

MARINE SAFETY: PORT STATE CONTROL



COMDTINST 16000.73
September 2021



COMDTCHANGENOTE 16000
20 SEP 2021

COMMANDANT CHANGE NOTICE 16000

Subj: CH-3 TO MARINE SAFETY MANUAL VOLUME II, COMDTINST M16000.7B

1. **PURPOSE.** This Commandant Change Notice publishes the cancellation of Marine Safety Manual Volume II, COMDTINST M16000.7B, and replacement with separate Commandant Instructions, one for each chapter of the existing Manual.
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.** With the addition of this Commandant Change Notice, Marine Safety Manual Volume II, COMDTINST M16000.7B, is cancelled.
4. **DISCUSSION.** The content of Marine Safety Manual remains intact. The primary reason for this change is to allow for timely revision and re-publication of the individual Commandant Instructions.
5. **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.
6. **MAJOR CHANGES.** Sections A through G of Marine Safety Manual Volume II, COMDTINST M16000.7B, are now individual and independent Commandant Instructions. They are listed below.
 - a. Marine Safety: Marine Inspection Administration, COMDTINST 16000.70 (pages A1-1 - A7-43)

DISTRIBUTION - SDL No. 170

	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																										
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NON-STANDARD DISTRIBUTION:

- b. Marine Safety: Domestic Inspection Programs, COMDTINST 16000.71 (pages B1-1 – B10-3)
- c. Marine Safety: Inspection of Engineering Systems, Equipment, and Materials, COMDTINST 16000.72 (pages C1-1 – C5-31)
- d. Marine Safety: Port State Control, COMDTINST 16000.73 (pages D1-1 – D7-38)
- e. Marine Safety: International Conventions, Treaties, Standards, and Regulations, COMDTINST 16000.74 (pages E1-1 – E4-3)
- f. Marine Safety: Carriage of Hazardous Materials, COMDTINST 16000.75 (pages F1-1 – F5-35)
- g. Marine Safety: Outer Continental Shelf Activities, COMDTINST 16000.76 (pages G1-1 – G6-24)

7. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS.

- a. Commandant CG-47 reviewed the development of this Instruction, and the general policies contained within it, and determined that this policy falls under the Department of Homeland Security (DHS) categorical exclusion A3. No further environmental analysis is necessary in accordance with the U.S. Coast Guard Environmental Planning Policy, COMDTINST 5090.1 (series).
- b. This Instruction will not result in any substantial change to existing environmental conditions or violation of any applicable federal, state, or local laws relating to the protection of the environment. It is the responsibility of the action proponent to evaluate all future specific actions resulting from this policy for compliance with the National Environmental Policy Act (NEPA), other applicable environmental mandates, and the U.S. Coast Guard Environmental Planning Policy, COMDTINST 5090.1(series).

8. DISTRIBUTION. No paper distribution will be made of this Commandant Change Notice. An electronic version will be located on the following Commandant (CG-612) web sites. Internet: <http://www.uscg.mil/directives/>, and CGPortal: <https://cg.portal.uscg.mil/library/directives/SitePages/directives.aspx>

9. PROCEDURE. Cancel Marine Safety Manual Volume II, COMDTINST M16000.7B and replace with COMDTINSTs 16000.70 thru 16000.76.

10. RECORDS MANAGEMENT CONSIDERATIONS. Records created as a result of this Instruction, regardless of format or media, must be managed in accordance with the records retention schedules located on the Records Resource Center CGPortal site: <https://cg.portal.uscg.mil/units/cg61/CG611/SitePages/Home.aspx>.

11. FORMS/REPORTS. The forms called for in this Commandant Change Notice are available in USCG Electronic Forms on the Standard Workstation or on the Internet: <https://www.dcms.uscg.mil/forms/>; CGPortal at <https://cgportal.uscg.mil/library/forms/SitePages/Forms.aspx>; and Intranet at <https://www.dcms.uscg.mil/forms/>.

12. REQUEST FOR CHANGES. Request for changes to the previous mentioned Commandant Instructions may be sent to Commandant (CG-CVC) at HQS-SMB-COMDT-CG-CVC@uscg.mil.

/J. W. MAUGER/
Rear Admiral, U. S. Coast Guard
Assistant Commandant for Prevention Policy

SECTION D: PORT STATE CONTROL**CHAPTER 1: GENERAL ASPECTS OF PORT STATE CONTROL EXAMINATIONS****A. INTRODUCTION**

Foreign vessels operating in U.S. waters are subject to inspection under Title 46 United States Code (U.S.C.) Chapter 33. Reciprocity is accorded to vessels of countries that are parties to the International Convention for the Safety of Life at Sea (SOLAS) (46 U.S.C. 3303(a)). In addition, certain provisions of U.S. pollution prevention and navigation safety regulations (33 Code of Federal Regulations (CFR) Parts 154-156 and Part 164, respectively) apply to foreign vessels operating in U.S. waters. The applicability of many of these laws and regulations has been modified by international conventions. This chapter explains the application of the laws, convention agreements, and regulations that apply to all foreign vessels operating in U.S. waters.

B. BACKGROUND

1. Port State Control

Port State Control (PSC) is the process by which a nation exercises its authority over foreign vessels in waters subject to its jurisdiction. This authority comes from several sources, both domestic and international. A nation may enact its own laws and regulations imposing requirements on foreign vessels trading in its waters (i.e. the double hull requirements imposed under the Oil Pollution Act of 1990 (OPA 90), or the navigation safety regulations found in 33 CFR Part 164). In addition, nations which are party to certain international conventions are empowered to verify that vessels of other nations operating within their waters comply with these conventions, and to take action to bring these ships into compliance if they do not. Such conventions include SOLAS; the International Convention on Load Lines 1966 (ICLL); the International Convention for the Prevention of Pollution from Ships 73/78 (MARPOL); the International Convention on Standards of Training Certification and Watchkeeping for Seafarers, 1978, as amended (STCW 95); and the International Labor Organization Convention No. 147, The Convention Concerning Minimum Standards in Merchant Ships (ILO 147)). The United States exercises its PSC authority through the U.S. Coast Guard's Port State Control Program. This program is administered in Commandant (CG-CVC).

Through the PSC program, the Coast Guard verifies that foreign flagged vessels operating in U.S. waters comply with applicable international conventions, U.S. laws, and U.S. regulations. In an effort to reduce deaths and injuries; loss of or damage to property or the marine environment; and disruptions to maritime commerce, PSC exams focus on those vessels most likely to be substandard, based on identified risk factors. When vessels that are not in substantial compliance with applicable laws or regulations are identified, the Coast Guard imposes controls until the substandard conditions have been rectified and the vessels are brought into compliance. The goal of the PSC program is to identify and eliminate substandard ships from U.S. waters. The term "substandard ship" is defined in C. 13 of this

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Chapter. Interested parties can access more information on the PSC program through the Coast Guard's Homeport Web site at <http://homeport.uscg.mil>.

C. DEFINITIONS AND TERMS OF REFERENCE

1. Bulk

Bulk identifies any cargo that is loaded directly into a hold or tank on a vessel with no intermediate form of containment (e.g. packaging, containers or portable tanks). See SOLAS Chapter IX for the definition of bulk carrier under the International Safety Management (ISM) Code.

2. Cargo Control Area

Cargo control area means the usual station of the Person in Charge (PIC) during bulk liquid transfer operations (including bunkering). The cargo control room is considered a cargo control area. A vessel may have more than one cargo control area (i.e., one for cargo and one for bunkering).

3. Clear Grounds

Clear grounds means evidence that the ship, its equipment, or its crew do not correspond substantially to the requirements of the relevant conventions or that the master or crew members are not familiar with essential shipboard procedures relating to the safety of ships or the prevention of pollution. Examples of clear grounds are listed later in this chapter.

4. Conditions of Entry (COE)

Conditions of Entry are security requirements imposed on vessels arriving to the U.S. after calling on ports that the Coast Guard has determined to lack effective anti-terrorism measures, or from those ports that the Coast Guard cannot ascertain that effective anti-terrorism measures are in place.

SECTION D: PORT STATE CONTROL**CHAPTER 1: GENERAL ASPECTS OF PORT STATE CONTROL EXAMINATIONS****5. Contracting Governments and Parties**

Contracting governments and parties means governments or flag States that have legally accepted to be bound by the requirements of a convention, protocol, or other instrument.

6. Contravention

Contravention is an act, procedure, or occurrence that is not in accordance with a convention or other mandatory instrument, or its operational annex.

7. Control

Control means the process of imposing a port State's or flag State's authority over a vessel to ensure that its structure, equipment, operation and crew meet applicable standards. The process is effected by any verbal or written directive of the Officer in Charge, Marine Inspection (OCMI), Captain of the Port (COTP), or their representatives, which requires action or compliance by the crew or other persons responsible for a vessel. Control may take several forms including requiring corrective action prior to returning to the United States, requiring a vessel to proceed elsewhere for repairs, denying entry into port, or detaining a vessel in port.

8. Deficiency

A condition found not to be in compliance with the conditions of the relevant convention, law or regulation.

9. Detention

Detention is an intervention (action taken) by the port State when the condition of the ship or its crew is substandard. The port State must ensure that the ship will not sail until it can proceed to sea without presenting a danger to the ship or persons on board, or without presenting an unreasonable threat of harm to the marine environment. Detentions may be carried out under the authority of SOLAS 1974, as amended, Regulation 19; ICLL Article 21; MARPOL Article 5; STCW Article X and Regulation 1/4. Additionally, detentions may be carried out under domestic authority such as the Ports and Waterways Safety Act.

SECTION D: PORT STATE CONTROL**CHAPTER 1: GENERAL ASPECTS OF PORT STATE CONTROL EXAMINATIONS****10. Examination (Compliance Exam)**

A compliance exam is not synonymous with the term “boarding” or “security boarding” (see below definition). An exam is the process of assessing a vessel's compliance with the relevant provisions of international conventions, domestic laws, and regulations. The scope of an exam must be to the extent necessary to verify the validity of the relevant certificates and other documents, and to ensure that no unsafe conditions exist. An exam may include, but is not limited to, checks of documents, certificates, manuals, the vessel's structural integrity, machinery, navigation, pollution prevention, engineering and safety systems, maintenance programs, security, and crew proficiency. Generally there are three types of compliance examinations conducted on foreign vessels: PSC Safety and Environmental Protection Compliance Examinations, International Ship and Port Security (ISPS)/Maritime Transportation Security Act (MTSA) Security Compliance Examinations, and Non-Convention Security Compliance Examinations (for foreign vessels that need to comply with domestic regulations, but not international conventions). The procedures for each of these examination types are discussed in greater detail in this chapter.

11. Intervention

Intervention means a control action taken by a port State in order to bring a foreign flag vessel into compliance with applicable international convention standards. Interventions may also be undertaken by a port State when a vessel's flag State has not, cannot, or will not exercise its obligations under an international convention to which it is a party. This may include requesting information, requiring the immediate or future rectification of deficiencies, detaining the vessel, or allowing the vessel to proceed to another port for repairs. An intervention is not synonymous with a detention; however, a detention is a type of intervention.

12. Non-Conforming Ship

Non-conforming ship means any vessel that fails to comply with one or more applicable requirements of U.S. laws or international conventions. A non-conforming ship is not necessarily a substandard ship, unless the discrepancies endanger the ship, persons on board, or present an unreasonable risk to the marine environment. A non-conforming ship may or may not need to be detained.

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- a. A security boarding is the examination by an armed boarding team of a vessel arriving at or departing a U.S. port to deter acts of terrorism and/or transportation security incidents, and may include an examination of the cargo, documentation, and persons on board.
 - b. COTPs may order a security boarding for vessels engaged in domestic operations if intelligence or other law enforcement information warrants.
 - c. The U.S. Coast Guard Maritime Law Enforcement Manual, COMDTINST M16247.1 (series), contains specific information on security boarding types and procedures.
 - d. A security boarding is not synonymous with the term “examination” or “compliance examination”.
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14. Substandard Ship

In general, a ship is regarded as substandard if the hull; machinery; or equipment, such as lifesaving, firefighting and pollution prevention equipment; is substantially below the standards required by U.S. laws or international conventions, due to the following:

- a. The absence of required principal equipment or its arrangement.
- b. Gross noncompliance of equipment or equipment arrangement with required specifications.
- c. Substantial deterioration of the vessel structure or its essential equipment.
- d. Noncompliance with applicable operational and/or manning standards.
- e. Clear lack of appropriate certification or demonstrated lack of competence on the part of the crew.

If the presence of any of these factors could endanger the ship, persons on board, or present an unreasonable risk to the marine environment, the ship is a substandard ship and should be detained until corrective measures are taken.

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Valid certificate means a certificate that--

- a. Has been issued by a contracting government, party to a convention, or on the behalf of the government or party by a recognized organization;
- b. Contains accurate and effective dates;
- c. Meets the provisions of the relevant convention; and
- d. Corresponds to the particulars of the vessel and its equipment.

Note: PSCOs should review the International Maritime Organization's FAL.5/Circ.39/REV.1 on guidelines for the use of printed versions of electronic certificates.

D. ISSUANCE OF SOLAS CERTIFICATES TO FOREIGN VESSELS

The Coast Guard issues SOLAS 74 certificates in accordance with the Convention to foreign vessels only in cases of emergency.

E. EXAMINATION TEAMS

PSC examination teams should, at a minimum, contain two members. One member must be a Port State Control Officer (PSCO) certified with the appropriate competency (qualification). The second member should, at a minimum, be certified as a Port State Control Examiner (PSCE).

- a. Teams conducting Priority I exams and Certificate of Compliance exams (including initial, annual, renewal, and semi-annual exams) must include a PSCO who is an officer, chief warrant officer or GS-11 or above certified with the appropriate competency. The GS-11 requirement does not apply to those Civilian Apprentice Marine Inspectors that possess the training, education, and experience at least on par with a junior officer or chief warrant officer.
- b. Teams conducting Priority II or Non-Priority cargo ship exams as well as Caribbean Cargo Ship Safety Code (CCSSC) exams should include a PSCO that is an officer, chief warrant officer or GS-11 or above certified with the appropriate competency. If those personnel are unavailable, the PSCO role must be filled, at a minimum, by a petty officer (E6 or above) or civilian (GS-9 or above) certified with the appropriate competency.

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- c. Other vessel compliance activities such as ballast water exams, ISPS exams, and Deficiency Checks may be completed by petty officers of lesser rank or civilians (GS-7 or above), provided they are certified as a PSCE.
- d. The vessel type-specific Port State Control qualifications (Foreign Freight Vessel Examiner, Foreign Tank Vessel Examiner, Foreign Chemical Tank Vessel Examiner, Foreign Gas Carrier Examiner, and Foreign Passenger Vessel Examiner) are not restricted to any particular rank or rate. High performing Petty Officers may still earn these qualifications and conduct vessel-type specific portions of PSC exams.
- e. When deciding the size of the team necessary (including trainees) to perform an exam, the PSCO should consider the type of exam and vessel particulars (type, size, etc). Unless a larger team is agreed to by a vessel's owner or operator in advance, in no case should team size exceed the following:
 - (1) Freight vessels, chemical and tank vessels and gas carriers: maximum of five persons.
 - (2) Passenger ship exams: maximum of eight persons.

Note: In some instances, a National Center of Expertise member, Coast Guard Travelling inspector, auditor, or other technical expert may be participating in an exam. These additional participants do not count towards the size of the PSC exam team.

1. At Sea PSC Exams

To ensure the safety of the PSC exam team, taking into account the required competencies needed to complete the exam, operational commanders retain the discretion to staff the exam team based on the operational situation, including the use of law enforcement qualified personnel, as necessary.

2. On-the-Job Training (OJT)

OJT for regular and reserve personnel is encouraged, however, delaying vessels as a result of Coast Guard training initiatives must be avoided. Unless an agreement is reached with a particular vessel owner or operating company, low priority vessels should not be examined just to meet Coast Guard training needs. Unless a larger number is agreed to by a vessel's owner or operator in advance, the number of trainees accompanying an exam team should be limited to 1 or 2 so as not to overwhelm a vessel's crew or create undue confusion aboard the vessel.

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- a. Generally there are three types of compliance examinations conducted on foreign vessels:
 - (1) PSC Safety and Environmental Protection Compliance Examination, which checks how vessels comply with safety and environmental protection regulations and conventions;
 - (2) International Ship and Port Security (ISPS)/Maritime Transportation Security Act (MTSA) Security Compliance Examination, which checks how vessels comply with security regulations and conventions; and
 - (3) Non-Convention Security Compliance Examination (for foreign vessels that need to comply with domestic regulations, but not international conventions), which checks how vessels that are not subject to SOLAS comply with security regulations and conventions. Refer to NVIC 04-03 for details.
- b. PSC and Security Compliance exams should be completed together. Unless specifically stated otherwise, for the purpose of MSM Volume II, Material Inspection, COMDTINST M16000.7 (series), Section D, hereafter the term “exam” includes PSC, ISPS/MTSA and Non-convention security compliance exams. The frequency of each exam is normally determined using unclassified compliance verification matrices.
- c. Any of these exams may be broadened into an expanded examination. Expanded exams should focus on the areas where "clear grounds" have been established and should not include other areas or systems unless the general impressions or observations support such an exam.
- d. In addition to the three exam types mentioned above, other Coast Guard activities involving foreign vessels include deficiency follow-ups, monitors of oil or hazardous materials transfers, and cargo supervision of explosives or radioactive materials transfers.
 - (1) Deficiency follow-up. An exam performed to ensure previously identified deficiencies have been corrected. A deficiency follow-up may be limited in scope to an exam of the specific deficiencies identified during a previous exam.

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- (2) Monitor. The process of witnessing any part of a bulk or break-bulk cargo operation, bunkering operation, or lightering operation.
- (a) The monitor must focus on the procedural and operational aspects or human element of the transfer and need no occur during critical phases (starting, topping off, or securing of transfer operations).
 - (b) Monitors should be conducted in conjunction with exams or deficiency follow-ups.
- (3) Cargo supervision: the process of supervising explosives or radioactive materials transfers.
- (a) Cargo supervision differs from monitors in that the Coast Guard team must be present during the entire transfer.
 - (b) Special requirements for the cargo carried must be enforced.
 - (c) Vessels carrying military and commercial explosives must comply with 49 CFR Subpart G. Further guidance is contained in MSM Volume II, Material Inspection, COMDTINST M16000.7 (series), Chapter F5.
 - (d) Vessels carrying highway route controlled quantities of radioactive material must comply with 49 CFR Subpart I and 49 CFR Subpart M. Further guidance is contained in MSM Volume II, Material Inspection, COMDTINST M16000.7 (series), Chapter F5.

NOTE: For specific guidance applicable to foreign passenger vessels, see MSM Volume II, Material Inspection, COMDTINST M16000.7 (series), Chapter D7.

For specific guidance applicable to foreign tank vessels, see MSM Volume II, Material Inspection, COMDTINST M16000.7 (series), Chapter D6.

For specific guidance applicable to foreign freight vessels, see MSM Volume II, Material Inspection, COMDTINST M16000.7 (series), Chapter D5.

2. Cargo Ship Safety Certificate (CSSC)

The 1988 Protocol to SOLAS 74 allows flag States to issue a Cargo Ship Safety Certificate (CSSC) in lieu of the present Cargo Ship Safety Equipment (SEC), Construction (SCC), and Radio Certificates (SRC). The CSSC is similar to the Passenger Ship Safety Certificate (PSSC), except that it is valid for up to 5 years while the PSSC is valid for only 1 year. The

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CSSC requires annual endorsements. CSSC's shall be accepted if they are properly endorsed and not expired.

3. Procedures Applicable to Vessels of Non-Parties and Vessels to which Conventions do not Apply

Article II (3) of SOLAS 74/78, Article 5(4) of MARPOL 73/78, and Article X (5) of STCW provide that no more favorable treatment is to be given to vessels of countries that are not party to these conventions.

- a. Vessels of foreign nations not party to SOLAS and vessels below convention size.
Vessels of foreign nations not party to SOLAS and vessels below convention size may be inspected in accordance with U.S. vessel inspection statutes and regulations (46 U.S.C. 3301).
 - (1) In the course of such inspections, due consideration should be given to acceptance of materials and equipment that do not conform exactly to the requirements of U.S. regulations.
 - (2) Masters, owners, and agents of foreign vessels must forward written applications for inspection to the cognizant OCMI.
 - (3) A vessel that satisfactorily completes inspection shall be issued a U.S. Certificate of Inspection (COI), as prescribed in 46 CFR 2.01-5.
 - (4) In lieu of performing an inspection for certification for vessels of foreign nations not party to SOLAS or vessels below convention size, OCMI's may perform a PSC examination. When assessing whether a PSC examination is appropriate, the following factors should be considered:
 - (a) Size and type of ship;
 - (b) Equipment provided;
 - (c) Type of cargo; and
 - (d) Vessel certificates and documents carried that were issued on behalf of their flag State.
 - (5) The PSC Exam should follow the procedures of this chapter and International Maritime Organization (IMO) Resolution A.787(19), Procedures for Port State Control (as amended), to verify that an equivalent level of safety and protection of the marine environment is achieved.

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- (6) The condition of the vessel, certification of the crew, and the flag administration's minimum manning standard must be compatible with the objectives of the Convention and U.S. laws and regulations.
- b. Vessels of countries not party to MARPOL 73/78. See 33 CFR 151.21 for guidance regarding vessels of countries that are not party to MARPOL 73/78.

4. Canadian Vessels

Under 46 U.S.C. 3303, vessels with a valid COI issued by a flag State that has inspection laws and standards similar to those of the United States are subject only to an inspection to ensure that the condition of the vessel's propulsion equipment and lifesaving equipment are as stated on the certificate. Currently, only Canadian vessels are recognized as having laws and standards similar to those of the United States.

On 29 March 1995, reciprocity was extended to Canadian barges that carry oil in bulk. These barges will no longer be subject to inspection under 46 CFR Subchapter D when operating in U.S. waters with valid Canadian Letters of Compliance. Such vessels continue to be subject to all other applicable laws and regulations. As with all foreign flagged tank vessels, Canadian oil barges operating in U.S. waters will be subject to annual tank vessel examinations and must possess a valid Certificate of Compliance issued in accordance with 46 U.S.C. 3711.

5. Taiwanese Vessels

Taiwanese vessels are issued non-convention certificates that attest to compliance with all SOLAS requirements. Such certificates are considered to have force equal to that of SOLAS certificates. Accordingly, Taiwanese vessels need not undergo inspection for certification.

6. Caribbean Vessels under 500 GT

As of 1 January 1998, freight vessels under 500 Gross Tons (GT) trading to U.S. ports within the Seventh District must have a flag State certificate attesting to compliance with the new vessel standards of the Caribbean Cargo Ship Safety Code. Alternatively, a foreign flagged freight vessel less than 500 GT operating in the Caribbean region may submit to an inspection by the Coast Guard, leading to the issuance of a COI that will authorize limited service in U.S. waters. The basis for the inspection will be the standards contained in the Caribbean Cargo Ship Safety Code, unless inspection under U.S. regulations is requested. The Caribbean Cargo Ship Safety Code can be accessed via the Commandant (CG-CVC-2) Workspace on CG Portal.

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PSCOs must examine the vessel to the extent necessary to determine whether the vessel is in substantial compliance with the international conventions adopted and enforced by the U.S. (SOLAS, MARPOL, STCW, ICLL, Tonnage 69). Foreign vessel examinations may be initiated by the Coast Guard, requested by another flag State administration on the basis of information regarding a potential substandard ship, or based on information regarding a substandard ship provided by members of a ship's crew, a professional body, an association, a trade union or any other involved individual. Other flag States must have information regarding a potential substandard ship in order to request a foreign vessel examination.

PSC examinations are not intended, nor desired, to be analogous to inspections for certification of U.S. flagged vessels. PSC examinations are intended to be of sufficient breadth and depth to satisfy a PSCO that a vessel's major systems comply with applicable international standards and domestic requirements, and that the crew possesses sufficient proficiency to safely operate the vessel. The examination should determine if the vessel's required certificates are aboard and valid, and if the vessel conforms to the conditions required for issuance of required certificates. This is accomplished by a walk-through examination and visual assessment of a vessel's relevant components, certificates, and documents, as well as limited testing of systems and the crew. If the examination reveals questionable equipment, systems, security or crew, the PSCO may expand the examination to conduct operational tests or more in depth examinations, as appropriate. The PSCO should become familiar with IMO Resolution A.1052(27), "Procedures for Port State Control", before conducting any PSC examination. A PSC examination consists of the specific procedures outlined in the freight, tank, or passenger vessel examination books. Although every PSC exam should include both an ISPS/MTSA compliance exam and a PSC Safety and Environmental Protection Compliance Exam, procedures for each are provided separately below. At a minimum, the items discussed in the following paragraphs must be part of each type of PSC examination.

1. Items Expected to be Part of a PSC Examination

- a. Security. Since the ISPS Code plays a significant role in establishing whether security measures are in place on board a vessel, every PSC exam should include both an ISPS/MTSA compliance exam and a PSC Safety and Environmental Protection Compliance Exam. On occasions when the PSCO only conducts a PSC Safety and Environmental Protection Compliance Exam, the following elements of the ISPS Code must still be checked, as they assist in determining the security risk that a vessel poses to the United States:

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- (1) Determine the security level at which the vessel is operating. The ship's security level must be at least as high as that set at the intended port of call. If the ship is at a lower security level than the port, the ship must take steps to set its security level at least as high as that set at the arrival port.
 - (2) Verify the International Ship Security Certificate (ISSC) is on board and valid. The ISSC, if current, is valid unless there is evidence or reliable information that the vessel is not in compliance with the requirements of SOLAS Chapter XI-2 and the ISPS Code. Refer to Paragraph H.3 below for a detailed discussion regarding the validity of the ISSC.
 - (3) Review the Continuous Synopsis Record (CSR). The PSCO should bring a copy of the information supplied in the Notice of Arrival (NOA) and review the CSR to verify that the CSR information matches the NOA information.
 - (a) While verifying this information, the PSCO should check similar information on other documents, such as the Passenger Ship Safety Certificate, International Oil Pollution Prevention Certificate, and Cargo Ship Safety Construction Certificate, to ensure consistency with the CSR.
 - (b) Lack of a CSR is not grounds for detention, denial of entry, or expulsion.
 - (4) Review the records of security threats, incidents, and security breaches to determine if any security related incidents have occurred in the vessel's recent history. If so, the PSCO should determine the details of the incident in order to assess whether it is relevant to the current port visit or if it poses any potential threat to the vessel's current security posture.
 - (5) Verify that the Ship Hull Identification number is permanently marked and matches the number listed on the ISSC. PSCO may do this immediately prior to the examination.
- b. Structure. The PSCO should develop an impression of hull maintenance and the general state of the deck and side shell to determine if it is fit for service and route intended.
- (1) Deck portion. The PSCO should examine the condition of such items as ladderways, guardrails, fire mains, piping, hatch covers, watertight and weather tight closures, and deck plating. Areas of extensive corrosion or pitting should influence the decision as to whether it is necessary to make the fullest possible examination of the structure with the vessel afloat.

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- (2) Hull portion. Significant areas of damage, cracking, wastage, corrosion, or pitting of plating and associated structural members in decks and hull affecting material fitness or strength to take local loads may justify detention. When practical, the PSCO should examine internal structural members visible from deck in open cargo bays or upper wing tanks. This is particularly important for bulkers more than 10 years old. The PSCO should be vigilant to evidence of improper temporary repairs, soft patches, recent welding or other repair work, and seepage from fuel, cargo, or ballast tanks and side shell plating.
- (3) Ballast tank entry. Due to concern for personal safety, entry into ballast tanks is no longer part of a PSC Safety and Environmental Protection Compliance Examination for chemical tankers, liquefied natural gas carriers, and liquid petroleum tankers. See MSM Volume II, Material Inspection, COMDTINST M16000.7 (series), Chapter D6 for policy on annual ballast tank entry and examination on foreign oil tankers over 10 years old.
- (4) Load lines. The PSCO should pay particular attention to closing appliances, the means of freeing water from the deck and keeping water outside the hull envelope, and arrangements for the protection of the crew. Items such as defective hatch closing arrangements, multiple missing dogs, corroded vents, and wasted coamings may warrant further examination.
- (5) Material condition not affecting the vessel's service and route intended. Damage not affecting the material condition of the vessel does not constitute grounds for judging that a vessel should be detained, nor does damage that has been temporarily but effectively repaired for a voyage to a port for permanent repairs. However, in assessing the effect of damage, the PSCO should regard the location of crew accommodations and whether the damage substantially affects habitability.
- (6) Voyage damage. If the vessel is taking appropriate action with the classification society and/or flag Administration to address voyage damage without prompting from the Coast Guard, the COTP/OCMI should not consider detaining the vessel.
 - (a) The COTP may employ other control measures, (i.e. requiring tug assists, daylight transits, portable pumps or generators etc.) through a COTP order in these cases.
 - (b) However, if the vessel is not taking appropriate action to address voyage damage or it appears that the vessel intends to depart port in a material condition affecting the vessel's service and route intended, the OCMI or COTP should consider taking immediate steps to detain the vessel.

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- (c) The COTP/OCMI may evaluate proposed substitution of life rafts for a damaged lifeboat (with the approval of the Flag Administration, or other organization that issued the Safety Equipment Certificate), to ensure that 100 percent of the crew will be accommodated, provided that another boat (rescue or lifeboat) is available for marshalling rafts.
- c. Machinery spaces. The PSCO should assess the condition of the machinery and the electrical installations such that they are capable of providing sufficient continuous power for propulsion and auxiliary services.
- (1) Operation. The PSCO may determine if responsible personnel are familiar with their duties related to operating machinery such as:
- (a) Emergency and standby electrical power sources;
 - (b) Auxiliary steering gear;
 - (c) Bilge and fire pumps; and
 - (d) Any other equipment essential in emergency situations.
- (2) Maintenance. During examination of the machinery spaces, the PSCO should form an impression of the standard of maintenance. Frayed or disconnected wires, disconnected or inoperative reach rods, quick closing valves or machinery trip mechanisms, missing valve hand wheels, evidence of chronic steam, water and oil leaks, dirty tank tops and bilges, extensive corrosion of machinery foundations, or a large number of temporary repairs, including pipe clips or cement boxes may be indicative of poor maintenance.
- (3) Tests and trials. While it is not possible to determine the condition of vital machinery without performance trials, the PSCO may only require operational tests or trials if there is objective evidence that the machinery does not operate.
- (4) Oil and oily mixtures. By taking into account the quantity of oil residues generated, the capacity of sludge and bilge water holding tanks, the capacity of the oily water separator, and reviewing the oil record book, the PSCO may determine if the vessel uses reception facilities and note any alleged inadequacies of reception facilities.
- (5) Sufficient power. If one electrical generator is out of commission, the PSCO should investigate and test whether power is available to maintain essential and emergency services.
- (6) Remote shut-off valve for tanks more than 500 liters. Regulation II-2/4.2.2.3.4 of

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SOLAS 74 (amended) requires every fuel oil pipe from a storage, settling, or daily service tank to be fitted with a means to secure flow from outside the space in which the tank is situated.

- (a) The United States accepted the IMO interpretation that was adopted at the 69th session of the Marine Safety Committee in May 1998.
 - (b) Therefore, vessels with emergency generator fuel tanks installed on or after May 14, 1998, of 500 liters (0.500 cubic meters) and greater must have valves installed that meet this regulation. Existing installations with a capacity of 500-1,000 liters (0.500-1.000 m³) are grandfathered.
- d. Navigation safety equipment check. The PSCO should examine vessel navigation equipment required by SOLAS Chapter V and 33 CFR Part 164, paying particular attention to the equipment requirements tied to the vessel's gross tonnage. The PSCO should also determine operator competence and whether all equipment was working properly during the last voyage. If required equipment is not working, the PSCO should determine when the vessel will complete repairs. If a major piece of electronic equipment (like the radar or Automatic Radar Plotting Aid (ARPA)) is not operational, the PSCO should contact the COTP or OCMI for direction. The PSCO should conduct a thorough check of the bridge and navigation spaces for compliance with the Navigation Safety Regulations (33 CFR Part 164) and ask to have the electronic equipment operating if cargo operations permit. The PSCO should check the complete list of navigation safety items, paying special attention to the extra requirements for vessels over 10,000 GT. The PSCO should check or test the equipment, paying particular attention to the following:
- (1) Position Fixing Device (LORAN C, Satellite Navigation System (SATNAV) or GPS). The PSCO should have the crew operate the equipment. The PSCO should check that the receiver is able to lock on and track the signals for these readings. For SATNAV, the PSCO should verify that the Mate is able to set up the receiver to obtain the vessel's position on the next usable satellite pass.
 - (2) Automatic Radar Plotting Aid (ARPA). The PSCO should ensure that each vessel over 10,000 GT is equipped with an ARPA as required by the Port and Tanker Safety Act and the Navigation Safety Regulations. The PSCO should take the time to spot targets on the screen and to follow a vessel's movement across the screen, if possible.
 - (3) Echo Depth Sounder and Recorder. The PSCO should have the crew operate the equipment to see if it gives a reading. The recorder should show recent performance if it was operational as the vessel entered the harbor.

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- (4) Marine radar. The PSCO should have the crew operate the radar and note targets moving across the screen or pick out shore objects on the radar, if possible. The PSCO should check both radars on vessels over 10,000 GT, including true north stabilization features.
- (5) Vessel FM radio. The PSCO should ensure that the vessel has the capability to use VHF Channels 13, 16, and 22 and that the radios are in working order. A radio check is not necessary unless the PSCO suspects that the radios do not work.
- (6) Magnetic steering compass. The PSCO should check to see if there is a current deviation table posted near the magnetic compass. The vessel derives the table by swinging the vessel through 360 degrees and recording readings that compare the vessel's true, gyro and magnetic north compass readings. The magnetic compass can vary depending on the type of cargo loaded and it may show differences from voyage to voyage. The PSCO should check the emergency steering compass periscope, if fitted, to ensure that you can see the card. The PSCO should check compass illumination.
- (7) Gyrocompass. The PSCO should check the reading on the steering gyrocompass against the repeaters on the bridge wings, the second steering station and the steering engine room. The PSCO should be aware that vessels sometimes secure gyrocompasses during an extended port stay. The PSCO should look at the comparison log for any fluctuations between the gyro, magnetic and true readings.
- (8) Bridge navigational watch alarm system (BNWAS). The PSCO should verify that the BNWAS is installed, given the implementation dates outlined in SOLAS Chapter V, Regulation 19.
- (9) Rudder angle indicator. The PSCO should check the rudder angle indicator in all locations such as main steering station, bridge wings, and emergency steering station. They should all have the same reading. A few degrees variance is acceptable.
- (10) Navigation information.
 - (a) Charts. Check charts of the transit areas within the COTP zone to ensure the vessel maintains up-to-date charts.

[1] Use a list of the most recent Defense Mapping Agency (DMA) Notice to Mariners changes to verify that chart corrections are up-to-date.

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- [2] Foreign charts are acceptable if they contain similar information and are of a large enough scale to permit safe navigation.
- [3] Electronic charts forming part of an ECDIS system are acceptable if these are up-to-date and the system includes a suitable back-up approved by the Administration conforming to the standards in IMO Resolution A.817 (19).
- [4] NVIC 9-83 provides additional guidance regarding application of the requirements for carriage of charts.
- (b) Publications. Vessels must carry a currently corrected copy of, or applicable currently corrected extract from, the U.S. navigation publications (or foreign equivalents) listed in 33 CFR 164.33. See NVIC 9-83 for further enforcement guidance. Publications required include the following:
 - [1] U.S. Coast Pilot.
 - [2] Coast Guard Light List.
 - [3] Tide tables.
 - [3] Tidal Current Tables or River Current Publication.
- (11) Relative motion plotting equipment. While the ARPA may do some of the relative motion plotting for the vessel personnel, the vessel still must have equipment for manual plotting of relative motion. Normally this equipment consists of maneuvering boards, triangles, parallel rules, etc.
- e. Cargo vessel safety construction items. The general condition of the vessel may lead the PSCO to consider matters associated with the safety of the vessel other than those concerned with safety equipment and assignment of load lines. This involves the effectiveness of items associated with the Cargo Ship Safety Construction Certificate, which can include hatch coamings and covers, pumping arrangements, means for shutting off air and oil supplies in the event of fire, alarm systems, and emergency power supplies.
- f. Cargo ship safety radio operation. The PSCO may accept the Cargo Ship Safety Radiotelegraphy, Safety Radiotelephony Certificate, or Cargo Ship Safety Radio Certificate as proof of the provision and effectiveness of its associated equipment. The PSCO should spot check equipment for proper operation and ensure that appropriate certified personnel are on board for its operation and for listening periods.

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The PSCO should examine the radio log to confirm that the vessel maintains mandatory safety radio watches.

- g. Equipment in excess of convention or flag State requirements. Crews may use excess equipment on board in situations affecting safety or pollution prevention. Accordingly this equipment must be in proper operating condition. If excess equipment is inoperative, the vessel may repair it or remove it from the vessel. If neither is practical, the vessel may clearly mark excess equipment as inoperative and store the equipment in a location not reserved for safety equipment.
- h. Garbage. The PSCO must spot check the garbage management plan and garbage record book to verify compliance with the operational requirements of Annex V of MARPOL 73/78. The PSCO may determine if reception facilities are involved and note any alleged inadequacy of such facilities.
- i. Manuals and instructions. The PSCO should determine if appropriate crewmembers understand the information given in manuals and instructions relevant to the safe condition and operation of the vessel and its equipment. The PSCO should determine whether crew members are aware of requirements for maintenance, testing, training drills, and required logbook entries.
- j. STCW 95/2010 Amendments. STCW sets qualification standards for masters, officers, and watch personnel on seagoing merchant ships.
 - (1) For specific guidance regarding enforcement and examination procedures refer to Commandant (CG-3PCV) Policy 02-04, "Policy for the Enforcement of the 1995 Amendments to the International Convention of Standards of Training, Certification and Watchkeeping for Seafarers, 1978, (STCW 95)."
 - (a) With multinational crews, the responsibility for crew competency, which once fell only on flag States, may involve several parties that issue certificates. Under the new rules, the party issuing the original certificate must comply with the requirements of the Convention, and the flag State may issue a separate "recognition" certificate, or endorsement, only after confirming that the issuer of the original certificate complied with Convention requirements for certificate issue. The PSCO should check that mariners hold licenses or certificates issued or endorsed by the flag State.
 - (b) The 1995 Amendments strengthen the PSC provisions of the STCW Convention by expanding the grounds on which a port State may detain a foreign ship. This allows the PSCO to look beyond merchant mariner's certificates and conduct direct assessments of the competence of merchant mariners. Accordingly, the PSCO should assess mariner competency during

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the PSC examination. Refer to NVIC 3-98 for more details conducting competency assessments.

- (c) Rest periods. To address the problem of crew fatigue, the 1995 STCW Amendments require that every person assigned duty as an officer in charge of a watch or as a rating, forming part of a watch, should receive a minimum of 10 hours of rest in any 24-hour period. These 10 hours of rest may include two rest periods as long as one segment is at least 6 hours long, with strictly limited exceptions. The PSCO should ask questions and examine the watch list to ascertain whether the crew is given adequate rest periods.
- (d) The 1995 STCW Amendments require that seafarers receive familiarization training and basic safety training. Basic safety training includes basic firefighting, elementary first aid, personal survival techniques, personal safety, and social responsibility. This training ensures that seafarers are aware of the hazards of working on a vessel and can respond appropriately in an emergency. The PSCO should ask questions and ascertain whether the crew has received this basic training.
- (e) The 1995 STCW Amendments require training on use of ARPAs and Global Maritime Distress Safety System (GMDSS) for deck officers serving on vessels equipped with those systems. In cases where a vessel is not fitted with those systems, the license and STCW endorsement would state that limitation. The PSCO should ask questions and ascertain whether the deck officers have received this training, as applicable.
- (f) The 1995 STCW Amendments require that the vessel's master and deck officers have a thorough understanding of bridge teamwork procedures. The PSCO should observe bridge teamwork if onboard during maneuvering.
- (g) The revised technical regulations specify minimum standards of competence for the range of certificates issued under STCW. STCW presents the standards in tables with four columns: 'competence' or ability to be established; area of 'knowledge, understanding and proficiency' within each competence; 'methods of demonstrating competence;' and 'criteria for evaluating competence.' The 1995 STCW Amendments also promote the use of simulators as one of the recognized means for demonstrating competence. The Coast Guard is developing standards, procedures and performance measures for use by designated examiners to evaluate competence in various areas. The PSCO should become familiar with these regulations since they pertain to the assessment of mariner's competency.
- (h) Roll-On Roll-Off (RO-RO) passenger ships. The 1995 STCW Amendments included new Regulations (V/2) on training and qualification for masters,

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officers, ratings and other personnel on RO-RO passenger vessels. IMO developed these regulations as a matter of urgency following the sinking of the ferry ESTONIA. A subsequent set of amendments in 1997 adds similar Regulations (V/3) on personnel serving on passenger ships other than RO-RO passenger ships. The PSCO should take note of these requirements when examining a RO-RO passenger vessel.

- (i) On January 1, 2012, the 2010 Manila amendments to the STCW Convention and Code entered into force. These amendments include a number of important changes including updated medical fitness standards with medical certificates valid for two years, addition competency requirements for personnel serving aboard all types of tankships, a new electro-technical officer endorsement, and new requirements for security-related training and documentation. Certain amendments include a 5-year transitional period with full compliance required by January 1, 2017. Generally, amendments that involve the certification of seafarers are subject to the transitional provisions while amendments that do not involve the certification of seafarers applied January 1, 2012. PSCOs should refer to STCW.7/Circ.17 for guidance on the implementation and transitional provisions of these amendments.
- k. ISM Code. Compliance with SOLAS Chapter IX and the ISM Code is mandatory for certain vessels engaged on an international voyage. The objectives of the ISM Code are to ensure safety at sea, prevent the occurrence of human injury or loss of life, and avoid environmental and property damage. Specifically, the ISM Code seeks to address the issues of human error and human omissions.
 - (1) To accomplish its objectives, the ISM Code requires owners of ships, or other organizations such as the managers, or bareboat charterers, who have assumed responsibility for ship operations, to implement Safety Management Systems (SMS) for their ships and companies.
 - (2) During the PSC examination, the PSCO should apply the guidance contained in NVIC 04-05 regarding the enforcement of ISM and examination details.
- l. International Labour Organization (ILO) 147. During exams, the PSCO should be alert for especially hazardous or unsanitary conditions. With respect to labor laws, the Coast Guard cannot hold other countries to the same standards it applies to domestic vessels. The PSCO should be alert to those conditions that are blatantly unsafe. The PSCO may relay labor or pay complaints to the attention of the vessel's flag State or the Department of Labor by contacting Commandant (CG-CVC-2). Where intervention authority is lacking, local humanitarian or religious organizations (i.e. Seamen's Friends Society) may be able to assist in correcting unsanitary practices or in assisting crewmembers. See The Merchant Shipping (Minimum Standards)

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Convention, 1976 (ILO 147) and Port State Control (PSC), COMDTINST 16711.12A for further guidance.

m. Cargo Operations. The PSCO should check the following items regarding cargo operations:

- (1) Spot check containers and packaged cargo for proper marking, labels, and placards.
- (2) Look for damaged or leaking cargo containers and packages, particularly forklift punctures or evidence of crushing that may indicate dropped packages.
- (3) Look for potential ignition sources, particularly from electrical equipment, smoking violations, stowage plan, and cargo segregation.
- (4) Determine if the vessel has a capacity to retain all oily waste and oily bilge slops generated while operating in U.S. waters.
- (5) Check to see that no oil or hazardous material is carried in prohibited spaces.

n. Cargo Securing Manual (CSM). As of December 31, 1997, Administration-approved CSMs became mandatory under SOLAS 74, Ch. VI/5, and VII/6 for all cargo vessels engaged in international trade which are equipped with cargo securing systems or individual cargo securing arrangements. NVIC 10-97 provides amplifying information on CSM.

