



The American Waterways Operators

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Jennifer Carpenter
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May 25, 2010

Docket Management Facility (M-30)
U.S. Department of Transportation
West Building, Ground Floor, Room W12-140
1200 New Jersey Avenue, SE.
Washington, DC 20590-0001.

Re: Carbon Dioxide Fire Suppression
Systems on Commercial Vessels
(USCG-2006-24797)

Dear Sir or Madam:

The American Waterways Operators (AWO) is the national trade association for the tugboat, towboat and barge industry. AWO's members account for approximately 80 percent of the barge tonnage and two-thirds of the towing vessel horsepower in this critical industry segment, moving cargoes essential to the American economy on the inland rivers, the Atlantic, Pacific, and Gulf coasts, and the Great Lakes. Tugboats also provide essential services, including shipdocking, tanker escort and bunkering in ports and harbors around the country. On behalf of AWO's members, thank you for the opportunity to comment on the notice of proposed rulemaking (NPRM) to amend the current regulations for carbon dioxide (CO₂) fire suppression systems on several classes of commercial vessels.

AWO approaches this rulemaking from the perspective of an organization that is deeply committed to leadership in marine safety, including, above all, the personal safety of the men and women who crew our industry's vessels. That commitment is manifest in the award-winning AWO Responsible Carrier Program (RCP), a third-party-audited code of safe practice with which all members must comply as a condition of association membership; the first-of-its-kind Coast Guard-AWO Safety Partnership, which has launched more than 30 government-industry quality action teams that have produced meaningful improvements in towing vessel safety and environmental stewardship; and the work of the AWO Interregion and Coastal Safety committees, which bring industry safety professionals together to exchange information and develop resources to assist member companies in improving personnel and vessel safety.

AWO shares the Coast Guard's objective of safeguarding persons working in protected spaces from the possibility of an accidental CO₂ discharge. However, we question the value-added of the two proposed requirements – olfactory additives and lockout valves – in light of both existing regulation and the technical and procedural best practices the industry has proactively developed to ensure personnel safety with relation to CO₂ fire suppression systems.

Olfactory Additives

The NPRM requires that “a distinctive-smelling substance, like wintergreen, [be] added to the CO₂ so that in the event of a CO₂ discharge in a vessel's space, any persons in that space can quickly smell the discharge and evacuate.” The NPRM notes that in addition to warning individuals working in a protected space of a CO₂ discharge, the odorizer units would also warn crewmembers in adjacent spaces of the vessel if the CO₂ should migrate. However, Coast Guard regulations at 46 CFR part 76¹ already require commercial vessels equipped with fixed CO₂ systems to have a centrally-located alarm that is triggered at least 20 seconds in advance of a discharge; many vessels use alarm systems that are activated 30 seconds in advance. With alarm systems standard on vessels with CO₂ fire suppression systems, it is not clear what practical benefit odorizer units will have. Alarms leave little room for doubt that a discharge has occurred.

Lockout Valves

The NPRM requires that lockout valves “be used during system maintenance to prevent inadvertent flooding of a protected space.” AWO understands the need for such a safeguard. The AWO RCP, consistent with Occupational Safety and Health Administration (OSHA) standards at 29 CFR 1910.147, requires member companies to have maintenance procedures that include a lock-out/tag-out (LOTO) policy. Per OSHA, LOTO covers “the servicing and maintenance of machines and equipment in which the unexpected energization or start up of the machines or equipment, or release of stored energy could cause injury to employees.” The Coast Guard has not made it clear what percentage of incidents involving injury or fatality due to accidental exposure to a CO₂ discharge were the result of failure to comply with LOTO standards. This would be important to ascertain before concluding that new requirements, rather than a focus on compliance with existing standards, are needed.

In addition to these safeguards, it is standard practice for many towing companies to eliminate the possibility of an accidental CO₂ discharge entirely by disengaging the CO₂ fire suppression system when maintenance is being conducted in the protected space. Once repairs to the vessel are complete, a certified fire company must attend to the vessel for a test of the discharge actuation devices and associated automatic closure/shutdown devices. Once testing is complete and the system is restored, the fire company completes

¹ While 46 CFR part 76 establishes fire protection equipment requirements for passenger vessels, 46 CFR 27.101 requires that fixed CO₂ systems on towing vessels meet the requirements of 46 CFR 76.15.

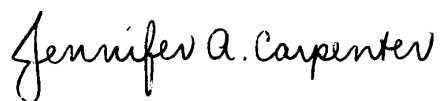
the inspection/service report and tags the system. At this point the entire crew is notified that the system is fully certified and operational. AWO questions the practical benefit of lockout valves in light of the already rigorous procedures many towing companies have implemented to ensure the safety of persons working in protected spaces.

Cost

AWO members pride themselves on their proactive safety stewardship and do not put a price on the health and well-being of their crews. AWO has never challenged, on the basis of cost, policies that we believe will meaningfully increase the safety of industry operations. However, we do not believe that the Coast Guard has demonstrated that the proposed measures will materially improve upon current regulatory standards and industry practice. Before the Coast Guard takes further action on this rulemaking, we urge the agency to consider the proposed new requirements in the context of current industry practice. We believe that such a review will show current practice to be rigorous and the requirements proposed in the NPRM redundant. We believe that the lack of incidents of injuries or fatalities associated with CO₂ systems on towing vessels – as cited in the Coast Guard's regulatory analysis – supports that conclusion. AWO would be pleased to work with Coast Guard to facilitate a more in-depth review of current industry practice to prevent injuries and deaths from accidental CO₂ discharges.

Thank you for the opportunity to comment. We stand ready to provide further information or assistance as the Coast Guard sees fit.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer A. Carpenter".

Jennifer A. Carpenter