



16451
D8(dp) Policy Letter
No. 05-10
19 November 2010

MEMORANDUM

J. S. Paradis
From: J. S. Paradis, CAPT
CCGDEIGHT (dp)

To: Distribution

Subj: EIGHTH DISTRICT GUIDANCE REGARDING IMPLEMENTATION OF MARPOL ANNEX II AND IMO RESOLUTION A.673 FOR EXISTING OSVs

Ref: (a) Navigation and Vessel Inspection Circular (NVIC) 03-06 – Guidance on Implementation of revisions to MARPOL Annex II and the IBC Code

(b) CG-522 Policy Letter 09-01 Rev. 1

1. **PURPOSE:** The purpose of this policy letter is to provide standard implementation guidelines for the enforcement of CG-522 Policy Letter 09-01 Rev. 1, and to provide standard endorsements for COI's of those existing OSVs operating internationally as well as those operating exclusively in waters subject to the jurisdiction of the United States.

2. **BACKGROUND:**

- a. In accordance with CG-522 Policy Letter 09-01 Rev. 1 dated 05APR10, provisions for "existing" OSVs carrying Noxious Liquid Substances (NLS) in bulk go into effect on or after the first annual inspection in 2011. "New Vessels", which have a keel laid date on or after 20FEB10, were addressed in the original CG-522 Policy Letter 09-01 dated 20AUG09 and must meet a more stringent interpretation of IMO Resolution A.673.
- b. Because oil based muds and drilling brines are considered NLS cargoes and all existing OSVs carrying NLS cargoes in bulk must comply on or after the first annual inspection in 2011, there will be a considerable number of OSVs coming under this policy within the next year.
- c. CG-522 Policy Letter 09-01 Rev. 1 Paragraph 5.a states, "This policy may not be enforced by the Coast Guard against any member of the public until it is incorporated in relevant U.S. regulations. Pending that incorporation, compliance is encouraged

but voluntary. To the extent a vessel to which this policy applies does not voluntarily comply with the policy, Coast Guard personnel engaged in plan review, inspection, or survey activities relating to the vessel may note variances from the policy in any documentation the Coast Guard issues for the vessel.” This leaves open ended how OCMI’s will address the interim period between when these provisions go into effect and when they become enforceable.

3. **ACTION**: Eighth District OCMI’s shall:

- a. Use the guidelines provided by this policy letter to promote a consistent district wide approach to certification of existing OSVs under CG-522 Policy Letter 09-01 Rev 1.
- b. Issue a Certificate of Fitness (CG Form CG-5148C, rev 02-09) or an International Pollution Prevention Certificate for the carriage of Noxious Liquid Substances in Bulk (NLS Certificate (CG Form CG-5461, rev 08-06)) in accordance with reference (a) when a vessel is operating on foreign voyages and is in compliance with IMO Resolution A.673 (16). (Issuance of COF or NLS Certificate to domestic vessels meeting IMO Resolution A.673 is optional at OCMI discretion)
- c. Endorse the COI or issue a Cargo Authority Attachment (CAA) with the name of each NLS cargo authorized for carriage on vessels operating exclusively in waters subject to the jurisdiction of the United States and in compliance with IMO Resolution A.673 (16).
- d. Endorse the COI of any vessel operating exclusively in U.S. waters or on the high seas that does not meet the requirements set forth in IMO Resolution A.673 (16) with the following: VESSEL DOES NOT COMPLY WITH MARPOL ANNEX II AND MAY ONLY TRANSPORT NLS CARGOES REGULATED UNDER TITLE 33 CFR OR 46 CFR BETWEEN U.S. PORTS VIA WATERS OVER WHICH THE U.S. HAS JURISDICTION OR ON THE HIGH SEAS.

4. **POINT OF CONTACT**: POC for this issue is LTJG Daniel Parker at (504) 671-2153 or email: Daniel.M.Parker@uscg.mil.

#

Distribution: All Eighth District Sectors and MSUs

Copy: COMDT (CG-522)