



**Subchapter M TPO/Class Quarterly Meeting**  
18 March 2021, Noon CDT  
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 Sabine and TVIB.
- III. Agenda Topics and Discussion (Past Business):
  - a. Fleet Status:
    1. 239 TSMSs/DOCs issued (-1 over three months).
    2. 3619 vessels covered by TSMSs/DOCs (+235 over three months).
    3. 2821 total COIs: +265 COIs over three months (68/32 TSMS Option). Single vessel companies at 40.7% (+7.6% over three months), while multi-vessel companies at 53.4% (+2.9% over three months).
    4. 189 in COI draft/awaiting review status.

A TPO commented that they have seen improvement by some Coast Guard (CG) units regarding timely COI processing; however, other CG units are regressing in COI turn-out, resulting in longer waits (five or six months) for COIs. The TPO asked if it would be appropriate to request the MISLE number created once the owner or managing operator (OMO) schedules the COI inspection. The CG responded in favor of TPOs and/or OMOs requesting the MISLE Activity # from CG units as a reference point for future inquiries and COI status updates.

IV. Agenda Topics and Discussion (New Business)

- a. Policy Updates:
  1. [CVC-WI-027\(2\)](#): Vessel Cyber Risk Management; CG noted the update included guidance for non-SMS vessels.
  2. [CVC-WI-029\(1\)](#): Dry dock and Underwater Survey in Lieu of Dry docking Policy Clarifications. CG provided Q&A in email dated Wed 2/10/2021 12:46 PM. Questions on the Coast Guard's response? ([Email enclosed](#)).

No additional discussion requested for policy updates; however, TPO expressed appreciation for CG's timely response in above referenced email.

- b. Issuing nonconformities to a vessel in inactive status. A TPO asked when issuing a nonconformity to a vessel in inactive status, how do we satisfy the requirement in 46 CFR 137 to include "the latest date of corrective action"?

CG Answer: A vessel in inactive status is still required to maintain compliance because the COI remains valid. That said, for a major nonconformity or unsafe condition, the issue is required to be corrected as soon as possible – and vessel may not operate until

the issue is corrected. In the case of nonconformity, to ensure the date requirement is fulfilled in accordance with 46 CFR 137.135(a)(iii), we recommend incorporating language such as “Rectify deficiencies to the satisfaction of the TPO prior to departure [or movement] or within XX days, whichever occurs first”. CVC-WI-018(1) provides details on what constitutes a vessel in inactive status. No further discussion requested.

- c. COI processing concerns. TPOs have informed the CG that OMOs continue to wait beyond 12 months for their COIs and what they can do to expedite the process.

CG Answer: Please ensure the OMO reaches out to the marine inspector managing their COI application package. If not responsive, then the OMO should engage the Inspection Division Chief at the unit and work their way up the chain if concerns aren’t addressed. Additionally, the TPO may inform the respective ITV District Coordinator and/or TVNCOE if COIs are not being processed within 90 days. No further discussion requested.

- d. Copies of TSMS COIs: Received feedback from a TPO that it would greatly assist them if they were provided a copy of the COIs issued to companies under TSMSs they’ve issued.

The Coast Guard answered by providing national guidance to our Inspection Division Chiefs in last month’s “CID Note 21-02”:

“As parties to a Certificate of Inspection under the Subchapter M TSMS compliance option, and to assist in tracking fleet compliance rates, OCMI’s are requested to provide a copy of each TSMS option COI they issue to the TPO reflected in the endorsements. The copy may be emailed or hard copy mailed to each TPO using the contact information available on the TVNCOE website”.

TPO expressed appreciation for updated direction to CG Inspection Division Chiefs. No further discussion requested.

- e. TPOs and COI Amendments: The CG noted that towing vessels operating under the TSMS compliance option that have been issued a COI and are being removed from the OMO’s TSMS list will likely require a COI amendment, while a change of compliance option requires a new COI. The OMO is required to notify the OCMI regarding the updates, and, because the COI endorsement identifies the TPO that issued the TSMS under which that vessel is operating in accordance with CG-CVC Policy Letters [17-01](#) and [17-02](#), the OMO should also notify the respective TPO of the update.

The TVNCOE has found great value with the submissions of TSMS addendums submitted by some of the TPOs. Aside from providing transparency of vessel additions or removals from TSMSs they’ve issued and notice of vessels being issued their initial COI, this practice also triggers the TVNCOE to work with CG units to ensure vessel COIs are properly amended.

A TPO expressed concerns regarding the turnaround and administrative demand on OCMI’s when amending COIs for vessels that may only be leased for two weeks by another company. CG responded that the COI amendment process remains the current

answer for COI updates, albeit temporary in some cases, but will continue to discuss alternative possibilities.

