

December 8, 2024

Rear Admiral Wayne R. Arquin
Assistant Commandant for Prevention Policy
U. S. Coast Guard
2703 Martin Luther King Jr. Ave SE, Stop 7509
Washington, DC 20593-7509

Subj: National Towing Safety Advisory Committee Final Report – Task 24-02 –
Recommendations for Master Key Control Requirements Aboard Merchant Vessels
(Short Title: *Master Key Control*).

Dear Admiral Arquin,

I am writing today to forward the final report and recommendations of the National Towing Safety Advisory Committee (NTSAC) for Task 24-02 - *Recommendations for Master Key Control Requirements Aboard Merchant Vessels*. At the Fall meeting held in Portland, Maine on September 25, 2024, the Committee unanimously approved the enclosed report and recommendations.

The Subcommittee Chair, Mr. Matthew LaGarde and Co-Chair Mr. John Hazel worked with the subcommittee members to provide thoughtful recommendations to the Coast Guard regarding Master Key Control requirements.

The members of the National Towing Safety Advisory Committee greatly appreciate the support and cooperation of the U. S. Coast Guard participating and assisting the subcommittee with the Task. We are grateful for the opportunity to provide the Coast Guard the advice and recommendations from the Towing Industry and Public as the Coast Guard conducts its regulatory oversight. Should you have any questions regarding the final report or recommendations, please don't hesitate to call or email.

Sincerely,



Steven J. Huttman
Chairman, National Towing Safety Advisory Committee

Encl: (1) Final Report – Towing Safety Advisory Committee Task 24-02 – September 25, 2024

cc: Mr. Matthew LaGarde – Chair, Task 24-02
Mr. John Hazel – Co-Chair, Task 24-02
Mr. Matthew Layman – DFO, National Towing Safety Advisory Committee
Ms. Laura Wilcox – Vice Chair, National Towing Safety Advisory Committee



NATIONAL TOWING SAFETY ADVISORY COMMITTEE (NTSAC)

TASK 24-02

Recommendations for Master Key Control Requirements Aboard Merchant Vessels

(Short Title – Master Key Control)

Final Report and Recommendations

NTSAC Subcommittee Task 24-02 (Master Key Control)

To: National Towing Safety Advisory Committee

From: Matthew Lagarde, Chair
John Hazel, Co-Chair

RE: FINAL REPORT - NTSAC TASK 24-02 – MASTER KEY CONTROL

At the May 1, 2024, National Towing Safety Advisory meeting a subcommittee was tasked with reviewing USCG Policy Letter 23-06 dated November 13, 2023, and providing the top three concerns in order with Policy Letter, and any other recommendations, including justifications, for the top three concerns.

Capt. Matthew Lagarde was nominated as Chair and John Hazel was nominated as Co-Chair of this Subcommittee. Both nominations were approved by NTSAC members without dissent. A subcommittee was formed, and work progressed over the summer of 2024.

Subcommittee participants include members of NTSAC, industry, and Government Agencies. A complete list of meetings held, and participants is attached as Enclosure (5) to this report.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Matthew Lagarde", written in a cursive style.

Matthew Lagarde
NTSAC Task 24-02 Chair

- Enclosures: (1) Task Statement 24-02
(2) CVC Policy Letter 23-06
(3) MSIB 13-23 CH02
(4) Excerpt of 46 U.S.C. Sec 3106
(5) List of meetings and participants

FINAL REPORT – NTSAC TASK 24-02

MASTER KEY CONTROL

This subcommittee was tasked with evaluation and comment on Policy Letter 23-06 and has tried to stay within the confines of the tasking. While there are concerns with the way the NDAA 2023 and resulting USC Section 3106 were worded and structured, evaluation of the Policy Letter was the subject of the task.

In considering the content of the Policy letter the subcommittee also must consider the content of USC Section 3106 and MSIB 13-23, where the content of those documents influences interpretations and application of Policy Letter 23-06.

It is also important to note that the Policy Letter 23-06 was published on November 13, 2023, and MSIB 13-23 was published on December 29, 2023—nearly a month and a half later and had additional elaboration on expectations. This elaboration was in the format of a “Frequently Asked Question” or “FAQ” format which the industry has expressed as a valuable tool in delivering clarification to policies, rules and expectations. This format was useful during implementation of Subchapter M as used by the USCG Towing Vessel Center of Expertise website. The subcommittee encourages use of this format for addressing real world questions on how the regulators expect companies and crews to comply with requirements. While the information in MSIB 13-23 did not answer all questions, it was clearer than the Policy Letter or USC citation.

What is a Master Key:

There does not seem to be any confusion with the definition of a master key and the USCG interpretation is described in the Policy Letter and the MSIB. In general, it is a key or other device such as a magnetic swipe card that opens all locks, groups of locks or multiple locks within or onboard a vessel. The policy letter also interprets the definition to include a duplicate key for a single occupancy space.

Where are keyed locks required onboard a towing vessel:

There is no specific written requirement for keyed locks to spaces onboard a towing vessel that we have found. This is particularly true with berthing spaces, washrooms, etc. The Policy Letter does not establish a requirement, the USC does not specifically establish a requirement. The FAQ style question/answer in the MSIB relevant to this subject states that the law does not exempt vessels from meeting the master key requirement if they do not have a master key but does not require keyed locks either.

There is a reference in the Vessel Security regulations in 33 CFR 104 that addresses a means to secure access points, which is generally interpreted as being exterior doors. However, this citation does not specifically require locks, but it offers locks as an example of a means to secure these access points. It does not refer to locks on interior doors, and a search of relevant regulations did not reveal and specific mention of “locks” that were not referring to navigation locks used to manage transportation over elevation changes in the river.

