



İstanbul :

Sayı
Our Reference: 1217

22.03.2016

Konu
Subject :**Amerika Deniz Ticaret Odası Şubat 2016 Raporu Hk.**

Sirküler No: 227/ 2016

Sayın Üyemiz,

İlgi: Uluslararası Deniz Ticaret Odası'ndan (ICS) alınan 03.03. 2016 tarih ve ICS(16)14 sayılı yazı ve Eki.

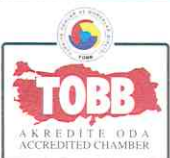
İlgi yazıda, ICS Üyeleri, Amerika Deniz Ticaret Odası'ndan (Chamber of Shipping of America - CSA) alınan, yazı Ekindeki raporu dikkate almaya davet edilmektedir. Amerika Deniz Ticaret Odası'nın en son aylık raporu aşağıdaki hususları içermektedir:

- 1. USCG, kâğıt haritalar ve yayınlar yerine elektronik haritaların ve yayınların kullanımına izin veren 01-16 sayılı Seyir ve Gemi Denetimi Sirküleri'ni (Navigation and Vessel Inspection Circulars-NVIC) yayımlamıştır. Elektronik harita ve yayınlara geçiş yapılırken aşağıdaki hususlara dikkat edilmesi gerektiği bildirilmektedir:**
 - Elektronik haritaların seyirin başlıca aracı olması durumunda, geminin ilave bağımsız bir düzenlemesinin olması gerekmektedir.
 - Gemiler, kâğıt haritalar için 33. ve 46. Federal Kural Kodları (Code of Federal Regulations - CFR) ile uyum göstermeye devam ettikleri sürece, kâğıt haritaları başlıca seyir araçları olarak kullanabilirler.
 - Söz konusu durum, yurtiçi kâğıt harita gereklilikleri için geçerli olup, SOLAS kapsamındaki harita gereklilikleriyle ilgili değildir.
 - ABD'li gemiadamları, başlıca seyir aracı olarak elektronik haritalarla ilgili eğitim şartlarına uyum sağlamak amacıyla, denizci yeterlilik belgelerinde (Merchant Mariner Credential-MMC) bir ECDIS onayına sahip olmak zorundadır. Söz konusu onaya sahip olan gemiadamları için başka bir eğitim istenmemektedir.
 - 01-16 sayılı Seyir ve Gemi Denetimi Sirküleri'ne uyum sağlamak için; GPS, AIS, Cayro Pusula ve Radarın elektronik harita sistemine entegre edilmesi gerekmektedir.

Bahse konu sirkülere http://www.uscg.mil/hq/cg5/nvic/pdf/2016/NVIC_01-16_electronic_charts_and_publications.pdf bağlantısından erişilebilmektedir.

- 2. Amerika Deniz Ticaret Odası, USCG'nin Ultraviyole Balast Suyu Arıtma Sistemlerinin değerlendirilmesinde En Muhtemel Sayı (Most Probable Number – MPN) yönteminin kullanılmasına ilişkin kararı ile ilgili olarak bir itiraz mektubu sunmuştur. Söz konusu itiraz mektubuna ilişkin bilgi CSA'nın Şubat ayı raporunda yer almaktadır.**

