



CHAMBER OF SHIPPING OF AMERICA

MONTHLY REPORT

NOVEMBER 2018

- **CSA Board of Directors meeting, Policy and Operations Committees were held in Washington, DC.**
- **CSA presented at the Green Shipping Technologies Conference in New York.**
- **CSA presented at the MARE Forum in Houston.**
- **CSA attended AOTOS Awards dinner in New York.**
- **Give CSA a follow on  @CSAKnowships**

NOTE TO THE READER: Reference to the Federal Register may be found at <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR>. Please note new address and format for Federal Register retrieval due to upgrade in US government website.

References to legislation may be found at <http://thomas.loc.gov/> by entering the bill number (HR 802, S 2841) in the "search bill text" block found at the center of the page.

Passage of the Vessel Incidental Discharge Act (VIDA)

On November 27, 2018 the House of Representatives passed S. 140, the Frank LoBiondo Coast Guard Authorization Act of 2018 which includes the Vessel Incidental Discharge Act as Title IX. The bill has now passed the Senate and House of Representatives and will now be forwarded to the President for signature. Once enacted the US EPA and US Coast Guard must embark upon a package of rulemakings to implement the provisions of VIDA which will require industry's close attention and response to these regulatory packages once they are published as proposed regulations.

We have received several inquiries related to what happens in the US when this becomes law. From our quick scan of the final text, the simple answer from the perspective of the shipping industry is absolutely nothing. As noted above, the bill contains mandates to EPA and USCG to promulgate regulations within a specific time of enactment (2 years in most cases). During the time that EPA and USCG are engaged in the regulatory process, the current USCG regulations and vessel general permit (VGP) remain in place. Based on information we have recently received, it is expected that EPA will stop working on VGP 3.0 and will dedicate their full resources to the development of the regulations required under VIDA. CSA will embark on a detailed analysis of the final text once it is signed by the President and will revert with this analysis as soon as possible.



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We are happy to answer any additional questions you have either by phone (202.775.4399) or email (kmetcalf@knowships.org)

Coast Guard update to Navigation and Vessel Inspection Circular 02-95, Change 3 “The Alternate Compliance Program”

Navigation and Vessel Inspection Circular (NVIC) 02-95 provides guidance regarding execution on behalf of involved parties of the Coast Guard’s Alternate Compliance Program (ACP). The NVIC contains four enclosures. The first enclosure, Enclosure (1), provides an overview of fundamentals and purpose of the ACP. The remaining enclosures, Enclosures (2)-(4), outline the responsibilities delegated to the companies, recognized organizations and Coast Guard for proper implementation of the ACP. On October 10, 2018, the Coast Guard released the third change to NVIC 02-95. The purpose of the latest iteration is to align the ACP with provisions contained in the International Code for Recognized Organizations which became effective on January 1, 2015. Additionally, the updates in NVIC 02-95 reflect changes in various policies consistent with the [Commandant’s Final Action Memo on the sinking of the S.S. EL FARO](#).

Important Changes

- Aligned procedures and terminology with the International Code for Recognized Organizations (RO Code).
- Integrated ACP program management with the Coast Guard’s Mission Management System (MMS), which is an International Standards Organization (ISO) 9001 based Quality Management System in order to support key Coast Guard internal business processes, information flows, reporting and data analytics.
- Incorporated other procedures and instructions including the ACP Tactics, Techniques, and Procedures (TTP) and various MMS documents (e.g., MMS Work Instructions), which focus on individual aspects of the ACP and facilitate more frequent programmatic updates. The Coast Guard released the ACP TTP in January 2018. The purpose of this document is to consolidate, update, and standardize guidance for Coast Guard personnel conducting ACP examinations. This TTP provides standardized guidance that enhances on-the-job-training (OJT), minimizes interpretation and promotes consistency. A copy of the Coast Guard ACP TTP can be found [here](#).
- Accepted that transfers of vessel classification may be completed under the provisions of International Association of Classification Societies Procedural Requirement 1A.
- Provided details on the Coast Guard’s Fleet Risk Index for vessels enrolled in the ACP. The Fleet Risk Index is a Coast Guard internal program used to identify vessels that could present a safety or environmental risk. The index is developed using a risk model that



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considers and weighs multiple risk factors resulting in an ordered list of vessels that may be selected for additional oversight. Assessed risk factors include, inter alia, vessel detentions (Port and Flag State), vessel related marine casualties, marine violations/enforcement, documented major non-conformities issued under the ISM Code, vessel deficiencies, vessel type, and vessel age. In addition, vessels may be added or subtracted from the Fleet Risk Index based on recommendations from the cognizant OCM. The Coast Guard reserves the right to modify assessed risk factors, assigned weights, or frequency of which the Fleet Risk Index is updated.

- Removed provision for involuntary disenrollment from the ACP.

The full text of the is available here: [NVIC 02-95, Change 3](#)

CSA Annual Environmental Awards Dinner

In early November, CSA held its annual environmental awards dinner in Washington, DC. Awards were presented to 1,730 vessels owned by 109 companies with a total of 15,205 years of environmental excellence. RADM John Nadeau, Assistant Commandant for Prevention Policy, US Coast Guard and Mr. D. Lee Forsgren, Deputy Assistant Administrator, Office of Water, US Environmental Protection Agency participated in the event and congratulated the award recipients and the industry as a whole for their extraordinary performance. The CSA President noted that these awards celebrate the dedication to environmental excellence of our seafarers and the personnel shore-side who operate these vessels to the highest standards. Safe and environmentally responsible operations is a culture fully embraced by the maritime industry as evidenced by the performances of the award recipients recognized at this event. The awards are open to all owners and operators of vessels regardless of whether they are members of CSA. CSA encourages all owners and operators to take advantage of this opportunity to recognize their crews and shoreside personnel and to consider participating in next year's program. Guidance on participation can be found on CSA's website at www.knowships.org