“The only requirement for “locking doors” on a towing vessel could be exterior doors or control of access of Restricted Areas and is implied. The Requirement in 33 CFR 104 (Maritime Security: Vessels) requires that access be “controlled”. There is no specific requirement other than:

- Section 104.270 (d)(1) “Locking or securing access points.”

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- Section 104.265 Security Measures for Access Control (d)(8) “Lock or otherwise prevent access to unattended spaces that adjoin areas to which passengers and visitors have access.”

How are most towing vessels currently equipped:

Most berthing areas doors and bathroom doors on towing vessels are equipped with Privacy Locksets whereas the intended function is to prevent unintended entry to a space where the occupant is concerned with privacy. The lock generally has a small hole in the outside that can be opened with a small screwdriver or pin. They are not designed for security purposes. In this case there is no “master key”.

In an arrangement where two berthing areas on a towing vessel share a common bathroom between them (see figure 1 below), how is the lock configuration expected to be managed? Is there an expectation that there would be differently keyed access from either side of the bathroom? The second means of escape is a design requirement of subchapter M. Locking this “second means of escape” could be problematic. These berthing areas which share a bathroom may often contain 2 berths (one over the other in figure 1). These berthing spaces may be occupied by either one person sleeping and another on watch or two or more persons sleeping in the same berthing areas at the same time. In any of these instances the space should not be considered “single occupancy” because keys issued to all persons utilizing this space should be considered “occupants” with legitimate need to access the space, if the space is outfitted with keyed locks.

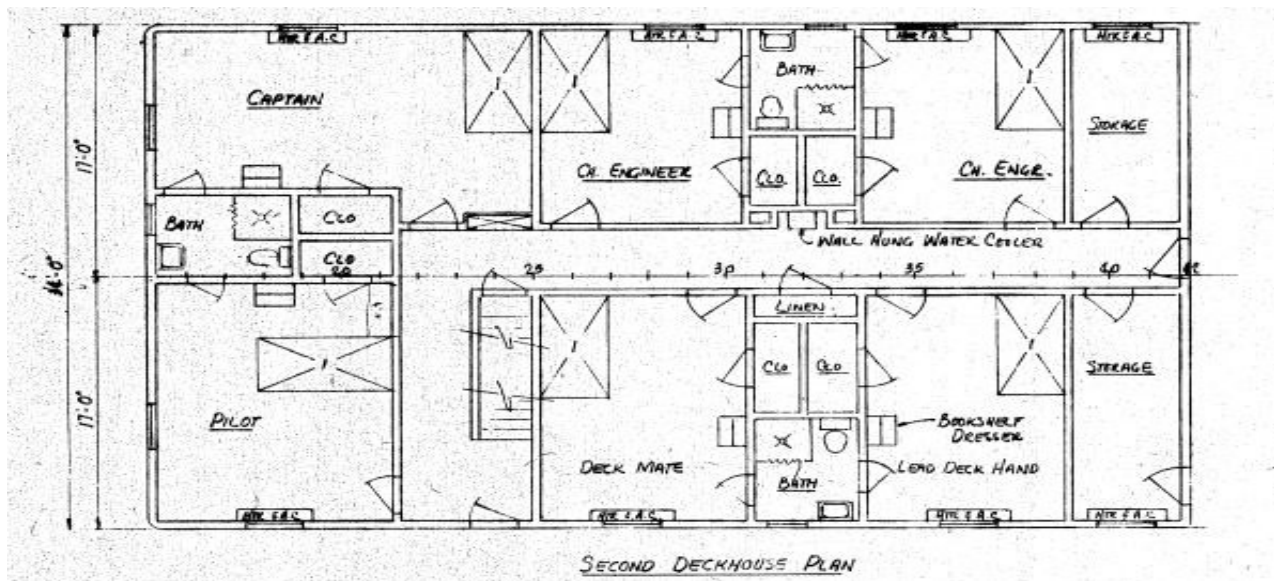


Figure 1—Typical layout of inland towing vessel with “Jack and Jill” style bathroom between berthing spaces.

Concerns with locking doors on towing vessels:

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It is generally considered a safety risk to have locking berthing space doors on a towing vessel where evacuation of the vessel could be critical to survival of the crew in the event of a collision or capsizing event, or in the event of a fire. A rapid method of effectively accounting for and mustering crew is imperative for survival, and locking interior doors could create a dangerous delay in alerting or rescuing a crew member. For heavy sleepers, the general alarm is not always as effective as a person calling on the off-watch crew.

During watch change, where use of the general alarm is not reasonable, members waking up the off-watch crew generally discuss with their counterparts how they want to be called:

- “I’ll use my alarm.”
- “Knock and yell, but do not open the door.”
- “Knock, open the door, yell and flip the light on.”

If a crew member is late to watch and not responding to knocks, where the person could be incapacitated, access to check on the person without a delay in retrieving a key could make a difference in the outcome of the situation.

Where crew members are late for watch during a non-emergency situation, it begins to impact the “12 Hour rule” in watch standing. This can be minimized with the ability to call and check on crew members, not simply waiting for them to get out of bed. While habitual offense should be dealt with through disciplinary procedures, it does little to help during the voyage.

The scenario is one of two things:

- “Oops, I didn’t realize you were in here”, or
- Someone is trying to gain access to a space where they should not be.

The requirement or allowance to lock interior doors on inland towing vessels with a keyed lock is seen by crews as an unnecessary Safety Risk to life and limb.

During Search and Rescue Operations or Recovery Operations keyed locking doors on towing vessels could impact rescue personnel or divers from accessing compartments in search of crew members.\

In any case, a door through which any crew member may need to access or transit during an emergency as a means of escape should not be locked. Spending precious time acquiring a key to open a lock could be the difference between safe egress and tragedy.