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3. **Kaliforniya Eyaleti Komisyonu (California State Lands Commission – CSLC)**, 22 Şubat 2016 tarihinden itibaren yürürlüğe giren USCG balast suyu raporlama gerekliliklerini ve mevcut Kaliforniya balast suyu raporlama gerekliliklerini göz önünde bulundurarak, **gemilerin hem USCG hem de CSLC gerekliliklerine nasıl uyum sağlayabileceği hakkında bir tavsiye metni yayınlamıştır. Buna göre aşağıda yer alan değişiklikler / farklılıklar dikkate alınmalıdır:**
- USCG raporlama gereklilikleri zaman çizelgesi, “varıştan 24 saat önce” iken “varıştan sonraki 6 saatten daha geç olmamak üzere” şeklinde değiştirilmiştir. Kaliforniya gerekliliklerinde ise “gemilerin varıştan önceki 24 saatten daha önce kaydolmaları gerekmektedir” şeklindeki ibare aynen devam etmektedir.
 - CSLC, hem (15 Kasım 2015 tarihli nihai kural gereğince) yeni balast suyu raporlama formunu ve hem de nihai kuraldan önce yürürlükte olan eski balast suyu raporlama formunu da kabul edecektir. **Kaliforniya’nın her iki formu da kabul ettiğine dair söz konusu karar göz önüne alındığında, USCG ve CSLC için iki ayrı form hazırlama ihtiyacını önlemek amacıyla, armatörlerin istenen bilgileri yeni form üzerinde hazırlamaları tavsiye edilmektedir. Ayrıca, USCG’nin eski formu gelecekte kararlaştırılan bir günden itibaren kabul etmeyeceği de dikkate alınmalıdır. USCG eski balast suyu raporlama formlarını geçici bir süreliğine kabul edeceği için, armatörlerin olabildiğince erken bir şekilde yeni formu kullanmaya başlamaları önerilmektedir.**
 - USCG nihai kuralı, balast suyu raporlama formunun hazırlanması ve teslim edilmesi için yeni bir web uygulamasını da kapsamaktadır. Söz konusu uygulamayı kullanarak yapılan hazırlık ve teslim, USCG gerekliliklerini karşılayacaktır. Bununla birlikte söz konusu uygulamayı kullanan gemiler yine de tamamlanmış raporları PDF formatında kaydetmek ve CSLC’ye e-mail olarak bwform@sls.ca.gov adresine ya da 562-499-6444 faks numarasına göndermeleri gerekmektedir.
4. 18 Aralık 2015 tarihinde onaylanan ve 1 Temmuz 2016 tarihinde yürürlüğe girecek olan CSLC biyolojik kirlenme mevzuatının ana hükümleri CSA’nın Şubat 2016 raporunda yer almaktadır.
5. USCG, Kutup Kodu’na (Polar Code) tabi olan gemilerde çalışan personelin eğitimine yönelik bir kılavuz yayınlamıştır.

Bilgilerinizi arz ve rica ederiz.

Saygılarımızla,

Murat TUNCER
Genel Sekreter

EKLER:

Ek-1: İlgili yazı ve Eki

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Subject**DAĞITIM:****Gereği:**

- Tüm Üyelerimiz (Web Sayfasında)
- Türk Armatörler Birliği
- S/S Gemi Armatörleri Motorlu Taş. Koop.
- Vapur Donatanları ve Acenteleri Derneği
- 22,24,25,27,28,29 No.'lu Meslek Komite Bşk.
- İMEAK DTO Şubeleri
- Türk Loydu Vakfı
- GİSBİR
- Türk Uzakyol Gemi Kaptanları Derneği
- GEMİMO
- WISTA Türkiye Derneği
- Gemi Sahibi Firmalar

Bilgi:

- Ulaştırma, Denizcilik ve Haberleşme Bakanlığı
Deniz ve İçsular Düzenleme Genel Müdürlüğü
- Sn. Sefer KALKAVAN
TOBB DTO'ları Konsey Başkanı
- Meclis Başkanlık Divanı
- Yönetim Kurulu Başkanı ve Üyeleri
- Sn. Erol YÜCEL
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3 March 2016

ICS(16)14

TO: ALL FULL AND ASSOCIATE MEMBERS

**Copy: Shipping Policy Committee
Marine Committee
Radio & Nautical Sub-Committee
Environment Sub-Committee
Manning & Training Sub-Committee**

US DEVELOPMENTS – FEBRUARY 2016

Action required: To note the attached report from the Chamber of Shipping of America (CSA).

Attached at **Annex A**, please find the monthly report from CSA for February 2016.

The report contains *inter alia*:

1. News that the USCG has released NVIC 01-16 which allows the use of electronic charts and publications in lieu of paper charts and publications. CSA provides further details and a link to the requirements.
2. Details of a CSA letter of appeal to the USCG regarding its decision on the Most Probable Number (MPN) methodology for the evaluation of UV Ballast Water Treatment Systems.
3. The text of a California State Lands Commission (CSLC) advisory regarding how vessels can comply with both the impending USCG and the existing CSLC ballast water reporting requirements.
4. A summary of the key provisions of the CSLC biofouling regulations, which were approved on 18 December 2015 and will become effective on 1 July 2016.
5. News that the USCG has issued its guidelines for the training of personnel on vessels subject to the Polar Code.

