



WELCOME TO THE USA!

A shipowner's guide to regulatory compliance

MAY, 2018

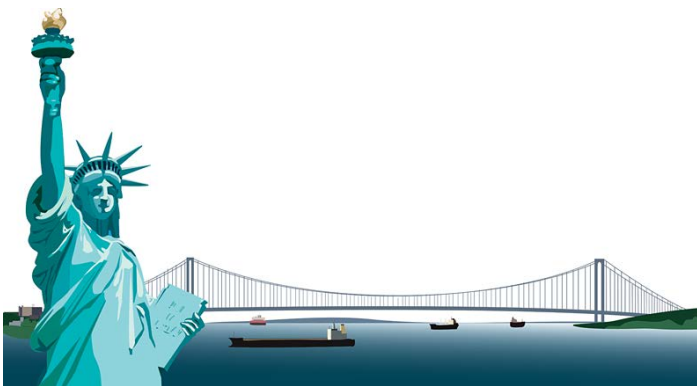


Table of Contents

Introduction 1

Acknowledgements 2

Safety 3

Maritime Security 4

Environmental Protection 8

Liability 15



Welcome to the USA! A shipowner's guide to regulatory compliance

Introduction

The global shipping industry is confronted with a daunting array of regulations – and concomitant liability – concerning safety, maritime security and marine environmental protection. No regime is more challenging than that of the United States where international, national and individual state rules combine to create an often perplexing landscape of compliance.

In response to requests for guidance, the American Club is pleased to present the attached summaries of key regulations of which shipowners should be aware when trading to and from the United States and United States Territories. Members should also note that, in regard to most of these requirements, the Club also provides additional guidance, tools and services to assist them in achieving compliance. These are noted in the appropriate places herein.

Members are also urged to liaise with their local agents in advance of trading to the United States and United States Territories for guidance and assistance in regard to the local rules which may apply to them. However, Members are invited to contact the Managers who stand ready to assist with any other concerns the Member may have.

Acknowledgements

The American Club would like to thank K&L Gates LLP, Keesal, Young & Logan LLP and Chaffe McCall, LLP for their kind assistance in the review of, and input to, this document.



Disclaimer

The information presented in *Welcome to the USA! A Shipowner's Guide to Regulatory Compliance* is for general guidance information purposes only. While the American Club makes every effort to ensure that the information contained in the document is accurate, neither the American Club nor its Managers warrant that the information is correct or timely and no reliance is to be placed on the information.

Neither the American Club nor its Managers shall be liable for any injury, loss, expense, claim, or damage, including but not limited to any indirect, special, incidental or consequential damages of any kind, whether based in contract, tort, strict liability, at law or otherwise, arising out of or relating in any way to the use of, or inability to use, this guidance.

Moreover, the information in this guide should not be construed as evidence of any contract of insurance and should not be regarded as evidence of any undertaking, financial or otherwise, on the part of the American Club or its Managers to any other party. Furthermore, nothing in this guide should be construed as an indication that the American Club or its Managers hereby consent either to act as a guarantor or to be sued directly in any jurisdiction whatsoever.

