

Subject :

***Implementation and enforcement
of ISM Code by US Coast Guard
(Part 2)***

NKTECHNICAL INFORMATION

No. : 242

Date : 21 January 1998

To Ship Owners and Ship Management Companies concerned

Dear Sir(s)

We notified you of the "Implementation and enforcement of ISM Code by US Coast Guard" by the *Technical Information* No.239 dated 19 December, 1997.

We have also obtained new information which has been circulated to the USCG Officers and outlined below. We attach hereto this information for your reference.

- 1 The type of ship which must comply by 1 July 1998 is indicated.
- 2 The definition of Bulk Carrier is interpreted.
- 3 The purpose of conducting pre-enforcement check for ships which must comply by 1 July 1998 is described.
- 4 Pre-enforcement checks for ISM Code compliance for ships which must comply by 1 July 1998 will be conducted during PSC inspection.
- 5 Information of ships which are in compliance during PSC inspection mentioned 4 above will be entered into data-base.
- 6 During PSC inspection mentioned 4 above, if a ship is not in compliance, ISM Enforcement letter will be given to the Master.
- 7 A sample text for letter mentioned 6 above is outlined as follows.
 - (a). On 1 July 1998, ISM Code will enter into force for certain ships mentioned 1 above. Those ships should obtain SMC and copy of DOC which indicate compliance with ISM Code.
 - (b). In case where a ship is not yet possessed of a necessary certification, no enforcement action will be taken at the time of PSC inspection, but the ship should obtain SMC and copy of DOC by 1 July 1998.
 - (c). A ship which attempts to enter a US port after 1 July 1998 will be denied entry or detained.
 - (d). A ship's lack of ISM Code certification will be entered into the USCG's computer database.

If you need more information about these matters, please do not hesitate to contact us.
(ClassNK Ship Management Assessing Division, Head Office, Tokyo, Tel: 81-3-5226-2034, Fax: 81-3-5226-2030)

Attached: USCG Circular "ISM Code pre-enforcement check during PSC Boarding"

ClassNK

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R 102025Z DEC 97 ZUI ASN-GL-344000099
FM COMDT COGARD WASHINGTON DC//G-MO//
TO AIG FOUR NINE FIVE SIX
INFO ZEN/COGARD NATMARZEN WASHINGTON DC
ZEN/COGARD INTELCOORDCEN WASHINGTON DC

BT

UNCLAS //N16711//

SUBJ: ISM CODE PRE-ENFORCEMENT CHECK DURING PORT STATE CONTROL (PSC)
BOARDINGS

1. COMPLIANCE WITH THE INTERNATIONAL SAFETY MANAGEMENT (ISM) CODE BECOMES MANDATORY FOR CERTAIN SHIPS ON JULY 1, 1998. SHIPS THAT MUST COMPLY AT THAT TIME INCLUDE:

A. PASSENGER SHIPS, INCLUDING PASSENGER HIGH SPEED CRAFT.

B. OIL TANKERS, CHEMICAL TANKERS, GAS CARRIERS, BULK CARRIERS AND CARGO HIGH SPEED CRAFT OF 500 GROSS TONS OR MORE.

C. NOTES:

1. ISM CODE REQUIREMENTS DO NOT APPLY TO GOVERNMENT OPERATED SHIPS USED FOR NON-COMMERCIAL PURPOSES.

2. THE DEFINITION OF BULK CARRIERS FOR PURPOSES OF APPLICABILITY OF THE ISM CODE IS INTERPRETED AS SHIPS CONSTRUCTED WITH SINGLE DECKS, TOP-SIDE AND HOPPER SIDE TANKS IN CARGO SPACES AND INTENDED PRIMARILY TO CARRY DRY CARGO IN BULK; OR

3. ORE CARRIERS (SEA-GOING SINGLE DECK SHIPS HAVING TWO LONGITUDINAL BULKHEADS AND A DOUBLE BOTTOM THROUGHOUT THE CARGO REGION AND INTENDED FOR THE CARRIAGE OF ORE CARGOS); OR

4. COMBINATION CARRIERS (DEFINED IN SOLAS 74, II-2/3.27)

2. AS PART OF ITS ISM CODE COMPLIANCE POLICY, THE USCG WILL BE CONDUCTING A PRE-ENFORCEMENT CHECK FOR ISM CODE COMPLIANCE BEGINNING DECEMBER 15, 1997. THIS PROGRAM IS DESIGNED TO ACCOMPLISH THREE MAJOR GOALS:

