



Compliance Systems, Inc.

26 East Bryan Street * Savannah, GA 31401 USA

Tel: (912) 233-8181 * Fax: (912) 231-2938

www.compliancesystemsinc.com * E-mail address: csi@compliancesystemsinc.com

Winter 2013

U.S. Coast Guard Guidance on Anti-Fouling System Requirements

On October 15, 2012, the U.S. Coast Guard issued Policy Letter 12-08, providing guidance to ensure vessel compliance with the provisions of the International Convention on the Control of Harmful Anti-Fouling Systems on Ships. (AFS Convention.) The AFS convention was adopted by the IMO to prohibit the use of harmful organotins in anti-fouling paints used on ships and to establish a mechanism to prevent the potential future use of other harmful substances in anti-fouling systems. Effective November 21, 2012, vessels in the internal waters of the United States, in any port, shipyard, offshore terminal, or other place in the United States, lightering in the territorial sea of the United States, or anchoring in the territorial sea of the United States, must comply with the applicable portions of the AFS Convention as outlined in the Policy Letter. The U.S. Coast Guard implements the AFS Convention through 33 USC 3801-3857. Of particular interest to CSI customers is Section 6(b) of the Policy Letter, which outlines The U.S. Coast Guard's Port State Control (PSC) procedures for verifying compliance by foreign-flagged vessels calling the U.S. The U.S. Coast Guard will examine vessels for compliance with the AFS Convention during regularly scheduled PSC exams. During an exam, the U.S. Coast Guard Inspector will examine the International Anti-fouling Certificate (IAFS) Certificate or Declaration on Anti-Fouling System, and the attached Record of Anti-Fouling Systems (ROAFS), if appropriate. There is no requirement for U.S. Coast Guard inspectors to take AFS samples during a routine PSC exam. The U.S. Coast Guard inspector will confirm that the IAFA Certificate conforms with Annex 1 to Annex 4 of the AFS Convention, and is properly completed and endorsed by the Flag State Administration or Classification Society. The inspector will also verify that the ROAFS is up to date, including records from dry-dockings related to AFS sealer coat applications. During an examination, the inspector may expand the exam if "clear grounds" are established that the vessel is not in compliance with the AFS Convention. "Clear grounds" may include: lack of evidence of compliance with the AFS Convention (missing IAFS Certificate); IAFS Certificate irregularities; credible reports of the vessel's non-compliance with the AFS Convention; or evidence that the actual hull coatings are not consistent with those described on the IAFS Certificate or ROAFS. If a vessel is found to be in violation of the AFS Convention, the USCG may warn, detain, or expel the vessel from port. If a vessel is detained, notification to the appropriate Flag State Administration will be made in accordance with current PSC guidelines. The full text of the Policy Letter is available on the U.S. Coast Guard website, as well as CSI's website. Please contact CSI with any questions you may have regarding this Policy Letter.



In This Issue:

U.S. Coast Guard Guidance on Anti-Fouling System Require-	1
Unannounced Oil Spill Drills in the Port of New Orleans	2
Annual ISM Internal Audits	2
New MARPOL Annex VI Amendments	3
Other MARPOL Amendments Effective I January 2013	3
California Shoreline Protection	4
Implementation of STCW 2010 Amendments	4

Electronic Notice of Departure

Reminder:

An Electronic Notice of Departure (eNOD) must be submitted to the U.S. Coast Guard's National Vessel Movement Center no less than one hour prior to departure from the last U.S. port on a voyage. In this case, the time of departure is defined as the time the vessel leaves berth.



IMPORTANT NUMBERS

National Response Center:
(202) 267-2675

National Vessel Movement Center:
(304) 264-2502

MTSA / ISPS Help Desk:
(877) 687-2243

CSI 24 Hour Emergency and other Inquiries:
(912) 233-8181



Q.I. Reminder:

Occasionally, State regulators, particularly on the U.S. West Coast, will board vessels to conduct unannounced pollution exercises. Some states, such as Oregon, require the Q.I. To actually make notification calls to the U.S. National Response Center and/or the OSRO.

