

SECTION D: PORT STATE CONTROL

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

A. INTRODUCTION

Approximately 29% of the foreign vessel boardings carried out by the Coast Guard result in deficiencies being discovered. Considering the seriousness of the deficiencies, the Officer-in-Charge Marine Inspection (OCMI) or Captain of the Port (COTP) must determine the appropriate control action to impose on these vessels to ensure the safety of the vessel, the port and the environment. The degree of control imposed, as well as the authority used to exercise control, must be consistent with the nature of the deficiencies.

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B. DEGREES OF CONTROL

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- 1. Requiring Corrective Measures Within a Specified Period**
- When deficiencies pose no unreasonable threat to the environment and do not adversely affect the vessel's seaworthiness, the vessel should not be detained other than as necessary to ensure the posting of a LOU/surety bond in accordance with Volume I, Chapter 4.D.2.c.(3) of this manual, when appropriate. The deficiencies shall be documented in the Port Safety Discrepancy Report (PSDR) of the Marine Safety Information System (MSIS). For passenger vessel examinations and reexaminations, and chemical vessel Letter of Compliance (LOC) biennial examinations which are not normally documented under the Port Safety Activity Report (PSAR) product set, the Marine Inspection Deficiency Report (MIDR) shall be used. Each deficiency shall be assigned a compliance date appropriate to the nature of the deficiency. The length of time allowed to effect the repairs is left to the discretion of the OCMI/COTP. In making the determination, the OCMI/COTP should consider the nature and severity of the deficiency; the amount of time normally needed to repair such a deficiency; the availability of repair facilities, drydocks or service facilities; and the vessel's itinerary. In most cases, a one-month compliance date will be appropriate. If compliance is required prior to the next U.S. port entry, the compliance date entered into MSIS should be the day after the vessel departs the port for sea. This will automatically classify the vessel as having an outstanding deficiency and identify the vessel for a priority II boarding at the next U.S. port. Some repairs may not be feasible until the next scheduled yard period or drydocking. In such cases, estimate the latest date by which a vessel must be drydocked and enter that date as the compliance date. The comments section should indicate corrective measures are to be completed at the next drydocking. Civil penalty action may be initiated in accordance with Volume I, Chapter 4.D.2.c. of this manual for violations of U.S. regulations. Examples of deficiencies that might be required to be corrected within a specified time period include, but are not limited to, the following:
- a. Minor leakage or small holes in firemain that do not affect ability to maintain adequate pressure to fight fires;
 - b. Hull, tank, structure or piping damage or wastage that has been temporarily repaired to the satisfaction of the classification society and OCMI/COTP;
 - c. Grab rails on lifeboat that are loose or missing;
 - d. Lifeboat seats with minor damage or decay but still capable of supporting weight of passengers; and
 - e. Missing weak links on liferafts of a cargo or tank vessel.

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- 2. Requiring Corrective Measures Prior to Return to U.S.** Deficiencies related to U.S. laws or regulations that are not requirements under international conventions and that pose no immediate threat to the environment or adversely affect the vessel's seaworthiness should not result in the detention of a vessel other than as necessary to ensure the posting of a LOU/surety bond in accordance with Volume I, Chapter 4.D.2.c.(3) of this manual, when appropriate. In such cases, corrective measures may be required to be accomplished prior to the vessel's return to a U.S. port. The deficiencies shall be entered into the PSDR product set of MSIS with a compliance date as the day following the vessel's departure. The comments section should indicate corrective measures are to be completed prior to return to the United States. Civil penalty action may be initiated in accordance with Volume I, Chapter 4.D.2.c. of this manual for violations of U.S. regulations. Examples of deficiencies that might require correction prior to return to the U.S. include, but are not limited to, the following:
- a. Charts or nautical publications not currently corrected;
 - b. Electrical fixtures in paint locker not appropriately certified for safe usage in hazardous location (operational control (i.e., disconnected power source or removal of flammables from space));
 - c. Portable hoses have not been tested but appear in good condition;
 - d. Nameplate data on cargo tanks of LOC not available; and
 - e. Actual location of safety equipment deviates from the vessel safety plan.

- 3. Requiring Corrective Measures Prior to Cargo, Bunkering or Lightering Operations** U.S. regulations pertaining to cargo handling and pollution prevention generally apply to foreign vessels operating in U.S. waters. When deficiencies related to these U.S. regulations adversely affect the safety of cargo operations, but do not make the vessel unfit to proceed to sea, cargo transfer operations may be prohibited or terminated until corrective measures are accomplished. Provided the vessel is not restricted from departing port or required to effect corrective measures prior to departure, this is not to be considered a detention. This action should be taken under the Ports and Waterways Safety Act and requires the issuance of a COTP Order. Examples of deficiencies that might require termination or delay of cargo operations include, but are not limited to, the following:
- a. Oil transfer procedures incomplete;
 - b. No approved Vessel Response Plan (VRP) aboard;
 - c. No Certificate of Financial Responsibility (COFR) aboard;
 - d. LNG/LPG minor gas detection deficiencies (operational control: use portable gas detectors if feasible);

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- e. LNG/LPG air locks malfunctioning (operational control: ensure proper ventilation of the protected space and closely monitor traffic through the space);
- f. High/low level alarms inoperative (operational control: ensure careful monitoring of liquid level); and
- g. Information on properties and hazards of cargoes not on board (operational control: brief crew and terminal personnel on cargo hazards).

