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Brian S. Bailey  
Director – Safety & Environmental Stewardship

May 23, 2017

MEMORANDUM

TO: Responsible Carrier Program® Third-Party Auditing Organizations  
American Bureau of Shipping  
Lloyd's Register North America, Inc.  
Nippon Kaiji Kyokai (ClassNK) America  
Sabine Surveyors, Ltd.  
Towing Vessel Inspection Bureau

FROM: Brian S. Bailey

RE: American Chemistry Council MOA; Member Usage of Multiple TPOs; Annual Reports; AWO Notifications by TPOs; and, August 2017 RCP Standards Board-TPO Meeting

Please be advised that this correspondence is sent on behalf of the Responsible Carrier Program® Standards Board of The American Waterways Operators to advise its third-party auditing organizations of the recent renewal of Memorandum of Agreement with the American Chemistry Council (ACC); member usage of multiple TPOs to demonstrate RCP compliance; clarifying requirements of the annual report of individual TPOs to the AWO Board of Directors; clarifying the information requested from TPOs when conducting management and vessel audits and the subsequent notification procedure; and, providing timely information regarding the August 2017 meeting of the Standards Board and TPOs.

The role of the Standards Board is to make recommendations to the AWO Board of Directors on maintaining and strengthening the integrity of the RCP. This includes interpretations and changes to the RCP, the RCP audit process, oversight of AWO-recognized auditor training and certification organizations, and applications from organizations seeking to become AWO-recognized auditor training and certification organizations.

*American Chemistry Council MOA*

AWO and the ACC have renewed a Memorandum of Agreement to promote environmental health, safety and security performance through the AWO RCP and the ACC's Responsible Care program. The renewed agreement is effective through 2020. The agreement was originally executed in 2006, and subsequently renewed in 2010 and 2013. The MOA extends cooperation and collaboration between chemical shippers and carriers and provides ACC's Responsible Care Partner companies in the marine sector the option of using AWO's RCP audit system to meet ACC's Responsible Care certification requirements. Chemicals account

for roughly 10 percent of total barge traffic, with 70 million tons moved by barge in 2014. Since 2006, all eligible Responsible Care Partner companies within the marine sector that transport chemicals via barge have utilized the agreement to meet their obligations for both programs, saving time and resources while promoting best practices that protect waterways and surrounding communities.

ACC will offer periodic webinars which will train RCP-certified auditors in how to assess and evaluate compliance with Responsible Care. An auditor must attend this training and become certified by ACC before he or she can conduct an audit of both the RCP and the Responsible Care programs. A copy of the MOA is enclosed along with this memorandum.

#### *Member Usage of Multiple TPOs*

Only one TPO may issue a certification letter to AWO to certify or recertify a member's overall compliance with the RCP. However, some AWO members may choose to utilize the services of one or more TPOs for vessel audits. Those TPOs may be different from the company that issued the external management audit certification letter.

It is the consensus of the RCP Standards Board that AWO members be provided ultimate flexibility when utilizing TPOs. Each TPO and its proprietary auditing materials have been fully vetted and approved by the RCP Standards Board. Thus, a certification letter for a vessel is transferrable among TPOs. This does not preclude TPOs from entering exclusive contracts with members. A TPO may refuse vessel certifications from competing TPOs if stipulated in the contract with the AWO member and the AWO member knowingly enters the exclusive agreement.

#### *Annual Reporting*

Per Section 10 of each contract between AWO and its approved TPOs, TPOs are required to provide a written report to AWO on an annual basis. The annual report is required regardless of how long a TPO has been approved as an auditing partner. AWO is requesting each TPO to submit a written report by June 30, 2017.

The annual report shall include: a listing of contracted AWO members; the number of RCP management and vessel audits conducted; copies of any marketing materials which specifically reference AWO and the RCP; and any questions or concerns the TPO may have that require answers, clarifications or directives from the RCP Standards Board. These reports will be compiled and reviewed by the AWO Executive Committee in August 2017 and summarized for the full AWO Board of Directors at its October 2017 meeting.

#### *Notification of AWO by TPOs*

As noted in Addenda C (Audit Issues) Section 17, TPOs should forward the certification letter for member management audits within two business days. Though it is not currently specified in the existing RCP addenda, each TPO should notify AWO whenever it contracts with a member for a management or vessel audit, also within two business days. AWO is now requesting that TPOs also provide letters of compliance for vessels whenever they are

completed. In the interest of efficiency, AWO has created the e-mail address [RCPNotifications@AmericanWaterways.com](mailto:RCPNotifications@AmericanWaterways.com) as a destination for all routine RCP notifications. Please send the above notifications to this address.

*August 2017 RCP Standards Board-TPO Meeting(s)*

On Monday, August 14, 2017, the RCP Standards Board will convene at The Drake Hotel (140 E. Walton Place) in Chicago, IL to meet with each of the approved TPOs conducting RCP audits for 45 minutes at a time (12:45 PM CST; 1:35 PM CST; 2:20 PM CST; 3:05 PM CST; and, 3:50 PM CST). These meetings will allow for open discussion about the RCP, its administration, any upcoming changes, and whatever other topics may arise. Additionally, beginning at 4:45 PM CST, the RCP Standards Board shall meet collectively with all TPOs simultaneously to summarize what was discussed.

Each TPO is invited to send two representatives to the meeting. Please communicate your time preference for the individual meetings as soon as possible. Meeting time slots are on a first-come, first-served basis. Please be advised that in advance of the meeting, TPOs will be provided with a draft copy of the revised RCP and its subsequent addenda which aligns the safety management system with Subchapter M by removing certain provisions which are now superseded by regulation. The revised program will be presented publicly at the 2017 Summer Safety Committees' meeting occurring in Chicago on August 15-16, 2017.

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions or concerns.