

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

2703 Martin Luther King Jr. Ave., SE
Washington, DC 20593-7501
Staff Symbol: CG-ENG
Phone: (202) 372-1420
Fax: (202) 372-1926

16711
CG-ENG
Policy Letter 03-23
November 20, 2023

From: D. H. Cost, CAPT
COMDT (CG-ENG)

To: Distribution

Subj: GUIDANCE FOR THE U.S. IMPLEMENTATION OF THE CODE FOR THE
TRANSPORT AND HANDLING OF NOXIOUS LIQUID SUBSTANCES IN BULK
ON OFFSHORE SUPPORT VESSELS – OSV CHEMICAL CODE.

Ref: (a) Guidelines for the Transport and Handling of Limited Amounts of Hazardous and
Noxious Liquid Substances in Bulk on Offshore Support Vessels, IMO Resolution
A.673(16).
(b) ENG Policy Letter 03-12, CH-1 – Policy on the Implementation of IMO Resolution
A.673(16).

1. PURPOSE. This policy letter provides guidance relating to the implementation of the Code for the Transport and Handling of Noxious Liquid Substances in Bulk on Offshore Supply Vessels (the “OSV Chemical Code”) for United States flagged offshore supply vessels (OSV).
2. DIRECTIVES AFFECTED. None.
3. BACKGROUND.
 - a. MARPOL Annex II – Regulations for the Control of Pollution by Noxious Liquid Substances in Bulk (“Annex II”) entered into force on April 6, 1987. Annex II provides international standards to protect the environment by controlling operational pollution and reducing accidental pollution resulting from groundings and collisions from vessels carrying noxious liquid substances (NLS) in bulk. Annex II Regulation 11 requires compliance with the International Bulk Chemical Code (IBC Code).
 - b. The United States is party to MARPOL, including Annex II, which is implemented via the Act to Prevent Pollution from Ships (APPS), codified at 33 U.S.C. §§ 1901–1912. The administering regulations for Annex II are found in 33 CFR part 151, with regulations pertaining to the carriage of NLS at 33 CFR §§ 151.30–151.49. Pursuant to 33 CFR §§ 151.30–151.49, a U.S. flagged oceangoing vessel must have onboard a Certificate of Fitness (COF) or International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk (NLS Certificate) to carry NLS. Specific to OSVs, 46 CFR §§ 125.120–125.125 allows the carriage of certain NLS in bulk on an

OSV that holds an NLS Certificate or valid COF in accordance with the provisions of reference (a) (which is incorporated by reference under 46 CFR § 125.180 for an OSV greater than 6,000 GT ITC). Otherwise, 46 CFR §§ 125.120–125 may require approval of Commandant (CG-ENG) to carry NLS. In accordance with 46 CFR § 125.120, an OSV of less than 6,000 GT ITC, which operates exclusively in waters subject to U.S. jurisdiction and possess a Certificate of Inspection (COI) endorsed or an attachment to the COI with the name of each NLS cargo authorized for carriage, is not required to maintain an NLS Certificate.

- c. On October 15, 2004, the IMO Marine Environment Protection Committee (MEPC) adopted revisions to Annex II and the IBC Code. Those amendments entered into force on January 1, 2007. The 2004 Annex II revisions included changes to Regulation 11. The revised language of Annex II Regulation 11.2 requires that, for the carriage of NLS cargoes listed in Chapter 17 of the IBC Code by vessels other than chemical tankers or liquefied gas carriers, Flag Administrations shall establish appropriate measures to minimize the uncontrolled discharge of NLS cargoes into the sea. Furthermore, Regulation 11.2 was amended to state that each Flag Administration’s measures shall be based upon “Guidelines” developed by the IMO. The term “Guidelines” in the 2004 revision refers to reference (a).
- d. Reference (a) was adopted on October 19, 1989, and later amended by Resolution MSC.236(82) on December 1, 2006. Reference (a) provides an alternative to the IBC Code for the design, construction, and operation of an OSV carrying NLS. It is intended to permit limited quantities of NLS substances to be transported in bulk in an OSV with minimum risk to the vessel, its crew, and the environment. The basic philosophy of reference (a) is to apply standards contained in the IBC Code to the extent practicable and reasonable, taking into account the unique design and service characteristics of OSVs, as well as to limit the quantity of hazardous and noxious liquid substances carried onboard these vessels. Throughout this policy letter, Offshore Support Vessel has the same meaning as “Offshore Supply Vessel (OSV),” as defined in 46 U.S.C. § 2101(25).
- e. On May 15, 2012, the Coast Guard, in consultation with the OSV industry, provided guidance to owners, operators, and designers for the design, construction, and operation of U.S. flagged OSVs based on reference (a) through CG-ENG Policy Letter 03-12. Reference (a) was also incorporated by reference in 46 CFR § 125.180 on August 14, 2014.
- f. On May 16, 2022, the Coast Guard, in consultation with the OSV industry, published reference (b) to provide updated cargo carriage policy with respect to cargoes reassessed to be toxic by the 2021 amendments to the IBC Code (IMO resolutions MEPC.318(74) and MSC.460(101)).
- g. The 2018 edition of the OSV Chemical Code, through IMO Resolution A.1122(30), was adopted on December 6, 2017. Broadly speaking, the Code is intended to provide a framework for allowing an OSV to carry cargoes beyond those enumerated in reference

(a) by prescribing enhanced cargo carriage requirements (e.g., lifeboats, fixed firefighting, and damage/stability requirements).

