

**140-001**

**What are the PIC requirements and when will they be implemented, considering that no one other than the Master or mate/Pilot typically holds an MMC?**

PIC requirements have been outlined in 33 CFR [§155-710\(e\)\(1\)](#), updated final rule, on May 27, 2020.

**Received August 2016**

**Answered 31 August 2016, updated 07 October 2020**

**140-002**

**OSHA Coverage: Do OSHA requirements still apply to working conditions on towing vessels covered by Subchapter M of Chapter I of 46 CFR?**

No. Beginning July 20, 2018 OSHA covers seamen only on those towing vessels that remain uninspected vessels. See 46 CFR [§136.105](#), Applicability, for the types of towing vessels which are excepted from subchapter M. A vessel classified as an uninspected vessel by the U.S. Coast Guard is subject to limited U.S. Coast Guard inspection of the following areas:

Basic firefighting equipment; approved lifejackets and lifesaving equipment; ventilation of engine bilges and fuel tank compartments; and backfire traps/flame arresters on inboard engine carburetors using gasoline as a fuel.

A further delineation of the authorities of each agency and applicable requirements is provided in OSHA's Directive: CPL 02-01-047 (Effective date: 02/22/2010) - Subject: OSHA Authority Over Vessels and Facilities on or Adjacent to U.S. Navigable Waters and the Outer Continental Shelf (OCS) - [https://www.osha.gov/OshDoc/Directive\\_pdf/CPL\\_02-01-047.pdf](https://www.osha.gov/OshDoc/Directive_pdf/CPL_02-01-047.pdf).

**Received August 2016**

**Answered 31 August 2016, updated 07 October 2020**

### **140-003**

#### **What is the policy regarding electronic record keeping on towing vessels covered by Subchapter M of Chapter I of 46 CFR?**

Subsection [140.910](#) is the primary 46 CFR subchapter M regulation concerning the requirements for record keeping. This section allows the towing vessel record (TVR) to be “electronic or paper.” Subsection [140.915\(a\)](#) further specifies the list of items that are required to be recorded in “the TVR, official logbook, or in accordance with the TSMS applicable to the vessel.” Entries for this list of items serve to document events required by other sections in part 140 and other parts of subchapter M. Subsection 140.910(b) requires that electronic entries include specific information regarding the date, time and name of the person making the entry. Towing vessels and companies using the TSMS option should ensure that the TSMS provides specific guidance regarding the record keeping requirements of subchapter M, regardless of the method employed. There is no requirement that the TVR or other record of events be centrally located on one system (for example, a server). However, if the TSMS specifies that various departments are responsible for maintaining required records, the responsible personnel in those departments should be able to produce the records upon request of the Coast Guard or a Third Party Organization (TPO) auditor. Also, the note to §140.915 makes clear that this TVR electronic record keeping provision does not alter requirements outside of subchapter M that call for items to be recorded in official logbooks (discussed in [§140.905](#)). For example, entries required by 33 CFR [§151.25](#) must still be made in an Oil Record Book printed by the U.S. Government. The list of items required to be recorded is significant, regardless of the compliance option chosen (TSMS or USCG). The importance of maintaining a reliable record keeping system cannot be overstated. Therefore, owners, operators, and TPOs should thoughtfully develop the system and periodically verify its compliance with subchapter M requirements. In general, as specified in §140.910(d), records must be maintained for at least one year following the date of the last entry.

**Received June 2016**

**Answered 23 November 2016, updated 07 October 2020**

### **140-004**

#### **Is the Coast Guard’s intention to require more or less than what is currently conceived in a station bill?**

No. The Coast Guard does not intend to add or remove anything from the “station bill” as laid out in [§140.405\(b\)\(1\)](#) thru (b)(9) and (b)(10) for a TSMS vessel. As discussed in the preamble to the final rule, middle column of page [40041](#), the requirements in the final rule are substantially unchanged from those in the proposed rule with the exception of adding “threats to the environment” to item 9 on that list.

**Received June 2016**

**Answered 6 Februar 2017, updated 07 October 2020**

**140-005**

**Clarify whether the requirement to follow instruction conducted in an electronic format with a discussion and demonstration is applicable to all training requirements, or only to the instruction required under §140.420.**

The requirement within [§140.420\(e\)](#) is only applicable to those instances of drill-related instruction discussed within §140.420. Other training or instruction required under another part of Subchapter M is governed by the specific requirements therein.

**Received June 2016**

**Answered 6 February 2017, updated 07 October 2020**

**Question 140-006**

**How does this [[§140.430](#)] change Policy Letter 10-06?**

[Policy Letter 10-06](#) “Carriage of Lifesaving and Firefighting Equipment on board Uninspected Towing Vessels in Excess of Subchapter C Requirements” will be superseded by Subchapter M no later than 20 July 2018 or the date the vessel obtains a COI, whichever is earlier as per 46 CFR [§140.105](#). The wearing of work vests is stipulated per [§140.430](#).

