

# Responsible Carrier Program<sup>®</sup>

*Effective July 20, 2018*



The American  
Waterways Operators



## Disclaimer

The Responsible Carrier Program® (RCP) is a registered trademark of The American Waterways Operators, Inc. The AWO RCP is intended to improve marine safety and environmental protection in the tugboat, towboat and barge industry. The program aims to accomplish this objective by establishing preferred industry operating principles and practices as voluntary standards of conduct for tugboat and towboat companies. While the standards outlined in the Responsible Carrier Program meet or exceed current governmental standards for the operation of barges and towing vessels, they do not necessarily constitute an exhaustive catalogue of all potential safety practices that any particular company should undertake. Each company must determine for itself its own operational needs and the range of safety measures necessary to protect its employees, the public, and the environment. The program is not intended to supplant any existing safety procedures that a company may have in place in excess of the standards outlined herein. Finally, while the objective of the Responsible Carrier Program is to enhance safety and environmental protection in the tugboat and towboat industry, no program can be considered a panacea that will completely eliminate injuries, accidents or pollution incidents. The pursuit of better, safer operations through continuous improvement must always be the industry's goal.

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## I. Introduction<sup>1</sup>

On December 7, 1994, the Board of Directors of the American Waterways Operators (AWO) unanimously approved the establishment of the AWO Responsible Carrier Program® (RCP) as a code of practice for association member companies. The Board's historic vote marked the culmination of an intensive, eight-month effort to develop the outlines of a new, industry-driven safety program for the tugboat and towboat industry. In voting to adopt the RCP, however, the Board did more than signal its approval of the code of practice and its endorsement of the process that produced it. Perhaps more significantly, the Board directed that a new process begin to help the newly developed safety program take root in the industry and to ensure that the program's goals of a better, safer, and more responsible industry are realized. To that end, the Board set January 1, 1998, as the target date to bring all AWO member companies into compliance with the RCP.

### *Background and Purpose*

Development of the RCP began in April 1994, when the Board of Directors authorized the establishment of a specially-selected task force of senior industry executives. Comprised of 13 members representing a broad cross section of AWO's diverse membership – inland, coastal, and harbor operators; dry and liquid carriers; large and small companies drawn from each of the association's five regions – the working group was tasked with developing a series of "recommended positions, practices, and standards aimed at enhancing the safety of the barge and towing industry." This work stemmed from the directive of the association's newly-approved strategic plan, *AWO 2000*, that AWO "improve industry safety and environmental protection by establishing preferred industry operating principles and practices," and from the process of industry self-examination which began in the wake of the September 1993 derailment of the Amtrak *Sunset Limited* train at Big Bayou Canot in Mobile, Alabama.

Throughout the Spring and Summer of 1994, the working group labored to fulfill the Board's mandate and to develop the outlines of a new, industry-specific safety program for the tugboat and towboat industry. By late September, the framework of the program had emerged, and a draft document was shared with all AWO members, including shipyard and affiliate members, for review and comment. Throughout the month of October, regional briefing sessions were held in Greenville, Mississippi; New York, New York; St. Louis, Missouri; and Seattle, Washington, to subject the draft program to the critical review of AWO members in all regions of the country. Armed with this feedback, the working group reconvened in early November to consider the input received from the membership, to revise the document as necessary, and to develop final recommendations for consideration by the AWO Executive Committee and Board of Directors. On November 3, the RCP was approved by the AWO Executive Committee. The Committee-approved changes to the content of the draft RCP, as well as its recommendations for implementation and use of the new safety program, were shared with all AWO members in mid-November. On December 7, following a final briefing and discussion session on the content of the RCP held December 6, AWO's Board of Directors voted unanimously to adopt the RCP as a code of practice for AWO member companies.

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<sup>1</sup> The introduction received technical edits on 9/15/2017.

### *The Responsible Carrier Program*

The RCP approved by the Board of Directors originally had three principal parts – management and administration, equipment and inspection, and human factors – reflecting the role that each of these components plays in ensuring safe and efficient vessel operations. The RCP is intended to serve as a template for AWO member companies to use in developing company-specific safety programs that are consistent with applicable law and regulation, that incorporate sound operating principles and practices, and that are practical and flexible enough to reflect a company's unique operational needs.

The RCP does not attempt to catalogue or to duplicate that which is already mandated by federal law or regulation. Rather, the RCP seeks to complement and build upon existing law and regulation and to identify sound operating principles and practices that will enhance the safety of a company's operations. The RCP is intended to be a practical program and it takes its inspiration not from a government-prescribed standard or from a deep-sea, ship-focused model, but from the experience of the tugboat and towboat industry and its operators themselves. The practices and principles outlined herein are, in large measure, based on principles of safe and sound operation that many companies in the industry have already voluntarily embraced. This program aims to build upon that foundation by extending those practices and principles throughout the industry as a whole.

It is not the aim of the RCP to homogenize industry operations, however; the industry is far too diverse for such a simplistic approach. Rather, the RCP aims to combine a set of common principles and practices that can be observed and incorporated by a company regardless of its trade or its size, with an emphasis on company-specific policies and procedures which may vary significantly both between and among industry sectors. The policies and procedures developed by a small inland grain carrier will inevitably differ from those of a large coastal oil transporter; indeed, the policies developed by one carrier will likely differ even from those of a similarly situated company. The RCP is rooted in the premise that common principles of safe operation, and industry practices that are recognized as sound standards industry-wide, can and must coexist with the operational diversity that has long been a hallmark of the U.S. tugboat, towboat and barge industry.

### *Implementation and Use*

In approving the establishment of the RCP, AWO's Board of Directors recognized that developing a comprehensive plan for implementation and use of the new safety program would be critical to achieving the program's objectives. *AWO 2000* directed the association to "improve industry safety and environmental protection by establishing preferred industry operating principles and practices," but the mere development of such a program would not by itself achieve these crucial goals. To make real gains in marine safety and environmental protection, the Board recognized that the next step for the association must be to put the RCP in place and to help all AWO members integrate the program into their own companies' operations.

The Board set January 1, 1998, as the target date to bring all AWO member companies into compliance with the RCP. To assist the membership in meeting this target, the Board directed

the development of an implementation and assistance program aimed at giving all AWO members the tools they needed to adopt the RCP immediately following Board approval of the program. Development of such a program, which included the identification or development of sample policies and procedures, identification of industry training resources, and a series of regional implementation seminars, then began, and a detailed implementation plan was presented to the AWO membership and Board of Directors in April 1995. The Board also recognized the importance of monitoring the implementation process closely to ensure continued progress toward universal member adoption of the program and to identify any difficulties requiring modification, either of the document itself or of the implementation program. To that end, the Board received regular reports on the implementation process at each of its meetings between 1995 and 1998.

### *Third-Party Audit Requirement*

In December 1995, AWO's Board of Directors established the RCP Audit Task Force. The mission of this member task force was to consider the need for, and value of, an external audit component to the RCP. In October 1996, the Board approved the recommendation of the Audit Task Force that an audit program be established for the RCP. The Board concluded that not only would an external audit advance the objectives of marine safety and environmental protection, but it would significantly increase the external credibility of the RCP and facilitate the attainment of other important benefits, such as charterer acceptance, recognition from federal and state regulators, and lower insurance premiums. It became increasingly clear to the task force and the Board of Directors that some form of audit would be required by regulators, shippers, and insurers as a condition of conferring many of the tangible benefits of the RCP on individual members. Given these conclusions, the Board established a Technical Subcommittee to develop the details of a future audit component to the RCP.

