

**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 the pollution prevention and navigation safety regulations (33 Code of Federal Regulations (CFR) 154-156 and 164, respectively) apply to foreign vessels operating in U.S. waters. The extent of application of these laws and regulations has been modified in many cases 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.

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**B. BACKGROUND**

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**1. Port State Control**

Port State control is the process by which a nation exercises its authority over foreign vessels when those vessels are in waters subject to its jurisdiction. This authority is derived 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 (i.e. SOLAS, International Convention on Load Lines 1966 (ICLL); 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 in 1995 (STCW 95); and International Labor Organization Convention No. 147, The Convention Concerning Minimum Standards in Merchant Ships (ILO 147)) 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. The U.S. exercises its port state control authority through the U.S. Coast Guard's long standing foreign vessel boarding program, now referred to as the Port State Control Program. This program is administered in G-MOC-4, International Compliance and Outreach Division (ICOD). Interested parties can access more information on the PSC program through the Coast Guard's web page at <http://www.uscg.mil/hq/g-m/psc/psc.htm>.

Purpose. Through its Port State Control (PSC) Program, the Coast Guard verifies foreign flagged vessels operating in U.S. waters comply with applicable international conventions, U.S. laws and U.S. regulations. Through the program, boardings are focused 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 to ensure they are brought into compliance. The program goal is to identify and eliminate substandard ships from U.S. waters. The term "substandard ship" is defined in Section C. 13 of this Chapter.

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**C. DEFINITIONS AND TERMS OF REFERENCE**

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- 1. Boarding** Attending a vessel to conduct an examination, cargo monitor, cargo loading supervision, deficiency check, or other Coast Guard business.
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- 2. Bulk** This term 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 CH. IX for the definition of bulk carrier under auspices of the ISM Code.
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- 3. Cargo Control Area** The term "cargo control area" means the usual station of the person-in-charge 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).
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- 4. Clear Grounds** 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 in Section K of this chapter.
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- 5. Contracting Governments and Parties** Government or flag states that have legally accepted to be bound by the requirements of a convention, protocol or other instrument.
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- 6. Contravention** An act, procedure, or occurrence that is not in accordance with a convention or other mandatory instrument, or its operational annex.
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- 7. Control** 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 directives of the Officer in Charge Marine Inspection (OCMI) or 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 U.S., requiring a vessel to proceed elsewhere for repairs, denying entry into port, or detaining a vessel in port.
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**8. Deficiency** A condition found not to be in compliance with the conditions of the relevant convention, law or regulation.

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**9. Detention** Intervention action taken by the port State when the condition of the ship or its crew does not correspond substantially with the applicable conventions to 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; ILO 147 Article 4; the Ports and Waterways Safety Act; or a U.S. Customs hold.

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**10. Examination** The process of assessing a vessel's compliance with the relevant provisions of applicable international conventions, domestic laws and regulations. The scope of an examination shall 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 examination 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 and crew proficiency.

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**11. Intervention** A control action taken by a port State in order to bring a foreign flag vessel into compliance with applicable international convention standards. Interventions are undertaken by a port State when a vessel's flag State has not, can not, or will not exercise its obligations under an international convention to which it is a party. This may include requesting appropriate 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.

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**12. Non-Conforming Ship** Any vessel failing to comply with one or more applicable requirements of U.S. law or international conventions is a nonconforming ship. A nonconforming ship is not necessarily a substandard ship unless the discrepancies endanger the vessel, persons on board, or present an unreasonable risk to the marine environment; the vessel may or may not need to be detained.

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**13. Substandard Ship** In general, a vessel is regarded as substandard if the hull, machinery, or equipment, such as lifesaving, firefighting and pollution prevention, are substantially below the standards required by U.S. laws or international conventions, owing to:

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

If these evident factors as a whole or individually endanger the vessel, persons on board, or present an unreasonable risk to the marine environment, the vessel should be regarded as a substandard ship, and should be detained.

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**14. Valid Certificates** A certificate that has been issued directly by a contracting government or party to a convention, or on the behalf of the government or party by a recognized organization, and contains accurate and effective dates, meets the provisions of the relevant convention, and corresponds to the particulars of the vessel and its equipment.

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**D. ISSUANCE OF SOLAS CERTIFICATES**

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The Coast Guard will issue SOLAS 74 certificates in accordance with the Convention only in cases of emergency. Over the past several years, Marine Safety Offices have been performing SOLAS Safety Equipment surveys aboard foreign flagged vessels at the request of the flag Administration. Vessel operators know well in advance when their surveys are due. SOLAS 74/78 provides for extensions to these surveys for up to five months after the expiration date of the Safety Equipment certificate. This is considered more than adequate time for governments to provide inspectors to carry out these surveys or to provide extensions until their surveyor can attend the vessel. Effective immediately, all SOLAS surveys will be conducted in cases of emergency only.