- (1) Cargo vessels found without an approved CSM must be required to provide a CSM prior to the next U.S. voyage. For vessels with dangerous goods/hazardous materials cargoes already aboard, PSCOs must evaluate the vessel's securing arrangements for the dangerous goods/hazardous materials cargoes. In cases where the PSCO finds dangerous goods/hazardous materials cargo securing insufficient, appropriate corrective action must be required prior to the vessel's departure.
- (2) For cargo vessels that return to U.S. ports without CSMs on subsequent voyages, the following actions may be necessary:
 - (a) SOLAS Detention until the vessel's owner or operator formally establishes a reasonable timeline for submittal of a CSM to the vessel's Administration or authorized representative;
 - (b) Notification to the vessel's Administration and/or recognized organization that the vessel is in violation of SOLAS 74, Ch. VI/5 and VII/6; and

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(c) Prevention of future cargo operations at all U.S. ports until the vessel owner or operator provides proof of compliance with SOLAS 74, Ch. VI/5 and VII/6 CSM requirements.

o. On deck. While on deck, the PSCO should check the following:

- (1) Fuel piping. Note the general condition of the fuel piping systems (including manifolds), particularly any temporary repairs and other irregularities.
- (2) Fuel vents. Check the material condition of the fuel vents. There is no SOLAS requirement for fuel tank vent screens.
- (3) Closure mechanisms. Examine closure mechanisms for cargo hatches, side ports, watertight doors and other openings that maintain the seaworthiness of the vessel.
- (4) Cargo stowage. Ensure that stowage and securing arrangements for on deck containers are adequate and that cargo segregation is in compliance with 49 CFR 176.83.
- (5) Lifesaving equipment. The PSCO must spot-check the vessel's lifesaving equipment. Observe the condition of the lifeboats paying particular attention to the hull and davits.
 - (a) The effectiveness of lifesaving equipment depends heavily on good maintenance by the crew and their use in regular drills. The lapse of time since the last survey or Safety Equipment Certificate can be a significant factor in the degree of deterioration of equipment.
 - (b) Apart from failure to carry equipment required by a convention or obvious defects such as holed lifeboats, the PSCO should look for signs of disuse of or obstructions to boat launching equipment that may include paint accumulation, seizing of pivot points, absence of greasing, condition of blocks and falls, and improper lashing or stowing of deck cargo. Life raft stowage and missing weak links are common problems that vessels may correct quickly without detaining the vessel. See MSM Volume II, Materiel Inspection, COMDTINST M16000.7 (series), Chapter D5 for more information.
- (6) Firefighting equipment. The PSCO must review the vessel's fire control plan and note the adequacy and condition of firefighting equipment.

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- (a) The PSCO should check the fire stations to ensure that there are hoses, extinguishers, fixed CO² systems, and other firefighting equipment on the vessel as indicated in the fire control plan and/or general arrangement plan. The PSCO should examine the fire detection and sprinkler systems, if applicable. The fire main and pumps should be tested by charging the system and witnessing the pressure at widely separated deck stations simultaneously.
- (b) It is not necessary for the PSCO to spend time at every station as long as he/she is able to ensure the vessel's readiness to respond to a fire.
- (c) The PSCO should examine international shore connections for condition and proper number. Fire mains and hydrants in poor condition and the absence of fire hoses and extinguishers in machinery or accommodation spaces point to a need for close inspection of fire safety equipment.
- (d) In addition to compliance with convention requirements, the PSCO should look for evidence of a higher than normal fire risk, such as a lack of cleanliness in the machinery space (excessive oil in bilges) or significant deficiencies of fixed or portable fire extinguishing equipment, that may lead the PSCO to conclude the vessel is substandard.
- (e) PSCOs should not require servicing of hand portable extinguishers by servicing contractors unless obvious deterioration is present. The fact that more than 1 year has elapsed since the last servicing date is not, by itself, sufficient to require servicing.
 - [1] Fire doors. Fire spread may accelerate if fire doors are not readily operable. The PSCO should examine the doors in main zone bulkheads, stairway enclosures, and boundaries of high fire risk spaces, such as main machinery rooms and galleys, for their operability and securing arrangements. The PSCO should pay particular attention to doors retained in the open position and those in main vertical zones to ensure these will completely close during a fire emergency. The PSCO should look for obstructions that may prevent fire doors from closing and ensure they are removed.
 - [2] Ventilation systems. An additional hazard in the event of fire is the spread of smoke through ventilation systems. PSCOs should spot check dampers and smoke flaps to ascertain the standard of operability. Ensure that ventilation fans can be stopped from the master controls and that means are available for closing main inlets and outlets of ventilation systems.
 - [3] Escape routes. The PSCO should examine the effectiveness of escape routes by ensuring that vital escape doors are open and that alleyways and

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stairways are free of obstruction.

- (7) Pollution prevention equipment. PSCOs should verify compliance with the Pollution Prevention Regulations (33 CFR Parts 155, 156, and 159) and MARPOL Regulations (Annexes I, II, V and VI) (See 33 CFR Part 151, COMDTINST M16450.30 and Annex VI Policy Letter 09-01 for further guidance). During examinations, the PSCO should complete an in-depth look at the vessel pollution prevention requirements including examination of fuel and lubricating oil systems, waste oil handling systems, oil or liquid hazardous material transfer procedures (as applicable), garbage handling procedures, declarations of inspection, and marine sanitation devices. At a minimum, the PSCO should do the following:

NOTE: Some of the below items may only apply to vessels carrying oil or liquid hazardous material as cargo (i.e., in deep tanks) or engaged in bunkering.

- (a) Examine the small discharge containment and visually check the capacity. Have someone demonstrate the mechanical means of closing scuppers and drains in the containment, and confirm means of draining or removing discharged product from the containment.
- (b) Examine the fuel and bulk lubricating oil discharge containment. Visually check the capacity. (i.e., 1/2 barrel 300-1,600 GT, 1 barrel over 1,600 GT, 5 U.S. gallon portable container for 100-300 GT, and 100 GT or over if constructed before July 1974).
- (c) Examine the bilge water piping outlet (MARPOL connection). (1,600 GT and above on each side of the weather deck; below 1,600 GT accessible from the weather deck). Make sure the vessel has a means to stop each discharge on the weather deck near the discharge outlet.
- (d) Ensure the vessel meets requirements for ballast discharge if the vessel uses ballasted fuel tanks.
- (e) Locate the emergency shutdown system. If possible, have the emergency shutdown system activated to ensure proper operation.
- (f) Check the vessel's required transfer communications. (Continuous two-way voice between persons-in-charge of the transfer operation.) Ensure that they are intrinsically safe;
- (g) Visually inspect required deck lighting. Check the transfer point and transfer operation work area.
- (h) Check the transfer hoses. The minimum design burst pressure for each hose assembly must be at least four times the sum of the pressure of the relief valve

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setting (or four times the maximum pump pressure for systems without relief valves) plus the static head pressure of the transfer system at the point where the hose is installed.

[1] Check the hose working pressure. The Maximum Allowable Working Pressure (MAWP) for each hose assembly must be more than the sum of the pressure of the relief valve setting (or the maximum pump pressure for systems without relief valves) plus the static head pressure of the transfer system, at the hose installation point.

[2] Check the hose labeling. Check to see that each hose is marked with the required information.

(m) Ensure appropriate signage. Locate the "Discharge of Plastic and Garbage Prohibited" placard.

p. Engine Room. In engine room, the PSCO should do the following:

- (1) Check the Oil-Water Separator (OWS) for a certification label with a CG approval number or International Maritime Organization (IMO) specification label (MARPOL 73/78).
- (2) Check the bilge continuous monitor for an CG approval number or IMO specification label and sight the recording tape.
- (3) Check and operationally test the OWS as outlined in MSM Volume II, Material Inspection, COMDTINST M16000.7 (series), Chapter E1.
- (4) Verify that the "Discharge of Oil Prohibited" placard is posted as required in each machinery space, bilge, and ballast pump control station.
- (5) Verify that the vessel is equipped with an operable, U.S. Coast Guard or MARPOL IV certified Marine Sanitation Device (MSD).
- (6) Check the bilges. Check for presence of oil or hazardous material and confirm structural integrity.

q. Cargo control area on tankers. In cargo control area on tankers, the PSCO should do the following:

- (1) Verify that the vessel has a list of designated PICs for each type of transfer operation (bunkering, cargo).
- (2) Closely examine the bulk liquid transfer procedures. Ensure that the procedures--

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- (a) Are legibly printed in a language understood by personnel engaged in the transfer operations;
 - (b) Are permanently posted or available where they can easily be seen and used by crewmembers;
 - (c) Contain a list of each oil or liquid hazardous material transferred (generic name, product information, and applicability of transfer procedures);
 - (d) Include an accurate description of each transfer system on the vessel (including a line diagram, the location of the shutoff valves, and description of and procedures for emptying the discharge containment system);
 - (e) Specify number of persons required to be on duty for transfer is indicated with the duties, by title, of each person required for each transfer operation;
 - (f) Include procedures and duty assignments for tending the vessel's moorings during transfer;
 - (g) Include procedures for operating the emergency shutdown and transfer communications, topping off tanks, ensuring that all valves used during the transfer operation are closed on completion of the operation, and reporting fuel or cargo spills (discharges);
 - (h) Include, in the front of the transfer procedures, any exemptions or alternatives granted; and
 - (i) Include appropriate amendments.
- (3) Confirm that the emergency shutdown is operable from the cargo control area.
- r. Drills. The PSCO should witness drills during all PSC Safety and Environmental Protection Compliance Exams (e.g. PI, PII, Random, Certificate of Compliance).
- (1) Abandon ship drill. For abandon ship drills, the PSCO should do the following:
- (a) Verify that the crew is properly mustered at their stations and check muster lists for accuracy. Check that the crew has properly donned lifejackets. Determine if crew members are able to communicate with each other. Ensure that crewmembers are familiar with abandon ship procedures/duties and the proper use of ship's lifesaving equipment.

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- (b) Lower lifeboats, when practicable, to the embarkation deck. Conduct a general examination of davits, falls, sheaves, etc., as the boat is being prepared and lowered to the embarkation deck. Verify that the lifeboat engines start properly. With the exception of passenger ships undergoing control verification examinations, do not require crews to lower, release, and exercise lifeboats in the water.
 - (c) During the drill, the PSCO should be satisfied that the crew is competent to safely embark and launch lifeboats and liferafts designated as primary lifesaving equipment in the times specified by SOLAS (10 minutes after the abandon ship order for a cargo ship and 30 minutes after the abandon ship order for a passenger ship).
 - (d) If the PSCO determines the crew is unfamiliar with their duties or incapable of safely operating the lifesaving equipment, halt the drill and notify the vessel's master that the drill was unsuccessful and that additional training and/or additional exercises are necessary. The PSCO should then provide the crew with at least one additional opportunity to demonstrate competency before detaining a vessel.
 - (e) If crew performance warrants vessel detention, the PSCO should cite the crew's lack of familiarity with essential shipboard operations under SOLAS XI-1/4 as the reason for detention and detail specific observations that led to the failure.
 - (f) The PSCO may also deem drills unsatisfactory if language barriers interfere with adequate verbal communication, or if the crew is unable to perform a satisfactory and safe drill, in spite of additional instruction and additional opportunity to demonstrate competency.
- (2) Fire drill. The PSCO should witness a fire drill and evaluate the ability of the crew to respond to emergencies. The safety officer or the officer in charge should specify the location and scope of the drill.
- (a) The PSCO should determine if the drill is of sufficient scope to demonstrate crew competence. All crewmembers, except those engaged in cargo operations or on watch, should participate.
 - (b) The PSCO should observe the alarm indication on the fire alarm panel and the responses of the vessel's officers. (A normal procedure is to send an officer or fire patrolman to investigate.) The PSCO should go to the location and describe the fire situation (smoke, flames, etc.) to the investigator and then observe how the crew reports the fire to the bridge or damage control center.

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At this point, most vessels will sound the crew alarm to summon the firefighting parties and the remainder of the crew to their stations.

- (c) The PSCO should also observe the firefighting party arriving on scene, breaking out their equipment, and fighting the simulated fire. Team leaders should be giving orders as appropriate to their crews and passing word back to the bridge or damage control center on the conditions.
 - (d) The PSCO should examine the firefighting team for proper donning of protective equipment and for proper use of their equipment. Officers should make sure that all of the firefighting gear is compatible; e.g., firefighters can properly wear the protective suit, the helmet, the air mask and breathing apparatus, and the lifeline. Merely mustering the emergency crews with their gear is not acceptable.
 - (e) If the PSCO determines the crew is unfamiliar with their duties or incapable of safely responding to a shipboard fire, halt the drill and notify the vessel's master that the drill was unsuccessful and that additional training and/or additional exercises are necessary. The PSCO should then provide the crew with at least one additional opportunity to demonstrate competency before detaining a vessel.
 - (f) If lack of performance warrants vessel detention, the PSCO should cite the crew's lack of familiarity with essential shipboard operations under SOLAS XI-1/4 as the reason for detention.
 - (g) The PSCO may deem drills unsatisfactory if language barriers interfere with adequate verbal communication, or if the crew is unable to perform a satisfactory and safe drill, in spite of additional instruction and several opportunities to demonstrate competency.
- (3) Inability to Conduct Drills. In very limited cases, it may not be possible to conduct the required fire and abandon ship drill. The circumstances for not witnessing a drill must be exceptional. Bunkering operations or poor weather are potentially valid reasons for not conducting the abandon ship drill. If extenuating circumstances preclude a drill, but the ship is clearly well run based on its condition, documentation, and crew proficiency during other portions of the exam, PSCOs are not required to witness the drill. In these cases, PSCOs should include a statement in the MISLE narrative that drills were not conducted, the reason why, and how crew proficiency was satisfactorily determined. PSCOs should not issue a deficiency in these cases nor should they request the unit at the vessel's next port of call to witness drills. However, if there are reasons to doubt the crew's proficiency, the PSCO should work with the master to identify an

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appropriate time to conduct drills when the exceptional circumstances are no longer present.

- s. Steering. Steering gear failures on all classes of foreign vessels have caused serious marine casualties and pollution incidents in U.S. waters. The PSCO should witness a steering system test. The test should include the following:
- (1) An operational check of the main and auxiliary steering from each remote steering gear control system and each steering position on the navigating bridge.
 - (2) Test the main steering gear from the alternative power supply, if installed (i.e. the feeder cable to the steering gear fed by the emergency switchboard);
 - (3) Verify the reading on the bridge gyrocompass matches the repeater in the after steering room;
 - (4) Verify the rudder angle indicator in the after steering room has the same reading as the indicator on the bridge;
 - (5) Test each remote steering gear control system power failure alarm and each steering gear power unit failure alarm;
 - (6) Test for full movement of the rudder according to the required capabilities of the steering gear;
 - (7) Test the means of communication between the navigating bridge and the steering gear compartment;
 - (8) Visually inspect the steering gear and its connecting linkage, paying particular attention to securing devices that may loosen due to vibrations; and
 - (9) Check for indications of potential failures involving excessive leakage of hydraulic fluid; looseness in hydraulic piping and hose connections, fasteners, or couplings; frayed electrical wiring or evidence of arcing; unusual noises during operation; or evidence of insufficient maintenance. Examples of the latter include makeshift repairs, painted-over lube fittings, and deficient maintenance that might adversely affect operation of the steering gear.
 - (10) For additional guidance on examining steering gear and the importance of examining steering gear linkage, hose and piping connections, refer to MSM Volume II, Material Inspection, COMDTINST M16000.7 (series), Chapter C4.

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- t. Anti-Fouling Systems. PSCOs should verify compliance with the International Convention on the Control of Anti-fouling Systems on Ships (AFS).
- (1) Basic Examination, Convention Vessels. PSCOs should examine the International Anti-fouling Systems (IAFS) Certificate and, if appropriate, the attached Record of Anti-fouling Systems (ROAFS).
- (a) The IAFS Certificate should be in conformity with Appendix 1 to Annex 4 of the AFS Convention and indicate whether an anti-fouling system controlled under Annex I of the AFS Convention has or has not been applied, removed, or been covered with a sealer coat, and whether an anti-fouling system controlled under Annex I of the AFS Convention was applied on the vessel prior to or after the date specified in the AFS Convention.
 - (b) The IAFS Certificate should be properly completed and endorsed by the Administration or recognized classification society.
 - (c) The ROAFS should be up to date and include the attached records from drydockings related to AFS or sealer coat applications. Further, information on the ROAFS should agree with that shown on the IAFS Certificate.
- (2) Basic Examination, Non-Convention Vessels. PSCOs should ascertain whether the vessel is in compliance with the AFS Convention and may accept a Statement of Voluntary Compliance (SOVC), or an equivalent certification, issued by the flag Administration or a Recognized Organization on its behalf. This documentation should contain all of the information required in an IAFS Certificate and the associated ROAFS. Otherwise, the basic examination for these vessels is similar in scope to AFS Convention vessels. For status of the conventions, and which Administrations have not ratified the AFS Convention, see <http://www.imo.org/About/Conventions/StatusOfConventions>.
- (3) Expanded Examination. During any examination, the examination team should expand the examination if “clear grounds” are established that the vessel is not in compliance with the AFS Convention. The following, among other things, constitute clear grounds for conducting an expanded examination into AFS Convention compliance:
- (a) There is no evidence of compliance with the AFS Convention (e.g. missing IAFS Certificates or SOVCs).
 - (b) The IAFS Certificate or SOVC contains irregularities (for example, the painting or coating dates on the certificate do not agree with vessel

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drydocking dates, there are numerous paint patches on the visible portion of the underwater hull, or the IAFS Certificate is not properly completed).

- (c) Credible reports have been found or made of the vessel's non-compliance with the AFS Convention.
 - (d) Evidence that actual hull coatings are not consistent with those described on the IAFS Certificate, ROAFS, Declaration, or SOVC.
 - (e) Extensive growth observed on a vessel's hull. (Note: this may be influenced by a range of factors including design, construction, ratio of time underway, trading routes, maintenance history and hull cleaning practices).
- (4) Violations. If a vessel is in violation of the AFS Convention, The COTP may warn, detain, or exclude the vessel from port.
- (a) Deficiencies indicating non-compliance with the AFS Convention may result in an examination deficiency and shall be documented on the Form B and in MISLE. Correction of such deficiencies may be deferred until the vessel's return after sailing foreign or until the next regularly scheduled drydocking based on the nature of the deficiency.
 - (b) The COTP may issue a Letter of Warning to a vessel that has AFS Convention deficiencies.
 - (c) In cases where the deficiencies related to the anti-fouling system are more substantive, the COTP should detain the vessel under the AFS Convention. Such cases could include instances where the vessel has a controlled anti-fouling system installed and it is not properly sealed, the IAFS Certificate is invalid or missing, or the vessel's master admits non-compliance with the AFS Convention. The notification procedures in MSM Volume II, Material Inspection, COMDTINST M16000.7 (series), Section D, Chapter 2 must be followed in the event of a detention.

2. Expanding the Examination

During any examination, the PSCO should expand the exam of a vessel if there is "clear grounds" that the vessel, its equipment, or its crew, do not correspond substantially with the particulars of its certificates. Expanded exams should focus on those areas where "clear grounds" exist and should not include other areas or systems unless the general impressions or observations of the PSCO support such exam.

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Units shall document all PSC examinations with the Coast Guard Port State Control Report of Inspection Form A, CG-5437A and Coast Guard Port State Control Report of Inspection Form B, CG-5437B, if the latter is applicable, in accordance with the instructions on the respective forms. This includes Certificate of Compliance exams with the exception of exams taking place under domestic authority outside of 12 nautical miles (overseas, lightering zones, etc.). Additional details can be found on the instructions page of the Certificate of Compliance, Form CG-3585.

- a. The Port State Control Report of Inspection is the single most important document the Coast Guard issues to foreign vessels. It provides documentation to the various parties associated with a foreign vessel and other port States on the outcome of Coast Guard PSC examinations.
- b. This report receives attention at high levels within the Coast Guard and foreign government agencies. Therefore the report must clearly articulate the reasons for detaining substandard vessels for safety and environmental compliance deficiencies or detaining, expelling from port, or denying entry to port a substandard vessel for maritime security deficiencies. To accomplish this, the report must outline a deficiency description that shows substandard conditions and list appropriate authority under the international conventions for each deficiency to support the action taken.
- c. PSCOs must enter all deficiencies identified during PSC exams on the Coast Guard Port State Control Report of Inspection Form B, including minor deficiencies corrected on the spot.
- d. MSM Volume II, Material Inspection, COMDTINST M16000.7 (series), Section D, Chapter 2 provides examples of substandard conditions that merit vessel detention, expulsion from port or denial of entry.
- e. For all deficiencies, the description must be a direct and succinct statement that should contain two important elements. First, the description should state the standard the ship does not meet. Second, the description should explain how the ship does not meet the requirement.
- f. When drafting the Coast Guard Port State Control Report of Inspection Form B, the PSCO should record deficiencies in order of severity, listing detainable items or more serious SOLAS-based deficiencies first. Additionally, the PSCO should order deficiencies based on U.S. regulations and ILO standards last.

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- g. For deficiencies requiring correction prior to departure, the COTP/OCMI may choose one of several methods to verify correction prior to departure.
- (1) For the most serious deficiencies that contributed to a vessel's detention, a PSCO should revisit the vessel and verify correction prior to departure. If a PSCO is unavailable, the COTP/OCMI may accept Administration certification that deficiencies are corrected. Depending upon the circumstances, the COTP/OCMI may also accept certification from the Recognized Organization that the vessel has corrected these items.
 - (2) The Coast Guard has not approved certain Classification Societies to "review, examine, survey, or certify the construction, repair, or alteration of a vessel in the United States" pursuant to 46 USC 3316(c). Accordingly, a Classification Society that has not received Coast Guard approval may not review, examine, survey, or certify repairs necessary to clear deficiencies noted during a PSC exam.
 - (a) If such repairs are necessary before a vessel served by a non-approved Classification Society may depart from port, the Coast Guard may verify repairs as appropriate.
 - (b) Alternatively, the Administration or an approved Classification Society may survey repairs as appropriate.
 - (c) Note this law does not mean that the Coast Guard should not accept previously-issued statutory certificates issued on behalf of the Administration by a non-IACS Classification Society that has not received Coast Guard approval. Nor does this law prohibit a non-IACS Classification Society that has not received Coast Guard approval from reissuing statutory certificates to a vessel when the vessel visits the United States. Further, the law does not prohibit any activities related to a vessel's safety management system. For more information concerning approval of Non-IACS Classification Societies, consult with Commandant (CG-ENG-1).
 - (3) For less serious deficiencies, the COTP/OCMI may accept certifications from the vessel's master, Classification Society (excepting non-approved, non-IACS Classification Societies), or Administration that the vessel has corrected the deficiencies.
- h. In rare instances, multiple day exams may be necessary. In these cases, PSCOs should issue the Coast Guard Port State Control Report of Inspection Forms A and B prior to departing the vessel each day. The Form A should include a note at the bottom: "Examination to continue. Deficiencies identified are not all inclusive." If additional deficiencies are found the following day, a new Form B must be issued and

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dated the day it is issued. Block 10 of the Form A should be updated to reflect the multiple day exam.

- i. For exams that lead to a vessel's detention, PSCOs must fill out the Coast Guard Port State Control Report of Inspection Form A in its entirety, to include information on the last survey for the relevant certificates. This information is critical in determining whether a classification society should be associated with the detention, directly impacting the Port State Control targeting matrices.

H. SECURITY COMPLIANCE EXAMINATION PROCEDURES: ISPS/MTSA SECURITY COMPLIANCE EXAMINATION AND NON-CONVENTION VESSEL SECURITY COMPLIANCE EXAMINATION.

PSCOs must also examine the vessel to the extent necessary to determine whether the vessel is in substantial compliance with SOLAS Chapter XI-2 and the ISPS Code, Part A, taking into consideration the guidelines of the ISPS Code, Part B. The PSCO should become familiar with MSC Circular 1111, "Guidance Relating to the Implementation of SOLAS Chapter XI-2 and the ISPS Code." The PSCO must take into consideration the clear distinction between flag State inspection and PSC (i.e., certifying vessel compliance with SOLAS Chapter XI-2, the ISPS Code, and MTSA versus verifying general compliance with SOLAS Chapter XI-2 and the ISPS Code through spot checks and visual observations of security implementation on the vessel).

If a PSCO has clear grounds that a particular vessel's security arrangements do not substantially meet the requirements, then the PSCO should take control action, which may include a more detailed inspection (expanded examination) into the area of non-compliance. Although the PSCO is onboard the vessel for the purpose of an ISPS/MTSA security compliance exam, the PSCO should be alert to serious safety deficiencies and may expand the examination into such deficiencies. The PSCO should permit the vessel to begin cargo operations, bunkering, or taking on ships stores at a reasonable point during the exam since observing security measures taken during these operations is part of the ISPS/MTSA compliance exam. The PSCO should also consider the following when performing ISPS/MTSA security compliance examinations.

1. Vessel Security Level

The PSCO should determine the security level at which the vessel is operating. The ship security level must be at least as high as that set at the intended port of call. If the ship is at a lower security level than the port, the ship must raise its security level at least as high as that set at the arrival port.

2. Non-Compliant Ports and Ports with Inadequate Anti-Terrorism Measures

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The Coast Guard's International Port Security Program assesses whether effective anti-terrorism measures are in place using the country's compliance with SOLAS Chapter XI-2 and the ISPS Code as the primary determinant. If the Coast Guard determines that effective anti-terrorism measures are not in place, it may impose Conditions of Entry. When Conditions of Entry are imposed, the Coast Guard posts a Port Security Advisory on the Homeport website at <http://homeport.uscg.mil> and also publishes a Federal Register Notice. The COTP/OCMI should take actions against vessels that have called at non-compliant ports in accordance with any Port Security Advisories in effect and in accordance with other promulgated policy, usually provided by message. For detailed information on the International Port Security Program, refer to International Port Security Program, COMDTINST 16618.7.

3. Verify ISSC

The PSCO should verify that the ISSC is on board and valid. The PSCO should verify that the original ISSC is on board the vessel and that the flag Administration or RSO has properly endorsed the ISSC. If the ship has an interim ISSC, confirm that the reason for interim certification is in agreement with one of the valid reasons specified in Section 19.4.1 of the ISPS Code, Part A, and that the conditions for interim certification outlined in Sections 19.4.2 – 19.4.6 of ISPS Code, Part A, are satisfied (For Non-SOLAS foreign flag vessels, see Paragraph C.8 below). Do not accept a copy of the ISSC.

4. Verify Ship Security Performance

The PSCO must verify that the Ship's Security Plan (SSP) is approved by the flag Administration or an RSO on behalf of the flag Administration. The SSP should be on board the vessel or kept in an electronic format and protected from unauthorized disclosure. The PSCO should confirm the SSP is written in the working language, or languages, of the crew, and, if this language is not English, French or Spanish, that a translation into one of these languages is available. The SSP is not generally subject to inspection; however, the PSCO should observe security procedures, ask questions and review security records to determine whether there are non-conformities related to vessel security. If there are clear grounds for believing that the vessel does not have required security procedures in place, or is otherwise in violation of security provisions specified in the SSP, the PSCO should investigate. As part of the investigation, the PSCO may examine the relevant sections of the plan after exhausting other means to determine compliance. The PSCO must obtain the consent of either the vessel's flag State or the master of the vessel, as specified in Paragraph 9.8.1 of ISPS Code Part A, before examining relevant portions of the SSP.

NOTE: the PSCO may not review security provisions addressed in Paragraph 9.4,

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Subparagraphs .2, .4, .5, .7, .15, .17, and .18 of Part A of the ISPS Code, without the consent of the vessel's flag State.

The following is a discussion of each of the required elements of a SSP per Section 9.4 of ISPS Code Part A and verification procedures for each. Those elements with an asterisk are most effectively checked in port.

- a. * Measures designated to prevent weapons, dangerous substances and devices intended for use against people, ships, or ports from being carried on board the vessel.
 - (1) The PSCO should observe procedures in place to determine whether security personnel are screening persons and their packages or baggage for weapons, dangerous substances, and devices, and whether security personnel show competence in these duties.
 - (2) If the PSCO notes that security personnel do not check persons and their packages or baggage, clear grounds exist for inspection of the vessel. This may include asking additional questions or checking relevant provisions of the SSP (with prior permission of the master). Note that in cases when the PSCO's baggage, equipment, or personal effects are not checked, the PSCO may not regard security personnel's failure to check the PSCO's baggage as a deficiency.
 - (3) The PSCO should ask security personnel tasked with these duties related questions such as the following:
 - (a) "At Security Level 1, do you check baggage or personal effects of all persons for weapons?"
 - (b) "How do you screen persons and their carry-on baggage from bringing on board unauthorized weapons?"
 - (c) "How do you intensify such screening as the security level (or MARSEC level) increases from security level 1 to 2 or from level 2 to 3?"
 - (d) "How do you segregate checked persons and their personal effects from unchecked persons and their personal effects?" (On cruise ships.)
 - (4) For cruise ships, the PSCO should also verify that the vessel meets the screening requirements contained in 33 CFR 104.295, which requires screening of all persons, baggage and personal effects at all MARSEC levels. In some cases, the cruise ship and the facility may share security responsibilities via a Declaration of Security or similar arrangement when facility security is performed by personnel

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associated with the cruise line. In such cases, the facility may perform some of the security responsibilities normally performed by the ship.

- (5) See the ISPS Code, Part B, Section 9.9 through 9.17 for additional guidance regarding this required element.
- b. Identification of the restricted areas on board the vessel and measures for the prevention of unauthorized access to the vessel and to restricted areas.
- (1) The PSCO should observe whether effective access control procedures, such as locks or guards, periodic security sweeps, escorts for visitors not authorized to access restricted areas, and surveillance equipment or intrusion devices (including seals or electronic devices) are in place for key spaces on board the ship including, but not limited to, the bridge, steering gear compartment, engine room, cargo control spaces, communications rooms, and similar spaces. When visitors or passengers are not on board, effective access control for restricted areas may be relaxed as specified in the approved ship security plan.
 - (2) The PSCO should observe that restricted areas are clearly marked, indicating that access to the area is restricted and that unauthorized access to the area is restricted. If the PSCO is able to access restricted areas without authorization, clear grounds exist for further inspection, which may include asking additional questions or checking relevant provisions of the SSP (with prior permission of the flag Administration).
 - (3) The PSCO should note that the SSP may authorize the PSCO to access restricted areas without escort. Absence of locked restricted areas is not a deficiency unless the SSP mandates locked spaces as the only means for control of access to restricted areas.
 - (4) The PSCO should ask security personnel tasked with these duties related questions, such as the following:
 - (a) “What methods do you use to prevent unauthorized individuals from accessing restricted areas such as the bridge, main engine room, steering compartment, cargo areas, and other control stations?”
 - (b) “Does your security plan permit credentialed PSCOs to access restricted areas without escort?”
 - (c) “How do you intensify actions to prevent unauthorized access to restricted areas as the security level (or MARSEC level) increases from security level 1 to 2 or from level 2 to 3?”

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- (d) “Does the ship use surveillance equipment in restricted areas and is this equipment continuously monitored?”
 - (5) For passenger vessels and ferries, the PSCO should verify that the vessel meets the applicable requirements related to security sweeps prior to getting underway as contained in 33 CFR 104.292.
 - (6) For cruise ships, the PSCO should verify that the vessel meets the applicable requirements related to security patrols and searching selected areas prior to embarking passengers and sailing contained in 33 CFR 104.295.
 - (7) See the ISPS Code, Part B, Section 9.18 through 9.24 for additional guidance regarding this required element.
- c. * Measures for the prevention of unauthorized access to the ship. A vessel must have procedures for each security level for allowing access to the vessel and allowing persons to remain on the vessel.
- (1) The PSCO may observe that: access control personnel are in place at all vessel accesses; other accesses to the vessel are secured; security personnel screen persons coming on board the vessel; and that the security personnel performing access control duties are knowledgeable. The PSCO should observe that crew with access control duties closely examine personal identification for validity and determine whether persons seeking to come on board have legitimate purpose to do so.
 - (2) The PSCO should expect the vessel to verify his/her credentials when accessing the vessel and should cooperate with vessel security personnel. The PSCO must not attempt to mislead vessel security personnel or test the vessel’s access control using false identification cards or other deceptive means; such efforts are not acceptable. The International Maritime Organization has issued MSC/Circ. 1156 to provide guidance on public authority access to vessels which SOLAS Chapter XI-2 and the ISPS Code applies. PSCOs should follow these procedures when accessing ships. In accordance with these procedures, PSCOs should not be subject to searches by shipboard personnel when boarding a ship.
 - (3) If the PSCO notes that security personnel are not available to check or do not check persons as they board the vessel, the vessel may have other procedures in place and the PSCO has clear grounds for further inspection of these access control procedures, which may include asking additional questions of crew that have security duties, discussing this issue in detail with the Ship’s Security

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Officer (SSO) or checking relevant provisions of the SSP (with prior permission of the master).

- (4) Note that an authorized check of the SSP may indicate frequency of access controls, ranging from random controls to 100 percent checks and an identification system. In all cases the vessel must conform to the SSP requirement. Note further that cruise ships must conduct 100 percent identification checks at all Security Levels (see 33 CFR 104.295).
 - (5) The PSCO should ask security personnel related questions to determine their familiarity with access control procedures, such as the following:
 - (a) “How do you identify persons coming on board and ensure they have a valid reason for being on board?”
 - (b) “How do you intensify such screening activities related to personal identification and valid reason to be on board as the security level (or MARSEC level) increases from security level 1 to 2 or from level 2 to 3?”
 - (c) “Have you identified the access points to the vessel when it is moored and how do you protect these areas against unauthorized access?”
 - (6) For passenger vessels and cruise ships, the PSCO should verify that the vessel meets the applicable requirements related to screening of persons contained in 33 CFR 104.292 and 104.295 which discuss security sweeps of vessels if left unattended, identification checks and confirmation of reasons for coming on board, and alternatives to identification checks and passenger screening.
 - (7) See the ISPS Code, Part B, Section 9.9 through 9.17 for additional guidance regarding this required element.
- d. Procedures for responding to security threats or breaches of security, including provisions for maintaining critical operation of the ship or ship/port interface. This is a difficult subject for verifying compliance.
- (1) The PSCO should ask security personnel with duties related to security response, and in particular, the SSO, related questions, such as the following:
 - (a) “Do you have procedures in place for security threats including bomb threats, unauthorized attempts to access the ship or its restricted areas, sabotage, terrorist or criminal activity?”
 - (b) “What, for example, is supposed to happen if someone attempted to gain unauthorized access to the bridge?”

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- (c) “If a breach of security occurs during passenger embarkation, what procedures are in place to mitigate the breach and to continue or suspend embarkation?”
- (2) If the SSO is unclear about vessel response to security threats or breaches, clear grounds exist for further inspection, which may include asking additional questions or checking relevant provisions of the SSP (with prior permission of the flag Administration).
- e. Procedures for responding to any security instruction a Contracting Government may give at security level 3. This is a difficult subject for verifying compliance. The security program of the vessel must address security procedures that apply at security levels 1, 2, and 3.
 - (1) The Contracting Government of the port at which the ship is located may require a vessel to take additional security measures at security level 3 and the vessel must have procedures or policy in place to comply.
 - (2) The PSCO should ask security personnel with duties related to increasing security posture, and in particular, the SSO, related questions, such as--
 - (a) “Do you have procedures in place to quickly respond to changes in security (or MARSEC) levels mandated by governments of ports at which the ship calls?”; and
 - (b) “Could you provide some examples?”
 - (3) If the SSO is unclear about vessel response to security threats or breaches, clear grounds exist for further inspection, which may include asking additional questions or checking relevant provisions of the SSP (with prior permission of the flag Administration).
 - (4) 33 CFR 104.240 mandates additional requirements including: notification to COTP when the vessel has achieved a mandated MARSEC level; timeliness requirements for achieving mandated MARSEC levels; notification and approval procedures for entering port when a vessel has not achieved mandated MARSEC levels; and additional physical security measures vessels must provide when the port is at MARSEC level 3. If the port is at security level 3, the PSCO should verify that the ship has complied with each security instruction (or MARSEC Directive) issued and these additional security measures.
- f. Procedures for evacuation in case of security threats or breaches of security.

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- (1) If the PSCO notes that security personnel are unfamiliar with duties related to evacuation, clear grounds exist for further inspection, which may include asking additional questions or checking relevant provisions of the SSP (with prior permission of the Master).
 - (2) The PSCO should ask security personnel with duties related to evacuation questions, such as the following:
 - (a) “Do you have procedures in place to evacuate the vessel if the magnitude of a security breach or threat justifies this action?”
 - (b) “If so, how do you ensure passengers or visitors are accounted for?”
 - (c) “How do you interface with the port facility and contracting government during such an incident?”
- g. * Duties of shipboard personnel assigned security responsibilities and of other shipboard personnel on security aspects.
- (1) The PSCO should observe security personnel in the performance of their duties related to access to the vessel by crew members, passengers, visitors, contractors, delivery persons; control of restricted areas of the ship; handling of cargo; handling of ship’s stores; handling unaccompanied baggage; and monitoring the security of the vessel to make a general determination regarding the competence of security personnel.
 - (2) The PSCO should ask security personnel questions that specifically relate to their security duties, such as the following:
 - (a) “When was the last time you participated in a security drill?”, “What were your responsibilities during the drill?”
 - (b) “What are your responsibilities regarding (select one or more of the following: access control, screening baggage, safeguarding restricted areas, auditing the SSP, monitoring deck areas, etc.)?”
 - (3) For personnel not having specific security duties, the PSCO should limit questions to what these personnel do during security incidents, such as “What is your responsibility if there is a security incident on board?”

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- (4) The PSCO should ask similar questions to the SSO, and other questions regarding the specific SSO duties as outlined in ISPS Code, Part A, Section 12.2 on the following issues:
 - (a) Regular security inspections.
 - (b) Maintaining and supervising implementation of the SSP.
 - (c) Coordinating security aspects handling of cargo and ship's stores.
 - (d) Proposing modifications to the SSP.
 - (e) Reporting deficiencies and nonconformities to the Company Security Officer (CSO).
 - (f) Enhancing security awareness and vigilance on board.
 - (g) Ensuring adequate training for crew.
 - (h) Reporting all security incidents.
 - (i) Coordination of the SSP with the CSO and the port facility.
 - (j) Security equipment maintenance, testing, and calibration.
- (5) If personnel are unclear about their security responsibilities, clear grounds exist for further inspection. This may include asking additional questions or checking relevant provisions of the SSP (with prior permission of the flag Administration). See MSM Volume II, Material Inspection, COMDTINST M16000.7 (series), Section D, Chapter 2 for potential actions if the SSO shows a profound lack of knowledge or incompetence.
- h. Procedures for auditing the security activities. The PSCO should review vessel records pertaining to periodic internal audits of security procedures.
 - (1) New vessels or vessels that have had security plans for less than one year may not yet have had audits of security activities and this is not a deficiency.
 - (2) The PSCO should ask the SSO questions concerning frequency and procedures for SSP auditing, such as the following:
 - (a) "What are the basic steps for performing an audit of the security procedures?"

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- (b) “How often do you audit ship security procedures and are there instances that would cause you to review a specific security procedure?”
 - (c) “When is the next security audit due?”
- (3) If the SSO is unclear about requirements for security auditing, clear grounds exist for further inspection, which may include asking additional questions or checking relevant provisions of the SSP (with prior permission of the vessel’s master).
- i. Procedures for training and exercises and drills associated with the plan. The PSCO should review security records related to security training, drills, and exercises to ensure that records are in place and that the ship is performing drills periodically as required by the ISPS Code (see ISPS Code Part A, Section 13.4).
 - (1) Note in particular the ISPS Code recommendation for quarterly drills and more frequent drills when the ship has significant crew changes (ISPS Code, Part B, Section 13.8).
 - (2) In addition, the PSCO should ask the SSO questions related to training, drills, and exercises, such as the following:
 - (a) “How often do you perform security drills?”
 - (b) “Could you describe the last security drill in which you participated?”
 - (c) “Do you have any requirements for on board security training?”, or “When is the next drill due?”
 - (3) If there are no records of drills or if the SSO is unclear about requirements for drills, clear grounds exist for further inspection, which may include asking additional questions or checking relevant provisions of the SSP (with prior permission of the vessel master).
- j. * Procedures for interfacing with port facility security activities. The PSCO should observe security procedures in place relative to the ship-to-ship or ship-to-port-facility interface.
 - (1) The PSCO should ask if the vessel has executed a Declaration of Security with the port facility or another ship (Note: Check 33 CFR 104.255 to see whether a Declaration of Security (DOS) is required for the vessel) and verify procedures if a DOS is currently in place.

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- (2) Further, the PSCO should ask to see any DOS executed in any of the vessel's last 10 port calls (refer to SOLAS Chapter XI-2, Reg. 9.2.3).
- (3) The PSCO should also ask the SSO questions related to procedures for interfacing with port facility security activities, such as the following:
 - (a) "Does the vessel have a process for receiving information from Contracting Governments requiring them to execute a DOS with a port facility, and if so, please elaborate?"
 - (b) "Does the vessel have a process in place to execute a DOS with a port facility, and if so, please elaborate?"
- (4) If the SSO is unclear about interfacing with other vessels and facilities and with DOSs, clear grounds exist for further inspection, which may include asking additional questions or checking relevant provisions of the SSP (with prior permission of the vessel's master).
- k. Procedures for periodic review and update of the SSP. The PSCO should review security records related to SSP updates to ensure that the vessel performs security reviews.
 - (1) New vessels or vessels that have had security plans for less than one year may not yet have had a security review and this is not a deficiency.
 - (2) In addition, the PSCO should ask the SSO questions related to periodic SSP review, such as the following:
 - (a) "Does the vessel have a process for conducting periodic review of the SSP, and if so, please elaborate?"
 - (b) "When is the next periodic review of the SSP due?"
 - (3) If the SSO is unclear about reviewing and updating the SSP, clear grounds exist for further inspection, which may include asking additional questions or checking relevant provisions of the SSP (with prior permission of the vessel's master).
- l. Procedures for reporting security incidents. The PSCO should also review security records to ensure the vessel updates these to include a history of security incidents and related communications.
 - (1) Note the absence of such records is not a deficiency if the vessel has not had a security incident.

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- (2) The PSCO should ask the SSO questions related to reporting specific types of security incidents, such as the following:
 - (a) “Does the ship have procedures for reporting security incidents, and if so, please elaborate?”
 - (b) “Has there been a recent security incident on board the vessel and, if so, what happened, what action was taken, and did these actions conform to the SSP?”
- (3) If the SSO is unclear about reporting security incidents, or if there is evidence of an unreported security incident, clear grounds exist for further inspection, which may include asking additional questions or checking relevant provisions of the SSP (with prior permission of the vessel’s master).
- m. Identification of the SSO. Soon after arrival on board, the PSCO should identify the SSO.
- n. Identification of the CSO, including 24-hour contact details. The PSCO should ask the SSO for the name and contact information of the CSO. The PSCO should not attempt to contact the CSO as part of the examination. If the SSO does not have clear instructions for contacting the CSO, clear grounds exist for further inspection, which may include asking additional questions or checking relevant provisions of the SSP (with prior permission of the vessel’s master).
- o. Procedures to ensure the inspection, testing, calibration and maintenance of any security equipment provided on board and frequency for testing and calibration. The PSCO should review security records related to inspection, testing and calibration of security equipment and frequency of related actions to ensure that the vessel performs this work.
 - (1) The PSCO should examine any security equipment observed on board for material condition.
 - (2) The PSCO should ask the SSO questions related to inspection, testing, calibration, and maintenance of security equipment, such as “Do you have any security equipment on board that requires periodic maintenance, calibration or testing and, if so, please elaborate?”
- p. Identification of the ship security alert system activation point locations. This is a difficult subject for verifying compliance. The PSCO may attempt to observe security alert activation points on board the vessel. One of these must be located on the vessel’s bridge. The PSCO must not ask vessel security personnel where the activation points are located unless there is evidence or reliable information (for example, an anonymous report from a crewmember) that the vessel does not have this

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required system. See MSM Volume II, Material Inspection, COMDTINST M16000.7 (series), Section D, Chapter 2 for potential action if there is evidence that the ship security alert system is missing or inoperative.