The RCP Audit Task Force Technical Subcommittee first met in January 1997 and began the challenge of developing an audit program that increases industry safety, provides recognition for responsible operators, generates greater industry credibility in the public forum, and recognizes the diverse needs of AWO's membership. In August 1997, the task force recommended that all members of AWO achieve audited compliance with the RCP by January 1, 2000, or within two years of joining the association, whichever was later. In October 1997, in response to the recommendation by the task force, the Board of Directors voted to approve the establishment of a third-party audit program for the RCP, including the creation of an Accreditation Board responsible for the selection, orientation, oversight and recertification of AWO-certified auditors. The Accreditation Board also played a role in clarifying or interpreting the audit guidelines and in considering and recommending changes to the audit program as appropriate. The establishment of an audit program was an extraordinarily important step for the RCP, AWO and the entire industry.

### *Condition of Membership*

In a move that fundamentally changed the face of AWO, in April 1998, the membership voted to change the association's *Constitution and Bylaws* to require that carrier members demonstrate a "good faith commitment" to achieve compliance with the AWO RCP, and undergo an AWO-

certified audit of their program by January 1, 2000, or within two years of joining the association, whichever was later. In 2004, the Board of Directors voted to reduce the timeframe requirement to within one year of joining the association. No longer was it enough to simply operate a towing company and pay dues to belong to AWO. Now, members had to commit to operating their companies safely and responsibly by implementing the RCP, and then demonstrate their implementation by undergoing a comprehensive third-party audit conducted by professional, experienced and knowledgeable auditors. In 2008, the Board voted to recommend to the full membership that the “good faith commitment” clause be deleted and to require members to achieve compliance within one year.

On January 1, 2000, 100 percent of AWO’s carrier members were in audited compliance with the RCP. Thirteen member companies chose not to comply with this condition of membership and thus had their memberships in AWO terminated.

### *The RCP and Subchapter M*

In December 2003, the AWO Board of Directors voted to pursue a towing vessel inspection system that builds upon the RCP in concert with the U.S. Coast Guard. Congress, through the Coast Guard and Maritime Transportation Act of 2004, added towing vessels to the list of vessels subject to inspection and authorized the Coast Guard to establish a safety management system appropriate for towing vessels.

The towing vessel inspection notice of proposed rulemaking was published in August 2011, proposing to establish a new Subchapter M of Title 46 of the Code of Federal Regulations containing requirements for towing vessel operations, lifesaving, firefighting, machinery and electrical systems and equipment, and construction and arrangements. The rule proposed two compliance options: implementation of a Towing Safety Management System (TSMS) audited by a Coast Guard-approved third-party organization, or annual Coast Guard inspection.

As the publication of the towing vessel inspection final rule approached, AWO’s goal was to position the RCP for acceptance by the Coast Guard as an existing safety management system under Subchapter M. To that end, in 2012 the Board of Directors voted to transfer authority for the training and certification of RCP auditors to a third-party organization. The transition took place over 2013 and the RCP’s addenda were revised to reflect the changes to the administration of the audit protocol and role of the third-party organization. At the same time, the Accreditation Board became the Standards Board to reflect its changed function.

As part of the effort to secure Coast Guard recognition of the RCP, and ensure that the RCP continues to provide a high level of value to AWO members as the industry-leading safety management system, the AWO Executive Committee endorsed the formation of a working group to undertake a gap analysis. Its charter required the Gap Analysis Working Group to compare and make recommendations to align the requirements of the RCP with the requirements of the International Safety Management (ISM) Code, which was identified in the Subchapter M proposal as an accepted safety management system, and examine the value of additional changes based on other safety management systems and customer vetting standards.

With the endorsement and participation of the Coast Guard, the Gap Analysis Working Group first met in June 2014, and in October 2014 proposed to the Board of Directors changes to the RCP to position it for Coast Guard acceptance as an existing safety management system under Subchapter M. The Board approved the changes and subsequently approved an implementation date of January 1, 2016. The Gap Analysis Working Group was renamed the RCP 21 Working Group to reflect the group's role in assessing future changes or revisions to the RCP's standard.

The final towing vessel inspection rule was published in July 2016. The final rule largely reflected the NPRM, providing two compliance options for operators: implementation of a TSMS audited by a Coast Guard-approved third-party organization, or annual Coast Guard inspection. AWO submitted the RCP to the Coast Guard for recognition as an existing safety management system in August 2016. As part of the submission, AWO proposed to sunset prescriptive equipment and inspection and human factors requirements that would be superseded by Subchapter M regulations, as recommended by the Task Force on the Future of AWO Safety Leadership in 2011 and endorsed by the AWO Board of Directors in April 2016. AWO also specified that the RCP would maintain recordkeeping, equipment or training elements that went beyond regulatory requirements.

In November 2016, the Coast Guard officially recognized the RCP as an existing safety management system that meets requirements laid out in 46 CFR Subchapter M Part 138. The Coast Guard also affirmed AWO's plan to sunset RCP requirements superseded by the Subchapter M regulations. In May 2017, the RCP Standards Board met to begin the revision process. At its meeting in August 2017, the Executive Committee endorsed sharing the proposed changes be shared with the AWO Safety Committees, the RCP 21 Working Group, and the Safety Leadership Advisory Panel (SLAP), followed by the membership as a whole. Additional changes were made as a result of this member review and the revised RCP was presented to the Board of Directors for final review in October 2017.

On October 13, 2017, the Board of Directors approved the revised RCP and addenda, with an effective date for the revisions of July 20, 2018.

### *Conclusion*

AWO members recognize that the process of enhancing marine safety and environmental protection is, and must be, a continuum. The Board of Directors' votes to establish the RCP and to require compliance with the RCP as a condition of membership in AWO were milestones on a journey that continues today. The membership of AWO is committed to making the RCP a living document and a continuing process: incorporating lessons learned and new technological developments into the program; considering, debating, and adopting suggestions to improve, strengthen, and build upon the program; and maintaining a constant fix on the underlying objective of improving industry safety and environmental protection.

There are many parties with a role to play in building a better, safer tugboat, towboat and barge industry, but the primary responsibility for making industry operations safer unquestionably lies with the industry itself. The American Waterways Operators' RCP is a tangible manifestation of the organization's acceptance of that responsibility, and its deep commitment to carrying it out.

## II. Safety Management System

Where applicable, each towing company must develop and document written policies and procedures as outlined below. Companies must abide by these policies and procedures in conducting their operations and must ensure that their employees are aware of, and trained in, those policies and procedures which affect their job responsibilities.

All carrier members, as a baseline, must follow all applicable federal laws and regulations concerning marine safety and environmental protection, including 46 CFR Subchapter M. All company policies and procedures must be consistent with applicable law and regulation and with the guidelines provided in the RCP. Required policies and procedures are to be documented and implemented. Parenthetical items preceded by "e.g.," (or "for example") may not be applicable in all situations and are intended to serve only as examples of the types of items which company policies and procedures may address.