**Received June 2016**

**Answered 28 February 2017, updated 07 October 2020**

**140-007**

**Can the Coast Guard clarify what an “industrial type first aid cabinet or kit” is?**

The intent of the statement “industrial type first aid cabinet or kit” is to convey description of durability in rough environment and not to produce a small first aid kit during inspection that would only care for a household of people. Must contain proper inventory for care of all crew, while also taking into consideration of the operating conditions “take blood pressure readings, splint broken bones, and apply large bandages for serious wounds.”

[§140.435](#) First aid equipment.

Each towing vessel must be equipped with an industrial type first aid cabinet or kit, appropriate to the size of the crew and operating conditions. Each towing vessel operating on oceans, coastwise, or Great Lakes routes must have a means to take blood pressure readings, splint broken bones, and apply large bandages for serious wounds.

**Received June 2016**

**Answered 28 December 2016, updated 07 October 2020**

**140-008**

**The Coast Guard should clarify that the health and safety plan may be incorporated into a vessel operator's TSMS.**

The Coast Guard expects that the Health and Safety Plan (HSP) elements would be specifically addressed in a TSMS for a vessel that chooses that option, per 46 CFR [§138.220\(b\)](#). For vessels choosing the Coast Guard Option the HSP would likely be a stand-alone document. As a reminder, the plans were due on July 22, 2019 in accordance with [§140.500\(b\)](#).

**Received June 2016**

**Answered 6 February 2017, updated on 07 October 2020**

**140-009**

**The Coast Guard should clarify that this is not an affirmative requirement for companies to obtain and maintain crewmembers' medical records, and specify how long medical records that are kept by the company must be maintained.**

46 CFR [§140.505](#), the owner or managing operator must maintain records of health and safety incidents that occur on board the vessel, including any medical records associated with the incidents. Upon request, the owner or managing operator must provide crewmembers with incident reports and the crewmember's own associated medical records.

This is also discussed in the preamble, middle column of page [40043](#):

“The intent of the requirement was to ensure that owners or managing operators retain records of injuries occurring in the course or scope of employment as a result of a health and safety incident on board the vessel. However, we believe the health and safety plan required under [§140.500](#) already includes record keeping procedures addressing this issue.”

The requirement is to maintain the medical records associated with the individual incident and not a catalog of the employee's extended medical history. The length of time records will be kept should be addressed in the health and safety plan as per [§140.500\(a\)](#).

**Received June 2016**

**Answered 6 March 2017, updated 07 October 2020**

**140-010**

**Can the Coast Guard clarify what is meant by “in a manner that minimizes risk of injury or death” in §140.505(b)?**

The requirements in [§140.505](#) are the broad overarching principles behind the creation of the Health and Safety Plan. The risks associated and the actual “manner” in which the machinery, towing gear, etc. are to be used should be identified and discussed with any mitigating factors necessary as required by [§140.510](#).

**Received June 2016**

**Answered 16 February 2017, updated 07 October 2020**

**140-011**

**Does “sanitary condition” refer to a standard?**

Response: No. As discussed in the preamble to the regulation, middle column of page 40043, and per 46 CFR [§140.510\(a\)\(13\)](#), it is the owner or managing operator’s responsibility to establish policies regarding sanitation and safe food handling. However, [§137.220\(k\)](#), when discussing the scope of a survey, provides as part of its description of a sanitary examination, “to ensure that they are clean and decently habitable.”

**Received June 2016**

**Answered 20 March 2017, updated 07 October 2020**

**140-012**

**The Coast Guard should allow companies to train crewmembers prior to their use of equipment as an alternative to within five days of employment.**

We disagree with your comment.

The training required by 46 CFR [§140.515\(c\)](#) for new employees not only requires training on certain equipment such as personal protective equipment (PPE) but also requires training on various company safety procedures. The Coast Guard believes that knowledge of these procedures is essential in ensuring the safety of all company employees.

Companies are free to implement procedures that require personnel to be trained on specific equipment prior to that equipment’s use, in addition to but not as an alternative to complying with 46 CFR §140.515(c).

**Received June 2016**

**Answered 6 February 2017, updated 07 October 2020**

**140-013**

**§140.515(d). The Coast Guard should clarify the requirement to provide annual refresher training. Must refresher training be given on each of the subjects identified in §140.515(a) every year?**

Yes. The refresher training does not need to be as in-depth as the initial training required in [§140.515\(a\)](#), but must be done annually. These annual training requirements parallel or mirror comparable OSHA requirements which currently apply to UTV’s ([29 CFR 1910](#)). Companies have the ability to tailor this training based on identified risk. Annual refresher training as required in §140.515(d) must be documented as required by §140.515(f).

**Received June 2016**

**Answered 16 February 2017, updated 07 October 2020**

**140-014**

**The Coast Guard should clarify that these requirements apply to hatches, openings, and doors that are designed to be watertight or weathertight. The Coast Guard should explain the applicability of these requirements to doors or bulkheads that were designed to be watertight but have not been operated that way.**

As discussed in the preamble to the regulation, left column of page [40044](#), the Coast Guard believes that watertight integrity and stability is a concern on any vessel, regardless of service or operating area. Towing vessels must be maintained and operated so the watertight integrity and stability of the vessel is not compromised.

