

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. 2048  
Policy Letter 23-04  
November 13, 2023

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

To: Distribution

Subj: GUIDANCE ON STATUTORY INFORMATION REQUIREMENTS WITHIN  
ACCOMMODATION SPACES ON MERCHANT VESSELS

Ref: (a) James M. Inhofe National Defense Authorization Act (NDAA) for Fiscal Year 2023 §  
11604 (H.R. 7776)  
(b) Title 46, United States Code (U.S.C.) § 11101, Accommodations for seamen

1. PURPOSE. This policy letter provides clarification, policy, and guidance to the Officer in Charge, Marine Inspection (OCMI), Recognized Organizations (RO), Third Party Organizations (TPO), and the maritime industry on reference (a) regarding information 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 amends reference (b), in part, to require crew berthing areas to display information on company policies, reporting procedures, and measures to address sexual harassment and assault. 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 applying the amended reference (b).

4. ACTION. Owners and operators of applicable vessels must comply with reference (b).<sup>1</sup> OCMI's, must verify compliance with reference (b) during relevant inspections. ROs and TPOs should verify compliance with reference (b) during relevant surveys and audits.
5. POLICY.
- a. Applicability.<sup>2</sup> These requirements apply to merchant vessels of the United States, the construction of which began after March 4, 1915. These requirements do not apply to a yacht, pilot vessel, or vessel of less than 100 gross tons.<sup>3</sup>
- b. Information in crew berthing areas.<sup>4</sup> In each crew berthing area, the owner or operator of a vessel must be equipped with information in a visible location regarding the following:
- 1) vessel owner or company policies prohibiting sexual assault and sexual harassment, retaliation, and drug and alcohol usage; and
  - 2) procedures and resources to report crimes, including sexual assault and sexual harassment, including information on:
    - (a) the telephone number, website address, and email address for reporting allegations of sexual assault and sexual harassment to the Coast Guard;
    - (b) vessel owner or company procedures to report violations of company policy and how to access resources;
    - (c) resources provided by outside organizations such as sexual assault hotlines and counseling;
    - (d) the retention period for surveillance video recording after an incident of sexual harassment or sexual assault is reported;<sup>5</sup> and
    - (e) additional items specified in regulations issued by the Coast Guard (any such requirements will be reflected in future updates to this policy letter).
- c. Information in crew washing places.<sup>6</sup> In a visible location in each washing space, the owner or operator of a vessel must display information regarding procedures and resources to report crimes that occur upon the vessel, including sexual assault and sexual harassment, and vessel owner or company policies prohibiting sexual assault and sexual harassment, retaliation, and drug and alcohol usage.
- d. Information guidelines. Information should generally be posted as physical signage affixed to a wall, bulkhead, or other vertical structure. The signage should be displayed in easily accessible areas of the required spaces and should be placed at eye level for optimal visibility. Signs should be of appropriate size to ensure clear visibility at a reasonable distance and be of durable material or enclosure to mitigate deterioration. Signage should be of legible font and appropriate font size

---

<sup>1</sup> Per 46 U.S.C. 11101(f), owners or operators who fail to comply with reference (b) may be liable for a civil penalty of at least \$50 but not more than \$500.

<sup>2</sup> 46 U.S.C. § 11101(a)

<sup>3</sup> As measured under section 14502 of Title 46 of U.S. Code, or an alternate tonnage measured under section 14302 of Title 46 of U.S. Code, as prescribed by the Secretary under section 14104 of Title 46 U.S. Code.

<sup>4</sup> 46 U.S.C. § 11101(a)(5).

<sup>5</sup> See 46 U.S.C. § 4901 for applicability of video surveillance requirements.

<sup>6</sup> 46 U.S.C. § 11101(d).

that can be read at a reasonable distance in normal lighting conditions. Statements within the signage should be clear and concise and easy for all expected viewers to understand.

- e. Safety Management System (SMS). Vessels that are required to maintain displayed information per reference (a) and are required to maintain an SMS<sup>7</sup> in accordance with International Safety Management (ISM) Code or voluntarily maintain an SMS in accordance with the ISM Code, should incorporate processes and procedures to ensure compliance with reference (b)<sup>8</sup>. ROs should incorporate verification of these processes and procedures during audits of the Safety Management Certificate (SMC). Failure of a vessel to maintain signage in accordance with reference (b) should be documented as a non-conformity under the International Safety Management (ISM) Code.
  - f. Compliance. OCMI should issue a Notice of Merchant Marine Inspection Requirements (CG-835V) to document and require resolution of non-compliance with reference (b).<sup>9</sup> However, use of alternative methods to display information other than signage as described above does not constitute non-compliance, so as long as the information is appropriately displayed per reference (b). Further enforcement action may be considered in accordance with Coast Guard enforcement policies.
6. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS. Environmental considerations were examined in the development of this policy letter and have been determined not to be applicable.
  7. 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.
  8. QUESTIONS. Contact the Office of Commercial Vessel Compliance (CG-CVC) at [CG-CVC@uscg.mil](mailto: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://www.uscg.mil/CG-CVC/Policy-Letters).

#

---

<sup>7</sup> See 33 CFR part 96.

<sup>8</sup> See ISM Code Section 1.2.3

<sup>9</sup> Citation is "46 U.S.C. § 11101"