals, permitting such is not an error if it is handled promptly and carefully, in accordance with a reasonable and uniform procedure. Decision correspondence should state whether extensions for appeal submissions are permitted and, if so, what limits and procedures are set. For example, a hearing officer might establish a standard time period different (e.g., 45 days) from the 30 days specified in 33 CFR 1.07, with no provision for further extensions, or provide for an additional period of time (e.g., not more than 21 days) subsequent to the receipt of a written request. Care must be taken to ensure that any procedures established are reflective of the apparent design of the regulations to preclude undue delay by either a party or the Coast Guard. Strict adherence to the time periods specified by the regulations is neither incorrect nor improper. The district commander's comments made on an appeal should not include new evidence. All of the germane evidence should have been entered into the file before the decision was made. Appeals must be promptly forwarded to Commandant (G-LMI), unless the substance of the "appeal" persuades the hearing officer to reopen the case (see 33 CFR 1.07-80). In this situation, the hearing officer should, as soon as possible, notify the party of the decision to reopen the case.

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- 5.A.3.m. Reopening Of Hearings. The basis for the reopening of a case may not necessarily be conveyed specifically as a petition, as per 33 CFR 1.07-80. Any timely submission by the party after the decision in a case might contain the necessary information. The reopening of the hearing (case) in the absence of a specific petition is at the discretion of the hearing officer. Whether the reopening of a case necessitates honoring a request for an in-person hearing depends on the circumstances, and is at the discretion of the hearing officer. However, any denial of such a request must be explained on the record.
- n. Demand For Payment. If a monetary penalty is assessed, the Letter of Assessment should direct that payment be made to the order of the "U.S. Coast Guard," and be sent to the appropriate accounting office (district (fac)) or to the hearing officer's staff (district (dj)), if that staff is designated to receive payments in response to Letters of Assessment. [NOTE: Other than simple receipt of payments, hearing officers or their staffs should not be involved in collection activities; that is, actions or demands subsequent to the non-payment of the Letter of Assessment demand.]
4. Collection, Receipt, And Custody Of Penalties. Payment of assessed penalties shall be made to the appropriate Coast Guard collection clerk with data necessary for deposit of the collection as prescribed in the Comptroller Manual, Commandant Instruction (COMDTINST) M7300.4. This includes the source and purpose of the collection, a dated letter of penalty assessment, and the case file number. Accounting offices shall furnish the district program manager a monthly memorandum of all penalties deposited during the preceding month. The memorandum shall include the name of the remitter, the case file number, the amount deposited, and the certificate of deposit number. The chief of the district division involved in the case shall make appropriate notation in the case file that the penalty was collected.
- a. Compromise Of Penalties. The final action on a civil penalty is the assessment by the hearing officer or, if appealed, the appeal decision by the Commandant. Thereafter, the amount of the penalty may be modified only by an appropriate officer designated under 33 CFR 25 to compromise the payment of debts owed to the United States, if collection procedures are necessary. District legal officers have been so designated.
- b. Collection Procedures. Civil penalties that are not promptly paid should be referred to the district legal officer for collection. The district legal officer will conduct collection in accordance with applicable policy.
- c. Payments Of Assessments In Installments. The chief Counsel of the Coast Guard has determined that the payment of penalty assessments in installments is not contrary to law. However, this method of collection may be accepted by the district commander only in those instances when, in his opinion, the best interests of the government are served. Agreements by violators to make installment payments must

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- 5.A.4.c. (cont'd) be approved in advance by the district legal officer. Whenever the violator becomes delinquent, the case may be referred to the U.S. attorney for collection.
- d. Payments Received Subsequent To The Time Period Stipulated. When the violator makes payment subsequent to the time period stipulated, the district commander may accept payment. If the case has been referred to the district legal officer, the district legal officer shall be immediately notified of the payment.
- e. Collection Review. The district commander shall assist the U.S. attorney as necessary when a case has been referred to a U.S. attorney.
- f. Refund Of Civil Penalties. Certain civil penalties which have been improperly or excessively imposed and collected are subject to refund under of 46 U.S.C. 2108; applications for refund must be made within 1 year of the date of payment.
5. Report Of Violations Involving Both Civil And Criminal Penalty Provisions. Violations of certain statutes enforced by the Coast Guard entail both civil and criminal penalties. For example, 46 U.S.C. 2302 provides for the imposition of a civil penalty or criminal prosecution for grossly negligent operation of a vessel that endangers the life, limb, or property of any person. [NOTE: Discharges of oil or hazardous substances in quantities which may be harmful (see 33 U.S.C. 1321(b)(3)) and the failure to report such discharges immediately (see 33 U.S.C. 1321(b)(5)) are separate offenses.] When such violations are reported, the district commander shall determine whether or not the imposition of a criminal penalty is warranted. If the evidence is sufficient and the circumstances are such that a criminal penalty is appropriate, the case shall be referred to the U.S. attorney for action. The district commander shall act on all reports of dual penalty violations as follows:
- a. All reckless and negligent operation cases, whether or not death or serious injury are involved, shall be carefully evaluated to determine whether the circumstances and documentary evidence available in the case warrant referral to the U.S. attorney for criminal prosecution.
- b. Flagrant cases or cases involving repeated offenses may be especially appropriate for referral to the U.S. attorney if the facts warrant such action.
- c. When cases are referred to the U.S. attorney and prosecution is declined, the district commander may, at his discretion, refer the case to the hearing officer for institution of administrative civil penalty proceedings.
6. Referrals Of Criminal Cases To The U.S. Attorney. Criminal liability can arise under circumstances where there is a corresponding civil penalty (as noted in paragraph 5.A.5 above), where jurisdiction for suspension and revocation proceedings exists under 46 U.S.C. Chapter 77, or where it stands alone. In the first two cases, a decision must be made as to

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- 5.A.6. (cont'd) whether the available noncriminal proceedings should be pursued to the exclusion of criminal prosecution, whether criminal prosecution is warranted, or whether both are appropriate. If criminal prosecution is indicated, the following applies.
- a. When criminal prosecution is contemplated, it is especially important that the investigation fully develop the violator's side of the story as well as the Coast Guard's.
 - b. Whenever evidence of violation of a criminal statute on the part of any licensed officer, certificated person, or any other person is found as a result of investigation or other proceedings under 46 U.S.C. Chapter 63, a case based on this evidence can be referred to the U.S. attorney. Each case referred to the U.S. attorney shall include the record of any Coast Guard investigation conducted and statements of witnesses. A copy of the referral letter shall be sent to Commandant (G-MMI). The procedures with respect to cases developed by marine boards shall also be followed (see subparagraphs 5.A.6.c.(1) and (2) below and volume V of this manual).
 - c. Generally, cases in which there is evidence of violation of maritime laws and regulations that carry criminal penalties shall be referred directly to the appropriate U.S. attorney. However, the Commandant's approval is required for cases:
 - (1) Involving marine casualties/motorboat accidents resulting in death;
 - (2) Developed by marine boards of investigation; and
 - (3) Involving violations of port security regulations issued under the Magnuson Act, including 33 CFR 6 and 122-125 (approval of commandant (G-W)).
 - d. In cases not listed in subparagraph 5.A.6.c. above, the district commander may request guidance from Commandant (G-L) if desired. Whenever guidance is sought or when approval is required, the following applies. Cases of potentially broad interest to or which impact upon the Coast Guard should be specially noted, so that they may be given appropriate attention. If the district commander believes that the interest of the United States would be prejudiced by delays in first referring a case to the Commandant, he may refer it directly to the U.S. attorney; however, before doing so, he shall inform the appropriate program manager by telephone of his determination and the reasons therefor.
 - e. When the district commander refers a violation case involving possible criminal prosecution to either the U.S. attorney or to Commandant (G-LCL), the case file shall be transmitted with a letter stating relevant facts and considerations that would be helpful to the U.S. attorney or to the Commandant in reaching a decision with respect to prosecution. The district commander shall identify the law(s) or

5.A.6.e. (cont'd) regulation(s) violated and make specific recommendations concerning the proceedings to be instituted. In particular, the transmittal letter should include information on local conditions which may have a bearing on the violation (e.g., implications with respect of local compliance, the previous record of the offender, or the general state of compliance in the locality).

B. Penalty Assessment Under The FWPCA. Under Section 311 of the FWPCA(33 U.S.C. 1321), the Coast Guard is responsible for ensuring that reports of discharge under Section 311 are investigated, and that every proven violation results in the assessment and collection of a civil penalty. The district commander is responsible for the investigation of discharges and referral of appropriate cases to the hearing officer. The hearing officer is responsible for administrating cases fairly and impartially, in accordance with 33 CFR 1.07 and for issuing decisions based on the facts of the case and the applicable laws and regulations (see section 5.A. above). This section is intended to described each phase of civil penalty proceedings for cases involving unlawful discharges of oil and hazardous substances, from the spill to the collection of the penalty. [NOTE: Action taken by a state or municipality, or a federal agency other than the Environmental Protection Agency (EPA), under Section 311(b)(6)(B) of the FWPCA, does not not obviate the requirement for appropriate coast Guard civil penalty action.]

1. Discharge Investigations. While it is not explicitly stated that the Coast Guard must conduct an investigation to assess a penalty under Section 311(b)(6), investigation is obviously necessary to develop evidence proving the elements of the offense. It is also necessary to obtain corollary information (e.g., the gravity of the offense) which may be considered in assessing a penalty.

a. Coast Guard Responsibility. In the absence or specific legal requirements to the contrary, an implicit responsibility to investigate discharges rests on the Coast Guard. Agreements should be made among Coast Guard district commanders, EPA regional administrators, and state authorities to distribute investigative burdens; the predesignated on-scene coordinator's (OSC's) limits of authority should be specified in these agreements, where practicable. These agreements should outline the minimal information to be included in the investigative report.

b. Outside Assistance. The Commandant recognizes that personnel and budgetary constraints may preclude the investigation of every reported discharge by Coast Guard personnel. Assistance from outside resources, such as state agencies, is encouraged in such circumstances for timely response. In certain instances, the EPA may be requested to forward a "Section 308 letter" to the suspended violator to supplement or aid an investigation. The answers to the questions in this letter may furnish information, not otherwise obtainable, to support the assessment of a civil penalty action.

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- 5.B.1. c. Civil Penalty Case Feedback. The district commander shall ensure that information concerning the disposition of all civil penalty cases is forwarded to the person or agency reporting the violation.
- d. Discharge Severity Factors. When investigative needs outstrip resources, a system of priorities should be established according to the severity of the discharges. Factors to be considered in determining severity include, but are not limited to:
- (1) Size of the discharge;
 - (2) Type of pollutant;
 - (3) Environmental sensitivity of the affected area (i.e., water intakes, recreation areas, wildlife areas);
 - (4) On-scene weather;
 - (5) Corrective actions already taken by the discharger;
 - (6) Record of prior offenses; and
 - (7) Potential for further discharge.
- e. Failure To Investigate. Any inability to investigate a reported discharge due to lack of resources shall be documented in the PES/Marine Environmental Response (MER) Quarterly Activities Report (QAR) (see chapter 12 of this volume) and in planning proposals (see the Planning and Programming Manual, COMDTINST M16010.1A).

2. Definitions.

- a. "Discharge."
- (1) Introduction. This term as defined in Section 311(a) (2) of the FWPCA, includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping. It has been suggested that the list of descriptive words in Section 311(a) (2) connotes "active" participation by an external forces and that discharges which occur "participation by an external force, and that pit of waste oil, causing the pit to overflow, from which oil eventually reaches the water) should not be considered "discharges" for FWPCA purposes. This is not the case: the or any other factor. Therefore, any release of oil into the navigable waters or onto the shorelines of the United States shall be considered a "discharge" for purposes of enforcing the FWPCA.

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- 5.B.2.a. (2) Exclusions. The definition excludes discharges which are:
- (a) In compliance with a permit under Section 402 of the Act;
 - (b) The result of circumstances identified, reviewed, and made a part of the public record with respect to a permit issued or modified under Section 402, and subject to a condition in the permit; or
 - (c) Continuous or anticipated intermittent discharges from a point source, identified in a permit or permit application under Section 402, which are caused by events occurring within the scope of relevant operating or treatment systems.
- (3) Applicability Of The Section 402 Exclusion. On 2 November 1978, the term "discharge" was amended to add the three exclusions listed in subparagraph 5.B.2.a.(2) above. Thus, alleged violators may establish a defense by proving that the spill was covered by one of these three exclusions. When this is at issue, alleged violator has the burden of proving (through the introduction of permits, public record documents, and other information) that the spill is within one of the statutory exclusions. The exclusions are as follows:
- (a) A discharge is excluded under subparagraph 5.B.2.a(2) (a) above if it conforms fully with all relevant conditions of a Section 402 permit.
 - (b) A discharge is excluded under subparagraph 5.B.2.a.(2)(b) above if:
 - (i) The point source from which the discharge occurred, and the oil or hazardous substance which was discharged, are regulated specifically by a condition in a Section 402 permit; and
 - (ii) The public record accompanying either the issuance or modification of that permit identifies the specific circumstances which resulted in the discharge, and indicates that they were reviewed by EPA in the formulation of the condition in the permit. [NOTE: To determine whether a discharge is excluded under the second category, complete and accurate documentation of the facts is essential.]
 - (c) A discharge is excluded under subparagraph 5.B.2.a.(2)(c) above if:
 - (i) The discharge emanated from a point source for which a Section 402 permit has been issued or permit application has been made;

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- 5.B.2.a.(3) (c) (ii) The discharge was continuous in nature or, if intermittent, anticipated (as evidenced in the specific language of the permit or permit application); and
- (iii) The events which caused the discharge were within the scope of the physical operating or treatment systems connected to the point source from which it occurred.
- (4) Exclusion Claim. When an alleged violator claims that a discharge is covered by one of the exclusions, it is up to the Coast guard to make the final determination. Although EPA's opinion of the case may be considered if available, it is neither necessary nor controlling
- (5) MARPOL 73/78 Discharges Into The Contiguous Zone. Section 311(b) (3) of the FWPCA provides that discharges of oil into the waters of the contiguous zone and other offshore waters seaward of the territorial sea are not prohibited when permitted under the International Convention for the Prevention of Pollution From Ships, 1973, as Modified by the Protocol of 1978 (MARPOL 73/78). Thus, oil discharges permitted under MARPOL 73/78 from ships into the contiguous zone are not subject to the civil penalty provisions of the FWPCA.

b. "Such Quantities As May Be Harmful."

- (1) Introduction. Prior to 2 November 1978, the FWPCA used the term "harmful quantity" to describe the quantity discharged that was subject to a civil penalty. In the 1978 amendments to the FWPCA, this language was changed to "such quantities as may be harmful." "Such quantities as may be harmful" is defined in 40 CFR 110.3 as discharges which:
- (a) Violate applicable water quality standards;
- (b) Cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines; or
- (c) Cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

The "sheen test" has been accepted in many judicial decisions; because of the difficulty in enforcing quantitative water quality standards, it has been the most widely used standard and remains the most straightforward method to determine whether or not the quantity of oil is "such quantities as may be harmful."

- (2) Engine Types. An exception to subparagraph 5.B.2.b.(1) above is that discharges of oil from a properly functioning vessel engine are not deemed to be harmful, although discharges of oil accumulated in a vessel's bilges are not exempt (see 40 CFR

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- 5.B.2.b (2) (cont'd) 110.6). In considering the exception for "properly functioning vessel engines," the Commandant has interpreted this to apply generally to properly functioning outboard engines. For this purpose, the "puddling" type, two-stroke outboard engine may be considered properly functioning even though it emits small amounts of unburned oil and gasoline directly into the water as a normal design function of its operation. Similarly, outboard and inboard engines which exhaust directly into the water may be considered "properly functioning," even though their exhausts often contain unburned particles of fuel and oil.
- (3) Oil Spills Beyond The Contiguous Zone. The EPA has not yet finalized the definition of "such quantities as may be harmful" for oil spills outside the contiguous zone. Until such a definition is promulgated, there is no requirement to report oil spills beyond the contiguous zone, and no liability for a civil penalty or reimbursement of clean-up costs.
- c. "Oil." Discharges of all types of oil are prohibited, including (but not limited to) petroleum, fuel oil, sludge, oil refuse, oil mixed with ballast or bilge water, vegetable oil, animal oil, coal oil, and oil mixed with wastes other than dredged spoil. [NOTE: Fish gurry has been defined as, among other things, "fish oil." The Commandant has determined that it is not "oil" for FWPCA purposes. However, fish oil derived from the processing or rendering of fish, such as aboard a factory ship, or carried as a cargo, is considered "oil" for purposes of the FWPCA. In addition, the Coast Guard considers that oil-based paints and condensates containing particles of oil are included within the statutory definition of "oil."] Hazardous substances listed in the EPA regulations (40 CFR 116 and 117) are not considered "oil" within the meaning of Section 311. (See Figure 5-1 for a list of substances specifically determined to be other than "oil for the purpose of enforcing Section 311.)
- d. "Hazardous Substances." The FWPCA prohibits, with equal force, the discharge of hazardous substances. 40 CFR 117 lists "reportable quantities," which also means quantities that may be harmful, for hazardous substances. Cases involving discharges of substances not classed as "oil" or "hazardous substances" shall be referred to the U.S. attorney for the district in which the substance was discharged, for possible civil action against a vessel in rem or prosecution under the Refuse Act, or to the appropriate EPA regional administrator for action under Section 309 of the FWPCA. It should be noted that the list of hazardous substances as defined by the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) covers a much larger number of substances than that covered by the FWPCA. Only those CERCLA hazardous substances specifically listed in 40 CFR are subject to civil penalty action under FWPCA Section 311.

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FIGURE 5-1

SUBSTANCES WHICH ARE NOT CONSIDERED OIL FOR THE PURPOSES OF THE FWPCA

Acetone	Isoamylene
Alcohols	MAPP gas
Benzene	Magnesium hydroxide
1,3-Butadiene	Methyl alcohol
Butane	Methyl chloride
2-Butene-1,4-diol	Methyl ethyl ketone
Butanol	Methylene chloride
Butylene	Monoethanolamine
Butylene oxide	Nonene
Calcium chloride	Octanol
Caprolactam	Oleum
Caustic potash	Pentane
Caustic soda	Perchloroethylene
Cumene	Petroleum coke
Cyclopentadiene	Phthalate plasticizers
Dichloroethane	Polyethylen glycols
Diethanolamine	Propane
Diethylbenzene	Propyl alcohol
Diethylenetriamine	Propylene
Diisobutylene	Propylene dichloride
Diisopropanolamine	Propylene glycol
Dipropylene glycol	Propylene oxide
Dodecene	Tetraethylene glycol
Dry oil-base paint	Trichlorobenzene
Ethane	Trichloroethane
Ethanol	Trichloroethylene
Ethyl acetate	Triethanolamine
Ethyl chloride	Triethylene glycol
2-Ethyl hexanol	Triethylenetetramine
Ethylene	Tripropylene glycol
Ethylene glycol	Vinyl acetate
Ethylene oxide	Vinyl chloride
Fish gurry (unprocessed)	Vinyltoluene
Glycerine	Vinylidene chloride
Hydroxyethyl acrylate	Xylene (m-, o-, p-)
Hydroxypropyl acrylate	All substances designated by the EPA in 40 CFR 116-117

- 5.B.2. e. "Navigable Waters Of The United States." Sections 311(b)(3) of the FWPCA prohibits discharges "into or upon the navigable waters of the United States, adjoining shorelines . . . in such quantities as may be harmful as determined by the President," with exceptions permitted under MARPOL 73/78 or regulations (e.g., 40 CFR 110.6). Section 502(7) of the FWPCA (33 U.S.C. 1362(7)) defines the term "navigable waters" as "the waters of the United States, including the territorial seas." The term "waters of the United States" includes not only the traditionally recognized "navigable waters" but all streams, creeks, lakes, and ponds tributary thereto, upstream to their various sources. Storm drains and similar artificial systems from which discharges are not processed through treatment plants are included when they empty into this tributary system. Lakes and ponds within the U.S. which are not part of this tributary systems are considered to be "waters of the United States" when the federal government may exercise any authority over them (33 CFR 2.05-25(b)).

[NOTE: The "waters of the United States" also include seasonally dry watercourses when there is water standing or flowing in them. The discharge into a channel or bed through which water could flow is insufficient without the presence of water. However, the water need not flow continuously to traditional navigable waters.] This view accounts for nearly all of the waterbodies that exists in this country, the presence of water being the essential ingredient sought by Congress in the FWPCA. However, this concept should not be construed to include ground water, nor puddles or depressions containing or capable of containing water (see 406 Coast Guard Law Bulletin 7). In essence, the Commandant has determined that, for FWPCA purposes, navigability is not the controlling factor. It is essential that each case file documents the basis for determination that the waterbody is included in this definition.

- f. "Owner," "Operator, And "Person-In-Charge." Section 311(b) (6) of the FWPCA provides that the "owner," "operator," or "person-in-charge" of a violating vessel or facility shall be liable to a penalty. In this regard, the term "person-in-charge" can refer to a corporation. This term was added by the 1977 Clean Water Act Amendments, to enable the Coast Guard to reach the responsible party, particularly when the owner and operator of a vessel are aliens outside U.S. jurisdiction. However, in most situations, action should be instituted against the owner or operator of the discharging vessel or facility. Section 311(a) (6) states that the term "owner or operator" means:
- (1) In the case of a vessel, any person owning, operating, or chartering by demise that vessel;
 - (2) In the case of an onshore or offshore facility, any person owning or operating that facility; and

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- 5.B.2.f. (3) In the case of any abandoned offshore facility, the person who owned or operated such facility immediately prior to such abandonment.

Normally, it is preferable to proceed against an employer, rather than an employee; this should encourage better training of employees and a sense of corporate responsibility for pollution prevention measures. Only in an exceptional case should an employee be considered an "operator" or "person-in-charge" for the purposes of penalty assessment. However, if a holder of a license or merchant mariner's document (MMD), the employee may be subject to suspension and revocation (S&R) proceedings under 46 U.S.C. Chapter 77. In such cases, the officer in charge, marine inspection (OCMI) should be immediately notified by telephone, to start an investigation (see volume V of this manual).

- g. "Person." This term is defined by Section 311(a) (7) of the FWPCA to include an individual, firm, corporation (including municipal and public corporations), association, or a partnership. Section 502(5) of the FWPCA defines "person" as including a "municipality," which is further defined by Section 502(4) as including a city, town, borough, county, parish, district, or association, whether or not incorporated.

3. Notification Of Discharge. Under Section 311(b)(5) of the FWPCA, the "person-in-charge" of a vessel or an onshore or offshore facility must notify the Coast Guard as soon as there is knowledge of any discharge of oil or hazardous substance in violation of Section 311(b)(3) (see 40 CFR 110.9 AND 117.21 and 33 CFR 153.203). While Section 311(b)(5) is enforced by criminal sanctions rather than civil penalties, it bears directly on civil penalty proceedings because notification often affects the initial investigation by the Coast Guard. Several facets of this section merit clarification.

- a. Affected Parties. While "{person-in-charge" is not defined, a "person" is defined in Section 311(a) (7) and 33 CFR 153.103(h) as including "an individual, firm, corporation, association, or partnership." This need not be the same "person-in-charge" as that named in 33 CFR 154.710 or 155.700.

- b. Statutory Immunity.

- (1) Available Immunity. The notification requirement of Section 311(b)(5) entails immunity from prosecution for persons notifying the Coast Guard (i.e., the "person-in-charge"). However, this immunity applies only in cases in which notification is required by this subparagraph. If a person notifies the Coast Guard of the discharge of a substance other than oil or a hazardous substance, no immunity from prosecution is conferred (U.S. v. Ohio Barge Lines, 410 F.Supp. 625 (W.D. La. 1975)). An employee of any corporation, firm, or partnership, who notifies the Coast Guard of a discharge in accordance with Section 311(b)(5) entitles the employer to the same immunity if:

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- 5.B.3.b.(1) (a) That employee is acting for, or on behalf of, or as an agent of that corporation; and
- (b) The corporation is "in charge" of the vessel or facility from which the discharge occurred (U.S. v. Mobil Oil Corp., 464 F.2d 1124 (5th. Cir. 1972)). [NOTE: Immunity from prosecution based on notification extends generally to the Refuse Act (33 U.S.C. 407) and to Section 309(c) of the FWPCA. There is, however, no immunity from prosecution for perjury or giving false statement.]

- (2) Lack of Immunity. It must be stressed that notification in accordance with Section 311(b)(5) does not provide immunity from civil penalty proceedings; these are not waived or mitigated by the fact that the owner or operator initially notified the Coast Guard of the discharge (U.S. v. Ward, 448 U.S. 242 (1980)). If, at any stage of the investigation or civil penalty proceedings, it becomes evident that there has been a violation of Section 311(b)(5), the district legal officer shall be advised for possible referral to the U.S. attorney for criminal action.

[NOTE: Criminal prosecution under Section 311(b)(5) may be concurrent with civil penalty proceedings for the same violation. They are instituted for different breaches, and are separate matters legally.] It is important for the investigating officer (IO) to determine at what point the person-in-charge obtained knowledge of the discharge and when notification was made; failure to make immediate notification is a violation of Section 311(b)(5).

4. Gravity Of The Violation.

a. Basic Considerations.

- (1) What was the size of the spill?
- (2) What type of pollutant was discharged?
- (3) How environmentally sensitive was the area affected by the spill?
- (4) Was the discharge intentional?
- (5) Could the discharge have been prevented using the degree of care which is reasonable for a person involved with oil or hazardous substances?
- (6) Was the discharge caused by a violation of 33 CFR, Subchapter 0? [NOTE: A separate violation under Section 311 (j) may have occurred. A violation of the pollution prevention regulations may be considered an aggravating factor even if a separate civil penalty has been assessed for that violation.]

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- 5.B.4.a. (7) Did the owner, operator, or person-in-charge take special steps to try to avert the specific discharge?
- (8) Did the discharge result from an "Act of God" or third-party action?
- (9) Has the responsible party or a predecessor been responsible for previous violations?
- (10) Was the severity of the discharge and its effects decreased by the owner's or operator's efforts to undertake removal? Was the severity increased by the owner's or operator's actions?

[NOTE: This should not be construed as a "cookbook" approach, in which these factors can be checked off affirmatively or negatively without considering other factors which may be peculiar to the case. Rather, they illustrate common elements bearing on the gravity of the offense. In a given case, they may or may not be in issue. Thus, they need be addressed only when they are relevant, established by evidence in the record, asserted by the alleged violator, or otherwise considered by the hearing officer.].

- b. History. A discharge may have been caused by a repetition of an act or failure to act attributed to the owner/operator in prior proceedings. Such prior incidents may constitute warnings of a particular problem or need for additional precautions or safeguards. In addition, previous discharges into the same waterway are particularly significant. In any event, the number of prior violations attributable to the owner or operator should be considered. The gravity of the situation, and hence the penalty, is generally greater when there is a history of prior violations of a similar nature and subsequent penalty assessments. [NOTE: In this regard, reports of possible violations shall not be considered.] While sheer numbers of violations, without consideration of the size and type of business involved, may not yield much useful information, the overall prior record unquestionably bears on the foreseeability of spills and the adequacy of care exercised to prevent recurrences.
- c. Mitigating Factors. An "Act of God" or third-party action is not a defense under Section 311(b)(6); it is a defense only in a clean-up cost recovery action. However, such claims may be considered by the hearing officer in determining the gravity of the violation. In this context, a determination in a penalty case can affect the Coast Guard's attempts to collect funds in a claim action for clean-up costs. The hearing officer should not use terms such as "zero negligence" or "due solely to action by a third-party action," because the hearing officer will rarely possess all the details of precautions, past history, industrial standards, etc., necessary to make such a finding, and such a determination is unnecessary to already expended for clean up or contest payment of clean-up costs if the hearing officer unintentionally or improperly uses terms which may

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5.B.4. c. (cont'd) be construed as findings of sole third-party fault. When matters of due care or other aspects of the gravity of a violation are at issue, the hearing officer should make a clear notation of each element in the case record which relates to the issues and which has been considered. Notes on the positive or negative factors in the case provide the Commandant with specific bases on which to reply to an appeal.

5. Financial Factors. Under Section 311(b)(6) or the FWPCA, imposition of a civil penalty appropriate to the size of the business of the violator and the effect of the penalty on the ability to remain in business are separate factors. The penalty in each case should reflect, among other things, the relative deterrent effect appropriate for the violation, where information is available. For two cases involving similar violations, a \$2,500 penalty might force either violator out of business, but it may have a disproportionately severe effect on a small business and almost no effect on a very large business. In this regard, an equal effect can be achieved by levying a larger penalty on the larger business. [NOTE: Descriptions of penalties as "reduced" for small companies and "increased" for large companies are discouraged.] The Letter of Notification may solicit information concerning the size of an owner/operator's business and a self-evaluation of the effect that a certain size of penalty would have on it. However, whether such information is solicited or not, if the file does not contain information when the case is ready for decision, the hearing officer should not consider these factors and should not claim to have done so. [NOTE: The size of a business may be considered in preliminary determination only if such information is already available in the case file. If information in the party's response differs materially from that in the case file, the hearing officer should re-evaluate these factors before making an assessment.] The hearing officer should consider the overall corporate structure of the owner/operator; a small, wholly-owned subsidiary of a large conglomerate or holding company should be considered as a part of that conglomerate. Generally, when one-vessel corporations are controlled by a parent company, the size of the parent company shall be the determining factor. In the case of a discharge from a home heating oil tank or a privately-owned pleasure boat, the size and the ability to "remain in business" shall be translated as the homeowner/boat owner's ability to pay.
6. Mandatory Civil Penalties. The FWPCA requires that the Coast Guard assess a civil penalty against the owner, operator, or person-in-charge of a vessel or facility from which oil or a hazardous substance was discharged, vessel or facility from which oil or a hazardous substance was discharged, in violation of Section 311(b)(3), except for discharges which are, by interagency agreement or understanding, forwarded to a U.S. attorney or the EPA for action. The hearing officer shall assess a civil penalty in every case in which there is substantial evidence convincing the hearing officer that a violation occurred.
7. Minimum Penalties. Issuance of a Letter of Warning in lieu of a penalty assessment does not meet the requirements of the FWPCA. Evidence may warrant the imposition of a minimal penalty, but in any case the penalty should be strong enough to motivate owners and operators to take adequate

5.B.7. (cont'd) measures to prevent recurrences. Hearing officers may sometimes be confronted by what appear to be trivial or de minimis cases. In such cases, assessment of a nominal penalty may be appropriate. It must be remembered, however, that in any case, the assessment must be based on the whole set of factors. While one factor bearing on the gravity of the violation may be slight, another might be serious enough to warrant a substantial penalty. For example, the fact that the amount spilled is extremely small may be offset by the careless conduct of the party. Conversely, a high level of care by the party may be offset by a large quantity. Since civil penalties for discharges are one source of funding for the 311(k) Pollution Fund, assessment of a substantial penalty, even in the absence of fault, may be appropriate in view of the FWPCA's economic purpose of placing the financial burden of maintaining clean water on polluting vessels and facilities (U.S. v. Marathon Pipe Line Co., 589 F.2d 1305 (7th Cir. 1978); U.S. v. Tex-Tow, Inc., 589 F.2d 1310 (7th Cir. 1978)).

8. Proper Party To Penalty Assessment. When a prohibited discharge is established, two questions must be asked: What is the source of the discharge? Who is the owner, operator, or person-in-charge of that source? As defined in Section 311(a)(6) of the FWPCA, the "owner" or "operator" is any person owning, operating, or chartering by demise a vessel; or any person owning or operating an onshore or offshore facility. The Commandant's policy is to vigorously pursue a program of measures to achieve the Congressional intent, expressed in Section 311, that there should be "no discharges of oil or hazardous substances into or upon the navigable waters of the United States, adjoining shorelines . . ." To the extent that the law allows, discretion in making enforcement decisions should be exercised by the program manager in referring cases and by the hearing officer in deciding cases to best realize the purposes of the law. In many cases, there is more than one party subject to a penalty under the law. Strict constraints on the selection of a party may actually prevent Congressional and Coast Guard purposes from being served properly. While the civil penalty provisions of Section 311(b)(6) are based on the principle of strict liability, there is room for discretion in determining the actionable source and the person to be considered the owner, operator, or person-in-charge of the source.

a. Determining the Source. Some time ago, the "conduit theory" was devised to assist in determining which vessel or facility, of a number of potentially actionable sources, could most appropriately be considered the discharge source for penalty purposes. For example, oil may be discharged from a source, flow across or through a facility or vessel of an otherwise innocent party, and enter the water. In such a case, the owner/operator of the source should normally be the actionable party in penalty action; the vessel/facility from which the discharge ultimately entered the water is viewed as a conduit only. When the evidence indicates that the facility or vessel across or through which the discharge flowed was not merely a passive conduit, identification of the actionable source is complicated. When two or more entities actively discharged oil or failed to take reasonable measures to prevent its entry into the water., any or all of them may be

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- 5.B.8. a. (cont'd) considered the source. The program manager and the hearing officer shall evaluate all available evidence, including causal factors and the capability for taking reasonable precautions, to determine the appropriate actionable source (i.e., the point of entry and/or the actual source).
- b. Determining The Owner/Operator. Once the actionable source has been identified, it may be necessary to determine which of several parties is the "owner" or "operator" for penalty purposes. Section 311(b)(6) is a remedial provision intended to spur involved persons to adopt measures necessary for the prevention of oil and hazardous substances pollution by their vessels and facilities. By reaching the owner, operator, or the person-in-charge of a violating vessel or facility, Congress has provided a flexible means of reaching those persons capable of taking such measures. While the question of ownership is normally established easily, the intent of the law is not always served best by proceeding against the owner; sometimes, it is more appropriate for the operator of the vessel or facility to be charged. In the Commandant's policy that environmental protection laws should be interpreted as broadly as possible, the terms "operator" and "person-in-charge" are recognized as including persons not having complete business control of a vessel or facility. Such persons may be considered proper parties if they exercise physical or operational control of a discharging vessel or facility. [NOTE: In cases involving multiple parties, where control of the vessel/facility is so fragmented as to preclude a finding that any one person is the operator or person-in-charge, the hearing officer may proceed against the owner.]
- c. Hearing Officer Decision. The decision as to the proper party in any particular case is vested, first in the discretion of the program manager in referring the case to the hearing officer, and ultimately in the hearing officer, based on an evaluation of all the facts of that case. This discretion should be exercised in a manner which most reasonably and effectively serves the purposes of the law. The following factors should be considered:
- (1) The degree to which each involved party is responsible for the incident.
 - (2) The degree to which each involved party is in a position to prevent future incidents.
 - (3) The effect of economic incentives on various involved parties.
 - (4) Particular care shall be exercised in identifying the owner, operator, or person-in-charge, in accordance with the guidance above.

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- 5.B.8.c. (5) In those cases where a pollutant reaches the water, via a passive conduit of the discharge, a penalty should normally be assessed against the owner, operator, or person-in-charge of the actual source of the discharge.
9. Use Of Records Kept In Accordance With Section 308. Section 308 of the FWPCA authorizes the EPA Administrator to require the owner or operator of any point source to: Install, use, and maintain monitoring equipment or methods; sample effluents; maintain records; and make reports to carry out the objectives of the law. Section 308 also gives the EPA Administrator or authorized representatives the right to access and copy these records. These records are available to the public, except in certain narrowly defined situations. Section 308 specifically cites a purpose of the record-keeping as "determining whether any person is in violation of any such effluent limitation, prohibition or effluent standard . . ." It is appropriate to use records kept in accordance with Section 308 in the assessment of a civil penalty for discharges of oil or hazardous substances in harmful quantities under Section 311(b)(6), and to enforce the notification requirements of Section 311(b)(5). Section 308 records may be used whenever they are received, and the Coast Guard may request the EPA to obtain additional information under Section 308 to supplement information already received. The district program manager may obtain Section 308 records in cases where Coast Guard investigation is not practicable, by initiating a request to the appropriate EPA regional administrator. The use of Section 308 records will not violate the protection from self-incrimination under the Fifth Amendment; that provision applies only to criminal actions, while the penalties under Section 311(b)(6) are civil assessments. Furthermore, the constitutional privilege against self-incrimination has not been expanded to include corporations. Care should be taken not to confuse arguments concerning constitutional self-incrimination protection with the purely statutory basis for the immunity provided in Section 311(b)(5).
10. Penalty Assessment Under Section 311(j)(2). During the investigation of oil pollution incidents, close attention shall be given to possible violations of the pollution prevention regulations as well as the discharge prohibition of the FWPCA. Cases involving these regulations are handled by the captain of the port (COTP), as are cases of other regulatory violations. However, no violation should be regarded as minor when it has contributed to or will likely contribute to a discharge, is a repeat violation, or when there is no good faith effort on the part of the violator to achieve rapid compliance. This should normally be reflected in the penalty size. If at all possible, cases involving a discharge of oil or hazardous substances as a result of a prevention regulation violation should be processed simultaneously through civil penalty proceedings. While the size of the violator's business and the impact of a civil penalty on the ability of the owner/operator to remain in business must be considered in the assessment of penalties under Section 311(b)(6), these are not required to be considered in the imposition of a civil penalty under Section 311(j)(2); they may be considered at the discretion of the hearing officer.

5.B.11. Penalty Assessment For Marine Sanitation Device (MSD) Violations. In addressing violations of Section 312(j) of the FWPCA, the program manager should seek to bring vessels into compliance with requirements. Program recommendations made pursuant to 33 CFR 1.07-10 shall be commensurate with the gravity of the violation and the need to ensure future compliance with the MSD regulations (33 CFR 159).

C. Publication Of Marine Safety Civil Penalty And Other Enforcement Actions.

1. Background. The Roles and Missions Study and various audits indicate compliance effectiveness will be enhanced if better publicity is given to the outcome of Coast Guard enforcement actions (e.g., penalties levied, COTP orders detaining vessels or denying entry, and other enforcement actions). The publishing of penalty information will often discourage violations and educate the public about prohibitions and sanctions in Coast Guard laws and regulations. For example, when a local maritime community becomes aware that a number of significant penalties were assessed in a given category with the monetary value specified, the "word" spreads and greater care may be taken. Similarly, if the marine industry learns that a vessel was detained in port or denied entry by the Coast Guard because of major deficiencies, a deterrent effect will be achieved.

2. Guidelines.

a. Public Relations. When publishing the outcome of specific penalty cases in district or local newsletters, the use of individual, vessel, or company names is not necessary or always desirable. Often, responsible individuals and companies have accidents which become the subject of a violation. The Coast Guard does not wish to project the impression of unnecessarily singling out individuals or companies for "bad press." Many Coast Guard activities build "good will" and "working relationships" with the marine public, and we certainly do not want to threaten good public relations through careless publicity. Thus, statistical summaries leading off with "'X' cases of . . . resulted in . . ." will often achieve Coast Guard purposes as effectively as using specific names and places. However, for good reason, such as when a major incident well known to the public or significant enforcement activities occur, there is no bar to naming specific individuals, vessels, facilities, or companies.

b. News Media. It is the Commandant's policy that information concerning administrative penalty cases may be made available for release before or after a determination that a violation has or has not been committed (unless it is required by law or regulation to be treated as confidential or privileged). Whether or not a penalty is assessed or subsequently mitigated or remitted is immaterial. Early disclosure of information concerning alleged or apparent violations of laws and regulations administered by the Coast Guard is an integral part of the Coast Guard's law enforcement program; it is also highly effective in the prevention of boating accidents. In releasing information on penalty cases, it should be emphasized to inquirers that subsequent penalty action, if any, may be appealed to the Commandant. The Public

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- 5.C.2. b. (cont'd) Affairs Manual, COMDTINST M5728.2, and appropriate Commandant or District Instructions should be referred to (see also 33 CFR 1.10 and 46 CFR 4.13 for procedures concerning the release of official records and documents). Generally, hearing officers should not communicate directly with the news media, especially with regard to penalty cases under consideration.
- c. Final Action Publicity. Objectivity and fairness in publicizing any enforcement action are paramount. Unless clearly an information update, only final action not under appeal should be publicized. "Final action" in penalty cases for this purpose is complete 30 days after the party receives the assessment letter (33 CFR 1.07-70). In cases of appeal to the Commandant, the appeal decision constitutes the final action. Although certain cases may be in civil litigation, this in itself would not be a bar to publicizing the case. Publicity should be factual and accurate. Take care to avoid any speculative statements which would improperly bear on pending proceedings.
- d. MSO Newsletters. Significant enforcement activities, such as denial of entry or detention of a vessel, and significant penalties, those with a high monetary or deterrent value, should be published in MSO newsletters and can be released to the general media as news stories in accordance with the Public Affairs Manual, COMDTINST M5728.2. These may be candidates for wider publicity as well, and the district public affairs staff should also be notified, perhaps with a specific recommendation for broader publicity. Certainly, if a case has already received media attention due to the nature of the violation, the final resolution of the case is newsworthy. The district marine safety staff should periodically provide a summary of MSO, district, and hearing officer enforcement activities to the district public affairs staff.
- e. "Hazardous Materials Newsletter." This is published by the Office of Hazardous Materials Transportation (OHMT) and distributed widely within the maritime community. The newsletter contains summaries of Department of Transportation (DOT) penalty actions for violations of the hazardous materials regulations. The Coast Guard has been asked to contribute information for this newsletter, along with the other modal agencies. Commandant (G-WPE) coordinates Coast Guard input for the newsletter.
- f. "Environmental Response Newsletter." Commandant (G-WER) publishes this approximately three times a year for distribution to many maritime and environmental interests. Enforcement actions on significant oil and hazardous substances spill cases can be forwarded to Commandant (G-WER-2) for possible publishing in this newsletter.
3. Coast Guard Action.
- a. District Offices And Field Units. District commanders and marine safety units shall:

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- 5.C.3.a.
- (1) Use available media, including Coast Guard or other government agency newsletters or publications, to publicize local or regional penalty information which has been of great public educational value, deterrent value, or good Coast Guard Public relations value.
 - (2) Prepare and send to district (dpa) brief summaries of enforcement action which they feel should have broader publicity.
 - (3) District (m) offices shall, upon final action, send Commandant (G-WPE-1) brief summaries of all violations of the hazardous materials regulations under 33, 46, and 49 CFR which pertain to the transportation and transfer of hazardous materials, including oil. MSIS Marine Violation Case Descriptions (MVCD's) may be submitted in lieu of summaries.
 - (a) These summaries shall contain the following information:
 - (1) Name of the party cited;
 - (2) Type of operation (carrier, owner, operator, shipper);
 - (3) Amount of final penalty assessed or collected or other action taken (e.g., Letter of Warning, case dismissed);
 - (4) City and state where violation occurred;
 - (5) Brief description of violation;
 - (6) Code of Federal Regulations (CFR) citation of each violation, or if U.S. Code (U.S.C.), cite where appropriate; and
 - (7) Date case concluded.
 - (b) Summary example:

BUTLER LINES. (Carrier)
(\$14,000 penalty for a violation committed in Philadelphia, PA) The M/V VICTOR loaded oil in bulk without the required spill containment around tank vents, with no approved oil transfer procedures on board, no record of required tests, and oil record book not used. One count each of 33 CFR 151.25, 155.320(a), 155.720, and 155.820(b).
Concluded 23 December 1985.
 - (4) Prepare and send to Commandant (G-WER-2) similar summaries of enforcement actions in oil and hazardous substances spill cases that are significant, and those which have been assessed a penalty of \$1,000 or more for possible publishing in the "Environmental Response Newsletter."

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- 5.C.3. b. Headquarters. Commandant (G-WPE) shall review summaries of hazardous materials enforcement actions submitted by districts and coordinate for publishing this material in the "Hazardous Materials Newsletter," and also coordinate with Commandant (G-BPA) to publicize enforcement actions selected for broad publicity through other media.

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CHAPTER 6. PERSONNEL MANAGEMENT

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CHAPTER 6. PERSONNEL MANAGEMENT

A. Basic Management Concerns. The effectiveness of marine safety managers depends largely upon the quantity and quality of their available resources, including personnel. The commanding officer (CO) of a marine safety unit is faced with the task of coordinating the efforts of skilled and unskilled personnel. It is therefore imperative for each manager to ensure that all personnel know their tasks, are suited to perform them, and have the requisite facilities to effectively and safely accomplish them. Another critical resource is information; without it, management techniques and program objectives cannot be adequately met. Moreover, information is a tool: its proper use, misuse, or non-use will have a corresponding bearing on the morale of unit personnel.

1. Motivation. Every organization is made up of people with different characteristics, abilities, and personal aims. They also differ in the reason(s) that bring them to work in the organization. It is not an easy task for the manager to mold these individuals into a smoothly working team and, at the same time, preserve their personal qualities. Clearly, the separate aims and motives of each person should never be discouraged; for example, not all may be seeking a career in the Coast Guard. But managers must do their best to understand what the organizational role means to all personnel, and show them how it can benefit them to give their best effort to the success of marine safety goals.

a. Developing Morale. Managers traditionally have made little effort to understand what motivates people at work. American industrial history is replete with examples of the consequences of ignorance in this regard. Today, motivation is recognized as one of the most important keys to successful management, a special responsibility which must be pursued continually. Anyone with experience of management deficiencies is all too familiar with the extent to which weak executive motivation saps the morale and effectiveness of officer, enlisted, and civilian personnel. Good morale and job satisfaction are among the forces that motivate earnest effort and responsible job interest. Without them, an organization will never attain maximum effectiveness; with them, effectiveness is limited only by the skill and competence of personnel infused with the aims and ideals that underlie marine safety missions. Moreover, personal dishonesty, malfeasance, "crisis"

- 6.A.1. a. (cont'd) management, and other poor management techniques create a formidable barrier to the development of good morale and motivation. The manager's awareness, knowledge, and training play a very large part in fostering good motivation. Personnel respond positively to managers who know a good deal about their resources and their mission. Managers that exhibit an up-to-date knowledge of management principles and practices tend to foster a feeling of confidence in their subordinates. This feeling is, without question, a crucial factor in developing high morale.
- b. Need To Reward Achievement. One other important component of motivation is the practice of rewarding good, as well as outstanding, performance. At first glance, one might ask why should a person be rewarded simply for doing his or her job. This seems to be a valid objection because the Coast Guard has traditionally "done more with less," and the performance of a job or task solely for the sake of reward is discouraged. Further consideration reminds one that the Coast Guard is a people-oriented service, one which must respond to the needs of its personnel as well as the public. One of these is the need for feedback (i.e., an honest evaluation from others), particularly positive feedback. There are numerous ways to accomplish this, from a formal, "all hands" awards ceremony to a brief but sincere "you did a good job" during a coffee break. Almost everyone has been in the position of accomplishing a challenging task, without receiving so much as a "thank you" in return. It's not too difficult to see that repetition of such experience can give an individual a sense of being unappreciated, which if untreated can lead to a feeling of worthlessness. Unchecked, the effect spreads to others; the results to morale are catastrophic.
- c. Means Of Reward. Ideally, the best source of motivation and good morale is a highly paid occupation-that is continually interesting, gives a person some sense of a worthwhile contribution to society and of personal growth, and provides an appropriate measure of personal recognition. Needless to say, the ideal may be extremely hard to achieve. Next best is the recognition of achievements and efforts made in less than ideal situations (often, a fitting description of the

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6.A.1. c. (cont'd) marine safety environment). Although the practice of passing out awards and recognition can be carried to extremes if exercised without discretion, the efforts of marine safety personnel historically have been taken for granted, until something goes wrong. Marine safety managers should take every available opportunity to provide awards and recognition to deserving personnel. This not only fosters and maintains good morale, but helps keep personnel competitive for promotion with others in their ratings and ranks. The Suggestion Program Manual, Commandant Instruction (COMDTINST) M5305.4C, provides guidance for the granting of awards and recognition of personnel for their suggestions, inventions and scientific achievements, and performance exceeding job requirements. Criteria and requirements for granting medals, ribbons, and commendations to military personnel are set forth in the Medals and Awards Manual, COMDTINST M1650.25A, COMDTINST 1600 series, and the Suggestion Program Manual. Criteria for recognizing civilian personnel are set forth in COMDTINST 12451 series. Marine safety managers should not consider these as limits to their avenues of expressing recognition. The effectiveness of a special evaluation or Officer Evaluation Report (OER), naming of an "Inspector (Investigator, Port Safetyman) of the Month," submittal of an article to the Commandant's Bulletin, and other such methods cannot be ignored.

2. Program Policy. Policy is another important facet of sound, effective management. All too often, one hears managers lamenting the lack of "policy" in their respective fields, or relating incidents in which their efforts were thwarted by a higher authority declaring them "contrary to policy," which was never clearly defined. To be effective and efficient, an organization must be aware of its growth, its strengths and weaknesses, and, above all, its direction. This is the essence of "policy." Yet, as important as policy is to an organization, it is one of the most common missing factors in management practice. In relation to the Coast Guard's marine safety programs, effective management must be based upon the careful planning and monitoring of the Marine Inspection (MI), Port Safety and Security (PSS), Marine Environmental Protection (MEP), Waterways Management (WWM), Bridge Administration (BA), and Recreational Boating Safety (RBS) Programs. In working toward the goals of these programs, a number of

6.A.2. (cont'd) guidelines will be determined as a foundation for the organization's "policy."

a. Formulation And Communication of Policy. There are two basic concerns embodied in the formulation of policy:

- (1) How various evaluations, judgments, appraisals, etc., are made, and by whom; and
- (2) Where the responsibility lies for deciding objectives and policy, and the strategy and guidelines for their implementation.

The responsibility for the formulation of Coast Guard objectives and policy lies with the Commandant and his representatives (e.g., office chiefs, program managers, district commanders, etc.). However, this does not preclude the offering of valuable ideas from mid-level management and workers, whose specialized knowledge and daily experience with operational problems can lead to positive contributions to the formulation of policy.

b. Requirements off Command. CO's of marine safety units carry a heavy responsibility for the affairs of their units. Their knowledge of policy, and their ability to communicate policy and objectives to "all hands," affects morale directly. In an organization where management conceals or denies access to "policy," morale is often low among personnel. This results in suspicion of managers, indifference to job performance, and unwillingness to communicate. Policy guidance and knowledge of objectives promote a sense of participation and inspire personnel to have confidence in the abilities of executive management.

B. Assignment And Empolyment of Personnel. The relationships among billets, positions, and people can be confusing. Even experienced managers may find themselves addressing one entity when they mean to deal with another. Put simply, a "billet" is a military job description; a "position" is a civilian job description. These are apportioned to accomplish specific tasks within a program; normally, they list prerequisite skills or education levels for their completion. Billets and positions, of themselves, do not represent people but rather the need for people of certain skill levels. Headquarters program managers give overall guidance and direction to district commanders. The district

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6.B. (cont'd) commanders, in conjunction with officers in charge, marine inspection (OCMI's) and captains of the port (COTP's), determine what billets/positions and required skill levels are needed to meet program objectives. The program managers then "purchase" the necessary billets and positions in the budgetary process. Control over the people who actually fill the billets/positions, their distribution among programs, training and transfer schedules, etc., are controlled by the assignment officer in the Office of Personnel, Commandant (G-P). Unit commanders ensure the training of individuals to fill increased skill-level billets/positions.

1. Billet/Position Structures. Billet and position structures are based on operational requirements, which are identified in the Coast Guard Organization Manual, COMDTINST M5400.7C. The grade levels within these structures must meet overall requirements mandated by law. New billets and positions can be added to these structures through budgetary actions initiated by a program manager; existing billets and positions can be reprogrammed (i.e., moved or redefined) through cooperative efforts of district commanders and program managers. Any billet or position may be subject to reprogramming; however, discretion is necessary so as not to disrupt nor impair the overall operation of a unit. Organizational structures and functions are usually drawn as flow charts that show boxes tied together. It is essential for program managers and evaluators to remember that the best use of personnel at marine safety units lies in flexibility; while billets and positions are impersonal, the use of people must not be. Commandant Instructions in the 5312 series address programming of resources in greater detail. See also the following publications:
 - a. Enlisted Billet Manual, COMDTINST M5320.6J;
 - b. Commissioned and Warrant Officer Billet Manual, COMDTINST M5320.7L;
 - c. Position Classification Manual, COMDTINST M12510.6B; and
 - d. Staffing Standards Manual, COMDTINST M5312.11A.
2. Personnel Management.

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- 6.B.2. a. Cross Training. Policies relating to the employment of Coast Guard personnel, military and civilian, are developed by the Personnel Support Program Director/Manager. This support involves procurement, training, assignment, and separation of personnel, and the provision of morale services. Unit commanders generally perform many of these functions at the local level. The Personnel Manual, COMDTINST M1000.6A, contains specific guidance for personnel administration; other Commandant and district instructions also relate to this subject. The term "marine safety officer" embraces the roles played by the marine inspector, the investigating officer (I.O.), the license examiner, the pollution response specialist, the port security officer, and other officers at a marine safety unit. Certain inferences of experience and skill may be drawn by an officer's grade level, though not always accurately. Each officer is expected to develop an expertise of some depth in either vessel inspection or port operations, and only then to expand into the remaining areas of knowledge at a marine safety office (MSO). Exposure to more than one facet of marine safety provided by cross training is beneficial to producing a wellrounded officer. However, this must be balanced against the need to maintain a minimum level of expertise necessary to perform our duties. Excessive cross training of junior personnel is detrimental to effective mission accomplishment. There is no need for junior officers to cross train in all areas at an office during their initial four year "M" tour or follow-on three year tour if coming from a Training Port. Attempting to do so has caused serious program repercussions.
- b. Diversity. Because of the multi-program approach at an MSO, an officer desiring selection at the CO/XO level should have some understanding of nonspeciality areas. The broader an officer's basic knowledge of marine safety, the more valuable that officer becomes to the Coast Guard. While it is acceptable to consider oneself a "marine inspector" or "marine investigator," to describe the particular marine safety function one is fulfilling, Coast Guard personnel must guard against unfounded feelings of superiority/inferiority among programs, and the concept of "us versus them." The effectiveness of the MSO structure is its multi-program capacity to tap a wealth of experience and talent to meet everchanging program requirements. The notion that an

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- 6.B.2. b. (cont'd) MSO has a "COTP side" and a "marine inspection office (MIO) side" is contrary to the Commandant's policy, and shall be vigorously discouraged at all levels of supervision.

3. Officer Billets.

- a. Command Level. As at other Coast Guard units, the roles of commissioned officers are stratified at a marine safety unit. At the top is the command level, consisting of the CO (the OCMI and/or the COTP) and the XO; these are selected from the 0-6/0-4 grades. Both of these command-level officers have "climbed the ladder" of functional experience and training prior to their selection. On the other hand, few senior and mid-level officers are from the same mold. There will be officers assigned to command-level billets whose area of expertise is heavily oriented toward marine inspection, rather than port safety or licensing and documentation or pollution response. Regardless of their professional orientation, the CO and XO both must be able to respond promptly to problems and issues raised by the maritime public. Some may erroneously believe that the OCMI/COTP is basically an "administrator," filling a role that any officer of sufficient grade can handle. This is not the case. At least two-thirds of the staff years allocated to marine safety command-level billets are programmed to perform professional duties involving program responsibilities.
- b. General Duty. Under the CO/XO, officer billets at field units include department heads, as well as general-duty officers of 0-4/W-2 grades. As only the CO/XO billets are designated formally in official orders, all other officers are assigned to "duty." It is the prerogative of the command to make particular assignments once officers are on board, except for chiefs of licensing departments who are assigned directly by Headquarters. It is not necessary for assignments to be based upon seniority, nor for officers to remain in the same billets during their entire tours at a unit. To the maximum extent practical, officers should rotate through assignments which expose them to all aspects of the marine safety programs. [NOTE: Smaller units may not have officer billets identified by specific departments.] In some cases, responsibility for more than one department may be vested in the XO or a subordinate. As

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- 6.B.3. b. (cont'd) experience indicators published in the Register of Officers, COMDTINST M1427.1M, are derived from the code(s) for the billet(s) occupied by an officer, departmental assignments should be noted in all OER's. Communications between the unit command and the marine safety detailer in the Officer Personnel Division, Commandant (G-PO), regarding internal assignments is encouraged.
- c. Training Billets. Certain "training billets" are used for junior officers in their initial assignments to marine safety duties. Placement of these billets varies according to circumstances at the unit, and the grade level of the officer undergoing training (see COMDTINST M1000.6A and chapter 7 of this volume). For those entering vessel inspection, their initial assignment will usually be to one of five "training ports" (i.e., MIO New York, NY; MSO Hampton Roads, VA; MSO New Orleans, LA; MSO Los Angeles/Long Beach, CA; or MSO Puget Sound, Seattle, WA). Once there, they will complete training in small vessel inspection, barge inspection, and machinery or hull inspection. Additional qualifications in other inspection areas will be left to individual initiative and the unit commander. This tour will be two years after which the inspector will be transferred to another unit as a trained inspector to develop experience and expertise in vessel inspection. Under ideal conditions, that inspector would have three years doing inspection work; only then would the inspector branch out into other areas. Program experience in port operations would be gained at the end of the second tour or in subsequent tours. For the officer entering the port safety speciality, training occurs at all MSO's and COTP's. The same principle applies of developing expertise in an area for the first four to six years. In both specialties there are a variety of training opportunities available, such as military and civilian resident training, on-the-job training manuals, correspondence courses, and video tapes.
- d. Chief Warrant Officer Billets. There are nearly 300 authorized CW04 merchant marine safety (MMS) billets in the Coast Guard. These billets are distributed among the ENG, BOSN, MAT, and WEP specialties. The vast majority of CWO's in the MMS program serve in vessel inspection billets. However, there are also billets in the port operations, investigations, recreational boating safety, commercial fishing

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6.B.3. d. (cont'd) vessel safety, occupational health, drug and alcohol enforcement, and maritime pollution areas.

- (1) Discussion. Generally, CWO's serving in vessel inspection billets are qualified as either hull or machinery inspectors, or both. ENG's are assumed to be machinery inspectors; BOSN's and WEP's hull inspectors. MAT's are also assumed to be hull inspectors; however, MAT's who have had extensive sea time and served as underway EWO's are likely machinery inspector candidates. It takes nearly two years to become a qualified marine inspector. There are approximately 25 vessel inspection training billets divided between four ports: New York, New Orleans, San Francisco, and Seattle. Graduates of the twoyear training program are reassigned to fouryear vessel inspection duty billets. Usually there is an insufficient number of training port graduates to fill all vessel inspection duty billets. Consequently, "trainees" must often be assigned to duty inspection billets.

- (2) Procedures. CWO marine inspectors shall be assigned based on qualification, not occupational specialty. For example, a MAT who is a qualified machinery inspector could be assigned to either ENG or MAT MMS billets. An ENG who is both a qualified machinery and hull inspector (double-ender) could be assigned to ENG, BOSN, MAT, or WEP's MMS billets. Removing billet specialty constraints serves two purposes: It provides CWO's with a greater variety of billets from which to choose, resulting in a more satisfied work force. It also provides the assignment officer greater flexibility by increasing the candidate pool. Ideally, CWO MMS trainees should have a maximum of 15 years active service at the time they are assigned to an MMS billet. However, CWO's with experience desirable to the MMS program (prior RIO duty, prior MSO assignments), former MST, extensive underway engineering experience), who the assignment officer believes will complete a 26- to 30-year career, may be assigned as trainees.

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6.B.3. e. Officer Billet Codes (OBC's). The OBC system is outlined in the Commissioned and Warrant Officer Billet Manual, COMDTINST M5320.7L. This manual also furnishes a listing of authorized Coast Guard billets.

4. Enlisted Billets. In the 1970's, the Coast Guard undertook several initiatives which expanded its marine safety programs in such areas as boarding and inspection of foreign tank vessels and uninspected vessels. At the same time, there was a serious decline in the number of qualified marine inspection officers. With the consolidation of MSO's and the ability to maintain MI, PSS/MEP/WWM, and RBS investigative functions simultaneously came an awareness that qualified petty officers could play a vital role in fulfilling program requirements of the unit. Properly trained petty officers have consistently demonstrated an ability to perform marine safety functions with excellence. Their employment as assistant marine inspectors, port safety officers, etc., has permitted efficient response to changing work force and program requirements, while enabling officers to perform MI, PSS/MEP/WWM, and RBS duties and broaden their experience. [NOTE: Distinctions over which program manager has initially funded a billet are irrelevant to the fulfillment of an MSO's mission.]

a. Qualification of Personnel.

(1) Training. Before the Enlisted Personnel Central Assignment System and the use of qualification codes was in effect, the assignment of qualified petty officers to billets requiring persons with law enforcement training and experience was left mostly to chance. Demonstrated improvements in petty officer performance, based on improved training and the MSO concept, show the value of utilizing enlisted personnel for marine safety activities. To support this, MI topics have been included in the Marine Safety Petty Officer Course (MSPOC) offered at RTC Yorktown. The employment of officer-enlisted inspection teams should be considered by the OCMI. In any event, petty officers should receive on-the-job training, under supervision, in an organized unit training program; the tasks required of them generally should not exceed their scope of training. Qualification codes shall be assigned

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- 6.B.4.a. (1) (cont'd) in accordance with the Enlisted Qualifications Manual, COMDTINST M1414.8B.
- (2) Qualification Codes. Enlisted marine safety billets are identified only by rate (grade level) and general rating. The Enlisted Qualifications Manual lists various qualification codes for advancement, occupational identification, and special series designators. The special series codes are particularly important to petty officers assigned to marine safety duties (see the Enlisted Qualifications Manual for special series codes for Marine Environment and MI). Detailers of enlisted personnel will attempt to place personnel holding these special series qualification codes in billets designated by those codes. This should result in a marked improvement in experience levels of enlisted marine safety personnel.
- b. Party Of Ratings/Grade Levels. The MSO structure, which utilizes a standard departmental organization, will place petty officers of various ratings in direct working relationships with chief warrant officers (CWO's). The noncommissioned rating structure reaches its highest level of expertise in the CWO specialties, and warrant officer assignments at an MSO will correspond to the types of assignments made for separate MIO and COTP offices. For example, CW04 (WEPS) billets correspond to the GM billet at a COTP office (nearly 25 percent of all GM billets are thus assigned); CW04 (BOSN, ENG, and MAT) billets correspond to the traditional BM, DC, MK, and QM billets at MIO's. Many marine safety functions performed by petty officers are not so much "out-of-rate" as once believed, particularly at units where EM and MK ratings maintain small boats and inspect small passenger vessels; where assistant marine inspectors in the DC rating examine welds in new construction; or where former RD ratings staff a vessel traffic center (VTC). [NOTE: Due to the complex nature of marine safety requirements, nonrated personnel generally support petty officers and undergo on-the-job training for advancement.]
5. Civilian Positions. Position descriptions are a key element of civilian personnel management. Policies and procedures concerning civilian personnel are found in the

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6.B.5. (cont'd) Civilian Personnel Guide for Supervisors, COMDTPUB 12000.2A. Civilian personnel matters are directed by the district commander (pc) and monitored by Headquarters program managers. Technical supervision may be exercised by Headquarters program managers, particularly in regard to the legal aspects of vessel documentation and tonnage measurement, as appropriate.

C. Marine Safety Apparel. The district and unit commanders shall establish a working dress code for marine safety personnel sufficient to represent the Coast Guard appropriately, in accordance with provisions of the Uniform Regulations, COMDTINST M1020.6C. Under COMDTINST M1020.6C, civilian clothing shall be worn by marine safety personnel assigned to duties on merchant vessels or at shipyards, unless its wearing is impractical under the circumstances. When civilian clothing is authorized, it shall be clean and presentable.

1. Wearing Of The Uniform. Personnel assigned to "clean" duties that normally require continued presence at the unit or another office (e.g., conducting field licensing examinations for merchant mariners) shall wear the prescribed service uniform. The reason for this policy is that maritime interests and the public generally respond favorably to the uniformed Coast Guard member "on the job." Personnel performing inspection or other field activities shall wear "working blues" or coveralls when wearing of the uniform is required. Coveralls shall be standard Navy issue (available through the Federal Supply System), with the initials "USCG" in block letters across the left breast and back.

