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SUBJ: IMPLEMENTATION AND ENFORCEMENT OF INTERNATIONAL SAFETY  
MANAGEMENT (ISM) CODE PHASE II

REF (A) R 211844Z DEC 01

1. PHASE II OF THE ISM CODE TAKES EFFECT JULY 1, 2002 FOR THOSE SHIPS NOT PREVIOUSLY INCLUDED IN PHASE I. THIS INCLUDES, FREIGHT VESSELS (I.E. CONTAINER VESSELS, GENERAL CARGO SHIPS, ETC.) AND SELF-PROPELLED MOBILE OFFSHORE DRILLING UNITS (MODUS) OF AT LEAST 500 GROSS TONS ENGAGED ON INTERNATIONAL VOYAGES. THE PRE-ENFORCEMENT CAMPAIGN ADDRESSED IN REF (A) ENDS ON JUNE 30, 2002. ON JULY 1, 2002 ANY VESSEL THAT MUST COMPLY WITH THE ISM CODE WILL BE DENIED ENTRY TO U.S. PORTS UNLESS THEY CAN PROVIDE EVIDENCE OF A FULLY IMPLEMENTED SAFETY MANAGEMENT SYSTEM (SMS). ISM CODE COMPLIANCE SHOULD BE VERIFIED ALONG WITH OTHER ITEMS NORMALLY ASSOCIATED WITH A PSC BOARDING.

2. SEVERAL LESSONS LEARNED DURING PHASE I ENFORCEMENT OF THE ISM CODE WILL BE INCORPORATED INTO A REVISION OF NVIC 4-98. ALL PROVISIONS OF NVIC 4-98 APPLY TO BOTH PHASE I AND II VESSELS, WITH THE FOLLOWING MODIFICATIONS:

A. CERTIFICATE ISSUE DATE: FOR PHASE II VESSELS, IF THE ISSUE DATE OF THE FULL TERM CERTIFICATE IS WITHIN 3 MONTHS OF THE 1 JULY 2002 IMPLEMENTATION DATE THEN BOARDING OFFICERS SHOULD VERIFY THROUGH OBJECTIVE EVIDENCE THAT THE SMS HAS BEEN FUNCTIONING EFFECTIVELY FOR AT LEAST THREE MONTHS ON BOARD THE SHIP. OBJECTIVE EVIDENCE INCLUDES RECORDS FROM INTERNAL AUDITS PERFORMED BY THE COMPANY. LACK OF DOCUMENTARY EVIDENCE SHOULD RESULT IN THE SHIP BEING ORDERED OUT OF U.S. WATERS UNTIL THEY ARE ABLE TO PROVIDE OBJECTIVE EVIDENCE OF AN EFFECTIVELY OPERATING SYSTEM FOR AT LEAST A 3 MONTH PERIOD.

B. INTERIM DOCUMENTS OF COMPLIANCE (DOC) AND SAFETY MANAGEMENT CERTIFICATES (SMC): INTERIM CERTIFICATES SHOULD BE ACCEPTED AS LONG AS THEY ARE ISSUED IAW INTERNATIONAL ASSOCIATION OF CLASSIFICATION SOCIETY (IACS) PROCEDURE NO. 9 AND IMO ASSEMBLY RESOLUTION A.788(19) "GUIDELINES ON THE IMPLEMENTATION OF THE INTERNATIONAL SAFETY MANAGEMENT (ISM) CODES BY ADMINISTRATIONS". INTERIM DOCS MAY ONLY BE ISSUED DURING THE INITIAL IMPLEMENTATION OF ISM FOR A NEWLY ESTABLISHED COMPANY OR WHEN NEW SHIP TYPES ARE ADDED TO AN EXISTING DOC. INTERIM DOC'S SHOULD BE VALID FOR NOT MORE THAN 12 MONTHS, WITH THE UNDERSTANDING THAT THE COMPANY WILL FULLY IMPLEMENT ISM AND THAT THE IMPLEMENTATION MAY BE REVIEWED AND VERIFIED AT INTERVALS DURING THAT SAME 12 MONTH PERIOD. INTERIM SMCS MAY BE ISSUED TO NEW SHIPS ON DELIVERY AND SHIPS NEW TO A COMPANY, AND ARE VALID FOR NO MORE THAN 6 MONTHS. INTERIM SMCS ARE VALID IF 1) THE DOC IS RELEVANT TO THE SHIP, 2) THE SMS HAS BEEN ASSESSED DURING THE DOC AUDIT, 3) THE MASTER AND SENIOR OFFICERS ARE FAMILIAR WITH THE SMS, 4) FAMILIARIZATION TRAINING HAS BEEN GIVEN TO THE CREW, 5) PLANS EXIST FOR AN INTERNAL AUDIT WITHIN THREE MONTHS AND 6) THE SMS IS IN THE WORKING LANGUAGE OF THE CREW.

