

## 1. INTERNATIONAL ACTIVITIES

### A. International Maritime Organization (IMO), Subcommittee on Fire Protection (FP)

The 48<sup>th</sup> session of the Subcommittee on Fire Protection (FP 45) was held at IMO Headquarters in London from January 12-16, 2004. The session was attended by delegations from 48 member nations and 1 associate member and by observers from 14 non-governmental organizations. The U.S. delegation was led by the Coast Guard with assistance from the Environmental Protection Agency and several private sector advisers.

FP 48 agenda items included the following: (1) unified interpretations of chapter II-2 of the International Convention for the Safety of Life at Sea (SOLAS Convention), the Fire Systems Safety (FSS) Code, and the Fire Test Procedures (FTP) Code; (2) large passenger ship safety; (3) performance testing and approval standards for fire safety systems; (4) revision of the Fishing Vessel Safety Code and Voluntary Guidelines; (5) revision of the gas concentration limit on sulfur dioxide for floor coverings; (6) review of the offshore supply vessel (OSV) guidelines; (7) use of directional sound for passenger evacuation; (8) review of the 2000 High Speed Craft (HSC) Code and amendments to the Dynamically Supported Craft (DSC) Code and the 1994 HSC Code; (9) consideration of International Association of Classification Societies (IACS) unified interpretations; (10) recommendation on evacuation analysis for new and existing passenger ships; (11) analysis of fire casualty records; (12) amendments to resolution A.754(18) relating to performance criteria for fire doors; and (13) consideration of draft guidelines on the basic elements of a shipboard occupational health and safety program.

Among significant actions taken at FP 48 are the following:

1. The Subcommittee established a working group to consider recommendations of the intersessional correspondence group on existing interpretations to SOLAS chapter II-2, the FSS Code, and the FTP Code, as well as new interpretations proposed by IACS. Also considered were proposed new interpretations submitted by the United States in a separate submission. The FP agreed on the interpretations to SOLAS chapter II-2, the FSS Code, and the FTP Code and submitted them to the Maritime Safety Committee (MSC), along with a draft MSC circular, for approval.
2. The FP established a working group to consider the correspondence group report and other submitted papers concerning large passenger ship safety. The Subcommittee agreed on the concept and definition of a safe haven on board the ship in the event of a fire to provide protection for passengers and crew as the ship proceeds to port. The FP also identified future work needed on this topic and referred it to the MSC for endorsement.
3. A working group, chaired by the United States, considered the development of detailed testing standards that administrations could use to approve fire extinguishing systems, fire detection systems, and related equipment. The FP agreed to begin work on a new test method for water-mist fire-extinguishing systems in the engine rooms of large ships, and agreed in principle to various improvements to existing test protocols for fire safety systems.

The United States will coordinate an intersessional correspondence group to focus on other types of fire protection systems.

4. The FP finalized the fire protection-related chapters of the draft revised Fishing Vessel Safety Code and Voluntary Guidelines and referred them to the Subcommittee on Stability and Load Lines and on Fishing Vessel Safety (SLF).
5. With regard to the review of the current gas concentration limit for sulfur dioxide when testing floor coverings for smoke and toxicity levels, the FP considered a submission by Japan detailing further research on this issue and agreed on increasing the limit to 200 parts per million. A draft amendment to the FTP Code was prepared for submittal to MSC 78 for approval and subsequent adoption.
6. The Subcommittee considered a proposal from Australia concerning the 2000 HSC Code, DSC Code, and 1994 HSC Code. It agreed on the need to integrate existing fire protection interpretations into the 2000 HSC Code and to review the DSC Code and 1994 HSC Code to align their provisions with current fire protection provisions in the SOLAS Convention. A correspondence group was established, under the coordination of Australia, to progress this work intersessionally.
7. The FP considered revisions, prepared by the IMO secretariat, to the existing fire casualty record contained in the circular on harmonized reporting procedures. A drafting group completed the necessary revisions. The Subcommittee agreed to a revised fire casualty record and referred it to the Subcommittee on Flag State Implementation (FSI) for further action.

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B. International Maritime Organization (IMO), Subcommittee on Standards of Training and Watchkeeping (STW)

The 35<sup>th</sup> session of the Subcommittee on Standards of Training and Watchkeeping (STW 35) was held at IMO Headquarters in London from January 26-30, 2004. The session was attended by delegations from 72 member nations, 2 associate members, and 1 United Nations specialized agency and by observers from 21 non-governmental organizations. The United States was represented by the Coast Guard with assistance from the Maritime Administration, the U.S. Merchant Marine Academy, the State Merchant Marine Academy Consortium, and several private sector advisers.