We believe that [§140.610](#) of the regulation as written adequately describes when hatches, openings and exterior doors are to remain closed, and that the intent of the regulation is to be broad enough to account for the varied openings found on towing vessels, and to prevent catastrophic down-flooding. While the regulations afford masters with the flexibility to determine when hatches and openings may be open (§140.610 (c) through (f)), these determinations should not be made solely based on convenience.

Requirements for electrical penetrations found in [§143.400](#) are also consistent with our position that watertight integrity of the vessel must not be compromised.

[§144.320](#) discusses watertight and weathertight integrity and requires closure devices suitable for the expected route for all deckhouse and hull penetrations open to the exterior of the vessel and which may allow down-flooding.

For more discussion on watertight doors, see [Marine Safety Alert 04-10](#).

If the vessel plans indicate the bulkhead was designed to be watertight, then watertight doors must be in good working order and closed during voyages. [§144.330](#) provides that the cognizant OCMI may require review of a vessel's watertight and weathertight integrity. This review may be performed by an individual who meets the requirements of [§144.140](#) (PE, USCG, or ACS). The review may include an examination of a plan that shows the original placement of decks and bulkheads.

**Received June 2016**

**Answered 28 February 2017, updated 07 October 2020**

**140-015**

**The Coast Guard should clarify that the lookout requirements are not meant to differ from the requirements of the Inland Rules of the Road.**

The requirements of [§140.630](#) in no way alter or change the authority of Rule 5 as it applies to vessels underway. The responsibility for navigational safety rests with the master and mate (pilot) of a towing vessel. Rule 5 of the Navigation Rules ([33 CFR §83.05](#)) clearly defines the need to maintain a lookout at all times when underway. §140.630 gives the Master or operator additional guidance to establish additional lookouts should the navigation condition dictate. Additionally, §140.630 provides owners and managing operators clear expectations that the decision to maintain a proper lookout is dictated by the operational environment and is at the discretion of the master or mate.

**Received June 2016**

**Answered 21 December 2017, updated 07 October 2020**

**140-016**

**§140.645 The Coast Guard should clarify that navigation safety training is a one-time training for crewmembers with navigation-related duties.**

The periodicity of training for crewmembers with navigation-related duties is not specifically prescribed or defined by this section. However, required training in this part must precede a crewmember assuming duties related to the safe operation of a towing vessel and company training policy must be covered in the TSMS applicable to the vessel.

The Owner or Managing Operator is responsible for maintaining objective evidence that crewmembers have received the appropriate training for their position. This may be a one-time training event for a crewmember; however, additional or periodic training may be necessary if required by a company's TSMS or other company policy. Examples of when additional training may be deemed necessary might include: a mariner's transfer to a different class of vessel or geographic region, a change in position and responsibility on the vessel, or updated company policy affecting watch standing duties.

Credentialed mariners holding Able Seaman (AB) or officer endorsement are deemed to have met the training requirements of this section [§140.645\(c\)](#).

**Received June 2016**

**Answered 16 February 2017, updated 07 October 2020**

**140-017**

**Is an apprentice mate (steersman) deemed to have met the training requirements?**

As long the mariner in question holds an Officer endorsement on their MMC, the mariner will be deemed to have met sections (d)(1), (3) and (4) of the Emergency Drills and Instruction requirements of [46 CFR §140.420](#) and the Navigational Safety training requirements of [46 CFR §140.645](#).

**Received June 2016**

**Answered 16 February 2017, updated 07 October 2020**

**140-018**

**The Coast Guard should clarify the applicability of MTSA 2002 and ensure that MTSA compliance will not result in redundant inspections on the same vessel within a 5-year window.**

Subchapter M has no influence or impact to MTSA regulations that have been in effect and in force on towing vessels since 2004. Towing vessels have always had this same mandate IAW [46 CFR §104.105](#). The Sub M rulemaking process was clear in its intent and what impact industry will be burdened with; it did not intend to alter the security mandates. Today, towing vessels applicable to Subchapter M are considered "Inspected Vessels" as per [46 USC § 3301](#). As such, [46 CFR §140.660](#) states that vessels must operate in compliance with [MTSA 2002](#) and [33 CFR §§101 and 104](#).

Inspected towing vessels must undergo security verification as follows:

- a) Vessels on a domestic route (or in domestic only service) must undergo a security verification, with Coast Guard personnel aboard, once every 5 years and be lined up with the COI issuance. [33 CFR 104](#), Vessel Security, requires verification of the Vessel Security Plan. [NVIC 04-03](#) states, "Verification is incorporated into the inspection for certification process for vessels inspected in accordance with [46 USC § 3305](#), which will include a drill.." [46 USC 3307 \(2\)](#) requires vessels subject to inspection to undergo inspections for certification at least once every 5 years.
- b) Vessels on in international trade must undergo the initial verification upon issuance of ISSC, and then undergo an intermediate verification at the halfway point (twice in five years, not to exceed three years), ideally to line up with the issuance of the COI.

