



**REPUBLIC OF
THE MARSHALL ISLANDS**
MARITIME ADMINISTRATOR

Marine Notice

No. 5-034-5

Aug/2017

**TO: ALL SHIPOWNERS, OPERATORS, MASTERS, AND OFFICERS OF
MERCHANT SHIPS AND RECOGNIZED ORGANIZATIONS**

SUBJECT: Measures to Improve Compliance in United States Ports

References: (a) Republic of the Marshall Islands (RMI) Maritime Act ([MI-107](#))
(b) RMI Maritime Regulations ([MI-108](#))
(c) RMI Marine Notice [2-011-20](#), *Notice of Intended Entry into Port*
(d) RMI Form [MSD 340](#), *Critical Items Checklist*

PURPOSE

This Notice addresses the Republic of the Marshall Islands (RMI) Maritime Administrator (the “Administrator”) pre-arrival requirements and measures for improved compliance for vessels calling in the United States (US). It stresses the need for continued vigilance by shipowners; operators; Masters, officers, and all crew; and Recognized Organizations (ROs) to ensure vessels calling in United States (US) ports are in compliance with all national and international rules and regulations.

This revision supersedes the previous revision of 7/15. It has been updated with an updated Critical Items Checklist, new statistical information, and has been amended to reflect the relevant provisions of the Administrator’s current Recognized Organization (RO) Agreement.

BACKGROUND

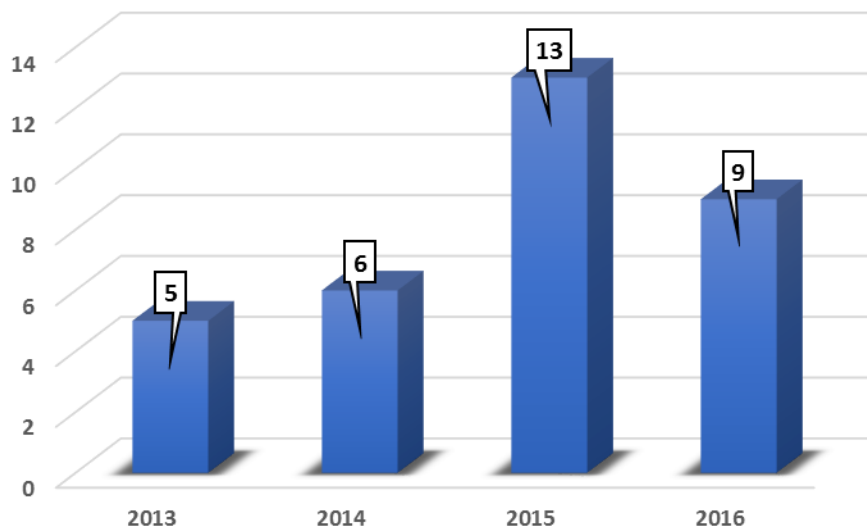
Under the RMI Maritime Act ([MI-107](#)) and RMI Regulations ([MI-108](#)), RMI vessels calling at any port, including US ports, are required to comply fully with all national and international standards for safety, security, environmental protection, and the welfare of seafarers and demonstrate compliance with them. See particularly §2.11 (*Compliance with International Conventions*) and Chapter 5 (*Marine Inspections*) of the RMI Maritime Regulations.

Although the Administrator publishes [Marine Notices](#), [Marine Safety Advisories](#), and other documents to address compliance and provide methods of prevention, substandard conditions are still being found during port State control (PSC) examinations and other boardings. Such conditions include:

- a blocked, disconnected or tied open quick closing fuel oil valve;
- the hyper-mist fire extinguishing system not ready for use, not lined up in automatic mode or with the water supply valve shut rather than open;

- inoperable oily water separator (OWS) or oil content meter (OCM) or not being able to demonstrate proper operation of the OWS and OCM;
- failure of the crew to adequately carry out a fire, abandon ship, or confined space entry drill;
- items such as smoke detectors rendered inoperable by actions of the crew;
- substandard cleanliness or condition of the engine room; and/or
- failure to report inoperable equipment, such as:
 - fire dampers or other fire protection and extinguishing systems; and/or
 - emergency fire pumps not fully operational or not able to take suction in ballast condition.