Joe Francombe
Senior Adviser



CSA MONTHLY REPORT FOR ICS

FEBRUARY 2016

NOTE TO THE READER: Reference to the Federal Register may be found at <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR>. Please note new address and format for Federal Register retrieval due to upgrade in US government website.

References to legislation may be found at <http://thomas.loc.gov/> by entering the bill number (HR 802, S 2841) in the "search bill text" block found at the center of the page.

USCG released NVIC 01-16 Electronic Charts and Publications

The USCG released NVIC 01-16 which allows use of electronic charts and publications in lieu of paper charts and publications. It is important to note the following when making this transition:

- If electronic charts are the primary means of navigation, the ship is required to have an independent redundancy arrangement.
- Ships may continue to use paper charts as primary means of navigation as long as they continue to comply with 33 and 46 C.F.R. for paper charts.
- This pertains to domestic paper chart requirements and does not pertain to chart requirements contained in SOLAS.
- U.S. Seafarers must have an ECDIS endorsement on their MMC to comply with the training requirements associated with electronic charts as the primary means of navigation. No additional training is required for seafarers with this endorsement.
- The GPS, AIS, Gyro-Compass and Radar must be integrated with the electronic chart system to comply with this NVIC.

Link to NVIC: http://www.uscg.mil/hq/cg5/nvic/pdf/2016/NVIC_01-16_electronic_charts_and_publications.pdf

CSA Appeals USCG Decision on Use of Most Probable Number (MPN) as Assessment Tool in Determining UV BWMS Efficacy

As noted in previous reports, the US Coast Guard, through an expert group, has been reviewing the use of the Most Probable Number (MPN) methodology relative to assessment of efficacy of UV BW management systems. It should be noted that MPN is a widely used methodology and in fact, to the best of our knowledge, is the assessment tool used which has resulted in a number of national type approvals for UV BW management systems. Regretably in mid-



December, the USCG rendered its decision which would not permit use of MPN in this case. The USCG explained its reasoning stating "A Coast Guard review concluded that the MPN test method is not equivalent because it does not measure the efficacy of the BWMS to the performance standard required by the regulations. The regulations specifically require ballast water treatment systems to be evaluated based on their ability to kill certain organisms. Since the proposed MPN method assesses the viability of an organism to colonize after treatment, it measures to a different standard than that required by the regulations." The USCG went on further to explain that this decision did not necessarily prohibit UV systems from receiving US type approval, but rather those systems seeking US type approval would have to meet the living/dead criteria being used to assess other BWMS types.

Given the importance of this issue to our members and in fact, to the global industry, CSA has written an appeal letter, requesting the Commandant to reconsider the original decision and to reverse that decision to allow MPN use for evaluation of UV BWMS. Too lengthy to include here, key elements of our argument to support reversal of the original decision include:

"The USCG's failure to accept MPN as an acceptable measurement method results in the imposition of a more stringent performance standard than those contained in the IMO Convention and USCG regulations. In particular text found in the December 14, 2016 decision letters issued by Capt. J.W. Mauger (Ref. 16710/PO18787/jmk; Serial E1-1504669 et al) states that "MPN is not equivalent because it does not measure the efficacy of the ballast water treatment system to the performance standard required by the regulations". We strongly disagree for the following reasons. First, the performance standard as found in Regulation D-2 of the IMO Ballast Water Convention and the USCG regulations at 33 CFR 151.2030 represents the level of three categories of organisms at or below which the risk of invasions is deemed acceptable. Second, the issue before us here is not to debate the quantitative aspects of the performance standards (the "what"), but rather how ballast water samples are evaluated and assessed (the "how") to determine if a particular sample meets the numeric performance standards. Third, given the two points noted above, imposition of a more conservative measurement methodology utilizing the living/dead criteria actually results in a de facto application of a more stringent performance standard than those found in the Convention and USCG regulations. In short, a UV system that meets the quantitative performance standards based on the viable/nonviable criteria but is otherwise required to power up the system to meet the living/dead criteria, is actually being subject to more stringent quantitative performance standards and contrary to those contained in the Convention, the controlling US statute and USCG regulations."