Vessels to which both [33 CFR 104](#) and the ISPS Code applies should comply with [33 CFR 104](#) but submit an application for ISPS Code verification in accordance with [33 CFR §104.297](#). ISSC requires an initial or renewal certification verification during the initial or renewal certificate of inspection process. An intermediate verification is carried out and shall take place between the second and third anniversary date of the certificate.

**Received June 2016**

**Answered 28 December 2016, updated 07 October 2020**



**140-019**

**Confirm this requirement [46 CFR §140.725(b)] is intended to apply to vessels that are towing ahead, not towing astern.**

The requirements of 46 CFR [§140.725\(b\)](#) apply to all towing vessels.

§140.725 “Additional Navigation Equipment” states:

“Towing vessels must be equipped with the following equipment...”

(b) “Search light, controllable from the vessel’s operating station and capable of illuminating objects at a distance of at least two times the length of the tow.”

The definition of a “towing vessel” per [46 USC 2101](#) [40] –General Definitions, means a commercial vessel engaged in or intending to engage in the service of pulling, pushing or hauling alongside, or any combination of pulling, pushing or hauling alongside.” Nowhere in §140.725 is there a distinction made between the General Definition of a towing vessel and the question of applicability to vessels that are “towing ahead, not towing astern.” Further, §140.725 preamble, pages [40046-40047](#), does not specify any distinction of applicability of §140.725 (b) to either towing ahead or towing astern modes within the General Definition of “towing vessel.”

**Received June 2016**

**Answered 16 February 2017, updated 07 October 2020**

**140-020**

**The Coast Guard should clarify that the frequency and methodology of towing gear checks may be outlined in a vessel operator’s TSMS are not required each watch.**

The term “Towing Gear” encompasses a plethora of tackle, soft lines, wire rope and equipment. These range from fish plates and rated shackles to diesel engine operated winches. The manufacturers of each component have different intervals for preventive maintenance checks and services; adhering to these is good marine practice.

[33 CFR §§ 164.74](#) to [164.80](#) list what is required to be inspected at a minimum. This should by no means limit the operator from expanding the scope of their program. The company health and safety plan or TSMS should list what and when these inspections and services should be conducted and logged in the towing vessel record (TVR) or Vessel logbook per 46 CFR [§140.820](#).

46 CFR [§140.801](#) specifies requirements that the master, managing operator, or officer in charge of the navigational watch must ensure for towing gear. Similarly, [§140.805](#) requires the officer in charge of the navigational watch to ensure, prior to getting underway, elements of towing safety are met. For a vessel using the TSMS option, the TSMS should provide details on these responsibilities.

**Received June 2016**

**Answered 21 December 2017, updated 07 October 2020**

**140-021**

**§140.820(b) - The recommendations of Towing Safety Advisory Committee's (TSAC) Towing Gear Subcommittee should be considered an acceptable alternative. What is meant by a "spring line"?**

As long as they contain the information required by [§140.820\(b\)](#), the suggested best practices from the TSAC Final Report on Towing Gear can be used so long as those processes and procedures are outlined in the governing SMS for the vessel as permitted by §140.820(a). For companies and vessels choosing the Coast Guard option, these procedures should also be able to be provided to an attending CG inspector when the process is questioned.

The term spring line, as also used in [33 CFR §164.76](#), is a towing connection used in towing alongside evolutions. The configuration of the line in question when used in towing evolutions is similar to the mooring line of the same name. Numerous online and published descriptions and depictions can be found of this configuration.

**Received June 2016**

**Answered 20 March 2017, updated 07 October 2020**

**140-022**

**Does the Health and Safety Plan have to be approved?**

The health and safety plan does not need to be approved by the CG, however, it must document compliance with [46 CFR 140 Subpart E](#), and if the plan is found to be unsatisfactory by either the Coast Guard or a TPO, a deficiency will be issued, or the vessel's TSMS could be found to be ineffective.

[§140.500](#) General.

(a) No later than July 22, 2019, the owner or managing operator must implement a health and safety plan. The health and safety plan must document compliance with this part and include recordkeeping procedures.

(b) The owner, managing operator, or master must ensure that all persons on board a towing vessel comply with the health and safety plan.

**Received June 2016**

**Answered 11 April 2017, updated 07 October 2020**

**140-023**

**Within a TSMS, are operators permitted to specify their own electronic record keeping methods that are "functionally equivalent" to signatures?**

Yes. See 46 CFR [§140.915 \(b\)](#).

**Received 25 July 2016**

**Answered 20 March 2017**

**140-024**

**If an official logbook is not required, and an electronic TVR or other TSMS solution is used, must the electronic record have the capacity to record strikethroughs, deletions, name of person making the change, date and time I.A.W §140.915(b). 46 CFR §§ 140.910 & 915(b).**

Yes. For the TVR requirement, the vessel owner or managing operator has the option of maintaining it electronically or on paper, and for towing vessels with a TSMS, the required records may be maintained in another record specified by the TSMS. It is essential for maritime safety that data we require in [§140.915](#) be recorded.

