

Responsible Carrier Program®



Effective U&I 2020

Table of Contents

I.	Introduction.....	I-1
II.	Safety Management System.....	II-1
III.	Addendum.....	III-1

I. Introduction

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. The Board directed that a new process begin to help the newly developed safety program take root in the industry and to ensure the realization of the program's goals of a better, safer, and more responsible industry. To that end, the Board set January 1, 1998, as the target date to bring all AWO member companies into compliance with the RCP.

The Responsible Carrier Program

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, based on principles of safe and sound operation that many companies in the industry already voluntarily embraced.

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.

Evolution of the RCP

Third-Party Audit Requirement

In October 1996, the AWO Board of Directors approved the recommendation of the RCP 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. In October 1997, in response to the recommendation by the RCP Audit Task Force Technical Subcommittee, 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 and interpreting the audit guidelines and in considering and recommending changes to the audit program as appropriate.

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. On January 1, 2000, 100 percent of AWO's carrier members were in audited compliance with the RCP. In 2004, the Board of Directors voted to reduce the timeframe requirement to within one year of joining the association, and 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.

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.

As the publication of the towing vessel inspection final rule approached, AWO worked to position the RCP for acceptance by the Coast Guard as an existing safety management system. 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.

Further, the AWO Executive Committee endorsed the formation of 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 towing vessel inspection proposed rule as an accepted safety management system, and examine the value of additional changes based on other safety management systems and customer vetting standards. The Board approved the Working Group's changes, which were implemented on January 1, 2016.

The final towing vessel inspection rule was published in July 2016 and established a new inspection regime for towing vessels under 46 CFR Subchapter M. Subchapter M provides two compliance options for operators: implementation of a Towing Safety Management System (TSMS) audited by a Coast Guard-approved third-party organization, or annual Coast Guard inspection. 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 prescriptive RCP requirements superseded by the Subchapter M regulations.

In October 2017, the AWO Board of Directors approved the revised RCP and addenda, with an effective date for the revisions of July 20, 2018. The Board also reaffirmed that carrier members must maintain third-party audited compliance with a safety management system as a condition of AWO membership. Until that time, AWO had permitted members to utilize the ISM Code to satisfy this requirement, provided that the company demonstrated compliance with RCP requirements that exceeded the requirements of the ISM Code. To provide additional flexibility to members, the Board agreed that a company would also be permitted to use a safety management system of its own design to satisfy the AWO condition of membership requirement, pending a gap analysis ensuring that any RCP requirements which were not included in the company's system were identified and audited accordingly.

In April 2020, the Board approved additional revisions to align the RCP with Subchapter M's Health and Safety Plan requirements at 46 CFR 140 Subpart E, and to eliminate the RCP's radar training requirement to reflect recent statutory and regulatory changes. These revisions took effect July 1, 2020.

Streamlining Administration of the RCP

At the outset of 2020, recognizing that significant changes had occurred in the towing industry and the safety and regulatory landscape since the RCP's development, AWO initiated a process of deep listening, inviting members to discuss the role of the RCP and AWO's requirement that carrier members maintain third-party audited compliance with an RCP-equivalent safety management system. Based on this feedback, in August 2020, the Executive Committee adopted a motion affirming AWO's commitment to leading and supporting members in continuously improving safety, security and environmental stewardship, and directing the RCP Standards Board to develop recommendations on how to implement the following principles:

- Continuing to promote adoption of robust safety management systems throughout the tugboat, towboat and barge industry;
- Reaffirming that AWO membership is open to carriers that comply with the RCP or other, equivalent third party-audited safety management system; and,
- Maintaining the Responsible Carrier Program for members who wish to use the RCP as their safety management system and exploring opportunities to streamline the administration of RCP certification for AWO members and for AWO.

At its October 2020 meeting, the Board of Directors adopted RCP Standards Board recommendations designed to: 1) enhance flexibility for all AWO member companies; 2) eliminate duplication for member companies using the TSMS option; 3) clarify requirements for member companies using the Coast Guard option; 4) reduce burdens on members using the RCP as their safety management system; and 5) reduce administrative burdens on AWO and the RCP Standards Board. These recommendations were incorporated as authorized revisions to the standard and addenda with an effective date of January 1, 2021.