Table: US Regulatory Regime for the United States

SAFETY			
Subject	Summary	American Club guidance/references	Other relevant guidance/references
Ebola Virus Disease (EVD)	<p>The United States (U.S.) has implemented various prevention and control measures to prevent the spread of the EVD.</p> <p>Of particular note, the Master of a vessel destined for a U.S. port is required to report sick or deceased crew or passengers within the last 15 days to the U.S. Center for Disease Control under 42 Code of Federal Regulations (CFR) 71.21.</p>	<p>The Club has a devoted website on EVD updates and guidance on contracts and charter parties at http://www.american-club.com/page/ebola that include port requirements and restrictions for the U.S. as well as other maritime nations.</p> <p>In addition, a listing of important industry references including any issued by the USCG for ships transiting to the U.S. can be found at www.american-club.com/page/ebola.</p>	<p>The USCG has issued Marine Safety Bulletin 12-14 dated 7 August 2014 requiring vessel agents to provide information as to whether crew members have been to Ebola-affected countries within the last 45 days. A copy of this Bulletin can be found by clicking here.</p>
Casualty Reporting	<p>On July 1, 2016 the USCG released a series of updated casualty reporting forms. The documents contain several updates, including:</p> <ul style="list-style-type: none"> • new addendum forms for barge involvement, personnel casualties, witnesses and drug and alcohol testing; • streamlined data fields to align with statutory and regulatory language; • the ability for a form to be completed electronically, including the use of a digital signature; and • as of April 18, 2018, the property damage threshold for a marine casualty that requires immediate notice and a written report is US\$ 75,000 (an increase from the previous US\$ 25,000). 	X	<p>All 2692 Casualty Reporting Forms and guidance on casualty reporting can be found at the USCG's website at https://www.dco.uscg.mil/Our-Organization/Assistant-Commandant-for-Prevention-Policy-CG-5P/Inspections-Compliance-CG-5PC-/Office-of-Investigations-Casualty-Analysis/2692-Reporting-Forms-NVIC-01-15/.</p> <p>Also see: http://mariners.coastguard.dodlive.mil/2018/04/18/4-18-2018-reminder-changes-to-marine-casualty-reporting-property-damage-thresholds-now-in-effect/</p>
Vessels with crews from Iraq, Iran, Libya, Somalia, Sudan, Syria and Yemen	<p>Vessels calling at US ports and traversing US waters with crew who are nationals of these Iraq, Iran, Libya, Somalia, Sudan, Syria and Yemen should query their Club.</p>	<p>References to the immigration requirements can be found at Club Circular No. 18/17.</p>	X

MARITIME SECURITY			
Subject	Summary	American Club guidance/references	Other relevant guidance/references
<p>Notice of Cargo Loading and Arrival</p>	<p>Cargo declarations for containers destined for the U.S. must be submitted to U.S. Customs and Border Protection (“CBP”) through its Automated Customs Environment (“ACE”) at least 24 hours before loading in the foreign port. A container stow plan must be submitted no later than 48 hours after the vessel departs the last foreign port. If a carrier collects container status messages as part of its equipment tracking system, certain of those messages must be submitted to CBP.</p> <p>Break bulk carriers are also subject to the pre-loading cargo declaration requirement but may apply to CBP for an exemption. Exempt break bulk carriers and carriers of bulk cargo must provide an electronic manifest 24 hours prior to the vessel’s arrival in the US.</p>	<p>CBP’s adoption of additional requirements relating to notice of cargo loading and arrival is discussed in Club Circular No. 27/08.</p>	<p>Applicable CPB regulations can be found at 19 C.F.R. § 4.7. Information on CBP’s ACE portal is available at https://www.cbp.gov/trade/automated.</p> <p>Information on CBP’s original carrier filing rule may be found at http://www.cbp.gov/border-security/ports-entry/cargo-security/importer-security-filing-102.</p>

MARITIME SECURITY (cont.)			
Subject	Summary	American Club guidance/references	Other relevant guidance/references
Vessel Notice of Arrival or Departure (NOAD)	<p>For vessels entering US waters, as per the United States 33 CFR Part 160, Subpart C, U.S. and foreign vessels bound for the U.S. must file a Notice of Arrival/Departure (NOAD). As per 33 CFR 160.212: "If your voyage time is 96 hours or more you must submit an NOAD at least 96 hours before entering the port or place of destination. If your voyage time is less than 96 hours you must submit an NOAD before departure but at least 24 hours before entering the port or place of destination."</p> <p>The NOAD must contain all of the information items specified in Table 160.206. The table may be accessed at http://www.gpo.gov/fdsys/pkg/CFR-2012-title33-vol2/pdf/CFR-2012-title33-vol2-sec160-206.pdf.</p>	X	<p>Further information on NOAD can be found at the website http://www.nvmc.uscg.gov/NVMC/default.aspx.</p> <p>To simplify the process, electronic filing of the NOAD (eNOAD) can be completed at the website https://enoad.nvmc.uscg.gov/.</p> <p>The full regulations for filing the NOAD may be accessed at http://www.gpo.gov/fdsys/pkg/CFR-2012-title33-vol2/pdf/CFR-2012-title33-vol2-part160-subpartC.pdf.</p> <p>The USCG has also provided a simplified Excel workbook spreadsheet format for NOADs. This can be accessed at https://www.nvmc.uscg.gov/NVMC/(S(qczpf3m3z5wyjdqar5okd1qz))/Items.aspx?id=32D47D72-5CDB-4A21-B119-1A623D27D833.</p>
Ships calling U.S. ports from Cuba	<p>As of 17 October 2016, vessels that have delivered agricultural commodities, medicine, medical devices and purely civilian (e.g. crude oil, machinery, building products) cargoes to Cuba will no longer be prohibited from calling in the United States after they have called in Cuba.</p>	<p>For further information, please refer to American Club Circular No. 05/15 (imposing ban) and American Club Circular No. 36/16 (lifting of ban).</p> <p>For further information and guidance regarding U.S. economic sanctions, please refer to the American Club website at http://american-club.com/page/sanctions.</p>	<p>A copy of the amended regulations from the US Treasury Department is available at https://www.treasury.gov/resource-center/sanctions/Programs/Documents/cacr_10142016.pdf.</p>