STW 35 agenda items included the following: (1) validation of model training courses; (2) watchkeeping at anchor; (3) unlawful practices associated with certificates of competency; (4) large passenger ship safety; (5) measures to prevent accidents with lifeboats; (6) measures to enhance maritime security (training and certification requirements for ship security officers); (7)

education and training requirements for fatigue prevention, mitigation, and management; (8) development of requirements for training in ballast water management; (9) development of competencies for ratings; (10) review of the implementation of chapter VII of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW Convention); and (11) training and certification requirements for company and port facility security officers. Working groups were formed to address several of these agenda items.

Among significant actions taken by STW 35 are the following:

1. With regard to training and certification requirements for ship security officers (SSOs), the Subcommittee developed: (a) a table of competencies, knowledge, understanding, and proficiency; (b) methods for demonstrating competency; and (c) evaluation criteria. The STW also agreed that minimum mandatory training and certification requirements for persons to be designated as SSOs should be included in chapter VI of the STCW Convention. In order to develop long-term solutions for the training and certification of SSOs, the Subcommittee established a correspondence group to draft amendments to the STCW Convention and STCW Code and to develop appropriate transitional arrangements that may be required.
2. The STW agreed that the STCW Convention is not the appropriate instrument for the inclusion of mandatory training and certification requirements for company security officers (CSOs), since the Convention only applies to seafarers serving on board ship. The Subcommittee further agreed that it would be premature to make a determination on the development of training and certification requirements for CSOs. Member governments were invited to submit proposals to STW 36. The Subcommittee did not consider the training and certification requirements for port facility security officers (PFSOs) as no proposals were submitted for consideration.
3. Concerning measures to prevent accidents with lifeboats, the STW considered the need for development of training to enhance competence in the safe operation of lifeboat on-load release mechanisms to avoid recurrence of lifeboat accidents involving such devices. The Subcommittee agreed to amendments to the STCW Code and prepared a draft Maritime Safety Committee (MSC) resolution on these amendments. The MSC has been invited to approve the draft STCW Code amendments. The Subcommittee also agreed that the circulation of additional guidance on safety issues during lifeboat drills was appropriate and forwarded text to the MSC for submission to the Subcommittee on Ship Design and Equipment (DE).
4. The STW developed a draft circular providing guidance for ships' masters regarding the watchkeeping arrangements for ships at anchor at an open roadstead. The MSC was invited to approve the draft circular.
5. Concerning unlawful practices associated with certificates of competency, the STW agreed to develop the minimum data required in documentary evidence of training leading to the award of certificates of competency. A draft circular for dissemination of this information was prepared, and the MSC was invited to approve the draft circular.

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C. International Maritime Organization (IMO), International Conference on Ballast Water Management for Ships (BWM/CONF)

The International Conference on Ballast Water Management for Ships (BWM/CONF) was held at IMO Headquarters in London from February 9-13, 2004. The Conference adopted a new international convention to prevent, minimize, and ultimately eliminate the risks to the environment, human health, property, and resources arising from the transfer of harmful aquatic organisms and pathogens through the control and management of ships' ballast water and sediments, as well as to avoid unwanted side effects from that control and to encourage developments in related knowledge and technology. The Conference was attended by representatives from 74 member nation states and 1 associate member of the IMO and by observers from 2 intergovernmental organizations and 19 non-governmental organizations. The United States was represented by the Coast Guard with assistance from the Department of State, the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, the Department of Justice, the Department of Defense, Congressional staff, and private sector advisers.

The new International Convention for the Control and Management of Ships' Ballast Water and Sediments will enter into force 12 months after the date on which not less than 30 states, the combined merchant fleets of which constitute not less than 35 percent of the gross tonnage of the world's merchant shipping, have either signed it without reservation as to ratification, acceptance, or approval, or have deposited with the IMO the requisite instrument of ratification, acceptance, approval, or accession. Significant Convention provisions include the following:

1. General Obligations: Parties must give full and complete effect to the provisions of the Convention and its Annex. The Annex forms an integral part of the Convention. Nothing in the Convention may be interpreted as preventing a party from taking, individually or jointly with other parties, more stringent measures consistent with international law. Parties are to:
  - (a) endeavor to cooperate for the purpose of effective implementation, compliance, and enforcement of the Convention;
  - (b) undertake to encourage the continued development of ballast water management and related standards;
  - (c) ensure that ballast water management practices used to comply with the Convention do not cause greater harm than they prevent;
  - and (d) encourage ships entitled to fly their flag to avoid, as far as practicable, the uptake of ballast water with potentially harmful aquatic organisms and pathogens, as well as sediments that may contain such organisms.
2. Sediment Reception Facilities: Parties must ensure that, in ports and terminals where cleaning or repair of ballast tanks occurs, adequate facilities are provided for the reception of sediments, taking into account the guidelines developed by the IMO.