**E. BOARDING TEAMS**

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Boarding teams are normally comprised of a marine inspector and one or more boarding officers. Boarding teams conducting Priority I boardings shall include a marine inspector who also has the appropriate vessel qualification. Boarding teams conducting tanker and passenger vessel examinations, biennial Letter of Compliance examinations and quarterly passenger vessel re-examinations shall include a senior marine inspector. Boarding teams conducting other types of boardings, including annual cargo ship exams, should include a marine inspector if resources permit. At a minimum, such boarding teams should consist of at least two Coast Guard members, at least one of whom must have a Foreign Freight Vessel qualification.

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- 1. At Sea Boardings** When conducting at-sea boardings in cooperation with Area or Group commands outside of the Marine Safety Program, boarding team members will be provided by the Marine Safety Office. Operational commanders will, however, retain the discretion to configure the boarding teams to meet operational situations, including the use of law enforcement qualified personnel, as necessary, to ensure the safety of the boarding team.

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- 2. On-the-Job Training (OJT)** On-the-Job Training for Regular and Reserve personnel is encouraged. However, every effort should be made not to delay vessels as a result of Coast Guard training initiatives. Unless an agreement is reached with a particular vessel owner or operating company, low priority vessels should not be boarded to meet Coast Guard training needs. (Reward low risk vessels by boarding them less frequently.) Unless a larger number is agreed to by a vessel's owner or operator in advance, the number of trainees accompanying a boarding 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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**F. PORT STATE CONTROL (PSC) EXAMINATIONS**

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. Port State Control examinations are not intended, nor desired, to be analogous to an inspection for certification of a U.S. flagged vessel. Rather, they are intended to be of sufficient breadth and depth to satisfy a boarding team that a vessel's major systems are in compliance with applicable international standards and domestic requirements, and that the crew possesses sufficient proficiency to safely operate the vessel. The examinations are designed to determine that required certificates are aboard and valid, and that a 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, and must be accompanied by limited testing of systems and the crew. When the examination reveals questionable equipment, systems, or crew incompetence, the boarding team may expand the examination to conduct such operational tests or examinations as deemed appropriate.

- 1. Types of Port State Control Examinations** U.S. Coast Guard port state control examinations consist of annual examinations, reexaminations or deficiency follow-up examinations. Any of these examinations may be broadened in scope or depth into an expanded examination, if clear grounds exist that lead a boarding team to believe that the condition of the ship or its equipment does not correspond with the certificates or the ship does not comply with applicable laws or conventions. Monitors of oil or hazardous materials transfers, and supervision of explosives or radioactive materials transfers may be conducted in conjunction with any Port State Control examination.

Annual Examinations

- a. Annual Examinations. An annual tankship or passenger examination or an annual cargo ship examination consists of the specific procedures outlined in the freight, tank, or passenger vessel examination books, and other sections of the Marine Safety Manual. It shall normally consist of an examination of the vessel's certificates, licenses and documents, and a general examination of the entire vessel include examining and testing specific equipment, and conducting operational testing and emergency drills with the vessel's crew. This examination may be expanded as necessary if "clear grounds" exist to indicate that a vessel is not in compliance with applicable U.S. laws or international conventions.

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- Reexaminations

b. Reexaminations. A reexamination is an examination to ensure that a vessel has remained in compliance with appropriate U.S. laws or international conventions between annual examinations. It shall normally consist of an examination of the vessel's certificates, licenses and documents, and a general examination conducted by walking through the vessel. Except aboard passenger vessels, a reexamination will not normally include operational testing or drills. However, a reexamination may be expanded as necessary if "clear grounds" exist to indicate that a vessel is not in compliance with applicable U.S. laws or international conventions.
- Expanded Examinations

c. Expanded Examinations. An expanded examination is a more detailed examination or testing conducted when, during an annual examination, reexamination, or deficiency follow-up, the boarding team's examination establishes "clear grounds" for believing that the condition of a vessel, its equipment, or crew do not correspond substantially with the particulars of the certificate. Expanded examinations should focus on those areas where "clear grounds" have been established and should not include other areas or systems unless the general impressions or observations of the boarding team support such examination.
- Deficiency Follow-Up

d. Deficiency Follow-Up. A deficiency follow-up is an examination performed to ensure previously identified deficiencies have been corrected. A deficiency follow-up may be limited in scope to an examination of the specific items identified as deficiencies during a previous boarding. If more than 30 days have passed since deficiencies were issued, or evidence of additional deficiencies is observed during the boarding, a reexamination should be conducted.
- Monitor

e. Monitor. A monitor is the process of witnessing any part of a bulk or break-bulk cargo operation, any part of a bunkering operation, or any part of a lightering operation. The visit need not occur during critical phases (commencing, topping off, or securing of transfer operations). It must focus on the procedural and operational aspects, or human element, of the transfer. When monitors are performed, they should be conducted in conjunction with annual examinations, reexamination or deficiency follow-up examination.