MARITIME SECURITY (cont.)			
Subject	Summary	American Club guidance/references	Other relevant guidance/references
Crew Member Identification	<p>The USCG's Marine Safety, Security and Stewardship Directorate have established identification document requirements for crew members of certain vessels in U.S. navigable waters.</p> <p>This rule affects crew members aboard foreign commercial vessels operating in U.S. waters and calling on U.S. ports, and crew members aboard U.S. commercial vessels returning from a foreign port.</p> <p>The rule requires crew members to possess and provide on demand one of the following acceptable identification documents: a passport, a U.S. permanent resident card, a U.S. merchant mariner document, a U.S. merchant mariner credential, a transportation worker identification credential (TWIC) or a seafarer's identification document issued by a country signatory to the International Labour Organization (ILO) Convention 185.</p>	<p>A summary of the requirements for crew member identification can be found at the American Club website at Member Alert dated 29 April 2009.</p>	<p>The USCG regulations for Crew Member Identification may be found at 33 CFR Part 160, Subpart D as seen at http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title33/33cfr160_main_02.tpl.</p> <p>The list of countries that have ratified the ILO Convention 185 may be found at www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300:P11300_INSTRUMENT_ID:312330.</p>

MARITIME SECURITY (cont.)			
Subject	Summary	American Club guidance/references	Other relevant guidance/references
Cyber Security	<p>Cyber-attacks are becoming more commonplace and more complex, and the damage they cause is growing more severe. In addition, the legal ramifications for failing to take steps to prevent cyber-attacks are increasingly tangible.</p> <p>On October 24, 2017, H.R. 3101 (<i>see also</i> S. 2083) was passed in the U.S. House of Representatives, and thereafter, referred to the U.S. Senate Committee on Commerce, Science, and Transportation. If passed and signed into law, H.R. 3101/S. 2083 would require new vessel or facility security plans to include a mitigation plan to prevent, manage, and respond to cybersecurity risks.</p>	<ul style="list-style-type: none"> • Member Alert dated 04 May 2009. 	<p>On June 16, 2017, the IMO adopted resolution MSC.428(98), encouraging Administrations to ensure that cyber risks are appropriately addressed in safety management systems no later than the first annual verification of the Company's Document of Compliance after 1 January 2021. A copy of the resolution is available by clicking here.</p> <p>Members are also encouraged to review the IMO's Guidelines on Maritime Cyber Risk Management, which were approved in 2017</p> <p>In July 2017, the U.S. Coast Guard published a draft of Navigation and Inspection Circular (NVIC) 05-17, entitled, Guidelines for Addressing Cyber Risks at Maritime Transportation Security Act (MTSA) Regulated Facilities. NVIC 05-17 provides guidance and recommended practices for MTSA-regulated facilities to address cyber related vulnerabilities.</p>