To remain members in good standing, AWO members must achieve third-party audited compliance with a safety management system that meets the minimum requirements of 46 CFR Subchapter M Part 138. However, a carrier member is not required by AWO to utilize the TSMS option to satisfy its Subchapter M compliance requirements. A company may instead elect to utilize the Coast Guard option for the purposes of Subchapter M compliance and, separately, maintain third-party audited compliance with a safety management system that meets the aforementioned minimum requirements in order to satisfy AWO's membership requirement.

Following the end of the phase-in period for Certificates of Inspection for towing vessels, the Coast Guard released policy to clarify and to initiate enforcement of 46 CFR §138.315, which requires an external audit of all vessels covered by a TSMS certificate to be conducted during the five-year period of validity of the TSMS certificate. According to the policy, the vessels must be selected randomly according to a random audit program developed by the Coast Guard-approved third-party organization that issued the TSMS certificate. Consistent with the Board's previous direction to streamline the administration of RCP certification, in October 2022 the RCP Standards Board recommended and the Board of Directors approved the establishment of an equivalency that ensures vessels undergoing external audits through a random audit program administered by a Coast Guard-approved third-party organization are considered compliant with the RCP's external audit requirements, while allowing RCP users that have chosen the Coast Guard option to maintain their external vessel audit schedule. This change is incorporated in section RCP.II.G.2.a.2, with an effective date of October 12, 2022.

Conclusion

AWO members recognize that the process of enhancing marine safety and environmental protection is, and must be, a continuum. The Board of Directors' initial 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 RCP may continue to be utilized to meet this membership requirement, and the membership of AWO remains committed to maintaining the RCP as a member benefit and living document. AWO will continue to work with members to improve, strengthen, and build upon the program as appropriate and maintain 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:
 - e) Personal injury
 - f) Oil or hazardous substance spill
 - g) Vessel accident
 - h) Bridge, lock, or dock allision
 - i) Grounding

- j) Other company-specific reporting procedures
 - k) Records of health and safety incidents that occur on board the vessel
 - l) Incident reports and associated crewmember medical records made available upon crewmember request
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
 - g) Electrical
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
14. Slips, trips, and falls
15. Working aloft
16. Hazardous materials
17. Vessel embarkation and disembarkation (including pilot transfers)

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 in accordance with the chart below.
- 2) Audits can be conducted up to three months before the anniversary of the original audit and still maintain the original anniversary date.

Internal	Annual	Each boat	Completed within 6-month window surrounding (up to 3 months prior; up to 3 months after) the anniversary date of the last audit and a TPO-approved corrective action plan in progress within 90 days of the audit or by the end of the 6-month window, whichever is sooner.
		Each managing office	Completed within 6-month window surrounding (up to 3 months prior; up to 3 months after) anniversary date of TSMS Certificate (if TSMS option) or Letter of Compliance confirming last audit (if Coast Guard option) and a TPO-approved corrective action plan in progress within 90 days of the audit or by the end of the 6-month window, whichever is sooner.

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.

- 2) A vessel covered by a TSMS certificate that is externally audited in accordance with 46 CFR 138.315(b)(3) and current Coast Guard policy pertaining to the same will be considered in compliance with this requirement.

External	Once in 5 years	Each boat	<p>Not to exceed 5 years.*</p> <p>Completed by the fifth anniversary date of the last audit and a TPO-approved corrective action plan in progress within 90 days of the audit or by the fifth anniversary date of the last audit, whichever is sooner.</p> <p>*Unless vessel is enrolled in TPO administered random audit program as described in: RCP.II.G.2.a.2.</p>
	Twice in 5 years	Each managing office	<p>Not to exceed 5 years.</p> <p>Completed by the fifth anniversary date of the TSMS Certificate (if TSMS option) or the Letter of Compliance confirming last audit (if Coast Guard option) and a TPO-approved corrective action plan in progress within 90 days of the audit or by the fifth anniversary date, whichever is sooner. Mid-period audit must occur at 27-33 months.</p>

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 Ashore¹)

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
11. Potable water supply

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.

