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News from the USA

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## Changes to USCG's Port State Control Targeting Matrix

Effective July 5, 2007, the U.S. Coast Guard has implemented an updated Port State Control and Environmental Protection Compliance Targeting Matrix. The USCG Port State Control website states that "The Safety Targeting Matrix enables the Coast Guard to rationally and systematically determine the probable risk posed by non-U.S. ships calling at U.S. ports. The Matrix is used to decide which ships Port State Control Officers should board on any given day, in any given port." For some vessels the new Matrix will mean an increased number of USCG safety inspections conducted each year. Following is a description of how vessels will be targeted for safety exams:

When a vessel submits an eNOA for a U.S. call, USCG personnel in the planned port of call rate the assign the vessel points in five categories:

**1) Ship Management:** Five points are assigned to a vessel whose ship managers (owners and operators) have been associated with two or more safety detentions within the past twelve months. The USCG maintains a list of targeted Ship management available on their Port State Control Website.

**2) Flag State:** Seven points are assigned to a vessel whose Flag State has a detention ratio two or more times greater than the overall average of all Flag States. Two points are assigned to a vessel whose Flag State has a detention ratio between the overall average and up to two times greater than the overall average of all Flag States. The list of targeted Flag States is available on the USCG's Port State Control Website.

**3) Class Society:** Class Societies are evaluated on their performance over the previous three years based on their detention ratio. Vessels whose Class Society has a detention ratio of 2% or higher are classified as **Priority I** vessels. Five points are assigned to vessels whose Class Society has a detention ratio less than 2%, but greater than or equal to 1%. Three points are assigned when the vessel's Class Society has a detention ratio less than 1% but greater than .5%. No points are assigned when the Class Society's detention ratio is less than .5%. Detention ratios are the total number of detentions, over a three year period, that were directly associated with that class society (class related detentions), divided by the total number of distinct vessel arrivals that the class society had in the United States for that same three-year period. The USCG's list of targeted Class Societies is available on their Port State Control Website.

**4) Vessel History:** A vessel's previous history in U.S. waters is a major factor in determining how often it will be inspected by the USCG. If a vessel is making her first ever U.S. port call, or has not had a U.S. Port State Control inspection within the previous twelve months, the vessel will be classified as a **Priority II** vessel. Additionally, five points will be assigned for each detention, denial of entry, or expulsion within the previous twelve months. One point will be assigned for each of the following which events occurring within the previous twelve months: COTP restricted operations of the vessel for safety related issues (including Letters of Deviation), report able marine casualties, marine violations.



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### CFR Reminder:

Malfunction of the following equipment must be reported to the USCG:

- RADAR
- Radio navigation receivers
- Gyrocompass
- Echo depth sounding device
- Primary steering gear

33 CFR 164.53



More information from the USCG can be found online at

<http://www.homeport.uscg.mil>

or

<http://www.uscg.mil>

***“it is important to always remember that the USCG may inspect any vessel at any time with no advanced notice.”***



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**5) Ship Particulars:** The most significant changes to the Targeting Matrix is the category of Ship Particulars. This category assigns points based on the type and age of the vessel. Four points are assigned to general cargo ships, RO-RO cargo ships, vehicle carriers, and passenger ships involved in “day trips” or ferry service. Two points are assigned to bulk carriers and refrigerated cargo vessels. Chemical and oil tankers are assigned one point. Points may be added or subtracted based on the ship’s age using the following scale:

0-4 years – subtract 3

5-9 years – subtract 2

10-14 years – add 0

15-19 years – add 3

20-24 years – add 5

25+ years – add 7

For QualShip 21 vessels, points are not added in this category, but may be subtracted based on age.

### **What do these points mean?**

Points assigned to each of the above five categories are added together, and the sum determines how the vessel will be classified. The targeting ranges are as follows:

**Non-Priority Vessel (NPV):** If the sum is six or fewer points, the vessel is classified as a NPV. These vessels pose a low safety and environmental risk. The USCG still may select the vessel for a random inspection at any time.

**Priority II Vessel (PII):** If the sum is between seven and sixteen points, the vessel is classified as a PII. These vessels will be targeted for a Port State Control safety exam. Cargo operations or vessel movement are normally not restricted unless the USCG Sector Commander or COTP determine that the vessel poses a safety or environmental risk to the port.

**Priority I Vessel (PI):** PI vessels are vessels scoring seventeen or more points on the Targeting Matrix. Port entry is normally denied until completion of a Port State Control safety exam conducted at anchor outside of port limits. Vessels involved in a marine casualty affecting their seaworthiness will also be classified as PI.

There is a “downgrade” clause stating that if a vessel has been designated as a PI or PII and has had a USCG Port State Control exam within the previous six months with no serious deficiencies, the Sector Commander may downgrade the vessel to an NPV.

The new Targeting Matrix is significantly increased the number of Port State Control exams conducted by the USCG. Changes in the Vessel History and Ship Particulars categories will mean that some vessels will now routinely be targeted for a Port State Control exam at least twice a year. Tank vessels that are normally inspected yearly for their Certificate of Compliance (COC) renewal or annual exams may now be targeted as a P1 or PII and receive Port State Control exams in addition to the COC exams. But regardless of the point total or the vessel’s Targeting Matrix designation, it is important to always remember that the USCG may inspect any vessel at any time with no advanced notice.

Please contact us if you have any questions regarding the USCG’s new targeting policies.