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- Cargo Supervision
- f. Cargo Supervision. Cargo supervision is the process of supervising explosives or radioactive materials transfers. Supervisions differ from monitors in that the boarding team must be present during the entire transfer from beginning to end. Special requirements for the cargo carried must be enforced. For vessels carrying military and commercial explosives, 49 CFR 176, Subpart G must be adhered to. Further guidance is contained in MSM II-F5.E. For vessels carrying highway route controlled quantities of radioactive material, 49 CFR 173, Subpart I and 49 CFR 176, Subpart M, must be adhered to. Further guidance is contained in MSM II-F5.C.5, of this volume.

**NOTE:** For specific guidance applicable to foreign passenger vessels, see MSM II-D7; for specific guidance applicable to foreign tank vessels, see MSM II-D6; and for specific guidance applicable to foreign freight vessels, see MSM II-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). Although this protocol has not as yet come into force universally, IMO Resolution A.718(17) encourages early implementation. Accordingly, some countries such as the Netherlands have chosen to implement this certificate. The CSSC is similar to the Passenger Ship Safety Certificate (PSSC) except it is valid for up to five years while the PSSC is valid for only one. The CSSC does require annual endorsements. All units are to accept CSSC'S provided that they are not expired and properly endorsed. The VFLD product set of MSIS does not, as yet, have a code for the CSSC. In the interim, units are to enter the issue/expire dates from the CSSC into the fields for the SEC, SCS and the SRC. Also a PSPI is to be entered stating that the vessel has a CSSC in lieu of the SEC, SCC, and SRC.

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- 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 the vessels of countries that are not party to these conventions.

Vessels of Foreign Nations Not Party to SOLAS and Vessels below Convention size

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 USC 3301). 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. Masters, owners and agents of foreign vessels shall forward written applications for inspection to the cognizant OCMI. A vessel that satisfactorily completes inspection shall be issued a U.S. Certificate of Inspection prescribed in 46 CFR 2.01-5. 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 Port State Control examination. When assessing whether a Port State Control examination is appropriate, the following factors should be considered: Size and type of ship; equipment provided; type of cargo; and the certificates and documents issued to the vessel on behalf of their flag State. The Port State Control examination should follow the procedures of this Chapter and IMO Resolution A.787(19), Procedures for Port State Control, to verify that an equivalent level of safety and protection of the marine environment is achieved. The condition of the vessel, certification of the crew, and the flag State's minimum manning standard shall be compatible with the aims of the Convention and U.S. laws and regulations.

Vessels of Countries Not Party to MARPOL 73/78

b. Vessels of Countries Not Party to MARPOL 73/78. Guidance regarding vessels of countries that are not party to MARPOL 73/78 may be found in 33 CFR 151.21.

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**4. Canadian Vessels** Under 46 USC 3303, vessels having a valid certificate of inspection issued by a flag State having inspection laws and standards similar to our own 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 our own. 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 Tank Vessel Examination Letter issued in accordance with 46 USC 3711.

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**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.

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**6. Caribbean Vessels under 500 GT** As of 1 January 1998, freight vessels under 500 gross tons 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 (Code). Alternatively, a foreign flagged freight vessel less than 500 gross tons operating in the Caribbean region may submit to an inspection by the Coast Guard, leading to the issuance of a Certificate of Inspection, that will authorize limited service in U.S. waters. The basis for the inspection will be the standards contained in the Code, unless inspection under U.S. regulations is requested. The Code can be accessed via the PSC web site referenced in MSM II-D1.B.1.

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**G. ANNUAL EXAMINATIONS**

An annual examination, as appropriate, consists of the specific procedures outlined in the freight, tank, or passenger vessel examination books and the Marine Safety Manual. It should include an examination of the vessel's certificates, licenses and documents followed by a general examination, i.e. "walk through" of the vessel. It shall also include examination and testing of specific equipment and conduct of operational testing and emergency drills to ensure the crew's proficiency at carrying out critical tasks. Annual examinations shall be conducted on all tank and passenger vessels, and cargo vessels. At a minimum, the following items shall be part of each annual examination.

