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CG-OES Policy Letter
No. 02-23
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From: J. D. Butwid, CAPT
COMDT (CG-OES)

To: Distribution

Subj: GUIDELINES ON THE FORMAT OF CONTINUOUS EXAMINATION
PROGRAMS FOR CONTAINERS IN THE UNITED STATES

Ref: (a) General Authority of the Secretary, 46 U.S.C. § 80503
(b) International Convention for Safe Containers (CSC), 1972, as amended
(c) Examination of Containers, 49 CFR § 452
(d) General Provisions, 49 CFR § 450.5
(e) Guidelines for Development of an Approved Continuous Examination
Programme (ACEP), CSC. 1/Circ. 143

1. PURPOSE. This policy letter provides amplifying information on the recommended format and submission of a continuous examination program for an owner electing to have an approved container examined under a continuous examination program.
2. ACTION. Container owners should use the format in Enclosure (1) when developing a continuous examination program for initial approval, reapproval, or when submitting updates to their approved program.
3. DIRECTIVES AFFECTED. None.
4. BACKGROUND.
 - a. In accordance with Reference (a), the Coast Guard implements Reference (b) and its annexes in the United States.
 - b. In accordance with the Reference (b) and as required by Reference (c), containers used for international transport, excluding containers specifically designed for air transport, are required to be maintained in a safe condition and be periodically examined. Each owner of an approved container shall have their containers examined at intervals not to exceed 30 months or have it examined under an approved continuous examination program (ACEP).

- c. An owner that meets the applicability requirements of Reference (d) preferring to utilize a continuous examination program must submit the program to the Coast Guard for approval. Upon the Coast Guard's approval of a continuous examination program, an owner shall examine each container enrolled in the program in accordance with that ACEP.
- d. In 2013, the International Maritime Organization's Maritime Safety Committee, at its ninety-second session, approved Reference (e) to help expedite the development and approval of continuous examination programs. Reference (e) presents guidelines, which offer clarification on the ACEP application format and recommended practices by Administrations for the management of their programs.

5. DISCUSSION.

- a. This policy letter has been prepared to streamline the development and approval process for container owners, that meet the applicability requirements of Reference (d), that choose to submit a continuous examination program for approval. This policy letter conforms to Reference (e) and provides additional amplifying guidance to ensure submittals contain all the information the Coast Guard needs to conduct its program review.
- b. It is recommended each owner of an approved container follow the program format provided in Enclosure (1) when developing or updating a continuous examination program.
- c. Initial applications for approval, reapproval, or updates to ACEPs should be submitted in one of the following ways:

- i. Hard copy, mailed to the following mailing address:

COMMANDANT (CG-OES)
ATTN: ACEP PROGRAM MANAGER
U.S. Coast Guard Stop 7509
2703 Martin Luther King Jr. Avenue SE.
Washington, DC 20593-7509

- ii. Electronically, emailed to the following email address: ACEP@uscg.mil

NOTE: This email address cannot accept emails with attachments totaling over 10 MB. If the file size(s) of the program being submitted exceeds 10 MB, please contact Commandant (CG-OES) for alternate instruction to submit.

- 6. DISCLAIMER. This guidance is not a substitute for applicable legal requirements, nor is it itself a regulation. It is not intended to nor does it impose legally-binding requirements on any party. This guidance represents the Coast Guard's current view on this topic and may assist industry, mariners, the general public, and the Coast Guard, as well as other federal

and state regulators, in applying existing statutory and regulatory requirements. Alternative approaches for fulfilling this policy may be acceptable if the approach satisfies the requirements of the applicable statutes and regulations.

7. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS.

- a. The development of this guidance and the general policies contained within it have been thoroughly reviewed under Department of Homeland Security Directive 023-01, Rev.1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4370f) by the originating office, and are categorically excluded (CE) from further environmental analysis under paragraph #A3 in Appendix A, of Table 1 of DHS Directive Instruction Manual 023-01, Rev. 1. Because this guidance implements, without substantive change, the applicable Commandant Instruction or other federal agency regulations, procedures, manuals, and other guidance documents, Coast Guard categorical exclusion #A3 is appropriate.
- b. This guidance will not have any of the following: significant cumulative impacts on the human environment; substantial controversy or substantial change to existing environmental conditions; or inconsistencies with any Federal, State, or local laws or administrative determinations relating to the environment. All future specific actions resulting from the general policies in this guidance must be individually evaluated for compliance with the National Environmental Policy Act (NEPA), DHS and Coast Guard NEPA policy, and compliance with all other environmental mandates.

8. REQUEST FOR CHANGES. Changes to this guidance will be issued as necessary. Suggestions for improvements of this guidance should be submitted in writing to this office.

