

PASSAGE PLAN

INTERNATIONAL ANNOUNCEMENTS

SHIP MANAGEMENT COMPANY FINED \$10 MILLION

The U.S. Department of Justice issued a press release stating that a Hong Kong-based MSC Ship Management pled guilty and was sentenced to pay a criminal fine of \$10 million for engaging in conspiracy, obstruction of justice, false statements, and violating the Act to Prevent Pollution from Ships. The company was also ordered to pay \$500,000 for a program to provide environmental education to mariners visiting Massachusetts ports and inform them how to report environmental crimes to the U.S. Coast Guard. The conviction relates to using a by-pass pipe on a container ship to circumvent the oily water separator and to making false entries in the oil record book.



CARRIAGE OF IMMERSION SUITS



The Singapore Maritime and Port Authority (MPA) issued a Circular reminding owners and operators of existing cargo ships that, not later than the first safety equipment survey on or after 1 July 2006, immersion suits will have to be carried for every person on board. Additional immersion suits are required for persons normally on watch or working in workstations that are located remotely from where the immersion suits are normally stowed. An exemption is allowed for ships (other than bulk carriers) constantly engaged on voyages within the latitudes of 30°N and 30°S.

U.S. NAVY SEIZES SUSPECTED PIRATE SHIP

The U.S. Navy announced that the USS WINSTON S. CHURCHILL (DDG 81) seized a suspected pirate ship 87 km (54 nm) off the coast of Somalia. The ship (a dhow) is suspected of having fired on a merchant vessel passing off the coast of Somalia. There were 16 Indians and 10 Somalis aboard the dhow, along with various small arms.

SUMMARY JUDGMENT PREMATURE WHERE FACTS ARE IN DISPUTE

The U.S. Court of Appeals for the First Circuit ruled that summary judgment is premature where facts surrounding the case are still in dispute. In the instant case, plaintiff purchased a sailboat in Miami (through his cousin) to replace one that he owned and chartered in Maine. Plaintiff contacted his insurance broker to transfer the marine insurance policy from the old sailboat to the new one. The old policy included a provision limiting coverage to no more than 100 miles offshore. Plaintiff also sought one-time trip coverage for the voyage from Miami to Maine and allegedly told his insurance broker that he planned the voyage "as the crow flies." The sailboat was lost in a storm in the North Atlantic during the voyage to Maine, more than 100 miles off the coast. Plaintiff had not received the written policy prior to the voyage and had only the oral binder. His claim for the loss was denied, in part because it occurred outside the limits of the policy. Plaintiff asserted that the usual distance limits did not apply because a voyage "as the crow flies" from Miami to Maine is more than 100 miles offshore. The trial court ruled that the policy limits applied. The appellate court held that this constituted a factual dispute that could not be resolved at summary judgment. The case was remanded for trial on the merits. Grande v. St. Paul Fire & Marine Insurance Co., No. 05-1734 (1st Cir., February 2, 2006).



PORT STATE CONTROL

USCG – ENFORCEMENT OF MARPOL ANNEX I

The U.S. Coast Guard issued a Policy Letter advising its port state control officers regarding how they should conduct port state control examinations to enforce MARPOL Annex I. The emphasis is on the oily water separator (OWS), the oil content monitor (OCM), and the oil record book (ORB). The letter provides details on what to look for and how to conduct various tests. This document should be required reading for chief engineers, masters, and shoreside management. These personnel should go through the same procedures on a regular basis to ensure that the ship is in full compliance with applicable requirements and will pass muster when a port state control examination is conducted – whether by the U.S. Coast Guard or by another port state administration



USCG – ACCIDENT REPORT RELEASED - BOW MARINER

The U.S. Coast Guard released its report of the investigation into the explosion and sinking of the chemical tanker Bow Mariner in the Atlantic Ocean on February 28, 2004 with loss of life and pollution. The investigation was conducted in cooperation with Maritime and Port Authority (MPA) of Singapore, the flag state. The primary cause of the casualty was determined to be the opening of various cargo tanks for tank cleaning, thereby allowing MTBE vapors in the flammable range to accumulate on deck. Contributory causes included failure of the ship management company and senior officers on the tanker to properly implement the safety management system; hasty abandonment of the tanker by various senior officers; lack of training and familiarization provided to various personnel; and lack of cohesiveness between the officers and the crew.



NEW ALCOHOL AND DRUG TESTING FOLLOWING SERIOUS MARINE INCIDENTS

The Coast Guard recently announced in a final rule published on December 22, 2005, changes to chemical testing requirements following Serious Marine Incidents ("SMIs"). Specifically, (1) alcohol testing will be required within two hours of a SMI, (2) most commercial vessels will be required to carry alcohol testing devices onboard, and (3) the collection of drug specimens will be required within 32 hours. The final rule is effective June 20, 2006.



AUSTRALIA – COMPULSORY INSURANCE

The Australian Maritime Safety Authority (AMSA) issued a Notice stating that, effective 6 April 2006, ships operating in Australian waters will be required to carry on board a "relevant insurance certificate". The requirement will apply to ships of 400 gross tons and greater that carry oil as cargo or bunkers. The certificate requirement will normally be fulfilled by having a P&I Club certificate of entry. Tank vessels may comply by having a certificate in accordance with the 1992 Civil Liability Convention.



USCG – VESSEL ACCESS CONTROL

The U.S. Coast Guard issued a policy letter reiterating the requirements for vessels, facilities, and persons subject to the maritime security regulations relating to access control. Specifically, masters and vessel security officers are reminded that non-crewmembers must show an acceptable identification credential when coming aboard a ship. Permission to be on a facility does not automatically guarantee permission to be on a vessel.



