



Ship Type: All Trade Area: Worldwide

Bulletin 450 - 01/06 - New Casualty Reporting Rules - USA

The US Coast Guard has amended its regulations concerning marine casualty reporting requirements by adding “significant harm to the environment” as a reportable marine casualty. The Coast Guard is also requiring foreign registered tankers to report marine casualties that occur in the 200-nautical mile Exclusive Economic Zone if those casualties involve material damage affecting the seaworthiness or efficiency of the vessel, or significant harm to the environment. These changes are required by the Oil Pollution Act of 1990.

For vessels that must comply with Annex I, II or V of MARPOL 73/78, the Coast Guard has refined reporting requirements. The new rules expand present reporting responsibility from the master or person in charge to include the owner, charterer, manager, or operator of a vessel involved in any “incident.” Once known, any or all of these entities must report the particulars of the incident without delay. If a vessel involved in an incident is abandoned, or if a report from that vessel is incomplete or unattainable, the owner, charterer, manager, operator, or their agent must assume the obligations placed upon the master or other person having charge of the vessel.

The biggest revision is which incidents require a report. Under the previous rules, reports were required whenever an incident involved a discharge other than those permitted or when there was a probability of a discharge. Under the new rules, reports are required when the following “incidents” occur:

- A discharge of oil, hazardous substances, marine pollutants, or noxious liquid substances (NLS) resulting from damage to the vessel or its equipment, or for the purpose of securing the safety of a vessel or saving a life at sea
- A discharge of oil in excess of the quantities or instantaneous rate permitted in law or regulation during the operation of the vessel
- A discharge of marine pollutants in packaged form
- A probable discharge resulting from damage to the vessel or its equipment.

Reports under these provisions must be made by radio whenever possible or by the fastest telecommunications channels available with the highest possible priority at the time the report is made to: the government of the country in whose waters the incident occurs; and the nearest Captain of the Port (COTP) or the National Response Centre (NRC).

The US Coast Guard has also revised when a foreign tank vessel must file a casualty report. Specifically, a written marine casualty report must be submitted by foreign tank vessels involved in a marine casualty operating on the navigable waters of the United States, its territories, or possessions and the EEZ, immediately after addressing resultant safety concerns, whenever the marine casualty involves, or results in (1) material damage affecting the seaworthiness or efficiency of the vessel; or (2) an occurrence involving significant harm to the environment as a result of a discharge, or probable discharge, resulting from damage to the vessel or its equipment.

The new rules came into force January 17, 2006. The practical impact of the rules is that vessel owners should report to the U.S. Coast Guard the discharge or probable discharge of any cargo or substances that can be considered pollutants into U.S. waters including the 200 nautical mile EEZ. The standards are higher for foreign tank vessels which must also report any equipment or material damages or deficiencies that may result in the loss or damage to the vessel in U.S. waters including the 200 nautical mile EEZ.

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