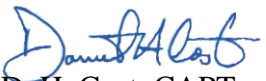




16711
CG-ENG Policy Letter
No. 02-24
May 7, 2024

From: 
D. H. Cost, CAPT
COMDT (CG-ENG)

To: Distribution

Subj: GUIDANCE ON COMMANDANT APPROVAL OF LIGHTERING AND SHIP TO
SHIP TRANSFER OPERATIONS INVOLVING HAZARDOUS MATERIALS
OTHER THAN OIL

1. **PURPOSE.** This policy letter provides guidance to Captains of the Port (COTPs) and maritime stakeholders regarding the approval of lightering¹ or ship to ship (“STS”) transfer operations involving hazardous materials other than oil pursuant to 33 CFR § 156.210(b) in certain circumstances.
2. **DIRECTIVES AFFECTED.** None
3. **BACKGROUND.**
 - a. In accordance with 33 CFR § 156.200, 33 CFR part 156, subpart B applies to “each vessel to be lightered and each service vessel engaged in a lightering operation in the marine environment beyond the baseline from which the territorial sea is measured when the oil or hazardous material lightered is destined for a port or place subject to the jurisdiction of the U.S.”² The U.S. exclusive economic zone extends 200 nautical miles from the territorial sea baseline.³ As such, lightering or STS transfer operations conducted in the U.S. exclusive economic zone with cargo destined for the United States must comply with 33 CFR §§ 156.200–156.230. These regulations are additional to the rules of 33 CFR part 156, subpart A, as well as the rules in the applicable sections of 33 CFR parts 151, 153, 155, 156, and 157.
 - b. Under 33 CFR § 156.210(b), “lightering operations involving hazardous materials, other than oil, may be conducted only with the specific approval of the Commandant. A request to lighter hazardous materials, other than oil, must be submitted to Commandant (CG-ENG) prior to the planned beginning of lightering operations.”
 - c. COMDT (CG-ENG) approves transfer or lightering operations involving hazardous materials other than oil by reviewing the validity of the applicable certificates and

¹ “Lightering” or “lightering operation” is defined, in pertinent part, as “the transfer of a cargo . . . of hazardous material in bulk from one vessel to another, including all phases of the operation from the beginning of the mooring operation to the departure of the service vessel from the vessel to be lightered, except when that cargo is intended only for use as fuel or lubricant aboard the receiving vessel.” 33 CFR § 156.205(b). COMDT has interpreted 33 CFR § 156.210(b) to apply to lightering and STS transfers of fuel that is not an oil, for example, liquefied natural gas. These operations do not include ship/facility or ship/platform transfers such as backload operations, NLS liquid mud or methanol transfers, or transfers to offshore drilling or production facilities in the oil industry.

² 33 CFR § 156.200. However, subpart B does not apply to public vessels “or to the dedicated response vessels and vessels of opportunity in accordance with the National Contingency Plan (40 CFR parts 9 and 300) when conducting response activities, or to tank vessels of 150 gross tons or more engaged in the transfer of oil cargo between tank vessels at sea on or after April 1, 2012.” *Id.*

³ 33 CFR § 2.30(a).

documents listed in Enclosure 1, including the International Oil Pollution Prevention Certificate (IOPP), the International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk, the Certificate of Fitness (COF), and the Certificate of Compliance (COC). Once COMDT (CG-ENG) completes this review, it requests the cognizant Captain of the Port (COTP) to review its determination.

4. **ACTION.** The COTP may assume COMDT approval in accordance with 33 CFR § 156.210(b) without additional correspondence if all of the documents listed in Enclosure 1 are verified to be current and valid. Requests for STS transfers pursuant to this Policy Letter must be made to the cognizant COTP at least forty-eight (48) hours in advance of the planned transfer. Requests must include copies of all documents listed in Enclosure 1 and a statement certifying that the information requested in Enclosure 1 is valid and accurate. Special attention should be placed on the validity of a vessel's COF or COC, noting that a cargo waiver is required prior to transfer for an expired certificate.⁴ Even if the documents are acceptable, the COTP, at his or her discretion, may approve or deny any request based on local conditions or concerns. Requests for STS transfers may still be made to the Commandant (CG-ENG) for specific approval.
5. **ENFORCEMENT.** The Coast Guard has authority to approve or deny an STS request pursuant to 33 CFR § 156.210(b). Through this Policy Letter, the Coast Guard is clarifying the policy for processing STS requests. Nothing in this Policy Letter limits the Coast Guard's ability to enforce all applicable regulations regarding the STS transfer of hazardous materials other than oil.
6. **DISCLAIMER.** This policy letter is not a substitute for applicable legal requirements, nor is it itself a rule. It is not intended to nor does it impose legally binding requirements on any party outside the Coast Guard. It represents the Coast Guard's current thinking on this topic and may assist industry, mariners, the general public, and the Coast Guard, as well as other federal and state regulators, in applying statutory and regulatory requirements.
7. **CHANGES.** This policy letter will be posted on the web at [CG-ENG Policy \(uscg.mil\)](https://www.dco.uscg.mil/ENG/Policy/) (<https://www.dco.uscg.mil/ENG/Policy/>). Changes to this policy will be issued as necessary. Suggestions for improvements of this policy should be submitted in writing to Commandant (CG-ENG-5) at hazmatstandards@uscg.mil.

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Enclosure: (1) Requirements for STS transfer approval

Distribution: HQ Offices
All Area/District (p)(r)(cc)
All Sectors/MSUs/MSDs (p)(r)(cc)

⁴ MARINE SAFETY: PORT STATE CONTROL, COMDINST M16000.73, Section D.6 (Sept. 2021).

Enclosure 1 – Requirements for STS Transfer Approval

Name of Requesting Company/Person:

Items required by 33CFR156.210(b) and 156.215(a)	Vessel to be lightered (see definition in 33 CFR 156.205)	Service vessel (see definition in 33 CFR 156.205)
Vessel name		
Call sign or official number		
Vessel registry		
Estimated time of arrival in the lightering location		
Shipping name of cargo		
Amount onboard that will be lightered		
Lightering location or zone		
Number of transfers expected and amount of cargo expected to be transferred during each transfer		
Estimated duration of transfer operations		
Name & destination of any service vessels		
Estimated frequency of subsequent lightering (if any)		
Additional Required Information/Items		
Verification from Masters that vessels have on board and are using the Ship to Ship Transfer Guide for Petroleum, Chemicals and Liquefied Gases ⁵	<input type="checkbox"/>	<input type="checkbox"/>
Copy of COC	<input type="checkbox"/>	<input type="checkbox"/>
Copy of Certificate of Fitness (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>
Copy of Certificate of Financial Responsibility	<input type="checkbox"/>	<input type="checkbox"/>
Copy of ISM Certificate (Safety Management Certificate)	<input type="checkbox"/>	<input type="checkbox"/>
Copy of IOPP indicating carriage of cargo to be transferred (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>
Copy of International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>
Copy of class or flag certified page of their shipboard STS procedures (just title page or page indicating review stamp)	<input type="checkbox"/>	<input type="checkbox"/>
Certificate of hoses for liquefied gas transfers (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>
Copy of MSDS or Safety Data Sheet for chemicals to be transferred	<input type="checkbox"/>	
Name of POAC (Person in Overall Advisory Command) if applicable		

⁵ CDI/ICS/OCIME/SIGTTO, Ship to Ship Transfer Guide for Petroleum, Chemicals and Liquefied Gases, Witherby Seamanship, 2013.