U.S. Department of Homeland Security
United States Coast Guard

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MOC Policy Letter No. 03-03
SEP - 8 2003

From: Commandant (G-MOC)
To: Distribution

Subj: GUIDELINES FOR EQUIVALENT COMPLIANCE WITH (REVISED) MARPOL 73/78 ANNEX IV (SEWAGE)

Ref: (a) MARPOL 73/78 (Revised) Annex IV International Convention for the Prevention of Pollution from Ships
(b) Title 33, Code of Federal Regulations (CFR), Part 159

1. Purpose. To set forth policy for the issuance of a voluntary Certificate of Equivalency for United States flagged inspected and uninspected vessels sailing on international voyages in the sovereign waters of countries signatory to reference (a), revised MARPOL 73/78 Annex IV (Sewage).

2. Discussion.

a. On September 27, 2003, reference (a), Annex IV (Sewage) of the International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 (MARPOL 73/78 Annex IV), will enter into force internationally. The Annex applies to all new vessels built on or after September 27, 2003, which are 400 Gross Tons, International Tonnage Convention (ITC), and above. The Annex also applies to new vessels less than 400 Gross Tons (ITC), which are certified to carry more than 15 passengers. Existing vessels 400 Gross Tons (ITC) and above and those existing vessels less than 400 GT (ITC) which are certified to carry more than 15 passengers need not comply until September 27, 2008. As such, the immediate concern regards new vessels.

b. Implementation of MARPOL 73/78 Annex IV presents complexities as three distinct vessel population groups are affected:

- Deep draft vessels that are inspected/classed/surveyed;
- Small Passenger Vessels and Offshore Supply Vessels that are inspected but not classed/surveyed;
- Uninspected Towing Vessels (UTV) and/or others that are not inspected or classed/surveyed.

The Coast Guard plans to help the United States maritime industry prove equivalent compliance with MARPOL 73/78 Annex IV using: communication to the International Maritime Organization, industry outreach, policy, and voluntary vessel compliance documentation.

c. Although MARPOL 73/78 Annex IV has not been ratified by the United States, United States flagged vessels on international voyages and sailing in the waters of countries that have adopted MARPOL 73/78 Annex IV will be subject to port state control boardings for

which compliance with MARPOL 73/78 Annex IV requirements may need to be demonstrated even though they are not required to do so while engaged in domestic operations. Additionally, vessels on international voyages will likely be expected to possess a document equivalent to the "International Maritime Organization's International Sewage Pollution Prevention Certificate." Failure of a United States flagged vessel to have the appropriate certificate or a document stating shipboard equivalency to MARPOL 73/78 Annex IV could result in a port state detention abroad.

d. The United States considers United States Coast Guard approved Marine Sanitation Devices (MSD) to offer equivalent sewage pollution prevention to MARPOL 73/78 Annex IV. Therefore, any vessel with an installed and operational Coast Guard approved MSD which meets the criteria of 33 Code of Federal Regulations (CFR) Part 159 (reference (b)) will be eligible to receive equivalency documentation from a cognizant Officer in Charge, Marine Inspection (OCMI). Conversely, if a United States flagged vessel has an installed MSD meeting Annex IV standards it must also be Coast Guard approved. Since the United States is not a party to MARPOL 73/78 Annex IV, the Coast Guard cannot issue an "International Sewage Pollution Prevention Certificate" as a Flag State. However, in order to facilitate commerce, to reduce confusion, and to minimize the possibility of a port state control detention, the Coast Guard will issue a Flag State document (Certificate of Equivalency) to prove equivalent compliance with MARPOL 73/78 Annex IV for eligible vessels. While holding a valid Certificate of Equivalency is in a vessel operator's best interest when sailing internationally, operators shall not be compelled to hold a certificate by the United States government, as the United States is not party to MARPOL 73/78 Annex IV. As an alternative to a United States Coast Guard issued Certificate of Equivalency, Authorized Classification Societies (ACS) may issue Statements of Voluntary Compliance, on behalf of the Coast Guard, to United States flagged vessels if requested. However, vessels may have to fully comply with MARPOL 73/78 Annex IV to be eligible for an ACS issued Statement of Voluntary Compliance.

3. Action.

a. Until a Marine Safety Manual update is incorporated, all vessel operators, whether inspected or uninspected, sailing on international voyages that request voluntary Certificates of Equivalency shall be supported with the following amplifying guidance effective immediately.