2. Civilian Clothing Allowance. The OCMI may not require a petty officer to wear civilian clothing in the performance of official duties, unless a civilian clothing allowance has been authorized. To be eligible for this allowance, the petty officer shall complete three months of inspection duty and receive one of the following qualification codes, in accordance with provisions of the Enlisted Qualifications Manual, COMDTINST M1414.8B: FA - Assistant Hull Inspector (HI); or FB - Assistant Machinery Inspector (MI). The petty officer shall be recommended for the allowance by the OCMI. The individual may not be required to wear civilian clothing while undergoing indoctrination for a qualification code. When a petty officer previously authorized to receive an allowance does not currently hold a qualification code, the OCMI shall determine

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- 6.C.2. (cont'd) whether the individual is eligible to regain it; if not, authorization for the clothing allowance will be rescinded. (NOTE: Civilian clothing allowances are not authorized for marine safety personnel assigned to office tasks. The wearing of civilian clothes in the office is at the discretion of the OCMI.
- D. Use Of Coast Guard Reserve Resources. The Coast Guard Reserve plays a direct role in support of marine safety activities. In fact, much of the justification for the Coast Guard Reserve is based upon Coast Guard mobilization requirements to ensure the safety and security of our ports and waterways through the Captains of the Port and Commander, Coast Guard Forces (COTP/CCGF). While the following describes the interface between the operational Marine Safety Program and the support Reserve Program, specific guidance on use of Reserve resources is contained in the Reserve Administrative and Training Manual, COMDTINST M1001.27A. Augmentation training of reservists will, in most cases, be the primary means whereby reservists gain their mobilization skills and, at the same time, contribute to the performance of active force missions. As the Reserve Training Program's primary training mode for the past 15 years, augmentation training has provided mutual benefits to the reservist and augmenting command. Through their participation in Reserve augmentation training efforts, many COTP's have developed a cadre of qualified reservists they may call upon to enhance their unit's capability for effectively meeting the demands of emergency and major response operations. In many cases, such uses of Reserve personnel may satisfy the reservist's annual training requirements.
1. Recent Reserve Support Of Marine Safety Programs. The value of the reservist in marine safety functions has been demonstrated by recent history (1989, 1990, 1991 EXXON VALDEZ; 549 reservists activated). In 1990 and 1991, Operations Desert Shield and Desert Storm (DS/DS) saw the mobilization of over 800 reservists to assist COTP's within the port safety and security mission areas. Another recent use of Reserve personnel was the utilization of some 300 Reserves for six to eight weeks of port safety and security work in support of the 1984 Olympics Task Force in Los Angeles. Reservists also currently patrol the security zones established for the Space Shuttle launches in Cape Canaveral under the direction of the COTP.
 2. Utilization Of Reservists.

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- 6.D.2. a. Background. As a result of experience gained during the mobilization of reservists in support of COTP's during Desert Shield and Desert Storm, the concept of Reserve training requirements has undergone several changes. The first of which is the former differentiation between augmentation and mobilization training. COTP operations during DS/DS revealed that the COTP's were performing the same missions as peacetime, only at a greatly increased tempo. The qualifications required of reservists who mobilized at the COTP's were the same as those required for augmentation during normal, peacetime operations. This has resulted in several ongoing major changes to the concept of Reserve training and mobilization requirements. The first change is a re-emphasis of port safety missions and a de-emphasis of purely security operations. Mobilized reservists require skills as boarding officers, explosive handling supervisors, and facility inspectors. The port security skills required are, primarily, the ability to effectively patrol assigned security zones in a heightened threat environment. Again, these skills are the same as those required of the active duty personnel performing routine port safety and security mission activities. As a result of the above, the training of reservists must be based upon the mobilization force element to which the individual reservist is assigned. The resident training of reservists parallels that of their active duty counterparts. This parallel training has already been initiated at the petty officer level. The skills required of the Reserve Port Securityman (PS) rating totally parallel those skills contained in the Job Task Analysis performed for active duty petty officers. As a result, PS "A" school graduates will be provided the same training as MSPOC graduates in all port safety and security and marine environmental protection mission areas. The development of parallel standards for Reserve Officers is now underway.
- b. Training. To ensure that reservists meet the needs of the active duty receiving command, the active duty command has a requirement to provide on-the-job training and to qualify and certify those reservists assigned to mobilization force elements on the unit's Contingency Personnel Allowance List, just as the command is responsible to ensure the qualification of active duty personnel assigned to the Personnel

6.D.2. b. (cont'd) Allowance List. The qualification of reservists is the same as that for Reserve duty personnel as outlined in chapter 7 of this volume.

c. Training Administration. The Office of Readiness and Reserve is developing a Master Training Plan (MTP) for all rates which will be used by each individual reservist to outline all related training requirements that he or she will need to complete during a career. This plan is a Reserve Program document and will be maintained by the individual Reserve. It will be reviewed by the Reserve Unit Training Officer and the mobilizing command Training Officer to determine the current status and training needs of each individual reservist. Again, each reservist assigned to mobilize at the COTP shall be provided a Marine Safety Training and Qualification (MST&Q) Booklet(s) for the force element assigned. It then becomes the responsibility of the individual reservist to meet the requirements of the MST&Q booklet(s). Upon completion of any resident training, MST&Q booklet items and any local unit requirements, the reservist will be issued the same qualification letter as that received by an active duty member. Training of reservists occurs in two distinct duty phases on an annual basis:

- (1) The first is Inactive Duty for Training (IDT) which is the normal weekend drill. A reservist is required to perform 48 drills per year which is approximately 24 days of IDT per year. IDT periods are normally when the Reserve Unit holds all-hands meetings, PI's, district inspections, etc. This is also when most reservists perform weekend or single day IDT periods at the COTP.
- (2) The other type of training is Active Duty for Training (ADT). This is normally 12 days of consecutive active duty performed annually at an active duty command or at a resident training course. ADT can be performed in nonconsecutive periods if the needs of the reservist and/or the active command require. For further details on IDT and ADT, see the Reserve Administration and Training Manual, COMDTINST M1001.27A.

3. Unit Training Procedures.

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- 6.D.3. a. Weekday Activities. Many reservists who are employed in civilian occupations that require rotating shiftwork (i.e., policeman and fireman) have found that performing IDT at a marine safety unit during regular weekday hours provides a better perspective of port operations (hence, better training benefit) and better supports their civilian work schedule. The "weekday reservist" often has a greater opportunity for training in all aspects of the Port Safety and Security and Environmental Protection programs. Since this experience is directly related to anticipated mobilization tasks, and accumulated local knowledge, such a person becomes even more valuable to the marine safety unit.
- b. Nighttime And Weekend Activities. Individual reservists usually dedicate one weekend a month to IDT augmentation of local marine safety units. Typically, they are organized into smaller sections or watches to enhance the effectiveness of their augmentation training activities, and not overtax the training capabilities of the active force on duty. Training activities, watchstanding, emergency response, and performance of certain tasks should be tied to mobilization billet requirements for the individual reservist. Off-hours watchstanding in the port operations department and weekend response to emergencies are also good training opportunities for reservists.
4. Unit Liaison With Reserve Units. COTP's shall maintain liaison with Reserve Groups Commanders and Reserve Unit Commanding Officers located within their area of responsibility (AOR) who provide personnel mobilizing at their command. The COTP should also maintain contact with Reserve Units which are outside of the AOR of the COTP but provide mobilizing reservists to the COTP. This contact is necessary to ensure that the reservists receive the training and qualifications necessary for mobilization. The provisions for the utilization of Coast Guard reservists, as described above, require that marine safety units be prepared to receive, train, and utilize Reserve personnel effectively. Effectiveness of communication and planning is a joint active duty/Reserve responsibility. Difficulties that may arise in coordinating Reserve participation should be resolved by contact with the Reserve Group Commander or the district commander (m) or (r), as appropriate. The following

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- 6.D.4. (cont'd) guidelines for Marine Safety related units (COTP's) may prove helpful for planning:
- a. Develop and maintain an Augmentation Support Agreement (ASA) with the supporting Reserve Group and all augmenting Reserve Units to ensure that they are aware of the COTP's support requirements and policies for training and qualifying reservists. Specific guidance concerning the development and maintenance of ASA's will be forthcoming in COMDTNOTE 16451.6, due to be released in the first quarter of FY93.
 - b. **Designate an active duty Reserve Affairs Specialist** (replaces Reserve Liaison Officer title) to coordinate all Reserve activities at the command. If an RPA is assigned to the COTP staff, this person would be the best choice. The individual assigned to this position should have a good knowledge of the Reserve Program, be enthusiastic, and possess superior interpersonal skills to work with reservists of all ranks and rates. The Reserve Affairs Specialist should maintain close familiarity with all aspects of Reserve support operations and monitor the status of all Reserve training and qualification at the command.
 - c. Maintain a roster of the names, addresses, phone numbers (home and work), civilian occupations, and force element assignment of reservists assigned to mobilize at the COTP. Mobilization billets and civilian occupations should be considered when selecting reservists for response to emergencies.
 - d. Encourage integration of reservists into the unit structure; they should be (and should feel like) members of the "team."
 - e. Ensure coordination between the COTP's Reserve Affairs Specialist, Training Officer and the Reserve Unit Training Officer.
 - f. Promote harmony among active duty personnel and reservists by encouraging social as well as operational interaction.
 - g. Attempt to resolve personnel problems through liaison between the XO's of the COTP and the supporting Reserve Unit(s).

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- 6.D.4.
 - h. Develop, to the maximum extent possible, a cadre of "weekday" reservists for IDT augmentation training.
 - i. During ADT and IDT, ensure that sufficient qualified active duty unit personnel are available to supervise and train reservists to achieve maximum levels of qualification as well as to sign completed qualifications either for rating, i.e., PS, or in the MST&Q booklets.
 - j. Periodically conduct on-scene visits of vulnerable and high-risk areas within the COTP zone in company with the Reserve Unit(s) Commanding Officer, Executive Officer, training officer, and other Reserve Unit personnel who are assigned to mobilize to force elements at the COTP. These visits are ideally conducted during contingency exercises and exercise preparation.
 - k. Solicit the assistance of Reserve personnel maintaining mobilization and contingency plans in a current status. This does not mean that planning should be a "Reserve" function. With the greater geographic stability of Reserve personnel, they can add a historical perspective to long range planning efforts.
 - l. Incorporate Reserve personnel in the unit training program.
- 5. Reserve Facilities. Some Reserve Units have boats and vehicles assigned. When they are used in support of COTP functions, they shall be placed under the operational control of the COTP. This control may be accomplished through close coordination with the Reserve Group and Reserve Unit Commanding Officer in accordance with utilization policies promulgated by the district commander (r).
- E. Off-Duty Employment of Marine Safety Personnel. General policy regarding off-duty employment of Coast Guard members is stated in 49 CFR 99.735-11 and the Personnel Manual. Because of the unique working relationship between marine safety personnel and members of the maritime industry, more stringent standards are required for these Coast Guard members. Of concern is the avoidance of any real or apparent conflict of interest between the Coast Guard and industry, or between commercial entities as the result of off-duty employment of Coast Guard marine safety personnel.

6.E. (cont'd) Accordingly, the Commandant has established strict guidelines for the off-duty employment of such personnel, whether civilian or military.

1. Prohibited Employment.

- a. Operation, design, construction, maintenance, or repair of vessels operated for hire, or any other type of commercial vessel, whether inspected or uninspected (including fishing vessels).
- b. Service in any capacity that requires by law or regulation the possession of a merchant mariner's document (MMD) or a deck/engineer officer license.
- c. Any sales or service to vessel owners or operators as a consultant, broker, agent, surveyor, underwriter, financier, naval architect, marine engineer or investigator, ship chandler, equipment manufacturer or dealer, pollution clean-up contractor, or attorney in maritime law.
- d. As a commercial license examiner or participant in any other form of instruction applicable to license or MMD examinations.
- e. Operation of, employment by, or service to any designated waterfront facility.

[NOTE: Additional forms of employment may be of similar nature and, consequently, unacceptable. If there is doubt as to the nature of a specific situation, the CO shall regard it as a potential conflict of interest and direct the person to terminate such employment immediately.]

2. Civilian Employment Of Reservists. Reservists who are normally employed in any of the categories cited above may be assigned to marine safety billets, at the discretion of the unit commander, for any period of active duty not to exceed 30 days (other than in time of general mobilization). In assigning such members, Reserve unit CO's, in consultation with the active force commander, shall ensure that such an assignment does not pose a potential conflict of interest.

F. Temporary Additional Duty For Oversea Inspectors. The Commandant's policy is to provide maximum employment of personnel assigned to overseas inspections, taking into

6.F. (cont'd) consideration personnel/quality of life and safety. Officers in Charge of Marine Inspection (OCMI), detachment supervisors, and supervising commands shall be guided by personnel criteria in Temporary Additional Duty (TAD) Assignment selection to maximize the effective employment of overseas inspection personnel to meet operational requirements. This policy is consistent with Department Of Defense personnel/quality of life standards used by Coast Guard operating programs, including cutter employment. This policy ensures that personnel are provided with a minimum of 135 days per year that could be spent at home overnight to attend family needs and personal business.

1. Limitation On Temporary Additional Duty For Overseas

Inspectors. The lower limit for full employment of overseas inspection personnel is 185 days Temporary Additional Duty (TAD) away from the home office in any 12 month period. The officer in Charge of Marine Inspection must seek specific approval by the Commandant (G-M) to exceed this limit. The upper limit for the annual maximum TAD away from the home office is 225 days. With the exception of circumstances described in b below the maximum TAD days away from home office shall not exceed 225 days in any 12 month period.

- a. Requests to extend the 185 day lower maximum shall be submitted by message to Commandant (G-M). Requests shall detail:
 - (1) The TAD employment of the inspector over the last twelve months; and
 - (2) Reasons for TAD and expected duration.
- b. In the event of a major marine casualty or other emergency, the OCMI may issue TAD orders to an inspector who has been away from the home office in excess of 185 days, without prior approval by Commandant (G-M). The OCMI must, notify Commandant (G-M) of such orders, the nature of the emergency, and the expected duration of TAD.
- c. As inspection priorities and operations permit, consideration should be given to limiting the length of individual TAD assignments to 30 days.
- d. Ideally, one inspector should start and complete an inspection of long duration; however, many overseas inspections are complex, making continuity in the

6.F.1. d. (cont'd) inspection difficult. Loss of continuity reduces the quality, effectiveness, and efficiency of the inspections and potentially penalizes the vessel owner. Use of more than one inspector to complete an inspection should be the exception rather than the rule; however, the following are guidelines where that is impractical:

- (1) Relieving inspectors should thoroughly research the vessel history and class history for inspection problems;
- (2) Sufficient overlap of attendance of the relieving and relieved inspector must be allowed to familiarize the relieving inspector with progress to date and ongoing repairs/issues to be resolved; and
- (3) Except in the most extraordinary cases, no more than one relief or "hand-off" should occur.

2. Overseas Travel Scheduling. In scheduling overseas inspections, OCMI's shall provide for travel and delay time to allow the inspector to adequately adjust to time zone differences, and fatigue due to in transit times in excess of twelve hours. To this end, maximum flexibility is necessary in choosing air carriers, scheduling flights, layovers, and connections.

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CHAPTER 7. PROFESSIONAL TRAINING AND QUALIFICATION

A. General Requirements For Marine Safety Professional Training And Qualification.

1. Introduction. The Marine Safety program missions are conducted by active duty and reserve Coast Guard officers, petty officers, and civilian personnel. This chapter describes the training and qualification program, and the policies and procedures established to assure the continued development and availability of these professionals.
2. Objectives. The Marine Safety Training and Qualification Program consists of two distinct parts, a Training Program and a Qualification Program. Training is provided through structured courses and enhanced with unit training programs. Both are critical elements for meeting program missions. The Training Program's objective is to effectively and efficiently provide marine safety personnel with the knowledge, skills, and experience required for performing both general and specialized activities. The Qualification Program's objectives are to enhance the development, effectiveness, and efficient use of marine safety personnel.
3. Philosophy.
 - a. General. All marine safety personnel learn and develop throughout their careers. No one person knows all that there is to know at any one point in time. There's always more to be learned. There's always room for improvement. Therefore, the training and development of every individual in marine safety is viewed as a continual process.
 - b. Marine Safety Training And Qualification Program. The program consists of four levels, and the opportunities for growth and development within all but the Entry Level are unlimited. Each individual's expectations and career development opportunities determine when an individual must or should move from one level to another. These four levels are: Entry/Basic Indoctrination, Technical, Mid-Management, and Executive.
 - (1) Entry/Basic Indoctrination Level.
 - (a) The Entry/Basic Indoctrination Level provides individuals with an overview of marine safety. Trainees are introduced to basic laws, regulations, policy documents, and standards that govern the management

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and operation of the Coast Guard's marine safety programs. Trainees receive indoctrination in personal occupational safety and the use of personal protective equipment. They also receive instruction in the marine safety office (MSO) organization and program philosophy.

- (b) When training has been completed at the Entry Level, trainees have a good foundation to start gaining experience for technical level qualifications. Counselling should be conducted at this point with each individual to establish a personalized training and qualification plan for their tour of duty at the unit. Each plan should include prioritized qualifications to be completed within certain time frames, and should be consistent with the unit's needs as well as the individual's career goals. Many units prioritize having entry level personnel complete duty officer (DO) or watchstander (WS) qualifications first. This is appropriate, but since these are Entry Level personnel their ability to resolve problems may be limited, and units should encourage them to contact a more experienced member of the command, or a specific command designee.

(2) Technical Level.

- (a) The knowledge and skill requirements in the Technical Level are numerous and diversified. These requirements can be divided into categories such as: nondestructive testing (NDT) of materials, welding and metallurgy, interpretation and enforcement of federal regulations, explosive loading supervision, response to an oil or hazardous substance discharge/release, technical review of commercial vessel plans, investigation of marine casualties, investigation of pollution incidents, prosecution of violations of federal regulations, etc.
- (b) No one person is expected to become a technical expert in all of these areas. Instead, every individual can expect to receive training, and become qualified in one or more of these areas to satisfy the

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needs of the service in performing specific marine safety tasks. During the course of a career in marine safety, an individual can expect to become qualified in many different areas evolving into the marine safety professional that will be required to fill higher level positions of responsibility. Because there is a great deal of transferability of knowledge and skills between most of these technical areas, every individual will develop similar (though not identical) skills and knowledge. Taken collectively, these skills and knowledge provide a fairly uniform foundation for further development at the Mid-Management and Executive Levels.

- (3) Mid-Management Level. Knowledge and skill requirements in the Mid-Management Level are different in character than those at the previous two levels. Knowledge and skills in such areas as: leadership, performance evaluation, communication, counseling, planning, budgeting, preparing and submitting reports, working with personnel allowance information and amendment procedures, using the management information/reporting systems, etc., must be added to the knowledge and skill base acquired in the Technical Level. In addition, certain analytical skills, organization performance evaluation skills, and greater knowledge and familiarity with Coast Guard administrative procedures will be required for an individual to function satisfactorily at this level.
 - (4) Executive Level. Finally, Executive Level training provides the individual with certain conceptual and analytical skills which are added to the mid-management base. Individuals participating at this level are able to conceptualize relationships between Coast Guard programs, diversified and competing components and interests of the marine industry, other federal and state regulatory agencies, public and private interest groups, etc. These individuals must be able to make subjective prioritizations between these relationships, identify problems, formulate innovative solutions, etc.
4. Definition Of Terms. The following definitions are used throughout this chapter and should be reviewed in order to better understand its contents:

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- a. Area Of Designation. A grouping of marine safety tasks which collectively identify a job, several jobs, or parts of a job for which a trainee can become qualified once all the requirements specified for that grouping of tasks have been completed.
- b. Contract Course. Any course presented in a resident training environment that uses, at a minimum, instructors contracted from a source other than the Coast Guard or other federal, state, or local agency.
- c. Correspondence Course. Any course that requires a trainee to interact directly with an administration center, usually through the mail, two or more times throughout the course's duration.
- d. Drill. An exercise performed wholly within the command and repeated at scheduled intervals of less than 1 year.
- e. Exercise. Any training activity requiring a team effort by a marine safety command, possibly involving the participation of forces outside the command, in order to attain training objectives.
- f. Letter Of Designation. A letter issued by a marine safety command to a trainee that has successfully completed all the requirements for a particular area of designation.
- g. Nonresident-Training. All training other than resident training.
- h. On-The-Job Training (OJT). Training conducted at the job site by a qualified person who is actually engaged in the performance of a marine safety job.
- i. On-The-Job-Training Qualification (OJQ). Performance of a marine safety job by a trainee, under the supervision of a qualified person, for the purpose of verifying the trainee's ability to perform that job correctly.
- j. Resident Course. Any course presented in a resident training environment.
- k. Resident Training. Training conducted in a classroom by a qualified instructor who follows an approved structured lesson outline in meeting specified training objectives.
- l. Self-Study Course. Any course that allows students to proceed at their own pace and that allows them to determine satisfactory attainment of lesson objectives autonomously.

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- m. Training Coordinator. A Coast Guard officer who carries out training officer responsibilities as a collateral duty and whose primary responsibility is to ensure that personnel on subsequent tours in marine safety continue their training and development.
- n. Training Opportunity. Any marine safety task that can be used for OJT or OJQ purposes.
- o. Training Officer. A Coast Guard Officer or Chief Petty Officer with full-time responsibility associated with the Marine Safety Training and Qualification Program at a designated training port.
- p. Unit Training. Any training provided by a marine safety command, other than on-the-job, that standardizes and coordinates the actions and behavior of individuals and teams, organizing them into a single effective force.
- q. Verifying Officer. Any Coast Guard employee who has successfully completed an area of designation, that supervises a trainee's performance of a marine safety task for the purpose of verifying the trainee's ability to perform that task correctly.

B. Management Of The Marine Safety Training And Qualification Program.

- 1. Program Management Responsibilities. The training of marine safety personnel is directed by the Office of Marine Safety, Security, and Environmental Protection, Commandant (G-M).
- 2. Marine Safety Training Council (MSTC).
 - a. Responsibilities. The MSTC was established to manage a coordinated and uniform functional training program for marine safety personnel in the CVS, PSS, and MEP Programs. The MSTC coordinates all marine safety training, analyzes and evaluates alternative methods of training, and recommends changes to the marine safety program directors. The MSTC performs 11 functions on an annual schedule, under the direction of Commandant (G-M). These functions are:
 - (1) Recommend Policy. Recommend policy to both program directors for developing and maintaining a coordinated and uniform functional training program for all marine safety personnel.

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- (2) Maintain Liaison. Maintain primary liaison and develop procedures with the Performance Systems Division, Commandant (G-PRF), for planning, developing, implementing, and evaluating marine safety training, and with the Reserve Training Division, Commandant (G-RST), where there is common interest.
- (3) Assist In Identifying Training Needs. Assist Headquarters marine safety divisions in identifying and integrating their training needs within the Marine Safety Training and Qualification Program.
- (4) Coordinate Review Of Curriculum Outlines. Coordinate the review of all marine safety training course curriculum outlines, in accordance with Management of the Coast Guard's Training System, COMDTINST 1550.9, to ensure uniformity and compatibility within the overall Marine Safety Training and Qualification Program.
- (5) Coordinate Review Of Enlisted Qualifications Manual. Annually coordinate a review of the Enlisted Qualifications Manual, COMDTINST M1414.8B, to identify new qualifications for enlisted marine safety personnel promotion.
- (6) Develop Annual Training Plan. Annually coordinate marine safety training course requirements to develop the marine safety training plan.
- (7) Review Training Course Schedules. Annually coordinate the review of marine safety training course schedules.
- (8) Coordinate Training Funding Requests. Coordinate all budgeting and funding requests relative to the marine safety training plan with Commandant (G-PRF) to ensure uniform and efficient utilization of training funds and resources.
- (9) Monitor Use Of Training Quotas. Monitor the utilization of marine safety training quotas with Commandant (G-PRF).
- (10) Coordinate The Review Of Course Evaluations. Coordinate the review of all marine safety course evaluations.

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- (11) Coordinate Review Of Marine Safety Training And Qualification Manual. Coordinate the development and annual review of this chapter to ensure uniformity and compatibility within the overall Marine Safety Training and Qualification Program.
- b. Membership. The MSTC includes all divisions and staffs from Commandant (G-M), (G-PRF), the Reserve Training Division, Commandant (G-RST), and the Marine Safety School, Reserve Training Center (RTC), Yorktown, VA.
3. Command Responsibilities. Marine safety commands are responsible for the success of the training program. The command administers the training program, determines who receives what training when, establishes priorities between operational mission performance requirements and training needs, evaluates the training progress of its personnel, examines each individual's skill and knowledge proficiency, and certifies each individual in specifically designated areas upon completion of the training process. Certain commands, designated as "training ports," have additional responsibilities which are delineated in greater detail in paragraph 7.B.4 below.
4. Training Port Responsibilities. Commands designated as "training ports" have the responsibility for conducting more intensive training at the Entry Level and the Technical Level for personnel on initial assignment in commercial vessel inspection and safety. Training ports have designated full-time training officers, who assure that the training of all personnel at the command is performed effectively and efficiently.
5. Training Program Planning And Administration. Every marine safety command shall establish and maintain a training board and shall designate one commissioned officer as a training coordinator (or as a training officer at those commands which are training ports). The functions of the training board should be administered by the training coordinator/training officer. The training board's purpose is to carry out planning and administrative responsibilities for the command's training program.
6. Duties And Responsibilities Of The Training Board. The training board should convene at regular intervals as specified by the command. As a guide, commanding officers should consider utilizing training boards to carry out some or all of the following functions:

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- a. Forecast And Plan For Loss Of Experienced Personnel.
Determine the impact of release from active duty (RELAD), permanent change of station (PCS) transfers, reserve retirement and-transfers, and other personnel factors, on the qualification and experience levels of the command. Develop a forecast of qualification and experience levels that will be achieved once replacement personnel arrive to fill projected vacancies. Assess and evaluate the need for providing new knowledge and skills to assigned personnel as a result of changes in technology or workload within the command's geographic area of responsibility. Identify the command's resulting personnel training requirements.
 - b. Develop Individual Training Programs For Personnel.
Develop and document a training program for persons assigned to the command, including augmenting reservists. Consider resident training, unit training, and individual OJT goals that should be scheduled and achieved during evaluation periods.
 - c. Develop The Annual Training Plan. Develop an annual training plan to use in preparing the annual training needs survey for resident training quotas. The survey should be forwarded to Commandant (G-MP-3) as directed during the second quarter of each fiscal year.
 - d. Integrate Training Into The Command's Daily Routine.
Establish and maintain procedures that consider daily workload requirements, potential training opportunities, and individual training requirements. When possible, make workload/training opportunity assignments that support established training plans.
 - e. Evaluate Training Effectiveness. Evaluate the effectiveness and efficiency of training efforts by periodically comparing the initial plans with achieved results. Quantify training progress made during the period. Make recommendations for improving the quality and/or quantity of training provided at the command. Recommendations for improving the program Coast Guard-wide should be made by the CO to Commandant (G-MP-3) or (G-RST) if reservists are involved.
7. Duties And Responsibilities Of the Training Officer.
Training officers shall have the full-time responsibility associated with the marine safety training program at a designated training port. They shall ensure that all functions of the unit training board are carried out expeditiously. They shall ensure that all active duty

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and reserve personnel reporting for duty on initial assignments to their command receive their individual OJT manuals (qualification manual) and instructions regarding their use. They shall meet with trainees, at least quarterly, and with all other members of the command, at intervals specified by the command, to establish, discuss, and/or change training goals. They shall review the OJT manual (qualification manual) of each person assigned to the command at intervals specified by the command. They shall make recommendations to the command for any changes that may be needed or desired to keep an individual's training progress on track with established training goals. Procedures for administering and maintaining the qualification and training program are specified in the Training and Education Manual, COMDTINST M1500.10B and Personnel Management Information System (PMIS), COMDTINST M1080.7.

8. Duties And Responsibilities Of The Training Coordinator. Training coordinators carry out functions similar to those of the training officer for every member of the command, but as a collateral duty. Training coordinators should schedule meetings with each member of the command, at least annually, to discuss individual training needs and desires. The training coordinator should use information gained at these meetings to assist the training board in developing the command's resident training plan, and in coordinating nonresident and OJT conducted at the command. Training coordinators should review the OJT manual (qualification manual) of each person assigned to the command at intervals specified by the command. Procedures for administering and maintaining the qualification and training program are specified in the Training and Education Manual, COMDTINST M1500.10B and Personnel Management Information System (PMIS), COMDTINST M1080.7.

9. Duties And Responsibilities Of The Individual. While the command is ultimately responsible for the success of the marine safety training program, that success depends in part on individuals initiating and carrying out their training duties and responsibilities. Marine safety programs provide the resources, commands provide the opportunity, and **the individual provides the motivation and initiative.** The following steps may help the new trainee in the field to organize an approach to the program:
 - a. Review this entire chapter; consider where you wish to be at the end of your current tour and the subsequent tour.

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- b. If you are a reservists, review your rating master training plan (MTP).
- c. Discuss and plan goals with the assistance of the training officer/coordinator.
- d. Develop a timetable and sequence for completing OJT manuals and training elements.
- e. Submit OJT manuals, or review on a scheduled basis (erratic submission may lead to a loss in training momentum).
- f. Initiate training opportunities. Drive the program; do not sit back and "let it happen." Set realistic goals, place them on a timetable, then stick to them.

C. Career Development Paths And Patterns.

1. Entry Level Training And Qualification.

- a. The Entry/Basic Indoctrination Level training provides individuals with an overview of marine safety. This is accomplished in three stages. At the first stage, Entry Level trainees typically report to field commands for 2 to 3 months of intensive orientation and indoctrination. While in the orientation stage trainees are required to complete the Initial Indoctrination Lesson Plan Series (MS 400 U) correspondence course with the Coast Guard Institute. Trainees report to the training officer at designated training ports, or to the training coordinator at all other marine safety units that are not designated as training ports. Training required at this stage is delineated in Section "I" "I" (Initial Indoctrination) of the trainee's qualification manual. Once the requirements of the "I" "I" area are completed, the trainee will be eligible to continue to the next stage of training.
- b. The next stage of training at the Entry Level is conducted by the Marine Safety School at the Coast Guard Reserve Training Center (CG RESTRACEN) in Yorktown, Virginia. All active duty trainees must attend either the Marine Safety Petty Officer Course (MS 400), the Port Operations Department Course (MS 422), or the Marine Inspector Course (MS 452) before continuing Entry/Basic Indoctrination Level training in the third and final stage. Reserve trainees must attend the Port Securityman "A" school (PSA) or the Port Safety and Security Officer course (PSSO) as part of their entry/basic indoctrination level

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training. These core courses introduce trainees to the majority of the laws, regulations, policy documents, and standards that govern the management and operation of the Coast Guard's marine safety programs. (See also subparagraph 7.A.3.b. (1)(a) above.)

- c. Upon returning to their command, trainees may continue on-the-job Entry Level training in the WS or DO areas. When training has been completed at the Entry Level, Letters of Designation, see Figure 7-1, are issued by the command attesting to the individual's satisfactory completion of training at this level, and to the individual's ability to function as a DO or WS in a responsible and professional manner.

2. Technical Level Training And Qualification.

- a. **Trainees may begin OJT at the Technical Level prior to completing training at the Entry Level. However, Entry Level Training, as discussed in 7.C.1.b, must be completed before the trainee can be examined and/or issued a Letter of Designation in any Technical Level area.**
- b. **Trainees assigned to the Inspection or Compliance Department of a marine safety command complete resident training in the Marine Inspector Course (MS 452) and return to continue training at the unit and OJT in one or more areas of designation. Areas of designation are: Hull Inspector (HI); Hull Inspector-Tankship (HT); Machinery Inspector (MI); Machinery Inspector-Steam (MS); T-boat Inspector (TI); K-boat inspector (KI); Assistant Hull Inspector (FA); Assistant Machinery Inspector (FB); and Barge Inspector (BI). In addition, trainees may receive training in several optional areas of designation, depending upon the workload demands of the unit. These optional areas are: Liferaft Inspector (LR); Dry Dock Inspector (DI); Facility Inspector (EU); Mobile Offshore Drilling Unit (MODU) Inspector (MU); Foreign Chemical Tank Vessel Inspector (ML) (also called the Letter of Compliance (LOC) Inspector); Licensing and Seaman Document Examiner (FE); Licensing and Document Evaluator (FG); Offshore Supply Vessel (OSV) Inspector (OI); Commercial Fishing Vessel Examiner*; Foreign Vessel Inspector (FV); Foreign Tank Vessel Inspector (TV); and the Control Verification Inspector (CV).**

*** A new Commercial Fishing Vessel Examiner (CFVE) National qualification, which fully addresses both the knowledge and skill requirements for this program, is under development. In the interim, Commanding Officers may credit a CFVE qualification as equivalent to the new CFVE for those individuals who have: completed the existing CFVE training and qualification checklist in the Commercial Fishing Industry Vessel Safety Training and Qualification COMDTINST 16711.14, demonstrated satisfactory subject matter knowledge & proficiency equivalent to current District-level OJT or Personnel Qualification Standards (PQS), and have satisfactorily performed CFVE activities (including vessel examinations, boardings, or personnel training) for a period not less than two calendar years.**

- c. **Trainees assigned to the Port Operations, Response, or Waterways Management Department of a marine safety command complete resident training in the Entry Level Port Operations Course (MS 401) and return to continue training at the unit and OJT in one or more areas of designation. Reserve personnel are afforded the opportunity to complete ELPOC in two, two-week sessions. Areas of designation are: Boarding Officer (EI), Harbor**

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Safety Officer (EK), Facility Inspector (EU), Pollution Investigator (ED), and OSC's Representative (ET). Port Operations Department members may receive training in several optional areas of designation, depending upon the workload demands of the unit. These optional areas are: Contingency Planner (CP), Explosive Handling Supervisor (EB), Container Inspection (EC), Special Interest Vessel (SIV) Boarding Officer (EJ), Pistol Qualification (EP), Rifle Qualification (ER), and Shotgun Qualification (ES).

- d. Trainees assigned to the Investigation or Investigation and Analysis Department of a Marine Safety command are not entry level. Individuals should not be assigned to the Investigation Department until they have completed Technical Level training in either the Inspection or Compliance Department or the Port Operations Department. Upon completion of the entry basic level training and technical qualifications, trainees must complete training in the Investigating Officer Course (MS 472) and return to continue training at the unit and OJT in one or more areas of designation. Upon successful completion of the IOC, the Investigating Officer is eligible to return for instruction in advanced investigation skills in the Advanced Investigating Officer Course (MS 472A). Areas of designation are: Casualty Investigator (FO); Pollution Investigator (ED); Violation Investigator (EO); and Suspension and Revocation Investigator (FN).**
- e. Trainees assigned to a Regional Examination Center (REC) complete OJT in Licensing Evaluator (FG) and/or Licensing Examiner (FE) areas of designation. Inspection Department training, including completion of the Inspection Department Training Course (MS 452) should be required to complete training in the Licensing Evaluator (FG) area of designation.**
- f. Trainees assigned to Strike Teams should attend courses as detailed in the National Strike Force Training and Qualification instruction. Upon completion of specified courses, NSF members complete OJT and qualifications in a specific order. Areas of designation are: Response Member (EE); Response Officer (EH); Response Technician (EF); and Response Supervisor (EG).**
- g. When a trainee has successfully completed each element required in the approved OJT Manual or PQS, including prerequisite OJT or PQS (see Figure 7-1a), Letters of Designation (see Figure 7-1) shall be issued by the command attesting to the individual's satisfactory completion of training in that area, and to the individual's ability to perform the job for which he or she has been trained in a responsible and professional manner. If a command chooses to grant qualifications without completion of a required prerequisite, such qualifications shall be considered local and shall be rescinded upon transfer.**

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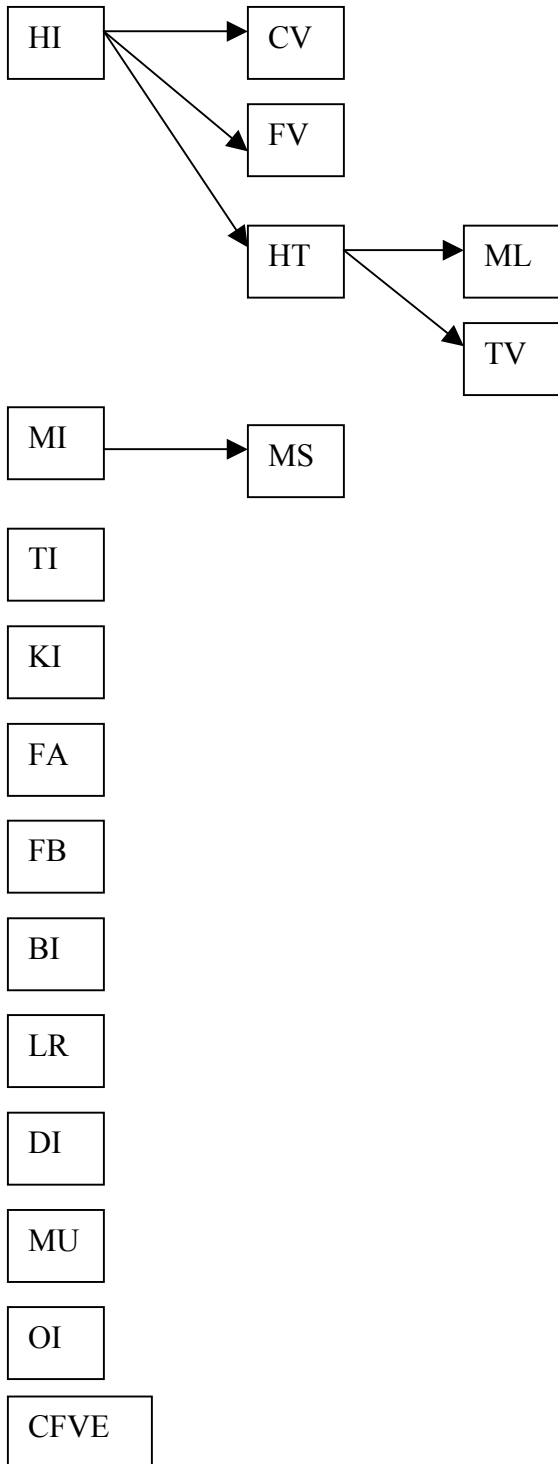
Figure 7-1a

Prerequisite requirements for OJT Manuals and/or PQS

Inspection or Compliance Department

No Prerequisite

Must complete prerequisite



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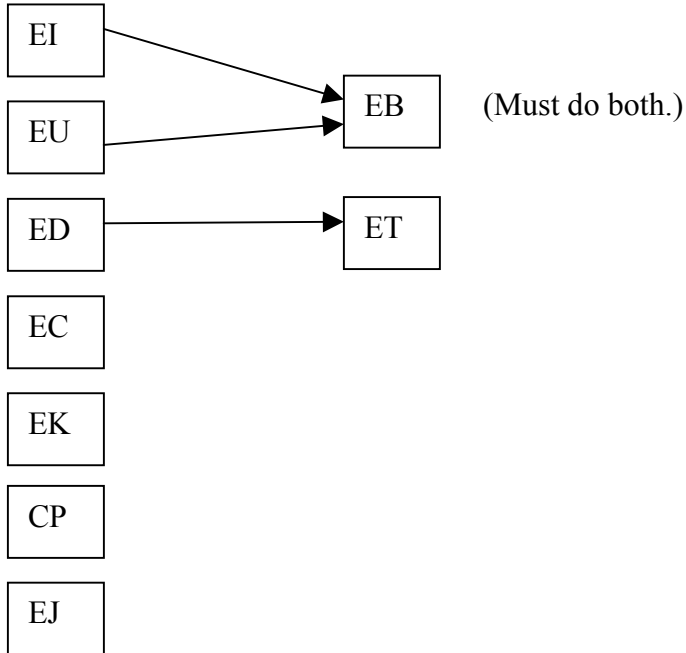
Figure 7-1a

Prerequisite requirements for OJT Manuals and/or PQS

Port Operations, Response, or Waterways Management Department

No Prerequisite

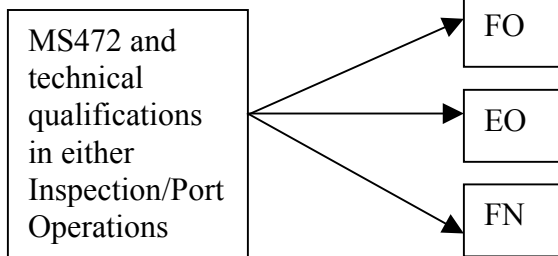
Must complete prerequisite



Investigation or Investigation and Analysis Department

No Prerequisite

Must complete prerequisite



Regional Examination Center

No Prerequisite

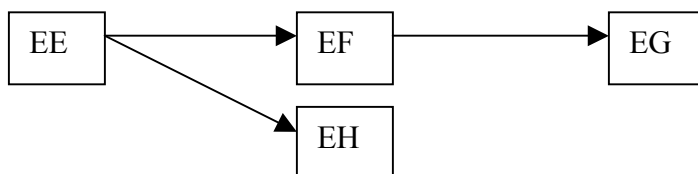
Must complete prerequisite



Strike Teams

No Prerequisite

Must complete prerequisite



3. Mid-Management Level Training And Qualification. In the normal course of career development, all prospective executive officers (XO's), detachment supervisors, and department heads of large and mid-sized marine safety commands will probably have previously met the Entry Level training and qualification requirements, and will typically attend either the Chief, Port Operations Department Course (MS 427), Chief, Inspection Department Course (MS 457), or the Marine Safety Executive Officer Course (MS 407). The Marine Safety Executive Officer/Department Head Course is optional for department heads assigned to small marine safety commands (less than 20 personnel). Mid-management personnel shall complete resident training prior to, or as soon as possible after reporting to their marine safety command, and return to their command to continue optional Mid-Management Level training at the unit. No Letters of Designation are issued at the Mid-Management Level.
 4. Executive Level Positions And Training. Prospective CO's will typically have completed the Entry Level and Mid-Management training programs and have served in at least one of these positions. However, these requirements are not mandatory in order to be considered for assignment to command in the marine safety field. CO's may attend the Marine Safety Commanding Officer Course (MS 408) and the On-Scene Coordinator Crisis Management Course (MS 523). These are the only resident training courses offered specifically for the Executive Level.
- D. Qualification In Marine Safety Programs.
1. Program Management Responsibilities. The qualification of marine safety personnel is directed by Commandant (G-M). The MSTC monitors and evaluates the effectiveness and efficiency of established qualification policies and

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procedures. The MSTC formulates and recommends changes in qualification policies and procedures to the marine safety program directors if and when changes seem appropriate. The MSTC performs the 11 functions listed and described in paragraph 7.B.2.a above. Two of these functions are directed specifically at the qualification of marine safety personnel (see subparagraphs 7.B.2.a. (5) and (11) above).

2. Marine Safety Training And Qualification Manual. The Marine Safety Training and Qualification Manuals (OJT Manual) list all of the knowledge and skill items required of an individual to correctly perform one or more marine safety jobs. Each manual shows how training is to be achieved by indicating which items are provided in resident courses, in unit training, in various alternative instruction materials, and in OJT.
3. **"Grandfather" Clause**. **In evaluating the effectiveness and efficiency of the established qualification policies and procedures, the MSTC also updates and institutes any changes to the qualifications as directed by the program directors. In doing so, some qualification designations (earned prior to the policy or procedure changes in skill requirements) remain valid even though they are no longer part of the program's core technical training and qualification program as follows:**
 - a. **Personnel assigned to marine safety duty prior to 1 October 1984 will be "grandfathered" under the previous system. All personnel in marine safety billets under the previous system will be considered qualified based on assignment history and job descriptions, unless their command feels otherwise. The use of qualification checkoffs and oral examinations for "grandfathered" personnel will be at command discretion.**
 - b. **The following qualifications remain valid in an individual's personnel record; however, they no longer represent current policies and procedures. Physical Security Team/Maritime Security (EM), Emergency Preparedness Marine Firefighting Coordinator (EY), Recreational Boat Factory Inspector (RB), Facility Inspection Survey Team (EV), Hazardous Materials Team (EW), Marine Environmental Response Team (EX), Marine Firefighting Team (EZ), Small Passenger Vessel Inspector (SV), and Operational Training with the Marine Industry (OT).**

E. On-The-Job Training (OJT).

1. OJT Process. Training officers and/or training coordinators at marine safety field units provide the appropriate OJT Manual to persons who are beginning training for qualification in a specific area of designation. These manuals are road maps that spell out the OJT and OJQ requirements for attaining qualification. For purposes of qualification, the trainee should give the manual to the command designated qualified person, called the verifying officer, and have that person verify that each task was performed satisfactorily by the trainee.
2. Administration of OJT.
 - a. Much of the responsibility for the administration of the training program rests with the trainee. The trainee maintains his or her own OJT manual and records, and ensures that they are kept current and up to date. Each trainee is expected to take the initiative in requesting specialized training, in completing various sections of the OJT manual thoroughly and expeditiously, and in submitting completed sections of the manual to his or her

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training officer or coordinator for review and further action.

- b. Training officers and/or training coordinators coordinate the training and qualification process, and the administrative procedures established by the command that make the process work. With the exception of Letters of Designation, discussed in paragraph 7.E.3 below, the "how" of administration is left entirely to the command. The command selects who receives which training, in what areas, when, and in what period of time. The command determines who receives optional training and the intensity and scope of the training to be conducted in the various training areas. The command determines the methods by which training materials are presented, the procedures to be followed in recording and evaluating training results, and the need for any additional training desired by the command.

3. Letters Of Designation.

- a. Commands shall prepare Letters of Designation, see Figure 7-1, whenever all requirements for a particular OJT manual have been satisfactorily completed by a trainee. Each Letter of Designation shall specify the name of the trainee, the name of the area of designation that has been successfully completed, and the command at which training was conducted. The letter should attest to the command's belief that the individual is qualified in all respects to perform the jobs required of the particular area of designation.
- b. The original of the Letter of Designation should be delivered to the individual. A copy should be retained in the member's training jacket and command's files.
- c. If the Letter of Designation is also a Qualification Code for enlisted personnel then an entry into the PMIS database should be made by the either the Admin Staff or the supporting PERSRU.

F. Professional Resident Courses.

1. Coast Guard Resident Courses. Most Coast Guard resident courses are offered at USCG RESTRACEN Yorktown, VA. The following courses provide mandatory training for Coast Guard personnel assigned to specific marine safety jobs:
 - a. Marine Safety Petty Officer Course (MSPOC - MS 400 R). This 6 week course is & entry level course for

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FIGURE 7-1

SAMPLE LETTER OF DESIGNATION

Commanding Officer 1000 Federal Place
U.S. Coast Guard Hiatusport, VA 22155
Marine Safety Office (703) 827-2320

1500
1 July 1993

From: Commanding Officer, Marine Safety Office, Hiatusport, VA
To: LT A. B. CEMENT, Ill 22 3333, USCG

Subj: LETTER OF DESIGNATION FOR HULL INSPECTOR (HI)

Ref: (a) Marine Safety Manual (COMDTINST M16000.6), paragraph
7.E.3
(b) Marine Safety Office Hiatusport Instruction 1500.3

1. You have completed all training requirements necessary to perform inspections of hull structures, lifesaving, firefighting, and emergency equipment on vessels of 100 gross tons and over.
2. You are authorized to carry out the responsibilities of a Coast Guard marine inspector during the inspection of subject vessels. You will be guided in your duties by applicable sections of the Marine Safety Manual, the U.S. Code of Federal Regulations, and applicable Commandant, district, and Marine Safety Office, Hiatusport directives.
3. This Letter of Designation should be retained as a permanent part of your marine safety training and qualification record.

R.C. KUBRICK

Copy: Division
Service Record
Training Jacket
File
Member

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active duty petty officers new to the Port Operations Department at a Marine Safety Office. The course covers pollution prevention and MARPOL requirements, inspections of waterfront facility, basic vessel design and systems, vessel boarding procedures and requirements, dangerous cargo stowage and segregation, cargo transfer monitoring, harbor patrols, environmental laws, investigations, hazard assessment, occupational safety, hazardous chemical and oil spill response, and MSIS data entry and retrieval. Training is provided through a combination of classroom lectures, discussions, group exercises, laboratory work and field exercises. This course provides OSHA required training needed for field units to certify personnel at the "First Responder Operations Level" as noted in 29 CFR 1910.120(q)(6)(ii) which requires 8 hours of specific training, and initial training as "General Site Workers" as noted in 29 CFR 1910.120(e)(3) which requires 40 hours of training. **(As a reminder, OSHA requires 8 hours annual refresher training for personnel in the general site worker category and "adequate" training for first responders operations level. Refresher training is the responsibility of field units.)** (See 29 CFR 1910.120(e)(8) and 29 CFR 1910.120(q)(8).) The typical student would benefit from having 2 to 3 months of field experience at their unit prior to attending this course.

- b. Port Safety/Security Officer Course MS 402 (Reserve). This two week course for reserve officers and senior reserve enlisted personnel provides entry level training in the MPS and MER programs. Topics include an introduction to the management of vessel inspections, facility inspections and port security.

- c. Safety And Occupational Health Coordinator Course (SOHC - MS 405 R). This is a 1-week advanced course which trains personnel to manage safety and health programs at marine safety units. Offered twice a year, the course is designed for junior officers and senior unit enlisted personnel who are assigned the collateral duty of Safety and Occupational Health Coordinator (SOHC). The course includes instruction in identification of hazards common to the marine industry, training in the use of sampling techniques and instruments and instruction in the laws, regulations, and policies that guide development of the unit safety and health program. Training is provided through a combination of classroom lecture, laboratory work, and exercises.

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- d. Marine Safety Executive Officer Course (XO - MS 407 R). This 2 week course prepares technical level marine safety personnel for first time management positions as executive officer. Topics include administration, planning initiatives, media relations, personnel management, computer utilization, work plan design, and budget matters.
- e. Marine Safety Commanding Officer Conference (CO - MS 408 R). This 1 week conference exposes prospective and incumbent Commanding Officers of Marine Safety Offices to the goals and objectives of marine safety operating and support programs.
- f. Port Operations Department Course (PODC - MS 422 R). This 7 week course is an entry level course for active duty officers and senior enlisted personnel new to the Port Operations Department at Marine Safety Offices. The course provides an overview of material covered in MSPOC from a supervisor's perspective. More in-depth training is provided in contingency planning, waterways management, spill management and documentation, public affairs, and program administration. Training is provided through classroom lectures, discussions, group exercises, laboratory work and field exercises. This course provides OSHA required training needed for field units to certify personnel at the "First Responder Operations Level" as noted in 29 CFR 1910.120(q)(6)(ii) which requires 8 hours of specific training, and initial training as "General Site Workers" as noted in 29 CFR 1910.120(e)(3) which requires 40 hours of training. **(As a reminder, OSHA requires 8 hours annual refresher training for personnel in the general site worker category and adequate" training for first responders operations level. Refresher training is the responsibility of field units.) (See 29 CFR 1910.120(e)(8) and 29 CFR 1910.120(q)(8).)** The typical student would benefit from having 2 to 3 months of field experience at their unit prior to attending this course.
- g. Chief, Port Operations Department Course (CPODC - MS 427 R). This 2 week course is designed for Marine Safety Office Chiefs of Port Operations departments. It focuses on providing the student with management and program administrative skills for the Port Operations Department. The course covers the vessel boarding program, facility inspection program, waterways management issues, spill management, planning, and Occupational Safety and Health program requirements.

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- h. Marine Inspector Course (MIC - MS 452 R). (formerly Marine Safety, Inspection Department Course) MIC is an 8 week entry level course for officers and senior enlisted personnel (E-6 through O-5). The course trains personnel to inspect a wide variety of marine vessels: e.g., cargo vessels, passenger vessels, small passenger vessels, and fishing vessels. Topics include lifesaving, firefighting, cargo and navigation systems, hull and machinery inspection, licensing and plan review, and occupational safety and health. The course normally convenes 4 times per year with an average class size of 28 students. Most course attendees are trainees assigned to Marine Safety Offices. The course provides the student with a broad scope of technical information supported by hands-on exercises and laboratory activities. Four visits to MARAD vessels, visits to a petroleum barge, the MK School, a fiberglass boat builder, and a "T" boat repair yard provide practical application of inclass lectures. The students also conduct a simplified stability experiment using several 41 foot (12.5 meter) UTB's. Guest lecturers are used to augment instructors.

- i. Recreational Boating Standards Inspector Course (RBS - MS 453 R). This 4 day course is offered to officers and chief petty officers. The course covers technical, administrative, legal and regulatory skills required to conduct recreational boat manufacturer factory visits. The students examine recreational boats on trailers making measurements to verify manufacturer calculations.

- j. Chief, Inspection Department Course (CIDC - MS 457 R). This 2 week specialized course is for officers assuming Chief, Inspection Department (CID) positions. The students are briefed on a variety of topics by guest speakers from Coast Guard Headquarters, American Bureau of Shipping, MARAD, the Coast Guard Civilian Personnel Branch and the staff at the Marine Safety School. In addition, time management techniques, scheduling, subordinate development, training plan development, and budget planning are also introduced. The course highlights are role playing exercises where the CID is required to make decisions on controversial issues.

- k. Investigating Officers Course (IOC - MS 472 R). This 4 week specialized course is for officers and senior enlisted personnel newly assigned as Investigating Officers at marine safety units. Typically, these students have already served in the Inspections or Port Operations departments at their unit. The

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course is offered 3-4 times per year with the normal class size being 24 students. During the 4 weeks of instruction, students are taught the skills needed to perform investigations in support of civil penalty proceedings, marine casualty investigations, and suspension and revocation procedures. The capstone of the course is a moot hearing before a Coast Guard Administrative Law Judge.

- l. Explosive Handling Supervisor Course (EHS - MS 496 R). This is a 2 week course intended for active duty and reserve officers and petty officers. Topics covered are compliance with federal regulations for safe handling of commercial and military explosives, packaging of hazardous materials cargo and military explosives, regulations of the International Maritime Organization, vessel preload examinations, supervision of cargo operations, and requirements for blocking and bracing of cargo.
- m. Marine Safety Information System Course (MSIS - MS 510 R). This 1 week course is designed for marine safety personnel assigned to any marine safety billet. The course covers all aspects of MSIS and emphasizes hands-on experience. No prior experience on MSIS is required.
- n. On-Scene Coordinator Crisis Management Course (OSC MS 523 R). This 8 day course is designed to provide the skills necessary for senior decision makers to manage crisis events, particularly significant pollution incidents and maritime disasters. It is attended by federal, state and marine industry OnScene Coordinators.
- o. Commercial Fishing Vessel Examiner's Course (FISHV MS 527 R). This 1 week course is designed for officers and petty officers involved with examining commercial fishing vessels. The course provides the student with comprehensive understanding of federal regulations in this area and how these regulations improve the safety of commercial fishing industry vessels. Additionally, instruction and practice in the technical skills inherent in applying the regulations are also given. Course graduates generally return to their units for additional on the job training prior to independently interacting with the commercial fishing fleet.
- p. Coastal Defense Deliberate Planner, Port Level Course (MS 732 R). This 2-week course is designed for Coast Guard and Navy officers assigned duties involving the preparation of port level operations plans (OPLANS).

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Active duty and reserve students receive training in developing, writing, and executing CCGF OPLANS.

- q. Coastal Defense Command Staff Course (MS 733 R). This course was developed for district, area and Headquarters readiness planners who collate OPLANS into higher level plans. Skills relating to port prioritizing and the resolution of shortfalls in port level OPLAN's are taught. The tasks of OPLAN review and approval and mobilizations staffing are also covered.
- r. Coastal Defense Exercise Planner, Port Level Course (MS 735 R). This 2 week course is designed for port level officers who will be planning field training exercises (FTX's), or for the district/area readiness planners who review and approve budgets and planning for port level exercises. Active duty and reserve students receive training in all phases of exercise development from initiation through evaluation and documentation of lessons learned for OPLAN improvement.
- s. Coastal Defense Command And Control Courses (MS 739 R). This 1 week course is designed for officers assigned as CCGF, Deputy CCGF, or district staff positions involving CCGF operations. This course emphasizes time sensitive planning evolutions, upper level command and control issues, and the use of the CCGF OPLAN to resolve crisis or contingency situation in the port area.

2. Other Resident Commercial Course

- a. Introduction To Offshore Operations, MS 401. This is a 1 week course designed for people with little or no background in offshore operations. Covers the following topics: why offshore operations are important, principles and apparatus for marine exploration, environmental information needed for offshore operations, types of MODU's, offshore platforms, production drilling from platforms, offshore pipeline construction, offshore production systems, oil spill prevention and cleanup, regulatory bodies affecting offshore drilling, and production activities and terminology.
- b. Crude Oil Washing/Inert Gas (COW/IGS), MS 404. This 1 week course familiarizes inspectors with the design, operation, maintenance, testing, and inspection of COW and IGS as they are installed on vessels.

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- c. Certified Weld Inspection, MS 424. This 1 week course furnishes information in fundamental concepts associated with weld inspection. Special emphasis is directed toward two major areas of weld quality assurance. The first is procedural in nature and includes surveillance of ongoing quality assurance procedures in a welding facility. The second is technical in nature and provides guidance in the visual, NDT and mechanical testing of welded structures to determine acceptability with regard to the specified quality level.
- d. Fiberglass Reinforced Plastic Boats Course (FRP MS 454 R). This 1 week course introduces qualified marine inspectors to the mechanical properties, fabrication techniques, and testing of FRP used in marine applications. Additionally, a seminar approach is used to familiarize attendees with Coast Guard policies concerning the use of FRP in commercial vessel construction.
- e. T-Boat Structural Plan Review Course (T-Boat MS 462 R). (TO BE DEVELOPED)
- f. Dynamics Of International Terrorism, MS 500. Course offered at Hurlburt Field, Florida for upper level management of port security program.
- g. Wooden Boat Inspection Training, MS 501. This 1 week course provides a framework for understanding the structures of wooden boats, and the limits and potentials of those structures. Participants will gain understanding of the evaluation process and of sensible and economical maintenance strategies. Participants will visit local boatyards for condition surveys as well as for observation of repair and maintenance operations in progress.
- h. Seaport Security Anti-Terrorism, MS 502. This 1 week course is conducted by the Federal Law Enforcement Training Center (FLETC). It is designed to provide personnel with basic theory and practical application of physical security procedures and systems for ports.
- i. Hazardous Material Incident Response, MS 503. This 5 day course is conducted by the Environmental Protection Agency (EPA). It is designed to provide personnel involved with the investigation/remediation of uncontrolled hazardous waste sites and, to a lesser extent, response to an accident involving hazardous materials. It provides basic information needed to meet the requirements of 29 CFR 1910.120 "Hazardous Waste Operations and Emergency Response."

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- j. Treatment Technologies For Superfund, MS 504. The 4 day course conducted by EPP provides participants with overview of treatment technologies most frequently used for cleanups at uncontrolled waste sites. The emphasis of the course is on the selection of the appropriate treatment technologies rather than the designs of such systems. This course is for NSF personnel only.
- k. Oil Spill Control Course, MS 505. The purpose of participants with the knowledge and skills necessary for handling an oil spill within the capabilities of available personnel and equipment. This program is directed toward spill control and countermeasures. Instruction is provided by guest speakers, classroom lectures and hands-on experience. Trainees learn to work within the framework of the law, maximizing response effectiveness under actual spill conditions while minimizing expense and liability.
- l. Marine Firefighting Strategy And Tactics (Advanced Marine Firefighting), MS 506. This 1 week course is designed for all marine personnel who may be involved in leadership role at fire scene. The purpose of the course is to provide participants with the knowledge required to conduct a rapid and precise size-up of a fire or emergency situation aboard a ship. It will also help them determine the probabilities of life hazard, extension of fire and explosion potential and coordinate personnel rescue and evacuation operations. In addition, the course will enable the tactics coordinator to direct the extinguishment of a fire with available resources, and coordinate overhaul and salvage operations. Tactical information will be covered in the classroom utilizing lectures, case histories, films and a firefighting tactical simulator. Students will act as tactical coordinators in multiple fires using the superstructure of the training ship. The fires will be videotaped for playback and critique in the classroom. Topics include: pre-fire planning, organization of fire party, training of fire party, firefighting procedures at sea, firefighting in port, storage and handling of hazardous materials, use of water and its effect on stability, size-up, inspecting and servicing of fire suppression equipment, and tactical priorities.
- m. Diesel Engine Room Automation, MS 5.07. This 1 week course familiarizes inspectors with the design, operation and testing of diesel automation systems installed on vessels.

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- n. Steam Engine room Automation, MS 508. This 1 week course familiarizes inspectors with the design, operation and testing of steam automation systems installed on vessels.
- o. Commercial Truck Driving School, MS 509. This 2 week course provides the skills, knowledge and technical ability to perform the duties of a motor vehicle driver of double-axle tractors assigned to the National Strike Force (NSF). Provides some experience in transportation of a large assortment of highly specialized heavy-duty response equipment. This training prepares the strike team member to operate in all geographical areas safely and efficiently. The student will be instructed on federal Interstate Commerce Commission (ICC) requirements, weigh stations, special permits, roadway safety and road signs, operation of the vehicle, engine starting and gear shifting, braking, backing, parallel parking, open highway and city driving.
- p. Mako Compressor Repair, MS 511. This 3 day course covers installation, maintenance, overhaul, repair, troubleshooting (both electrical and mechanical), parts, purification and accessories. This course is offered to NSF members only.
- q. Bauer Compressor Repair, MS 512. This 3 day course provides basic understanding of the workings and service techniques of a Bauer compressor system. This class is designed for and oriented around high pressure compressors for breathing air and industrial air applications. The course is offered to NSF members only.
- r. Gas Carrier Inspector, MS 513. This 4 week course provides theory and insight into all the components and instrumentation involved in cargo handling systems aboard modern gas carriers, including piping diagrams, flow schemes, troubleshooting and decision making in emergency situations.
- s. Outer Continental Shelf (OCS) Inspector Course, MS 514. This 4 week course provides knowledge in the following areas: Coast Guard laws and regulations; OCS regulations of other agencies and USCG interaction; CCGD8 policy and instructions; offshore drilling; MODU industrial equipment; MODU stability and load line assignment; helo decks; aids to navigation on MODU's; lifesaving equipment; industry safety; platform and MODU inspection procedures; platform introduction; MODU organization; helo escape and survival; and workover rigs.

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- t. Seaman's Documents And Licensing, MS 518. (BEING DEVELOPED)
 - u. Chemical Tanker Safety, MS 525. This 1 week course covers transportation of liquid chemicals in bulk via chemical/parcel tankers.
 - v. Nondestructive Testing, MS 526. (TO BE DEVELOPED)
3. Administrative Process For Reauesting Professional Resident Courses.
- a. Commandant (G-MP-3) serves the marine safety programs by providing as much quality training as resources permit. Certain procedures have been established to ensure that every unit receives the maximum training possible within constraints of available resources.
 - b. In January of each year, Commandant (G-MP-3) conducts a Training Needs Survey sending a list of courses to each marine safety field unit, district (m) staff, and headquarters division within the Office of G-M. This list includes Coast Guard - sponsored marine safety courses, and all courses available from other sources that satisfy certain specified training requirements. Using this list of courses, each marine safety unit (staff, division) should prepare an annual training plan. The plan should then be used to prepare the unit's annual resident training request by selecting the course quotas that the unit requires. This annual training request should be returned to Commandant (G-MP-3) by the date noted in the letter providing guidance for the survey.
 - c. Commandant (G-MP-3) allocates quotas to courses as they are scheduled. Allocations are based on each unit's response to the quarterly solicitations noted on the Marine Safety Training Information (MSTI) bulletin board in MSIS. Units are informed by the MSTI bulletin board that they have been allocated a quota to a course. Units should then respond to the MSTI within the time period indicated. The unit's response should indicate the name, rank or rate, and social security number of the person selected to attend. When circumstances require, quotas may be declined.
 - d. Occasionally, professional resident courses not scheduled on the marine safety training plan come to the attention of field units, district staffs, and/or headquarters personnel. Because these courses could be of benefit to marine safety personnel, units should make Commandant (G-MP-3) aware of these training opportunities.