¹ 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.

Unless required as a condition of licensure or otherwise prescribed by regulation, training 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. All vessel personnel
 - a) Proper selection and use of PPE appropriate to the vessel operation
 - b) 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
 - c) Fire prevention
 - d) For tank barge tows:
 - 1) First responder and spill mitigation training
 - e) Company policy and procedure orientation, including review of federal requirements and company policies
2. 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) Marine firefighting
 - d) For tank barge tows:
 - 1) Benzene awareness training
 - e) Cargo knowledge and hazard awareness
 - f) Responsibility and authority of master; supervisory skills training
 - 1) Determining and providing appropriate training and information to each non-crewmember on the vessel, relative to the expected risk exposure of the non-crewmember
3. Engineer
- a) Marine diesel school or in-house training, including equipment and process updates
 - b) Marine firefighting
 - c) Lock-out/tag-out procedures
4. 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) Vapor recovery operations
 - b) Marine firefighting
 - c) Cargo-specific training
 - d) Vessel communications system and procedures
5. 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) Vessel firefighting
 - c) Lock-out/tag-out procedures
6. 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

A. AWO Membership Requirements

- a.** In order to be eligible for AWO membership, companies that own or operate tugboats, towboats, or barges engaged in U.S. domestic transportation must achieve third party audited compliance with a safety management system (SMS) that meets the minimum requirements of 46 CFR Part 138.
- b.** The U.S. Coast Guard has accepted the AWO Responsible Carrier Program (RCP) as an existing SMS that meets the minimum requirements of 46 CFR Part 138.
- c.** If an AWO member chooses to adhere to an SMS, such as the RCP or International Safety Management (ISM) Code, which contains standards and obligations above those minimum requirements of 46 CFR Part 138, then its third-party audits will be conducted based on the entirety of the SMS, including those additional components.
- d.** As part of the membership application process, all prospective carrier members of AWO shall indicate, in writing, their commitment to achieve compliance with a third party audited SMS that meets the minimum requirements of 46 CFR Part 138. A carrier member is not required to use the TSMS option for compliance with 46 CFR Subchapter M.
- e.** Carrier members will be classified as either provisional or certified.
 - i.** Provisional members are member companies that have not yet furnished a valid Towing Safety Management System (TSMS) Certificate, Letter of Compliance, or comparable instrument, issued by their Coast Guard-approved Third Party Organization (TPO).
 - ii.** Certified members are member companies that have furnished a valid TSMS Certificate, Letter of Compliance, or comparable instrument, certifying compliance with an SMS that meets the minimum requirements of 46 CFR Subchapter M Part 138, issued by their Coast Guard-approved TPO.
- f.** Certified members will be provided certificates indicating their designation as an AWO Responsible Carrier.
- g.** AWO will maintain and publish on its website a list of members, classified as provisional or certified.

B. Dispute Resolution Policy

- a.** Disputes between a U.S. Coast Guard-approved TPO and an AWO member using the TSMS option for Subchapter M compliance concerning the meaning, interpretation or application of the requirements of 46 CFR Part 138 arising from the conduct of an audit should be resolved according to the appeal process outlined in 46 CFR § 1.03-55, which calls for disputants to attempt resolution with one another before formally appealing to the cognizant Coast Guard District Commander.
- b.** In instances of a dispute arising from the conduct of an audit between a Coast Guard-approved TPO and an AWO member using the Coast Guard option for Subchapter M compliance and, separately, maintaining a third party audited SMS, the disputants should attempt resolution with one another before formally appealing to RCP Standards Board via written notification to the AWO Safety &

Environmental Stewardship Department detailing the dispute and requesting adjudication.