Other Federal Advisory Committees:

- NMERPAC was issued a task 9/8-2022 (Task 21-9XA “Sexual Assault and Sexual Harassment Prevention and Culture Change in the Merchant Marine”) and completed their report Sept 9, 2022 The report makes no mention of location access control or locks other than access to appropriate medical treatment.
- NMEDMAC accepted Task TS 22-2 “Sexual Assault and Sexual Harassment Prevention and Culture Change in the Merchant Marine” in August of 2022. The report was completed and

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submitted on August 5, 2022. The report makes no mention of location access control or locks other than access to a phone, medical care and telehealth.

- Neither NMEDMAC or NMERPAC are showing current Task statements relative to Master Key or Access Control relative to SASH.

Policy Letter 23-06 Opinions (ranked in order):

1. **Clarifies the requirements of the NDAA requirements for managing the Master Key but does not clarify the requirement for having a master key. The MSIB does state that the USCG cannot compel towing vessels to install locks with master keys.**

Recommendation: *Add language to Policy Letter, similar to language in MSIB 13-23, stating that the USCG cannot compel a vessel to use locks on berthing areas or require use of master keys. Master Key Control requirements only exist where master keys are used.*

Discussion: This provides too much room for interpretation on expectations by industry and inspectors. As we have seen with subchapter M implementation, absence of clear guidance here will likely be problematic.

2. **The policy letter does not provide guidance on a situation where a Master Key does not exist.**

Recommendation: *As stated above, add language to the policy stating that if master keys are not used and are not present onboard, then a master key control system is not required.*

Discussion: This has the same outcome as the statement above, where in the absence of guidance for vessels not equipped with Master Keys, the subcommittee feels this may result in a misinterpretation by inspectors where the inspectors may issue documentation requiring installation of keyed locks on towing vessels that are not otherwise equipped in order to establish a Master Key. It would be an issue industry would appeal, but the appeal process has not been shown to be effective or efficient.

3. **The Policy Letter (CVC 23-06) and the Law (46 USC 3106) both fail to address a Risk Analysis associated with the existence and use of keyed locks aboard towing vessels.**

Recommendation: *The policy needs to include language explaining that the decision to utilize locksets on towing vessels requiring keys to open should be determined with a risk analysis. The decision to have locking doors in excess of a simple privacy lockset should be carefully analyzed to address safety concerns associated with emergency access and egress.*

Discussion: One aspect of Management of Change, Risk Analysis and Risk Management is that a cure or mitigation for a particular risk should not create another risk higher than the one we are trying to cure. In the establishment of Subchapter M and the desire to promote Safety Management Systems across the towing vessel fleet, we need to effectively let these systems do their work in evaluating risk and mitigating risk. Failure to establish the greater chance of something occurring, and the consequence of that occurrence, safety of life and limb certainly should have a high value. Locking doors on a towing vessel are a concern and should be evaluated for the prevailing circumstances on the vessel and route and addressed accordingly.

4. The Master Key control requirements are straightforward as outlined in the Policy Letter and USC where Master Keys for berthing area and bathrooms exist.

Discussion: Where vessels are so equipped with Master Keys, the requirements of safeguarding access to the key and managing who has access and documentation of accessing the keys is spelled out in enough detail to be clear as expectations. The only challenge here would be situations as suggested in figure 1 above where limiting access between 2 berthing spaces that share a common bathroom could be a challenge. In these cases, the doors would either have to be keyed alike (which creates a master key situation) or have simple privacy locks, which avoids the master key but creates access opportunity with a screwdriver or pin. The second means of escape is a design requirement of Subchapter M. Locking that door could be problematic from a subchapter M perspective.

NATIONAL TOWING SAFETY ADVISORY COMMITTEE (NTSAC)

TASK STATEMENT # 24-02

I. TASK TITLE

Recommendations for Master Key Control Requirements Aboard Merchant Vessels.

II. References

(a) Title 46, United States Code (U.S.C.) § 3106 – Master key control system.

(b) CVC Policy Letter 23-06, signed 13 NOV 2023.

III. BACKGROUND:

The Safer Seas Act on February 22, 2022, made significant changes to how the U.S. maritime industry prevents and responds to acts of sexual assault and sexual harassment (SASH). Provisions from the Safer Seas Act eventually became part of the [James M. Inhofe National Defense Authorization Act FY2023](#) (NDAA 2023). The NDAA 2023 was passed by both the House and Senate and subsequently signed by President Joe Biden on December 27, 2023 (Reference (a)).

The NDAA 2023 requires changes by vessel owners to combat acts of SASH. Specifically, 46 U.S.C Sec. 3106 requires logging the date, time, location, and identity of authorized persons when accessing a controlled space. In response to these new requirements, CG-CVC, in coordination with CG-OES, published CVC Policy Letter 23-06.

IV. TASK:

The National Towing Safety Advisory Committee is tasked as follows:

1. Evaluate CVC Policy Letter 23-06.
2. Provide the Coast Guard with concerns regarding the policy letter.
3. Prioritize the list of concerns and provide recommendations, including justifications, for the top three concerns.
4. NTSAC may consider strategies used by towing companies for coming into compliance with the updated 46 U.S.C. Sec. 3106.
5. The committee may also offer other recommendations as appropriate related to this task.

