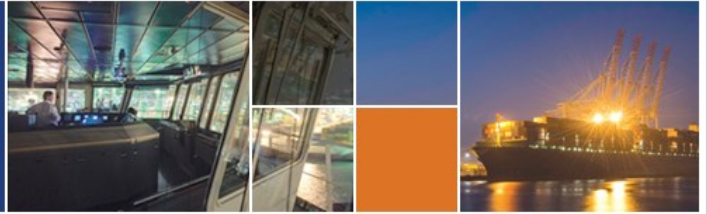




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U.S. Coast Guard Policy for Banning Foreign Vessels from U.S. Ports

November 2010

On 2 November 2010 the U.S. Coast Guard's *Policy for Banning of Foreign Vessels From Entry into United States Ports* was published in the U.S. Federal Register.

The policy, which has been in force since 1 September 2010, provides a mechanism for the Coast Guard to deal with foreign flagged vessels that repeatedly operate in a substandard condition and, in particular, in breach of the Safety Management System (SMS) requirements of the ISM Code. The policy's aim is to provide a systematic approach to dealing with these vessels and brings the the U.S. Coast Guard in line with other SOLAS signatory flag States who currently have such policies and procedures in place.

When a vessel has been repeatedly detained (meaning three or more detentions within twelve months) and it is determined by the Coast Guard's Foreign and Offshore Vessels Division that failure to implement effectively the SMS was a contributing factor for the substandard condition(s) that led to the detentions, the vessel will be denied entry into any port or place in the United States until specified actions are completed to the satisfaction of the Coast Guard.

USCG Policy letter of 1 September 2010 *Banning of foreign Vessels* outlines Coast Guard procedures for the policy and includes a sample "Letter of Denial" to be issued in circumstances where a vessel is denied entry into a U.S. port or place unless specific actions are completed. The Letter of Denial is effectively an order of the Captain of the Port. Failure to comply with the order can give rise to both a civil penalty (\$32, 500 per day of violation) and/or a criminal penalty (up to \$50, 000 and/or imprisonment of up to 5 years).

The Coast guard Policy letter is available to view on the U.S. Coast Guard Homeport website: <http://homeport.uscg.mil/mycg/portal/ep/home.do>: click on the **Port State Control** page and then the **Banning of Foreign Vessels** link. This page also gives access to a list of vessels banned from the U.S. (The current version was last revised on 1 September.)

The Federal Register entry for this policy can be seen at: <http://edocket.access.gpo.gov/2010/2010-27592.htm>

In reaching a decision on whether to ban a vessel the Coast Guard will review various sources of information at its disposal including the Marine Information Safety and Law Enforcement System (MISLE). The Port State Information eXchange (PSIX) system website gives access to certain information derived from MISLE which is available to the public under freedom of information rules. The PSIX website can be found at: cgmix.uscg.mil