

US Coast Guard New rule regarding nontank vessel response plans

Summary

The United States Coast Guard issued a notice on 23 June 2008 to inform U.S. and foreign-flag nontank vessel owners and operators that, effective from 22 August 2008, the USCG will be enforcing the requirement to prepare and submit a nontank vessel response plan (NVTRP) for nontank vessels. This change in enforcement policy formalises the need for owners and operators of nontank vessels trading with the United States to ensure that they have submitted up-to-date and comprehensive vessel response plans to avoid becoming subject to Coast Guard enforcement actions.



The Coast Guard and Maritime Transportation Act of 2004, which was signed into law on 9 August 2004, required owners and operators of all nontank vessels of 400 grt or greater to prepare and submit NTVRPs to the Coast Guard by 8 August 2005. The Coast Guard issued Navigation and Vessel Inspection Circular Number 01-05, which was amended by Navigation and Vessel Inspection Circular Number 01-05, CH-1 (NVIC 01-05, CH-1), to provide interim guidance for the development and review of NTVRPs. The final regulations have not yet been issued and because of some uncertainty relating to enforcement and application of the requirements, the USCG issued a notice on 24 June 2005 stating that it would not enforce the Act until regulations were issued and in force. In the meantime, the Coast Guard encouraged vessel owners and operators to seek interim authorisation letters through the voluntary process set out in NVIC 01-05, CH-1. Despite the non-enforcement notice, owners and operators were still required to develop and submit NTVRPs.

The recent change in enforcement policy now formalises the need for owners and operators of nontank vessels trading with the United States to ensure that they have submitted up-to-date and comprehensive vessel response plans to avoid becoming subject to Coast Guard enforcement actions. It is imperative that owners and operators submit their NTVRPs to the Coast Guard as soon as possible. If they have previously submitted such plans, they should ensure that the vessel response plans previously submitted are still current.

The guidance circular, NVIC 01-05, CH 1 can be accessed at:
<http://www.uscg.mil/hq/g-m/nvic/NVIC%2001-05,%20CH-1.pdf>

We are grateful to Messrs. Blank Rome LLP for providing the initial information on the above topic.

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