ENVIRONMENTAL PROTECTION			
Subject	Summary	American Club guidance/references	Other relevant guidance/references
<p>Calling at ports in the state of California: California Air Resource Board (CARB) Regulations</p>	<p>The California Air Resources Board (CARB) has implemented regulations pertaining to the sulfur content limits and types of fuels that can be used in California waters as follows:</p> <p>*MDO (ISO 8217, DMB Grade) or MGO (ISO 8217, DMA Grade) with a limit of 0.1% sulfur.</p> <p>*Applies to all California waters within 24 NM of the California baseline.</p> <p>*The requirements apply to auxiliary boilers, but not to main propulsion boilers.</p> <p>Vessels must switch to 0.1% MGO or MDO in all engines (main and auxiliary) within 24 nautical NMs of the California Coast. The vessel must record the time and location of the switch to the low sulfur MDO/MGO. The rule does not apply to main propulsion boilers in steam powered ships.</p> <p>Furthermore, vessel visible stack emissions are monitored by shoreside inspectors and fines of up to US\$30,000 per violation are issued if stack emissions are deemed excessive.</p>	<p>X</p>	<p>For further information and updates as to the current regulations, please refer to the following:</p> <ol style="list-style-type: none"> 1. California Environmental Protection Agency's Ocean Going Vessels Fuel Rules at http://www.arb.ca.gov/ports/marinevess/ogv.htm. 2. ABS Fuel Switching Advisory Notice.

ENVIRONMENTAL PROTECTION (cont.)			
Subject	Summary	American Club guidance/references	Other relevant guidance/references
<p>Vessel General Permit—VGP (Commercial vessels of more than 79 feet in length)</p>	<p>Members whose vessels trade in U.S. waters should be aware that, the Environmental Protection Agency (EPA) regulates the discharge of 26 different substances and liquids into US waters, most of which had not been previously regulated or banned.</p> <p>The 2013 VGP took effect on 19 December 2013 and will be in place for five (5) years. Thereafter, another VGP is expected to be issued.</p> <p>All vessels calling on U.S. ports must submit a Notice of Intent (NoI) and implement the VGP’s requirements on board the vessel. The USCG has established procedures to check for compliance with the VGP as part of its port state control exam. Deficiencies may be referred to the EPA for enforcement.</p>	<p>The American Club has developed an e-Learning module for Members and their senior crew to train and familiarize themselves with the VGP requirements. For more information and to gain access to these training modules for Members can be found at https://secure2.idessonline.com/americanclub/elearning/.</p> <p>More information can be found about the VGP requirements on the American Club Circular No. 11/11.</p>	<p>The EPA website for the VGP can be accessed at https://www.epa.gov/npdes/vessels-vgp.</p> <p>Furthermore, the requirements for the 2013 VGP can be accessed at http://www.epa.gov/npdes/pubs/vgp_permit2013.pdf.</p>
<p>Small Vessel General Permit—sVGP (Commercial vessels of 79 feet or less in length)</p>	<p>The sVGP requirements focus primarily on fuel management, engine and oil control, solid and liquid waste management, deck wash down and run off, vessel hull maintenance, graywater, fish hold effluent, ballast water, and seawater cooling overboard discharge.</p>	<p>The American Club has developed an e-Learning module for Members and their senior crew to train and familiarize themselves with the sVGP requirements. For more information and to gain access to these training modules for Members can be found at https://secure2.idessonline.com/americanclub/elearning/.</p> <p>More information can be found about the s-VGP requirements on the American Club Circular No. 34/13.</p>	<p>The EPA website for the sVGP can be accessed at their website regarding the National Pollution Discharge Elimination System (NPDES) at https://www.epa.gov/npdes/vessels-svvp.</p>

ENVIRONMENTAL PROTECTION (cont.)			
Subject	Summary	American Club guidance/references	Other relevant guidance/references
MARPOL Annexes I-V	<p>The U.S. is signatory to Annexes I, II, III, V and VI. Annexes I, II, V and VI have been incorporated into U.S. law by the Act to Prevent Pollution from Ships (APPS) and implemented within 33 USC 1901 and 33 CFR 151. The U.S. incorporates Annex III by the Hazardous Materials Transportation Act (HMTA) implemented within 46 USC 2101 and 49 CFR 171 -174 and 176.</p> <p>Although the U.S. has not ratified Annex IV, the U.S. has equivalent regulations for the treatment and discharge standards of shipboard sewage – the Federal Water Pollution Control Act (FWPCA) as amended by the Clean Water Act and implemented by 33 USC 1251 and 33 CFR 159.</p>	<p>With regards to compliance with MARPOL Annex I, please refer to the American Club presentation summary: Treatment of Oily Waste & Interaction with Regulatory Bodies.</p> <p>In addition, the Club has provided additional guidance to Members regarding compliance with MARPOL Annex I at Club Circular No. 15/05, Club Circular No. 01/06 and Member Alert dated 16 March 2012.</p>	<p>Currently, the U.S. is signatory to MARPOL Annexes I, II, III, V and VI. MARPOL has been incorporated into U.S. law by the APPS and implemented within 33 USC 1901 and 33 CFR 151.</p> <p>Additional resources to assist Members with compliance with MARPOL Annexes I through V while in the U.S. are available at https://www.dco.uscg.mil/Our-Organization/Assistant-Commandant-for-Prevention-Policy-CG-5P/Inspections-Compliance-CG-5PC-/Commercial-Vessel-Compliance/Domestic-Compliance-Division/MARPOL/</p>