3. Scientific and Technical Research and Monitoring: Parties shall, individually or jointly, promote and facilitate scientific and technical research on ballast water management and monitor the effects of ballast water management in waters under their jurisdiction.
4. Survey and Certification: Each party shall ensure that ships flying its flag or operating under its authority and subject to survey and certification are so surveyed and certified in accordance with regulations in the Convention's Annex.
5. Inspection of Ships: A ship to which the Convention applies may, in any port or offshore terminal of another party, be subject to inspection by port state control officers to determine whether the ship is in compliance with the Convention. Any such inspection is limited to verifying that there is onboard a valid certificate, inspection of the ballast water record book, and/or sampling of the ship's ballast water. Where a ship does not carry a valid certificate or there are clear grounds for believing the ship is in violation of the Convention, a detailed inspection may be carried out.
6. Technical Assistance and Cooperation: Parties are to provide support, directly or through the IMO and other international bodies, to those parties that request technical assistance regarding the control and management of ships' ballast water and sediments.
7. Ballast Water Management Plan: Each ship shall have on board and implement a ballast water management plan that: (a) is approved by the administration taking into account guidelines developed by the IMO; (b) is specific to each ship; and (c) includes detailed safety procedures and detailed actions to be taken to implement the ballast water management requirements and supplemental ballast water management practices.
8. Ballast Water Record Book: Each ship shall have on board a ballast water record book to record: (a) when ballast water is taken on board; (b) whenever ballast water is circulated or treated for ballast water management purposes; (c) when ballast water is discharged into the sea; (d) when ballast water is discharged to a reception facility; and (e) when accidental or other exceptional uptake or discharges of ballast water occur.
9. Ballast Water Management Requirements: (a) A ship constructed before 2009 with a ballast water capacity of between 1500 and 5000 cubic meters must conduct ballast water management that at least meets the ballast water exchange standard (regulation D-1) or the ballast water performance standard (regulation D-2) until 2014, after which time it shall at least meet the ballast water performance standard. (b) A ship constructed before 2009 with a ballast water capacity of less than 1500 or greater than 5000 cubic meters must conduct ballast water management that at least meets the ballast water exchange standard or the ballast water performance standard until 2016, after which time it shall at least meet the ballast water performance standard. (c) A ship constructed in or after 2009 with a ballast water capacity of less than 5000 cubic meters must conduct ballast water management that at least meets the ballast water performance standard. (d) A ship constructed in or after 2009, but before 2012, with a ballast water capacity of 5000 cubic meters or more must conduct ballast water management that at least meets the ballast water exchange standard or the ballast water performance standard until 2016, after which time it shall meet the ballast water

performance standard. (e) A ship constructed in or after 2012 with a ballast water capacity of 5000 cubic meters or more shall conduct ballast water management that at least meets the ballast water performance standard. (f) Other methods of ballast water management may be accepted as alternatives to the ballast water exchange standard or the ballast water performance standard provided that such methods ensure at least the same level of protection to the environment, human health, property, or resources, and are approved in principle by the IMO's Marine Environment Protection Committee (MEPC).

