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OPA 90 Salvage and Marine Firefighting Vessel Response Plan Requirements

Owners and Operators who are required to have a Vessel Response Plan (VRP) for tank vessels carrying oil will be required to modify their VRP to include new Salvage and Marine Firefighting (SMFF) regulations as enacted by the US Coast Guard. This regulation will come into force on 22 February 2011.

Presently, there are four SMFF resource providers that are capable of meeting the SMFF requirements for United States ports. They are: Resolve Marine Group, DonJon-Smit, T&T Bisso, and Marine Response Alliance. With the new regulations, the four providers are offering different costs for the first contract year. It is anticipated following the first year, providers will modify their rates after they what the actual operating costs are.

Under the new regulations, the owner/operator (designated as the planwriter) of each tank vessel calling the United States will need to establish a contractual agreement with the nominated SMFF resource provider. The SMFF resource provider will require a number of documents in soft/electronic copy in advance, in order to certify each vessel. Once the vessels are accepted by the SMFF resource provider, CSI will need to include the certification and port specific documentation in the VRP, in order for the Coast Guard to approve the Plan. Keep in mind it could take up to 60 days for the Plans to be approved by the Coast Guard.

This regulation initially will apply only to tankers. Once the regulations for Non-Tank plans are finalized, the SMFF regulations will also apply to vessels other than tankers.

Oil Pollution Action of 1990 Required Drills

Under the Preparedness for Response Exercise Program (PREP), vessels are required to carry out on quarterly basis, an On Board Emergency Procedures Drill (EMP) and a Qualified Individual (QI) Notification Drill. The EMP Drill is essentially the same as a SOPEP Drill and is required to ensure spill mitigation procedures in the response plan are exercised. When such drills are carried out, a notation should be made in the Deck Log to this effect. The QI Drill requires that contact be made with the vessel's QI by telephone. At least one of the quarterly QI Drills is required to be conducted after the QI's office working hours. Our normal office hours are Monday through Friday, 0830 to 1700. An after hours Notification Drill may be conducted any time after 1700 on weekdays, and at any time during the weekend. Please keep in mind, however, that our Eastern Standard Time (EST) is UTC -5 hours. Of course, our 24-Hour Telephone Number is manned 24/7 for emergencies.



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USCG Inspection Tip

During a U.S. port call, the ship's agent will take several certificates ashore for Customs clearance. We recommend that copies of all certificates taken ashore be retained onboard in case the USCG visits the vessel for an inspection. Copies of U.S. Customs Tonnage Tax and User Fee receipts are not necessary for a USCG exam.



Inspection of Fire Hoses

During recent Port State Control vessel inspections, we have observed the Coast Guard inspectors conducting in-depth inspections of the fire hoses. Deficiencies are being issued for hoses not being in a serviceable condition and vessels have experienced delays in sailing, due to not having sufficient replacement hoses aboard. A cursory visual inspection of the hoses in their racks may show the hoses appearing to be in satisfactory condition; however, upon closer examination, the hose interior sections were dry-rotted and the rubber lining deteriorated. To eliminate this potential deficiency and potential SOLAS detention, the Safety Officer should routinely remove the hose from the storage rack, inspect the hose couplings, and examine the hose condition (interior & exterior) for wastage, deterioration or tears. On an annual basis, all the fire hoses should be hydrostatically pressure tested to ensure all hoses are working properly (MSC/Circ. 850). With the heat in the engine room causing hoses to deteriorate more rapidly, we recommend that when the hoses are pressure tested, they be relocated to another area of the vessel. This may allow the fire hoses to remain in a serviceable condition longer.

Letters of Deviation

We are frequently asked which equipment requires a Letter of Deviation (LOD) in the event of a failure or malfunction. 33 CFR 164.53 states that malfunctioning navigational safety equipment that must be reported includes the vessel's radar, radio navigation receivers, gyrocompass, echo depth sounding device, and primary steering gear. 33 CFR 155 allows a U.S. Coast Guard Captain of the Port (COTP) to authorize a LOD if it is determined that the deviation does not impair the safe navigation under anticipated conditions. When Letters of Deviation are issued granting permission to enter a port, it is typically under the condition that the malfunctioning equipment be repaired to the satisfaction of Class prior to departure. In cases when repairs cannot be completed prior to a vessel's scheduled departure, a second LOD can be requested for permission to depart. Any LOD issued applies only to the port specified; therefore if a vessel is calling multiple U.S. ports during a voyage, a separate LOD must be requested for each port. Requests for Letters of Deviation should normally be submitted to the USCG COTP via the vessel's agent. Letters of Deviation also include conditions under which the permission to enter or depart a port is granted. Such conditions may include daylight only transit, employment of an escort tugs, minimum visibility requirements, etc. Although not specified by the regulation, we have found that many U.S. COTP Zones also require a LOD for malfunctioning AIS. Malfunctioning equipment other than items listed above should be listed on the vessel's Electronic Notice of Arrival (eNOA). In the event of any equipment malfunction, we recommend that the failure be fully documented in accordance with the vessel's Safety Management System, including completion of a risk assessment.