4. ACTION.

- a. For the purposes of this policy letter, a new OSV is defined as an OSV whose keel was laid (or at a similar stage of construction) on or after July 1, 2018; an existing OSV is an OSV with a keel laid prior to July 1, 2018.
- b. The Coast Guard may exercise its discretion to grant a COF (or OSV Chemical Code Certificate) to a new OSV for carriage in accordance with the OSV Chemical Code. Such vessels should substantially comply with the entirety of the 2018 edition of the OSV Chemical Code.
- c. The Coast Guard will also consider the issuance of a COF based on the OSV Chemical Code or an OSV Chemical Code Certificate to an existing OSV. In making this determination, a request should be submitted to COMDT (CG-ENG) describing any unmet requirements of the OSV Chemical Code and how substantial compliance with the OSV Chemical Code will be achieved by the existing OSV.
- d. While reference (a) was superseded by the adoption of the OSV Chemical Code, the Coast Guard will continue to accept the carriage of NLS onboard existing vessels in accordance with reference (b). See Enclosure (1) for more guidance.
- e. The Marine Safety Center (MSC), Officers in Charge, Marine Inspection (OCMI), and Authorized Classification Societies (ACS) conducting work on the Coast Guard's behalf, will use the OSV Chemical Code in the plan review and inspection or survey of new and existing U.S. flagged OSVs in accordance with this policy. Additionally, this policy should apply to vessels undergoing a major conversion.
- f. An OSV with an OSV Chemical Code Certificate may utilize the self-classification procedures of Chapter 16 of the OSV Chemical Code by following the requirements outlined in Enclosure 1 to this Policy Letter.
- g. Variances in cargo carriage policy as defined by this policy letter may only be approved by COMDT (CG-ENG).

5. ENFORCEMENT. An OSV engaged in voyages to ports or terminals under the jurisdiction of other parties to the MARPOL Convention must hold either a valid COF or NLS Certificate, as required by MARPOL Annex II, Regulation 9, which is implemented domestically in 33 CFR §§ 151.33 and 151.35. Such an OSV is required to have a COF – Coast Guard Form CG-5148C, Rev. 02-09 (or more recent version) – or an NLS Certificate – Coast Guard Form CG-5461, Rev.08-06 (or more recent version). Those vessels possessing a valid COF or NLS certificate must be in compliance with those certificates at all times, regardless of voyage.