§140.915(b) allows for items to be electronically recorded in a TVR or other record as specified by the TSMS applicable to the towing vessel. §140.915(b) requires for electronic records to include the date and time of entry and name of the person making the entry. If an error is discovered making the entry, any entries to correct the error must include the date and time of entry and name of the person making the correction and must preserve a record of the original entry being corrected.

With regards to making false or late entries, it is noted that under [18 U.S.C 1001](#), whoever knowingly and willfully makes a materially false, fictitious, or fraudulent statement or representation with respect to reports, records, or verifications required by Subchapter M regulations, may be subject to criminal penalties.

The owner or managing operator of the towing vessel has the latitude to tailor their TSMS to define method in which to capture the necessary information as per the regulations, and must make the necessary provisions to capture the updates, deletions and changes as required in this subchapter, to include the use of electronic recording.

It would be prudent for the owner or managing operator, if using an electronic recording data base system, to ensure sufficient storage capacity and cyber protection for its electronic data records.

**Received 14 June 2016**

**Answered 16 February 2017, updated 07 October 2020**

**140-025**

**Are Coast Guard approved Bridge Resource Management courses required for master, mate, pilot credential holders under Sub Chapter M?**

Yes, in accordance with Standards of Training, Certification, and Watchkeeping (STCW). There is no requirement under Subchapter M.

[46 CFR §11.463](#) General requirements for national endorsements as master, mate (pilot), and apprentice mate (steersman) of towing vessels.

(f) Deck officers who serve on the following seagoing vessels must comply with the requirements of [§11.309](#) (Requirements to qualify for an STCW endorsement as Officer in charge of a navigational watch (OICNW) of vessels of 500 GT or more (operational level)) and [§11.311](#) (Requirements to qualify for an STCW endorsement as master of vessels of 500 GT or more and less than 3,000 GT (management level)) of this subpart for the appropriate STCW endorsement:

- (1) A towing vessel on an oceans voyage operating beyond near-coastal waters.
- (2) A towing vessel on an international voyage.
- (3) A towing vessel of 200 GRT or more on a domestic, near-coastal voyage.

(g) Endorsements as mate (pilot) or master of towing vessels may be issued with a restriction to specific types of towing vessels and/or towing operations such as articulated tug barge (ATB) vessels that do not routinely perform all of the tasks identified in the Towing Officer Assessment Record (TOAR).

(h) [Figure 11.463\(h\)](#) illustrates the towing officer endorsement structure, including crossover points. The section numbers on the diagram refer to the specific requirements applicable.

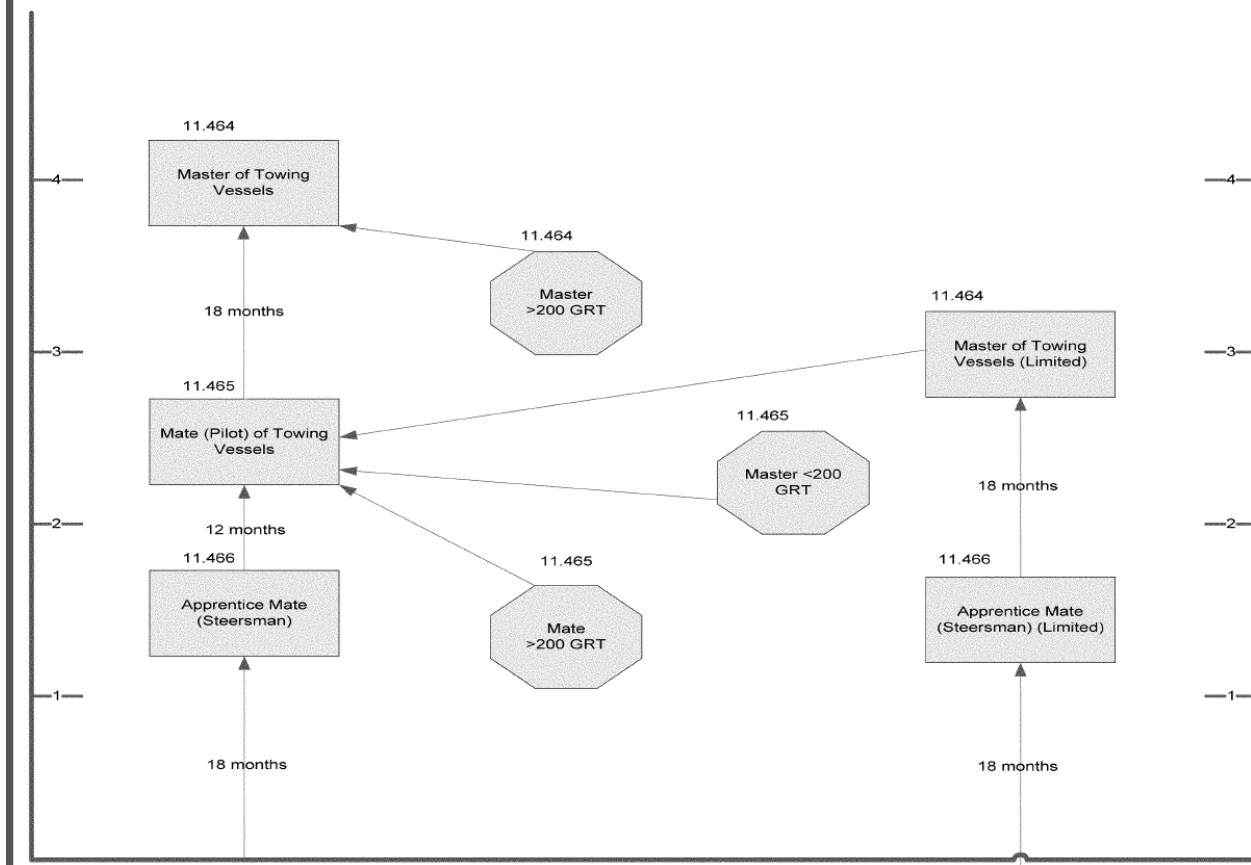
[46 CFR §11.321](#) Requirements to qualify for an STCW endorsement as officer in charge of a navigational watch (OICNW) of vessels of less than 500 GT limited to near-coastal waters (operational level).