### A. Functional Requirements

1. A company-wide mission statement expressing a commitment to abide by established policies and procedures at all levels and to ensure employee awareness and knowledge thereof.
2. Procedures to systematically assess and manage identified risks to onboard personnel, vessels, and the environment. The procedures shall address:
  - a) Risk discovery
  - b) Risk evaluation
  - c) Risk control measures to establish appropriate safeguards to reduce risk to an appropriate level
  - d) Procedures to identify, assess, and manage the risk of hazards introduced by new or non-routine changes to: equipment, staffing (ashore or afloat), or procedures
3. Policies and/or procedures to ensure compliance with applicable federal laws and regulations concerning marine safety and environmental protection, including 46 CFR Subchapter M.
4. Procedures to ensure document control, updating and distribution of relevant materials
5. Incident reporting and investigation procedure(s), to include:
  - a) Personal injury
  - b) Oil or hazardous substance spill
  - c) Vessel accident
  - d) Bridge, lock, or dock allision
  - e) Grounding
  - f) Other company-specific reporting procedures

6. Near miss procedures, to include reporting, investigation and corrective and preventive action
7. Corrective and preventive action procedures that apply to findings from internal and external incident investigations and audits, employee and customer suggestions, and management review, to include:
  - a) Method for identifying non-conformities
  - b) Follow-up time frame for initiating corrective action
  - c) Method of tracking initiation and completion of corrective action, including assigned responsibility
  - d) Lessons learned procedures, to include communication procedures for disseminating lessons learned
8. Performance measurement procedures, including number and rate of:
  - a) Man-hours
  - b) Fatalities
  - c) Recordable injuries
  - d) Lost time injuries
  - e) Falls overboard
  - f) Spills (number and volume)

**B. Vessel Operating Policies and Procedures**

1. Company-specific vessel operating procedures (will depend on trade)
  - a) Bridge transit procedure
  - b) Voyage planning procedures
2. Vessel-specific operating procedures (will depend on vessel size, cargo, trade, etc.)
3. Procedures for determining vessel manning levels, taking the following into consideration:
  - a) Applicable law and regulation
  - b) Number, size, and type of barges to be moved
  - c) Towing route
  - d) Safety of personnel, equipment and environment
  - e) Service in which tow is engaged
  - f) Functional duties required of the crew in addition to standard navigation
  - g) Configuration of vessel superstructure, deck and engine room
  - h) Extent of automation
  - i) Size and power of equipment
  - j) Environmental conditions

- k) Experience of crew
- 4. Procedures for making horsepower/tow size decisions
- 5. Procedures to ensure proper and valid documentation carried aboard vessels, including a list of documentation to be carried
- 6. Fuel transfer procedures
- 7. List of critical or essential equipment and systems, the sudden failure of which may place the vessel, crew or environment into a hazardous situation, or procedures to identify such equipment and systems
- 8. Vessel maintenance procedures, including:
  - a) Persons responsible for maintenance
  - b) Maintenance schedules
  - c) Qualifications and training requirements for persons responsible for maintenance
  - d) Procedures to correct deficiencies identified during maintenance [See II.A.7 above]
  - e) Maintenance record retention procedure
  - f) Risk assessment and approvals required, when underway, before critical equipment or systems are shut down, bypassed, or taken out of service for maintenance [See II.B.7 above]
  - g) Lockout/tagout
  - h) At a minimum, the vessel maintenance program records should include:
    - 1) Propulsion system (all major propulsion machinery, including engines, reduction gears, clutches, controls, shafting, bearings, and other items prone to wear)
    - 2) Steering system
    - 3) Miscellaneous auxiliary systems
    - 4) Electrical systems
- 9. Vessel inspection procedures, including:
  - a) Persons responsible for conducting in-house inspections
  - b) Frequency of inspections
  - c) Qualifications and training requirements for persons responsible for conducting in-house inspections
  - d) Procedures to correct deficiencies identified during inspections [See II.A.7 above]
  - e) Inspection record retention program
- 10. Cargo handling procedures

- a) Benzene procedure
  - b) Vapor control procedures
  - c) Cargoes requiring special handling (e.g., anhydrous ammonia, hydrogen sulfide, etc.)
11. Lightering procedures (where applicable)
12. Procedures for identifying critical stores and supplies or list of critical stores and supplies
13. Watchstanding and work hours
- a) Federal regulation provides that an individual licensed to operate a towing vessel may not work for more than 12 hours in a consecutive 24-hour period except in an emergency. 46 USC § 8104(h). See 46 USC § 8104(c) for Great Lakes.
  - b) All other crewmembers on a towing vessel must not be permitted to work more than 15 hours in any 24-hour period or more than 42 hours in a 72-hour period, except in an emergency or drill.

**C. Safety Policy and Procedures**

- 1. Company safety policy, including accountability and commitment to safety
- 2. Company safety rules, including:
  - a) Painting in enclosed spaces
  - b) Non-skid surfaces
  - c) Flammable and combustible liquids
- 3. Personal protective equipment policy, including:
  - a) Use (including respiratory protection and fall arrest protection)
  - b) Inspection
  - c) Maintenance
  - d) Replacement
- 4. Reporting of safety deficiencies and/or nonconformities
- 5. Confined space entry
- 6. Safety training, safety drills and safety meetings (including station bill), [see II.K. below]

- a) Topics to be covered (e.g., first aid, CPR, firefighting, emergency boat operation, use of life rafts, survival suits, etc.)
  - b) Frequency
7. Safe use of equipment
- a) Deck machinery
  - b) Rigging
  - c) Welding and/or cutting equipment
  - d) Hand tools
  - e) Ladders
  - f) Abrasive wheel machinery
8. Cargo knowledge (may include safety data sheets)
9. Hazard communication procedures (29 CFR 1910.1200)
10. Blood borne pathogens
11. Fall overboard prevention
12. Firefighting and lifesaving equipment, including procedures requiring inspection and maintenance at least quarterly
13. Hearing conservation

**D. Security Policy and/or Procedures**

- 1. Security policy and/or procedures (e.g., AWO Alternative Security Program)

**E. Environmental Policy and/or Procedures**

- 1. Company environmental policy
- 2. Garbage disposal requirements, procedures and documentation
- 3. Handling of waste oil, oily bilge slops, and used filters
- 4. Hazardous waste disposal and handling
- 5. Sanitary systems and handling of sewage
- 6. Each towing vessel must have the following:
  - a) Containment around fueling stations
  - b) Spill kit

**F. Emergency Response Procedures**

1. Personal injury response
2. Spill response plan and/or contingency plan
3. Vessel accident response
4. Onboard emergency response training and drill procedures
  - a) Subject matter
  - b) Frequency
  - c) Documentation
5. Operator incapacitation procedure

**G. Audit and Review Procedures**

1. Internal audits
  - a) The internal auditing procedures must:
    - 1) Periodically evaluate the effectiveness of the safety management system
    - 2) Review the safety management system in accordance with the established procedures of the company, when needed
    - 3) Require reporting of non-conformities
    - 4) Be included in the corrective action procedure [See II.A.7 above]
    - 5) Include a management review
  - b) Types and frequency of internal audits:
    - 1) Internal audits must be carried out annually, and initiated by the anniversary date of the last internal audit, for all towing vessels and managing offices (all offices with management oversight of towing vessels).
    - 2) Audits can be conducted up to three months before the anniversary of the original audit and will maintain the original anniversary date.

Internal	Annual	Each boat	Initiated by anniversary of last audit.
		Each managing office	Maintain original anniversary date

- c) Factors for determining selection of personnel responsible for conducting internal audits, to include:
  - 1) Qualification and training requirements
  - 2) Requirement that personnel are independent of area being audited (as practicable)

2. External Audits:

- a) Types and frequency of external audits:
  - 1) External audits are to be carried out once for each vessel, during a period not to exceed five years after the initial audit, and for each managing office, twice during a period not to exceed five years after the initial audit, and no more than three months prior to the anniversary of the initial audit. One audit must take place around the midpoint of the audit cycle, in the 27-33 month time frame.

External	Once in 5 years	Each boat	Not to exceed 5 years.  Initiated up to 3 months before anniversary of last audit and must be completed or a corrective action plan in progress by the anniversary date
	Twice in 5 years	Each managing office	Not to exceed 5 years.  Initiated up to 3 months before anniversary of last audit and must be completed or a corrective action plan in progress by the anniversary date. Mid-period audit at 27-33 months.