1. **Certificates, Licenses and Documents** The document check should include the following as appropriate:

<b>General Operational Documents</b>	
<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"/> Stowage Plan	<input type="checkbox"/> Hazardous Materials Training Records
<input type="checkbox"/> Cargo Record Book	<input type="checkbox"/> Cargo Securing Manual
<input type="checkbox"/> International Tonnage Certificate (1969)	
<b>SOLAS Documents</b>	
<input type="checkbox"/> Safety Construction Certificate	<input type="checkbox"/> Cargo Ship Safety Radiotelegraphy Certificate
<input type="checkbox"/> Cargo Ship Safety Equipment Certificate	<input type="checkbox"/> Cargo Ship Safety Radiotelephone Certificate
<input type="checkbox"/> Passenger Ship Safety Certificate	<input type="checkbox"/> Cargo Ship Safety Radio Certificate
<input type="checkbox"/> Exemption Certificates	<input type="checkbox"/> ISM Certificates: Document of Compliance (DOC) & Safety Management Certificate (SMC) (refer to NVIC 4-98 for ISM enforcement guidance)
<b>Pollution Prevention/Response-Related Documents</b>	
<input type="checkbox"/> Certificate of Financial Responsibility	<input type="checkbox"/> Shipboard Oil Pollution Emergency Plan (SOPEP)
<input type="checkbox"/> Oil Record Book, Parts 1 & II	<input type="checkbox"/> OPA 90 Vessel Response Plan (VRP)
<input type="checkbox"/> Pollution Prevention Compliance Letter	<input type="checkbox"/> Garbage Management Plan
<input type="checkbox"/> International Oil Pollution Prevention Certificate or equivalent	<input type="checkbox"/> International Certificate of Fitness for Carriage of Liquefied Gases in Bulk
<input type="checkbox"/> International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk	<input type="checkbox"/> International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk
<b>Load Line and Stability-Related Documents</b>	
<input type="checkbox"/> International Load Line Certificate (1966)	<input type="checkbox"/> Stability information
<input type="checkbox"/> International Load Line Exemption Certificate	
<b>Manning-Related Documents</b>	
<input type="checkbox"/> Safe Manning Document	<input type="checkbox"/> Crew Licenses or Certificates of Competency

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- ❑ Medical certificates, of ILO Convention No. 73 concerning Medical Examination of Seafarers

**2. General Examination** The general examination (i.e. "walk through") portion of the annual examination should be conducted with the following purposes in mind:

*Structure* a. **Structure.** The boarding team should develop an impression of shell maintenance and the general state of the deck and side shell of the vessel to determine its seaworthiness.

*Deck Portion* (1) **Deck Portion.** The condition of such items as ladderways, guardrails, firemans, piping, hatch covers, watertight and weathertight closures, and deck plating should be observed. 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.

*Hull Portion* (2) **Hull Portion.** Significant areas of damage, cracking, wastage, corrosion, or pitting of plating and associated scantlings in decks and hull affecting seaworthiness or strength to take local loads may justify detention. When practical, internal structural members visible from deck in open cargo bays or upper wing tanks should be observed. The boarding team should be vigilant to evidence of improper temporary repairs, soft patches, recent welding or other hot work, and seepage from fuel, cargo or ballast tanks and sideshell plating.

*Ballast Tank Entry* (3) **Ballast Tank Entry.** Due to concern for the personal safety of marine inspectors, entry into ballast tanks is no longer part of a port state control boarding for chemical tankers, liquefied natural gas carriers, and liquid petroleum tankers. The policy of annual ballast tank entry and examination on foreign oil tankers over 10 years old is outlined in MSM II-D6.C.6.c.

*Load Lines* (4) **Load Lines.** The boarding team should pay particular attention to closing appliances, the means of freeing water from the deck, 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.

*Seaworthiness* (5) **Seaworthiness.** Damage not affecting seaworthiness will not constitute grounds for judging that a vessel should be detained, nor will 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 boarding team should regard the location of crew accommodations and whether the damage substantially affects its habitability.

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*Voyage Damage*

- (6) Voyage Damage. Voyage damage that is being properly addressed by the vessel's crew, owner, classification society or flag State without prompting from the Coast Guard should not constitute grounds for detaining a vessel. Other control measures, (i.e. requiring tug assists, daylight transits, portable pumps or generators etc.) may be imposed through a COTP Order in these cases. However, if voyage damage is not being properly addressed, or it appears that the vessel intends to depart port in an unseaworthy condition, the OCMI/COTP should consider taking immediate steps to detain the vessel. Substitution of liferafts for a damaged lifeboat (with the approval of the Flag Administration, or other organization that issued the Safety Equipment Certificate), should be evaluated to ensure that 100% of the crew will be accommodated, and that another boat (rescue or lifeboat) is available for marshalling rafts.

*Machinery Spaces*

- b. Machinery Spaces. The boarding team 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.

*Operation*

- (1) Operation. The boarding team 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.
  - (d) Any other equipment essential in emergency situations.

*Maintenance*

- (2) Maintenance. During examination of the machinery spaces, the boarding team will 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, or extensive corrosion of machinery foundations are indicative of poor maintenance. A large number of temporary repairs, including pipe clips or cement boxes, indicates a reluctance to make permanent repairs.