4. Requiring Corrective Measures Prior to Embarking Passengers

Title 46 U.S.C 3505 prohibits a foreign vessel from departing a U.S. port with passengers who are embarked at that port if the vessel does not comply with the International Convention for the Safety of Life at Sea (SOLAS). This does not preclude the OCMI/COTP from detaining a passenger vessel if it is unfit to proceed to sea or an unreasonable threat to the environment. However, in many cases passenger vessel deficiencies, although serious, may not make the vessel unseaworthy or a risk to the environment. Detention may not be warranted, but concern for the safety of U.S. passengers dictates that the vessel not embark passengers until the deficiencies are corrected. In these cases it is appropriate to prohibit the vessel from embarking passengers in the U.S. until corrective measures are accomplished. Examples of deficiencies that might require correction prior to embarking passengers include, but are not limited to, the following:

- a. Mustering instructions not posted in all passenger state rooms;
- b. Personal flotation devices not stowed in an accessible location in each stateroom;
- c. Inadequate marking of passenger escape routes; and
- d. Malfunctioning intercom or alarm systems.

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5. Requiring Corrective Measures Prior to Entry

In some cases, deficiencies may be discovered prior to a vessel's entry into port which present such a grave risk to the port or the environment that the OCMI/COTP may wish to prevent the vessel from entering port until the deficiencies are corrected. Within the territorial sea, a COTP Order may be used to prevent entry. However, under certain circumstances, a vessel may claim "force majeure" and enter port anyway. The OCMI/COTP must carefully balance the risks to the port against the risks to the crew and ship. Corrective measures may be difficult or impossible to accomplish at sea. Consideration should be given to identifying a safe haven or anchorage into which such a vessel might be permitted to enter at minimal risk to the port or environment. In extreme cases, the OCMI/COTP may wish to consider intervening before the vessel enters U.S. territorial waters. In such cases the OCMI/COTP shall refer to COMDTINST 16451.5 "Policy Guidance for Intervention in Ship-Related Marine Pollution Incidents on the High Seas and on the Navigable Waters of the U.S.". Examples of conditions which might warrant denying a vessel entry into port include:

- a. Incompatible cargoes stowed in adjacent tanks;
- b. Cargoes being carried which are not authorized by the LOC;
- c. Cargo leaks from tanks or piping systems;
- d. LNG/LPG Gas detection system inoperative; and
- e. Vessel carrying dangerous cargoes without LOC with Subchapter O Endorsement/International Maritime Organization (IMO) Certificate of Fitness (COF) or with expired documents.
- f. Lack of ISM Certification
- g. Lack of COFR

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C. AUTHORITY USED FOR CONTROL ACTION

Regardless of whether deficiencies must be repaired before commencing cargo operations, departing port, or returning to the U.S., control actions must be based on the control authority provided under domestic laws or international conventions. Compliance with standards other than those implemented under law, regulation or convention cannot be mandated. It is incumbent upon the OCMI/COTP and the boarding team that they thoroughly research requirements to ensure that any control action taken is authorized under an applicable law, regulation or convention. In particular, be careful to ensure the applicability of requirements on older vessels that are often "grandfathered" or exempted from standards established since they were built. The enforcement options available to the COTP/OCMI are described below.

1. Enforcement of U.S. Laws and Regulations

Letters of Deviation

a. Letters of Deviation. Under 33 CFR part 164.55, the COTP may authorize, upon written application, a deviation from any rule in 33 CFR part 164. However, the risks imposed by equipment failures reported in accordance with 33 CFR part 164.53, and casualties reported in accordance with 46 CFR part 4.05, should be considered before issuing a letter of deviation. Equipment failures or casualties may be indicative of other problems aboard vessel. A boarding and examination prior to issuing a letter of deviation should be considered in those cases involving high-risk vessels (i.e. Priority I or II). Issuance of a letter of deviation does not preclude the possibility of pursuing civil penalty action.

Captain of the Port (COTP) Orders

b. Captain of the Port (COTP) Orders. This enforcement option can be used to implement a variety of control options from simply controlling the vessel's movement as it departs port to detaining the vessel in port until deficiencies are corrected. This order is initiated under the authority of the Ports and Waterways Safety Act of 1972 (33 U.S.C. 1221) and implementing regulations of 33 CFR 160.113.