**H. Vendor Safety**

Procedures for evaluation of subcontractors and vendors providing towing and vessel assist services on their ability to provide an acceptable level of safety, including:

- 1. Preference when assigning towing, vessel assist services and/or fleeting services to vendors that have a documented, and third-party audited, safety management system, and,
- 2. For vendors providing towing, vessel assist services and/or fleeting services that maintain a routine and reoccurring business relationship with the member

company, but do not participate in an audited safety management system such as the RCP or the International Safety Management Code, procedures to ensure that those vendors maintain an acceptable level of safety through at least one of the following:

- a) On-site inspection of vessels and facilities
- b) Pre-qualification through interview and completion of a safety assessment checklist with vendor safety/operations personnel

## **I. Organization and Levels of Authority**

1. Depict company organization and document authority and general responsibilities of individuals at different levels, including vessel master and crew and shoreside personnel. For vessel master and crew, clearly communicate that:
  - a) The safety of the towing vessel is the responsibility of the master and includes:
    - 1) Adherence to the provisions of the Certificate of Inspection (COI)
    - 2) Compliance with applicable regulations
    - 3) Compliance with the safety management system applicable to the vessel
    - 4) Review the safety management system applicable to the vessel and report non-conformities to shore-based management
    - 5) Supervision of all persons onboard in carrying out their assigned duties
  - b) The authority of the master includes:
    - 1) If the master believes it is unsafe for the vessel to proceed, that an operation endangers the vessel or crew, or that an unsafe condition exists, the master must ensure that adequate corrective action is taken and must not proceed until it is safe to do so.
    - 2) Nothing in the safety management system applicable to the vessel shall be misinterpreted in a manner that limits the master or mate (pilot) of their own responsibility to take such steps as he/she deems necessary and prudent to assist vessels in distress or for other emergency conditions.
    - 3) The master has the ability to request the company's help when necessary
  - c) The safety of the towing vessel is also the responsibility of the crew and includes:
    - 1) Compliance with the safety management system
    - 2) Compliance with applicable regulations
    - 3) Report unsafe conditions to the master and take action to prevent accidents
2. Designation of a person(s) ashore having direct access to the highest level of management for the purpose of monitoring the safety and pollution prevention

aspects of the operation of each vessel and to provide a link between the company and those on board the vessel. (Designated Person Ashore<sup>2</sup>)

**J. Personnel Policies or Procedures (may be a policy or procedure unless specified)**

1. Hiring
2. Physical exams/or physical standards
3. Drug and alcohol policy (46 CFR 16; 33 CFR 95)
4. Proficiency evaluation
5. Orientation and training, including:
  - a) Who is trained
  - b) Subjects in which training is given
  - c) Frequency of training
6. Personnel development
  - a) Deck personnel
  - b) Tankermen
  - c) Engineers
  - d) Wheelhouse personnel
7. Prescription medication notification
8. Personal hygiene
9. Sanitation and safe food handling
10. Disciplinary action

**K. Training**

Towing vessel crewmembers must receive initial training and periodic refresher training in the following subjects, in addition to initial and refresher training required by regulation.

Unless required as a condition of licensure or otherwise prescribed by regulation, training

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<sup>2</sup> 46 CFR §138.220(a)(ii) defines a designated person as a shoreside person(s), designated in writing by each owner or managing operator, responsible for ensuring the TSMS is implemented and continuously functions throughout management and the fleet. Also designated are shoreside person(s) responsible for ensuring that the vessels are properly maintained and in operable condition, including those responsible for emergency assistance to each towing vessel.

courses need not be Coast Guard-approved, but must be formal and well documented.

The training identified below is intended to apply to any individual serving in the listed capacity aboard a towing vessel, regardless of license held. Training required as a condition of licensure (e.g., firefighting) may be used to satisfy the training specifications listed below.

As noted below, masters, mates (pilots), engineers; and tankermen must receive training in marine firefighting and fire prevention. Deck crews must be trained in vessel firefighting and fire prevention. The company may develop training content to reflect unique operational needs. The difference between marine firefighting and vessel firefighting is chiefly one of focus. Vessel firefighting should concentrate to a large degree on hands-on firefighting techniques and skills necessary for the individuals who have the primary responsibility for the actual fighting of the fire. Marine firefighting is broader, includes greater detail, and focuses on the overall firefighting response. These are skills that are essential for individuals in supervisory positions who direct the firefighting effort. Subjects should include theory, firefighting tactics, and overarching issues such as vessel stability, personnel safety, and emergency communications. This difference recognizes the role that each crewmember must fulfill in the event of an actual emergency. Fire prevention training is required for all positions. Fire prevention training should include proper storage of flammable materials, eliminating sources of ignition, and good housekeeping, especially in the galley and engine room.

1. Master (captain), relief captain, mate (pilot)
  - a) Radar training
  - b) Navigation and boat handling training or proficiency evaluation; Rules of the Road refresher training
  - c) Company policy and procedure orientation, including review of federal requirements and company policies
  - d) Marine firefighting and fire prevention
  - e) Personal safety, including:
    - 1) First aid and CPR awareness
    - 2) Confined space hazard awareness
    - 3) Injury prevention, including back training and slip, trip and fall prevention
    - 4) Fall overboard prevention
  - f) For tank barge tows:
    - 1) First responder, spill mitigation and emergency response orientation

(may include HAZWOPER training)

2) Benzene awareness training

- g) Cargo knowledge and hazard awareness
- h) Responsibility and authority of master; supervisory skills training

2. Engineer

- a) Marine diesel school or in-house training, including equipment and process updates
- b) Company policy and procedure orientation, including review of federal requirements and company policies
- c) Marine firefighting and fire prevention
- d) Personal safety, including:
  - 1) First aid and CPR awareness
  - 1) Confined space hazard awareness
  - 1) Injury prevention, including back training and slip, trip and fall prevention
  - 1) Fall overboard prevention
  - 1) Lock-out/tag-out procedures
- e) For tank barge tows:
  - 1) First responder and spill mitigation training

3. Tankerman

- a) Tank barge safety training
  - 1) Loading and discharging operations
  - 2) Safety practices
  - 3) Environmental protection and loading procedures
  - 4) Federal regulation review and training
  - 5) First responder, spill mitigation and emergency response orientation  
(may include HAZWOPER training)
  - 6) Vapor recovery operations
- b) Company policy and procedure orientation, including review of federal requirements and company policies
- c) Marine firefighting and fire prevention

- d) Personal safety, including:
  - 1) First aid and CPR awareness
  - 2) Confined space hazard awareness
  - 3) Injury prevention, including back training and slip, trip and fall prevention
  - 4) Fall overboard prevention
  - 5) Cargo-specific training
- e) Vessel communications system and procedures

4. Deck crew

(Note: Experienced deckhands new to a particular company should receive, or have received, the training identified below.)

- a) Deck operations and safety training
- b) Company policy and procedure orientation, including review of federal requirements and company policies
- c) Vessel firefighting and fire prevention
- d) Personal safety, including:
  - 1) First aid and CPR awareness
  - 2) Confined space hazard awareness
  - 3) Injury prevention, including back training and slip, trip and fall prevention
  - 4) Fall overboard prevention
  - 5) Lock-out/tag-out procedures
- e) For tank barge tows:
  - 1) First responder and spill mitigation training

5. Entry-level personnel

(Note: "Entry-level" refers to individuals new to the barge and towing industry.)

