

## U.S. Coast Guard Notice of Proposed Rulemaking on Towing Vessel Inspection to be Published August 11

AUGUST 10, 2011

After seven years of studies, research, and discussion, the Coast Guard has released a Notice of Proposed Rulemaking on the inspection of towing vessels, as originally mandated by the Coast Guard and Maritime Transportation Act of 2004. The Notice is scheduled for publication on Thursday, August 11, and will open a 120-day public comment period, which will end on December 9, 2011. For the first time, towing vessels under 300 tons will be subject to Coast Guard inspection, with exceptions for most towing vessels less than 26 feet in length, those engaged in assistance towing, and workboats operating within dredge and construction sites. The regulations will not only require vessels to obtain and hold Certificates of Inspection, but will also impose additional record-keeping requirements on the vessels and their operators, and will divest the Occupational Safety and Health Administration of jurisdiction over workplace safety on the vessels. In another “first,” the Coast Guard plans to offer operators a choice of satisfying those inspection requirements through a “Towing Safety Management System.” If an operator finds implementing a “TSMS” too cumbersome, it can instead elect to have its vessels undergo regular Coast Guard vessel inspections. The Notice seeks input on a number of issues, including crew work and rest hours, and includes a lengthy discussion of the effects of sleep deprivation on safety. The ultimate implementation of the inspection regulations may still be some time off, as the Coast Guard will need to collect, review, and respond to comments, then update the regulations as appropriate. However, the Notice represents a significant step towards implementation of towing vessel inspections.

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