

MEMORANDUM

TO: AWO Members  
AWO-Recognized Third-Party Auditing Organizations

FROM: Brian S. Bailey

DATE: July 23, 2020

RE: RCP/TSMS External Audit Extension Requests Due to COVID-19

Please be advised that this correspondence is sent on behalf of the Responsible Carrier Program® (RCP) Standards Board of The American Waterways Operators (AWO), which “has the authority to issue Clarifications and Directives Memoranda, as needed, to guide RCP interpretation by AWO-recognized third party organizations.”<sup>1</sup>

The RCP Standards Board has determined that the Coronavirus Disease 2019 (COVID-19) pandemic qualifies as an extraordinary circumstance and is committed to ensuring that AWO members are able to take steps to protect the health and safety of their employees at this time while maintaining compliance with RCP requirements. This memo relays certain procedures that may be undertaken when there is a need to request an extension of an external management and/or vessel audit due date(s).

The RCP mandates that: “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<sup>2</sup>, twice during a period not to exceed five years after the initial audit” and that audits can be conducted “no more than three months prior to the anniversary of the initial audit” in order to maintain the anniversary date of the initial audit. Furthermore, “one audit must take place around the midpoint of the audit cycle, in the 27-33 month time frame.”<sup>3</sup>

In recognition of the extraordinary circumstances facing AWO members, and until further notice, the RCP Standards Board is authorizing extensions of external vessel and managing office audit deadlines of generally not more than 90 days, unless extenuating circumstances exist. The recommended course of action contained herein is consistent with the U.S. Coast Guard’s [Marine Safety Information Bulletin \(MSIB\) 09-20](#)<sup>4</sup> and is as follows.

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<sup>1</sup> RCP Addendum E.4

<sup>2</sup> All offices with management oversight of towing vessels

<sup>3</sup> RCP II.G.2.a.1

<sup>4</sup> MSIB 09-20: Vessel Inspections, Exams, and Documentation. Dated March 26, 2020

### TSMS Option

Should an AWO member company utilizing Subchapter M's Towing Safety Management System (TSMS) option deem it necessary to postpone an external management or vessel audit due to COVID-19, it must communicate that request to its Third-Party Organization (TPO) consistent with the TPO's protocols. Per MSIB 09-20, the TPO will then transmit the audit extension request to the cognizant Officer in Charge, Marine Inspection (OCMI), for evaluation and approval/disapproval. If the extension request is approved, the company will maintain the original anniversary date.

### Coast Guard Inspection Option

An AWO member company utilizing Subchapter M's Coast Guard option must maintain compliance with the RCP's external audit requirements. Should the company deem it necessary to postpone an external management or vessel audit due to COVID-19, it must communicate that request to its TPO consistent with the TPO's protocols. The RCP Standards Board is authorizing AWO-recognized TPOs to apply their professional expertise and evaluate and approve/disapprove such extension requests. If the extension request is approved, the company will maintain the original anniversary date.

### Notification of AWO

The RCP directs TPOs to "notify AWO when scheduling external management and/or vessel audits."<sup>5</sup> When the Coast Guard approves an external audit extension request for a TSMS option company/vessel, or when a TPO approves an external audit extension request for a Coast Guard option company/vessel, the TPO must notify AWO in writing via email at [rcpnotifications@americanwaterways.com](mailto:rcpnotifications@americanwaterways.com) of the postponement and provide the rescheduled audit date(s).

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

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<sup>5</sup> RCP Addendum B.13