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United States Coast Guard

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12 June 2009

MEMORANDUM

From: E. P. Christensen, CAPT
COMDT (CG-543)

Reply to CDR G. L. Boone
Attn of: (202) 372-1215

To: CG LANTAREA (Ap)
CG PACAREA (Pp)

Subj: COAST GUARD TOWING VESSEL BRIDGING PROGRAM (TVBP)

Ref: (a) COMDT COGARD Washington DC 121639Z June 09
(b) LANTAREAINST 16710.1, Commercial Uninspected Towing Vessel Examination Program
(c) U.S. Coast Guard Requirements for Uninspected Towing Vessels, Ch-1, Mar09

1. The intent of this memorandum is to provide policy and additional details on the information on the program outlined in reference (a). As this message states, pursuant to the Coast Guard and Maritime Transportation Act of 2004, Pub. L. 108-293 of August 9, 2004, a significant regulatory project is underway that would subject the majority of commercial towing vessels to Inspection. In the period between the current and future state of towing vessel safety oversight, a Towing Vessel Bridging Program (TVBP) has been initiated to ease the transition and ensure that both the Coast Guard and the towing vessel industry are informed and prepared to meet the new requirements to be finalized in Subchapter M. This goal will be accomplished by enhancing, improving, and increasing Coast Guard interactions with the towing vessel industry, and by acclimating all involved with the procedures, policy, requirements and administration of existing and, as implementation draws closer, new Subchapter M regulations. To further these ends, during this period of transition the Coast Guard will conduct extensive industry outreach, properly train our people, and will examine every uninspected towing vessel (UTV) that will be inspected under Subchapter M.

2. **Elements of the Program**: The Coast Guard Office of Vessel Activities, Domestic Compliance Division (CG-5431), in consultation with representatives of the towing industry and LANTAREA and PACAREA, has developed the framework for the TVBP that is comprised of five (05) critical elements. They are: Industry Outreach; Education and Qualification; Industry Initiated Exams; Risk-Based Targeted Exams; and LE Boardings and Surge Operations.

   a. Industry Outreach.

      (1) Particular emphasis will be placed on outreach, whereby Coast Guard and Industry representatives discuss the TVBP and strongly encourage widespread industry participation in the Industry Initiated Examinations (described in 2.c.). To support the outreach effort, CG-5431, Areas, and Districts shall communicate with advisory committees and industry groups, respond to their questions and help them get the

word out to their stakeholders and members. Sectors and their subordinate commands are to engage owners, operators, and charterers in their areas of responsibility. A variety of venues--such as Industry Days, Harbor Safety Committees, and Navigation Safety Committees-and methods, including Marine Safety Information Bulletins and Coast Guard Homeport postings, should be used to communicate details and promote the scheduling of examinations. Additional emphasis should be placed on direct Coast Guard - Industry interaction during indoctrination sessions outlined in 2.b.(1).

(2) After the Subchapter M Notice of Proposed Rulemaking (NPRM) is published in the Federal Register, all levels of the Coast Guard shall vigorously conduct outreach with the Industry to communicate details of the proposed regulations and encourage comment.

b. Education and Qualification.

(1) This spring, CG-5431 formed several joint Industry/Coast Guard work groups to develop comprehensive education and qualification programs. One Workgroup (WG1) is addressing Industry Orientation and Indoctrination, and the second (WG2) is addressing Towing Vessel Examination Training and Qualification. The intent is to ensure personnel assigned to Towing Vessel Inspection billets have a solid understanding of the industry and that they have the knowledge, skills, and abilities to competently and professionally conduct towing vessel examinations evaluating compliance with current regulations (Subchapter B and C). CG-5431 will distribute the materials developed by these workgroups to the field in June 2009.

(2) As we progress toward Subchapter M implementation, appropriate elements resulting from modernization initiatives will develop a more formal training and qualification program to ensure all personnel assigned to conduct towing vessel inspections have the knowledge, skills, and abilities to fulfill mission requirements.

c. Industry Initiated Exams.

(1) The third element of the TVBP is Industry Initiated Exams, which are focused on improving Coast Guard-Industry interactions, acclimating industry to an inspection-like process, and ensuring compliance with existing Subchapter B and C requirements. The examination program promulgated by LANTAREA, reference (b), will serve as the foundation of the Industry Initiated Exam initiative and will be expanded for use Coast Guard-wide. A key feature of the Industry Initiated Exam initiative is that Industry initiates a request to a local COTP/OCMI to schedule a towing vessel exam at a mutually agreeable time and location. Once deemed to be in compliance with applicable regulations, the vessel would receive a Coast Guard Towing Vessel Exam decal that is valid for three (03) years. Operational Commanders should consider the presence of (or lack thereof) a valid decal when determining the scope of subsequent Law Enforcement Boardings and Surge Operations activities involving towing vessels.

