

Strawman Towing Industry Safety System

Goal

Develop and implement a safety system for the towing industry that is:

1. **Real** – that is, a system that addresses real risks and leads to a measurable reduction in accidents and improvement in industry safety performance.
2. **Inclusive** – that is, a system that encompasses the entire towing industry, not only those companies that have chosen to belong to an industry association; a system that is supportable by, and supported by, key industry stakeholders, including Congress, shippers/customers, and vessel crewmembers; a system that addresses shoreside management and support as well as vessels and vessel professionals.
3. **Practical** – that is, a system that is risk-based and makes efficient use of both industry and Coast Guard resources.
4. **Comprehensive** – that is, a system that addresses such key issues of public interest as the uninspected status of towing vessels, human factors, bridge collisions, worker health and safety, and security management.

Applicability

In order to fulfill the purposes stated above, the system should be implemented **as a regulatory requirement**. (This will require new legislative authority, as discussed under “Implementation Mechanism” below.) A voluntary or industry-standard-based system will not be sufficient to accomplish the goals listed above.

The system should apply to any company that operates:

A towing vessel **greater than eight meters (26 feet) in length**, except a towing vessel that –

- a) shifts a barge or barges at a facility or within a fleeting or construction facility;¹ or,
- b) provides emergency assistance.

Requirements

A company that operates towing vessels that meet the above criteria should be required to **develop and implement a safety management system** that includes the following components.

¹ “Facility” means any structure or facility of any kind located in, on, under, or adjacent to any waters subject to the jurisdiction of the U.S. and used, operated, or maintained by a public or private entity, including any contiguous or adjoining property under common ownership or operation.

Policies and procedures must **address the entire marine work environment of towing vessel personnel, including barges that are under the operational control of the towing vessel.**²

A. Management/Administration³

1. Vessel and Shoreside Operating Policies/Procedures
As provided in the AWO Responsible Carrier Program (RCP), plus:
 - Bridge/pilothouse management
 - Navigation/watchstanding (watch change, lookouts, standing orders, etc.)
 - Planning (voyage/trip, bridge transits, weather, currents, etc.)

2. Safety & Health policies/procedures
As provided in RCP, plus:
 - Accountability and commitment to safety at all organization levels
 - Hearing conservation
 - Confined space entry
 - Bloodborne pathogens
 - Company safety rules (including painting in enclosed spaces, non-skid surfaces, flammable and combustible liquids)⁴
 - Personal protective equipment (including respiratory protection, fall arrest)⁵
 - Safe use of equipment (including welding/cutting, hand tool safety, safe use of ladders, abrasive wheel machinery)⁶
 - Reporting safety deficiencies/non-conformities
 - Corrective action process

3. Environmental policy/procedures (**As provided in RCP**)

² A towing vessel crewmember does not step out from under a company's safety and health policies and procedures, for example, simply because he moves from the boat to a barge under the boat's operational control.

³ For each item in this section, companies should develop written policies and procedures, abide by those policies and procedures, and ensure that employees are aware of and trained in those policies and procedures that affect their job responsibilities.

⁴ Company safety rules are currently required under RCP as item II.B.2. Company safety rules should specifically address painting in enclosed spaces, non-skid surfaces, and flammable and combustible liquids.

⁵ Policies and procedures regarding personal protective equipment are currently required under RCP as item II.B.3. A company's PPE policy should specifically address respiratory protection and fall arrest.

⁶ Policies and procedures regarding safe use of equipment are currently required under RCP as item II.B.5. A company's policies on safe use of equipment should specifically address welding/cutting, hand tool safety, safe use of ladders, and abrasive wheel machinery.

4. Incident Reporting procedures
As provided in RCP, plus:
 - Hazardous situation reporting
5. Emergency Response procedures (**As provided in RCP**)
6. Internal audit and review procedures (covering vessels and shoreside)
As provided in RCP, plus:
 - Internal audit schedule, topics, scope
7. Vendor safety (**As provided in RCP**)
8. Organization and levels of authority
As provided in RCP, plus:
 - Person responsible for operation of company and vessels
 - Designated Person⁷
 - Master's authority and responsibility⁸
9. Personnel policies (**As provided in RCP**)
10. Security policies/procedures
 - Company and vessel compliance with regulations/Alternative Security Program/international conventions, as applicable

B. Vessel Equipment/Inspection

As provided in RCP for:

1. Hull
2. Machinery
3. Firefighting/lifesaving equipment
4. Navigation/communication equipment
5. Towing gear/boat and barge rigging
6. Environmental controls

⁷ Individual who is responsible for monitoring safety and environmental operations and ensuring adequate support and resources for vessel operations, and who has direct access to highest level of management.

⁸ E.g, carrying out safety and environmental policies, motivating vessel crew to comply with SMS, issuing orders clearly and simply, reviewing SMS, making decisions regarding safety, and requesting assistance from the company.

C. Human Factors

1. Manning (**As provided in RCP**)
2. Watchstanding/Work Hours
As provided in RCP, plus:
 - Crew Endurance Management System (written program plus training for all crewmembers and appropriate shoreside employees)
3. Training (**As provided in RCP**)

Audit/Oversight and Enforcement

Each towing vessel subject to the above requirements must possess a Certificate of Inspection issued by the Coast Guard and valid for a period of five years. In order to receive a Certificate of Inspection, a towing vessel must either be:

1. **Inspected by the Coast Guard; or**
2. **Covered by a third-party audit program** that meets the following standards:
 - a) **Auditor must meet standards** incorporated by reference in regulation.⁹
 - b) **Scope and frequency of audit:**
 - i. Third-party audit of company safety management system every five years.
 - ii. Internal company audit of all covered vessels over three- to five-year period. (Flexibility based on performance.)
 - iii. Third-party audit of specified percentage of vessels (10 percent annually or 50 percent over five-year period).
 - c) **Coast Guard oversight:** To be done **in connection with Coast Guard boardings to verify compliance with vessel security plan.**¹⁰ Target: one Coast Guard visit per covered vessel over a five-year period; scope of examination dependent on performance.

⁹ Such standards might include, but not be limited to, those established by the American Bureau of Shipping, American Society for Quality, International Registry of Certified Auditors, and Registrar Accreditation Board. At a minimum, auditors should possess the following qualifications: minimum high school education; successful completion of approved auditor training course; Coast Guard license as deck or engineering officer, or two years of maritime vessel management experience, or four years of post-secondary education; auditing experience (six audits, including up to four as junior or trainee auditor); and two letters of reference from persons in a position to evaluate the applicant's suitability to conduct audits.

¹⁰ Such boardings will be required at least once every five years under the Maritime Transportation Security Act of 2003.