(a) To qualify for an STCW endorsement as OICNW, an applicant must—

(3) Provide evidence of having satisfactorily completed approved training in the following subject areas:

- (iv) Bridge resource management;

Figure 11.463 (h) -- Structure of towing officer endorsements



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Answered 28 December 2016, updated 07 October 2020

**140-026**

**Are vessels in compliance with the River Rules exempt from general alarm and other Sub Chapter M requirements not found in the River Rules?**

No. A towing vessel inspected under Subchapter M must meet all the requirements listed in Subchapter M unless specifically excepted or exempted by regulation. For example, a general alarm is required under 46 CFR [§143.235](#) unless the vessel is an excepted vessel as defined in 46 CFR [§136.110](#).

Received 21 June 2016

Answered 6 February 2017, updated 07 October 2020

**140-027**

**Is a navigation assessment required if the vessel is pushed up against the bank and is getting back underway?**

Yes. Towing vessels are a class of vessels that have different and unique operational risks. The requirements of 46 CFR [§140.635](#) provide guidance and requirements to ensure proper planning is conducted and to ensure sufficient resources, personnel and equipment are available to mitigate the identified risks. Navigation assessments prior to getting underway or while underway will ensure that officers in charge of the navigation watch have the most up to date information in order to assess operational risks as well as to anticipate and manage workload demands during the voyage.

Navigation assessments have value not only for large areas or prolonged duration but also for transits in smaller areas or of short duration; shorter transits may also contain risks such as bridges, high winds, or swift currents. These activities reflect best practice of prudent seamanship.

**Received 21 June 2016**

**Answered 6 February 2017, updated 07 October 2020**

**140-028**

**When are new tests/inspections required?**

Most testing and inspection requirements applicable to towing vessels are contained within [33 CFR 164](#) and numerous parts of 46 CFR Subchapter M. It is recommended that vessel operators review the regulations to determine which testing and inspection requirements are applicable to their vessels and implement those tests and inspections into their safety management systems to ensure compliance with the requirements.

**Received 21 June 2016**

**Answered 16 February 2017, updated 07 October 2020**

**140-029**

**Whenever downstreaming operations are taking place, Sub M states that main deck doors have to be closed. This may be overly restrictive.**

Yes, 46 CFR [§140.610\(e\)](#) states that all exterior openings on the main deck level must be closed when downstreaming. As discussed in the preamble to the regulation, page 40044 first and second columns, there is a sufficient body of historical evidence regarding towing vessel casualties in which the cause of the casualty was the lack of watertight integrity of the towing vessel. We have provided appropriate exceptions to the requirements in §140.610(c)(1)-(3) to give sufficient flexibility to the vessel's master for crew comfort and convenience.

**Received 9 August 2016**

**Answered 6 February 2017, updated 07 October 2020**

**140-030****What MARSEC placards are required and are terrorist locks required on towing vessels?**

MTSA 33 CFR 104 Regulated Vessel: Vessels must adhere to the requirements of [33 CFR §104.265](#) Security measures for access control.

Alternate Security Program (ASP) Vessel: Vessels must fully implement the ASP into the vessels operations (33 CFR [§104.140](#) Alternative Security Programs). Please refer to vessel specific ASP for implementation guidance.

**Received 15 September 2016****Answered 28 December 2016, updated 07 Oct 2020****140-031****When is a Marine Chemist certificate needed on a M vessel?**

A Marine Chemist certificate is required prior to making alterations, repairs, or other such operations involving riveting, welding, burning or like fire producing actions onboard a tow vessel in the locations specified by [§140.665\(b\)](#). Inspections and issuance of certificates required must be conducted in accordance with the provision of [NFPA 306](#).

However, if the services of such certified marine chemist are not reasonably available; refer to §140.665(c)(1) & (2).

Due to the hazards associated with confined space entry, a marine chemist certificate is required prior to entry of the space by a Coast Guard inspector. Vessel owners and operators should ensure that understanding of the proper safety procedures for issuing and maintaining Marine Chemist certificates are followed.