The US Coast Guard (USCG) QUALSHIP 21 program, a program the Administrator uses as a measure of the quality of its fleet, has revealed an increased level of detentions in the past two (2) years. Although the detention rate has dropped from 2015 to 2016, it is still significantly higher than previous years.



This increase in PSC detentions is due to a lack of attention to or reporting of non-operational equipment by the crew and/or the Company *prior* to arrival in US ports. In fact, some RMI-flagged vessels have requested a Coast Guard Certificate of Compliance (COC) examination knowing that they had inoperable equipment onboard. Equipment such as an inert gas generator, emergency fire pumps, inoperable lifeboat or rescue boat engines, frozen lifeboat davits, non-operational incinerator, and non-operational oily water separator are examples of critical equipment that was known to be non-operational when requesting an exam. Reporting of these items to the flag State and the port State could have prevented several detentions.

APPLICABILITY

This Notice applies to all RMI-flagged vessels calling in US ports. The Administrator will apply the performance and compliance measures found herein to the degree necessary on a case-by-case basis.

REQUIREMENTS

1.0 General

All vessels calling in any port, including US ports, must comply fully with and demonstrate compliance with all national and international standards for safety, security, environmental protection and the welfare of seafarers as required by [MI-108](#) §2.11.3.

2.0 Prior to Arrival at a US Port

In accordance with RMI Marine Notice [2-011-20](#), all vessels entering US ports are required to submit a **copy** of the Notice of Arrival (NOA) to the Administrator at NOA@register-iri.com when submitting the NOA to the USCG 96 HOURS PRIOR TO ENTERING U.S. WATERS. Repeated failure to submit a copy of the NOA to the Administrator may result in actions by the Administrator such as an additional audit of the vessel or the Company's Safety Management System (SMS).

- 2.1 All vessels arriving at US ports are required to list any non-operational equipment or systems on their NOA. Proactively listing inoperative equipment on the NOA and notifying the Administrator can often prevent adverse PSC actions. Therefore, vessel operators that fail to list non-operational equipment or systems on the NOA may be subject to an immediate International Safety Management (ISM) Code audit and/or a letter of warning or safety reprimand to the Master and/or Chief Engineer. Repeated failures to report non-operational equipment or systems on the NOA may result in suspension of the Master's and Chief Engineer's RMI seafarer documents and/or an additional audit of the vessel or Company SMS.
- 2.2 Prior to arrival in a US port, the Master and Chief Engineer shall complete, sign, and submit the Critical Items Checklist (RMI Form [MSD 340](#)). The MSD 340 shall be emailed to NOA@register-iri.com in conjunction with the eNOA which is submitted 96 hours prior to arrival. The latest version of the form may be [downloaded](#) from the website at www.register-iri.com. Failure to complete the Critical Items Checklist (MSD 340) may be cause for suspension of the Master's and Chief Engineer's RMI seafarer documents and/or an additional audit of the vessel or Company SMS. In the event of consecutive US port calls, the Critical Items Checklist (MSD 340) need only be submitted prior to the first US port. An updated Critical Items Checklist (MSD 340) must be submitted if the condition of the vessel changes during these consecutive port calls or after the vessel calls a port outside the US.

3.0 Detentions in US Ports

3.1 Any vessel that is detained in a US port is subject to:

- .1 an immediate Special Inspection by the Administrator prior to sailing to determine the root cause of the detention (all costs resulting from the detention including the cost of the Special Inspection and any administrative actions made necessary because of the detention may be charged to the shipowner or operator);
- .2 an additional survey by the RO for any and all statutory certificates that were the subject of the deficiency(ies) causing the vessel to be detained; and
- .3 where an ISM deficiency resulted in the detention, an ISM audit of the SMS onboard the vessel will be required prior to sailing, the scope of which shall be as stipulated by the Administrator.

3.2 Any ISM Company for a vessel detained in a US port is subject to the:

- .1 submission of a corrective action plan by the Company to address the underlying root cause of the substandard condition or conditions which resulted in the detention of the vessel; and,
- .2 at the discretion of the Administrator, an immediate audit of the Company's Document of Compliance (DOC), the scope of which shall be as stipulated by the Administrator.

4.0 ROs

- 4.1 Owners are advised that ROs are required to notify the Administrator immediately, regardless of whether or not the Vessel is detained, when they are requested to clear PSC deficiency codes 30, 17, and/or 60 as a result of a PSC examination.