10. Ballast Water Exchange Standard: Ships performing ballast water exchange shall do so with an efficiency of at least 95 percent volumetric exchange of ballast water. For ships exchanging ballast water by the pumping-through method, pumping through three times the volume of each ballast water tank shall be considered to meet the 95 percent volumetric exchange standard. Pumping through less than three times the volume may be accepted provided the ship can demonstrate that at least 95 percent volumetric exchange is met.
11. Ballast Water Exchange Locations: Whenever possible, ballast water exchange shall be conducted at least 200 nautical miles from the nearest land and in water at least 200 meters in depth, taking into account the guidelines developed by the IMO. In cases where the ship is unable to conduct ballast water exchange at such locations, the exchange shall be conducted as far from the nearest land as possible, and in all cases at least 50 nautical miles from nearest land and in water at least 200 meters in depth. When these requirements cannot be met, the port state may designate areas where a ship may conduct ballast water exchange.
12. Sediment Management for Ships: All ships must remove and dispose of sediments from spaces designated to carry ballast water in accordance with the provisions of the ship's ballast water management plan.
13. Ballast Water Performance Standard: Ships conducting ballast water management according to the ballast water performance standard must discharge less than 10 viable organisms per cubic meter greater than or equal to 50 micrometers in minimum dimension and less than 10 viable organisms per milliliter less than 50 micrometers in minimum dimension and greater than or equal to 10 micrometers in minimum dimension. In addition, the discharge of indicator microorganisms, as a human health standard, must not exceed specified concentrations.
14. Prototype Ballast Water Treatment Technologies: For any ship that, prior to the date that the ballast water performance standard would become effective for it, participates in a program approved by the administration to test and evaluate promising ballast water treatment technologies, the ballast water performance standard shall not apply to the ship until five years from the date on which the ship would otherwise be required to comply with such standard.

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D. International Maritime Organization (IMO), Subcommittee on Radiocommunications and Search and Rescue (COMSAR)

The 8<sup>th</sup> session of the Subcommittee on Radiocommunications and Search and Rescue (COMSAR 8) was held at IMO Headquarters in London from February 16-20, 2004. The session was attended by delegations from 59 national administrations and observers from 18 non-governmental organizations. The United States was represented by the Coast Guard with assistance from the National Transportation Safety Board, the National Geospatial Intelligence Agency, the Federal Communications Commission, the Navy, and several private sector advisers.

COMSAR 8 agenda items included the following: (1) Global Maritime Distress and Safety System (GMDSS) Master Plan and maritime safety information (MSI) services; (2) International Telecommunication Union (ITU) maritime radiocommunication matters; (3) satellite services; (4) emergency radiocommunications, including false alerts and interference; (5) matters concerning search and rescue; (6) review of Convention provisions regarding the treatment of persons rescued at sea, i.e., the International Convention for the Safety of Life at Sea (SOLAS Convention) and the International Convention on Maritime Search and Rescue (SAR Convention); (7) large passenger ship safety; (8) developments in maritime radiocommunication systems and technology; (9) measures to enhance maritime security; and (10) review of the International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual.

A few of the many significant actions taken at COMSAR 8 are as follows:

1. Concerning search and rescue, two correspondence group reports were considered dealing with treatment of persons rescued at sea and with large passenger ship safety. The Subcommittee approved draft companion guidelines on treatment of persons for adoption as a Maritime Safety Committee (MSC) resolution along with relevant amendments to the SOLAS and SAR Conventions. The Subcommittee would like the MSC to consider recommending that this issue be addressed as an Assembly resolution in due course because of its importance. The COMSAR also reduced the large number of recommendations of the large passenger ship correspondence group and prioritized them so that the group, at MSC 78, will be better able to make decisions. Among other accomplishments, the COMSAR: (a) approved a model communications course for SAR and communications personnel; (b) accepted all recommendations of the International Civil Aviation Organization (ICAO)-IMO joint SAR working group; and (c) adopted amendments to the IAMSAR Manual.
2. The Subcommittee considered all papers submitted regarding long-range identification and tracking (LRIT) of ships and ship security alert systems. The COMSAR agreed to the LRIT provisions of the proposed amendment to SOLAS chapter XI-2 (special measures to enhance maritime security) for LRIT regulation. The Subcommittee also agreed that ship security alert systems (SSASs) should be sent directly to its administration or the recipient designated by the administration. There was broad support for routine testing of SSASs and for the IMO to develop a test message protocol. The COMSAR also agreed that SSAS equipment should be noted on the ship's safety certificates without indicating details of its location.

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E. International Maritime Organization (IMO), Subcommittee on Ship Design and Equipment (DE)

The 47<sup>th</sup> session of the Subcommittee on Ship Design and Equipment (DE 47) was held at IMO Headquarters in London from February 25 – March 5, 2004. The session was attended by delegations from 53 member states, 1 associate member, 2 United Nations specialized agencies, and 1 intergovernmental organization and by observers from 20 non-governmental organizations. The United States was represented by the Coast Guard with assistance from the Environmental Protection Agency and several private sector advisers.

