



CGD SEVEN (m)
Policy Ltr 5-97
JUN 26 1997

From: Commander, Seventh Coast Guard District (m)

To: Distribution

Subj: **PORT STATE CONTROL FOR VESSELS OF LESS THAN CONVENTION TONNAGE**

1. This letter promulgates Seventh Coast Guard District policy for implementing Port State examination standards for foreign flag freight vessels to which the SOLAS Conventions do not apply (less than 500 gross tons).
2. In April 1994, the U.S. Coast Guard implemented an initiative to eliminate substandard commercial ships from U.S. waters, as mandated by the 1994 Department of Transportation Appropriations legislation. In response to this mandate, and the large number of substandard vessels of less than 500 gross tons trading within the Seventh Coast Guard District, a three year interim boarding program for foreign flag freight vessels under 500 gross tons was instituted by the Seventh District. This interim program allowed for continued operation of these vessels so long as they met minimum interim standards and were working toward compliance with international standards or U.S. regulations. This interim program commenced in May 1994 and concludes on 01 July 1997.
3. Over the last three years, much progress has been made in bringing these substandard vessels into some form of minimal compliance. Additionally, the Caribbean Cargo Ship Safety Code was recently developed by the signatories of the Caribbean Memorandum of Understanding on Port State Control. This Code provides the first true international standard for freight vessels of less than 500 gross tons that are flagged and operating within the Caribbean region. Accordingly, the port state control program for vessels less than 500 gross tons has been modified to take into consideration the recent efforts in the international maritime community, and in particular, the development of the Caribbean Cargo Ship Safety Code.
4. Beginning 01 July 1997, all foreign freight vessels of less than 500 gross tons calling in Seventh District ports shall be evaluated by the OCMI/COTP to determine compliance with the general construction standards of a classification society meeting International Maritime Organization (IMO) Resolution A.739(18). A classification listing/notation in column 4 of Lloyds Register of Ships may be taken as

verification of such construction. U.S. construction for inspected service, such as offshore supply vessels, may also be accepted as verification of construction to classification society standards; however, U.S. construction as a fishing vessel may not. Otherwise, the COTP/OCMI must evaluate the vessel's scantlings based on the appropriate scantling rules of either American Bureau of Shipping or Lloyds. Vessels that do not meet the general construction standards of an IMO A.739(18) classification society will be notified of this fact in writing.

5. Vessels which do not meet a Classification Society's general construction standards, and have been notified of this fact in writing, shall be denied entry to Seventh District ports. Vessels which arrive in port and are subsequently determined not to meet a Classification Society's general construction standards shall be issued a written notification of this status by the OCMI/COTP and allowed to depart the U.S. without cargo.
6. Vessels determined by the OCMI/COTP to meet a Classification Society's construction standards, but whose hulls or framing members are significantly wasted, will be notified of the deficiencies in writing and may be allowed, at OCMI/COTP discretion, to continue in U.S. trade while working toward compliance. For this category of vessel the written notification should specify a compliance date for completion of repairs not later than 01 January 1998.
7. Beginning 01 January 1998, vessels trading to Seventh District ports must hold a U. S. Coast Guard Certificate of Inspection (COI), attesting to compliance with either Subchapter I or the Caribbean Cargo Ship Safety Code; or a flag state or "recognized organization" issued certificate under the Caribbean Cargo Ship Safety Code. Caribbean Cargo Ship Safety Certificates issued by International Association of Classification Society (IACS) members may be accepted by the OCMI/COTP until such time as the vessel's Flag State assigns its own list of "recognized organizations."
8. The basis for issue of a Flag State/recognized organization certificate must be the new vessel provisions of the Caribbean Cargo Ship Safety Code. Limited exceptions to this standard may be accepted by individual COTP/OCMIs based on an evaluation of local operating conditions and a determination that overall safety of the vessel and its crew will not be compromised. The basis for the Coast Guard inspection will be the standards contained in the Caribbean Cargo Ship Safety Code or the applicable U.S. standards contained in 46 CFR

Subchapter I. Applicable vessel inspection fees under 46 CFP. Part 2.10 will be assessed for Coast Guard inspections which lead to the issuance of a COI.