In support of our request that the USCG reverse its original decision the CSA appeals letter concluded:

"The MPN method is widely recognized as well-suited for detecting the efficacy of UV treatment to render organisms non-reproductive. In



essence, taking into account the recognition that the quantitative performance standards represent levels at or below which the risk of invasion is deemed acceptable, it is irrelevant whether the organism is dead or non-viable. Either way, the organism is incapable of increasing the risk of an invasion to a receiving waterbody.”

USCG New Ballast Water Reporting Requirements and Interface with California Ballast Water Reporting Requirements

Given the effective date of the USCG ballast water reporting requirements of February 22, 2016 and the existing California ballast water reporting requirements, the CSLC has issued an advisory (text copied below) on how vessels can comply with both the USCG and CSLC requirements. The following changes/differences should be noted:

- The USCG reporting requirements timeline has been changed from 24 hours prior arrival to no later than 6 hours after arrival. The California requirements remain that vessels must file no later than 24 hours prior to arrival.
- CSLC will accept either the new ballast water reporting form (per the November 15, 2015 final rule) or the old ballast water reporting form in effect prior to the final rule. Given California’s decision to accept either form, it is suggested that vessel owners prepare the required information on the NEW form to avoid the need to prepare two different forms for submission to the USCG and CSLC, respectively. Please note also that the USCG will NOT accept the old form at some date certain in the future. It is recommended that vessel owners begin using the new form as soon as possible (note text of USCG message noting temporary acceptance of old ballast water reporting form).
- The USCG final rule includes a new web application for preparation and submission of the ballast water reporting form. Preparation and submission using this application will satisfy the USCG requirements. However, vessels that use this application will still need to save the completed report in PDF format and submit to CSLC by email at bwform@slc.ca.gov or via fax to 562-499-6444.

Text of CSLC Advisory

Shipping Agents and Interested Stakeholders:

Please alert vessel owner/operator/agent networks of new USCG ballast water management reporting requirements effective next Monday, Feb. 22.

The United States Coast Guard’s (USCG) National Ballast Information Clearinghouse (NBIC) web page (<http://invasions.si.edu/nbic/>) has posted new



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information implementing the USCG ballast water management reporting and recordkeeping final rule as published in the Federal Register on Nov. 24, 2015 (attached). In brief, the NBIC states the following will become effective as of February 22, 2016:

- There is a new Ballast Water Management Report (BWMR) form (attached)
- A new web app is available for form submission
- New form completion instructions are available
- Federal BWMR filing has changed from 24 hrs prior to arrival to no later than 6 hrs after arrival
- The existing Ballast Water Reporting Form (BWRf) will no longer be accepted by the USCG

These significant changes in reporting requirements with little lead time and no phase-in may cause confusion and implementation problems for both vessels and state programs.

In the short term, please be advised:

- California filing requirements remain 24 hrs prior to arrival.
- Until further notice, the California State Lands Commission will accept either the new "Ballast Water Management Report" or the old "Ballast Water Reporting Form" in fulfillment of ballast water management reporting requirements in the Marine Invasive Species Act.
- Go to http://www.slc.ca.gov/Programs/MISP_Combpliance.html for copies of the form and instructions for filling out for California submittal.
- Vessels that use the new BWMR Web App will still need to file a separate PDF form by email (bwform@slc.ca.gov) or fax (562-499-6444) with California.
- **NOTE – the attached BWMR has buttons for email and online submittal of the BWMR to the NBIC. You must save this form and separately attach in an email to bwform@slc.ca.gov for this form to be received in California.**

Text of USCG Email Allowing for Temporary Submission of "Old" BW Reporting Form

As some of you may know, the NBIC Ballast Water Reporting Form is scheduled to transition to a new form as of Monday, 22 February. This was part of the final regulations published on November 24, 2015. Unfortunately, the new form has only become available as of 19 February. We realize this does not provide adequate time for the industry to adjust and adopt the new form.

Therefore, the National Ballast Water Information Clearinghouse (NBIC) will continue to accept the old forms as the industry transitions. Therefore, the old form can continue to be used past Monday, 22 February. This is also announced through a note on the NBIC website that was posted yesterday afternoon. While the NBIC will continue to accept the



old form, we certainly encourage everyone to begin using the new form as soon as possible.

