



Subchapter M TPO/Class Quarterly Meeting – 18 June 2020 Meeting Minutes



- I. Opening: The meeting was called to order at 12:00 P.M. CST by CDR Andrew Bender, TVNCOE.
- II. Present: TVNCOE, CVC-1, CVC-4 and representatives from ABS, EDT, NK, Sabine, and TVIB.
- III. Agenda Topics and Discussion (Past Business):

- a. TPOs and clearing deficiencies (CVC-4):

Discussion: CVC-4 shared that [CVC PL 17-10](#) will not be updated at this time. Multiple TPOs noted inconsistencies across OCMI zones to include verbal requests (vs use of 835Vs) for a TPO to assess vessels following marine casualties, use of Codes (a vs c), use of self-reported vs worklist, etc. One TPO asked if we should see consistency in how certificated vs non-certificated vessels are treated by OCMI. CG answered that 835Vs may be used for vessels whether or not they have a COI; however, some units are using COTP Orders instead of 835Vs until a COI is issued. CG requested TPOs continue to share concerns as they come up.

- b. [CVC PL 20-01](#): Subchapter M Enforcement Posture for COI Phase-in Requirements:
 1. TPO questions/concerns. *No follow-on questions/discussion.*
 2. COVID 19 impact. *No follow-on questions/discussion.*

- IV. New Business: Agenda Topics and Discussion (New business)

- a. Policy Updates:
 1. [CVC WI-003\(2\)](#): CVC-4 provided update on work instruction.

- b. Fleet Status:
 1. 232 TSMs/DOCs issued (down 8 from three months ago).
 2. 3351 vessels covered by TSMs/DOCs (down 18 from three months ago).
 3. 1,868 total COIs: 282 COIs issued (72/28 TSM Option). Single vessel companies only around 16.6% (+2.6% over three months), while multi-vessel companies near 36% (+7% over three months).
 4. 362 in COI processing queue.

- c. [MSIB 09-20](#):
 1. Encouraging virtual work vs extensions.

Discussion: CG reiterated the importance of completing required compliance work on time vs extension requests which only defer the requirement. CG shared that total extension requests are around 120; however, about 50 of those extension requests are for vessels. In recent weeks, very few (if any) extension requests have been processed. A TPO noted that some of their clients had pulled their

extension requests because they opted to complete the work on schedule. Further discussion included the CG stating that virtual surveys are seen as a temporary solution for compliance verification during the COVID 19 pandemic, and are not considered a replacement for boots-on-deck. As appropriate, boots-on-deck will be expected to resume for CG inspections and surveys. TPOs noted the advantages to virtual audits including less time aboard vessels without sacrificing audit quality.

2. Calculating extension requests; ensure companies account for +3 months and timeline compression with extensions.

Discussion: CG shared that 30 days is sufficient for the CG to process extension requests. No further discussion.

- d. Progress of mid-period management audits: Are companies improving, regressing, maintaining performance, etc.?

Discussion: CG shared that about 50 mid-period external management audits are in window for completion. TPOs shared a variety of thoughts including the need to complete additional audits before they can speak to the overall health of SMSs they've certified, another noted continual improvement for some of their clients including less down time for vessels (which is a money saver), while another noted that some of their customers weren't yet convinced of the savings.

- e. General TPO feedback/concerns/Poll Everywhere.
 1. A TPO noted that one of their clients used a 12 month old survey as objective evidence to obtain their initial COI as authorized by [CVC PL 17-02 \(change 2\)](#). Their understanding is that the next survey isn't required until the anniversary date of said COI (+ or – 3 months), which may result in a gap of up to 27 months between surveys. The CG agrees because although the owner or managing operator must provide a report to the CG of a survey prior to obtaining the vessel's initial COI (see 46 CFR 137.202 (a)), there is no requirement for a survey concurrent with the initial COI, resulting in a potential gap between surveys of 12 + 15 months or 27 months. That said, the CG OCMI should consider the same in their determination regarding a boots-on-deck COI vs using the UTV decal as credit for physical presence per CVC PL 17-01. Additionally, the company is required to follow its certified TSMS, so consideration must be given for what the TSMS requires regarding surveys.
 2. A TPO noted that during COVID-19 it can be more difficult to find different surveyors and auditors for the same vessel – and whether the CG will permit the same under the current circumstances. CG responded that with the release of [CVC PL 17-04 \(change 2\)](#), the language prohibiting an auditor from auditing their own survey work was removed; however, the CG highly discourages the use of the same person to complete both activities, and recommends *if it must happen* that the person completes the audit prior to the survey. That said, although the same individual may conduct the survey followed by an audit for a company with an external survey program, the same individual is not permitted to conduct the survey followed by an audit

for a company under an internal survey program. This guidance aligns with the update to CVC PL-17-04 which states “TPOs, its managers, and employees engaged in audits and/or surveys are not permitted to be involved in activities that create or otherwise limit the auditor, surveyor, or organization's independent judgment (See 46 CFR 139.120).” Because the TPO is responsible for oversight of the internal survey program, the same person may not act on the company’s behalf as the vessel surveyor and then act on behalf of the TPO to conduct the audit.

External Survey Program
Survey followed by Audit → Permitted but Highly Discouraged*
Audit followed by Survey → Permitted*
Internal Survey Program
Survey followed by Audit → Not Permitted
Audit followed by Survey → Permitted*

*This option should only be employed in exceptional circumstances.

3. A TPO noted the ongoing discussion regarding steel repair. CG responded that providing guidance on this issue is a high priority and is being actively worked.
4. A TPO requested clarification concerning "oily mixture stowage" (33 CFR 155.330 and 33 CFR 155.350) as related to 33 CFR 155.770, which states "No person may intentionally drain oil...into the bilge of a vessel". TPO noted concern that the regulations appear contradictory. CG answered that although oil mixture may be "stowed" in the bilge (i.e. engine oil leaks mixed with bilge water, hence oily mixture stowage), purposely introducing oil into the bilge, such as deliberately draining used fuel oil filters, is unacceptable.
5. A TPO noted concerns of other TPOs not participating in quarterly meetings. CG responded that participation in the TPO Quarterly is not a regulatory requirement, but that these meetings are held as an opportunity to improve the way TPOs and the CG conduct business – including shared best practices, discussion of grey areas, program implementation concerns, etc.
6. A TPO noted consistency concerns regarding a CG district and units within the district (e.g. how to manage lights and day shapes). TPO noted that two OCMI's within the same district handled an identical issue differently and expressed concerns of the resulting confusion for both TPO and company. The CG stated that the TPO needs to document all deficiencies, and allow OCMI's to work out their disputes. CG referenced 46 USC §3305(d) which includes a requirement for dispute resolution between OCMI's.
7. CG recommended, in light of COVID-19, hurricane season, etc., that TPOs may benefit from employing ISO 22301: Business Continuity Management Systems.

V. Adjournment: This meeting was adjourned at 1:01 P.M. by CDR Andrew Bender

Minutes approved by: *CDR A.R. Bender*