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e. Requests for unscheduled professional resident training should be submitted to Commandant (G-MP-3) at least 8 weeks prior to the desired convening date of the course, and should include the following:

- (1) Course title;
- (2) Name, address, and phone number of the training facility;
- (3) Name and address of the person to contact at the training facility;
- (4) Available convening dates for the course;
- (5) Duration of the course;
- (6) Brief course description and outline;
- (7) Type of person for which the course is intended;
- (8) Any prerequisites;
- (9) The name, rank or rate, and social security number of those who are requesting to attend;
- (10) Contact person and phone number of the unit making the request;
- (11) Any justification for the request;
- (12) Any impact that will be felt if the training is not received;
- (13) Any tuition or registration fee; and
- (14) Estimated cost per person of travel and per diem.

Once the request is received at Headquarters, the request and any supporting information will be evaluated, and a decision will be made. The requester will be notified of the determination.

4. Course Critique Requirements. Upon completion of any resident commercial course, the participant shall submit a written critique of the attended course directly to Commandant (G-MP-3). The format of the critique is found in Figure 7-2. Critiques are used to determine if a course should be retained, deleted, or modified.

G. Nonresident Training Administered by Marine Safety Commands

1. Nonresident Training Provided By The Command.

Nonresident training materials have been collected from a variety of sources. Nonresident courses have different administrative requirements and procedures associated with them. Some courses, when completed, lead to the issuance of certificates; some do not. Some courses offer reusable training materials while others do not. For more detailed information on each of the various courses, contact your training officer or training coordinator.

2. Self-Study Training. A significant element of the training program at all levels is the responsibility of individuals to manage their own training. Completion of any of these training materials should be recorded at the unit level and would be a positive factor in the completion of performance evaluation.

a. Correspondence Courses. Individuals wishing to take a correspondence course (i.e., one which involves lessons being mailed back to an institution for grading, with or without college credit), should advise the Training Branch, Commandant (G-MP-3), of the course title, cost, offering institution, duration, and course synopsis. The Training Branch will advise if the course is appropriate, and if funds are available to pay for it. The purpose of involving the Training Branch is to ensure that the program manager is aware of the type and volume of training, and to provide a clearing point for advising others of training available. This will be an individual's initiative. Evaluation of the materials will be required.

b. Self-Study Courses. This was envisioned as a one-time course of study with no lesson plans, grades, or institutional credit. The Training Branch, Commandant (G-MP-3), should be advised in order to provide funding and make the materials known to others. Evaluation of materials will be required.

3. Correspondence Course Descriptions.

a. Initial Indoctrination Lesson Plan (IILPS), MS 400 U. This is a correspondence course which provides prospective marine safety students with fundamental information prior to resident training. This course eliminated one week of resident training in both the Marine Inspector Course (MS 452) and the Port Operations Department Course (MS 422). The course is now administered through the Coast Guard Institute, but subject matter updates and course expansion

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FIGURE 7-2

MARINE SAFETY RESIDENT COMMERCIAL COURSE CRITIQUE

This critique is in two sections. The first concerns the actual training course content; the second concerns your comfort during the training. Please don't mix the feedback, since different cures are used for course content problems and comfort problems. We don't want to lose a good course when a change in lodging accommodations is what is actually needed.

Course Title: _____

Course Location: _____

SECTION I: Course Content

1. Were the objectives of the course furnished to you?
2. Did the course accomplish all of the stated objectives?
3. Did the course provide necessary training for your job?
4. Specifically, which part of your job did this course best train you for?
5. Is there a sufficient number of personnel at your unit trained in this course of instruction?
6. Was the material that was covered up to date?

SECTION II: Course Environment

7. Were you comfortable at this facility and/or location? Why?
8. Was the course length sufficient? Too long or too short?
9. Any other comments you strongly feel about this course?
10. Would you recommend this course to other marine safety personnel?

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remain the responsibility of the Marine Safety Branch, Yorktown, VA.

- b. Welding Inspection And Quality Control, MS 455 C 01. This course consists of 14 lessons: The Welding Inspector, The Metric System Welding Terms and Symbols, Basic Welding Metallurgy, Weld Joint Preparation and Temperature Control, Joining and Cutting Processes I and II, Qualification Procedures, Codes Governing Welding Inspection, Imperfections and Discontinuity, Testing of Welds, Visual and Liquid Penetrant Inspection, Magnetic Particle and Radiographic Inspection, Ultrasonic Inspection, Eddy Current Inspection, and Other Inspections and Tests. While course materials can be used for independent self-study, they are more effectively applied when presented by a qualified subject matter expert, assigned to the command, who meets requirements for serving as an instructor. Satisfactory completion of this course leads to the issuance of a Materials Engineering Institute Certificate and five Continuing Education Units (CEU's). This course is offered by ASM International, Materials Engineering Institute in Materials Park, Ohio 44073. For information on how to enroll contact ASM International at the above address or call (216) 338-5151 ext. 527.
4. Drills And Exercises - National Preparedness for Response Exercise Program (NPREP). The National Strike Force Coordination Center (NSFCC), located in Elizabeth City, NC, augmented by the Marine Safety Branch, Yorktown, VA, and in conjunction with Commandant G-MEP and G-RER, develops and conducts comprehensive oil and hazardous material spill simulations to test the effectiveness of Area Contingency Plans. Each simulation is specifically designed for the port in which it is conducted. The simulations are developed over an eight week cycle during which a design team is formed that includes representatives from the participating Coast Guard District, Marine Safety Office, the National Strike Force, and various representatives of government and industry. The simulation is a management decision-making program that allows a Unified Command, headed by the OSC, to exercise a response organization, Area Contingency Plan, and/or Vessel/Facility Response Plan in a realistic albeit fictitious scenario. Each exercise is evaluated focusing on utilization of the unified command approach to spill management within the guidelines of the Vessel/Facility response plan, and the Area Contingency Plan. Five simulations are conducted each year in the coastal zone, and a sixth in the inland zone.

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5. Administrative Procedures. Each command must be satisfied that a person attending a lesson plan presentation or participating in other command directed training activities has met the training objectives established for that plan or activity. The method by which the attainment of training objectives is verified is left to command discretion.

H. **RESERVED**

Policy from Section 7.H has been superseded by Marine Industry Training Program, COMDTINST 1500.4 (series). Policy for this Manual continues on page 7-37.

I. Postgraduate Training.

1. Philosophy And Overview. Marine Safety Postgraduate Training is designed to prepare active duty individuals, who typically have already acquired a good basic understanding of Marine Safety field activities, for management positions, or to provide the necessary advanced technical training for personnel who will be assigned to marine safety technical positions. The Coast Guard selects and assigns individuals to Postgraduate Training Programs to prepare those individuals for midand executive-level management positions in the Coast Guard. The primary objective of the training is to develop the participant's analytical and conceptual capability by studying, analyzing, and evaluating the history, problems, operating policies and procedures, and interactions of the marine industry and other related industries, organizations, agencies, public interest groups, etc. The participant is given an opportunity to study and evaluate the actions, reactions, and interactions of marine industry mid- and executive-level management from an academic perspective. The objectives are the same as those for Marine Safety Industry Training, with the exception that the postgraduate program places a much greater emphasis on the development of skills in the use of analytical tools and models. The only other significant difference is that the knowledge and skills developed in the postgraduate programs are developed from an academic perspective and allow the participant to attain a postgraduate degree.

2. Courses Of Study.

a. Transportation Management.

(1) The Transportation Management Postgraduate Degree Program satisfies the need of two different types of marine safety jobs. The first type requires individuals that have been trained in broad based marine policy issues. The student gains familiarity with current laws and regulations, technologies, economic factors, and political issues that impact upon the marine environment. Additionally he or she acquires skills in statistical analyses, program evaluation review techniques, and other decsionmaking tools and methods. The student will take courses in international ocean law, federal ocean policy and organization, port operations and policy, marine transportation, marine resource economics, among others. Recent students have attended the University of Rhode Island and the University of Washington. The

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other student attends a more quantitative program that leads to a MBA or similar degree emphasizing information resource management. Candidates will attend one of several schools. Both programs are 18 months in length.

- (2) The first area of training is directed at Lieutenant Commanders who have completed at least one full field tour in marine safety and who have completed 10 to 14 years of service at the time postgraduate training begins. Persons completing this training will be assigned to positions at Coast Guard Headquarters (G-MP, GMPS, or G-MVI). The second area of training is directed at lieutenants who have completed at least one full field tour in marine safety and who have completed 6 to 10 years of service at the time postgraduate training begins. Persons completing this training will also be assigned to Coast Guard Headquarters (G-MP or G-MIM).

b. Naval Architecture/Marine Engineering.

- (1) The Naval Architecture and Marine Engineering Program provides graduate-trained officers for duty in the Merchant Marine Technical Program. Officers selected for the program will attend a 21 to 24 month course of study at the University of Michigan, the Massachusetts Institute of Technology, the University of California at Berkeley or the Naval Postgraduate School in Monterey (for Mechanical Engineering). The curricula are broad and include such courses as ship structural design, hydrodynamics, metallurgy and welding, failure analysis, marine power plant design, computer science, and ship production management. The course of study usually results in a Master of Science Degree in Naval Architecture and Marine Engineering. Under the auspices of the Marine Engineering Program, officers have also attended Tulane University for Electrical Engineering, taking courses dealing with electrical power, automation, and control systems.
- (2) Officers selected for the program will be in the grade of 0-1 to 0-3 and will usually have an undergraduate degree in marine or ocean engineering. In order to be accepted at a university, a minimum grade point average of 2.75 with acceptable scores on the Graduate Record Examination (GRE) is normally required. The annual quota for the program is 18, divided equally between Commandant (G-M) and (G-E).

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- (3) Officers successfully completing the program can expect two or three tours throughout their career in the merchant marine technical field with an initial tour in the Marine Safety Center. This duty will include the review of commercial vessel design plans and technical work broadly impacting the marine industry. Junior officers work closely with commercial naval architects, shipyard personnel, ship owners and operators in the interpretation and application of a vast body of standards. Opportunities exist to work on state-of-the-art computer systems in the areas of stability and structural design. Commandant (G-MTH) is more project-oriented and involves national and international standards development, technical casualty analysis, new vessel conceptual review and participation in international forums and conferences such as the International Maritime Organization (IMO). Later tours of duty will include inspection and management billets in MIO'S/MSO'S. The application of new technologies to marine transportation has required the extensive involvement of the marine technical program. LNG carriers, hydrofoils and hovercraft, the carriage of dangerous chemicals, new approaches to ship structural analysis, new concepts in damage stability and subdivision, reliability theory, and the technology of the offshore industry provide excellent opportunities to take on exciting and challenging tasks. A program manager, located within Commandant (G-MTH), is responsible for the coordination of the program and the academic administration of the officers at duty under instruction (DUINS). Additional information may be obtained from this source.

c. Hazardous Materials.

- (1) The Hazardous Materials postgraduate training program prepares officers as specialists in the transportation of hazardous materials in support of the Coast Guard's CVS, PSS, and MEP missions. Hazardous Materials specialists review physical reactive, combustion, and toxicological properties of chemicals proposed for shipment and then specify the proper operational and containment systems for each. They also develop procedures for safe handling of hazardous materials and offer advice in cleanup operations. Hazardous Materials specialists support a number of IMO subcommittees and

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committees, and perform casualty analysis of shipboard hazardous chemical fires/explosions. Current projects include chemical tanker and liquefied gas containment system standards and regulations, coal fire research, regulations for incinerator ships burning hazardous chemical wastes at sea, and development of a comprehensive occupational health and safety program. Hazardous Materials specialists interact with the chemical transportation industry, and are encouraged to participate in professional societies and meetings.

- (2) Billets requiring Hazardous Material postgraduate training range from 0-3 to 0-4. They include assignment in the Hazardous Materials Branch, Commandant (G-MTH-1), the R&D Center in Groton, CT, the Marine Safety Center, MSO Houston, and CCGD2 and CCGD8 staffs. For a marine safety career path, these billets are complemented by assignments such as MSO's/MIO'S, COTP's, Strike Teams, Marine Safety School Instructor, or Academy Instructor.
- (3) Hazardous Materials postgraduate training is normally a 2 year program leading to a Master of Science degree in one of three academic fields: Chemical Engineering, Chemistry, or Environmental Health (Industrial Hygiene). Primary selection emphasis is placed on the 0-2 and 0-3 grades, with a tour in marine safety highly desirable. Universities are selected on a case-by-case basis in consultation with the officer, Commandant (G-MTH), and (G-PRF).

d. Environmental Management.

- (1) The Environmental Management Postgraduate Degree Program provides the programs of Commandant (G-M) with officers skilled in policy analysis and program planning. Officers are needed that have:
 - (a) An understanding of the physical and natural processes of the marine environment and how people's actions affect these processes;
 - (b) A strong understanding of marine safety law and regulation;

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- (c) Knowledge of the economic and political factors that bear upon port and environmental safety; and
 - (d) The technical skills for meaningful program evaluation.
- (2) Lieutenants are sought for this training, with 1 or 2 tours in marine safety field or staff positions, but selection is not restricted.
 - (3) The Environmental Management Postgraduate Program centers around courses in Resource Policy and Law, Natural Science, Natural Resource Economics, and Statistics and Quantitative Analysis. Coast Guard officers in this program are encouraged to pursue a thesis topic of personal interest that contributes to Commandant (G-M) goals.
 - (4) Officers completing the program will most commonly serve in billets in Commandant (G-M) at Headquarters and district (m) offices. Primary duty for officers initially graduating from this program will consist of policy development and program management analysis for those programs in Commandant (G-M). The framework for policy analysis consists of problem identification, development and examination of alternative courses of action, recommending the best course of action, development of an implementation plan for initiatives, and evaluation of the outcome of program activities. Environmental management training officers can expect to return to staff management positions as they advance in rank.
- 3. Application Procedures For Postgraduate Training. Application procedures, general eligibility and prerequisites are described in the Coast Guard Training and Education Manual Instruction, COMDTINST M1500.10B.
 - 4. Selection Procedures. Selection procedures are described in the Coast Guard Training and Education Manual Instruction, COMDTINST M1500.10B.

Reserve Training.

- 1. Introduction. Recently approved policy recommendations regarding Coast Guard reserve personnel in support of marine safety related units have been made by a Natural Working Group (NWG) chartered by the Office of Marine Safety, Security and Environmental Protection and the Office of Readiness and Reserve. The NWG, in concert

with input from active service marine safety commands, has made recommendations regarding the assignment, training and employment of USCGR personnel. The goal is one of total integration of reservists into the Marine Safety Training and Qualification program with reserve personnel matching the exact skill and knowledge levels of their active duty counterparts in performance of specific marine safety missions. Reserves, with enhanced skills and increased knowledge of mission areas, performing active duty missions, will comprise a force of the right people, with the right training, in the right places.

2. Training Objectives. Training for reserve personnel mirrors the general requirement for training and qualification of the Marine Safety Training and Qualification (MST&Q) Program. Reserve personnel will be trained and qualified to the same high standards required for active duty personnel, albeit in a narrower scope of expertise and normally over a longer period of time, for those missions which can be accomplished during periods of Inactive Duty Training/Active Duty Training (IDT/ADT).
3. Philosophy. Reserve personnel, particularly those who have been assigned within the marine safety related field for the majority of their careers, have developed a wealth of skills and corporate knowledge, particularly as it relates to a particular port/area where they have lived for an extended period of time. Capturing that knowledge and coupling it with entry level training, advanced resident training, and on-the-job qualification programs, will allow reserve personnel to become a more valuable resource for the marine safety related unit.
4. Command Responsibilities. The responsibility for training reserve personnel falls to the marine safety related unit employing the reservists. The active duty command will administer all segments of the training and qualification program for reserve personnel assigned to their units. This will be done with the same priority given to the training of active duty personnel. Both active duty and reserve personnel assigned to mobilization force elements on the marine safety related command's Contingency Personnel Allowance List (CPAL) are to be fully trained, qualified, and certified at the same levels in specified marine safety missions.
5. Assignment Of Reserve Personnel.
 - a. Each reservist assigned will have a two letter Reserve Classification designator, as described below, which may prescribe training which must be completed in the first several years of service.

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Both enlisted and officer personnel may be assigned who have a high skill and knowledge level depending on prior assignments in marine safety related fields as a reserve service member or from prior active service. Likewise, there are several sources of nonprior service personnel to enter the Coast Guard. For a full discussion of these programs refer to the Reserve Administration and Training Manual, COMDTINST M1001.27A.

- (1) RK Program, one of two primary sources of nonprior service petty officers consists of fulltime students, ages 17-25 with a split phase active duty training program. RK personnel will attend recruit training during Phase I and Class A School/On-The-Job Training during Phase II. During the interphase period, reserve personnel will be assigned to a reserve unit or directly to a marine safety related unit and must satisfactorily participate in a minimum of two drills per month.
- (2) RP program, the other primary source of nonprior service petty officers, is designed to recruit and train service members for approximately six consecutive months. This training includes recruit training and completion of Class A school or OJT. Upon completion of their initial active duty for training, RP's report to reserve unit or directly to a marine safety related units to perform IDT.
- (3) RX Program provides for recruitment and training of non-prior service personnel at least 26 years of age who possess skills that qualify them for immediate advancement to E-4. RX personnel do not report for initial active duty for training as do RK/RP's, rather they report directly to a reserve unit or to a marine safety related unit.
- (4) RQ/RN Program is limited to prior service personnel with either additional service obligation (RN) or no service obligation remaining (RQ). Also included in (RN) are participants in the Maritime Academy Reserve Training Program (MARTP). They may be prior enlisted personnel who have had a break in service between active duty and enlisting in the reserve program or they may have been released (RELAD) directly into the reserve program. They may be enlisted as either a permanent or provisional petty officers. Permanent petty

officers are normally enlisted at a rate equal to or less than the last rate held in the Coast Guard and may have no additional training requirements. Provisional petty officers are normally prior service personnel from other services or Coast Guard enlisted at a rate higher than the rate held upon their last discharge from the Coast Guard. There may be training requirements for those reserve personnel who are provisional petty officers.

- (5) Reserve commissioned officers normally come from one of three sources, the direct commission route, RELAD into the reserve program from the active duty Coast Guard or completion of the three year MARTP curriculum. Direct commission officers may have a significant background in marine safety related missions depending on their prior enlisted background. They may or may not need additional training to bring them up to the level of skill and knowledge required to meet mission performance. Those officers who are RELAD into the reserve program represent a significant resource pool of already trained and qualified personnel. With few exceptions, they may provide valuable assistance in meeting marine safety missions with little additional training. MARTP participants are cadets enrolled in full time academic programs at one of the six state maritime academies. They are generally on their initial enlistment but may, under certain conditions, have prior service and are enrolled in a specialized three year curriculum sponsored by the Marine Safety program. Graduates of MARTP have received substantial training in the marine safety field and a comprehensive military indoctrination. They also have received Coast Guard licenses as either third mate or third assistant engineer. Their background, education, experience and training provide them as another resource pool to meet mission requirements.

- b. The above identified programs are the primary source for reserve personnel who might be assigned to a reserve unit or directly to a marine safety related unit performing marine safety related missions. There are a few other programs under which reserve personnel may be recruited. For further discussion of these programs refer to the Reserve Administration and Training Manual, COMDTINST M1001.27A.

6. Career Path Development.

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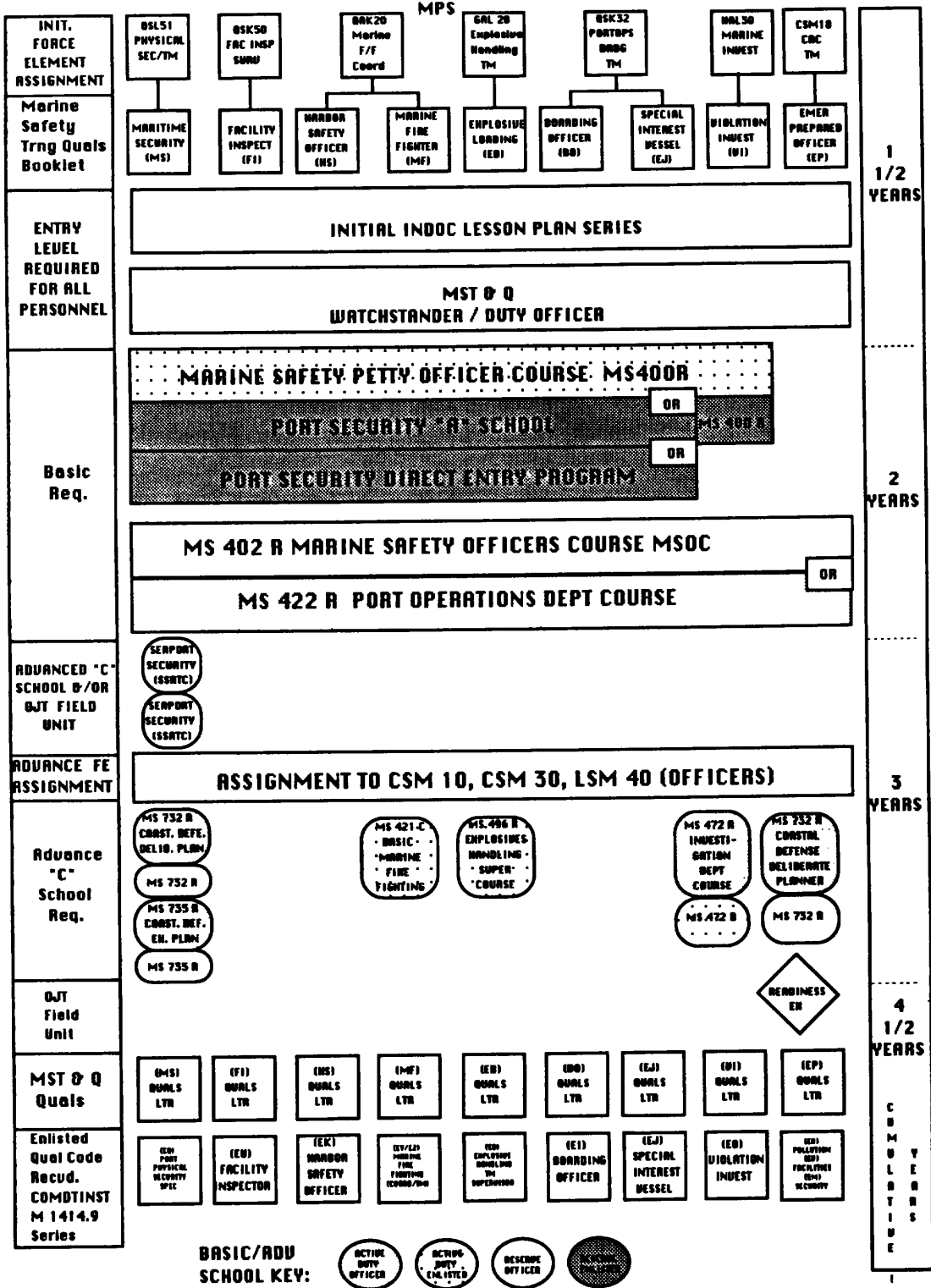
- 7.J.6. a. Training. Appropriate entry level training will be provided for all personnel upon their initial assignment to a marine safety related unit and a force element within that unit. Local training progress toward force element qualification will be recorded in the MST&Q booklet, which will be maintained by the individual. Any required formal resident training will be completed during the same period of time. For some individuals, much of this training will have already been completed while they were active service personnel or while they were assigned to another marine safety related unit. In those cases, their qualifications for the local area could be approved more rapidly.
- b. Progress Goals. Accompanying flow charts and narrative illustrate the progress goals for someone with no previous marine safety related experience. Those having documentation, showing previous/partial completion of these steps, will be able to more rapidly qualify in their force element assignment. All personnel should expect to satisfy local familiarization requirements regardless of their prior training and experience.
- c. Port Safety And Security Related Force Element Assignments.
- (1) The majority of reservists assigned to marine safety related units are or will be assigned to a vacant force element billet within the Port Safety and Security mission. Reservists assigned to a marine safety related unit will immediately be assigned by the command to a force element on the unit's CPAL. Once assigned, the appropriate MST&Q code is identified, and the reservists will begin the entry level training as identified by the attached flow chart. Basic school requirements are identified to provide technical level knowledge and skills. Reservists with prior marine safety related experience and training can accelerate the time needed to complete the requirements for assignment to local marine safety missions. Due to the abbreviated work schedule of-reservists, it would be impractical to require them to be qualified in all marine safety related areas. It is more efficient to focus the reservists' training, qualification, and augmentation efforts within the IDT/ADT time constraints.
 - (2) Basic and advanced "C" School requirements are listed on the attached flow chart for each Force

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- 7.J.6.c. (2) (cont'd) Element and the specific MST&Q. Reserve officers/enlisted personnel that previously completed the resident school requirements are not required to repeat this training.
- (3) A qualification board will be convened by the active unit commanding officer, to review the documented completion of the reservist's MST&Q booklet, resident training schools, and OJT training. The board membership will have the ability to evaluate the individual's qualifications to the satisfaction of the active unit commanding officer. Board approval will result in the issuance of a letter of qualification by the active command.
- (4) Reserve personnel who have completed the requirements for a letter of qualification will be assigned the appropriate enlisted qualification code for the assigned force element. Those desiring assignment to a higher level force element will be required to attend the appropriate advanced "C" school. Satisfactory completion will result in their receiving certification from the active duty command to that force element.
- (5) Figure 7-3 graphically displays required and recommended schools and training for personnel assigned to a Port Safety and Security Related Force Element:

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REQUIRED AND RECOMMENDED SCHOOLS AND TRAINING FOR PERSONNEL ASSIGNED TO A PORT SAFETY AND SECURITY RELATED FORCE ELEMENT

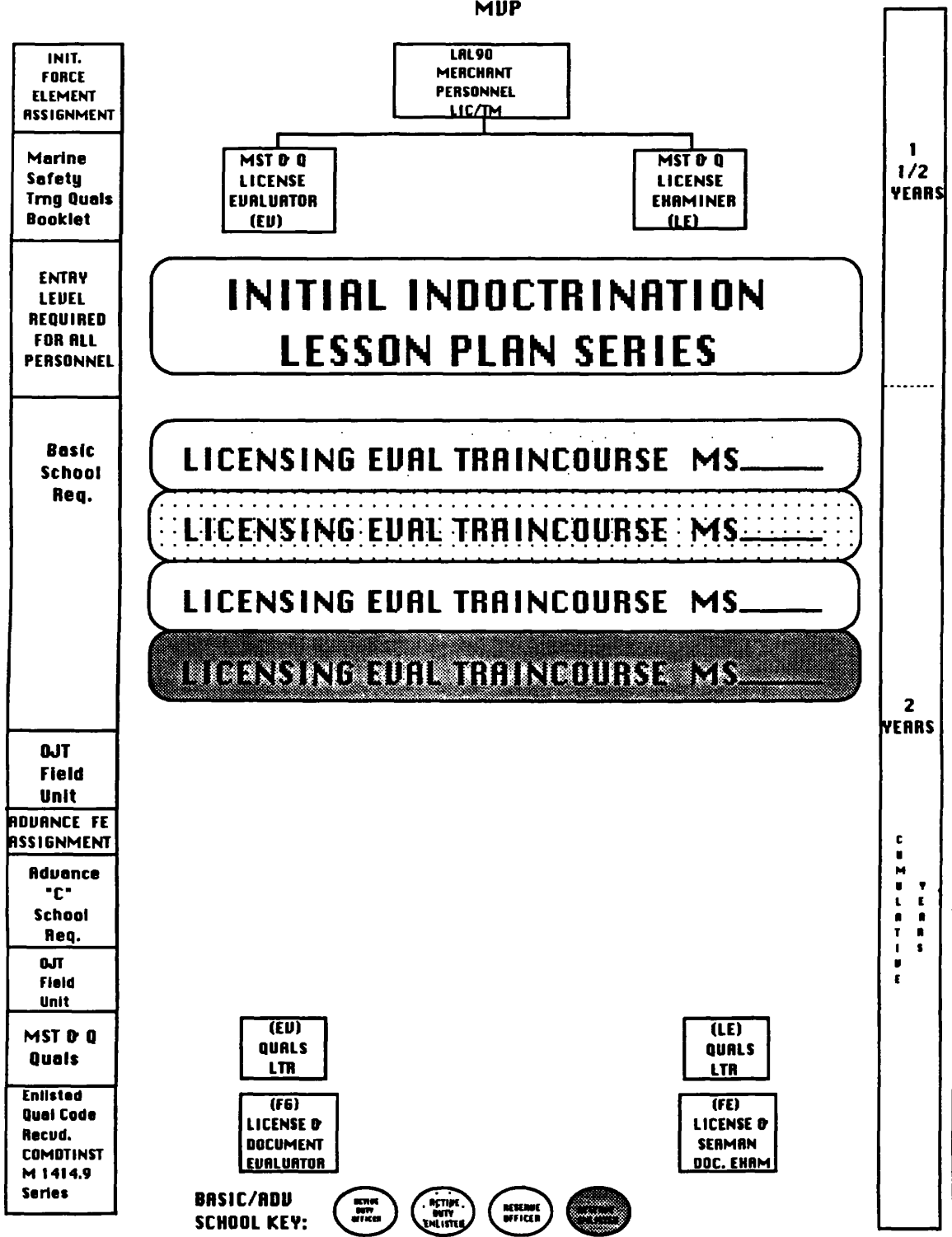


d. Merchant Vessel Personnel Related Force Element AssignmentsM.

- (1) The Merchant Personnel Licensing Team force element consists of one License Evaluator and one License Examiner. The License Evaluator is responsible for examining applications, conducting sea service and character evaluations, and evaluating Coast Guard approved courses. The License Examiner's duties include proctoring examinations, updating navigation publications, including chart corrections, and conducting verification and review of Coast Guard approved courses.
- (2) Reserves assigned to a Merchant Personnel Licensing Team and augmenting with Regional Examination Centers (REC) should initially qualify as License Examiners. This allows the reservist to make the most positive impact on the REC in the shortest period of time. A qualified License Examiner will be capable of chart corrections, examination proctoring, course verification and review, administrative assistance, and weekend service for the merchant mariner. In addition, the Examiner can proctor traveling examination teams in remote areas.
- (3) The focus of the reservists' training will be the completion of the Initial Indoctrination Lesson Plan series (IILPS) course and the Marine Safety Training and Qualification Licensing Examiner and Evaluator manuals. The one week Licensing Evaluation Training course will greatly enhance the training process and expedite the qualification schedule, but is not a requirement for qualification as an Examiner or Evaluator.
- (4) When the reservist has satisfactorily completed all of the items required by the training program, the Command will issue a letter of designation and qualification. This shall serve as the documentation for the assignment of the appropriate enlisted qualification code.
- (5) Figure 7-4 graphically displays required and recommended schools and training for personnel assigned to a Merchant Vessel Personnel Related Force Element:

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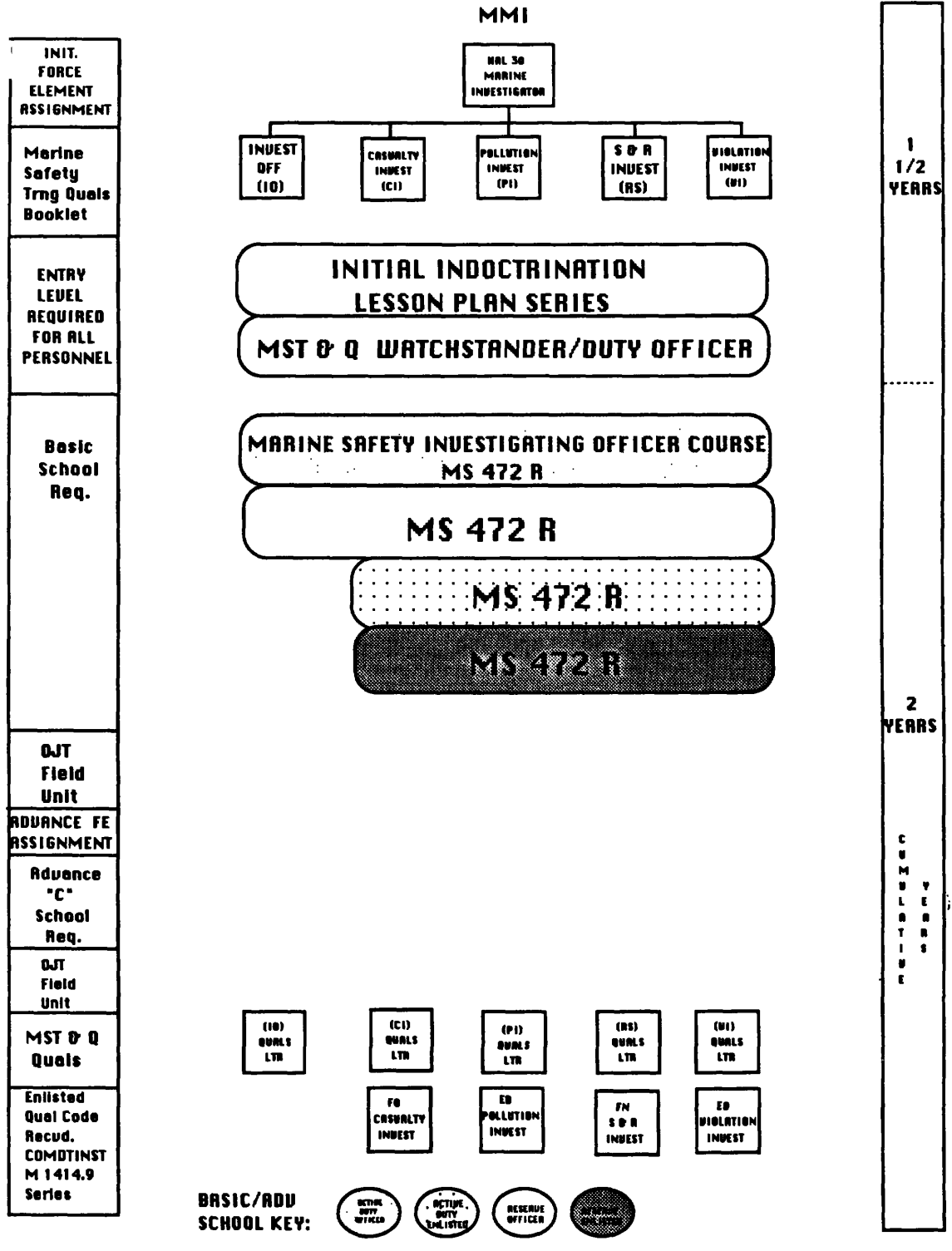
FIGURE 7-4 - REQUIRED AND RECOMMENDED SCHOOLS AND TRAINING FOR PERSONNEL ASSIGNED TO A MERCHANT VESSEL PERSONNEL RELATED FORCE ELEMENT
MUP



- e. Marine Investigation Related Force Element Assignments.
- (1) Reservists assigned to force element billets for marine investigation at marine safety units should normally possess some specific background in the conduct of marine casualty, pollution, and/or personnel investigations. This background can be derived from prior military experience or through comparable civilian employment.
 - (2) The Initial Indoctrination Lesson Plan series (IILPS) training and applicable unit watchstander qualification is a prerequisite for all personnel. Formal training for the conduct of marine investigations is provided for both officer and enlisted personnel through the Investigating Officer's Course (IOC) at Reserve Training Center (RTC) Yorktown. Reserve participation in this training is a unit decision, based on the availability of course quotas.
 - (3) Within the investigations program, designation in specific technical areas will be administered at the unit level. Designations applicable to the investigations program include Casualty Investigator (CI), Pollution Investigator (PI), Violation Investigator (VI), Suspension and Revocation Investigator (RS), and Investigating Officer (IO). The selection of which designations are applicable at a specific unit are the responsibility of that unit, based on the type and volume of investigations conducted within their zone.
 - (4) Figure 7-5 graphically displays required and recommended schools and training for personnel assigned to a Marine Investigation Related Force Element:

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FIGURE 7-5 - REQUIRED AND RECOMMENDED SCHOOLS AND TRAINING FOR PERSONNEL ASSIGNED TO A MARINE INVESTIGATION RELATED FORCE ELEMENT



f. Merchant Vessel Inspection And Documentation Related Force Element Assignments.

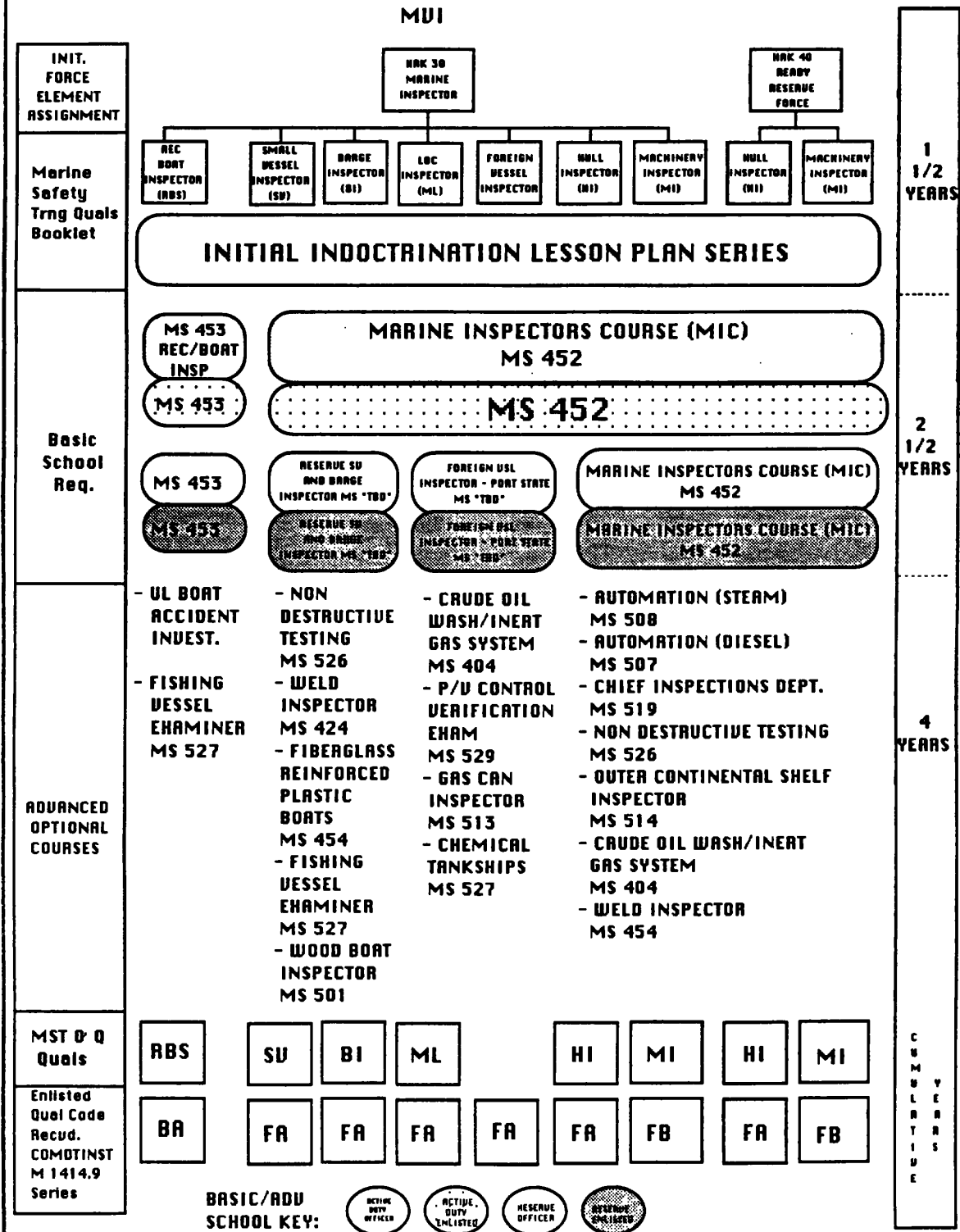
- (1) Additional qualified personnel are required by Officers in Charge, Marine Inspection, to support a surge in U.S. flag vessel inspection operations during mobilization for either large scale or limited contingency operations. The majority of U.S. military supplies and equipment will move by ship from U.S. ports and the majority of U.S. sealift vessels available are maintained in a non-operational or severely reduced operating status in the Ready Reserve Force (RRF). The activation of each of these RRF vessels will require the assignment of between two to four qualified Coast Guard marine inspectors. This surge in operations will not be limited to just those ports where RRF fleets are currently located. Lessons learned during previous large scale activations of the RRF have shown that potentially every coastal port with a ship maintenance and repair facility will receive one or more RRF vessels to undergo an activation inspection. This work will be in addition to the normal marine inspection work load of the port. Since the number of active duty marine inspectors assigned to an OCMI is based upon average versus peak work loads, reservist marine inspectors will be needed to perform either the routine vessel inspection duties of the port, freeing more experienced active duty inspectors to inspect RRF vessels or the reserve marine inspector may assist with the surge of RRF vessel inspections directly. Training for those reservists with prior marine inspection qualifications for deep draft/large vessel inspections will focus on maintaining and upgrading those skills for direct application to inspection of RRF vessels. Training for reservists without prior marine inspection qualifications will focus on attaining qualifications of a more limited scope, such as barge inspector, small passenger vessel inspector or factory inspector, the objective being to free up inspectors with deep draft/large vessel qualifications for the conduct of RRF vessel inspections.
- (2) Assignment of basic and "C" school resident training will be based upon the qualification being either maintained or gained. These are outlined in the attached flow chart for each force element and the specific MST&Q booklet.

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Reserve officers/enlisted personnel that previously completed the resident requirements are not required to repeat this training, but will be eligible for additional resident training for the enhancement of skills.

- (3) Upon completion of the MST&Q booklet, the active duty unit commanding officer will review the qualifications of the reservists, conduct whatever final validation of skills are deemed appropriate and either issue a letter of qualification or prescribe additional training to be completed to achieve the skills necessary for issuance of a letter of qualification. The use or non-use of formal qualification boards as part of the final qualification review process shall be at the discretion of the OCMI.
- (4) Reserve personnel who have completed the requirements for a letter of qualification will be assigned the appropriate enlisted qualification code for the force element. In general, assignment to the RRF Activation Team Force Element will require qualification in at least some portion of either the Hull Inspector (HI) or Machinery Inspector (MI) MST&Q and attendance of the Marine Inspectors Course (MS 452 R) or predecessors (IDC, MSBIC). Assignment to the Commercial Vessel Safety Support Team only requires completion of some portion of any marine inspector MST&Q. In either case, the reservist shall be limited to conducting only those vessel inspections or portion of inspections for which they have attained qualification.
- (5) Figure 7-6 graphically displays required and recommended schools and training for personnel assigned to a Marine Vessel Inspection and Documentation Related Force Element:

FIGURE 7-6 - REQUIRED AND RECOMMENDED SCHOOLS AND TRAINING FOR PERSONNEL ASSIGNED TO A MARINE VESSEL INSPECTION AND DOCUMENTATION RELATED FORCE ELEMENT



g. Marine Environmental Protection Related Force-Element Assignments.

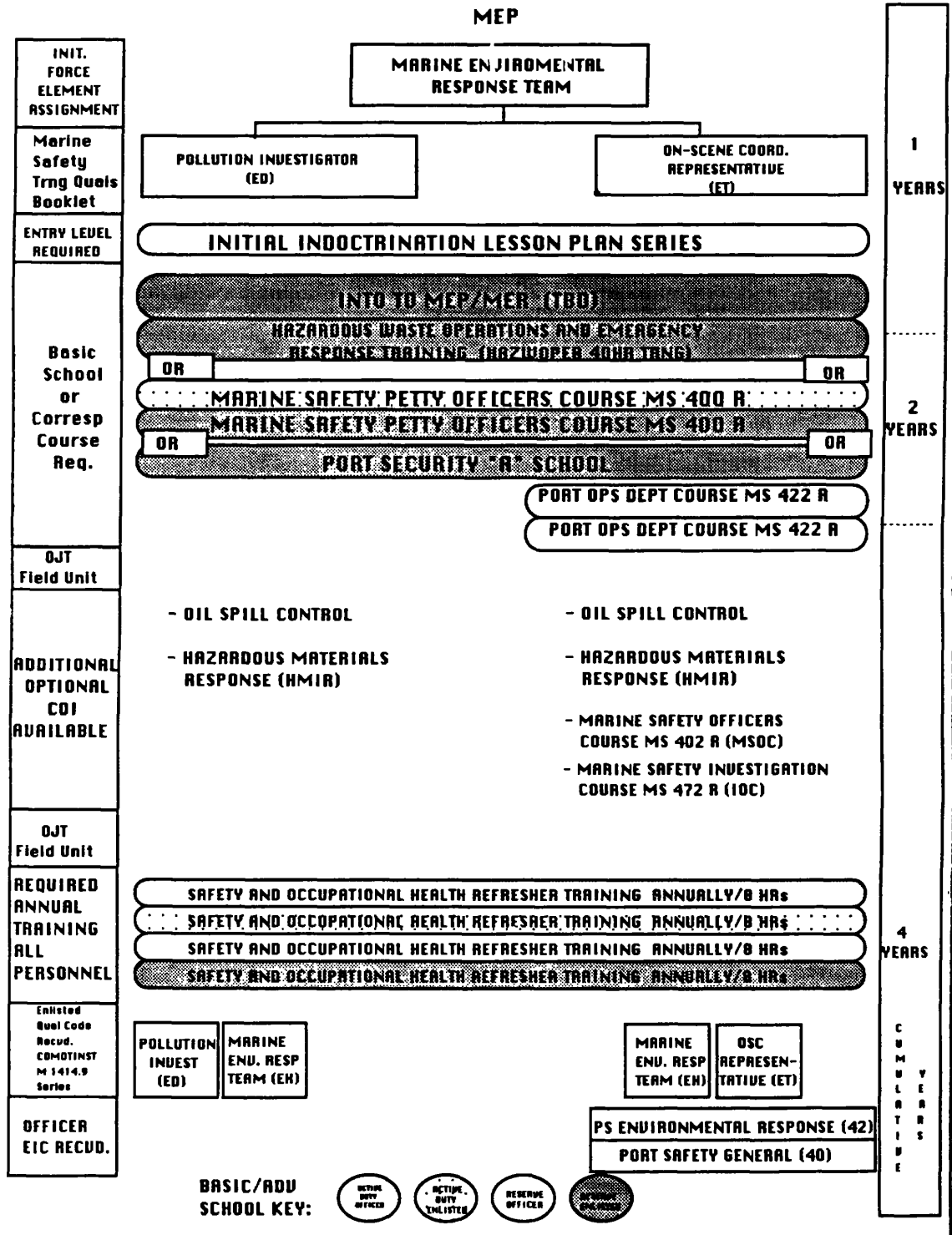
- (1) A goal of the Marine Environmental Protection program is to train reservists so that they may perform the environmental missions of the Coast Guard to the same degree of proficiency as their active duty counterparts. Reservists are expected to become fully integrated into the active duty command. Assignment to the port operations department of a marine safety related unit and to a marine environmental response team force element on the unit's CPAL will initiate the training sequence on the enclosed diagram.
- (2) For enlisted members, training will culminate in receipt of the Pollution Investigator (ED), OnScene Coordinator's Representative (ET), or Marine Environmental Response Team (EH) enlisted qualification code designations. Warrant Officers and commissioned officers below the rank of Lieutenant (0-3) will either move toward completion of the requirements for the Port Safety - General (40) or the Port Safety and Security, Environmental Response (42) experience indicators.
- (3) The Initial Indoctrination Lesson Plan Series (IILPS) shall form the basic orientation and requirement for all personnel. Formal introduction to the marine environmental protection program shall be through one of three programs for enlisted personnel. Officer personnel will complete Port Operations Department Course (PODC MS 422R) as the basic school requirement under the On-Scene Coordinator Representative (ET) MST&Q booklet.
- (4) A mandatory requirement for all personnel operating in the MEP program is the 40 hour Hazardous Waste Operations and Emergency Response Training (HAZWOPER). This training is available within the course curriculum of the Marine Safety Petty Officers Course, the Port Operations Department Course, and the Port Security "A" School. For those personnel who complete the Introduction to MEP/MER correspondence course (TBD), the HAZWOPER training must be obtained separately through the District Safety Occupational Health Coordinator or the Commanding Officer may make arrangements for local training with the District Safety Occupational Health Coordinator.

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- (5) Proficiency in the MEP program will be developed through IDT/ADT On-the-job training at the local Marine Safety related units. Normally two periods of ADT and the intervening IDT periods will be required to train personnel sufficiently for qualification as a Pollution Investigator (ED), On-Scene Coordinator's Representative (ET), or member of a Marine Environmental Response Team (EX).
- (6) The 8 hour Safety and Occupational Health Refresher Training shall be an annual requirement for all personnel assigned MEP/MER responsibilities.
- (7) Additional courses of instruction (COI) are desirable, subject to availability, which will greatly enhance personnel knowledge and skills in handling MEP/MER incidents.
- (8) Enlisted reserve personnel who have completed the requirements for a letter of qualification will be assigned the appropriate enlisted qualification code as a part of the Marine Environmental Response Team force element. Reserve officer personnel who have completed the program outlined will receive a letter of qualification and move toward completion of the requirements for either a Port Safety and Security Environmental Response (42) and Port Safety General (40) experience indicator code.
- (9) All personnel, active duty and reserve, must comply and meet all requirements for occupational health and safety in accordance with Marine Safety Manual, volume 1, chapter 10.
- (10) Figure 7-7 graphically displays required and recommended schools and training for personnel assigned to a Marine Environmental Protection Force Element:

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FIGURE 7-7 - REQUIRED AND RECOMMENDED SCHOOLS AND TRAINING FOR PERSONNEL ASSIGNED TO A MARINE ENVIRONMENTAL PROTECTION FORCE ELEMENT



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K. Procedures For Maintaining Professional Credentials.

1. Commercial Vessel Operational Experience. Professionalism in the marine safety field means more than having acquired certain skills and knowledge. It means having acquired experience, having maintained recency of experience, and having developed a "hands-on" feel for the priorities, concerns, and challenges of the industry we regulate. For these reasons, individuals will be encouraged to check ride a commercial vessel at least once every 2 years, while assigned to a marine safety district or field billet, to maintain familiarity and proficiency in marine safety programs. These "check rides" will usually be conducted in conjunction with an underway midperiod inspection.

2. Professional Readings. Sharing one's expertise with colleagues marks an individual as a leader; not because the person is the most knowledgeable in the area, but is willing to make the effort to research, organize, and pass this information to others. It is as much an issue of community responsibility as professional enhancement. The professional reading is a formal presentation to a group or organization on a professional topic. It need not be based on a formal paper or published article. Examples include school presentations and speaking engagements to professional organizations.

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CHAPTER 8. MATERIEL MANAGEMENT

A. Materiel Administration.

1. Introduction. Materiel administration is the control of procurement, use, safekeeping, and disposal of materiel and equipment. While management responsibility for the control and maintenance of materiel and equipment rests finally with "all hands," the commanding officer (CO) must exercise control by implementing the guidelines and directives issued by higher authorities. Since a unit's performance is largely based upon its materiel resources, long and short range materiel administration plans must include these basic considerations:
 - a. Proper use of equipment and materiel to prevent abnormal deterioration and damage;
 - b. Regular inspection and maintenance schedules;
 - c. An accountability system to minimize loss and theft;
 - d. Proper storage facilities;
 - e. Procurement of property that will most economically and efficiently meet the unit's mission requirements;
 - f. Coordination and cooperation with Occupational Safety and Health Administration (OSHA) personnel, to ensure proper safety specifications in contracts and all orders for materiel;
 - g. Proper inspection of materiel received to ensure compliance with safety features and requirements;
 - h. Maintenance of inventory lists; and
 - i. Completion of required reports and correspondence.

It is imperative that unit personnel be trained in proper equipment usage and be made aware of materiel management goals. This may be accomplished by following published guidelines, applying common sense, and by cost and safety consciousness.

2. Administration of General Purpose (GP) Property.

- a. Introduction. All Coast Guard-owned property is public property, both real and personal. The following concerns personal property assigned to a unit for operational use, based on an approved allowance list. There are various types of personal property, and each is accounted for under its respective management subsystem. Together, these subsystems comprise the Coast Guard's Personal Property Accountability (PPA) System. The property or equipment discussed in this chapter (formerly classified as "Title B") is known as GP property. It is described and defined in Volume III of the Comptroller Manual,

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8.A.2. a. (cont'd) Commandant Instruction (COMDTINST) M4400.13. This instruction also sets forth the basic policies, guidelines, and objectives pertinent to:

- (1) Applicability of the PPA System;
- (2) Reporting property;
- (3) Non-reportable property;
- (4) Preparation and submittal of forms;
- (5) Personal property reports;
- (6) Request for allowance changes;
- (7) Inventory of property;
- (8) Relief of personnel;
- (9) Marking of property;
- (10) Procedures for capitalization of GP property;
- (11) Use of Coast Guard excess property; and
- (12) Responsibility for maintenance and custody of GP property.

b. Responsibility And Accountability. Volume III of the Comptroller Manual, COMDTINST M4400.13, outlines the policy on responsibility for GP property. Coast Guard Regulations, COMDTINST M5000.3, require the CO to operate the unit economically and effectively. The CO's subordinates must comply with the rules governing public property, including procurement, receipt, presentation, expenditure, and accounting procedures. [NOTE: Although the CO is ultimately responsible for the administration of the unit's materiel, a property officer may be assigned to account for the GP property assigned to the unit.]

3. Marine Inspector Equipment. A marine inspector's equipment includes items that may be reportable or non-reportable GP property. Most of this may be procured locally, with the unit's or district's OG-30 funds. The specific size(s) and/or caliber(s) of equipment listed shall be determined by job requirements and the judgement of the senior inspector of materiel (SIM). (See also section 8.C below.) Each marine inspector shall have, as a minimum, the following equipment:

- a. Current editions of 33 and 46 CFR, Parts 1-199, and pertinent Coast Guard inspection books and forms;
- b. Flashlight, explosion proof (see 46 CFR 111.105);

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- 8.A.3. c. Ear protection;
- d. Pitot static gauge (see 46 CFR 95.10-5(c));
- e. Spring-type scale (0-50 pounds) (see 46 CFR 91.25-20);
- f. Mirror(s), telescopic handle with swivel mirror head;
- g. Emergency escape breathing apparatus (EEBA);
- h. Safety glasses with side shields, or safety goggles to fit over prescription glasses (see paragraph 8.C.5 below);
- i. Safety gloves;
- j. Safety hat;
- k. Safety-toe shoes (with nonskid soles);
- l. Safety valve sealing pliers (5") and leaded seals with 24" wires (for engineering use);
- m. "Passed" stamp for life preservers;
- n. Coast Guard propeller stamp (see 46 CFR 50.10-25);
- o. Tape measure(s);
- p. Test hammer;
- q. Coveralls with USCG marking;
- r. "Hole punch" pliers; and
- s. Wood awl or ice pick, 6" recommended.

The following additional equipment may be used as appropriate: a briefcase (5" width), general-purpose mirrors (3" x 6" recommended), a Tempilstik (9001-11501 range), heavy-duty marking crayons, and a foul-weather jacket.

4. Load Line Inspection Equipment. The following equipment is needed to conduct load line inspections. Additional or replacement items may be requisitioned from the district commander. This equipment may also be loaned to the U.S. Customs Service upon request when its officers conduct load line violation investigations (see volume V of this manual).
- a. 46 CFR 42-46, Subchapter E;
- b. 50' tape measure with plumb bob;
- c. 6' folding rule;

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- 8.A.4. d. Paper and writing supplies;
 - e. Load Line Inspection Reports, Form CG-1408;
 - f. Hydrometer (necessary only when close reading of the position of the load line is indicated);
 - g. Plastic bucket; and
 - h. Small jars to maintain samples of water.
5. Marine Investigator Equipment. The following equipment will normally be needed and used, where applicable, to conduct an investigation of a marine casualty or pollution incident:
- a. Intrinsically safe walkie-talkie type radio;
 - b. Pollution sampling kit (see volume V of this manual);
 - c. Copies of the Oil Pollution Regulations (33 CFR, Subchapter O), Marine Investigation Regulations (46 CFR 4), and Suspension and Revocation (S&R) Proceedings (46 CFR 5);
 - d. Explosion proof flashlight (see 46 CFR 111.105);
 - e. Camera (35mm SLR and/or instamatic) and spare film;
 - f. Portable tape recorder and spare cassettes;
 - g. Safety hat;
 - h. Paper and writing supplies; and
 - i. Subpoena forms, charge sheets, and necessary CFR's and Coast Guard forms.

[NOTE: It is recommended that investigators of boating accidents use the equipment discussed in volume V of this manual, and other equipment deemed necessary.]

6. Administration Of Leased Or Rented Equipment. It may be more economical for a unit to lease/rent equipment or materiel rather than to purchase it. such equipment shall be administered as if it were Coast Guard-owned property, in accordance with current directives and applicable guidelines of this chapter, good judgment, and cost-consciousness. Prior to the acquisition of leased/rented equipment or property, consideration should be given to the following:
- a. Equipment life span and length of time it is to be used;
 - b. Various advantages of available types and models of the particular equipment;

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- 8.A.6. c. Leasing costs and purchase option(s);
- d. Installations and start-up costs, if any;
- e. Advantages and disadvantages of contracting terms;
- f. Office security; and
- g. Other pertinent local factors.

Each unit shall establish and maintain a system of control and accountability that will ensure that the total lease costs will be kept to a minimum, consistent with contractual terms and mission needs.

B. Unit Logistics.

- 1. Real Property Management. The multi-mission responsibilities of the Commercial Vessel Safety (CVS), Port and Environmental Safety (PES), Marine Environmental Response (MER), Waterways Management (WWM), Recreational Boating Safety (RBS), and Bridge Administration (BA) Programs impose their unique logistic requirements upon each field unit, proportionate to the functions and demands upon the port safety station (PSSTA), marine inspection office (MIO), and marine safety office (MSO). For instance, CVS functions (including RBS investigative functions) require adequate working space to administer license examinations and to store marine documents securely in a location near maritime business offices. PES/MER/WWM functions require adequate storage space for oil samples, boat berthing and launching facilities, and ample space for radio communications support. [NOTE: Office spaces occupied by Coast Guard units are normally owned by or leased from the General Services Administration (GSA), or are Coast Guard owned.] Spaces and services provided in leased facilities should be based upon the same standards of service as for government-owned spaces. These are described in the Federal Property Management Regulations (41 CFR 101), the General Services Property Management Regulations (41 CFR 105), and Volume V of the Comptroller Manual, COMDTINST M11011.9A.
- a. Command Requirements. Each unit CO shall review space allocations for the functions performed at the unit and determine whether or not greater centralization and rearrangement in space allocation would improve unit efficiency. [NOTE: The district commander is required to inspect the shore stations for compliance with maintenance and reporting standards of the Shore Station Maintenance Plan (SSMP) and fire protection standards set forth in the Civil Engineering Manual, COMDTINST M11000.1.] Occasional changes in a unit's personnel size, function, or equipment allowances require a reassessment of its physical space needs. This usually involves a need for more, not less, space. In either case, adequate justification is always required to obtain such changes. This includes identification of increases and decreases that have occurred since the present physical spaces were obtained, what current space is required (based upon GSA or Coast Guard space standards), and what alternatives have been

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- 8.B.1. a. (cont'd) reviewed; this last consideration is vital. To ensure that all feasible alternatives have been thoroughly justified, the district commander (flp) and (m) should be consulted in the initial stages of any rearrangement of unit space. This provides an informal review for any proposal before it is submitted, as well as the most current policy for such requests.
- b. Assessments Of Space Requirements. Should reassessment of a unit's space needs indicate that a move is required, the primary consideration then become the availability and suitability of the spaces to be occupied (Coast Guard-owned, GSA-owned, or commercial). Coast Guard-owned spaces may seem the most cost-effective for short-term planning; however, for long-term needs (10-30 years), they may not be cost-effective. Therefore, long-range costs must always be considered. GSA costs often appear more expensive than commercial rental costs because the latter frequently do not include utility costs (electricity, heating, sewage, and trash collection) and maintenance costs (cleaning, security, etc.). However, if GSA does not have or cannot provide adequate relocation spaces, commercial spaces may be the best option. Obtaining commercial space usually requires the Coast Guard to enter into a contract with a commercial lessor. In this case, close liaison with the district commander (flp) is required to ensure that all property requirements are met, especially maximum rental costs of 15 percent of the fair market value of the commercial property. Numerous other requirements may be involved, depending upon the level of review and approval required; therefore, close liaison with the district staff will be necessary. Relevant Commandant Instructions and Notices should always be reviewed and complied with.

2. Unit Administration.

- a. References. The reader of this manual should realize the problems associated with communicating policy to field units in a coordinated and timely manner. The Marine Safety Manual (MSM) is only one means of solving some of the problems of communication. It is not intended to duplicate detailed policy found in other Coast Guard directives and professionally related references and publications. Thus it is necessary for each marine safety unit to have, as a minimum, Coast Guard Regulations, COMDTINST M5000.3, and the other required publications listed for the unit in the Directives, Publications and Reports Index, Commandant Notice (COMDTNOTE) 5600. Additionally, each unit shall maintain an appropriate number of copies of Titles 33, 40, 46, and 49 of the United States Code (U.S.C.) and Code of Federal Regulations (CFR). Additional reference publications should be on hand, as applicable:
- (1) Operating Facilities of the U.S. Coast Guard, COMDTINST M5440.2C;
 - (2) Organization Manual, COMDTINST M5400.7;
 - (3) Chemical Hazard Response Information System (CHRIS) Manuals, COMDTINST M16465.11 and .12;

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- 8.B.2.a. (4) Security Manual, COMDTINST M5500.11;
- (5) Additional references noted in this and other volumes of this manual; and
- (6) The Federal Property Management Regulations (41 CFR 101-120).
- b. Custody of Port Security Cards. Port Security Cards are allotted in blocks of 50 consecutive numbers. A Record of Port Security Cards Issued, Form CG-3177, shall be prepared and maintained at the issuing unit. The name of the person to whom the card was issued and the date of issue shall be shown on the form in the spaces opposite the card number. Should a card be damaged and not usable, notations of that fact and the destruction of the card should be written opposite the card number. In the event an application is cancelled for any reason, a notation to that effect shall be placed in the "date of issue" column of the form. The captain of the port (COTP) or the validating officer shall certify on Form CG-3177 that all entries are correct, and that all cards not issued to individuals have been personally destroyed. Care shall be taken to ensure that blank cards are not made available to unauthorized persons; these cards shall be handled and stowed as "CONFIDENTIAL" materials in accordance with the Security Manual, COMDTINST M5500.11. See volume VII of this manual (To Be Developed) for additional information on Port Security Cards.
- c. Custody Of Certificates Of Discharge. The officer in charge, marine inspection (OCMI) shall maintain a record of each Certificate of Discharge to Merchant Seaman, Form CG-718A, in unit custody. The record should include the serial number, dates received and issued, the company the certificate was issued to, the name of the company official who received it, and the initials of the issuing Coast Guard officer. An audit should be conducted annually and at the time of relief of the OCMI or the senior inspector of personnel (SIP).
- d. Custody Of Merchant Mariner's Document (MMD's). The OCMI shall maintain a record of each MMD, Form CG-2838, stored and issued under unit custody. The control numbers of the documents being delivered shall be carefully checked to determine that no MMD is missing before the custody receipt is signed. Blank MMD's should be securely packaged and handled and stowed in accordance with the Security Manual. A complete report of any missing documents shall be made to Commandant (G-MVP-1), via the district commander, immediately upon discovery of the loss.
- e. Safeguarding Personal Information. Information from such sources as violation reports, waterfront facility operations manuals, Marine Safety Information System (MSIS) printouts, Port Security Card applications, or other records of a similar nature shall be given the following minimum administrative and physical security:
- (1) Access to personal information shall be limited to personnel who require such access in the performance of official duties;

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- 8.B.2.e. (2) Whenever information is not under the control of an authorized individual, it should be stored under locked conditions such as a locked room, file cabinet, or desk; and
- (3) Records containing personal information shall be destroyed, when appropriate, in accordance with the Security Manual.