- a) Company orientation, including:
  - 1) Drug and alcohol policy
  - 1) Safety as a condition of employment
  - 3) Vessel layout and deck operations

- 4) Required safety gear
- 5) Job responsibilities
- b) Emergency procedures orientation
  - 1) Fire
  - 2) Collision or allision
  - 3) Sinking
  - 4) Grounding
  - 5) Man overboard
  - 6) Personal injury
- c) Confined space hazard awareness
- d) Fall overboard prevention
- e) Injury prevention, including back training and slip, trip and fall prevention

## **Addendum A. Dispute Resolution Policy**

1. Disputes between an AWO- recognized third-party organization and an AWO member concerning the meaning, interpretation or application of the RCP should be resolved according to the dispute resolution and appeal process outlined in paragraphs 4 through 9 below.
2. Disputes between an AWO-recognized third-party organization and an AWO member concerning the RCP audit process should attempt to be resolved initially between the disputants, within 30 days of the noted dispute, by the AWO-recognized third-party organization that trained and certified the auditor. If agreement cannot be reached, then the two parties may utilize the dispute resolution and appeal process outlined in paragraphs 4 through 9 below.
3. AWO does not have a role in resolving disputes between RCP auditors and AWO-recognized third-party organizations.
4. The AWO member or AWO-recognized third-party organization requesting a dispute resolution must notify the AWO Safety & Environmental Stewardship Department, in writing, of the details of the dispute within 30 days of it becoming clear that agreement between the parties cannot be reached. AWO may, at its discretion, accept or deny dispute resolution requests submitted beyond the 30-day period.
  - a) Upon receipt of a dispute resolution request, a representative of the AWO Safety & Environmental Stewardship Department must contact the party requesting the dispute resolution, request any additional written description of the facts that may be needed, and provide an overview of the dispute resolution process, including the parties' right to communicate directly to the RCP Standards Board in writing or in person at its next meeting.
  - b) Upon receipt of all relevant paperwork, the AWO Safety & Environmental Stewardship Department must forward copies to all members of the RCP Standards Board.
  - c) The RCP Standards Board may, at its discretion, grant an AWO member that is a party in a dispute resolution an extension of an impending audit due date until the dispute is resolved. After the dispute is resolved, the initial due date serves as the date for calculating future RCP certification/recertification dates. Any extension of an audit due date does not change an AWO member's obligation to conduct audits in the timeframes-required by regulation under 46 CFR Subchapter M.

5. The RCP Standards Board should meet by conference call or in person to discuss the issue(s) in dispute, interview all the parties involved, and make a decision based on its best judgment.
6. The AWO Safety & Environmental Stewardship Department must notify in writing the party requesting the dispute resolution, communicating the RCP Standards Board's decision and advising the party that he/she may appeal the Standards Board's decision to the AWO Executive Committee. AWO-is responsible for maintaining RCP Standards Board dispute resolution rulings, and issuing copies to affected parties. Standards Board rulings may be used as interpretive guidance to assist AWO members and third-party organizations in reaching agreement to avoid future disputes-
7. Any party wishing to appeal a decision of the RCP Standards Board to the AWO Executive Committee must notify the AWO Safety & Environmental Stewardship Department of its request to appeal within 15 days of receiving notification of the RCP Standards Board's ruling.
  - a) The AWO Safety & Environmental Stewardship Department must provide the AWO Executive Committee with all background materials relating to the request for dispute resolution and the RCP Standards Board's decision in the Executive Committee packet prior to its next meeting.
  - b) Within 30 days following receipt of an appeal, the AWO Executive Committee-must discuss the dispute and render a decision.
  - c) The AWO Safety & Environmental Stewardship Department must notify all parties involved of the AWO Executive Committee's decision.
  - d) The party originally submitting the request for a dispute resolution may accept the AWO Executive Committee's decision or proceed to the AWO Board of Directors for a final resolution.
8. Any party wishing to proceed to the AWO Board of Directors for a final resolution must-notify the AWO Safety & Environmental Stewardship Department within seven days of notification of the AWO Executive Committee's decision.
  - a) The AWO Safety & Environmental Stewardship Department must provide the AWO Board of Directors with all background materials relating to the request for dispute resolution and the AWO Executive Committee's decision in the Board packet prior to its next meeting.
  - b) At its first meeting following receipt of an appeal, the AWO Board of Directors-must discuss the dispute and render a final decision

- 9 Nothing in this addendum should be construed to constrain the ability of an AWO member directly affected by a decision or action taken under 46 CFR Subchapter M by a third-party organization on behalf of the Coast Guard, including the conduct of audits and surveys, to appeal in accordance with 46 CFR 1.03. [See 46 CFR 136.180]

## **Addendum B. Audit Certification/Recertification Protocol**

1. Responsible Carrier Program (RCP) certification/recertification audits must be conducted by an AWO-recognized third party organization and are due on the anniversary date of the acceptance of the company's AWO new member application, or for companies joining AWO prior to January 1, 2000, the anniversary date of the completion of its initial audit.
  - a) Seasonal operators whose equipment does not operate for a portion of the year may request an adjustment of their RCP audit due date to allow for the completion of their audit at a time when the equipment is manned and active. A request for seasonal adjustment of the audit due date must be made during the AWO new member application process.
  - b) Any change to the RCP certification/recertification audit due date for established AWO members is on a one-time basis as determined by operational necessity, such as a change in operating area or business profile. All requests for a change in audit due date must be made in writing and approved by the RCP Standards Board at least 90 days prior to the existing audit due date.
2. Companies joining AWO after November 1, 2008, that cannot show documentary evidence of third party audited compliance with a recognized safety management system for at least 12 months prior to their new member application must successfully complete an RCP external management audit and audits of at least ten percent (10%)<sup>1</sup> of their vessels conducted by an AWO-recognized third party organization no later than the first anniversary of the acceptance of the company's application, and two (2) additional RCP external management audits, including at least ten percent (10%) of vessels for each audit, by the second and third anniversaries of membership. To complete the initial RCP external management audit, a company must show 90 days of documentary evidence of compliance with the requirements of the RCP. The company must complete audits on one hundred percent (100%) of its vessels no later than the fifth anniversary of the acceptance of the company's application. A company remains in provisional status until the completion of its second RCP external management audit during the initial three (3)-year cycle. Failure to complete a required RCP audit by the due date results in termination of a company's AWO membership.
3. A company that presents documentary evidence of third party audited compliance with a recognized safety management system for at least 12 months prior to its new member application must undergo an RCP external management audit and audits of at least ten percent (10%) of its vessels, conducted by an AWO-recognized third party organization, at any time during its first year of membership, but no later than the first anniversary of the acceptance of its application for membership. A company is no longer in provisional status upon the successful completion of the audits required in this paragraph.

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<sup>1</sup> For RCP audit purposes, a company's fleet is comprised of all towing vessels owned, operated, managed and chartered in as of the recording date, whether idle or not, except for fully decommissioned vessels.

4. Effective May 1, 2009, any company reapplying for AWO membership must show evidence of having completed an RCP external management audit and audits of at least ten percent (10%) of its vessels prior to submitting its membership application. To complete this audit, a company must show 90 days of documentary evidence of compliance with the requirements of the RCP.
5. Once an AWO member company has completed the first RCP audit cycle as discussed in paragraphs 2 or 3 above, recertification audits are due every five (5) years on the anniversary date of the company's join date, with a mid-period external management audit to be conducted between 27 and 33 months from the recertification date. In addition, one hundred percent (100%) of a company's vessels must be audited within the five (5)-year period. AWO should notify member companies 180, 90, and 30 days prior to the due date for their recertification audit, 90 days before the beginning of the mid-period audit window, and 30 days before the end of the mid-period window. [See Addendum C.3]
6. A company certified under the International Safety Management (ISM) Code, to be eligible for AWO membership, must include in its safety management system all requirements unique to the RCP. This must be verified through the annual third party Document of Compliance (DOC) audit.
  - a) A company wishing to use ISM Code compliance to meet AWO's requirement that all members of the association must have a safety management system must, at the time of application for AWO membership or whenever they choose to utilize ISM, send a letter to the AWO Safety & Environmental Stewardship Department stating that the company is operating in full compliance with all requirements of the ISM Code and certifying that its safety management system includes all requirements unique to the RCP. If some portion of the company's fleet is not certified under the ISM Code, the letter must identify the number of vessels that do not maintain Safety Management Certificates and that are subject to the RCP audit requirement per paragraph (b) below. In addition, to demonstrate continued compliance with the ISM Code, a company using this option must provide AWO with a copy of its ISM Document of Compliance (DOC) following its annual verification audit. AWO should enter this information in its database and remind companies of the due date of their five (5)-year renewal audit.
  - b) For companies participating in ISM whose entire fleet is not required to maintain Safety Management Certificates, one hundred percent (100%) of those vessels without a Safety Management Certificate must undergo an RCP external vessel audit at least once every five (5) years.
7. Failure of a company to complete a required RCP audit within the time allowed results in the immediate revocation of the company's certification of RCP compliance and termination of AWO membership by AWO.
8. An RCP-certified company completing a required RCP recertification audit up to 90 days prior to its audit due date retains that due date even if it results in more than five (5) years between recertification audits.