DE 47 agenda items included the following: (1) amendments to resolution A.744(18); (2) large passenger ship safety; (3) measures to prevent accidents with lifeboats; (4) protection of fuel tanks; (5) review of fast rescue boat and means of rescue requirements; (6) anchoring, mooring, and towing equipment; (7) performance testing and approval standards for personal life-saving appliances under the International Convention for the Safety of Life at Sea (SOLAS Convention); (8) review of the 2000 High Speed Craft (HSC) Code and amendments to the Dynamically Supported Craft (DSC) Code and the 1994 HSC Code; (9) protection of pump-rooms of tankers and access to shore-based computer programs for salvage operations; (10) fitting of water ingress alarms in new, single hold cargo ships; (11) consideration of International Association of Classification Societies (IACS) unified interpretations; (12) alternate hold loading ban for bulk carriers; (13) double-side skin construction of bulk carriers; (14) application of structural standards in SOLAS chapter XII; and (15) guidelines for on-board exhaust gas cleaning systems.

Among significant actions taken at DE 47 are the following:

1. The Subcommittee completed the majority of its agenda items related to bulk carrier safety. A working group chaired by Germany was established to finalize new amendments to SOLAS chapter XII (additional safety measures for bulk carriers). Items of note in the draft amendments include: mandatory double-side skin construction for new bulk carriers; structural construction details for the double-side skin; certain single-side skin bulk carriers restricted from sailing with any empty holds; mandatory standards for the inspection and maintenance of hatch covers; and introduction of new definitions to govern applicability. Supplementing the draft amendments, two Maritime Safety Committee (MSC) resolutions were developed concerning standards for owners' inspections and maintenance of bulk carrier hatch covers, and standards for the side structures of single-side skin bulk carriers. A draft MSC circular was also developed providing guidelines for assessing the longitudinal strength of bulk carriers during loading, unloading, and ballast water exchange. The draft amendments, resolutions, and circular have been submitted to MSC 78 for approval and adoption at MSC 79.

2. Concerning permanent means of access, the DE drafted a revised SOLAS regulation II-1/3-6 and the associated draft technical provisions for submission to MSC 78 for appropriate action. The primary intention of permanent means of access is to provide good survey access, especially to critical structural areas under deck structures of oil tankers and bulk carriers.
3. The Subcommittee agreed to extensive draft amendments to Assembly resolution A.744(18) (guidelines on the enhanced program of inspections during surveys of bulk carriers and oil tankers), as well as to a new draft SOLAS regulation II-1/3-7 requiring updated ship construction drawings to be maintained on board ship and ashore by the ship's company. The draft amendments and regulation are for submission to MSC 79 for approval with a view to subsequent adoption.
4. With regard to preventing accidents with lifeboats, the DE approved draft MSC circulars on: (a) guidelines for safe practices during abandon ship drills using lifeboats, (b) guidelines for simulated launching of free-fall lifeboats, and (c) prevention of accidents in high free-fall lifeboat launching.
5. The DE considered a U.S. submission concerning a proposed outline for the development of guidelines for on-board exhaust gas cleaning systems to reduce sulfur oxide emissions in order to facilitate compliance with regulation 14 of Annex VI (air pollution) of the 1973 International Convention for the Prevention of Pollution from Ships, as modified by the Protocol of 1978, as amended, (MARPOL Convention). A correspondence group was established, coordinated by the United States, to develop these guidelines.
6. The Subcommittee considered the issue of fuel tanks and the potential for oil pollution from such tanks. A correspondence group was established, coordinated by Germany, to develop MARPOL regulations on the protection of fuel tanks while considering the application to new ships only, the impact on smaller ships, the use of tank capacity as a criterion, the application to heavy fuel oil, and the use of the probabilistic oil outflow method.
7. The DE continued its work on large passenger ship safety, a major project throughout the IMO's MSC structure, which was initiated by the IMO Secretary-General and strongly supported by the United States. The Subcommittee considered the report of the correspondence group, coordinated by the United States, and recommended future work to improve large passenger ship safety. A working group was established, chaired by the United States, which significantly advanced the progress of the DE's work on this item. Pending approval by the MSC, the DE agreed to re-establish the correspondence group to continue work on large passenger ship safety.
8. The DE developed draft SOLAS amendments on anchoring, mooring, and towing fittings on ships for submission to MSC 79 for approval with a view to adoption. However, it was agreed not to develop SOLAS regulations for towing and mooring lines.

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