## VRP Newsletter

The USCG Vessel Response Plan Staff has printed their first US Coast Guard Vessel Response Plan Quality Newsletter available on-line at: <http://www.uscg.mil/vrp/>

The VRP Staff is printing this Newsletter in an effort to keep the maritime industry informed of changes within the VRP Program and to demonstrate their commitment to continuous improvement and quality customer service.



## 20th Triennial International Oil Spill Conference

The 20th Triennial International Oil Spill Conference (IOSC) on Prevention, Preparedness, Response and Restoration will be held in Savannah, GA May 4-8, 2008.

As you know in order to comply with the PREP guidelines set forth in your Vessel Response Plan, Non-Tank Vessel Response Plan, California Contingency Plan & Non-Tank California Contingency Plan you must conduct a Spill Management Team Table Top Exercise annually.

CSI is considering planning a collaborative TTX in a conference style format on Friday May 9<sup>th</sup>, following the IOSC conference. We would invite the majority of our clients as well as the local USCG, state officials and OSRO representatives. It would be a day-long event with catered lunch.

We feel this would be a wonderful opportunity for our clients to not only attend an informative IOSC conference but also to visit our offices, meet our staff, as well as meet the necessary planning requirements all with a wonderful change of scenery.

As we would like to gauge interest in such an exercise, please let us know your thoughts and comments. If we receive a positive response we will begin planning and will keep you all posted.

More information on the 20th Triennial International Oil Spill Conference can be found online at <http://www.iosc.org/index.asp>.

## OPA 90 Shipboard Pollution Response Training Course

CSI's OPA 90 Shipboard Pollution Response Training Course, previously available in NSTC or PAL format video tape, is now available on DVD. The course includes all six video lessons now on one disc, twenty training manuals, and end of course tests for documentation purposes. CSI will grade the end of course tests and issue certificates of completion to all personnel with passing grades. This or similar training courses are required under many vessels' Vessel Response Plans, Safety management Systems, of Environmental Management Systems.

Please contact us for more information.

### **ISPS Reminder:**

In the event of a security breach or incident, the following immediate notifications should be made by the SSO:

- Company Security Officer
- Port Facility Security Officer
- Controlling government

In the U.S. the controlling government (USCG) should be contacted by calling the **National Response Center (NRC) at 1-800-424-8802**

This is the same number to call in the event of an oil or chemical spill in U.S. waters.

### **ENOA/D Reminder:**

When submitting your eNOA/D to the national Vessel Movement Center, the agent at the port of call should be listed as the **24 Hour Contact**. Local USCG offices use this contact number to confirm port specific information that the local agents are best able to provide.

## Compliance with PCSOPEP Requirements

### **CSI Reminder:**

Please continue to provide CSI with your fleet position lists. This will assist us in keeping track of your vessels calling U.S. Ports in order to coordinate USCG exams, audits, and AMPD coverage as necessary. Position lists may be sent via email to: [csi@compliancesystemsinc.com](mailto:csi@compliancesystemsinc.com)

The Autoridad del Canal de Panama (ACP) has issued Notice to Shipping N-12-2007, which reiterates that all vessels approaching Canal waters for transit must submit a Panama Canal Shipboard Oil Pollution Emergency Plan (PCSOPEP) at least 96 hours prior to its arrival. This requirement, which became effective January 1, 2005, is applicable to vessels with fuel and/or oil cargo-carrying capacity of 400 MT or more. Non-compliance with the above constitutes a violation of Chapter IX, Section Four of the Maritime Regulations for the Operation of the Panama Canal, and may subject the vessel to sanctions in accordance with Chapter XI, Offenses, Sanctions and Sanctioning Proceedings of said Regulations. Effective October 1, 2007, vessels failing to submit a compliant PCSOPEP at least 96 hours prior to arrival at Canal waters will be classified as non-compliant and will no longer be granted a grace period. Under such condition, the vessel will be scheduled as a Tier 3 and will be changed accordingly, as well as for additional resources assigned to the vessel

due to this non-compliance. In addition, the vessel will only be programmed for transit after the ship owners, operators or shipping agent have paid or provided satisfactory guarantees for the payment of the applicable sanction, which will be set at a minimum of \$2,500.00. Subsequent arrivals to Panama Canal waters under similar non-compliance conditions will generate increased sanctions that may result in denial of transit.

Ship owners, operators, and masters are encouraged to ensure that their vessels comply with the PCSOPEP requirement and other Panama Canal regulations. Please contact CSI if you have questions regarding your PCSOPEP or the PCSOPEP regulations.

## More Developments in Ballast Water Management

The U.S Environmental Protection Agency issued a Notice of Intent on June 21, 2007 stating that it is developing a water permit program for pollutant discharges incidental to the normal operation of commercial vessels, and that "discharges" may include ballast water, bilge water, deck runoff and gray water (laundry, shower, and galley sink wastes). Comments to the USEPA on the proposal were due on August 2007. Under the National Pollutant Discharge Elimination System (NPDES) program any person desiring to discharge a pollutant into any waters of the United States must obtain a permit to do so. The USEPA had previously exempted ballast water discharges from the permit requirements; however, environmental activists have challenged this exemption and have succeeded to overturn it. Accordingly, vessel owners or operators will require a permit as of 30 September 2008 in order to discharge ballast and other "pollutants".

On May 22, 2007 the Ballast Water Management Act of 2007 (HR 2423) was introduced in Congress. The Act, if passed, would establish a national standard for ballast water management that would regulate all ballast water exchanges in the U.S. EEZ. If enacted into law, the bill would require most new ships to be constructed so as to improve the efficiency of ballast water exchange or incorporate alternative treatment technology. We will continue to monitor this propose actions by the USEPA and Congress and keep you informed of further developments



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