

Subchapter M: What You Need to Know

The Big Picture

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



Positive Features of Final Rule

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



46 CFR Subchapter M

Parts 136-144

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



Applicability

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



Implementation Schedule

- ❁ Rule effective 7/20/2016
- ❁ Existing vessels:
 - Most requirements in Parts 140-144 take effect 7/20/2018 or date first COI is issued, whichever is earlier
 - COI phased in between 7/2019 and 7/2022
- ❁ New vessels (keel laid/major conversion after 7/20/17):
 - Meet all requirements and obtain COI before vessel enters into service



COI Phase-In for Existing Vessels

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



Compliance Options

❁ Coast Guard option

- Traditional inspection; all inspections conducted by Coast Guard

❁ TSMS option

- Use of safety management system and approved Third-Party Organizations to demonstrate and verify compliance



Process for Obtaining COI

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

*Need clarification on how COI inspection differs for vessel using TSMS option



What Is a TSMS?

- ❁ Documented, audited management system for:
 - Meeting vessel owner's established goals
 - Ensuring continuous regulatory compliance
- ❁ ISM Code
- ❁ Other existing safety management systems may be accepted
 - Coast Guard has confirmed intent to accept Responsible Carrier Program as TSMS; discussions underway to finalize ASAP



What Is a Third-Party Organization (TPO)?

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



TSMS Option

- ❁ TSMS Certificate issued by TPO
 - Valid for 5 years
 - Company must maintain list of vessels covered by TSMS certificate
- ❁ Internal TSMS audits:
 - Annual for management and all towing vessels
- ❁ External TSMS audits:
 - Management: Twice in 5 years
 - Towing vessels: Once in 5 years



TSMS vs. Coast Guard Option

❁ Required inspections

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

❁ Required surveys and drydocking examinations

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



TSMS vs. Coast Guard Option

- ❁ Permit to Proceed and Permit to Carry Excursion Party
 - Coast Guard option: requires OCMI approval
 - TSMS option: proceed as outlined in TSMS, notify OCMI
- ❁ Functional vs. prescriptive requirements
 - Coast Guard option: requires OCMI approval
 - TSMS option: may be documented in TSMS, approved by TPO



User Fee

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



Operations

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



Lifesaving

- Carriage requirements based on area of operation, not certificated route
- New requirements:
 - Survival craft
 - Lifejackets
 - Immersion suits
 - Lifebuoys
 - Visual distress signals
 - EPIRB
 - Line throwing appliance
- Credit for SOLAS compliance



Fire Protection

- ❖ Similar to current regulations
- ❖ New requirements:
 - Fire axe
 - Smoke detection system or detectors in berthing spaces
 - 2 firefighter's outfits and 2 SCBAs on ocean/coastal vessels >79 feet without fixed fire suppression system
- ❖ Credit for SOLAS compliance



Machinery and Electrical

❁ New requirements:

- Pilothouse alert system for vessels >65 feet

❁ Requirements for new vessels:

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



Construction and Arrangements

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



Major Conversion

- ❁ A conversion of the vessel that:
 - Substantially changes the dimensions or carrying capacity of the vessel;
 - Changes the type of the vessel;
 - Substantially prolongs the life of the vessel; or
 - Otherwise so changes the vessel that it is essentially a new vessel, as determined by the Commandant.
- ❁ Determinations made by MSC on case-by-case basis
- ❁ Need additional guidance to clarify CG intent re. engine repowering
 - Despite preamble language, CG leaders say repowering will not typically trigger major conversion determination



Manning

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



Hours of Service

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



Next Steps

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



Rule Review

- AWO Towing Vessel Inspection Working Group to meet 6/23-24 to identify:
 - Problems that require immediate advocacy with Coast Guard
 - Issues that need clarification in policy guidance
 - Focus areas for member education
- Will brief members on working group conclusions and recommendations



RCP Acceptance as TSMS

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



Auditor Supply

- ❁ AWO goal: Large, geographically dispersed pool of well-qualified, well-trained RCP/TSMS auditors overseen by Coast Guard-approved TPOs
 - Supporting TVIB in securing Coast Guard approval as TPO
 - AWO-ClassNK agreement executed
 - Proposal for AWO-ABS agreement under review



Implementation Policy

- ❖ Coast Guard plan: draft NVIC with issue-specific enclosures
 - TPO guidebook, TSMS, compliance, etc.
 - Enclosures available before NVIC published
- ❖ Review draft guidance through Coast Guard-AWO Safety Partnership, TSAC
 - Prioritized review of time-sensitive subject matter
 - Ongoing forum for discussion as implementation issues and questions arise



Member and Industry Information

- Briefings/discussion sessions at summer safety and regional meetings
 - 8/10: Portland, OR
 - 8/17: Pittsburgh, PA
 - 8/24: New York, NY
 - Open to non-members
- Ongoing education and implementation assistance driven by member needs



Questions & Discussion

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