C. MAJOR NON-CONFORMITIES: UPON AGREEMENT BY THE FLAG ADMINISTRATION OR RECOGNIZED ORGANIZATION, COMPANY AND VESSEL TO A CORRECTIVE ACTION PLAN MAJOR NON-CONFORMITIES MAY BE DOWNGRADED. THE CORRECTIVE ACTION PLAN MUST BE COMPLETED IN NO MORE THAN A THREE MONTH PERIOD. AT LEAST ONE ADDITIONAL AUDIT MUST OCCUR WITHIN THE TIME FRAME AGREED TO IN THE CORRECTIVE ACTION PLAN. COTPS SHOULD ENSURE THAT A NOTE IS ENTERED IN MISLE FOR VESSELS WITH AN AGREED CORRECTIVE ACTION PLAN. THE NOTE SHOULD INDICATE THAT THE VESSEL IS A P1 BOARDING PRIORITY FOR THE TIME PERIOD ENCOMPASSED BY THE CORRECTIVE ACTION PLAN. UPON VERIFICATION OF SATISFACTORY COMPLETION OF THE CORRECTIVE ACTION PLAN THE COGNIZANT COTP WILL REMOVE THE NOTE AND THE VESSEL WILL BE SCREENED USING THE PSC BOARDING MATRIX.

D. CERTIFICATES ISSUED FOR LESS THAN 12 MONTHS: DOCS AND SMCS ISSUED AFTER WITHDRAWAL OF A FULL TERM DOC OR SMC CAN BE ISSUED FOR A PERIOD OF TIME THAT CORRESPONDS TO THE PERIOD REQUIRED FOR CORRECTIVE ACTION. THE VESSEL/COMPANY MUST UNDERGO AN INITIAL VERIFICATION AUDIT OR ADDITIONAL AUDIT IN THE SAME DETAIL AS AN INITIAL AUDIT PRIOR TO REISSUANCE OF FULL TERM CERTIFICATES. THE EXPIRATION DATE OF THE REISSUED CERTIFICATE SHOULD CORRESPOND TO THE EXPIRATION DATE OF THE ORIGINAL CERTIFICATE.

E. QUESTIONING A DOC: WHEN A SERIES OF NON-CONFORMITIES ARE IDENTIFIED THAT CAUSES THE PSC OFFICER TO SUSPECT PROBLEMS EXIST WITH THE SMS FOR THE COMPANY, A LETTER SHOULD BE FORWARDED TO G-MOC VIA DISTRICT AND AREA FULLY DOCUMENTING THE SUSPECTED PROBLEMS AND REQUESTING THAT THE FLAG STATE BE CONTACTED AND URGED TO CONDUCT AN EXTERNAL AUDIT OF THE COMPANY INVOLVED.

3. ENFORCEMENT: A SMS OUTLINES THE PROCEDURAL REQUIREMENTS FOR VESSELS TO CARRY OUT OPERATIONS INCLUDING, BUT NOT LIMITED TO, PREVENTATIVE MAINTENANCE, NAVIGATION PROCEDURES, BUNKERING OPERATIONS, EMERGENCY PREPAREDNESS, POLLUTION PREVENTION PROCEDURES, TECHNICAL SYSTEMS AND OPERATIONS AND COMMUNICATIONS PROCEDURES. VESSELS SHOULD BE THE SUBJECT OF A SOLAS DETENTION WHENEVER A MAJOR NON-CONFORMITY OR SERIES OF NON-CONFORMITIES PROVIDE EVIDENCE OF SUBSTANTIAL NON-COMPLIANCE WITH THE CODE. SUBSTANTIAL NON-COMPLIANCE INCLUDES BUT IS NOT LIMITED TO: THE MASTER BEING UNFAMILIAR WITH THE SMS, NON-CONFORMITIES NOT BEING FORWARDED TO THE COMPANY, FAILURE OF THE MASTER TO CONDUCT FAMILIARIZATION TRAINING, OR EVIDENCE THAT A PREVENTIVE MAINTENANCE PROGRAM IS NOT BEING CONDUCTED. VESSELS FOUND IN PORT WITHOUT EVIDENCE OF AN IMPLEMENTED SMS SHOULD BE ORDERED OUT OF PORT.

INTERNET RELEASE AUTHORIZED.

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