- q. Procedures, instructions and guidance on the use of the ship security alert system, including the testing, activation, deactivation and resetting. This is a difficult subject for verifying compliance.

(1) The PSCO should ask the SSO how the system works.

(2) The PSCO should not test this system unless--

(a) There is evidence or reliable information that this system is not operational;
and

(b) The competent Authority designated by the Administration (see SOLAS Chapter XI-2, Reg. 6.2) is aware of, and acknowledges, the test beforehand.

5. Verify Conditions of Entry (if applicable)

If Conditions of Entry have been imposed, the COTP/OCMI should verify that the vessel took the requisite actions while in the foreign port. Conditions of Entry normally require vessels to implement additional security measures while in ports with inadequate anti-terrorism measures. These measures usually include taking actions consistent with Security Level 2, ensuring that all access points of the vessel are guarded, and attempting to execute a Declaration of Security with the port facility. The PSCO should interview vessel personnel and review vessel documentation to determine if COE were met to the satisfaction of the COTP/OCMI. Documents may include copies of a security company contract or payment receipt, log book entries, the Declaration of Security, and/or crew work hour logs.

6. The Continuous Synopsis Record (CSR)

The PSCO should bring a copy of the information supplied in the NOA and review the CSR to verify the CSR information matches the NOA information. While verifying this information, the PSCO should check similarly the other documents, such as Passenger Ship Safety Certificate, International Oil Pollution Prevention Certificate, Safety Management Certificate, Document of Compliance, and Cargo Ship Safety Construction Certificate, to ensure consistency with the CSR. Note: lack of a CSR is not grounds for detention, denial of entry, or expulsion.

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Vessels should keep security records outlined below on board for a period specified by the Contracting Government (at least the last 10 port calls for the information listed in SOLAS Reg. XI-2/9.2.1). The PSCO should request to view these records to verify that the vessel's security program meets specified security requirements. The PSCO should note that the vessel may maintain records in paper or electronic format and should protect these records against unauthorized disclosure. The PSCO should also review the security records to determine if the vessel visited non-compliant ports in its recent history (not to exceed 10 previous port calls). The PSCO must forward any information gathered on non-compliant port calls via a Field Intelligence Report (FIR).

- a. Training, drills, and exercises. Vessels should keep records of the date, description of the on-board training, drill or exercise conducted, and a list of participants.
 - (1) The PSCO should note that records are not required for off-ship crew training. Verification of crew competence in security duties, and related responsibilities, is a more appropriate means of determining personnel have received appropriate training. ISPS Code, Part A, Section 13.4 requires security drills at appropriate intervals.
 - (2) Section 13.6 of the ISPS Code, Part B, recommends that a vessel hold quarterly security drills and also hold these drills in circumstances in which more than 25 percent of the crew has changed at any one time, with personnel that have not previously participated in a drill on that vessel within the past 3 months.
 - (3) The PSCO should require security drills as part of an inspection of the ship if there is evidence or reliable information that the vessel has failed to meet its periodic drill requirement.
 - (a) There is no requirement for individual vessels to participate in exercises; this is a higher level function involving local authorities, governments, company and port facility officers, and perhaps some SSOs.
 - (b) Lack of a record of exercises in ship security records does not constitute a deficiency or clear grounds for more detailed examination.
- b. Reports of security incidents. Vessels should keep records of the date, time, location, and a description of the incident, and the associated ship's response.
- c. Reports of security breaches. Vessels should keep records of the date, time, location, and a description of the breach, and the associated ship's response.

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- d. Changes in security levels. Vessels should keep records of the date, time, and location of the ship, and a description of changes to the vessel's security level.
- e. Communications relating to the direct security of the ship. At a minimum, vessels should keep records of all communications pertaining directly to the security of the vessel. Communications include reports made to Contracting Governments and flag States concerning security threats and breaches, security instructions received by the ship from Contracting Governments and flag States, and any responses acknowledging such instructions. The PSCO should examine any report of security incidents and breaches and should find associated records of security communications. Similarly, the PSCO should examine records of changes in security levels, and should find associated records.
- f. Internal audits and reviews of security activities. Vessels should keep records of audit and review dates, and the results of such audits and reviews.
- g. Periodic review of the ship security assessments. Vessels should keep records of the dates of periodic reviews and the results of such reviews.
- h. Periodic review of the SSP. Vessels should keep records of the date of periodic reviews and the results of such reviews. SSP review is an annual requirement.
- i. Implementation of any amendments to the SSP. The vessel should immediately implement all SSP amendments approved by the Administration. The vessel should maintain documentation of such approvals on board and the PSCO should review such documentation. These records should include installation records of new security equipment installed after issuance of the original ISSC.
- j. Maintenance, calibration and testing of security equipment. Vessels should keep records of the date and description of all maintenance, calibration, and tests of security equipment.

8. Manning

In establishing the minimum safe manning level of a vessel, the flag Administration should take into account the manning level of the vessel such that persons with responsibilities for safe navigation of the vessel do not have extensive security-related responsibilities. The PSCO should be sensitive to manning on board the vessel and if there is adequate personnel for both navigation responsibilities and security responsibilities. The PSCO should be satisfied that the vessel manning provides for crew work and rest hours established in STCW Chapter VIII as set by the Administration. For further guidance, refer to the ISPS Code, Part

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B Section 4.28. In addition, see MSM Volume II, Material Inspection, COMDTINST M16000.7 (series), Section D, Chapter 2 for potential action if vessel manning does not provide adequate personnel to perform both security and navigation duties and meet crew rest requirements of STCW.

9. Non-Convention Vessel Security Compliance Examination.

Foreign cargo vessels that are not subject to SOLAS yet are above 100 gross register tons, as defined in 33 CFR 101.105, and vessels that would be subject to SOLAS, but are not because their flag States are non-signatory to SOLAS, must meet the requirements of 33 CFR Part 104 or be approved by the USCG to hold an ISSC issued by its flag administration as previously coordinated/approved with Coast Guard Headquarters. Non-SOLAS foreign commercial vessels subject to MTSA should have USCG-approved Vessel Security Plans (VSP) that meet the requirements of 33 CFR 104.405. As an equivalent, these vessels may have an Alternative Security Program (ASP), approved by the USCG, as discussed in 33 CFR 104.120(a)(3) and 33 CFR 104.140. Such vessels must have on board documentation attesting to USCG approval of its VSP, or ASP, as applicable. This would generally be in the form of a plan review approval letter from the MSC, or in the case of an ASP, an approval letter from Commandant (CG-5P).

Since the VSP is a Coast Guard-approved document, the PSCO may ask to look at the VSP when necessary to verify on board security processes. The PSCO must examine non-SOLAS foreign commercial vessels subject to MTSA for compliance with applicable maritime security requirements following the guidance contained in NVIC 04-03. For non-SOLAS foreign vessels that hold a valid ISSC, the PSCO must use the examination guidance contained in C.1 through C.7 above.

10. Stowaways

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- a. **Focus.** Coast Guard port state control action involving a stowaway located aboard a foreign vessel in, bound for, or arriving in a U.S. port should focus on resolving the breach of security represented by the stowaway(s).
 - b. **All Stowaway Incidents.** The COTP/OCMI should require the Flag State or RSO to examine the SSP and its implementation and report any deficiencies upon notification of a stowaway incident. This examination and report should address how the stowaway, an unauthorized person for the purposes of the ISPS Code, gained access to the vessel and whether ship security plan implementation contributed to the stowaway incident. The COTP should evaluate the report from the RSO and take appropriate actions to ensure that the vessel corrects or mitigates all deficiencies prior to the vessel's departure.
 - c. **Clear Grounds.** Receipt of a stowaway report on a foreign vessel where the crew

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- does not report a stowaway or the crew discovers a stowaway after U.S. arrival, or the Coast Guard learns of the stowaway incident from a source other than the vessel are clear grounds to conduct an “inspection of the ship” (an ISPS examination for Coast Guard purposes) as authorized by SOLAS XI-2/9.1.3 to determine the circumstances by which the stowaway circumvented the ship security plan.
- d. **Relationship to Security Boarding.** The U.S. Coast Guard Maritime Law Enforcement Manual (MLEM), COMDTINST M16247.1 (series)(FOUO) provides governing policy for law enforcement in stowaway cases. Generally a security boarding is an initial response to a stowaway case. PSCOs should only go onboard after a security boarding has been commenced or been completed to ensure that no additional stowaways remain onboard undetected and that sufficient measures have been taken so that any stowaways that have been detected are under positive control.
 - e. **Exam Location.** With clear grounds, the COTP/OCMI may conduct the ISPS examination at the dock after the security boarding if it is also determined that all critical safety, security and environmental protection systems are operating properly.
 - f. **Exam Procedures.** PSCOs should conduct an ISPS exam as described in this chapter of the Marine Safety Manual and pay particular attention to the vessel’s records of security breaches and security incidents, the vessel’s response actions, Additionally, if it appears that ship security plan implementation contributed to the stowaway incident, the COTP may require the Flag State or RSO to examine the SSP and its implementation and report any deficiencies. This examination and report should address the items discussed above and include recommendations for all necessary corrective action to prevent further stowaway incidents.
 - g. **Detention Considerations.** Certain stowaway incidents, and the follow-on ISPS exam, may uncover serious deficiencies with the implementation of the ship security plan, rendering the vessel substandard and warranting a detention. These include situations where the crew does not report a stowaway, the crew discovers a stowaway after U.S. arrival, or the Coast Guard learns of the stowaway incident from a source other than the vessel. However, there may be circumstances that do not warrant a detention. If security plan implementation did not contribute to the stowaway incident and the vessel is otherwise in compliance with SOLAS, Chapter XI-2 and ISPS Code, Part A, a vessel detention based solely on the stowaway incident is not warranted. Additionally, a detention is not warranted if the vessel discovered the stowaway, confined the stowaway, notified the Coast Guard and Administration prior to arrival into a U.S. port of the stowaway incident and the vessel’s owner demonstrates intent to

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take appropriate corrective action to prevent further stowaway incidents. See Section D, Chapter 2 of this manual for guidance on detainable deficiencies under the ISPS Code.

- h. Documentation. PSCOs should make appropriate and timely MISLE entries detailing actions taken in accordance with MISLE Data Entry Requirements for Foreign Vessel Arrivals, Examinations, and Operational Controls Work Instruction.**
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11. ISPS-related Deficiencies.

- a. When the COTP/OCMI discovers ISPS-related deficiencies that render a vessel substandard, the COTP/OCMI should initiate a major control action. For additional information regarding vessel major control actions, see MSM Volume II, Material Inspection, COMDTINST M16000.7 (series), Section D, Chapter 2.
 - b. The PSCO must document deficiencies noted during the exam on the Port State Control Report of Inspection – Form B, CG-5437B. The PSCO should note the description of the deficiency in a direct and succinct statement that should contain two important elements.
 - (1) First, the description should describe the standard the ship does not meet.
 - (2) Second, the description should state why the ship does not meet the requirement.
 - (3) The PSCO should not describe deficiencies as an inspector would for a merchant vessel inspection requirement, Vessel/Facility Inspection Requirements, Form CG-835.
 - c. PSCOs shall only use cites from Part A of the ISPS Code or from SOLAS Chapter XI-2 when issuing ISPS-related deficiencies. Part B of the ISPS Code is guidance and must not be used as a primary deficiency cite.
 - d. When drafting the Form B, the PSCO should attempt to order deficiencies in order of severity, listing detainable items or more serious SOLAS-based deficiencies first.
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I. EXAMINATION BOOKS

PSC exams must be conducted according to the guidance in the appropriate examination book available on Homeport or the CG Portal.

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- a. **A file must be maintained on each foreign vessel examination which includes copies of Forms A and B (as applicable), detention reports, and related message traffic or other correspondence as directed by the Coast Guard Information and Lifecycle Management Manual, COMDTINST M5212.12 (series).**
- b. Records documenting targeting and examination decisions do not need to be maintained, as the targeting scheme has been embedded into MISLE for auto-scoring.
- c. If required boardings are missed, the notations should indicate why (e.g. hurricane, available boarding teams assigned to higher priorities, major oil spill, etc.).

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FOREIGN VESSELS UNDER US JURISDICTION****A. INTRODUCTION**

The primary goal of the Port State Control (PSC) program is to eliminate substandard vessels (defined as a vessel whose hull, machinery, crew competence, or equipment, such as lifesaving, firefighting and pollution prevention equipment; is substantially below the standards required by U.S. laws or international conventions) from U.S. waters. One of the primary mechanisms to accomplish this goal is the identification of substandard vessels and subsequent notification to the global community. By notifying the global community of problem vessels, all countries with robust PSC programs can use this information to improve maritime safety and security.

Substandard vessels and vessels that may arrive from substandard ports pose safety or security threats to U.S. ports. The Coast Guard conducts PSC examinations and follows proper enforcement and control procedures to hold all maritime entities accountable. For example, if a unit issues a vessel a Captain of the Port (COTP) Order but not a formal IMO Detention, it is correcting the problem locally but not alerting the domestic and global communities that the vessel and its associated parties (flag, owner, class, etc.) may be substandard.

Furthermore, failure to take IMO authorized control actions when appropriate skews the Coast Guard's foreign vessel targeting methodology which is based upon historical detentions. Globally, failure to take IMO authorized control actions when appropriate, allows substandard vessels and their associated owners and operators to continue to operate without any restrictions.

Finally, this action can hinder the Coast Guard's ability to provide accurate statistics needed to gain congressional support for the program. This support hinges on the field's ability to maintain data integrity, quality control and to use the correct enforcement posture in each circumstance

B. AUTHORITY USED FOR CONTROL ACTION

Control actions must be based on the control authority provided under domestic laws or international conventions. Compliance with standards other than those implemented under law, regulation, or convention cannot be mandated. The OCMI/COTP and the examination team must thoroughly research requirements to ensure that any control action taken is authorized under an applicable law, regulation, or convention.

1. International Conventions

The United States is party to the following international instruments that provide authority for port States to exercise control procedures to secure compliance with applicable convention provisions:

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- a. SOLAS. SOLAS Chapter I, Regulation 19 authorizes port States to board foreign vessels to determine the validity of their SOLAS certificates. When "clear grounds" show that a vessel is not in compliance with applicable requirements, the port State is authorized to ensure that the vessel does not sail until it can proceed to sea or leave the port for the purpose of proceeding to a repair yard without danger to the vessel or persons on board.
- b. International Convention on Load Lines 1966 (ICLL). ICLL Article 21(1) and (2) provide the port State with the authority to board foreign vessels to verify the validity of the vessel's certificate. The ICLL further authorizes the port State to determine that the vessel is not loaded beyond its allowable limits, that the position of the load line corresponds with the certificate, and that the vessel has not deteriorated or been altered such that it is manifestly unsafe to proceed to sea without danger to human life. The port State is authorized to take control as may be necessary to ensure that the vessel does not sail until it can proceed to sea without danger to passengers or crew.
- c. International Convention for the Prevention of Pollution from Ships (MARPOL) 73/78. Article 5(2) provides port States with the authority to inspect foreign vessels to verify the validity of the vessels' certificates. Where "clear grounds" show that the vessel is not in compliance with the certificates, the port State is authorized to ensure that the vessel does not sail until it can proceed to sea without presenting unreasonable threat of harm to the marine environment.
- d. International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended in 1995 (STCW 95). Ships may be detained under STCW authority if the vessel's deficiencies pose a danger to persons, property, or the environment. Such deficiencies are described in STCW Regulation I/4. STCW Regulation 1/4 will be the only cite used if a detention is warranted.
- e. International Safety Management (ISM) Code. Port States may detain a vessel for ISM Code deficiencies if the PSCO finds a major non-conformity during an expanded examination of a vessel's Safety Management System. ISM-related detentions are done under the authority of SOLAS Chapter I, Regulation 19. If this occurs, the COTP or OCMI may request the flag Administration or authorized Recognized Organization to perform an external audit of the vessel. The COTP or OCMI should not expel a vessel from port based solely upon vessel non-compliance with SOLAS Chapter IX and the ISM Code.
- f. International Labor Organization (ILO) Convention No. 147. Under article 4 of ILO 147, port States may take measures necessary to resolve any conditions on board a vessel that are hazardous to safety or health. The United States has not enacted special

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legislation to execute this treaty because existing U.S. shipping and navigation laws encompass the treaty's provisions. The Ports and Waterways Safety Act (PWSA), 33 U.S.C. 1221 et. seq. authorizes the COTP to detain a vessel if it is not in compliance with an applicable treaty if the vessel poses a serious threat to the port. The general goals of ILO 147 may be used as a reference to measure the threat to the port. Additional guidance may be found in The Merchant shipping (Minimum Standards) Convention, 1976 (ILO 147) and Port State Control (PSC), COMDTINST 16711.12.

- g. International Ship and Port Facility Security (ISPS) Code. SOLAS Chapter XI-2, Regulation 9, authorizes port states to board foreign vessels to determine the validity of their International Ship Security Certificate. Where “clear grounds” exist for believing that a vessel is not in substantial compliance with applicable requirements, the port state is authorized to impose any number of control measures, including inspection of the ship, delaying the ship, detention of the ship, restriction of operations (including movement within the port), expulsion of the ship from port, or denial of entry. A port state may impose lesser administrative or corrective measures. Any measures imposed shall be proportionate and directed at mitigating the security noncompliance.
- h. International Convention on the Control of Harmful Anti-Fouling Systems on Ships (AFS Convention). The AFS Convention was adopted by the IMO to prohibit the use of harmful organotins in anti-fouling paints used on ships and to establish a mechanism to prevent the potential future use of other harmful substances in anti-fouling systems. Starting on November 21, 2012, foreign flagged vessels in the internal waters of the United States, in any port, shipyard, offshore terminal, or other place in the United States, lightering in the territorial sea of the United States, or anchoring in the territorial sea of the United States, must comply with the applicable portions of the AFS Convention. The type of anti-fouling systems controlled (prohibited) are specified in Annex 1 of the Convention.

2. U.S. Laws and Regulations

- a. 46 U.S.C Chapter 701 (§§ 70101 through 70120): This authority, enacted by the Maritime Transportation Security Act (MTSA) of 2002 (P.L. 107-295), establishes a comprehensive security regime for vessels, facilities, and ports. This authority was promulgated via regulations found at 33 CFR Subchapter H (Parts 101 through 106). MTSA is the domestic implementing legislation for the ISPS Code and is broader in application, as it applies to vessels subject to SOLAS as well as foreign and domestic cargo ships over 100 GT. The regulations have a provision that foreign flag vessels with a valid International Ship Security Certificate will normally be deemed in compliance with the Coast Guard regulations. This authority also provides authority

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for the International Port Security Program to impose conditions of entry on vessels arriving from ports not maintaining effective anti-terrorism measures.

- b. Ports and Waterways Safety Act (PWSA) [33 USC 1221 et seq.]: PWSA provide broad authority in the areas of safety and environmental protection in ports, harbors, waterfront areas, and navigable waters. The anti-terrorism provision of the PWSA, 33 U.S.C. 1226, provides authority for the Coast Guard to take actions to prevent or respond to an act of terrorism against an individual, vessel, or public or commercial structure that is subject to the jurisdiction of the United States and located within or adjacent to the marine environment, or a vessel of the United States or an individual

onboard that vessel. Such actions to prevent or respond to acts of terrorism include, but are not limited to:

- (1) Inspections;
- (2) Port and harbor patrols;
- (3) Establishment of security and safety zones; and
- (4) Development of contingency plans and procedures.

The statute also expressly authorizes the Coast Guard to dispatch properly trained and qualified armed Coast Guard personnel on vessels and public or commercial structures on or adjacent to waters subject to United States jurisdiction to deter or respond to acts of terrorism or transportation security incidents.

- c. Magnuson Act [50 USC 191]: The Magnuson Act is the national security law enforcement authority for the protection and security of vessels, harbors, and waterfront facilities. It is the primary authority for COTP Orders for vessels and facilities and authorizes actions to safeguard vessels and facilities against destruction, damage, or injury.
- d. Special Local Regulations (SLR) [33 CFR 100.35]. These regulations, issued by the cognizant District Commander, establish safety zones for marine events.
- e. Regulated Navigation Area (RNA) [33 USC 1231]. with implementing regulations at 33 CFR Part 165]. These are safety zones established by the cognizant District Commander for emergency measures or unanticipated events.
- f. Naval Vessel Protection Zone (NVPZ) [14 USC 91/33 CFR Part 165]. These regulations designate a 500-yard security zone around all naval vessels greater than 100 feet in length.

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- g. 46 USC 91. This statute requires that all vessels departing the U.S. for a foreign port and all foreign vessels departing one U.S. port for another U.S. port obtain U.S. Customs clearance. To ensure monetary satisfaction or surety for civil penalties, the PWSA, 33 USC 1232 gives the COTP or OCMI authority to request Customs to withhold or revoke clearance (commonly referred to as a “Customs hold”). The COTP should use this authority to withhold Customs clearance for vessels in cases where the vessel has not provided an appropriate Letter of Undertaking.
- h. 33 CFR 164.55. This is the authority that allows the COTP or OCMI to grant deviations from any navigation regulation in 33 CFR Part 164.

C. VESSEL CONTROL PROCEDURES FOR SAFETY AND SECURITY

The COTP or OCMI shall institute appropriate control actions to safeguard the port, personnel, and the environment, when “clear grounds” exist and/or a vessel arrives from a port that does not maintain adequate anti-terrorism measures. Such actions should be appropriate to the deficiencies. When the deficiencies do not render a vessel detainable or, in the case of security, not subject to denial of entry or expulsion, the control actions should account for the vessel’s effort to rectify such deficiencies immediately.

1. Control Options

- a. Denial of Entry/Expulsion. Use this control option only when allowing a vessel into U.S. waters or when permitting a vessel to remain in U.S. waters would create an unacceptable level of risk, or an immediate threat to the port, personnel or the environment. This should not be the first choice in dealing with substandard vessels and should be limited to the most egregious circumstances. In some cases, a substandard vessel may already be in U.S. waters when a PSC exam initiates an IMO detention. Some of these cases may lead to expulsion of the vessel after it has met minimum specified standards to leave port.

Note that the COTP may not expel a vessel for safety considerations under the authority of SOLAS. The COTP may only expel a vessel for safety reasons under the authority of the Ports and Waterways Safety Act. The COTP may expel a vessel for security considerations under the authority of SOLAS. Examples of conditions that could warrant denying a vessel entry or expulsion from port include, but are not limited to, the following:

- (1) Lack of onboard International Ship Security Certificate (or approved VSP

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for foreign non-SOLAS vessels);

- (2) Lack of an approved Ship Security Plan;
 - (3) Lack of an assigned Ship (Vessel) Security Officer;
 - (4) Ship (Vessel) Security Officer shows a profound lack of knowledge or incompetence with respect to implementation of the ship security plan (not knowing specific plan details does not merit denial of entry/expulsion);
 - (5) Arrival from a port in a country that does not maintain adequate antiterrorism measures and refusal to comply with any additional conditions of entry as a result of an arrival from the last port or ports of call (as directed by Commandant (CG-CVC-2));
 - (6) Submission of untimely or incomplete Notice of Arrival (NOA);
 - (7) Incompatible cargoes stowed in adjacent tanks;
 - (8) Cargoes being carried that are not authorized by the Certificate of Compliance;
 - (9) Serious cargo leaks from tanks or piping systems;
 - (10) LNG/LPG Gas detection system inoperative;
 - (11) Vessel carrying cargoes not authorized for carriage by the vessel's IMO documents;
 - (12) Lack of or expired ISM Certificates;
 - (13) Lack of valid Certificate of Financial Responsibility;
 - (14) Lack of an approved Vessel Response Plan; and/or
 - (15) Inert gas system deficiencies (under certain circumstances).
- b. IMO Reportable Detentions. The COTP or OCMI may deem a vessel substandard when a PSCO finds clear grounds during a thorough PSC examination that it poses an undue risk to the crew, vessel, port, or environment. An IMO detention should be the primary course of action when there are clear grounds that a vessel subject to IMO instruments is substandard and corrective measures are necessary. Efforts by the Coast Guard to hold substandard vessels accountable have far reaching effects, not only for the Coast Guard's PSC program, but also toward meeting other international

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- member expectations. Note also that the Coast Guard tracks IMO detentions and uses detention information to target vessels that have a higher risk of being substandard due to past history or associations with higher risk owners, flag States, and Recognized Organizations. Refer to Chapter 2.D of this Section for specific examples of detainable deficiencies under their corresponding authorities.
- c. Captain of the Port Order. A COTP Order is an important tool to protect the safety and security of the port. The COTP may use such an order to implement a variety of control actions, including controlling the vessel's movement as it enters or departs a port. The COTP may also use such an order to expel a vessel out of port. Also, there are potential civil and criminal penalties for violating a COTP Order. The COTP Order is not a substitute for pursuing and processing a detention under the applicable provisions of SOLAS, the ISPS Code, MARPOL, STCW, or the Load Line Convention.
- (1) Controlling the Ship's Movement for Security. If there is a concern that the vessel poses a risk to the port or vessel from sabotage or other subversive acts, a COTP Order requiring the presence of armed escort personnel onboard the vessel during the transit is warranted. Note: COTP Orders issued for ISPS or MTSA related issues should be treated as Sensitive Security Information (SSI) and clearly marked as SSI to prevent inadvertent public disclosure or release under the Freedom of Information Act.
 - (2) Controlling the Ship's Movement for Safety. If the deficiency relates to the vessel's navigational equipment, the COTP Order might require an assist tug or may restrict a vessel to daylight operations. If the deficiency relates to pollution prevention equipment, the COTP Order may prohibit a vessel from bunkering or lightering until the vessel takes corrective measures.
 - (3) Controlling the Ship's Operations for Pollution Prevention. U.S. regulations pertaining to cargo handling and pollution prevention general apply to foreign vessels operating in U.S. waters. When deficiencies related to these U.S. regulations adversely affect the safety of cargo or bunkering operations but do not make the vessel unfit to proceed to sea, these operations may be prohibited or terminated until corrective measures are accomplished.
- d. Customs Hold. Under the authority of 46 U.S.C. 91, vessels intending to depart the U.S. for a foreign port should obtain a clearance from Customs and Border Protection (CBP). If allegations exist that a vessel has violated certain U.S. safety and pollution laws, the Coast Guard may request that CBP deny or withhold the required clearance from the vessel until the vessel posts a letter of undertaking or surety bond. Before requesting a Customs Hold, the COTP or OCMI should encourage the vessel to obtain proper surety. In cases involving alleged violations of the MTSA regulations,

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the COTP or OCMI should first consult with the appropriate District legal office for guidance. This control should not be relied upon when a PSC detention is the appropriate option.

- e. Restrictions of Operations/Vessel Movement. The COTP or OCMI may impose restrictions on vessel operations or movements if vessel deficiencies pose security or safety threats. The COTP or OCMI may order a vessel to correct deficiencies even

when these do not affect the vessel's fitness to proceed to sea. In such cases, the vessel is not substandard and the COTP or OCMI should not detain the vessel. Whenever the COTP or OCMI issues a COTP Order solely to comply with U.S. regulations, the authority for the order should be the PWSA.

- f. Delay. The COTP or OCMI may delay a vessel until it corrects certain deficiencies. For example, if the port is at MARSEC level 2 (generally equivalent to security level 2) and the arriving vessel is at security level 1, the ship should implement the additional security requirements of security level 2 plus the additional requirements of MARSEC level 2 before the vessel may be allowed to enter port.
- g. Comprehensive Security Inspection. This is the minimum control action to take when clear grounds of a security deficiency are established. Similar to the expanded exam for a safety violation, this expanded security inspection is very detailed, possibly including a review of relevant portions of the ship security plan. Since these plans include sensitive information, the COTP or OCMI may only examine the SSP if the only means available to verify or rectify a security requirement in question is through review of relevant portions of the SSP. The COTP or OCMI must also obtain authorization from the Master and/or flag Administration (as appropriate) before reviewing portions of the plan. If the Master or flag Administration does not authorize PSCO review, and the only means to determine compliance is through SSP review, the COTP or OCMI may consider the vessel for denial of entry, expulsion from port, or an IMO detention, depending on the circumstances. The prevailing need to keep U.S. ports secure justifies the potential delays to commerce that may result from this control action.
- h. Letter of Deviation. The COTP or OCMI may authorize, upon written application, a deviation from any rule in 33 CFR Part 164. However, the COTP or OCMI must consider risks imposed by equipment failures reported in accordance with 33 CFR 164.53 and casualties reported in accordance with 46 CFR 4.05-1, before issuing a Letter of Deviation. The COTP or OCMI should require a vessel examination prior to issuing a Letter of Deviation in those cases involving vessels at high risk from a safety perspective (**i.e. vessels with a history of safety-related deficiencies or detentions or repetitive Letter of Deviation requests**). Issuance of a Letter of Deviation does not preclude the possibility of pursuing civil penalty action and is not an appropriate control action for security deficiencies.

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- i. Lesser Administrative/Corrective Measures. The COTP or OCMI may choose to use lesser administrative or corrective measures for certain deficiencies. For example, if the Coast Guard finds a vessel with a non-detainable deficiency and the vessel corrects the deficiency to the satisfaction of the PSCO before the vessel experiences any delay, a lesser corrective measure has occurred.
- (1) **Requiring Corrective Measures within a Specified Period.** The length of time allowed to effect the repairs is left to the discretion of the OCMI/COTP. In making this determination, the OCMI/COTP should consider the nature and severity of the deficiency; the amount of time normally needed to repair such a deficiency; the availability of repair facilities, drydocks or service facilities, and the vessel's itinerary. In most cases, a one-month compliance date will be appropriate. If compliance is required prior to the next U.S. port entry, the compliance date entered into MISLE should be the day after the vessel departs the port for sea. This will automatically classify the vessel as having an outstanding deficiency and identify the vessel for a priority II examination at the next U.S. port. Some repairs may not be feasible until the next scheduled yard period or drydocking. In such cases, PSCOs should estimate the latest date by which a vessel must be drydocked and enter that date as the compliance date.
- (2) **Requiring Corrective Measures Prior to Return to United States.** A vessel may only have deficiencies related to U.S. laws or regulations that are not requirements under international conventions and that pose no immediate threat to the environment or adversely affect the vessel's seaworthiness. Such a vessel should not be detained under SOLAS or the various international conventions.

In such cases, corrective measures may be required prior to the vessel's return to a U.S. port. The deficiencies must be entered into MISLE with a compliance date corresponding to the date following the vessel's departure. The comments section should indicate corrective measures are to be completed prior to return to the United States.

- (3) **Requiring Corrective Measures Prior to Embarking Passengers.** Title 46 USC 3505 prohibits a foreign vessel from departing a U.S. port with passengers who are embarked at that port if the vessel does not comply with SOLAS. In many cases, passenger vessel deficiencies may not make the vessel unseaworthy or a risk to the environment. In these cases it may be appropriate to prohibit the vessel from embarking passengers in the United States until corrective measures are accomplished if the hazard is severe enough to endanger passengers while the vessel is at the pier.

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CHAPTER 2: PROCEDURES APPLICABLE TO EXERCISING CONTROL OVER FOREIGN VESSELS UNDER U.S. JURISDICTION**2. Administrative Enforcement Measures**

- a. Letter of Warning. This correspondence is appropriate for minor first-time violations that vessel operators correct immediately. The discovery of administrative errors in dangerous cargo manifests is an example of a minor violation. However, a history of continuing violations in MISLE indicates the need for more stringent enforcement actions. The COTP or OCMI may issue a Letter of Warning to all parties (owner/ operator/ agent) involved with a vessel.
 - b. Civil Penalty. The COTP or OCMI should initiate civil penalty proceedings for all major non-criminal violations, for repeat offenses, and any minor violations not corrected prior to returning to a U.S. port. Penalty amounts are determined by the circumstances under which the violation occurred, seriousness of the violation, culpability of the party, prior history of similar violations, and economic benefit of noncompliance to the responsible party. Civil penalties other than serious Federal Water Pollution Act (FWPCA) or Comprehensive Environmental Response Compensation and Liability Act (CERCLA) violations are adjudicated by Coast Guard hearing officers under 33 CFR 1.07. See Civil Penalty Hearing Officer Procedures, COMDTINST M16200.5A for additional information.
 - c. Letter of Undertaking (LOU)/Surety Bonds. Whenever a violation case is pursued, the PSCO should normally require a LOU or a Surety Bond from the vessel owner, operator, or person in charge to ensure payment of a penalty or fine.
-

3. Banning

- a. Certain foreign flagged commercial vessels may be denied entry into any port or place in the United States based on their history of operating in waters subject to U.S. jurisdiction in a substandard condition.
- b. For the most part, shipping companies maintain high standards of safety, security, and environmental protection by implementing the ISM Code; however, there are cases where Coast Guard PSCOs repeatedly detain foreign flagged vessels for significant safety and security substandard conditions. In these cases, the vessel's flag Administration is notified and the substandard conditions are corrected, but the underlying cause may not get identified or adequately addressed as would be expected if an effective safety management system (SMS) is in place.
- c. The following procedures should be followed when a vessel has been repeatedly detained by the Coast Guard (**three** detentions within a **twelve** month period) and it is determined that failure to effectively implement an SMS maybe be a contributing factor for the substandard condition(s) that led to the detentions:

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- (1) Prior to conducting a PSC exam on a vessel that has a history of detentions, the vessel's MISLE history (including deficiencies, detentions, marine casualties, pollution incidents and/or marine violations) should be closely scrutinized for indications that the vessel's SMS may not be effectively implemented. This review should include previous PSC exams from other port States to determine if the substandard companies and vessels may be changing shipping routes to circumvent PSC targeting initiatives.
- (2) If during the exam, detainable deficiencies are uncovered as described in paragraph D of this chapter, the vessel should be detained under the applicable convention. The PSCO should also evaluate whether the substandard condition is the result of a poorly implemented SMS. If clear grounds lead the PSCO to believe that the ship has not effectively implemented its SMS then an expanded exam of the SMS shall be completed.
- (3) Units should notify Commandant (CG-CVC-2) using the notification process outlined in paragraph E of this chapter. The following text should be added to the notification e-mail: "This is the vessel's 3rd (or 4th, 5th, etc.) IMO detention within the past twelve months."
- (4) Commandant (CG-CVC-2) will review all of the vessel detentions and MISLE activities to determine whether they indicate a failure of the company, vessel, or flag Administration to take proactive measures to correct the substandard conditions and improve the ineffective SMS.
 - (a) If the review indicates the company, flag Administration, or vessel have not taken adequate compliance measures, Commandant (CG-CVC-2) will:
 - [1] Issue a Letter of Denial to the vessel's owner and company (listed on the Document of Compliance) informing them that the vessel will be denied entry into any port or place in the United States unless specific actions are completed.
 - [2] Send a copy of the letter with the IMO report for denied entry to the Districts and Sectors involved.
 - [3] Notify the vessel's flag Administration and other contracting governments (MOU's Secretariat) explaining the Coast Guard's actions.
 - [4] Scan the appropriate documents into MISLE and enter a deficiency, special note, and lookout on the vessel.

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- (b) If Commandant (CG-CVC-2) determines that the detentions during the previous twelve months are not the result of an ineffective SMS, no further action will be taken and the unit and District will be notified accordingly.
- d. The denial of entry will be associated with the vessel by its IMO number and will remain in effect until removed by Commandant (CG-CVC-2). If the vessel is sold, placed under new management (new Document of Compliance and Safety Management Certificate), renamed, or re-flagged, all requirements in the Letter of Denial will remain in place. The imposed conditions do not apply during voyages of innocent passage and force majeure.
- e. Once the company feels they comply with the requirements specified in the Letter of Denial, they will submit all supporting evidence to Commandant (CG-CVC-2). Commandant (CG-CVC-2) will review the submitted information to determine if it appears the owner and company have taken appropriate measures to correct the ineffective SMS.
 - (1) If satisfactory evidence is provided, Commandant (CG-CVC-2) will issue them a Letter of Acceptance, with copies to the vessel's flag Administration and the involved Coast Guard Districts and Sectors. Commandant (CG-CVC-2) will also notify the contracting governments (MOU's Secretariat), update the special note, remove the lookout, and scan all correspondence into MISLE.
 - (a) Upon the vessel's return to any port or place in the United States after a Letter of Acceptance has been issued, units must conduct a Priority I PSC exam.
 - (b) If detainable deficiencies or major non-conformities are discovered, the vessel should be detained or denied entry in accordance with existing policies.
 - (2) If satisfactory evidence is not provided, Commandant (CG-CVC-2) will reply via letter outlining the reasons for rejecting the evidence and scan the correspondence into MISLE.
- f. If a banned vessel submits a Notice of Arrival and there is no evidence in MISLE that a Letter of Acceptance has been issued, units should notify their District staff and take the following actions:
 - (1) Contact Commandant (CG-CVC-2) for an update on the vessel's status. If Commandant (CG-CVC-2) confirms that a Letter of Acceptance has not been issued, units should issue a Captain of the Port Order (COTP) Order denying entry. Commandant (CG-CVC-2) can provide an example COTP Order upon request.

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- (2) If the owner or company submits the required documentation in response to the COTP Order, the information should be forwarded to Commandant (CG-CVC-2) for review via the District. Commandant (CG-CVC-2) will review the evidence and determine if a Letter of Acceptance is appropriate or if the vessel will remain banned.
- g. Commandant (CG-CVC-2) will review subsequent detentions that occur within twelve months of the Letter of Acceptance date. If Commandant (CG-CVC-2) again determines the company or flag Administration failed to correct substandard conditions and improve an ineffective SMS, they will issue a second Letter of Denial to the vessel's owner and company (listed on the Document of Compliance). This letter will ban the vessel from entering any port or place in the United States for a minimum of twelve months and until certain SMS requirements are met.
- h. Units should notify Commandant (CG-CVC-2) if a detained vessel proceeds to sea without complying with the conditions indicated on the Port State Control Report of Inspection/Report of Deficiency, Form CG-5437 A/B. Commandant (CG-CVC-2) will review the case and determine if a Letter of Denial is appropriate and the associated requirements to earn approval for reentry.
- i. Commandant (CG-CVC-2) may also use these banning procedures for a vessel which:
 - (1) Has less than three detentions in twelve months, but in the opinion of the Coast Guard, the condition of the vessel may pose a risk to the safety of the vessel, crew, or the marine environment; or
 - (2) Is subject to the provisions of chapter 37 of Title 46 U.S.C which:
 - (a) Has a history of accidents, pollution incidents, or serious repair problems which creates reason to believe that such a vessel may be unsafe or create a threat to the marine environment; or
 - (b) Has discharged oil or hazardous material in violation of any law of the United States or in a manner or quantities inconsistent with the provisions of any treaty to which the United State is a party.
- j. Owners may request reconsideration of the Letter of Denial at any time. The requirements will remain in effect during any request for reconsideration. All correspondence must be submitted to:
 - Commandant (CG-CVC-2)
 - Chief, Foreign & Offshore Vessel Compliance Division
 - U.S. Coast Guard

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D. DETAINABLE DEFICIENCIES

The COTP or OCMI should detain a vessel when deficiencies discovered during a PSC examination render a vessel unfit to proceed without presenting a danger to the ship or persons on board, or without presenting an unreasonable threat of harm to the marine environment. The following paragraphs provide examples of detainable deficiencies and the corresponding authority. This is not a comprehensive list of examples, but is intended to demonstrate the nature and degree of deficiencies that could warrant a detention. In addition to the examples described below, PSCOs should use the most current edition of the International Maritime Organization's publication Procedures for Port State Control as a guide for determining detainable deficiencies.

Note: Vessels that suffer casualty or weather damage at, or on the way to, ports in the United States should not be subjected to intervention or detention as long as the vessel's owner demonstrates intent to repair the damage while in port. In such a situation, the COTP may impose any operational controls necessary to protect life, the port, or the environment through a COTP order (i.e. to require a tug assist, daylight transit, containment boom, etc.).

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- a. Documents not available.
 - b. Document missing the name of its issuing authority.
 - c. Document does not identify the vessel.
 - d. Document lacks an issue date, signature of the duly authorized official issuing the document, or seal or stamp of the issuing authority.
 - e. Disparities between actual condition of vessel and documentation listing.
-

2. International Ship and Port Facility Security (ISPS) Code

- a. Lack of, or expired/invalid, International Ship Security Certificate or interim International Ship Security Certificate (Preferably, the COTP/OCMI should deny entry to the vessel if it has not arrived at the port or expel the vessel from port, if in port).
- b. Lack of/incomplete approved ship security plan (Preferable action for missing security plan - the COTP/OCMI should deny entry to the vessel if it has not arrived at the port or expel the vessel from port, if in port).
- c. Lack of an assigned ship security officer (Preferably, the COTP/OCMI should deny entry to the vessel if it has not arrived at the port or expel the vessel from port, if in port).
- d. Ship Security Officer (SSO) cannot display an acceptable level of competency in regard to vessel security (If the SSO shows a profound lack of knowledge with respect to implementation of the ship security plan, the COTP/OCMI may deny entry to the vessel if it has not arrived at the port or expel the vessel from port, if in port). Note the PSCO should not expect the SSO to have an encyclopedic knowledge of the ship security plan.
- e. Crew anomalies (e.g., gross incompetence, unaccounted personnel, fraudulent documents, etc.). If other significant security deficiencies exist, the COTP/OCMI may deny entry to the vessel if it has not arrived at the port or expel the vessel from port, if in port.

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- f. Inaccurate or incomplete Notice of Arrival information (Under specific circumstances, see SOLAS Reg. XI-2/9.2.2. Note the COTP/OCMI may, as an alternative, deny entry.)
- g. Evidence that serious deficiencies exist in regards to the vessel's security equipment, documentation or arrangements.
- h. Master or crewmembers not familiar with essential shipboard security procedures. (Requesting the RSO or the company to conduct training or the replacement of trained crew is appropriate).
- i. Inability of crewmembers to establish communications with other key members with security responsibilities.
- j. Missing or inoperable ship security alert system (Note applicability dates for equipment in SOLAS Reg. XI-2/6.1).
- k. Lack of Declaration of Security when required or agreed upon amongst parties (The COTP/OCMI may, as an alternative, delay the vessel until the DOS is in place).
- l. Evidence that cargo handling security procedures are not in place (The COTP or OCMI may, as alternatives, restrict cargo operations, delay vessel and/or expel from port, depending upon the risk to the port and its infrastructure).
- m. Poor access control screening procedures on passenger vessels associated with passenger access control or unaccompanied passenger baggage (The COTP/OCMI may, as an alternative, restrict operations or delay the vessel in isolated cases by security personnel. The COTP/OCMI may expel the vessel from port in cases indicating a chronic failure of access control.).
- n. Lack of access control on cargo vessels (i.e. No one at gangway to screen visitors; see SOLAS definition for cargo vessels.)
- o. Lack of controls to monitor/protect restricted areas from unauthorized access.
- p. Multiple deficiencies involving access control, monitoring of restricted areas, supervising cargo/ship's stores operations, performance of security duties, etc., with a net effect that the ship is substandard with respect to compliance with SOLAS Chapter XI-2 and the International Ship and Port Facility Security Code. Note the COTP/OCMI must be able to justify such action based on the objective evidence.