9. An AWO member company in provisional status that completes its initial RCP audit before the date of its first anniversary of membership maintains the date of its anniversary of membership as its due date.
10. When a company has completed an RCP recertification or mid-period external management audit (that is, when an AWO-recognized third party organization has determined that the company is in full compliance with the RCP, including documentation of compliance with vessel audit requirements), the third party organization must notify the AWO Safety & Environmental Stewardship Department within two (2) business days. Upon receipt of notification of completion of a member's RCP certification or recertification audit, AWO should issue a new RCP certificate valid for the appropriate time period. Successful completion of the mid-period RCP external management audit should be noted in the company's record in the AWO database, but a new RCP certificate should not be issued.
11. When a company has completed an RCP vessel audit or audits, the AWO-recognized third party organization [See Addendum C.15.] should notify the AWO Safety & Environmental Stewardship Department, certifying that the vessel or vessels is/are in full compliance with the RCP as of the time and date the audit was completed. The AWO-recognized third party organization must maintain a record of these letters, and must notify AWO only that the vessel audit is complete. The AWO-recognized third party organization should not forward audit results or details to AWO, unless specifically requested by the member company for usage by the RCP Standards Board during a dispute resolution process governed by Addendum A.
  - a) Once a vessel audit is initiated (defined as the auditor accessing the vessel), it must be completed or a corrective action plan in progress within 90 days of the vessel's audit anniversary date. An AWO member company no longer in provisional status shall have a minimum of ten percent (10%) of its fleet audited each year during the five-year certification cycle.
  - b) If a vessel is unable to successfully complete an audit within the time allowed, it must be taken out of service until it can be brought into compliance. If a vessel fails to pass its audit, the AWO-recognized third party organization [See Addendum C.15.] must notify the AWO Safety & Environmental Stewardship Department immediately, noting that the vessel or vessels is/are not in compliance with the RCP as of the time and date the audit was completed.
  - c) A vessel that has not completed its external audit by its audit anniversary date, or does not have a corrective action plan in progress, must be audited before returning to service, thus establishing a new RCP vessel audit anniversary date. [See Addendum C.13.a.]
12. The RCP Standards Board may grant a limited extension of time beyond an AWO member company's RCP audit due date only to allow the member company to correct equipment deficiencies necessary to complete its audit, resolve a dispute pursuant to Addendum A, or in

certain extraordinary circumstances such as severe weather, earthquake or other acts of God, if AWO:

- a) Receives a written (hard copy or email) request not less than two (2) weeks prior to the audit due date from the member company's CEO or chief operating officer, explaining in detail the circumstances and/or conditions surrounding the request.
- b) Receives written (hard copy or email) confirmation from the AWO-recognized third party organization that certifies that the audit has been conducted and the company is able to complete the outstanding issues immediately.
- c) The granting of an extension to correct deficiencies does not change the due date for future audits.

13. AWO-recognized third party organizations must notify AWO when scheduling RCP external management and/or vessel audits.

## **Addendum C. Audit Issues**

1. AWO membership status is classified as follows:
  - a) Provisional Member – Companies that have been members of AWO for less than two (2) years and have not yet completed their first two (2) RCP external management audits. A new member that presents documentary evidence of full compliance with a recognized safety management system for at least 12 months prior to its new member application is considered a provisional member until completion of its first external management audit.
  - b) Responsible Carrier Program (RCP)-Certified Member – Companies that have successfully completed an RCP audit conducted by an AWO-recognized third party organization.
2. Any AWO carrier member company (RCP-Certified Member) that resigns its membership or has its membership withdrawn after April 1, 1998, must, before rejoining the association, show satisfactory documentary evidence of having completed an RCP external management audit that includes documentary evidence of 90 days of RCP compliance conducted by an AWO-recognized third party organization no more than 30 days prior to the date of its application for reinstatement. The third-party organization must send certification of compliance to the AWO Safety & Environmental Stewardship Department within two (2) business days of completion of the audit to ensure consideration of the company's application for reinstatement.
3. The mid-period management audit must be conducted between 27 and 33 months after a company's join date or previous recertification date. The mid-period audit should be a review of the effectiveness of the safety management system conducted by an AWO-recognized third party organization. Auditors should look at the previous external audit findings, internal audit reports, completion of corrective actions and related records. The mid-period audit is a verification of compliance and implementation. The expectation of compliance or non-compliance, however, is the same as for the recertification audit: compliance is required in order to maintain RCP certification. The third party organization must send certification of compliance to the AWO Safety & Environmental Stewardship Department within two (2) business days of completion of the audit.
4. An external management audit cannot be used to fulfill the requirement for an annual internal audit required under RCP II.G.1.
5. An auditor hired, consulted or otherwise engaged by a member company to develop its safety management system (RCP) must not perform that member's initial certification audit. Subsequent recertification audits may be performed by the auditor without regard to any previous role in development of the company's safety management system.
6. If a company does not operate any towing vessels, but only barges, it must comply with all applicable sections of the RCP.

7. If a company's equipment is bareboat-chartered to another company, there is no requirement for the owning company to comply with any of the provisions of the RCP for the bareboat chartered equipment.
8. If a company does not own or operate any equipment, but recognizes the RCP in its vetting program, that company itself is not a Responsible Carrier. The RCP is a set of policies and procedures for companies that own and/or operate towing vessels and barges, except as otherwise noted.
9. AWO affiliate members that provide tankermen and/or vessel crewmembers to RCP-certified AWO carrier members are eligible for certification as Responsible Carriers, if those tankermen and/or crewmembers, and the company, comply with all the training requirements and other applicable sections of the RCP.
10. The RCP external management audit and vessel audits are not tied together and may be conducted separately.
11. One hundred percent (100%) of a company's towing vessel fleet must be audited by an AWO-recognized third party organization, every five years.
12. Auditors must ascertain that all of an AWO member company's policies and procedures are supported by records that contain sufficient information to determine how the company meets the requirements of the RCP. Auditors should also look for evidence that reflects a company's ongoing commitment to complying with the letter and the spirit of the RCP. At a minimum, auditors should consult maintenance records, crew safety meeting records, vessel inspection checklists, and personnel training records.
13. When deficiencies or nonconformities are found during an RCP audit, the steps needed to correct the deficiency may extend beyond the audit due date. Under these circumstances, the third-party organization overseeing the audit must immediately notify the AWO Safety & Environmental Stewardship Department that the AWO member company may exceed an audit due date due to a corrective action plan. To address a nonconformity, a company undergoing an audit must follow the following guidelines:
  - a) A corrective action plan must be submitted to, and approved by, the third-party organization within two (2) weeks of discovery of the nonconformity, but no later than the audit due date (even if that is less than two (2) weeks).
  - b) The corrective action plan must be fully implemented within 90 days of discovery of the nonconformity and documented and confirmed by the third-party organization in follow-up.
  - c) This protocol is not applicable to major nonconformities, which must be addressed immediately.