If a state or local official boards your vessel to conduct an unannounced drill, be sure to contact your Q.I. If Compliance Systems is your Q.I., contact us on our **24-Hour Response Telephone Number: (912) 233-8181.**

Unannounced Oil Spill Drills in the Port of New Orleans

On October 30, 2012, the U.S. Coast Guard Captain of the Port (COTP), New Orleans issued Marine Safety Information Bulletin Volume XII, Issue 126, informing the maritime industry that the U.S. Coast Guard will implement Government Initiated Unannounced Exercises (GIUE) in conjunction with the National Preparedness for Response Exercise Program (PREP) Guidelines for all Vessel Response Plan (VRP) holders, under the Oil Pollution Act of 1990. If selected, a vessel must be prepared to participate in such an exercise in accordance with their approved VRP. Nothing special is needed at this time, except when one of your vessels is scheduled to call the New Orleans COTP Zone. In such cases, you should inform CSI of the vessel's scheduled call in advance, so we can send an email to the Master reminding him of the VRP spill notification requirements and procedures. The unannounced drill program has been in existence since the beginning of the OPA 90 regulations; however, the U.S. Coast Guard has not been conducting such drills aboard vessels, as they have been doing for shore based oil transfer facilities. Other U.S. Coast Guard COTPs may also decide to follow New Orleans' lead, so your vessels should always be prepared for such a drill and review the VRP procedures before entering any U.S. port. If such a drill occurs, the Master should immediately call CSI as his first call. We in turn will make the required notifications on the vessel's behalf and report back to the U.S. Coast Guard and vessel once completed. If equipment deployment is required by the U.S. Coast Guard, under our Qualified Individual (QI) authority, we will arrange on your behalf with the Oil Spill Removal Organization (OSRO) listed in your VRP. VRP holders will be responsible for any OSRO costs. Under our QI Agreement, there will be no additional cost charged by us, unless we are required to deploy a person or persons to the scene. The State of California has been conducting such drills for some time. Please contact CSI if you have any questions, regarding this program.

Annual ISM Internal Audits

The International Safety Management Code requires that annual Company and Shipboard Internal Audits be conducted at intervals of no more than twelve months. In exceptional circumstances, this interval may be extended by not more than three months. The interval extension is available for shipboard audits only. Vessel owners and operators should pay close attention to the Internal Audit due dates, in order to avoid Non-Conformities issued during Flag State inspections or external audits. This requirement applies to ISM Internal Audits only, and does not apply to annual ISPS Internal Audits. CSI is staffed by a number of qualified personnel to conduct annual ISM and ISPS Internal Audits on your company's behalf, when your vessels are in U.S. ports and due for internal audits, saving travel time and expenses to the U.S. Please let us know if we can assist with your ISM/ISPS internal auditing program. We also offer an Environmental Compliance Auditing Program to help protect your company from potential criminal prosecutions in the U.S.

New MARPOL Annex VI Amendments

New regulations aimed at improving the energy efficiency of international shipping entered into force on 1 January 2013. The amendments to the International Convention for the Prevention of Pollution from Ships (MARPOL) were adopted in July 2011. They add a new chapter 4 Regulations on energy efficiency for ships to MARPOL Annex VI, to make mandatory the Energy Efficiency Design Index (EEDI), for new ships, and the Ship Energy Efficiency Management Plan (SEEMP) for all ships. Other amendments to Annex VI add new definitions and the requirements for survey and certification, including the format for the International Energy Efficiency Certificate. The regulations apply to all ships of 400 gross tonnage and above, however, under Regulation 19, the Administration may waive the requirements for new ships up to a maximum of 4 years. The EEDI is a non-prescriptive, performance-based mechanism that leaves the choice of technologies to use in a specific ship design to the industry. As long as the required energy-efficiency level is attained, ship designers and builders would be free to use the most cost-efficient solutions for the ship to comply with the regulations. The SEEMP establishes a mechanism for operators to improve the energy efficiency of ships. Ships are required to keep on board a ship specific Ship Energy Efficiency Management Plan (SEEMP).