(2) Industry Initiated Exams are to focus initially on verification of compliance with existing requirements, including Subchapter B and C standards. However, when the new Subchapter M regulations are finalized and the implementation date approaches, Coast Guard personnel conducting exams shall educate Industry personnel on new regulatory requirements. (Note: Decal issuance will only be based on compliance with the regulations in effect at the time of the examination.)

(3) Operational commanders shall ensure that all towing vessel examinations (Industry Initiated and Risk-Based Targeted, described in 2.d.) are documented in MISLE. CG-5431 has formed a third Workgroup (WG3) to review MISLE content, recommend upgrades, and develop a MISLE Job Aid for Towing Vessel Examinations.

d. Risk-Based Targeted Examinations.

(1) The fourth element of the TVBP is a risk-based targeting examination program, that is conceptually similar to the methodology used for Port State Control examinations. Targeted examinations will focus on vessels that have not participated in an Industry Initiated Examination or do not have a valid decal. Vessels that participated in the Industry Initiated Examination but did not take action to meet all the requirements to earn a decal should be screened as if they did not get an exam. When the tool is available, COTP/OCMIs will then determine the priority of examinations based on risk for those vessels that operate in his/her AOR.

(2) CG-5431 is coordinating a Risk-Based Targeting Examination Workgroup (WG4) that includes Coast Guard and Industry representatives. WG4 is charged with developing risk assessment factors that be used to create a tool that will aid the COTP's/OCMI's decision-making process. WG4 is also tasked with addressing the issue of determining COTP/OCMI fleets of responsibility for vessels that operate in more than one AOR, identifying program measures of success, and identifying and/or developing data capture tools for those measures.

e. LE Boardings and Surge Operations.

(1) Throughout the period of transition, operational commanders will have wide discretion to plan and execute the fifth element of the TVBP, LE boardings and surge operations as resources permit.

(2) The effectiveness of the Industry Initiated Examination initiative should drive the operational commander's decisions concerning the focus and tempo of underway boardings. Operational Commanders should consider towing vessels with valid decals as lower risk vessels when planning these operations. If boardings of towing vessels with valid decals are conducted, those boardings should generally be limited in scope except in cases where unusual safety or security risks are apparent.

3. **Implementation**: The program will be implemented in three (03) phases.

a. Phase 1. The initial focus of Phase 1 will be on industry outreach and CG personnel education, and qualification. The focus will shift to conducting Industry Initiated Examinations after CG personnel are trained and qualified to perform towing vessel examinations. Also during Phase 1, the Towing Vessel National Center of Expertise (TVNCOE) will develop a risk assessment tool, referred to in 2.d.(2). CG-5431 will disseminate the tool for beta testing at selected ports. Phase 1 will commence during the summer of 2009 with an anticipated duration of up to 18 months, but will be scaled based on progress in meeting industry demand for exams.

b. Phase 2. During Phase 2, the focus will be on Risk-Based Targeted Examinations described in 2.d. In addition, the TVNCOE and TRACEN Yorktown will develop and deliver training in preparation for Towing Vessel Inspections that will occur later in Phase 3. The risk-based tool developed in Phase 1 will be employed to determine towing vessel examination priority. Data relevant to towing vessel operations will be analyzed periodically and adjustments will be made to the tool to enhance the risk-based decision-making process. Phase 2 activities will occur after the industry has been given the opportunity to participate in and the Coast Guard has satisfactorily time to conduct Industry Initiated Examinations, and will continue until Subchapter M implementation.

c. Phase 3. Phase 3 will commence with the implementation of the new Subchapter M towing vessel inspection regulations and issuance of Certificates of Inspection (COI). We anticipate that the risk-based tool developed and employed in Phase 2, or an enhanced version, will be used to determine priorities for issuing COIs. The TVNCOE and TRACEN Yorktown will continue to develop and deliver formal towing vessel inspections training during this phase.