4. International Convention for the Safety of Life at Sea (SOLAS)

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- a. Failure of essential machinery to operate properly, especially due to lack of maintenance (The COTP/OCMI may take lesser action in cases where failure just occurred and the ship is taking responsible action to rectify the problem).
- b. Excessive oil in engine room bilges, insulation of machinery exhausts contaminated by oil, improper operation of bilge pumping arrangements (The discrepancy must represent a serious fire hazard to the vessel).
- c. Failure of emergency generator, lighting, batteries, etc. to operate properly.
- d. Failure of steering gear to operate properly in any mode.
- e. Absence, insufficient capacity, or serious deterioration of any lifesaving appliances.
- f. Absence, insufficient capacity, or serious deterioration of any firefighting appliances or fire protection (including structural fire protection and serious problems related to means of escape).
- g. Absence, substantial deterioration, or failure of proper operation of cargo deck area fire protection on tankers.
- h. Absence, noncompliance, or serious deterioration of navigation lights, shapes, or sound signals.
- i. Absence or inoperable GMDSS or associated equipment.
- j. Absence or inoperable required navigation equipment, taking into account SOLAS (2004) Regulation V/16.2.
- k. Absence of corrected navigational charts and/or relevant publications necessary for the intended voyage, taking into account electronic charts/publications.
- l. Absence of non-sparking exhaust ventilation for cargo pump rooms.
- m. Serious deficiency in operational requirements (e.g. unsatisfactory fire and abandon ship drills, no common crew working language, unfamiliarity with operation of machinery, etc.).
- n. Number, composition, or certification of crew not corresponding to safe manning document.
- o. Non-implementation of required enhance program of inspection.

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- p. Multiple deficiencies affecting vessel's safety, none of which alone warrant vessel detention, but collectively make the ship substandard with respect to compliance with SOLAS and thereby warrant vessel detention. Note the COTP/OCMI must be able to justify such action based on the objective evidence.
-

5. International Convention on Load Lines (ICLL 66)

- a. Significant areas of damage or corrosion, or pitting of plating affecting fitness or strength, unless proper temporary repairs for a voyage to a port for permanent repairs has been authorized and accepted by Class.
 - b. A recognized case of insufficient stability.
 - c. Load-line violation (overloading).
 - d. Absence or substantial deterioration of closing devices, hatch closing arrangements, and watertight/weathertight doors.
-

6. International Convention for the Prevention of Pollution from Ships (MARPOL)

- a. Absence, serious deterioration, or failure of the oily water separator, the oil discharge monitoring and control system, or the 15-ppm alarm arrangements.
 - b. Remaining capacity of slop and/or sludge tank insufficient for the intended voyage.
 - c. Unauthorized discharge bypass piping fitted.
 - d. The Oil Record Book is falsified or missing all records of transfers of sludge and bilge water or onboard incineration of oily waste, or records of loading, unloading, internal transfers, ballasting of cargo tanks, discharge of water from slop tanks and disposal of oil residues. Note: This does not include minor administrative discrepancies related to Oil Record Book entries.
-

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- 7. International Convention on the Standards for Training, Certification, and Watchkeeping for Seafarers (STCW)**
- a. Failure of seafarers to hold a certificate, to have an appropriate certificate, to have valid dispensation, or to provide documentary proof that the seafarer has applied for an endorsement to the flag state administration.
 - b. Failure to comply with the applicable safe manning requirements of the flag state administration.
 - c. Failure of navigational or engineering watch arrangements to conform to the requirements specified by the flag state administration.
 - d. Absence in a watch of a person qualified to operate equipment essential to safe navigation, safety radio communications, or the prevention of marine pollution.
 - e. Failure to provide proof of professional proficiency for the duties assigned to seafarers for the safety of the ship and the prevention of marine pollution.
 - f. Inability to provide for the first watch at the commencement of a voyage and subsequent relieving watches persons who are sufficiently rested and otherwise fit for duty (this may include required crewmembers not fit for duty because of drunkenness).
-
- 8. International Labour Organization Convention No. 147 (ILO 147)**
- a. Insufficient food for voyage to next port.
 - b. Insufficient potable water for voyage to next port.
 - c. Excessively unsanitary conditions on board.
 - d. No cooling or heating in accommodation of a ship operating in areas where temperatures may be excessive.
 - e. Excessive garbage, blockage by equipment or cargo or otherwise unsafe conditions in passageways/accommodations.
-

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**CHAPTER 2: PROCEDURES APPLICABLE TO EXERCISING CONTROL OVER
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Dangerous Chemicals in Bulk (IBC) Code**

- a. Transportation of a substance not listed on the Certificate of Fitness.
 - b. Missing or inoperative high-pressure safety devices.
 - c. Electrical installations not intrinsically safe or corresponding to code requirements.
 - d. Sources of ignition in hazardous locations.
 - e. Insufficient heat protection for sensitive products.
-

**10. International Code for the Construction and Equipment of Ships Carrying
Liquefied Gases in Bulk (IGC) Code**

- a. Transportation of a substance not listed on the Certificate of Fitness.
 - b. Missing closing devices for accommodations or service spaces.
 - c. Bulkhead not gastight.
 - d. Defective air locks.
 - e. Missing or defective quick closing valves.
 - f. Missing or defective safety valves.
 - g. Electrical installations not intrinsically safe or not corresponding to code requirements.
 - h. Ventilators in cargo area not operable.
 - i. Pressure alarms for cargo tanks not operable.
 - j. Gas detection plant and/or toxic gas detection plant not operable.
 - k. Transport of substances to be inhibited without valid inhibitor certificate.
-

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- a. The Safety Management System (SMS) documents a company's management procedures to ensure that conditions, activities and tasks, both ashore and on board, affecting safety, security and environmental protection are planned, organized, executed, and checked in accordance with statutory and company requirements. The SMS contains the procedural requirements for vessels to carry out normal operations including, but not limited to, preventative maintenance, navigation procedures, bunkering operations, emergency preparedness, pollution prevention procedures, technical systems, and operations and communications procedures. With this in mind, many deficiencies can be attributed to a failure to follow some standardized procedure or an inappropriate procedure. Therefore, if a failure occurs, the vessel and/ or company must correct the deficiencies as well as review systems management to implement correct procedures.
- b. If the OCMI discovers major non-conformities exist with the vessel's SMS, such as a deviation from SMS requirements that poses a serious and direct threat to personnel or ship safety, evidence that the ship is not taking corrective action for long-standing non-conformities per preventative maintenance processes in the SMS, or evidence the company has failed to address outstanding non-conformities reported by the ship, the OCMI may consider the vessel for detention. To do so the OCMI must articulate the specific deficiencies of the failed SMS.
- c. The OCMI may also recommend to the flag Administration to perform an external audit of the vessel's SMS. If the OCMI suspects problems exist on the company side, the OCMI should submit a memo to Commandant (CG-CVC-2) via the District and Area, fully documenting the suspected problems and requesting that the flag Administration conduct an external audit of the company involved.

E. DETENTION REPORTING AND NOTIFICATION PROCEDURES

1. Safety and Security Related Detentions, Unit Responsibilities

Whenever a foreign vessel has an intervention leading to detention, the COTP must conduct several notifications regardless of whether the detention is due to a security related or safety related issue. The table below titled "IMO Detention Notification Responsibility Chart," summarizes unit notification responsibilities.

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- a. Flag State Notification. Whenever the COTP denies a foreign vessel entry into a port or offshore terminal or detains the vessel for a safety or security reason, the unit taking that action must notify the flag State as soon as possible. The Port State Control section of the Coast Guard Homeport website (<http://homeport.uscg.mil>) provides flag State point of contact information. IMO Assembly Resolution A.1052(27) requires that port States initiating control actions notify the flag Administration forthwith. For maritime security-related control actions (e.g. inspection of the ship, delaying the ship, detention of the ship, restriction of operations, restriction of movement of the ship within the port, or expulsion of the ship from port), the unit making the control action must also notify the flag State as soon as possible.

Notification should be in writing and never more than 24 hours of initiating the action. Submitting Port State Control Report of Inspection Form A, CG-5437A and Port State Control Report of Inspection Form B, CG-5437B is an acceptable means of notifying the flag State. COTPs must contact Commandant (CG-CVC-2) if this timeline cannot be met or if difficulties are encountered in making the required notification.

- b. Coast Guard Headquarters/Area/District Notification. When deficiencies merit detention, expulsion from port, or denial of entry under international instruments such as SOLAS, units are directed to scan both the USCG Port State Control Report of Inspection Form A, CG-5437A and the USCG Port State Control Report of Inspection Form B, CG- 5437B into MISLE.

- (1) Units must submit the forms to Commandant (CG-CVC-2) for detention/major control action cases (if form A, Block 17 is marked “Yes”) to Commandant (CG-CVC-2) at cgcvc@uscg.mil. If units cannot scan the forms, they should contact Commandant (CG-CVC-2) for alternate submission approval.

The unit should deliver the report to CG-CVC-2 and appropriate commands in the chain of command as soon as possible, but no later than 1630 EST/EDT on the next day following the detention or major control action.

- (2) The unit should completely and accurately fill out both forms. Commandant (CG-CVC-2) will return any incomplete forms to the unit for re-submission, in the same manner submitted.
- (3) PSCOs must clearly annotate those deficiencies identified and approved by the cognizant Officer in Charge of Marine Inspection (OCMI) or COTP as detainable under SOLAS, and must clearly mark the deficiency as a Code 30 on USCG Port State Control Report of Inspection Form B, CG- 5437B, under the “Action Taken” category. The PSCO can locate each code on the bottom of the Form B.

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The deficiency must clearly state the grounds for detention. Since these are international forms, IMO convention cites should have first priority on Form B. ILO cites and CFR cites are not party to the IMO conventions and if listed should be used only if necessary and sparingly. If a vessel violates applicable domestic regulations, then the unit should issue these deficiencies to the vessel through a COTP Order and/or via civil penalty action or a letter of warning. The PSCO may also document ILO cites in a COTP Order. The deficiency must clearly state the grounds for detention and include a cite reference to the international convention or standard (not the Code of Federal Regulations) that applies to each deficiency. All deficiency descriptions should be as specific and descriptive as possible using quantifiable language. A general description of the standard the ship does not meet and how the ship fails to meet the standard is sufficient. For example, instead of describing an oil “leak” on a main diesel engine, describe how the leak endangers the ship and its crew leading to the detention action.

- (4) To ensure quality control for all detention or major control action reports, the Chief, Inspections Division; Marine Safety Detachment (MSD) Supervisor; or Chief, Prevention Department must sign Form B. The supervisor should return the Form A and Form B to the PSCO for correction and reissue to the vessel if the form is incomplete or if the deficiency descriptions do not clearly state the standard the ship does not meet and how the ship fails to meet the standard. The supervisor must sign and print his/her name on the lower right side of Form B. If the detention or major control action occurs after hours, the Command Duty Officer may also sign the Form B if it is not possible for the supervisor to sign the Form B, as long as the supervisor approves the content.
- (5) Upon receipt of the Form A and Form B associated with a detention, denial of vessel entry, or expulsion related to a substandard vessel, Commandant (CG-CVC-2) will review the report for completeness and consistency with reporting and enforcement policy. This review is separate from that performed by Commandant as part of any appeal process. Commandant (CG-CVC-2) may request clarification or return reports that are incomplete or inconsistent with policy. Further, Commandant (CG-CVC-2) may overturn any detention, denial of entry, or expulsion action whenever the deficiencies reported on the Form B do not support a finding of a substandard vessel as defined in current policy and in IMO-published Procedures for Port State Control. Commandant (CG-CVC-2) will provide information copies of correspondence relating to returned reports to the cognizant Area and District staff.
- (6) IMO’s Procedures for Port State Control, 2011, requires flag Administration and recognized organization (where appropriate) notification in writing when a vessel is released from detention. To facilitate this notification, Block 13B was added to the Form A. This block should be completed when a vessel has corrected all

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detainable deficiencies and is released from detention. The amended form should be sent via e-mail to the same recipients as the initial detention notification. This notification should occur as soon as possible, but never more than 24 hours after the vessel is released.

- c. Classification Society/Recognized Organization/Recognized Security Organization Notification. The unit must notify the local office of the classification societies, Recognized Organization (RO), or Recognized Security Organization (RSO) that issued the relevant certificates of the related detention. A visit by the local surveyor or class representative can expedite the deficiency correction process. The delivery of the completed report to the Classification Society, RO, or RSO should be as soon as possible, but no later than 1630 local time on the next business day following the detention. The Port State Control section of the Coast Guard Homeport website (<http://homeport.uscg.mil>) provides a list of points of contact for class societies. Submittal of Forms A and B is an acceptable form of notification.
 - (1) PSCOs should involve the RO and the RSO in the correction of deficiencies related to equipment, hull, structure, or security items. To ensure accountability, the OCMI/COTP should advise Commandant (CG-CVC-2) of unsatisfactory performance of these organizations rather than corresponding directly.
 - (2) Upon review, Commandant (CG-CVC-2) will determine whether actions taken by the organization contributed to the detention/major control action. In such cases, Commandant (CG-CVC-2) will officially notify the organization. Commandant (CG-CVC-2) analyzes the annual performance for each organization to develop and publish the targeted lists for the targeting matrices.
- d. Ship Management Notification. The COTP should ensure that the owner, operator, master, and/or charterer of the vessel receives a copy of the Form A and Form B and understands the actions necessary to correct all deficiencies.
- e. Detentions Overturned on Appeal. If an IMO reportable detention appeal is granted at the OCMI or District level, the unit granting the appeal must send a notification e-mail to Commandant (CG-CVC-2) at cgcvc@uscg.mil with the vessel name, the date of the initial appeal, and the MISLE activity number. Commandant (CG-CVC-2) will then notify the IMO and delete the detention from all databases to ensure the vessel, ship management, and flag Administration are not improperly targeted for more frequent examinations.

2. Safety and Security Related Detentions, Coast Guard Headquarters Responsibilities

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Upon receiving notification of a safety and/or security related detention, Commandant (CG-CVC-2) is responsible for the following:

- a. Owner Notification. Upon receipt of the Forms A and B, Commandant (CG-CVC-2) will send written notification to the owner, operator, managing operator, and charterer of the vessel, within 45-60 days of the detention.
- b. International Maritime Organization (IMO) Notification. When an intervention leads to a detention, Commandant (CG-CVC-2) will submit a report to IMO to fulfill the reporting procedures as required by various international instruments, normally conducted within 45-60 days of the detention.

3. IMO Detention Notification Responsibility Chart

	Unit Notification Responsibility for Non-Major* Security-Related Control Actions	Unit Notification Responsibility for Major ** Security-Related Control Actions	Unit Notification Responsibility for Safety-Related Detention	HQ Notification Responsibility for Safety-Related Detention or Security-Related Major Control Action	Unit Notification Responsibility for Ship Denied Entry for Safety or Security	HQ Notification Responsibility for Ship Denied Entry for Safety or Security
Complete Form A and B and scan documents. Attach scanned versions to activity in MISLE	XX	XX	XX		XX	
Notify Master and give copy of Forms A and B	XX	XX	XX		XX	
Email or Fax Forms A and B to Ship Management	XX	XX	XX		XX	
Email or Fax Forms A and B to Recognized Security Organization or Classification Society	XX	XX	XX		XX	
Email or Fax Forms A and B to Flag State	XX	XX	XX		XX	
If required by Area/District,		XX	XX		XX	

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Email or Fax info copies of Forms A and B by close of business next working day						
Ship Management Notification Letter				XX		XX
IMO Notification Letter				XX		XX
Notify Port State Control Memorandums of Understanding/ Agreements						XX

* Non-Major Control Actions include all security-related inspections of the ship, delays of the ship, restrictions of operations, & restrictions of movement.

** Major Control Actions include all ISPS security-related detentions, expulsions from port, and denials of entry.

F. MARINE INFORMATION FOR SAFETY AND LAW ENFORCEMENT (MISLE)

Marine Information for Safety and Law Enforcement (MISLE) is used by all field units, Districts, Areas and Headquarters offices as the primary data capture and information management tool for planning, scheduling, executing, monitoring and tracking all activities associated with foreign vessels. It also serves as the primary system for passing information to the Coast Guard Command Center for daily senior-level briefings, which are expected to portray an accurate nationwide snapshot of all key prevention activities. It is imperative that all MISLE data entries are entered in a timely, accurate, and consistent manner. All MISLE data entry shall be completed as outlined in the *MISLE Data Entry Requirements for Foreign Vessel Arrivals, Examinations and Operational Controls* Work Instruction located in the Commandant (CG-CVC-2) Foreign Vessel Inspection collaboration section of CG Portal.

SECTION D: PORT STATE CONTROL**CHAPTER 3: PROCEDURES TO ENSURE ACCOUNTABILITY FOR
PORT STATE CONTROL EXAMINATIONS AND DETENTIONS****A. BACKGROUND**

During the early implementation of the U.S. Port State Control (PSC) program, detention reports were reviewed only to fulfill international obligations. This amounted to tracking and consolidating information submitted in field units' detention reports and providing that information to the International Maritime Organization (IMO). This information included the type of vessel, its flag of registry, the nature of the deficiencies that gave rise to the detention, and the specific international treaty under which the detention was carried out. This review process did not include a systematic check of a vessel's prior arrivals in U.S. ports to determine if the vessel's condition should have been discovered earlier and did not establish a standard process to provide feedback to Coast Guard field units or District Commanders. Recognizing accountability as an important element in the PSC Program, this chapter outlines the review process to address these gaps.

B. REVIEW PROCESS

To maintain program oversight, Commandant (CG-CVC-2) will review all detention reports to monitor the effectiveness and quality of PSC activities. This review ensures that PSC exams are conducted in accordance with this manual and other existing policy and guidance, verifies the applicability of deficiencies cited, and, when necessary, investigates why major deficiencies went undetected during previous exams.

1. Reporting Requirements

The PSC detention review process is triggered when Commandant (CG-CVC-2) receives notification that a foreign vessel has been detained in U. S. waters. MSM Volume II, Material Inspection, COMDTINST M16000.7 (series), Section D, Chapter 2 contains specific detention reporting requirements.

2. Initial Review

Upon receiving a report of detention, Commandant (CG-CVC-2) will conduct an initial review to determine if the circumstances warranted a detention or whether other control methods as outlined in MSM Volume II, Material Inspection, COMDTINST M16000.7 (series), Section D, Chapter 2 would have been more appropriate. In some cases, Commandant (CG-CVC-2) will contact the unit issuing the detention to obtain additional information or clarify certain deficiencies.

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- a. Substandard determination. If Commandant (CG-CVC-2) determines that the vessel was substantially below standards required by the relevant conventions, or the crew was not in conformance with the safe manning document, the vessel will be considered substandard. Detained vessels determined to be substandard will be reported to the IMO, flag state, owner/operator, and posted in the PSC section of the Coast Guard's Homeport website. This CG-CVC-2 notification is separate from the initial flag state notification from the unit. If Commandant (CG-CVC-2) determines the vessel does not meet detention criteria, Commandant (CG-CVC-2) will overturn the control action and send an e-mail to the unit and the appropriate District office explaining why the detention report was not forwarded to the International Maritime Organization for reporting purposes.
- b. Compliance history. In all valid detention cases, Commandant (CG-CVC-2) will query MISLE and review the vessel's boarding history for the 12 months preceding the detention. The scope of the review includes information about the vessel such as its type, age, length, tonnage, owner, operator, classification society, and flag of registry. The review will also include the date and location of U.S. port calls, the scope of previous exams, the record of civil penalties, marine casualties, pollution incidents, PSC control measures applied, the status of the vessel's certificates, and a record of outstanding and resolved discrepancies.
- c. Foreign vessel targeting matrix. The PSC program is designed to identify which vessels entering U.S. waters are most likely to be substandard. In this process, various risk factors are considered to determine a vessel's boarding priority in accordance with the procedures set forth in MSM Volume II, Material Inspection, COMDTINST M16000.7 (series), Section D, Chapter 4. During the initial review, Commandant (CG-CVC) will consider the priority determination to evaluate whether potentially dangerous vessels were overlooked and not examined in conformance with these targeting procedures.

3. Root Cause Analysis

If the initial review indicates that a Coast Guard unit did not examine a high priority vessel, or if a unit did not detect apparent deficiencies that should have been detected during previous exams, Commandant (CG-CVC-2) will initiate a root cause analysis of the potential non-conformity as required by the Mission Management System. The District office should carry out the root cause analysis, take appropriate action, and forward the findings to CG-CVC-2. The Traveling Marine Inspection Staff (Commandant (CG-5P-TI)) should be consulted by either the District or CG-CVC-2 when potential programmatic issues are identified or when technical expertise will assist in the determination of the root cause. The purpose of this analysis is to determine the "why" of the potential non-conformity.

SECTION D: PORT STATE CONTROL**CHAPTER 3: PROCEDURES TO ENSURE ACCOUNTABILITY FOR
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District Commanders and COTPs/OCMIs, as appropriate, will implement corrective action to prevent recurrence of missed exam opportunities, substandard conditions not detected during PSC exams, or other reasons for failure to meet PSC Program objectives.

- a. Legitimate Factors. Failure to meet PSC Program objectives may be attributed to legitimate factors.
 - (1) Examples. Failure to examine a priority vessel may be explained by unit work load, personnel unavailability due to contingency operations, adverse weather conditions, or other circumstances beyond the unit's control. Legitimate factors for not detecting a "clear grounds" deficiency may include, but are not limited to, obstruction of a structural defect by the vessel's cargo, limited amount of time to conduct the exam due to factors beyond the control of the examination team, subsequent removal by the vessel's owner/operators of equipment placed on board the vessel temporarily to pass the examination, or inability to access spaces on the vessel without undue risk to the examination team.
 - (2) Action. When legitimate factors are the underlying cause for failure to meet PSC objectives, the District office may conclude that no process improvements are necessary. The District office must report this conclusion to Commandant (CG-CVC-2) and the involved field unit(s).
 - b. Process Flaws. Failure to meet PSC Program objectives may also be attributed to process flaws.
 - (1) Examples. For example, training programs may have been insufficient to provide personnel with required knowledge, procedures for targeting vessels or examining specific equipment may have been unclear, or equipment may have been inadequate to successfully complete certain examination tasks.
 - (2) Action. When the underlying cause is a process flaw, the District office must specify process improvements to prevent the recurrence of the conditions that impaired the unit's ability to achieve PSC Program objectives. Improvements may include, but are not limited to, improving training programs, adjusting the examination team complement, clarifying or updating exam procedures, or providing additional equipment.
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A feedback loop is established to promote continuous improvement and provide field commands with revised guidance. The District office must report the results of all investigations to Commandant (CG-CVC-2). Commandant (CG-CVC-2) will implement changes to policy, examination procedures, training or any other factors identified by the detention review process and/or investigation. On their own initiative, District Commanders may implement corrective action plans and process improvements within their areas of responsibility. Commandant (CG-CVC-2) will measure the success of process improvements through continued reviews of detention reports.

6. Recognized Organization (RO) Association

- a. Review and notification. Commandant (CG-CVC-2) also reviews detention cases to determine whether actions taken by the RO contributed to the detention and/or major control action. If an organization has performed unsatisfactorily, Commandant (CG-CVC-2) will make the official notification. To ensure accountability, field units should provide as much information as possible in the detention report and MISLE narratives to help Commandant (CG-CVC) make this determination. Field units should not correspond directly to ROs regarding unsatisfactory performance.
- b. Factors for consideration. The following factors should be considered when submitting a recommendation as to whether the RO should be associated with a detention. Recommendations may be included in the notification e-mail sent to Commandant (CG-CVC-2) as required by MSM Volume II, Material Inspection, COMDTINST M16000.7 (series), Section D, Chapter 2.
 - (1) Voyage damage will not be associated with an RO unless other organization-related deficiencies are noted during the course of the damage survey.
 - (2) Only equipment covered by a survey conducted by the RO, or in which the RO has issued the certificate on behalf of the flag state should be considered to determine RO association.
 - (3) When multiple deficiencies are noted, only those deficiencies serious enough to justify detention should be evaluated to determine RO association.
 - (4) Outdated equipment, when the cause of a detention, will not be associated with the RO unless the equipment was outdated at the time of the last survey conducted by the RO on behalf of the flag state.

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- (5) The absence of easily stolen equipment such as fire hose nozzles and fire extinguishers will generally not be associated with an RO unless a large amount is missing and it is within 90 days of the last survey by the RO on behalf of the flag State.
- (6) Expired certificates will not be associated with an RO unless the certificates were not endorsed or were improperly issued by the RO when they conducted the last survey on behalf of the flag State.
- (7) Detentions based on crewing issues, whether conducted in accordance with SOLAS or STCW, will not be associated with an RO
- (8) A time limit of 90 days will generally be placed on detentions resulting from equipment failures (i.e., non-operational fire-pumps, emergency generators, etc.) unless it is apparent that the deficiency was long standing.
- (9) Serious wastage or other structural deficiencies not caused by voyage damage will be listed as RO nonconformities.

7. Appeals

In accordance with 46 CFR 1.03, decisions of the OCMI/COTP are subject to appeal. This is a necessary and valid step in the detention process. This provision allows the involved party to provide information that may have been overlooked or omitted during the PSC exam and the initial detention review process. Beyond the obvious financial implications, interested vessel parties have a stake in the appeal process since their association with IMO reportable control actions can result in their vessels being targeted for additional compliance examinations.

- a. Appeal process to remove RO association with IMO reportable detentions/control actions. RO appeals of their association with IMO reportable detentions/control actions shall be submitted directly to Commandant (CG-CVC-2) for action. If approached, units should recommend that ROs submit their appeal electronically to portstatecontrol@uscg.mil.
- b. Appeal process for all other IMO reportable detentions/control actions. All other appeals received from a company or flag State concerning the validity of a detention shall be begin with the cognizant COTP/OCMI and processed in accordance with 46 CFR 1.03.

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If an IMO reportable detention appeal is granted at the OCMI or District level, the unit over granting the appeal must send a notification e-mail to Commandant (CG-CVC-2) at cgcvc@uscg.mil with the vessel name, the date of the initial appeal, and the MISLE activity number. Commandant (CG-CVC-2) will then notify the IMO and delete the detention from all databases to ensure the vessel, ship management, and flag Administration are not improperly targeted for more frequent examinations.

SECTION D: PORT STATE CONTROL**CHAPTER 4: TARGETING OF FOREIGN VESSELS****A. BACKGROUND**

The United States enforces an expanded and comprehensive Port State Control (PSC) program in order to identify and eliminate substandard foreign merchant shipping that does not comply with international conventions and domestic rules. Title 33 CFR Part 160, Subpart C, requires that certain arriving vessels provide Notice of Arrival (NOA) to the National Vessel Movement Center (NVMC) prior to entering the United States. The Coast Guard screens these vessels prior to arrival at the first U.S. port of call using three risk-based tools. These tools use a process known as Risk-Based Decision Making (RBDM) to determine the threat a vessel poses to a U.S. port. These RBDM tools, collectively referred to as the Compliance Verification Examination Matrices, will prioritize vessel compliance examinations and security boardings.

The High Interest Vessel (HIV) Matrix is a classified, risk-based tool used to evaluate the security risk of a vessel entering into port. This manual does not provide details on the HIV screening process. For more information on the HIV Matrix and the HIV screening process refer to the High Interest Vessel Targeting Policy, COMDTINST 16614 (series). The second screening tool, the ISPS/Maritime Transportation Safety Act (MTSA) Security Compliance Targeting Matrix, evaluates risk factors applicable to a foreign-flag vessel's compliance with international and domestic security standards. Because this matrix evaluates foreign vessel compliance with security standards, this screening is not classified. The third risk-based screening evaluates risk factors applicable to a vessel's compliance with international safety and environmental standards. This analysis, called the PSC Safety and Environmental Protection Compliance Targeting Matrix, is also not classified.

Use of both the ISPS/MTSA Security Compliance Targeting Matrix and the PSC Safety and Environmental Protection Compliance Targeting Matrix allows for the Captain of the Port (COTP) or Officer in Charge, Marine Inspection (OCMI) to identify those vessels that pose the greatest risk of being substandard. When applied consistently, the targeting regime will identify the appropriate risk level and corresponding examination frequency for each vessel and ensure that the Coast Guard examines vessels that pose a higher risk for noncompliance more frequently than vessels that pose a lower risk. The PSC program consistency builds upon experienced and qualified PSC Officers (PSCOs) who are vital to ensuring sound judgment and professionalism of all enforcement actions.

In addition to the compliance verifications matrices discussed above, personnel should be familiar with Annex I of the Maritime Operational Threat Response (MOTR) Plan and the Condition of Entry program. The MOTR Plan is a Presidentially approved plan to achieve a coordinated government response to threats against the United States and its interests in the maritime domain. The MOTR Plan contains operational coordination requirements to ensure quick and decisive action to counter maritime threats. Annex I of the MOTR plan addresses National Security Vessels of Interest (VOIs) and NON-ENTRANT vessels. The latest policy and guidance regarding Annex I of the MOTR Plan can be found on the Foreign Vessel Security page of the CG portal website.

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The Condition of Entry (COE) Program is administered by the Coast Guard's Office of International & Domestic Port Security (Commandant (CG-PSA)). The International Port Security Program assesses effectiveness of anti-terrorism measures in foreign ports. If effective anti-terrorism measures are not in place, there is an increased risk of terrorist transfer and/or weapons of mass destruction being introduced into the United States. To reduce that risk, COEs are imposed on vessels bound for the U.S. from ports with inadequate anti-terrorism measures. Commandant (CG-PSA) publically releases Port Security Advisories indicating which countries/ports are not maintaining effective anti-terrorism measures and what actions vessels should take when conducting operations in non-compliant ports. **The latest COE policy on vessels arriving from ports not maintaining effective anti-terrorism measures can be found on the Foreign Vessel Security page of the CG portal website.**

B. ACTION – USING THE MATRICES

The Marine Information for Safety and Law Enforcement (MISLE) database automatically screens all foreign-flag vessels that submit an NOA using the ISPS/MTSA Security Compliance Targeting Matrix and the PSC Safety and Environmental Protection Compliance Targeting Matrix. COTPs/OCMI's shall follow the targeting review process as outlined in the *MISLE Data Entry Requirements for Foreign Vessel Arrivals, Examinations and Operational Controls Work Instruction* located on the Commandant (CG-CVC-2) page of the CG Portal website. Units may view the assigned scores and manually change the final multiple based on local COTP/OCMI input (Intel, security/safety concerns, etc.).

In addition, the COTP or OCMI shall screen all vessels for the security risk they pose to U.S. ports. Vessels selected in this process are designated as High Interest Vessels (HIVs). While all vessels may be subject to random security boardings, these vessels are of higher interest to law enforcement authorities. As previously mentioned, this doctrine does not provide details on the screening process, since a separate, classified instruction outlines the relevant procedures. Figure D4-1 provides a pictorial view of the three screening processes related to vessel compliance examinations and security boardings for arriving vessels.

1. Targeting Philosophy – ISPS/MTSA Security Compliance

- a. **Applicable factors.** The ISPS/MTSA Security Compliance Targeting Matrix is a screening tool that promotes systematic evaluation of several risk factors related to a vessel's compliance or noncompliance with domestic and international maritime security standards. The risk factors are ship management; flag State; Recognized Security organization (RSO); and the individual vessel's security compliance history (the degree that vessel met both domestic and international maritime security standards during previous visits and exams).

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- b. **Functionality.** The ISPS/MTSA Security Compliance Targeting Matrix risk factors are integrated into MISLE as an automated MISLE-embedded targeting tool. The MISLE data fields regarding these risk factors are maintained and updated by Commandant (CG-CVC-2).
- (1) MISLE scores a vessel and assigns the examination priority (ISPS I, II or III) based on existing MISLE data and NOA information. The total points and the vessel's priority status does not signify that the vessel is substandard, but does indicate that certain risk factors exist and that the Coast Guard should examine the vessel for compliance with domestic and international standards. Total points/priority status also determines where an examination should take place.
- (2) PSCOs should familiarize themselves with the targeting matrix and risk factors and possess a working knowledge for manually evaluating a vessel using the matrix.
- c. **Consistency.** To be effective, it is important that the COTP or OCMI applies this targeting regime consistently. In addition to focusing Coast Guard resources, the ISPS/MTSA Security Compliance Targeting Matrix serves to place the responsibility for maintaining vessels to accepted security standards on those entities most responsible, including ship management, RSOs, and Flag States. Linking examination decisions to the performance records of the ship, the ship's management, the RSO and the Flag State information helps ensure accountability.
- d. **Random vessel targeting.** The COTP or OCMI may randomly examine vessels that do not screen for an ISPS/MTSA security compliance examination. Normally, the COTP or OCMI can perform random examinations when the vessel is in port, but may perform this examination prior to port entry if another examination is scheduled for the vessel prior to port entry.

2. Targeting Philosophy - Safety and Environmental Protection Compliance

- a. **Applicable factors.** The Safety and Environmental Compliance Targeting Matrix is a screening tool that promotes systematic evaluation of several risk factors related to a vessel's compliance or noncompliance with domestic and international maritime safety and environmental protection standards. This risk-based approach evaluates vessels using five factors: ship management, flag State, recognized organization (RO), compliance history, and vessel type. The risks associated with each of these factors are evaluated using Coast Guard examination data developed over previous years.

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CHAPTER 4: TARGETING OF FOREIGN VESSELS

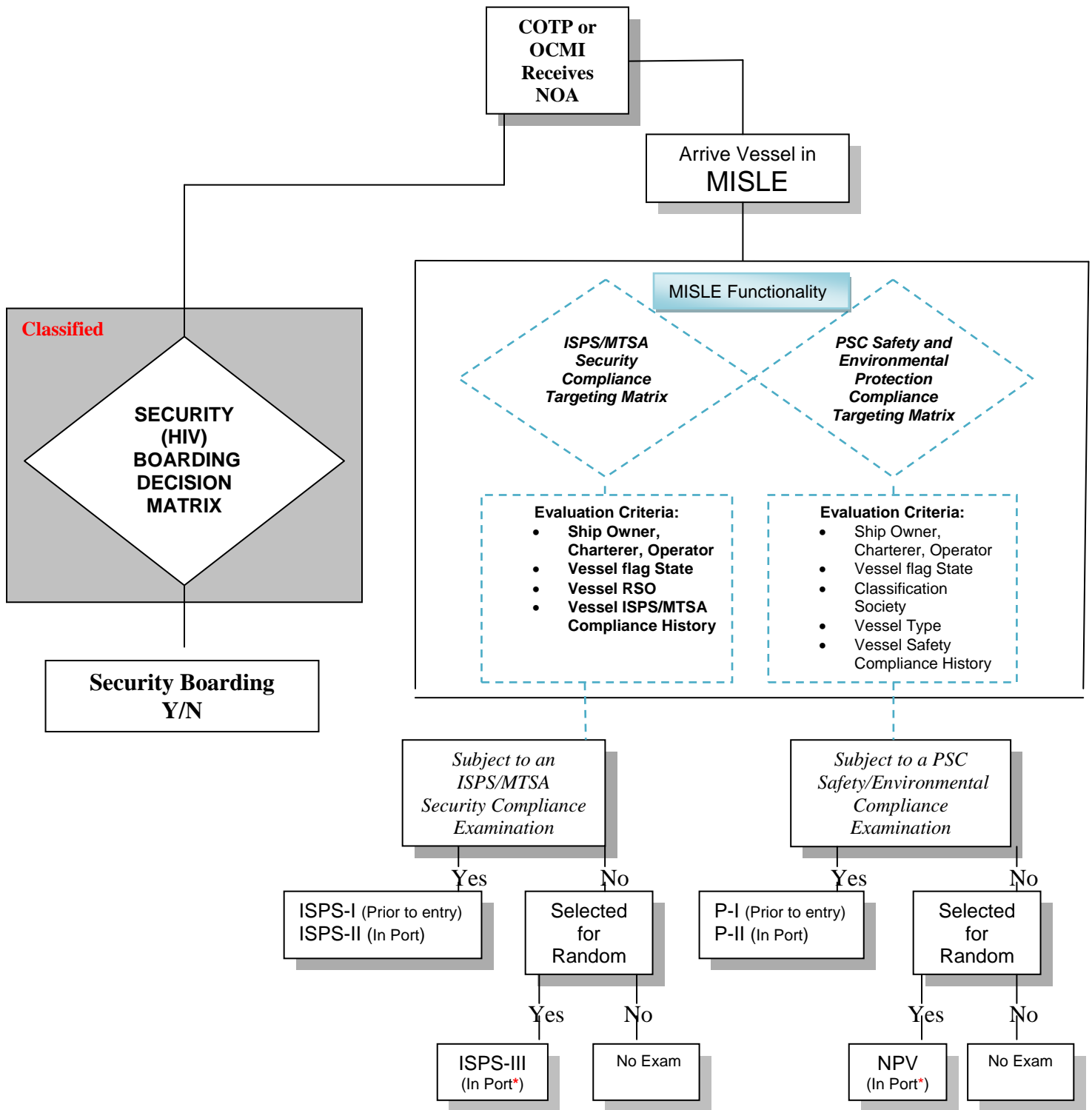
- b. Functionality. The PSC Safety and Environmental Protection Compliance Targeting Matrix risk factors are integrated into MISLE as an automated MISLE-embedded targeting tool. The MISLE data fields regarding these risk factors are maintained and updated by COMDT (CG-CVC-2).
- (1) MISLE scores a vessel and assigns the examination priority (PI, PII or NPV) based on existing MISLE data and NOA information. The total points and the vessel's priority status does not signify that the vessel is substandard, but does indicate that certain risk factors exist and that the Coast Guard should examine the vessel for compliance with domestic and international standards. Total points/priority status also determines where an examination should take place.
- (2) PSCOs should familiarize themselves with the targeting matrix and its processes, below, and possess the working knowledge for completing and manually processing a vessel for determination of whether or not an examination should take place.
- c. Consistency. To be effective, it is important that the COTP or OCMI applies this targeting regime consistently. In addition to focusing Coast Guard resources, the PSC Safety and Environmental Protection Compliance Targeting Matrix serves to place the responsibility for maintaining vessels to accepted standards on those entities most responsible, including ship management, classification societies, and flag States. Linking targeting decisions to the performance records of the ship, the ship's management, classification society, and flag State helps ensure accountability.
- d. Random vessel targeting. The COTP or OCMI may randomly examine vessels that do not screen for a PSC Safety/Environmental compliance examination. Normally, the COTP or OCMI can perform random examinations when the vessel is in port, but may perform this examination prior to port entry if another examination is scheduled for the vessel prior to port entry.
- e. EQUASIS Information. The EQUASIS data system (<http://www.equasis.org>) is an online database created by the European Commission and French Maritime Administration to collect and disseminate quality and safety-related information on the world's merchant vessel fleet. Currently, this system displays PSC inspections and detentions that occurred within the Paris MOU, the Tokyo MOU, and the United States.
- (1) The website contains a wealth of statutory information from International Association of Class Societies (IACS) Member and Associate Member Classification Societies, P&I information and a wide variety of other data.

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- (2) Although the EQUASIS system is not listed as a criterion on either the safety of security matrices, the use of the system by PSCOs is highly encouraged. By performing this review, PSCOs will undoubtedly gain a better overall sense of the previous condition of the vessel.
- (3) To assist with this review, the MISLE system allows direct access to EQUASIS, bypassing the website log-in and search screens. The PSCO can access this hyperlink function by searching for the vessel in MISLE and then clicking the button at the bottom of the Activities tab on the Vessel Description Summary Page.

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Figure D4-1: Targeting Decision-Making Process for Each Vessel Arrival

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* Normally, the COTP or OCMI can perform random examinations when the vessel is in port, but may perform this examination prior to port entry if they scheduled another examination for the vessel prior to port entry.

C. TARGETING FACTOR CRITERIA

To implement the targeted compliance examination regime, it is necessary to identify which vessels, ownership managers, flag Administrations, Recognized Organizations and Recognized Security Organizations are most often associated with substandard ships. These determinations are made by Commandant (CG-CVC-2) based on Coast Guard examination and intervention data and promulgated into MISLE on a monthly basis. In addition, a copy is available for units to view on the Port State Control tab of the Coast Guard's Homeport website.

1. ISPS/MTSA Security Compliance Targeting Criteria

- a. Targeted ship management. Targeted ship management includes any owner, operator, charterer or managing operator who is associated with a vessel that has been denied port entry, been expelled from port, or detained within a specified range of time and has been assigned a Control Action Ratio (CAR) based on MISLE control action information.
 - (1) Targeted ship management list. Commandant (CG-CVC-2) will develop and maintain a monthly listing of targeted ownership managers. This information is uploaded into MISLE for use in the automated targeting matrix. Additionally, a copy is available for units to view on the Port State Control tab of the Coast Guard's Homeport website.
 - (2) Application. All vessels associated with an owner, operator, charterer or managing operator associated with an ISPS-related denial of entry or expulsion, or two ISPS-related detentions within the past twelve months will receive points towards the security examination decision. Note, under the Coast Guard's Large Fleet Designation Program, if a vessel owner, operator or charterer has at least 25 vessels that visit United States ports each year and they request Large Fleet Designation, Commandant (CG-CVC-2) will not target the company unless it accumulates three or more operational controls within a 12-month period. With certain exceptions as noted in the ISPS/MTSA Security Compliance Targeting Matrix, the COTP/OCMI should target vessels linked to an owner, operator, charterer or managing operator associated with an ISPS/MTSA-related denial of entry or expulsion from port for an at-sea security compliance examination.

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Regarding the single denial of entry/expulsion criterion, Commandant (CG-CVC-2) must find a direct link between ship management and the reason for the denial of entry or expulsion, otherwise Commandant (CG-CVC-2) counts the control action as equivalent to a vessel detention.

- (3) Downgrading and removal. Commandant (CG-CVC-2) will monitor ship manager performance on a monthly basis. As performance improves for each targeted ship manager during the previous 12-month window, Commandant (CG-CVC-2) may remove a previously targeted ship manager from the targeted list.
- b. Targeted flag Administration. The Control Action Ratio (CAR) and total number of major control actions determine whether Commandant (CG-CVC-2) includes a flag State on the Targeted Flag State List. Commandant (CG-CVC-2) determines flag State CAR values based upon the formula shown below.
- (1) Flag Administration CAR. The number of major ISPS-related control actions includes all security-related denials of entry or expulsions from port and ISPS-related detentions to vessels flying the Flag of that State within the period of interest and the number of distinct vessel arrivals include all distinct vessel arrivals from that Flag State.

$$\text{CAR} = \frac{\text{\# of major ISPS/MTSA Flag State-related control actions}}{\text{\# of distinct vessel arrivals}} \times 100 \text{ percent}$$

- (2) Application. All vessels associated with an Administration having a CAR of more than 1.5 but up to 3.0 percent will receive two points towards the security compliance examination decision. All vessels associated with an Administration having a CAR of more than 3.0 percent will receive seven points towards the security compliance examination decision.

Commandant (CG-CVC-2) does not target a flag State that has only one major control action in the period of interest on the Targeted Flag State List. The COTP or OCMI does not need to review histories of flag States in MISLE. Commandant (CG-CVC-2) maintains and updates the Targeted Flag State List in MISLE annually.

- (3) Removal. Each year, Commandant (CG-CVC-2) will adjust targeting information applicable to a targeted flag Administration based on performance of vessels registered in that country. Commandant (CG-CVC-2) will remove the targeted flag Administration from the list if the CAR associated with that entity drops to 1.5 percent or below or if a flag Administration has been associated with only one control action in the previous 12 months.