**Received 15 September 2016****Answered 6 February 2017, updated 07 October 2020**

**140-033**

**46 CFR §140.610 states that when downstreaming, all exterior openings at deck level will be closed.**

- 1) Does this include only doors and hatches intended to prevent the ingress of water?**
- 2) Does this include windows well above deck level that are not intended to be watertight and are used in part for engine room ventilation?**

1) This also includes vents and any other exterior openings at deck level.  
2) 46 CFR [§140.610\(e\)](#) requires that all exterior openings at the main deck level be closed when downstreaming. Exterior openings on decks above the main deck level are not required to be closed when downstreaming. Watertight doors in watertight bulkheads on any deck, except when they are being used for transit between compartments, are required to be kept tightly closed regardless of whether the vessel is downstreaming.  
For additional information, see FAQ 140-029, which discusses the historical context and exceptions for this requirement.

**Received 7 October 2016**

**Answered 17 September 2019, updated 07 October 2020**

**140-034**

**§140.645 states that “prior to assuming duties related to safe operation of a towing vessel, each crewmember must receive...” Is this training required once in their employment, once per hitch, once for each position, or once per watch? Where are the records kept? Are they made available during the vessel audit or management audit?**

The Coast Guard does not prescribe detailed requirements for training elements contained in this section. Training periodicity requirements are not prescribed; however, required training in this section must precede a crewmember assuming duties related to the safe operation of a towing vessel.

The Owner or Managing Operator is responsible for maintaining objective evidence that crewmembers have received the appropriate training for their position. Credentialed mariners holding Able Seaman (AB) or officer endorsement are deemed to have met the training requirements of this section ([§140.645\(c\)](#)).

Any training provided to the crew in accordance with this section must be recorded in the towing vessel record, official logbook, or in accordance with procedures within the TSMS if applicable to the vessel §140.645(b). Records are to be available upon request by the Coast Guard or an attending TPO. Auditors must also be given access to any requested documentation, to include training records, as per §§ [138.405\(d\)](#) and [138.410\(c\)](#).

**Received 7 October 2016**

**Answered 6 February 2017, updated 07 October 2020**



**140-035**

**What is “similar” to a U.S. Coast Pilot?**

Aside from the Army Corps of Engineers Regional Supplements, there is no parallel informational source for “brown water”.

**Received 7 October 2016**

**Answered 4 December 2017**

**140-036**

**What are the change of watch requirements for inspected towing vessels under subchapter M?**

46 CFR [§140.640](#) describes the responsibilities of the officer in charge of a navigational watch. In accordance with §140.640(b), prior to assuming duties as officer in charge of a navigational watch, a person must:

- (1) Complete the navigation assessment required by [§140.635](#);
- (2) Verify the operational condition of the towing vessel; and
- (3) Verify that there are adequate personnel available to assume the watch.

The minimum requirements of a navigation assessment are listed under §140.635(a) and should be recorded in accordance with §140.635(d).

**Received 16 January 2017**

**Answered 3 July 2017, updated 07 October 2020**

**140-037**

**In the next 3-5 years we will be converting our fleet of 20 + tugboat from un-inspected to inspected vessels. We have 7 load lined vessels. I cannot seem to find any information on the requirements for the vessel Station Bills pertaining to Sub Chapter M.**

46 CFR [§140.405](#) discusses crewmember responsibilities during emergencies, to include emergency duties, duty stations, and posting requirements.

**Received 16 January 2017**

**Answered 3 July 2017, updated 07 October 2020**

**140-038**

**I wanted to pose a question in regards to crew training. Is there going to be any policy or guidance in regards to required first aid/CPR training for the crew? I did see question 140-007 that refers to §140.435 which states, “Each towing vessel operating on oceans, coastwise, or Great Lakes routes must have a means to take blood pressure readings, splint broken bones, and apply large bandages for serious wounds.” But nowhere else in Sub M does it refer to any periodic first aid/CPR training for the crew.**

There is no plan to produce additional guidance documents regarding required first aid and CPR training for crew. This training may be required because of the credential being held or by company policy.

- Currently all officers are required first aid and CPR training per [46 CFR §11.201\(i\)](#).
- In order to obtain a STCW endorsement, officers and ratings are required to complete basic training which includes elementary first aid per [46 CFR §§11.302\(3\)](#) and [12.602\(a\)\(3\)](#).
- In order to obtain a STCW endorsement, operational level officers are required to complete approved medical first aid provider training per 46 CFR [§11.309\(a\)\(4\)\(i\)](#).
- In order to obtain a STCW endorsement, management level officers are required to complete approved training in management of medical care per 46 CFR [§11.305\(3\)\(ix\)](#).
- AB and deck department personnel that are not required to have a STCW endorsement are not required to have such training for their positions unless company policy dictates.