Controlling the Ship's Movement

(1) Controlling the Ship's Movement. Depending on the deficiencies discovered, the OCMI/COTP can use a COTP order to control or restrict the vessel's movement or operations. For example, if the deficiency relates to the vessel's navigational equipment, the COTP order may require a vessel to use an assist tug or may restrict a vessel to daylight operations. If the deficiency relates to pollution prevention equipment, the COTP order may prohibit a vessel from bunkering or lightering until corrective measures are taken. Many additional applications exist, not all of which are related the condition of a vessel. (e.g. A COTP order may be used to order a vessel to a specific anchorage to protect a port during a hurricane.)

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- Civil Penalty Action c. Civil Penalty Action. In addition to control actions, the COTP/OCMI may process a civil penalty case for violations of U.S. laws or regulations. Civil penalty enforcement should be taken against those involved parties that are in the best position to bring about compliance and those who can best deter future violations. (See Volume I, Chapter 4.D.2.c. of this manual).
- Letter of Warning* (1) Letter of Warning. This correspondence is appropriate for minor violations that are corrected immediately by conscientious operators. The discovery of administrative errors in dangerous cargo manifests and incorrectly sized lettering on warning signs are two obvious examples of minor violations. However, a history in MSIS of continuing violations indicates the need for more stringent enforcement actions.
- Civil Penalty Adjudication* (2) Civil Penalty Adjudication. Civil penalty proceedings should be initiated for all major non-criminal violations, for repeat offenders, and any minor violations that are not corrected immediately by the responsible party. Penalty amounts are determined based on factors involved in the violation including the circumstances under which the violation occurred; seriousness of the violation; culpability of the party; prior history of similar violations, economic benefit of noncompliance to the responsible party, and the degree of success of effort by the responsible party to minimize or mitigate injury and/or risk. Civil penalties, other than more serious Federal Water Pollution Act (FWPCA) or Comprehensive Environmental Response Compensation and Liability Act (CERCLA) violations, are adjudicated by Coast Guard hearing officers under 33 CFR 1.07. See COMDTINST 16200.5 for additional information.
- Letter of Undertaking/Surety Bonds* (3) Letter of Undertaking/Surety Bonds. Whenever a violation case is pursued, the boarding officer should normally require a Letter of Undertaking (LOU) or Surety Bond from the vessel owner, operator, or person in charge to assure payment of a penalty or fine.
- Customs Hold d. Customs Hold. Under the authority of 46 U.S.C. 91, vessels intending to depart the U.S. for a foreign port must obtain a clearance from the U.S. Customs Service. Under various U.S. laws, the Coast Guard is authorized to request that the Customs Service deny or withhold the required clearance when these laws are violated unless a bond or other surety is posted.

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D. ENFORCEMENT OF INTERNATIONAL CONVENTIONS

The U.S. is party to the following international instruments which provide authority for port States to exercise control procedures to secure compliance with applicable convention provisions: the International Convention for the Safety of Life at Sea (SOLAS) 1974, as amended; the International Convention on Load Lines (ICLL), 1966; the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the protocol of 1978 relating thereto (MARPOL 73/78); the International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers 1978, as amended in 1995 (STCW 95); and the International Labor Organization Convention No. 147, (ILO 147).

1. Control Procedures

- SOLAS
 - a. International Convention for the Safety of Life at Sea (SOLAS). SOLAS Chapter I, Regulation 19 authorizes port states to board foreign vessels to determine the validity of their SOLAS certificates. Where "clear grounds" are present which indicate that a vessel is not in compliance with applicable requirements, the port state is authorized to take such steps as may be necessary to ensure that the vessel does not sail until it can proceed to sea, or leave the port for the purpose of proceeding to a repair yard, without danger to the vessel or persons on board.

- ICLL
 - b. International Convention on Load Lines 1966 (ICLL). ICLL Article 21(1) and (2) provides the port state with the authority to board foreign vessels to verify the validity of the vessel's certificate and to determine that the vessel is not loaded beyond its allowable limits, that the position of the load line corresponds with the certificate, and that the vessel has not been so materially altered that it is manifestly unsafe to proceed to sea without danger to human life. The port State is authorized to take control as may be necessary to ensure that the vessel does not sail until it can proceed to sea without danger to passengers or crew.

- MARPOL
 - c. International Convention for the Prevention of Pollution from Ships (MARPOL) 73/78. Article 5(2) provides port states with the authority to inspect foreign vessels to verify the validity of the vessels' certificates. Where "clear grounds" are present which indicate that the vessel is not in compliance with the certificates, the port State is authorized to take such steps as will ensure that the vessel does not sail until it can proceed to sea without presenting unreasonable threat of harm to the marine environment.

- STCW 95
 - d. International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 as amended in 1995 (STCW 95). Ships may be detained under STCW authority if the deficiencies pose a danger to persons, property or the environment. These deficiencies are described in STCW Reg. I/4. Regulation 1/4 will be the only cite used if a detention is

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warranted.