A. GATHER ISM CODE COMPLIANCE INFORMATION TO ASSIST IN ENFORCEMENT OF ISM CODE REQUIREMENTS UPON THE ENTRY INTO FORCE.

B. PROVIDE USCG PERSONNEL THE OPPORTUNITY TO BECOME FAMILIAR WITH ENFORCING ISM CODE REQUIREMENTS.

C. NOTIFY THE MARITIME INDUSTRY OF THE USCG'S COMMITMENT TO ENFORCING THE ISM CODE UPON ITS ENTRY INTO FORCE AND OF THE USCG'S POLICY WITH REGARDS TO DEALING WITH NON-COMPLIANCE.

3. PRE-ENFORCEMENT CHECK. BEGINNING ON DECEMBER 15, 1997, USCG BOARDING TEAMS WILL BEGIN CHECKING FOR ISM CODE COMPLIANCE AS PART OF THEIR NORMAL PSC EXAMINATION ON THOSE SHIPS REQUIRED TO BE IN COMPLIANCE ON JULY 1, 1998.

A. SHIPS IN COMPLIANCE. IF A SHIP CLAIMS TO BE IN COMPLIANCE, THE BOARDING TEAM SHALL REVIEW THE SHIP'S ISM CODE CERTIFICATES, NOTING AND RECORDING THE FOLLOWING INFORMATION:

1. DOCUMENT OF COMPLIANCE (DOC):

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ISSUE AND EXPIRATION DATES
LAST ANNUAL ENDORSEMENT
ISSUING ORGANIZATION
COMPANY NAME AND ADDRESS
VESSEL TYPE(S) LISTED

2. SAFETY MANAGEMENT CERTIFICATE (SMC):
ISSUE AND EXPIRATION DATES
INTERMEDIATE ENDORSEMENT
ISSUING ORGANIZATION

B. SHIPS NOT IN COMPLIANCE. IF A SHIP IS NOT IN COMPLIANCE, THE USCG BOARDING TEAM SHOULD ENSURE THAT THE MASTER IS MADE AWARE OF THE ENTRY INTO FORCE DATES AND THE COAST GUARD'S ENFORCEMENT POLICY BY GIVING THE MASTER A COPY OF THE ISM CODE ENFORCEMENT LETTER (SAMPLE TEXT IS PROVIDED IN PARAGRAPH 4).

4. SAMPLE TEXT FOR ISM CODE ENFORCEMENT LETTER. THE FOLLOWING TEXT IS PROVIDED FOR THE DEVELOPMENT OF A LETTER TO BE GIVEN TO THE MASTERS OF THOSE SHIPS FOUND TO BE LACKING ISM CODE CERTIFICATION DURING THE PRE-ENFORCEMENT CHECK:

PARAGRAPH 1: ON JULY 1, 1998, THE PROVISIONS OF THE INTERNATIONAL SAFETY MANAGEMENT (ISM) CODE WILL ENTER INTO FORCE FOR CERTAIN PASSENGER VESSELS, TANK SHIPS, AND BULK CARRIERS. AT THAT TIME, THE OWNERS, OR OTHER COMPANIES RESPONSIBLE FOR THE SHIP'S OPERATION, WILL BE REQUIRED TO HAVE IMPLEMENTED A SAFETY MANAGEMENT SYSTEM ON BOARD THEIR SHIPS THAT HAVE BEEN CERTIFIED BY THEIR FLAG ADMINISTRATION OR AN ORGANIZATION AUTHORIZED TO ACT ON THEIR BEHALF. EVIDENCE OF COMPLIANCE WITH THE ISM CODE WILL BE IN THE FORM OF A DOCUMENT OF COMPLIANCE (DOC) ISSUED TO THE COMPANY RESPONSIBLE FOR THE SHIP'S OPERATION AND A SAFETY MANAGEMENT CERTIFICATE (SMC) CERTIFYING THAT THE COMPANY'S SAFETY MANAGEMENT SYSTEM HAS BEEN PROPERLY IMPLEMENTED ON BOARD. TO DEVELOP, IMPLEMENT AND CERTIFY A SAFETY MANAGEMENT SYSTEM IS AN EXTENSIVE AND TIME-CONSUMING PROCESS, ESTIMATED TO TAKE ANYWHERE FROM TWELVE TO EIGHTEEN MONTHS.