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- (4) Release of information. Commandant (CG-CVC-2) will publish the targeted flag Administration list for security compliance performance in the PSC Annual Report as well as on the Port State Control tab of the Coast Guard's Homeport website.
- c. Targeted RSOs.
- (1) RSO. An RSO is the organization with the appropriate expertise in security and anti-terrorism matters recognized by the Administration (or Designated Authority) and authorized to carry out assessment, verification, approval and/or certification activities, required by the ISPS Code.
- (2) Targeted RSO. Commandant (CG-CVC-2) reviews every case involving an ISPS-related major control action (denial of entry, expulsion from port, or detention) and determine whether RSO action or inaction contributed to the major control action. If so, Commandant (CG-CVC-2) will associate the major control action with the RSO for targeting purposes.
- (3) Application. All vessels represented by an RSO associated with three or more major control actions in the past 12 months are designated ISPS I. All vessels represented by an RSO associated with two major control actions in the past 12 months will receive five points towards the security compliance examination decision. All vessels represented by an RSO associated with one major control action in the past 12 months will receive two points towards the security compliance examination decision.
- (4) Removal. On a monthly basis, Commandant (CG-CVC-2) monitors RSO performance. As performance improves, Commandant (CG-CVC-2) will adjust targeting information applicable to a targeted RSO (specify fewer points or remove the RSO from the list).
- (5) Release of Information. Commandant (CG-CVC-2) will publish the targeted RSO list for security compliance performance in the PSC Annual Report as well as on the Port State Control tab of the Coast Guard's Homeport website.
- d. Vessel ISPS/MTSA Compliance History. As part of the case review process, Commandant (CG-CVC-2) will update each vessel's compliance history in MISLE to reflect major control actions. Commandant (CG-CVC-2) will continue to enter an inspection note after reviewing detention reports received from field units.

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2. Safety and Environmental Protection Compliance Targeting Criteria

- a. Targeted ship management. Targeted ship management includes any owner, operator, charterer, or managing operator whose vessels have been detained in the United States more than once within the previous 12 months under the provisions of an international Convention. Under the Coast Guard's Large Fleet Designation Program, if a vessel owner, operator or charterer has at least 25 vessels that visit United States ports each year, and they request Large Fleet Designation, Commandant (CG-CVC-2) will not target the company unless it accumulates three or more detentions within a 12-month period.
 - (1) Targeted ship management list. Commandant (CG-CVC-2) develops and maintains a current listing of targeted ship managers based on detention reports received from field units. Commandant (CG-CVC-2) updates the list monthly.
 - (2) Application. All vessels associated with a targeted owner, operator, charterer, or managing operator will be assigned points in the PSC Safety and Environmental Protection Compliance Targeting Matrix.
 - (3) Removal. Commandant (CG-CVC-2) removes a targeted owner from the list if they become associated with less than two detentions carried out under the authority of an international convention within the previous 12 months.
- b. Targeted flag Administration. A targeted flag Administration is a country with a safety-related detention ratio exceeding the average safety detention ratio for all flag Administrations with vessels operating in U.S. waters.
 - (1) Flag Administration safety detention ratio. Commandant (CG-CVC-2) calculates a flag Administration's safety detention ratio by dividing the number of its vessels detained under the authority of an international convention by the number of vessels under its registry which entered U.S. waters. Commandant (CG-CVC-2) calculates the average safety detention ratio for all flag Administrations with vessels operating in U.S. waters by dividing the number of vessels detained under the authority of an international convention by the number of vessels that entered U.S. waters. Commandant (CG-CVC-2) calculates individual flag Administration detention ratios based on the previous 3 years' data to reduce the effects of single year anomalies.
 - (2) Targeted Flag Administration list. This list consists of the targeted flag Administrations compiled by Commandant (CG-CVC-2) on an annual basis for use with the PSC Safety and Environmental Protection Compliance Targeting Matrix. The list can be found on the Port State Control tab of the Coast Guard's Homeport website.

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- (3) Application. Vessels from a targeted flag Administration will receive points based on the flag Administration's detention ratio via Column II of the PSC Safety and Environmental Protection Compliance Targeting Matrix.
- (4) Removal. Commandant (CG-CVC-2) removes a targeted flag Administration from the list when its safety detention ratio drops below the average safety detention ratio for all flag Administrations with vessels operating in U.S. waters or when it is associated with less than two detentions carried out under the authority of an international Convention within the past 36 months.
- c. Targeted Recognized Organization (RO). Commandant (CG-CVC-2) evaluates ROs based on their performance over the previous three years. If they have a three-year safety detention ratio that exceeds the fixed three-year safety detention ratio (0.5 percent), then they will receive points.
- (1) Classification society/RO. A classification society is an organization, other than a flag State that issues Certificates of Class or International Convention Certificates. When a classification society works on behalf of a flag Administration it meets the definition of a RO.
- (2) Targeted RO list. The targeted classification society list contains the names of classification societies that will receive points in the PSC Safety and Environmental Protection Compliance Targeting Matrix. This list is accessible on the Port State Control tab of the Coast Guard's Homeport website.
- (3) RO detention ratios. Commandant (CG-CVC-2) calculates RO performance based on their RO related safety detention ratio (number of class-related safety detentions divided by the number of distinct arrivals over a three-year period). Commandant (CG-CVC-2) then compares this ratio to the fixed ratios of acceptable performance and assigns points to the RO according to where their safety detention ratios fall. See Table One below:

Table 1: Detention Ratios and Point Assignments.

Classification Society's 3-year Detention Ratio	Matrix Point Assignment
A detention ratio less than 0.5%	0 Points
A detention ratio equal to 0.5% or less than 1%	3 Points
A detention ratio equal to 1% or less than 2%	5 Points
A detention ratio equal to or greater than 2%	Priority I

SECTION D: PORT STATE CONTROL**CHAPTER 4: TARGETING OF FOREIGN VESSELS****D. COMPLIANCE TARGETING MATRIX INSTRUCTIONS (STEP I & STEP II)**

1. Step I: ISPS/MTSA Security Compliance Targeting Matrix

As previously stated, the ISPS/MTSA Security Compliance Targeting Matrix is a MISLE-embedded targeting tool for the COTP or OCMI to screen a particular vessel scheduled to arrive and determine the examination priority. This matrix applies to all vessels subject to SOLAS and MTSA. PSCOs should familiarize themselves with the matrix and its processes because MISLE may not consider the downgrading clauses or other external factors that affect the total score and exam priority. In the event that manual screening of vessels is required, Commandant (CG-CVC-2) will provide the relevant information for completing the matrix via message traffic and CG Portal. The score calculated for a particular vessel will determine whether the Coast Guard will examine a vessel at sea, examine a vessel in port, or not target the vessel for examination (note vessels not targeted for examination may be subject to random examination).

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COLUMN I SHIP MANAGEMENT	COLUMN II FLAG STATE	COLUMN III RECOGNIZED SECURITY ORGANIZATION	COLUMN IV SECURITY COMPLIANCE HISTORY
ISPS II Owner or operator, if new owner or operator since last ISPS exam.	ISPS II If new flag since last ISPS exam.	ISPS I 3 or more RSO-related major control actions in the past 12 months.	ISPS I Vessel with an ISPS-related denial of entry/expulsion from port in past 12 months ⁽³⁾ .
5 Points Owner, operator, or charterer associated with one ISPS-related denial of entry or ISPS-related expulsion from port in past 12 months or 2 or more ISPS/MTSA Control Actions in a 12 month period.	7 Points SOLAS Vessels ⁽¹⁾ Flag State has a CAR 2 or more times the overall CAR average for all flag States.	5 Points 2 RSO-related major control actions in the past 12 months.	ISPS II If matrix score does not result in ISPS I priority & no ISPS compliance exam within the past 12 months or a stowaway incident ⁽⁵⁾.
	2 Points SOLAS Vessels ⁽¹⁾ Flag State has a CAR between the overall CAR average and up to 2 times overall CAR average for all flag States.	2 Points 1 RSO-related major control actions in the past 12 months.	5 Points Vessel with an ISPS/MTSA-related detention in the past 12 months.
	7 POINTS Non-SOLAS Vessels ⁽¹⁾⁽²⁾ . Flag State has a CAR 2 or more times the overall CAR average for all flag States.		2 Points Vessel has had 1 or more other ISPS / MTSA control actions in the past 12 months ⁽⁴⁾ .
Total:	Total:	Total:	Total:
Total Targeting Score: _____		Vessel Priority: _____	
<p>Sum of Columns I-IV and/or column specific designation determines priority: 17 or more points = ISPS I 7 to 16 points = ISPS II 0 to 6 points = ISPS III</p> <p>(1) Pertains solely to flag States with more than one major control action in a 12-month period. The COTP/OCMI may downgrade a vessel hailing from a targeted flag State scoring 7 to 11 points to ISPS III in accordance with the Downgrading Clause.</p> <p>(2) Includes vessels from non-SOLAS signatory countries and non-SOLAS vessels from signatory countries.</p> <p>(3) COTP or OCMI may downgrade a vessel's priority from ISPS I to ISPS II and ISPS III in accordance with the Downgrading Clause. If denial of entry is solely from failure to provide a Notice of Arrival prior to entry in the U.S., assign 2 points.</p> <p>(4) Includes vessel delays, restriction of operations, and restriction of movement related to vessel security deficiencies. Does not include routine examination of the ship or lesser administrative actions.</p> <p>(5) COTP or OCMI may downgrade a vessel with a stowaway incident if vessel's master notified the COTP and Administration prior to arrival into a U.S. port and vessel's owner demonstrates intent to take appropriate corrective action to prevent further stowaway incidents. The COTP or OCMI should still require a report from the Flagstate/RSO. Additional guidance is provided in Chapter 1 of this section (D1-50 to D1-51).</p> <p>Most recent guidance will be posted via the intranet on CG Portal.</p>			

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- a. Downgrade clauses. If the vessel is downgraded, it will be added to the pool of random examinations. Under the following conditions, the COTP/OCMI may downgrade the ISPS examination priority as follows:
- (1) The COTP/OCMI may downgrade a vessel hailing from a targeted flag Administration scoring 7 to 11 points to ISPS III if the vessel meets all of the following criteria:
 - (a) Removal of the flag Administration targeting points results in 6 or fewer points; and
 - (b) The Coast Guard previously examined the vessel within the past 6 months and found no serious security deficiencies (i.e., no ISPS major control actions imposed or no restriction of operations).
 - [1] Units should not rely on just a MISLE activity number alone appearing in MISLE for verification that an ISPS exam has taken place. Units are required to open and review the activity (to include review of the narrative) for verification that an ISPS exam was completed.
 - [2] There may be instances when there is no MISLE data available (system is down for repair, consecutive port calls – unit performing ISPS exam at a previous US port has not entered results into MISLE) indicating an ISPS exam has taken place, but the vessel has visited a U.S. port in the previous 6 months. Units may downgrade the vessel to an ISPS III if no MISLE data is available only after confirming with the unit at the vessel's previous US port(s) that an ISPS exam was completed.
 - (2) The COTP/OCMI may downgrade any vessel that scores ISPS II (7 to 16 points) to ISPS III (six or fewer points) if the vessel meets all of the following criteria:
 - (a) The Coast Guard performed an ISPS/MTSA Compliance Examination in the past 6 months and found no serious deficiencies during the examination that resulted in an ISPS control action (delay of vessel, restriction of movement or operation). The COTP/OCMI should not include the "Inspection of the Ship" per SOLAS Reg. XI-2/9.1.3 as an ISPS control action for this criterion.
 - (b) The COTP/OCMI does not have clear grounds or reliable information that the vessel does not correspond with SOLAS Chapter XI-2 and the ISPS Code (e.g. if the NOA report indicates that the ship found and detained stowaways on board, this information would provide clear grounds and would disqualify the downgrading clause).

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- (3) The COTP/OCMI may downgrade any vessel that scores ISPS I based solely upon Column III (RSO) to an ISPS III if the arriving vessel's last port of call (LPOC) was a U.S. port, and the LPOC's COTP or OCMI examined the vessel and found it in substantial compliance (i.e. no major control action).
- (4) The COTP/OCMI may downgrade the ISPS I status resulting from a denial of entry or expulsion assigned in Column IV as follows:
 - (a) The Coast Guard performed an ISPS I examination subsequent to the denial of entry or expulsion and found the vessel in substantial compliance, i.e. no major control action resulted from the examination. The ISPS I exam may only be downgraded to an ISPS II (at the dock) examination unless the following exception is true.
 - (b) The COTP/OCMI may only downgrade an ISPS I examination and assign an ISPS III status to the vessel if the Coast Guard has performed three or more ISPS examinations since the denial of entry or expulsion and, in each case, no major control action resulted.
 - (c) If the Coast Guard previously denied a vessel entry to port due solely to lack of proper NOA, assign two points in lieu of ISPS I.
- (5) **An additional downgrade clause that applies to ISPS II exams based on PSC resources available on a particular day are described in paragraph D.2.b(3) of this chapter.**

2. Step II: PSC Safety and Environmental Protection Compliance Targeting Matrix

When a vessel submits a NOA, the NVMC collects, reviews and verifies specific ship information including: vessel type and size, cargo, crew and passenger lists, ship management information, security and safety compliance documentation, etc. The NVMC makes the NOA available to the National Maritime Intelligence Center (NMIC) and to the COTP/OCMI's through the Ship Arrival Notification System (SANS). The NVMC also makes the NOA accessible through MISLE.

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The NMIC analyzes vessel, owner, operator, charterer, crew composition, history, etc. to determine whether there is pertinent intelligence regarding the vessel. The COTP/OCMI must prioritize and coordinate all vessels entering their AORs. As previously stated, the PSC Safety and Environmental Protection Compliance Targeting Matrix is a MISLE-embedded targeting tool for the COTP or OCMI to screen a particular vessel scheduled to arrive and determine the examination priority for resource allocation.

This matrix applies to all foreign vessels (signatory and non-signatory) destined for a port or place in the United States (as defined in 33 CFR 160.204) regardless of which international conventions (SOLAS, MARPOL, ICLL, etc.) is applicable. For example; a 450 GT foreign cargo vessel arriving in the United States has submitted their NOA accordingly; SOLAS (with a few exceptions) is not applicable; MARPOL and ICLL are applicable. PSCOs should familiarize themselves with the matrix and its processes as downgrading clauses or other external factors may be applicable which are not automatically calculated/considered by MISLE, subsequently affecting the total score/priority results.

In the event that manual screening of a vessel is required, Commandant (CG-CVC-2) will provide the relevant information for completing the matrix via message traffic or other designated means. The COTP or OCMI must refer to the NOA information, MISLE data and the provided guidance from Commandant (CG-CVC-2) for screening a vessel utilizing this matrix. The score calculated for a particular vessel will determine whether the Coast Guard will examine a vessel at sea, examine a vessel in port, or not target the vessel for examination (note that vessels not targeted for examination may be subject to random examination). For details regarding these requirements, refer to the MISLE user guides at <https://cg.portal.uscg.mil/communities/misle/SitePages/Home.aspx>.

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STEP II: PSC Safety and Environmental Protection Compliance Targeting Matrix

COLUMN I SHIP MANAGEMENT	COLUMN II FLAG STATE	COLUMN III RECOGNIZED ORGANIZATION	COLUMN IV VESSEL HISTORY	COLUMN V SHIP PARTICULARS (SEE NOTE)
5 Points Listed Owner, Operator, or Charterer.	7 Points Flag State has a detention ratio 2 or more times overall average for all Flag States.	Priority I A detention ratio equal to or greater than 2%.	Priority II First Time to U.S or no PSC exam in the previous 12 months; or outstanding requirements issued from a previous USCG exam that require clearing.	4 Points General Cargo Ship Ro-Ro Cargo Ship Vehicle Carrier Passenger Ship involved in “day trips” or ferry service.
	2 Points Flag State has a detention ratio between the overall and up to 2 times overall average for all flag States.	5 Points A detention ratio less than 2% but greater than or equal to 1%.	5 Points Each Detention, denial of entry, or expulsion in the previous 12 months.	2 Points Bulk Carrier Refrigerated Cargo.
		3 Points A detention ratio less than 1% but greater than 0.5%.	1 Point Each COTP restricted the operations of the vessel for safety related issues in the previous 12 months (including LODs); or Reportable Marine Casualty in the previous 12 months; or Marine violation in the previous 12 months.	1 Point Oil or Chemical tanker.
		0 Points A detention ratio less than 0.5%.		SHIP AGE (ADD OR SUBTRACT POINTS) 0-4 years - subtract 3 5-9 years - subtract 2 10-14 years - add 0 15-19 years - add 3 20-24 years - add 5 25+ years - add 7 Note: For QUALSHIP 21 vessels only (regardless of vessel type); points should not be added in this column, but points can be subtracted for age.
Total:	Total:	Total:	Total:	Total:
Total Targeting Score: _____			Vessel Priority: _____	
Sum of Columns I-V and/or column specific designation determines priority: 17 or more points = Priority I Vessel (PI) 7 to 16 points = Priority II Vessel (PII) 0 to 6 points = Non Priority Vessel (NPV) (Note: See below for additional targeting matrix guidance and factors impacting exam priority)				

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CHAPTER 4: TARGETING OF FOREIGN VESSELSa. Additional Targeting Matrix Guidance.

- (1) Priority I (PI) Vessels. In addition to the point values above, a vessel is also considered a PI if involved in a marine casualty that may have affected seaworthiness or the Captain of the Port determines a vessel to be a potential hazard to the port or the environment.
- (2) Priority II (PII) Vessels. In addition to the point values above, a vessel is also considered a PII vessel if there are outstanding requirements from a previous examination in this or another U.S. port that require clearing. Cargo operations or passenger embarkation/debarkation for all PII vessels may only be restricted if the Captain of the Port determines that the vessel poses a safety or environmental risk to the port.
- (3) Column IV: Vessel History.
 - (a) If MISLE data indicates that the vessel has been the subject of a PSC detention within the past 12 months, assign five points for each detention. Commandant (CG-CVC-2) will continue to enter an inspection note after reviewing detention reports received from field units. This notice will assist in identifying vessels detained within the previous 12 months in the event manual screening is directed, although it may not include very recent detentions. Field units must check the MISLE Vessel Critical Profile to determine whether any recent detentions have occurred prior to completing this column.
 - (b) If MISLE data indicates that the vessel has been the subject of any other form of operational control within the past 12 months (i.e., COTP Order or Customs hold), assign one point for each incident. Do not assign multiple points if the field unit took more than one control action for a single incident (i.e.; issued an IMO Detention and a COTP Order – even if multiple activities were assigned to the single incident).
 - (c) If MISLE data indicates that the vessel has been involved in any marine casualty or pollution cases within the past 12 months, assign one point for each case.
 - (d) If MISLE data indicates that the vessel has been the subject of a marine violation, except for pollution, within the past 12 months, assign one point for each violation case.
 - (e) The total points in Column IV are unlimited.

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- (4) Column V: Ship Particulars. The criterion contained in this column is self explanatory for scoring. For vessels currently enrolled in the QUALSHIP 21 program, points should not be added based on ship type, but can be subtracted for age.
- b. Downgrade clauses. If the vessel is downgraded, it will be added to the pool of random examinations. Under the following conditions, the COTP/OCMI may downgrade the PSC examination priority as follows:
- (1) If the vessel has scored either a PI or PII and has had a Coast Guard PSC examination within the last 6 months with no serious deficiencies, the exam may be downgraded to an NPV.
 - (2) Priority II status for vessels not receiving a PSC exam in the previous 12 months may be relaxed to an NPV status for freight vessels enrolled in the QUALSHIP 21 program (which is subject to biennial PSC examination). Annual exams are no longer required (freight ship only) provided the vessel remains in a QUALSHIP 21 status and has received a PSC exam within the last 2 years. The relaxing of the PII designation is not applicable to any vessel required to hold a COC (tank, chem., etc.) as U.S. domestic law dictates that an annual exam must occur to maintain a current COC.
- (3) **Downgrade options based on PSC resources.**
- (a) **When local PSC resources do not permit examination of all Priority II/ISPS II vessels on a particular day, certain foreign freight vessels may be downgraded to an NPV/ISPS III status. The downgrade option (Option A) may be applied when the vessel is not targeted by points (but is targeted solely based on not being examined by the Coast Guard within the past 12 months) and when the vessel has been satisfactorily examined by the Coast Guard within the previous 24 months.**
 - (b) **If downgrading Priority II/ISPS II examinations as discussed in paragraph (a) above does not alleviate excessive PSC workload on a particular day, an additional downgrade option may be considered for vessels target by points. This option (Option B) may be applied when a Paris or Tokyo MOU member has examined the vessel within the past 6 months and found no deficiencies. To determine this, access the vessel's global PSC history by accessing EQUASIS through the MISLE database.**
 - (c) **The downgrading options in paragraph (a) and (b) above should not create a situation where one unit's resource shortfall creates an additional PSC burden for the next U.S. port or ports. To minimize this,**

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downgrading PSC priority at the first port of a multiple U.S. port call voyage can be extended to the entire U.S. port call voyage.

- (d) The unit that downgrades a vessel based on Option A or B above must enter an Administrative Inspection activity and a Note in MISLE stating, “This vessel has been downgraded to an NPV/ISPS III (as applicable) in accordance with Option A (or B) as outlined in Marine Safety Manual Volume II, COMDTINST 16000.7 (series). Units may apply this downgrading of examination priority until (date).” The date shall not exceed 30 days from the date the note is entered. Additionally, the date shall not carry the vessel past 24 months since its last satisfactory Coast Guard examination (Option A) or 6 months since its last deficiency-free Paris or Tokyo MOU examination (Option B). In order to measure the frequency in which these downgrading options are applied, units must use “Freight Vessel Downgrade” as the title for the Administration Inspection activity. The activity narrative should match the MISLE Note.**

SECTION D: PORT STATE CONTROL**CHAPTER 4: TARGETING OF FOREIGN VESSELS****E. RANDOM PSC EXAMINATION SELECTION PROCESS**

1. Random PSC Examination Philosophy

Random PSC examinations, in addition to the examinations that result from the targeting process, are important tools that provide a strong deterrent against subversive actions or substandard operations. If vessel targeting falls into a predictable pattern, we leave open an avenue for organizations to understand and study ways to subvert the targeting systems and possibly allow substandard ships into U.S. ports without examination. A random examination selection process injects unpredictability into the targeting process and undercuts those intending to subvert our targeting systems. Accordingly, we must ensure that our random examination selection process has no pattern. A truly random pattern plays a role in the success of our program and provides a nationwide methodology for making random examination selections. COTPs/OCMI's should conduct random PSC examinations at their discretion.

2. Concept and Applicability

Our stated goal is to encourage random examinations on vessels that arrive in the United States which the Coast Guard does not already target for an ISPS/MTSA Security Compliance Examination or a PSC Safety and Environmental Compliance Examination. At

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the COTP's discretion, the COTP may target a vessel not targeted for one of these examinations for a random examination comprised of both a PSC safety and environmental compliance examination and an ISPS/MTSA Security Compliance examination. The COTP must conduct a random examination to the same scope as targeted PSC and ISPS examinations. Note in particular that vessels currently enrolled in the QUALSHIP 21 program and vessels that hold a valid Certificate of Compliance are subject to random ISPS/MTSA Security Compliance Examination but not random PSC Safety and Environmental Compliance Examination. The Coast Guard will conduct security examinations on a random basis for vessels not designated as high interest vessels. Separate guidance addresses this random selection process.

3. Process

For a truly random process, select vessels for examination from the population of vessels not targeted for ISPS/MTSA Security Compliance Examination or PSC Safety and Environmental Compliance Examination. For example, a vessel targeted for a PI PSC examination should not be selected for a random ISPS/MTSA Security Compliance Examination, as this will affect the quality of the randomness and will not enable us to meet vessel examination goals. Using this method will allow the Coast Guard to visit more vessels, during which PSC personnel will effectively check for evidence of non-compliance with all applicable domestic and international standards.

4. MISLE Documentation

In order to better allot our resources, this random process will enable us to analyze and improve the effectiveness of our targeting matrices. To that end, it is imperative that units document these random examinations accurately in MISLE. When conducting a random examination for ISPS/MTSA/PSC, the inspection type will be 'Vessel Inspection/PSC Exam' and the sub category will include the following in the pull down menu: Random ISPS/MTSA/PSC. This will help the program fine tune the process and improve the matrices. The end goal will be better resource allocation and a better system of targeting poor performers.

F. TARGETING DECISION AND LOCATION (STEP III)

The ISPS/MTSA Security Compliance Targeting Matrix and PSC Safety and Environmental Protection Compliance Targeting Matrix evaluate a vessel's relative risk of noncompliance with maritime security and safety standards and results in the assignment of points. Each matrix will provide a total that corresponds to the designations of ISPS I/ISPS II/ISPS III and PI/PII/NPV. Once this evaluation is complete, the COTP or OCMI must decide on the location and timing of the boarding/examination as well as appropriate risk mitigation measures.

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ISPS I and PI examinations require a significant commitment of resources and time as they require PSC personnel with significant skill sets and they will occur prior to entry at a COTP/OCMI designated location (usually at the sea buoy). They may also result in some type of risk mitigation measure during the inbound transit such as vessel escort or armed personnel onboard. If an ISPS I or PI vessel requires risk mitigation measures, then it should remain at sea or divert to a secure anchorage until the COTP or OCMI can ensure such measures are in place. The COTP or OCMI must prioritize the use of resources to ensure that the USCG targets those vessels representing the highest risk to the port from both a security and safety aspect. Because conditions may vary considerably between ports, piers, and even individual vessels, the decision to examine a vessel after dark is left to the discretion of the local OCMI/COTP. A blanket policy of not examining vessels after dark is unacceptable. Each situation must be individually evaluated based upon existing or forecast weather, sea conditions, resource limitations, ambient lighting, and/or the availability of artificial lighting. The local OCMI/COTP should work with vessel owners, operators, and agents to accommodate scheduling exams without compromising the safety of examination teams.

1. ISPS I Vessels and Priority I (PI) Vessels

- a. General. The COTP or OCMI should examine ISPS I and PI vessels prior to port entry. In general, this means within the 12-mile territorial sea limits, but prior to crossing the headlands or entrance into the port. The COTP or OCMI may downgrade an at-sea examination to an in-port examination, with District approval, if the at-sea examination presents a risk to personnel or the logistics of an at sea examination are impractical. In designating the at-sea examination location, the COTP or OCMI should consider local geography, the safety and security of the port, space for maneuvering, and safety of personnel during at sea transfers.
- b. PI exams following a marine casualty that affects seaworthiness. The PSC targeting matrix requires a PI PSC exam following a marine casualty that affects seaworthiness. In such cases, there are a number of factors to consider in determining the location of the exam, the scope, and the proper way to document the exam in MISLE.
 - (1) Following a marine casualty for an inbound or outbound ship, the COTP must evaluate a number of safety and logistical concerns when determining the appropriate operational controls (tug assistance, daylight transit, additional watchkeepers, etc.) and post casualty exam location. The COTP has the discretion to conduct the post casualty exam at sea or in port based on a risk assessment including the condition of the vessel, operational controls in place, complexity of the waterway and any transits, and other local factors.

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- (2) In general, a full PSC exam should be conducted in these cases. However, the scope of the exam may be reduced for ships which have had a satisfactory Coast Guard PSC exam within the previous 3 months (with no major deficiencies). This reduced scope exam should focus on the part of the ship, its equipment, and/or crew affected by the casualty. The exam team should always be cognizant of the overall condition of the vessel and should conduct a walk around of the deck and engine room in order to form an overall impression of the vessel and its substantial compliance with the applicable conventions. PSCOs should expand to a full PSC exam if the vessel does not appear to be in substantial compliance.
- (3) For post-casualty exams that occur prior to port entry, a PI Safety Exam shall be entered into MISLE. If the exam takes place after port entry, an NPV Safety Exam should be entered into MISLE unless the vessel is scheduled for a PII Safety Exam. For vessels that have had a satisfactory PSC exam completed with the previous 3 months, and the reduced scope safety exam is not expanded into a full PSC exam, an In Service Inspection shall be entered into MISLE with a detailed narrative on the scope of the exam.

2. ISPS II and Priority II (PII) Examinations

While ISPS II and PII designated vessels theoretically represent a smaller risk, they still require assignment of significant resources. PII exams will normally be conducted pier-side prior to the loading or offloading of cargo and passengers. ISPS II examinations should begin before loading or offloading commence, but once the PSC team is satisfied that loading/offloading operations may begin, the team may authorize such operations so that security procedures related to cargo and passenger embarkation operations may be observed. The COTP or OCMI ultimately has to make a determination of what the most appropriate examination procedure should be for each individual case.

3. ISPS III and Non-Priority Vessel (NPV) Examinations

While ISPS III and NPV designated vessels theoretically represent the smallest risk, they still require random examinations. ISPS III and NPV exams will normally be conducted pier-side at a time convenient to the COTP or OCMI. The COTP or OCMI will not hold up loading or offloading of cargo and passengers prior to commencing an ISPS III or NPV exam. Vessels on a voyage involving consecutive U.S. port calls (without calling on a foreign port), and having been examined with satisfactory results at one of the previous consecutive U.S. port calls, may be designated as ISPS III and NPV.

4. MISLE Reporting

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Prompt MISLE reporting is critical to Coast Guard targeting and informing the chain of command regarding control actions. Field units must open an inspection activity and schedule an inspection immediately after targeting a vessel for examination. To assist other ports in correctly targeting vessels for examination, it is critical that field units quickly and properly document examination and results in MISLE. Within four hours after completing an examination, field units must, at a minimum, document in MISLE outline any detentions and major control actions taken, summarizing deficiencies that led to the control action. In addition, within four hours of completing an examination, field units must document in MISLE all outstanding deficiencies requiring follow-up Coast Guard action. Units may complete full MISLE entries at a later time.

G. NOTICE OF ARRIVAL (NOA) REGULATORY INTERPRETATIONS

1. Definition of “port or place of destination”

- a. Background. The NOA regulations of 33 CFR 160.204 define “port or place of destination” as “any port or place in which a vessel is bound to anchor or moor”. This definition led to varying interpretations of “port or place” within the Coast Guard and maritime industry. This is important because vessels arriving at a port or place when operating solely between ports within a single COTP zone are exempt from submitting an NOA (33 CFR 160.203(b)(2)). However, vessels carrying certain dangerous cargoes (CDCs) are not exempt, and must submit an NOA for any port or place of the United States, including movements within a COTP zone.
- b. Interpretation and guidance. A vessel submitting an NOA when moving within ports or places of a COTP zone (i.e. a vessel carrying CDCs) should only do so if the vessel is actually moving from one port to another port. Moving from one dock to another dock, one berth to another berth, or one anchorage to another anchorage within one port is not considered a transit from a “port or place” to a different “port or place” and therefore, no NOA is required.

The regulation also specifies that a port or place of destination is where a vessel is bound to anchor or moor. COTPs should not apply this definition to a sea buoy or pilot station. Requiring arriving vessels to submit the NOA based on arrival at a sea buoy or pilot station is not consistent with the CFR. All NOAs to U.S. ports or places should address where the vessel is bound to anchor or moor.

- c. Notice of Policy. The Coast Guard’s interpretation of this policy was communicated to the public via a Notice of Policy in the Federal Register (71 FR 62210).

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2. Interpretation of “operating” as it relates to exemptions in 33 CFR 160.203(b)

- a. Background. If not carrying CDCs or controlling another vessel carrying CDCs, vessels operating exclusively within a COTP zone (33 CFR 160.203(b)(2)) and towing vessels and barges operating solely between port or places in the continental United States (33 CFR 160.203(b)(4)) are exempt from the NOA requirements. This exemption raised questions regarding how far in the past that “operating solely” and “operating exclusively” extends. In other words, does the language “operating solely” and “operating exclusively” mean that a vessel can never visit a foreign port or travel outside the COTP zone to be eligible for the exemption?
- b. Interpretation and guidance. When applying applicability and exemptions to specific vessels in determining whether or not an NOA is required, units should consider the exemptions in the context of “operating” on a particular transit from one point of departure to the next point of arrival. “Operating” should be applied to the vessel’s current and particular transit. “Solely” and “Exclusively” should be applied to the vessel’s current particular transit. For instance, if a vessel departs a foreign port, bound for a U.S. port, it is not operating solely within the U.S. and is not eligible for the exemption. If the same vessel then departs a U.S. port, bound for another U.S. port, it is now currently operating solely within the U.S. and may be eligible for the exemption.

SECTION D: PORT STATE CONTROL**CHAPTER 5: PROCEDURES APPLICABLE TO FOREIGN FREIGHT VESSELS****A. GENERAL PROVISIONS**

Each foreign vessel arrival shall be screened for PSC examination in accordance with the targeting procedures outlined in MSM Volume II, Material Inspection, COMDTINST M16000.7 (series), Section D, Chapter 4.

B. COMPLIANCE WITH U.S. REGULATIONS

In addition to U. S. regulations under Title 33 Code of Federal Regulations (CFR), foreign vessels are also subject to the requirements of the Hazardous Materials Transportation Act (HMTA) (49 U.S.C. 1802 et seq.) when in U.S. waters. The applicable regulations are found in 46 CFR Part 150 and 49 CFR Parts 107 and 171-179.

C. FREIGHT VESSEL EXAMINATIONS**1. Scheduling**

Per 33 CFR 160.202, most commercial vessels are required to submit a Notice of Arrival (NOA). Those commercial vessels that are not required to submit a NOA may be discovered in port during harbor patrols or from information provided by Vessel Traffic Services, local pilots, or local agencies such as the Maritime Administration or Port Authority. Using the targeting procedures described in MSM Volume II, Material Inspection, COMDTINST M16000.7, (series), Section D, Chapter 4, Officers in Charge Marine Inspection (OCMIs) or Captains of the Port (COTPs) must identify high priority vessels entering their zones for examination. After identifying those vessels to be examined, an activity must be opened in MISLE with the PSC team members assigned following the team make-up requirements in MSM Volume II, Material Inspection, COMDTINST M16000.7 (series), Section D, Chapter 1.

2. Pre-exam Preparations

Prior to conducting an exam, the PSCO must review the vessel's MISLE data to determine the scope of the examination (including name, flag, call sign, class society, recognized organization, tonnage, date and port of last Coast Guard exam, recent spills, outstanding discrepancies, status of certificates and documents, etc.). A check of the vessel's history in MISLE may indicate that certain information must be confirmed or updated during the exam to keep MISLE records current. MISLE may also indicate that the vessel has outstanding discrepancies that were required to be corrected. Since 49 CFR Parts 107 and 171 do not

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require a carrier's registration to be on board, it will not always be possible to check for that during an exam. However, if registration or lack thereof is verified prior to the exam, appropriate action can be taken at the time of the exam if packaged hazardous material is being carried by the vessel.

3. Coordination with the National Cargo Bureau (NCB)

Determine if the National Cargo Bureau (NCB) intends to board the vessel during the port call. NCB activities are limited to cargo requirements and do not address the non-cargo vessel requirements (i.e., SOLAS, MARPOL, STCW, ILO, navigation safety and pollution prevention). When the NCB is attending the vessel, the PSCO should concentrate on those areas not addressed by the NCB with reliance on the NCB report to ascertain the vessel's compliance with applicable cargo requirements.

4. Approaching the Vessel

When approaching the vessel, the PSCO should look for the following:

- a. Cargo transfer operations.
 - b. Placards and labels attached to cargo being loaded or waiting to be loaded (noting nature of cargo involved).
 - c. Evidence of cargo leaks or pollution dockside, around palletized or containerized cargo, and around the vessel.
 - d. Warning signs and signals.
 - e. General condition of the facility (or other vessel) adjacent to the vessel.
 - f. General condition of the vessel.
 - g. Location of the vessel's load line (note: if both port and starboard load line marks are submerged, the vessel might be overloaded. Carefully record all draft readings and note the time; notify the COTP or OCMI).
 - h. Vessel's draft readings.
 - i. Suitability of the moorings and the gangway.
 - j. General evidence of unsafe practices or conditions.
 - k. Evidence vessel is in compliance with ISPS, such as maintaining a gangway watch.
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SECTION D: PORT STATE CONTROL**CHAPTER 5: PROCEDURES APPLICABLE TO FOREIGN FREIGHT VESSELS****5. Boarding the Vessel**

Upon boarding the vessel, the PSC team must identify themselves as representatives of the U.S. Coast Guard, Sector, Marine Safety Unit, etc., as appropriate, and ask to see the master or chief mate (or the senior deck officer on duty). Team members must introduce themselves and explain the purpose of the visit is to conduct a PSC Examination.

- a. Inform the master that the examination will consist of a document check, a general examination, operational testing of specific equipment (i.e. steering, firemain, and navigation equipment as a minimum) and emergency drills. If applicable, it may also include a follow-up on any outstanding deficiencies. Ask if there is any ongoing work, safety concerns, and/or injured or ill crew onboard.
- b. Ensure that the master understands that the PSC team reserves the right to expand the examination if "clear grounds" are established concerning the validity of the vessel's certificates (see MSM Volume II, Material Inspection, COMDTINST M16000.7A (series), Section D, Chapter 1). The depth and scope of the examination must be determined by the PSC team based on their observations. In some cases, a satisfactory check may be accomplished simply by seeing a piece of equipment, while in others it may be necessary to look, question, or test more closely.

6. Examination of Documents

Review pertinent vessel documents, certificates, and officers' licenses to make sure they are current.

Determine whether the vessel's hull, deck, internal structure, cargo hatches, piping or required equipment has been damaged or undergone repair since the last Coast Guard examination. Also determine whether any outstanding conditions of class exist. Check to see if the vessel is overdue for dry-docking or repair.

If, after boarding the vessel, it is determined from records aboard that the vessel is not due for an exam or that the vessel's exam priority is lower than previously determined, advise the vessel's officer that you will conduct a less extensive exam. At a minimum, the PSCO should complete a cursory document check and a general "walk through" exam to ensure that no obvious deficiencies exist.

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<input type="checkbox"/> Certificate of Registry	<input type="checkbox"/> Oil Transfer Procedures
<input type="checkbox"/> Classification Society Certificate	<input type="checkbox"/> Dangerous Cargo Manifest
<input type="checkbox"/> SOLAS Safety Construction Certificate	<input type="checkbox"/> Stowage Plan
<input type="checkbox"/> SOLAS Safety Equipment Certificate	<input type="checkbox"/> Hazardous Materials Training Records
<input type="checkbox"/> SOLAS Safety Radiotelegraphy Certificate	<input type="checkbox"/> Pollution Prevention Compliance Letter
<input type="checkbox"/> SOLAS Safety Radiotelephone Certificate	<input type="checkbox"/> ISM Certificates
<input type="checkbox"/> Load Line Certificate	<input type="checkbox"/> Shipboard Oil Pollution Emergency Plan
<input type="checkbox"/> Tonnage Certificate	<input type="checkbox"/> Cargo Securing Manual
<input type="checkbox"/> Certificate of Financial Responsibility	<input type="checkbox"/> Garbage Management Plan
<input type="checkbox"/> Safe Manning Document	<input type="checkbox"/> Oil Record Book
<input type="checkbox"/> International Oil Pollution Prevention Certificate or equivalent	

- a. IOPP Certificate. Review the International Oil Pollution Prevention (IOPP) Certificate.

(1) For vessels whose flag State is not signatory to the International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol of 1978 (MARPOL 73/78), ensure equivalent documentation is on board and Coast Guard-acceptable.

(2) Review the Oil Record Book to ensure that it has been maintained properly.

(3) MSM Volume II, Material Inspection, COMDTINST M16000.7 (series), Section E, Chapter 1 provides additional policy regarding MARPOL compliance verifications.

- b. Safe manning document. SOLAS, Chapter V, Regulation 13 requires all ships of 500 GT and more on international voyages to be issued a safe manning document. This document states what the flag State considers to be the minimum complement necessary to ensure the vessel is safely manned. There is no standard format for a safe manning document, though some guidance on the elements to be included in the document can be found in IMO Resolution A.890(21) as amended by A.955(23). There are no specific manning scales that can be considered as an internationally agreed standard for assessing the adequacy of the crew complement on a seagoing ship. The PSCO must use good judgment in questioning a flag State's determination

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of the adequacy of a vessel's manning level.

- (1) Every foreign flag vessel of 500 GT or more visiting a U.S. port should have a safe manning document issued by the vessel's flag State on board. If the document is in a foreign language, an English translation is required to be available. The document should contain the following information:
 - (a) Identification of the ship.
 - (b) A table showing the numbers and grades of personnel required to be carried, together with any special conditions or limitations based on the particulars of the ship or the nature of the service upon which it is engaged.
 - (c) The date of issue and expiration along with a signature for and the seal of the administration.
- (2) If a safe manning document is available, the flag State is a party to SOLAS, the information in the document is complete, and the required crew complement is consistent with normal expectations for a ship of its size and service, no further action is required with respect to the manning document itself. Attention may then be directed to determining that the crew is appropriately certificated under the STCW convention (as discussed below).
- (3) STCW 95/2010. Refer to MSM Volume II, Material Inspection, COMDTINST M16000.7 (series), Section D, Chapter 1, for additional STCW compliance policy.
 - (a) Flag States not party to STCW 78 or 95. Confirm that the flag State is not party to the Convention. If not, follow the guidance in MSM Volume II, Material Inspection, COMDTINST M16000.7 (series), Section D, Chapter 2.
- c. Hazardous material training. 49 CFR 176.13 requires records of the hazardous materials training required by 49 CFR Part 172 to be maintained aboard the vessel. For vessels carrying hazardous materials, PSCOs should verify documentation that personnel have received appropriate training is on board.
- d. Dangerous cargo manifest check. The PSCO should ask if the vessel is (or will be) carrying any packaged hazardous materials. If it is, ask to see the vessel's dangerous cargo manifest (DCM). Check the DCM to ensure completeness. Also note the nature and stowage locations of the various hazardous materials from the DCM and verify a few specific hazardous material shipments are stowed as required. Verify the following items on the DCM:
 - (1) Vessel's name, flag, official number, and/or call sign are listed.

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- (2) General cargo is not listed.
 - (3) Proper shipping names and identification numbers are listed (no improper use of dittos or abbreviations for proper shipping name).
 - (4) Proper hazard classifications are entered without dittos or abbreviations.
 - (5) The number and description of packages and their gross weights are properly entered.
 - (6) Any additional description required by 49 CFR 172.203 (i.e., Limited Quantity, Poison, Reportable Quantity, etc.) is listed.
 - (7) The stowage location for each hazardous cargo is accurately indicated.
 - (8) Emergency response telephone number is listed for each cargo listed.
 - (9) It is signed and dated by the preparer.
 - (10) It is signed by the master or licensed deck officer.
- e. Garbage Management Plan (GMP). These are written procedures for collecting, storing, processing, and disposing of garbage, including the use of equipment on board.
- (1) The GMP should designate the person responsible for carrying out the plan and should be in the working language of the crew.
 - (2) The GMP was made mandatory by an amendment to MARPOL 73/78 that added regulation 9 to Annex V. The GMP requires ship operators to track their garbage and take notice of what happens to it.
 - (3) These plans should be examined during all PSC exams. Missing GMPs are not sufficient grounds, in and of themselves, for a detention.
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Monitors should normally only be conducted with scheduled exams and deficiency follow-ups. Generally, the PSC exam should start with the examination of documents. However, if a cargo transfer is in progress upon arrival, it may be prudent to start the monitor first, particularly if the transfer is near completion.

1. Bunkering operation monitor

If the vessel is engaged in bunkering operations, the PSCO should observe the bunker transfer operation and determine that the Person in Charge (PIC) is designated in writing and the operation is following the vessel's transfer procedures as required by 33 CFR 156.120. (See MSM Volume II, Material Inspection, COMDTINST M16000.7 (series), Section D, Chapter 6 for more information.)

2. Dry Cargo Monitor

Observe the transfer of hazardous materials and walk through the vessel to check for compliance with the packaged or solid bulk hazardous material handling requirements. Spot check the hazardous materials for compliance with the DCM. At a minimum, the following should be examined:

a. On deck.

- (1) Observe the cargo handling equipment and procedures to ensure that cargo is properly secured and is not damaged during transfer.
- (2) Ensure that only acceptable hazardous materials are loaded or carried on board.
- (3) Spot check containers and packaged cargo for proper marking, labeling, and placarding.
- (4) Look for damaged or leaking cargo containers and packages.
- (5) Look for smoking and hot work violations.

b. In holds. If a cargo hold is being worked, do not stop the operation unless you see or have reason to suspect a violation. Do not enter holds that are being worked. PSCOs should only enter holds after reviewing the ship's safety requirements for hold entry and then only when escorted by one of the vessel's mates. When inspecting a hold, look for the following:

- (1) Ensure that the hold is clean and dry.

