



801 North Quincy Street  
Suite 500  
Arlington, VA 22203

PHONE: 703.841.9300  
EMAIL: [cstewart@americanwaterways.com](mailto:cstewart@americanwaterways.com)

Caitlyn E. Stewart  
Vice President – Regulatory Affairs

September 7, 2022

Ms. Heidi Craswell  
Manager, Marine Safety Management System Regulations  
Marine Safety and Security  
Transport Canada  
Place de Ville, Tower C  
330 Sparks Street  
Ottawa, Ontario  
K1A 0N5

Re: Canada Gazette, Part I, Volume  
156, Number 26: Marine Safety  
Management System Regulations,  
Published June 25, 2022

Dear Ms. Craswell:

The American Waterways Operators is the U.S. tugboat, towboat, and barge industry's advocate, resource, and united voice for safe, sustainable, and efficient transportation on America's waterways, oceans, and coasts. Our industry's 5,000 towing vessels and 33,000 barges comprise the largest segment of the U.S.-flag domestic fleet. The tugboat, towboat, and barge industry supports more than 270,000 jobs in related industries nationwide. Each year, our vessels safely and efficiently move more than 665 million tons of cargo critical to the U.S. economy.

On behalf of AWO's member companies, thank you for the opportunity to comment on Canada's proposed Marine Safety Management System Regulations. Many AWO members operate in Canadian waters, from those that engage in U.S.-Canada trade on the Atlantic and Pacific coasts and Great Lakes to those that transit the Inside Passage and the St. Lawrence Seaway. These AWO members will be affected by the proposed regulations' requirement for foreign vessels to have a documented safety management system to operate in Canadian waters.

AWO has been a strong proponent of safety management systems for many years, and compliance with a third-party audited safety management system has been a requirement of AWO membership since 2000. Implementation of a safety management system is an essential tool for creating and strengthening a safety culture, driving continuous safety improvement, providing early warning of deficiencies or non-conformities that could lead to accidents, and

preventing accidents caused by equipment failure by ensuring continuous attention to routine vessel maintenance. For these reasons, we commend Transport Canada for undertaking this regulatory project to improve waterways safety.

Through Title 46, Subchapter M, of the U.S. Code of Federal Regulations, the U.S. Coast Guard permits a U.S. towing vessel to obtain a Certificate of Inspection (COI) under the Coast Guard option or the Towing Safety Management System (TSMS) option. A towing vessel under the Coast Guard option undergoes annual inspections conducted by the Coast Guard. Under the TSMS option, a towing vessel owner or operator implements a TSMS and a Coast Guard-approved third party organization (TPO) conducts periodic management and vessel audits and conducts or exercises oversight of annual vessel surveys, with less frequent Coast Guard inspections. Since January 2021, AWO has required members to achieve third party audited compliance with a safety management system that meets the minimum requirements of the Coast Guard's TSMS regulations at 46 CFR Part 138, whether they have selected the Coast Guard option or the TSMS option. Due to this membership requirement, a towing vessel operated by an AWO member will have a documented safety management system in the form of a TSMS Certificate, Letter of Compliance, or comparable instrument issued by their Coast Guard-approved TPO.

AWO appreciates the consultation that Transport Canada has initiated with the U.S. Coast Guard in recognition that most internationally impacted vessels are from the U.S. More specifically, Transport Canada has acknowledged that the majority of foreign vessels affected by the proposed regulations – as many as 84 percent of the foreign vessels operating in Canadian waters, according to the Description Section of the Regulatory Impact Analysis Statement – are U.S. towing vessels. Due to the number of U.S. towing vessels operating in Canadian waters, and their importance to vital U.S. and U.S.-Canada trade, AWO believes that the process for providing documentation of compliance with the proposed regulations should be as simple and straightforward as possible.

We are encouraged by Transport Canada's assurances in the Regulatory Development section of the Regulatory Impact Analysis Statement that "any U.S. towboats that have implemented either a comprehensive towing vessel SMS or voluntary ISM certification... would be considered as meeting Canada's requirements" and that "most U.S. vessels requirements would be deemed equivalent to the requirements of the proposed regulations." In the policies and procedures documents developed to indicate the standards on which certification and compliance will be based to meet the requirements of the proposed regulations, we urge Transport Canada to explicitly state that a document issued by a U.S. Coast Guard-approved TPO verifying compliance with a safety management system that meets the minimum requirements of U.S. Coast Guard regulations at Title 46, Part 138, of the U.S. Code of Federal Regulations, to include a TSMS Certificate, Letter of Compliance, or equivalent, is acceptable for a U.S. towing vessel not subject to SOLAS to demonstrate compliance with the Marine Safety Management System Regulations.

Thank you again for the opportunity to comment on this commendable regulatory project. We would be pleased to answer any questions or provide additional information at Transport Canada's request.

Best regards,

A handwritten signature in cursive script that reads "Caitlyn E. Stewart". The signature is written in a dark ink and is positioned below the "Best regards," text.

Caitlyn E. Stewart