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ILO 147

- e. International Labor Organization (ILO) Convention No. 147. Article 4 of ILO 147 prescribes that port states may take measures necessary to rectify any conditions on board which are clearly hazardous to safety or health. The U.S. has not enacted special legislation executing this treaty because existing U.S. shipping and navigation laws substantially encompass the treaty's provisions. The Ports and Waterways Safety Act (PWSA), 33 USC 1221 et. seq., authorizes the (COTP) to detain a vessel if it is not in compliance with an applicable treaty, provided the vessel poses a serious threat to the port. The general goals of ILO 147 may be used as a reference to measure the threat to the port. Additional guidance may be found in COMDTINST 16711.12.
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E. DETENTION CRITERIA

1. Casualty or Weather Damage

Vessels suffering casualty or weather damage within or enroute to ports in the United States, and whose owners have demonstrated an intent to initiate corrective measures voluntarily while in port, should not normally be subjected to intervention, leading to a detention. Operational controls necessary to protect life, the port, or the environment may be imposed through a COTP order (i.e. to require a tug assist, daylight transit, containment boom, etc.). However, should evidence indicate an intent to depart port without satisfactory repair, a detention should be initiated.

2. Safe Manning Document

SOLAS Chapter V, Regulation 13 requires all ships of 500 gross tons and more on international voyages to be issued a safe manning document.

Detention of Vessels

- a. Detention of Vessels. A vessel should be detained under SOLAS, Chapter I, Regulation 19, or under the authority of the Ports and Waterways Safety Act, Section 1223, if:
 - (1) there is no safe manning document available;
 - (2) the vessel is not manned in accordance with the document;
 - (3) the document does not identify the vessel;
 - (4) the document lacks a table showing the numbers and grades of personnel required to be carried, together with any special conditions or limitations based on particulars of the vessel or the nature of the service upon which it is engaged; or
 - (5) the document lacks an issue date, signature or the flag State's seal

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Inadequate Manning Specified by Safe Manning Document

- b. Inadequate Manning Specified by Safe Manning Document. In the event the boarding team considers the crew complement stated on the safe manning document to be manifestly unsafe, the master and the consulate of the flag State should be notified and an acceptable manning complement should be provided before the vessel is permitted to depart. Annex 2 of IMO Resolution A.481(XII) provides guidance for assessing the adequacy of manning on a foreign vessel. As a general matter, manning may be considered to be manifestly unsafe when any one of the following conditions exists:
 - (1) The vessel is over 1000 gross tons, has only one mate, has no designated chief mate, and there is a clear indication that the master is routinely expected to be a member of the watch rotation. Under these circumstances, the master is clearly overburdened with duties relating to watchkeeping, cargo transfer, dealing with boardings while the vessel is in port, administration of company management tasks, and the customary duties of the captain.

NOTE: Internationally, it is not unusual for the master to stand a watch on a two-watch rotation on vessels of limited size (<1000 gross tons).

- (2) There is only one engineer on board and the vessel's propulsion system is of a complexity which clearly requires a licensed engineer to be on call at all times to respond to alarms in addition to managing maintenance tasks to prevent vital system failures.
- (3) The overall condition of the vessel, its navigational equipment or its engineering systems is so poor, or the crew is in such a state of fatigue, so as to suggest that the available crew is obviously inadequate to perform the tasks necessary to prevent vital system failures.

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SOLAS: Non-Signatory Flagged Vessels or SOLAS Inapplicable Vessels

c. Vessels of Flag Administrations not Party to SOLAS or to which SOLAS does not Apply. In the event a vessel is flying the flag of an Administration which is not a party to SOLAS, or the vessel is not subject to the SOLAS requirement for having a safe manning document, the boarding team should initially apply U.S. manning requirements for vessels of similar size and service. As stated above, Annex 2 of IMO Resolution A.481(XII) contains general guidance for assessing the adequacy of manning on foreign vessels and makes special allowances for vessels of limited size (<1000 gross tons). The following scale may be used as a starting point, but due consideration should be given to the fact that U.S. requirements vary widely for small vessels on short voyages or engaged in limited operations (such as offshore supply vessels and towing vessels), and the engineering component depends on the level of automation in the systems and machinery on board.

- One licensed master
- Two licensed mates*
- One licensed engineer
- Two able seamen (or ratings qualified as members of the navigational watch under STCW)
- One deck maintenance/ordinary seaman
- Radio officer/radio operator (if the vessel is operating more than 150 miles from shore)

NOTE:

- (a) 46 U.S.C. 8301 requires a master and three mates on vessels of 1000 gross tons and more; and a master and two mates for U.S. vessels 200 to 1000 gross tons, with an exception for OSV's on voyages up to 600 miles;
- (b) regulations in 46 CFR 15 allow for two operators on most uninspected towing vessels under 200 gross tons;
- (c) tonnage as determined under U.S. regulations is normally lower than tonnage determined under the international tonnage measurement system; and
- (d) worldwide, it is not unusual for small vessels with all-round visibility from the wheel house and bridge control of propulsion systems to operate with the officer of the navigational watch acting as the sole lookout on a two-watch system, unless the night vision of the officer is impaired, there is congested traffic, or the weather, visibility or other conditions indicate the need for a separate lookout.