14. A major nonconformity is defined as an identifiable deviation which poses a serious threat to personnel or vessel safety or a serious risk to the environment and requires immediate corrective action. If a major nonconformity is discovered during an RCP vessel audit, the issue must be corrected or downgraded before the vessel returns to service. Upon the discovery of a major nonconformity, the auditor shall immediately suspend that vessel's RCP compliance certification and alert the AWO-recognized third party organization. The suspension shall continue until the major nonconformity is corrected or downgraded, an auditor may complete an RCP vessel audit despite the discovery of a major nonconformity. An auditor must also comply with 46 CFR §138.410(f) if a major nonconformity is found during a vessel audit.
15. When a company has completed an RCP external management audit (that is, when an AWO-recognized third party organization has determined that the company is in full compliance with the RCP, including documentation of compliance with the vessel audit requirements), the AWO-recognized third party organization should use the following template for its certification letter [See Addendum B.11].:

THIS IS TO CERTIFY that on (date), the undersigned AWO-certified Responsible Carrier Program Auditor, at the request of (AWO member), without prejudice and for interested parties, did carry out the AWO Responsible Carrier Program external management audit of (company name) using the current version of the Responsible Carrier Program and (list name of third party organization)'s proprietary auditing materials dated \_\_\_\_\_ and \_\_\_\_ respectively.

I am pleased to certify that (company name) was found to be in compliance with all applicable elements of the AWO Responsible Carrier Program as of the times and dates of the audit.

The third-party organization must forward the certification of compliance to the AWO Safety & Environmental Stewardship Department within two (2) business days of completion of the audit. If the audit reveals nonconformities that must be corrected before the auditor can attest that the company is in full compliance with the RCP, the company should work with the auditor to address nonconformities through a corrective action plan.

16. For vessel audits, when an AWO-recognized third party organization has determined that the vessel is in full compliance with the RCP, the AWO-recognized third party organization should notify the AWO Safety & Environmental Stewardship Department, certifying that the vessel is in full compliance with the Responsible Carrier Program as of the time and date the audit was completed. Third-party organizations should use the following template for their certification letter:

THIS IS TO CERTIFY that on (date), the undersigned AWO-certified Responsible Carrier Program Auditor, at the request of (AWO member), without prejudice and for interested parties, did carry out the AWO Responsible Carrier Program vessel audit of (vessel name or names) for (company name) using the current version of the RCP and (list name of third-party organization)'s proprietary auditing materials dated \_\_\_\_\_.

I am pleased to certify that (vessel name or names) was/were found to be in compliance with all applicable elements of the AWO Responsible Carrier Program as of the times and dates of the audit.

Letters of compliance for vessels should be forwarded to the AWO Safety & Environmental Stewardship Department; the company must maintain copies for its records and to demonstrate compliance at the mid-period and recertification external audits. Third party organizations should not send detailed audit reports to the AWO Safety & Environmental Stewardship Department.

- a) If a vessel is unable to successfully complete an audit within the time allowed, it must be taken out of service until it can be brought into compliance, in order for the company to remain in compliance with the RCP. If a vessel fails to pass its vessel audit, the AWO-recognized third party organization must immediately notify the AWO Safety & Environmental Stewardship Department that the vessel or vessels is/are not in compliance with the RCP as of the time and date the audit was completed.
17. Upon receipt of a properly executed audit certification letter from an AWO-recognized third party organization attesting to the AWO member's full compliance with the RCP, including documentation of compliance with vessel audit requirements, AWO should issue a Certificate of Compliance valid for the appropriate time. AWO should not receive a copy of the completed audit tool or other details on the status of a member's compliance.
18. AWO's certification of a member's RCP compliance is contingent on the company remaining a member in good standing of AWO.
19. The company and AWO-recognized third party organization should retain copies of the audit documents and reports. Copies of the audit are provided to third parties only by the audited company or by the auditor at the audited company's request. The auditor should be available to discuss the audit results with a company's customer(s) at the audited company's request.
20. A company may use an AWO-recognized third party organization to conduct a RCP audit in conjunction with another audit (e.g., ISM), effectively undergoing both audits at the same time and minimizing attendant financial costs and staff time.

## **Addendum D. Auditor Issues**

1. Individuals seeking to become Responsible Carrier Program (RCP) auditors are trained and certified by AWO-recognized third party organizations. An AWO-recognized third party organization must ensure that any individual it certifies as an RCP auditor meets, at a minimum, the requirements outlined in 46 CFR 139.130. An AWO-recognized third party organization may elect to establish higher, but not lower, standards, than those outlined in regulation.
2. An employee of an AWO member company who meets the requirements of 46 CFR 139.130 may apply for certification by an AWO-recognized third party organization to conduct RCP audits of other AWO member companies. To ensure the credibility of the RCP, reciprocal audits are not permitted; that is, an employee of Company A may not conduct an audit of Company B if an employee of Company B has audited Company A. In addition, an employee is not permitted to audit his or her own company or a parent or subsidiary thereof.
3. Auditors certified by an AWO-recognized third party organization are prohibited from making any reference to AWO or the RCP in connection with work performed for non-AWO members, including in certification letters, opinion letters, and/or public statements.
4. As a condition of certification, all auditors certified by an AWO-recognized third party organization must sign and adhere to a code of ethics agreeing to:
  - a) Issue a letter of RCP compliance certification only to AWO member companies that, in the best professional judgment of the auditor, meet the requirements of the RCP;
  - b) Always act in a strictly trustworthy and unbiased manner in relation to the company being audited and to AWO;
  - c) Not disclose the findings, or any part of an audit, to any third party without the express permission of the company audited, unless otherwise directed by regulation (e.g., submitting audit reports and reporting major nonconformities to the Coast Guard);
  - d) Always act in a manner that promotes the highest professional standards and enhances the reputation of the RCP and AWO.
5. An AWO member company must report any violation of the code of ethics by an auditor to the AWO-recognized third party organization that certified the auditor. The AWO-recognized third party organization by which the auditor was certified has reasonable discretion to determine the disciplinary process regarding ethical violations by an RCP auditor, up to and including the loss of certification.
6. The AWO-recognized third party organization that certified an auditor against whom disciplinary action is taken shall notify the RCP Standards Board in writing (hard copy or email) of the action taken. If an AWO member company is found to have colluded with an auditor certified by an AWO-recognized third party

organization who is disciplined for unethical behavior, the AWO-recognized third party organization that disciplined the auditor must notify the RCP Standards Board in writing (hard copy or email). The member company may be subject to action under the *AWO Constitution and Bylaws*.

## Addendum E. Standards Board

1. The Responsible Carrier Program (RCP) Standards Board must include one AWO member each representing the Coastal, Inland Liquid, and Inland Dry sectors, one member each representing the inland and coastal Harbor Services sector, and two shipper members, preferably one liquid and one dry cargo shipper. Standards Board membership is limited to AWO carrier members only. A representative of the AWO Safety & Environmental Stewardship Department must serve *ex officio*, as a nonvoting member of the Standards Board.
2. RCP Standards Board members are appointed by the AWO Board of Directors to three-year terms. Standards Board members may be reappointed for multiple terms. Standards Board members are divided as equally as practicable into three classes, with one class per year subject to appointment/reappointment and approval by the Board of Directors.
3. The role of the RCP Standards Board is to make recommendations to the AWO Board of Directors on changes to the RCP, the audit process, oversight of AWO-recognized third party organizations, and applications from organizations seeking to become AWO-recognized third party organizations.
4. The RCP Standards Board has the authority to issue Clarifications and Directives Memoranda, as needed, to guide RCP interpretation by AWO-recognized third party organizations. The AWO Safety & Environmental Stewardship Department is responsible for maintaining and archiving Standards Board Clarifications and Directives Memoranda, and issuing copies to affected parties.
5. The RCP Standards Board shall ensure that it conducts an in-depth reassessment of the AWO member-related services, proprietary auditing materials and other relevant items of each AWO-recognized third party organization on a defined, staggered cycle, in order to preserve a consistently high standard of quality and adherence to the RCP.
6. To avoid potential conflicts of interest, no more than three (3) certified auditors engaged in private contractual RCP audits for hire may serve on the RCP Standards Board. Furthermore, any member of an AWO-recognized third party organization's executive committee is prohibited from serving on the Standards Board.