(1) Uninspected Vessels: Upon request, Marine Safety Offices, Activities, and other Marine Safety units shall furnish uninspected vessels over 400 Gross Tons (ITC) on international voyages with a voluntary Certificate of Equivalency as seen in enclosure (1). A cover letter containing the language in enclosure (2) shall accompany the Certificate. All Certificates shall also be authenticated with the Coast Guard emblem crimping stamp. Each Certificate of Equivalency should have an expiration date of not more than five years from the date of issue. Annual certificate endorsements are required and should be completed in harmony with the vessel's International Oil Pollution Prevention Certificate (IOPP) annual survey.

When a Statement of Voluntary Compliance is issued by an ACS, the vessel may be required to fully comply with MARPOL 73/78 Annex IV. It is incumbent upon the vessel owner to contact the OCMI or ACS to renew the Certificate of Equivalency or Statement of Voluntary Compliance upon expiration. OCMIs shall process Certificates of Equivalency renewal requests as needed.

(2) Inspected Vessels: Inspected vessels over 400 Gross Tons (ITC) and vessels under 400 Gross Tons (ITC) carrying 15 or more passengers on international voyages shall be issued Certificates of Equivalency using the same procedures as paragraph 3. a. (1). Certificates of Equivalency issued by the Coast Guard shall be endorsed annually by the cognizant OCMI. No additional inspection tasks beyond the normal MSD verifications are required. See below for separate procedures for Small Passenger Vessels inspected under Subchapter T or K.

(i) Small Passenger Vessels (Subchapter T and K): Striving for consistency with current policy, voluntary Certificates of Equivalency shall not be issued to inspected Small Passenger Vessels on international voyages. Instead, the OCMI shall amend the COI to reflect MARPOL 73/78 Annex IV equivalence. COI endorsements shall use the following phrase; "This vessel has an installed Marine Sanitation Device which meets 33 CFR Part 159. The United States has determined that compliance with 33 CFR Part 159 is equivalent with MARPOL 73/78 Annex IV." Annual COI endorsements shall serve as the Annual MARPOL 73/78 Annex IV survey endorsements. The cover letter attached as enclosure (2) should accompany amended COIs to explain the background and purpose of the amendment. No additional inspection tasks beyond the normal MSD verifications are required.

(3) Authorized Classification Societies Acting for Coast Guard: An ACS may issue Statements of Voluntary Compliance to classed vessels and make annual certificate endorsements on behalf of the Coast Guard if the operator desires. Vessels may be required to be in full compliance with MARPOL 73/78 Annex IV to receive a Statement of Voluntary Compliance.

(4) Verification Boardings: Considering current Operational Tempo, OCMIs are not expected to visit each uninspected vessel requiring a voluntary Certificate of Equivalency. OCMIs may use their discretion regarding verification boardings to assure compliance aboard uninspected vessels before issuing a Certificate of Equivalency or an annual endorsement. However, if a vessel operator specifically requests Coast Guard presence, the OCMI should accommodate the request as operations permit. Inspected vessels should be examined during routine inspections as outlined in Paragraph 3. a. (1). If OCMIs determine a vessel is not in compliance with 33 CFR Part 159, either through a boarding or otherwise, then a voluntary Certificate of Equivalency should not be issued until the vessel is found to be in compliance. Vessels should not be restricted from international voyages, whether or not they are issued a voluntary Certificate of

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Equivalency or Statement of Voluntary Compliance, since the United States is not a party to MARPOL 73/78 Annex IV.

(5) Prioritization: Due to the timeline detailed in paragraph 2. a, new vessels shall be prioritized before existing vessels in order to meet the September 27, 2003 deadline. Existing vessels may be issued a voluntary Certificate of Equivalency as resources permit, provided the Coast Guard facilitates vessel compliance before September 27, 2008. It is recommended that existing certificated vessels be issued their voluntary Certificate of Equivalency at the next annual examination and have the appropriate wording listed in paragraph 3.A.2.i added to their next issued Certificate of Inspection (for small passenger vessels).

(6) Port State Control: Since the United States has not ratified MARPOL 73/78 Annex IV, the Coast Guard will not enforce its provisions aboard foreign vessels during Port State Control examinations even if the vessel is flagged by a signatory country. Foreign vessels must meet the requirements of 33 CFR Part 159. Since the United States considers MARPOL 73/78 Annex IV equivalent to 33 CFR Part 159, Port State Control officers shall accept foreign vessels that comply with MARPOL 73/78 Annex IV.