**Received 3 February 2017**

**Answered 17 September 2019, updated 07 October 2020**

**140-039**

**§140.630 states that “a lookout in addition to the master or mate (pilot) should be added when necessary...”**

- (1) Must this supplemental lookout be logged in the TVR in accordance with §140.400(c)?**
- (2) Would deckhands posted on the head of a tow for the purposes of transiting a lock (or guiding a tow into a fleet) be considered supplemental lookouts?**

(1) Yes, the lookout must be logged in the TVR, official logbook, or in accordance with the TSMS applicable to the vessel.

(2) Yes, deckhands posted by the master or mate (pilot) on the head of a tow to aid in safe navigation are considered lookouts provided they have sufficient communications with the wheelhouse.

**Received 27 February 2017**

**Answered 27 August 2018**

**140-040**

**Will the CG issue a COI to a towing vessel unable to exhibit proper navigational lights and shapes as specified in 33 CFR Part 84?**

The Coast Guard will require towing vessels subject to Subchapter M to meet the navigation light, shape, and sounds signal requirements of [§140.720](#) prior to issuing the vessel's COI.

**Received 3 March 2017**

**Answered 21 December 2017, updated 07 October 2020**

**140-042**

**Boats that pick up and drop barges frequently throughout a watch (i.e. harbor/fleet boats working a 12 hour shift) “get underway” quite often. §140.635 requires the conduct of a navigation assessment for the intended route and operations prior to getting underway. And §140.915 para (6) lists the navigation assessment as an item that must be recorded in the TVR or in accordance with the vessel's TSMS. Does this mean a navigation assessment must be conducted and recorded in the TVR prior to each occurrence of the boat getting underway? Or should the guidance be to record the conduct of a navigation assessment just once, and then to keep that navigation assessment updated throughout the 12 hour shift as changes in conditions or operations occur?**

The word “underway” is defined in Rule 3 of the NAVRULES as a vessel that is not at anchor, made fast to the shore, or aground.

Therefore, a tug which gets underway for a 12 hour shift of multiple short transits or movements could conduct the required assessment prior to initially getting underway, and then keep the navigational assessment up-to-date to reflect changes in conditions and circumstances, as per the items listed under 46 CFR [§140.635\(a\)](#). In addition, at each change in the navigational watch, the oncoming officer in charge of the navigational watch must review the current navigation assessment for necessary changes, according to 46 CFR §140.635(b).

**Received 30 March 2017**

**Answered 17 September 2019, updated 07 October 2020**

**140-043**

**I've noticed a change in the definition of Western Rivers which would cause the requirement for a fathometer installed on vessels operating on the Western Rivers to be invalid. In the proposed rule the definition of Western Rivers did not include §89.27, which the final rule does include.**

**The discussion and comments on page 40047 suggest the intent is to require a fathometer on Western Rivers, but the definition suggest otherwise.**

46 CFR [§140.725\(a\)](#) exempts vessels operating on the Western Rivers from being equipped with a fathometer. While discussion in the Preamble, middle column of page [40047](#), may be interpreted as contradicting this when discussing the Gulf Intracoastal Waterway, the regulatory requirement is unchanged as well as the definition of Western Rivers provided in FAQ 136-034.

**Received 11 April 2017**

**Answered 18 May 2017, updated 07 October 2020**

**140-046**

**Will the TVNCOE develop a template or checklist of what is to be included in a Health and Safety Plan? Is the intent of the plan to describe methods, processes, procedures, and policies in place that prove compliance with Part 140?**

There are no plans to publish templates or checklists; existing regulations establish the minimum requirements for Health and Safety Plans. Components required by Subpart E of Subchapter M should be incorporated into a TSMS. For vessels using the CG option, a Health and Safety plan may be a stand-alone component which documents compliance with [Subpart E](#). Under either option, the requirements of Subpart E must be addressed.

**Received 14 April 2017**

**Answered 4 August 2017, updated 07 October 2020**

**140-049**

**Man Overboard and the recovery of the person from the water is discussed in multiple sections of Subchapter M, including §§ 140.420, 140.425, 140.500, and 141.225.**

**Could we please have one statement of clarification on the requirements?**

**Something like:**

**All towing vessels, whether using the TSMS or Coast Guard Inspection option, must have some method and appropriate device(s) if needed, to be able to promptly recover a helpless person in the water, and provide training of crewmembers responsible for the recovery."**

We disagree, while man overboard and recovery of persons in the water are discussed throughout parts 140 and 141, the context of each part is different. [§140.420](#) includes requirements for emergency drills, [§140.425](#) requires procedures for the prevention of man overboard and recovery of persons in the water, [§140.500](#) discusses the contents of the health and safety plan, and [§141.225](#) discusses the approval of alternate arrangements or equipment.

**Received 27 April 2017**

**Answered 13 September 2017, updated 07 October 2020**

**140-050**

**Vessels over 65' are required to have a fog bell at least 11.8" in diameter. If the vessel's PA is on a battery backup, will that suffice as a sound producer?**

Yes, the PA system will suffice as a sound producer providing it has the same respective sound characteristics as a bell and manual sounding of the prescribed signals is always possible. In addition, the system must produce a sound pressure level of not less than 110 dB at 1 meter.

**Received 16 May 2016**

**Answered 27 August 2018**