

Oil Spill Task Force

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December 7, 2011

Docket Management Facility (M-30)
U.S. Department of Transportation
West Building Ground Floor, Room W12-140
1200 New Jersey Avenue SE
Washington, D.C. 20590-0001

RE: Notice of Proposed Rulemaking "Inspection of Towing Vessels"
[Docket No. USCG-2006-24412]

To the United States Coast Guard:

These comments are submitted on behalf of the U.S. member agencies of the Pacific States/BC Oil Spill Task Force; these agencies are the Alaska Department of Environmental Conservation, the Washington Department of Ecology, the Oregon Department of Environmental Quality, the Office of Spill Prevention and Response of the California Department of Fish and Game and the Hawaii Department of Health. Our comments address the Notice of Proposed Rulemaking published August 11, 2011 regarding "Inspection of Towing Vessels."

All member agencies of the Pacific States/BC Oil Spill Task Force appreciate the U.S. Coast Guard's efforts to improve the safety of towing vessels operations, since the oil and hazardous materials which they transport in bulk represent significant risks to the shared waters along our coastlines, in our bays and throughout our river systems. The regulations as drafted are a positive step towards reducing that risk; our recommendations below would take that risk reduction even further.

Comments on Parts 137 - 139

We applaud the Coast Guard's proposed use of towing safety management systems (TSMS) that include an emphasis on management commitment to safety as well as continuous improvement. With that in mind, we recommend adding language to Section 138. 220 requiring regular vessel visits by company management, since such visits would help management to identify issues and enhance communications.

In addition, we support the Washington Department of Ecology's recommendation that the Coast Guard encourage the TSMS option over the typical 'standard' Coast Guard inspection regime by developing a model TSMS that meets these revised regulatory requirements and is adaptable by small towing vessel operations that have limited resources or limited experience with these safety systems.

We also support Ecology's recommendation that the final rule should require the Coast Guard to maintain public lists of, respectively, "fully compliant," "out-of-compliance," and "suspended" third-party organizations. Such lists would

allow towing vessel operators to be assured of the quality of the third-party organization that they hire to audit them and would also provide transparency of the auditing system for interested entities such as the individual States or the public. Ecology recommends that the Coast Guard develop a criteria based on the percentage of towing vessel companies for which a third-party organization has issued a TSMS certificate which are subsequently found by the Coast Guard to have major non-conformities with the law; we support this recommendation.

Further, we support Ecology's recommendation that the Coast Guard develop criteria to prevent "third-party organization hopping" as has occurred on the international level when some vessel operators changed classification societies if the classification society attempted to bring their company or vessels into compliance with international standards. We support Ecology's recommendation that, if a towing vessel company changes third-party organizations more than once in a five year period, an external Coast Guard inspection of the company's TSMS documents and vessels should be implemented.

Part 140

Section 140.620, Navigational safety equipment

We recommend adding language to this Section requiring that vessels towing barges carrying oil or hazardous materials in bulk immediately report any navigational safety equipment failures that cannot be immediately repaired to the Captain of the Port/Officer in Charge of Marine Inspections.

Section 140.625, Navigation underway

We recommend adding language to this Section requiring that a duly qualified licensed officer must continuously be in charge of navigation of the vessel, similar to the wording in 33 CFR 164.11. Such action is necessary because the two-watch system may create a dilemma for navigational watch personnel needing a watch relief; these officers must then either leave the navigational control of the vessel to an unqualified/unlicensed crewmember (a violation of the law), leave the bridge unattended if no one else is on watch (a violation of the law), or interrupt the "rest period" of the only other qualified licensed officer aboard the vessel, thus potentially contributing to that officer's fatigue. This recommendation also has bearing on the quality of the "assistance" referenced in this NPRM under Section 140.635 (b) (11).

Section 140.630, Lookout

The Coast Guard should require a second person as part of the bridge watch for all vessels towing tank barges carrying oil or hazardous materials in bulk. Such a requirement would provide both a second set of eyes and a valuable resource to the towing vessel operator, since interaction between the watchstander and the lookout has the effect of promoting alertness. Consequently, we suggest that this second person is superior to the proposed "pilothouse alerter system" proposed in Section 143.325 of this NPRM.

Section 140.635, Navigation watch assessment

Vessels towing tank barges carrying oil or hazardous materials in bulk transit our coasts in all seasons, often encountering severe weather. They are also often required to transit a dangerous river bar as a planned part of the voyage or to seek safe harbor. With those hazards in mind, we offer the following recommendations:

- We recommend adding language to Section 140.635 (b)(5) that specifies consideration of bar crossing; and
- We endorse the Washington Department of Ecology's recommendation that the Coast Guard, in this or another section, require companies operating vessels towing tank barges carrying oil or hazardous materials in bulk to develop clear go/no-go criteria and checklists and require their personnel to complete the checklists prior to departure from port.

Sections 140.640 & 140.645, Pilothouse resource management and Navigation safety training

The Task Force Members also support Ecology's recommendation that the Coast Guard require companies operating towing vessels to adopt a policy that tightly restricts the use of cell phones and other non-essential electronic devices by pilothouse watchstanders .

Section 140.655(b)(1), Prevention of oil and garbage pollution

The inability of towing vessels to adequately close off scuppers and freeing ports may contribute to fuel tank overflow spills, so we recommend that Part 144 of the proposed rule include a requirement that all new towing vessels have a means to fully close off scuppers while fueling, unless service or stability considerations prohibit such an installation; in that case, the request for exceptions should be reviewed and approved by the Coast Guard. Similarly, existing towing vessels should be encouraged to consider retrofits to accomplish the same goal.

Section 140.801, Towing Gear

We recommend adding language to Section 140.801 (c) requiring emergency reconnection equipment and training in its use.

Part 143

Section 143.245, Alarms and monitoring

The Coast Guard should include in this section a requirement for a high-level alarm on towing vessel day tanks. See also Section 143.275(d).

Section 143.325, Pilothouse alerter system

As indicated in our comments on Section 140.630 above, we believe a better solution - particularly for vessels towing tank barges containing oil or hazardous material in bulk – would be to require a second person on the bridge. Alerter systems have the tendency to become viewed as a nuisance, with the result that crew members find ways to disable such systems.

Hours of Service and Crew Endurance Management

The Pacific States/BC Oil Spill Task Force fully supports supplemental action by the Coast Guard to reduce fatigue in the towing industry. The data that the Coast Guard presented in this NPRM , we believe, speaks strongly for ending the two-watch (6-on/6-off) watch schedule used frequently in the industry. The information provided leads to the conclusion that watchstanders on such a schedule are virtually continuously working in a fatigued state. We strongly recommend the Coast Guard expedite supplemental rulemaking on this subject, if it cannot or is not to be included within this rulemaking directly.

A 6-on/6-off watch rotation cannot provide an opportunity for at least six hour of continuous rest; and as was stated in the preamble to this NPRM: *"Ultimately, under the 6 on/6 off schedule, fatigue is inevitable."* We therefore urge the Coast Guard to prohibit such watch rotation for any vessel operating continuously for more than 48 hours. In particular, we recommend that the Coast Guard require safe manning levels to support a three-watch system for vessels towing laden tank barges containing oil or hazardous material in bulk, unless such vessel operations are limited to less than 12 hours in a 24 hour period. A three-watch system would allow for multiple rest periods capable of providing seven to eight hours of uninterrupted sleep within a 24-hour period; it would also eliminate the dilemma we point out in our comments above on Section 140.625.

Thanking you for this chance to submit comments on behalf of the Pacific States/BC Oil Spill Task Force, I remain,

Sincerely yours,

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