

PASSAGE PLAN

INTERNATIONAL ANNOUNCEMENTS

[ILO – ADOPTION OF CONSOLIDATED MARITIME LABOR CONVENTION](#)

The International Labor Organization (ILO) issued a Press Release stating that the Conference held in Geneva during the month of February adopted a comprehensive labor standard for the world's maritime sector. The Provisional Record provides a background summary of development of the Convention. The Adoption Report is an explanation of the various provisions of the Convention. The Proposed Convention is the unofficial text of the Convention. The Report of the Director-General places the Convention in context with related activities of the ILO and the IMO. The Convention applies to ships larger than 500 gross tons engaged on international voyages. The contents of the Convention focus on conditions of employment, accommodation, recreational facilities, food, wages, medical care, welfare, and enforcement. It will come into force after it has been ratified by 30 member states with a total share of at least 33% of the world's gross tonnage. The European Commission issued a Press Release stating that it plans to support effective implementation of the Convention in the European Union and is exploring the possibility of incorporating the Convention into Community law.



[USA - OIL SPILL PREVENTION ACT OF 2005 INTRODUCED](#)

Representative from the State of Washington introduced the Oil Spill Prevention Act of 2005 (H.R. 4724) to establish requirements with respect to the transfer of oil to or from an onshore or offshore facility, or a vessel with a capacity of over 250 barrels in United States waters, and for other purposes. The purpose of the bill is to reduce the risk of oil spills during bunkering and related oil transfers. Initial opinions indicate that it is so poorly drafted that, it would be counterproductive. The general wording of the Bill would require a person in-charge of bunkering to have a certification equivalent to those acting as a person-in-charge on oil and chemical tankers cargo transfers.



[INTERNET EQUIPMENT RULED ESSENTIAL PART OF CRUISE SHIP](#)

The U.S. Court of Appeals for the Eleventh Circuit ruled that internet communications equipment is an essential part of a cruise ship and is to be included when the ship becomes subject to a maritime lien. In the instant case, petitioner leased telecommunications and internet equipment to the operator of a cruise ship. Petitioner retained ownership of the equipment and provided service and maintenance. The ship was arrested for unpaid shipyard work totally unrelated to petitioner's equipment. The ship was sold at a judicial sale. Petitioner sought to recover the value of its equipment, which was included in the ship sale. The court held that "it is unimaginable in today's world that a luxury cruise ship could be successful without a fully functioning telecommunications system." Therefore, petitioner's equipment was found to be essential to the ship and properly included in the sale. *Motor-Services Hugo Stamp, Inc. v. M/V Regal Empress*.



PORT STATE CONTROL

USCG - NONTANK VESSEL OIL SPILL RESPONSE PLANS – DEVELOPMENT AND REVIEW

The U.S. Coast Guard issued revised guidance for development and review of oil spill response plans for nontank vessels. The requirement for such plans for nontank vessels operating in U.S. waters was enacted in 2004. Because the regulations have yet to be promulgated, the Coast Guard issued guidance on how ship owners and operators should develop and implement this plans. The guidance has been amended by Change 1. A nontank vessel, for purposes of this requirement, is a self-propelled vessel of 400 gross tons (as measured under the International Tonnage Convention) or greater, other than a tank vessel, that carries oil of any kind as fuel for main propulsion and that operates on the navigable waters of the United States. The requirement for preparation and submittal of these response plans became effective on August 8, 2005. While active enforcement of the requirement awaits promulgation of the regulations, the period of informed compliance has already commenced.

USCG – GUIDELINES FOR VESSELS OPERATING IN HIGH RISK WATERS

The U.S. Coast Guard announced the availability of Maritime Security (MARSEC) Directive 104-06 providing guidelines for U.S. vessels operating in high risk waters. Because the Directive is designated Sensitive Security Information (SSI), it is not subject to general release. Rather, copies may be obtained from a USCG Captain of the Port (COTP) office by covered persons with a need to know. Owners and operators of vessels that may operate in areas where acts of piracy and armed robbery against ships are prevalent must include the performance standards listed in the MARSEC Directive in their security plans.



WASHINGTON STATE – BALLAST WATER MANAGEMENT REPORTING

The Washington Department of Fish and Wildlife (WDFW) issued a Notice regarding the state's Ballast Water Program. Under state law, the discharge of improperly exchanged or treated ballast water into state waters will be prohibited as of July 1, 2007. The safety exception will be eliminated. Vessel operators are encouraged to begin now to plan for implementing treatment alternatives to high seas ballast water exchange. Operators of commercial vessels that transit state waters must, by July 1, 2006, submit a report to the WDFW describing how they will meet the July 1, 2007 requirements.



BILL INTRODUCED RE GREAT LAKES BALLAST WATER MANAGEMENT

A congressional representative from Illinois introduced a bill (H.R. 4771) to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to require application to all vessels equipped with ballast water tanks, including vessels that are not carrying ballast water, the requirement to carry out exchange of ballast water or alternative ballast water management methods prior to entry into any port within the Great Lakes, and for other purposes.

FERRY MANAGER SENTENCED FOR SEWAGE DUMPING

The U.S. Attorney for the District of Connecticut announced that the operations manager of the Fisher Island Ferry was sentenced to 30 days imprisonment, one year of supervised release, and a \$10,000 fine for violation of federal law. The manager pled guilty to directing the ferry crews to open the overboard discharge valves on the vessels' sewage systems during the period 2000 through 2004, thereby allowing raw sewage and untreated sludge to be discharged directly into the Thames River in New London and into Long Island Sound. The practice



continued until the U.S. Coast Guard did an unannounced inspection of a ferry in 2004.

[CONCENTRATED INSPECTION CAMPAIGNS](#)

The Tokyo MOU re-announced that it is undertaking a Concentrated Inspection Campaign (CIC) to check for compliance with MARPOL Annex I by ships calling in ports of member nations. The Viña del Mar Agreement (Central and South America) is also undertaking a similar CIC. These two regional port state control organizations thus join the Paris MOU in closely examining such things as oily water separators and oil record books for the period 1 February through 30 April. The U.S. Coast Guard has been focusing on these issues for some time, but also announced a similar concentrated effort during the same timeframe.



[AUSTRALIA – LIFEBOAT FATALITIES CAUSED BY SEVERE CORROSION](#)

The Australian Transport Safety Bureau (ATSB) issued the report of its investigation into the deaths of two crewmembers and the injury of three more during a lifeboat drill on a bulk carrier off Port Hedland, Western Australia on 7 October 2004. The lifeboat was being lowered when the after on-load release hook failed, causing the lifeboat to unexpectedly fall 16 meters into the sea below. Investigation revealed that the lifeboat's after hook's keel stays were severely corroded, allowing them to fail under a normal load. The ship's maintenance and survey regime was determined to be deficient. This is yet another case justifying the upcoming amendments to SOLAS that will require no crew to be in the lifeboats during testing.



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:

[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.

Newsletter Subscription is Free: Email us: newsletter@usmaritimeinstitute.com or visit our website.