ENVIRONMENTAL PROTECTION (cont.)			
Subject	Summary	American Club guidance/references	Other relevant guidance/references
MARPOL Annex VI: North American Emission Control Area (ECA) U.S. Coast Guard Office of Commercial Vessel Compliance	<p>MARPOL establishes Emission Control Areas (ECAs) in the Baltic Sea, North Sea, U.S. Caribbean Sea, and most of the U.S. and Canadian coasts in which stricter controls are applicable on emissions of sulphur oxide (SO_x), nitrogen oxide (NO_x), and particulate matter. Since January 1, 2015, all vessels operating in such ECAs have been required to burn low sulphur fuel oil, with a sulphur content of no more than 0.1%.</p> <p>Starting on January 1, 2020, regulated ships sailing anywhere in the world will be required to use fuel oil with a sulphur content of no more than 0.50%, compared to the current limit outside of ECAs of 3.50%.</p> <p>The new global SO_x cap will have no effect on the cap that governs within ECAs. In some cases, ships can become compliant by using approved equivalent methods, such as exhaust gas cleaning systems or “scrubbers”, which reduce emissions before they are released into the atmosphere.</p> <p>The applicable U.S. regulations for MARPOL Annex VI are contained in 40 CFR Part 1043.</p>	<p>Please refer to:</p> <ul style="list-style-type: none"> • Club Circular No. 39/14 • Member Alert dated 30 March 2015 • Member Alert dated 23 January 2017. <p>The American Club has developed an e-Learning module for Members and their senior crew to train and familiarize themselves with the MARPOL Annex VI requirements. For more information and to gain access to these training modules for Members can be found at https://secure2.idessonline.com/americanclub/elearning/.</p>	<p>The EPA has launched an electronic portal through which vessel owners and operators of vessels can submit a disclosure of fuel oil non-availability. The portal can be accessed by navigating to: https://www.epa.gov/enforcement/marpol-annex-vi.</p> <p>All updates regarding US EPA compliance guidance can be found at: https://www.epa.gov/regulations-emissions-vehicles-and-engines/guidance-documents-related-emissions-control-areas-marine.</p> <p>In addition, the EPA has issued a penalty policy for violations by ships of the sulphur in fuel standard and related provisions. This policy can be found at https://www.epa.gov/enforcement/epa-penalty-policy-violations-ships-sulfur-fuel-standard-and-related-provisions.</p> <p>Finally, amendments to MARPOL Annex VI pertaining to data collection for fuel oil consumption of vessels entered into force on 1 March 2018. More information on the amendments is available at: http://www.imo.org/en/OurWork/Environment/PollutionPrevention/AirPollution/Pages/Data-Collection-System.aspx.</p>