Commandant Instructions (5200 series) concerning the Freedom of Information Act (FOIA) and Privacy Act should be referred to when in doubt concerning such matters (see also chapter 9 of this volume). Documents and records such as marine casualty investigation records, investigative records of violations of law and regulation, personnel investigation reports, Administrative Law Judge Decisions and Orders, and Commandant's Decisions of Appeals require normal officer security.

- f. Custody Of Small Arms. Small arms are maintained by marine safety field units for use, as required, and the enforcement of marine safety statutes and military readiness. As small arms and ammunition are highly susceptible to theft, they shall be stored only in secure facilities, such as a GSA-approved Class 6 weapons containers (FSN-7110-931-0771). Such containers shall be located in areas that are under continual surveillance, or that are wired with theft alarms so that unit personnel can respond immediately to an alarm. Guidelines concerning the maintenance, procurement, and safeguarding of small arms are contained in the Ordnance Manual, COMDTINST M8000.2, and the Manual of Physical Protection Standards, CG-468. Unit commanders shall ensure that all persons under their command having security responsibilities are familiar with the requirements of these publications.

- C. Safety Equipment And Protecting Clothing. 29 U.S.C. 668 requires federal employees, civilian and military, to be provided with protective clothing and equipment when performing duties in a foreseeably hazardous environment. The Coast Guard acquires, maintains, and requires the use of personal protective clothing/equipment at marine safety field units. These items must meet recognized safety standards and be suitable to the degree of hazard. Unless directed otherwise, the general administration of safety equipment and protective clothing shall follow the guidelines set forth in section 8.A above. Respiratory protection equipment is discussed in chapter 10 of this volume.

1. Authority Of The Command. It is the combined responsibility of the district commander and unit CO to:
- a. Identify functions (including non-appropriated fund activities (NAFA)) requiring safety/health equipment or protective clothing;
 - b. Specify the type(s) of safety equipment/clothing required for the identified function;
 - c. Furnish protective clothing/equipment to personnel requiring it;

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- 8.C.1. d. Maintain safety equipment and protective clothing in serviceable condition;
 - e. Enforce the proper use of such equipment;
 - f. Indicate requirements on Unit Allowance Lists; and
 - g. Ensure that supervisory personnel are aware of and understand these requirements, as directed by Coast Guard Regulations, COMDTINST M5000.3.
2. Unit Safety Officer. The unit executive officer (XO) normally functions as the safety officer and administers the unit's safety program by coordinating safety indoctrination and planning of the various unit departments (see chapter 10 of this volume).
 3. Accountability. Protective clothing and equipment are GP properly, as well as organizational items. They shall be accounted for in accordance with procedures set forth in Volume III of the Comptroller Manual, COMDTINST M4400.13.
 4. Protective Footwear. Military issue safety-toe shoes or comparable commercial shoes shall be issued to Coast Guard personnel when:
 - a. The person is exposed to foot hazards at least 30 percent of working time; or
 - b. The person's occupation is considered hazardous to feet (e.g., welders, machinists, mechanics, etc.).

Coast Guard personnel who are exposed to foot hazards less than 30 percent of their working time shall be issued toe or foot guards as appropriate for the period of their exposure. [NOTE: 29 CFR 1910.136 requires all safety-toe protective footwear to meet specifications of the American National Standards Institute (ANSI) Standard for Men's Safety-Toe Footwear, Z41.1 1967.]

5. Protective Eyewear. Plain or prescription safety glasses shall be issued to field inspectors and personnel working full-time in an eye-hazardous environment. These glasses shall meet the ANSI Standard for Occupational and Educational Eye and Face Protection, Z87.1-1968 (see 29 CFR 1910.133). Prescription safety glasses shall have the same refractive power as the person's normal wearing glasses and shall be furnished at government expense (not including refractive eye examination), chargeable to OG-30 funds. Personnel working close to exposed electrical circuits or flammable/explosive substances shall be issued safety glasses with frames made of nonconducting, nonflammable material.
6. Protective Clothing. Protective clothing and equipment such as rubber boots and gloves, face shields, goggles, hard hats, and similar gear are designed primarily to protect personnel from fire, steam or chemical burns, and electrical shock. They are furnished to personnel as required

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8.C.6. (cont'd) by the job or work environment. Material condition inspections shall be made at least once a year of all equipment, which shall be stored in adequate storage facilities.

7. Care Of Protective Items. Items of protective wear (except safety shoes and prescription safety glasses) shall be inspected for material condition, and cleaning and sanitized before reissuance.

8. Respiratory Protection. National Institute for Occupational Safety and Health (NIOSH) approved respiratory protective equipment such as the air-purifying respirator, the self-contained breathing apparatus (SCBA), and the EEBA shall be maintained and inspected by the unit. Units shall establish a respiratory protection program as outlined in 29 CFR 1910.134 and ANSI Standard Z88.2 1980.

D. Vehicles And Small Boats. Due to the complexities involved in administering GSA or Coast Guard-owned vehicles, detailed guidance for vehicles administration should be sought in the Motor Vehicle Manual, COMDTINST M11240.9; COMDTINST's in the 11240 series; and the Federal Management Regulations, 41 CFR 101. The policy for Coast Guard boats is contained in the Boat Management Manual, COMDTINST M16114.4A. The Naval Engineering Manual, COMDTINST M9000.6, and the Coating and Color Manual, COMDTINST M10360.3, also provide guidance for the administration of small boats.

1. Use Of Pollution Response Vehicles. Immediate response action can often minimize the effects of an oil discharge or hazardous substance release. One response method that has been found to be fast and effective when federal response is called for involves the use of a pollution response vehicle. In addition to reducing response time, the presence of the vehicle presents a highly visible display to the local public that positive steps are being taken in dealing with the problem. Pollution response vehicles have also been successfully used for public relations purposes. For example, the Vehicles can be used as a Coast Guard display during local events.

a. Funding. The need for improving our response capability was acknowledged by Congress who provided funding in the budget specifically for that purpose. To the extent that funding was made available, pollution response vehicle outfits were established at selected Coast Guard units. Commandant (G-ECV) has distributed funds to district commanders to support the establishment and replacement of pollution response vehicles.

b. District Responsibility. The normal vehicle management procedures found in the Motor Vehicle Manual, COMDTINST M11240.9, shall be followed in planning vehicle procurement and disposition. As vehicles near the end of their projected service life, the district commander should plan for their replacement. District commander responsibilities include:

(1) Establishing vehicle allowances and procuring vehicles.

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- 8.D.1.b. (2) Allocating and reallocating vehicles based upon operational need including commercial sector evaluation.
- (3) Using normal procedures in the Motor Vehicle Manual, COMDTINST M11240.9, if replacement is necessary. Replacement costs will be weighed against both completing program needs and allocated OG-43 funds during the course of evaluating resource needs submitted on Operating Guide, Summary of Budget Estimates, Form CG-4144.

2. Use Of Emergency Lights And Sirens On Vehicles. The objectives of the PES, MER, and WWM Programs, to improve the quality of the marine environment and safety of persons and property on the adjacent to the navigable waters of the U.S., have required the Coast Guard to enhance its immediate-response capabilities. In extraordinary situations the use of emergency lights and sirens on Coast Guard-used vehicles can enhance response time. As the requirements and specifications for emergency equipment vary throughout the United States, it is not possible to establish a set of common standards and guidelines. Therefore, the use of emergency lights and sirens on response vehicles shall comply with applicable state laws. In addition, Coast Guard operators must be properly trained and certified to operate these vehicles, as required by the Safety and Occupational Health Manual, COMDTINST M5100.29, and the Motor Vehicle Manual, COMDTINST M11240.9. Unit CO's shall:

- a. Evaluate the conditions existing within their zones to determine if the use of emergency lights and sirens is necessary;
- b. Ensure that emergency lights and sirens meet all state requirements; and
- c. Ensure that operators of emergency response vehicles are trained and certified in accordance with COMDTINST M5100.29 and M11240.9.

3. Use Of Small Boats.

a. Control. The district commander shall review all reports and analyses submitted by district units; assign small boats to marine safety field units for maximum advantage; make recommendations to Commandant (G-OSR) concerning boat characteristics and alterations; and control funds allotted for boat management. The CO or OCMI is responsible for the readiness of the unit to perform assigned missions. This shall be accomplished by:

- (1) Periodically reviewing boat material condition;
- (2) Reviewing operational requirements for boats, keeping abreast of current and projected allowances, and monitoring their suitability for the unit's assigned missions; and
- (3) Maintaining and submitting accurate reports.

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- 8.D.3. b. Record-Keeping. Operational data on the 32-foot PWB's for program management is collected on the Abstract of Operations Boat Report, Form CG-3273C, in accordance with the guidance found in Instructions for Abstract of Operations Reports, COMDTINST 3123.7 (series). Additional guidance for boat resource management is provided in the Boat Management Manual, COMDTINST 16114.4A.
- E. Firefighting Equipment. The Ports and Waterways Safety Act (PWSA) of 1972 (33 U.S.C. 1221 et seq.) gives the Coast Guard broad responsibility for promoting the safety of life, property, harbors, ports, and waterfront areas on or along the navigable waters of the U.S. Most ports and waterfront areas are under the operational or supervisory control of a state or municipal firefighting force. Coast Guard marine safety units may render assistance to these forces as available when a fire occurs. Of primary concern is fire protective of Coast Guard-owned or leased property. [NOTE: When rendering assistance, consideration must always be given to the adequacy of Coast Guard equipment and the level of Coast Guard training.]
1. Command Responsibilities. The CO/OCMI is expected to maintain the firefighting potential of the unit at peak effectiveness. However, the services given by unit personnel can be only as good as the equipment available. Therefore, it is vital for all firefighting equipment to be properly maintained and managed, so that it operates properly when a fire occurs. The unit commander shall ensure that trained individual(s) perform maintenance, inspections, and rechargings of extinguishers and other firefighting apparatus with the proper tools, recharge material, lubricants, and replacement parts. The Safety and Occupational Health Manual, COMDTINST M5100.29, provides guidance in fire prevention. Code 10 of the National Fire Protection Association (NFPA) and the Civil Engineering Manual, COMDTINST M11000.1, provide guidance on fire science and the use, maintenance, and inspection of extinguishers and other fire protection appliances.
 2. Use Of Fire Extinguisher. All hands must be familiar with the extinguisher at the unit; the CO/OCMI shall ensure that personnel are instructed in the proper use of extinguisher for given types of fires (see the Civil Engineering Manual, COMDTINST M11000.1). The types of extinguisher common at Coast Guard units are:
 - a. Water Base Extinguisher. This type uses plain water, antifreeze or wetting agent(s), and is intended for use against Class A (dry combustible) fires.
 - b. Dry Chemical Extinguisher. This type most commonly uses sodium bicarbonate or potassium bicarbonate (Purple K, Special K, and Super K). The former type is primarily designed to combat Class B (flammable liquid) and C (electrical) fires. The latter may be used on Class D (flammable metal) fires for which the extinguisher was satisfactory rated.
 - c. Carbon Dioxide Extinguisher. This type expels carbon dioxide gas and is primarily intended for use against Class B and C fires.

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- 8.E.2. d. Halon Type Extinguisher. This type contains a halogen-based extinguisher agent. It may be used in areas specifically approved by Commandant (G-ECV) in accordance with Code 10 of the NFPA.

[NOTE: Vaporizing and halogenated extinguishers are considered toxic to personnel and not approved for general Coast Guard use. Soda acid extinguishers are considered inferior to other types and are not longer recommended for procurement.]

3. Use Of Firefighting Pumps.

- a. P-60. This is a rotary pump that delivers 60 gallons per minute (GPM) at 100 pounds per square inch (PSI). As it cannot deliver a standard fire stream of 250 GPM at 50 PSI (through a 2-1/2" hose), it is of very limited use. [NOTE: The P-60 pump is being phased out of service.]
- b. PE-250. This is a centrifugal pump that delivers 250 GPM at 100 PSI; it can be used to augment existing water supplies. [NOTE: This will soon be replaced by the P-250 Mod 1 pump.]
- c. Chrysler-Hale Trailer Pump. This centrifugal pump delivers over 500 GPM at 100-200 PSI, and is the most effective Coast Guard maintained pump for firefighting purposes.

4. Use Of Hoses And Nozzles. Units having a need for firehoses should have both 2-1/2" and 1-1/2" firehoses. Unlined linen hoses are extremely water wasteful and subject to quicker decay from mildew. Rubber-lined 100 percent polyester hoses should be used wherever practicable and procured in all new purchases. Adjustable pattern, constant flow/shut-off brass nozzles are recommended. These nozzles should be specified in all new purchases, and shall replace existing nozzles.

- F. Pollution Control Equipment. The Commander's policy is to initiate rapid and effective response to control discharges of oil and releases of hazardous substances, pollutants, or contaminants into U.S. waters or the environment, as specified in the Federal Water Pollution Control Act (FWPCA) as amended, and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). As one of the primary agencies responsible for pollution control, the Coast Guard has purchased equipment for use in the overall response to pollution incidents. For maximum flexibility and effectiveness this equipment has been distributed to the National Strike Force (NSF), major ports, and units having access only to limited commercial response resources.

1. District Responsibility. Administrative responsibility and accountability for pollution control equipment normally rests with the district commander, who may delegate active management authority to individual units. The district commander shall:
- a. Advise Commandant (G-WER) and (G-ECV) of new equipment purchases or relocation of existing response equipment;

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- 8.F.1. b. Ensure adequate storage and maintenance arrangements;
- c. Ensure that equipment is operated by competently trained personnel;
- d. Ensure that arrangements for reimbursement of actual expenses, consistent with current policy, are made at the time equipment is made available for use by Coast Guard or other government personnel; and
- e. Ensure that Coast Guard resources will measurably enhance removal activities.

2. Unit Responsibility. The following requirements apply to unit level administration of pollution equipment:

- a. An adequate and comprehensive engineering and maintenance record for each piece of equipment;
- b. Regular maintenance periods and designated person(s) to perform maintenance;
- c. Timely and justifiable requests for equipment repairs, purchases, or other support to prevent the impairment of the equipment and operational efficiency (see subparagraph 8.A.2.b above);
- d. A custodian/user accountability system for each piece of equipment;
- e. A comprehensive file of instructions, publications, etc., affecting the management of pollution control equipment;
- f. Preventing Coast Guard-owned equipment from competing with cooperative or commercial resources;
- g. Reports of equipment usage, enumerating appropriate specifics, to Commandant (G-WER) and (G-ECV) and district (m) and (e) staffs;
- h. Documents of out-of-pocket expenses chargeable to the respective pollution fund, for billing to responsible parties;
- i. Adequate storage arrangements;
- j. Training of personnel to operate equipment; if necessary, training assistance from the NSF, the equipment manufacturer, or another competent source; and
- k. Engineering support from the district (e) staff for pollution equipment problems.

3. Use Of Coast Guard Equipment.

- a. Pollution From Federal Facilities Or Vessels. Coast Guard-owned equipment may be used to remove discharge or release from vessels or facilities owned or operated by the Coast Guard. Other federal

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- 8.F.3. a. (cont'd) agencies may use Coast Guard equipment on a cost-reimbursement basis. These costs shall not be paid from the pollution fund, but must be charged to the federal agency's operating funds. Reimbursement arrangements shall be negotiated prior to or at the time the equipment is made available.
- b. Coast Guard Unit Equipment. Each on-scene coordinator (OSC) maintains levels of "first aid" oil pollution response equipment as determined through the contingency planning process. However, it is the Coast Guard's policy not to compete with the commercial sector. Consistent with this policy, the use of Coast Guard equipment is appropriate when it:
- (1) Can be used in a more timely fashion than commercially available equipment;
 - (2) Includes a necessary containment or removal device that cannot be reasonably obtained from commercial sources;
or
 - (3) Will enhance removal activities.

Whenever the OSC must utilize Coast Guard equipment for purposes other than monitoring, the OSC shall declare a federally-funded removal to the extent necessary to ensure effective removal of pollutants. Upon arrival of commercial equipment, Coast Guard-owned equipment should be removed, provided a smooth transition can be made.

- c. Documenting Use Of Coast Guard Equipment. An important responsibility of equipment administration is documentation of equipment usage. This is an essential element in the procedures to recover costs associated with Coast Guard pollution removal and control efforts. Details on required procedures for the recovery of costs incurred for the use of Coast Guard-owned pollution response equipment are found in volume VI of this manual.
4. MEPALT System. As new pieces of hardware are introduced into the MER Program, certain defects or design flaws may be discovered. These flaws are normally corrected by alterations in the field. The method of alteration, however, must be standardized to ensure that detrimental changes are not made. Generally, such an alteration, called a MEPALT, is a change to the design or specification of a particular piece of equipment and its structural components, fittings, rigging, corrosion protection coatings, or other parts that affect its operational characteristics. The procedures set forth below apply to all Headquarters procured MER equipment.
- a. Definitions.
- (1) MEPALT. This is the Commandant's authorization for altering MER equipment. The standard form used to process a MEPALT is Form CG-5040.

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- 8.F.4.a. (2) Repair. This involves all work, not classified as an alteration, that is necessary to restore equipment to its normal or authorized condition or function.
- (3) Class. This is a family of devices whose functions are similar. An oil containment barrier, for example, belongs to the class of Oil Barriers.
- (4) Type. This is a subdivision of a class determined by operational parameters or special requirements. For example, ADAPTS TYPE I and TYPE II are examples of types within a class.
- (5) Sub-Type. A sub-type is a further division of type based upon a further specialization to fulfill certain operation requirements (e.g., ADAPTS TYPE II/Tropical and ADAPTS TYPE II/Arctic).
- (6) MEPALT Classification. This refers to the alteration process and is unrelated to the equipment class affected.
- (a) Classification A. These are of utmost importance for correcting conditions that impair the service characteristics of the particular equipment affected.
- (b) Classification B. These are of less urgency than those of Classification A, but are of sufficient importance to warrant accomplishment.

- b. MEPALT Numbers. The basic MEPALT number consists of six components. The first component is the MEPALT serial number, which is used to number all MEPALT's; the second is a letter that indicates the classification of the MEPALT; the third is the class of equipment involved; the fourth is the type of MEP equipment involved; the fifth indicates the sub-type affected; and the sixth is a serial number for MEPALT's in a particular class. Examples are:

	1	2	3	4	5	6
	MEPALT SERIAL #	CLASSIFI- CATION	CLASS	TYPE	SUB-TYPE	CLASS SERIAL #
(1)	00017	A	ADAPTS	II	ALL	0008
(2)	00014	B	PUMP FLOAT	ALL	ALL	0001
(3)	00016	B	SKIMMING BARRIER	ALL	ALL	0002

[NOTE: The class serial number need not be the same as the MEPALT serial number.]

- c. Applicability And Distribution. A MEPALT may apply to any item of equipment designated by a MEPALT number. It is expected that most MEPALT's will concern all field units holding a single type of equipment. Some MEPALT's will be so broad as to affect an entire class of equipment; others may be confined to a single sub-type only.

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- 8.F.4. c. (cont'd) MEPALT's will be distributed to field units with affected equipment and to district/area commanders and Commandant (G-WER), as appropriate.
- d. Accomplishment Of Alterations. Unless otherwise noted, or in a particular MEPALT, receipt of an approved Form CG-5040 is the only authority for instituting an alteration.
- e. Priorities Of Accomplishment. Classification A alterations shall be considered of equal importance with urgent repairs and shall be accomplished no later than the next scheduled maintenance period. Classification B alterations, being less urgent, must be accomplished within 12 months of the date of receipt.
- f. Descriptions Of The Alteration. Sufficient descriptions of an alteration and complete specifications with applicable plans or drawings will be furnished with each MEPALT issued.
- g. Materials And Funds. Form CG-5040 will indicate whenever materials or funding will be furnished by Commandant (G-WER).
- h. Report Of Completion. Upon completion of a MEPALT, the unit shall complete the space provided on Form CG-5040. The green copy of the form shall be forwarded to Commandant (G-ECV); report RCS-G-ECV-3086 applies; no letter of transmittal is required. A unit receiving a MEPALT that does not apply shall note that fact in the completion section of Form CG-5040, and forward the copy as indicated above. A copy of Form CG-5040 shall also be forwarded to the district or area commander, as appropriate, with the applicable notation in the completion section.
- i. MEPALT Records. Each unit shall maintain two MEPALT files: One ordered by the MEPALT serial numbers, the other for each class by the class serial numbers. These files will indicate all MEPALT's complete and incomplete, whether or not they pertain to the unit's particular equipment. When a MEPALT has been completed on a piece of equipment, the appropriate space on Form CG-5040 shall be filled in. A copy shall be placed in the engineering and maintenance record for the item of equipment altered. This record shall be kept with the item of equipment during all moves or transfers.
- j. Alteration Requests. Alteration requests may be submitted, in letter form, by the unit commander or the area/district commander to Commandant (G-ECV). At a minimum, such requests must address the following issues in detail.
- (1) What is the problem? The request must describe the problem, including photographs, sketches, and documentation to help reviewing authorities understand the problem.
 - (2) What is the solution? The request must describe the proposed alteration, including justification (photographs, sketches, etc., should be included when necessary).

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8.F.4. k. Initial Action By The Commandant. Alterations serve to correct design flaws or other deficiencies, meet changes in operational requirements, eliminate safety hazards, or result in cost savings. If a proposed alteration meets any of these criteria, the Commandant will, upon receipt of such a request, take one of the following actions:

- (1) Should further comment be desired, copies of the request will be forwarded to unit commanders, area/district commanders, and Commandant (G-WER), as appropriate;
- (2) If the proposal is disapproved, the originator will be so by Commandant (G-ECV); or
- (3) If the proposal is approved, it will be issued as a MEPALT to all units with affected MER equipment on Form CG-5040.

l. Action By The District/Area Commander. Upon receipt of an alteration request from a field unit, the area or district commander shall review the proposal. Emphasis should be given to consideration of the operational justification for the proposal. Appropriate members of the area/district staff should be consulted during the evaluation of the proposed alteration. The area/district commander shall prepare an endorsement to the proposal that addresses the following points;

- (1) The operational justification for the alteration;
- (2) Whether the proposed solution is the best for the stated problem. If not, suitable alternatives shall be proposed; and
- (3) Clarification, where necessary, of the original problem and/or proposed solution.

Requests (favorably or unfavorably endorsed) shall be forwarded to Commandant (G-ECV) for evaluation. Area or district commanders receiving proposed alterations from Headquarters shall review the proposal as outlined above and advise Commandant (G-ECV) accordingly. The area or district commanders shall endorse replies furnished by field units under their jurisdiction.

m. Review By Unit Commanders. Upon receipt of a proposed alteration, the CO shall evaluate the proposal to determine its need or feasibility. The CO shall then submit a letter to Commandant (G-ECV) within 10 days of receipt of the proposal. This letter should address the following points:

- (1) Does the problem exist for that unit? If not, why not?
- (2) Is the proposed alteration the best solution? If not, what are the alternatives?

n. Review by Commandant (G-WER). Commandant (G-WER) will, after receiving a proposed alteration from Commandant (G-ECV), review the

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- 8.F.1. n. (cont'd) proposal for its impact on overall mission operational capability, endorse the proposal, and return it to Commandant (G-ECV).
- o. Final Action. Upon receipt of all information pertinent to a proposed alteration, final action will be taken on the original request. If the proposal is approved, Commandant (G-ECV) will assign it a classification and a serial number, publish it on Form CG-5040, and distribute it. If the proposal is disapproved, the originator will be so notified by Commandant (G-ECV) by letter. A copy will be sent to each unit commander and area/district commander who submitted amplifying information.

G. Coast Guard Employment Of Civilian Aircraft.

1. Program Requirements. Marine safety units may occasionally require the use of aircraft for routine overflights or emergency response operations in the course of their responsibilities. Coast Guard aircraft should be utilized to the maximum extent possible to fulfill marine safety aviation needs. However, when Coast Guard aircraft is not available, or its use would significantly jeopardize the successful completion of marine safety responsibilities, service of civilian-owned aircraft, either through commercial contract or the Coast Guard Auxiliary (CGAUX), may be used in accordance with the policy contained in this section. Emergency response operations are those in which immediate Coast Guard response is required to prevent further loss of or damage to life, property, or the environment due to a marine casualty, oil or hazardous materials discharge, or natural disaster. Routine overflights are conducted to monitor potential discharge or emergency situations, and are classed into two categories:
- a. Offshore Areas. Surveillance requirements are based on shipping density, location of offshore facilities, and the environmental sensitivity of the area. With the exception of the Great Lakes, overflight priorities are assigned to areas within the contiguous zone to 12 miles offshore). Occasional random overflights may be made over the prohibited zone (12-50 miles offshore, or 12-100 miles offshore from the Canadian border to Long Island Sound, New York).
- b. Port Areas. Surveillance requirements are based on the amounts of petroleum products and hazardous materials handled within the marine safety zone. Ports handling 10 million tons or more annually are prioritized by the actual amounts handled; ports with adjacent Coast Guard air stations are overflown on an assigned schedule regardless of the amounts moved. [NOTE: The term "emergency" as used herein does not anticipate use of civilian support in situations of inordinate risk to aircraft and passengers. Civilian resources shall not be utilized in conditions of imminent danger, nor shall leased resources be used in search and rescue (SAR) operations.]
2. Unit Flight Coordinator. Each OCMI/COTP using civilian aircraft shall designate a unit flight coordinator to oversee the logistics and timely conduct of flights operations. To this end, the flight coordinator shall:

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- 8.G.2. a. Schedule all flights, as directed by the OCMI/COTP;
- b. Submit a surveillance/response plan, including updated weather information, to the OCMI/COTP prior to each flight (see Figure 8-1 for a sample flight plan);
- c. Maintain communications with embarked personnel and keep apprised of the evolution of the flight; and
- d. Submit completed aircraft use reports to the district commander (m).

3. Aircraft Management.

a. Leased Aircraft.

- (1) Contracting Civilian Service. The district commander shall determine which marine safety units require access to civilian aviation services to augment their missions. Each commercial service under consideration for a Coast Guard contract shall, prior to selection, be investigated by the district commander to verify its level of personnel competence and safety record. Prior to contract finalization, agreement shall be reached between the district commander and the contractor for appropriate charges for routine and emergency flights. Each authorized unit shall apply a requirement contract with the selected aviation service, upon which a blanket delivery order will be issued each quarter. Access to the contractor's services will be maintained by the unit's giving notice that such services will be required in the next quarter. After each flight, the contractor shall complete an SF-44 invoice to itemize the costs for that operation. This invoice, certified by the OCMI/COTP, shall be forwarded to the district commander (f) for payment. When a series of flights is made in the execution of one response activity, all flights may be itemized on a single SF-44. When aviation services are required as part of a federally-funded response to an oil pollution, incident, the costs for such service are reimbursable from the Pollution Fund established under Section 311(k) of the FWPCA, or the CERCLA Trust Fund, as appropriate. See volume VI of this manual for pollution response guidance.
- (2) Cooperation With The Operator. Generally, the contractor shall be notified of a scheduled flight at least 48 hours in advance. However, because of the Coast Guard's mission requirements and the potential for emergency situations developing with little or no warning, all contracts shall require emergency access to aviation, services, as necessary, upon 1 hour's notice. Generally, all leased aircraft flights shall originate and terminate at the same location. One-way transportation of Coast Guard personnel shall be provided only by specific authorization of the district commander (m), except when the OCMI/COTP determines such flights to be necessary during emergency response situations.

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FIGURE 8-1

SAMPLE FLIGHT PLAN

MSO NASHVILLE

Date of Flight: _____ Flight No. _____

Area to be patrolled and purpose: _____

Observers: _____

Estimated Time Return: _____ Date _____

FOR WEATHER CALL 251-5378. Obtain weather information, for Nashville and any other cities below that are near the intended route.

A. NASHVILLE: ceiling/visibility _____ feet _____ miles
current wx: ground fog, light rain, heavy rain,
clearing by _____ (time)

B. Clarksville, TN: ceiling/visibility _____ feet _____ miles
Other: _____

C. Paducah, KY: ceiling/visibility _____ feet _____ miles
Other: _____

D. Muscle Shoals, AL: ceiling/visibility _____ feet _____ miles
Other: _____

E. Huntsville, AL: ceiling/visibility _____ feet _____ miles
Other: _____

F. Chattanooga, TN: ceiling/visibility _____ feet _____ miles
Other: _____

C. Knoxville, TN: ceiling/visibility _____ feet _____ miles
Other: _____

H. Bowling Green, KY: ceiling/visibility _____ feet _____ miles
Other: _____

APPROVED: _____
(CO/Acting CO)

Submitted by: _____
(Title)

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- 8.G.3.a. (3) Reporting Use Of Leased Aircraft. An "aircraft use report" shall be completed and forwarded to the district commander (m) within 5 working days of each flight, unless the flight is conducted as part of a federal removal activity. Reports shall be serially numbered according to their consecutive occurrence in the fiscal year (e.g., 1-86, 2-86). Additionally, telephone or message notification shall be made to district commander (m) within 1 working day of an emergency response flight, explaining the nature of the operation and its estimated cost. As on the SF-44 invoice, a series of flights made during one emergency response situation may be documented in one report (see Figure 8-2 for a sample aircraft use report). The use of leased aircraft shall also be noted in Item (C) of the PES/MER Quarterly Activities Report, Form CG-4957, and other appropriate sections of that form.

b. Coast Guard Auxiliary (CGAUX) Aircraft.

- (1) Introduction. The use of CGAUX aircraft for marine safety overflights increased significantly in the 1970's. CGAUX members generally have a deep regard for the Service and a strong desire to assist the Coast Guard to the greatest extent possible. Private pilots are carefully evaluated to determine their proficiency and maturity before acceptance as CGAUX pilots. This includes a required minimum experience of 200 flying hours. Another significant "selling point" in the use of CGAUX resources is their relatively low cost; an average 4 hour, single-engine Auxiliary flight costs \$40, contrasting sharply with the expenses of leased services or Coast Guard aircraft.
- (2) Obtaining CGAUX Assistance. Due to the limited number of Auxiliary pilots within the district, a marine safety unit may not be able to draw upon CGAUX aerial resources in emergency situations. However, the utilization of CGAUX resources for routine overflight operations is encouraged. Initial contact with Auxiliary officers may be made through the district commander (ba). The unit shall designate a liaison officer, such as the flight coordinator, to maintain close contact with the Auxiliary flotilla commander and pilots to coordinate flight schedules. Official orders for a CGAUX flight must be issued prior to the flight in order for the pilot to be credited for the flight hours and reimbursed for fuel. There are two common means of issuing orders to Auxiliarists:
- (a) The district or group commander may authorize the OCMI/COTP to issue orders directly to the Auxiliarist for marine safety flights; or
- (b) The District Director of Auxiliary may issue "annual orders," which provide blanket authorization for Auxiliarists to operate officially, upon request by the OCMI/COTP.

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FIGURE 8-2

SAMPLE AIRCRAFT USE REPORT

UNIT: _____ REPORT NO. _____

DATE(S) OF USE: _____

PURPOSE OF FLIGHT: ___ Routine Surveillance

___ Emergency Response

___ Other:

WERE SERVICES RECEIVED UNDER A COAST GUARD-ADMINISTERED CONTRACT?

___ Yes : Contract No. _____

___ No Purchase Order No. _____

AIRCRAFT TYPE, MAKE, ND MODEL: _____

(Indicate whether single- or multi-engine, fixed- or rotary-wing)

HOURS PRIOR NOTIFICATION: ___ WAS CONTRACTOR ABLE TO PROVIDE A/C AT
REQUIRED TIME? ___ REASON FOR DELAY, IF ANY: _____

COST OF SERVICE:

FLIGHT TIME: ___ HRS AT \$ ___/HR \$ _____

FLIGHT TIME: ___ HRS AT \$ ___/HR _____

STANDBY TIME: ___ HRS AT \$ ___/HR _____

OTHER CHARGES: (Specify) _____ _____

_____ _____

_____ _____

(Attach additional sheet if necessary)

IF PAYMENT BY SF-44, ATTACH COPY 6. TOTAL \$ _____

AIRCRAFT SERVICES OBTAINED FROM:

COMPANY: _____

ADDRESS: _____

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- 8.G.3. b. (cont'd) District commanders have broad discretion in the issuance of Auxiliary orders, and variations on these methods are common. [NOTE: See the CGAUX Air Operations Manual, CG-505. This publication outlines procedures and consideration for CGAUX pilots, and is recommended for review by marine safety personnel working with the Auxiliary.]

4. Unit Personnel Who Are Authorized To Fly.

- a. Designation. At each unit, two flight observes (officer or enlisted) may be authorized by the district commander to receive flight pay for participating in aerial operations, in accordance with the Personnel Manual, COMDTINST M1000.6, and the Personnel Management Information System (PMIS) Manual, COMDTINST M1080.5A. The OCMI/COTP shall designate flight observers in writing. Nondesignated personnel may embark on a voluntary basis only, as authorized by the OCMI/COTP (or by the OSC during a federal response effort). Nondesignated personnel shall not receive flight pay.
- b. Duties Of The Flight Observer.
- (1) Take advantage of aerial position to observe all applicable subjects (e.g., incident sites, problem areas, alleged violators), take photographs as appropriate, or as instructed;
 - (2) Maintain communications via VHF radio with the unit, other Coast Guard units or vessels, commercial vessels, or waterfront facilities as directed by the flight coordinator or OCMI/COTP;
 - (3) Care for equipment issued for the flight; and
 - (4) Submit a flight log to the flight coordinator within 2 working days of the flight (see Figure 8-3 for a sample flight log).
- c. Carriage Of Other Personnel. Passengers other than Coast Guard personnel may be carried aboard civilian aircraft, with the operator's acceptance, only when written authorization for their presence on the flight has been secured from the OCMI/COTP. Such passengers may have a direct interest in an activity, but may not derive a competitive or personal gain from the flight.

5. Flight Safety Requirements.

- a. Operational Restrictions. Emergency response flight (forward or return legs) shall not be conducted in ground fog, when the ceiling is less than 1,000 feet, or when the visibility is less than 2 miles for helicopter or 3 miles for fixed-wing aircraft. Routine overflights shall not be conducted in stormy or deteriorating conditions. When there are indications that initially clear weather conditions will deteriorate during the planned flight period, the flight coordinator shall reschedule the flight.

- 8.G.5. b. In-Flight Requirements. When embarked upon civilian aircraft, Coast Guard personnel shall conduct themselves in a manner which reflects favorably upon the Service, with the following requirements in mind:
- (1) The operator is ultimately responsible for the safety of the flight. Hence, the pilot shall be in command of the aircraft and Coast Guard personnel must follow the pilot's instructions.
 - (2) Personnel must be alert to the hazards of operating machinery, they shall approach and depart the aircraft from the front, so that the pilot can see them at all times. They shall not walk around the tail section of any helicopter unless instructed to do so by the pilot, and shall keep their heads low and gear under control when boarding or leaving aircraft.
 - (3) Life vests shall be worn on all flights over extensive water areas not within gliding distance of land.
[NOTE: Wet suits or survival suits may be required on certain helicopter flights.] Personnel shall wear working blues or coveralls, with foul weather gear as appropriate. Sunglasses and aural protectors (as necessary) shall be provided by the unit.
 - (4) Actual time over the area of interest during routine overflights shall be limited to a duration of 3 hours (excluding flight time to and from the area and scheduled rest stops) to minimize fatigue and eye strain. Generally, personnel shall not embark on more than two such flights in any 24-hour period.

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CHAPTER 9. MISCELLANEOUS ADMINISTRATIVE CONCERNS

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CHAPTER 9. MISCELLANEOUS ADMINISTRATIVE CONCERNS

A. Regulatory Development. The regulations in subpart 1.05 of Title 33, Code of Federal Regulations (CFR) set forth basic procedures for preparing and publishing Coast Guard regulations (Titles 33, 46, and 49, CFR). Additional procedures are contained in the informal rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 553). This act requires, in part, that before regulations are finalized they must normally be published in the Federal Register as Notices of Proposed Rulemaking (NPRM's), and that interested persons must be given an opportunity to comment on them. Comments are usually submitted in writing, for inclusion in the official file on the proposed regulations, but may be presented orally if a public hearing is held.

1. Publication In The Federal Register.

- a. Advance Notice Of Proposed Rulemaking (ANPRM). When the Coast Guard has a need to gather information for anticipated regulations, or when early public involvement is appropriate, an ANPRM is published in the Federal Register. The purposes of an ANPRM are to obtain early public input and to identify tentative or alternative courses of action that may be followed in preparing regulations.
- b. Notice Of Proposed Rulemaking (NPRM). When a course of action has been selected, an NPRM is published in the Federal Register. An NPRM informs the public that the Coast Guard intends to issue "Final Rules." This notice contains a draft of the rules, or a statement of their contents, and a statement of the major issues in and the reasons for the rules. The public is usually given a minimum of 45 days to review the proposal and to provide written comments, with the address for submitting comments and the deadline for submittal stated in the notice. If one or more public hearings are to be held, the time and place(s) of the hearing(s) are announced in the notice or in a subsequent notice of public hearing.
- c. Final Rule. Comments from hearings and written comments are evaluated, and the Final Rule is published in the Federal Register. On occasion, a determination is made, based upon comments received and additional "in-house" analysis, to withdraw the proposal or make major modifications to it before issuing a Final Rule. In such cases, the modified proposal is published in the Federal Register to provide further opportunity for public comment. The Final Rule document contains a

- 9.A.1. c. (cont'd) discussion of comments received and explains the action taken by the Coast Guard concerning the comments. All changes to the proposed rules must be supported by comments on the proposal or by further in-house analysis. The effective dates of new and changed rules are normally not less than 30 days after publication in the Federal Register. Rules can be made effective in less than 30 days after publication if it is determined that good cause exists. This determination and the reasons therefore are included in the Final Rule document.
- d. Administrative Requirements. The Administrative Procedure Act lists certain instances in which notice and comment procedures are not required before issuing Final Rules. These include: interpretive rules; rules of agency organization, procedures, and practice; general statements of policy; rules relating to military and foreign affairs; and certain other functions for which these procedures are impractical, unnecessary, or contrary to the public interest. For example, security zones or safety zones may be established without prior notice when there is insufficient time to permit notice and comment. If a Final Rule is published without following notice and comment procedures, a statement of the reasons for not following these procedures is provided in the Final Rule document published in the Federal Register.
2. Codification And Notice. The CFR volumes containing Coast Guard regulations are reprinted annually to reflect all changes published as Final Rules in the Federal Register, as follows:
- a. Title 33 - revised as of 1 July;
- b. Title 46 - revised as of 1 October; and
- c. Title 49 - revised as of 1 October.

The primary purpose for publishing Final Rules in the Federal Register, and subsequently in the FR, is to provide notice to members of the public of the existence of the rules and their contents. With few exceptions, regulations cannot be enforced unless they have been previously published in the Federal Register as Final Rules.

3. Management Of Regulatory Project. Regulatory projects are initiated from a number of sources. From time to time, the President mandates rulemaking actions; certain laws administered by the Coast Guard require or authorize

9.A.3. (cont'd) rulemaking to implement statutory provisions. The majority of regulatory projects are initiated by Headquarters staff elements in support of the program objectives of Marine Inspection (MI), Port Safety and Security (MPS), Marine Environmental Protection (MEP), Merchant Vessel Personnel (MVP), Navigation Safety and Waterways Services (N), Bridge Administration (NBR), and Recreational Boating Safety (RBS). Recommendations for changes to regulations also come from industry, Coast Guard field personnel, and other interested persons. Except for the regulations described in 33 CFR 1.05-1(d) and (g), and certain other regulations, all regulatory actions are prepared at Coast Guard Headquarters.

a. Beginning The Project. To initiate a regulatory project, the Commandant must be aware that a problem exists. A project manager is then appointed to analyze alternative solutions to the problem, the benefits and burdens of each alternative, the persons to be affected, and any associated environmental, economic, or social impacts. This analysis forms the principal basis for determining if any regulations are needed. A workplan setting forth the need for the regulation and the objectives to be met, along with a summary of this analysis, is prepared for review by the Marine Safety Council, Commandant (G-LRA).

b. Marine Safety Council. Broad policy guidance on proposed rules is provided by the Marine Safety Council, which is composed of the chiefs of the following Headquarters Offices:

- (1) Marine Safety, Security and Environmental Protection (G-M);
- (2) Navigation Safety and Waterway Services (G-N);
- (3) Engineering, Logistics and Development (G-E);
- (4) Chief Counsel (G-L).

The Chief Counsel (G-L) serves as the chairman of the Marine Safety Council. The function of the Council is to advise the Commandant on all regulatory matters, taking into account the effect of proposed regulations on the environmental, economic, and social goals of the government. Normally, actual work on drafting regulations does not begin until the Council has agreed that there is a need for the regulation, and has given policy approval to the objectives and methods set forth in the workplan. If the regulatory action being considered is a "significant" regulatory action under

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- 9.A.3. b. (cont'd) Executive Order (E.O.) 12498 and implementing directives, then pursuit of that regulatory action must be approved by the Department of Transportation (DOT) and the Office of Management and Budget (OMB) for inclusion in the administration's regulatory program. When a workplan is prepared for a regulation classified as significant under DOT policies and procedures for simplification, analysis, and review of regulations (DOT Order 2100.5 of 22 May 1985), the Commandant must approve the workplan. A member of the Chief Counsel's staff assists the project manager in drafting the proposed rules. This draft is then evaluated by all appropriate Headquarters staffs, and is cleared as directed by the Marine Safety Council.
- c. Docketing Of Proposals. All rulemaking projects initiated at Headquarters are docketed by the Executive Secretary of the Marine Safety Council. The assigned docket number remains with the project until the rulemaking procedure is completed. All documents associated with the project are filed by the Executive Secretary under that docket number and are available for inspection and copying by the public. After the proposed rule has been cleared, it is signed by the Commandant or the Office chief and published in the Federal Register. After public comments have been evaluated, the Final Rule document is drafted and cleared as described above.
4. Regulatory Correspondence. Whenever Coast Guard personnel believe that a particular regulation is not in the best interest of safety or protection of the environment or that an additional regulation is needed, that situation should be brought to the attention of Commandant (G-M) via the chain of command. This is particularly desirable for regulations that have been misinterpreted or appear to place an unreasonable or unnecessary requirement on the public. Coast Guard personnel are encouraged to comment on rulemaking proposals. Comments made in an official capacity should be submitted to the Executive Secretary, Marine Safety Council via G-LRA. Both the unit and district commanders should include recommendations and additional information believed to be of benefit in their endorsements. Coast Guard personnel writing as private individuals should not submit their comments on Coast Guard stationery; however, it is not improper to identify oneself as a member of the Coast Guard. General inquiries concerning rulemaking procedures and projects in progress may be directed to the Executive Secretary of the Marine Safety Council. DOT publishes a semiannual agenda in the Federal Register, which lists all rulemaking projects and their contact persons, and anticipated dates for action on

9.A.4. (cont'd) these projects. The Council publishes the bimonthly Proceedings of the Marine Safety Council, which includes pending dockets and articles of topical interest.

B. Coast Guard Adoption Of Codes And Standards. Coast Guard regulations relating to inspected vessels and their equipment provide for safety in the design, fabrication, repair, and maintenance of equipment for marine applications, as well as the handling and stowage of specialized commodities. Many marine fabricators produce similar items for land use. In many applications, the Coast Guard has reviewed and accepted federal standards and standards of recognized organizations and associations. Under 5 U.S.C. 552(a), published standards may be accepted by the Commandant and incorporated by reference in Coast Guard regulations without being reprinted in the Federal Register when copies of such standards are reasonably available to persons subject to them. However, in some instances it is necessary for the Coast Guard to limit and/or modify certain national codes and standards when used in marine applications. Currently, the regulations directly utilize those standards already familiar to the designer and fabricator, and clearly identify those areas in which modifications are required for marine application. Each part of the regulations indicates where various codes, standards, and rules of classification societies, organizations, and associations are adopted, whether whole or in part. This practice eliminates the need to maintain two separate sets of rules, resulting in savings to the marine industry. The differences which existed between Coast Guard regulations and parallel commercial standards have been greatly reduced or eliminated over the years, due to the Coast Guard's participation on the standards' committees. Those differences which have remained, exist because of the unique needs of the marine environment or long-standing practices. The Commandant realizes that differences in standards not required by the needs of the marine environment cause industry unnecessary expense and delay. It is expected that such differences will, as possible, be eliminated from the regulations.

1. Standards Of The American Bureau Of Shipping (ABS). Various regulations and laws provide for the acceptance of the standards of ABS for the inspection and construction of vessels. Recent agreements with ABS allow for Coast Guard acceptance of certain plan review and inspection functions which ABS performs for new construction or major modifications of U.S. flag vessels. The guidance and procedures of this acceptance are detailed in Navigation and Vessel Inspection Circular (NVIC) 10-82, CH-2, "Acceptance of Plan Review and Inspection Tasks Performed by the American Bureau of Shipping For New Construction or Major Modifications of U.S. Flag Vessels." ABS has been established as the normal assigning authority for load

- 9.B.1. (cont'd) lines in accordance with the Load Line Acts. Coast Guard examination of plans of ABS-classed vessels will not normally be as extensive as for unclassified vessels or vessels not required to have a load line. In addition, ABS has been granted the authority to provide, at the request of a vessel owner, measurement services and cubic meter certificates for U.S. vessels. (See 46 CFR Part 69.) However, plan approval and inspection shall be conducted for classed vessels to the extent necessary to verify that the applicable standards are being maintained.
- a. Interface With Regulatory Requirements. Where Coast Guard regulations specify inspection standards and procedures, ABS standards do not apply or are applicable only insofar as they do not conflict with the regulations. Such regulations reflect the inspection standards and procedures specified by statutes and treaties, and cover items such as subdivision and stability, structural fire protection, lifesaving equipment, and a number of other important matters which are not covered by ABS rules. In general, ABS standards may be followed insofar as they apply, since they seldom conflict with the regulations. There must be a working liaison between the Officer in Charge, Marine Inspection (OCMI), the local ABS representative, and the owners of vessels under inspection. The proper balance between economy of operation and safety can only be achieved with full cooperation of all those directly concerned.
- b. Application By Inspection. In the application of ABS standards, Coast Guard inspection personnel must use good judgment and be guided by the inspection policy in volume II of this manual. The procedures of NVIC 10-82, CH-2, will apply to most vessels over 100 gross tons (GT) which are classed by ABS. Enclosure (1) to NVIC 10-82 details those plan review and inspection functions for which ABS has primary responsibility. It details those functions retained solely by the Coast Guard. For the functions for which ABS has primary approval and inspection responsibility, the Coast Guard will generally accept the approvals and inspections done by ABS. However, the Coast Guard will conduct oversight inspections and plan review on a certain percentage of these functions, to ensure that applicable law and regulation requirements are being met. If any variance should occur between ABS plan review or inspection functions and those of the Coast Guard, the Coast Guard will have the responsibility to make the final determinations as to what requirements apply.

9.B.1. c. Subsequent Applicability Of ABS Classification. After initial approval of hull and machinery classifications, continued ABS classification and a vessel's Possession of a current classification certificate are generally accepted as evidence of structural efficiency and machinery reliability. However, such classification must be considered in the light of all known facts, including conditions reported by crewmembers or found by the inspector. Thus, the inspector must know:

- (1) The condition indicated by the classification certificate;
- (2) What surveys have been accomplished relative to the current certificate;
- (3) When and by whom the surveys were held; and
- (4) How complete they were.

In summary, the Commandant's acceptance of ABS standards, plans and specifications, and certificates may assist inspection personnel in carrying out their functions, but it does not relieve them of their responsibilities for the inspection of vessels. Although the Coast Guard works closely with ABS in certain areas of inspection, inspection personnel cannot accept an ABS certificate or expressions of opinion by ABS personnel as to the condition of an item as a blanket indication of statutory or regulatory requirements of laws and regulations.

2. Standards Of Other Recognized Classification Societies. The inspection laws and regulations also permit acceptance of the standards of recognized classification societies other than ABS when approved by the Commandant. When a vessel complies with these standards, the approved plans and classification certificates may be accepted as evidence of the structural efficiency of the hull and reliability of machinery, except as otherwise provided.

3. Standards Of Other Recognized Organizations And Associations.

a. Vessel Standards.

- (1) Cargo Gear. Regulations for tank vessels (46 CFR 31.10-16), passenger vessels (46 CFR 71.25-25), and cargo and miscellaneous vessels (46 CFR 91-25.25) provide for the acceptance of the certificates of certain nonprofit organizations or associations approved by the Commandant as

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- 9.B.3.a. (1) (cont'd) evidence of the condition and suitability of cargo gear.
- (2) Small Passenger Vessels. The Coast Guard has adopted standards and specifications of recognized safety associations, such as the American Boat and Yacht Council, Inc., (ABYC) to develop the requirements for the inspection of small passenger vessels (see 46 CFR 175.27).
- (3) Electrical Engineering Standards And Codes. Numerous electrical codes and standards have been adopted and/or referenced by the Coast Guard. They are listed in 46 CFR 110.10 and include standards issued by the National Fire Protection Association (NFPA), the National Electrical Manufacturers Association (NEMA), the Institute of Electrical and Electronics Engineers (IEEE), and Underwriters Laboratories, Inc. (UL).
- (4) Marine Engineering Standards And Codes. Numerous standards which have been adopted, subject to limitations and modifications specified, are listed in Subchapter F - Marine Engineering (46 CFR 50-64). These include standards of the American Society of Mechanical Engineers (ASME), the American National Standards Institute (ANSI), and the American Society for Testing and Materials (ASTM).
- (5) Specifications. Regulations in 46 CFR 159-164 (Subchapter Q) provide for the use of certain industrial or federal specifications, standards, and codes, including those promulgated by:
- (a) ASTM, NFPA, and UL;
 - (b) Coast Guard specifications and plans from Commandant (G-MTH);
 - (c) Federal specifications and standards;
 - (d) Military or naval specifications; and
 - (e) Mine schedules of the U.S. Bureau of Mines.
- (6) Nautical School Ships. Regulations in 46 CFR 166-168 (Subchapter R) provide for the acceptance of standards in U.S. Navy and U.S. Coast Guard Standard Construction Specifications and ABS "Rules for Building and Classing Steel Vessels" for nautical school ships, except as otherwise provided by law or regulations.

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- 9.B.3.a. (7) Bulk Grain Cargo Loading. Certain parts of the regulations for tank vessels (46 CFR 31.10-33), and cargo vessels (46 CFR 93.20) provide for the acceptance of a certificate of loading of the National Cargo Bureau, Inc. (NCB) as prima facie evidence of compliance with the requirements for carriage of bulk grain cargoes.
- (8) Packaged Hazardous Materials. The Hazardous Materials Regulations (49 CFR 171-180) have incorporated certain parts of the International, Maritime, Dangerous Goods (IMDG) Code into domestic regulation. The IMDG Code, prepared and maintained through the International Maritime Organization (IMO), is recognized as the worldwide standard for the transportation of packaged hazardous materials by vessel. 49 CFR 171.12(b) allows certain hazardous materials shipments prepared in accordance with the IMDG Code to be transported within the United States.
- (9) Mobile Offshore Drilling Units (MODU's). Regulations in 46 CFR 107-109 (Subchapter I-A) have incorporated by reference certain standards of the American Petroleum Institute (API), International Cargo Gear Bureau, Inc. (ICGB), ANSI, ABS, NFPA, and UL.
- (10) Outer Continental Shelf (OCS) Activities. Regulations in 33 CFR 140-147 have incorporated by reference IMO Resolution A.414(XI), Code For the Construction and Equipment of Mobile Offshore Drilling Units.

b. Waterfront Facilities And Deepwater Ports.

- (1) Electrical Equipment. Regulations for designated waterfront facilities (33 CFR 126.15(h)) refer to the National Electrical Code (NEC), UL, Associated Factory Mutual (FM) Laboratories, and the United States National Bureau of Standards (NBS). Regulations for bulk oil and liquid hazardous material facilities (33 CFR 154.735) and for bulk liquefied natural gas facilities (33 CFR 127) refer to NFPA Standards. Regulations for portable lights and general alarm systems on deepwater ports (33 CFR 149.539 and .541) refer to UL and NFPA Standards, respectively..
- (2) Cargo Handling Equipment. Regulations for bulk oil and liquid hazardous material transfer facilities (33 CFR 154.500 and .510) refer to ANSI.
- (3) Fire Extinguishing Equipment. Regulations for designated waterfront facilities (33 CFR

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- 9.B.3.b. (3) (cont'd) 126.15(j)) refer to NFPA Standards. Regulations for bulk oil and liquid hazardous material facilities (33 CFR 154.735) and for bulk liquefied natural gas facilities (33 CFR 127) refer to NFPA Standards. Regulations for deepwater ports (33 CFR 149.451 through .517) refer to NFPA, FM,, and UL Standards, and the United States Standard Safety Code.
- (4) Design And Installation. Regulations for designated waterfront facilities, 33 CFR 126.15(i), refer to the National Board of Fire Underwriters Building Code. Regulations for deepwater ports (33 CFR 149.205, .213, and .441) refer to API recommended practices, the ASME Boiler and Pressure Vessel Code, and NFPA and ANSI Standards.
- C. Public Access To Information. See Privacy and Freedom of Information Acts-Manual, COMDTINST M5260.2 (Series).
- D. Public Affairs Management. Marine safety personnel play an active role in the Coast Guard Public Affairs Program. Since they work with the maritime community daily, their activities have a direct impact on the public's attitude toward the service. The Public Affairs Manual, COMDTINST M5728.2B, contains general guidance for the program. The following information deals with situations specific to marine safety activities. People will support our marine safety activities if they know they are essential to the national interest and based on humanitarian and environmental concerns. Further, if they understand our requirements they will be more inclined to fulfill them. This philosophy reflects the Commandant's desire to achieve compliance through education and understanding rather than through punishment, whenever-possible. The Public Affairs Program gives unit commanders another tool to use in their efforts to keep citizens aware of the latest marine safety laws and regulations. Further, it gives them a way to explain why the rules exist and what the public must do to comply with them. A specific example of applied public affairs is the timely publication of news stories about ANPRM's and Notices-to Mariners in the unit newsletters. (For more information on unit newsletters see chapter 5 of this volume.) These stories should include a brief,summary of the proposal, the date of publication in the Federal Register, the date comments must be received and a telephone contact for further information. News-stories should be written in plain language. You may wish to contact your district public affairs office for advice. Training is available through the Defense Information School(DIRSFOS).
1. Unit Public Affairs Officer (PAO).
- a. Designation And Training. Because the Public Affairs Program is so important, a mature officer with a good knowledge of both the unit and the maritime industry

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- a. (cont'd) should be assigned as PAO. Officers with experience in advertising, broadcasting, journalism, or public relations are ideal candidates. Although the PAO job is often a collateral duty, the officer assigned should be trained in public affairs techniques and be given sufficient time to devote to public affairs tasks.'
- b. Duties. PAO's have many responsibilities. At a minimum, they must:
 - (1) Evaluate public opinion of the Coast Guard marine safety program, unit policy, and performance.
 - (2) Advise the OCMI/captain of the port (COTP)/on-scene coordinator (OSC) regarding the public relations impact of unit programs, policies, and activities.
 - (3) Clear all information with the OCMI/COTP/OSC before releasing it to the public.
 - (4) Keep the public informed of unit activity using news releases, interviews, and other public affairs tools.
 - (5) Represent the OCMI/COTP at public and maritime events.
 - (6) Host visiting VIP's and coordinate tours of unit.
 - (7) Serve as primary media contact at unit.
 - (8) Develop close contact with local media personnel and leaders of civic and professional groups.
2. General Media Relations. Coast Guard units are highly visible and generally make good news copy, However, it is the reporter's job to determine what is broadcast or printed. PAO's can improve their chances of getting Coast Guard stories published by developing a cooperative relationship with media personnel-on a regular basis. A positive relationship enhances the credibility of both the unit and the Coast Guard. The PAO should pay particular attention to reporters who cover the maritime industry and government. A good working relationship with this group enables the unit to-get information about the preventive aspects of our job to the people we serve. PAO's must remember that news broadcasts and articles in newspapers and magazines are not the proper medium to express personal opinions. Criticism and recommendation for change may be submitted via the chain of command.
3. Media Interest In Emergencies And Disasters. Vessel collisions, sinkings, explosions, fires, pollution incidents, and related investigations ate news. The public

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9.D.3. (cont'd) has the right to know what is going on. The Coast Guard has the responsibility to let them know. By telling the public what our units are doing about an incident; the OCMI/COTP/OSC ensures that the Coast Guard's side of the story is told. Remember, reporters will get the story whether we cooperate or not. If they get their information from someone that does not have all the details, the public may get the wrong story about the Coast Guard. Because rapid response to media requests during an emergency is essential, information telling how to handle them should be included in local contingency plans. Plans should ensure that PAO's:

- a. Obtain and review a copy of Public Affairs Manual, M5728.2B;
- b. Promptly inform media about an incident;
- c. Make the unit the contact point for additional information;
- d. Brief reporters at or near the scene;
- e. Ensure that on-scene personnel know all aspects of the unit media relations policy;
- f. Speak honestly and candidly when interviewed;
- g. Use plain English and avoid acronyms and technical jargon;
- h. Avoid "off-the-record" statements;.
- i. Tell a reporter that they don't know the answer to a question when they don't, then get the facts;.
- j. Stay within their own field of expertise;
- k. Are prompt and polite;
- l. Observe the reporter's deadlines; and
- m. Respond to "hostile" reporters calmly, emphasizing positive steps being taken to correct the problem.

Marine safety personnel must coordinate public information activities with other nearby Coast Guard-units. Contingency plans should set up a way to do this before an emergency occurs. Coordination with district and area public affairs staffs, as well as the Public Information Assist Team (PIAT), should also be included in the plan.

4. Media Interest In Investigations. The public will always be interested in the cause of a marine-casualty or pollution incident. Media interest in investigations and Marine Boards of Investigation often requires a designated

9.D.4. (cont'd) mediacoordinator to arrange news briefings, interviews, and issue fact sheets on the status of an investigation. (See volume V of this manual and the Public Affairs Manual, COMDTINST M5728.2B, for guidance.) The designated spokesperson or investigator may provide factual answers which the investigation has revealed, but should not provide conclusions. If the designated spokesperson or investigator is asked a question which cannot be answered because the matter is under investigation, that should be explained to the media. The phrase "no comment" should not be used. The best answer is to explain why you cannot give a complete answer, for example, "We have the same questions you do. We hope our investigation will provide those answers. If and when we get them, we'll let you know as soon as possible." This example does not cover all possible questions, but it shows that a polite, businesslike, informative response (not necessarily an answer to the question) is much better than no response at all. Reporters will write a story with or without Coast Guard input, especially in an emergency. To ensure accuracy in stories about activities, the Coast Guard is involved in, our position must be given. PAO's often notice that a reporter's version of an event differs from stated facts or contains speculation. This is not a cause for alarm. The Coast Guard can only offer accurate, official information in an understandable and professional manner. How that information is interpreted is not within our control.

5. Media Relations In Pollution Response. Sections 300.39 and 300.67 of the National Contingency Plan (NCP) contain specific requirements for public information and community relations activities during spill response. The Coast Guard Public Affairs Manual contains detailed information that tells how to set up and operate a public information, network during a federal response. Highlights include:

a. On-Scene Control. OSC's often coordinate the activities of many agencies. An organized and coordinated public information network involving all interested agencies is also needed. An on-scene news office, established by the OSC, should be the primary source of official information regarding a response. This helps prevent the release of conflicting or out-of-date information. The tasks of a news office may be accomplished by a PAO during smaller cases. An on-scene news office benefits the unit because it relieves operational forces-of frequent and time-consuming interruptions from the public and media. During extensive or long-term operations, a multi-agency news office, headed by a member of the OSC's staff, has proven to be an effective way of handling public information tasks. Local and regional contingency plans should identify various agency PAO's who can help staff a news office. When a news office is used, -coordination of facts is almost automatic and

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- 9.D.5. a. (cont'd) the arrangement, is more convenient for the media as well.
- b. Public Information Assist Team (PIAT). PIAT's mission is to provide OSC's with experienced public affairs assistance during pollution or marine casualty incidents. PIAT is staffed by a Chief Warrant Officer (INF) as supervisor and by three public affairs specialists. It is part of the National Strike Force, and is attached to the National Strike Force Coordination Center (NSFCC) in Elizabeth City, NC. PIAT members are trained in journalism, photography and public relations. They also are familiar with the techniques, equipment, and laws that relate to hazardous material incident response. - When deployed they are under the operational control of the requesting OSC. PIAT assistance may be requested by OSC's or district PAO's by calling (919) 331-6007. After hours, requests should be made through the NSFCC duty officer who may be contacted through the National Response Center at (800) 424-8802. PIAT should be called when there is an actual or potential pollution incident which requires action by a Coast Guard or Environmental Protection Agency OSC, and when augmentation of local public affairs personnel is necessary or when the OSC feels PIAT's specialized knowledge would be helpful, in dealing with the media. As with other response forces, early notification of PIAT helps them provide fast assistance.
6. Media-Related Actions By Area/District Commanders And OSC's.
- a. Pre-designated OSC's should designate knowledgeable individuals as PAO's to serve as media contacts and spokespersons on a full-time basis until a news office is established.
- b. Ensure that the public affairs portion of local and regional contingency plans is effectively developed.
- c. Use the PIAT to meet public information demands during incidents, and get their assistance when developing the public affairs section of local and regional contingency plans.
- d. Ensure that the unit PAO maintains a working relationship and familiarity with reporters and media in their area of responsibility.

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CHAPTER 10. OCCUPATIONAL HEALTH AND SAFETY PROGRAMS

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Chapter 10. OCCUPATIONAL HEALTH AND SAFETY PROGRAMS

A. Policy.

The Safety and Environmental Health Manual, COMDTINST M5100.47, is the authoritative directive for developing and maintaining Safety and Environmental Health (SEH) programs in the Coast Guard. The purpose of this Chapter is to provide supplemental policy information as it relates to Marine Safety personnel. Sector Commanders, Commanding Officers of Activities and Marine Safety Units should ensure the policy in this Chapter is followed and incorporated into Unit SEH programs as appropriate.

The Coast Guard's fundamental safety and environmental health principle, applicable at every level in the organization and for every mission or activity, is to continually manage the safety and environmental health risks confronting Coast Guard personnel in their professional and private lives to acceptable levels and never to accept unnecessary risks. This principle will be applied by identifying hazards, assessing their risk and controlling risks to acceptable levels, consistent with the mission or activity being performed. Reducing risks will benefit individual members and all levels of the Coast Guard organization by preserving mission readiness and by reducing fatalities, the incidence of injury and disease, and the loss of property.

This guidance is not a substitute for applicable legal requirements, nor is it itself a regulation. It is intended to provide operational guidance for Coast Guard personnel and is not intended to, nor does it, impose legally binding requirements on any party outside the Coast Guard. Questions and suggestions for improvement should be directed to the Office of Commercial Vessel Compliance (CG-CVC).

B. Unit Safety and Environmental Health Program.

General descriptions of Safety and Environmental Health Programs are described in Chapter 1 of the Safety and Environmental Health Manual, COMDTINST M5100.47.

1. Unit Safety and Environmental Health Program Instruction(s). *Each unit shall document their risk management strategy in the form of a Unit Safety and Environmental Health Program Instruction(s)*. Minimum requirements for the Unit SEH Program are described below.
 - a. Format. The format of the Unit Program may involve many specific instructions or a single instruction with various standards addressed.
 - (1) For example, there might be a unit instruction for a respiratory protection program, medical surveillance and evaluating program, hazard communication program, and so on. With this format it is easier to demonstrate compliance with assorted standards but results in a lot of

duplication. Hazards and controls all have instructions which result in the duplication (a consequence of the way SEH standards are developed).