Other MARPOL Amendments Effective 1 January 2013

Annex VI Emissions

Amendments to MARPOL Annex VI designate certain waters adjacent to the coasts of Puerto Rico and the U.S. Virgin Islands as the US Caribbean Sea Emission Control Area for the control of emissions of nitrogen oxides (NOX), sulphur oxides (SOX) and particulate matter under regulations 13 and 14 of MARPOL Annex VI. Another amendment makes old steamships exempt from the requirements on sulphur content of fuel oil used on board ships in both the North American and United States Caribbean Sea ECAs. The new US Caribbean Sea ECA takes effect 12 months after entry into force, that is, 1 January 2014.

Annex V Garbage

The revised MARPOL Annex V Regulations for the prevention of pollution by garbage from ships has entered into force. The main feature of the revision is the prohibition of the discharge of all garbage into the sea, except as expressly provided otherwise in the Annex. The discharges permitted in certain circumstances include food wastes, animal carcasses, cargo residues, and water containing non-hazardous cleaning agents or additives used for washing deck and external surfaces or cargo holds.

Annex IV Sewage

Amendments to MARPOL Annex IV Prevention of pollution by sewage from ships include the possibility of establishing Special Areas, the actual designation of the Baltic Sea as a Special Area under Annex IV, and the introduction of stricter discharge requirements for passenger ships while in a Special Area.

Ballast Water Reporting

Please remember, the mandatory Ballast Water Management reporting form must be transmitted to USCG prior to arriving at any U.S. port, regardless of whether or not the vessel is carrying ballast water or expects to conduct any ballasting operations. Ballast Water reports are to be submitted either: 24 hours before arrival to the US port of destination if the voyage is more than 24 hours; or before departing the port of departure if the voyage is less than 24-hours. The forms may be submitted by email to nbic@ballastreport.org

ENOA/D Reminder #1:

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.

ENOA/D Reminder #2:

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.



California Shoreline Protection

The California Code of Regulations has mandated Oil Spill Response Corporations to provide sufficient oil spill equipment when non-tank and tank vessels are passing within 3 miles of the California coastline or any part of the Santa Barbara Channel Islands. In particular, vessels transiting south in the Santa Barbara Channel or entering and exiting Port Hueneme must meet these new guidelines. Other areas of the California coast are not affected. The National Response Corporation Oil Spill Response Organization (OSRO) is one company that provides service to ship operators for a cost of \$500 per transit if vessel transits the Santa Barbara Channel south-bound only and \$2,500 if vessel enters and exits Port Hueneme to meet the above requirement. Master /Owners and or Operators or Vessel Qualified Individual (QI) must arrange Coverage either from the NRC or other OSRO as identified in their California Oil Spill Contingency Plan to comply with California Shoreline Protection Regulations and/or Skimming Requirements. A minimum twenty-four (24) hour advance written request must be submitted to meet both the new on-water-recovery and existing shore-line protection requirements. Please contact CSI if you have any questions or require assistance with arranging this protection.

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.

Implementation of STCW 2010 Amendments

The 2010 amendments to the STCW entered into force for all ratifying countries last year, on January 1, 2012. The major amendments: (1) expanded the application for hours of rest to include all personnel with designated, safety, prevention of pollution, and security duties; (2) increased the minimum hours from 70 hours to 77 hours; (3) required use of a standardized format to record watch schedules; (4) required compensatory rest period for seafarer on call; (5) required recordkeeping of hours of rest; (6) required a copy of records of hours of rest to be provided to the seafarer; and, (7) amended the exceptions to the hours of rest requirements. We have noted during our attendance aboard vessels for Coast Guard PSC exams. Coast Guard personnel checking compliance with these requirements.