ENVIRONMENTAL PROTECTION (cont.)			
Subject	Summary	American Club guidance/references	Other relevant guidance/references
<p>Non-Tank Vessel Response Plans (NTVRP)</p>	<p>As of 30 January 2014, shipowners must have filed a Vessel Response Plan under this rule and either have received approval of the plan or have filed a plan containing sufficient elements to obtain Interim Operating authorization. Shipowners are required to enter into salvage funding and firefighting agreements which involve detailed contract agreements.</p> <p>NTVRP contracts must be specific to geographic areas on the US coastline where the vessels operate.</p> <p>As of 1 January, 2016, MSRC no longer provides California Shoreline Protection (CASP) and On Water Response Coverage services for vessels calling at the Port of Hueneme, California and/or transiting the southbound traffic lanes of the Santa Barbara Channel. So Cal Ship Services (SCSS) will provide CASP response services to meet the two hour skimming and the shoreline protection planning standards if calling at Port Hueneme and 6 Hour On-Water Recovery response services to meet the six hour skimming planning standard if transiting the southbound traffic lanes of the Santa Barbara Channel.</p>	<p>Please refer to the following Club Circulars detailing the steps by which shipowners are to comply with the NTVRP requirements as follows:</p> <ul style="list-style-type: none"> • 2018 OSROs updates for Hawaii: Club Circular No. 33/17. • 2016 updates the response plans for Alaska and Oregon: Club Circular No. 21/16. • General NTVRP requirements: Club Circular No. 05/14. • Alternative response plan requirement (Alaska and Guam only): Club Circular No. 13/15. • Alternative NTVRP (Alaska only): Club Circular No. 07/14 and Club Circular No. 27/15. • Additional NTVRP contingency plan requirements (Alaska and Washington state only): Club Circular No. 40/13. • Regarding the California CASP requirements (California only): See Club Circular No. 47/15. 	<p>Members are encouraged to review the referenced Club Circulars for further details on contacts required for compliance with the NTVRP. In addition, for further information please refer to the following:</p> <p>The NTVRP requirements are set forth in 33 CFR 155, Subpart J. These regulations can be found here:</p> <p>http://www.ecfr.gov/cgi-bin/text-idx?SID=d14dc37a8953de30edb354f03d3a15b&node=sp33.2.155.j&rqn=div6.</p> <p>Further information about the Alaska Response Company's Alternative Planning Criteria can be found via the following link http://www.alaskaresponse.com.</p>

ENVIRONMENTAL PROTECTION (cont.)			
Subject	Summary	American Club guidance/references	Other relevant guidance/references
Tanker Vessel Response Plan	As per 33 CFR Part 155, Subpart D - Tank Vessel Response Plans for Oil, all foreign tank vessels calling on ports in the United States, and all U.S. flagged tank vessels, are required by OPA 90 to have an approved oil spill response plan. Tank vessel response plan regulations, including plan submission requirements, are located in 33 CFR 155, Subpart D.	2018 OSROs updates for Hawaii: Club Circular No. 33/17 .	The tank vessel response plan regulations, contained in 33 CFR Part 155, Subpart D, can be found at http://www.ecfr.gov/cgi-bin/text-idx?SID=d14dc37a8953de30e0db354f03d3a15b&node=sp33.2.155.d&rgn=div6 .
Asian Gypsy Moth	<p>The United States Department of Agriculture (USDA) has recently issued “Special Procedures for Suspect Asian Gypsy Moth (AGM) Ships” from its Manual for Agricultural Clearance, as attached. The Manual provides Customs and Border Protection (CBP) personnel at relevant locations with policy and protocol guidelines to prevent the invasion of pests which threaten US agriculture.</p> <p>The procedures followed in the U.S. depend upon the date of vessel’s calls in the AGM areas and the port where the vessel calls the US. Generally in West Coast U.S. ports, a lack of an AGM certificate does not mean that the vessel will not be cleared for entry but it will be subject to inspection on or near the time of arrival.</p>	<p>A summary of the requirements for compliance can be found at the American Club website at Member Alert dated 21 April 2016.</p> <p>In addition, see the Club’s Currents publication, The Asian Gypsy Moth Season is Upon Us.</p>	<p>The USDA Manual for Agricultural Clearance can be found at http://www.hsdl.org/?view&did=722178.</p> <p>In addition, further information can be found at https://www.aphis.usda.gov/publications/plant_health/content/printable_version/fs_phasiangm.pdf.</p>