- (2) Another approach would be a single instruction format. Each program element is reflected by a separate chapter developed and maintained by the responsible individual within the unit organization. The general rule is that control programs have their own chapters, while the appropriate aspects of a given hazard are addressed within the chapters and expanded (where necessary) in attachments. When a new control standard is issued (e.g., respiratory protection) only one chapter is affected.
- b. Designations. Regardless of format, required organization designations shall be given by name or unique job title, and their responsibilities defined. It is necessary to ensure that the required areas of responsibility are covered and assigned personnel understand their responsibilities.
 - c. Safe Work Practices (SWP's). SWP's shall be considered a primary administrative control measure. Engineering controls are used to remove a hazard or place a barrier between the worker and the hazard and are a preferred solution to hazard control. Because marine safety activities involve operations in settings outside of the Commanding Officer's direct control, SWP's must form a backbone of control strategy. They target hazardous operations and hazards (chemical or physical). At a minimum the Unit SEH Program should include SWP's addressing the following areas/operations which are also reflected in the safety training program (see appendices for examples):
 - (1) Confined space entry;
 - (2) Pump room entry;
 - (3) Above deck activities during cargo hose connect and disconnect;
 - (4) Above deck activities during cargo tank cleaning or venting;
 - (5) Facility inspections during cargo transfer;
 - (6) Oil and chemical spill response;
 - (7) MISHAP Response Plan and suspected acute overexposure procedures; and
 - (8) Acute exposure procedures.
 - d. Other Hazard Control Programs. While SWP's are the foundation of control, other control elements which also must be reflected are:
 - (1) Training and hazard communication;
 - (2) Respiratory protection;
 - (3) Occupational medical surveillance and evaluating;

- (4) Acute exposure plan;
- (5) Personal Protective Equipment.
- e. Risk Assessment and Exposure Monitoring. Risk assessment and exposure monitoring, along with control strategies are key elements of Operational Risk Management.

C. Marine Safety Anticipated Hazards.

Marine safety activities present unique risks to personnel. While unique, a lot of expected risks may be predetermined and addressed through the Operational Risk Management (ORM) principles in COMDTINST 3500.3 (series) . Sector Commanders and Commanding Officers may seek the assistance of trained support staff (e.g., SEHO and HSWL SC staffs) to accomplish the more complex hazards/risk assessments, i.e. chemical exposures. In most cases some type of control will be required to manage risk within acceptable limits so that mission performance objectives can be met.

1. Initial Assessment. Initial assessment establishes hazards, sets priorities, and sets a baseline risk exposure. In turn this leads to development and implementation of controls (following the controls hierarchy), and is concluded with continual or periodic reassessment and monitoring.
 - a. Identify and Rank Hazards. A basic requirement of the Hazard Communication Standard is the hazardous materials inventory. It is also an essential step in risk assessment. Where multiple hazards are faced, the sensible approach is to focus limited resources on hazards with the highest potential to harm personnel. Highly dangerous and/or frequently encountered hazards must be controlled as soon as possible as a matter of priority.
 - (1) Chemical Hazards. Chemical hazards are often recognized as hazards. For marine safety activities, chemical cargoes, facility stored chemicals, process specific chemicals, and even chemicals stored at the unit are all potential sources of chemical agent exposures.
 - (a) Subchapter D and O Cargoes. Subchapter D and O cargoes are a readily identifiable source of chemical hazards. Packaged cargoes may pose chronic health hazards but are most likely to be an acute hazard in an emergency response situation. Chemical hazards which should be carefully considered include:
 1. Chemical hazards with recognized exposure limits in a confined space entry situation (toxic evaluation prior to tank entry requires a marine chemist certificate prior to entry);
 2. Chemical hazards with low exposure limits and relatively high vapor pressures in other hazardous work activities, e.g., benzene (those

chemicals with a strong potential to generate concentrations above exposure limits);

3. Liquefied or compressed gases;
4. Benzene and products containing benzene (see appendices for cargo list);
5. Acrylonitrile (CAS # 107-13-1);
6. Butadiene (CAS # 106-99-0) (and mixtures with butylene/acetylene);
7. Carbon tetrachloride (CAS # 56-23-5);
8. Chloroform (CAS # 67-66-3);
9. Ethylene dibromide (CAS # 106-93-4);
10. Ethylene oxide (CAS # 75-21-8) (and mixtures with propylene oxide (CAS # 75-56-9));
11. Formaldehyde solutions (CAS # 50-00-0);
12. Motor Fuel Anti-Knock (MFAK), tetra-ethyl lead, or lead alkyls (CAS # 78-00-2);
13. Nitropropane (1- mixture (CAS # 108-03-2) and 2- mixture (CAS # 79-46-9));
14. O-Toluidine (CAS # 95-53-4); and
15. Vinyl chloride (CAS # 75-01-4).

(b) Non-Cargo Chemical Hazards. When entering a confined or enclosed space that may contain non-cargo chemical hazards (or cargo residues) an emergency escape breathing device (EEBD) shall be carried. Non-cargo chemical hazards of particular concern include:

1. Asbestos. Primarily a concern in engine rooms which pre-date 1972. Shipyard repairs involving asbestos are strictly regulated. Personnel should be concerned when asbestos is being worked on without apparent warning signs or area enclosures (e.g., in insulation for pipes, in fire retardant paint and in plaster (asbestos cement)). The asbestos fibers that are released into the air could remain there for many hours and can be easily inhaled or ingested.
2. Hydrogen Sulfide. H₂S gas contaminates crude oils (and certain other petroleum mixtures). It poses a hazard during boardings, inspections, or investigations of sour crude carriers and confined space entries of offshore facilities/ vessels. It is also a hazard associated with sewage and should be a concern of personnel inspecting marine sanitation devices. In

a 1986 incident, four people were killed by hydrogen sulfide released from a marine sanitation holding tank. In 2006, three CG members were sent to the hospital after mishap involving a sewage holding tank onboard a CG Cutter.

There are numerous electronic and passive detection devices available for monitoring H₂S hazards. Although the odor threshold is very low for this gas, it is not a reliable warning because the gas causes a loss of smell -- especially at higher concentrations. If entering a space where H₂S gas is likely (Sewage tanks or marine sanitation device rooms) a multi-gas meter (BW Technologies GasAlertMicro (GAMIC), GasAlertMicro Clip, or equivalent) with ability to detect H₂S shall be carried by the CG member.

3. Carbon Monoxide. Carbon monoxide is a hazard particularly in confined or enclosed spaces where internal combustion engines are operated or when they exhaust near an enclosed space. Enclosed motor vehicle loading decks are also a significant source of carbon monoxide and should be carefully evaluated prior to entry.
4. Welding Gases and Fumes. Welding in confined or enclosed spaces is particularly dangerous. Welders have been killed in enclosed spaces due to the buildup of ozone or oxides of nitrogen. Fumes containing metal aerosols can cause diseases with symptoms similar to cold or flu. Welding on metals or paints can cause potentially lethal fumes.

Since welding fumes cannot be measured by direct-reading instruments and each welding situation is different, Coast Guard personnel shall not enter confined spaces where welding is being conducted unless the OCMI determines it is necessary to properly carry out the mission. The procedures in SWP #111 should, at a minimum, be followed.

Explosions involving escaping welding gases are some of the most frequent causes of death in shipyards. Even the presence of welding hoses in a confined space shall be considered an explosion hazard. Pay careful attention to ventilation and tank testing records. If there is any doubt about the effectiveness of the ventilation or tank testing, require retesting and/or verify the ventilation is working properly.

5. Painting (or Solvent Applications). The paint itself can be a health hazard as small droplets (mists or aerosols) are generated during spray painting. Carrier solvents evaporate, especially during spray painting, and can generate dangerous concentrations of narcotic or explosive vapors.

Most solvents used as cleaners and degreasers are both chronic and acute toxins. Some are carcinogens. Of particular concern: carbon tetrachloride, methyl chloroform, trichloroethylene, perchloroethylene, and tetrachloroethane. Do not enter spaces where cleaning solvents are in

use, and ensure that a marine chemist has tested for toxic concentrations before entering a space where these solvents have been used.

Painting and solvent use in confined spaces is another frequent cause of deaths from explosions in shipyard confined spaces. In addition, evaporating solvents can displace oxygen, and curing paints can consume oxygen causing a potential oxygen deficiency hazard.

6. Fumigation. Another potentially fatal chemical hazard. Fumigation is associated with grain cargoes for pest control. Fumigated spaces must be posted, and should not be entered until tested safe (46 CFR 147A).
 7. Sandblasting. Sandblasting can generate paint dusts and high levels of respirable quartz (chronic exposure may cause silicosis). Sandblasting agents containing more than 20 percent quartz should be avoided. Inspectors who frequently encounter sandblasting operations should use a high efficiency particulate filter (HEPA) respirator as a precautionary measure.
- (2) Physical Hazards. Physical hazards and/or safety hazards should not be overlooked.
- (a) Basic Safety Hazard Protections. Hard hats, safety glasses, chemical splash goggles, safety-toed foot protection, and PFD's should be basic articles of personal protective equipment routinely used by personnel and authorized for purchase as safety equipment by each unit.
 - (b) Noise. Coast Guard medical and disability records clearly indicate noise is an environmental and occupational hazard. Hearing conservation must be a part of every unit's SEH program to encourage personnel to protect themselves both on and off duty. Hobbies, including weapons usage, motorcycle riding and music concerts can damage hearing as much or more than common work-related noise hazards. The most effective protection is the use of Hearing Protection Devices (HPD) such as earmuffs or soft disposable inserts. In shipyards (near cargo pumps, by vac trucks, on boats, etc.), sources of extremely loud noise (>104 dBA), simultaneous use of both types of HPD are required. Absent sound level meters or an octave band analyzer, the rule of thumb is if you must raise your voice to communicate at 3 feet you should use at least one type of HPD.
 - (c) Thermal (Heat/Cold) Stress. Temperature stresses are potentially fatal. In hot humid environments (inspecting cargo tanks or wearing air-tight clothing on hot days), the body is unable to dissipate body heat, body temperature rises, chemical reactions inside the body go out of control, and a potentially fatal heat stroke may result. Personnel entering these environments from typically cool regions of the country should be a particular concern if they have not been given adequate time to

acclimatize. In cold environments, the greatest threat is hypothermia, which threatens to shut down vital chemistry of the body, and can also be fatal. This is a particular problem if the personnel fall into the water. Frostbite is another acute concern in cold environments.

(d) Non-Ionizing Radiation (UV and IR Radiation). Sun screens and UV blocking glasses should be in the boarding bag during the summer months when sunlight is most intense and are authorized to be purchased as safety equipment. UV radiation (e.g., sunlight) is a recognized cancer causing agent. Overexposures can lead to both carcinomas and melanomas. Malignant melanoma is a rare form of skin cancer, but extremely life threatening. Non-ionizing radiation is also injurious to vision. Boat crews, facility inspectors, shipyard inspectors, emergency response personnel, and vessel boarding teams are also potentially at risk.

b. Identify Hazardous Operations. In order to effectively develop SWP's and train personnel, hazardous operations must be identified. Many are well known but units often have unique or highly specialized operations that encounter the previously identified hazards. Work practices and use of protective equipment should be considered during risk assessment. Activities which are generally considered to be hazardous include:

- (1) Cargo tank entry,
- (2) Entry into other confined spaces,
- (3) Pump room entry (especially when cargo pumps are operating),
- (4) Cargo deck activities during cargo loading or cargo hose connect/disconnect,
- (5) Above deck activities during tank cleaning,
- (6) Above deck activities on board vessels transferring liquefied or compressed gas cargo,
- (7) Facility inspections during cargo transfer,
- (8) Environmental response investigation/sampling, and
- (9) Emergency response to hazardous substances incidents.

c. Assess Health Hazards. In most cases, initial hazard assessment will probably identify more hazards than can be immediately dealt with therefore hazards must be prioritized. SWP's for high priority activities should first be created or modified as needed (e.g., confined space entry). Control strategies should be developed for high priority hazards (e.g., Oxygen deficiency or noise). As controls are developed and improved for high priorities, the effectiveness of controls will need to be audited, more information will be needed to make

judgments on lower priority hazards, and finally new priorities will be set based on changing circumstances or new mission requirements. Exposure monitoring is an important element in this process, and is often required by regulation and/or instruction.

2. Continuing Risk Assessment and Exposure Monitoring. Exposure monitoring develops information important to understanding the relative risk posed by identified hazards. Are existing controls adequate? Should priorities be changed? The need for additional information is particularly important if mission performance is jeopardized by identified hazards. Unit personnel may, and in some cases should, be capable of conducting basic exposure monitoring. They should receive training first, and evaluation should be conducted under the guidance of SEHO or HSWL SC specialists.
 - a. Purpose. The purpose of exposure monitoring is to:
 - (1) Identify workplace hazards which were previously unrecognized;
 - (2) Audit existing controls and safe work practices;
 - (3) Update risk assessment and written program; and
 - (4) Provide information for medical surveillance and evaluating.
 - b. Evaluate High Ranking Risks. Exposure monitoring can be difficult, expensive, and time consuming. Because of the nature of marine safety operations it can be very difficult to get trained individuals to locations where sampling opportunities present themselves (environmental response activities are a good example). Risk assessment priorities should be used to help focus efforts.
 - c. Audit Safe Work Practices. Priority hazards should periodically be reassessed to audit the effectiveness of controls and set new priorities if need..

D. Controlling Hazards.

Risk assessment determinations, and certain regulatory standards/instructions must ultimately be used to establish controls for proper risk management.

1. Written Strategy/Programs. Control strategies for high priority hazards should be documented in the Unit SEH Instruction(s) as is this policy. The process helps contribute to the understanding of the hazards and the commitment to effective control. The development process involves two of the three most important organizational key personnel (the Commanding Officer and the Safety Officer).
2. Hazard Communication. Hazard communication enlists the third important organizational key personnel--those at risk. This is accomplished through awareness and instruction in protective measures.

3. Engineering Controls. Always consider engineering controls before any other option. This could include ventilation, elimination, or substituting.
 - a. Ventilation. Prior to entry, spaces requiring ventilation shall be ventilated so that a minimum of three complete air changes have occurred. Job Aid #200 in Appendix F of this Manual provides guidance on air changes and ventilation configuration (see Confined Space Entry Policy #9).
4. Safe Work Practices (SWP's). SWP's are of core importance to any control strategy, and shall be developed for hazardous operations and followed by unit personnel when conducting identified hazardous operations. Appendix A outlines practices considered essential.
5. Personal Protective Equipment (PPE).
 - a. PPE Requirements. General PPE requirements are found in Marine Safety Manual Volume I, Chapter 8 (Materiel Management) COMDTINST 16000.6. It is the unit's responsibility to ensure their personnel have appropriate PPE to perform all required tasks in a safe manner. Units should ensure adequate PPE is provided to personnel based on the hazards present. Units should contact the cognizant SEHO for determining appropriate PPE or to assess hazards. Safety equipment shall be provided to the marine inspector by the unit and procured through unit funds. Any repair or replacement of items through normal wear shall be done through unit funds. Marine safety personnel shall not spend their own money on safety gear. Commands are authorized to procure additional PPE deemed necessary to address safety concerns within a particular OCMI/COTP zone.
 - b. Atmospheric Monitors and Alarms. A multi-gas meter (BW Technologies GasAlertMicro (GAMIC), GasAlertMicro Clip, or equivalent should be worn by marine safety personnel while performing work in the following areas:
 - (1) Confined Spaces: Spaces presenting explosion hazards where regular protection may not be adequate (e.g., cargo tanks, tanks adjacent to spaces containing flammable or combustible grade D product in bulk or residue, and tanks tested by competent persons),
 - (2) Spaces where there are residues of oxygen consuming products such as organic materials, metals/dusts/shavings/briquettes or edible oils,
 - (3) Initial pollution response activities and any pollution sampling operations,
 - (4) Areas near liquefied or compressed flammable or combustible cargoes,
 - (5) Tank entries involving welding or painting operations, and
 - (6) Pump rooms, and
 - (7) When carrying any non-intrinsically safe equipment on a vessel where flammable or explosive fuels, vapors, or gases may be present.

c. Respiratory Protection Equipment.

- (1) Marine safety personnel shall not rely upon respiratory protection in non-emergency situations to protect personnel from exposures above exposure limits unless authorized by the Commandant.
- (2) Respirators may be voluntarily used for added protection (provided the respiratory protection program is established in accordance with the Technical Guide: Practices for Respiratory Protection, COMDTINST M6260.2D), or to control unpleasant non-toxic cargo odors.

d. Emergency Equipment.

- (1) Emergency Escape Breathing Device (EEBD). An EEBD is a form of respiratory protection, but is to be used exclusively as emergency protection. An EEBD shall never be used for the purpose of ENTERING confined spaces or hazardous areas. An EEBD is primarily for sudden releases of toxic or explosive vapors/gases, or unexpected encounters with high concentrations of toxic vapors with good warning properties. EEBD's are only effective for protection from oxygen deficiency if an oxygen deficiency monitor is also being used. EEBD's are required in the following specified locations:

- (a) Near compressed or liquefied cargoes,
- (b) In pump rooms,
- (c) During initial pollution response activities or other emergency response activities,
- (d) Near cargo transfers of Subchapters D and O cargoes,
- (e) During Subchapter O cargo tank entries to the extent that they do not create a serious safety hazard (e.g., inhibits egress from the tank),
- (f) During testing of the CO₂ fire extinguishing systems, and
- (g) When entering other confined or enclosed spaces that have the potential for suddenly changing atmospheres. Examples include, but are not limited to: entering a space to witness a soap test of a repair in which the adjacent space is pressed up and not designated "SAFE FOR WORKERS" by the Marine Chemist, and entering a ballast tank with the adjacent tank full of cargo and/or inerted. The inspector must exercise judgment in determining the circumstances when the space's atmospheric conditions may become dynamic. **When in doubt, the EEBD should be carried.**

- (2) Portable Communications. Portable communications shall be used to ensure reliable access to emergency medical care during remote operations including:

- (a) Underway boardings,
- (b) Small boat operations, and
- (c) Pollution response activities.

[Note: Portable instruments for use in potentially explosive atmospheres shall be intrinsically safe, rated Underwriters Laboratories (UL) approved, Class 1 Division Group D.]

- (3) Whistles or Noise Making Devices. In noisy or isolated locations, these can provide a means of calling attention to an emergency.
 - (a) Required for small boats along with PFD gear.
 - (b) Recommended for confined space entry.
 - (c) Recommended for pollution response.

E. Safety Training Program.

There are numerous requirements for training because of its recognized importance. Training should be adequate and conducted in accordance with the unit's SEH program.

- 1. Training Program. A safety training program shall be documented as an element of the unit SEH Program. The program design shall include the elements described below.
- 2. Program Elements:
 - a. Hazards Overview (Basic Hazard Communication). All personnel conducting operations that potentially expose them to hazards shall have basic hazards overview training, which should include the following items.
 - (1) Policy.
 - (2) Safety Training.
 - (a) Fire and explosion hazards.
 - (b) Water safety.
 - (c) Basic safety equipment.
 - (3) Health Hazards Overview.
 - (a) Toxic hazards.
 - (b) Routes of exposure.
 - (c) Health hazards of special local interest.

1. Asbestos.
2. Hydrogen sulfide.
3. Ionizing radiation.
4. Frequently encountered high risk cargoes.
5. Welding fumes and gases.
6. Sand blasting.

(4) Access Control.

(a) Locations to avoid until authorized:

1. Vessels.
2. Docks/facilities.
3. Shipyards.
4. Established spill response control zones.

(b) Hazards being controlled.

(c) How personnel are authorized to conduct activities in controlled areas.

(5) Special Topics of Importance.

(a) Noise and hearing conservation.

(b) Confined space hazards.

(c) Heat and cold stress.

(d) Non-ionizing radiation.

(6) Emergency Procedures.

(a) Confined spaces.

(b) Port Safety.

(c) Environmental Response.

(7) Obtaining Information About Hazards.

(a) Unit resources.

(b) Other resources.

- b. Expanded Training. In addition to hazard overview training, personnel conducting hazardous operations shall receive more advanced training in safe

work practices and equipment used in execution of their specific duties. This training should be provided on an as-needed basis depending upon the specific duties. Other topics may be identified by the SEHO or unit personnel and should be included with the following:

- (1) Operational Risk Management via Safe Work Practices (SWP's)
 - (2) Operation and Maintenance of Equipment.
 - (a) Hearing protection.
 - (b) EEBD.
 - (c) Respiratory protection.
 - (d) Electronic monitors.
 - (e) Colorimetric tubes.
 - (3) Emergencies.
 - (a) Accidents.
 - (b) Acute exposures/releases.
 - (c) MISHAP reports.
- c. Specialized Training for Key Personnel. Federal guidelines require specialized training of certain key personnel as described in 29 CFR 1960.

F. Occupational Medical Surveillance and Evaluation Program (OMSEP).

The OMSEP program is detailed in Chapter 12 of the Coast Guard Medical Manual COMDTINST M6000.1 (series). All units shall establish and maintain a program IAW this Manual.

G. Marine Safety and Environmental Protection Confined Space Entry Policy Aboard Merchant Vessels.

Confined space entry by Marine Safety personnel is covered under OSHA's regulations governing shipyard employment, specifically 29 CFR 1915, Subpart B; Confined and Enclosed Spaces and Other Dangerous Atmospheres in Shipyard Employment. The applicability of this regulation includes all shipyard employment, including vessels, vessel sections and shoreside operations, regardless of location. Shipyard employment is defined as ship repairing, shipbuilding, shipbreaking and related employment. Coast Guard activities fall under the "related employment" category, which is defined as any employment performed as or in conjunction with ship repairing, shipbuilding or shipbreaking work, including, but not restricted to, inspection, testing, and employment as a watchman.

Confined spaces aboard merchant vessels can pose a serious threat to the health and safety of Coast Guard Marine Safety personnel. One of the key elements of successful and safe confined space entry is training. All Coast Guard personnel who are engaged in confined space entry work shall attend and successfully complete required training prior to entering confined spaces.

The atmospheric hazards associated with confined spaces may be acute, such as explosive or oxygen deficient atmospheres. Chronic health hazards also exist that are much less apparent, consisting of low level exposures which may result in delayed health effects, some of which may not occur until twenty or thirty years after the exposure. The health effects related to the interaction of various chemical exposures are unknown, making it important to prevent or minimize exposures wherever possible. The purpose of this section is to reinforce current Coast Guard policy and provide supplemental guidance to help prevent personnel from being exposed to unsafe atmospheric hazards.

Appendix A contains standard Safe Work Practices (SWPs), however, experience has shown that due to area specific or local conditions these SWP's do not necessarily cover all hazards that may be associated with specific activities, therefore alternative SWPs may be developed as outlined below.

1. Confined Space Entry Policy.

- a. The general Coast Guard policy for entry and work by personnel in confined spaces **and** atmospheric testing requirements are found in Chapter 6 of the Safety and Environmental Health Manual, COMDTINST M5100.47. Also see Appendix D of this Chapter for the Office of Commercial Vessel Compliance (CG-CVC) confined space entry policy questions and answers.
- b. The SWPs included in Appendix A should allow a unit some flexibility while still ensuring compliance with OSHA regulations and other standards and guidelines. Commanding Officers have the authority to develop alternative SWP's based on local conditions when the policy in this instruction either inhibits the ability of the unit to meet its missions or does not adequately address the safety hazards. Alternative SWPs often require additional training, resources and/or equipment in order to meet equivalent levels of safety to the standard policy; they should be considered the exception not the rule. All alternative SWP's must be reviewed by a Coast Guard health and safety professional from the respective Health, Safety, Work-Life Commandant (CG-11) staff or the detached SEHO located at the HSWL Service Center (HSWL SC). Any alternative SWP that is developed must also be included in the unit's written safety and occupational health program as required by this chapter.

2. Training Requirements for Confined Space Entry.

- a. All Coast Guard personnel who are engaged in confined space entry work shall attend and successfully complete the training/qualification requirements prescribed in Chapter 6 of the Safety and Environmental Health Manual, COMDTINST M5100.47 to also include:
 - (1) Training on the unit's confined space entry program; and
 - (2) Familiarity training on the use of required personnel protective equipment.

H. Designation of Coast Guard Competent Persons

OSHA regulations require all employers to designate one or more competent persons in accordance with 29 CFR 1915.7. The only exception is if all duties of the competent person, under 29 CFR part 1915, are carried out by a Marine Chemist. Coast Guard personnel cannot enter a space initially certified by a shipyard's competent person because the Coast Guard did not designate the person and has no control over the training, qualification or adequacy of equipment provided. The Coast Guard will continue to accept a Marine Chemist certificate that has been maintained by a shipyard competent person in accordance with NFPA 306 and 29 CFR 1915.15, provided there has been a successful review of the individual shipyard's competent person program.

It is not feasible for the Coast Guard to adequately train and designate enough competent persons to certify the spaces to be entered for each inspection due to the number of entries being conducted and the numerous locations that are being inspected at any given time. It would basically require all marine inspectors to be trained and designated as competent persons and would require each marine inspector to have the necessary equipment to conduct the testing. It would also more than double the amount of time it would take for each inspection. However, there are limited situations where using a Coast Guard designated competent person may be more feasible than requiring a Marine Chemist. Examples may include remote areas where a Marine Chemist is not available, or where the type of inspection only involves entry into lazarettes or accessways on small passenger vessels where the hazards can be easily identified and characterized.

When, at the discretion of the OCMI, it is necessary to designate Coast Guard personnel as competent persons, field units should consult with their SEHO to develop the competent person aspects of the unit's confined space entry program. Assistance is also available from the industrial hygienists assigned to Commandant (CG-5223) and Commandant (CG-1132). The program should include the qualification requirements of the competent persons and the types of spaces and vessels which the competent person is authorized to certify. A Coast Guard designated competent person should be very limited in the scope of their authority and have very well defined roles.

1. Designation of Coast Guard Competent Person Policy.

- a. To designate a Coast Guard person as a competent person, the requirements of 29 CFR 1915.7(c) must be followed as a minimum.

2. Training Requirements for Competent Persons.

- a. In addition to the specific performance requirements of OSHA, it is also recommended that unit programs prescribe the following training/qualification requirements for designated Coast Guard competent persons:
 - (1) Attend the Shipyard Competent Person training (PMIS #500799) course **and** Shore Confined Space Entry training (PMIS #500096) offered at both TRACEN Yorktown and TRACEN Petaluma;
 - (2) Training on the unit's confined space entry program;
 - (3) Specific training to recognize and evaluate the hazards for the type of spaces the person will be authorized to certify;
 - (4) Hands-on training and use of the sampling equipment to evaluate and test spaces on vessels representative of the types of vessels for which the person will be authorized to certify safe for entry; and,
 - (5) Periodic refresher training at intervals to maintain the person's competency and familiarity with the sampling equipment.

I. References.

1. List of references for safety and environmental health programs:
 - a. Sec 19 of the Occupational Safety and Health Act of 1970
 - b. Executive Order 12196 Occupational Safety and Health Programs for Federal Employees
 - c. 29 CFR Part 1960 Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters
 - d. 29 CFR Part 1910 Occupational Safety and Health Standards
 - e. 29 CFR Part 1915 Occupational Safety and Health Standards for Shipyard Employment
 - f. Operational Risk Assessment, COMDTINST 3500.3 (series)
 - g. Safety and Environmental Health Manual COMDTINST M5100.47 (series)
 - h. Coast Guard Medical Manual, COMDTINST M6000.1 (series)

- i. Technical Guide: Practices for Respiratory Protection, COMDTINST M6260.2 (series)
- j. Asbestos Exposure Control Manual, COMDTINST M6260.16 (series)
- k. Cutter Heat Stress Program (CG), COMDTINST M6260.17 (series)
- l. Hazard Communication for Workplace Materials, COMDTINST 6260.21 (series)
- m. Hazardous Waste Management Manual, COMDTINST M16478.1 (series)
- n. CERCLA Response Authority and Associated Coast Guard Policies, COMDTINST M16465.29 (series)
- o. Policy Guidance for Response to Hazardous Chemical Releases, COMDTINST M16465.30 (series)

CHAPTER 10. OCCUPATIONAL HEALTH AND SAFETY PROGRAMS
APPENDIX A
MINIMUM SAFE WORK PRACTICE REQUIREMENTS

A. PURPOSE.

This Appendix provides the basic guidelines for development of safe work practices for marine safety activities commonly identified as being potentially hazardous. Each unit shall develop safe work practices (SWP) to minimize risk of personnel assigned tasks identified in this appendix. The enclosed safe work practices are provided as examples that can be amended as appropriate. They include items considered as essential safe work practice elements for specified activities.

B. LIST OF MINIMUM SAFE WORK PRACTICES.

The following is a list of minimum safe work practices. If the activities identified in the following list are conducted at a unit, that unit must promulgate a safe work practice titled and numbered as shown in this list. This list is not fully encompassing and other safe work practices shall be developed to address any additional identified hazardous activities.

100: Confined and Enclosed Spaces (General) (Example Provided)

110: Confined and Enclosed Spaces: Entry in the Shipyard Environment (Example Provided)

111: Entering Confined Spaces on Vessels in Shipyards Where Welding is Being Conducted (Example Provided)

120: Confined and Enclosed Spaces: Pump Room Entry Aboard Vessels Outside the Shipyard Environment (Example Provided)

150: Confined and Enclosed Spaces: Entry Aboard Vessels Outside of Shipyards (Example Provided)

SWP # 100
CONFINED AND ENCLOSED SPACES (GENERAL)

A. INTRODUCTION. Marine Safety personnel will normally encounter different types of confined spaces requiring entry. To prevent injury during confined space entry activities, personnel must clearly understand the various programs which have been established to safely permit entry into these potentially dangerous environments. This safe work practice (SWP) directs personnel to other SWPs for guidance on the specific type of programs that must be followed.

B. HAZARDS ASSOCIATED WITH CONFINED SPACE ENTRY.

1. Low OXYGEN content is the most significant hazard associated with confined space entry.
2. RESIDUAL TOXIC CARGOES may be toxic or fatal if inhaled or absorbed through skin.
3. FLAMMABLE CARGO VAPORS may cause an explosion or fire.
4. FALLING/TRIPPING HAZARDS.

C. EXAMPLES OF CONFINED SPACES NORMALLY ENCOUNTERED.

1. Cargo tanks, fuel tanks or other spaces with limited access;
2. Spaces adjacent to cargo or fuel tanks such as voids, double bottoms or sides;
3. Compartments which have been sealed;
4. Non-ventilated compartments that have been freshly painted or coated;
5. Spaces containing cargoes that absorb oxygen (scrap iron, fresh fruit, molasses, vegetable oils, any organic matter which might decay);
6. Spaces underneath docks or narrow channels w/ high banks and limited air flow;
7. Bilges of vessels below floor plates;
8. Pumprooms and cofferdams;
9. Machinery or other structures that may not normally be thought of as a space, such as: large piping systems, engine crankcases, large heat exchangers, scavenging spaces, boiler mud or steam drums, etc.

SWP # 100
CONFINED AND ENCLOSED SPACES (GENERAL)

D. SAFE WORK PRACTICES.

1. When entering any confined space on board a vessel in a shipyard environment, the provisions of 29 CFR 1915 will apply. Refer to *SWP #110* for specifics of this type entry.
2. When entering a confined space on board a vessel where welding is or has been conducted the procedure in *SWP #111* will be followed.
3. When entering a pumproom, the procedure noted in *SWP # 120* will be followed.
4. When entering any confined space while aboard a vessel or rig offshore, the guidelines found in *SWP # 150* shall be followed until a more specific SWP is developed.
5. When entering any confined space on board a vessel outside a shipyard and not undergoing repairs by shipyard personnel, the provisions of 29 CFR 1915 (Shipyard Regulations) still apply. The procedures in *SWP #150* shall be followed.
6. Confined spaces should not routinely be entered during response or investigation activities. These situations are non-routine and often dynamic, requiring additional precautions to address potential hazards. If necessary to enter a confined space during these activities, the appropriate SWP shall be followed for the type of space being entered, all hazards must be addressed, and authorization must be received from the Commanding Officer. Strike Team assistance may be needed if the hazards cannot be completely removed from the space or entry is otherwise beyond the capability of local resources.
7. If the space to be entered is not on a vessel or in a shipyard, then the appropriate OSHA regulation will be 29 CFR 1910.146. The Safety and Environmental Health Officer (SEHO) from the ISC or HSWL SC staff can provide assistance for entries under this regulation.
8. When entering any confined space not specifically noted above, the most appropriate SWP shall be adapted to afford the greatest degree of protection.

SWP # 110
CONFINED AND ENCLOSED SPACES: ENTRY IN THE SHIPYARD
ENVIRONMENT

A. INTRODUCTION. CG personnel assigned to conduct entry into confined spaces in shipyards must have authorization for such activity from a designated work authorization supervisor. All CG personnel in shipyards shall comply with requirements established by the shipyard competent person and/or a National Fire Protection Association Certificated Marine Chemist. All spaces must be initially certified by a Marine Chemist. At the discretion of the Commanding Officer, shipyard competent persons may be allowed to maintain a Marine Chemist Certificate after a satisfactory review of the shipyard's competent person program. *Job Aid #100* was developed to assist units in evaluating shipyard health and safety, and competent person programs.

B. HAZARDS ASSOCIATED WITH CONFINED SPACE ENTRY.

1. Low OXYGEN content is the most significant hazard associated with confined space entry.
2. RESIDUAL TOXIC CARGOES may be inhaled or absorbed through skin.
3. FLAMMABLE CARGO VAPORS may cause an explosion or fire.
4. FALLING/TRIPPING HAZARDS.

C. EXAMPLES OF CONFINED SPACES NORMALLY ENCOUNTERED.

1. Cargo tanks or other spaces with limited access;
2. Spaces adjacent to cargo tanks such as voids;
3. Compartments which have been sealed;
4. Spaces which have been coated with a preservative;
5. Non-ventilated compartments that have been freshly painted or coated;
6. Spaces containing cargoes that absorb oxygen (scrap iron, fresh fruit, molasses, vegetable oils, any organic matter which might decay);
7. Fuel tanks;
8. Bilges of vessels below floor plates;
9. Double bottoms or sides; and
10. Pumprooms (See *SWP#120*).

SWP # 110
CONFINED AND ENCLOSED SPACES: ENTRY IN THE SHIPYARD
ENVIRONMENT

D. ENGINEERING CONTROLS. Forced mechanical ventilation is the best method to control atmospheric hazards associated with confined space entry. For all confined spaces where it is practical, forced air ventilation shall be provided and configured in such a way to ensure thorough mixing throughout all reaches of the space. Unless otherwise specified in the body of the National Fire Protection Association Marine Chemist Certificate, tanks with clean, dry bottoms require at least 3 air changes before entry.

E. STEPS PRIOR TO EACH ENTRY.

1. Review the Material Safety Data Sheet/Chemical Hazard Response Information System or other data sheet for the last three cargoes/materials carried in the cargo space or adjacent space to be entered.
2. Verify that the space has been tested for oxygen, flammability, and toxic atmospheres. (Read the conditions of the Marine Chemist Certificate and the Competent Person Log). Ensure the toxic tests are consistent with the last three cargoes carried.
3. Verify that a minimum of three air changes have occurred.
4. Check the condition of your emergency escape breathing device if carriage is required.
5. Check calibration and operation of oxygen and/or multi-gas meter(s).
6. Discuss emergency rescue procedures. Ensure that a means of rescue is readily available; this would require equipment and personnel to enter a space which is immediately dangerous to life and health.

F. STEPS TO TAKE DURING ENTRY.

1. Coast Guard personnel should be accompanied by the yard supervisor or person responsible for the work. Confined spaces should never be entered alone.
2. Carry a multi-gas meter when entering a confined space.
3. Carry an Emergency Escape Breathing Device if there is a potential for a dynamic change in the environment such as a valve being opened and cargo entering the space, pumps running in an engine room, compressors operating in a compressor room aboard a gas ship, action of workers walking through muck in the bottom of the space and releasing hydrogen sulfide or other gases/vapors, space where inerted gas may be inadvertently introduced, etc. This equipment

SWP # 110
CONFINED AND ENCLOSED SPACES: ENTRY IN THE SHIPYARD ENVIRONMENT

will not normally be needed if the space is tested prior to entry and ventilation is maintained and there is no potential for sudden change in the environment.

4. Immediately leave the space if:
 - a) Your personal monitor alarms;
 - b) You feel dizzy or light-headed;
 - c) The forced air ventilation stops or is apparently ineffective;
 - d) If you sense any unexpected chemical through smell or dermal sensation that concerns you. This is a judgement call; however, you should depart any time there is a burning sensation in your lungs or you experience a shortness of breath. Any of these sensations may indicate a life-threatening situation and you must react promptly to avoid injury.

5. Climbing (other than ladders) shall be limited to the following vertical distances:

	<u>W/Fall Arrest Equip</u>	<u>W/O Fall Arrest Equip</u>
Steel Landing	Unlimited	6 ft
Water Landing	Unlimited	15 ft

G. ACTIONS TO BE TAKEN AFTER ENTRY.

1. Contact your unit immediately if you had to leave a space as noted above. Do not reenter any space until notification of appropriate senior personnel and direction from the designated work authorization supervisor (i.e, Chief of Inspections, Chief of Prevention, etc.) is obtained.

2. Report any inconsistencies on the Marine Chemist Certificate to the designated work authorization supervisor and follow-up with a letter to Commandant (CG-5223) via District(dp).

3. In the event of overexposure, personnel should be evacuated to appropriate medical facilities by the most expeditious means. Medical personnel should be provided with all known information on the suspected exposure, including concentration and duration of exposure. This should include the most probable route of exposure. Also provide the medical authority with the phone number to American Toxic Substance and Disease Registry (ATSDR). More specific guidance on medical procedures for acute exposures can be found in Chapter 12 of the Coast Guard Medical Manual, COMDTINST M6000.1 (series).

SWP # 111
ENTERING CONFINED SPACES ON VESSELS IN SHIPYARDS WHERE
WELDING IS BEING CONDUCTED

A. INTRODUCTION. Before CG personnel may enter confined spaces where welding is being conducted, the unit shall specifically address procedures for entering confined spaces where welding is being conducted in their unit Health and Safety Program. At a minimum, guidelines in this SWP shall be followed. CG personnel assigned to conduct entry into confined spaces where welding is being conducted must have authorization for such activity from the Commanding Officer. The Commanding Officer may delegate this authority to a designated work authorization supervisor. (The work authorization supervisor shall be at least at the Department Head level).

B. HAZARDS ASSOCIATED WITH ENTERING CONFINED SPACES WHERE WELDING IS BEING CONDUCTED.

1. Low OXYGEN content is the most significant hazard associated with any confined space entry.
2. FLAMMABLE ATMOSPHERE due to leaking oxygen or acetylene bottles or vapors from cargo residues may cause an explosion or fire.
3. TOXIC vapors, gases, and fumes from the welding process, cargo residues or coatings may be present.
4. SLIP, TRIP & FALL.

C. EXAMPLES OF TOXIC BY-PRODUCTS OF WELDING PROCESSES.

1. Toxic gases and fumes produced by welding process vary depending on the type of welding process and the type of material being welded. Examples of common processes and materials are provided here. Before entering any confined space where welding is being conducted, review the MSDS for the electrodes. The shipyard repair supervisor or safety staff should be able to provide the MSDS. Contact your supervisor, SOHC or SEHO for assistance in obtaining or interpreting MSDS's if needed.
2. Examples of types of welding processes and the associated hazard (taken from the NIOSH *Criteria for a recommended standard: Welding, Brazing, and Thermal Cutting*):

Flame Cutting, welding	Carbon monoxide, nitric oxide and nitrogen dioxide
Gas Metal Arc Welding (GMAW) Aluminum (Al) or aluminum-magnesium (Al-Mg)	Ultraviolet (UV) radiation Ozone
GMAW/ stainless steel	Hexavalent chromium (VI)
GMAW, all types using carbon dioxide	Carbon Monoxide

SWP # 111
ENTERING CONFINED SPACES ON VESSELS IN SHIPYARDS WHERE
WELDING IS BEING CONDUCTED

Gas tungsten arc welding/ Al or Al-Mg	UV radiation
Shielded metal arc welding (SMAW), low-hydrogen electrodes	Fluorides UV radiation
SMAW/ Iron or steel	Iron oxide UV radiation
SMAW/ stainless steel	Chromium (VI), Nickel UV radiation
Plasma Cutting/ aluminum	Noise, ozone

D. ENGINEERING CONTROLS. Avoid entering confined spaces where welding is being conducted if at all possible. If welding has recently been completed, forced mechanical ventilation should be used to make three complete air changes before entry is made. Use *Job Aid #200* to assist in determining whether 3 complete air changes have been made. If the OCMI has determined that this is not feasible and a confined space must be entered while welding is being conducted, ensure that local exhaust ventilation is being used to remove the welding fumes. Forced mechanical supply ventilation should be provided to ensure adequate fresh air is being added to the space, without blocking the entry/escape hatch. NOTE: OSHA regs require that employees in confined spaces be protected by air line respirators if sufficient ventilation cannot be obtained without blocking the means for access and egress. CG Marine Safety personnel are not authorized to use air line respirators for this purpose.

E. ADMINISTRATIVE CONTROLS. Shipyards must comply with OSHA regulations in 29 CFR 1915. Specifically, 29 CFR 1915.12(f) requires that employers (shipyard) exchange hazard information with other employers (Coast Guard) whose employees may enter the same spaces. If a welder is in a space and is not using an air line respirator, the shipyard should have information to document that adequate local exhaust and supply ventilation is being provided and the atmosphere in the space is less than the OSHA PEL or ACGIH TLV. (Compliance with ACGIH TLV's is not required by regulation, but is good industrial hygiene practice and is common in industry.) Coast Guard personnel shall request and review this information before entering a space where welding is being conducted. OSHA regulations regarding welding in shipyards may be found in 29 CFR 1915.51. OSHA PEL's may be found in 29 CFR 1915.1000-1450. ACGIH TLV's may be found in the TLV "Booklet" published by ACGIH. Your SOHC and SEHO have access to more information on welding health and safety hazards.

SWP # 111
ENTERING CONFINED SPACES ON VESSELS IN SHIPYARDS WHERE
WELDING IS BEING CONDUCTED

F. PERSONAL PROTECTIVE EQUIPMENT. Prevention policy remains that air purifying respirators are to be used only as secondary protection. No entry shall be made when toxics are known to exceed the OSHA PEL or ACGIH TLV. Air purifying respirators with HEPA cartridges may be used as secondary protection if desired by Coast Guard employees entering confined spaces where welding is being conducted. Every precaution shall be taken to ensure that OSHA PEL's and ACGIH TLV's are not exceeded even if the Coast Guard member chooses to wear an air purifying respirator with HEPA cartridge. **Note: The HEPA cartridge (now classified as P-100 cartridge) used to filter welding fumes does not filter welding gases including nitrogen oxides, and ozone which have very low PEL's/TLV's.**

G. STEPS PRIOR TO ENTRY.

1. Review the Marine Chemist Certificate and the shipyard Competent Person Log.
 - a. Ensure the spaces to be entered have the following designations on the Marine Chemist Certificate: "SAFE FOR WORKERS," and "SAFE FOR HOTWORK" or "SAFE FOR LIMITED HOTWORK."
 - b. If more than 24 hours have elapsed since the Marine Chemist certificate has been issued, complete the following:
 - (1) Compare the readings in the Competent Person Log with those on the Marine Chemist's certificate to ensure conditions have not changed and all required tests have been performed. Review all readings since the space was originally certified. Resolve any questions on the Marine Chemist Certificate or shipyard Competent Person Log prior to entry. Request to witness new tests if necessary.
 - (2) Review the calibration log for any instruments used by the competent person.
2. Discuss work activities being conducted inside and in the vicinity of the space to be entered with the yard foreman.
3. Obtain information on the type of welding, burning or cutting process being conducted.
 - a. Obtain information on the type of gases and fumes produced by the welding, burning or cutting process. Obtain MSDS's if applicable.
 - b. Obtain information on the health effects of the gases and fumes produced by the welding, burning or cutting process. (Refer to MSDS, SM/USC, or SEHO.)
 - c. Review information the shipyard has regarding levels of gases and vapors generated in the space given the type of welding, burning, cutting process, size of the space and ventilation configuration. [Note: Rarely, if ever, will two welding situations in a shipyard be exactly the same. Therefore, you

SWP # 111
ENTERING CONFINED SPACES ON VESSELS IN SHIPYARDS WHERE
WELDING IS BEING CONDUCTED

cannot be highly confident that the data obtained for a previous scenario is directly applicable to the current situation. However, data collected under similar conditions should be considered as part of your risk management decision making process.] Alternatively, units who need to repeatedly enter confined spaces where welding is being conducted under similar conditions should request a Health Risk Assessment of the welding gases and fumes from their SEHO.

- d. Determine the OSHA PEL's and ACGIH TLV's for the gases and fumes generated by the welding, burning, and cutting process. Your SM/USC and SEHO can provide assistance if needed.
4. Make your risk management decision:
- a. Do not enter confined spaces that do not have mechanical ventilation. Local exhaust ventilation at the welder's position and forced mechanical supply ventilation at the opposite end of the tank are preferred. See *Job Aid #200* for additional guidance.
 - b. Do not enter confined spaces that are smoky or hazy with fumes. **NOTE: The absence of smoke or haze does not mean the space is safe to enter. Metal fumes produced in the welding process are less than 1 mm in diameter and are too small to be visible. Some gases which are also produced in the welding process, such as nitric oxide and ozone, are colorless and cannot be seen. Smoke or haze is only an indication that the ventilation may be inadequate to keep the invisible hazards below exposure limits.**
 - c. If local exhaust and supply ventilation appear to be adequate, (air in the space is clear, supply ventilation flow rate is sufficient, there are no welding odors at the entrance and none are anticipated in the area to be inspected) consider:
 - (a) PEL's and TLV's of gases and fumes produced by the process.
 - (b) Data available on the levels of gases and fumes generated in the space. Due to the possible interaction of the various welding emissions to produce adverse health effects, NIOSH recommends that exposures be reduced to the lowest feasible concentrations using state-of-the-art engineering controls and work practices. NIOSH also recommends exposure limits for individual chemical or physical agents be considered upper boundaries of exposure. [Note that without sampling data to confirm levels of gases and fumes in the space, you are relying on an assumption that ventilation is adequate. Consider the health effects of the gases and fumes (reversible or irreversible, highly toxic or less toxic, immediate health effect or delayed health effect that may "sneak up" on you, and the length of time the inspector will be in space.)]

SWP # 111
ENTERING CONFINED SPACES ON VESSELS IN SHIPYARDS WHERE
WELDING IS BEING CONDUCTED

- (c) Degree of need to enter the space and inspect while welding is being conducted.
- (d) If you consider the entry necessary and the gases and fumes are adequately removed by the ventilation system, request permission to enter the space from your work authorization supervisor.

H. STEPS DURING ENTRY.

1. Maintain communication with watch outside the confined space.
2. Carry a multi-gas meter when entering a confined space.
3. Carry a whistle or other device to sound an alarm.
4. Carry an Emergency Escape Breathing Device if there is a potential for a sudden change in the space's atmosphere. This would include entering a space to witness a soap test of a repair in which the adjacent, pressed up space is not designated "SAFE FOR WORKERS" by the Marine Chemist. Another common example would be entering a ballast tank with the adjacent tank full of cargo and/or inerted. The inspector must exercise judgement when determining the circumstances when the space's atmospheric conditions may become dynamic.
5. Immediately leave the space if:
 - a. A personal meter alarms;
 - b. You feel dizzy or light-headed;
 - c. The forced air ventilation stops or is apparently ineffective;
 - d. You sense any unexpected chemical through smell or dermal sensation that concerns you. This is a judgement call; however, you should depart any time there is a burning sensation in your lungs or you experience a shortness of breath. Any of these sensations may indicate a life threatening situation and you must react promptly to avoid injury.
6. Climbing (other than ladders) shall be limited to the following vertical distances:

	<u>W/ Fall Arrest Equip</u>	<u>W/O Fall Arrest Equip</u>
Steel Landing	Unlimited	6 ft
Water Landing	Unlimited	15ft

SWP # 111
ENTERING CONFINED SPACES ON VESSELS IN SHIPYARDS WHERE
WELDING IS BEING CONDUCTED

I. STEPS AFTER ENTRY.

1. Record in your personal inspection log the chemicals/hazards to which you were potentially exposed. These chemicals can be obtained from the Marine Chemist Certificate. You should also note the length of exposure. This information will be needed to complete the forms for your occupational medical surveillance and evaluation program exam. You should also record activities such as sand blasting with silica sands, welding fumes, curing paints, recently applied coatings, etc.
2. If you left a confined space for reasons noted in paragraph H.5.a-d above, immediately contact your unit. Do not reenter any space until notification of appropriate senior personnel and direction from the designated work authorization supervisor is obtained.
3. In the event of overexposure, evacuate personnel to appropriate medical facilities by the most expeditious means. Medical personnel should be provided with all known information on the suspected exposure, including concentration and duration of exposure. This should include the most probable route of exposure. Also provide the medical authority with the phone number to the Agency for Toxic Substances and Disease Registry (ATSDR) (1-800-447-1554). More specific guidance on medical procedures for acute exposures can be found in Chapter 12 of the Coast Guard Medical Manual, COMDTINST M6000.1 (series).

SWP # 120

CONFINED AND ENCLOSED SPACES: PUMPROOM ENTRY ABOARD VESSELS OUTSIDE THE SHIPYARD ENVIRONMENT

- A. INTRODUCTION.** CG personnel assigned to conduct entry into pumprooms on vessels outside of shipyards must have authorization for such activity from a designated work authorization supervisor. Entry into pumprooms will normally be necessary for tank vessel examinations, to clear outstanding requirements, cargo monitor examinations or pollution investigations. All pumprooms are required to have exhaust ventilation systems capable of taking suction from below lower deck plates and at various levels throughout the pumproom. CG personnel are prohibited from entering pumprooms with non-functional ventilation systems unless specifically authorized by the designated work authorization supervisor on a case by case basis. Pumprooms are unique due to the potential for a rapid change in atmosphere due to a pump or other failure and subsequent release of cargo. Coast Guard personnel are trained or equipped to evacuate pumprooms during these types of emergencies.
- B. HAZARDS ASSOCIATED WITH CONFINED SPACE ENTRY.**
1. Low OXYGEN content is the most significant hazard associated with confined space entry.
 2. RESIDUAL TOXIC CARGOES may be inhaled or absorbed through skin.
 3. FLAMMABLE CARGO VAPORS may cause an explosion or fire.
 4. FALLING/TRIPPING HAZARDS.
 5. RAPIDLY CHANGING ATMOSPHERE could occur due to pump failure.
- C. ENGINEERING CONTROLS.** Regulation 59 in chapter II-2 of SOLAS 74/78 requires that all cargo pumprooms be mechanically ventilated and have a minimum capacity of 20 air changes per hour. CG personnel should verify that the ventilation system is adequately drawing air from the space. A good rule of thumb indication that the ventilation is operating properly is there should be noticeable air movement entering through the door to the upper pumproom. If there is no movement, you should question the operation of the system. While descending into the pumproom, you should verify the integrity of the ventilation ducting at each level. If the duct work is damaged or has openings in the upper levels, there may not be sufficient ventilation in the lower portions of the space.
- D. STEPS PRIOR TO EACH ENTRY.**
1. Review the Material Safety Data Sheet/Chemical Hazard Response Information System or other data sheet for the all cargoes being carried.
 2. Review the Marine Chemist Certificate to verify that the space has been tested for oxygen, flammability, and toxic atmospheres. Ensure the Certificate was issued

SWP # 120
CONFINED AND ENCLOSED SPACES: PUMPROOM ENTRY ABOARD
VESSELS OUTSIDE THE SHIPYARD ENVIRONMENT

within the last 24 hours and that conditions have not changed since the issuance of that certificate.

3. Check calibration and test the multi-gas meter required for entry. The meter should be able to detect oxygen and flammability. For sour crude cargoes, the detector should also detect hydrogen sulfide.
4. Check the condition of your emergency escape breathing device. An EEBD is required due to the possibility of a changing atmosphere.
5. Check the operation of personal oxygen monitor if carried in addition to the multi-gas meter.
6. Verify the operation of the ventilation system. It must be in operation at least 15 minutes prior to entry.
7. Verify that no work is being conducted in the pumproom.
8. Discuss pumproom entry procedures with the vessel's officers. Verify the presence of a litter and hoisting arrangement prior to entry in accordance with the IBC Code 3.3.2. Also verify the ability of the crew to don and utilize the vessel's self-contained breathing apparatus. This is required by regulation 17 of chapter II-2 of SOLAS 74/78 as a part of the fireman's outfit.

E. STEPS TO TAKE DURING ENTRY.

1. Coast Guard personnel should be accompanied by a ship's officer or vessel representative.
2. Carry the multi-gas meter and EEBD when entering the pumproom.
3. Verify air movement at entrance to the pumproom.
4. Carry a whistle or other device to sound an alarm.
5. Verify the status of the ducting at every level of the pumproom and terminate entry if ventilation is not intact.

SWP # 120
CONFINED AND ENCLOSED SPACES: PUMPROOM ENTRY ABOARD
VESSELS OUTSIDE THE SHIPYARD ENVIRONMENT

6. Immediately leave the space if:
- a) Your personal monitor alarms;
 - b) You feel dizzy or light-headed;
 - c) The forced air ventilation stops or is apparently ineffective;
 - d) If you sense any unexpected chemical through smell or dermal sensation that concerns you. This is a judgement call; however, you should depart any time there is a burning sensation in your lungs or you experience a shortness of breath. Any of these sensations may indicate a life-threatening situation and you must react promptly to avoid injury.
7. Climbing (other than ladders) shall be limited to the following vertical distances:

	<u>W/Fall Arrest Equip</u>	<u>W/O Fall Arrest Equip</u>
Steel Landing	Unlimited	6 ft
Water Landing	Unlimited	15 ft

F. ACTIONS TO BE TAKEN AFTER ENTRY.

1. Contact your Sector/COTP immediately if you had to leave a space as noted above. Do not reenter any space until notification of appropriate senior personnel and direction from the designated work authorization supervisor is obtained.
2. Report any inconsistencies on the Marine Chemist Certificate to the designated work authorization supervisor and follow-up with a letter to Commandant (CG-5223) via District(dp).
3. In the event of overexposure, personnel should be evacuated to appropriate medical facilities by the most expeditious means. Medical personnel should be provided with all known information on the suspected exposure, including concentration and duration of exposure. This should include the most probable route of exposure. Also provide the medical authority with the phone number to American Toxic Substance and Disease Registry (ATSDR). More specific guidance on medical procedures for acute exposures can be found in Chapter 12 of the Coast Guard Medical Manual, COMDTINST M6000.1 (series).

SWP # 150
**CONFINED AND ENCLOSED SPACES: ENTRY ABOARD VESSELS OUTSIDE
OF SHIPYARDS**

A. INTRODUCTION. CG personnel assigned to conduct entry into confined spaces aboard vessels must have authorization for such activity from a designated work authorization supervisor. All CG personnel shall comply with requirements established by the National Fire Protection Association Certificated Marine Chemist. Vessels outside of shipyards often have problems complying with the rescue team requirements in 29 CFR 1915 due to the unavailability of locally trained confined space rescue teams. This SWP has additional levels of safety in order to allow alternate procedures for Coast Guard military personnel to complete required inspections.

B. HAZARDS ASSOCIATED WITH-CONFINED SPACE ENTRY.

1. Low OXYGEN content is the most significant hazard associated with confined space entry.
2. RESIDUAL TOXIC CARGOES may be inhaled or absorbed through skin.
3. FLAMMABLE CARGO VAPORS may cause an explosion or fire.
4. FALLING/TRIPPING HAZARDS.

C. EXAMPLES OF CONFINED SPACES NORMALLY ENCOUNTERED.

1. Cargo tanks or other spaces with limited access;
2. Spaces adjacent to cargo tanks such as voids;
3. Compartments which have been sealed;
4. Spaces which have been coated with a preservative;
5. Non-ventilated compartments that have been freshly painted or coated;
6. Spaces containing cargoes that absorb oxygen (scrap iron, fresh fruit, molasses, vegetable oils, any organic matter which might decay);
7. Fuel tanks;
8. Bilges of vessels below floor plates;
9. Double bottoms or sides; and
10. Pumprooms.

SWP # 150
**CONFINED AND ENCLOSED SPACES: ENTRY ABOARD VESSELS OUTSIDE
OF SHIPYARDS**

D. ENGINEERING CONTROLS. Forced mechanical ventilation is the best method to control atmospheric hazards associated with confined space entry. For all confined spaces where it is practical, forced air ventilation shall be provided and configured in such a way to ensure thorough mixing throughout all reaches of the space. Unless otherwise specified in the body of the National Fire Protection Association Marine Chemist Certificate, tanks with clean, dry bottoms require at least 3 air changes before entry.

E. STEPS PRIOR TO EACH ENTRY.

1. Review the Material Safety Data Sheet/Chemical Hazard Response Information System or other data sheet for the last three cargoes/materials carried in the cargo space or adjacent space to be entered.
2. Require the space to be tested by a Marine Chemist immediately prior to entry. Verify that the space has been tested for oxygen, flammability, and toxic atmospheres. Read the conditions of the Marine Chemist Certificate and ensure conditions have not changed. Ensure the toxic tests are consistent with the last three cargoes carried.
3. Ensure that no transfer operations have occurred since the space was certified.
4. Verify that a minimum of three air changes have occurred.
5. Check the condition of your EEBD if carriage is required. If adjacent tanks contain cargo or are inerted then an EEBD should be carried.
6. Check calibration and operation of multi-gas meter.
7. Discuss emergency rescue procedures with the ship's officers. If a rescue team meeting the requirements of 29 CFR 1915.12(e)(1) is not available then:
 - a. Ensure that the ship's crew is able to don and utilize the vessel's self-contained breathing apparatus as required by regulation 17 of chapter II-2 of SOLAS 74/78 as part of the fireman's outfit;
 - b. Pre-stage SCBA's so that they are readily available;
 - c. An attendant shall remain outside the space and maintain communication with the entrants. The attendant should also have the ability to sound the alarm to render assistance if necessary;

SWP # 150
CONFINED AND ENCLOSED SPACES: ENTRY ABOARD VESSELS OUTSIDE OF SHIPYARDS

- d. A Marine Chemist can be required to accompany the Coast Guard personnel if so desired or if the situation dictates it to be the preferred course of action, e.g., the condition of the vessel or training of the crew is poor, increasing the possibility of unsafe conditions.

NOTE: If the alternate procedures are used for the rescue team required by 29 CFR 1915.12 then Coast Guard civilian personnel may not enter under these conditions, since they are required to meet all OSHA regulations.

F. STEPS TO TAKE DURING ENTRY.

1. Coast Guard personnel should be accompanied by the vessel representative. Confined spaces should never be entered alone.
2. Carry a personal oxygen monitor or a multi-gas meter when entering a confined space.
3. Carry an Emergency Escape Breathing Device if there is a potential for a dynamic change in the environment such as a valve being opened and cargo entering the space, pumps running in an engine room, compressors operating in a compressor room aboard a gas ship, action of workers walking through muck in the bottom of the space and releasing hydrogen sulfide or other gases/vapors, space where inerted gas may be inadvertently introduced, etc. This equipment will not normally be needed if the space is tested prior to entry and ventilation is maintained and there is no potential for sudden change in the environment.
4. Climbing (other than ladders) shall be limited to the following vertical distances:

	<u>W/Fall Arrest Equip</u>	<u>W/O Fall Arrest Equip</u>
Steel Landing	Unlimited	6 ft
Water Landing	Unlimited	15 ft

SWP # 150
CONFINED AND ENCLOSED SPACES: ENTRY ABOARD VESSELS OUTSIDE
OF SHIPYARDS

5. Immediately leave the space if:
 - a. Your personal monitor alarms;
 - b. You feel dizzy or light-headed;
 - c. The forced air ventilation stops or is apparently ineffective;
 - d. If you sense any unexpected chemical through smell or dermal sensation that concerns you. This is a judgement call; however, you should depart any time there is a burning sensation in your lungs or you experience a shortness of breath. Any of these sensations may indicate a life-threatening situation and you must react promptly to avoid injury.

G. ACTIONS TO BE TAKEN AFTER ENTRY.

1. Contact your Sector/COTP/CID immediately if you had to leave a space as noted above. Do not reenter any space until notification of appropriate senior personnel and direction from the designated work authorization supervisor is obtained.
2. Report any inconsistencies on the Marine Chemist Certificate to the designated work authorization supervisor and follow-up with a letter to Commandant (CG-5223) via District(dp).
3. In the event of overexposure, personnel should be evacuated to appropriate medical facilities by the most expeditious means. Medical personnel should be provided with all known information on the suspected exposure, including concentration and duration of exposure. This should include the most probable route of exposure. Also provide the medical authority with the phone number to American Toxic Substance and Disease Registry (ATSDR). More specific guidance on medical procedures for acute exposures can be found in Chapter 12 of the Coast Guard Medical Manual, COMDTINST M6000.1 (series).

CHAPTER 10. OCCUPATIONAL HEALTH AND SAFETY PROGRAMS
APPENDIX B
UNIT SAFETY COORDINATOR'S LIBRARY

- A. **Purpose.** This appendix is intended to serve as the Unit Safety Coordinator's guidance manual. A copy of this appendix should be maintained by the USC along with attachments which provide valuable reference material and program guidance. The USC should attach these references within the same binder or maintain them as separate library references, whichever is most convenient.
1. Essential Attachments. Certain references shall be maintained by the USC to facilitate evaluating unit programs with mandatory instructions. These include the following items, their superseding updates, and new instructions as promulgated:
 - a. Unit instructions
 - b. Commandant's Policy Statement
 - c. 29 CFR 1960 Programs for Federal Employees OSHA reprint also contains:
 - (1) Sec 19, Occupational Safety and Health Act (1970)
 - (2) Executive Order 12196
 - d. 29 CFR 1910 General Industry standards
 - e. 29 CFR 1915 Shipyard Employment Standards
 - f. DOT ORDER 3902.7A, Occupational Safety and Health Program
 - g. Safety and Environmental Health Manual COMDTINST M5100.47 (series)
 - h. Coast Guard Medical Manual, COMDTINST M6000.1 (series)
 - i. Technical Guide: Practices for Respiratory Protection, COMDTINST M6260.2 (series)
 - j. Asbestos Exposure Control Manual, COMDTINST M6260.16 (series)
 - k. Cutter Heat Stress Program (CG), COMDTINST M6260.17 (series)
 - l. Hazard Communication for Workplace Materials, COMDTINST 6260.21 (series)
 - m. Hazardous Waste Management Manual, COMDTINST M16478.1 (series)
 - n. Occupational Health notices, COMDTNOTE 6260
 - o. District instructions

p. Material Safety Data sheet (MSDS) file. MSDS's are required to be available for personnel information. A file of MSDS's for all hazardous materials personnel are exposed to on the job must be maintained at the unit. They can be obtained directly from manufacturers, but don't overlook your facility files. W6D sheets should be contained in the operating manuals. It is a good practice for personnel to obtain copies whenever they board a vessel transferring cargo. Have them bring back the copy to update the MSDS file. This can also serve as a checking device. If you see that the file on trimethylchickenwire is one of your fattest files it would be a good idea to have a payday hazard communication session.

q. Safety Notices COMDTNOTE 5100

2. Recommended Library References.

a. Certain references are recommended (see paragraph d of this Manual) for USC's to include in their reference library. Some references will be more helpful than others depending on local needs. Also, your unit may have special needs for additional references.

b. Many of these references and pamphlets make helpful training development and presentation tools.

c. Sources of information:

(1) NATIONAL INSTITUTE OF OCCUPATIONAL SAFETY AND HEALTH
(NIOSH)
4676 COLUMBIA PKWY
CINCINNATI, OH 45226-1998

(2) OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
(OSHA)
200 CONSTITUTION AVE. NW
WASHINGTON, DC 20210-0001

(3) AMERICAN CONFERENCE OF GOVERNMENTAL INDUSTRIAL
HYGIENISTS (ACGIH) 6500 GLENWAY AVE
CINCINNATI, OH 45211-4443

(4) AMERICAN INDUSTRIAL HYGIENE ASSOCIATION (AIHA)
2700 PROSPERITY AVE
FAIRFAX, VA 22031-4340

(5) NATIONAL SAFETY COUNCIL
444 MICHIGAN AVE
CHICAGO, IL 60611-3903

- (6) NATIONAL FIRE PROTECTION ASSOCIATION (NFPA)
1 BATTERYMARCH PARK
QUINCY, MA 02269-7471

- (7) AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI)
1430 BROADWAY
NEW YORK, NY 10018-3308

- (8) VAN NOSTRAND REINHOLD PUBLISHING
115 FIFTH AVE
NEW YORK, NY 10003-1004

- (9) LEWIS PUBLISHERS
121 SOUTH MAIN ST
PO DRAWER 519
CHELSEA, MI 48118-1548

- (10) ABC PUBLISHING
CHILTONS INDUSTRIAL SAFETY AND HYGIENE NEWS
PO BOX 2210
RADNOR, PA 19080-0001

- (11) INDUSTRIAL HYGIENE NEWS AND BUYERS GUIDE
8650 BABCOCK BLVD
PITTSBURGH PA 15237-5009

- (12) LAB SAFETY SUPPLY
PO BOX 1368
JANESVILLE WI 53547-1368

- (13) GLOBAL OCCUPATIONAL SAFETY
7109 HEMLOCK DR
HEMPSTEAD, NY 11550-6620

d. The following is a list of publications which may be useful to the SOHC:

- (1) Chemical Data Guide for Bulk Shipment by Water, COMDTINST M16616.6 (series)

- (2) The Condensed Chemical Dictionary. Published by Van Nostrand Reinhold. This is an excellent source of chemical names and synonyms. Hazard information is limited.