(7) Industry Outreach: Commandant, Office of Operating and Environmental Standards (G-MSO-4) is releasing a Federal Register Notice to formally inform the marine industry of the entry into force of MARPOL 73/78 Annex IV. Commandant, Office of Compliance (G-MOC-1) is contacting major industry groups (American Waterway Operators, Passenger Vessel Association, construction yards, etc.) to apprise them directly of the impacts of the entry into force of MARPOL 73/78 Annex IV and the Coast Guard's measures to help them gain appropriate vessel documentation. Locally, it is strongly urged that this issue be posted on unit web pages and announced at upcoming Harbor Safety Committee, Port Operators' Group, or similar meetings to ensure the affected industry segments are best served.

J. A. SERVIDIO
By direction

Encl: (1) Sample Certificate of Equivalency
(2) Sample Cover Letter

Distribution: Marine Safety Center
All MSOs/MIOs/Activities
District (m) offices

# INTERNATIONAL SEWAGE PREVENTION EQUIVALENCY CERTIFICATE

The United States Coast Guard has determined that compliance with
33 CFR Part 159
is equivalent to compliance with MARPOL 73/78 Annex IV (Revised).

Issued under the provision of the

33 CODE OF FEDERAL REGUALTIONS PART 159
under the authority of the Government of

**THE UNITED STATES OF AMERICA**

**By the UNITED STATES COAST GUARD**

THIS IS TO CERTIFY:

1. That the above mentioned ship is equipped with a sewage treatment system in compliance with the applicable provisions of 33 CFR Part 159; and

2. That the survey showed that the equipment on board is in all respects satisfactory and that the vessel complies with the relevant provisions of the Code of Federal Regulations and is equivalent to compliance with MARPOL 73/78 Annex IV (Revised).

Particulars of ship:

Name of ship .....

Distinctive number or letters.....

Port of registry.....

Gross tonnage.....

Number of persons which the ship is certified to carry
.....

IMO number.....

This Certificate is valid until .....

Issued at.....

..... ----------
Date of Issue Officer in Charge, Marine Inspection, U. S. Coast Guard

ENCLOSURE( )

# ENDORSEMENT FOR ANNUAL AND INTERMEDIATE SURVEYS

**THIS IS TO CERTIFY** that a survey determined that the vessel equivalently complies with the relevant provisions of the Convention as required by 33 CFR Part 159:

Annual Survey: Signed: _____

Place: _____

Date: _____

Annual*/Intermediate Survey: Signed: _____

Place: _____

Date: _____

Annual*/Intermediate Survey: Signed: _____

Place: _____

Date: _____

Annual Survey: Signed: _____

Place: _____

Date: _____

* Delete as Appropriate

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Corporate Operator
Attn: Point of Contact or Vessel Master
Address
Address

Subj: EQUIVALENCE TO REVISED MARPOL 73/78 ANNEX IV (SEWAGE POLLUTION PREVENTION FROM SHIPS), VESSEL NAME, O.N. 111222

The subject vessel's United States Coast Guard approved Marine Sanitation Device (MSD) complies with 33 Code of Federal Regulations Part 159. While not a party to the revised Annex IV (Sewage) of the International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 (MARPOL 73/78 Annex IV), the United States considers all MSDs approved by the United States Coast Guard to be equivalent in meeting the requirements of this revised Annex. The Marine Environment Protection Committee of the International Maritime Organization has been notified by the United States Coast Guard, of the United States' equivalent compliance standards in a September 4, 2003 letter.

Enclosure (1) documents equivalent compliance with MARPOL 73/78 Annex IV and should be maintained with the vessel's documents. In order to renew your certificate, please contact the cognizant Officer in Charge, Marine Inspection at least 30 days before expiration. Inspected vessels should renew the Equivalency Certificate following the normal Certificate of Inspection cycle.

If you have any questions regarding this vessel's compliance with MARPOL 73/78 Annex IV please contact the United States Coast Guard Headquarters' Office of Domestic Vessel Compliance (G-MOC-1) at (202) 267-2735.

Sincerely,

//S//
Captain, U. S. Coast Guard
Officer in Charge, Marine Inspection

Encl: (1) Certificate

ENCLOSURE(2)