ENVIRONMENTAL PROTECTION (cont.)			
Subject	Summary	American Club guidance/references	Other relevant guidance/references
Ballast Water Management	<p>The International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM) took effect on September 8, 2017. However, since the U.S. is not a party to the BWM Convention, U.S. flag vessels and other vessels that trade in U.S. waters will accordingly still need to comply with applicable the U.S. Coast Guard requirements.</p> <p>The USCG has established regulations for ballast water management to be implemented in U.S. waters. The U.S. regulations were published on March 23, 2012 and took effect on June 21, 2012. The ballast water management regulations, including the operational and recordkeeping requirements, are contained in 33 CFR Part 151, Subparts C and D.</p> <p>Ballast water discharges are also governed by the EPA under the Vessel General Permit (see noted above).</p> <p>Vessels calling at California ports arriving from a port outside the Pacific Coast Region must exchange ballast water at least 200 NM from land. The maximum fine which can be levied by the state is up to US\$ 27,500 per tank depending on how far from "land" the discharge took place. California defines land as islands and even exposed rocks.</p>	<p>Please refer to</p> <ul style="list-style-type: none"> • Club Circular No. 20/17 • Club Circular No. 01/17 	<p>The ballast water operational and recordkeeping requirements, contained in 33 CFR Part 151, Subpart D, may be accessed at http://www.ecfr.gov/cgi-bin/text-idx?SID=cb2cca13fdf85ed70906e6e80ca935&node=sp33.2.151.d&rgn=div6.</p> <p>Ballast water management FAQs, general information, regulations & policy documents, information on the Alternative Management System (AMS), Shipboard Technology Evaluation Program (STEP), type approval requirements and Environmental Technology Verification System can be found at the following USCG link: https://www.dco.uscg.mil/Our-Organization/Assistant-Commandant-for-Prevention-Policy-CG-5P/Commercial-Regulations-standards-CG-5PS/Office-of-Operating-and-Environmental-Standards/Environmental-Standards/General-Information/.</p> <p><u>California only:</u> The California State Lands Commission maintains a Marine Invasive Species Program website at http://www.slc.ca.gov/Programs/MISP.html that provides information on what is required for vessels entering California state waters and also other relevant useful information related to biofouling management.</p> <p><u>Vessel's transiting and operating in the Great Lakes and Hudson River only:</u> The requirements of 33 CFR Part 151, Subpart C, may be accessed at https://www.gpo.gov/fdsys/pkg/CFR-2012-title33-vol2/xml/CFR-2012-title33-vol2-part151-subpartC.xml.</p>

LIABILITY			
Subject	Summary	American Club guidance/references	Other relevant guidance/references
Certificate of Financial Responsibility (COFR)	<p>COFRs are required for both tank and non-tank vessels calling US waters. A COFR is issued to vessel operators who have demonstrated their ability to pay for cleanup and damage costs up to the liability limits required by the Oil Pollution Act of 1990 (OPA 90).</p> <p>With a few limited exceptions, vessels greater than 300 GT and vessels of any size that are lightering or transshipping oil in the Exclusive Economic Zone are required to comply with the COFR regulations.</p> <p>The COFR program is administered by The USCG's National Pollution Funds Center (NPFC). The Vessel Certification Division of the NPFC ensures that responsible parties are identified and held responsible for the expenses incurred during a water pollution incident.</p> <p>A COFR is issued to vessel operators once they have shown they can pay cleanup and damage costs up to the liability limits required by the Oil Pollution Act. COFRs for certain states, e.g. California, require separate application to relevant state agencies.</p>	<p>Members are encouraged to refer to the following Club Circular regarding requirements for California COFRs: Club Circular No. 06/15.</p>	<p>The NPFC is tasked with administering the vessel financial responsibility portions of the Oil Pollution Act of 1990 (OPA) and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). The NPFC website at https://www.uscg.mil/Mariners/National-Pollution-Funds-Center/COFRs/ summarizes the COFR program and provides details on COFR applications.</p> <p>Further information in obtaining COFRs can also be found from COFR providers such as, but not limited to, the following:</p> <ul style="list-style-type: none"> • SIGCo: http://www.sigcogroup.com/services-products/summary.php. • Shoreline Ltd.: https://www.shoreline.bm/solutions/cofr-guarantees/. • WQIS: http://www.wqis.com/insurance-products/cofr-guaranty/. • Great American Insurance Group (COFR-Rite): https://www.greatamericaninsurancegroup.com/for-businesses/product-details/ocean-marine/cofr-rite • COFRs (California only): https://www.wildlife.ca.gov/OSPR/Financial-Responsibility. • Safe Harbor Pollution Insurance: http://safeharborpollutioninsurance.com/cofr/