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*Tests and Trials*

- (3) Tests and Trials. While it is not possible to determine the condition of the machinery without performance trials, general deficiencies such as leaking pump glands, dirty water gauge glasses, inoperable pressure gauges, rusted relief valves, inoperative or disconnected safety or control devices, evidence of repeated operation of diesel engine scavenger belt or crankcase relief valves, malfunctioning or inoperative automatic equipment and alarm systems, and leaking boiler casings or uptakes, would warrant inspection of the engine room log book and investigation into the record of machinery failures and accidents and a request for running tests of machinery.

*Oil and Oily Mixtures*

- (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 the oil record book, the boarding team may determine if reception facilities have been used and note any alleged inadequacies of such facilities.

*Sufficient Power*

- (5) Sufficient Power. If one electrical generator is out of commission, the boarding team should investigate and test whether power is available to maintain essential and emergency services.

*Remote Shut-Off Valve for Tanks Less Than 500 Liters*

- (6) Remote Shut-Off Valve for Tanks Less Than 500 Liters. Regulation II-2/15.2.5 of 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. The U.S. accepts the IMO interpretation of SOLAS II-2/15.2.5 that was adopted at the 69<sup>th</sup> session of the Marine Safety Committee in May 1998. 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 cubic meters) are grandfathered.

*Lifesaving Equipment*

- c. Lifesaving Equipment. 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. Apart from failure to carry equipment required by a convention or obvious defects such as holed lifeboats, the boarding team 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.

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- Fire Safety Equipment
- d. Fire Safety Equipment. For vessels in general, the poor condition of fire mains and hydrants and the possible absence of fire hoses and extinguishers in machinery or accommodation spaces points to a need for close inspection of fire safety equipment. In addition to compliance with convention requirements, the boarding team should look for evidence of a higher than normal fire risk. This might be brought about by a lack of cleanliness in the machinery space that, together with significant deficiencies of fixed or portable fire extinguishing equipment, could lead to a judgment of the vessel's being substandard. Port state control officers should not require servicing of hand portable extinguishers by servicing contractors unless obvious deterioration is present. A last servicing date of greater than 1 year, by itself, is not sufficient to require servicing
- Fire Doors
- (1) Fire Doors. The spread of fire could be accelerated if fire doors are not readily operable. The boarding team might inspect 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. Particular attention should be paid to those retained in the open position and those in main vertical zones that may have been compromised by construction.
- Ventilation Systems
- (2) Ventilation Systems. An additional hazard in the event of fire is the spread of smoke through ventilation systems. Spot checks might be made on dampers and smoke flaps to ascertain the standard of operability. The boarding team might also 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.
- Escape Routes
- (3) Escape Routes. Attention should be given to the effectiveness of escape routes by ensuring that vital doors are not maintained locked and that alleyways and stairways are not obstructed.
- Navigation Safety
- e. Navigation Safety. The boarding team should examine the vessel for compliance with 33 CFR part 164. This may include testing of selected equipment coupled with an examination of the vessel's logs for required entries, charts and publications. The boarding team should ensure the person assigned responsibility for maintaining a radio watch speaks English in accordance with 33 CFR 26.07. Refer to STCW 95 NVIC 3-98 for guidance.
- Cargo Vessel Safety Construction Items
- f. Cargo Vessel Safety Construction Items. The general condition of the vessel may lead the boarding team to consider matters other than those concerned with safety equipment and assignment of load lines, but nevertheless associated with the safety of the vessel. 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.

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- Cargo Ship Safety Radio Operation

g. Cargo Ship Safety Radio Operation. The validity of the Cargo Ship Safety Radiotelegraphy, Safety Radiotelephony Certificate, or Cargo Ship Safety Radio Certificate may be accepted as proof of the provision and effectiveness of its associated equipment, but the boarding team should also ensure that appropriate certified personnel are carried for its operation and for listening periods. The radio log should be examined to confirm that mandatory safety radio watches are being maintained.
- Equipment in Excess of Convention or Flag State Requirements

h. Equipment in Excess of Convention or Flag State Requirements. Equipment on board that is expected to be relied on in situations affecting safety or pollution prevention must be in operating condition. If such equipment is inoperative and is in excess of the equipment required by an appropriate convention and/or the flag state, it should be repaired, removed or, if removal is not practicable, clearly marked as inoperative and secured.
- Garbage

i. Garbage. The boarding team may determine if all operational requirements of Annex V of MARPOL 73/78 have been met. The boarding team may determine if the reception facilities have been used and note any alleged inadequacy of such facilities.
- Manuals and Instructions

j. Manuals and Instructions. The boarding team must 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. They must also ensure that they are aware of requirements for maintenance, testing, training drills, and required logbook entries.
- ISM Code

k. ISM Code. Guidance for enforcement of the ISM Code is provided in NVIC 4-98. G-MOC Policy Letter 1-99 dated December 15, 1998 has been incorporated below in order to provide additional guidance.