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3. International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, (STCW 95)

STCW95 standardizes mariner requirements worldwide. These standards are now clearly documented and no longer left to the discretion of various administrations. A major change in these requirements is in the forms of new competency certificates. The new STCW certificates (1995 Endorsements) may be in any one of 3 forms (see NVIC 3-98). All information relating to the capacity or capacities in which the holder is entitled to serve, in accordance with the applicable safe manning requirements of the Administration, as well as any limitations will be identified. Ships may be detained under STCW authority if the uncorrected deficiencies pose a danger to persons, property or the environment.

- General Examination
 - a. General Examination. During all foreign vessel examinations, PSCOs will compare the crew certificates and endorsements with the requirements of the Safe Manning Document, check posted watch arrangements for appropriate rest periods, and examine the specific new crew-member familiarization procedures.

- Reasons to Expand a General Examination
 - b. Reasons to Expand a General Examination. If, during the general examination, the PSCO encounters a situation that establishes clear grounds that watchkeeping standards are not being maintained, the examination will be expanded. Situations encountered during a general examination that establish clear grounds are those that prevent the PSCO from completing a general examination and include (for example): the inability of crewmember(s) to perform their assigned duties during abandon ship or fire fighting drills; the inability of crewmember(s) to communicate with the PSCO in English (when required by STCW) to the extent that it prevents the PSCO from completing the general examination and the ship is otherwise being operated in such a manner as to pose a danger to persons, property or the environment. Items which may be deemed to pose a danger to persons, property or the environment are outlined in NVIC 3-98.

- Reporting Obligations
 - c. Reporting Obligations. The COTP shall use the reporting requirements described in section E of this chapter when vessels are detained under STCW authority. When citing deficiencies with the requirements of the STCW Convention, field units shall cite the regulation 1/4 in the Convention, not the section of the STCW Code.

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4. Shipboard Oil Pollution Emergency Plan (SOPEP)

- a. Since 4 July 1995, all tank vessels 150 gross tons and above, and all other ships over 400 gross tons, shall have an approved SOPEP on board in accordance with MARPOL Annex I, Regulation 26. Any vessel not meeting the criteria, shall be dealt in the manner below.

NOTE: An approved plan shall be required within 90 days and the vessel's master should be warned in writing that failure to comply will result in denial of entry, detention, and/or suspension of operations. The OCM/COTP shall document the absence of an approved SOPEP with a Vessel of Particular Interest (VPI) notice in MSIS.

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5. Vessel Response Plans (VRP) Original VRP's that were submitted and approved in accordance with NVIC 8-92 and the interim final rule began to expire in 1998. 33 CFR 155.1070 requires VRP's to be submitted for re-approval six months before their expiration date, but it's expected that many vessel operators will not meet this deadline. In order to prevent unnecessary delays of oil transportation in U.S. waters, to allow sufficient time for Commandant (G-MOR) to review a surge of re-submitted VRP's, and to ensure that vessels have identified resources necessary to respond to oil spills, the following enforcement policy shall be followed for a foreign vessel discovered in port with an expired VRP:

- a. The OCMI/COTP shall suspend cargo operations;
- b. The vessel operator must submit written certification that necessary private response resources are contracted for as required by 33 CFR 1050, 1052, 1230 or 2230, as appropriate; and
- c. The vessel operator will be prohibited from handling, storing or transporting oil on the navigable waters of the U.S., or transferring oil in any port or place subject to U.S. jurisdiction without an approved plan within 90 days from the time of discovery with an expired VRP in U.S. waters.

NOTE: This policy does not apply to vessels without a previously approved VRP. Vessels without a previously approved VRP shall continue to be prohibited from cargo operations without interim authorization or a one-time waiver. OCMI/COTP's shall document the absence of an approved VRP with an MSIS VPI notice, and shall not rely solely on VRP dates indicated on the vessel's MSIS VFLD.

6. Assessments When deciding whether the deficiencies found are sufficient to merit detention, the OCMI/COTP should assess several elements. If the results of any of these assessments is negative, taking into account the deficiencies found, the vessel should be strongly considered for detention. These elements include:

- a. The vessel has relevant valid documentation;
- b. The vessel has the crew required in the Safe Manning Document;
- c. The vessel can navigate safely;
- d. The vessel can safely handle, carry, and monitor the cargo;
- e. The vessel can operate the engine room safely;
- f. The vessel can maintain the proper propulsion and steering;
- g. Fires can be fought effectively in any part of the vessel;
- h. The vessel can be abandoned speedily and safely and rescue can be effected;

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- i. The vessel can prevent pollution;
- j. The vessel can maintain adequate stability;
- k. The vessel can maintain adequate watertight integrity; and
- l. The vessel can communicate effectively in distress situations.