LEARNING OPPORTUNITES

PUBLIC COURSES

Our schedule for the first half of 2006 is posted. Please check our website for the posting: www.usmaritimeinstitute.com. Courses to be offered:

Annual Update on Maritime Regulations

This yearly seminar program invites all members of the maritime community to participate in a half-day session to review and discuss the latest additions and changes to regulations affecting ships, yachts, and port facilities. Topics to be covered this year include: Ballast Water Management, MARPOL Annex VI – Air Pollution, Ship Recycling, Anti-Fouling Convention, Towing Arrangements, Port State Control scheduled initiatives, Ship Security Alert Systems, Voyage Data Recorders, and the new STCW requirements Survival Boat training. Fort Lauderdale, Florida, USA: February 24, 2006.

Emergency Preparedness and Response with the Incident Command System

This training course introduces the Incident Command System (ICS) and provides the foundation for establishing a company's emergency response team. The lectures describe the history, features and principles, and organizational structure of the Incident Command System, along with its compliance with the ISM Code, ISPS Code, and Vessel Response Planning for both oil tank and non-tank vessels. The course also explains the relationship between ICS and the National Incident Management System (NIMS) utilized by US agencies, including the US Coast Guard and Federal Emergency Management Agency. Group exercises offer training in the fundamentals of the emergency planning process, including the rationale behind planning. It will develop your capability for effective participation in a company's safety, environmental, or security incident. Fort Lauderdale, Florida, USA: February 16-17, 2006.



Integrated Maritime Auditor (ISM & ISPS)

This three-day classroom course, which is a combined ISM Code familiarization, ISPS Code familiarization, and internal auditor course will help students develop a practical approach to the interpretation and application of the International Safety Management (ISM) Code and International Ship and Port Facility Security (ISPS) Code. It is a highly participatory combination of presentations, group discussions, and case studies, plus individual and syndicate exercises. The specific Safety Management System and Ship Security Plan requirements of various companies are incorporated into the course, along with the regulatory requirements of the flag administrations. Upon completion of this course, students will have the necessary theoretical knowledge to conduct simultaneous ISM Code and ISPS Code internal audits. Fort Lauderdale, Florida, USA: March 8-10, 2006.

Maritime Accident and Incident Investigation



This two-day course provides participants with a thorough understanding of the causes and effects of loss using workshops and actual case studies. Emphasis is placed on pre-accident planning and preparation, evidence gathering, the methodologies of root cause analysis, and remedial actions necessary to prevent incident recurrence. Maritime Accident and Incident Investigation covers the skills needed to conduct systematic accident investigations, nonconformity analysis, and hazardous occurrence elimination.

Fort Lauderdale, USA: April 19-20, 2006.

[Port State Control – Preparation and Response](#)

This two-day course is designed to help companies ensure that their management systems identify and address potential problems to help prevent vessels in their fleets encountering difficulties during port state control inspections. Understanding how port state control inspections relate to the ISM and ISPS Codes will help you diminish the likelihood of your ships being detained by the authorities. Through a highly participative combination of presentations, group discussions, case studies and syndicate exercises, you will learn about and understand: the background to port state control inspections, the different port state control Memorandum of Understanding (MOU) targeting and inspection policies, port state control links with the ISM and ISPS Codes, the port state control inspection/detention process and appeal procedure if the detention is considered unjustified, and port state control ISM and ISPS deficiency codes. In addition, you will gain knowledge of the transparency of the port state control MOU's reporting systems, the port state control's use of the ISM and ISPS Code checklist, the International Association of Classification Societies (IACS) initiatives to reduce port state control detentions, and flag administration initiatives to improve safety standards.

Fort Lauderdale, USA: June 14-15, 2006.



[Yacht Management Series: Senior Crew Seminar](#)

Leader, manager, supervisor, team leader--no matter what your official title, you're expected to get the job done through others. Management success depends upon your abilities as a coach, team builder,



master delegator, time and project manager, and employee motivator and disciplinarian. The job-within-the-job often expands to include managing inventories, resolving conflicts, eliminating unacceptable behavior, hiring the best employees--and terminating when necessary, and more. Nobody said managing, leading, and supervising would be easy, and whether you've been leading and managing for years, or you're looking forward to that promotion Chief Engineer, First Officer, or Captain, you'll become your best with our tried-and-true techniques, strategies and "how-to's" for management success. Subject matter will also include topics dealing with

SOLAS, MARPOL, classification rules, US Coast Guard, and Port State Control, the ISM Code, and ISPS Code. Fort Lauderdale, USA: April 19-20, 2006.

[Yacht Management Series: ISM Code, ISPS Code, STCW Code Basics](#)

These series of courses are designed specifically for today's megayacht crews with a demanding schedule. Each training session is offered on board your vessel and geared specifically to your area of operation, flag of registry, and specific requirements of your manager's ISM and ISPS procedures.

Open Enrollment: Call to schedule.

[Customized Course Offerings](#)

In addition to the above public training courses, USMI offers a full catalog of subjects, including hazardous materials, security awareness, safety drills, and full company exercises. If you don't see the training event that is right for you, talk to us about your requirements -we can probably offer you a customized solution to meet your precise expectations. Your training event can be run in any location to suit you - in our offices, in your premises, or even onboard ship, anywhere you need it - the choice is yours.

[DISTANCE LEARNING](#)

For those alumni that have completed either the ISM Auditor or ISPS Auditor course, but not both, USMI now offers a distance learning course that allows you to upgrade to Integrated Maritime Auditor (ISM / ISPS). No classroom attendance is required. Contact us for full details.

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