



16711
MOC Policy Letter
No. 04-11 Rev. 1

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COMDT (G-MOC)

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To: Distribution

Subj: GUIDELINES IMPLEMENTING AMENDMENTS TO THE INTERNATIONAL
CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS
(MARPOL) 73/78; ACCELERATED SINGLE HULL TANKER PHASE-OUT
SCHEDULE AND CONDITION ASSESSMENT SCHEMES

Ref: (a) MARPOL Annex I
(b) International Maritime Organization (IMO) Marine Environmental Protection
Committee Resolution (MEPC.111 (50))

1. Purpose. To provide revised guidance for issuing International Oil Pollution Prevention (IOPP) Certificates to single hull U.S. flagged tank vessels.

a. This revision clarifies/reiterates the Coast Guard's recognition of IMO Member states' authority and sovereignty to enforce MARPOL on U.S. vessels. Paragraph 5.a of this letter and paragraph 1.a of enclosure (1) were slightly modified to remove ambiguity. **Operators are strongly cautioned that single hull tanker phase-out dates other than those currently required by MARPOL may not be accepted in ports or offshore terminals under the jurisdiction of a party to MARPOL 73/78.** The crux of the initial policy letter remains unchanged.

b. This letter also emphasizes paragraph 1 of enclosure (1). Vessels with valid revised MARPOL phase-out dates should not request nor be issued Oil Pollution Act of 1990 (OPA 90) phase-out dates. Instead, the revised MARPOL phase-out date should be reflected on the IOPP Form B supplement.

c. This guidance discusses the accelerated single hull tanker phase-out schedules required by MARPOL Annex I, amended regulations 13G and 13H as detailed in references (a) and (b). Additionally, this guides single hull tank vessel owners and classification societies regarding documentation of voluntary compliance with the Condition Assessment Scheme (CAS) (Resolution MEPC.94 (46)). A CAS is an enhanced survey system, usually completed by the classification society, which verifies single hull tanker structural integrity.

2. Directives Affected. MOC Policy Letter 04-11 is superseded. COMDTPUB P16700.4 NVIC, 6-94 is supplemented by this policy.

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3. Action. Officers in Charge, Marine Inspection (OCMI) shall apply the following guidance to tank vessels as required. OCMI's should bring this policy to the attention of appropriate individuals in the marine industry. The Coast Guard's Liaison Officer of Recognized and Authorized Classification Societies (LORACS) shall team with classification societies to implement required partnerships to meet policy goals. This policy will also be posted on the World Wide Web at www.uscg.mil/hq/g-m/moc/docs.htm.
4. Background. Reference (b), adopts several critical amendments to Annex I of MARPOL by significantly revising regulation 13G and creating regulation 13H of reference (a). The effective date for the revised MARPOL regulations 13G and 13H is April 5, 2005.
 - a. Due to technical differences between MARPOL, Annex I regulations and the provisions of the OPA 90, the U.S. reserved its position for enforcing these amended regulations. Through diplomatic avenues, the U.S. formally declared to the IMO that the United States will not enforce regulations 13G and 13H (as amended) on either foreign or domestic vessels in U.S. waters. We published this position in the Federal Register (69 F.R. 46172) on August 2, 2004.
 - b. The U.S. will not enforce MARPOL regulations 13G or 13H, including CAS requirements. OPA 90 remains the enforceable U.S. governing standard for phase-out requirements applicable to single hull tank vessels operating in U.S. waters.
5. Discussion. The adopted MARPOL amendments accelerate single hull tanker phase-out dates for tank vessels sailing internationally; require CAS on all single hull tank vessels 15 years old and older; and eventually prohibits transporting heavy grade oils in single hull tankers. As a result, some single hull U.S. tankers may be subject to foreign enforcement of accelerated international phase-out schedules earlier than their OPA 90 phase-out dates. Additionally, tank vessels required to apply CAS could risk port state detention or denial of entry in countries signatory to the amendments, regardless of vessels' phase-out dates (if non-compliant). The International Oil Pollution Prevention (IOPP) Certificate, Form B Supplement was revised to reflect some of these changes.
 - a. OPA 90 Dates on IOPP Certificate Form B Supplement: For vessel operators carrying oil cargo from one U.S. port to another U.S. port, a vessel owner may request the Coast Guard to issue an IOPP Certificate reflecting the OPA 90 phase-out date. An appropriate explanation of the U.S. reservation to regulation 13G and 13H will also be entered on any such certificate (outlined in paragraph 1.a. of enclosure (1)).
 - b. MARPOL Dates on IOPP Certificate Form B Supplement: Vessels carrying oil cargo between the U.S. and foreign ports or exclusively between foreign ports, will continue to reflect the amended MARPOL phase-out date (outlined in paragraph 1.b. of enclosure (1)).
 - c. Voluntary CAS: Single hull tank vessels 15 years old or older are encouraged to voluntarily meet the CAS requirements of Resolution MEPC.94 (46), as discussed in enclosure (2).