## **Addendum F. AWO-Recognized Third Party Organizations**

1. An organization seeking AWO recognition to perform RCP audits must meet the following requirements:
  - a) Have been approved by the Coast Guard to operate as a third party organization under 46 CFR Part 139.
  - b) Provide a description of the organization, including ownership, management and structure.
  - c) Provide a general description of the clients being served or intended to be served.
  - d) Provide a description of the types of work performed by the principals of the organization in the past, noting the amount and extent of such work performed within the previous three years.
  - e) Provide objective evidence of an internal quality system based on ANSI/American Society of Quality Control Q9001-2000 or an equivalent quality standard.
  - f) Provide curricula, organizational procedures and supporting documentation to describe the processes used to train and certify auditors and records to show system effectiveness. Provide copies of checklists, forms or other tools to be used in the training and certification of auditors.
  - g) Have procedures for appeals and grievances.
  - h) Have a code of ethics.
  - i) Disclose any potential conflicts of interest. Provide a statement that the organization, its managers and employees are not involved in any activities that could result in a conflict of interest or otherwise limit their independent judgment.
  - j) Demonstrate financial viability.
  - k) Have a business continuity plan in place.
2. Application and approval process for AWO-recognized third-party organizations:
  - a) An organization that meets the requirements above is not automatically recognized by AWO to train and certify RCP auditors. The AWO Board of Directors, based on the recommendations of the RCP Standards Board, retains the authority to determine whether entering into an agreement with an organization to train and certify auditors, and perform RCP audits, serves the needs and interests of AWO, AWO members and the RCP.

- b) An organization wishing to enter into an agreement with AWO to perform RCP audits must apply to the RCP Standards Board by submitting a letter of interest along with evidence of compliance with the requirements above.
  - c) The RCP Standards Board should make a recommendation to the AWO Board of Directors on whether to enter into an agreement with an organization that meets the above requirements to perform RCP audits.
3. AWO oversight of AWO-recognized third party organizations:
- a) AWO and the AWO-recognized third party organization(s) must enter into a contract regarding mutual obligations, rights and responsibilities.
  - b) An AWO-recognized third party organization must submit an annual report to the RCP Standards Board on or before June 30. The annual report must include a summary of activities for the previous 12 months, including number of audits performed, auditors trained, and any requests for clarification from AWO.
  - c) Substantive changes, additions or deletions to the third party organization's audit tools that change their interpretation or effect must be approved by the RCP Standards Board.

## Addendum G. Terminology Reference Guide

Anniversary Date	The day and month of each year that corresponds to the date of expiration on the Certificate of Inspection (COI) or Towing Safety Management System (TSMS) Certificate. <i>46 CFR §136.110.</i>
Audit	A systematic, independent, and documented examination to determine whether activities and related results comply with a vessel's TSMS, or with another applicable Safety Management System (SMS), and whether these planned arrangements are implemented suitably to achieve stated objectives. This examination includes a thorough review of appropriate reports, documents, records, and other objective evidence to verify compliance with applicable requirements. <i>46 CFR §136.110.</i>
Corrective Action	Action taken to eliminate or mitigate the cause of a system deficiency, hazard, or risk. <i>ANSI/ASSE Z10-2012 (R2017).</i>
Deficiency	A failure to meet the minimum requirements of the vessel inspection laws or regulations. <i>46 CFR §136.110.</i>
Essential System	A system that is required to ensure a vessel's survivability, maintain safe operation, control the vessel, or to ensure safety of onboard personnel. <i>46 CFR §136.110.</i>
External Audit	An audit conducted by a party with no direct affiliation to the vessel, owner, or managing operator being audited. <i>46 CFR §136.110.</i>
Incident	An event in which a work-related injury or illness (regardless of severity) or fatality occurred or could have occurred (commonly referred to as a "close call" or "near miss"). <i>ANSI/ASSE Z10-2012 (R2017).</i>
Internal Audit	An audit that is conducted by a party that has a direct affiliation to the vessel, owner, or managing operator being audited. <i>46 CFR §136.110.</i>

Major Non-conformity	A nonconformity that poses a serious threat to personnel, vessel safety, or the environment, and requires immediate corrective action. <i>46 CFR §136.110.</i>
Marine Firefighting	Any firefighting related act undertaken to assist a vessel with a potential or actual fire, to prevent loss of life, damage or destruction of the vessel, or damage to the marine environment. <i>33 CFR §155.4025</i>
Near Miss	An event, or sequence of events, that did not result in an injury or incident but which, under slightly different circumstances, could have done so. <i>ANSI/ASSE Z10-2012 (R2017).</i>
Non-conformity	A situation where objective evidence indicates that a specified SMS requirement is not fulfilled. <i>46 CFR §136.110.</i>
Objective Evidence	Quantitative or qualitative information, records, or statements of fact pertaining to safety or to the existence and implementation of an SMS element, which is based on observation, measurement, or testing that can be verified. This may include, but is not limited to, towing gear equipment certificates and maintenance documents, training records, repair records, Coast Guard documents and certificates, surveys, classification society reports, or TPO records. <i>46 CFR §136.110.</i>
Observation	A statement of fact made during a safety management audit and substantiated by objective evidence. <i>International Safety Management Code (2014)</i>
Policy	A specific statement of principles or a guiding philosophy that demonstrates a clear commitment by management, or a statement of values or intentions that provide a basis for consistent decision making. <i>46 CFR §136.110.</i>
Preventive Action	Action taken to reduce the likelihood an underlying system deficiency or hazard will occur or recur in another similar process. <i>ANSI/ASSE Z10-2012 (R2017).</i>
Procedure	A specification of a series of actions or operations that must be executed in the same manner in order to uniformly comply with applicable policies. <i>46 CFR §136.110.</i>

Risk and Risk Assessment	A systematic process of evaluating the potential risks that may be involved in a projected activity or undertaking. <i>Oxford University Press.</i>
Safety Management System or SMS	A structured and documented system that enables personnel involved in vessel operations or management, as identified in the SMS, to effectively implement the safety and environmental protection requirements of the standard, and is routinely exercised and audited. <i>46 CFR §136.110.</i>
Skiff	A small auxiliary boat carried on board a towing vessel. <i>46 CFR §136.110.</i>
Survey	An examination of the vessel, including its systems and equipment, to verify compliance with applicable regulations, statutes, conventions, and treaties. <i>46 CFR §136.110.</i>
Towing Vessel	A commercial vessel engaged in or intending to engage in the service of pulling, pushing, or hauling alongside, or any combination of pulling, pushing, or hauling alongside. <i>46 CFR §136.110.</i>
Towing Safety Management System or TSMS	An SMS for a towing vessel as described in part 138 of 46 CFR Subchapter M (Towing Vessel Inspection). <i>46 CFR §136.110.</i>
Unsafe Condition	A major nonconformity observed on board a vessel, or an incident that would cause the owner or managing operator to request a permit to proceed from the Coast Guard. <i>46 CFR §136.110.</i>



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