



COMMANDANT INSTRUCTION 5420.32

Subj: STANDARDS PROGRAM FOR MARINE SAFETY, SECURITY AND ENVIRONMENTAL PROTECTION PROGRAMS

1. PURPOSE. This Instruction establishes policy and guidance for development and use of national and international standards in implementation of the Office of Marine Safety, Security and Environmental Protection Standards Program.
2. ACTION. Commandant G-M, District Commanders, Commanding Officers of Marine Safety Offices, Captains of the Port, Officers in Charge, Marine Inspection and Commanding Officer, Marine Safety Center shall ensure compliance with the provisions of this instruction.
3. POLICY STATEMENT. The Office of Marine Safety, Security, and Environmental Protection (G-M) is committed to developing national and international recognized standards as a means to improve maritime safety and marine environmental protection, and to promote an internationally competitive U.S. maritime industry.
4. BACKGROUND.
 - a. OMB circular A-119 was issued in 1982 requiring government agencies to use voluntary consensus standards. That circular specifically recognized the existing and long standing proactive role the Coast Guard has taken. Subsequent to A-119, Commandant (G-M) issued Instruction 16703.1, "Regulatory Project Planning" which provided guidance on self-certification, and identified* eight

NOTE: * Taken from "Regulating with Common sense: A Progress Report on Innovation Regulating Techniques." U.S. Regulatory Council; October, 1980.

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methods of regulation, or Innovation Regulatory Techniques, which could be used as a means of reducing the burdens and expense of regulation on the public:

- (1) Enhance Competition: Eliminates trade barriers; Remove economic regulations.
 - (2) Marketable rights: limits private-sector rights to engage in an activity but allows private parties to exchange or sell these rights.
 - (3) Economic Incentives: Use of fees or subsidies to achieve regulatory goals.
 - (4) Performance Standards: Setting performance criteria rather than a detailed specification as the means of compliance.
 - (5) Information Disclosure: Requires that users be provided with information about choices and consequences to allow informed free choices.
 - (6) Voluntary Standards Setting: Agency substitutes voluntary standards set by regulated sector for agency standards.
 - (7) Compliance Reform: Agency monitoring replaced with third party monitoring or self-certification.
 - (8) Tiering: Differing levels of compliance based on size and hazards of regulated organization.
- b. More recently, Executive Order 12866 of September 30, 1993, "Regulatory Planning and Review", initiated a new program to reform and make the regulatory process more efficient. It reconfirmed the need for, and validity of, the innovative regulatory techniques. In particular, E012866 states:
- (1) "Each agency shall identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior,..."
 - (2) "Each agency shall identify and assess alternative forms of regulation and shall, to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt."
 - (3) "Each agency shall tailor its regulations to impose the least burden on society...consistent with obtaining the regulatory objectives,..."

- c. Specifically, the President, in his report "Strengthening America's Shipyards: A plan for Competing in the International Market," recognized the importance of developing international and national standards as a means to improve safety and reduce the regulatory burden. In the report, the President directs the Secretary of Transportation and the Coast Guard to "...continue working with the International Maritime Organization to upgrade critical international standards and with U.S. carriers and standards bodies to delete or revise regulations that add costs unnecessarily."
- d. These responsibilities are also reflected in the Department of Transportation's policy, the strategic vision and goals of the Commandant, and the goals and objectives of Maritime Regulatory Reform as evidenced by the excerpts in enclosure (1).

5. DISCUSSION.

- a. For over two centuries the Coast Guard has been responsible for the protection of life and property at sea. The USCG Office of Maritime Safety, Security, and Environmental Protection is charged with directing and administering a coordinated federal program for commercial vessels safety, port safety, security, and environmental protection. In order to meet this mandate the Office is responsible for, among other things, enforcing applicable Federal laws, developing regulations necessary for implementing new laws, adoption and use of international treaties and Executive Orders, and representing the United States and Coast Guard interests in national and international fora.
- b. These responsibilities also include assessing the impact of the regulatory requirements on the strength of U.S. competitiveness in the world. The U.S. maritime industry must be afforded the same opportunity as their foreign counterparts to design and build commercially viable vessels. A viable maritime industry supports our own national security.
- c. Standards are an effective way of promoting improvements in safety, the environment, and of assuring the consistent application of national and international requirements. Further, establishment of standards can open new markets for high quality marine suppliers, thus expanding the use of products that achieve a high level of safety.

- d. The Coast Guard has been active in the development of consensus standards for the past 30 years. Since 1968, the Coast Guard has adopted over 250 industry consensus standards into regulations in an effort to reduce the government's regulatory role and minimize the cost of compliance with the regulations. Currently, the Coast Guard participates actively in more than 60 standards- making committees of at least 12 different non-government organizations and technical professional societies. Adopting standards by reference in the Code of Federal Regulations (CFR) keeps the regulations on the leading edge of technological advancement and incorporates a flexibility into the CFR which facilitates both compliance and maintenance. Adopted standards also help promote competitiveness by ensuring that products are produced to a certain minimum quality and will perform to expectations.
 - e. Promoting the development of standards can maximize Coast Guard resources and increase the knowledge base through active participation and cooperative exchanges of information with industry leaders. This includes catalyzing the formation of committees to develop standards where none exist and providing the leadership for effective participation by all interests to develop and set necessary standards.
6. GOALS AND OBJECTIVES. The following goals and objectives will enable us to achieve the Presidential initiatives:
- a. **Develop a comprehensive set of internationally recognized standards through active participation in IMO and other international standards making organizations such as ISO and IEC, by:**
 - (1) Enhancing our leadership role as representatives of the U.S. at IMO in order to assure effective use of international agreed standards.
 - (2) Establishing a leadership role as representatives of the U.S. at international standards making organizations, such as ISO and IEC, in order to assure development of internationally agreed standards; filling key positions with Coast Guard or other U.S. representatives when appropriate.
 - (3) Developing standards that can be referenced in international treaties, such as SOLAS, thereby reducing the use of phrases such as "to the satisfaction of the Administration."