eNOA/D Tip

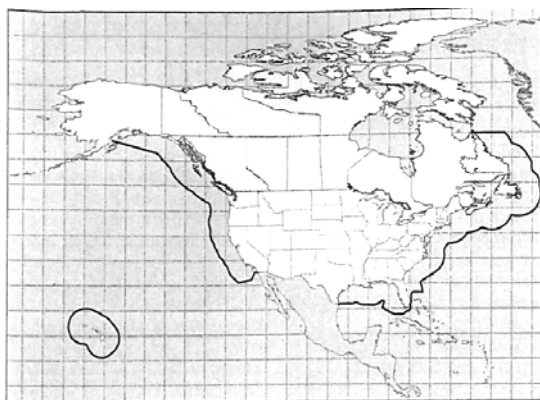
When submitting an Electronic Notice of Arrival and Departure (eNOA/D), it is important to list the local agent, rather than CSI, as the point of contact for that call. The USCG uses this point of contact to get information particular to that port call, such as updates on arrival or departure times, cargo details, crew issues, etc., which CSI will not be able to answer. If an agent has not been appointed at the time the eNOA/D is submitted, CSI client vessels may list CSI; however, should submit an updated eNOA/D once the local agent is appointed. Also, remember that a separate eNOA must be submitted for each U.S. port. Updating an eNOA from a previous port, and simply changing the port and arrival date, will not meet the requirements for submittal, and may lead to vessel delays or fines.

Neah Bay Emergency Response

In order to provide additional pollution prevention coverage in the Strait of Juan de Fuca and Puget Sound, Washington State, has contracted a company to permanently position an emergency response towing vessel (ERTV) at Neah Bay. The tug is located near the entrance to the Strait. Effective July 1, 2010, all vessels arriving or departing a Puget Sound port (Pt. Angeles, Seattle, Tacoma, etc) through the Strait of Juan de Fuca will be required to obtain ERTV coverage through the Washington State Maritime Cooperative (WSMC) or provide their own tug. Previously, Washington State absorbed the cost of stationing a tug in this area. The ERTV coverage ensures the towing vessel will be available should it be needed. Should an emergency occur, the vessel's owners/operators will need to establish a separate contract for the use of the ERTV. Vessels transiting the Strait for Vancouver B.C., Canada are considered innocent passage and will not be required to obtain this coverage. As with the normal WSMC pollution prevention coverage, the local agents have signed an Authorization Letter allowing them to sign these agreements on vessels/company's behalf, and this will apply for ERTV enrollment as well. The cost for the enrollment will vary depending on the type, size and the environmental compliance (ISO 14001) of the vessel. This requirement does not apply to vessels bound for Gray's Harbor or Washington ports within the Columbia River.

In the 10 years tugs have been stationed in the area, the tugs have stood by or assisted 45 partially or completely disabled ships. During 11 responses, the tug attached a tow line and took physical control of the disabled vessel to safely tow it to a harbor for repairs. For more information please see: <http://www.marineexchange.com/ertv.htm>

North American Emission Control Area



In March 2010, IMO adopted the North American Emission Control Area (ECA), which calls for 1 percent fuel sulfur between 2010 and 2014, lowering to 0.1 percent fuel sulfur from 2015 onward. An 80 percent Tier 3 NOx reduction for new vessels will be required in 2016.

In August 2011, the North American EC goes into effect. The following August will see the start of enforcement. From August 12 to January 2015, the 1 percent sulfur limit will apply except in California, where lower limits will be applicable. Low sulfur heavy fuel oil will still be an option, except in California. After January 2015, 0.1 percent will be the sulfur limit for all marine fuels.



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:
(912) 233-8181



Daylight Savings Time Ends:

On Sunday, November 7th, the United States ends Daylight Savings Time and reverts to Standard Time. For Notice of Arrival purposes, Eastern Standard Time (East Coast) is UTC -5; Central Standard Time (Gulf) is UTC -6; and Pacific Standard Time (West Coast) is UTC -8. CSI is headquartered in the Eastern Standard Time Zone.



Non-Visaed Crew Security Plans

Crewmembers without United States visas can become expensive! In the days before 9/11, vessels could apply for visa waivers or visa crew lists to cover all crewmembers who did not hold U.S. visas. In the years since, not only have both programs been discontinued, but restrictions on non-visaed crewmembers have increased. Now, any seafarer who does not hold a U.S. visa will be detained (ordered to remain onboard the vessel) by U.S. Customs-Border Protection (CBP) inspectors. In some cases, when a significant number of crewmembers are detained onboard, CBP will require that a "Crew Security Plan" be submitted detailing measures to be taken to ensure that no detained crewmember leaves the vessel. As CBP does not have legal authority to restrict vessels' movements, they request the Coast Guard Captain of The Port (COTP) to issue a COTP Order prohibiting the vessel from entering port until a Crew Security Plan is submitted and approved. These Crew Security Plans typically require that shore-based armed security personnel be contracted to monitor the vessel while she is within port limits. Requirements also include frequent musters of crew in order to conduct a head count and securing of the seafarer's documents such as passport and seaman's book. Depending on the length of the port stay, this can become an expensive operation. Unfortunately, cost to the vessel is of little to no concern to Customs-Border Protection, and once restrictions are ordered, there is little chance of appealing their decision or negotiating less expensive measures. Most port agents have ready-made Crew Security Plans which have been deemed sufficient by the local CBP officials. The agents also have billing arrangements and contacts with contract security companies approved by the local CBP and COTP. In the event that a vessel has crew members detained onboard, but no Crew Security Plan is required, it is very important that the vessel's Master ensure that detained crew members do not leave the vessel, as the current penalty is \$3,200 per crew member, per incident.

USCG Inspection Tip:

For a tank vessel requiring a U.S. Certificate of Compliance (COC) renewal or annual exam, the USCG typically requires seven days advanced notice to schedule the exam. If your vessel is due for an exam, and is calling a U.S. port, please notify CSI as soon as possible in order that we may make proper notifications to the USCG and to coordinate the exam. Agent details are also crucial when scheduling an exam, as the agent is relied upon to provide berthing prospects, arrange for a marine chemist, and arrange a launch if needed.



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