- (3) Sax's Dangerous Properties of Industrial Materials published by Van Nostrand Reinhold. Originally a compact desk reference. The latest versions are three volumes and very expensive. It does contain lots of hazard information.
- (4) Sax's Rapid Guide to Hazardous Chemicals in the Workplace, also by Van Nostrand Reinhold. This is boarding bag size and contains lots of good, basic hazard information. It also has a handy DOT/UN number cross reference.
- (5) NFPA's Fire Protection Guide on Hazardous Materials.
- (6) The latest update of the NIOSH publications catalog.
- (7) OSHA Publications and Audiovisual Programs (OSHA 2019),
- (8) Control of Gas Hazards on Vessels, (NFPA sea). Documents procedures for conducting marine chemist testing and issuance of certificates.
- (9) Marine Chemist Directory, (NFPA 8001FP) distributed by NFPA Marine Field Service. Includes members of the NFPA Marine Field Service, Marine Chemist Qualification Board (MCQB), Technical Committee on Gas Hazards (NFPA 306), and certified marine chemists. It also includes rules for certification of marine chemists, revocation of certificates, rules governing the MCOB, and information about the Marine Chemist Association.
- (10) DOT Emergency Response Guidebook (DOT P 5800.5). Pocket guide to the handling of hazardous materials transportation accidents.
- (11) The American Conference of Governmental Industrial Hygiene (ACGIH) ATLV Guidebook. Pocket guide to the ACGIH TLV's, Biological Exposure Indices (BBI), suspected carcinogens, substances with dermal routes of exposure, noise, heat and cold stress, and ionizing and non-ionizing radiation limits. Contains a lot of information in a small (and inexpensive) reference.
- (12) ACGIH "Documentation of TLV's." This pub is not inexpensive or pocket size. It does have a more detailed discussion of the chemical hazards listed in the TLV Guidebook.
- (13) The American Industrial Hygiene Association's "Basic Industrial Hygiene: a training manual." Introductory text to industrial hygiene principles developed by Exxon Corporation.
- (14) The American Industrial Hygiene Association's "Respiratory Protection Manual." An excellent, easy to read, reference outlining respiratory protection program elements.

- (15) The American Industrial Hygiene Association's 'Welding Health Resources Manual.' Pamphlet giving information on welding hazards for different types of welding techniques.
- (16) "Hearing Conservation Program Manual for Federal Agencies" (OSHA-3089). Detailed discussion on hearing conservation programs for federal agencies, including DoD exposure limits.
- (17) "Men's Safety Toe Footwear" (ANSI 241.1).
- (18) "Practice for Occupational and Educational Eye and Face Protection" (ANSI 287.1).
- (19) "Safety in Welding and Cutting" (ANSI 249.1).
- (20) "Safety Requirements for Industrial Head Protection" (ANSI 289.1).
- (21) "Safety Requirements for Industrial Protective Helmets for Electrical WorkersA" (ANSI 289.2).
- (22) "Practices for Respiratory Protection" (ANSI 288.2). Referenced by 29 CFR for selection of respiratory protection.
- (23) "Respirator Use Physical Qualifications for Personnel," (ANSI 288.6). One of the few sources of information for physicians' considerations regarding fitness to wear respiratory protection. The 1987 NIOSH Respiratory Protection Manual now includes a discussion of this topic too.
- (24) "Guidelines for the Selection of Chemical Protective Clothing, 3rd Ed." (Volumes 1 and 2, USCG R&D CGD787), published by ACGIH. Two volume discussion of evaluation procedures, ensemble selection, sources of supply, and materials of construction for chemical protective clothing.
- (25) "Detector Tube Measuring Techniques" published by and available from National Draeger. Inexpensive booklet documenting types of detector tubes, sampling methods, cross sensitivities and the use of detector tubes (Draeger brand in particular).
- (26) NIOSH/OSHA 'Pocket Guide to Chemical Hazards" (NIOGH: 85114). Like the ACGIH TLV booklet, this reference contains a lot of information in a small package. Although exposure limit values in the 1985 version have become dated, there are many other pieces of valuable information in the reference (such as target organs, symptoms, chemical data, and protective clothing recommendations).
- (27) NIOSH "Respiratory Protection Manual" (NIOSH: 87116). An excellent manual detailing all aspects of respiratory protection technology and programs. It contains information about different types of respirators, documents training information, provides the NIOGH decision logic for

respirators, gives information for physicians determining fitness to wear respirators, and is distributed free by NIOSH as of this drafting.

- (28) NIOSH/OSHA/USCG/EPA: "An Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities" (NIOSH: 85115). An excellent, easy to read manual discussing site safety during environmental response. OSHA has used this manual to develop the 29 CFR 1910.120 waste site regulations (which apply to oil spills). This manual was developed in large part by USCG personnel.
- (29) "Criteria for a Recommended Standard for Welding, Brazing, and Thermal Cutting" (NIOSH: 88110). Contains lots of very useful information on welding, welding hazards, and protective programs. It is helpful for shipyards and should be included in any unit library where welding operations are common.
- (30) "Working in Hot Environments", 86 Rev. (NIOSH: 86112). This is a handy training development aid, and can be handed out during unit training.
- (31) "Personal Protective Equipment" (OSHA Pamphlet 3077). This is a handy training development aid, and can be handed out during unit training.
- (32) "Hazard Communication Guidelines for Compliance" (OSHA Pamphlet 3111). This is a handy training development aid, and can be handed out during unit training.
- (33) "Chemical Hazard Communication" (OSHA Pamphlet 3084). This is a handy training development aid, and can be handed out during unit training.
- (34) "Informing Workers and Employers About Occupational Cancer" (OSHA Pamphlet, unnumbered 1978 reprint). This is a handy training development aid, and can be handed out during unit training.
- (35) "Health Hazards of Benzene" (OSHA Pamphlet 3099). This is a handy training development aid, and can be handed out during unit training.
- (36) Hazard Communications Training Manuals for Federal Agencies. An extensive documentation of Federal hazard communication programs, and development guide for training programs. It is available from appropriate MLC, district coordinators, or Commandant (GKGE).
- (37) Accident Prevention Manual, Volumes I and II, National Safety Council. A thorough textbook on the subject of safety programs and technologies.
- (38) Fundamentals of Industrial Hygiene, National Safety Council. A thorough introductory textbook on the subject of industrial hygiene. More exhaustive than the AIHA Industrial Hygiene Training Manual, and less 80 than other more expensive texts.

- (39) A good selection of catalogs and buyers guides will help develop ideas to improve programs and sources of supply. By the time you are on the distribution for a few... more will follow. Some good starting points:
- (a) Chiltons Industrial Safety and Hygiene News by ABC Publishing. Not so much news but lots of advertising. A good source of safety ideas, sources of supply, and you can probably get on the distribution for free.
 - (b) Industrial Hygiene News, and Buyers Guide. Similar to Chiltons.
 - (c) Lab Safety Supply Catalog. Not always the best price, but the catalog is extensive and a good source of ideas.
 - (d) Global Occupational Safety Catalog. Same discussion as Lab Safety.

CHAPTER 10. OCCUPATIONAL HEALTH AND SAFETY PROGRAMS
APPENDIX C
LIST OF BENZENE CONTAMINATED PRODUCTS

A. HIGH BENZENE CONTENT (TYPICALLY 10% OR GREATER).

BENZENE (BNZ)
BENZENE HYDROCARBON MIXTURES CONTAINING 10% OR MORE
BENZENE (BHB)
BENZENE, TOLUENE, XYLENE MIXTURES (BTX)
C-5 MIXTURE (15% OR MORE BENZENE, ISOPRENE, 1,3-
PENTADIENE)(CFX)
GASOLINE BLENDING STOCK REFORMATES (GRF)
WHITE SPIRIT (WSP)
WHITE SPIRIT (LOW (15-20%) AROMATIC) (WSL)
TRADE NAMES:

The following products should be considered to contain high amounts of benzene until product documentation-such as material safety data sheets (MSDS's) for the particular amount of benzene content, document otherwise:

"dripolene"

B. MODERATE BENZENE CONTENT (TYPICALLY 1% TO 10%).

CYCLOPENTADIENE, STYRENE, BENZENE MIXTURES (CSB)
GAS OIL (GOC)

GASOLINES:

GASOLINE: AROMATIC (GAR)
GASOLINE: AUTOMOTIVE (GAT)
GASOLINE: AVIATION (GAV)
GASOLINE: PYROLYSIS (greater than 5% benzene)(GPY)
GASOLINE: STRAIGHT RUN (GSR)

JET FUEL: JP-4 (JPF)

NAPHTHA:

NAPHTHA: SOLVENT (NSV)
NAPHTHA: STODDARD SOLVENT (NSS)
NAPHTHA: VM&P (75% NAPHTHA) (NVM)

PETROLEUM NAPHTHA (PTN)

TRADE NAMES:

The following products should be considered to contain moderate amounts of benzene until product documentation-such as material safety data sheets (MSDS's)-for the particular amount of benzene content, document otherwise:

"butadiene, benzene mix"

"coal tar light oil"

"coke oven light oil"

"commercial JET-B"

"crude styrene"

ethylene dichloride--crude" "depentanized aromatic stream" "hytrol D"

"light aromatics containing benzene"

"naphtha cracking fraction"

"petroleum hydrocarbon polymers"

"phenol (and cresol mixtures with 5% benzene or more)"

"rubber solvent"

"Varsol 1, 3, and 18"

C. LOW BENZENE CONTENT (TYPICALLY 1% OR LESS).

COAL TARS:

COAL TAR (COR)

COAL TAR PITCH (CTP)

COAL TAR NAPHTHA (NCT) (In some instances, NCT may contain more than 1% benzene)

COAL TAR OIL see oil: coal tar (OCT)

OILS:

OIL: CRUDE OIL (OIL)

OIL: COAL TAR (OCT)

D. FORMERLY LISTED. (Formerly listed but no longer considered to typically contain more than 0.1% benzene by volume):

JET FUEL: JP-5 (JPV) or "Commercial JET-A"

CHAPTER 10. OCCUPATIONAL HEALTH AND SAFETY PROGRAMS
APPENDIX D
CONFINED SPACE ENTRY POLICY QUESTIONS AND ANSWERS

- A. **Purpose.** The following questions and answers are provided to help understand OSHA requirements, industry standards and guidelines including the National Institute of Occupational Safety and Health (NIOSH), the National Safety Council (NSC), and the National Fire Protection Association (NFPA).
- B. **Consistency.** In an effort to provide better consistency among the field units, additional clarification is provided by the Office of Commercial Vessel Compliance (CG-CVC) for the following four key areas:
1. Who should certify confined spaces on merchant vessels safe for entry by Coast Guard personnel?
 2. What are the Coast Guard's responsibilities as (a) an employer of personnel working in shipyards, and (b) a federal safety agency working in a shipyard regulated by a different federal safety agency?
 3. Should Coast Guard personnel enter spaces where welding is being conducted?
 4. How will the Coast Guard address fall protection requirements?

1. What are the Coast Guard's responsibilities as an employer of personnel working in shipyards?	<p>A. As an employer, the Coast Guard is responsible to anticipate, recognize, evaluate, control and manage work place hazards encountered by its employees.</p> <p>B. At a minimum, all applicable OSHA regulations must be met. The OSHA shipyard regulations are found in 29 CFR 1915.</p> <p>C. Coast Guard policy is to apply consensus standards as well.</p>
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<p>2. Is the shipyard required to provide hazard information to the Coast Guard?</p>	<p>A. Yes. 29 CFR 1915.12(f) states that employers (shipyard and Coast Guard units) shall ensure that all available information on confined space hazards, safety rules, and emergency procedures is exchanged with any other employer whose employees may enter the same spaces.</p> <p>B. It is in the shipyard's interest to assist the Coast Guard in obtaining the hazard information the Coast Guard needs to fulfill Hazard Communication (29 CFR 1910.1200) requirements so that inspections are not delayed. Units are encouraged to develop proactive relationships with local shipyards regarding health and safety programs.</p>
<p>3. When shall hazard information be exchanged between the shipyard and the Coast Guard?</p>	<p>A. Information on occupational hazards, safety rules, and emergency procedures shall be exchanged between Coast Guard marine inspectors and the shipyard work supervisor before beginning any work.</p> <p>B. Information on confined space hazards, safety rules, and emergency procedures shall be exchanged before marine inspectors enter confined spaces.</p> <p>C. The CID, detachment supervisor, detail supervisor or SM/USC shall visit each work site as necessary, but at least annually, to assist the marine inspectors in evaluating hazards and shipyard competent person programs. See <i>Job Aid # 100</i> which is provided to assist you in these visits.</p> <p>D. Units are encouraged to make arrangements to have their SEHO's accompany unit personnel on at least one shipyard review annually. It is recommended these visits be performed in conjunction with the regularly scheduled SEHO visit(s).</p>

<p>4. What are the Coast Guard's responsibilities as a federal safety agency in a work place regulated by a different Federal Safety Agency (OSHA)?</p>	<ul style="list-style-type: none"> A. Coast Guard personnel are not authorized to conduct OSHA compliance inspections. B. Coast Guard units should develop proactive relationships or partnerships with shipyards with the goal of improving health and safety for Coast Guard employees and shipyard personnel alike. C. Coast Guard personnel may observe discrepancies between shipyard practices and OSHA regulations while evaluating and controlling hazards for Coast Guard employees. These discrepancies should be brought to the attention of the yard foreman and/or safety director. D. If the shipyard is not responsive to correcting the discrepancies, Commanding Officers should consider reporting the violations to the local OSHA office depending on the severity and possible consequences of the violations. Marine Safety Manual Volume II (COMDTINST 16000.7A), Chapter 5.I.6, provides guidance on reporting problems to OSHA regarding competent persons. E. Coast Guard personnel must ensure the competency of personnel performing the duties of a competent person prior to entering a confined space. Responses from the field regarding confined space entry policy indicate that too often shipyard competent persons have been incapable of identifying all atmospheric hazards, properly calibrating their test instruments, properly testing spaces, recording results, and/or interpreting the results. The Competent Person Section of <i>Job Aid # 100</i> can be used to better evaluate the competent person program. F. For assistance with questions or problems in shipyards, contact the cognizant SEHO, the Headquarters industrial hygienist on the safety and environmental health staff Commandant (CG-1132).
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<p>5. Who must certify confined spaces on merchant vessels safe for entry by Coast Guard personnel?</p>	<p>A. A Certified Marine Chemist shall conduct the initial inspection and certify confined spaces on merchant vessels “Safe for Workers” before entry by Coast Guard personnel.</p> <p>B. A shipyard’s competent person may not certify spaces for initial entry by Coast Guard personnel because they are not designated by the Coast Guard.</p> <p>C. Exceptions: If an initial confined space entry must be made without a valid Marine Chemist Certificate, the requirements contained in Designation of Coast Guard Competent Persons section, as a minimum, shall be followed. When a Marine Chemist is not available, such as for overseas inspections, inspections in remote areas or inspections on small passenger vessels, fishing vessels, etc., Commanding Officers may develop local policy following the guidelines in Appendix B to train and designate unit personnel to perform as competent persons. The requirements of 29 CFR 1915 still apply and must be adhered to in developing local policy. The cognizant SEHO shall be consulted when developing this policy and is required to review and approve the policy before it is implemented.</p>
<p>6. What is the relationship between Marine Chemists and the local Sector Offices?</p>	<p>A. The Coast Guard relies heavily on Marine Chemists to ensure the safety of our personnel to safely enter confined spaces.</p> <p>B. Coordination with local Marine Chemists is critical to ensuring the safety of our personnel. It ensures an understanding of each other’s role and promotes better communication. Good communication and working relationships can prevent incidents from occurring, resulting in a win-win situation. When questions/problems arise with a Marine Chemist, an attempt to resolve the issue on the local level should be attempted first.</p> <p>C. In the event a Marine Chemist is found to violate NFPA 306 or otherwise has not properly carried out his/her duties, a report should be made via the chain of command to Commandant (CG-1132), who is the Coast Guard representative on the Marine Chemist Qualification Board (MCQB). For expediency purposes, the initial report can be made via telephone.</p>

<p>7. Can a Certified Industrial Hygienist (CIH) certify a space for initial entry by Coast Guard personnel?</p>	<p>A. Not necessarily. The CIH would also have to either be a Marine Chemist or be a Coast Guard member designated as a competent person. CIH's are not, by virtue of their certification, a Marine Chemist or a competent person.</p> <p>B. Although a CIH should have knowledge of all the atmospheric testing requirements performed by a competent person, they may not be familiar with the structure, location and designation of spaces where work is to be conducted and they may not be familiar with shipyard occupational safety regulations (29 CFR Part 1915) or NFPA 306.</p>
<p>8. May Coast Guard personnel enter confined spaces initially certified by a Marine Chemist, then "maintained" by a Shipyard Competent Person?</p>	<p>A. Yes, at the discretion of the OCMI. If marine inspectors enter confined spaces with Marine Chemist Certificates maintained by competent persons, the marine inspectors shall be familiar with the shipyard's competent person program. <i>Job Aid # 100</i> of Appendix F shall be used to review the competent person program before entry.</p> <p>B. Although this may not fully meet OSHA requirements for maintenance of the Certificate because the competent person is not designated by the Coast Guard, it is not feasible to require Marine Chemists to maintain the certificate during extended periods of work. If there has been a change in conditions, then a Marine Chemist must recertify the space.</p> <p>C. If the shipyard's health and safety program has not been evaluated and found to be satisfactory (especially the confined space entry program), then the inspection should be scheduled within 24 hours of the Marine Chemist certifying the space if possible. If it is still necessary to enter the space, with the competent person maintaining the space, then the inspector should witness the tests and inspections performed by the competent person.</p> <p>D. See Number 11 of this policy for required tests and when to recall the Marine Chemist.</p>

<p>9. What are the acceptable levels for the following atmospheric hazards?</p>	<p>Acceptable Limits:</p>
<p>Oxygen concentration</p>	<p>A. 19.5 to 22% by volume. [If the oxygen reading is anything other than the ambient level (approximately 20.8% by volume), the reasonable explanation for this difference should be determined before entry.]</p>
<p>Flammable vapors or gases</p>	<p>B. Less than 10% of the LEL. [Any reading between 1 and 10% should be evaluated with caution prior to entry. Readings in this range may indicate that a toxicity hazard exists.]</p>
<p>Toxic vapor or gas concentration</p>	<p>C. Lower than the lesser of the OSHA PEL or ACGIH TLV concentration, treated as a ceiling limit. See Sections 10 and Additional Guidance Regarding Atmospheric Hazards for guidance.</p>
<p>Welding fumes</p>	<p>D. Since welding fumes cannot be measured by direct-reading instruments and since each welding situation is different, Coast Guard personnel shall not enter confined spaces where welding is being conducted, except as noted below. Oxygen may be displaced by other gases such as welding fumes. Oxygen can also be consumed by chemical reactions such as rusting metal (scrap iron or tank walls). When entering a space where oxygen deficiency is likely to occur, a multi-gas meter should be worn. Prior to entering confined spaces where welding has recently been conducted, the marine inspector shall ensure that the space has been ventilated using forced mechanical ventilation for a period long enough to ensure at least three air changes. See <i>Job Aid #200</i> of Appendix F for assistance in determining air changes and guidance on ventilation configuration schemes.</p> <p>Exception: If the OCMI determines that entering the space during welding is necessary to properly carry out our mission, the procedures in <i>SWP #111</i> should, as a minimum, be followed.</p>

<p>10. When may Coast Guard marine safety personnel use respirators in confined spaces?</p>	<p>A. Except as noted in paragraph C. below, respirators shall not be worn as primary protection; however, respirators may be used for secondary or back-up protection. They may also be used voluntarily for nuisance dusts or odors. Marine safety personnel shall not enter spaces or atmospheres containing toxic vapors, gases, dusts, mists or fumes that exceed the OSHA PEL or ACGIH TLV concentration, whichever is less. This is due to the high number of low level exposures to chemicals experienced by Coast Guard personnel and the inability to predict the effects of the interaction of multiple chemicals. Therefore, OSHA PEL and ACGIH TLV concentrations are treated as ceiling limits. This means that no entry should be made using 8 hour TWA's as an admin control, e.g., limiting time in space when levels are above the PEL/TLV.</p> <p>B. If respirators are used under any condition, the unit must be in full compliance with the Technical Guide: Practices for Respiratory Protection, COMDTINST M6260.2 (series), which includes a written program, medical evaluations and fit testing.</p> <p>C. Exceptions: Under extenuating circumstances, or due to local conditions where there is no feasible method to control a specific respiratory hazard, the OCMI, in consultation with the cognizant SEHO, may authorize the use of air purifying respirators as primary protection. Unit policies and procedures shall document the exception(s).</p>
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<p>11. How often must atmospheric tests be conducted to maintain the Marine Chemist's Certificate?</p>	<p>A. At least once every 24 hours and more often as necessary, depending on work conducted in the space.</p> <p>B. If testing indicates conditions have changed, a Marine Chemist shall recertify the space.</p> <p>C. If there is any doubt that conditions may have changed since the last test in the space, Coast Guard personnel should request the shipyard competent person to re-test the space.</p> <p>D. If a Marine Chemist tested for toxics, the competent person must also test for the same toxics, as well as oxygen and flammable gases to maintain the Marine Chemist Certificate, unless specifically stated otherwise on the Certificate.</p> <p>E. See 29 CFR 1915 subpart B, App. A for a good discussion on retesting and change of conditions. (Request re-testing if work has been conducted, a lunch break has been taken and equipment was left unattended in the space, equipment may have been operated on deck and exhaust has entered the space, etc.)</p> <p>F. Exception: During a yard shutdown, at shipyards where work completely stops over the weekend, testing may be suspended during the weekend. All spaces must be checked prior to the first workers entering spaces at the beginning of the week. (See definition of yard shutdown.)</p>
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<p>12. When is ventilation required?</p> <p>See Job Aid #200 for assistance in determining adequate ventilation.</p>	<p>A. Prior to entry, spaces shall be ventilated so that a minimum of three complete air changes have occurred.</p> <p>B. During entry, continuous ventilation shall be provided at volumes and flow rates sufficient to ensure oxygen, LEL, and toxic, corrosive or irritant vapors and dusts are maintained at acceptable levels. (Refer to 29 CFR 1915.13(b)(3).</p> <p>C. If the ventilation fans or ducting blocks the only means of access and egress, arrangements should be made with the yard foreman to have an attendant standing by at the entrance during the entire time Coast Guard personnel are in the space. Ensure the attendant is prepared to move the fan or ducting to allow Coast Guard personnel easy access and egress.</p> <p>D. Exception: If natural ventilation is sufficient to meet the initial entry requirements for atmospheric conditions listed in Number 9 of this policy, then forced mechanical ventilation is not required for entry, provided the oxygen concentration is continuously monitored (use of a multi-gas meter is sufficient) and conditions have not changed within the space (See Add'l Guidance Regarding Atmospheric Hazards). Examples may include spaces such as lazarettes or accessways. This exception does not apply to spaces such as cargo tanks, fuel tanks or other tanks that have contained materials capable of producing additional hazards resulting from regeneration of vapors.</p>
<p>13. What personal protective equipment (PPE) shall be provided by the unit?</p>	<p>A. General PPE requirements are found in Marine Safety Manual Volume I (COMDTINST 16000.6), Chapter 8- Material Management. This chapter is a good starting point for determining PPE, but it is the unit's responsibility to ensure their personnel have appropriate PPE to perform all required tasks in a safe manner. Units should ensure adequate PPE is provided to personnel entering confined spaces based on the hazards present. Units should contact the cognizant SEHO for determining appropriate PPE or to assess hazards.</p>

<p>14. What PPE is provided by Headquarters?</p>	<p>A. Commandant (CG-CVC-1) currently funds multi-gas meters and replacement part. The Marine Safety Industrial Hygienist in Commandant (CG-1132) manages the contract and meters are distributed directly to field units based on the number of personnel requiring them.</p> <p>B. To change the number of multi-gas meters your unit receives or for status updates on equipment orders, contact Commandant (CG-1132).</p>
<p>15. When must the Atmospheric Monitoring Devices (e.g., multi-gas meters) be worn?</p>	<p>A. The multi-gas meters shall be worn by at least the first Coast Guard person entering every confined space.</p> <p>B. If possible, all Coast Guard personnel entering confined spaces should wear a multi-gas meter.</p> <p>C. If the space contains internal structural members that could result in pocketing of gases, a multi-gas meter (atmospheric monitoring device) is required for every Coast Guard person entering the space.</p>
<p>16. When must the Emergency Escape Breathing Device (EEBD) be carried?</p>	<p>The EEBD is required to be carried:</p> <p>A. When Coast Guard personnel are near compressed or liquefied gas cargoes;</p> <p>B. In pump rooms on vessels carrying cargo (<i>vice on a vessel in a shipyard, that is completely gas free</i>);</p> <p>C. During entries into tanks that have carried Subchapter O cargoes unless it creates a safety hazard (e.g. inhibits egress from the tank);</p> <p>D. Near cargo transfers of Subchapters D and O cargoes</p> <p>E. During initial pollution response activities or other emergency response activities,</p> <p>F. During testing of CO₂ fire extinguishing systems; and,</p> <p>G. When entering other spaces that have the potential for suddenly changing atmospheres. Examples include, but are not limited to: entering a space to witness a soap test of a repair in which the adjacent space is pressed up and not designated “SAFE FOR</p>

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	<p>WORKERS” by the Marine Chemist, and entering a ballast tank with the adjacent tank full of cargo and/or inerted. The inspector must exercise judgment in determining the circumstances when the space’s atmospheric conditions may become dynamic. When in doubt, the EEBD should be carried.</p> <p>[Note: An EEBD is a form of respiratory protection, but is to be used exclusively as emergency protection. An EEBD shall never be used for the purpose of ENTERING a hazardous area. An EEBD is primarily for sudden releases of toxic or explosive vapors/gases, or unexpected encounters with high concentrations of toxic vapors with good warning properties. EEBD's are only effective for protection from oxygen deficiency if an oxygen monitor or multi-gas meter is also being used.]</p>
<p>17. What precautions must be taken to prevent falls from greater than 6 feet?</p>	<p>A. OSHA regulations require that personnel do not climb more than 6 feet above a steel landing or 15 feet above a water landing without using adequate fall arrest equipment. This applies only to free climbing and does not include fixed ladders.</p> <p>B. Recognizing the difficulty of always applying the standard, Coast Guard units shall develop proactive working relationships with local shipyards and vessel owner/operators to resolve the fall protection issue within the guidelines provided here.</p> <p>C. Other options for conducting an inspection without free climbing include use of binoculars, high quality camera/video equipment, fixed and moveable scaffolding that meet OSHA requirements, and rafting.</p>

<p>18. When is intrinsically safe or explosion-proof portable equipment required?</p>	<p>A. If all the spaces in the entire cargo block are not certified “Safe for Hot Work,” only Underwriters Laboratories (UL) approved, Class I Division I Group D equipment, including flashlights and radios, may be used.</p> <p>B. Use of an inspection hammer in a space designated “Safe for Workers” is authorized, unless a note on the permit or certificate indicates otherwise.</p>
<p>19. What information is required on a Marine Chemist Certificate?</p>	<p>A. All items in the top section, including: Date and Time, Specific Location of Vessel, Vessel (Name) and Type of Vessel, Previous (3) Cargoes or Loadings, Tests Performed including oxygen, flammability, toxicity (specifying chemical(s)) and visual inspection.</p> <p>B. In the body of the certificate: a Listing of the Spaces, Standard Safety Designation(s), Test Results (% Oxygen, % of LEL, Toxics – typically measured in ppm) listed for each space individually or for a group of spaces for which the same results exist, additional instructions or notes, and</p> <p>C. In the signature line, the Marine Chemist’s signature and the Person signing for receipt of the certificate, including the date received.</p>
<p>20. Must Coast Guard personnel be accompanied by a person having responsibility for the work?</p>	<p>A. Yes. A person responsible for the work should always accompany Coast Guard personnel. (In shipyards, a yard representative. On vessels outside of shipyards, a vessel representative.)</p>

<p>21. What communications capabilities are required?</p>	<p>A. Prior to entering a confined space, entrants (Coast Guard personnel and persons responsible for the work) shall agree with topside personnel as to the manner and frequency of communications under normal and emergency conditions. This may include radios, whistles, voice, etc.</p>
<p>22. What issues shall be evaluated and precautions taken with regard to access and egress?</p> <p>See also Section 12. C.</p>	<p>A. The type of confined space to be entered, access to the entrance(s) including number and size of openings, barriers within the space, size of the space, including time required for exiting in the event of an emergency and time required to rescue an injured worker are factors that affect the extent of precautions taken and the standby equipment needed when entering a confined space.</p> <p>B. Personnel should have an egress plan for normal conditions and emergencies for each confined space entry. This plan shall be discussed with other Coast Guard members, prior to entering a confined space. Particular care should be taken to ensure that trainees understand the plan.</p> <p>C. As part of the annual review of the shipyard's safety program (<i>See Job Aid #100</i>) the SM/USC and CID shall determine whether the shipyard takes adequate precautions, provides appropriate standby equipment, and whether Coast Guard personnel are adequately trained on the shipyard's procedures. The cognizant SEHO can assist in this assessment.</p>

<p>23. What rescue provisions must be in place before performing a confined space entry on merchant vessels?</p>	<p>A. Before entering a confined space, Coast Guard personnel shall obtain training from the shipyard or vessel (including offshore facilities) personnel regarding their rescue procedures including equipment that might be used.</p> <p>B. 29 CFR 1915 subpart B requires the employer to either establish a shipyard rescue team or arrange for an outside rescue team which will respond promptly to a request for rescue service.</p> <p>C. As part of the review of the shipyard's safety program, the CID or detachment or detail supervisor and SM/USC shall review the shipyard's rescue program to ensure it is adequate.</p> <p>D. If vessels outside of shipyards do not have confined space rescue equipment, the unit may have to remind the vessel to arrange with the fire department or contract with a local confined space entry rescue team to ensure a rescue team is available. In areas where there is no available rescue services the provisions in SWP #150 shall be followed. Note: The procedures contained in SWP#150 do not meet the rescue team requirements in 29 CFR 1915 and although it has been determined to be more protective than the OSHA requirements the procedures cannot be used by CG civilian personnel until an alternative is approved by the Secretary of Labor.</p>
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<p>24. Is the Marine Chemist and Competent Person required to inspect and test all four corners of the tank, high and low?</p>	<p>A. Not necessarily. NFPA teaches that if there are no barriers in a tank (basically, you have an empty box), then the atmosphere will either be mixed or heavier and lighter gases and vapors may be layered in the tank, but the concentration at any given height will be the same from one side of the tank to the other, and it is not necessary to walk to every corner. The Marine Chemist and competent person are required to physically enter spaces (when it is physically possible to do so) to conduct a visual inspection and personally determine conditions in the tank. They must also be able to determine that there are no residues that could regenerate an atmospheric hazard based on the scope of work. If this can be accomplished without walking all four corners then they are not required to do so.</p>
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B. Common Terms and Definitions.

Air Purifying Respirator (APR): A respirator that removes a contaminant from the air being inhaled by the wearer as a result of passing it through a filter or cartridge containing a solid sorbent, such as activated charcoal.

***Adjacent spaces:** Those spaces in all directions from subject space, including all points of contact, corners, diagonals, decks, tank tops, and bulkheads.

Ceiling Limit: An airborne concentration above which personnel should not enter without proper respiratory protection. For the purposes of this policy, the concentrations specified in exposure guidelines (PEL's/TLV's) for chemicals shall be treated as ceiling limits.

Competent Person (CP): A person who is designated in writing by their employer and has the ability to understand and carry out written or oral information or instructions left by the Marine Chemist, has knowledge of 29 CFR 1915 Subparts B, C, D, and H; has knowledge of the structure, location, and designation of spaces where work is done; has the ability to calibrate and use testing equipment including but not limited to, oxygen indicators, combustible gas indicators, carbon monoxide indicators, and carbon dioxide indicators, and to interpret accurately the test results of that equipment; has the ability to perform all required tests and inspections which are or may be performed by a competent person as set forth in Subparts B, C, D, and H of 29 CFR 1915; has the ability to inspect, test, and evaluate spaces to determine the need for further testing by a Marine Chemist or Certified Industrial Hygienist and has the ability to maintain records as required by 29 CFR 1915.7(d). Note: The CP must be trained and be able to perform all tests for toxic vapors conducted by a Marine Chemist. These toxic tests shall be carried out by the CP to maintain the Marine Chemist certificate. Finally, the CP's training must be documented.

Confined Space: For the purposes of this policy, a “confined space” encompasses those spaces defined in 29 CFR 1915 as either a “confined space” or “enclosed space.”

Functionally, this would be an area on a vessel or vessel section that has the following characteristics:

- (1) limited access or egress; or
- (2) contains or may contain an atmosphere whose oxygen content is or may become less than 19.5% or greater than 22.0% by volume; or
- (3) contains or may contain an atmosphere in which flammable vapors or gases exceed or may exceed 10% of the lower explosive limit (LEL); or
- (4) contains or may contain vapors or gases whose concentration exceeds or may exceed the OSHA Permissible Exposure Limit (PEL) or ACGIH Threshold Limit Value (TLV), whichever is lower; or
- (5) contains other hazards which are created or aggravated by the size and confined nature of a space or by the type of activity occurring in the space.
Examples include, but are not limited to: cargo tanks or holds; pump rooms; storage lockers; tanks containing flammable or combustible liquids, gases, or solids; double bottoms/sides; voids; forepeak/rake ends; crawl spaces; or accessways. Confined spaces may also include machinery or other structures that may not normally be thought of as a space, such as: large piping systems, engine crankcases, large heat exchangers, scavenging spaces, boiler mud or steam drums, etc. The atmosphere within a confined space is the entire area within its bounds.

Enter with Restrictions: A standard safety designation that indicates that in all spaces so designated, entry for work shall be permitted only if conditions of proper protective equipment, or clothing, or time, or all of the aforementioned, as appropriate, are specified.

Lower Explosive Limit (LEL): The lower limit of flammability of a gas or vapor at ambient temperatures and pressures, expressed in percent of the gas or vapor in air by volume. Also called the lower flammable limit (LFL). (Note: Combustible gas indicators measure percent of the LEL in the atmosphere.)

[Note: Explosion Hazards in Confined Spaces. Flammable and combustible cargoes or fuels present a very serious safety hazard due to potentially explosive atmospheres. An acceptable measure is less than 10% of the Lower Explosive Limit (LEL). However, any reading between 1 and 10% should be evaluated with caution prior to entry. Personnel should be aware of the increased danger of explosions in spaces with oxygen enriched atmospheres. If there is any doubt about the ventilation or tank testing, it should be corrected before entering the space. A multi-gas meter (BW Technologies GasAlertMicro (GAMIC), GasAlertMicro Clip, or equivalent should be carried.)

***Marine Chemist:** The holder of a valid Certificate issued by the National Fire Protection Association in accordance with the “Rules for Certification of Marine Chemists,” establishing the person’s qualifications to determine whether construction, alteration, repair, or ship breaking of vessels, which may involve hazards covered by NFPA 306, *Control of Gas Hazards on Vessels*, can be undertaken with safety.

Must: Action is required.

***Not Safe for Hot Work:** A standard safety designation that indicates that in the compartment so designated, hot work shall not be permitted.

***Not Safe for Workers:** A standard safety designation that indicates that the compartment or space so designated shall not be entered by personnel.

Occupational Safety and Health Administration (OSHA) Permissible Exposure Limit (PEL): The inhalation exposure limit specified in 29 CFR 1915.1000. These limits may be expressed as 8-hour time-weighted average (TWA), 15-minute Short Term Exposure Limit (STEL), or Ceiling Limit (C).

Primary protection: When toxic gas, vapor, fume or dust levels exceed the PEL or TLV concentration, and a respirator is used so that a person may safely enter the space, the respirator is providing **primary protection**.

***Safe for Hot Work:** A standard safety designation that indicates that the compartment or space so designated, as well as all adjacent spaces, meet the requirements of NFPA 306 to enable hotwork to be safely conducted in the subject space. See NFPA 306 version 2009 edition, Section 2-3.4, for the requirements to meet this designation.

***Safe for Limited Hot Work:** A standard safety designation that indicates that the compartment or space so designated, as well as all adjacent spaces, meet the requirements of NFPA 306 to enable hot work to be safely conducted in a specific area of the subject space as stated on the Certificate. See NFPA 306, Section 2-3.6, for the requirements to meet this designation.

***Safe for Workers:** A standard safety designation that requires that in the compartment or space so designated, the following criteria shall be met:

- (a) The oxygen content of the atmosphere shall be at least 19.5% and not greater than 22% by volume.
- (b) The concentration of flammable materials shall be below 10% of the lower explosive limit.
- (c) Any toxic materials in the atmosphere associated with cargo, fuel, tank coatings, inerting mediums, or fumigants shall be within permissible concentrations at the time of the inspection.

- (d) The residues or materials associated with the work authorized by the Certificate shall not be capable of producing uncontrolled toxic materials under existing atmospheric conditions while being maintained as directed on the Certificate.

Safety and Environmental Health Officer (SEHO): A Coast Guard or Public Health Service professional trained in the anticipation, recognition, evaluation and control of workplace and environmental hazards.

Safety Manager / Unit Safety Manager (SM / USM): A person assigned at a Coast Guard marine safety unit to coordinate its Safety and Occupational Health Program. This is generally a collateral duty, but may be a full-time position at larger Sectors.

Secondary protection: When toxic gas, vapor, fume or dust levels do not exceed the PEL or TLV concentration, but a respirator is used because of nuisance odors or extra protection from exposure to contaminants, the respirator is providing **secondary protection**.

Threshold Limit Value (TLV) - American Conference of Governmental Industrial Hygienists (ACGIH) Threshold Limit Values for Chemical Substances: Airborne concentrations of substances which represent conditions to which nearly all workers may be repeatedly exposed, day after day, without adverse health effects. These limits may be expressed as an 8-hour time-weighted average (TWA) or 15-minute Short Term Exposure Limit (STEL).

Yard shutdown: All work stops on all vessels. The yard completely shuts down. No vessels are moved into, out of, or within the yard during the stoppage.

*** Reference- NFPA 306, *Standard for the Control of Gas Hazards on Vessels*, 2009 Edition.**

CHAPTER 10. OCCUPATIONAL HEALTH AND SAFETY PROGRAMS
APPENDIX E
LIST OF OILS CONSIDERED TO POSE A MINIMAL HEALTH RISK TO
RESPONSE PERSONNEL

- A. LIST OF OILS WHICH DO NOT POSE A SIGNIFICANT VAPOR INHALATION HAZARD (PRIMARY HAZARD IS SLIP-TRIP-FALL) IN OUTDOOR CONDITIONS FOR POLLUTION RESPONSE. USE THE GUIDELINES IN APPENDIX F TO THIS CHAPTER FOR RESPONDING TO THESE OILS.

CLARIFIED OIL

CRUDE OIL (unconfined, weathered 24 hrs minimum)

EDIBLE OILS, including:

coconut oil
cottonseed oil
fish oil
olive oil
peanut oil
safflower oil
soya bean oil--soybean oil
tucum oil--palm kernal oil
vegetable oil

No 2 FUEL OIL, home heating oil
No 4 FUEL OIL, residual fuel oil
No 5 FUEL OIL, residual fuel oil
No 6 FUEL OIL, bunker C, residual fuel oil
JP-5, heavy kerosene, navy jet fuel
JET-A
LINSEED OIL, flaxseed oil
LUBRICATING OIL, motor oil, transmission oil
NEATSFOOT OIL
RESIN OIL, rosin oil, Retinol
TALL OIL

- B. LIST OF OILS WHICH HAVE SIGNIFICANT TOXIC VAPOR AND/OR SKIN CONTACT HAZARDS. RESPONSE TO THESE OILS MUST CONSIDER AND EVALUATE THE HAZARD TO PERSONNEL FROM INHALATION OF VAPORS. TREAT THESE OILS AS HAZARDOUS CHEMICALS FOR RESPONSE PURPOSES.

ABSORPTION OIL

WASTE LUBE OIL, spent motor oil, bilge oil

COAL TAR OIL, light oil, cresote coal tar found in blends CROTON OIL
EDIBLE OILS:

castor oil
lard oil, No 2 Mineral Oil
palm oil (CHRIS:OPM/SAX), palm butternotes,

FURNACE BLACK, carbon black
GASOLINES AND GAS OILS, cracked gas oil gasoline blending stocks (alkylates)
gasoline blending stocks (reformates) automotive gasoline (less than 4.23 gm Pb/gal)
aviation gasoline (less than 4.86 gm Pb/gal) casinghead gasoline, natural gasoline
polymer gasoline straight run gasoline

JP-1

JP-3

JP-4

JP-6

JP-8

JP-10,

Kerosene, No 1 oil, No-1D, kerosene, JP-1, coal oil, range oil light diesel, medium
diesel, diesel oil

oil; fuel; No 1
oil; fuel; No 1D
oil; fuel; No 2D
oil; diesel
oil; miscellaneous, range
kerosene

MINERAL OIL, white oil

MINERAL SEAL OIL, long-time burning oil

ROAD OIL, petroleum asphalt

CHAPTER 10. OCCUPATIONAL HEALTH AND SAFETY PROGRAMS
APPENDIX F
JOB AIDS

A. PURPOSE.

This appendix provides basic guidelines to assist units in the evaluation of shipyards' Health and Safety Programs and ventilation practices relating to confined spaces

B. LIST OF JOB AIDS.

The following is a list of job aids.

100: Evaluation of Shipyard Health and Safety Program with Respect to the Impact on Coast Guard Employee Health and

200: Confined Space Entry Ventilation

Job Aid # 100

Evaluation of Shipyard Health and Safety Program with respect to the impact on CG Employee Health and Safety

The purpose of this check sheet is to assist CID's, detachment and detail supervisors, SM/USC's and SEHO's in reviewing shipyard safety hazards and controls with shipyard personnel. The goal is to exchange hazard information to ensure that CG members safely conduct their inspections while on the yard's facilities. Enforcement of OSHA regulations is **not** the primary goal. However, if in the course of ensuring CG member safety, uncorrected hazards affecting shipyard employee health and safety are noted, the shipyard should be informed of the hazards.

General

- Shipyard actively participates in **exchange of hazard information and safety rules and procedures** with Coast Guard members. [29 CFR 1915(f) and Basic Elements of a Maritime Occupational Safety and Health Program Standard, published as a Guide in the last OSHA Shipyard Digest.]
- Housekeeping is adequate. [29 CFR 1915.91]
- Illumination of accesses, walkways and work areas is adequate. [29 CFR 1915.92]
- Utilities:
 - Steam systems have relief valves, fittings have a safety factor of not less than five, hose and temporary piping are shielded where passing through normal work areas to prevent accidental contact with people in the space. [29 CFR 1915.93(a)]
 - When vessel is supplied electrical power from a source other than the vessel itself, the vessel is adequately grounded, yard ensures through vessel owner or representative that vessel's circuits to be energized are in a safe condition, circuits used are protected with overcurrent protection. [29 CFR 1915.93(b)]
 - Infrared heat lamps are adequately guarded. [29 CFR 1915.93(c)]
- Work on or near radar and radio is properly controlled. [29 CFR 1915.95]
- Work in lifeboats is properly controlled. [29 CFR 1915.96]
- Health and Sanitation: Health hazards that CG employees may encounter include those covered by 29 CFR Subparts B (Confined and Enclosed Spaces and Other Dangerous Atmospheres in Shipyard Employment), C (Surface Preparation & Preservation), D (Welding, Cutting and Heating) and Z (Toxic and Hazardous Substances). These specific sections are discussed in more detail later in this check sheet.
 - Eating & smoking are not allowed in areas where atmospheric contaminants are produced. [29 CFR 1915.97(c)]
 - Employees working beneath or on outboard side of a vessel are not subject to contamination by drainage or waste from overboard discharges. [29 CFR 1915.97(d)]

Job Aid # 100

Evaluation of Shipyard Health and Safety Program with respect to the impact on CG Employee Health and Safety

Slips, Trips & Falls

- Trends or lessons learned specific to yard of which CG members should be aware?

Abrasive Blasting

- Materials used? (CG members shall avoid all areas where abrasive blasting is being conducted.)

Surface Preparation and Preservation

- CG members shall not enter a confined space where painting or paint removal is being conducted.
- CG members shall avoid open-air blasting operations.
- CG members shall avoid open-air spray painting operations.
- CG members shall avoid, to the extent possible, open air brush painting or preservative coating operations.
- For hazard communication purposes, what are the hazards of the paint removers and paint systems used by the yard? [29 CFR 1915 subpart C]

Welding, cutting and burning

- Yard is able to schedule Coast Guard inspections during periods when welding is not being conducted?
- If an exception must be made and *SWP# 111* is implemented, review 29 CFR 1915 subpart D and ensure that CG employees have information and personal protective equipment needed to comply.

Preventing falls from heights greater than six feet:

- Techniques used by yard to prevent falls from heights higher than 6 feet:
 - Scaffolding in accordance with 29 CFR 1915 subpart E. Note that 29 CFR 1915.71(j) requires rails for scaffolding, staging, runways, or working platforms which are supported or suspended more than 5 feet above a solid surface or at any distance above water. If the rails are omitted, employees are to be protected by fall arrest systems IAW 29 CFR 1915.159.
 - Rafting.
 - Inspection through use of high quality binoculars, camera or video equipment.
- Any training needed by CG members to ensure they are protected from heights greater than 6 feet?

Ladders

- Use of ladders with broken or missing rungs or steps, broken or split siderails, or other faulty or defective construction is prohibited. [29 CFR 1915.72]

Job Aid # 100

Evaluation of Shipyard Health and Safety Program with respect to the impact on CG Employee Health and Safety

- Access to cargo spaces and confined spaces is adequate (ladders in good repair, or temporary ladder provided, at least two means of access not blocked by ventilation ducts, unless vessel design makes this impractical, then other appropriate precautions are taken). [29 CFR 1915.76]

Working Surfaces

- Working/walking surfaces are adequate (firebox floors covered with temporary planking to afford safe footing for work in boilers, scaffolding provided for working aloft, work platforms in restricted areas are adequate, persons boarding, leaving or working from small boats or floats are protected by PFDs. [29 CFR 1915.77]

Gear and Equipment for Rigging and Materials Handling

- Can CG members avoid all operations involving lifting and materials handling?
 If no, then review safety procedures contained in 29 CFR 1915 subpart G.

Personal Protective Equipment

- Based on hazards in the yard and CG policies (e.g., avoiding welding, painting and abrasive blasting), what PPE do CG personnel need to work safely in the yard? [29 CFR Subparts C and I]

Ship's machinery and piping systems

- Fire, steam and water spaces of a boiler or piping systems where people may be subject to injury from the direct escape of a high temperature medium such as steam meet the requirements of 29 CFR 1915.162 before work or inspections are started in the space or section of pipe.
 Ship's propulsion machinery meets the requirements of 29 CFR 1915.164 before work begins to prevent the unexpected release of energy.

Ship's deck machinery

- Safety steps required in 29 CFR 1915.165 are in place before work is performed on the anchor windlass or any of its attached accessories.

Portable air receivers and other unfired pressure vessels

- Does the yard use portable, unfired pressure vessels?
 Portable, unfired pressure vessels meet the requirements of 29 CFR 1915.172.

Drums and containers

- Where are drums and containers of hazardous materials stored?
 Drums and containers are stored according to 29 CFR 1915.73 and pressurized piping systems conveying hazardous liquids or gases are provided with relief valves and by-passes to prevent rupture of the system & escape of the hazardous liquids or gases.

Job Aid # 100

Evaluation of Shipyard Health and Safety Program with respect to the impact on CG Employee Health and Safety

Electrical circuits and distribution boards

- Electrical circuits and distribution boards are de-energized IAW 29 CFR 1915.181.
- When work is conducted behind an energized board, the board is covered or some other equally safe means is used to prevent contact with any of the energized parts.

Toxic and Hazardous Substances

- What toxic and hazardous substances are used by the yard?
- Request copies of Material Safety Data Sheets (MSDS's) for those substances around which CG employees may be working (should be used in Hazard Communication training.)

Confined Space Entry Program

Shipyard Competent Person Program

- Competent persons are designated in writing by shipyard management. [29 CFR 1915.7(b)(1)]
- Competent person related training and experience is documented. [ISO 9001]
- Evidence that the competent person receives oversight from a Certified Marine Chemist or Certified Industrial Hygienist exists. [Recommended practices]
 - What is the interaction between the Marine Chemist and competent person?
 - Competent person accompanies Marine Chemist during testing.
 - Face to face exchange of information with Marine Chemist.
- Instrument calibration procedures are documented [ISO 9001]
- Instrument calibration is verified before each day's use by using a known concentration of test gas in a manner consistent with manufacturer's recommendations [NFPA 306, 2-2.1]
- Records of instrument calibrations are maintained [NFPA 306, 2-2.1]
- Confined space testing and inspection procedures are documented [ISO 9001]
- Confined space testing and inspection results are recorded and include at a minimum: location of vessel, time, date, location of inspected spaces, operations performed, test results, and any instructions. (e.g., Competent Persons Log) [29 CFR 1915.7(d)(1)]
- Confined space entry records are kept on file for a period of at least three months from the completion date of the specific job for which they were generated. [29 CFR 1915.7(d)(3)]

Confined space access control

- Marine Chemist Certificates and Competent Persons Logs are posted in the immediate vicinity of the affected operations. [29 CFR 1915.7(d)(2)]

Job Aid # 100

Evaluation of Shipyard Health and Safety Program with respect to the impact on CG Employee Health and Safety

- The Competent Persons Log & other signs or labels are easy to understand.
[29 CFR 1915.16(a)]
- Confined space rescue team**
 - The shipyard has established a shipyard rescue team [29 CFR 1915.12(e)], or
 - The shipyard has arranged for an outside rescue team to respond within 5 minutes. [29 CFR 1915.12(e)] NOTE: Regulations state “promptly.”
 - The rescue team has held a practice drill or conducted an actual rescue within the last 12 months. [29 CFR 1915(e)(1)(iii)]
 - At least one person on the rescue team is trained in basic first aid and CPR.
[29 CFR 1915(e)(1)(iv)]
- Practical verification of competent person skills**
 - Competent person can describe hazards associated with confined space entry in general, and specific spaces in particular.
 - Competent person can state the required oxygen and lower explosive limit (LEL) readings required for entry.
 - Confined space testing and inspection procedures are to test for the same toxics the chemist tested, unless stated otherwise on the Marine Chemist certificate.
 - Competent person demonstrates satisfactory testing procedures.
 - Competent person records test results on competent person’s log.
 - Competent person makes appropriate judgement regarding maintenance of conditions and need to contact or recall the Certified Marine Chemist.

Job Aid # 200
Confined Space Entry Ventilation

In determining whether three air changes have occurred in a confined space, the type of ventilation (natural or mechanical), duct configuration, and potential sources of contaminants need to be considered. This guide is intended to help inspectors determine the length of time needed to make 3 complete air changes in a space and determine whether the duct configuration is adequate. The calculations assume ideal mixing and that the flow rate of the fan is equal to its rated capacity, neither of which will be true under real conditions. Therefore, additional time should be added based on the ventilation configuration and condition of the fans.

Calculating Time to Complete 3 Air Changes, Assuming Ideal Mixing Conditions

Minutes for 3 air changes = (Volume of Space (ft³) ÷ Flow rate of fan (cfm)) X 3

Example:

A tank is 20 feet long by 35 feet wide by 10 feet high. The fan's capacity is 2000 cfm. Assuming ideal mixing, how long will three air changes take?

Answer: Volume of space = 20 ft X 35 ft X 10 ft = 7000 ft³
Time for 3 air changes = (7000 ft³ ÷ 2000 cfm) X 3 = 10.5 minutes

Table for determining time for 3 air changes, assuming ideal mixing (times listed are in minutes):

TIME FOR 3 AIR CHANGES							
(Minutes)							
Volume of Space (Ft³)	Flow Rate of Fan (CFM)						
	500	1000	1500	2000	2500	3000	5000
5000	30	15	10	7.5	6	5	3
10,000	60	30	20	15	12	10	6
25,000	150	75	50	37.5	30	25	15
50,000	300	150	100	75	60	50	30
100,000	600	300	200	125	120	100	60
200,000	1200	600	400	250	240	200	120
500,000	3000	1500	1000	625	600	500	300
1,000,000	6000	3000	2000	1250	1200	1000	600

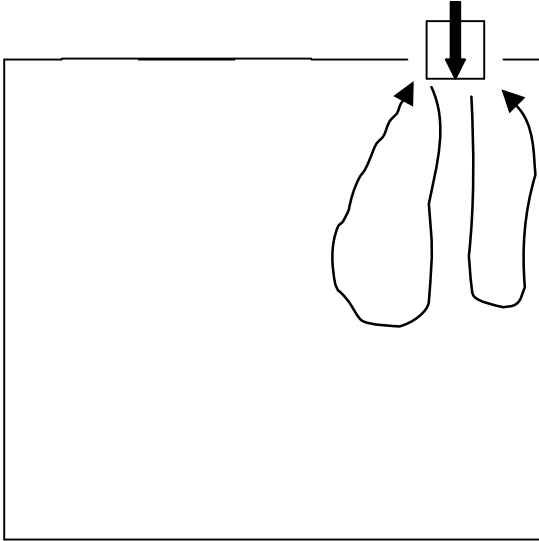
Job Aid # 200
Confined Space Entry Ventilation

What do you mean by ideal mixing?

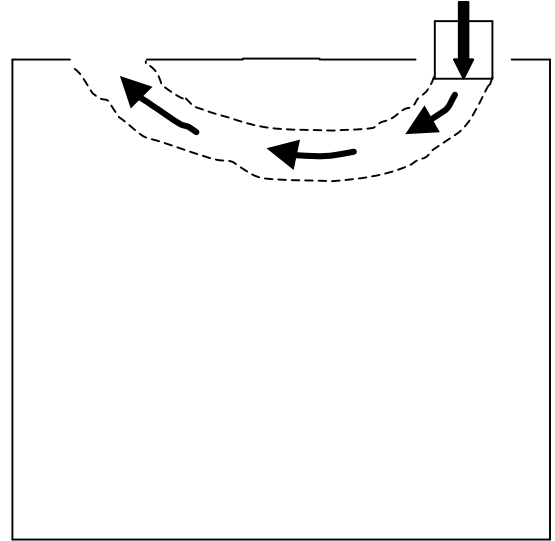
Ideal mixing means that the clean air is blown throughout the tank and dilutes the contaminants. The contaminants are slowly removed with the air being blown out of the tank.

What prevents ideal mixing?

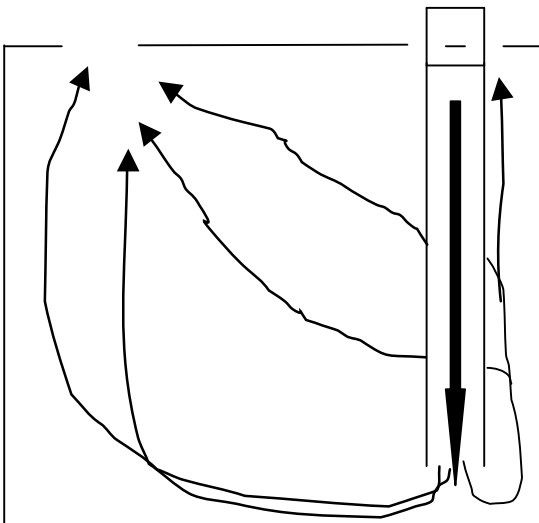
Short circuiting is the biggest obstacle to good mixing.



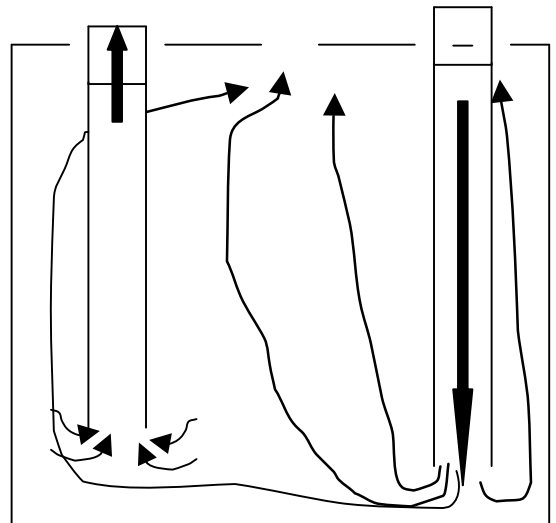
Short circuiting with forced mechanical ventilation in “blowing” mode, but one hatch.



Second hatch improves mixing, but short-circuiting may still be a problem.



Forced ventilation combined with ducting and a second hatch to improve mixing provides the best configuration for general mechanical ventilation.



A combination of local exhaust ventilation and supply general ventilation is best for welding.

CHAPTER 10. OCCUPATIONAL HEALTH AND SAFETY PROGRAMS
APPENDIX G
GUIDELINES FOR THE USE OF RESPIRATORY PROTECTION BY MARINE
SAFETY PERSONNEL FOR PROTECTION FROM BENZENE

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- B. Product Categories
- C. Authorization to Use Respiratory Protection
- D. Intent and Restrictions Regarding Respirator Authorization
- E. Audit Requirements
- F. Confined Space Entry
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 - F.1.a. Work Authorization
 - F.1.b. Ventilation
 - F.1.b.(1) Pumproom Ventilation
 - F.1.c. Restriction
 - F.1.d. General Protective Equipment and Procedures
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 - F.1.d.(2) EEBD
 - F.1.d.(3) Chemical Protective Boots
 - F.1.d.(4) Chemical Resistant Goggles
 - F.1.d.(5) Chemical Resistant Or Disposable Gloves
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- H. Above Deck and Facility Activities
- I. Time-Weighted Average Entry Plan
 - I.1. Authorization to Use Time-Weighted Average Entry Plans

GUIDELINES FOR THE USE OF RESPIRATORY PROTECTION BY MARINE SAFETY PERSONNEL FOR PROTECTION FROM BENZENE

When respiratory protection is required to be used at a unit or voluntary use of respirators is allowed, the unit will implement a respiratory protection program in accordance with COMDTINST M6260.2 (series) (Technical Guide: Practices For Respiratory Protection).

- A. Application. This appendix applies to products containing benzene in liquid concentrations exceeding 0.1% by volume (see Appendix C for products generally considered to meet this criterion).
- B. Product Categories. Different products contain different concentrations of benzene and will have different potentials for generating benzene vapors which can be inhaled by personnel. For example, it is only natural to approach a spill of pure benzene with a great deal more caution than crude oil. Recognizing this, certain benzene containing products must be treated with a higher degree of caution.
1. Bulk classifications and our understanding of these product hazards lend themselves to three hazard categories: High- BNZ, Moderate-BNZ, and Low-BNZ.
 2. Some representative cargoes for these categories are:
 - a. High-BNZ: Benzene and mixtures having (10% benzene or more by volume*)
 - b. Moderate-BNZ: Automotive and Aviation Fuel (1% to 10% benzene by volume*)
 - c. Low-BNZ: Crude oil (less than 1% benzene by volume*)
 3. Appendix C provides an updated list of products which contain benzene. It should not be considered a complete list. Therefore, product Material Safety Data Sheet (MSDS) should always be reviewed. Most of the products are petroleum distillates and blends, so their benzene content can vary. For environmental response purposes the situation is further complicated by weathering where the benzene content is expected to fall below 0.1% by volume in the first day. For any specific case, a product may be re-categorized based on MSDS information or chemical analysis.

[*Note: This is the percent of benzene as a liquid volume. It is NOT the airborne concentration of benzene. For volume percents less than 0.1% benzene, the amount of benzene is so small that OSHA has determined the exposure risk to be insignificant.]

[*Note: Benzene is a potentially dangerous chemical. High levels of exposure can cause both short-term and long-term health effects. Breathing in high doses of

benzene may affect the central nervous system, which can lead to drowsiness, dizziness, headaches, tremors, confusion, and/or unconsciousness. Consuming foods or fluids contaminated with high levels of benzene can cause vomiting, stomach irritation, dizziness, sleepiness, convulsions, and rapid heart rate. In extreme cases, death may occur after inhaling or swallowing very high levels of benzene. Exposure to benzene liquid or vapor may irritate the skin, eyes, and throat. Skin exposure to benzene may result in redness and blisters. Long-term exposure to benzene primarily harms the bone marrow, the soft, inner parts of bones where new blood cells are made.]

- C. Authorization To Use Respiratory Protection. An effective respiratory protection program must be established before respirators are used. The use of respiratory protection is specifically authorized by this appendix within the guidelines detailed here. This authorization is restricted to non-emergency activities and only when vapor concentrations of benzene are less than 5 ppm. For this appendix, non-emergency is defined to be all incidents where personnel rescue is not involved.
- D. Intent and Restrictions Regarding Respirator Authorization. The intent is to ensure minimal risk to our marine safety personnel and this is done by ensuring no one is exposed above the Threshold Limit Value (TLV), which is the Coast Guard adopted occupational exposure limit and is more conservative than the Occupational Safety and Health Administration's (OSHA) Permissible Exposure Limit (PEL). For marine safety personnel conducting non-emergency operations, it is the Commandant's policy not to rely solely on respirators for protection. While their use is specifically authorized here for protection from benzene vapors, this authorization is intended to provide additional means for protection. It is expected that by following the guidelines in this appendix, personnel will not be exposed above unsafe limits. Respirators do not replace following safe procedures and using good judgment.
- E. Audit Requirements. Units conducting non-emergency operations involving products designated High-BNZ or Moderate-BNZ shall ensure that exposures are documented and audited annually to ensure the effectiveness of procedures. These audits should be conducted under the guidance of the Health, Safety and Work-Life Service Center (HSWL SC) industrial hygienist.
- F. Confined Space Entry. The following safe work practices shall be observed in addition to other SWP's for confined spaces when the vessel cargo includes products containing benzene or when one of the last three cargoes contained benzene.
 - 1. All BNZ Products.
 - a. Work Authorization. Personnel must be authorized by the command to make a confined space entry if one of the last three products in the space contained benzene. Permanent authorization may be granted provided hazard communication and SWP training has been completed, and applicable respiratory protection and medical monitoring provisions have been met. Note:

access control procedures are required by regulation for general industry and shipyards.