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- (2) Check bilges for cargo residue.
- (3) Check containers and packaged cargo for proper marking, labeling, and placarding.
- (4) Look for damaged or leaking cargo containers and packages.
- (5) Check for proper stowage and segregation of hazardous materials for compliance with 49 CFR 176.83.
- (6) Note any inoperative or faulty cargo handling equipment.
- (7) Where flammable or combustible liquids are handled, ensure that electrical fixtures are explosion proof and that only approved, power-operated industrial trucks are used.

E. UPON COMPLETION OF THE EXAMINATION

Inform the master of all deficiencies noted, what corrective actions are required, and when those actions must be completed. The decision to impose operational controls should be made by the COTP, except in cases of imminent danger. The PSCO should be prepared to make appropriate recommendations to the COTP regarding the actions to be taken on deficiencies. If the deficiencies make the vessel unsafe to proceed to sea or present an unreasonable risk to the environment, the COTP should detain the vessel under the provisions of the appropriate international convention.

Deficiencies that do not make a vessel unsafe to proceed to sea or present an unreasonable risk to the environment should be handled by requiring corrective measures to be accomplished within a specified time frame or prior to returning to the United States. If time permits, assist in correcting simple problems (such as problems with transfer procedures or maneuvering information) while on scene. Give the master (or mate) sufficient guidance to correct any outstanding problems. Provide the master a written record of the exam that includes a listing of all discrepancies and the corrective actions required.

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When departing the vessel, the PSC team should watch for any signs of pollution around the vessel and the facility (or other vessels) and any other unsafe situations. A brief monitor of the shoreside part of the operation should also be conducted before leaving the area. Complete the required MISLE data entries as outlined in the applicable Mission Management System procedure. For the benefit of other Coast Guard units, enter case information as soon as possible after return to the unit. In all cases, MISLE should be updated within 48 hours of exam completion. If the vessel is detained, follow the procedures in MSM Volume II, Material Inspection, COMDTINST M16000.7 (series), Section D, Chapter 2.

SECTION D: PORT STATE CONTROL**CHAPTER 6: PROCEDURES APPLICABLE TO FOREIGN TANK VESSELS****A. GENERAL PROVISIONS**

As required by 46 U.S.C. 3714, each foreign tank vessel must undergo a compliance verification exam conducted by the Coast Guard at its initial U.S. port of call and at least annually thereafter. The compliance exam is called a Certificate of Compliance (COC) Exam. Per 46 U.S.C 2101 (39), the term tank vessel means a vessel that is constructed or adapted to carry, or that carries, oil or hazardous material in bulk as cargo or cargo residue. Based on this definition, the COC requirement applies to vessels carrying oil and oil products as well as chemical and gas carriers.

Upon completion of the COC exam, the Coast Guard issues a Certificate of Compliance to the vessel. The certificate is valid for 24 months; provided an annual exam is completed within 90 days of the one year anniversary of the COC's issue date (see C.1 below). Per the targeting procedures in MSM Volume II, Material Inspection, COMDTINST M16000.7 (series), Section D, Chapter 4, the COC exam is considered a Port State Control (PSC) exam.

B. COMPLIANCE WITH U.S. REGULATIONS

- a. Foreign tank vessels operating in U.S. waters must comply with--
 - (1) The Pollution Prevention Regulations (33 CFR Parts 151, 155-157, and 159);
 - (2) Notice of Arrival regulations (33 CFR Part 160);
 - (3) The Navigation Safety Regulations (33 CFR Part 164);
 - (4) The Bulk Liquid, Liquefied Gas, or Compressed Gas Hazardous Materials Regulations (46 CFR Parts 153-154);
 - (5) 46 CFR 35.01-1; and
 - (6) The cargo venting and handling system requirements in 46 CFR 35.30 and 35.35.
- b. Title 46 CFR 30.01-5(e)(2) also requires foreign flag tank vessels operating in U.S. waters to comply with 46 CFR 31.10-21a, mid-body gauging; 46 CFR 32.53, Inert Gas Systems (IGS); 46 CFR 34-05-5(a)(2), Foam Systems; and 46 CFR Part 39, Vapor Control Systems.
- c. For guidance on the application of 33 CFR Part 157, refer to Navigation and Vessel Inspection Circular (NVIC) 10-94.

1. Inert Gas Systems (IGS)

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The IGS requirement in 46 CFR 32.53-1 applies to all existing (46 U.S.C. 3701) foreign flag crude oil tankers and new product carriers. Liquefied gas carriers and vessels that carry only grade E cargo at or below a temperature lower than 5 degrees Celsius below its flash point are exempted.

- a. Existing product tankers between 20,000 and 40,000 Deadweight Tons (DWT) are only required to have IGS if tank washing machines with a capacity of more than 60 m³ per hour (high-capacity tank washing machines) are installed. The Form B supplement to the International Oil Pollution Prevention Convention (IOPP) Certificate should be checked to verify that tankers carrying products without IGS are designated as product tankers only.
- b. Both U.S. regulations and international conventions allow exemptions from the IGS requirements for existing crude tankers that are less than 40,000 DWT and not fitted with high-capacity tank washing machines.
 - (1) Exemptions for foreign flag vessels operating in U.S. waters are outlined in 46 CFR 32.53-3.
 - (2) For foreign vessels, flag State exemptions must be submitted with a request for a U.S. exemption to Commandant (CG-ENG).
 - (3) To date, no exemptions have been granted for vessels operating in U.S. waters.
- c. IGS on foreign vessels are usually designed to meet International Convention for the Safety of Life at Sea (SOLAS) Regulation II-2/62 and may not meet every part of 46 CFR 32.53-10 through 32.53-85.
 - (1) IGS that meet SOLAS Regulation II-2/62 should be accepted on foreign tank vessels as equivalent to U.S. regulations.
 - (2) IGS should be inspected to verify compliance with either SOLAS or U.S. regulations as part of the COC exam.

2. Vapor Control Systems (VCS)

To transfer vapors of a flammable or combustible cargo with a waterfront facility regulated under Title 33 CFR Part 154, a vessel's COC must be endorsed by the Coast Guard stating that the VCS is approved by the Marine Safety Center (MSC) or certified by the vessel's classification society under 46 CFR Part 39.10-13(c). Details on obtaining a COC endorsement are in 46 CFR 39.10-13(d). Certification by the vessel's classification society must include the following items:

- a. Vessel identification (name, classification or official number, call sign, flag).

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- b. A statement that the vessel's VCS was reviewed and meets the requirements of 46 CFR Part 39.
- c. A statement that the inert gas manual has been amended in accordance with 46 CFR 32.53-85(b), if applicable.
- d. A statement that the oil transfer procedures have been amended in accordance with 33 CFR 155.750(d).
- e. The cargo tanks to which the certification applies.
- f. The maximum allowable liquid transfer rate (cubic meters per hour).
- g. The maximum allowable vapor density.
- h. A list of cargoes for which the VCS was reviewed.

NOTE: The Coast Guard has not reviewed all the cargoes being shipped in bulk for VCS requirements. The current list of cargoes that have been assigned a VCS category may be obtained by contacting the MSC.

3. Foam Systems

The requirements for foam systems in 46 CFR 34.05-5(a)(2) are applicable to new foreign flag tankers of 20,000 DWT and greater. ("New" is defined in 46 U.S.C. 3701.) No other section of 46 CFR 34.05 specifically applies to foreign vessels.

- a. 46 CFR 30.01-5(e)(2) requires deck foam systems on new foreign tankers in U.S. trade. Such a foam system should meet the requirements of SOLAS, not U.S. regulations.
- b. The foam concentrate used in the vessel's foam system should be suitable for the cargoes carried. Water miscible products, such as many alcohols, ketones, esters, ethers, amines, aldehydes, acids, and anhydrides, tend to destroy regular foam by dissolving the water from the foam blanket. For these products, special "polar solvent" or "alcohol resistant" foams must be used. Manufacturers' literature on the foam concentrate should be requested from the vessel's master if there is any question on compatibility.

4. High-Velocity Pressure/ Vacuum (P/V) Valves

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- a. High-Velocity P/V valves installed aboard foreign tankers may not have flame screens installed on the pressure discharge side. The requirement in 46 CFR 162.017-3(n) to have flame screens fitted on openings to the atmosphere is not necessary on the pressure discharge side of this type valve because:
 - (1) High vapor velocities in the pressure discharge piping preclude the passage of flame, thus making the flame screen unnecessary; and
 - (2) Installation of a flame screen would defeat the purpose of a high velocity P/V valve by retarding the flow of vapor to the atmosphere.
- b. For these type valves, the foreign vessel must have on board evidence of acceptance from its flag administration and its recognized classification society.

NOTE: All other openings to atmosphere on such valves must have flame screens as prescribed in the regulations. There is no relaxation of the flame screen requirement for P/V valves that are not of the high-velocity type.

C. CONDUCTING CERTIFICATE OF COMPLIANCE EXAMS

1. Scheduling

- a. Using the targeting procedures described in MSM Volume II, Material Inspection, COMDTINST M16000.7 (series), Section D, Chapter 4, Officers in Charge Marine Inspection (OCMI) and/or Captains of the Port (COTP) must identify high priority vessels entering their zones for examination.
- b. After identifying those vessels to be examined, an activity must be opened in MISLE with the PSC team members assigned in accordance with the team make-up requirements in MSM Volume II, Material Inspection, COMDTINST M16000.7 (series), Section D, Chapter 1.E.
- c. Vessel owners, operators and agents of foreign chemical tank vessels and foreign gas carriers are required by 46 CFR 153.809(a) and 46 CFR 154.150(b) to provide at least 7 days advanced notice to the OCMI/COTP that the vessel is due for a COC exam.
- d. 46 CFR 2.10 establishes examination fees for all owners or operators of foreign vessels required to have a COC. Prior to conducting any COC exam, a member of the PSC team shall ensure the required vessel inspection fee has been paid. Fees must be paid prior to conducting the exam, no invoice is automatically generated in MISLE.

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- e. Annual exams of COC vessels. (See 46 CFR 2.01-6 for regulatory definitions). 46 U.S.C. 3714 requires tank vessels, as defined in 46 U.S.C. 2101, to undergo annual exams. Under the PSC targeted exam program, tank vessels that are overdue for an annual or renewal COC exam are Priority II examinations.
 - (1) Upon receiving the required notice of arrival from a COC vessel, the OCMI/COTP must review the status of the vessel's documents and exam history to check if the annual exam is due and if so, it should be carried out.
 - (2) To avoid delays to cargo operations, tanker owners often request an examination prior to the expiration date of their COC.
 - (a) In some cases, these requests have been denied due to Coast Guard resource constraints and the tanker's operations were subsequently delayed on the next voyage because the COC was expired.
 - (b) To avoid delays, when requested, OCMI's and COTPs are encouraged to complete COC exams if the COC is within 3 months of expiration.
 - (c) At the discretion of, and with the prior approval from, the local OCMI/COTP, tankers with expired COCs (renewal or annual) that are not more than 3 months past due, and with no indications that the vessel is not in compliance with applicable laws and regulations, should not be restricted from commencing cargo operations prior to an exam. However, the required exam (renewal or annual) must be completed prior to departure.
 - (d) Vessels that are more than 3 months beyond the expiration date of their COC renewal or annual exam must have the required exam conducted prior to commencing cargo operations.
- e. Notice of arrivals (NOA) for COC vessels (33 CFR 160.202). Foreign tank vessels are required to provide a NOA prior to entering each U.S. port. The MISLE data for all COC vessels entering port that are carrying bulk dangerous cargoes should be checked to ascertain the validity of its COC and required International Maritime Organizations (IMO) certificates including the vessel's current IMO Certificate of Fitness (COF) and International Safety Management (ISM) certificates.
- f. Marine chemist certification of confined spaces. During annual exams and biennial COC exams, pump room entry is a normal part of the exam.
 - (1) For vessels carrying Subchapter O or Subchapter D products with an established Threshold Limit Value (TLV), a Marine Chemist Certificate is required prior to

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entering the pump room. Following a marine Chemist's determination that the pump room is "Safe for Workers", Coast guard personnel may enter. The pumps may run at a low speed but Coast Guard personnel should not be in the pump room while the vessel is actively transferring.

- (2) A Marine Chemist Certificate is also required prior to entering a ballast tank.
- (3) To minimize delays and ensure the safety of personnel, the OCMI/COTP should inform the vessel's master, agent, or owner as soon as possible after receiving a NOA that a Marine Chemist Certificate is required prior to entry of Coast Guard personnel into these spaces. Guidance on confined space entry may be found in the MSM Volume I, Administration and Management, COMDTINST M16000.6 (series), Chapter 10.

2. Pre-Examination Preparations

- a. Prior to arrival at the vessel, the PSCO must review the available MISLE data and applicable regulations to determine the scope of the exam.
 - (1) Extract the basic vessel information from the MISLE history for use during the exam (including: name, flag, call sign, tonnage, build date, exam history, recent spills, outstanding discrepancies, status of certificates and documents, etc).
 - (2) MISLE may indicate that certain information must be confirmed or updated during the exam to keep MISLE records current. MISLE may also indicate outstanding deficiencies that should be checked.
- b. All foreign liquefied gas carriers and non-signatory chemical carriers require a Subchapter O Endorsement (SOE).
 - (1) The MSC enters the SOE in MISLE under the vessel's documents. For non-signatory vessels, issue and expiration dates of Certificates and addenda that have been accepted should also be entered. If a SOE does not appear in MISLE, contact the MSC to determine the vessel's status.
 - (2) The OCMI enters the issue and expiration dates on the SOE when it is issued to the vessel. These dates should coincide with the COC dates.
- c. Chemical Tank Vessel Information Sheet (CTVIS). The CTVIS is a document developed by the MSC and is located on the CG Portal. It includes much of the general information and guidance that is included in an SOE and serves as a means for the Coast Guard to communicate with foreign chemical tank vessel owners and

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operators. Although not required, it is highly recommended that this document be kept on board the vessel for reference and informational purposes. A CTVIS should be provided to the master at each exam.

- d. Refer to NVIC 10-94 for guidance on double hull requirements (33 CFR Part 157).

3. Approaching the Vessel

When approaching the vessel, the PSCO should look for the following:

- a. Cargo transfer operations.
- b. The general condition of the facility (or other vessel) adjacent to the vessel being boarded.
- c. Evidence of hot work in the vicinity of the transfer.
- d. A red flag or red light, and warning signs.
- e. The general condition of the vessel.
- f. The location of the vessel's load line (if the vessel is trim and the load line mark is submerged, the OCMI or COTP should be notified).
- g. The vessel's draft readings.
- h. Evidence of cargo leaks or pollution.
- i. Suitability of the moorings and the gangway for the tide, current, and weather conditions expected during the transfer period.
- j. General evidence of unsafe conditions.

4. Boarding the Vessel

Upon boarding the vessel, the PSC team must identify themselves as representatives of the U.S. Coast Guard, Sector, Marine Safety Unit, etc., as appropriate, and ask to see the master or chief mate (or the senior deck officer on duty). Team members must introduce themselves and explain the purpose of the visit is to conduct an annual or biennial COC exam.

- a. Inform the master that the exam will consist of a document check, a general exam,

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- operational testing of specific equipment (i.e. steering, inert gas system, cargo pump emergency shutdowns, firemain, and navigation equipment as a minimum) and emergency drills. If applicable, it will also include a follow-up on any outstanding deficiencies. Ask the master or vessel representative if there is ongoing work/ repairs, if there are any outstanding conditions of class and also if any member of the crew is ill or injured.
- b. Ensure that the master understands that the PSC team reserves the right to expand the examination if "clear grounds" are established concerning the validity of the vessel's certificates (see MSM Volume II, Material Inspection, COMDTINST M16000.7 (series), Section D, Chapter 1). The applicable examination job aids should be followed as a guide during the exam. The depth and scope of the exam must be determined by the PSCO based on their observations. In some cases, a satisfactory check may be accomplished simply by seeing a piece of equipment, while in others it may be necessary to look, question, or witness operational tests. Ensure adequate notes and comments are well documented so that all discrepancies noted are easily understood by reviewing officials, vessel personnel, and the hearing officer (if a violation report is filed).

5. Examination of Documents

Review pertinent vessel documents, certificates, and officers' licenses to make sure they are current. Determine whether the vessel's hull, deck, internal structure, cargo hatches, piping, or required equipment has been damaged or undergone repair since the last Coast Guard examination. Also determine whether any outstanding conditions of class exist. Check to see if the vessel is overdue for dry-docking or repair. If, after boarding the vessel, it is determined from records aboard that the vessel is not due for an exam or that the vessel's exam priority is lower than previously determined, advise the vessel's officer that you will conduct a less extensive exam. At a minimum, the PSCO should complete a cursory document check and a general "walk through" exam to ensure that no obvious deficiencies exist.

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<input type="checkbox"/> Certificate of Registry	<input type="checkbox"/> Log Entries
<input type="checkbox"/> Classification Society Certificate	<input type="checkbox"/> Cargo Information Cards
<input type="checkbox"/> IGS, COW, SBT, CBT Operations Manuals	<input type="checkbox"/> Safety Construction Certificate
<input type="checkbox"/> IGS, COW, SBT, CBT Approval Letters	<input type="checkbox"/> Safety Equipment Certificate
<input type="checkbox"/> IGS Record Book	<input type="checkbox"/> Safety Radiotelegraphy Certificate
<input type="checkbox"/> Oil Record Book	<input type="checkbox"/> Cargo Record Book
<input type="checkbox"/> Safety Radiotelephone Certificate	<input type="checkbox"/> Shipboard Oil Pollution Emergency Plan
<input type="checkbox"/> Load Line Certificate	<input type="checkbox"/> Oil Transfer Procedures
<input type="checkbox"/> International Oil Pollution Prevention Certificate or Equivalent	<input type="checkbox"/> Certificate of Compliance with Sub O Endorsement
<input type="checkbox"/> Records of Hose and Piping Tests	<input type="checkbox"/> Tonnage Certificate
<input type="checkbox"/> Certificate of Financial Responsibility	<input type="checkbox"/> Approved Procedures & Arrangements Manual
<input type="checkbox"/> Safe Manning Document	<input type="checkbox"/> Officers' Licenses
<input type="checkbox"/> Vessel Crew List	<input type="checkbox"/> Cargo Location Plan
<input type="checkbox"/> Cargo Manifest	<input type="checkbox"/> Safety Management Certificate
<input type="checkbox"/> Document of Compliance	<input type="checkbox"/> IMO Certificate of Fitness
<input type="checkbox"/> Garbage Management Plan	<input type="checkbox"/> International NLS Certificate

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- a. IOPP Certificate. Review the International Oil Pollution Prevention (IOPP) Certificate.
 - (1) For vessels whose flag State is not signatory to the International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol of 1978 (MARPOL 73/78), ensure equivalent documentation is on board and Coast Guard-acceptable.
 - (2) Review the Oil Record Book to ensure that it has been maintained properly.
 - (3) MSM Volume II, Material Inspection, COMDTINST M16000.7 (series), Section E, Chapter 1, provides additional policy regarding MARPOL compliance verifications.
- b. Safe manning document. SOLAS, Chapter V, Regulation 13 requires all ships of 500 GT and more on international voyages to be issued a safe manning document. This document indicates what the flag State considers to be the minimum complement necessary to ensure the vessel is safely manned. There is no standard format for a safe manning document, though some guidance on the elements to be included in the document can be found in IMO Resolution A.481(XII), Annex 1, and guidance to be taken into account in determining safe manning can be found in Annex 2 of that IMO resolution. There are no specific manning scales that can be considered as an internationally agreed standard for assessing the adequacy of the crew complement on a seagoing ship. The PSCO must use good judgment in questioning a flag State's determination of the adequacy of a vessel's manning level.
 - (1) Every foreign flag vessel of 500 GT or more visiting a U.S. port should have a safe manning document issued by the vessel's flag State on board. If the document is in a foreign language, an English translation is required to be available. The document should contain the following information:
 - (a) Identification of the ship.
 - (b) A table showing the numbers and grades of personnel required to be carried, together with any special conditions or limitations based on the particulars of the ship or the nature of the service upon which it is engaged.
 - (c) The date of issue and expiration along with a signature for and the seal of the administration.

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- (2) If a safe manning document is available, the flag State is a party to SOLAS, the information in the document is complete, and the required crew complement is consistent with normal expectations for a ship of its size and service, no further action is required with respect to the manning document itself. Attention may then be directed to determining that the crew is appropriately certificated under the STCW convention (as discussed below).
- (3) STCW 95. Refer to MSM Volume II, Material Inspection, COMDTINST M16000.7 (series), Section D, Chapter 1, for additional STCW compliance policy.
 - (a) Flag states not party to STCW 78 or 95. Confirm that the flag State is not party to the Convention. If not, follow the guidance in MSM Volume II, Material Inspection, COMDTINST M16000.7 (series), Section D, Chapter 2.

NOTE: For tankers, the provisions of 33 CFR 164.13 concerning manned engine rooms and two licensed officers on the bridge will be relevant to a determination of whether the vessel is properly manned. Additionally, when promulgated, the regulations implementing the provisions of 46 U.S.C. 9101(a) will also be relevant.

- c. Examine the COC and the SOE (for liquefied gas carriers and non-signatory chemical carriers).
 - (1) Ascertain that any certificates listed in the SOE are on board the vessel and are valid.
 - (2) Check the COC Examination Record for outstanding deficiencies.
 - (3) Check the cargo manifest against the cargoes authorized by the IMO Certificate of Fitness and/or the SOE. The SOE will refer to the list of cargoes contained in the IMO Certificate of Fitness and may restrict carriage of certain listed cargoes.
 - (4) Ensure that any special operating instructions listed in the SOE or the IMO Certificate are being observed.
- d. Check the cargo manifest and tank arrangement (or the cargo location plan, if available) for compatibility of adjacent cargoes or cargoes in tanks joined by common piping or vent headers. Cargoes must be stowed in accordance with 46 CFR Subpart A - Compatibility of Cargoes. If the master claims an authorized exception to the compatibility chart, he or she must produce a copy of the letter or message from the Coast Guard granting the exception as required by 46 CFR 150.160.

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6. General Examination

- a. During annual or biennial COC exams, conduct a general "walk through" exam of the vessel. The general exam should include observation of required equipment on deck, in the engine room, and in after steering. Verify the adequacy, maintenance, and operation of firefighting, pollution prevention, and other equipment required by regulations. Look for obvious safety problems.

NOTE: Energizing navigation equipment during cargo operations could pose a safety hazard.

- b. Structural integrity. During annual and renewal COC exams, look for evidence of long term neglect, wastage, corrosion, cracking, pitting, or casualty damage. The presence on deck of plating, sections of piping, or an excessive number of oxyacetylene tanks may indicate unauthorized repairs or other problems. Look for recent burn marks from welding. Temporary repairs, including cement boxes, epoxy patches, postage stamp inserts, and drill stopped cracks, may indicate problems. Each situation must be evaluated to determine whether the temporary repair is adequate or whether the vessel should be detained until permanent repairs are made.
- c. Oil tankers over 10 years old. The Port and Tanker Safety Act of 1978, 46 U.S.C. 3714 (a)(2), requires the Coast Guard to assess the structural integrity of the hull of all tankers over 10 years of age.
- d. For several years through the 1990s, mid-body ballast tanks were inspected annually by Coast Guard marine inspectors as part of the COC exam. Due to the many regulatory initiatives and industry wide improvements since the 1990's, the need to enter ballast tanks during a PSC exam has diminished.
 - (1) In order to comply with the provisions of 46 U.S.C. 3714(a)(2), every effort must be made to verify the structural integrity of the vessel by external examination and a records review.
 - (a) The external exam must include deck, side shell, external piping, visual checks through tank openings, pump room condition, and the condition of other spaces.
 - (b) The records review must include a review of the most recent copy of the classification society's status report (conditions of class), dry dock survey reports, maintenance records and other class society surveys as appropriate.

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- (c) Should the external exam or records review reveal potential structural problems or concerns, the PSCO should consult with the OCMI and require the ballast tank(s) to be examined.
 - [1] OCMI should arrange for a joint tank entry with the classification society. Proper confined space entry procedures should be followed.
 - [2] PSCOs must comply with MSM Volume I, Administration and Management, COMDTINST M16000.6 (series), Chapter 10, and the Safety and Environmental Health Manual Chapter 6, prior to and during all ballast tank entry examinations
 - [3] The marine chemist testing of the atmosphere and brief visual evaluation does not mitigate the physical hazards of coatings or muck, nor does it remove the biologic growth exposure risk.
 - [4] Shipping agents normally arrange for the attendance of a marine chemist to test and certify the tank as safe for workers prior to the entry of Coast Guard personnel.
 - [5] The PSCO should request the marine chemist to note if testing indicated any presence of hydrocarbon in the tanks tested. This information is valuable because it may indicate if a structural problem exists that has led to leaking from cargo tanks into adjoining ballast tanks.
 - [6] Most marine chemists will require that continuous forced ventilation of fresh air is maintained in the tank from the time of certification until the conclusion of all tank entries. PSCOs should verify that this and any other stipulations on the marine chemist's certificate have been followed prior to their entry into the tank.
 - [7] PSCOs should review the vessel's confined space entry procedures prior to entering a confined space. Depending on the circumstances, PSCOs may require additional measures be provided by the vessel during tank entry, such as having vessel crewmen standing by the tank entrance with a lifeline, rescue harness, and/or self-contained breathing apparatus. In no case should a PSCO enter a ballast tank before a vessel representative enters.
- (2) In all cases when significant structural problems are detected, the vessel's classification society should be notified. In addition, control action may be initiated as discussed in MSM Volume II, Material Inspection, COMDTINST M16000.7 (series), Section D, Chapter 2. The OCMI/COTP should remain

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involved until the problem is resolved. If the vessel is permitted to depart port to make repairs overseas, written confirmation for the repairs from the classification society and/or flag administration will normally be required before the vessel is allowed to return a U.S. port.

- d. Firefighting equipment check. In addition to the firefighting equipment exam outlined in MSM Volume II, Material Inspection, COMDTINST M16000.7 (series), Section D, Chapter 1, at least two foam monitors should be tested (without foam) simultaneously to verify the system's overall integrity, pressure and coverage per SOLAS. Additionally, determine if the foam, dry chemical, or carbon dioxide firefighting systems have been serviced within the last 2 years.
- e. Cargo operations. During annual and renewal COC exams, check the following:
 - (1) On deck. Note the general condition of the cargo piping system and the manifolds, checking for non-permanent repairs and other irregularities.
 - (2) Check the materiel condition of the vent system, cargo handling system, VCS (if installed), and IGS (if required).
 - (3) Look for open cargo hatches, Butterworth plates, ullage openings, and vents, making sure flame screens are installed or the openings are supervised.
 - (4) Examine all closure mechanisms for cargo tank hatches, ullage openings, sounding ports, tank cleaning openings, and any other openings that maintain the seaworthy condition of the vessel.
- f. Pollution prevention equipment check. During annual and renewal COC exams, conduct a thorough check for compliance with the Pollution Prevention Regulations (33 CFR Parts 155, 156, and 159), Tank Vessel Regulations (33 CFR Part 157), and MARPOL Regulations (Annexes I, II, V, and VI). See 33 CFR Part 151 and COMDTINST M16450.30 for further guidance. This should be an in-depth look at the vessel pollution prevention requirements including examination of SBT, CBT, IGS, tank cleaning systems, Crude Oil Washing (COW) system, cargo transfer systems, fuel and lubricating oil systems, waste oil and Noxious Liquid Substances (NLS) handling systems, transfer procedures, garbage handling procedures, declarations of inspection, and marine sanitation devices. The following items should be examined:
 - (1) On deck.
 - (a) Look at the cargo small discharge containment and visually check the capacity. Have the crew demonstrate the mechanical means of closing scuppers and drains in the containment and look for the means of draining or removing discharged product from the containment.

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- (b) Look at the fuel and bulk lubricating oil discharge containment and visually check the capacity (i.e., 1/2 barrel 300-1,600 GT, 1 barrel over 1,600 GT, 5 U.S. gallon portable containers for 100-300 GT and 100 GT or over constructed before July 1974).
- (c) Examine the bilge slops piping outlet (1,600 GT and above, on each side of the weather deck; below 1,600 GT, accessible from the weather deck) and make sure the vessel has a means on the weather deck near the discharge outlet to stop each discharge.
- (d) Verify that the vessel meets requirements for ballast discharge if it ballasts fuel tanks.
- (e) Locate the emergency shutdown system and, if possible, have it activated to ensure proper operation.
- (f) Check the vessel's required transfer communications (continuous two-way voice between PICs of the transfer operation) and ensure that they are intrinsically safe.
- (g) Visually inspect required deck lighting at the transfer point and transfer operation work area.
- (h) Ensure that the maximum and minimum burst pressures for each hose assembly are correct.
 - [1] The minimum design burst pressure for each hose assembly must be at least four times the sum of the pressure of the relief valve setting (or four times the maximum pump pressure when no relief valve is installed) plus the static head pressure of the transfer system, at the point where the hose is installed.
 - [2] The Maximum Allowable Working Pressure (MAWP) for each hose assembly must be more than the sum of the pressure of the relief valve setting (or the maximum pump pressure when no relief valve is installed) plus the static head pressure of the transfer system at the point where the hose is installed.
- (i) Verify that each hose is marked with the required information.
- (j) Note if vessel security is maintained.
- (k) Examine the required "Discharge of Plastic and Garbage Prohibited" placard.

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- (a) Examine the oil-water separator and check the certification label for a Coast Guard approval number or IMO specification label (MARPOL 73/78).
- (b) Check the bilge continuous monitor for an approval number or IMO specification label and examine the recording tape.
- (c) Check and operationally test the discharge alarm system.
- (d) Examine the "Discharge of Oil Prohibited" placard required to be in each machinery space, bilge, and ballast pump control station.
- (e) Verify that the vessel is equipped with an operable U.S. Coast Guard or MARPOL IV certified Marine Sanitation Device (MSD).
- (f) Check the bilges for presence of oil or hazardous material.

(3) Cargo control area.

- (a) Verify that the vessel has a list of designated PICs for each type of transfer operation (fueling and each product).
- (b) Examine the transfer procedures in depth. Ensure that--:
 - [1] They are legibly printed in a language understood by personnel engaged in the transfer operations;
 - [2] They are permanently posted or available where they can be easily seen and used by crewmembers;
 - [3] There is a list of each product transferred (generic name, cargo information, applicability of transfer procedures);
 - [4] There is an accurate description of each transfer system on the vessel (including a line diagram, the location of the shutoff valves, description of and procedures for emptying the discharge containment system);
 - [5] There is an accurate description of each vapor control system installed on the vessel;

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- [6] The number of persons required to be on duty for transfer is indicated with the duties, by title, of each person required for each transfer operation;
 - [7] There are procedures and duty assignments for tending the vessel's moorings during transfer;
 - [8] There are procedures for operating the emergency shutdown and transfer communications, topping off tanks, ensuring that all valves used during the transfer operation are closed on completion of the operation, and reporting fuel or cargo discharges;
 - [9] Any exemptions or alternatives granted are located in the front of the transfer procedures; and
 - [10] Any amendments have been incorporated.
- (c) Confirm that the emergency shutdown is operable from the cargo control area.
- (d) Confirm that the IGS functions properly, if required.
- [1] During all tank vessel exams, PSCOs should confirm cargo tanks are inerted as required for the specific cargo type via any fixed cargo tank oxygen content meters, if available, and verify that the vessel has the required portable detection instrument on board, that it is properly calibrated, and that the crew can properly operate it.
 - [2] PSCOs should also check the oxygen content of the inert gas on the discharge side of the blowers via the required IGS documentation. PSCOs should only witness the random sampling of cargo tanks if there are no installed fixed content meters or there are clear grounds to believe that the cargo tank atmosphere contains more than 8% oxygen (i.e. a tip from the crew, evidence the ship is not using its IGS, or that the IGS is not working properly).
 - [3] Prior to witnessing the use of the portable equipment, PSCOs should be familiar with Section 11.8 of the International Safety Guide for Oil Tankers and Terminals. In these instances, PSCOs should assess risk by reviewing the vessel's procedures for using the portable instrument to test for oxygen content in cargo tanks and confirming that the vessel's crew

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will use those procedures. PSCOs should then witness testing from a safe distance.

(4) General.

- (a) Look for potential spark and ignition sources, particularly from electrical equipment;
- (b) Determine if the vessel has a capacity to retain all oily waste and oily bilge slops generated while operating in U.S. waters; and
- (c) Check to see that no oil or hazardous material is carried in prohibited spaces.

(5) In pumproom.

NOTE: Prior to entry into a pumproom, ensure that the space is certified "Safe for Workers" by a Marine Chemist if the vessel is carrying any Subchapter O products or Subchapter D products that have an established TLV.

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- (a) Ensure that the ventilation system is properly operating (it should operate a minimum of 15 minutes prior to entry).
 - (b) Check for potential sources of ignition and fire hazards in or near the pump room, including oil or hazardous material in bilges, excessive vapors, rags, paint, cleaning solvents, unsealed bulkhead penetrations, or openings, etc.
 - (c) Look for loose wiring and use of drop cords and other electrical sources of ignition (lighting fixtures and electrical appliances should be explosion proof).
 - (d) Check pumps for leaking oil (other than gland lubrication) or hazardous material.
- k. Emergency towing arrangements. SOLAS V/15-1 requires all tankers of 20,000 DWT and above to have an emergency towing arrangement fitted at both ends of the vessel. Verify the design and construction is approved by the flag Administration.

7. Expanded Examination

During annual and renewal COC exams or deficiency follow-up exams, the PSCO should expand the exam of a vessel if there are "clear grounds" that the vessel, its equipment, or its crew, do not correspond substantially with the particulars of its certificates. Expanded exams should focus on those areas where "clear grounds" exist and should not include other areas or systems unless the general impressions or observations of the PSCO support such exam.

D. Monitors**1. Procedures for Conducting a Bulk Liquid Monitor**

If a bulk liquid transfer is in progress, the PSCO should observe the transfer operation and review procedures, personnel training, and other human factors that influence the transfer operation. Verify the Person in Charge (PIC) is designated in writing and the operation is following the vessel's transfer procedures as required by 33 CFR 156.120. (See D.1 of this Chapter.)

PSC teams must be careful to avoid possible acute exposure to vapors during cargo operations, especially around vents and ullage openings. Team members should always have an escape route in mind in case of an emergency. At a minimum, the team must do the following:

SECTION D: PORT STATE CONTROL**CHAPTER 6: PROCEDURES APPLICABLE TO FOREIGN TANK VESSELS**a. Cargo control area.

- (1) Determine the current status of the transfer operation. Ensure that the PIC is at the transfer site or immediately available and has a copy of the vessel's transfer procedures.
- (2) Review the vessel's transfer procedures and spot check to see if they meet the requirements of 33 CFR 155.750. For example, see if the PIC is on the PIC list in the transfer procedures.
- (3) Ensure that the product being transferred is listed in the transfer procedures product list.
- (4) Determine if there is adequate communication between the PICs and others involved with transfer operation and that the means of communications is intrinsically safe.
- (5) Ask to see the Declaration of Inspection for the transfer, note if it is completely filled out and signed by both PICs (vessel and facility or both vessels), and look into any items not properly completed or checked off on the Declaration of Inspection.
- (6) Check to see if the transfer system is properly aligned to allow the flow of product and that unnecessary portions of the system are secured. Ensure that overboard discharge and sea suction valves are secured (except as required for ballast).
- (7) Ensure that transfer limitations within the transfer procedures are not being violated (for example, that if only two tanks are allowed to be loaded at the same time, no more than two tanks are being loaded).
- (8) Check to see that all persons required to be on duty for the transfer are at their required locations, awake, coherent, attentive, not under the influence of alcohol or drugs, and familiar with their duties.

b. On deck.

- (1) Determine if the transfer hose in use is in good condition (no visible kinks, bulges, gouges, cuts, or other defects).
- (2) Verify that a fixed hose connection (bolted, full-threaded, or accepted quick-connect coupling) or automatic back pressure shutoff nozzle is being used.

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- (3) Ensure that hoses and loading arms are long enough for the vessel to move within the limits of its moorings without causing a strain during the transfer.
- (4) Ensure that the required discharge containment is in place. The fixed containment or drip pan should be clean (free of standing water or product) and have a means of draining or removing spilled cargo. It is not necessary to measure the containment unless it is obviously inadequate.
- (5) Verify that containment drains and deck scuppers are plugged.
- (6) Ensure that flame screens in vents and in ullage holes are of the correct mesh and are not torn or blocked.
- (7) Check open cargo hatches and ullage holes for proper supervision.
- (8) Verify there are no open flames, exposed wiring, welding, cutting, or other ignition sources.
- (9) Ensure that the transfer area lighting is adequate (if required).
- (10) Check for availability of protective clothing and respirators when required under 46 CFR Part 153 and 46 CFR Part 154.

E. ADDITIONAL REQUIREMENTS FOR CHEMICAL AND LIQUEFIED GAS TANK VESSELS

Chemical tank vessels are regulated under 46 CFR Part 153 and liquefied gas vessels under 46 CFR Part 154. A foreign chemical or liquefied gas tankship entering U.S. waters must have an IMO Certificate of Fitness (COF) on board. A COF is issued by the vessel's flag administration or a recognized organization on their behalf. The COF attests to the vessel's compliance with the IMO Codes. The COF includes a list of cargoes that the flag administration authorizes the vessel to carry. The COC is endorsed to allow carriage of these cargoes in U.S. waters. For chemical tank vessels with an IMO COF issued by a flag state signatory to MARPOL 73/78, the OCMI's signature on the COC constitutes the cargo endorsement required by 46 U.S.C. 3711. For non-MARPOL signatory chemical vessels and all liquefied gas vessels, the cargo endorsement includes the OCMI's signature on the COC and the SOE. The SOE for these vessels will be loaded into MISLE by the MSC and will be issued to a vessel by the OCMI upon satisfactory completion of the COC exam. Questions, comments, and information concerning the SOE should be directed to the MSC.

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1. Chemical Tank Vessels with Flag State Signatory to MARPOL 73/78

Application for a COC and cargo endorsement under 46 CFR 153.9(a) is made directly to the cognizant OCMI. A review of the IMO COF by the MSC prior to the OCMI's COC examination is not necessary. The COC will be issued for a period of 2 years and will remain valid as long as the vessel has a valid COF. The expiration date will not be affected by changes in the expiration date or reissuance of the IMO COF.

- a. Evidence of compliance. A valid IMO COF issued in accordance with the International Code for the Construction and Equipment of Ships Carrying, Dangerous Chemicals in Bulk (IBC Code) or the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (BCH Code) (IMO Resolution A.212(VII), as amended) is accepted as evidence that the vessel is in compliance with international standards that approximate Coast Guard regulations. The IBC Code applies to chemical vessels constructed on or after 1 July 1986 and the BCH Code applies to vessels constructed before that date. MARPOL 73/78 Annex II, Regulation 11 makes the IBC Code or the BCH Code mandatory for chemical tank vessels. Because the IMO Codes are mandatory, compliance with either the IBC Code or the BCH Code, as applicable, will satisfy the requirements of 46 CFR 153 with the following exceptions:

- (1) 46 CFR 153 Subpart C (Operations) applies to all foreign chemical vessels.
- (2) 46 CFR 153.370, 153.371, and 153.438 apply to a foreign tank vessel transporting a cargo with a vapor pressure that exceeds 100 kPa absolute at 37.8° C (See 153.9(a)(2)).
- (3) 46 CFR 153.530(b), (d), and (p)(1) apply to a foreign tank vessel transporting alkylene oxides (See 153.9(a)(1)).

- b. Cargo endorsement. The signature of the OCMI on the COC is the only endorsement necessary under 46 CFR 153.900 (a)(3). A separate SOE document for MARPOL signatory chemical tank vessels is not required. An IMO COF includes a list of cargoes authorized by the flag State to be carried under the SOLAS Convention. For a chemical cargo to be carried in U.S. waters, cargo carriage must be permitted by U.S. regulations (or tripartite agreement to which the U.S. is a party) and the cargo must be listed on the IMO COF. Separate documentation must be on board a vessel authorizing cargoes being carried under a tripartite agreement.
- c. CTVIS. The MSC maintains a document called the CTVIS, which includes much of the general information and guidance that had been included in the previously required SOE document, and serves as a means for the Coast Guard to communicate with foreign chemical tank vessel owners and operators. Although not required, it is highly recommended this document be kept on board a foreign chemical tank vessel for reference and informational purposes. The CTVIS is available on the CG Portal.

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CHAPTER 6: PROCEDURES APPLICABLE TO FOREIGN TANK VESSELS**2. Liquefied Gas Tank Vessels and Chemical Tank Vessels with Flag States not Signatory to MARPOL 73/78**

- a. The MSC reviews COC endorsement applications for all foreign liquefied gas tank vessels and those chemical tank vessels whose flag state is not signatory to MARPOL 73/78. Applications for a Certificate of Compliance with SOE should be sent to: MSC (MSC-3), 400 7th Street, SW, Washington DC 20590-0001. The following regulations describe the required information in the endorsement application:
 - (1) 46 CFR 153.9 (b) Non-signatory chemical tank vessels (new and existing).
 - (2) 46 CFR 154.22 New liquefied gas tank vessels.
 - (3) 46 CFR 154.12 Existing liquefied gas tank vessels and barges.
- b. Evidence of compliance. As evidence that the vessel is in compliance with international standards approximating Coast Guard regulations, the MSC accepts a valid IMO COF issued in accordance with one of the following:
 - (1) The Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (BCH or IBC) (IMO Resolution A.212(VII), as amended).
 - (2) The Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IMO Resolution A.328(IX), as amended).
 - (3) The Code for Existing Ships Carrying Liquefied Gases in Bulk (IMO Resolution A.329(IX));.
 - (4) The International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IMO Resolution MSC 5(48)).
- c. The MSC performs plan review only on those chemical tank vessels whose flag administrations do not issue IMO COFs, on existing liquefied gas vessels constructed before the applicability criteria of 46 CFR Part 154, and on unmanned foreign barges for which no IMO Code presently exists.
- d. Preparation of SOE. After accepting the COC endorsement application, the MSC prepares an SOE and loads it into MISLE.

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- (1) This endorsement identifies the IMO COF and any addendum accepted by the MSC; describes, by reference, the hazardous cargoes authorized for carriage in U.S. waters; and states any special restrictions imposed.
- (2) The SOE must be signed and dated by an OCMI when it is issued and must be kept aboard the vessel.
- (3) A new SOE is prepared for issuance when the vessel receives a new or amended IMO COF or, in the case of plan review vessels, when the authorized cargo list or special restrictions are changed.
- (4) The SOE is valid only when attached to a valid COC and only when the referenced IMO COF is on board.
- (5) For a plan review vessel, the MSC notifies the owner when plan review is complete and indicates the cargoes and applicable restrictions which will be included in the SOE.

3. Scheduling the Examination for a COC with Cargo Endorsement

After the OCMI (for MARPOL signatory chemical tank vessels) or MSC (all others) accepts a vessel's COC endorsement application, the vessel's owner must request an exam. Procedures differ depending on whether acceptance was based on an IMO COF or plan review.

- a. IMO certificated vessels. An owner of a vessel accepted on the basis of an IMO COF (46 CFR 153.9(a) or 154.22) may request an exam by following the procedures in 46 CFR 153.809 or 154.151.
 - (1) The owner sends notification directly to the OCMI at the vessel's first U.S. port of call at least 7 days prior to the vessel's arrival. This notification should indicate the date of vessel arrival, name of the arrival port or facility, agent's name and telephone number, and the names of any cargoes on board.
 - (2) The owner must ensure that the vessel plans identified in 46 CFR 153.809(b) or 154.151(b)(3) are available on board the vessel at the time of the examination.
 - (3) When an examination request is received directly from an owner, the OCMI should ensure that the vessel's application is based on IMO certification rather than plan review.

