

Safety Management Systems in US Coast Guard Regulations

John Hannon
Office of Commercial Vessel Compliance

Definition from US regulations

- **SAFETY MANAGEMENT SYSTEM**

Title 33 CFR 96.120, Definitions.

“ A structured and documented system enabling Company and Vessel personnel to effectively implement the responsible person’s safety and environmental protection policies”.

International Regulations

International Maritime Organization (IMO)

International Safety Management Code (ISM Code)

- Applies to all ships on Foreign Voyages that are subject to SOLAS (International Convention for the Safety of Life at sea)
- Took effect in 1996 for Tankers, Bulk Carriers and Passenger Vessels. Took effect for all others in 2002.

US Law

- Title 46 USC Code 3201 – 3205
 - Chapter 32 Management of Vessels

Application:

- Vessels on Foreign Voyages
- Passenger Vessels with more than 12 passengers
- Cargo Vessels & MODUS's over 500 Gross Tons
- Does not apply to Barges, Recreational Vessels not in commercial service, fishing vessels, vessels operating on the Great Lakes and its tributaries, public vessels.

US Regulations

- Title 33 Code of Federal Regulations
 - Part 96, Rules for the safe operation of vessel and safety management systems.
 - Mirrors the applicability in the ISM Code and the US law.
 - Authorizes the use of Recognized Organizations to Act on behalf of the United States Coast Guard.

New Regulations

- Proposed rule: Title 46 CFR Subchapter M – Towing Vessels
 - Proposed rules Incorporate Safety Management Systems as a element of regulatory compliance know as Towing Safety Management Systems (TSMS).
 - Proposed regulations would allow organizations that are not classification societies to apply for recognition by the Coast Guard to conduct audits/certification of a TSMS.

Pending Regulations

- Amendments to Section 3202 of 46 USC were contained in the 2011 Coast Guard Authorization Act.
- Expand SMS requirements to domestic Small Passenger Vessels (less than 100 gross tons), Passenger vessels (over 100 gross tons), including passenger ferries.
- Coast Guard must do implementing regulations. This can be a lengthy process.

Enforcement

- ISM is a people based system and is unique in that it engages both the company persons ashore as well as those on the vessels.
- Before the ISM Code only vessel personnel were accountable for compliance with regulations.
- ISM Code requires multiple certificates, one for the company and one for each vessel operated by the company.
- Invalidation of the company ISM Code document of compliance invalidates all of the vessel safety management certificates.

Functional Issues with ISM

- Allows ISM Certification by other than the Society Classing the Vessel. This creates some communication problems.
- International Association of Classification Societies (IACS) Procedural requirement number 17 (PR17) requires communication between class societies for ISM/SMS issues.
- Flag Administration needs to be engaged in the process.
- Only a Flag Administration can revoke a certificate.

Final Thoughts

- Safety Management Systems are a layer that overarches basic compliance with regulatory requirements. An effective SMS always ensures consistent regulatory compliance.
- Adequate resources must be allocated for effective implementation.
- Say what you will do and do what you say.

QUESTIONS