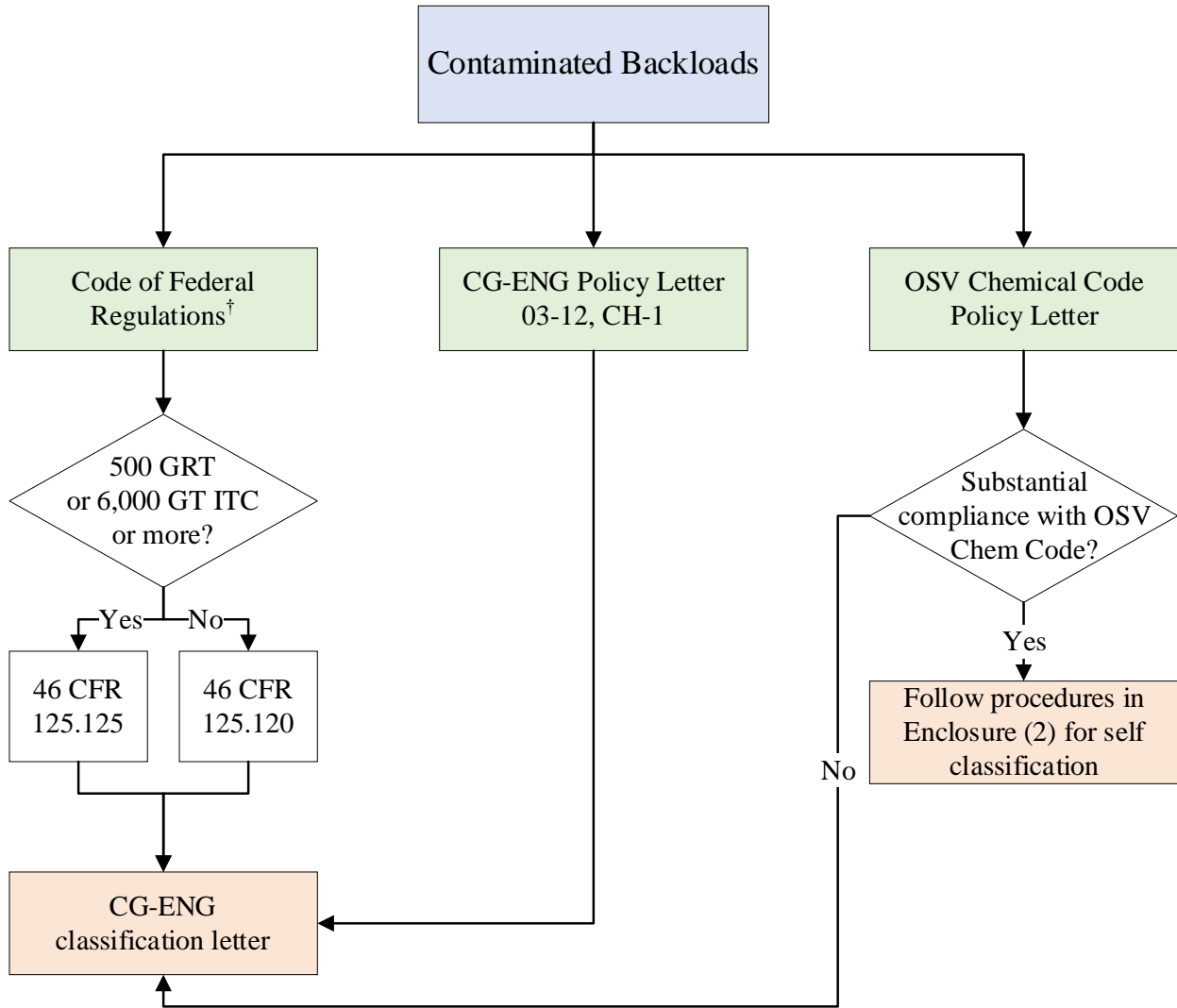
6. DISCLAIMER. This policy is neither a substitute for applicable legal requirements, nor is it itself a rule. It is neither intended to nor does it impose legally binding requirements on any party. It represents the Coast Guard's current position on this topic and may assist industry, mariners, the public, and the Coast Guard, as well as other federal and state regulators, in applying statutory and regulatory requirements. Alternative approaches for complying with these requirements may be considered. Information should be made available to Commandant (CG-ENG) to show that the approach satisfies the requirements of the applicable statutes and regulations.
7. CHANGES. This policy letter will be posted on the web at [CG-ENG Policy \(uscg.mil\)](https://www.dco.uscg.mil/ENG/Policy) (<https://www.dco.uscg.mil/ENG/Policy>). Changes to this policy will be issued as necessary. Suggestions for improvements of this policy should be submitted via email to hazmatstandards@uscg.mil or in writing to Commandant (CG-ENG-5).