(1) *What are examples of a major non-conformity under the ISM Code?* The definition of a major non-conformity (IMO Resolution A.788 (19) implementation guidelines) is, “an identifiable deviation which poses a serious threat to personnel or ship safety, or a serious risk to the environment and requires an immediate corrective action.” For example, an inoperable fire pump that is repaired prior to departure, is usually not grounds for the invalidation of the SMC. However, this deficiency may lead to a major non-conformity if it is a chronic situation, indicating that an SMS has not been properly implemented. Since it may take several boardings to identify a poor SMS in this fashion, it is critical that PSCO’s review the vessel’s previous boarding results in order to track repeated deficiencies.

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In addition, the lack of effective and systematic implementation of a requirement of the ISM Code is also considered a major non-conformity. Evidence should indicate that the basic component(s) in question are completely missing (e.g., no SMS documentation on board, no training program in place). This kind of a major non-conformity typically takes a longer period of time to correct. The identification of a major non-conformity by the PSCO is sufficient grounds for the COTP to question the validity of the SMC.

**NOTE:** A vessel is considered to be ISM compliant if all major non-conformities are cleared prior to departure. The vessel will be targeted as a Priority 1 boarding at future U.S. ports if a major non-conformity remains outstanding after the vessel's release from detention.

- (2) *Who can the flag State call in to perform these external audits?* The flag State can call in any RO that they have authorized to act on their behalf.
- (3) *What does a COTP do if you disagree with the Recognized Organization's (RO) findings?* If the COTP disagrees with the RO's determination that a vessel's SMS is in compliance with the ISM Code, a COTP Order shall be issued for the vessel to depart the port (after all of the serious materiel deficiencies have been corrected). A VPI notice shall also be entered into MSIS as per NVIC 4-98, and the vessel will be denied entry into all U.S. ports until the vessel can provide adequate proof of compliance with the ISM Code. In other words, if the unit believes that a vessel has a major ISM Code non-conformity, and the RO does not issue a major non-conformity to the vessel, the vessel shall be treated as if a major non-conformity were issued.
- (4) *Should a representative from the unit accompany the auditor during the external audit?* If resources permit, an ISM trained representative from the unit should accompany the auditor. This will be left to the discretion of the COTP.
- (5) *How long should a vessel be denied entry to U.S. ports after a major non-conformity has been issued by the RO, or identified by the COTP?* Vessels may only be denied entry into U.S. ports until they can prove compliance with the ISM Code (correction of the major non-conformity). Sufficient proof of compliance will be left to the discretion of the attending COTP. All vessels that are denied entry into U.S. ports for non-compliance with the ISM Code are immediately reported to the other international PSC regimes by G-MOC.

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- (6) *Should the OCM/COTP issue requirements for vessels to correct non-conformities discovered during the expanded examination of the SMS?*  
No. Notes may be entered into MSIS in order to track these deficiencies. Appropriate corrective action can then be verified during future boardings. Corrective action deadlines for non-conformities are set by the company, not by the port State.

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**3. Items to be Examined or Tested**

**In general, the following items will be examined or tested by the Coast Guard marine inspector(s) as part of the annual examination:**

a. Testing of the emergency generator.
b. Examination of the emergency lighting.
c. Operation of the main and emergency fire pump.
d. Testing of the fixed deck foam system (oil tankers only). Testing medium should be water only, not foam.
e. Testing of the fixed fire detection system.
f. Operation of the bilge pumps.
g. Testing of the watertight doors.
h. Lowering of one lifeboat (freight and tanker) or all lifeboats (passenger vessels).
i. Testing of remote stops for boilers, ventilation and fuel pumps.
j. Testing of the steering gear.
k. Testing of the emergency power source to the radio installations.
l. Testing of the oil water separator and bilge monitor.

**4. Operational Tests**

The boarding team should not require any operational tests or impose physical demands that, in the judgment of the master, could jeopardize the safety of the vessel, crew, passengers, boarding team, or cargo (i.e. do not call a fire drill during cargo operations). The boarding team should ensure, as far as possible, that there is no interference with normal operations, such as loading and unloading of cargo and ballasting, which is carried out under the responsibility of the master. The boarding team should not require demonstration of operational aspects that would unnecessarily delay vessels. However, when the boarding team has established "clear grounds" during an examination, the following on board operational procedures may be checked.

Muster List	a. Muster List. The boarding team may determine if the crewmembers are aware of their duties as indicated in the muster list.
Communication	b. Communication. The boarding team may determine if the key crewmembers are able to communicate with each other, and with passengers as appropriate, in such a way that the safe operation of the vessel is not impaired, especially in emergency situations.
Fire and Abandon Ship Drills	c. Fire and Abandon Ship Drills. The boarding team witnessing a fire and abandon ship drill should ensure that the crew is familiar with its duties during such procedures and the proper use of the vessel's installations and equipment.