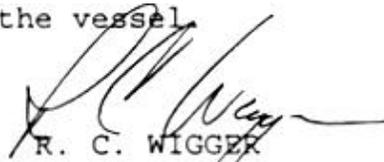
9. Vessels which hold Caribbean Cargo Ship Safety Certificates issued by signatories to the Memorandum of Understanding on Port State Control in the Caribbean Region, or their recognized organizations, will be examined based on the general Port State Control procedures contained in Annex 1 of that Memorandum. The same will be true for Certificates issued by U.S. recognized organizations. Vessels which hold Caribbean Cargo Ship Safety Certificates issued by non-signatory nations or their recognized organizations will be more critically evaluated and undergo an expanded initial Caribbean Cargo Ship Safety Code examination.
10. The Caribbean Cargo Ship Safety Code checklist (enclosure 1) will be used as the documentation for these examinations. Subsequent examinations will be scheduled and carried out based on the boarding matrix procedures in the MSM, Vol. II, Chapter 23, as modified by enclosure (2).
11. Vessels requesting U.S. inspection will be examined by the Coast Guard for "full compliance" with the "new vessel" provisions of the Code (unless compliance with Subchapter I is specifically requested by the vessel owner/operator). The "full compliance" inspection will require a section by section review of the Code to establish the appropriate minimum criteria for each vessel.
12. Initial inspection by the Coast Guard utilizing the provisions of the Caribbean Cargo Ship Safety Code will require the minimum following procedures:
 - (a) Verification of hull design to an accepted classification society standard. This may be accomplished by utilizing the methods discussed in paragraph 3 above or may require hull scantling review. If hull scantling review is required, the vessel owner shall contract with a recognized classification society to provide such review for OCMI acceptance. The OCMI shall not generally forward plans to the Marine Safety Center (G-MSA) for scantling review.
 - (b) Initial drydock examination. Prior to issuance of the COI, each vessel must be examined on dock by a Coast Guard inspector. This examination will determine the condition of the vessel's hull, sea valves, internal structural members, and tank conditions. As an alternative, the OCMI may accept equivalent survey

reports from an organization meeting IMO resolution A.739(18)

- (c) Vessel subdivision and stability shall be evaluated to the minimum standards defined in the Caribbean Cargo Ship Safety Code, Chapter 2, Parts B and C. Chapter 2, Part B is relatively self explanatory; however, water testing of bulkheads on existing vessels should only be considered when serious doubt exists as to the adequacy or integrity of the watertight bulkhead. Each vessel must comply with the provisions of Chapter 2, Part C of the Caribbean Cargo Ship Safety Code particularly the requirement for an incline test and written stability information. If this information does not already exist, (G-MSA) should be contacted to assist in conducting an inclining test and analyzing the stability information submitted to comply with sections 2.16 and 2.17 of the Code. Use of the stability and subdivision rules for OSVs is not appropriate.
 - (d) During the initial Inspection for Certification, the Caribbean Cargo Ship Safety Code checklist should be used as an aide to document the examination. It should be stressed that the checklist was designed as a Port State Control evaluation tool and does not cover all pertinent sections of the Code with regard to an initial inspection. The initial inspection will require a section by section review of the Code to establish the appropriate minimum criteria for certification. Manning shall be established based on the 3 watch criteria, unless the OCMI determines the voyage to be of such a duration that safety will not be compromised by a lesser standard.
13. Vessel owners may request inspection of their vessels under the provisions of 46 CFR Subchapter I as an alternative to compliance with the Caribbean Cargo Ship Safety Code. Requests for inspection under Subchapter I are not anticipated; however if requests are received, the initial inspection by the Coast Guard utilizing Subchapter I will require the same evaluation as if the vessel were U.S. flag. Vessels desiring to be inspected under Subchapter I will generally be inspected in accordance with all the provisions of that Subchapter. At OCMI/COTP discretion, certain provisions of the Caribbean Cargo Ship Safety Code may be accepted in lieu of Subchapter I requirements. These alternatives should be specifically noted on the COI (see enclosure 3).

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14. Inspections by the Coast Guard will lead to the issuance of a COI, limited to operation solely within U.S. navigable waters, not to include coastwise trade (see sample COI endorsements in enclosure 3). Once the initial inspection is complete, appropriate inspection fees shall be collected, documentation of the inspection effort shall be entered in MSIS, any outstanding items shall be noted on form CG-835 and included in the MSIS entry, and a COI shall be issued. Payment of inspection fees shall be verified prior to issuance of the COI, in the same manner as for U.S. flag vessels. The entire inspection process shall be documented in MSIS as if the vessel was U.S. flag. Deficiencies shall be listed in MSIS and noted on form CG-835. Copies of the CG835 notices shall be signed by the master and delivered in the same fashion as for U.S. flag vessels. The COI shall be issued with a certificate duration of 5 years. The conditions of operation shall be as generally defined in enclosure (3).
15. Subsequent Inspections for vessels with Coast Guard issued Certificates of Inspection shall be conducted annually, documented in MSIS, and endorsed on the face of the original COI. In addition, Port State Control boardings of these foreign flag vessels should be targeted based on the modified matrix contained in enclosure (2). Annual reinspections should be considered as boardings for purposes of Port State Control targeting. The vessel shall be drydocked for examination by the Coast Guard twice in any 5 year period with the maximum duration between drydockings not to exceed 3 years. As previously mentioned, the OCMI may accept the drydocking evaluation of a recognized classification society meeting the requirements of IMO resolution A.739(18), in lieu of physically attending the vessel.


R. C. WIGGER
by direction

End: (1) Caribbean Cargo Ship Safety Code Checklist
(2) Modified Boarding Matrix
(3) Sample COI Endorsement

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