Enclosure (1)

V. ESTIMATED TIME TO COMPLETE TASK:

NTSAC will provide a Draft Report to the Coast Guard at its Fall 2024 meeting and a final report Spring 2025

VI. COAST GUARD TECHNICAL REPRESENTATIVE:

POC: USCG TVNCOE, USCG CVC-4, USCG OES-2

VII. NTSAC CONTACT:

TBD

VIII. ENCLOSURES:

CVC Policy Letter 23-06

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

2703 Martin Luther King Jr. Ave, S.E.
Stop 7501
WASHINGTON DC 20593-7501
Staff Symbol: CG-CVC-4
Email: FlagStateControl@uscg.mil

16711 / Serial No. 2051
Policy Letter 23-06
November 13, 2023

From: M. R. Neeland, CAPT
COMDT (CG-CVC)

To: Distribution

Subj: GUIDANCE ON MASTER KEY CONTROL REQUIREMENTS ON MERCHANT
VESSELS

Ref: (a) James M. Inhofe National Defense Authorization Act (NDAA) for Fiscal Year 2023, Pub.
L. No. 117-263, Sec. 11608, Master Key Control (codified at 46 U.S.C. § 3106)
(b) Title 46, United States Code (U.S.C.) § 3106 – Master key control system

1. PURPOSE. This policy letter provides clarification, policy, and guidance to the Officer in Charge, Marine Inspection (OCMI), Recognized Organizations (RO), and the maritime industry on reference (a) regarding master key control system policy requirements as codified in reference (b).
2. DIRECTIVES AFFECTED. None.
3. DISCUSSION.
 - a. The Coast Guard and maritime stakeholders recognize the importance of creating safe and respectful working environments and eliminating sexual assault and sexual harassment from the maritime industry. Many initiatives and measures have been implemented to address these issues and promote a zero tolerance for such behavior. Since 2021, the Coast Guard has sought recommendations from the National Merchant Marine Personnel Advisory Committee (NMERPAC) and National Merchant Mariner Medical Advisory Committee (NMEDPAC) to improve the culture and safety of mariners and eliminate sexual assault and sexual harassment from the workplace.
 - b. Reference (a) was signed into law on December 23, 2022, and adds reference (b) to require certain commercial vessels to establish a master key control system and related provisions for use of master keys, record keeping, and civil penalty. The below policy represents the Coast Guard's current thinking on this topic and may assist industry, mariners, and the public, as well as other federal and state regulators, in complying with reference (b).
4. ACTION. Owners and operators of applicable vessels must comply with the requirements of reference (b). OCMI's must verify compliance with reference (b) during relevant inspections, including oversight inspections for vessels participating in alternative inspection programs.¹

¹ Alternate Compliance Program (ACP), Maritime Security Program (MSP), MSP Select, and Streamlined Inspection Program (SIP). See 46 CFR part 8 for vessel inspection alternatives.

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Recognized Organizations (RO) should include verification of elements of reference (b) when provisions of reference (b) are included in a vessel's Safety Management System (SMS).

5. POLICY. The following policy provides guidance on new statutory requirements for vessels subject to inspection, excluding certain larger passenger vessels, to maintain a master key control system, control access and use of master keys, and observe specific information handling protocols as required by reference (b).
- a. Applicability. Per reference (b), these requirements apply to the owner of a vessel subject to inspection under 46 U.S.C. § 3301. Generally, this includes freight vessels, nautical school vessels, offshore supply vessels, passenger vessels, sailing school vessels, seagoing barges, seagoing motor vessels, small passenger vessels, steam vessels, tank vessels, fish processing vessels, fish tender vessels, Great Lakes barges, oil spill response vessels, and towing vessels. Vessel owners should contact the cognizant Officer in Charge, Marine Inspection (OCMI) with any questions related to applicability of reference (b) to a specific vessel.
 - b. Exemptions. As provided in subsection (e) of reference (b), the requirements of reference (b) do not apply to those vessels subject to 46 U.S.C. § 3507(f).² This includes a passenger vessel that is authorized to carry 250 passengers or more, has overnight accommodations for 250 or more passengers, and is on a voyage that embarks or disembarks passengers in the United States.
 - c. General Requirements.
 - 1) Per reference (b), vessels must be equipped with a master key control system for physical, manual, or electronic keys or access systems, which provides controlled access to all copies of the vessel's master key.³ Only crewmembers identified by position in the master key control system are allowed access and use of a master key. The list of crewmembers with master key access must be kept on the vessel. The list must also be maintained within the vessel owner's records and documented in the vessel's Safety Management System (SMS).⁴
 - 2) Per reference (b), the vessel must record in a logbook information on all access and use of the vessel's master key, including dates and times of access, the room or location accessed, and the name and rank of the crew member who used the master key.⁵
 - 3) Per reference (b), the list of persons with access to and use of the master key and the logbook with information on all access and use of the vessel's master key must be made available upon request to any agent of the Federal Bureau of Investigation, any member of the Coast Guard, and any law enforcement officer performing official duties in the course and scope of an investigation.⁶
 - 4) The Coast Guard advises that a "master key" generally refers to a single or multiple keys or electronic access device on a vessel that enables access to multiple, if not all, secure compartments, rooms, or areas on the vessel, especially staterooms, bathrooms, changing

² See 46 U.S.C. § 3507(k) – In general, 46 U.S.C. §§ 3507-3510 apply to a passenger vessel that is authorized to carry 250 passengers or more, has overnight accommodations for 250 or more passengers, and is on a voyage that embarks or disembarks passengers in the United States.

³ 46 U.S.C. § 3106(a)(1).

⁴ 46 U.S.C. § 3106(a)(2).

⁵ 46 U.S.C. § 3106(a)(3).

⁶ 46 U.S.C. § 3106(a)(4).

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rooms, and any other space that when locked by individual occupants, are intended to be inaccessible to others without a master key.

(a) A duplicate of a key issued to an occupant of a single occupancy stateroom should be considered a master key.

(b) A vessel can have multiple master keys or a system of keys or electronic devices that should be readily identified and tracked.

5) The Coast Guard advises the following to achieve an effective master key control system:

(a) The owner specifies those persons responsible for managing the list of authorized master key users required by reference (b).