(1) Authorization should not be granted until the following conditions are met:

- (a) Prior to entering, a marine chemist or in specific circumstances an individual acceptable to the OCMI conducts required atmospheric testing and documents the results as required, including actual benzene concentrations detected (see below);
- (b) A determination is made that a good faith effort has been made to clean the space or otherwise reduce benzene concentrations below 0.5 ppm before entry. If a benzene concentration of less than 0.5 ppm cannot be achieved, a designated individual within the unit shall make a determination that a good faith effort to clean the space has been attempted prior to authorizing the entry;
- (c) Provisions of the benzene exposure limit standard are otherwise met (hazard communication, SWP training, medical monitoring, etc.); and
- (d) The atmospheric test results document in writing that toxic testing for "benzene" was conducted and what the benzene concentration is in the space.

(2) The following are examples of **acceptable** wording on a Marine Chemist Certificate:

- (a) "Safe for hotwork, safe for workers ... benzene less than or equal to 0.5 ppm"
- (b) "Not safe for hotwork, safe for workers ... benzene less than or equal to 0.5 ppm"
- (c) "Safe for hotwork, enter with restrictions benzene concentration greater than 0.5 ppm or equal to 5 ppm"

(3) The following are examples of **unacceptable** wording on a Marine Chemist Certificate:

- (a) "Safe for hotwork, safe for workers"

(Unacceptable because it does not note that benzene was tested for and does not give a numeric value for the test results.)

- (b) "Safe for hotwork, enter with restrictions"

(Unacceptable because it does not note that benzene was tested for and does not give a numeric value for the test results. In addition to the requirements of the benzene standard, there is no way to determine the adequacy of selected respiratory protection without a numeric value.)

(c) "Safe for hotwork, safe for workers ... benzene within acceptable limits"

(Unacceptable because it does not give a numeric value for the test results.)

(d) "Safe for hotwork, safe for workers ... no benzene detected"

(Unacceptable because there is no numeric value given. This is a good example of why a value is needed. If the level of benzene is below the level of detection (LOD), then that LOD shall be noted on the certificate (NFPA 306, 13 A.4.4.1.1).

(e) "Safe for hotwork, safe for workers ... benzene concentration 0"

(Unacceptable because there is no instrument which can measure zero benzene.)

(4) The latest atmospheric test for benzene must be conducted within one day (24 hours), unless otherwise noted, prior to entry and shall specifically note that toxic testing for "benzene" was conducted and provide the concentration as outlined above.

b. Ventilation. Spaces are not to be entered unless mechanical forced air ventilation is running since issuance of the marine chemist (or an individual acceptable to the OCMI) certificate and that at least 3 air changes have been completed, consistent with Job Aid #200 (Appendix F) of this chapter – Confined Space Entry Ventilation. Ventilation shall be maintained during entry unless overriding safety considerations are present.

(1) Pump rooms shall not be entered unless ventilation fans are working properly and have been running for at least 15 minutes prior to entry and at least 3 air changes have been completed. If there are indications that fans are not working properly it shall be demonstrated to the satisfaction of the OCMI that volume flow and atmospheric conditions within the pump room have not changed since last checked.

c. Restriction. Non-emergency entry is not allowed if benzene concentrations exceed 5 ppm.

d. General Protective Equipment And Procedures.

- (1) Hatch Watch. Ensure that hatchways or entranceways to the space cannot be accidentally closed.
 - (2) EEBD. Carriage is required unless carriage would cause additional safety hazards (Example: jeopardizes emergency egress from a double bottom).
 - (3) Multi-Gas Meter. At least one individual must (and all others should) carry an energized and calibrated multi-gas meter while in the space.
 - (a) The first person entering should have the multi-gas meter.
 - (b) Persons without a multi-gas meter shall "buddy up" with a person carrying one.
 - (c) Any meter indication (beyond normal variations) shall be considered a reason to depart the space until the cause can be determined. Abnormal readings may indicate the presence of toxins and further testing may be required by a marine chemist or other individual acceptable to the OCMI before re-entry is authorized.
 - (4) Chemical Protective Boots. Protective boots shall be used if substantial product residues remain as residues of hydrocarbon products may generate a skin contact exposure route. Residues may also contain other agents which can cause dermatitis or skin cancer.
 - (5) Chemical Resistant Goggles. If a full-face respirator isn't being worn, goggles shall be used where there is a potential for liquid or residues to splash onto the face.
 - (6) Chemical Resistant Or Disposable Gloves. Required as needed to prevent prolonged skin contact with liquid or residues.
- e. Respiratory Protection.
- (1) When the benzene concentration is greater than 0.5 ppm but less than 5 ppm, the inspector must wear a half-face respirator and total exposure time shall not exceed 8 hours per day.
 - (2) When the benzene concentration is less than or equal to 0.5 ppm, respiratory protection is optional.
 - (3) Cartridges or canisters are to be discarded in accordance with change-out schedule recommended by the manufacturer or sooner if breakthrough is detected.

G. Environmental Response. The following safe work practices shall be observed in addition to other SWP's for environmental response involving products containing benzene.

1. All BNZ Products.

- a. Work Authorization. Personnel must be authorized to conduct these activities. Permanent authorization may be granted provided that Hazardous Waste Operations and Emergency Response (HAZWOPER) training in accordance with COMDTINST 6260.31 (series) and SWP training has been completed, and applicable respiratory protection and medical monitoring provisions have been met.

2. Response Activities Involving High-BNZ Products.

a. Treat As A Chemical Response.

- b. Restriction. Non-emergency entry is not allowed if benzene concentrations exceed 5 ppm.

c. General Protective Equipment And Procedures.

- (1) EEBD. Emergency escape breathing device is required to be carried until a contamination reduction zone has been established. Avoid areas of suspected contamination.
- (2) Multi-Gas Meter. At least one individual must (and all others should) carry an energized and calibrated multi-gas meter while in the space.
- (a) The first person entering should carry the meter.
- (b) Persons without a multi-gas meter shall "buddy up" with a person carrying a meter.
- (c) Any meter indication (beyond normal variations) shall be considered a reason to depart the space until the cause can be determined. Abnormal readings may indicate the presence of toxins and further testing may be required by a marine chemist or other individual acceptable to the OCMI before re-entry is authorized.
- (3) Protective Clothing And Respirators. Select in accordance with chemical response guidelines.

H. Above Deck And Facility Activities. See section 10.C of this chapter (Unit Safety and Environmental Health Program) for guidance on the development of SWP's for above deck and facility activities to include cargo loading and hose

connect/disconnect, cargo tank cleaning or venting, and facility inspections during cargo transfer.

I. Time-Weighted Average (TWA) Entry Plan.

1. Authorization to Use TWA Entry Plans. If expressly permitted by the unit's confined space entry policy, a TWA entry plan may be used. The Safety and Environmental Health Officer (SEHO) or a Coast Guard Industrial Hygentist should be consulted before employing such a plan. Units who desire TWA entry (without a respirator) may do so for exposures not to exceed 2.5 ppm which is the STEL. The STEL shall not be exceeded for more than 15 minutes (per entry) and no more than 4 entries per day with a minimum of 60 minutes between exposures.

MARINE SAFETY MANUAL

CHAPTER 11. EXTERNAL RELATIONS

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CHAPTER 11. EXTERNAL RELATIONS

A. Interagency Relations.

1. Introduction. It is the Commandant's policy to cooperate with all federal agencies in promoting the safety and security of life and property and in protecting the environment. District and unit commanders should develop and maintain liaison with field personnel of other federal agencies that have an interest in marine safety matters. These include, but are not limited to:
 - a. Department of Transportation (DOT): Bureau of Motor Carrier Safety, Maritime Administration (MARAD), and Research and Special Programs Administration (RSPA);
 - b. Department of Agriculture: Animal and Plant Health Inspection Service (APHIS);
 - c. Department of Commerce: National Bureau of Standards (NBS), National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA) and National Weather Service (NWS);
 - d. Department of Defense (DOD): U.S. Army Corps of Engineers (USACE), Defense Civil Preparedness Agency, Military Sealift Command (MSC), U.S. Navy (USN); Supervisor of Salvage, USN; Defense Mapping Agency (DMA); and Military Traffic Management Command (MTMC).
 - e. Department of Energy;
 - f. Department of Health and Human Services (HHS): Centers For Disease Control (CDC); National Institute for Occupational Safety and Health (NIOSH); Public Health Service (PHS); and Agency for Toxic Substances and Disease Registry (ATSDR);
 - g. Department of the Interior (DOI): Bureau of Land Management (BLM), Fish and Wildlife Service (F&WS), National Park Service, Office of Territorial Affairs, and Minerals Management Service (MMS);
 - h. Department of Justice (DOJ): Drug Enforcement Administration (DEA), Federal Bureau of Investigation (FBI), Immigration and Naturalization Service (INS), U.S. Attorneys, and U.S. Marshals' Service;
 - i. Department of Labor (DOL): Occupational Safety and Health Administration (OSHA);
 - j. Department of the Treasury: Bureau of Alcohol, Tobacco, and Firearms; Internal Revenue Service (IRS); U.S. Customs Service; U.S. Secret Service;
 - k. Department of State (DOS);
 - l. Environmental Protection Agency (EPA);

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- 11.A.1. m. Federal Communications Commission (FCC);
 - n. Federal Emergency Management Agency (FEMA);
 - o. General Services Administration (GSA);
 - p. Nuclear Transportation Safety Board (NTSB).
 - q. National Transportation Safety Board (NTSB).
2. Liaison Officers. Because many of the functions performed by the Coast Guard affect the programs of other federal agencies, Headquarters liaison with these agencies is very beneficial. Although specific responsibilities vary widely, a liaison officer is attached to another agency for the primary purpose of maintaining communications and to ensure effective coordination of efforts. These liaison officers contribute significantly to the accomplishment of the various objectives of the marine safety programs.
3. Inspections Conducted For Other Government Agencies. The Coast Guard, in cooperation with other government agencies, has established general procedures by mutual agreement for the inspection of vessels and equipment owned by the government but not required by law to be inspected. These procedures may be modified in certain instances because of national defense. Inspections for government agencies are divided into two groups: Group 1, government-owned vessels; and Group 2, boilers and pressure vessels located on government-owned facilities and floating equipment, when inspection of only the boilers and pressure vessels is requested.
- a. Inspection Of Privately-Owned Vessels. Laws administered by other agencies may require the inspection of a privately-owned vessel by the Coast Guard prior to the agency's use of the vessel. When the vessel is not subject to Coast Guard inspection requirements, the inspection should only be made upon the request of the agency having jurisdiction (NMFS is the primary agency requiring such inspections).
 - b. Authority To Inspect Public Vessels/Equipment. Subtitle II of Title 46, U.S. Code (U.S.C.) (Vessels and Seamen) does not apply to a public vessel of the U.S. (46 U.S.C. 2109). However, the inspection and manning laws are applicable to vessels owned or operated by DOT (U.S. Coast Guard and St. Lawrence Seaway Development Corporation excepted) or by any corporation organized or controlled by DOT (such as MARAD). Public vessel was defined for the purpose of the subtitle with the recodification of Title 46 (P.L. 98-89). This definition requires that the vessel be owned, or demise chartered, and operated by the U.S. or foreign government and that the vessel not be engaged in commercial service (46 U.S.C. 2101(24)). Commercial service is also defined in 46 U.S.C. 2101(5) and includes any type of trade or business involving transportation, except service performed by a combatant vessel. The Coast Guard may perform inspections of public vessels for a federal agency if an interagency agreement has been made

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11.A.3. b. (cont'd) by the Commandant. Funding the Coast Guard activities is justified solely on the basis of statutory and regulation mandates. Expending personnel resources for the inspection of public vessels not subject to interagency agreements is contrary to the Commandant's policy. The costs of such inspections include travel, per diem, subsistence, and standard salary costs. These costs can be justified by the Commandant only when interagency agreements for inspection of public vessels have been made.

c. Inspection Procedures.

- (1) Application For Inspection. Application for inspection of a vessel shall be addressed to the officer in charge, marine inspection (OCMI) in whose zone the inspection is to be made.
- (2) Certificate Of Inspection (COI). Upon completion of the inspection, and if requested, the OCMI shall issue an appropriate COI, provided the vessel complies with the applicable regulations. If not, the OCMI shall issue a list of deficiencies that must be corrected prior to issuing a COI. The government agency involved may, upon request, be furnished a copy of the COI.

4. Military Sealift Command (MSC), U.S. Navy. The primary mission of MSC is to provide sealift support for the DOD. In peacetime, MSC operates and maintains the Fleet Auxiliary Force of tankers, ammunition and cargo ships, cable-laying ships, seagoing tugs, support vessels for the Rapid Deployment Force, resupply vessels for fleet ballistic missile submarines, and scientific research vessels. In wartime, MSC's role expands to include naval control of shipping and contingency planning for convoying. Commandant (G-REP) maintains a liaison officer with MSC's Office of Strategic Mobility for planning purposes. Commandant (G-WPE) maintains liaison to develop port security plans and activities. Formal agreements have been reached between the Commander, MSC and Commandant (G-M) for the measurement, inspection, and certification of MSC vessels (see volume II) of this manual).
5. U.S. Customs Service. The Customs Service (Department of the Treasury) is responsible for the administration and enforcement of customs laws. All Coast Guard commissioned, warrant, and petty officers are "officers of the customs" under 14 U.S.C. 143 and 19 U.S.C. 1401(1), who may assist the Customs Service in law enforcement under the authority of 14 U.S.C. 2 and 89. In turn, the Customs Service assists the Coast Guard in the enforcement of navigation and vessel inspection laws. The Commissioner of Customs and the Commandant maintain special procedures to enforce specific laws, such as:
 - a. Boarding of vessels arriving from foreign or whaling voyages;
 - b. Enforcement of load line regulations; and
 - c. Withholding of clearances for vessels with pollution prevention violations involved in water pollution incidents, those that do not

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11.A.4. c. (cont'd) posses valid Certificates of Financial Responsibility (COFR's) issued by Commandant (G-WFR), and other marine safety related incidents (see 33 U.S.C. 1232(f), 1908(e), 2072(d), and 46 U.S.C. 3718(e)).

6. U.S. Army Corps of Engineers (USACE). USACE is involved with waterways dredging, flood prevention, permitting obstructions within U.S. waters, and the construction, maintenance, and operation of waterway projects, such as locks, dams, and reservoirs, etc. USACE also enforces the Refuse Act (33 U.S.C. 407). The Coast Guard has been designated to assist in the enforcement of certain specific provisions of law and regulations administered by USACE. Commandant (G-W) and Chief of Engineers (DAEN-CW) exchange officers for them to gain broad exposure to management and operations programs of joint interest, such as port and water operations, mobilization, emergency management, and regulatory functions; to gain knowledge of the responsibilities and capabilities of each service; and to strengthen interservice relationships, coordination, and cooperation.

a. Ocean Dumping. The Coast Guard and USACE have signed a memorandum of understanding (MOU) that describes the responsibility of each agency to provide surveillance for the ocean dumping of dredged material by civilian companies under contract to USACE. Under this agreement, the Coast Guard will share surveillance and enforcement responsibilities for ocean dumping resulting from federally contracted navigation projects. Under the Marine Protection, Research, and Sanctuaries Act (MPRSA) of 1972 (33 U.S.C. 1401 et seq.), the Coast Guard conducts appropriate enforcement activities to prevent unlawful dumping and transportation of material for dumping. USACE has authority under the same act to ensure that disposal is in conformance with project plans and procedures (see volume VI of this manual).

b. Inspection of USACE Vessels. The Coast Guard and USACE likewise have an MOU concerning the inspection and manning of USACE vessels (see volume II of this manual).

7. Occupational Safety And Health Administration (OSHA).

a. Regulations. Established pursuant to the Occupational Safety and Health Act of 1970, OSHA publishes occupational safety and health standards, issues regulations, conducts investigations and inspections to ensure compliance with its standards and regulations, and issues citations and imposes penalties as appropriate. The authority of the Secretary of the Department of Labor is specifically limited, and does not involve Titles 33, 46, and 49, U.S.C./Code of Federal Regulations (CFR) nor the parts of the Outer Continental Shelf Lands Act (OCSLA) and regulations administered by the Coast Guard. OSHA regulations are as follows:

- (1) Occupational Safety and Health Standards (29 CFR 1910);
- (2) Safety and Health Regulations for Shipyard Employment (29 CFR 1915;

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- 11.A.7. a. (3) Safety and Health Standards for Marine Terminals (29 CFR 1917);
- (4) Safety and Health Regulations for Longshoring (29 CFR 1918); and
- (5) Gear Certification (29 CFR 1919).

[NOTE: These regulations do not apply to marine facilities, but apply to the bulk storage, handling, and transfer of flammable and nonflammable liquids and gases.] The purpose, scope, and responsibility of OSHA are described in Subpart A of each part of these regulations. The regulations further state that the responsibility for compliance is placed upon "employers," as defined therein.

- b. Interagency Cooperation. The Commandant and the Assistant Secretary of Labor for Occupational Safety and Health have agreed to a cooperative approach in the implementation of the OSHA codes by the DOL. In this regard, liaison must be maintained with the appropriate DOL field representatives so that the local OCMI can be immediately notified by DOL field inspectors of deficiencies under Coast Guard cognizance. No agreements or commitments should be made to indicate or imply delegation of Coast Guard responsibility or authority to DOL officials, or vice versa. The DOL regulations are directed to the employers of longshoremen and ship repairmen; DOL field inspectors have no authority to place requirements of any nature on Coast Guard inspected and certified vessels, their masters, or their crews. [NOTE: On uncertificated commercial vessels, such as towing and commercial fishing vessels, both DOL and the Coast Guard have jurisdiction. Lifesaving, firefighting, and navigational equipment, and matters involving ventilation requirements are under Coast Guard jurisdiction.]
- c. Assistance To On-Scene Coordinator (OSC). In accordance with the National Contingency Plan (NCP) (40 CFR 300.23 and 300.38), and DOL, through OSHA, may be called upon during planning or implementation of a response to provide assistance consistent with agency capabilities and legal authorities. OSHA provides the OSC with advice, guidance, and assistance regarding hazards to persons involved in removal or control of oil discharges and hazardous substance releases, and in the precautions necessary to prevent hazards to their health and safety.
- d. Effective Agreements And Understandings. The following memorandums implement the interagency cooperation between the Coast Guard and OSHA:
- (1) MOU between the U.S. Coast Guard and OSHA concerning Occupational Safety and Health on Artificial Islands, Installations, and Other Devices on the Outer Continental Shelf of the United States, 19 December 1979.
- (2) Memorandum of Agreement (MOA) on Occupational Health Standards for Workplaces Aboard Inspected Vessels Between the U.S. Coast Guard and OSHA, 14 February 1980.

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11.A.7. d. (3) MOU between the U.S. Coast Guard and OSHA concerning Authority to Prescribe and Enforce Standards or Regulations Affecting Occupational Safety and Health of Seamen Aboard Vessels Inspected and Certified By the U.S. Coast Guard, 8 March 1983.

8. Federal Communications Commission (FCC). The Coast Guard is an enforcing agency for radio requirements on vessels. Marine inspectors shall enforce radio requirements in the same manner as they enforce regulations for a vessel's deck or engineering equipment. When the OCMI is notified by FCC representatives that technical deficiencies exist in a vessel's radio installation, the International Convention for the Safety of Life at Sea (SOLAS) Safety Certificate should be withheld until the deficiencies are corrected and formal notice to that effect has been received. If notification is received from the FCC that technical deficiencies exist on a vessel already in possession of a valid Safety Certificate, the OCMI should withdraw the certificate if so requested by the FCC. Prior to taking action, the OCMI should consult with the FCC regarding the deficiency to ensure that proper action, under the circumstances, is taken. [NOTE: The COI, Form CG-841, should not be withheld or withdrawn in connection with technical radio deficiencies not involving the installation itself.]

a. Technical Determinations. The technical aspects of the radio installation itself, and its adequacy, efficiency, and maintenance are determined solely by FCC inspectors. This included the suitability of the electric wiring installed in the radio room to connect the various components of the radar, radio, and radio direction finding (RDF) equipment. The Coast Guard has sole jurisdiction over the adequacy and suitability of power leads from the main power supply to main radio room installations. However, adequacy regarding the amount and character of the main and auxiliary power supplies to operate the radio installation properly must be determined by the FCC. When power inadequacies are observed by FCC inspectors, they will notify the OCMI, who shall ensure that the deficiencies are corrected. [NOTE: All electrical wiring in the radio room not connected with the radio installation itself is under the jurisdiction of the Coast Guard.]

b. Location And Requirements of Emergency Installations. The location of a ship's radio installation must be approved by the Coast Guard. Marine inspectors shall ensure that both the main and emergency radio installations are located in a position of the greatest possible safety, as high as practical above the deepest-draft load line. The emergency radio installation must be provided with an energy source that is independent of both the vessel's propulsion plant and the main electrical system. It must be capable of being put into use rapidly, and of supplying continuous power for at least 6 hours of operation. Emergency radio batteries must not be used as a source of power for anything other than radio equipment and radio room emergency lights.

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11.A.8. c. Enforcement Of SOLAS Requirements Regarding Radio Installations.

(1) General. Executive Order (E.O.) 11234 of 3 September 1980 designated the Coast Guard, the FCC, and the State Department as the enforcing agencies of SOLAS. The FCC is responsible for the enforcement of federal laws concerning required radio equipment and radio direction finders on merchant vessels, except lifeboat portable radios, which are within the cognizance of the Coast Guard (lifeboat portable radios are inspected and tested for the Coast Guard by the FCC). 47 U.S.C. 361 authorizes the FCC to issue Safety Radiotelegraphy Certificates, Safety Radiotelephony Certificates, and Exemption Certificates in regard to merchant vessel radio requirements. The radiotelegraphy and radiotelephony certificates are issued directly by the FCC; the Exemption Certificate, as other SOLAS certificates, is issued by the Coast Guard to a passenger vessel upon receipt of FCC Form 806 or other verification that the vessel is in compliance with SOLAS radio requirements.

(2) English Language Standards. International Maritime Organization (IMO) Resolution A.380(X), "Standard Marine Navigational Vocabulary," recommends certain words and phrases to be used to avoid or minimize misunderstandings between vessels using voice communications. These recommended standard words and phrases are in English, but not required. However, the use of this standard is encouraged. Copies of the resolution may be obtained from Commandant (G-OSR).

9. Nuclear Regulatory Commission (NRC). The purpose of the NRC is to ensure that civilian use of nuclear materials and facilities are conducted in a manner consistent with public health, safety, environmental quality, and national security. The NRC has a particular interest in the seaworthiness of barges used for the transportation and disposal at sea of radioactive wastes. These barges are usually less than 100 gross tons (GT) and are not subject to certification. The Coast Guard has agreed to cooperate with the NRC as follows:

a. When requested, the Coast Guard will inspect a barge under 100 GT used for disposal of radioactive waste. The licensee or the carrier acting for a licensee will be advised of the Coast Guard's findings. The inspection will be made to determine the barge's seaworthiness, structural condition, and its suitability for the intended operation; drydocking may be required.

b. The OCMI shall forward copies of letters concerning inspection of such barges to Commandant (G-MVI) for record purposes, and to the regional NRC office having jurisdiction over the licensee. Inspections will also be reported on a Report of Materiel Inspections, Form CG-2801.

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11.A.10. National Oceanic And Atmospheric Administration (NOAA).

- a. Pre-1975. In 1964, the Coast Guard entered into an agreement with the Bureau of Commercial Fisheries to inspect vessels chartered by that agency for exploratory fishing and biological research. In 1970, the bureau was renamed the National Marine Fisheries Service (NMFS) and became part of NOAA. In 1975, the inspection agreement was extended to all NOAA-chartered vessels of 300 or less GT (see volume II of this manual).
- b. Scientific Support Coordinator (SSC). In accordance with the NCP (40 CFR 300.23 and 300.34), the Department of Commerce, through NOAA, provides the OSC scientific expertise on living marine resources for which it is responsible and their habitats, including endangered species and marine mammals; coordinates scientific support for responses and contingency planning in coastal and marine areas, including assessments of the hazards that may be involved, predictions of movement and dispersion of discharged oil and released hazardous substances through trajectory modeling, and information on the sensitivity of coastal environments to oil discharges and hazardous substance releases; provides information on actual and predicted meteorological, hydrologic, ice, and oceanographic and conditions for marine coastal, and inland waters; and furnishes charts and maps, including tide and circulation information for coastal and territorial waters and for the Great Lakes. NOAA also provides the SSC for responses in coastal areas (see volume VI of this manual).
- c. National Ocean Service (NOS). The Coast Guard Auxiliary assists the NOS in chart updating.

11. Environmental Protection Agency (EPA). Section 311(j)(1)(C) of the Federal Water Pollution Control Act (FWPCA), as amended, directs the President to issue regulations "... establishing procedures, methods, and ... other requirements for equipment to prevent discharges of oil and hazardous substances from vessels and from onshore facilities and offshore facilities, and to contain such discharges ..." E.O. 11735 assigned this function jointly to the DOT and the EPA. An MOU that defines responsibilities has been developed between DOT and EPA (see 40 CFR 112). The Secretary of the Department of Transportation (SECDOT) has delegated DOT's regulatory role of the Coast Guard, which has issued pollution prevention regulations for vessels and vessel related oil transfer facilities.

- a. Jurisdiction Over Facilities. Because of some ambiguities in the MOU, some owners and operators have requested guidance on whether EPA or Coast Guard regulations apply to their facilities. To determine whether an onshore or offshore facility is transportation related (i.e., under Coast Guard jurisdiction) or not, (i.e., under EPA jurisdiction), the agencies conduct a joint on-site inspection on a "case-by-case" basis. In general, EPA regulated facilities are those that drill, produce, gather, store, process, refine, transfer, or distribute on-site, or consume oil or hazardous substances.

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11.A.11.a. (cont'd) Transportation related facilities are those directly related to vessels, pipelines, and other means of transport. Some transportation related facilities are also involved in gathering, storage, and distribution. Careful analysis of these facilities is needed to determine jurisdiction. In questionable cases, the district legal officer should be consulted. District commanders who receive requests for clarification or interpretation of the MOU regarding a specific facility should contact the appropriate regional office of EPA and arrange for joint inspection of the facility. Facility owners or operators should be advised to request a determination inspection in writing, stating the reason for the request, and include a general description of the facility. Copies of the request and the EPA/USCG determination shall be forwarded by Commandant (G-WPE). If the problem remains unresolved after consultation between EPA and Coast Guard representatives, the case should be forwarded to Commandant (G-WPE) for resolution.

b. Pollution Response. The FWPCA and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) are the most important legislative mandates supporting the Marine Environmental Response (MER) Program. Key provisions of the FWPCA and CERCLA, including response authority and administration of "revolving/trust" funds, are delegated to the Coast Guard and EPA under E.O.'s 11735 and 12316, respectively. An overview of the roles and responsibilities of each agency for coordinating responses is found in the NCP (40 CFR 300). The Coast Guard is charged with providing a federal predesignated OSC in the coastal areas, the U.S. waters of the Great Lakes, and specified ports and harbors on inland rivers. The EPA maintains that responsibility for all other inland areas. (By the October 1981 Instrument of Redelelegation, SECDOT redelegated certain CERCLA functions relating to facilities to the Administrator of EPA.) Regional contingency plans (RCP's) delineate the exact boundaries of each OSC's area of responsibility. EPA also will generally provide the SSC for responses in the inland areas (see volume VI of this manual).

12. National Transportation Safety Board (NTSB).

a. Responsibilities. The NTSB was established within DOT in 1966, to promote transportation safety by conducting independent accident investigations and developing safety recommendations. On 1 April 1975, the NTSB was re-established as a separate, independent agency by Title III of the Transportation Safety Act of 1974 (49 U.S.C. 1901). Under the act, the board is authorized to:

- (1) Investigate transportation accidents;
- (2) Determine the probable cause of the accidents;
- (3) Make recommendations to the SECDOT or heads of operating agencies for preventing or investigating accidents, or for otherwise promoting safety; and

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- 11.A.12.a. (4) Request assistance in its accident investigation functions from the heads of operating agencies.

The NTSB assesses techniques of accident investigations, publishes recommended procedures for accident investigations, established regulatory requirements for reporting accidents, evaluates the transportation safety consciousness and effectiveness of government, agencies, and evaluates the adequacy of safeguards and procedures of government agencies concerning the transportation of hazardous materials. The NTSB consists of five board members appointed by the President, with the approval of the Senate, for 5-year terms.

- b. Maritime Investigation. The NTSB is responsible for investigating, reporting the facts, conditions, and circumstances of, and determining the probable cause of, any major marine casualties (except those involving only public vessels), in accordance with regulations prescribed jointly by the Board and the Coast Guard. The Board is also responsible for investigating other marine transportation accidents that are catastrophic, that involve problems of a recurring character, or that Board members otherwise judge should be investigated.
- c. Interagency Cooperation. Much of the information required to meet the investigative objectives of the Coast Guard and the NTSB is similar. Therefore, to carry out their mutual responsibilities joint regulations have been promulgated for the investigation of marine casualties; they are contained in 46 CFR 4.40 and 49 CFR 850. In addition, a formal MOA between the DOT and the NTSB provides for the exchange of information. In support of this agreement, the Coast Guard will:
- (1) Furnish the NTSB with a copy of each narrative report of a marine casualty and accident, exclusive of those concerned with natural death. The Coast Guard will also furnish a copy of each Coast Guard recreational boating accident investigation report.
 - (2) Furnish the NTSB a copy of the proceedings and exhibits of every major marine casualty investigation as soon as practicable.
 - (3) Upon request, provide the NTSB with statistical computations of accidents, including automated accident records. In turn, the NTSB will make its data available to the Coast Guard as requested.
 - (4) Exchange marine transportation safety study reports with the NTSB.

The NTSB may investigate a major marine casualty when initial information indicates that Coast Guard operations or functions are involved and an independent investigation appears warranted. Commandant (G-MMI) or Headquarters Flag Plot will notify the NTSB's Marine Accident Division of a major marine casualty or a casualty involving public and nonpublic vessels. After initial notification, the Coast Guard will provide copies of situation reports or other

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11.A.12.c. (cont'd) communications and will furnish other pertinent information as requested. The Coast Guard will also advise the NTSB as to the scope and type of investigation that the Coast Guard will conduct. [NOTE: See volume V of this manual for further discussion of the NTSB and investigations conducted under the joint regulations].

13. Minerals Management Service (MMS).

a. Objectives. The MMS objectives are to:

- (1) Perform surveys, investigations, and research concerning the topography, geology, and mineral and water resources of the U.S.;
- (2) Classify land as to mineral character, water, and power resources;
- (3) Enforce departmental regulations applicable to oil, gas, and other mining leases, permits, licenses, development contracts, and gas storage contracts; and
- (4) Publish and disseminate data relative to these activities.

b. Oversight of OCS Activities. The OCSLA of 1953 designated the DOI to administer the mineral leasing of the offshore areas of the U.S. under federal jurisdiction. The MMS was delegated the authority to regulate exploitation operations on the OCS, under:

- (1) The OCSLA of 1953 (43 U.S.C. 1331-1343);
- (2) The National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321-4347);
- (3) The Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451-1464); and
- (4) 30 CFR 250 - Oil and Gas and Sulphur Operations in the Outer Continental Shelf.

The objectives of the MMS regulations are to prevent damage to or waste of any natural resource and to prevent injury to life and property. To implement these regulations, the MMS publishes "Outer Continental Shelf Orders," which contain most of the requirement of interest to the Coast Guard. OCS Orders re formally numbered directives, published in the Federal Register in a manner similar to Coast Guard rulemaking procedures (see chapter 9 of this volume). OCS Orders affect both mobile offshore drilling units (MODU's) and fixed structures and platforms on the OCS.

c. Control of MODU Activities.

- (1) Introduction. The MMS and the Coast Guard have signed a formal MOU for regulating the activities of U.S. MODU's on the OCS. In general, the DOI is responsible for initiating and managing the

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11.A.13.c. (1) (cont'd) OCS Leasing Program. Within DOI, the MMS regulates all drilling operations conducted under DOI oil and gas leases or exploration permits. This responsibility includes the review and approval of an Application for a Permit to Drill, including Exploration Plans and Development and Production Plans for the leased area. The Coast Guard is responsible for reviewing and determining the adequacy of the oil spill contingency plans submitted to the MMS as a part of the Exploration Plans or Development and Production Plans. Leases and permits are granted upon assurance that the lessee will comply with applicable DOI regulations and standards, the OCS Orders issued by the MMS. The MMS inspects each MODU before authorizing drilling operations by the unit on the OCS, and periodically reinspects the units during drilling operations; the Coast Guard approves the design and construction of each MODU. Upon completion of Coast Guard inspection, the MODU is issued a COI, a Load Line Certificate, and appropriate international certificates. The Coast Guard periodically reinspects these vessels for structural integrity and safe operation and renews their certificates.

(2) Interagency Coordination. Under the MOU, each agency separately enforces the conditions of the permits, licenses, and certificates that it issues as well as pertinent regulations and orders. Enforcement, as used in the MOU, includes investigation of a violation of law or conditions of a certificate or license, the issuance of a notice of violation, and the imposition of sanctions, as appropriate. To the extent practical, each agency consults with the other concerning any enforcement action of mutual interest. Both agencies have agreed, consistent with their respective statutory obligations, to act in a manner so as to avoid duplication of effort. To this end, each agency draws on resources provided by the other as necessary. When access to an offshore unit is required, either agency may furnish transportation to appropriate personnel of the other.

d. Responsibilities Under The National Contingency Plan (NCP). The DOI and the DOT have signed another MOU, concerning their respective responsibilities under the National Oil and Hazardous Substances Pollution Contingency Plan (known as the National Contingency Plan). This plan was developed to implement the FWPCA and CERCLA (33 U.S.C. 1251 et seq. and 42 U.S.C. 9601 respectively), and is contained in 40 CFR 300. The MMS is responsible for the coordination of efforts to abate the source of pollution when the source is an oil, gas, or sulfur well. The Coast Guard has the coordination responsibility for containing and removing pollutants.

(1) OCS Activities. When spills originate from operations conducted under the OCSLA, the Coast Guard shall provide the OSC with authority and responsibilities as provided by the NCP, subject to the following qualifications:

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- 11.A.13.d. (1) (a) The on-scene MMS representative is the authority for coordinating and directing source abatement measures;
- (b) If the on-scene MMS representative determines that pollution control activities, within a 500-meter radius of the source, should be suspended, that decision will be binding upon the OSC.
- (c) The on-scene MMS representative shall make the determinations required by 30 CFR 250.43, which will be binding upon the OSC, concerning liquid and nonliquid pollution and waste disposal. These determinations are made as to the definition to spills or leakage of a substantial size or quantity, or those of any size or quantity that cannot be immediately controlled;
- (d) The OSC will communicate with the lessee, through the MMS representative, regarding matters arising under 43 U.S.C. 1334 et seq., and the regulations and OCS Orders issued thereunder; and
- (e) The OSC and the authorized representative of the MMS on scene will maintain close liaison in all matters.
- (2) Territorial Seas And Inland Water Activities. When spills originate from operations conducted under the Submerged Lands Act of 1953 or in internal waters of the U.S., the Coast Guard OSC will have all authority and responsibility under the NCP and upon the OSC's request, the MMS will furnish expertise, guidance, and such other assistance as appropriate to abate the source of pollution when the source is an oil, gas, or sulfur well.

14. National Cargo Bureau (NCB).

- a. Functions. Under 46 CFR 146.02-6a, 46 CFR 148.01-13, and 49 CFR 176.18, the NCB is authorized to assist the Coast Guard in administering hazardous materials regulations with regard to:
- (1) Examination of vessels for suitability of loading;
- (2) Examination of stowage;
- (3) Making recommendations for stowage requirements; and
- (4) Issuance of Certificates of Loading to verify that stowage meets regulatory requirements.

The NCB and the Coast Guard have developed an information exchange program for vessels loading hazardous materials. As a result, Coast Guard personnel can be deployed more efficiently, with duplication of efforts minimized. The NCB is retained by many shipping companies to oversee hazardous materials shipments. [NOTE: It is not the

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- 11.A.14.a. (cont'd) Commandant's intent to require the use of the NCB's services by shipping companies.]
- b. Cooperation. The captain of the port (COTP) should establish a means of coordinating daily boarding schedules to avoid duplication of efforts in hazardous materials boardings. [NOTE: The NCB's activities concern only shipment of cargoes; concurrent Coast Guard boardings for enforcement of other requirements may be necessary.] The COTP will also provide oversight as necessary, including possible spot checks, to ensure that statutory requirements are met and to derive maximum benefit from this cooperative program. Each scheduled NCB boarding shall be entered in Marine Safety Information System (MSIS) by the COTP. If a vessel is not boarded as scheduled, the COTP in whose zone the vessel is located will be advised by the NCB. Local arrangements should be made for daily transfers of data for entry in MSIS (e.g., non-NCB boardings or uncorrected discrepancies); these files will be available on the MSIS for use the following day. If such data is needed sooner, as when a vessel is calling at more than one U.S. port, it shall be passed on to the COTP of the next port of call. To obtain an NCB Certificate of Loading, the owner/operator must correct all observed discrepancies immediately. Corrected discrepancies need not be reported to the Coast Guard unless further action against documented repeat offenders is desired by the Coast Guard. When discrepancies remain uncorrected, the NCB will advise the COTP for appropriate enforcement action.

B. International Activities.

1. International Maritime Organization (IMO). The Coast Guard is actively engaged in the work of this organization, a specialized agency of the United Nations concerned solely with maritime affairs. The main objectives are the promotion of safety in shipping and the prevention of marine pollution from ships. These are accomplished through exchanges of information between governments; adoption of international agreements; and providing technical assistance to governments. IMO is composed of seven major bodies: the Assembly, the Council, the Maritime Safety Committee (MSC), the Marine Environment Protection Committee (MEPC), the Legal Committee, the Facilitation Committee, and the Committee on Technical Cooperation. The U.S. Department of State, which has the prime responsibility for establishing U.S. positions and foreign policy objectives in marine safety/environmental protection matters for effective participation in IMO, and implementation of its agreements. The Coast Guard normally furnishes the principal U.S. representatives to the organization's Assembly, MSC, and MEPC, as well as the representatives for many associated subcommittees. The Coast Guard also provides representatives to the IMO Council, Legal Committee, and Technical Cooperation Committee.
- a. IMO Assembly. The Assembly is the main body of IMO and must approve most actions taken in the name of the organization. The Coast Guard

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- 11.B.1. a. (cont'd) serves as the primary representative and furnishes advisors on the U.S. delegation to the Assembly, which meets every 2 years.
- b. IMO Council. The Council is primarily concerned with nontechnical matters, and acts for the Assembly when the latter is not in session. There are presently 32 nations represented on the Council, including the U.S. The Coast Guard furnishes advisors on U.S. delegations to the Council, which usually meets twice each year.
- c. Maritime Safety Committee (MSC). The MSC, the oldest committee in IMO, addresses design, construction, and operational requirements for the safety of commercial vessels. It has 10 technical subcommittees which consider the following:
- (1) Ship Design and Equipment;
 - (2) Fire Protection;
 - (3) Life-Saving Appliances;
 - (4) Subdivision, Stability, Load Lines, and Fishing Vessel Safety;
 - (5) Carriage of Bulk Chemicals;
 - (6) Carriage of Bulk Cargoes and Containers;
 - (7) Radio Communications;
 - (8) Carriage of Dangerous Goods;
 - (9) Safety of Navigation; and
 - (10) Standards of Training and Watchkeeping.
- All subcommittees channel their efforts through the MSC, which reviews and coordinates their efforts and determines the method of implementing their findings. Coast Guard personnel lead the U.S. delegations to all subcommittees.
- d. Marine Environment Protection Committee (MEPCI). This Committee is responsible for the execution and coordination of all IMO technical activities relating to the prevention and control of marine pollution from ships. It undertakes activities and disseminates information regarding ship design, construction, equipment, operations, the establishment of standards,

- 11.B.1.d. (cont'd) and pollution control. It develops internationally agreed upon enforcement procedures for flag and port state "control" of international pollution requirements. Scientific activities, such as the evaluation of chemical hazards, determination of water quality criteria, and the development of remedial measures are also considered. The MEPC also deals with the development and review of all international conventions concerning marine pollution from ships. The Coast Guard furnishes U.S. representatives and advisors to the MEPC.
- e. Legal Committee. The Legal Committee deals with both public and private legal aspects of maritime affairs. It has prepared the 1984 Protocols to the 1969 Civil Liability and 1971 Fund Conventions, which provide a comprehensive oil pollution compensation and funding scheme. The Legal Committee has also worked on issues such as salvage, maritime liens and mortgages, and legal compensation regime for the carriage of hazardous substances, and limitation of liability. The Coast Guard provides U.S. representatives and advisors for Legal Committee meetings and delegates to international legal conferences.
- f. Facilitation Committee. The Facilitation Committee deals with the economic aspects of international maritime commerce through the provisions of the 1965 Convention on Facilitation of International Traffic. The participants have a common desire to simplify and minimize the formalities, documentary requirements, and procedures administering the arrival, layover, and departure of ships engaged in international trade. The Office of the Secretary of Transportation (P-22) provides the U.S. representative to this committee.
- g. Technical Cooperation Committee. The Technical Cooperation Committee performs an advisory function relating to IMO's program of technical assistance to developing countries and reviews technical cooperation projects. The Coast Guard provides the alternate U.S. representative and advisors to this Committee which usually meets twice a year.
2. Parties To International Conventions. Figure 11-1 (page 23) indicates those nations which are party to various international conventions concerned with marine safety and environmental protection activities. This information is updated as appropriate; additional questions in this regard should be directed to Commandant (G-CI), FTS/commercial: 8/202-267-2280 (FAX (202) 267 4588). [NOTE: Volume II

11.B.2. (cont'd) (section 1.D, International Conventions And Treaties Related To Marine Inspection To Which The U.S. Is Party) of this manual summarizes the conventions listed in Figure 11-1 and their application by the Coast Guard.)

C. Great Lakes Pilotage.

1. Legislation. With the opening of the St. Lawrence Seaway to ocean commerce in 1959, both the United States and Canadian governments enacted legislation in 1960 to regulate pilotage on the Great Lakes. The U.S. Congress passed the Great Lakes Pilotage Act; the Canadian Parliament passed an amendment to the Canada Shipping Act. The acts apply to foreign merchant vessels and U.S. vessels operating on a registry endorsement, not to U.S. vessels operating on a coastwise or Great Lakes endorsement, or Canadian vessels operating exclusively within the Great Lakes. These acts were substantially the same, each containing provisions for:

- a. The designation of waters for compulsory pilotage;
- b. The registration of pilots;
- c. The determination of numbers of pilots;
- d. Pilotage rates and charges;
- e. Penalties; and
- f. Continuing international consultation.

The provisions of the Great Lakes Pilotage Act were codified in 1983 in 46 U.S.C. Chapter 93. Initially, the authorities and responsibilities under the Great Lakes Pilotage Act were vested in the Secretary of Commerce. In 1967, they were transferred to the SECDOT. The SECDOT has delegated the operational responsibilities under the act to the Commandant of the Coast Guard, while retaining responsibility for agreements with the Canadian Government. The Great Lakes Pilotage Regulations are contained in 46 CFR 401, 402, 403, and 404. Prior to 1971, the Canadian law was administered by the Ministry of Transport. In 1971, Canada enacted new legislation creating individual pilotage authorities throughout Canada, one being the Great Lakes Pilotage Authority, Ltd., of Cornwall, Ontario. Although individual pilotage authorities are autonomous, the Ministry of Transport retains overall administrative responsibility.

2. Great Lakes Navigation Certificates. Section 9302(b) of the Great Lakes Pilotage Act permitted the issuance of a

11.C.2.(cont'd) Great Lakes Navigation Certificate, which was known as a "B Certificate." This certificate was issued by Canada to a non-Canadian master. The certificate permitted the master to navigate a foreign vessel in the undesignated waters (i.e., open waters) of the Great Lakes without a U.S. or Canadian registered pilot on board. The U.S. has never issued its own B Certificates.

Section 4108 of the Oil Pollution Act of 1990 (OPA 90) amended section 9302(b) of the Great Lakes Pilotage Act to eliminate the use of a Canadian issued B Certificate on U.S. waters of the Great Lakes. The old law permitted foreign masters to transit the undesignated waters without a registered pilot on board as long as the masters met the requirements of U.S. law or "equivalent" provisions of Canadian law. In enacting OPA 90, Congress found that the requirements for a Canadian-issued B Certificate were not equivalent to the standards that the U.S. imposes on its licensed pilots. The use of B Certificates is no longer accepted on the U.S. waters of the Great Lakes because B Certificates did not meet U.S. standards. A registered pilot is now required for all foreign vessels in all U.S. navigable waters of the Great Lakes.

3. Pilotage Activities. The geographic area of the St. Lawrence Seaway system includes the St. Lawrence River (from Snell Lock to Cape Vincent), the Welland Canal, the Detroit, St. Clair, and St. Marys Rivers, and the five Great Lakes. This area is divided into three pilotage districts. U.S. and Canadian pilots work together in these districts. In 1993, there were approximately 45 U.S. and 45 Canadian pilots serving the system. While the U.S. pilots are self-employed, the Canadian pilots are government employees. Pilotage rates are established jointly by the governments with input from pilots and members of the maritime industry. A Memorandum of Arrangements between the U.S. SECDOT and the Canadian Minister of Transport sets forth the areas of agreement between the two countries relative to Great Lakes pilotage. The most significant areas of agreement are participation (sharing of work and revenue) by the pilots of each nation and the rates that vessels are charged for pilotage services. The initial agreement, entered into in 1961, has been amended from time to time as necessary, with 1977 being the most recent version.

D. Joint Marine Pollution Contingency Plans.

1. U.S.-Canadian Contingency Plans. A special report, released by the International Joint Commission (IJC) in

11.D.1. (cont'd) April 1970, contained a recommendation to develop a coordinated contingency plan so that both countries might quickly and effectively respond to major accidental spills of oil or other hazardous materials in the boundary waters of the Great Lakes system. The Joint Canada-U.S. Marine Pollution Contingency Plan for Spill of Oil and Other Noxious Substances has been developed to provide for quick, effective, coordinated responses to pollution incidents with specific annexes covering each of the geographic U.S.-Canada border areas. In September 1983, the first major revision to the plan was approved. The revision clarifies the roles of the OSC's and the application of dispersant usage and includes a general update of the plan.

- a. Scope. The scope of the plan and its annexes has been expanded from the original IJC recommendation to include the waters of the Great Lakes, the boundary waters on the Pacific and Atlantic coasts, the Beaufort Sea, and the Dixon Entrances, extending seaward as provided for in the annexes to the plan. The plan provides for systems of discovery and notification of discharges of "oil or other noxious substances." It stipulates that a degree of preparedness shall be maintained by each government to provide prompt response with adequate resources to mitigate damages from a spill. The plan provides for joint response in the waters of either party.
 - b. Responsibilities. Responsibility for the implementation and maintenance of the plan rests jointly with the U.S. and Canadian Coast Guards, which are assisted by other federal agencies. In the U.S., this is done through the National Response Team (NRT), under provisions of the NCP. On the regional level, each annex has a separate Joint Response Team (JRT), which has a structure and advisory function similar to the U.S. Regional Response Team (RRT). The plan provides for the predesignated OSC to coordinate response, clean up, and disposal efforts for a spill, and for the deputy on-scene coordinator (DOSC) to act as an assistant. The JRT's may develop and maintain operational appendices to their respective regional annexes of the plan. Appropriate subjects for such coverage would include lists of counterpart officials (JRT co-chairmen, OSC's, DOSC's) and detailed communications information. Commandant (G-MEP) should be provided a copy of any appendix adopted.
2. U.S. Mexican Contingency Plan. Recognizing the problems presented by a large oil spill or hazardous substances discharge, the U.S. and Mexican governments have

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- 11.D.2. (cont'd) established a joint contingency plan to develop procedures for pollution incidents. As events in the Gulf of Campeche in the early 1980's have shown, the maritime regions shared by the U.S. and Mexico can be threatened greatly by major pollution incidents. The U.S. Coast Guard acted as the lead agency in the development and implementation of this plan and is responsible for maintaining its viability. The U.S.-Mexico Joint Contingency Plan for Spills of Hydrocarbons and Other Hazardous Substances was signed on 24 July 1980, and implemented formally on 30 March 1981.
- a. Scope. The Joint Contingency Plan applies to the marine environment of both parties, including the shoreline and the sea within 200 miles, on the Gulf, Atlantic, and Pacific coasts.
 - b. Responsibilities. The plan calls for both parties to develop measures to respond to pollution incidents which may affect the U.S.-Mexican border areas. It also spells out the need for OSC's, with duties similar to the OSC as defined in the U.S. NCP. Commanders (m), Eighth and Eleventh Coast Guard Districts (CCGD8 and CCGD11) serve as co-chairmen of the respective JRT's with their counterparts in the Mexican Navy. Meetings and exercises between the parties on the regional and national levels should be held periodically to maintain cooperative working relationships and effective communications, and an ongoing ability to undertake joint response operations.
- E. Relationships With The Marine Industry. Coast Guard regulatory activities are intended to facilitate safe marine transportation. Concerns for safety, security, and environmental protection must be carefully balanced against economic costs. Marine safety personnel should be sensitive to the views of commercial operators toward government regulation. These views are generated by the primary motivation of profitability. Unfortunately, this motive may place a lesser emphasis upon safety, security, and environmental concerns, unless there is a direct profit incentive to reduce hazards and risks. As transportation costs are ultimately passed on to the public, the safe, smooth, efficient flow of marine transportation must be a conscious element in all marine safety decisions. Regulatory efforts must be balanced to achieve the best interests of the public, including safe, fast, low cost, and energy efficient transportation. In this way, the Coast Guard will demonstrate careful consideration of the economic impacts of its regulatory activities.

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11.E.1. Personal Conduct. Every member of the maritime industry, regardless of position, forms an impression of the Coast Guard through contacts with marine safety personnel. This opinion of the Coast Guard in general, and of the local unit in particular, is positively or negatively based on perceptions of an individual's attitude and professionalism. As public servants, all marine safety personnel must remember that the public, particularly the maritime industry, will scrutinize performance on the job and conduct "after hours." Personal standards of conduct for Coast Guard personnel are outlined in Coast Guard Regulations, Commandant Instruction (COMDTINST) M5000.3B, and other applicable directives. A knowledgeable, evenhanded, and firm but courteous approach will accomplish much more than a haughty and aloof or a casual, back-slapping manner. There should be no reason for a member of the public to resent the Coast Guard or its personnel due to a bad personal experience. Disagreement with a particular regulation or its enforcement should be expected. The philosophy behind the marine safety program is to obtain compliance and cooperation from those who are regulated, whenever possible.

2. Professional Contacts. Many maritime-oriented professional societies and organizations have been established to foster maritime business development. Marine safety personnel are encouraged to affiliate with these organizations at the local level through membership and speaking engagements. This helps maintain a working rapport and good social relations with leaders of the local maritime industry and other government agencies. Examples of such organizations are:

- a. Propeller clubs;
- b. Rudder clubs;
- c. Society of Naval Architects and Marine Engineers (SNAME);
- d. American Society of Naval Engineers (ASNE);
- e. Chambers of Commerce;
- f. Local trade associations;
- g. Maritime law associations;
- h. Local safety councils;
- i. Local environmental groups;

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- 11.E.2. j. Navy League;
- k. Federal executive associations;
- l. Industry oil pollution cooperatives;
- m. National Marine Manufacturers Association (NMMA);
- n. National Safety Council;
- o. National Water Safety Congress;
- p. National Safe Boating Council, Inc.; and
- q. U.S. Power Squadrons.

F. Federal/State Boating Safety Relations.

1. Objectives. One of the major purposes of the Recreational Boating Safety (RBS) Program as set forth in Chapter 131 of Title 46 U.S.C. is to improve boating safety and to foster greater development, use, and enjoyment of all waters of the United States by encouraging and assisting participation by the States. Chapter 131 authorizes distribution of Federal funding to eligible States to assist them in developing and carrying out State recreational boating safety programs. Greater State efforts in education, enforcement, and uniformity are key Congressional mandates. To achieve these goals it is necessary that a close relationship be established and maintained between the Coast Guard and the States. The district commander, through his boating safety staff, is the primary contact point with the designated State agencies, usually headed by a State boating law administrator. However, authority to enter into formal contracts for financial assistance under Title 46 U.S.C. 13101 is reserved for Commandant (G-N).
2. Boating Safety Cooperative Agreements. Title 46 U.S.C. 13109 provides authority for the Coast Guard to enter into agreements with the States to ensure their fullest cooperation in promoting boating safety. Authority to enter into Boating Safety Cooperative Agreements with States is delegated to the district commander. These agreements may include provisions regarding cooperation in law enforcement, public education and training, boating casualty reports and investigative reports, search and rescue, regattas and marine parades, and aids to navigation. Cooperative agreements provide a valuable tool to assure the maximum effective use of available resources, Federal and State. (See COMDTINST M16750.8 for more information on Federal/State boating safety relations.)

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PARTIES TO INTERNATIONAL CONVENTIONS
FIGURE 11-1

FIGURE 11-1 (cont'd)

PARTIES TO INTERNATIONAL CONVENTIONS

 I I
 N N
 L L T T
	I I O O I I I I E E
	M M A A S S S S N N R R
	O O D D T T M M M M F V V
 P P A A A A A E E
	C . S S S L L R R R R C N N
	O a O O O I I A . S S S S I L L T T F F F F
	N n L L L N N G . A A A A L D D I I C C C C U U U U . P P P . S S . .
	V e A A A E E T R . T T T T I C C O O L L L L N N N N A A A . U U S .
	E n S S S S O C E T M N N C C C C D D D D U L L L . A A A .
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	8 1 4 8 8 6 8 9 2 2 7 3 8 9 1 3 6 9 6 9 5 8 2 8 9 3 9 6 4 2 1 6 4 2 1 4 6 0 6 8 8 9 0
Ukraine	. . X X . X . X X X X . . X X X X X X X X X
United Arab Emirates	X . X X . X . X X X X . X X X X X . X . X X . X X .
United Kingdom	X . X X . X . X X X X . X X X X X X X X X X X . X X X X X X X X X X . X X X . .
United Republic of Tanzania	X X X X X X X X
United States	X . X X X X X X X X X X . . X X X X X X X . X X X X X X X X X
Uruguay	X . X X . X . X X X X X X X X X
Uzbekistan
Vanuatu	X . X X X X X X X X X X X X X . X X X X X X X X X X X . X
Venezuela	X . X . . X . X X . X . X X X X X X . X X X
Viet Nam	X . X X . X . X X X X X X X
Yemen	X . X . . X . X X X X X X X X X X X X X X . X
Yugoslavia	X . X X . X . X X X X X . X . X X X X X X . X X X X
Zaire	X X X X
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Zimbabwe
Hong Kong (Associate Member)	X . X X . X . X X X X X X X X X X X X X X X X X X X . X

*/ Clarification has been sought in respect of the succession by the Czech Republic to these treaties.

FIGURE 11-1 (cont'd)

PARTIES TO INTERNATIONAL CONVENTIONS

STATUS OF CONVENTIONS AS AT 01/12/93

Convention	Entry into Force date	Ratif Number	Tonnage Percent	Ratif IMO	Ratif Non-IMO	Non-Ratif IMO	File Date
IMO CONVENTION	17/03/58	147	94.44	147	0	0	19/10/93
SOLAS 74	25/03/80	122	96.81	116	6	31	25/08/93
SOLAS PROT 78	01/05/81	82	91.15	78	4	69	01/12/92
SOLAS PROT 88	-	12	10.85	12	0	135	20/09/93
LL 66	21/07/68	130	97.71	122	8	25	26/10/93
LL PROT 88	-	13	11.58	13	0	134	20/09/93
TONNAGE 69	18/07/82	101	95.80	95	6	52	26/10/93
COLREG 72	15/07/77	119	95.53	112	7	35	08/03/93
CSQ 72	06/09/77	57	66.08	52	5	95	05/01/93
SFV 77	-	18	13.35	17	1	130	11/01/90
SFV PROT 93	-	0	0.00	0	0	147	-
STCW 78	28/04/84	101	92.93	95	6	52	25/08/93
SAR 79	22/06/85	48	46.83	46	2	101	08/11/93
STP 71	02/01/74	15	24.91	15	0	132	29/08/89
SPACE STP 73	02/06/77	14	23.00	14	0	133	01/12/89
INMARSAT C 76	16/07/79	71	87.66	69	2	78	06/10/93
INMARSAT OA 76	16/07/79	71	85.40	69	2	78	06/10/93
FAL 85	05/03/67	71	57.41	69	2	78	26/10/93
MARPOL ANNEX I/II	02/10/83	83	91.76	78	5	69	26/10/93
MARPOL ANNEX III	01/07/92	60	57.14	56	4	91	26/10/93
MARPOL ANNEX IV	-	51	39.92	47	4	100	26/10/93
MARPOL ANNEX V	31/12/88	65	66.86	60	5	87	26/10/93
LDC 72	30/08/75	71	66.46	65	6	82	01/12/92
INTERVENTION 69	06/05/75	60	65.75	59	1	88	01/12/92
INTERVENTION PROT 73	30/03/83	29	45.97	29	0	118	01/12/92
CLC 69	19/06/75	81	84.08	79	2	68	25/08/93
CLC PROT 76	08/04/81	43	62.83	43	0	104	16/04/93
CLC PROT 84	-	9	4.64	8	1	139	05/01/93
CLC PROT 92	-	0	0.00	0	0	147	-
FUND 71	16/10/78	57	62.97	56	1	91	25/08/93
FUND PROT 76	-	22	47.29	22	0	125	05/01/93
FUND PROT 84	-	4	2.51	4	0	143	05/01/93
FUND PROT 92	-	0	0.00	0	0	147	-
NUCLEAR 71	15/07/75	14	25.64	14	0	133	01/08/91
FAL 74	28/04/87	16	32.70	15	1	132	11/03/93
FAL PROT 76	30/04/89	13	32.43	13	0	134	09/07/91
FAL PROT 90	-	2	1.00	2	0	145	05/03/93
LLMC 76	01/12/86	22	45.47	22	0	125	05/03/93
SUA 88	01/03/92	23	24.29	23	0	124	25/08/93
SUA PROT 88	01/03/92	21	24.09	21	0	126	25/08/93
SALVAGE 89	-	8	5.26	8	0	139	06/10/93
OPRC 90	-	10	7.12	10	0	137	25/08/93
IMSAT C AMEND-89	-	26	32.50	24	2	123	03/12/93
IMSAT OA AMEND-89	-	26	32.50	24	2	123	03/12/93
LDC AMEND-78	-	18	27.86	18	0	129	01/12/93
IMO AMEND-91	-	7	11.02	7	0	140	01/12/93

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CHAPTER 12. INFORMATION AND DATA SYSTEMS

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CHAPTER 12. INFORMATION AND DATA SYSTEMS

- A. Purpose and Responsibilities. Information systems are vital to our ability to do our jobs. They make the right information available to our decision makers at the right time. Without them we could not properly measure our performance or assess risks as required by the Commandant (G-M) Business Plan. They are also very resource intensive and the technology for IRM is changing rapidly. Consequently, sound management is required to capture and make available the necessary information at the least cost. This chapter provides policies applicable to Commandant (G-M) information systems. The Commandant (G-M) information system management responsibilities are described below.
1. Commandant (G-MRI). The Office of Information Resources, under the supervision of the Director for Resource Management, Commandant (G-MR), is responsible for the overall management of Marine Safety, Security and Environmental Protection (Commandant (G-M)) information resources. These responsibilities include:
 - a. Plan, organize, direct, promote, control and manage activities and resources associated with the collection, creation, use, and dissemination of information.
 - b. Develop, operate, maintain and support information systems in order to satisfy the overall Commandant (G-M) needs.
 - c. Implement statutory and regulatory requirements for carrying out information management activities.
 - d. Coordinate all projects, studies and procurements requiring Information Resource Management (IRM) or IRM related services.
 - e. Promulgate Commandant (G-M) IRM policies, procedures and responsibilities to ensure that information resources are used effectively, efficiently and economically in support of Office missions.
 - f. Evaluate the data contained within the major Commandant (G-M) information systems in order to improve its accuracy, completeness, and reliability.
 - g. Assist customers in determining cost-effective uses of information technology to better perform their missions.
 - h. Represent Commandant (G-M) on Coast Guard IRM councils, committees, and task forces.
 - i. Actively involve all information users in the development and management of information systems.

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2. Other Commandant (G-M) Offices. Each Commandant (G-M) office is responsible for informing Commandant (G-MRI) of their information needs. There is one center for data analysis in each Commandant (G-M) directorate. These centers are responsible for coordinating the information and analysis needs for their respective directorate. The office information management responsibilities are as follows:
 - a. **G-MOA** G-MO analysis center; Marine casualty and pollution investigation data; pre-adjudication marine violation data.
 - b. **G-MOC** Vessel inspection, port safety, and facilities data.
 - c. **G-MOR** Marine pollution incident and response planning.
 - d. **G-MW** Waterway management data.
 - e. **G-MRP** G-MR analysis center; Commandant (G-M) Business Plan data.
 - f. **G-MSE** Vessel design and engineering standards and equipment approvals.
 - g. **G-MSO** Hazardous materials, maritime personnel, operating and environmental standards data.
 - h. **G-MSR** G-MS analysis center; regulatory evaluation data.
 - i. **G-MP** Port and vessel security data.
 - j. **NMC** Merchant mariner licensing and documentation data, and vessel documentation data.
 - k. **MSC** Plan review of vessels and system designs, and equipment approvals.
3. Commandant (CG-6). Commandant (CG-6) is responsible for overall management of Coast Guard information resources. They set Coast Guard wide policies and standards for information systems. They also provide for standard information management equipment such as the Coast Guard standard workstation and communications links such as the Coast Guard Data Network.
4. Commandant (G-LMI). Commandant (G-LMI) is responsible for the oversight of the Hearing Officer Program and Hearing Office use of any electronic case tracking system, including the Marine Violation portion of MISLE. They are responsible for the release of MISLE marine violation data when adjudication has occurred.
5. Operations Systems Center. The Operations Systems Center (OSC) is responsible for operating and maintaining the central processors for major

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- 12.A.5. (cont'd) existing electronic information systems such as MISLE and AMVER. Their responsibilities include protecting data from loss by conducting regular backups of the central database and ensuring maximum system availability.
6. District Offices. District offices are responsible for ensuring that their subordinate units use information systems in accordance with current policies. District (m) is responsible for overseeing the quality of data entries made by district units by conducting regular quality control checks and taking action to correct any deficiencies. District offices must make certain data entries into Commandant (G-M) information systems. They also use data from those systems for management and oversight. District offices should inform Commandant (G-MRI) of any information needs that are not being met by current Commandant (G-M) information systems.
 7. Hearing Office. The USCG Hearing Office is responsible for the adjudication of civil penalty cases and updating the civil penalty case tracking system.
 8. Field Units. Field units are the primary source of data entry for most Commandant (G-M) information systems. The unit commanding officer is responsible for ensuring the accuracy of all information entered into these systems by:
 - a. Providing training to all information system users.
 - b. Maintaining a password control system to limit access, entry and validation authority to the appropriate personnel.
 - c. Establishing a unit data quality control program to detect and correct data entry errors.
- B. Major Commandant (G-M) Information Systems.
1. Marine Information for Safety and Law Enforcement (MISLE).
 - a. Purpose. MISLE is a web based electronic information system using a centrally located database located at the OSC in Kearneysville, West Virginia. It provides a common pool of information linking all of Commandant (G-O) and Commandant (G-M)'s data and enterprise work including: Port State Control Vessel Boardings; Law Enforcement Boardings; Vessel, Facility, and Container Inspections; Lookout Sightings; Waterways Management; Investigations; Enforcement of Maritime Laws; and Incident Response Management. This last function is designed to be used in real time, assisting field command and control personnel in decisionmaking and other management functions. It is suitable for "all-hazards" responses, not just traditional Marine Safety cases. MISLE consists of three

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12.B.1.a.