4. **Amplifying Information**:

a. Guiding Principles. Coast Guard personnel shall engage the towing vessel industry in the spirit of partnership during this transition to inspection and certification. Again, the purpose of this program is to ease the towing vessel industry's transition from an uninspected to an inspected regime. In all encounters with the towing industry our approach must be measured, professional, and, to the greatest degree possible, in the spirit of cooperation, while ultimately ensuring compliance with applicable safety, security, and environmental protection regulations.

b. Examinations. The expectation is that Industry Initiated Exams will commence during the summer of 2009; however, this does not preclude units already conducting UTV examinations in accordance with reference (b) from continuing their activities. All UTVs should at least undergo one exam (Industry Initiated or Risk-Based Targeted) by August 2012.

c. Compliance and Enforcement. During Phase 1 and Phase 2 deficiencies will be issued for non-compliance with current standards and regulations. A decal will not be issued until the deficiencies have been cleared. No civil penalty actions should be taken for failure of owners, operators, or masters to resolve deficiencies found during dockside exams.

However, they should be advised that a UTV is subject to civil penalties for any safety violations observed when the UTV is underway.

If an Examiner discovers a hazardous condition posing a threat to the vessel, its crew or the environment, the Examiner shall immediately notify the Captain of the Port (COTP) to request vessel movement controls and/or assistance from a qualified Marine Inspector (MI). Definition of hazardous condition and examples of those conditions may be found in 33 CFR 160.204 and reference (c).

d. Workgroups. The four (04) workgroups described in paragraph 2 that are involved in building the TVBP (i.e., WG1—Industry Outreach and Education; WG2—Towing Vessel Examination Training and Qualification; WG3—MISLE; and WG4—Risk-Based Targeting and Measurement) are comprised of CG and Towing Vessel Industry representatives. The WGs have been tasked with providing deliverables to CG-5431 by June 2009. Their work products will be disseminated to the field prior to the commencement of Phase 1.

e. CG Personnel (Training, Qualification, and Program Execution).

(1) Operational commanders shall ensure that all personnel assigned to Towing Vessel Examination duties are trained and qualified, and that they conduct towing vessel outreach and examinations in accordance with the requirements outlined in this program. For those units that lack an existing Towing Vessel Examination program, newly assigned Towing Vessel Inspections billets shall be used to stand up a program. For those units that have an existing Towing Vessel Examination program in place, newly assigned billets shall supplement their program. At any rate, the Towing Vessel Inspector billets assigned shall be employed in conducting towing vessel training, outreach, and examinations.

(2) Petty officers, chief petty officers, and officers are eligible for designation as a Towing Vessel Examiner after completing training and qualification requirements, which are currently being developed. Once qualified, they will be eligible to conduct examinations outlined in Phase 1 and 2 of this program. Sector commanders may continue to allow Coast Guard petty officers and officers already qualified as UTV examiners to continue to conduct UTV Examinations. New personnel (those not already qualified by 1 June 2009) shall meet the new national performance qualification standard, soon to be published.

(3) The Coast Guard Auxiliary has in the past and will continue to play an important role and serve as a significant force multiplier in the towing vessel safety program; this is especially true in areas with high concentrations of smaller towing vessels. Auxiliary members may continue to use the Coast Guard Auxiliary Towing Vessel Examiner PQS (Revision Date: 15 November 2008) to qualify as UTV Examiners; however, they may only conduct unaccompanied exams on towing vessels < 26 feet and assistance towing vessels. COTPS/OCMIs should also consider employing qualified CG Auxiliarists as assistant examiners for exams on towing vessels ≥ 26 feet.

f. Communications.

(1) Transparency will be a hallmark of this program, both internally (inside the CG) and externally (with stakeholders). CG-5431 will periodically communicate TVBP status updates via message. Also, CG-5431 will post relevant TVBP documents for internal CG use on CG Portal at CG Collaboration > Public Places > Domestic Vessel Inspections > Policy > Towing Vessels. Public documents will be posted on CG Homeport at http://homeport.uscg.mil >Domestic Vessels >Towing Vessels. In addition, a Towing Vessel Bridging Community has been established in CG Homeport to serve as the collaboration tool for TVBP Workgroups (WG1-WG4); WG participants may access the latest information and materials via the following web link: https://homeport.uscg.mil/community/towingvessel.

(2) Throughout the transition period, operational commanders are strongly encouraged to maintain an open dialogue with their industry partners and other stakeholders.

g. Role of CG-5431. CG-5431 will also act as the bridge for the TVBP during this time of transition from our current organization to a modernized Coast Guard. As modernization progresses and the TVNCOE becomes established, elements of the TVBP will be moved to appropriate offices for further development and maintenance. In the interim, CG-5431 will manage the program, but will ensure that new elements established through modernization are engaged and represented.

5. Until 1 July 2009, the point of contact for the Towing Vessel Bridging Program is CDR Gregory Howard. He may be reached at gregory.a.howard@uscg.mil or at (502) 552-3369. After 1 July 2009, contact Mr. Patrick Lee at patrick.j.lee@uscg.mil or at (202) 372-1135.

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