(b) All existing master keys should be catalogued with their storage locations, such as a lockbox or safe for physical keys and an electronic system that controls and logs permissions and access for electronic keys.

(c) Master keys, whether manual or electronic, should only be kept with a person for the minimum time necessary to access the intended space. Otherwise, master keys should be kept in a storage location as described above.

(d) The vessel's owner, operator, or master should regularly audit the system to ensure key accountability and prevent unauthorized access.

(e) All authorized crewmembers should understand their responsibilities and the implications of lost or unauthorized key duplication.

(f) Periodic rekeying may be necessary based crew changes or potential compromises.

(g) Training should be provided to all crewmembers and relevant company personnel on the master key control system and related company or vessel policies and procedures.

(h) For those vessels maintaining an SMS, company and vessel policies and procedures for the master key control system and related record keeping and training must be documented in the SMS and are subject to audit.

d. Prohibited Use.

1) Per reference (b), crewmembers not included on the list of crewmembers with access to and use of the master key shall not have access to or use the master key unless in an emergency and shall immediately notify the master and owner of the vessel following use of such key.

2) The Coast Guard advises that if persons responsible for safety or security duties of the vessel (i.e., owner, operator, Company Security Officer (CSO), or Designated Person Ashore (DPA)) are granted access to a master key, they should also be included in the list required by reference (b).

3) Additionally, temporary, verbal, or other ad-hoc authorization to use a master key by anyone other than those authorized master key users listed must be prohibited unless in an emergency. In such emergencies, and in addition to mandatory notifications to the vessel's master and owner, the use of the master key should be logged in the logbook required by reference (b).

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REQUIREMENTS ON MERCHANT VESSELS

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e. Requirements for Logbook.

- 1) Per reference (b), the logbook described above must be included in the vessel's SMS and must be located in a centralized location that is readily accessible to law enforcement personnel.⁷

f. Penalty.

- 1) Per reference (b), any crewmember who uses the master key without having been granted access per the provisions within reference (b) shall be liable to the United States Government for a civil penalty of not more than \$1,000 and may be subject to suspension or revocation under section 46 U.S.C. § 7703.⁸

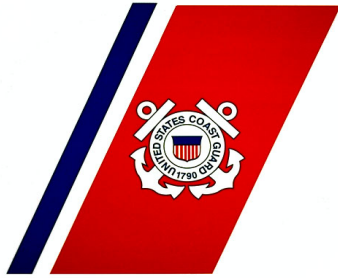
6. ENFORCEMENT. OCMI's must ensure compliance with reference (b) in their respective Areas of Responsibility (AOR). Marine Inspectors must be aware of the requirements of reference (b) and ensure compliance during inspections for certification, annual inspections, and oversight examinations. Marine Inspectors should inspect materials and equipment, verify operational conditions, and review documentation necessary to verify compliance. Deficiencies must be documented via CG-835V.⁹ Where applicable, ROs should include provisions of reference (b) in audit planning under the International Safety Management (ISM) Code.
7. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS. Environmental considerations were examined in the development of this policy letter and have been determined not to be applicable.
8. DISCLAIMER. This guidance is not a substitute for applicable legal requirements, nor is it itself a rule. It is not intended to, nor does it impose legally binding requirements on any part. It represents the Coast Guard's current thinking on this topic and may assist industry, mariners, and the public, as well as other federal and state regulators, in applying statutory and regulatory requirements. You can use an alternative approach for complying with these requirements if the approach satisfies the requirements of the applicable statutes and regulations. If you want to discuss an alternative approach (you are not required to do so), you may contact the Coast Guard Office of Commercial Vessel Compliance at the email listed under the QUESTIONS section.
9. QUESTIONS. Contact the Office of Commercial Vessel Compliance (CG-CVC) at CG-CVC@uscg.mil with any questions. This policy letter and other vessel inspection policy documents are posted on the CG-CVC website at [CG-CVC Policy Letters \(uscg.mil\)](https://uscg.mil/CG-CVC-Policy-Letters).

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⁷ 46 U.S.C. § 3106(c). The logbook may be electronic. However, the use of an electronic record book should not be simple use of various office productivity software. Rather, the logbook should be part of a comprehensive electronic records management system that complies with the International Organization for Standardization (ISO) and the International Electrotechnical Commission (IEC) standards for information security, document formatting, digital signatures, data storage, and credentialed access.

⁸ 46 U.S.C. § 3106(d).

⁹ See 46 CFR § 2.01-10(a).



Marine Safety Information Bulletin

Commandant
U.S. Coast Guard
Inspections and Compliance Directorate
2703 Martin Luther King Jr Ave, SE, STOP 7501
Washington, DC 20593-7501

MSIB Number: 13-23, CH. 2
Date: January 9, 2024
Phone: (202) 372-1222
E-Mail: flagstatecontrol@uscg.mil

Coast Guard Policies to Address Sexual Assault and Sexual Harassment Prevention and Response on Vessels

The James M. Inhofe National Defense Authorization Act (NDAA) for the Fiscal Year 2023 included new requirements under Title 46 of the United States Code (U.S.C.) to enhance crew safety on certain commercial vessels and to prevent and respond to sexual misconduct, which includes sexual assault and sexual harassment, and harassment within the maritime industry. The Coast Guard has [released policies](#) to provide guidance on implementation of several of the new laws. The maritime industry should be aware of the changes highlighted below.

Master Key Control System (46 U.S.C. § 3106). Applicable vessels are now required to establish a master key control system and related provisions for use of master keys. The Coast Guard released CG-CVC Policy Letter 23-06 to provide initial guidance on the installation and management of a master key control system and information retention.