- f. Testing emergency dewatering and ballast management systems. CG commented that multiple units have called expressing concerns regarding surveyors not witnessing the testing of emergency dewatering or ballast management systems (an essential system by definition). Prior to issuing COIs, these units have been aboard to test some of the essential systems leading them to this discovery.

46 CFR 136.210(b)(2) requires that objective evidence is to be provided to ensure that essential systems comply with the applicable requirements, which may be in the form of a survey report issued by a TPO.

46 CFR 137.220 Scope (of a survey), Section (c) states that machinery, fuel, and piping, must be examined for its condition of, and, where appropriate, witness the operation of: (6) Means provided for pumping bilges.

It appears that some surveyors aren't witnessing the operation of the system, but are only looking at one component of the system. Example: just turning the bilge pump on and off to see that it works.

The bilge pump is also covered by (c)(2) All machinery essential to the routine operation of the vessel, but again, 137.220(c)(6) Means provided for pumping bilges, is not being fully witnessed on the operation of the bilge pump alone.

Surveyors conducting initial or annual surveys should ensure compliance with 46 CFR 143.245. Table 143.245(b) specifies how often the crew needs to complete these tests and refers to part 140 for record requirements. For the bilge system, testing is required at least once every 3 months. By that the crew should be very comfortable testing, using those procedures, so that surveyors can witness the operation of: 46 CFR 137.220(c)(6) Means provided for pumping bilges.

If surveyors have concerns with discharging overboard, they should update those procedures to satisfactorily test the system without discharging overboard.

A TPO noted that to ensure consistent application of the above information, the CG should provide policy on the same. The CG expects this and all essential systems to be surveyed in accordance with the regulation. If expectations are unclear, TPOs and/or OMOs should reach out to field marine inspectors, District ITV Coordinators, and/or the TVNCOE for further clarification to ensure their surveyors are meeting the CG's expectations.

- g. Progress of mid-period management audits. Completed (93), in window (24), remaining (69) = 186 total.

CG requested input from TPOs regarding the overall health of SMSs they've audited for the mid-periods. A TPO noted that they are witnessing improvements to Safety

Managements Systems, but both TPOs and owners and managing operators continue to heighten understanding and improve processes.

- h. [TVNCOE website](#) The CG shared that the TVNCOE website has been streamlined and updated to enhance user friendliness and maximize access to towing vessel related guidance and requirements. Updates include the addition of a [Security](#) section to [TugSafe Central](#), as well as new links to the Commercial Vessel Compliance website to ensure availability of the latest guidance for all CG inspected fleets.

[TVNCOE Online Training](#). The CG noted that the Subchapter M Virtual Training page has been revamped to enable streaming of the training directly from the website vs the previous posting that required downloading to the user's personal or business computer. Live virtual training remains available to the TPOs and industry alike.

- i. Internal Survey Program and TPOs: TPOs have recently requested CG input regarding actions to be taken when a TSMS company fails to complete a survey on a vessel operating under an internal survey program.

CG Response: Failure to complete surveys as prescribed by 46 CFR 137.210 constitutes non-compliance with 46 CFR 138.215(e) and a non-conformity with 46 CFR 138.220(c). TPOs are expected to identify occurrences and require corrective actions to both correct and prevent future non-compliance. The CG encourages continued open communication through notification to the OCMI (by the TPO and/or OMO) when issues are identified that have the potential to affect the validity of the vessel's COI.

The CG asked whether TPOs were issuing non conformities for OMOs that have not met the 50% COI phase-in requirements and how they're managing the same.

A TPO pointed out that they are revamping how they approach OMOs that have vessels that don't meet the required timelines for surveys, but remain limited in their actions due to a lack of specific CG guidance on the matter. They also noted, that if the CG is employing [CG-CVC PL 20-01](#), Subchapter M Enforcement, they don't want OMOs to face double jeopardy for the same, and because of CG COI issuance process concerns, it's difficult in many cases to determine who is responsible for the lack of a COI.

- j. District involvement in TPO Quarterly calls. The CG asked the TPOs whether the TPO Quarterly was a good forum for CG District participation or whether we should look at another forum for TPOs and Districts. TPOs requested that District ITV coordinators participate, and expressed great interest in a forum similar to the Eighth District Meeting held last year with the TVNCOE, CVC, TPOs, and Eighth District Inspection Division Chiefs.
- k. General TPO feedback/concerns/Poll Everywhere.

A TPO asked whether [MSIB 09-20](#) remains valid or if there are plans to update or cancel. The CG responded that the MSIB remains valid and does not have a timeline on the longevity of the bulletin.

The CG received an anonymous request via Poll Everywhere to consider updating the meeting time. The CG will look at alternative times for future TPO Quarterly meetings.

- V. Adjournment: This meeting was adjourned at 1:22 P.M. by CDR Andrew Bender  
Minutes approved by: *A.R. Bender*