- (4) Promoting the development of international standards compatible with acceptable U.S. standards and industry practices.
 - (5) Actively working to increase support and participation of U.S. shipbuilders, maritime industry, and allied businesses to enhance the opportunity for expanded use of U.S. maritime products in the international arena.
 - (6) Strengthening ties and promoting a partnership with other international marine organizations with similar goals and interests to influence their participation and increase our leverage in standards development activities.
- b. **Develop a comprehensive set of nationally recognized, internationally compatible standards through active participation in national standards organizations such as ASME, ASTM and NFPA, by:**
- (1) Sustaining or where possible increasing our active leadership role effectiveness in national standards making organizations.
 - (2) Promoting the development of internationally compatible and competitive national shipbuilding standards.
 - (3) Actively working to increase support and participation of U.S. shipbuilders, maritime industry, and allied U.S. businesses.
 - (4) Strengthening ties and promoting a partnership with other national marine organizations with goals and interests similar to the USCG to influence their participation and increase our leverage in standards development activities.
- c. **Improve competitiveness of the U.S. maritime industry by removing regulatory and other barriers that impede productivity and a free flow of commerce, by:**

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- (1) Accepting internationally and nationally agreed standards as equivalent to regulations where feasible.
 - (2) Promoting performance based standards rather than detailed specifications as the means of compliance.
- d. **Maximize effective use of Coast Guard resources by creating a force multiplier; and increase our knowledge base through cooperative endeavors and exchanges of information with industry leaders, by:**
 - (1) Determining organizations we should participate in and the appropriate level of participation, keeping in mind compliance with OMB A119.
 - (2) Seeking optimum delegation composition at meetings.
7. PROCEDURES. The Office of Marine Safety, Security, and Environmental Protection, will support the goals and objectives of this program as detailed below:
 - a. Commandant (G-M) will:
 - (1) Develop and use national and international standards as a major element of the G-M regulatory requirements and provide the necessary resources to execute an effective program.;
 - (2) Establish national and international standards development priorities; (3) Create organizational links;
 - (3) Enhance or establish an effective international and national presence; (5) Develop and implement a five-year action plan; and (6) Measure the effectiveness of the Standards Program.
 - b. District Commanders, Commanding Officers of Marine Safety Officers, Captains of the Port, Officers in Charge, Marine Inspection and Commanding Officer, Marine Safety Center shall:

- (1) Use and proactively support the use of acceptable standards by the maritime industry;
- (2) Identify policies and directives required or requiring modification to support their activities;
- (3) Make recommendations for change in industry standards based upon your unique perspective; and
- (4) Ensure the contents of this Instruction are given the widest distribution throughout the maritime community.

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

Encl: (1) Excerpts From Overall Strategy and Policy Statements

Non-Standards Distribution:

C:e New Orleans (90); Hampton Roads (50); Baltimore (45); San Francisco (40); Philadelphia, Port Arthur, Honolulu, Puget Sound (35); Miami, Houston, Mobile, Long Beach, Morgan City, Portland OR (25); Jacksonville (20); Boston, Portland ME, Charleston, Galveston, Anchorage (15); Cleveland (12); Louisville, Memphis, Paducah, Pittsburgh, St. Louis, Savannah, San Juan, Tampa, Buffalo, Chicago, Detroit, Duluth, Milwaukee, San Diego, Juneau, Valdez (10); Providence, Huntington, Wilmington, Corpus Christi, Toledo, Guam (5)

C:m New York (70); St. Ignace (5); Sturgeon Bay (4).

D:d Except Baltimore and Moriches.

D:1 CG Liaison Officer MILSEALIFTCOMD (Code N-7CG), CG Liaison Officer RSPA (DHM-22), CG Liaison Officer MARAD (MAR-742), CG Liaison Officer JUSMAGPHIL, CG Liaison Officer TRANSCOM Scott AFB, IL, CG Liaison Officer World Maritime University, CG Liaison Officer ABS (1).

Enclosure (1) to COMDTINST 5420.32

EXCERPTS FROM OVERALL STRATEGY & POLICY STATEMENTS

DEPARTMENT OF TRANSPORTATION

Statement of National Transportation Policy:

"Work to improve and gain wider implementation on international standards to enhance transportation security, including standards covering cruise ships and ports worldwide."

"Implement Federal ... standards ... compatible with international standards, in order to facilitate foreign trade & maintain the competitiveness of U.S. goods." "Maintain a knowledge base & active cooperative exchanges covering int'l research & innovation in transportation."

COAST GUARD

The Commandant's Strategic Agenda:

"Assess the impact of regulations and remove regulatory and other barriers that impede productivity and a free flow of interstate commerce" "Act as the lead agency representing the U.S. at the International Maritime Organization and other international maritime forums." "Propose construction standards to increase vessel operating and navigation safety capabilities and minimize cargo loss if hull integrity is violated (mindful of the current American fleet)."

COMMANDANT'S INTERNATIONAL STRATEGIC PLAN

"Enhance our leadership role as representatives of the United States in international fora, such as ... the International Maritime Organization, in order to establish effective internationally agreed standards."

OFFICE OF MARINE SAFETY SECURITY AND ENVIRONMENTAL PROTECTION

MARITIME REGULATORY REFORM PROGRAM GOALS (1993) "Harmonize U.S. Rules and Regulations with International Convention Requirements and Standards". "Maintain USCG program control and staff expertise through ... professional training."