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CG-CVC Policy Letter 22-03
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To: Distribution

Subj: GUIDANCE FOR VESSEL REQUESTS TO PARTICIPATE IN HURRICANE
RELIEF OPERATIONS

1. **PURPOSE.** This policy letter provides guidelines to District Commanders, Sector Commanders, and Officers in Charge, Marine Inspection (OCMI), when considering requests for vessels to participate in hurricane relief efforts. This policy letter will expire on January 31, 2023.
2. **DISCUSSION.** The Coast Guard recognizes that sealift capacity is an efficient and effective means to provide relief supplies following hurricane damage. Vessels operating within the conditions outlined in their Certificate of Inspection (COI) generally do not need additional permission from the Coast Guard to engage in relief operations. When the Coast Guard Sector Commander, U.S. Maritime Administration (MARAD), Federal Emergency Management Agency (FEMA), or other government agency identifies that a sufficient number or type of vessels are not available to provide the needed support, it may be appropriate for the Coast Guard to permit certain exemptions or equivalencies to facilitate relief efforts. Vessels requiring exemptions or equivalency determinations to support hurricane relief efforts may require approval from the Office of Commercial Vessel Compliance (CG-CVC), the Office of Design and Engineering Standards (CG-ENG), or the Marine Safety Center (MSC). Vessel owners and operators should submit these requests in writing to the local OCMI. If necessary, the OCMI will forward the request via the District Commander to CG-CVC for action. Requests should be accompanied by documentation showing the need for the vessel's services, a gap analysis of the regulations the vessel does not meet, and a description of the relief activities that the vessel will perform.
3. **ACTION.** The following outlines areas for consideration:
 - a. **Exemptions or equivalencies for international certificates:** For voyages that require an international certificate,¹ an owner or operator may request an exemption or an

¹ 74 SOLAS (20) I/2(d) (International voyage means a voyage from a country to which the present Convention applies to a port outside such country, or conversely.); 46 CFR § 2.01-8(a)-(b) ("For details regarding application of Convention requirements to tankships, see § 30.01-6 of this chapter; to passenger vessels, see § 70.05-10 of this

equivalency from CG-CVC. A SOLAS exemption may authorize a vessel to make a single voyage without the appropriate international certificates; however, the exemption does not exempt nor authorize the vessel to conduct any other types of operations outside the scope of the COI.² If the destination is a different country, the owner or operator should provide documentation that the Port State will accept the vessel without the required international certificates. A request for an exemption or equivalency from international instruments should be submitted using the process outlined in paragraph 2 of this policy.

- b. **Subchapter “I” or Dual Certificated vessels (“I” and “L”):** Vessels with valid international certificates typically do not require a Coast Guard exemption to participate in relief efforts.³ Those vessels without valid international certificates may request an exemption or equivalency in accordance with the procedures in paragraph 3.a., of this policy.⁴
- c. **Subchapter “L” vessels and *existing* OSVs inspected under subchapter “I” or “T”:** In accordance with 46 U.S.C. § 2101, an Offshore Supply Vessel (OSV) is defined as vessels carrying “goods, supplies, individuals in addition to the crew, or equipment in support of exploration, exploitation, or production of offshore mineral or energy resources.” Vessel owners or operators may request an equivalency or exemption,⁵ and should perform a gap analysis to determine which laws and regulations the vessel does not meet, for the requested route and conditions. The owner or operator may propose alternative arrangements such that an equivalent level of safety is achieved for the regulatory gaps. These requests should be submitted using the same process outlined in paragraph 2 of this policy letter.
- d. **Hazardous Material Cargo:** Vessels may only carry hazardous cargoes that are already permitted by the vessel’s COI and applicable cargo authority attachment (CAA).⁶ Waivers will not typically be granted to carry hazardous cargoes outside what is authorized by the vessel’s COI.

chapter; to cargo ships other than tankships, see § 90.05-10 of this chapter; and to small passenger vessels, see §§ 115.900 and 176.900 of this chapter.”).

² 74 SOLAS (20) I/4(a) (“A ship which is not normally engaged on international voyages but which, in exceptional circumstances, is required to undertake a single international voyage may be exempted by the Administration from any of the requirements of the present regulations provided that it complies with safety requirements which are adequate in the opinion of the Administration for the voyage which is to be undertaken by the ship.”).

³ See 46 CFR § 90.05-10(a)(ii); 46 CFR § 125.160 (definition of “International Voyage”).

⁴ 46 CFR §§ 90.05-10 (c)(1), 91.60-25(a); 46 CFR §§ 125.170, 133.20.

⁵ 46 CFR §§ 90.05-10 (c)(1), 91.60-25(a); 46 CFR §§ 125.170, 133.20; 46 CFR §§ 176.920, 176.930.

⁶ See COMDTINST M16000.7B (series), Marine Safety Manual (MSM), Vol. II, §§ A.3.H.3., A.3.H.3.b.

- e. **Manning:** Vessels are to be manned with appropriately licensed personnel as required by their COI. OCMI's may modify COI manning requirements on a case-by-case basis consistent with existing policy.⁷
 - f. **Berthing Vessels:** Vessels that carry berthing units or persons not already permitted on the COI may request an inspection by the local OCMI who will determine if the arrangements are adequate. The OCMI may issue either an Excursion Permit or an amended COI authorizing carriage of additional personnel.⁸ In some cases, an equivalency or exemption may be necessary to permit the berthing arrangements. These requests should be submitted using the same process outlined in paragraph 2 of this policy.
 - g. **Advanced Notice of Arrival (ANOA):** When entering U.S. ports, notifications shall be made prior to arrival in accordance with 33 CFR part 160 subpart C. When entering foreign ports, it is incumbent upon the vessel to adhere to Port State requirements.
4. **APPEALS.** Appeals of decisions made under this policy letter should follow the appeal procedure outlined in 46 CFR § 1.03.⁹
5. **ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS.** Environmental considerations were examined in the development of this Instruction and have been determined to be not applicable.
6. **DISCLAIMER.** This policy letter guidance is neither a substitute for applicable legal requirements, nor a rule. It is not intended nor does it impose legally-binding requirements on any party. It represents the Coast Guard's current thinking 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 statutory and regulatory requirements. An alternative approach may be used 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 (CG-CVC) who is responsible for implementing this guidance.
7. **QUESTIONS.** Questions concerning this policy letter and guidance should be directed to the Office of Commercial Vessel Compliance, COMDT (CG-CVC), via CGCVC@uscg.mil. This policy letter and other domestic vessel policy documents are posted on the CG-CVC website at: <https://www.dco.uscg.mil/Our-Organization/Assistant-Commandant-for-Prevention-Policy-CG-5P/Inspections-Compliance-CG-5PC-/Commercial-Vessel-Compliance/CG-CVC-Policy-Letters/>

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⁷ See generally 46 CFR §§ 2.01-5(b), 15.501; MSM, Vol. II § A.3.H.

⁸ See 46 CFR §§ 2.01-40, 2.01-45; MSM, Vol. II § A.3.H.2.

⁹ See MSM, Vol. II, § A.1.F.3., for additional appeal provisions and considerations.