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6. **Implementation.** In order to assist U.S. tank vessel operators prove compliance with U.S. pollution prevention laws and mitigate the risks of potential port state control action for non-compliance with the amended MARPOL regulations, the guidance contained in enclosures (1) and (2) is offered. **Vessels phased-out under MARPOL, Annex I may be at risk of port state control enforcement if entering ports that are signatory to the accelerated phase-out schedules or CAS requirements.**
7. **Port State Control Guidance.** The U.S. did not adopt the amendments to MARPOL, Annex I regulations 13G and 13H, therefore, the Coast Guard cannot enforce those regulations on foreign tank vessels. OPA 90 remains the governing phase-out regime for foreign vessels calling on U.S. ports regardless of other phase-out dates. Moreover, the Coast Guard will not enforce CAS requirements on foreign vessels. Foreign tank vessels must maintain valid IOPP certificates in accordance with 33 Code of Federal Regulations Part 151.19.

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Encl: (1) Issuing IOPP Certificate Form B Supplements
(2) Voluntary Condition Assessment Schemes

ISSUING IOPP CERTIFICATE FORM B SUPPLEMENTS

1. We updated the Form B Supplement to the IOPP Certificate (Form CG-5352) to include the provisions of MARPOL Annex I, regulations 13G and 13H. Specifically, we revised section 5.8.4 and created sections 5.8.6 and 5.8.7. Tank vessels engaging in voyages to ports or offshore terminals under the jurisdiction of a party to MARPOL 73/78 (regardless if they are single or double hulled) should be reissued the revised Form B before April 5, 2005. *The revision should apply the revised MARPOL Annex I, single hull phase-out dates.* This may be done administratively without a special inspection. Classification societies may continue to issue IOPP certificates to compliant vessels provided they issue an updated IOPP Certificate, Form B Supplement. Classification societies are not expected to issue IOPP certificates to vessels that are not in full compliance with MARPOL, Annex I including the revised regulations. Therefore, OCMI's shall issue IOPP certificates to vessels (that do not meet MARPOL 13G/13H) if requested including those enrolled in the Alternate Compliance Program. Below are instructions for various anticipated scenarios for certain single hull tank vessels.

- a. U.S. single hull tank vessels sailing between U.S. ports. Vessel operators may choose to apply their OPA 90 date while carrying cargo from one U.S. port to another U.S. port. Because the U.S. officially reserved its position regarding amended MARPOL Annex I, regulations 13G and 13H, those regulations cannot be enforced by the Coast Guard. Certain vessels that may be phased-out under MARPOL, may request (in writing) to apply OPA 90 dates in lieu of MARPOL, Annex I phase-out dates on their IOPP Certificate, Form B Supplement.
- i. Vessel Owner Requests. Written requests for Form B Supplement amendments reflecting OPA 90 phase-out dates should be submitted by vessel owners to the cognizant OCMI and forwarded to Commandant (G-MOC-1) for final approval. Upon receiving Commandant (G-MOC-1) approval, cognizant OCMI's should amend IOPP Certificate, Form B, section 5.8.4.1, and if applicable, section 5.8.6.1 reflecting the OPA 90 phase-out date instead of the MARPOL, Annex I phase-out date, and issue the certificate. All other information should remain unchanged including the current validity date.
- ii. Disclaimer. When applying OPA 90 dates, place an asterisk after the OPA 90 phase-out date with the following accompanying statement which should be placed adjacent to the date:

“The dates reflected in section 5.8 fully comply with U.S. law. The U.S. formally reserved its position with the IMO regarding MARPOL, Annex I regulations 13G and 13H due to technical differences with U.S. law.”
- iii. MISLE. Field units shall include the following special note in MISLE to document application of OPA 90 dates on IOPP Certificates:

“OPA 90 date entered in section 5.8.4.1 and/or section 5.8.6.1 of IOPP Certificate Form B Supplement as requested by owner’s letter of dd/mm/yyyy, and G-MOC-1 approval of dd/mm/yyyy.”
- iv. New Form B Entries. The verification blocks to the right of the section should reflect an “X” in section 5.8.4.1 and/or 5.8.6.1. The remainder of section 5.8 should reflect “-”.

b. All other U.S. single hull tank vessels certificated for international voyages.

Vessel operators engaging in voyages to ports or offshore terminals under the jurisdiction of a party to MARPOL 73/78 should not use OPA 90 phase-out dates on IOPP Certificate, Form B Supplement. The appropriate *revised* MARPOL phase-out date, required by regulations 13G and 13H (as amended), should be reflected in both sections 5.8.4 and/or 5.8.6 of the IOPP Certificate, Form B Supplement. MARPOL phase-out dates should be determined by using the table provided in Resolution MEPC.111(50).

i. New Form B Entries. The verification blocks to the right of the section should reflect an "X" in section 5.8.4.1 and/or 5.8.6.1. The remainder of section 5.8 should reflect "-".

c. International Voyage for Repairs. U.S. single hull tankers that are phased-out under MARPOL, Annex I but are still operating domestically as permitted under OPA 90 may be issued non-tanker status in cases where international voyages (i.e., ports or offshore terminals under the jurisdiction of a party to MARPOL 73/78) are required for dry-docking, repairs, change of employment or similar unique situations.

i. Conditions. In such a case the vessel must be empty of cargo (and slops) and operate in a gas free condition. Additionally, the cargo related systems including Crude Oil Washing and Inert Gas Systems, must be left out of service and may only be used in an emergency. The IOPP Certificate, Form B Supplement should be removed from the vessel for the duration of the international voyage and replaced with an IOPP Certificate, Form A Supplement.

ii. Certificate of Inspection. The Certificate of Inspection (COI) shall be removed from the vessel and replaced with a temporary COI restricting the vessel to non-tank vessel operations.

iii. Form B Supplement. The vessel's IOPP Certificate, Form B Supplement and COI may be re-instated when the vessel returns to domestic trade at which time the Form A Supplement and temporary COI should be permanently removed from the vessel.

iv. MISLE. Field units shall enter a special note in MISLE explaining the intended duration and purpose of the international voyage when using this option.

VOLUNTARY CONDITION ASSESSEMENT SCHEMES

1. In order to satisfy signatory port states, owners of single hull tankers 15 years old and older are encouraged to voluntarily comply with CAS via their classification society. Once the vessel's condition assessment is complete, the classification society should notify Commandant (G-MOC-1) in writing (including appropriate supporting documentation – CAS Final Report) that the vessel fully meets the provisions of CAS resolution MEPC.94(46).

- a. Statements of Voluntary Compliance for CAS. After a favorable review of the submittal package, Commandant (G-MOC) will prepare a Review Record and issue a Statement of Voluntary Compliance (SOVC) to any single hull tank vessel meeting the CAS requirements of MARPOL. SOVCs will typically be issued for five years but will never be valid beyond a vessel's OPA 90 phase-out date. Owners of U.S. single hull tank vessels that are 15 years old or older who wish to voluntarily comply with the CAS requirements should have completed and recorded the CAS results by their first intermediate or renewal hull survey after 05 April 2005, if sailing internationally.
- b. MISLE. When issuing a CAS SOVC, Commandant (G-MOC) shall enter a special note in MISLE highlighting SOVC issuance and expiration. Additionally, Commandant (G-MOC-1) will track CAS SOVCs using MISLE's Vessel Group feature.