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|--------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Damage Control Plan                                                            | d. Damage Control Plan. The boarding team may determine if a damage control plan is provided on a passenger vessel and whether the crew is familiar with its duties and the proper use of the vessel's installations and equipment for damage control purposes.                                                                                                                                                                                                                                   |
| Fire Control Plan                                                              | e. Fire Control Plan. The boarding team may determine if a fire control plan or booklet is provided and whether the crew is familiar with the information given in the fire control plan or booklet.                                                                                                                                                                                                                                                                                              |
| Bridge Operation                                                               | f. Bridge Operation. The boarding team must determine if officers in charge of a navigational watch are familiar with bridge control and navigational equipment, changing the steering mode from automatic to manual and vice versa, and the vessel's maneuvering characteristics.                                                                                                                                                                                                                |
| Cargo Operation                                                                | g. Cargo Operation. The boarding team may determine if personnel assigned specific duties related to the cargo and cargo equipment are familiar with those duties, the dangers posed by the cargo, and the measures to be taken in such a context.                                                                                                                                                                                                                                                |
| <i>Loading, Unloading, and Cleaning Procedures for Cargo Spaces of Tankers</i> | (1) Loading, Unloading, and Cleaning Procedures for Cargo Spaces of Tankers. The boarding team may determine if all operational requirements of Annexes I or II of MARPOL 73/78 have been met, taking into account the type of tanker and the type of cargo carried, including the inspection of the oil record book and/or cargo record book. The boarding team may determine if the reception facilities have been used and note any alleged inadequacy of such facilities.                     |
| <i>Dangerous Goods and Harmful Substances in Packaged Form</i>                 | (2) Dangerous Goods and Harmful Substances in Packaged Form. The boarding team may determine if the required shipping documents for the carriage of dangerous goods and harmful substances carried in packaged form are provided on board and whether the dangerous goods and harmful substances are properly stowed and segregated. In addition, the boarding team should ensure that the crew is familiar with the essential actions to be taken in an emergency involving such packaged cargo. |
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**H. Reexaminations**

Reexaminations are conducted to ensure a vessel has remained in compliance with appropriate laws or international conventions between the period of annual examinations. These examinations normally consist of an examination of the vessel's certificates, licenses, and documents followed by a general examination, i.e. "walk through" of the vessel, as outlined in section MSM II-D1.G.2. Unlike an annual examination, the testing of specific equipment and the witnessing of operational procedures and emergency drills by the vessel's crew are not a standard part of the reexamination.

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**1. Fire and Abandon Ship Drills**

In the case of foreign passenger vessel reexaminations, the reexamination shall include the witnessing of fire and abandon ship drills to ensure that the vessel's crew can adequately ensure the safety of the passengers in an emergency.

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**I. Expanded Examinations**

If any examination reveals "clear grounds" for believing that the condition of a vessel or its equipment does not correspond substantially with the particulars of its certificates, the boarding team should expand the examination to further explore the scope and depth of these indications. Expanded examinations should focus on those areas where "clear grounds" have been established and should not include other areas or systems unless the general impressions or observations of the boarding team support such examination.

- 1. List of Deficiencies** To assist the boarding team, a list of deficiencies that establish "clear grounds" to expand an examination has been developed. The deficiencies, grouped under the relevant conventions and/or codes, are considered of such a serious nature that they may warrant the detention of the vessel involved. This list is not considered exhaustive but is intended to provide an explanation of relevant items. **(References in brackets.)**

Deficiencies	
<b>a. General</b>	
(1)	Absent or invalid certificates required under applicable conventions.
<b>b. Areas Under SOLAS</b>	
(1)	Failure of proper operation of propulsion and other essential machinery as well as electrical installations.
(2)	Insufficient cleanliness of engine room; excess amount of oil-water mixture in the bilges; insulation of piping including exhaust pipes in engine room contaminated by oil; and improper operation of bilge pumping arrangements.
(3)	Failure of the proper operation of emergency generator, lighting, batteries and switches.
(4)	Failure of proper operation of the main or auxiliary steering gear.
(5)	Absence, insufficient capacity, or serious deterioration of personal lifesaving appliances, survival craft and launching arrangements.
(6)	Absence, noncompliance, or substantial deterioration to the extent that it can not comply with its intended use of fire detection system, fire alarms, fire fighting equipment, fixed fire extinguishing installation, ventilation valves, fire dampers and quick-closing devices.
(7)	Absence, substantial deterioration, or failure of proper operation of the cargo deck area fire protection on tankers.
(8)	Absence, noncompliance, or serious deterioration of lights, shapes, or sound signals.
(9)	Absence, or failure of the proper operation, of the radio equipment for distress and safety communication.
(10)	Absence, or failure of the proper operation of navigation equipment, taking the relevant provisions of SOLAS Chapter V/12 into account.
(11)	Absence of navigation charts and/or all other relevant nautical publications necessary for the intended voyage.
(12)	Absence of non-sparking exhaust ventilation for cargo pump rooms (59.3.1)