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- (4) To ensure that the application is complete and current, the OCMI should review MISLE. The document tab lists the IMO certificates and addenda accepted and the dates of validity, the issue date of the SOE (if one exists) and the issue and expiration dates of the COC, if any.
- (5) For a vessel whose application is either incomplete or not current, or for a vessel for which the MISLE information is unavailable, the OCMI should notify the Marine MSC immediately to determine the proper course of action. If review of MISLE indicates that all aspects of the vessel's endorsement application are in order, a place and time for the COC exam should be arranged.
- b. Plan review vessels. An owner of a vessel accepted on the basis of Coast Guard plan review (i.e. a chemical tank vessel regulated under 46 CFR 153.9(b) or an existing liquefied gas tank vessel regulated under 46 CFR 154.12, must request an exam by notifying the MSC 14 days prior to the vessel's arrival at a U.S. port.
 - (1) The MSC notifies the cognizant OCMI of the exam request and forwards an exam package, consisting of the vessel's plans, correspondence file, and completed SOE. Additional information concerning peculiar vessel characteristics, restrictions, or outstanding deficiencies from previous exams may also be included.
 - (2) The final arrangements for the date and time of the exam are made by the OCMI directly with the vessel's local agent.

4. Exam Procedures Applicable to Chemical Tank Vessels issued a Subchapter O Endorsement.

For chemical carriers with an SOE, exams should include the following:

If the Coast Guard accepted the vessel on the basis of plan review, the PSCO should review the SOE, vessel plans, and other information provided by the MSC, paying particular attention to any irregularities noted during plan review. Any questions should be resolved with the MSC before the exam. Particularly at the initial exam of a plan review vessel, the PSCO should verify that the vessel is constructed and equipped in accordance with the accepted plans and applicable regulations. The PSCO should ensure that the vessel is operated in accordance with any special restrictions contained in the SOE.

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NOTE: Vessels with IMO certificates may differ slightly from those governed by applicable Coast Guard regulations due to minor differences in interpretation of requirements by the flag administrations. Consult Coast Guard regulations implementing the IMO Codes or the MSC if clarification of the intent of a particular IMO requirement is necessary.

5. Exam Procedures Applicable to Liquefied Gas Tank Vessels

During annual and renewal exams of liquefied gas tank vessels, the PSCO should check the following items as applicable:

- a. Operation of gas detection equipment and alarms.
- b. Temperatures, pressures, and concentration of gas or oxygen in interstitial and hold spaces.
- c. Seals and general condition of cargo tank relief valves.
- d. Condition of firefighting equipment and systems.
- e. Operation of quick-closing valves.
- f. Cargo tank high-level alarms.
- g. Records of inert gas consumption on loaded voyages, if applicable.

6. Updating COC Information

For vessels accepted based on plan review, the vessel owner must notify the MSC whenever name, registry, ownership, or operator changes occur. The MSC will coordinate with the cognizant OCMI to determine the proper course of action. For a vessel accepted on the basis of an IMO COF, a change of registry invalidates the IMO certificate and, therefore, the COC and SOE (if applicable) become invalid as well. For vessels with an SOE, the owner is responsible for submitting copies of amended or updated IMO certificates to the MSC. The MSC will contact the OCMI at the vessel's next port of call so that it can be examined and current conditions noted, as necessary. For vessels not required to have an SOE, the owner should provide the updated IMO COF to the cognizant OCMI. At the discretion of the OCMI, a new COC may be issued or "pen and ink" corrections made to the current COC. If a new COC is issued, the expiration date from the previous COC must be used. The PSCO

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must make an entry in the "Remarks" column of the Examination Record to indicate the action taken. If a vessel representative requests an amendment to the content of SOE, the OCMI should contact the MSC.

7. Categories of Bulk Liquid Cargoes

- a. Cargoes that have been evaluated. Title 46 CFR Parts 153 and 154 include lists of those hazardous liquid cargoes considered to involve unusual potential operating risks to life and property. A foreign vessel must have a properly endorsed COC before it may carry these listed cargoes in U.S. ports. After evaluating a cargo for bulk carriage in self-propelled vessels, Commandant (CG-ENG) places it in one of the following lists if bulk carriage will be permitted:
 - (1) 46 CFR 30.25-1: List of Flammable and Combustible Bulk Liquid Cargoes (Subchapter D).
 - (2) 46 CFR 153, Table 1: Bulk Liquid Hazardous Materials (Subchapter O).
 - (3) 46 CFR 154, Table 4: Bulk Liquefied Gases (Subchapter O).
- b. Cargoes that have not been evaluated. In the event that a shipper wishes to transport a cargo not included in one of these lists, Commandant (CG-ENG) must be contacted for authorization (see 46 CFR 153.900(d) and 46 CFR 154.30).
 - (1) Coast Guard personnel finding a foreign vessel loading, discharging, or carrying cargoes that are not listed in or assigned to the lists referenced above should notify the MSC immediately.
 - (2) All inquiries regarding the classification of bulk liquid cargoes should be directed to Commandant (CG- ENG).
- c. Cargoes too hazardous for bulk carriage. Chemical cargoes that have been determined to be too hazardous to be carried in U.S. waters are the following:
 - (1) Acrolein.
 - (2) Chlorine (on self-propelled vessels).
 - (3) Ethylenimine.
 - (4) Hydrofluoric Acid.
 - (5) Hydrogen.

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- (6) Hydrogen Chloride.
- (7) Hydrogen Fluoride.
- (8) Methylcyclopentadienyl Manganese Tricarbonyl.
- (9) Nitric Acid (in concentrations greater than 70 percent).
- (10) Nitrogen Tetroxide.
- (11) Oxygen.
- (12) Phosphorus Trichloride.
- (13) (beta) Propiolactone.

F. UPON COMPLETION OF THE EXAMINATION

Inform the master of all deficiencies noted, what corrective actions are required, and when those actions must be completed. The decision to impose operational controls should be made by the COTP, except in cases of imminent danger. The PSCO should be prepared to make appropriate recommendations to the COTP regarding the actions to be taken on deficiencies. If the deficiencies make the vessel unsafe to proceed to sea or present an unreasonable risk to the environment, the COTP should detain the vessel under the provisions of the appropriate international convention.

Deficiencies that do not make a vessel unsafe to proceed to sea nor present an unreasonable risk to the environment should be handled by requiring corrective measures to be accomplished within a specified time frame or prior to returning to the United States. If time permits, assist in correcting simple problems (such as transfer procedures or maneuvering information) while on scene. Give the master (or mate) sufficient guidance to correct any outstanding problems. Provide the master a written record of the exam that includes a listing of all discrepancies and the corrective actions required.

G. POST-EXAMINATION ACTIONS

When departing the vessel, the PSC team should watch for any signs of pollution around the vessel and the facility (or other vessels) and any other unsafe situations. A brief monitor of the shoreside part of the operation should also be conducted before leaving the area. Complete the

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required MISLE data entries as outlined in the applicable Mission Management System procedure. For the benefit of other Coast Guard units, enter case information as soon as possible after return to the unit. In all cases, MISLE should be updated within 48 hours of exam completion. If the vessel is detained, follow the procedures in MSM Volume II, Material Inspection, COMDTINST M16000.7 (series), Section D, Chapter 2.

1. Issuance of Certificate of Compliance (COC) with Cargo Endorsement

After completing a satisfactory COC exam, the OCMI issues a COC and SOE if (applicable). The SOE must be referenced in the Examination Record on the COC. If only minor deficiencies exist, the COC may be issued and suitable notation of the deficiencies made in the COC's Examination Record at the discretion of the OCMI. When the COC is issued, the following action must be taken:

- a. Enter all data called for on the Certificate of Compliance, Form CG-3585.
- b. Enter the expiration date, which should always be 2 years from the date of the COC exam.

NOTE: The COC expiration date entered is not determined by the IMO Certificate expiration date.

- c. Under "IMO Certificate," enter "None" or "See Subchapter O Endorsement," as appropriate.
- d. Under "Last COC Examination," enter the date and location of the last complete examination. Usually, this will be the same as the date and location of COC issuance.
- e. The face of the COC must be endorsed in the space above the signature block to indicate the grades of flammable or combustible cargo for which the vessel is suitable. The endorsement should read: "This vessel is considered safe for the carriage of grade (enter highest grade) and lower cargoes."
- f. The OCMI must sign and date the COC.
- g. In the "Remarks" section of the COC's Examination Record, enter the results of the examination and, if applicable, refer to the current SOE issued by the MSC, as described in Subparagraph G.8.a(1) below.
- h. The expired COC and a copy of the newly issued COC (including the Examination Record) should be scanned into the MISLE activity.

2. Non-Issuance of COC

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If the examination reveals that a vessel is unqualified for a COC, take the following actions:

- a. Enter all required information on the COC except for issue date, expiration date, and validating signature of the issuing officer.
- c. Enter the results of the examination on the U.S. Port State Control Inspection Form B, CG-5437B.
- d. Instruct the master with to arrange for a reexamination after the deficiencies have been corrected.
- e. If the SOE was issued on the basis of an IMO COF, it must be left on board the vessel. If the SOE was issued on the basis of Coast Guard plan review, promptly return it to the MSC with the exam set of plans, unless the master intends to proceed directly to another U.S. port to have the deficiencies cleared. In the latter case, notify the OCMI at the next port and forward the SOE and exam set directly to that OCMI.
- f. Enter the deficiencies in MISLE.

4. Invalidation of the Subchapter O Endorsement

If a vessel's endorsement for Subchapter O cargo becomes invalid, the vessel is not authorized to carry any of the cargoes listed in 46 CFR 153, Table 1 or 46 CFR 154, Table 4 in U. S. waters. The endorsement may become invalid for any of the following reasons:

- a. Expiration of the IMO COF referenced in the SOE.
 - b. Change of vessel registry.
 - c. Deficiencies in the cargo containment system or related safety systems that, in the opinion of a Coast Guard marine inspector or boarding officer, render the vessel unsuitable to transport Subchapter O cargo.
 - d. Expiration of the COC.
-

SECTION D: PORT STATE CONTROL**CHAPTER 6: PROCEDURES APPLICABLE TO FOREIGN TANK VESSELS****5. Expiration of IMO COF or Change of Vessel Registry**

When a SOE references an IMO COF, the endorsement automatically becomes invalid if the COF expires; if the flag administration revokes, modifies, or reissues the COF; or if the vessel changes registry. Any change or addition to a COF, or issuance of a new COF, must be accepted by the MSC, which will document acceptance by issuing a new or amended SOE. For existing liquefied gas vessels regulated under 46 CFR 154.12 and accepted on the basis of Coast Guard plan review, the MSC may accept a COF for a limited number of cargoes (usually high vapor pressure chemicals, e.g., isoprene, propylene oxide). Therefore, when the COF expires, the SOE becomes invalid for the cargoes accepted based on the COF but remains valid for the cargoes approved during plan review. For example, consider a vessel that the Coast Guard approved for ammonia, propane, and butane during plan review. Later, the vessel receives an Existing Gas Code COF that, in addition to the three liquefied gas cargoes, lists isoprene. Accepting the COF only for isoprene, the MSC places a statement in the SOE: "The vessel's COF is accepted for the carriage of isoprene only." If the COF expires, the vessel's SOE remains valid for ammonia, propane, and butane, but the vessel is not authorized to transport isoprene.

6. Action Required When COF is Invalid

If the COF for a vessel arriving at a U.S. port is found to be invalid, the SOE (but not the COC) must be invalidated by making the following entry in the "Remarks" column of the Examination Record of the COC: "Subchapter O Endorsement INVALIDATED this date." In the case of an existing gas vessel that underwent Coast Guard plan review, do not invalidate the SOE, but make an Examination Record entry prohibiting carriage of only those cargoes which were permitted based on the COF. The OCMI/COTP must then--

- a. Instruct the master that the vessel is no longer authorized to carry some/all Subchapter O cargo in U.S. ports and explain that new certification must be submitted to the MSC in order to have the authorization reinstated;
- b. Notify the MSC and the OCMI/COTP of the next U.S. port of call.
- c. Enter a Special Note in MISLE stating the action taken and citing the reason.

7. Action Required When Serious Deficiencies are Found

If a vessel is found to have serious deficiencies, it may be judged unsuitable for the carriage of Subchapter O or Subchapter D cargoes, or both, in U.S. ports. If both Subchapter O and Subchapter D cargoes are restricted from carriage, the COC should be invalidated by making

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the following entry in the "Remarks" column of the Examination Record: " Letter of Compliance INVALIDATED this date." In other cases, the OCMI may wish to limit only the carriage of Subchapter O cargo by invalidating the SOE or Subchapter D cargo by invalidating the Subchapter D endorsement. In any case, the following actions should be taken:

- a. Enter the requirements for correction of the deficiencies in the "Remarks" column or refer to an attached letter.
- b. Instruct the master that the vessel is no longer authorized to carry some/all cargoes in U.S. ports and that a reexamination must be arranged. The master must also present the invalid COC and attached deficiency letter(s) to Coast Guard examination teams at subsequent U.S. ports of call.
- c. Notify the MSC and the OCMI/COTP of the next port of call..
- d. Enter a Special Note in MISLE stating the action taken and listing deficiencies found.

8. Examination Record Entries

Entries must be made in the "Examination Record" section of the Certificate of Compliance, Form CG-3535, following the initial examination and each subsequent annual examination; biennial examination; reexamination incidental to repairs or alterations; deficiency follow-up exams; or other exams incidental to the amendment, invalidation or revalidation of the COC or SOE.

- a. Nature of entries. Complete the "Type of Examination" block and enter the results of each examination or boarding in the "Remarks" column of the Examination Record.
 - (1) When deficiencies are found, they must be listed along with corrective actions required or accomplished. Any requirements as to the type of repairs and time permitted for completion must be included.
 - (2) For each deficiency that remains uncorrected, the OCMI/COTP must specify a period of time in which the deficiency must be corrected (e.g., at next U.S. port of call, within 90 days, at completion of next drydocking, etc.).
 - (3) If a deficiency list is too extensive to enter on the Examination Record, an entry must be made referring to a separate, attached letter. The master must be instructed to keep the letter available for subsequent Coast Guard exams. If the Examination Record section of the COC is filled, a second copy of the COC must

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be attached to the original COC and its Examination Record section used for subsequent entries.

- b. Sample entries The following are examples of some typical entries made in the "Remarks" section of the Examination Record:
- (1) "Vessel examined for issuance of COC - no deficiencies, COC issued based on Subchapter O Endorsement issued by the Marine Safety Center and dated (enter date of Subchapter O Endorsement)."
 - (2) "Vessel examined for issuance of COC, vessel found unsuitable for carriage of Subchapter O cargo, vessel may carry only Grade D and E combustible cargo until deficiencies in Sector Delaware Bay letter dated 12 November 2011 are corrected."
 - (3) "Certificate of Compliance INVALIDATED due to vessel deficiencies - see Sector Baltimore's letter dated 16 July 2011."
 - (4) "Routine safety exam - incompatible cargoes stowed in adjacent tanks, corrected."
 - (5) "Vessel examined in accordance with 33 CFR 155, 156, and 164; 46 CFR 35; and SOLAS 74 - no deficiencies."
 - (6) "Certificate of Compliance REVALIDATED this date - deficiencies noted in MSU Morgan City's letter of 21 April 2011 satisfactorily corrected."
- c. Content of reports. Reports of examinations resulting in the issue of a COC should include the following:
- (1) Issue and expiration dates of the COC.
 - (2) A photocopy of the newly issued COC including the Examination Record.
 - (3) Deficiencies found (indicate none, or send the list appearing on the Examination Record or a referenced deficiency letter).
 - (4) The expired COC and SOE.
- c. The OCMI should return any examination plan review set provided by the Marine Safety Center.

SECTION D: PORT STATE CONTROL**CHAPTER 6: PROCEDURES APPLICABLE TO FOREIGN TANK VESSELS****H. GUIDANCE ON APPLICATION PROCEDURES AND THE LIMITED AUTHORITY TO CONDUCT OVERSEAS CERTIFICATE OF COMPLIANCE (COC) EXAMINATIONS**

There has been an increase in the number of foreign flag tank vessels lightering cargo inside the U.S. Exclusive Economic Zone (EEZ) without coming close enough to a U.S. port for easy access. Most of this lightering is conducted more than 60 miles from the nearest shore, which requires the Coast Guard team to be flown out by helicopter in order to conduct the Certificate of Compliance (COC) exams. This procedure exposes Coast Guard personnel to substantial risk and forces the vessel owner to pay for expensive helicopter charters.

1. Goal to Minimize Risk to Coast Guard Personnel and Facilitate Commerce

This policy will minimize the risk to Coast Guard personnel while assisting vessel owner/operators by facilitating the required regulatory examinations of vessels identified in this guidance. Foreign flag tank vessel owners/operators whose vessels are engaged in offshore lightering may apply to the cognizant overseas Coast Guard OCMI (e.g., Far East Activities or Activities Europe) to have their COC conducted at an overseas port. The overseas OCMI may either approve or deny the application based on the following:

- a. Completeness of the application;
- b. Whether the applicant satisfied all the requirements for consideration, as set forth in this document;
- c. The applicant remitting the applicable user fees as required by 46 CFR Part 2, and a written agreement from the owner/operator to pay all reimbursable expenses; and
- d. Availability of unit resources.

2. Vessel Eligibility

Vessels eligible for consideration are those--

- a. Vessels whose current COC expires before the initiation of their next cargo transfer in U.S. waters;
- b. Vessels that will be on their first voyage to the United States; or
- c. Vessels that have recently come under either new ownership or re-flagging and need an initial COC; and

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- d. Vessels that are under current charter agreement that specifically indicates that the vessel will conduct lightering operations at a distance offshore that necessitates the use of charters to transport Coast Guard personnel to and from the vessel, or have a record of trading in this pattern.

3. Vessels Must Be Trading to the United States

Foreign vessel exams must not be conducted overseas based on the mere potential that a vessel may trade in the United States at some unspecified time in the future. Such exams must only be conducted for the purpose of issuance of the applicable COC.

4. Manner of Conducting Examinations

Overseas COC exams will be handled in the following manner regarding the Coast Guard PSC Targeting Matrix:

- a. The overseas COC will count towards the PSC Exam Matrix exam frequency history.
- b. Priority I and Priority II vessels may apply for an overseas COC, however, the vessel owner/operator is to be informed that the vessel may also be examined prior to being allowed to conduct cargo operations in the U.S. The overseas OCMI is encouraged to consult with the intended lightering port's OCMI to coordinate the most effective and efficient action to take relative to these vessels.

NOTE: Vessels that are categorized as Priority II vessels solely due to the fact that their COC has expired will, by merit of having received a valid COC from the overseas OCMI, no longer be a Priority II vessel upon arrival in the U.S. EEZ.

- c. Priority III and IV vessel may apply without restriction.

5. Notification of CONUS OCMI of Damages

Nothing in this instruction relieves the vessel of the requirement to notify the cognizant OCMI of any damages/casualties experienced during a voyage to the United States prior to arrival. It also does not preclude the CONUS OCMI's authority and responsibility to board vessels that experience damage between the time the COC is issued and the vessel's U.S. arrival, nor does it prevent the CONUS OCMI from conducting exams outside the scope of this policy.

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Vessel exams for accepted applications will be conducted in accordance with reference (a), the applicable portions of Titles 33 and 46 CFR, controlling international treaties and conventions, and official Coast Guard policy, with the following modifications:

- a. Exceptions. Certain vessel requirements do not apply to vessels during either lightering or discharge-only operations.
 - (1) For those requirements that are not required due to the discharge/lightering-only occupation of these “special case” vessels, an endorsement on the COC document must be made identifying the special restrictions.
 - (2) The conditions of the restriction are to be noted in a special note in MISLE.
 - (3) For example, overfill device requirements are only applicable to vessels loading cargo. Vessels without installed overfill devices will have their COC endorsed with the statement that the vessel is not in compliance with 33 CFR 155.480 and is restricted to only conducting lightering discharge operations while in the U.S. EEZ. Should the vessel enter a U.S. port to load cargo at some future date, the overfill devices must be properly installed and a new COC issued after satisfactory examination by the cognizant OCMI.
- b. Deficiencies. Deficiencies issued during the examination will be in accordance with MSM Volume II, Material Inspections, COMDTINST M16000.7 (series), Section D, Chapter 2.
 - (1) Priority 1 deficiencies would preclude the issuance of a COC.
 - (2) Priority 2 deficiencies would include deficiencies that would have to be cleared before conducting cargo operations or deficiencies that may be cleared by written statement from the vessel master in accordance with OCMI direction.
 - (3) For vessels examined under this policy, it may be in the best interest of all parties— Coast Guard and vessel owner or operator—to clear only Priority II requirements requiring a Coast Guard exam before departing for the United States.
 - (4) Vessels whose deficiencies are categorized as Priority 1 (i.e., preclude transfer in the U.S. EEZ) must clear these deficiencies before a COC will be issued.
 - (5) Vessels whose deficiencies are categorized as Priority 2 may clear these deficiencies through a suitable arrangement specified by the OCMI.

7. MISLE

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MISLE must to be updated upon conclusion of the COC exam, including Inspection Notes and all special restrictions.

8. User's Fees and Reimbursable Expenses

The appropriate fees incurred by this inspection are the following:

- a. 46 CFR 2.10-120; Overseas Inspection Fee.
 - b. 46 CFR 2.10-125; COC Fee.
 - c. Reimbursable travel expenses.
-
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SECTION D: PORT STATE CONTROL**CHAPTER 7: PROCEDURES APPLICABLE TO FOREIGN PASSENGER VESSELS****A. INTRODUCTION**

MSM Volume II, Material Inspection, COMDTINST M16000.7 (series), Chapter D1, contains information on the general aspects of the Coast Guard's Port State Control (PSC) program. Inspection of foreign flag passenger vessels began due to congressional interest in the implementation of the 1966 Fire Safety Amendments to the International Convention for the Safety of Life at Sea (SOLAS 60). On November 2, 1968, Public Law 89-777 (R.S. 4400(c); 46 U.S.C. 362(c)), Fire Safety Standards for Foreign and Domestic Passenger Vessels came into effect and required the U.S. Coast Guard to verify that foreign passenger vessels complied with the 1966 Fire Safety Amendments.

On August 26, 1983, Public Law 98-89 (97 Stat. 520; 46 USC 3505) provided the additional authority for the Coast Guard to verify that foreign flag passenger vessels that embark passengers in U.S. ports comply with SOLAS Convention requirements. Public Law 98-89 (97 Stat. 512; 46 U.S.C. 3303) also provides reciprocity to foreign vessels of countries party to SOLAS.

In August 2004, Congress revised 46 U.S.C. 3505 to extend its applicability to "a foreign vessel carrying a citizen of the United States as a passenger." This law permits the Secretary to prevent a passenger vessel carrying U.S. citizen passengers from departing a U.S. port, even if passengers did not embark the vessel at the port, if the Secretary finds that the vessel does not comply with SOLAS standards.

In 2010, Congress passed the Cruise Vessel Security and Safety Act (CVSSA) aimed at promoting the safety and security of cruise vessel industry passengers and crew on all passenger vessels that are authorized to carry at least 250 passengers; have onboard sleeping facilities for each passenger; are on voyages that embark or disembark passengers in the United States; and are not engaged on a coastwise voyage. It implemented various measures including updates to ship design; providing public access to information regarding crimes aboard cruise ships; improved precautions, response, medical care and support for victims of sexual assault; and preservation of evidence necessary to prosecute criminals. Two new sections to Title 46, U.S.C. Chapter 35 including 3507 and 3508 were added. Title 46 U.S.C. 3507 provided structural, informational, and operational requirements that promoted the security and safety of passengers and crew on cruise vessels. 46 U.S.C 3508 provided training and crew certification requirements related to crime scene preservation training.

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A foreign passenger vessel will fit within one of the three categories described below. The OCMI shall determine the appropriate category when such a vessel makes notification of intent to enter the United States for the first time. The specific category will determine the appropriate OCMI response and dictate the need for plan review and approval, boarding, examination, inspection and/or issuance of appropriate Coast Guard certificates. These guidelines are nearly identical for both passenger vessels (100 GT and over) and small passenger vessels (under 100 GT). The categories are as follows:

- a. Vessels registered with an administration signatory to SOLAS 74/78 and in possession of valid Passenger Ship Safety and Exemption Certificates.
- b. Vessels registered with an administration signatory to SOLAS 74/78, but not holding valid Passenger Ship Safety or Exemption Certificates.
- c. Vessels registered with an administration not signatory to SOLAS 74/78.

1. Passenger Vessels Registered with an Administration Signatory to SOLAS 74/78 and in Possession of valid Passenger Ship Safety and Exemption Certificates

- a. When both the Passenger Ship Safety and Exemption Certificates refer only to SOLAS requirements, an examination must be conducted in sufficient depth and scope to assure that SOLAS 74/78 is being met, keeping in mind the International Maritime Organization's (IMO) Guidelines on Procedures for Port State Control (Resolution A.787(19)). Additional information regarding these exams can be found in C of this Chapter.
- b. Commandant (CG-CVC-2) must be consulted in cases when the OCMI believes that exemptions issued by the flag administration render the vessel unacceptable for service from a U.S. port.
- c. When the Passenger Ship Safety and/or Exemption Certificates claim adherence to U.S. Coast Guard regulations, in whole or in part, a more detailed examination must be conducted to assure compliance with the referenced Coast Guard regulations.
 - (1) Panama has referenced Subchapter T on some of its vessels that were former U.S. flag "T-boats" now operating locally on cruises to nowhere.
 - (2) In general, this exam should proceed on the same scale as if the vessel were U.S. flag, including the specific requirements described above, as they apply to the vessel in question on the specific route or area of operation.
 - (3) A Cargo, Miscellaneous and Passenger Vessel Hull Inspection Book (CG-840A),

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Machinery Inspection Book (CG-840B) or Small Passenger Vessel Inspection Book (CG-840T), as applicable, should be used as a guide for completing this examination.

- d. The United States has filed an equivalency statement with the IMO, applicable to certain U.S. flag small passenger vessels on international voyages, for structural fire protection and lifesaving equipment. It has been reported that some administrations may apply this equivalency to their vessels, whereupon it will be listed on their Exemption Certificates. These arrangements are acceptable, subject to the results of the examination and verification that the vessel in question meets the criteria established in the equivalency statement, which is the following:
 - (1) The vessel must operate not more than 20 miles from land.
 - (2) The vessel must be under 100 GT.
 - (3) The vessel must have overnight accommodations for less than 50 passengers, less than 150 passengers.
 - (4) The vessel must be equipped with inflatable liferafts (or inflatable buoyant apparatus, in warmer waters) for 100 percent of the persons on board.
 - (5) The vessel must be certificated for an ocean route.
 - (6) If the vessel in question does not meet these criteria, it must meet SOLAS 74/78 or the requirements in 46 Code of Federal Regulations (CFR) Subchapter T, just as a U.S. vessel of similar design and service would be required to meet.
 - (7) In applying U.S. regulations, the vessel's date of build is immaterial because the regulations in effect on the date of application will apply.

2. Foreign Passenger Vessels Registered with an Administration Signatory to SOLAS 74/78, but Not Holding Valid Passenger Ship Safety or Exemption Certificates.

- a. If a foreign passenger vessel that is registered with an administration signatory to SOLAS 74/78 enters the United States without valid Passenger Ship Safety or Exemption Certificates, intervention under SOLAS 74/78 Chapter I, Regulation 19, is appropriate.

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- b. Alternatively, compliance with Subchapter H, K or T, as appropriate, including issuance of a Certificate of Inspection in the same manner as for a domestic vessel, would be acceptable. It is at the OCMI's discretion to determine which solution is better. Note that failure to examine the external underwater body of the vessel, as required by SOLAS 74/78, Regulation 7(b)(ii), invalidates SOLAS certificates.

3. Passenger Vessels Registered With an Administration Not Signatory to SOLAS

- a. Passenger vessels of foreign nations not party to SOLAS, or to which the Convention does not apply, that embark passengers from any U.S. port must meet 46 CFR Subchapter C, H, K, or T, as appropriate.
- b. A Certificate of Inspection should be issued if a vessel subject to 46 CFR Subchapter H, K or T meets the requirements. The scope and detail of the inspection must be the same as for a U.S. vessel.

4. Foreign Passenger Vessels Operating on “Cruises to Nowhere”

Foreign passenger vessels operated on a day-service or "cruise to nowhere" basis are not on an international voyage, regardless of tonnage. Therefore, it has been argued that SOLAS 74/78 would not apply. However, due to concern for passenger safety, OCMI's must apply the above categories to determine the appropriate inspection or examination regimen for these vessels.

5. Foreign Passenger Vessels Call at U.S. Ports Which Do Not Embark Passengers and Do Not Carry U.S. Citizens as Passengers.

COTPs/OCMI's shall not require an Initial Certificate of Compliance (COC) Exam or issue a COC for foreign passenger vessels calling at U.S. ports which do not embark passengers and do not carry U.S. citizens as passengers. COTPs/OCMI's should target and examine such vessels following standard Port State Control program guidelines including, as necessary, a security boarding and/or a Maritime Transportation Security Administration/International Ship Port Security Code (MTSA/ISPS) compliance exam to verify compliance with U.S. laws and international treaties in accordance with current policies.

SECTION D: PORT STATE CONTROL**CHAPTER 7: PROCEDURES APPLICABLE TO FOREIGN PASSENGER VESSELS****6. Navigation Safety Equipment Testing**

Many cruise vessels operating from U.S. ports have itineraries that include transit times of 24 hours or less between port calls. The requirements of 33 CFR 164.25 and SOLAS Chapter V/ 26 may result in an excessive testing frequency of emergency equipment on voyages of short duration. This testing may also cause greater harm than any benefits gained. For example, starting the emergency generator and testing storage batteries several times every week may decrease their readiness. Instead, it may work to their detriment, in that the probability of failure in an actual emergency may increase due to repeated stops and starts of the equipment and increased opportunity for human or organizational errors.

In light of this, the Coast Guard considered a national waiver for the testing of emergency equipment as required by 33 CFR 164.25. While it appeared such a waiver would be appropriate, a careful regulatory review determined the authority to allow deviations from these testing procedures rests solely with the Coast Guard Captain of the Port (COTP). Specifically, the COTP may, upon written applications, determine that the deviations does not impair safe navigation under anticipated conditions and routes within the COTP zone and will not result in a violation of the rules for preventing collisions at sea.

- a. To ensure consistent enforcement of this regulation and provide guidance to field personnel and industry alike, the following guidelines are provided to COTPs. Upon receipt of a written application from a vessel owner, each COTP should take the following into account when deciding on a waiver:
 - (1) Does the vessel's itinerary involve multiple port calls?
 - (2) Do the risk factors present in the AOR such as weather, traffic and navigational complexities preclude issuing a waiver?
 - (3) What are the implications of the human element in terms of excessive testing?
 - (4) Is there an increased likelihood of damage to emergency equipment due to repeated starts and stops of operation under low load conditions?
 - (5) Vessel operating history for steering gear, emergency source of power and propulsion systems; is any new or novel technology utilized that has not been in existence long enough to establish a satisfactory performance history.
 - (6) Does the vessel have an existing waiver from their administration relaxing the testing of requirements in SOLAS Chapter V/19.
- b. Nothing in the above guidance should be construed as limiting or usurping the authority of the local COTP. In order to facilitate consistency nationwide, CG-CVC-2 recommends Area and District Commanders support COTPs who consider modifying the testing intervals required in 33 CFR 164.25 in the follow manner:
 - (1) Primary and secondary steering gear tested in accordance with 33 CFR

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164.25(a)(1)(iv) and (vii) prior to departure and in the vicinity of the sea buoy prior to entering port; all other requirements in 33 CFR 164.25(a)(1) completed weekly during the test as outlined in 2-5 of this paragraph.

- (2) Internal vessel control communications and vessel control alarms tested weekly
- (3) Standby or emergency generator auto start feature tested weekly. The vessel must demonstrate that it has procedures in effect for testing the steering gear while using the alternative power supply (i.e. the feeder cable to the steering gear fed by the emergency switchboard). Note: Ships may test the alternative power supply and steering gear while testing the emergency generator under load; however, failure to conduct the test that way is not a deficiency.
- (4) Storage batteries for emergency lighting tested weekly.
- (5) Main propulsion machinery ahead and astern prior to departure and in the vicinity of the sea buoy.

7. Coordination with the Center for Disease Control and Prevention (CDC)

There may be situations that arise where coordination with the CDC is necessary to assist against the introduction, transmission and spread of quarantinable and serious communicable diseases in the United States. In such instances, local COTPs/OCMI's should follow the procedures outlined in the Memorandum of Understanding between the Department of Health and Human Services and the Department of Homeland Security.

C. EXAMINATIONS

There are three different types of foreign passenger vessel examinations: the initial examination, annual examination, and periodic examination. Each foreign passenger vessel embarking passengers from U.S. ports or carrying U.S. citizen passengers between ports must be examined at its first port of call in the United States and at least annually thereafter. In addition to these annual exams, foreign passenger vessels must be reexamined periodically based on compliance history. If a vessel operates on routes to several U.S. ports and under the jurisdiction of more than one OCMI, initial, annual, and periodic exams are not required by each office. Coordination between offices is encouraged. The importance and scope of these examinations are described below, primarily from a fire safety and lifesaving point of view. This is not to downplay the importance of examining the entire vessel for compliance with all SOLAS, statutory, and regulatory requirements, but rather to emphasize the extreme importance of fire safety and lifesaving for passenger vessels.

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CHAPTER 7: PROCEDURES APPLICABLE TO FOREIGN PASSENGER VESSELS**1. Initial Certificate of Compliance (COC) Examination**

Foreign flag passenger vessels arriving in the United States that embark passengers for the first time or make an initial U.S. port call while carrying U.S. citizens as passengers, must participate in the Initial COC Exam process. Vessels that have returned to service after a prolonged absence from the United States must also participate in the Initial COC Exam process.

- a. Applicability. Plan review and inspection during the Initial COC Exam process is required for certain foreign passenger vessels in order to meet the obligations specified in Title 46, U.S.C. Section 3505 and SOLAS, Chapter I, Regulation 19. Initial COC Exam-related plan review and inspection must be performed for the following vessels:
 - (1) New or existing vessels that intend to embark passengers for the first time from a U.S. port.
 - (2) New or existing vessels that intend to carry U.S. citizens as passengers and make port calls at U.S. ports for the first time.
 - (3) Existing vessels that have undergone a modification or alteration of a “major character” as defined by SOLAS 74.
 - (4) Existing vessels that have undergone a modification or alteration, or a change of use or categorization of existing spaces that affects required structural fire protection or means of egress. In such cases, the Coast Guard will limit Initial COC Exam plan review and related examination to the new arrangements and will examine existing arrangements as described in Paragraph 2, Annual Foreign Passenger Vessel Examination.
 - (5) Existing vessels that return to service in the United States more than one year after the annual Certificate of Compliance, Form CG-3585 expired and more than 5 years since the Coast Guard Marine Safety Center (MSC) completed the vessel plan review. The vessel owner or operator of such a vessel must make a complete submission of all modifications or alterations made to the vessel since the initial Coast Guard plan review. The Coast Guard will require Initial COC Exam plan review and inspection for any modification or alteration made to the vessel that materially alters structural fire protection or means of egress and will examine existing arrangements as described in Paragraph 2, Annual Foreign Passenger Vessel Examination.
 - (6) Existing vessels selected by Commandant (CG-CVC).

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- b. Initial COC Exam process steps. The Initial COC Exam process consists of the following steps, listed in the order that they should occur:
- (1) Concept review, when necessary, for vessels in the design phase. Concept review is a required step during the early design phase of a new vessel and is necessary for discussion of interpretative issues, any new design or arrangement not previously seen on any other vessel, or incorporation of alternative design arrangements as allowed by SOLAS Chapter II-2, Regulation 17 (Part F, 2000 Amendments). The MSC performs a concept review for specific arrangements when requested by the submitter or owner.
 - (2) Plan review for flag-approved plans representing the ship as it is to be constructed (for new ships) or the final “as built” condition (for existing ships). The MSC performs all plan review as part of the Initial COC Exam process.
 - (3) Structural Fire Protection (SFP) examination. The SFP examination is an inspection of the structural fire protection arrangements and details for compliance with SOLAS requirements and the vessel’s approved structural fire protection plan. The examination also concentrates on the workmanship of SFP installation.
 - (4) Preparation for the Initial COC Exam.
 - (5) The COC Exam.
- c. Concept Review. The Coast Guard conducts a concept review for novel ship arrangements or unique designs incorporating design features that involve interpretations of SOLAS rendered by the vessel’s classification society or Flag Administration, equivalencies, or exemptions from existing regulations. Unique designs include alternative designs and arrangements addressed by SOLAS Regulation II-2/17. The MSC provides this review to address specific design concepts or ideas that could create delays if discovered later during the normal course of plan review. Concept review does not result in approval of the conceptual drawings, but results in acceptance of specific conceptual details. The submitter may then integrate these conceptual details into final design drawings and submit these as part of the plan review process. The MSC encourages submitters to request concept review as early as possible during the vessel design process. Early review of such conceptual details facilitates follow-on plan review and vessel examination.
- (1) For additional information concerning submittals, correspondence, and meetings, related to concept review, contact the MSC, Attention: Major Vessel Branch Chief.

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- (2) The submitter may request a meeting with MSC to present, clarify, and discuss conceptual details. MSC requires at least a thirty day notice before the proposed meeting date and the request must include an agenda for the meeting. Additionally, the submitter should provide the MSC with arrangement plans and documentation to support the meeting agenda.

*Note: MSC does not perform tabletop plan review or make decisions relating to conceptual issues during concept review meetings. The submitter may prepare meeting minutes and forward a copy of the meeting minutes to the MSC for review. The MSC will review these meeting minutes and provide timely commentary to the submitter, in writing.

- (3) For alternative designs and arrangements addressed by SOLAS Regulation II-2/17, the USCG is an interested party. Because of the increased engineering rigor associated with alternate design and arrangements, the submitter must include the MSC in all communications related to alternate design and arrangements as provided in Section 1.4 of the Annex to the International Maritime Organization (IMO) Maritime Safety Committee Circular 1002.

- d. Plan Review. The submitter should submit at least three sets of final drawings and documentation bearing the approval stamp of the flag Administration or Recognized Organization (RO) to the MSC for review. Submit plans for each vessel in a vessel class. The submitter should make these submissions as early as possible (at least 6 months in advance), to allow MSC to complete plan review before the SFP and Initial Exam. All plans must:

- (1) All plans must:

- (a) Reflect the "as-built" condition of the vessel.
- (b) Clearly indicate areas of the vessel that the submitter modified or altered during design.
- (c) Clearly indicate the SOLAS convention and amendments applicable to each area.
- (d) Be legible, contain a legend or key written in the English language, and contain a scale to allow reviewers to determine dimensions.
- (e) Include supporting information (either on the plan or on separate documentation) for any special considerations approved by the flag Administration such as equivalencies or exemptions.

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(2) The submitter should submit the following information and plans for review by the MSC:

(a) General Information:

- [1] Name of vessel (including former name(s) for existing vessels);
- [2] IMO Number;
- [3] Building contract date, keel laying date, deliver date;
- [4] Country of registry;
- [5] Classification Society;
- [6] Total number of passengers and crew;
- [7] Gross tonnage, length, breadth, depth, and speed;
- [8] First U.S. port where passengers are expected to be embarked and the approximate date;
- [9] SOLAS Convention to which the vessel was built, including amendments; and
- [10] Major modification information to include dates, locations, and SOLAS Convention to which the vessel was modified.

(b) Structural fire protection plans of bulkheads and decks. These include:

- [1] Legend detailing bulkhead and deck construction, including insulation values. Symbols should be distinguishable and in accordance with IMO Resolution A.654(16) for ships constructed before 1 January 2004. For ships constructed on or after 1 January 2004, the symbols should be in accordance with IMO Res. A.952(23) or ISO 17631:2002.
- [2] Identification of each space by name and numerical fire risk category per SOLAS Regulation II-2/26 or II-2/9 (2000 Amendments), as applicable. For spaces having multiple uses and fire risk classifications, or when the fire risk classification for a space is in doubt, the submitter shall provide explanations regarding the use of the space, expected fire load in the space, and whether hazardous materials are stored in the space, to expedite review.

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[3] Location of all main vertical zone boundaries, fire screen doors, and draft stops (the submitter may show this by providing the fire control plan required by SOLAS II-2/15.2.4).

- (c) Fire barrier penetration schedule that details approved methods for penetrating bulkheads and decks with piping, cables, ventilation ducts, etc. Include any Heating, Ventilation, Air Conditioning (HVAC) plans showing fire boundary penetration details and damper details.
- (d) Means of escape diagram should indicate primary and secondary exits from each area, maximum occupancy of public spaces (occupant load), escape routes, and assembly stations. In addition, include means of escape calculations in accordance with Chapter 13 of the International Code for Fire Safety Systems.
- (e) Preliminary stability calculations if requested by MSC. Submit these calculations early in the design stage as this will assist with design planning. MSC will conduct a cursory oversight review of assumptions accepted by the Administration. In particular, MSC will review documentation associated with cross-flooding, down-flooding, and any equalization measures accepted by the Administration.
- (f) In cases where watertight doors are permitted by the Administration to remain open during navigation, the Administration's analysis or report documenting both the need for the watertight door to remain open and impact of the open door on the ship's operations and survivability. SOLAS Regulation II-1/15.9.3 permits "certain watertight doors to remain open during navigation if considered absolutely necessary; that is, being open is essential to the safe and effective operation of the ship's machinery or to permit passengers normally unrestricted access throughout the passenger area." This regulation further states "Such determination shall be made by the Administration only after careful consideration of the impact on ship operations and survivability." If permitted to remain open, watertight doors shall be ready at all times for immediate closure. MSC will conduct a cursory review of any Administration documentation associated with watertight doors that they permit to remain open during navigation.
- (g) MES installation drawings and supporting documentation showing that the MES remains operational in its designed manner under unfavorable conditions of trim and list. Unfavorable conditions of trim and list are a trim of up to 10° and list of up to 20° either way. Alternatively, the submitter may provide documentation demonstrating the MES remains operable in the worst case list and trim conditions, taking into account sinkage.

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- (h) Vessel owners planning to change vessel registry to the US flag should note the level of detail required of the plan review for a U.S. flag vessel is substantially greater than that required for an Initial COC Examination. Owners should refer to current USCG guidance for reflagging vessels, specifically NVIC 10-81.
- (3) After satisfactory review, the MSC stamps and dates acceptable plans as "Reviewed" and provides a plan review letter to the submitter. For additional information on plan submittal, visit the MSC website at <http://homeport.uscg.mil> and select Marine Safety Center from the Featured Homeport Links column.
- e. SFP examination. The SFP examination should normally be conducted during construction or a lay-up period in order to examine structural fire protection not readily accessible on an operating vessel. For vessels under construction or undergoing extensive modifications, the SFP should occur after plan review, but several months before the Initial COC Exam. For vessels already in operation, the SFP examination may be conducted during the Initial COC Exam.
 - (1) The best time to perform the SFP examination is when one-half of a vessel's SFP is complete (and approved by the Administration or Recognized Organization (RO)) with the remaining SFP at an intermediate stage of construction. The MSC can provide a list of recommended inspection points.
 - (2) PSCOs¹ may vary the scope of the SFP examination as necessary to evaluate the yard and RO control procedures in place to ensure that the construction complies with the flag approved plans. In areas where visual inspection is limited (primarily on existing vessels), PSCOs may require removal of certain joiner panels exposing structural fire protection installations for examination. Typically, a SFP examination will take 2 days and involve a team comprised of two PSCOs representing the local OCMI and the MSC. Larger passenger vessels may require additional PSCOs. Representatives from the Administration or RO with structural fire protection expertise should also attend the SFP examination.
 - (3) In general, SFP examinations include the following:
 - (a) Fire insulation. PSCOs should spot check workmanship, thickness, heat bridges, cable, pipe and duct penetrations, windows, and fire doors throughout the vessel. Particular attention should be paid to the following areas:
 - [1] Main vertical zone boundaries.
 - [2] Muster stations and category four escape routes (sprinkler placement for

¹ For the purposes of an SFP and/or Initial COC Examination, PSCOs may include a Foreign Passenger Vessel Examiner, a qualified inspector from an overseas Activity, or an engineer from the Marine Safety Center.

