

March 18, 2005

Docket Management Facility (USCG –2004-19977)
U.S. Department of Transportation
400 Seventh St. SW
Washington, DC 20590-0001

Re: Inspection of Towing Vessels

Dear Madam/Sir,

These comments are submitted on behalf of the Pacific States/British Columbia Oil Spill Task Force, which represents the oil spill regulatory agencies of Alaska, British Columbia, Washington, Oregon, Hawaii, and California. The Task Force member agencies appreciate this opportunity to comment on the proposal to inspect towing vessels.

Our responses to the seven questions posed in the December 30, 2004 Federal Register notice are as follows:

Q #1: Should the USCG use the existing standards for towing vessels of 300 GT or larger, or for other inspected vessels? If so, which ones?

A: The Coast Guard should incorporate the existing standards for towing vessels 300 or more gross registered tons into new regulations for all commercial towing vessels greater than 26 feet in length. Vessels operating in ocean, coastwise, or inland service should be inspected and regulated as appropriate to their exposure to risk. The benefits to safety and protection of the environment that will be achieved by extending regulation should apply to all vessels in similar service. The standards related to lifesaving, manning, watch composition, training, firefighting, hull construction and maintenance, propulsion equipment, machinery, and vessel equipment are appropriate to nearly all towing vessels.

Q#2: How should towing vessel inspection standards differ from those of other vessels?

A: Currently the US Code allows the Coast Guard to consider the special characteristics, methods of operation, and the nature of offshore supply vessels, fishing vessels, and small passenger vessels in establishing regulations for those types of vessels. Similar consideration should be given to towing vessels. Regulations should address safety-related characteristics such as tow line/hawser strength, construction, and condition; bridles and surge gear; chafe prevention equipment; tow winch design and operation; mechanisms for emergency release of tow lines; emergency towing equipment; dynamic stability of towing vessels related to mass and speed of towed vessels; matching towing vessel horsepower to tow size; and suitability for particular types of towing service. Vessels used for tanker escort, ship assist, or ocean barge work require specific capabilities and all are considerably different from the construction and outfitting of pushboats used only on rivers and inland waterways. Vessels operating in cold water areas should be required to carry different lifesaving apparatus than vessels operating only in warm water areas. Vessels operating offshore require additional navigational and communication equipment.

Q#3: Which towing vessels should be exempt from inspection standards?

A: The Coast Guard should consider exempting towing vessels 26 feet in length or less and vessels that are used only in protected waters for tasks such as small craft assist towing, log towing, near shore construction support, and those operating in a barge fleeting facility. Vessels used for emergency towing of recreational vessels should also be exempted.

Q#4: Should existing towing vessels be grandfathered in?

A: Consideration should be given to allow tow vessel operators time to alter equipment for compliance with regulations. A phased implementation of regulations based on age of the vessel or company size may be appropriate. Where compliance would be economically impossible for an individual vessel, such as a requirement to significantly modify a hull of a safe and seaworthy tugboat, “grandfathering” may be appropriate if an equivalent level of safe performance can be demonstrated. No exemptions should be made for requirements that tow companies develop and implement safety management systems.

Q#5: Should existing vessels be treated differently from new builds?

A: Existing towing vessels should be treated differently only when performance-based criteria can demonstrate compliance with the intent of the regulation.

Q#6: The same act that gives USCG authority to inspect also gives authority to require a safety management system; should it apply to all inspected towing vessels?

A: A safety management system is appropriate for all commercial towing vessel operations. An effective management system is a key element of vessel safety and environmental protection.

Q#7: What elements of a safety management system should be included?

A: Regulations for towing vessel safety management systems should be carefully designed to require effective, comprehensive systems with minimum complexity. Standards must be specific and clear enough to allow for consistent audits and inspections. Management systems should include the entire working environment for personnel working on vessels, including their work on barges as well as towing vessels. At a minimum, all safety management systems should include the following elements:

- statement of the company’s safety policy
- statement of the company’s environmental protection policy
- statement of the company’s responsibilities and authority
- statement of the master’s responsibilities and authority
- designation of a person responsible for the company’s safety management system
- designation of a responsible person ashore in case of emergency
- emergency preparedness procedures
- personnel policies
- vessel safety and pollution prevention plans and procedures, including fueling and waste disposal plans and procedures
- procedures for key vessel operations and critical procedures
- training plans for safety, pollution prevention and response, and emergency preparedness
- vessel maintenance procedures and designations of responsibility
- procedures for reporting and investigating accidents, non-conformities, and near misses
- a documentation plan for the safety management system
- external certification of the safety management system
- internal audit requirements
- external audit requirements

It is critical that the safety management system audits, if delegated to an industry group or class society, be subjected to regular oversight by the US Coast Guard, with particular emphasis on accountability and enforcement.

The Pacific States/BC Oil Spill Task Force member agencies have reviewed the “strawman” proposal supported by American Waterways Operators and would endorse it if the amendments indicated in the enclosed document are included.

Thanking you for this opportunity to comment, I remain,

Sincerely yours,

Jean R. Cameron
Executive Coordinator

cc: CAPT Rob Lorigan, Chief of Marine Safety, USCG Pacific Area
Jason Lewis, Vice President, AWO Pacific Region