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- (13) Serious noncompliance with procedures stipulated under the Certificated Safety Management System on vessels required to comply with SOLAS Chapter IX. (See NVIC 4-98 on ISM Code Enforcement)

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Deficiencies (continued)	
<b>c.</b>	<b>Areas under the IBC Code</b>
(1)	Transport of a substance not mentioned in the Certificate of Fitness or missing cargo information (16.2).
(2)	Missing or damaged high-pressure safety devices (16.2).
(3)	Electrical installations not intrinsically safe or not corresponding to the code requirements (10.2.2).
(4)	Sources of ignition in hazardous locations referred to in 10.2 (11.3.15).
(5)	Contravention of special requirements (15).
(6)	Exceeding of maximum allowable cargo quantity per tank (16.1).
(7)	Insufficient heat protection for sensitive products (16.6).
<b>d.</b>	<b>Areas under the IGC Code</b>
(1)	Transport of a substance not mentioned in the Certificate of Fitness or missing cargo information (18.1).
(2)	Missing closing devices for accommodations or service spaces (3.2.6).
(3)	Bulkhead not gastight (3.3.2).
(4)	Defective air locks (3.6).
(5)	Missing or defective quick closing valves (5.6).
(6)	Missing or defective safety valves (8.2).
(7)	Electrical installations not intrinsically safe or not corresponding to the code requirements (10.2.4).
(8)	Ventilators in cargo area not operable (13.4.1).
(9)	Pressure alarms for cargo tanks not operable (13.4.1).
(10)	Gas detection plant and/or toxic gas detection plant defective (13.6).
(11)	Transport of substances to be inhibited without valid inhibitor certificate (17/19).
<b>e.</b>	<b>Areas Under ILLC</b>
(1)	Significant areas of damage or corrosion, or pitting of plating and associated stiffening, in decks and hull affecting seaworthiness or strength to take local loads. This is omitted if authorized temporary repairs for a voyage to a port for permanent repairs have been carried out.
(2)	A recognized case of insufficient stability.
(3)	The absence of sufficient and reliable information in an approved form, which by rapid and simple means, enables the master to arrange for the loading and ballasting of the vessel in such a way that a safe margin of stability is maintained at all stages and at varying conditions of the voyage, and that the creation of any unacceptable stresses in the vessel's structure is avoided.
(4)	Absence, substantial deterioration, or defective closing devices, hatch closing arrangements and watertight/weathertight doors.
(5)	Overloading.
(6)	Absent or improper draft and/or Load Line marks.

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Deficiencies (continued)	
<b>f.</b>	<b>Areas Under MARPOL Annex I</b>
(1)	Absence, serious deterioration, or failure of proper operation of the oily-water filtering equipment, the oil discharge monitoring and control system, or the 15-ppm alarm arrangements.
(2)	Remaining capacity of slop and/or sludge tank insufficient for the intended voyage.
(3)	Oil record book not available (20(5)).
(4)	Unauthorized discharge bypass fitted.
<b>g.</b>	<b>Areas under MARPOL Annex II</b>
(1)	Absence of Procedures & Arrangements Manual.
(2)	Cargo is not categorized (3(4)).
(3)	No cargo record book available (9(6)).
(4)	Transport of oil-like substances without satisfying the requirements or without an appropriately amended certificate (14).
(5)	Unauthorized discharge bypass fitted.
<b>h.</b>	<b>Areas Under STCW</b>
(1)	Inadequate certificates or endorsements
(2)	Rest periods insufficient
(3)	English standard deficient
(4)	Lack of basic safety training
(5)	Lack of vessel familiarization
<b>i.</b>	<b>Areas Under ILO 147</b>
(1)	Insufficient food for voyage to next port.
(2)	Insufficient potable water for voyage to next port.
(3)	Excessively unsanitary conditions on board.
(4)	No heating in accommodation of a vessel operating in areas where temperatures may be excessively low.
(5)	Excessive garbage, blockage by equipment or cargo, or otherwise unsafe conditions in passageways/accommodations.

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**J. EXAMINATION BOOKS**

Annual examinations and reexaminations shall be conducted according to the guidance in the appropriate examination book. These books may be downloaded in their entirety from the Training Center website at <http://rtcs10net.rtc.uscg.mil/rtcweb/mschools/mii/cg840.html>.

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