California State Lands Commission (CSLC) Final Regulations on Biofouling

After many years of debate and discussion, CSLC approved its biofouling regulations on December 18, 2015. The rulemaking file will be submitted to the office of Administrative Law for adoption in the California Code of Regulations. The regulation will become effective on July 1, 2016. While these new final regulations still include problematic text, many of the issues raised by the industry have been addressed by CSLC and while certainly not ideal from the industry's perspective, represent vast improvements from previously proposed regulations. The final regulations establish performance standards which would have to be met by any covered vessel entering California waters and would apply to niche areas as well as flat wetted hull surfaces.

Key provisions of the regulations are as follows:

- Section 2298.1 – defines purpose, applicability and implementation date of the regulations as follows:
 - Requirements based on best available technology economically achievable
 - Applies to all vessels 300 GRT and above carrying or capable of carrying ballast water that arrive in a California port or place (note capable of carrying ballast water includes vessels that may carry ballast water in trim tanks not otherwise designated as ballast tanks).
 - All points in San Francisco Bay are deemed as the same "California port or place".
 - The ports of Los Angeles, Long Beach and El Segundo are deemed the same "California port or place".
 - Implementation date for new vessels e.g. delivered into service on/after July 1, 2016 is July 1, 2016.
 - Implementation date for existing vessels is first regularly scheduled out of water maintenance (drydock) on or after July 1, 2016.
- Section 2298.2 – key definitions. In particular note definitions for "biofouling compliance assessment protocols" (yet to be developed), "effective coating lifespan" (key criteria for determining compliance



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status in section 2298.6), "niche areas", and "obviously excessive biofouling" (significantly in excess of 15% of wetted surfaces).

- Section 2298.3 – contains requirements for vessel specific Biofouling Management Plan (note 60 day grace period for first California port of call) which include:
 - must be maintained onboard, be specific to the vessel and be made available to port state control officials (USCG, EPA and CA)
 - must be regularly reviewed, revised and updated to reflect current practices and management programs
 - must contain sufficiently detailed descriptions of the biofouling management strategy such that ship's crew can understand and comply
 - be consistent with the IMO "Guidelines for the Control and Management of Ships' Biofouling to Minimize the Transfer of Invasive Aquatic Species ("the Guidelines")
 - Include management practices and anti-fouling systems used for both hull and niche areas including manufacturer, model, product name, date of installation or application and other specifics relating to (1) anti-fouling coatings (intended out of water maintenance or drydocking interval, range of vessels speeds for which coating is designed, effective coating lifespan and copy of IMO AFS Certificate, among others and (2) marine growth prevention systems (MGPS) (location of anodes/dosing outlets, manufacturer's recommended doses and frequency).
- Section 2298.4 –contains requirements for the development and maintenance of a Biofouling Record Book (note 60 day grace period for first California port of call) which include:
 - Be maintained on vessel and available for inspection by port state control officials
 - Alignment with the IMO Guidelines noted in section above
 - Include a description of all completed niche area and management practices
 - Include details of all inspections and biofouling measurements taken since the last drydock (or delivery for new vessel)
- Section 2298.5 – modifies the reporting requirements for filing of the California Hull Husbandry Form to require reporting at least 24 hours in



advance of the first arrival in California waters for the current calendar year.

- Section 2298.6 – this section entitled “Biofouling Management for Wetted Surfaces” is the “meat” of this regulatory package. Section (a) relates to management for wetted surfaces (non niche areas) while Section (b) relates to management for niche areas. These sections generally require the following:
 - Antifouling coating should not be relied upon past its effective lifespan
 - If antifouling coating is used beyond its effective lifespan or if antifouling coating is not used at all, additional management measures must be employed to ensure macrofouling is limited to 5% or less of wetted surfaces
 - Niche areas (listed in paragraph (b)(1)) are recognized as problem areas with limited access during normal operations and must be managed as per details in Biofouling Management Plan, with documentation in Biofouling Record Book when management practices are conducted or failure to conduct management practices are not completed and reasons why they were not completed.
 - An “Obviously excessive biofouling” (macrofouling percentage cover significantly in excess of 15% of wetted surfaces) determination will result in:
 - Written warning if (1) excessive biofouling is restricted to vessel sea chests/strainers/gratings, fin stabilizer recesses, rudder recesses, rope guard internal recesses and/or bow/stern thrusters OR (2) other excessive biofouling in other areas is detected on first California port call after last shipyard and the vessel will remain in state waters for less than 96 hours.
 - Written violation if (1) second or subsequent visit after last drydock OR (2) detected on wetted surfaces (non-niche areas) and the vessel will remain in California waters for 168 hours or more.
 - In either case, the vessel will be required to manage the excessively biofouled areas prior to the vessel’s next arrival in a California port or place. CSLC may require vessel to clean, treat or remove excessive biofouling.
 - Leeway provided to vessel which makes attempts to manage biofouling but finds services are unavailable during



