

**Commonwealth of Dominica****Office of the Maritime Administrator**

**TO: ALL SHIPOWNERS, OPERATORS, MASTERS AND OFFICERS OF MERCHANT SHIPS, MOBILE OFFSHORE DRILLING UNITS AND RECOGNIZED ORGANIZATIONS**

**SUBJECT:** Guidance for the development of shipboard pollution emergency plans for noxious liquid substances pursuant to Regulation 16 of Annex II of the international convention for the prevention of pollution from ships (MARPOL 73/78) on Dominica flag vessels and compliance determinations on U.S. bound vessels

**REFERENCE:** (a) MARPOL 73/78 ANNEX II, Reg. 16  
(b) Resolution MEPC.85(44), Guidelines for the Development of Shipboard Marine Pollution Emergency Plans for Oil and/or Noxious Liquid Substances  
(c) USCG Navigation and Vessel Inspection Circular no. 03-04

**ATTACHMENTS:** Resolution MEPC.85(44)

**PURPOSE:** (a) This circular notifies the shipping industry of the procedures adopted by Commonwealth of Dominica for demonstrating compliance with the requirements of Regulation 16 of Annex II of MARPOL 73/78, which became effective on January 1, 2003. These include guidelines for preparation of Shipboard Marine Pollution Emergency Plans for Noxious Liquid Substances required for certain vessels, for approval of those plans by the Dominica Maritime Administrator, and for making approved plans available for review by any port State which is signatory to this MARPOL 73/78 annex visited by the vessel. This circular also provides guidance for compliance with Regulation 16 by vessels bound to U.S. ports or waters.

(b) This guidance allows for the submission and approval of one response plan to meet the requirements of the Shipboard Oil Pollution Emergency Plans (SOPEPs) required by regulation 26 of Annex I of MARPOL 73/78, Shipboard Marine Pollution Emergency Plans for Noxious Liquid Substances (SMPEP-NLS), or Shipboard Marine Pollution Emergency

Plans (SMPEPs) required by regulation 16 of Annex II of MARPOL 73/78.

**APPLICABILITY:** This Circular applies to Every Dominica vessel of 150 gross tonnage and above certified to carry noxious liquid substances approved by the Administration

## **BACKGROUND:**

- a. The Marine Environment Protection Committee (MEPC) of the International Maritime Organization (IMO) adopted Regulation 16 to Annex II of MARPOL 73/78 (International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978, relating thereto) at its 44<sup>th</sup> session in March 2000. Regulation 16 requires that every ship of 150 gross tons and above certified to transport noxious liquid substances in bulk carry on board an SMPEP-NLS approved by its flag State. This requirement entered into force on January 1, 2003.
- b. A ship whose flag State is signatory to Regulation 16 of Annex II may be required to produce for inspection a flag State approved plan before or during a port call to a port State that is also signatory to the regulation. Therefore, Dominica vessels to which Regulation 16 applies may face delays or detention if they do not carry an approved plan on board.
- c. In keeping with the spirit of paragraph 3 of MARPOL 73/78 Annex II Regulation 16, the Maritime Administrator will accept and approve one response plan that meets the requirements of said paragraph, which allows the merger of SOPEPs required by Regulation 26 of Annex I, with the SMPEP-NLSs required by Regulation 16 of Annex II. These combined plans are referred to as SMPEPs.

## **REQUIREMENTS:**

### **General**

- 1 The following requirements do not apply to warships, naval auxiliary, or other ship owned or operated by a country when engaged in noncommercial service and any other ship specifically excluded by MARPOL 73/78.
- 2 Regulation 16 requires that plans be prepared according to Guidelines developed by IMO<sup>1</sup> and be written in a working language or languages of the master and officers. Plans must at a minimum contain:

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<sup>1</sup> See the Attachment to the Circular

- .1 the procedures to be followed by the master or other persons having charge of the ship to report a noxious liquid substance pollution incident, as required in article 8 and Protocol I of MARPOL 73/78, based on the attached Guidelines for the Development of Shipboard Marine Pollution Emergency Plans for Oil and/or Noxious Liquid Substances, developed by IMO;
- .2 the list of authorities or persons at all regularly visited port worldwide to be contacted in the event of a noxious liquid substance pollution incident;
- .3 a detailed description of the actions to be taken immediately by persons on board to reduce or control the release of noxious liquid substances following the incident; and
- .4 the procedures and point of contact on the ship for coordinating shipboard activities with national and local authorities in combating noxious liquid substance pollution.

