



CHAMBER OF SHIPPING OF AMERICA

MONTHLY REPORT FOR BIMCO

MARCH 2017

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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.

The Trump Administration – Chapter 2

President Trump has issued Executive Order 13777 entitled "Enforcing the Regulatory Reform Agenda" which among other things requires all Executive Branch agencies including US Coast Guard and the US Environmental Protection Agency to conduct a review of existing regulations that may be appropriate for repeal, replacement, or modification. Currently EPA's Office of Air and Radiation and EPA's Office of Water have conducted separate listening sessions to receive oral comments from the public on regulatory issues under their respective jurisdiction. Each listening session was conducted with teleconferencing facilities that provide 1000 call in lines and to the best of our knowledge, each session reached its full capacity in callers. CSA participated in these listening sessions but due to call in volume was unable to provide oral comments in the 4 hour period allocated. As noted above, these sessions addressed a wide range of issues addressed in regulations promulgated under the Clean Air Act and the Clean Water Act across a wide range of industrial sectors.

EPA has published a request for comments on this issue which was published in the April 13, 2017 Federal Register which can be accessed at the first hot link above in the "Note to the Reader" section above. Comments are due by May 15, 2017. CSA intends to submit comments to EPA with a focus on the need for the US to apply international requirements as established by IMO to the global shipping industry in lieu of US centric regulatory programs that exceed or are different from the international requirements. The obvious case in point is the EPA's Vessel General Permit program which at times conflicts with the US Coast Guard's ballast water management program and essentially regulates ballast water under two separate statutory authorities creating duplication of efforts where the two programs align and conflicting requirements where the two programs do not align. CSA also intends to make similar comments when other agencies, including the US Coast Guard, begin this process.



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On a related issue, the creation of this Executive Order, in practical application, has frozen regulatory initiatives that are currently being considered and/or proposed to the point that CSA has not seen a typical number of regulatory initiatives being proposed since the new Administration has taken office.

Hearing Convened by the House Transportation and Infrastructure Subcommittee on Coast Guard and Maritime Transportation to Examine the Range of Regulatory Programs

Following along the position of the Administration as exhibited by the Executive Order referenced above, the US Congress has begun to conduct oversight hearings on a wide range of regulatory programs. The above referenced Subcommittee held such a hearing with witnesses providing testimony from the US Coast Guard, the Federal Maritime Commission, representatives from the salvage and oil response service providers and the shipping industry. Due to time constraints, the subcommittee requested the witnesses focus on three specific issues as follows:

- 1) The availability in real time of resources required by USCG regulations as incorporated into vessel response plans relating to salvage and marine firefighting
- 2) The availability in real time of resources required by USCG regulations as incorporated into vessel response plans relating to oil spill response and remediation, particularly in remote areas where alternate compliance plans (ACPs) are in place due to the scarcity of response resources over a large distance e.g. Western Alaska
- 3) Recent decisions and oversight by the Federal Maritime Commissions relative to the limited anti-trust exemption related to alliances/conferences in the liner trades

A link to the hearing and witness statements may be found at:

<https://transportation.house.gov/calendar/eventsingle.aspx?EventID=401345>

US Customs and Border Protection – Coastwise Trade Proposal

The US Customs and Border Protection (CBP) established a [website](#) linking to many of the comments received on its proposal to modify and revoke a number of ruling letters issued over the previous forty years regarding the treatment under the coastwise trade laws of the carriage of certain items between US coastwise points. Review of these comments reveal a very strong set of comments both in support and opposition to this proposal. At this time, CBP has given no indication as to when it will publish its final decision.



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Towing Officer Endorsement Guidance/TOAR from NMC

NVIC 3-16 (Towing Endorsements) details guidelines for USCG credentialing officers of towing vessels; in particular, the transition from previous versions of the Towing Officer Assessment Record (TOAR) contained in NVIC 04-10 to those provided in NVIC 03-16. The policy provided in the NVIC indicates that mariners should have begun using the new TOAR after January 1, 2016, however, the NVIC itself was not published until 6 months later.

Therefore, the National Maritime Center (NMC) has issued the following guidance:

- Mariners commencing training and assessment toward an officer of towing vessels endorsement should use the TOARs contained in NVIC 03-16.
- The National Maritime Center (NMC) will continue to accept previous versions of TOARs contained in NVIC 04-01 until March 24, 2019, regardless of the date started.
- Mariners should plan accordingly to ensure that previous versions of TOARs are completed and application for endorsement is made prior to March 24, 2019.

The appropriate TOAR can be found in NVIC 03-16 (Link to: [NVIC 3-16 \(Towing Endorsements\)](#))

For questions, the NMC can be reached by calling 1-888-IASKNMC (427-5662).

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