7. Requiring Corrective Measures Prior to Departure

When deficiencies are discovered which render a vessel unfit to proceed to sea or an unreasonable risk to the environment, the vessel should be detained, if the vessel is not already initiating corrective action. A vessel may be detained under the authority of the Ports and Waterways Safety Act through a COTP order or it may be detained under the control provisions of the applicable international conventions. The various control provisions of the applicable international conventions are listed in Section D of this chapter. The authority used to detain a vessel should be consistent with the nature of the deficiencies, e.g. if the vessel is considered to be substandard then it should be detained under an International Convention. If the vessel is not or is considered substandard only under U.S. laws, then issue a COTP Order. Examples of deficiencies that might require correction prior to departure include, but are not limited to, the following:

- a. Excessive wastage, corrosion, pitting, holes or damage to the hull, cargo hatches, tanks, cargo piping, firemain or other vital systems;
- b. Inoperable emergency firepump or emergency generator; (vessels with emergency firepumps that can't draw suction because of a light draft should not be detained)
- c. Inability to lower lifeboats;
- d. Lifeboat motors will not start;
- e. Invalid Safety Construction Certificate, Safety Equipment Certificate, Passenger Ship Safety Certificate, Load Line Certificate or other certificates required under International Conventions; and expanded exam reveals gross deficiencies
- f. Crew incompetent to carry out duties (e.g. Fire or boat drill, cargo transfer, stability calculations etc.).
- g. Serious steering deficiencies
- h. Safe manning deficiencies (See NVIC 3-98)

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8. Ensuring Safety

The protection of passengers, crew, property and the environment is the ultimate goal of a Port State Control examination. Control must be exercised with reason. A vessel should not be detained unless it is unfit to proceed to sea or poses an unreasonable risk to the environment. All possible efforts shall be made to avoid unduly detaining or delaying a vessel. Provided that a vessel is reasonably safe, it is not necessary that every deficiency be corrected prior to departure. In some cases, temporary repairs or alternative equipment or arrangements may be sufficient to allow a vessel to proceed on its voyage until convention requirements can be fully met. If deficiencies can be "corrected on the spot" or prior to the boarding officers' departure, then a detention should not be initiated.

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F. REPORTING OBLIGATIONS

1. Detention Report

All interventions leading to detentions shall be documented on the Detention Report form (Annex A to this chapter). The report will be sent as an attachment to Commandant (MOC) via the electronic mail system in accordance with Appendix A. A copy of the message and its attachment will be sent to the reporting unit's district office by entering the district electronic mail address in the "copy" block of the message header. The electronic mail message will be sent in return receipt format. The individual that originates the message is responsible to confirm its delivery. The delivery of the report to the Commandant must be completed no later than 1630 on the business day following the intervention action. Deficiencies should clearly state what problems exist and the scope or seriousness of the deficiencies (e.g. "Firemain, multiple holes, wastage - unable to maintain adequate pressure," provides a much better description of the problem than to simply state "prove proper operation of firemain" or "Emergency generator will not start" as opposed to "Prove operation of emergency generator"). Applicable cites shall be entered for all deficiencies listed on the Detention Report (e.g. "SOLAS 74 II-2/4.1 Firemain, multiple holes, wastage - unable to maintain adequate pressure"). The detention reports will be reviewed and/or released by the command prior to being forwarded to the Commandant. Only those significant deficiencies which are the cause of the detention should be listed on the Detention Report. Minor deficiencies and deficiencies that do not require correction prior to departure should not be listed on this form (e.g. do not list items like "update publications" or "install weak link" on the Detention Report). Minor detention deficiencies should be documented in MSIS and included on a separate worklist provided to the vessel's master.

- a. Follow-up Reports. The Detention Report may be used to update or correct information submitted on the initial report. The E-mail subject line forwarding Detention Reports should identify whether the Detention Report is an initial report or an update to a previous report.
- b. Post-Detention Report. Post-Detention Reports will be submitted via the electronic mail system. A copy of the message and its attachment will be sent to the reporting unit's district office by entering the district electronic mail address in the "copy" block of the message header. The subject of the message will be: POST REPORT OF: [VESSEL NAME]. The Post Detention Report will be completed in accordance with Annex A to this chapter.

2. Flag State Notification

Whenever a foreign vessel is denied entry to a port or offshore terminal, or is detained, the command must notify the flag State as soon as possible at the Point of Contact provided on the Port State Control Website. If notification is verbal, it should be subsequently confirmed in writing. This can be done either by letter or by forwarding a copy of the detention report to the authorized representative.