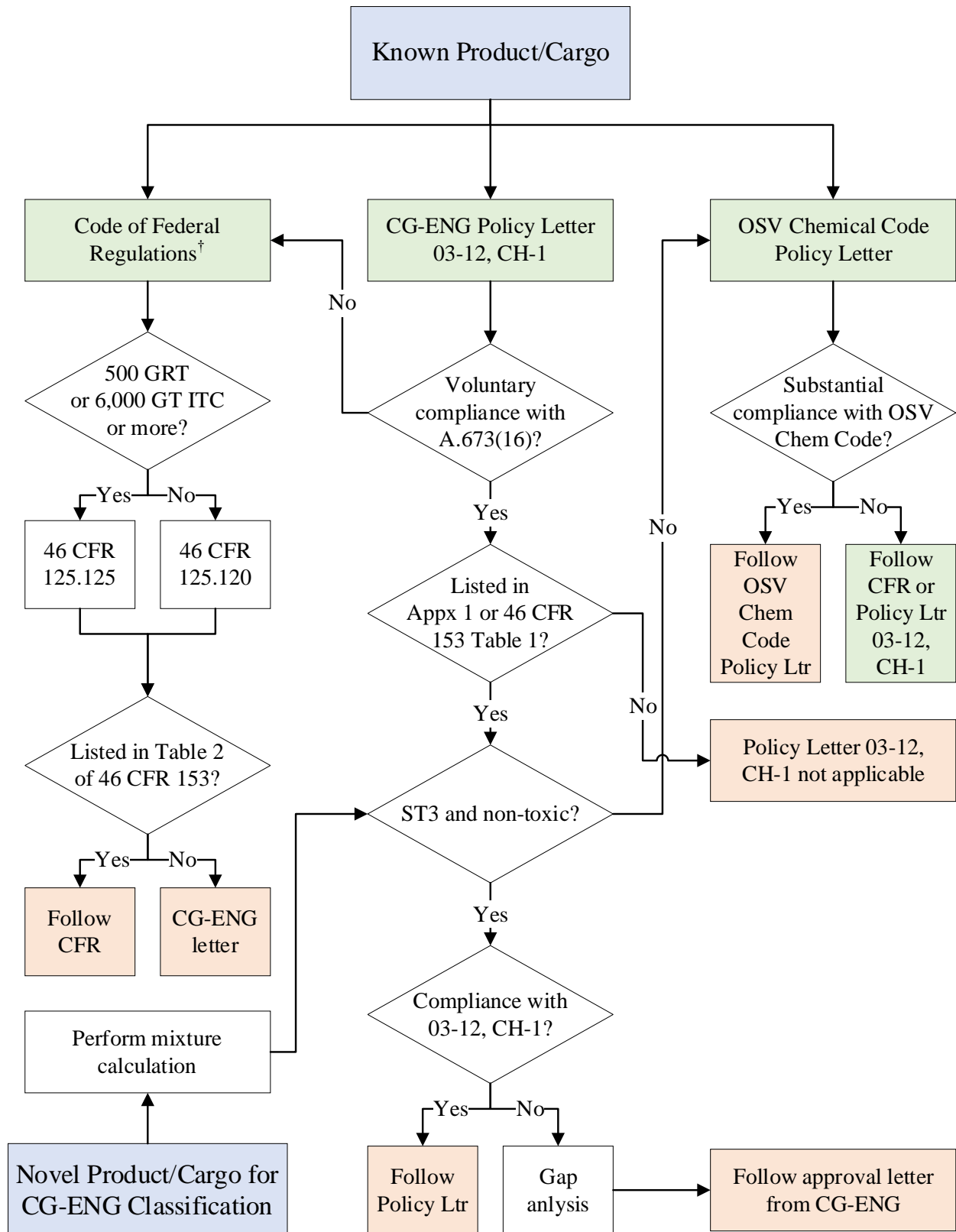
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Enclosures: (1) Determination of NLS Carriage on an OSV
(2) Procedures for Self-Classification of Contaminated Backloads in accordance with Chapter 16 of the 2018 edition of the 2018 OSV Chemical Code.

Distribution: HQ Offices
All Area/District (p)(r)(cc)
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Enclosure (1): Determination of NLS Carriage on an OSV





†The vessel’s COF will not be endorsed to Resolution A.673(16) or Resolution A.1122(30).

Enclosure (2): Procedures for Self-Classification of Contaminated Backloads in accordance with Chapter 16 of the 2018 edition of the 2018 OSV Chemical Code.

Initial Application	<p>Owners of applicable vessels must apply, in writing to COMDT (CG-ENG), for consideration to utilize self-classification procedures. This correspondence must detail the requested vessel(s) and shall include written proposed procedures for complying with Chapter 16 of the 2018 edition of the OSV Chemical Code (the “Code”). Special consideration should be given to the ability to obtain, analyze, and document information required by Chapter 16 of the OSV Chemical Code.</p>
Evaluation Period	<p>Upon approval of the Initial Application and for the following six (6) months thereafter, vessel owner/operators should submit in writing all documentation detailed in 16.3 of the Code to COMDT (CG-ENG), along with the owner/operator’s classification of the backload per 16.4.4 of the Code, <i>prior</i> to conducting the backload operation.</p> <p>COMDT (CG-ENG) will evaluate the owner/operator’s determination and provide concurrence/non-concurrence no later than seven (7) days following the receipt of required documentation. Ideally, four to six, but no less than three backload classifications will be reviewed by COMDT (CG-ENG) per vessel during this period.</p> <p>The local OCMI will be copied on all correspondence and maintains the discretion to verify that carriage requirements have been met.</p>
Audit Period	<p>Following the conclusion of the evaluation period, COMDT (CG-ENG) will determine, in writing, whether the Evaluation Period may be extended or concluded.</p> <p>At the successful conclusion of the Evaluation Period, owner/operators may utilize the procedures of Chapter 16 of the Code without further review by COMDT, and a letter documenting the successful conclusion of the evaluation period will be issued by COMDT (CG-ENG). All further instances of self-classification should be appropriately logged, and the documentation required by Chapter 16 of the Code should be maintained for at least one year following the operation.</p> <p>COMDT (CG-ENG) and the local OCMI may audit the vessel records to ensure compliance with Chapter 16 of the Code. Substantial non-compliance with the provisions of Chapter 16 of the Code may result in classification of contaminated backloads by COMDT in place of the applicant.</p>

All correspondence may be sent electronically to hazmatstandards@uscg.mil.