ports visited prior to the next California port call after the initial warning/violation is issued.

- Section 2298.7 – includes requirements for vessels inbound to California waters that prior to arrival have experienced an “extended residency period” since its last drydock where “extended residency period” is defined as remaining in one port or place 45 days or longer (see definition in Section 2298.2).
- Section 2298.8 – clarifies current regulatory text and states that propeller cleaning is permitted in California waters.
- Section 2298.9 – contains application, notification and approval procedures for alternative methods of compliance and requests for emergency exemptions (vessels making an unscheduled call in California ports, but note bunkering calls are not included in the definition of “emergency” under this section).

The regulations and supporting documents are available for download at the CSLC website at: <http://www.slc.ca.gov/Laws-Regs/Proposed-MISP.html>

USCG Policy Letter 01-16 – Guidelines for Training of Personnel on Ships Subject to the International Code for Ships Operating in Polar Waters (Polar Code)

The USCG has issued its guidelines for training of personnel for vessels subject to the Polar Code. While the details of these provisions generally apply to US credentialed mariners, Enclosure 1 of this policy letter specifically notes that “mariners on non-US vessels should receive familiarity training required by the STCW Regulation I/14, Responsibilities of Companies. It is also expected that mariners aboard non-US vessels subject to the Polar Code will meet the additional requirements for basic and advanced training as agreed at IMO.

A couple of specific points are worth noting:

- The Polar Code, as agreed at IMO, will enter into force on January 1, 2017
- Amendments to the STCW related to training requirements included in the Polar Code are expected to enter into force on January 1, 2018.
- These guidelines are being issued to ensure that training requirements are met on vessels trading in polar waters by the entry into force requirements of the Code (January 1, 2017) taking into account the STCW requirements will enter into force one year later (January 1, 2018)
- Training requirements include familiarization with the specific vessel on which they are assigned relative to the duties and responsibilities of the



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position held (these are consistent with existing familiarization requirements in STCW).

- The additional requirements include sea service and recency requirements and minimum standards of competence at the basic (all deck officers) and advanced levels (Master and Chief Mate).
- There are no additional requirements applicable to officers in the engine department.
- Enclosure 1 to this policy letter contains the USCG training guidance with specific competencies for basic training contained in Table 2, Enclosure 1 and specific competencies for advanced training contained in Table 3, Enclosure 1.
- Mariners completing service and/or training requirements should be issued the appropriate course completion certificates and/or company letters indicating successful completion of the training requirements and/or sea service.
- Supporting information for these guidelines are contained in Enclosures 2 (excerpts from the Polar Code relating to training requirements) and 3 (amendments to the STCW defining minimum standards of competence for training on ships operating in polar waters).

A copy of Policy Letter 01-16 may be downloaded at:
<http://www.uscg.mil/hq/cg5/cg522/cg5221/policyletters.asp>

Zika Virus

USCG, MARAD and the Department of Homeland Security issued notices regarding the Zika Virus which can be viewed at the links below. The USCG advisory was amended and the most recent version is below.

USCG Amended MSIB 01-16:

http://www.uscg.mil/msib/docs/001_16_2-5-2016.pdf

MARAD Advisory 2016-01:

<http://www.marad.dot.gov/newsroom/advisory/2016/marad-advisory-2016-01-zika-virus-2/>

Department of Homeland Security - Zika virus response plan:



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<https://www.dhs.gov/news/2016/02/11/zika-virus-dhs-response-plan>