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- 3. Classification Society Notification** The local office of the classification societies or authorized organizations that issued the relevant certificates on behalf of the flag state must be notified of any detentions affecting their vessels. A visit by the local surveyor/class representative can expedite the deficiency correction process. In any case of Port State Control action, the unit must notify the classification society's head office. A list of points of contact for class societies is provided on the Port State Control Website. Classification society involvement in the correction of deficiencies related to equipment, hull or structure is to be encouraged. To ensure accountability, the OCMI/COTP should advise G-MOC of unsatisfactory classification society performance rather than corresponding directly with the classification society. G-MOC will officially notify the classification society of any detentions determined upon review to be the result of deficiencies for which the classification society should be held accountable.
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- 4. Master's Notification** The command should ensure that the master of the vessel is given a copy of the Detention Report and a clear work list of actions that must be taken to correct all deficiencies. The master should be made aware that those items listed on the Detention Report must be addressed before the vessel will be permitted to leave port. The deficiencies should be developed in conjunction with the classification society when and where possible.
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- 5. Owner's Notification** Upon receipt of notification of a Detention Report, G-MOC will send written notification to the owner, operator and/or managing operator of the vessel.
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- 6. International Maritime Organization (IMO) Notification** When an intervention leads to a detention, G-MOC will submit a report to the International Maritime Organization to fulfill the reporting requirements in Chapter I, Regulation 19, of the International Convention for the Safety of Life at Sea, Article XI of the International Convention for the Prevention of Pollution from Ships, Article 21 of the International Convention on Load Lines 1966, or Article X (3) of the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers, 1978, as appropriate.
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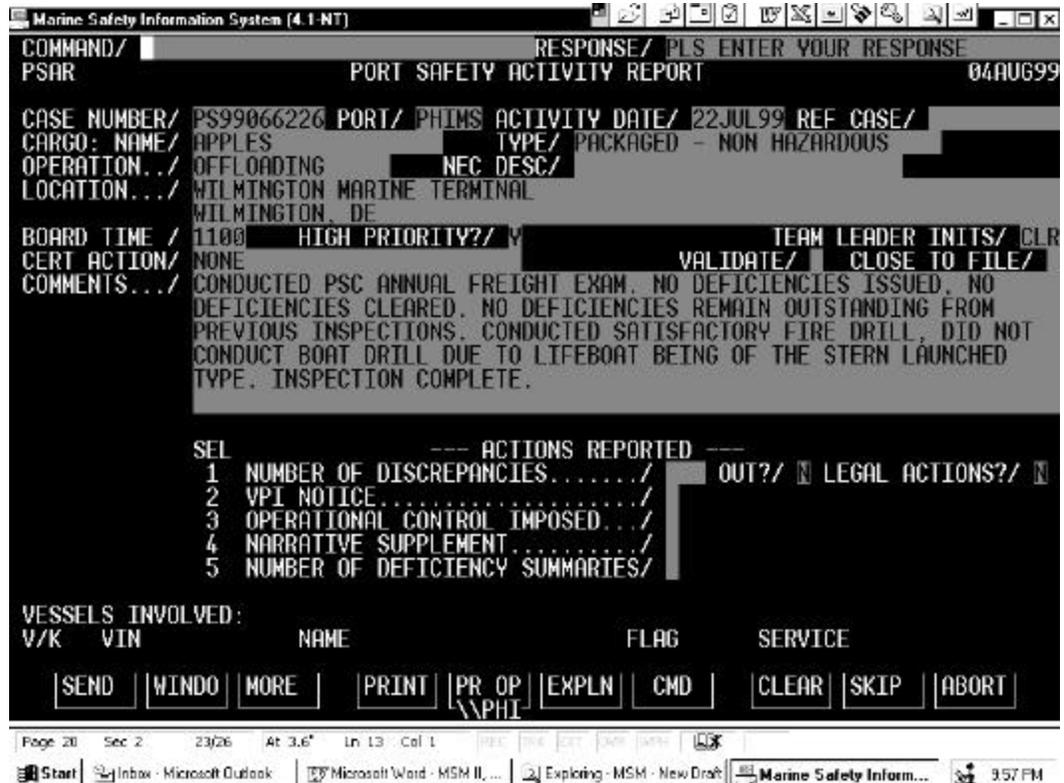
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G. MARINE SAFETY INFORMATION SYSTEM (MSIS)

All control actions shall be documented in MSIS by completing the OPERATIONAL CONTROL IMPOSED supplement under the ACTIONS REPORTED section of the Port Safety Activity Report (PSAR).

Units should simply indicate control action taken for passenger vessel examinations, passenger vessel reexaminations, and LOC biennial examinations in the COMMENTS section of the MIAR because these examinations are not normally documented in the PSAR product set.