### **Plan preparation and submission for approval**

- 3 Owners and operators of Dominica flag vessels meeting the gross tonnage provisions of Regulation 16 are encouraged to prepare SMPEPs at the earliest opportunity. The plans should address at least all mandatory provisions listed in paragraph 2 above.
- 4 Owners and operators of Dominica flag vessels should submit completed plans to the office of Deputy Maritime Administrator at the following address:

Dominica Maritime Registry Inc.  
32 Washington Street  
Fairhaven, MA 02719  
USA

### **Plan review and approval**

- 5 The Deputy Maritime Administrator will review the plans, provide owners or operators with advisory opinions regarding compliance with Regulation 16 of MARPOL 73/78 Annex II and issue a plan approval certificate, when appropriate.
  - .1 Plan holders should expect completion of DMRI review and approval or return for amendment within 3 months of submission.
  - .2 Plans may be issued provisional approvals by the DMRI pending completion of satisfactory review if it is anticipated that the comprehensive review will not be completed within 3 months of submission.

- .3 Because the DMRI does not maintain SOPEPs, holders who already have an approved SOPEP under MARPOL 73/78 Annex I must submit a complete new or revised plan with the appropriate updates or may submit separate SMPEP-NLS.
- 6 The fee for plan review and approval by the Office of the Deputy Maritime Administrator is USD \$250.00 for the first vessel's Plan submitted by an owner. For each additional ship's Plan based on the original approved Plan, the fee is USD \$200.00. In addition, there is a USD \$50.00 fee to replace lost or missing SOPEP approval letters and certificates. Fees are payable upon receipt of the plan approval certificate. Fees and charges by class societies for their review and approval of these Plans on behalf of the Office of the Deputy Maritime Administrator are set by the class societies.

### Guidance for compliance with U.S. requirements

- 7 Owners and operators of Dominica flag vessels calling on a U.S. port should be prepared for being asked to provide an approved plan upon arrival and in all cases before cargo operations. Failure to do so could result in denial of entry, detention until an approved plan can be provided, or delays in cargo operations.
- 8 Owners and operators of Dominica flag vessels calling on a U.S. port should be advised that during Port State Control examinations, U.S. PSCOs may ask the following questions in order to determine requirements and verify that the vessel is in compliance with Regulation 16:

- .1 Is the vessel certified for carriage of category A, B, C and D noxious liquid substances as defined in chapters 17 & 18 of the International Bulk Chemical Code? (Refer to the Pollution Category columns in those chapters.)**

*If yes, the vessel is required to have onboard a "Shipboard marine pollution emergency plan for noxious liquid substances" approved by the vessel's flag Administration.*

- .2 Does the plan contain information specific to the port in which the examination is taking place?**

*At a minimum, the plan should include a list of authorities or persons within the port to be contacted in the event of a noxious liquid substance pollution incident, and procedures and a point of contact on the vessel for coordinating shipboard activities with national and local authorities in combating noxious liquid substance pollution.*

**Note: Evidence of compliance with the four mandatory provisions is sufficient. As a port State, the U.S. will not enforce the non-mandatory provisions found in MEPC.85(44).**

- 9 Owners and operators of Dominica flag vessels calling on a U.S. port should be advised that according to the U.S. policy foreign vessels without an approved SMPEP-NLS onboard are subject to the following control actions:
- .1 vessel laden or in ballast with cargo residue en route to U.S. port: deny entry to the port until an approved plan can be verified;
  - .2 vessel laden, discovered in port: stop/prevent cargo operations and detain vessel until an approved plan is on board;
  - .3 unladen vessel, discovered in port, anticipating cargo operations:
    - .1 if gas-free, issue a deficiency and deny authorization to load cargo until an approved plan is on board;
    - .2 if in ballast with cargo residue, detain vessel

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