C. Audit Protocol for AWO Members

- a.** Audits of an SMS that meets the minimum requirements of 46 CFR Part 138 must be conducted by a U.S. Coast Guard-approved TPO.
- b.** A provisional carrier member shall have one year from the time of their effective AWO membership date to obtain from its Coast Guard-approved TPO, and direct that a copy be furnished to AWO, a TPO-issued TSMS Certificate, Letter of Compliance, or comparable instrument certifying compliance with an SMS that meets the minimum requirements of 46 CFR Subchapter M Part 138. Failure to do so shall result in the member's AWO membership status to be reconsidered.
 - i.** Seasonal operators whose equipment does not operate for a portion of the year may request an adjustment of their SMS audit due date during the AWO new member application process to allow for the completion of their audit at a time when the equipment is manned and active.
- c.** For companies using the TSMS option to demonstrate compliance with 46 CFR Subchapter M:
 - i.** When a company has completed an external management audit and a TSMS certificate or Document of Compliance (DOC) has been issued or renewed, the TPO must furnish the AWO Safety & Environmental Stewardship Department with a copy of the TSMS certificate or DOC within five (5) business days. Upon receipt of a copy of a company's TSMS certificate or DOC, AWO will issue a new Responsible Carrier certificate valid for the identical period of validity of the TSMS certificate or DOC.
 - ii.** When a company has completed a mid-period external management audit between 27 and 33 months after the external management audit, the TPO must notify the AWO Safety & Environmental Stewardship Department within five (5) business days. Successful completion of the mid-period external management audit will be noted in the company's record in the AWO database, but a new Responsible Carrier certificate will not be issued.
 - iii.** In the normal course of business, an AWO member may choose to move its business to a different TPO, resulting in their original TPO rescinding their TSMS Certificate. However, if at any time a company's TSMS certificate or DOC is rescinded by the TPO or suspended or revoked by the Coast Guard for non-compliance with 46 CFR Part 138, the TPO must notify the AWO Safety & Environmental Stewardship Department within two (2) business days. The rescindment, suspension, or revocation of the company's TSMS certificate or DOC for noncompliance with 46 CFR Part 138 will result in the revocation of the company's Responsible Carrier certification by AWO and the company's AWO membership classification reverting to provisional.

- d. For companies using the Coast Guard option to demonstrate compliance with 46 CFR Subchapter M:
 - i. A company must complete an external management audit every five years. Audits are due on the anniversary date of the completion of the initial audit. When a company has completed an external management audit, the TPO must furnish the AWO Safety & Environmental Stewardship Department with a Letter of Compliance or comparable instrument within five (5) business days. Upon receipt of the Letter of Compliance, AWO will issue a new Responsible Carrier certificate valid for the appropriate time period.
 - ii. A company must complete a mid-period external management audit between 27 and 33 months after the external management audit. When a company has completed a mid-period external management audit, the TPO must notify the AWO Safety & Environmental Stewardship Department within five (5) business days. Successful completion of the mid-period external management audit will be noted in the company's record in the AWO database, but a new Responsible Carrier certificate will not be issued.
 - iii. A company must complete external audits on 100% of its vessels no later than the fifth anniversary date of the completion of its external management audit. For audit purposes, a company's fleet is defined as all towing vessels owned, operated, managed and chartered as of the recording date, whether active or not, except for fully decommissioned towing vessels. The TPO is not required to notify the AWO Safety & Environmental Stewardship Department when a company has completed an external vessel audit. However, the company must document and maintain proof of these vessel audits and their results and make them available to AWO, their TPO, or their external auditor upon request.
 - iv. Failure of a company to complete the required external management, mid-period external management, or vessel audits within the time allowed will result in the revocation of the company's Responsible Carrier certificate by AWO and reversion of the company's AWO membership classification to provisional.
- e. 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 its SMS. Auditors should also look for evidence that reflects a company's ongoing commitment to complying with the letter and the spirit of the SMS. While not an all-encompassing list of items, auditors should at a minimum consult maintenance records, crew safety meeting records, vessel survey and inspection checklists, and personnel training records.
- f. When a deficiency or nonconformity is found during an audit, the steps needed to correct it may extend beyond the audit due date for a variety of reasons (deferment of shipyard work or drydocking, for example). Under these

circumstances, the TPO overseeing the audit and the AWO company undergoing the audit must follow the following guidelines:

- i. A corrective action plan must be submitted to, and approved by, the TPO per their Coast Guard-approved policies and procedures within 30 days of discovery of the deficiency or nonconformity, but no later than the audit due date (even if that is less than 30 days).
 - ii. The corrective action plan must be in progress within 90 days of discovery of the deficiency or nonconformity and documented and confirmed by the TPO per their Coast Guard-approved policies and procedures. An audit may be considered completed by a TPO provided an approved corrective action plan is in place.
 - iii. This protocol is not applicable to major nonconformities, which must be addressed immediately.
- g.** A major nonconformity is defined as a non-conformity that poses a serious threat to personnel, vessel safety, or the environment, and requires immediate corrective action. If a major nonconformity is discovered during a management or vessel audit for a company using the TSMS option for Subchapter M compliance, the auditor must notify the local Officer in Charge, Marine Inspection (OCMI) within 24 hours and the AWO company who owns or operates the vessel in accordance with the vessel's TSMS. If a major nonconformity is discovered during a management or vessel audit for a company using the Coast Guard option for Subchapter M compliance, the auditor must notify the AWO company who owns or operates the vessel in accordance with the vessel's SMS. If discovered during a vessel audit, a major nonconformity must be corrected or downgraded before a vessel returns to service.
- h.** The company and its contracted TPO should retain copies of all audit documents and reports for a period of five (5) years and make them available to the Coast Guard or the external auditor upon request.
- i.** As a courtesy, AWO will notify member companies 60 days prior to the due date of their external management audits of the approaching deadline and the member's obligation to maintain third party audited compliance with an SMS that meets the minimum requirements of 46 CFR Part 138.
- j.** AWO's certification of a company as a Responsible Carrier is contingent on the company remaining a member in good standing of AWO.

D. Issues for AWO RCP Users

- a.** An external management audit cannot be used to fulfill the requirement for an annual internal audit required under RCP II.G.1.
- b.** The external management audit and vessel audits required under RCP II.G are not tied together and may be conducted separately.
- c.** If a company does not operate any towing vessels, but only barges, it may comply with all applicable sections of the RCP and receive AWO certification as a Responsible Carrier.
- d.** 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. However, if the owning company wishes to be certified by AWO as a Responsible Carrier, they must possess a valid TSMS Certificate or Letter of Compliance from a TPO.

- e. 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.
- f. AWO affiliate members that provide tankermen and/or vessel crewmembers to 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.

E. Auditors

- a. An AWO member company must report any violation of its contracted TPO's code of ethics by an auditor to the TPO.

F. Standards Board

- a. The AWO 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.
- b. 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.
- c. The role of the Standards Board is to make recommendations to the AWO Board of Directors on the implementation of the RCP and AWO's membership requirement that all carrier members must demonstrate third party audited compliance with an SMS that meets the minimum requirements of 46 CFR Part 138.
- d. The Standards Board has the authority to issue Clarifications and Directives Memoranda, as needed, to guide RCP interpretation by TPOs. Clarifications and Directives Memoranda must not conflict with the minimum requirements of 46 CFR Subchapter M. The AWO Safety & Environmental Stewardship Department is responsible for maintaining and archiving Standards Board Clarifications and Directives Memoranda, and issuing copies to affected parties.
- e. The Standards Board may be called upon to adjudicate a dispute arising from the conduct of an audit between a U.S. Coast Guard-approved TPO and an AWO member using the Coast Guard option for Subchapter M compliance and, separately, maintaining a third party audited SMS. Following disputants' attempt at and failure to resolve the disagreement, an appeal may be filed via written notification to the AWO Safety & Environmental Stewardship Department detailing the dispute and requesting adjudication.

- f.** To avoid potential conflicts of interest, no more than three (3) certified auditors engaged in private contractual SMS audits for hire may serve on the Standards Board. Furthermore, any member of a TPO's executive committee is prohibited from serving on the Standards Board.