Subchapter M: What You Need to Know

AWO Webinar
June 20-21, 2016
The Big Picture

- Milestone in industry safety journey
  - Raises regulatory floor industry-wide
- A new approach to Coast Guard inspection
- Rooted in AWO, TSAC recommendations
- Retires the misleading “uninspected” label
- Displaces OSHA jurisdiction
- Preempts state regulation
  - Design, construction, alteration, repair, maintenance, operation, equipping, personnel qualification, manning
Positive Features of Final Rule

- Improved formatting and clarity
- Highly responsive to AWO, TSAC comments
- Problematic equipment requirements for existing vessels removed
- No change to hours of service requirements
- Practical approach to implementation and phase-in
- Strong support for TSMS option
- No surprises to delay RCP acceptance as TSMS
46 CFR Subchapter M
Parts 136-144

- Certification
- Vessel Compliance
- Towing Safety Management System (TSMS)
- Third-Party Organizations
- Operations
- Lifesaving
- Fire Protection
- Machinery and Electrical Systems and Equipment
- Construction and Arrangement
Applicability

- All U.S.-flag towing vessels
- Exceptions:
  - Vessels <26 feet unless moving a barge carrying oil or hazmat
  - Assistance towing vessels
  - Workboats operating within worksite
  - Seagoing tugs >300 GRT
  - Other inspected vessels that perform occasional towing
Implementation Schedule

Rule effective 7/20/2016

Existing vessels:
  • Most requirements in Parts 140-144 take effect 7/20/2018 or date first COI is issued, whichever is earlier
  • COI phased in between 7/2019 and 7/2022

New vessels (keel laid/major conversion after 7/20/17):
  • Meet all requirements and obtain COI before vessel enters into service
COI Phase-In for Existing Vessels

🔗 Fleets of >1 towing vessel:
  • 25% by 7/22/2019
  • 50% by 7/20/2020
  • 75% by 7/19/2021
  • 100% by 7/19/2022

🔗 Fleet of 1 towing vessel: by 7/20/2020
Compliance Options

❖ Coast Guard option
  • Traditional inspection; all inspections conducted by Coast Guard

❖ TSMS option
  • Use of safety management system and approved Third-Party Organizations to demonstrate and verify compliance
Process for Obtaining COI

- Submit application to OCMI (Form CG-3752)
  - Specify compliance option (TSMS or Coast Guard)
- TSMS option: Include objective evidence that:
  - Company/vessel comply with TSMS requirements (TSMS certificate)
  - Vessel’s structure, stability and essential systems comply with applicable requirements for intended route/service (Survey report from TPO)
- Inspection for certification*
- OCMI issues COI valid for five years

*Need clarification on how COI inspection differs for vessel using TSMS option
What Is a TSMS?

- Documented, audited management system for:
  - Meeting vessel owner’s established goals
  - Ensuring continuous regulatory compliance

- ISM Code

- Other existing safety management systems may be accepted
  - Coast Guard has confirmed intent to accept Responsible Carrier Program as TSMS; discussions underway to finalize ASAP
What Is a Third-Party Organization (TPO)?

- Recognized classification societies
- Other organizations may seek approval as TPO
  - TVIB intends to seek Coast Guard approval
- Delegated authorities:
  - Conduct management and vessel TSMS audits
  - Issue TSMS certificates
  - Conduct surveys and issue survey reports
TSMS Option

TSMS Certificate issued by TPO
- Valid for 5 years
- Company must maintain list of vessels covered by TSMS certificate

Internal TSMS audits:
- Annual for management and all towing vessels

External TSMS audits:
- Management: Twice in 5 years
- Towing vessels: Once in 5 years
TSMS vs. Coast Guard Option

Required inspections
- Coast Guard option: Coast Guard inspects vessel annually
- TSMS option: Coast Guard conducts COI inspection every 5 years

Required surveys and drydocking examinations
- Coast Guard option: performed by Coast Guard
- TSMS option:
  - External program in which surveys/examinations conducted by TPO;
  - or
  - Internal program in which surveys/examinations conducted by company personnel, either as one event or over time
TSMS vs. Coast Guard Option

 Permit to Proceed and Permit to Carry Excursion Party
 - Coast Guard option: requires OCMI approval
 - TSMS option: proceed as outlined in TSMS, notify OCMI

 Functional vs. prescriptive requirements
 - Coast Guard option: requires OCMI approval
 - TSMS option: may be documented in TSMS, approved by TPO
User Fee