Safety Management System (SMS) (46 U.S.C. § 10104(e) and 46 U.S.C. § 3203).¹ Companies and vessels should have documented policies and procedures within the SMS to ensure compliance with the reporting and after-action summary requirements of 46 U.S.C. § 10104 related to harassment, sexual harassment, and sexual assault.² These procedures should be documented as soon as possible in the SMS. The Coast Guard or Recognized Organizations may conduct investigatory audits as required by 46 U.S.C. § 10104(e) and may suspend or revoke a Document of Compliance (DOC) or Safety Management Certificate (SMC) in accordance with 46 U.S.C. § 3203(c).

Surveillance Requirements & Response Training (46 U.S.C. § 4901). Applicable vessels are now required to install and maintain video and audio surveillance equipment and retain recordings for a specified time. In addition, vessel owners and employers are required to train crewmembers in responding to and reporting sexual assault and sexual harassment. The Coast Guard released CG-CVC Policy Letter 23-05 to provide initial guidance on the installation of surveillance requirements and other provisions to meet the mandatory deadlines.

Display of Information in Crew Berthing Areas (46 U.S.C. § 11101). Crew berthing and washing areas must now prominently display details concerning company policies, how to report issues, and steps to

¹ The Coast Guard updated [CG-CVC-WI-004 – Flag State Interpretations of the ISM Code](#), which includes discussion on the requirements in 46 U.S.C. § 10104 and 46 U.S.C. § 3203.

² 46 U.S.C. § 10104(e) and 46 U.S.C. § 3203(a)(5).

respond to sexual assault and sexual harassment. The Coast Guard released CG-CVC Policy Letter 23-04 to provide initial guidance on the applicability and implementation of these requirements.

These policies are intended to assist vessel owners and operators in understanding and adhering to the new and modified provisions set out by the 2023 NDAA. It is imperative for industry stakeholders to familiarize themselves with these updates to ensure compliance with the mentioned sections of Title 46 of the United States Code. Please see the list of Policy Letters and Work Instructions on the Office of Commercial Vessel Compliance (CG-CVC) [website](#). See MSIB [01-23](#) for further information on reporting sexual misconduct on U.S. vessels.

For further information on these policy documents, please email the Coast Guard's Office of Commercial Vessel Compliance (CG-CVC) at cgcvc@uscg.mil.

Frequently Asked Questions

DISCLAIMER. This guidance is not a substitute for applicable legal requirements, nor is it itself a rule. It is not intended to, nor does it impose legally binding requirements on any part. It represents the Coast Guard's current thinking on this topic and may assist industry, mariners, and the public, as well as other federal and state regulators, in applying statutory and regulatory requirements. You can use an alternative approach for complying with these requirements if the approach satisfies the requirements of the applicable statutes and regulations. If you want to discuss an alternative approach (you are not required to do so), you may contact the Coast Guard Office of Commercial Vessel Compliance at the email listed above.

This MSIB is updated with information on frequently asked questions relevant to the implementation of the policy letters and laws described above. The information below is organized by topic.

CVC Policy Letter 23-04: GUIDANCE ON STATUTORY INFORMATION REQUIREMENTS WITHIN ACCOMMODATION SPACES ON MERCHANT VESSELS

- ❖ **Question:** Policy Letter 23-04 makes reference to crew washing spaces regarding placement of posted notices for reporting procedures and resources, related company policies, retaliation and drug and alcohol usage. Is posting in the common areas of the accommodation house sufficient?

Response: In accordance with 46 U.S.C. § 11101, information must be posted in each crew berthing area and in each required crew washing space. The statute does not provide allowance for consolidating information into a single or few spaces and does not detail alternative arrangements. Vessels should be sure to post information in every space required by law.

- ❖ **Question:** Policy Letter 23-05 for surveillance systems makes reference to a statutory timeline for compliance. Why is there no compliance deadline mentioned in Policy Letter 23-04?

Response: Title 46 U.S.C. § 11101 does not include a delayed effective date for compliance. In contrast, 46 U.S.C. § 4901 requires video and audio surveillance equipment to be installed no later than two (2) years after the enactment of the Coast Guard Authorization Act of 2022, or during the next schedule drydock, whichever is later.

- ❖ **Question:** Must a vessel post information in a shared washroom or the individual washrooms within cabins?

Response: Per 46 U.S.C. § 11101, each crew berthing area and required washing spaces must be equipped with specified information. While the statute also covers broader accommodation requirements and specific requirements for the size of washing spaces, it does not specify whether certain washing spaces would be exempt. However, the applicable statute does not require information for individual crew berthing areas. We advise the owners to ensure that each berthing area is equipped with the required information (*Note: “Washing spaces” are required for merchant vessels having more than 10 seafarers on deck*).

- ❖ **Question:** Referencing Policy Letter 23-04, crew berthing areas must be equipped with, among other things, vessel owner or company policies prohibiting sexual assault and sexual harassment, retaliation, and drug and alcohol usage. Is this a requirement to print all policies and procedures and post them on the bulkheads, which could consist of hundreds of pages? Is a stateroom binder with directions on how to access these specific policies in the SMS sufficient?

Response: Title 46 U.S.C. § 11101 states that vessels must equip spaces with information regarding vessel owner or company policies prohibiting sexual assault and sexual harassment, retaliation, and drug and alcohol use. The law does not mandate that the policies themselves be posted. In [Policy Letter 23-04](#), we advise that “statements within the signage should be clear and concise and easy for all expected viewers to understand.”

- ❖ **Question:** Are restrooms considered washing spaces?

Response: Per 46 U.S.C. § 11101, a vessel with more than 10 seafarers must have at least one washing space. If a restroom serves to meet the washing space requirements, it would be required to be equipped with the required information. There are many different terms used within Title 46 to refer to spaces reserved for a vessel’s crew. This terminology is not always consistent across various laws and regulations. In any regard, the Coast Guard encourages vessels to err on the side of caution and post information for the crew when a vessel is not constructed with a crew berth or wash space to ensure they are consistently informed on policies and procedures for reporting sexual misconduct.