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Enclosure: (1) Recommended Format for United States Continuous Examination Programs

Distribution: All U.S. ACEP Owners
COMDT (CG-FAC)
CG-CITAT

Recommended Format for United States Continuous Examination Programs

1 Front Cover

- 1.1. Clearly identify the container owner.
- 1.2. Include the date the program was submitted and/or revision number.
- 1.3. A program submitted for approval on behalf of the container owner by another organization, should identify the submitting organization on the front cover.

2 Cover Letter

- 2.1. On company letterhead or clearly identify the company submitting the application.
- 2.2. Request approval for the submitted program.
- 2.3. Include the signature, handwritten or digital, of an authorized container owner company or submitting organization representative.
- 2.4. Include the date the document was signed

Program Sections and Recommended Content

3 Company Information

- 3.1. Brief description of company's business operations.
- 3.2. Brief description of type and quantity of containers to be subject to the program.
- 3.3. Company head office contact information.
 - 3.3.1. Point of contact (POC) name
 - 3.3.2. Main phone
 - 3.3.3. Fax
 - 3.3.4. E-mail
 - 3.3.5. Website
 - 3.3.6. Address
 - 3.3.7. Company ACEP POC, if different from head office POC
 - 3.3.7.1. Phone number
 - 3.3.7.2. E-mail
- 3.4. Basic organization chart or information detailing the responsibilities of key persons or positions associated with the program.

- 3.5. Confirmation that the company agrees to implement the approved program and to maintain the safety of containers as prescribed by International Convention for Safe Containers (CSC) 1972, as amended and as required by 49 CFR Part 452.
- 3.6. Description of any certified quality system the company will use to operate, manage, and maintain containers.

4 Container Marking

- 4.1. Describe procedures for marking new and existing containers with identification to show that the containers are examined under an ACEP.
- 4.2. Describe the procedure for restoration of damaged or lost ACEP markings.
- 4.3. Describe the placement of the ACEP marking on the container.
- 4.4. Provide ACEP marking image or reference supplement with marking image.
- 4.5. Describe how individual containers are uniquely identified.
- 4.6. Describe procedures and obligation of the container owner to remove (or not remove) the ACEP marking if a container is sold or leased.

5 Container Examinations

- 5.1. Identify which industry accepted pass/fail criteria is used for container examinations, repair and maintenance.
 - 5.1.1. If an owner criterion is used, provide associated methods, scope and criteria for conducting container examinations, repair, and maintenance.
 - 5.1.2. In case that no industry accepted pass/fail criteria is used, describe the methods for maintenance criteria that address the design characteristics of the specific containers.
- 5.2. Describe any procedures for auditing container examinations, either internal or external by or on behalf of the container owner.
- 5.3. Detail the maximum time allowed between container examinations.
- 5.4. Identify events that trigger a container examination.
- 5.5. Describe the procedures to ensure that the maximum time allowed between examinations is not exceeded.
- 5.6. Describe the methods to ensure that container examinations are conducted by competent persons.
- 5.7. Describe procedures for repairing and re-examining failed containers.

6 Documentation

- 6.1. Describe the procedures for recording container examination results and methods for tracking examinations through the use of unique container serial numbers. If contractual personnel or contracted container yards conduct container examinations, detail the process for recording these examinations and the scope of information to be recorded.

- 6.2. Describe the process for the automated exchange of interchange and/or repair information. In case of non-automated procedures, provide a copy of container owner inspection form(s) or equipment interchange receipt(s) used in the program.
- 6.3. Describe the means of identifying containers, their last examination dates, and any repair work in their records.
- 6.4. Describe the procedure to control examination dates and the personnel responsible for control.
- 6.5. Specify the period of time that records will be retained under control of the container owner.
- 6.6. Identify the location where examination records are maintained and the personnel or organization responsible for control of that location.
- 6.7. Detail examination record availability to the U.S. Coast Guard for inspection upon request.
- 6.8. Provide details on the inclusion of the program into the container owner's quality management program, if applicable.
- 6.9. Detail procedures for maintaining a file of training certificates or records for personnel qualified to conduct container examinations and the availability for review by U.S. Coast Guard personnel upon request.
- 6.10. Describe the procedures for adding, removing, and updating containers in the program.
- 6.11. Describe the procedure to ensure that only containers equipped with a valid CSC Approval Plate will be included in the program.

7 Leasing

- 7.1. Detail how the examination program of the lessor (owner) company is transferred to the lessee or bailee company and is implemented under lease agreements.
- 7.2. Provide a sample copy of container lease agreements and identify where the leases are maintained and the personnel and/or organization responsible for control of the location.

8 Container compliance with CSC

- 8.1. Provide a declaration from the applicant that only containers approved under the CSC, as required by 49 CFR Parts 450 – 452, are included in the program.
- 8.2. Provide evidence that containers entering the program are approved in accordance with the CSC, as required by 49 CFR Parts 450 - 452 (e.g. copies of approval certificates or photos of Safety Approval Plates).