SECTION D: PORT STATE CONTROL

CHAPTER 2, ANNEX A: PSC DETENTION REPORTING

Reporting of Detention Activity to G-MOC, Requirements and Formats

Report of Detention to G-MOC

This report consists of two parts, the E-mail summary report and the attached file containing the Port State Report of Inspection. Reports shall be e-mailed to fldr-G-MOC@comdt.uscg.mil. The format of the E-mail summary report is as follows:

Subject:	Port State Control Detention Report - (<i>vessel name</i>)	
Part A	POC:	(<i>name</i>), (<i>telephone number</i>)
	Boarding Priority:	(<i>1, 2, 3 or 4</i>)
	Status:	(<i>detained on mm/dd/yy or released on mm/dd/yy</i>)
Part B	Comments:	<i>any additional information the reporting unit wants to include</i> I have determined that the deficiencies as a whole or individually, endanger the ship or persons on board; or present an unreasonable risk to the marine environment if this vessel is allowed to proceed to sea.
	Authorized by:	(<i>OCMI/COTP name</i>)

The Port State Report of Inspection, based on the recommended format found in IMO Resolution A.787(19) (Procedures for Port State Control), should be formatted as seen in Figure D2-A-1.

Post-Detention Report to G-MOC

This report generally consists of only the E-mail summary report. Reporting units may provide an updated Port State Report of Inspection if they feel it is necessary or useful. The format for the post-detention E-mail summary report is as follows:

Subject:	Port State Control Post-Detention Report - (<i>vessel name</i>)	
Part A	POC:	(<i>name</i>), (<i>telephone number</i>)
	Status:	(<i>released on mm/dd/yy</i>)
Part B	Comments:	(<i>brief description of the actions taken with respect to the deficiencies for which the vessel was detained.</i>)
	Authorized by:	(<i>OCMI/COTP name</i>)

SECTION D: PORT STATE CONTROL

CHAPTER 2, ANNEX A: PSC DETENTION REPORTING

PORT STATE REPORT OF INSPECTION		
In accordance with IMO Port State Control Procedures (Res. A.787(19))		
1 Reporting Country: United States of America		
2 Name of Ship: <i>name</i>	3 Flag of Ship: <i>flag name</i>	
3a Owner: <i>full name</i> <i>full mailing address</i> IPN: IP#####	3b COFR Applicant (if different than owner): <i>full name</i> <i>full mailing address</i> IPN: IP#####	
3c DOC company (if different than owner): <i>full name</i> <i>full mailing address</i> IPN: IP#####		
4 Type of Ship: <i>see list on page 24-A-3</i>		
5 Call Sign: <i>call sign</i>	6 IMO Number: L#####	
7 Gross Tonnage: ##,###	8 Deadweight Tonnage: ##,### (<i>if known</i>)	
9 Year of Build: ####	10 Date of Detention: <i>month day, year</i>	
11 Place of Inspection: <i>city or port, state</i>	12 Classification Society: <i>name</i>	
13 Relevant Certificate(s): <i>list those certificates related to the deficiencies leading to detention</i>		
a) title	b) issued by	c) dates of issue and expiry
<i>name of certificate</i>	<i>name of issuer</i>	<i>dd-mmm-yy/dd-mmm-yy</i>
14 Deficiencies:		
CODE	DEFICIENCY	CONVENTION CITE
<i>See PSC job-aid</i>	<i>Description of deficiencies leading to detention</i>	<i>Cite take from applicable international convention</i>
15 Action Taken: <i>Ship detained. Additional comments deemed appropriate by the OCMI/COTP.</i>		
16 Notifications: <i>examples: Flag State, Classification Society, Master, Owner, Operator, Agent, etc.</i>		

SECTION D: PORT STATE CONTROL

CHAPTER 2, ANNEX A: PSC DETENTION REPORTING

Ship types for use in section 4 of the Port State Report of Inspection:

Code	Name
11	Tankship (not specified)
12	Oer/Bulk/Oil (OBO) Carrier or Combination Carrier
13	Oil Tankship
14	Vegetable Oil Tankship
20	Gas Carrier (not specified)
21	LPG Carrier
22	LNG Carrier
30	Chemical Tankship
40	Bulk Carrier
41	Cement Carrier
50	Unitised Vessel
51	Barge Carrier
52	Vehicle Carrier
53	Containership
54	Pallets Carrier
55	Ro-Ro Cargo Ship
60	General Dry Cargo Ship or General Freight Ship
61	Refrigerated Cargo Carrier
67	Livestock Carrier
70	Ferry
71	Passenger Ship
72	Ice Breaker
73	Factory Ship
74	Research Ship
75	Heavy Load Carrier
76	Supply Ship (offshore)
77	Rescue/Standby Ship
78	Cutter/Dredger
80	Mobile Offshore Drilling Unit (MODU)
81	Dynamically Supported Craft
82	Special Purpose Ship
83	High Speed Craft