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Jennifer A. Carpenter
President & CEO

March 18, 2020

RDML Richard V. Timme
Assistant Commandant for Prevention Policy
U.S. Coast Guard
2703 Martin Luther King Avenue, SE
Washington, DC 20593

Dear RDML Timme:

The ongoing outbreak of Coronavirus Disease 2019, or COVID-19, has created unprecedented challenges for both the Coast Guard and the tugboat, towboat and barge industry as we work to achieve our mutual goal of moving our nation's maritime commerce safely and efficiently. The importance of our industry to the national supply chain cannot be overstated. Our industry's ability to continue to move critical commodities on our waterways and provide essential shipdocking, tanker escort and bunkering services in our ports and harbors will directly bear on our national economy's ability to weather this global crisis.

The single most important thing AWO member companies can do to preserve our industry's ability to operate is to maintain the health and safety of towing vessel crewmembers. Each of our member companies is taking aggressive action to minimize their crewmembers' risk of exposure to COVID-19 to protect them and the supply chains they support. Consistent with guidance from the Centers for Disease Control and other public health authorities, the primary way in which exposure risks can be reduced is by minimizing interactions between vessel crewmembers and non-crewmembers. We know that the Coast Guard is likewise prioritizing the health and safety of its workforce as it works to maintain mission readiness. During this critical period for slowing the spread of COVID-19, we can work together to protect our respective personnel by deferring close contacts between them when life, the environment and property are not at immediate risk.

With this in mind, I am writing to request that the Coast Guard suspend all in-person inspection activities conducted under 46 CFR Subchapter M nationwide for a period of thirty days, at which time the suspension should be assessed and extended if warranted by current circumstances. AWO believes that this is a drastic but necessary step for the mutual protection of both towing vessel crewmembers and Coast Guard inspectors.

Our proposal of this suspension does not mean that we are proposing to abrogate our industry's responsibility to ensure our vessels operate safely and in compliance with applicable regulations, including the operational and equipment requirements of Subchapter M. Further, we are interested in discussing with you and your team ways in which certification and compliance verification activities can continue under a suspension of in-person inspection activities. We note that in order to protect vessel crewmembers and third-party auditors and surveyors, as well as due to widespread travel restrictions, in-person internal and external vessel audits and surveys are also infeasible at this time. It may be possible for these activities to be conducted, with some limitations, through the electronic submission of objective evidence, the conduct of crewmember interviews by telephone or videoconference, and other virtual means. In instances in which the OCMI has access to objective evidence and the discretion to decline vessel attendance on the basis of risk – such as for TSMS vessels with an Uninspected Towing Vessel decal, in accordance with CG-CVC Policy Letter 17-01 – Certificates of Inspection can continue to be issued.

We know that this proposed suspension would affect the ability of the Coast Guard and our industry to meet the requirement under 46 CFR 136.202 that by July 20, 2020, operators of more than one towing vessel must obtain COIs for 50 percent of their fleet and operators of only one towing vessel must obtain a COI for that vessel. If in-person inspection activities are suspended, that deadline will require reconsideration. However, we urge the Coast Guard to immediately implement the suspension even if a decision on that deadline, or other consequences of the suspension, requires further deliberation. If the Coast Guard does not take timely, decisive action at the national level, AWO is gravely concerned that an inconsistent sector-by-sector or district-by-district approach will result as operational commanders take independent action. Not only would this increase confusion and elevate risk exposure, but it would also complicate the post-pandemic recovery and reconstitution of our supply chain and the resumption of routine Subchapter M certification and compliance verification activities. If some areas continue inspection activity and other areas do not, making and communicating decisions to modify compliance time frames becomes much more challenging.

Again, I urge you to take action now to chart a clear, nationally consistent course that provides for the mutual protection of towing vessel crewmembers and Coast Guard inspectors. Thank you for your consideration of this request.

Sincerely,

A handwritten signature in blue ink that reads "Jennifer A. Carpenter". The signature is written in a cursive, flowing style.

Jennifer A. Carpenter
President & CEO