- Mandated by law; fees set by regulation
- Coast Guard rulemaking to update current user fees under development
  - Inspection fees for towing vessels will differ based on compliance option chosen
- Until then:
  - No fee for initial COI
  - Subsequent annual inspection fee of $1,030
Operations

- Similar to current regulations and RCP requirements
- Crew Safety
- Safety and Health
  - Health and safety plan
- Vessel and Operational Safety
  - Lookout, navigation assessment, and pilothouse resource management requirements
- Navigation and Communication Equipment
- Towing Safety
- Vessel Records
  - Towing Vessel Record (TVR)
Lifesaving

• Carriage requirements based on area of operation, not certificated route

• New requirements:
  • Survival craft
  • Lifejackets
  • Immersion suits
  • Lifebuoys
  • Visual distress signals
  • EPIRB
  • Line throwing appliance

• Credit for SOLAS compliance
Fire Protection

Similar to current regulations

New requirements:

- Fire axe
- Smoke detection system or detectors in berthing spaces
- 2 firefighter’s outfits and 2 SCBAs on ocean/coastal vessels >79 feet without fixed fire suppression system

Credit for SOLAS compliance
Machinery and Electrical

New requirements:
• Pilothouse alerter system for vessels >65 feet

Requirements for new vessels:
• Built to recognized classification society/ABYC standards
• Electrical engineering system requirements
• Requirements for propulsion, steering and related controls for vessels moving a barge carrying oil/hazmat
Construction and Arrangements

Requirements for new vessels:
- Built to recognized classification society standards

Requirements for existing vessels:
- Meet standards applicable prior to effective date of Subchapter M
  - Existing vessel that undergoes major conversion must meet requirements for new vessels
- Watertight or weathertight integrity
Major Conversion

- A conversion of the vessel that:
  - Substantially changes the dimensions or carrying capacity of the vessel;
  - Changes the type of the vessel;
  - Substantially prolongs the life of the vessel; or
  - Otherwise so changes the vessel that it is essentially a new vessel, as determined by the Commandant.

- Determinations made by MSC on case-by-case basis

- Need additional guidance to clarify CG intent re. engine repowering
  - Despite preamble language, CG leaders say repowering will not typically trigger major conversion determination
Manning

- Coast Guard: “We do not envision an appreciable increase”
- COI will specify minimum manning
  - TSMS may identify if/when additional personnel needed
- Coast Guard has made some conforming amendments, notes others are not necessary to achieve desired result
- Problem area: PIC-fuel transfer
  - AWO has raised concern with Coast Guard leaders
- Coast Guard to propose revisions to MSM, Vol. III informed by TSAC recommendations
Hours of Service

- No hours of service or watchstanding changes
  - NPRM preamble proposed modifying watch schedules to allow 7-8 hours of uninterrupted sleep
Next Steps

- Member review of rule
- RCP acceptance as TSMS
- Ensure sufficient auditor supply
- Consultation with Coast Guard on implementation policy
- Member and industry education
Rule Review

AWO Towing Vessel Inspection Working Group to meet 6/23-24 to identify:

• Problems that require immediate advocacy with Coast Guard
• Issues that need clarification in policy guidance
• Focus areas for member education

Will brief members on working group conclusions and recommendations
RCP Acceptance as TSMS

- RCP Standards Board/RCP 21 Working Group to meet with Coast Guard 6/24
- Shared AWO, Coast Guard goals:
  - Submit RCP for acceptance ASAP
  - Clarify procedures for members
Auditor Supply

AWO goal: Large, geographically dispersed pool of well-qualified, well-trained RCP/TSMS auditors overseen by Coast Guard-approved TPOs

• Supporting TVIB in securing Coast Guard approval as TPO
• AWO-ClassNK agreement executed
• Proposal for AWO-ABS agreement under review
Implementation Policy

Coast Guard plan: draft NVIC with issue-specific enclosures
- TPO guidebook, TSMS, compliance, etc.
- Enclosures available before NVIC published

Review draft guidance through Coast Guard-AWO Safety Partnership, TSAC
- Prioritized review of time-sensitive subject matter
- Ongoing forum for discussion as implementation issues and questions arise
Member and Industry Information

♀ Briefings/discussion sessions at summer safety and regional meetings
  • 8/10: Portland, OR
  • 8/17: Pittsburgh, PA
  • 8/24: New York, NY
  • Open to non-members

♀ Ongoing education and implementation assistance driven by member needs
Questions & Discussion

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