PARAGRAPH 2: ON (DATE) YOUR SHIP WAS SUBJECT TO A PORT STATE CONTROL (PSC) EXAMINATION WHICH INCLUDED A CHECK FOR COMPLIANCE WITH THE ISM CODE. AT THAT TIME, IT WAS OBSERVED THAT THE SHIP HAD NOT YET ACHIEVED THE NECESSARY CERTIFICATION TO INDICATE COMPLIANCE WITH THE ISM CODE. ALTHOUGH NO ENFORCEMENT ACTION WILL BE TAKEN AT THIS TIME, I MUST URGE YOU AND YOUR COMPANY TO TAKE ALL IMMEDIATE STEPS NECESSARY TO ACHIEVE COMPLIANCE BY THE JULY 1, 1998, DEADLINE.

PARAGRAPH 3: IN ADDITION, I WILL TAKE THIS OPPORTUNITY TO INFORM YOU THAT IF YOUR VESSEL ATTEMPTS TO ENTER A U.S. PORT AFTER JULY 1, 1998, WITHOUT BEING IN COMPLIANCE WITH THE ISM CODE, IT WILL BE DENIED ENTRY AND BANNED FROM ALL U.S. PORTS. IF THE VESSEL IS FOUND IN PORT WITHOUT BEING IN COMPLIANCE, IT WILL BE DETAINED AND MAY BE PROHIBITED FROM CONDUCTING CARGO/PASSENGER OPERATIONS. IN ADDITION,

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CIVIL PENALTY ACTION WILL BE INITIATED AGAINST YOUR VESSEL AND YOUR FLAG ADMINISTRATION WILL BE NOTIFIED. UPON COMPLETION OF A THOROUGH PSC EXAMINATION TO ATTEST TO THE VESSEL'S MATERIAL CONDITION, IT WILL BE ORDERED TO LEAVE PORT, WITHOUT LOADING OR UNLOADING OF CARGO/PASSENGERS AND BANNED FROM FURTHER U.S. PORT CALLS UNTIL EVIDENCE OF COMPLIANCE WITH THE ISM CODE IS RECEIVED BY THE U.S. COAST GUARD.

PARAGRAPH 4: YOUR SHIP'S PRESENT LACK OF ISM CODE CERTIFICATION WILL BE ENTERED INTO THE U.S. COAST GUARD'S COMPUTER DATABASE AND SHARED WITH OTHER PSC AUTHORITIES. IF YOU HAVE ANY QUESTIONS REGARDING THE U.S. COAST GUARD'S ENFORCEMENT POLICY FOR THE ISM CODE, YOU MAY CONTACT THE U.S. COAST GUARD'S OFFICE OF COMPLIANCE (G-MOC) AT:

COMMANDANT (G-MOC)
2100 SECOND STREET, SW
WASHINGTON, DC 20593
TELEPHONE: (202) 267-1464
FAX: (202) 267-4394/0506

5. REPORTING REQUIREMENTS. FIELD UNITS SHALL SEND THE INFORMATION DESCRIBED IN PARAGRAPH 3.A TO G-MOC-4. IN ADDITION, UNITS SHOULD PROVIDE A LIST OF SHIPS (NAME AND VIN) THAT WERE FOUND NOT IN COMPLIANCE. UNITS WILL MAKE THIS REPORT AT THE END OF EVERY WEEK AND MAY SEND THIS INFORMATION VIA ONE OF THREE METHODS:

- A. FAX TO (202) 267-4394/0506
- B. EMAIL TO:

FOR SWII USERS: FLDR-PSC@COMDT.USCG.MIL/MAILANT, OR
FLDR-PSC@COMDT.USCG.MIL/PAIPAC

FOR SWIII USERS: FLDR-PSC

- C. MSIS MAILBOX TO PSC AT PORT GMVI.