- ❖ **Question:** If a vessel has no accommodation spaces, is that vessel exempt from the requirements?

Response: Title 46 U.S.C. § 11101 does not create specific exemptions based on the vessel’s configuration. Information must be posted in all areas required by law.

- ❖ **Question:** If a vessel has received tonnage measurement under requirements for both the regulatory measurement (i.e., “GRT”) and convention measurement (i.e., “ITC”), what measurement should be used to determine applicability?

Response: For vessels assigned both Convention Measurement System (GT ITC) and Regulatory Measurement System (GRT) tonnages, the vessel’s GRT tonnage should be used to determine the applicability of 46 U.S.C. § 11101. For vessels not assigned a GRT tonnage, the vessel’s GT ITC tonnage should be used to determine the applicability of 46 U.S.C. § 11101.

CVC Policy Letter 23-05: GUIDANCE ON SURVEILLANCE REQUIREMENTS FOR CERTAIN COMMERCIAL VESSELS THAT DO NOT CARRY PASSENGERS

❖ **Question:** Our company currently intends to manage surveillance with shoreside personnel. Would doing so alleviate the need to train the ship's crew?

Response: Limiting training to only shoreside personnel cannot conceivably meet the requirements in 46 U.S.C. § 4901. The statute states that “all individuals employed by the owner or employer for the purpose of responding to incidents of sexual assault or sexual harassment” must receive the required training. This training includes not only the retention of audio and visual records, but other evidence. The training also must include “applicable Federal, State, Tribal, and local laws and regulations regarding sexual assault and sexual harassment investigations and **reporting** requirements.”³ Limiting required training to only those shoreside staff is not consistent with statutory requirements as a vessel's master is considered a “responsible entity” who is required by 46 U.S.C. § 10104 to report incidents. In addition, various crewmembers may have to preserve other evidence.

❖ **Question:** Will the Coast Guard publish regulations on the technical requirements and standards for audio and visual surveillance equipment?

Response: The Coast Guard is determining whether regulations are appropriate. In the meantime, CVC Policy Letter 23-05 provides general guidance on the overall quality of the system. While the law does not mandate performance thresholds, the viewer of the video footage should be able to identify persons and their actions in all ambient lighting conditions anywhere in the covered space. The listener of the audio recordings should be able to discern conversations and words spoken in all foreseeable noise conditions.

❖ **Question:** Does the “next drydocking” term mean “out of water” or “next survey date?”

Response: Title 46 U.S.C. § 4901(c)(1) requires the installation of video and audio surveillance equipment aboard applicable vessels not later than December 23, 2024 or during the next scheduled drydock, whichever is later. The term “next scheduled drydock” is used without distinction of survey. We advise that owners ensure compliance with the requirements at the next scheduled drydocking (i.e., vessel out of the water) of the vessel if that scheduled drydocking is beyond two years from the date of enactment. Otherwise, compliance is mandated on December 23, 2024, which is two years from enactment.

❖ **Question:** Can the required video cameras be motion activated?

Response: The statute does not specify details about motion activated video cameras. However, the Coast Guard advises against motion activated cameras. As stated in [CVC Policy Letter 23-05](#), it is recommended that video and audio recordings be continuous and without interruption.

³ 46 U.S.C. § 4901(g)(2)

- ❖ **Question:** Per 46 U.S.C. § 4901(f), all records of audio and visual surveillance must be retained for not less than one year after the footage is obtained. The law also states that any video and audio surveillance found to be associated with an alleged incident should be preserved for not less than five years from the date of the alleged incident. What do we do if a person alleges an incident that is more than one year before the date reported?

Response: In accordance with 46 U.S.C. § 4901(f), any video and audio surveillance found to be associated with an alleged incident should be preserved for not less than five years. It is conceivable that a responsible entity may not become aware of an incident for one or more years after the alleged incident. As such, the audio and visual records may have been removed consistent with statutory retention requirements.⁴ This question highlights the importance of policy, procedures, and training related to reporting sexual misconduct and preserving evidence.

CVC Policy Letter 23-06: GUIDANCE ON MASTER KEY CONTROL REQUIREMENTS ON MERCHANT VESSELS

- ❖ **Question:** If my vessel does not have a master key, am I exempt from the requirements?

Response: Title 46 U.S.C. § 3106 does not specifically exempt vessels that do not have a master key nor does the law make the overall requirements contingent upon having a master key. The Coast Guard advises that all applicable vessels have a documented system in place. The Coast Guard also advises that a “master key” generally refers to a single or multiple keys or electronic access device that enables access to multiple, if not all, secure spaces.

- ❖ **Question:** Do the master key control requirements only apply to staterooms or does they apply to any space that can be locked, such as storerooms, restrooms, the pilot house, machinery space, etc?

Response: Title 46 U.S.C. § 3106 makes no distinction regarding the types of spaces covered nor does it exempt certain spaces. The Coast Guard advises that a “master key” generally refers to a single or multiple keys or electronic access device that enables access to multiple, if not all, secure compartments, rooms, or areas on the vessel, especially staterooms, bathrooms, changing rooms, and any other space that when locked by individual occupants, are intended to be inaccessible to others without a master key.

- ❖ **Question:** Policy Letter 23-05 for surveillance systems makes reference to a statutory timeline for compliance. Why is there no compliance deadline mentioned in Policy Letter 23-06?

Response: Title 46 U.S.C. § 3106 does not include a delayed effective date for compliance. In contrast, 46 U.S.C. § 4901 requires video and audio surveillance equipment to be installed no later than two (2) years after the enactment of the Coast Guard Authorization Act of 2022, or after the next scheduled drydock, whichever is later.