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glass protection).

[3] Escape stairs.

[4] Vessel side-shell adjacent to lifeboat and liferaft deployment routes.

[5] Galleys, laundry, pantries, and control stations.

[6] Lifts and trunks.

[7] Main machinery space and casing.

[8] Corridors in cabin areas/continuous ceilings.

[9] Fire dampers.

- (4) Enclosed escape stairways. The PSCOs should examine the route of escape, structural fire protection installation, and bulkhead penetrations. Examiners should also inspect stairway ventilation per SOLAS II-2/32.5 or II-2/9.7.4 (2000 Amendments) and verify that stairway doors do not open to unauthorized spaces.
- (5) Escape routes. PSCOs should look for the presence of dead-end corridors and verify two means of escape where required. PSCOs should also examine the effectiveness of low-level lighting or photo-luminescent strip indicators provided along escape routes if fitted at the time of SFP examination.
- (6) Fire boundary penetrations. PSCOs should examine main vertical zone and escape stairway penetrations and verify that "A" Class divisions are maintained at penetrations for electrical cables, pipes, trunks, ducts, etc., and that corridor bulkheads extend from deck to deck unless they meet the exemptions stated in SOLAS Regulation II-2/25.2 or II-2/9.2.2.2.2 (2000 Amendments), as applicable. PSCOs should also require removal of overhead and bulkhead panels to spot check division penetrations.
- (7) Fire and smoke damper and ventilation arrangements. PSCOs should examine ventilation system fire and smoke dampers for controls and proper operation. Additionally, they should examine construction of ventilation ducting and bulkhead penetrations and filters, especially in the laundries. PSCOs should direct the removal of overhead panels, especially at main vertical zone bulkhead intersections, to facilitate the examination.

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- (8) Draft stops. PSCOs should examine horizontal and vertical draft stops for workmanship and location (at not more than 14 meter intervals, both longitudinally and athwartships). PSCOs should direct the removal of overhead and bulkhead panels to facilitate the examination. Locations usually examined include stateroom corridors, lounges, and areas in way of the side shell.
- (9) Space categorization. PSCOs should verify space categorization shown on the SFP drawings (for example, whether small lockers located within cabin corridors are appropriately categorized (Category 7 or 13), and are separated via rated boundaries and fitted with detectors and sprinklers; that Category 10 spaces are not fitted with storage/shelving, desks, tables, etc.).
- (10) Smoke detector and sprinkler arrangements. The inspectors should examine smoke detector and sprinkler spacing in accordance with SOLAS Chapter II-2. This examination should include a check of the ship's compliance with SOLAS Regulation II-2/9.4.1.3.3 in way of lifeboat and liferaft deployment routes.
- (11) PSCOs should require the shipyard or owner's representative to provide the following items upon arrival:
 - (a) Approved copies of each of the following plans, for Coast Guard use onboard the vessel (or drawings showing the same details as the drawings submitted for approval):
 - [1] SFP plan.
 - [2] SFP details showing insulation thickness.
 - [3] SFP details for cable, ventilation, and other penetrations.
 - [4] Ventilation plans to verify location/routing of ducting in way of A-class boundaries.
 - (b) Type approval certificates for all the following items:
 - [1] Fire rated doors for each model installed.
 - [2] Fire rated windows for each model installed.
 - [3] Low flame spread, toxicity, and smoke materials installed throughout the vessel.
 - [4] Non-combustible materials, including fire insulation, installed throughout the vessel.

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- (c) Manufacturer's manuals, including details regarding the components and installation procedures for--

- [1] Automatic sprinkler system; and

- [2] Smoke and heat detection system.

- f. Preparing for the Initial COC Exam. An Initial COC Exam should not begin until the Administration (or RO acting on behalf of the Administration) issues the SOLAS Passenger Ship Safety Certificate (PSSC). OCMI's may relax this requirement when the flag Administration expects to issue the PSSC at the end of the examination. The designer or owner's representative should provide original certificates demonstrating compliance with all applicable international treaties for examination by the Coast Guard. Additionally, the Initial COC Exam occurs only after the Coast Guard has completed plan review and the MSC provides appropriate comments and stamped plans to the local OCMI.

- (1) Exam Location. Initial COC Exams are often initiated overseas for both new and existing ships, and are completed upon the ship's arrival into the U.S. However, there are occasions when the entire Initial COC Exam is conducted in the U.S. The scope of the exam is the same in both cases, but the processes and timing are somewhat different.

- (a) Initial COC Exams conducted entirely in the U.S.

- [1] Vessel operators must contact the OCMI of the U.S. port where passengers will be first embarked at least 45 days in advance to schedule the examination.

- [2] Vessel operators should anticipate the Initial COC Exam lasting four to six days depending on the size of the vessel and the complexity of systems on board. The Coast Guard exam team should be made up of four to six PSCOs from the local OCMI, the Cruise Ship National Center of Expertise, and the MSC. The SFP Exam will typically be carried out coincident with the Initial COC Exam, so vessel operators should coordinate the removal of bulkhead or ceiling panels with the Coast Guard exam team.

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(b) Initial COC Exams initiated overseas.

- [1] For Initial Exams of new or existing vessels or examinations of existing vessels subject to major conversion, vessel owners may request an Initial Exam at a foreign port. The Coast Guard encourages this practice particularly in situations where the vessel is out of operation or under construction. In such instances, owners are required to reimburse the Coast Guard for travel and subsistence expenses. Such early examination allows the Coast Guard to identify and resolve problems before the vessel arrives at the first U.S. port.
- [2] It is important to note that overseas examinations are contingent upon the availability of Coast Guard resources. Because of this, close coordination between inspection offices, the Coast Guard MSC, shipyards, vessel owners, and classification societies is encouraged in the strongest terms to ensure efficient use of USCG vessel examination personnel.
- [3] Once the first U. S. embarkation port is determined, the designer or owner's representative should schedule the examination with the appropriate Coast Guard OCMI responsible for overseas inspections at the ship's location at least forty-five days in advance so the Coast Guard may assemble the examination team.
- [4] The following is a list of OCMI's and areas of responsibility for overseas foreign passenger vessel examinations:

Sector Boston - Eastern coast of Canada

Activities Europe - Europe, Africa, and countries bordering the Mediterranean Sea, Red Sea, Persian Gulf, and Arabian Sea

Sector Miami or Sector San Juan – Bahamas and Caribbean (unit that handles the vessel's first U.S. port should take responsibility)

Sector New Orleans - South and Central America, East Coast of Mexico, West Coast of Mexico south of 20-00N latitude

Sector San Diego - West Coast of Mexico north of 20-00 N latitude

Sector Seattle- Western coast of Canada

Far East Activities- Asia (excluding countries bordering the Mediterranean Sea, Red Sea, Persian Gulf, and Arabian Sea), Australia, and Diego Garcia

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Sector Guam- Commonwealth of the Northern Marianas Islands

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- [5] For ships under construction, the SFP Exam will occur prior to and separate from the Initial Exam.
- [6] The OCMI will perform an assessment (a basic walk-through of the ship) approximately one week before the examination to verify the vessel is prepared for the Initial COC Exam. The Coast Guard should only perform this assessment when the vessel is complete and the Administration is prepared to issue a Passenger Ship Safety Certificate (PSSC) at the end of the Initial COC Exam.
- [7] Vessel operators should anticipate three to five days for the Initial COC Exam depending on the size of the vessel and complexity of the systems onboard, and another one to two days for existing ships to accommodate the SFP Exam. The Coast Guard examination team will be made up of four to six PSCOs from the MSC, the Cruise Ship National Center of Expertise, the OCMI responsible for overseas inspections, and the OCMI at the first U.S. port of call.
- [8] An Initial COC Exam initiated overseas is typically completed at the first U.S. port call where passengers will embark. This is to allow the vessel's crew to become proficient with their duties and responsibilities. The OCMI responsible for the overseas portion of the examination shall forward any pertinent material (discrepancy lists, ship plans, etc) to the OCMI responsible for completing the exam. Provided no more than one year has elapsed since an Initial Exam was initiated overseas and the vessel condition does not dictate, the OCMI at the first U.S. embarkation port will not require re-examination of the items inspected and found satisfactory during the overseas part of the exam.
- [9] Vessel operators should anticipate and plan for at least one day in port for the finalization of any Initial COC Exam initiated overseas, depending upon the number of outstanding discrepancies. The examination will cover fire and abandon ship drills; any outstanding discrepancies or items not inspected during the overseas portion of the examination; and any unresolved plan review, overseas inspection, or classification society issues.
- [10] The vessel owner considering an overseas examination should submit a request in writing to the OCMI responsible for inspections at the vessel location. Requests should include the following information: a status of plan review by MSC, including any unresolved plan review comments; Stage of vessel construction and delivery date; suggested location and

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dates for the inspection; company point of contact; and acknowledgment to reimburse the Coast Guard for all expenses incurred.

[11] The Coast Guard permits up to two years between the beginning of the overseas portion of the Initial Exam and the associated Initial Exam conclusion at the vessel's first U.S. embarkation port provided there are no modifications to the vessel's SFP or means of egress in the intervening period. If more than two years have passed since the beginning of the Initial COC Exam, the USCG will complete a new Initial COC Exam at the first U.S. embarkation port.

[12] Upon approval of the request, the OCMI responsible for inspections at the vessel location will assemble an examination team. The team should consist of four to six persons depending on the type of examination and the size of the vessel. Besides the current OCMI, the team should include an inspector from the office responsible for inspections at the vessel's first U.S. embarkation port, a MSC staff engineer, and any other personnel deemed necessary by the OCMI.

- (2) Changes since plan review. The PSCOs should discuss all changes made to the vessel since plan review with the vessel's representative. If the designer made significant changes to the vessel, the PSCOs should require the designer to submit revised plans of the affected areas to the MSC for further plan review.
- (3) Underway examinations. Requests for an underway Initial COC Exam will rarely be approved. OCMI's must direct requests for an underway Initial COC Exam to Commandant (CG-CVC). Before granting an underway inspection request, Commandant (CG-CVC) will consider and evaluate whether:
 - (a) The vessel is newly constructed;
 - (b) A structural fire protection examination has been previously completed (failure to complete the structural fire protection examination will preclude an underway examination);
 - (c) All plan review comments have been resolved (outstanding plan review comments will preclude an underway examination);
 - (d) Passengers will be on board during the examination (generally, passengers on board will preclude an underway examination);
 - (e) Sea trials will be conducted during the examination (generally, sea trials would preclude an underway examination);

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- (f) The underway portion of the exam is between two U.S. ports (generally, an overseas underway examination is not acceptable);
 - (g) Pierside time is allocated to examine items that cannot be accomplished at sea; and,
 - (h) The local OCMI agrees that an underway examination will be advantageous to the Coast Guard.
- (4) Additional plans. PSCOs should require the designer or owner's representative to provide the following additional flag-approved plans (or drawings showing the same details as the drawings submitted for approval) during the IFVPE:
- (a) Fixed fire extinguishing system plans for systems required by SOLAS Chapter II-2.
 - (b) Fixed fire detection and alarm system plans.
 - (c) Ventilation system plans.
 - (d) Lifesaving plan.
 - (e) Fire control plan.
- (5) Examination plan. The lead PSCO and the vessel designer or owner's representative should agree on a written Initial COC Exam plan that provides the sequence of the examination to include the PSCO, flag Administration, classification society, owner's representative, ship's personnel, shipyard representatives, and any other parties critical to the examination. If necessary, the lead PSCO should modify the sequence in consultation with the interested parties.
- g. Initial COC Exam. The purpose of the Initial COC Exam is to verify that the vessel is in substantial compliance with the applicable SOLAS Convention as well as the applicable provisions of the MARPOL 73/78, ILO 147, STCW and Load Line Conventions. The Initial COC Exam should occur during construction or during lay-up so PSCOs can inspect the vessel and test systems not readily examined on an operating vessel.
- (1) Initial COC Exam focus. The examination team should focus on structural fire protection, fire protection systems, means of escape and related signs, lifesaving equipment, engineering systems, emergency fire and boat drills, and the resolution of plan review comments. PSCOs² may vary the scope of the Initial

² For the purposes of an SFP and/or Initial COC examination, PSCOs may include a Foreign Passenger Vessel Examiner, a qualified inspector from an overseas Activity, or an engineer from the Marine Safety Center.

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COC Exam as

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necessary to verify classification society and flag Administration controls on quality of construction and agreement with the reviewed drawings. The Initial COC Exam will include:

- (a) Document check. The examination usually begins with a meeting between the inspection team and the master, at which time the PSCOs should examine the following:

[1] Documents and certificates.

- aa. Certificate of Registry (Photocopy needed for Coast Guard records).
- bb. Classification document.
- cc. Passenger Ship Safety Certificate (Photocopy needed for Coast Guard Records).
- dd. Loadline Certificate.
- ee. IOPP Certificate.
- ff. Tonnage Certificate.
- gg. Certificate of Financial Responsibility.
- hh. Document of Compliance.
- ii. Safe Management Certificate.
- kk. Safe Manning Certificate (Photocopy needed for Coast Guard records).
- ll. Lifeboatmen Certificates.
- mm. Liferaft Servicing Certificates.
- nn. Fire Extinguisher Servicing Certificates.
- oo. SOLAS Training Manual.
- pp. Oil Record Book.
- qq. Garbage Handling Plan and Record Book.
- rr. International Ship Security Certificate.
- ss. Continuous Synopsis Record.

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- tt. Dangerous Cargo Manifest (if vessel is or will be carrying dangerous goods)

[2] Crew documentation.

- aa. Medical certificates for crew members (cannot be more than 2 years old).
- bb. Officers licenses (approved by the flag State).

[3] Logbook entries:

- aa. Departure/ arrival tests of navigation equipment.
- bb. Required stability logging.
- cc. Lifesaving training.
- dd. Weekly/monthly (as appropriate) lifesaving equipment inspections/tests.
- ee. Weekly drills.
- ff. Muster list.
- gg. Oil Record Book.
- hh. Garbage logging in accordance with MARPOL.
- ii. Security training.

- (b) SFP design features. If a SFP examination has not been conducted before the initial examination, the inspectors may examine structural fire protection design features as discussed in Paragraph C.1.d of this Chapter.

- (c) Escape routes. PSCOs should examine doors for signs entitled "EXIT," "EMERGENCY EXIT," or having similar markings. Doors marked on the Means of Escape Diagram as a primary or secondary escape should be free of locking devices at all times. The inspectors may also check escape stairways for the removal of combustibles.

- (d) Automatic sprinkler systems. PSCOs should check these systems at the section valves to verify proper operation of the automatic alarm, fault alarm, and the means to prevent unauthorized operation. They should also verify

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automatic sprinkler system valve arrangements to ensure that the system is properly lined-up to provide water pressure from the pressurized storage tank and that backup water supply pumps are available and functional.

- (e) Fire pumps and hydrants. PSCOs should examine fire main hydrants for coverage and for proper outfitting with hoses, spanner wrenches, and nozzles. PSCOs may witness tests of all fire pumps and emergency fire pumps including automatic controls for proper operation. PSCOs should witness a test of the fire main system at normal working pressure and a test of water flow from at least two remote hydrants.
- (f) Fixed smoke and heat detection systems. PSCOs should examine smoke detectors by random sampling using appropriate testing devices provided by the vessel or owner's representative. PSCOs may examine centralized smoke detection alarm panels during detector tests in each detection zone for proper operation.
- (g) Fire doors and watertight doors. PSCOs should verify the proper and safe operation of fire and watertight doors with regard to opening and closing mechanisms, releasing devices and bridge indicating panels required by the applicable convention. Examiners should verify that fire doors properly self-close and latch when released, especially when the ventilation systems are operating, to ensure there is no effect on fire door closure.
- (h) Engineering systems. PSCOs should observe the operation of machinery such as the emergency generator (under load), steering system, remote fuel oil shut-off valves, oily water separators, fire and bilge pumps, fixed gas fire extinguishing system alarms, etc. Examiners should pay particular attention to the condition of piping, ducting, general condition of the boilers (main or auxiliary), presence of any fuel or oil system leaks, and general maintenance during a walkthrough of the engineering spaces.
- (i) Emergency lighting. PSCOs should observe a test of the emergency lighting to determine proper location and adequacy using both the emergency generator and the transitional source of power (batteries) for 30 minutes under full load.
- (j) Proliferation of combustible construction. Method II construction under SOLAS 29, 48, and 60 Conventions permitted wood and other combustible materials in the construction of interior divisions. PSCOs should discourage the reinstallation of combustible construction materials when making modifications. Examiners should verify original construction in accordance with approved plans, but note that reinstallation of previously-approved

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combustible items is not acceptable. All modifications made after 1 July 1998 must be of noncombustible material, as required in Regulation II-2/41-1.

- (k) Lifesaving systems/launching appliances. Lifesaving systems include lifeboats, davit-launched and float-free liferafts, rescue boats, marine evacuation systems, ring buoys, lifejackets, immersion suits/anti-exposure suits, distress flares, and line-throwing apparatus. PSCOs should do the following:
- [1] Verify that the quantity and type of primary lifesaving equipment is satisfactory based on the number of passengers and crew permitted by the SOLAS certificates and that these are in good condition and properly installed and stowed. Examiners should pay particular attention to the material condition of the lifeboats, lifeboat on-load release mechanisms, falls, and davits. Examiners should also check liferafts for proper stowage.
 - [2] Witness the deployment of a davit-launched liferaft. Examiners should not accept a training raft used for such testing unless it is substantially the same size and type of raft as used for primary lifesaving (e.g. do not accept a 12 person raft test if the vessel uses 35 person rafts). Examiners should witness the crew rigging liferafts for deployment to ensure the davit arrangement and crew competence is suitable to deploy the required amount of primary liferafts during the 30-minute timeframe allowed by SOLAS. Examiners should examine float-free raft installations for proper stowage.
 - [3] Require the vessel to lower to the water, release, operate, and recover all lifeboats on the outboard side of the vessel. Since the initial examination often includes inspections overseas and at a U.S. port, the vessel should make every effort to perform this drill for both sides of the vessel. If this is not possible, PSCOs should issue a requirement to lower, release, operate and recover all lifeboats on the untested side of the vessel at the next U.S. port and should witness the crew start lifeboat engines for lifeboats on the untested side.
 - [4] Witness deployment of at least 50 percent of Marine Evacuation Systems (MES) as specified in Part 2, Section 7 of Resolution MSC.81(70). If the remaining untested MES units differ substantially from the deployed units, the PSCOs should also witness the deployment of these units. In addition, for new installations, the PSCOs should witness a partial evacuation test in accordance with Part 2, Section 7 of Resolution MSC.81(70). (This partial evacuation test is not required for existing vessels with existing MES installations during an Initial COC Exam.) The partial evacuation test does not involve timed evacuation, but involves a check whether the system

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interferes with launching other lifesaving equipment fitted on board and that the system and its liferafts are clear of obstructions such as propellers, and stabilizers.

[5] Require the owner/operator to make MES installations not tested at the initial examination available for deployment testing within 12 months of the Initial COC Exam.

[6] Check personal lifesaving appliances including ring buoys, lifejackets, and immersion suits/anti-exposure suits at random for condition, type, stowage, and quantities.

(l) Passenger launches. If a vessel uses its lifeboats as launches or has separate vessels that will be used as launches while anchored in U.S. ports, the launches are required to have either a PSSC, Lifeboat/Tender Safety Equipment Certificate, or a Coast Guard issued Certificate of Inspection. Where the lifeboats used as launches are listed on the Record of Equipment for the Passenger Ship Safety Certificate, a separate PSSC is not expected and a separate Certificate of Compliance for each such lifeboat is not required.

[1] If the launches possess either of the first two certificates issued by the flag Administration, PSCOs should verify that the launch meets the appropriate requirements. Personnel that operate lifeboats as tenders must hold qualifications equivalent to a licensed operator.

[2] For example, a licensed master or deck officer may serve as a tender operator. A lifeboatman may operate a tender after completing a training course developed by the company that covers competencies in coastal navigation and COLREGs provided the Administration has reviewed and accepted the training course. In the latter case, the ship must maintain records that indicate the lifeboatmen are trained in accordance with the Administration-accepted course.

(m) Counter flooding/cross-flooding systems. PSCOs should examine these systems to ensure that they do not violate the structural fire protection provisions of SOLAS 74. If the system is an active system (valves or other arrangements), the examiner may require a system test to ensure that it is operating properly.

(n) Training and drills. PSCOs must evaluate the proficiency of the crew in carrying out emergency response operations including fire and boat drills during the examination; the provisions of the vessel's training manual and the emergency shipboard organization; the communication skills of crewmembers and the officers' and crews' ability to give and receive orders and to pass

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information and commands during drills; and the procedural effectiveness of the crew in crowd control, crisis management, lifejacket distribution, and passenger accountability. PSCOs shall attend the passenger muster. At the muster, PSCOs shall verify crew competency as evidenced by instructions provided to passengers on the use of life jackets, on actions to take in an emergency situation, and actions taken by corridor and stairway monitors to direct passengers to muster stations. In situations where an exam is scheduled and passengers have not embarked, witnessing a passenger muster is not required.

- (o) Pollution prevention. PSCOs should examine oil pollution prevention equipment and at least one of the five waste streams (oil pollution prevention systems, black water, hazardous waste, non-hazardous waste, or gray water) with a focus on verifying regulatory compliance. Any environmental discrepancies between the vessel's Safety Management System and the actual process being followed should be brought to the attention of the vessel's Master and company representative. If major non-conformities are identified that cause a serious threat to the overall safety of the ship, PSCOs should follow MSM Volume II, Material Inspection, COMDTINST M16000.7 (series), Section D, Chapter 2 in order to determine if an intervention is warranted. Deficiencies or discrepancies regarding the execution of the hazardous waste management program should also immediately be brought to the attention of the applicable Environmental Protection Agency (EPA) office or RCRA program office, as appropriate.
- (p) Navigation safety. PSCOs should examine or test navigation equipment required by 33 CFR 164 and automatic identification systems required by SOLAS Chapter V. This includes witnessing tests of all bridge electronic equipment; verifying that the vessel has the proper updated charts and current publications; and, witnessing tests of the steering gear.
- (q) Housekeeping. Improper storage, opened packing materials, or any other items that may impair the means of egress or contribute to fire load are common operational problems. PSCOs must bring all such hazards noted during the examination to the master's attention for correction.
- (r) Combustible volume calculations. PSCOs should validate combustible volume calculations and supporting documentation.
- (s) Vessel security measures. PSCOs must examine the vessel's security program in accordance with the general requirements of the Maritime Transportation Security Act, SOLAS Chapter XI-2, and the ISPS Code, as applicable for the

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vessel as outlined in MSM Volume II, Material Inspection, COMDTINST M16000.7 (series), Section D, Chapter 1 paying particular attention to--

- [1] Performance of ship security duties;
- [2] Access control to the vessel;
- [3] Control of embarkation of persons and their effects;
- [4] Authorized access to and monitoring of restricted areas;
- [5] Monitoring deck areas and areas adjacent to the ship;
- [6] Supervision of the handling of cargo and ship stores; and,
- [7] Ready availability of security communications.

- (t) Cruise Vessel Security and Safety Act (CVSSA) requirements. The CVSSA applies to all passenger vessels that are authorized to carry at least 250 passengers; have onboard sleeping facilities for each passenger; are on voyages that embark or disembark passengers in the United States; and are not engaged on a coastwise voyage. PSCOs should verify compliance with CVSSA requirements by following the procedures outlined in CG-543 Policy Letter 11-09: CVSSA of 2010 Implementation Procedures and CG-543 Policy Letter 11-10 CVSSA; Implementation of Training Standards and Procedures.
 - (u) Transitional power test. PSCOs should witness a 30-minute test of transitional power.
 - (v) Smoke extraction system. PSCOs should witness a test of the smoke extraction system for vessels with atriums as defined in SOLAS.
- (2) Expanded examination. If during the course of the examination there is reason to believe the vessel's safety equipment, material condition, or crew performance is substandard, the PSCO may expand the examination into those areas of non-compliance.
- (3) Completion of examination. Upon successful completion of the initial examination, with no major deficiencies discovered, PSCOs should issue a Certificate of Compliance, CG-3585 to the vessel. PSCOs should also issue a single Certificate of Compliance covering all lifeboats used as tenders, provided these hold valid PSSC or Lifeboat/Tender Safety Equipment Certificates. The COC is valid for up to one year, provided that the vessel maintains a valid PSSC.

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PSCOs may clear minor deficiencies on the spot or at the vessel's next scheduled inspection as determined by the OCMI.

2. Annual Certificate of Compliance (COC) Examination

- a. Applicability. Foreign passenger vessels that embark passengers at U.S. ports or that visit U.S. ports with U.S. citizens embarked as passengers are required to recertify on an annual basis. Foreign passenger ships are responsible for requesting an annual examination. An annual examination must be completed before the expiration of the vessel's current Certificate of Compliance if the vessel wishes to depart from a U.S. port. The Coast Guard will examine vessels which return to service after the COC has expired but do not meet the application requirements of an Initial COC exam in accordance with the procedures outlined in this section.
- b. Preparing for the Annual COC Exam. OCMI should require the owner or operator to schedule the examination at least 30 days prior to the desired inspection date. The Annual COC Exam should take approximately five to eight hours depending on the vessel size and number of PSCOs available, provided there are no major nonconformities. The Coast Guard examination team should include a minimum of 3 PSCOs and 1 Port State Control Examiner.
 - (1) PSCOs should communicate with the ship to describe the scope of the exam, including the certificates, documents and plans that must be made available, and to request a copy of the PSSC to prepare for the exam.
 - (2) PSCOs should ask the owner if the vessel underwent any changes since the initial plan review. If there are any changes affecting SFP or means of egress, the PSCO should require the owner to submit the changes to the Administration and the MSC for plan review.
 - (3) PSCOs should request a written copy of all outstanding Coast Guard, Administration, RO, or classification society items.
- c. The Annual COC Exam. Annual COC examinations are performed to ensure foreign passenger vessels continue to maintain all the systems previously examined during the Initial COC Exam, in proper operating condition and that the flag Administration and RO, if applicable, have performed annual renewal surveys as required by SOLAS Chapter I, Regulation 7. PSCOs should focus on the vessel's firefighting, lifesaving, and emergency systems and should witness a comprehensive fire and boat drill. In addition, PSCOs should examine the vessel for modifications that would affect the vessel's structural fire protection and means of escape that were completed without approval from the vessel's flag Administration or review by the MSC. PSCOs should complete the following during the Annual COC Exam:

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- (1) Document check. PSCOs should examine the documents and certificates outlined in Paragraph C.1.g of this Chapter.
- (2) General structural fire protection. PSCOs must perform a walk-through examination of the vessel to verify that no modifications affecting structural fire protection or means of egress have been made without approved plans. Examiners should not require removal of overhead or bulkhead panels if the vessel remains unmodified from the configuration reviewed during MSC plan review. If modifications have occurred since MSC plan review, PSCOs should require the vessel to remove randomly selected overhead and bulkhead panels in way of modified vertical zone bulkhead penetrations and draft stop locations. Examiners should check whether enclosed stairways and escape routes are properly marked and free of stored combustible material.
- (3) Automatic sprinkler systems. PSCOs should spot check these systems at randomly selected zone valves or zone test valves for water flow and alarms at the control panel due to the drop in water pressure or flow switch. PSCOs should verify automatic sprinkler system valve arrangements to ensure that the system is properly lined-up to provide water pressure from the pressurized storage tank and that backup water supply pumps are available and functional.
- (4) Fire pumps and hydrants. PSCOs should spot check fire main hydrants for coverage and for proper outfitting with hoses, spanner wrenches, and nozzles. PSCOs should witness tests of all fire pumps and emergency fire pumps, including automatic controls for proper operation. PSCOs should also witness a test of the fire main system at normal working pressure and a test of water flow from at least two remote hydrants.
- (5) Fixed smoke and heat detection systems. PSCOs should spot check smoke detectors by random sampling, using appropriate testing devices provided by the vessel or owner's representative. PSCOs should examine bridge smoke detection alarm panels during detector tests in each detection zone for proper operation.
- (6) Fire doors and watertight doors. PSCOs should randomly examine fire and watertight doors for proper release, closure, and opening.
- (7) Engineering systems. PSCOs should observe the operation of machinery such as the emergency generator (under load) and the steering system. Examiners should spot check remote fuel oil shut-off valves, oily water separators, fire and bilge pumps, fixed gas fire extinguishing system alarms, etc. Inspectors may spot check the condition of piping, ducting, general condition of the boilers (main or auxiliary), presence of any fuel or oil system leaks, and general maintenance during a walkthrough of the engineering spaces.

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- (8) Lifesaving systems. PSCOs should examine the quantity and type of all primary lifesaving equipment and randomly examine all secondary lifesaving equipment.
- (a) Examiners should pay particular attention to the material condition of the lifeboats, lifeboat on-load release mechanisms, falls, and davits. During the boat drill, the vessel should lower to the water, release, motor, and recover all lifeboats on the outboard side of the vessel. Inspectors must witness this drill and also witness the crew start lifeboat engines for lifeboats on the inboard side, which cannot be lowered to the water. Examiners should pay special attention to any additional equipment that has been added after an increase in the vessel's capacity.
 - (b) Examiners should witness the deployment of a davit-launched liferaft. Examiners should not accept a training raft used for such testing unless it is substantially the same size and type of raft as used for primary lifesaving (e.g. do not accept a 12 person raft test if the vessel uses 35 person rafts).
 - (c) Examiners should witness the crew rigging liferafts for deployment to ensure the davit arrangement and crew competence is suitable to deploy the required amount of primary liferafts during the 30-minute timeframe allowed by SOLAS. Examiners should examine float-free raft installations for proper stowage.
- (9) Passenger launches. If a vessel uses its lifeboats as launches or has separate vessels that will be used as launches while anchored in U.S. ports, the launches are required to have either a PSSC, Lifeboat/Tender Safety Equipment Certificate, or a Coast Guard issued Certificate of Inspection.
- (a) If the launches possess either of the first two certificates issued by the flag Administration, PSCOs should verify that the launch meets the appropriate requirements. Personnel that operate lifeboats as tenders must hold qualifications equivalent to a licensed operator. For example, a licensed master or deck officer may serve as a tender operator.
 - (b) A lifeboatman may operate a tender after completing a training course developed by the company that covers competencies in coastal navigation and COLREGs provided the Administration has reviewed and accepted the training course. In the latter case, the ship must maintain records that indicate the lifeboatmen are trained in accordance with the Administration-accepted course.
- (10) Crew training and drills. PSCOs must evaluate the proficiency of the crew in carrying out emergency response operations including fire and boat drills during

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the examination; the provisions of the vessel's training manual and the emergency shipboard organization; the communication skills of crewmembers and the officers' and crews' ability to give and receive orders and to pass information and commands during drills; and the procedural effectiveness of the crew in crowd control, crisis management, lifejacket distribution, and passenger accountability. PSCOs shall attend the passenger muster. At the muster, PSCOs shall verify crew competency as evidenced by instructions provided to passengers on the use of life jackets, on actions to take in an emergency situation, and actions taken by corridor and stairway monitors to direct passengers to muster stations. In situations where an exam is scheduled and passengers have not embarked, witnessing a passenger muster is not required.

- (11) Pollution prevention. PSCOs should examine oil pollution prevention equipment and at least one of the five waste streams (oil pollution prevention systems, black water, hazardous waste, non-hazardous waste, or gray water) with a focus on verifying regulatory compliance. Any environmental discrepancies between the vessel's Safety Management System and the actual process being followed should be brought to the attention of the vessel's Master and company representative. If major non-conformities are identified that cause a serious threat to the overall safety of the ship, PSCOs should follow MSM Volume II, Material Inspection, COMDTINST M16000.7 (series), Section D, Chapter 2 in order to determine if an intervention is warranted. Deficiencies or discrepancies regarding the execution of the hazardous waste management program should also immediately be brought to the attention of the applicable Environmental Protection Agency (EPA) office or RCRA program office, as appropriate.
- (12) Navigation safety. PSCOs should examine or test navigation equipment required by 33 CFR 164 and automatic identification systems required by SOLAS Chapter V. This includes witnessing tests of all bridge electronic equipment; verifying that the vessel has the proper updated charts and current publications; and, witnessing tests of the steering gear.
- (13) Housekeeping. Improper storage, opened packing materials, or any other items that may impair the means of egress or contribute to fire load are common operational problems. PSCOs must bring all such hazards noted during the examination to the master's attention for correction.
- (14) Vessel security measures. PSCOs must examine the vessel's security program in accordance with the general requirements of the Maritime Transportation Security Act, SOLAS Chapter XI-2, and the ISPS Code, as applicable for the vessel as outlined in MSM Volume II, Material Inspection, COMDTINST M16000.7 (series), Section D, Chapter 1 paying particular attention to:

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- (a) Performance of ship security duties;
 - (b) Access control to the vessel;
 - (c) Control of embarkation of persons and their effects;
 - (d) Authorized access to and monitoring of restricted areas;
 - (e) Monitoring deck areas and areas adjacent to the ship;
 - (f) Supervision of the handling of cargo and ship stores; and,
 - (g) Ready availability of security communications.
- (15) Cruise Vessel Security and Safety Act (CVSSA). The CVSSA applies to all passenger vessels that are authorized to carry at least 250 passengers; have onboard sleeping facilities for each passenger; are on voyages that embark or disembark passengers in the United States; and are not engaged on a coastwise voyage. PSCOs should verify compliance with CVSSA requirements by following the procedures outlined in Commandant (CG-CVC) Policy Letter 11-09: CVSSA of 2010 Implementation Procedures and Commandant (CG-CVC) Policy Letter 11-10 CVSSA; Implementation of Training Standards and Procedures.
- (16) General Walkthrough. PSCOs should conduct a walkthrough of all machinery, service and public spaces, as well as a random sample of accommodation spaces, to check for safety hazards and to ensure no modifications have taken place.
- (17) Expanded examination. If during the course of the examination there is reason to believe the vessel's safety equipment, material condition, or crew performance is substandard, the PSCO may expand the examination into those areas of non-compliance.
- d. Completion of examination. Upon successful completion of the initial examination, with no major deficiencies discovered, the PSCOs should issue a Certificate of Compliance, CG-3585 to the vessel. This certificate is valid for up to one year, provided that the vessel holds a valid PSSC. Also issue a single COC covering all lifeboats used as tenders provided these hold valid PSSCs or Lifeboat/Tender Safety Equipment Certificates. PSCOs may clear minor deficiencies on the spot or at the vessel's next scheduled inspection, as determined by the OCMI.

3. Periodic Foreign Passenger Vessel Examinations

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- a. Applicability. In order for a foreign passenger vessel's COC to remain valid, the Coast Guard must perform examinations of reduced scope at periodic intervals until the certificate is due for its annual renewal. The frequency of periodic exams is determined by compliance history. Generally, periodic COC exams should be conducted on a semi-annual basis for vessels having no Coast Guard-issued safety or environmental detention under the provisions of SOLAS, International Load Line, and MARPOL Conventions. For a vessel which is detained by the Coast Guard under these provisions, Commandant (CG-CVC-2) will determine during the IMO Review and Detention Reporting (MPS-WI-CVC2-02) process any additional Coast Guard oversight or increase in exam intervals, which may include quarterly exams. CG-CVC-2 will enter any increased oversight requirements or exam intervals as a Special Note in MISLE.
- b. Missed examinations. If a vessel misses a required periodic examination due to deployment outside of U.S. waters, the Coast Guard will perform a periodic examination upon the vessel's return as follows:
 - (1) For vessels that are only making port calls or only disembarking passengers at U.S. ports during this return voyage, the Coast Guard will perform the required periodic examination when overdue at the first U.S. port of call.
 - (2) For vessels that will embark passengers at one or more U.S. ports during this return voyage, the Coast Guard will perform the required periodic examination when overdue at the first U.S. embarkation port.
 - (3) A semi-annual examination is overdue when more than 7 months have passed since the annual COC examination.
 - (4) A quarterly examination (as applicable) is overdue when more than 1 month has passed since the nominal quarterly control verification examination date (i.e. 3, 6, and 9 months following the last annual COC examination).
- c. Preparing for the Periodic COC Exam. OCMIs should require the owner or operator to schedule the examination at least 14 days prior to the desired inspection date. The Periodic COC Exam should take approximately five to eight hours depending on the vessel size and number of PSCOs available, provided there are no major nonconformities. The Coast Guard examination team should include 3 PSCOs and 3 Port State Control Examiners.
 - (1) PSCOs should communicate with the ship to describe the scope of the exam, including the certificates, documents and plans that must be made available, and to request a copy of the PSSC to prepare for the exam.

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- (2) PSCOs should ask the owner if the vessel underwent any changes since the initial plan review. If there are any changes affecting SFP or means of egress, the PSCO should require the owner to submit the changes to the Administration and the MSC for plan review.
 - (3) PSCOs should request a written copy of all outstanding Coast Guard, Administration, RO, or classification society items.
- d. The Periodic COC Examination. Periodic examinations are conducted to ensure that vessels are being operated in a safe manner and should focus on the performance of officers and crew, with specific attention paid to their training and knowledge of the ship's emergency procedures, firefighting, lifesaving systems, and performance during the drills. The overall material condition of the ship should not have appreciably changed since the annual COC examination. However, during the general walkthrough PSCOs may vary the scope of the examination to test systems or components if an observed non-compliant condition exists, or if the general condition of the vessel or training of the crew is of concern. At a minimum, PSCOs should examine the following:
- (1) Crew training and drills. PSCOs must evaluate the proficiency of the crew in carrying out emergency response operations including fire and boat drills during the examination; the provisions of the vessel's training manual and the emergency shipboard organization; the communication skills of crewmembers and the officers' and crews' ability to give and receive orders and to pass information and commands during drills; and the procedural effectiveness of the crew in crowd control, crisis management, lifejacket distribution, and passenger accountability. PSCOs shall attend the passenger muster. At the muster, PSCOs shall verify crew competency as evidenced by instructions provided to passengers on the use of life jackets, on actions to take in an emergency situation, and actions taken by corridor and stairway monitors to direct passengers to muster stations. In situations where an exam is scheduled and passengers have not embarked, witnessing a passenger muster is not required.
 - (2) Muster list and emergency instructions. PSCOs should examine the muster list and emergency instructions for correctness and completeness. These should address all elements listed in Regulation III/37 of SOLAS 74, as amended (Regulation III/53 prior to 1998 amendments). PSCOs should question crewmembers at random to ensure that they know their responsibilities and muster stations during the various ship emergency evolutions.
 - (3) SOLAS training manual. PSCOs should examine the muster list and emergency instructions for correctness and completeness. These should address all elements

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listed in Regulation III/37 of SOLAS 74, as amended (Regulation III/53 prior to 1998 amendments). The inspectors should question crewmembers at random to ensure they know their responsibilities and muster stations during the various ship emergency evolutions.

(4) Log book entries. PSCOs should review the vessel's logbook for the following:

- (a) The vessel has conducted required drills.
- (b) The vessel has conducted crew training.
- (c) The vessel has conducted all tests required by 33 CFR 164.25.

(5) Vessel security measures. PSCOs must examine the vessel's security program in accordance with the general requirements of the Maritime Transportation Security Act, SOLAS Chapter XI-2, and the ISPS Code, as applicable for the vessel as outlined in MSM Volume II, Material Inspection, COMDTINST M16000.7 (series), Section D, Chapter 1 paying particular attention to:

- (a) Performance of ship security duties;
- (b) Access control to the vessel;
- (c) Control of Embarkation of persons and their effects;
- (d) Authorized access to and monitoring of restricted areas;
- (e) Monitoring deck areas and areas adjacent to the ship;
- (f) Supervision of the handling of cargo and ship stores; and,
- (g) Ready availability of security communications.

(6) Pollution prevention. PSCOs should examine oil pollution prevention equipment and at least one of the five waste streams (oil pollution prevention systems, black water, hazardous waste, non-hazardous waste, or gray water) with a focus on verifying regulatory compliance. Any environmental discrepancies between the vessel's Safety Management System and the actual process being followed should be brought to the attention of the vessel's Master and company representative. If major non-conformities are identified that cause a serious threat to the overall safety of the ship, PSCOs should follow MSM Volume II, Material Inspection, COMDTINST M16000.7 (series), Section D, Chapter 2 in order to determine if an intervention is warranted. Deficiencies or discrepancies regarding the

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execution of the hazardous waste management program should also immediately be brought to the attention of the applicable Environmental Protection Agency (EPA) office or RCRA program office, as appropriate.

- (7) Cruise Vessel Security and Safety Act (CVSSA). The CVSSA applies to all passenger vessels that are authorized to carry at least 250 passengers; have onboard sleeping facilities for each passenger; are on voyages that embark or disembark passengers in the United States; and are not engaged on a coastwise voyage. PSCOs should verify compliance with CVSSA requirements by following the procedures outlined in Commandant (CG-CVC) Policy Letter 11-09: CVSSA of 2010 Implementation Procedures and Commandant (CG-CVC) Policy Letter 11-10 CVSSA; Implementation of Training Standards and Procedures.
- (8) General walk-through. PSCOs should conduct a walkthrough of all machinery, service and public spaces, as well as a random sample of accommodation spaces, to check for safety hazards and to ensure no modifications have taken place.
- (9) Expanded examination. If during the course of the examination there is reason to believe the vessel's safety equipment, material condition, or crew performance is substandard, the PSCO may expand the examination into those areas of non-compliance.
- f. Completion of the Examination. Upon completion of the Periodic COC Examination, PSCOs shall endorse the existing COC for the vessel and for lifeboats used as tenders. PSCOs may clear minor deficiencies on the spot or at the vessel's next scheduled examination as determined by the OCMI.

4. Examination of Cargo Vessels that Carry Up to 12 Persons in Addition to the Crew

- a. All cargo vessels of countries party to SOLAS that embark and carry up to 12 passengers from a port of the United States shall be targeted in accordance with the procedures outlined in MSM Volume II, Material Inspection, COMDTINST M16000.7 (series), Chapter D4.
 - b. PSCOs should use procedures applicable to the examination of foreign freight vessels when examining cargo vessels carrying up to 12 persons in addition to the crew. The examination must also verify that safe facilities are provided for those additional persons.
- (1) It is important to remember that the vessel is being examined as a freight vessel, not a passenger vessel. A detention or other control action should be exercised if the vessel is unfit to proceed to sea or an unreasonable risk to the environment.

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However, the inspector may not specifically prohibit the carriage of persons in addition to the crew and then allow the vessel to sail with a crew on board. If the vessel is unsafe, it is also unsafe for the crew.

- (2) Drills are to be conducted during annual examinations. They may be required whenever there is reason to question the condition of equipment or the efficiency of operation.

E. MISLE

PSCOs must document all examination activities in MISLE using the most current Mission Management System Work Instruction on MISLE data entry for foreign vessel arrivals, examinations, and operational controls. Additionally, PSCOs should include the location of drills, the systems examined, the side of ship from which life boats were launched, and the waste stream that was examined in the MISLE narrative. If a vessel is expected to arrive within another OCMI or COTP zone before MISLE can be updated, information regarding the boarding and any deficiencies or control action taken must be relayed to the next port of call in the most expedient means available (e.g., telephone, email, etc.).