6. UPDATING MSIS DATA. FIELD UNITS SHALL USE THE INFORMATION GATHERED ON THE ISM CODE CERTIFICATES FOR THOSE SHIPS IN COMPLIANCE WITH THE ISM CODE TO UPDATE THE VFLD PRODUCT FOR THE VESSEL. USE THE CODES "DOC" FOR THE DOCUMENT OF COMPLIANCE AND "SMC" FOR THE SAFETY MANAGEMENT CERTIFICATE IN THE DOCUMENT KIND SLOT. IF THE CERTIFICATES ARE ISSUED BY FLAG ENTER "FLAG" IN THE AGENCY SLOT. IF THE ISSUING AGENCY IS A CLASSIFICATION SOCIETY, USE THE ALTERNATE IPN PROVIDED IN PARAGRAPH 7 IN THE AGENCY SLOT. IF THE CERTIFICATES ARE ISSUED BY AN AGENCY NOT LISTED IN PARAGRAPH 7, CONTACT G-MOC-4 TO HAVE A NEW ABBREVIATION ASSIGNED.

7. CLASS SOCIETY LIST WITH IPN'S AND ALT IPN'S:

CLASSIFICATION SOCIETY NAME:	IPN NUMBER:	ALT IPN:
AMERICAN BUREAU OF SHIPPING	IP94005485	ABS
BIRO KLASIFIKASI INDONESIA	IP94014106	KI
BRITISH TELECOM	IP94014125	BT
BULGARSKI KORABEN REGISTRAR - ALSO	IP94014102	BR

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 * UNCLASSIFIED *

KNOWN AS BULGARIAN REGISTER OF SHIPPING

BUREAU VERITAS	IP94005481	BV
CHINA CLASSIFICATION SOCIETY	IP94005513	CCS
CHINA CORPORATION REGISTER OF SHIPPING	IP94014111	CR
CROATIAN REGISTER OF SHIPPING	IP94005525	CRS
CTM INSPECTION AND CLASSIFICATION CO. S.DE R.L.	IP97012770	CTM
DET NORSKE VERITAS	IP94005487	DNV
GERMANISCHER LLOYD	IP94005490	GL
HELLENIC REGISTER OF SHIPPING	IP94014103	HR
HONDURAS BUREAU OF SHIPPING	IP96023559	HBS
HONDURAS INTERNATIONAL NAVAL SURVEYING AND INSPECTION BUREAU	IP95020259	HINSB
HORIZON INTERNATIONAL SURVEYING & INSPECTION BUREAU	IP94014108	HNS
INDIAN REGISTER OF SHIPPING	IP94005523	IRS
INTERNATIONAL NAVAL SURVEYS BUREAU	IP95008099	INSB
INTERNATIONAL REGISTER OF SHIPPING	IP94017987	BSS
KOREAN REGISTER OF SHIPPING	IP94005518	KRS
LLOYD'S REGISTER OF SHIPPING	IP93011276	LR
MARITIME REGISTER OF SHIPPING - ALSO	IP91016925	RS
KNOWN AS RUSSIAN REGISTER OF SHIPPING		
MERT	IP97012771	MERT
MONSERRAT SHIPPING, S. DE R.L.	IP95008468	MS
NIPPON KAIJI KYOKAI	IP94005491	NK
PANAMA BUREAU OF SHIPPING	IP94014113	PBS
PANAMA MARITIME DOCUMENTATION SERVICE	IP95026190	PMDS
PANAMA REGISTER CORPORATION	IP96023565	PRC
PANAMA SHIPPING REGISTER	IP97012772	PSR
POLSKI REJESTR STATKOW	IP94005520	PRS
REGISTRO ITALIANO NAVALE	IP93021118	RINA
ROMANIAN REGISTER OF SHIPPING - ALSO	IP94014092	RRS
KNOWN AS ROMANIAN NAVAL REGISTER		
VIETNAM REGISTER OF SHIPPING	IP94014096	DKNV

8. FURTHER GUIDANCE ON THE ENFORCEMENT OF THE ISM CODE WILL BE PUBLISHED IN AN UPCOMING NAVIGATION AND INSPECTION CIRCULAR. THE POCS FOR ANY QUESTIONS/COMMENTS ABOUT THIS MESSAGE ARE CDR CHRIS OELSCHLEGEL AND LTJG DAVID DEEVER AT 202-267-1043/0502.

BT
 NNNN

Posted By: CDO 15:48:32 Dec 10, 97
 Posted To: Dec-10-97
 Viewed By: GGG 15:55:03 Dec 10, 97
 MH 16:30:07 Dec 10, 97

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