(cont'd) integrated products, the Vessel Documentation System, Marine Safety Network, and a Data Warehouse with online analysis and reporting tools.

- (1) Vessel Documentation System (VDS). The National Vessel Documentation Center (NVDC) is the primary user community for the VDS. The NVDC processes all vessel documentation instruments such as Abstracts of Title, Certificates of Ownership and Certificates of Documentation. The VDS component of MISLE consists largely of an electronic workflow management system and is used to automate paper-based processes.
 - (2) Marine Safety Network (MSN). The MSN is a case management and consequence management system for Commandant (G-M) and Commandant (G-O) field activities. MSN is the core of MISLE and is tightly integrated with business processes. Subject matter experts from field units, District Offices, and HQ were brought together during numerous development sessions. MISLE Activities include: LE Boardings & Sightings; Marine Inspections; Casualty/Pollution Investigations; SAR; and Incident Response (Spills/Collisions/Groundings). MISLE provides the capability to combine several Activities resulting from one event, under one Case. A typical example is a vessel grounding that becomes a SAR case, Marine Safety inspection and investigation, and a pollution incident.
 - (3) Data Warehouse. The MISLE Analysis and Reporting System (MARS) data warehouse includes an analysis and reporting system that provides tools to enable turning data into information into knowledge for improved decision making and program management, as well as making mission performance measurements. MARS reduces the need for data calls to field units by placing analysis and reporting tools in Program Managers hands, easily accessible and configurable in a web browser. When added on-line, the Geographic Information System (GIS) will serve as a dynamic visualization tool to display the locations of MISLE activities, and other certain data pertaining to MISLE referential data.
- b. System Design. MISLE is a web-based system that is accessible from any CG workstation. Deploying a centralized system improves configuration management and troubleshooting capabilities while providing a more flexible upgrade path. MISLE is a modern system that was built using latest software development techniques such as Joint Applications Development/Rapid Applications Development (JAD/RAD)

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- 12.B.1.b. (cont'd) development model, and improved database design/delivery using mobile code and a web browser for the user interface. MISLE was designed to reduce redundant data entry by using common referential data for vessels/parties, allowing us to combine different legacy systems such as MSIS and LEIS, and SARMIS. MISLE was designed with an open architecture to accommodate changing or adding components to easily expand system functionality to meet changing mission needs. To ease the transition between different legacy systems, User Guides were developed by program offices and are posted on an information website called MISLENET. The program manager for MISLE, Commandant (G-MRI-3), coordinates the needs of each program office with OSC.
- c. Data Entry. MISLE data can be entered by a number of sources including Marine Safety units, Groups, Vessels, and the National Vessel Documentation Center. Security protocols restrict which sources may enter specific data.
- d. Data Access. MISLE contains multiple levels of data access depending on user authorization. Data is available on-line to: Coast Guard units; Federal law enforcement agencies; State agencies; financial institutions; and the maritime industry organizations. Some non-sensitive data may be made directly available to the public via the Internet. **MISLE and MARS data should not be provided to individuals and organizations outside the Coast Guard by field personnel.** External requests for MISLE data related to Marine Safety should be forwarded to Commandant (G-MRI-1) for action. External requests for MISLE data related to law enforcement should be forwarded to Commandant (G-OCC) for action.
2. Marine Safety Information System (MSIS).
- a. Purpose. Prior to the advent of the MISLE system, MSIS was the primary information system for support to USCG Marine Safety activities. MISLE replaced MSIS on 21 December 2001. Historical information contained in MSIS can still, however, be accessed through the MSIS Rehost Interface Project (MSISR-IP). MSISR-IP is a web-based application that allows users to view cases and other information that existed in MSIS. MSISR-IP displays the case data from MSIS in the same format that MSIS did. MSISR-IP has all the data that was in MSIS up to the day that MSIS ended, on 13 December 2001.
- b. System Design. MSIS merged information from field reports into a common information base, which was shared by all users of the system. System characteristics include: product and forms printing

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- 12.B.2.b. (cont'd) for hard copy records; summary activity reports for activity management; automated monitoring, prompting and notification functions; and maintenance of vessel, facility and party summaries (such as the port safety vessel history). The MSISR-IP database is composed of master files, which contain histories and summaries of vessels, facilities, involved parties, and hazardous cargoes.
- c. Data Entry. Data entry into MSIS ended with the deployment of MISLE.
- d. Data Access. The files in MSIS still contain sensitive personal data that is protected from release under the Privacy Act and Freedom of Information Act. Access to MSIS through MSIS-IP is limited. **MSIS data should not be provided to individuals and organizations outside the Coast Guard.** External requests for MSIS data should be forwarded to Commandant (G-MRI-1) for action.
3. Ship Arrival Notification System (SANS).
- a. Purpose. SANS was developed to provide a central database for all vessel arrival information for national security purposes. The SANS database facilitates the flow of Notice of Arrival information from the National Vessel Movement Center (NVMC) to Coast Guard Field Units. SANS contains all of the required information provided by 33 CFR 164 Notice of Arrival Regulation. This information includes general vessel data, port destinations, arrival and departure dates, crew and passenger information, and cargo information.
- b. System Design. SANS is a web-based system that is accessed via the USCG intranet at [HTTP://SANS.OSC.USCG.MIL](http://SANS.OSC.USCG.MIL). The NVMC, where SANS is hosted, is located at the OSC in Kearneysville, WV.
- c. Data Entry. The NVMC watchstander enters all Notice of Arrival (NOA) and Notice of Departure (NOD) information into SANS.
- d. Data Access. Information that is entered into SANS is immediately available for viewing by the USCG Intelligence Coordination Center (ICC) and USCG Captains of the Port (COTPs) via the USCG Intranet web page. SANS is “read only” for all field users. **SANS data should not be provided to individuals and organizations outside the Coast Guard.** External requests for SANS data should be forwarded to Commandant (G-C2) for action.

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4. Port State Information Exchange (PSIX).
 - a. Purpose. PSIX provides the public access to selected vessel data from MISLE. It also serves as a demonstration project to show the potential for an International Maritime Organization information system to share data on vessels worldwide for use in port state control actions.
 - b. System Design. PSIX is a Microsoft SQL Server database located on a computer at OSC Martinsburg that is accessible 24 hours a day via the World Wide Web. It enables users to conduct standard searches and retrieve standard reports. The database is periodically updated from MISLE.
 - c. Data Entry. PSIX is a retrieval only data system. Data is loaded no less than weekly by OSC Martinsburg from MISLE. Requests for data corrections should be sent to Commandant (G-MRI-2).
 - d. Data Access. PSIX does not contain any sensitive personal data and is available to the public. Units should encourage members of the public and other agencies to obtain vessel data directly from PSIX. Coast Guard personnel should obtain their data from MISLE rather than PSIX because the data in MISLE is more complete and up-to-date.

5. Abandoned Vessel Inventory System (AVIS).
 - a. Purpose. AVIS is designed to consolidate information regarding abandoned vessels in U.S. navigable waters. Because there are potential and real threats associated with abandoned vessels, each Coast Guard Captain of the Port (COTP) is required to investigate reports of abandoned vessels and annually survey their area of responsibility to assess the abandoned vessels within. An inventory of available data is maintained on those vessels that pose or are likely to pose a substantial pollution threat, hazard to navigation, or other significant safety or health threat.
 - b. System Design. The AVIS database is currently hosted by FYI-For Your Information, Inc. and is accessed via the World Wide Web.
 - c. Data Entry. The entry of new data is accomplished over the web. Coast Guard Units can enter new records, update existing records, and conduct a limited number of queries.
 - d. Data Access. To access AVIS, enter the site at: **<http://cgweb.uscg.mil/smalldb/g-m/CG-AVIS>**. Access is limited, and users will be prompted to enter the unit's user name and password, which are provided by Commandant (G-MWP).

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6. Merchant Marine Licensing and Documentation System (MMLD).
 - a. Purpose. MMLD automates the processing of merchant mariner licenses and documents. In doing so it provides a continuously updated database of merchant mariner records, eliminates duplication of effort, promotes consistency and meets the requirements of the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers, 1978 (STCW).
 - b. System Design. MMLD is an intranet accessible ORACLE database application hosted at the OSC for use by 17 Regional Exam Centers (RECs) across the country and National Maritime Center (NMC) personnel. This centralized web-based approach allows all users of the system to share a common database containing information on merchant mariners and the status of their licenses and documents. MMLD is updated, on a real-time basis as data entries are made by MMLD users.
 - c. Data Entry. Coast Guard personnel at 17 RECs and NMC personnel are responsible for data entry.
 - d. Data Access. Coast Guard personnel at the NMC and REC have data access to MMLD data via an intranet web address. Mariner data is also accessible via MISLE to users at the Marine Safety Offices. This data is real time read only. MMLD contains sensitive personal data that is protected from release under the Privacy Act, Freedom of Information Act and other laws. Requests for MMLD data from persons or organizations outside the Coast Guard should be forwarded to the National Maritime Center.
7. Vessel Documentation System (VDS).
 - a. Purpose. Vessel documentation is a national form of registration that provides conclusive evidence of nationality for international purposes, provides for unhindered commerce between the states, and admits vessels to certain restricted trades, such as coastwise trade and fisheries. A Certificate of Documentation is required for the operation of a vessel in certain trades, serves as evidence of vessel nationality, and permits a vessel to be subject to preferred mortgages. The Vessel Documentation System (VDS) is the electronic information system for entry, update, and storage of data associated with Coast Guard documented vessels, such as the Official Number, managing owner, vessel build information, and trade endorsements.

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- b. System Design. VDS is an Oracle database that is located and maintained at the Operations System Center in Kearneysville, WV. Imaging and workflow software is provided by 170 Systems. The MarkView Imaging System is the software that provides the capture, storage, retrieval, and other imaging functions. The SQL*Flow Workflow Management System is the software used to set up, execute, and manage the workflows necessary to implement the Vessel Documentation System's business rules.
 - c. Data Entry. Personnel at the National Vessel Documentation Center in Falling Waters, WV enter data and update records through VDS.
 - d. Data Access. Access directly to VDS for entry and update is restricted to NVDC personnel. Read-only access to vessel documentation data is available to all MISLE users via the MISLE vessel and party details.
8. Internet and Intranet Pages. Internet and Intranet pages are a convenient means for providing access to information. Internet pages are used to provide information both to the public and to Coast Guard personnel while Intranet pages provide information for use only within the Coast Guard. Many Internet pages already exist, providing access to laws, regulations, policies and other information to virtually all Coast Guard employees. The Commandant (G-M) Internet Home Page address is: <http://www.uscg.mil/hq/g-m/gmhome.htm>.
- C. Pollution and Chemical Hazards Response Information Systems.
1. National Response Resource Inventory (RRI).
 - a. Purpose. RRI is a database of spill containment and removal equipment. This data is used to provide information to on-scene coordinators concerning resources available within their zones to respond to pollution incidents and to update contingency plans.
 - b. System Design. The database includes listings of spill response equipment owned or maintained by contractors, private companies, cooperatives, or government agencies. The RRI database is maintained on a computer at the National Strike Force Coordination Center (NSFCC).
 - c. Data Entry. The NSFCC staff enters data provided by contractors, private companies, cooperatives, or government agencies.
 - d. Data Access. RRI data is available from the NSFCC.

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2. Vessel Response Plan Databases.
 - a. Purpose. Two databases exist for tracking vessel response plan data. The Vessel Response Plan (VRP) database contains information on vessel response plans required under OPA 90. The Shipboard Oil Pollution Emergency Plan (SOPEP) database contains information on vessel response plans required under MARPOL.
 - b. System Design. Both databases are Microsoft SQL Server databases hosted on a web server that is maintained by a contractor. The VRP database contains specific information on the vessel response plan including: owner/operator; oil spill response organizations; COTP zones authorized; and correspondence. The SOPEP database contains similar information except for oil spill response organizations.
 - c. Data Entry. Data is entered into these databases by the contractor based on plan submissions and related correspondence.
 - d. Data Access. VRP and SOPEP data is available from Commandant (G-MOR-2).
3. Spill Planning, Exercises and Response System (SPEARS).
 - a. Purpose. SPEARS is a graphically oriented computer tool to facilitate the planning, exercising and response to oil and hazardous substance spills. It provides the On Scene Coordinator with a decision support tool consisting of integrated databases, models, templates and response activity tracking components. It is intended to provide both historical and real-time information to facilitate comprehensive incident planning and promote efficient action when responding to a spill incident. Current functions of SPEARS will be integrated into MSN for access over the intranet. SPEARS will also be maintained as a stand-alone desktop tool for Planning Officers only.
 - b. System Design. SPEARS is an integrated management tool which operates on Windows or Macintosh operating systems. The components include key portions of Computer-Aided Management of Emergency Operations (CAMEO) and its air dispersion model (ALOHA), a chemical information database, and a geographical information mapping system. MISLE facility information and pollution investigation data are provided and updated quarterly for trend and risk analysis. Local and regional information regarding commodities transported, environmentally sensitive areas, and response resources can be geo-referenced for ready availability to response and planning personnel. SPEARS incorporates other spill

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- 12.C.3.b. (cont'd) tools developed by the Coast Guard and NOAA, including: an oil weathering model, a dispersant and in-situ burning planner, and several databases. A powerful search and query tool is included to retrieve data from the databases. Information retrieved can be geographically displayed on MARPLOT or exported to a spreadsheet for further analysis.
- c. Data Entry. Data is not directly entered into SPEARS any longer. Any data that is updated is extracted from MISLE data on facilities and pollution investigations.
- d. Data Access. SPEARS access is limited to Coast Guard personnel at Marine Safety units. Access may be further restricted by the unit based on information needs and training. **The MISLE data on SPEARS may contain personal data that is protected from release under the Privacy Act and Freedom of Information Act.** Requests for MISLE data should be forwarded to Commandant (G-MRI-1) for action. Requests for other SPEARS data should be forwarded to Commandant (G-MOR) for action.
4. Computer-Aided Management of Emergency Operations (CAMEO).
- a. Purpose. CAMEO assists emergency planners, facility operators, and first responders in planning for and responding to chemical accidents. It includes emergency response information and recommendations for more than 4,000 hazardous chemicals. CAMEO is the USCG's emergency preparedness and response modeling simulation tool of choice, pending action by the Department of Homeland Security.
- b. System Design. CAMEO includes both databases and applications. The chemical database contains names, synonyms, formulas, and regulatory and response information for more than 4,000 chemicals. CAMEO also includes ALOHA (an air dispersion model), MARPLOT (a mapping application), and additional room to maintain records and information useful for emergency response and planning. It is no longer a Macintosh-only application. It is also available on the CG workstation.
- c. Data Entry. All initial data entry for the system (chemical information, dispersion model, mapping program) was made during development. Records and information entries can be made and stored at the discretion of the user.
- d. Data Access. CAMEO is available at each MSO and Activity. CAMEO is available for sale to the public from the National Safety Council. MARPLOT and ALOHA are also available for purchase separately.

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5. Chemical Hazards Response Information System (CHRIS), COMDTINST M16465.12 (series).
 - a. Purpose. CHRIS provides information on over 1,300 chemicals that are shipped by water. This data has many uses including spill response, emergency planning and facility and vessel design.
 - b. System Design. CHRIS is a 3,000-page data manual. CHRIS contains qualitative and quantitative data covering the physical, toxicological and chemical properties of each chemical. CHRIS has two 8 1/2 by 11 pages for each chemical, one for the properties and another containing eight tables showing each property as a function of temperature.
 - c. Data Entry. CHRIS is a retrieval only data system. Commandant (G-MSO-3) is responsible for management of this data. Suggestions, corrections and errors should be forwarded to Commandant (G-MSO-3).
 - d. Data Access. CHRIS manuals are available for purchase by the public from the U.S. Government Printing Office. CHRIS is also available on the internet at www.chrismanual.com and on CD-ROM. Coast Guard units may contact Commandant (G-MSO-3) for a free copy.

6. Chemical Data Guide for Bulk Shipment by Water, COMDTINST M16616.6 (series).
 - a. Purpose. The Chemical Data Guide for Bulk Shipment by Water provides information on over 312 chemicals that are shipped in bulk on vessels. The data can be used for spill response, emergency planning, and facility and vessel design. Although designed for Coast Guard personnel and the marine industry, it is also a useful data source for non-marine users.
 - b. System Design. The guide consists of one page of quantitative information for each chemical that includes data on physical properties, fire and explosion hazards, health issues, reactivity and spill countermeasures. Appendices include cargo compatibility information, medical kit information for cyanide-like cargoes, the International Maritime Organization list of oils, measurement conversion factors, and a temperature conversion chart.
 - c. Data Entry. This is a retrieval only data system. Commandant (G-MSO-3) and its contractor are responsible for all data entries. Suggestions and corrections of error reports should be forwarded to Commandant (G-MSO-3).

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- d. Data Access. The Chemical Data Guide for Bulk Shipment by Water is available to Coast Guard units from the Coast Guard Supply Center. It is available for purchase by the public from the U.S. Government Printing Office.
7. Chemical Information System (CIS).
- a. Purpose. CIS provides rapid access to chemical data through an on-line searchable database.
 - b. System Design. CIS is a collection of databases and search systems jointly developed by the National Institutes Of Health (NIH) and the Environmental Protection Agency (EPA). Several of these databases contain information that can assist units involved in environmental response activities. The Structure and Nomenclature Search System (SANSS), Oil and Hazardous Materials Technical Assistance Data System (OHMTADS), and Registry of Toxic Effects of Chemical Substances (RTECS) databases contain a wide variety of information on hazardous substances, including their associated physical and toxicological properties, synonyms, and commercial data. Navigation and Vessel Inspection Circular (NVIC) No. 5-81, Literature Concerning Hazardous Cargoes, lists current sources of information and is available on the internet at <http://www.uscg.mil/hq/g-m/nvic>. Units needing additional information on any other database in CIS should contact CIS, Inc., directly or contact their respective district (m) office.
 - c. Data Entry. CIS is a retrieval only data system.
 - d. Access. CIS is available on a 24-hour basis to assist units with emergency response and contingency planning for hazardous substance incidents. Commandant (G-MOR) maintains contracts that provide all COTPs with direct access to CIS databases.
 - e. CIS User Support Group. CIS has formed a user support group to assist personnel having problems with the system. Questions or problems with the system should be referred to the user support group at (800) 247-8737. The Coast Guard has access to CIS through the following units:
 - (1) National Response Center (NRC);
 - (2) Commandant (G-MOR-3);
 - (3) National Strike Force (NSF) units;
 - (4) Training Center (TRACEN) Yorktown, VA (t-mss); and

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(5) MSO/Activity offices.

- D. Other Coast Guard Information Systems. Information systems developed by other Coast Guard programs can frequently provide information that is useful for marine safety, security and environmental protection activities. This section describes some of the information systems used by Marine Safety units in the past.
1. Automated Mutual Assistance Vessel Rescue (AMVER) System.
 - a. Purpose. AMVER maintains a plot on the locations of commercial vessels throughout the world for use in SAR activities. Data on predicted vessel locations and their SAR capabilities are made available to rescue coordination facilities of any nation during maritime emergencies.
 - b. System Design. AMVER is based on a central computer at the OSC in Kearneysville, WV. Its goal is to obtain the most complete vessel plot possible, identifying at least 75 percent of commercial vessels engaged in offshore voyages or activities for 24 hours or more. A worldwide voluntary communications network receives and relays vessel location data from participating vessels to OSC. An AMVER education program is coordinated by each district to encourage mariner participation. Marine Safety units help promote and publicize AMVER through industry liaison, designating AMVER boarding officers and conducting AMVER boardings. Management and Operation of the Automated Mutual Assistance Vessel Rescue (AMVER) System, COMDTINST 16122.2 (series) provides a list of codes used to identify the home administration (nation of registry) of a merchant vessel. Further information on the AMVER System may be obtained from Commandant (G-OPR-1) at (202) 267-1552.
 - c. Data Entry. The OSC staff makes all entries.
 - d. Data Access. AMVER information is considered proprietary in nature and must not be disclosed. **AMVER data should not be provided to individuals and organizations outside the Coast Guard.** All requests for AMVER data should be forwarded to Commandant (G-OPR-2).
 2. Boating Accident Report Database (BARD) System.
 - a. Purpose. The BARD System contains information on recreational boating accidents nationwide from 1969 to the present. This includes the date, location, weather/water conditions, boat characteristics, cause of the accident, and non-sensitive information on the individuals involved. The boat owner/operator provides the input through an accident report, which may be

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- 12.D.2.a. (cont'd) supplemented by a Coast Guard or state investigation. The information is analyzed to determine problems and trends, and is used by the federal, state, and private sectors in evaluating program effectiveness. Accident statistics are compiled and published annually in Boating Statistics, COMDTPUB P16754 (series) by Commandant (G-OPB).
- b. System Design. The BARD system is based on Microsoft Access 2000 database management system software and resides at Coast Guard Headquarters.
 - c. Data Entry. Each State government electronically transfers recreational vessel casualty data to Coast Guard Headquarters where it is imported into the BARD system.
 - d. Data Access. All requests for BARD data should be forwarded to Commandant (G-OPB).
3. Auxiliary Management Data System (AUXDATA). AUXDATA is a system for identifying, quantifying, and reporting Auxiliarist qualifications and accomplishments on a local, regional and/or national basis. The system includes: Auxiliarist qualification codes, public education courses given, Vessel Safety Checks (VSCs) conducted, operational support summaries, and administrative information (e.g., names, addresses, and telephone numbers ordinarily protected by the Privacy Act). System input originates at the individual Auxiliarist and local flotilla level. Reports are available from Commandant (G-OCX) or the boating safety branch at each District. The information is also available from the Auxiliary Information System (AUXINFO), which may be accessed through the Coast Guard intranet at <http://cgweb.uscg.mil/> then click on the "CGInfo" tab, then the "All Cubes" tab, then the "Auxiliary" tab. No password is necessary for access to the basic information in the AUXINFO system. However the more detailed reports available in the AUXDATA system require a password that is assigned by Commandant (G-OCX).
4. Manufacturer Identification Code (MIC) System. The MIC System identifies U.S. and Canadian recreational boat manufacturers, including importers, through a unique 3-digit/alpha character code, as prescribed by 33 CFR 181. The system includes the builders' names, addresses, ID codes, types of boats built, and current status (i.e., importer, out of business, or foreign builder). Input is provided by the builder through a formal application to Headquarters, or by having contract personnel visit boat factories and provide feedback to Headquarters. The information is used to identify and track potentially defective boat/equipment models. Commandant (G-OPB-3) maintains the system. MIC information is also available on the internet (<http://www.uscgboating.org>).

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5. Defect Cases and Recall Campaigns. This database is used to track and evaluate boating technical efforts, including manufacturer defect cases, notification campaigns, compliance testing, certification of manufacturers, and boating industry associations. Raw data is generated by boat manufacturers, contract factory visit personnel, contract testing facilities, consumer complaints, OCMLs, and Headquarters personnel. Data is refined and entered into the system by Commandant (G-OPB-3).
 6. Boating Mailing Label System (MLS). This is a file of names, addresses, and general information on companies, organizations, and other parties with boating interest, and for the Coast Guard Auxiliary Marine Dealer Visitation Program. There are over 38,000 records in the MLS database. Any segment(s) can be readily isolated, and mailing labels printed on demand for dissemination of selected materials. Commandant (G-OPB-3) maintains the system.
- E. Headquarters and Unit Files. While we make every effort to store data in electronic format and centralize data storage to maximize efficiency and availability, some information is not amenable to such storage. Documents, certificates, plans, diagrams and similar records are maintained in files at their point of origin or destination. Other records are stored at the Commandant (G-M) Records Management Center at Coast Guard Headquarters. This section describes some of the files available.
1. Commercial Vessel Casualty File. Commandant (G-MOA) manages the automated Commercial Vessel Casualty File (CASMAIN). This contains information extracted from casualty investigations completed in accordance with the provisions of 46 CFR 4.07 and Volume V of this manual from 1977 to 1991. A summary of this data was compiled and published by fiscal year. The file is also used to respond to government and public requests for information concerning vessel casualties, personnel injuries, and deaths prior to 1992.
 2. Commercial Vessel Safety (CVS) Plan Review Case Files. This section outlines the administrative procedures for processing CVS plan review case files. These consist of vessel plans, review action letters, and related correspondence that are handled by Headquarters, the Marine Safety Center (MSC), and Marine Safety units. Distribution, storage, and retrieval procedures have been refined to keep the Commandant (G-MOC and G-MSE) and MSC advised of the start and completion of commercial vessel inspections. This is accomplished by receipt of an Application for Inspection of U.S. Vessel, Form CG-3752, and a COI, Form CG-841. These actions are considered evidence of inspection activities. The plan review case file should be retained for 1 year after the vessel is issued a COI. Use subject heading format described in chapter 13 of this volume for all correspondence pertaining to the construction or conversion of vessels and special projects.

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- a. Marine Safety Center (MSC) Procedures. The MSC is the repository for all commercial vessel plan review records for all certificated vessels, except for some T-Boats, which are retained by the OCMI. The following procedures should be used at the MSC to ensure proper maintenance of the files:
- (1) Identification/Segregation. Completed plan review files should be segregated by those conducting the review, and each plan marked accordingly (i.e., those to be retained should be so stamped). Files that are eventually to be discarded should be packaged so that a file clerk can easily identify them when the time comes to discard them.
 - (2) Latest Revisions. Only the latest revisions of plans should be retained. Previous editions should be discarded promptly after comparison to and acceptance of revisions.
 - (3) Indexing. An index of all plans in each vessel record should be prepared to include identification, latest revision date, and disposition.
 - (4) Completion Date. Each vessel record should clearly indicate the completion date on the outside where it is visible for easy identification when the time comes to cull the file.
 - (5) Culling. The complete file of a vessel's (latest revisions) reviewed plans should be retained, segregated within as discussed in subparagraph 12.E.2.a.(1) above, for 1 year after the vessel is completed (COI is issued). Thereafter, only those plans listed in paragraph 12.E.2.d. below should be retained. All other plans should be discarded at this time.
 - (6) Correspondence. All pertinent correspondence should be retained in the record. Correspondence should clearly show the relationship to the appropriate plans, and vice versa.
 - (7) Review In Cooperation With The OCMI. Copies of all plans acted on and to be retained by the OCMI should not be retained by the MSC after project completion. In those cases where isolated assistance is provided by the MSC, all plans should be returned to the OCMI for inclusion in the file.
 - (8) Review Activities Subsequent To Vessel Completion. In those cases where a vessel has been completed, record plans submitted for alteration or repair should replace, if appropriate, previous editions, which should be discarded. Non-record plans should be held in the record for 1 year after project completion, and then discarded.

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- (9) Disposition After Life Of Vessel. A vessel's plan review record should be discarded 1 year after the vessel is listed lost, abandoned, destroyed, scrapped, or when the vessel is transferred to foreign flag. This action should be recorded.
- b. OCMI Procedures. The OCMI may review and approve certain plans either independently or in cooperation with the MSC. Certain of these plans will be retained by the cognizant OCMI. The following procedures apply, or otherwise should be followed by the OCMI in retention of vessel plans for the record:
- (1) Subchapter T Vessels. All appropriate plans for T-Boats shall be retained by the cognizant OCMI. In cases when the MSC cooperates in the review of a T-Boat, whether by request or for mandatory requirements of stability, subdivision, or structural fire protection, the OCMI shall compile and maintain the complete plan review record. The MSC will return to the OCMI any copies of T-Boat plans and related correspondence, not already held by the OCMI, for inclusion in the record. The MSC should not retain T-Boat plans beyond the project completion date. If a subchapter T-Boat permanently moves to another OCMI zone for operation, the complete plan review record should be transferred to that zone.
- (2) Vessels Other Than T-Boats. In those cases where an OCMI has qualified personnel available to conduct plan review for vessels other than T-Boats, the following procedures apply:
- (a) Complete Review By OCMI. When the OCMI performs complete review, the entire plan review record should be compiled by the OCMI and held for 1 year after the completion date, then the record should be culled and archived locally.
- (b) Limited Assistance From MSC. When the MSC provides isolated assistance to the OCMI, the plans record should be handled as if the OCMI did complete review (subparagraph 12.E.2.b.(2)(a) above). The MSC should return all plans to the OCMI for the record.
- (c) Limited Review By OCMI. In those cases where the OCMI performs limited plan review for projects otherwise being reviewed by the MSC, all plans should be forwarded to the MSC for the record. The OCMI need not keep copies after the project completion date.
- (d) Review Activities Subsequent To Vessel Completion. In those cases where a vessel has been completed and

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12.E.2.b.2.(d)

(cont'd) the plan review record has already been forwarded to the MSC, any additional record plans reviewed and approved by the OCMI should be forwarded to the MSC upon project completion. Non-record plans should be held and discarded locally 1 year after project completion.

- (e) Indexing. For plan review records compiled by the OCMI, an index of all plans in each record should be prepared to include identification, latest revision date, and disposition. This should be included in the record when it is forwarded to the MSC.
- (f) Culling, Forwarding To MSC. In those cases where the OCMI compiles the plan review record, the OCMI should hold the record for 1 year after the vessel is issued a COI. The plan review record is then to be culled per paragraph 12.E.2.d. below, and all record plans and related correspondence are to be forwarded to the MSC for retention. This includes all record plans whether approved by the OCMI or the MSC, or by the American Bureau of Shipping (ABS). (See NVIC 10-82.) All non-record plans may be discarded at this time.

- c. Headquarters Procedures. Any vessel plans acted on by the Headquarters staff generally will be forwarded to the MSC for retention when the action is completed.
 - (1) Plan Review Correspondence. Generally a copy of all Headquarters-generated correspondence relative to plan review activities will be sent to the MSC. For specific vessels, such correspondence should clearly indicate the vessel's name and O.N.
 - (2) Forwarding Plans To The MSC. All related plans will be enclosed with the MSC copy of correspondence. The Headquarters file copy of the correspondence will indicate the plans were forwarded to the MSC.
 - (3) Headquarters Vessel Records. Headquarters will continue to maintain a 16710/VESSEL NAME file. This file will include individual vessel records for correspondence (incoming and outgoing) on specific U.S. vessels acted on by Headquarters.
 - (4) Concept Review. A single copy of the latest version of plans reviewed by Headquarters for concept approval may be retained as needed in the Headquarters files.

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- d. Plans To Be Retained. The following plans are to be retained. All other plans may be discarded 1 year after vessel completion.
- (1) General arrangement drawings;
 - (2) Loading manuals;
 - (3) Operating manuals;
 - (4) Automation test procedures;
 - (5) Fire control plans;
 - (6) Stability information;
 - (7) Midship section;
 - (8) Hazardous area drawings;
 - (9) Steering arrangement, electric and hydraulic control drawings;
 - (10) Electrical one-line diagrams; and
 - (11) Related correspondence.

NOTE: Stability information should include: lines plans, cross curves, hydrostatic curves, trim and stability booklet, calculations of stability in the intact or floodable conditions, and the stability letter.

3. Tonnage Measurement Vessel Files. Tonnage measurement vessel files contain copies of tonnage certificates issued for associated vessels, as well as calculations and other information to support how those tonnages were determined. The files do not, in general, contain vessel plans. Files are maintained at one of the following locations:
- a. Marine Safety Center (MSC);
 - b. Federal Records Center; or
 - c. Authorized Measurement Organizations listed in 46 CFR 69.15.

The MSC can assist in determining the location of these files, and can provide procedures for obtaining copies of file information. Their phone number is (202) 366-6440.

4. "Type Approval" And "Type Certification" Case Files. This section of the manual establishes the administrative procedures involved in the review, distribution, and filing of plans and correspondence pertaining to "Type Approval" and "Type Certification" case files. This includes materials and equipment formerly listed in the Equipment Lists,

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12.E.4. (cont'd) COMDTINST M16714.3 (series), such as lifesaving, fire protection, electrical, engineering, and pollution abatement equipment, and hydraulic components and items accepted under the affidavit system.

- a. Equipment Lists, COMDTINST M16714.3 (series). This publication is no longer produced. For an up-to-date equipment list, which are approved or accepted under the various navigation and vessel inspection laws and regulations, refer to the Approved Equipment module in MISLE.
 - (1) Lifesaving, Fire Protection, Engineering, Navigation and Electrical Equipment. Equipment approved in accordance with 46 CFR, Subchapter Q is reviewed by Commandant (G-MSE). Approved plans, correspondence, and attendant certificates are retained at Headquarters under SSICs in the 16714/160-165 series. The original approval certificate is sent to the manufacturer and a copy is sent to the cognizant OCMI and testing laboratory. If the item is produced under Coast Guard inspection, the OCMI is also sent a copy of the approved plans.
 - (2) Marine Sanitation Device (MSD) and Engineering Equipment. The MSC reviews MSDs under 33 CFR 159. The plans, test reports, and copies of attendant certification letters and correspondence are retained at the MSC under SSICs in the 16714/159 series. MSDs certified for inspected vessels are reviewed by the MSC for compliance with 46 CFR Subchapters F and J. For specific or non-specific vessel installations, MSDs certified for uninspected vessels may be used on inspected vessels, if the OCMI or the MSC reviews the MSD for compliance with 46 CFR Subchapters F and J. One copy of each plan and related correspondence shall be sent to the MSC for use in the issuance of a certificate for inspected vessels. As for the Engineering Equipment (pertaining to boilers, valves, and pollution prevention equipment), it is reviewed by the MSC under SSICs in the 16714/162 series. The plans, test reports, and copies of attendant certification letters and correspondence are also retained at the MSC under SSICs in the 16714/162 series.
 - (3) Approval Letters. Approval letters are maintained in the vessel case files. These include: nonstandard pipe-joining fittings, welded valves, etc. These items are reviewed by the MSC in the course of vessel plan review. Approved plans are also kept with the vessel case file.

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- (4) Approval Certificates. Original Certificates of Approval (COA) are sent to the manufacturer. Copies of the COAs are retained with the approved equipment/material files and can be accessed via MISLE (CG intranet) or CG Equipment List Online Search Engine (Internet).
 5. Obtaining Headquarters Records Outside Normal Working Hours. A casualty or incident may be so serious as to require immediate collection and forwarding of Headquarters files or records for use in a casualty or spill response, investigation, or marine board. If a need arises for Headquarters files or records after normal working hours, Headquarters Command Center should be contacted at (202) 267-2100. Command Center personnel will contact members of the appropriate office within Commandant (G-M), who will forward the necessary information, if available, by the most expeditious means available.
 6. Unit Investigation Files. Units should maintain a copy of the CG 2692 and any enclosures listed in a MISLE case for each marine casualty investigation. Files should be destroyed in accordance with the Coast Guard Paperwork Management Manual, COMDTINST M5212.12 (series). Originals of these documents must be sent to Commandant (G-MOA). Investigator notes and other working papers not cited as enclosures to the MISLE case should be destroyed when the MISLE case is closed.
 7. Unit Vessel Files. Units should maintain files documenting inspections on U.S. vessels. The files should include information such as the inspection report, and copies of the Certificate of Inspection and other letters issued. These files should be purged of old material in accordance with the Coast Guard Paperwork Management Manual, COMDTINST M5212.12 (series).
 8. Unit Facility Files. Units should maintain files documenting inspections on waterfront facilities, mobile facilities and fixed platforms. The file should include information that is not recorded in MISLE such as the inspection checklist, diagrams, letters, permits, and response plans. The standard waterfront facility folder (CG-5562) should be used. These files should be purged of outdated material in accordance with the Coast Guard Paperwork Management Manual, COMDTINST M5212.12 (series).
 9. Unit Violation Files. The original violation case file, which is forwarded to the Hearing Office and returned after final agency action, must be kept at the unit in accordance with the Coast Guard Paperwork Management Manual, COMDTINST M5212.12 (series).
- F. MISLE Data Entry Procedures. MISLE data is entered and retrieved online via the Coast Guard intranet. The MISLE homepage is located at: <http://mislenet.osc.uscg.mil/>. To access the MISLE application from the homepage, users should click on the upper left corner of the page under the

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12.F (cont'd) heading "MISLE and Related Apps." A pop-up menu will give the user the choice of which application to enter (i.e., MSN, MSIS-R, PSIX, or SANS). To enter MISLE data, the user should select MISLE and he or she will then be prompted for a password. First time users will need to submit their password information, while users who have already received a password may enter that password and then click the "Login MISLE" button. Once the password is accepted, the user profile screen will be displayed. To proceed to data entry, the user should click on the main menu button.

1. Main Menu. The main menu, as displayed below (see Figure 12-1), allows the user to select which section to enter or retrieve data from by clicking on the appropriate button. From the main menu the user can enter data on: Cases; Activities; Facilities/Bridges; Parties; Vessels; Safety Records; and other sections, which are discussed in more detail below. Access is controlled by password, and users will not be able to enter or retrieve data that they are not authorized to access.

FIGURE 12-1



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2. Screen Help. Details on how to complete each screen, and the type of data that should be entered in data fields, are further explained in the help text screens accessed by clicking the question mark icon on the applicable web page.
 3. Drop Down Menus. Drop down menus are available for all data fields that require categorized responses. Users should select from among the drop down choices when filling in these fields.
 4. User Documentation. For additional instructions, users can also access the User Documentation for the MISLE system. This User Documentation includes available process guides, transaction guides and users manuals for applicable sections, and can be accessed via the USCG intranet at http://mislenet.osc.uscg.mil/user_guides.aspx, or via the MISLE Homepage (<http://mislenet.osc.uscg.mil/>) by clicking on the “MISLE User Guides” button at the top of the page.
 5. Assistance. If additional information is required for data entry in any section, the user can contact the MISLE Hotline at (304) 264-2500. The user can also contact Commandant (G-MRI-1).
- G. MISLE Sections. The functions in MISLE are accessed from the main menu by clicking on the button for the appropriate section. Each section is discussed in detail below.
1. MISLE Cases Section. This section allows users to create a case grouping of Activities involving a single incident, which may consist of vessel inspection activity report, investigation activity report, and S& R activity.
 2. MISLE Activities Section. This section allows users to create a new activity of different types or search for existing Activity Detail reports by wide range of criteria, including: subject name; activity type; range of dates; and activity status. This section can be used to enter or retrieve information on a wide variety of Activity Types, as described below.
 - a. Vessel Inspection. This Activity Type is used to enter or retrieve information on vessel inspections. The related Subactivity Type contains a drop down menu that includes: Annual Inspection; Certificate of Compliance; COI; Hull Examination; MARPOL Annex I Examination; SIV; Tank Vessel Examination; and others.
 - b. Facility Inspection. This Activity Type provides a means to add facility inspection information. The related Subactivity Type contains a drop down menu that includes activities such as: Initial Inspection; Annual Inspection; Random Inspection; and others.

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- c. Vessel Boarding. This Activity Type is used to report law enforcement boarding activities, such as: Assimilated Stateless Boardings; Consensual Boardings; Flag State Authorized Boardings; and others.
- d. Investigation. This Activity Type provides a means to add information on the investigation of incidents that are not otherwise reported in other sections.
- e. Impose Vessel Operational Control. This Activity is used to enter or access information on operational controls imposed on a vessel. This section also allows the user to view the history of controls imposed on a subject and enter new or update existing operational controls. Operational controls include, but are not limited to: COTP orders, Port State Control Detention, Safety & Security Zones, VTS Measures/Directions, and Administrative Orders.
- f. Fishing Vessel Exam. This Activity Type is used to enter information on Fishing Vessel Examinations. The related Subactivity Type contains a drop down menu that includes activities such as Initial Examination; Dockside Examination; Followup Examination; and others.
- g. Platform Inspection. This Activity Type provides a means to add platform inspection information. The related Subactivity Type contains a drop down menu that includes: Annual Inspection and Safety Inspection.
- h. Vessel Sighting. This Activity Type is used to enter and retrieve information on vessel sightings.
- i. Enforcement Activity. This Activity Type is the primary screen for entering marine violation information and other activities related to the enforcement of Marine Safety laws and regulations. The related Subactivity Type contains a drop down list of enforcement options that include actions such as: Notice of Violation; Administrative Civil Penalty; Arrest and Seizure; Referral for Criminal Prosecution; and others.
- j. Impose Facility Operational Control. This Activity is used to enter or access information on operational controls imposed on a facility. This section also allows the user to view the history of controls imposed on a subject and enter new or update existing operational controls. Operational controls include, but are not limited to: COTP orders, Port State Control Detention, Safety & Security Zones, VTS Measures/Directions, and Administrative Orders.

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- k. Towing Vessel Exam. This Activity Type is used to enter information on Towing Vessel Examinations. The related Subactivity Type contains a drop down menu that includes: Annual Inspection and Hauser Check.
 - l. Cargo Transfer Monitor. This Activity Type provides a means to add information on transfer monitor activities.
 - m. Resource Sortie. This Activity Type is used to enter information related to the use of a resource during a Coast Guard response. Sorties are normally associated with an Incident Management Activity within a MISLE case.
 - n. Incident Management. This activity is used to document a field unit's effort to mitigate and respond to an incident.
 - o. Impose Waterway Operational Control. This Activity is used to enter or access information on operational controls imposed on a waterway. This section also allows the user to view the history of controls imposed on a subject and enter new or update existing operational controls. Operational controls include, but are not limited to: COTP orders, Port State Control Detention, Safety & Security Zones, VTS Measures/Directions, and Administrative Orders.
 - p. Cargo/Container Inspection. This Activity Type provides a means to add container inspection information.
 - q. Import Activities. This Activity Type provides a means to import boarding information into MISLE from a Personal Digital Assistant (PDA).
- 3. MISLE Facilities/Bridges Section. This section allows users to search for and/or create subjects other than vessels and parties. Facilities include, but are not limited to: waterfront facilities; lifesaving manufacturing/servicing facilities; bridges; offshore platforms; and oil spill response organizations.
 - 4. MISLE Parties Section. This section allows users to search for or add an individual or an organization without being involved in an activity or a case. Clicking on this button from the home page brings users to the Parties menu screen where the user can choose the Parties or MSN home button. Clicking on the Parties button brings users to the Party Selector screen. Users are advised not to create a new party unless an extensive search is completed to ensure that the party is not already in the system.
 - 5. MISLE Vessels Section. This section allows users to search for a vessel or vessel Groups, Fleets, or Classes in the MSN database or Lloyd's Register with Vessel Name, VIN, or Call Sign. The user may search and select vessels in MSN and Lloyd's Register or create new vessels not in

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- 12.G.5. (cont'd) MISLE. Users are advised not to create a new vessel unless an extensive search is completed to ensure that the vessel is not already in the system.
6. MISLE Safety Records Section. This section opens the Manage Safety Recommendations screen. The Manage Safety Recommendations screen is the initial interface for the MISLE user to manage safety recommendations that are initiated by or issued to the Coast Guard as a result of an investigation into a marine casualty. This includes the ability to add, update, search, and transfer safety recommendations. This screen can also be opened from the Incident Investigation Activity screen. Access From Main Menu should be used if the MISLE user wants to conduct a search of all safety recommendations in MISLE or wants to add/edit a safety recommendation that is not associated with an MISLE Activity (e.g. National Transportation Safety Board (NTSB) safety recommendation). Access From Incident Investigation Activity Screen should be used if the MISLE user wants to add/edit or search safety recommendations related to a specific incident investigation activity in MISLE. Access to safety recommendations through an incident investigation activity is limited to only those associated with that specific activity.
 7. MISLE Standard Reports Section. This section gives you quick access to running queries and printing specialized reports. Reports available include the following: Status of COI Inspection; Overdue Deficiency Report; Operational Controls; Wanted List; Port State Control Admin; COFR Revocation Report; and Vessel Lookouts. Additional reports will be added as they are developed.
 8. MISLE Vessel Arrivals Section. This section gives users the ability to access information on vessel arrivals. The information can be sorted by Port Group, and arrival/departure date and time. MISLE Vessel Arrivals can import vessel arrival data from AMVER and SANS data bases.
 9. MISLE Reference Material Section. This section allows users to search International Laws and Treaties and United States Codes and Federal Regulations using search keyword.
 10. MISLE Approved Equipment Section. This section provides a means to review Class Details, Add a QClass and/or Modify a QClass. Additionally, this screen displays the approved equipment list as identified by Qclass and Qclass description. It also allows you to search and sort the approved equipment by using the pick list (Qclass, Qclass Description or specific equipment Approval Number) and adjacent free type space.
 11. MISLE FINCEN Section. This section is for the use of the Financial Crimes Enforcement Network (FINCEN) only.

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12. MISLE Waterways Section. This section provides users the capability to search and select waterway segments for information or use. In an effort to align casualty data with commerce data MISLE has adopted the US Army Corps of Engineers Waterway Network. Use of these established waterway segments is encouraged whenever possible. Creation of new waterways, although possible where "gaps" exist, should be done only if considerable need exists.
 13. MISLE Notification Section. This section provides users the capability to search MISLE notifications, enter new notifications, and search NRC notifications.
 14. MISLE Utilities Section. This section gives users access to several system utilities, including: Clear Picklist Cache; Unit Information; and System Information.
 15. MISLE Links Section. This section provides web links to additional information including: System Update Information; User Guides; Program Manager/Project Officer; Web Forum; Opinion Survey; MISLE History; and NLETS/NCIC.
- H. MISLE Data Entry and Activities Action Standards. Because of the increasing use of data to meet operational and business plan requirements, the timely entry of data into information systems is increasingly important. Failure to promptly enter vessel boarding cases can result in duplicate boardings and wasted time. The late entry of casualty investigation data can result in casualties, deaths and injuries not being included in the business plan and reports to Congress. To ensure the timely availability of data, MISLE data entry standards are as follows:
1. Marine Inspections.
 - a. Enter the basic information on a vessel inspection activity (date, time, location, activity) by the end of the next work day following the day the activity is initiated.
 - b. Inspections with no discrepancies must be completely entered within 7 days after completion of the activity.
 - c. Inspections with discrepancies must be entered within 14 days after completion of the activity.
 2. Marine Investigations.
 - a. Enter the basic information for any vessel casualty, personnel casualty, or pollution incident within 24 hours after receiving the initial report.

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- b. Investigations will be completely entered and forwarded to district for action within six months after receiving the initial report. Extensions up to two months may be granted by the district (m) officer. Extensions beyond two months must be granted by Commandant (G-MOA-1).
 - c. Units must forward each returned report of investigation back to the district within 30 days after receipt.
 - d. District (m) officers must close each investigation, forward it to Headquarters for action if applicable, or return it to the unit, within 30 days after receipt from the unit.
3. Marine Enforcement/Violations.
- a. Enter the basic information on a violation (date, time, subject, charge) within 14 days after the violation is detected.
 - b. Units must completely enter, review and forward cases recommended for civil penalty action to district (m) within 30 days after the violation is detected.
 - c. Units must completely enter and close cases for which a unit letter of warning was issued within 30 days after the violation is detected.
 - d. Units must completely enter and close any case not recommended for civil penalty action within 30 days after the violation is detected.
 - e. District (m) officers must review and forward cases recommended for civil penalty action to the hearing officer within 15 days after the violation case and its supporting documentation is received.
 - f. District (m) officers must close cases issued a district letter of warning or cases not recommended for civil penalty action within 30 days after the violation case and its supporting documentation is received.
4. Other Marine Safety Activities.
- a. Enter basic vessel arrival information within 24 hours after receiving arrival report.
 - b. Enter the basic information on a vessel boarding (date, time, location, activity) within 24 hours after the boarding is initiated.
 - c. Enter the basic information on a facility activity (date, time, activity) within 72 hours after the activity is initiated.

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- d. Document all other Marine Safety activities for the unit each month.
 - e. Complete entry and close to file a vessel or facility activity with no discrepancies within 7 days after completion of the activity.
 - f. Complete entry and close to file a vessel or facility activity with discrepancies within 14 days after completion of the activity.
- I. Relevant Laws, Regulations and Policies. The collection, maintenance and disposal of information by the Coast Guard is subject to a number of laws, regulations and policies. This section summarizes these laws and regulations and indicates applicable Coast Guard directives.
- 1. Freedom of Information Act. The Freedom of Information Act (FOIA) requires each Federal agency to make information available to the public unless exempted by this law or other statute. It sets a strict deadline for response to requests for information and provides guidelines for fees and appeals. The policy on public availability of information for the Department of Homeland Security is established in 6 CFR 5.
 - a. The Coast Guard Freedom of Information and Privacy Acts Manual, COMDTINST M5260.3 (series) sets Coast Guard policy for responding to FOIA requests. It explains the various exemptions, control procedures, fees and appeals.
 - b. The Coast Guard Freedom of Information and Privacy Acts Manual, COMDTINST M5260.3 (series) requires each area, district, MLC and Headquarters unit to designate a FOIA Coordinator to ensure compliance with FOIA requirements. Field units are encouraged, but not required, to designate a FOIA Coordinator to provide a central point for receipt of requests and ensure proper handling.
 - c. Computer records may only be released by the official who requires that the computer record be created and/or maintained (Coast Guard Freedom of Information and Privacy Acts Manual, COMDTINST M5260.3 (series), paragraph 4.A.2.f.). For major information systems this is generally Coast Guard Headquarters. See section 12.B. of this chapter under "data access" to determine the appropriate authority to release data from major computer information systems. All requests for such data must be forwarded to the appropriate release authority.
 - d. Investigations and violation cases frequently include both an electronic case report and hard copy enclosures (papers, photographs, video/audio tapes, etc.). The unit should release the hard copy enclosures in their custody in accordance with FOIA

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- 12.I.1.d. (cont'd) guidelines. The request for the electronic case report should be forwarded to the appropriate release authority.
- e. Many investigation reports and their enclosures contain information that is protected from release under FOIA. A Checklist For Information to Be Withheld (see Figure 12-2) should be completed prior to releasing this information. The sample checklist in Figure 12-2 addresses common personal information contained in unit records. It should also be amended to include any other information exempted under FOIA (records exempted by statute, privileged or confidential commercial information, intragovernmental exchanges, etc.) if applicable.
 - f. Authority to deny disclosure of records or requests for fee waivers under FOIA cannot be delegated except as authorized in the Coast Guard Freedom of Information and Privacy Acts Manual, COMDTINST M5260.3 (series). For most field units this authority rests with the district commander (see the Coast Guard Freedom of Information and Privacy Acts Manual, COMDTINST M5260.3 (series), paragraph 4.B.). Units should follow district procedures for denial (either complete or partial) of a FOIA request.
2. Privacy Act. The Privacy Act requires each Federal agency to grant individuals access to information pertaining to them and protect personal information from release to the public. The policy on public availability of information for the Department of Homeland Security is established in 6 CFR 5.
- a. The Coast Guard Freedom of Information and Privacy Acts Manual, COMDTINST M5260.3 (series) sets Coast Guard policy for responding to Privacy Act requests. It explains information safeguards, disclosure requirements, exemptions, and procedures for denial and appeal.
 - b. The Coast Guard Freedom of Information and Privacy Acts Manual, COMDTINST M5260.3 (series) requires each area, district, MLC and Headquarters unit to designate a Privacy Act Coordinator to ensure compliance with Privacy Act requirements. Although not required, designating a Privacy Act Coordinator at field units is recommended to ensure the proper handling of Privacy Act inquiries and train unit personnel.
 - c. Many investigation reports and their enclosures contain information that is protected from release under the Privacy Act. Before releasing these reports in response to a FOIA request, a Checklist for Information to Be Withheld (see Figure 12-2) should be completed.

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3. OMB Circular A-130. This document establishes the Federal policy for the management of information resources. It requires integrated life cycle planning for information systems, minimizing the burden on the public, maximizing the availability of information to the public, using electronic information dissemination where practical, and providing appropriate safeguards for sensitive information. The circular requires the submission of several reports that are completed by the systems managers at Headquarters. It also mandates Privacy Act training for all personnel with access to information subject to Privacy Act restrictions.
4. Federal Records Act. The Federal Records Act (44 U.S.C. 3100) requires the head of each Federal agency to "[e]stablish and maintain an active, continuing program for the economical and efficient management of records." It defines records as including "...all books, papers, maps, photographs, machine-readable materials, or other documentary materials regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization functions, policies, decisions, procedures, operations, or other activities of Government or because of the informational value of data in them." It also includes procedures for transfer and disposal of agency records.
 - a. The Coast Guard records management policy is described in the Coast Guard Paperwork Management Manual, COMDTINST M5212.12 (series). It includes a detailed description of when and how to dispose of specific records.
 - b. The procedures for transferring records to the Federal Records Centers are described in Transferring Records to Federal Records Centers (FRC), COMDTINST M5212.16 (series). This instruction includes the addresses of national and regional Federal Records Centers.
 - c. All records regardless of the media (paper, disks, diskettes, or tapes) must be managed and maintained in accordance with these Coast Guard Directives.

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FIGURE 12-2

CHECKLIST FOR INFORMATION TO BE WITHHELD

Before releasing information to the public, ensure that none of the information falls into one or more of the following exempted categories:

1. Personal Information: 5 U.S.C. 552(b)(6) and (b)(7)(c)
 - Social Security Numbers (SSN)
 - Home Addresses
 - Home Telephone Numbers
 - Date of Birth/Age
 - Merchant Mariners Document Number
 - License Number
 - Medical Records, including Drug or Alcohol Test Results
 - Names of Persons who are Third Parties or Witnesses
 - Names of Junior Coast Guard Personnel
 - Identifying roles descriptions for persons whose names are withheld
 - Fingerprints
 - Other: _____

2. Information relating to an internal matter: 5 U.S.C. 552(b)(2)
 - Critical infrastructure information
 - Vulnerability assessment
 - Emergency response plan

3. Records whose disclosure is prohibited by law : 5 U.S.C. 552(b)(3)
 - Name of licensed individual reporting defect [46 U.S.C. 3315(b)]
 - Merchant Mariner document file [46 U.S.C. 7319]
 - Records of discharge of merchant seamen [46 U.S.C. 10311(d)]
 - Boating safety accident reports [46 U.S.C. 6102]
 - Passenger vessel and terminal security plans [33 U.S.C. 1226(c)]
 - Sensitive security information described in 49 CFR 1520.7 [49 U.S.C. 40119]

4. Confidential commercial records: 5 U.S.C. 552(b)(4)
 - Company manuals, plans or procedures
 - Financial records
 - Contract bids or estimates
 - Copyrighted material

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5. Inter-agency/intra-agency memorandums or letters: 5 U.S.C. 552(b)(5)
 - _____ Deliberative process materials (decision memos, draft documents, etc.)
 - _____ Attorney work product
 - _____ Attorney-client communications

6. Open investigation cases: 5 U.S.C. 552(b)(5) and (b)(7)(A)
 - _____ Open Marine Casualty cases (no case action indicating case closed in MISLE)
 - _____ Open Personnel Action cases (no case action indicating case closed in MISLE)
 - _____ Open Marine Violation cases (45 days after Final Assessment Letter without appeal)

7. Records provided in confidence for use in a Marine Safety investigation: 5 U.S.C. 552(b)(7)(D)
 - _____ Document from other agencies marked CONFIDENTIAL, NOT FOR PUBLIC RELEASE, or a similar marking indicating it was provided in confidence.
 - _____ Identifying information for witnesses, crime victims and informants

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CHAPTER 13. REPORTS AND CORRESPONDENCE

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CHAPTER 13. REPORTS AND CORRESPONDENCE

A. Administrative Standards. This chapter contains instructions on forms, reports, and other administrative communications and correspondence concerning marine safety activities. It is intended to supplement other directives and instructions which have been issued covering specific subject areas, and to provide uniform application of pertinent laws, rules, and regulations concerning all aspects of marine safety programs.

1. Communications Directives. The proper transmittal of information concerning marine safety activities is of special importance. It depends upon factors affecting the originator, the chain of command, and the service as a whole; it must also be in accordance with current directives. The primary directives concerned with communications are as follows:
 - a. Correspondence Manual, Commandant Instruction (COMDTINST) M5213.4A;
 - b. Coast Guard Directives System, COMDTINST M5215.6A;
 - c. Telecommunications Manual, COMDTINST M2000.3A;
 - d. Standard Subject Identification Codes (SSIC) Manual, COMDTINST M5210.5B;
 - e. CVS Supplement to SSIC, COMDTINST M5210.6A; and
 - f. Directives, Publications And Reports Index, Commandant Notice (COMDTNOTE) 5600.
2. Correspondence Manual. COMDTINST M5216.4A prescribes policy and procedures for the preparation of correspondence in the Coast Guard. It discusses the various methods of communication (service and business letters, endorsements, rapidraft letters, directives, memorandums, etc.) and gives specific guidelines for their use. The manual also lists additional sources used for the preparation of correspondence, including Coast Guard Regulations, COMDTINST M5000.3; the Standard Distribution list (SDL), COMDTNOTE 5605 (latest edition); and the U.S. Government Printing Officer (GPO) Style Manual, March 1984.
 - a. Routing Correspondence. All marine safety correspondence to Headquarters or to area/district commanders should be addressed to the specific staff element involved. The appropriate staff routing symbols are listed in Appendix 2 of the SDL. It is the responsibility of the cognizant program staff to keep appropriate managers advised. When there is doubt as to the proper routing symbol to be used to direct correspondence to Headquarters, the following staff symbols should be used: Commandant (G-MP) for CVS concerns; Commandant (G-WER) for environmental response matters; Commandant (G-WFR) for Certificate of Financial Responsibility (COFR) concerns; Commandant (G-WPE) for port safety and security concerns; Commandant (G-WWM) for waterways management concerns; and Commandant (G-BBS) for recreational

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- 13.A.2.a. (cont'd) boating matters. District and unit commanders shall maintain appropriate procedures for correspondence concerning marine safety activities to be sent directly from the captain of the port (COTP) or the officer in charge, marine inspection (OCMI) to other addresses as a matter of routine. This type of correspondence includes exchange of inspection records between OCMI's, information on vessel deficiencies, forwarding of documents, etc.
- b. Rapidraft Letter, Form CG-3883. The Rapidraft Letter and memorandum may be used for routine or informal correspondence between Coast Guard units. This type of correspondence may be used by Headquarters staff to correspond to district staff elements, marine safety offices (MSO's), and marine inspection offices (MIO's). If the subject of the correspondence calls for review by intermediate commands, Coast Guard letterhead should be used. Maximum use shall be made of the Rapidraft Letter to route correspondence when there is no need for action, review, or comment by officers in the chain of command. Multiple-address letters should be used to inform several addressees concurrently of marine safety activities. They shall not be used to forward material belonging in the Directives System.
- c. Endorsements. Endorsements on correspondence sent through the chain of command may be stamped, handwritten, or typed. District commanders shall make appropriate endorsements on marine safety correspondence which is submitted from the COTP or OCMI to the Commandant. In cases where the Commandant has the benefit of the district commander's opinions and recommendations, as well as any other additional information, matters can generally be resolved more expeditiously.
3. Directives System. COMDTINST M5215.6A prescribes the standards for administration of Coast Guard directives issued as manual instructions, instructions, or notices. These are used as a formal means of communication from the Commandant in order to prescribe or establish policy, organization, conduct, or methods; require action; set forth information essential to the effective administration or operation of the activities concerned; or establish authority that is promulgated further.
4. Telecommunications Manual. COMDTINST M2000.3A prescribes the policies and procedures for radio and "landline" communications facilities which are owned, controlled, and/or used by the Coast Guard. Messages (ALDIST's, AIG-addressed messages, etc.) are prepared in accordance with this manual and other additional directives issued by the Commandant. A message should be used only when information is of an urgent nature and must be transmitted rapidly.

B. Reports.

1. Preparation. Marine safety activity reports shall be prepared in accordance with the instructions herein and other applicable directives, and any specific instructions printed on the report forms themselves. Reports shall normally be submitted to the Commandant via the district commander within 10 days after the end of the period covered by the

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- 13.B.1. (cont'd) report, unless specific instructions direct otherwise. If errors are discovered in a report previously submitted, a correction shall be submitted as soon as possible. Administrative reports are used to compile statistics and other data, and their accuracy is of the utmost importance.
2. Recurring Reports. COMDTNOTE 5600 lists all reports which must be submitted to the Commandant on a recurring basis as part of the Reports Management Program. The report format, requiring directives, the preparing activities, and the frequent of submittal are also listed. A Report Control Symbol (RCS) is assigned to these reports as an aid to the preparing office in identifying the Headquarters staff to which the report is submitted. [NOTE: COMDTNOTE 5600 does not include all reports which are submitted to the Commandant. Certain reports have been exempted from the Reports Management Program because of their limited content, use, or purpose.] District and unit commanders should maintain a tickler file to ensure the accurate and timely submission of reports.
- C. Forms. The proper use of Coast Guard and government produced forms is a vital element in the economical and efficient management of the Coast Guard. The Catalog of Forms, COMDTINST M5213.6, provides information for those forms commonly used within the Coast Guard. Policies and procedures for the administration of the Paperwork Management Program are set forth in the Paperwork Management Manual, COMDTINST M5212.12. This manual applies to standard forms prescribed by the Commandant for servicewide use, as well as the creation and use of local forms prepared by field units. Completed forms need not be accompanied by transmittal letters unless specifically required, or when amplifying information is necessary to obtain more complete and accurate data. When a report form does not show the name of the originating unit, the notation "Forms: OCMI or COTP [name]" shall be added to the form. Each OCMI/COTP shall maintain adequate security and accountability for serially numbered and other accountable forms, documents, etc. Lock-and-key storage is best; an ordinary file cabinet used for the stowage of these items shall be fitted with a separate padlock. (See chapter 8 of this volume for information concerning security measures for accountable forms, records, documents, etc.).
- D. Marine Safety Records. Retention and disposition instructions for field unit records are found in the Paperwork Management Manual, COMDTINST M5212.12. Marine Safety records shall be retained or disposed of in accordance with this manual and other applicable directive(s). Instructions for the maintenance, transfer, and distribution of Headquarter records are contained in the Headquarters Records Control Manual, Headquarters Instruction (HQINST) M5212.6.
- E. Vessel Case/Project Standard Subject Heading Notices.
1. Standard Subject Identification. Standard subject identification of correspondence from the various marine safety elements at Headquarters, district offices, and field units is essential. This will assist records-handling personnel and addressees when referring to correspondence pertaining to a particular vessel, a class of vessels, or a designated project. All vessel and project correspondence relating to a vessel

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13.E.1. (cont'd) case/project shall contain a standard subject format containing the following information:

- a. Line No. 1:
 - (1) Design or project number; or
 - (2) Shipyard hull number; or
 - (3) Vessel name and official number (O.N.).
- b. Line No. 2: dimensions, type of vessel, and Maritime Administration (MARAD) design number.
- c. Line No. 3: route, special limitation, and special cargo endorsement.
- d. Line No. 4: owner's name.
- e. Line No. 5: specific subject (to be designated for each piece of Correspondence).

2. Examples.

- a. Gibbs & Cox Project No. 15281
540' x 76'6" Cargo Vessel, MARAD C4-S-66a
Ocean Service (SOLAS) for Lykes Bros. Steamship Co.
Contract Plans and Specifications
- b. Beth. Sp. Pt. Hulls 4585-87/4602
508' x 79' x 48' Passenger, Cargo Vessel,
MARAD C4-S1-49A Ocean Service (SOLAS) for Grace Lines, Inc
Joiner Arrangement
- c. WILLIAM A. REISS, O. N. 225045
650' x 72' x 40' Bulk Ore Carrier (Conversion)
Great Lakes Service for the Reiss Steamship Co.
Proposed 7'6" Deepening
- d. Port Houston Hulls 214-216
295' x 52'6" x 13'3" Integrated Tow Cargo Barges
River Service, Refrigerated Ammonia and Propane for National
Marine
Service Grounding Study

3. Amplifying Remarks. Any Subject heading may exclude specific items which are not applicable, or may include additional information deemed appropriate. Headings should be as simple as possible, yet contain all essential information. Assignment of the proper subject heading is the responsibility of field personnel responsible for vessel case/project correspondence.

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