- ❖ **Question:** Policy Letter 23-06 advises that rekeying may be necessary based on crew changes or potential compromises. Does the Coast Guard expect a company to rekey a vessel each time a key is lost or missing?

⁴ 46 U.S.C. § 4901(f).

Response: Title 46 U.S.C. § 3106 does not specifically require rekeying, but rather states that the owner must ensure a vessel is equipped with a system that “provides controlled access to all copies of the vessel’s master key.” The Coast Guard advises that periodic rekeying may be necessary based on crew changes or potential compromises. The decision is up to the company as long as the system maintains controlled access to all copies of the vessel’s master key or keys.

❖ **Question:** Are vessels required to add locks to applicable spaces if they do not have locks?

Response: Title 46 U.S.C. § 3106 mandates that a master key control system be maintained rather than specifying what rooms require keys. The Coast Guard advises that the objective of ensuring personal safety and security onboard vessels should be met. Vessels should consider safety of staterooms, bathrooms, changing rooms, and other spaces occupied by individuals.

CVC-WI-004(3): Flag State Interpretations of the ISM Code

❖ **Question:** Page 10 of CVC-WI-004(3) lists “Statutory reporting and actions for incidents of harassment, sexual harassment, and sexual assault” as a risk that should be evaluated and included in a system of drills and exercises. What is the prescribed timeline for drills and exercises related to reporting sexual misconduct? Are they to be completed for each vessel or for the company?

Response: “Statutory reporting and actions for incidents of harassment, sexual harassment, and sexual assault” is one (1) of 22 risks identified in CVC’s Work Instruction, titled “Flag State Interpretations of the ISM Code.” The company should establish a program of drills and exercises, as appropriate for each risk identified. The Coast Guard has not provided for mandated intervals beyond existing requirements in various regulatory subchapters and international conventions.

❖ **Questions:** Are these requirements applicable to vessels that voluntarily comply with the ISM Code and hold a Statement of Voluntary Compliance (SOVC)?

Response: Yes, as described in [CVC-WI-004 – Flag State Interpretations of the ISM Code](#), the issuance, maintenance, and revocation of the SOVC is administered in a manner identical to the required ISM Code certificates.

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"46 U.S. Code § 3106 - Master key control system

(a) In General.—The owner of a vessel subject to inspection under section 3301 shall—

(1) ensure that such vessel is equipped with a vessel master key control system, manual or electronic, which provides controlled access to all copies of the vessel's master key of which access shall only be available to the individuals described in paragraph (2);

(2) establish a list of all crew, identified by position, allowed to access and use the master key and maintain such list upon the vessel, within owner records and included in the vessel safety management system;

(3) record in a log book information on all access and use of the vessel's master key, including—

(A) dates and times of access;

(B) the room or location accessed; and

(C) the name and rank of the crew member that used the master key; and

(4) make the list under paragraph (2) and the log book under paragraph (3) available upon request to any agent of the Federal Bureau of Investigation, any member of the Coast Guard, and any law enforcement officer performing official duties in the course and scope of an investigation.

(b) Prohibited Use.—

Crew not included on the list described in subsection (a)(2) shall not have access to or use the master key unless in an emergency and shall immediately notify the master and owner of the vessel following use of such key.

(c) Requirements for Log Book.—The log book described in subsection (a)(3) and required to be included in a safety management system under section 3203(a)(6)—

(1) may be electronic; and

(2) shall be located in a centralized location that is readily accessible to law enforcement personnel.

(d) Penalty.—

Any crew member who uses the master key without having been granted access pursuant to subsection (a)(2) shall be liable to the United States Government for a civil penalty of not more than \$1,000 and may be subject to suspension or revocation under section 7703.

(e) Exemption.—

This section shall not apply to vessels subject to section 3507(f)."

Enclosure (5) Meetings and Attendees

NTSAC Task 24-02 Master Control Subcommittee Meeting Attendees:

Thursday September 5, 2024 via Microsoft Teams

Matt Lagarde (Chair)	Matt.lagarde@ingrambarge.com
John Hazel (Co-Chair)	jhazel@marquettetrans.com
Angie Fay	afay@blessey.com
Brian Khey	bkhey@marquettetrans.com
Chris Norton	Chris.norton@ingrambarge.com
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Liam Morcroft	lmorcroft@americanwaterways.com
John Arenstam	john@arenstammarine.com
Joy Terral	jbterral@lemmcorp.com
Matt Layman	Matthew.d.layman@uscg.mil

- Discussed requirements for locks
- Discussed content of policy letter and report
- Suggestion to add MSIB 13-23 Ch02 to reference materials.

AWO NTSAC PREP Call

Monday September 16, 2024 via Microsoft Teams

Matt Lagarde (chair)	matt.lagarde@ingrambarge.com
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Dan Palen	dpalen@jfbrennan.com
Jeff Parker	Jeff.parker@kirbycorp.com

Enclosure (5) Meetings and Attendees

James Smith	Jamessmith@e3response.com
Hugh McCrory	HMcCrory@uswtllc.com
Caitlyn Stewart	cstewart@americanwaterways.com
Jason Wisneski	jwisneski@danmarine.com
Erik Hansen	ehansen@andrie.com

- Reviewed discussions and findings to date including 4 findings.
- No suggestions for changes brought up.

NTSAC Working Meeting September 24, 2024 In-person

Matt Lagarde (chair)	matt.lagarde@ingrambarge.com
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- Discussion to add more detail on emergency access/egress
- Discussion on adding or addressing multiple occupancy where is addresses typical multiple occupancy (more than one person sleeping in room at same time) or more than one person assigned to the space whether or not both sleeping at the same time
- Add title to cite for 46 U.S.C. Sec 3106.