



16711/Serial No. 660
CG-CVC Policy Letter 21-02
April 30, 2021

From: M. EDWARDS, CAPT
COMDT (CG-CVC)

To: Distribution

Subj: FOREIGN PASSENGER VESSEL EXAMINATION COVID-19 GUIDANCE

Ref: (a) Title 46, United States Code, § 3505
(b) Title 46, Code of Federal Regulations, § 2.01-6
(c) USCG Marine Safety Manual, Volume II: Material Inspection, Section D: Port State Control, Chapter 7, COMDTINST M16000.7 (series)
(d) Coast Guard Tactics, Techniques, and Procedures, CGTTP 3-72.2C
(e) Foreign Passenger Vessel Annual Certificate of Compliance Exam Process Guide, MPS-FM-CSNCOE-01 (series)
(f) U.S. department of Health and Human services Center for Disease control and Prevention (CDC) Order under Section 361 & 365 of the Public health Service Act (42 U.S.C. 264, 268) and 42 Code of Federal Regulations Part 70 (interstate) and Part 71 (Foreign): No Sail Order and Other measures Related to Operations
(g) U.S. Department of Health and Human Services Centers for Disease Control and Prevention (CDC) Order under Sections 361 & 365 of the Public Health Service Act (42 U.S.C. 264, 268) and 42 Code of Federal Regulations (CFR) Part 70 (Interstate) and Part 71 (Foreign): Framework for Conditional Sailing and Initial Phase COVID 19 Testing Requirements for Protection of Crew

1. **PURPOSE.** The purpose of this policy letter is to provide guidance to the Cruise Ship National Center of Expertise (CSNCOE) and Officers in Charge, Marine Inspection (OCMI), on Coast Guard examination requirements for all foreign passenger vessels, herein referred to as cruise ships, seeking to resume suspended passenger operations within U.S. ports due to the COVID-19 pandemic. This policy letter will expire in one year, unless cancelled or superseded.
2. **ACTION.** The CSNCOE and OCMI shall refer to this Policy Letter to determine the Coast Guard examination requirements expected for all cruise ships seeking to resume commercial operations within U.S. ports.
3. **DIRECTIVES AFFECTED.** None.

4. BACKGROUND.

- a. Per reference (a), the Coast Guard is responsible for verifying that cruise ships departing U.S. ports comply with the standards of the International Convention for the Safety of Life at Sea (SOLAS). Upon satisfactory completion of a compliance examination by the OCMI, the Coast Guard will issue a Certificate of Compliance (COC) to cruise ships of countries which are signatory to the SOLAS Convention per reference (b).
- b. As discussed in references (c) through (e), each cruise ship embarking passengers from U.S. ports or carrying U.S. citizen passengers between ports must be examined at its first port of call in the U.S. and at least annually thereafter. Annual examinations are performed to ensure all systems previously examined during the Initial COC examination continue to be maintained in proper condition; and to verify that the flag Administration and/or Recognized Organization (RO) performed annual renewal surveys as required by SOLAS Chapter I, Regulation 7.
- c. Due to the global pandemic of COVID-19, the CDC issued reference (f), a No Sail Order and reference (g), a Conditional Sail Order outlining steps required for cruise ships to begin passenger operations.

5. DISCUSSION.

- a. As a result of the pandemic and references (f) and (g), cruise ship operations in and from U.S. waters have ceased. Most cruise ships have undergone substantial crew reductions and/or large crew turnovers.
- b. Given the uncertainties of vessel material condition and crew proficiency, the Coast Guard is requiring all cruise ships, including those with valid COCs, to receive a full annual COC examination to ensure machinery and safety systems are maintained in proper condition, and crew proficiency is evaluated prior to resuming passenger operations.
- c. It is important to note that issuance of a Coast Guard COC is not the only regulatory requirement that is necessary for a cruise ship to successfully return to passenger operations. The cruise ship must also meet and maintain any applicable CDC or other federal, state, or local government requirements.

6. POLICY.

- a. All cruise ships subject to reference (g), intending to resume suspended passenger operations, shall follow the sequencing of the phased approach outlined by the CDC and shall undergo an annual COC examination prior to embarking passengers. The cognizant OCMI will conduct the examination using references (d) and (e) as a guide. Upon successful completion of the examination, the OCMI will issue each cruise ship a Certificate of Compliance (CG-3585) in accordance with reference (b).

- b. Before conducting any COC examination, the Coast Guard expects a cruise ship to be ready to meet CDC's "simulated voyage" requirements and be fully staffed for an appropriate period of time to fulfill SOLAS and STCW requirements for crew familiarization, training, and drills. At a minimum, this staffing must meet or exceed what is required on the vessel's safe manning certificate.
 - c. After a COC exam is conducted, if crews are rotated between cruise vessels and more than 25% of the safety sensitive positions change, then that cruise vessel will be required to demonstrate all crew drills for the COC to remain valid.
 - d. OCMI's should expect the owner or operator to request the COC examination at the same time as the owner or operator submits an application for a "simulated voyage" to the CDC in accordance with reference (g). The COC examination should be conducted prior to the cruise ship undergoing the "simulated voyage" as outlined in reference (g).
 - e. OCMI's should use objective evidence such as survey reports, certificates, or attestations to verify that all Flag Administration and/or RO surveys and applicable technical representative visits are completed prior to the COC examination. Any COVID-19 related alteration that affects a vessel safety system or arrangement should be approved by the Flag Administration and/or RO. OCMI's should be aware of vessel changes such as barriers designed to restrict capacity that may block escape paths, additional storage of flammable liquids such as sanitizers and cleaning products, or ventilation modifications.
 - f. Many of the cruise lines plan to implement an alternative passenger muster process. These alternative processes must meet SOLAS requirements for passenger muster and be approved by the Flag Administration and/or RO. OCMI's should request copies of Flag Administration and/or RO approved alternative passenger muster processes upon receipt of each COC examination request. The OCMI shall observe the process, question the crew, and spot check the technology used to ensure crew familiarity with updated procedures and equipment associated with the passenger muster process.
 - g. OCMI's should minimize the need for a follow-on visit to the vessel. If deficiencies are issued during the COC examination, OCMI's should consider remote verification as a means to clear the deficiency. This may include a class report, pictures or video evidence.
 - h. Port State Control (PSC) examination teams are reminded to follow current CDC and Coast Guard guidelines on use of personal protective equipment to prevent the spread of communicable disease while conducting PSC activities. Additionally, prior to conducting a COC exam, Coast Guard units will undergo refresher training as outlined by CG-CVC-2 and the Cruise Ship National Center of Expertise.
7. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS. Environmental considerations were examined in the development of this policy letter and have been determined not to be applicable.

8. DISCLAIMER. This policy letter guidance is neither a substitute for applicable legal requirements, nor a rule. It is not intended nor does it impose legally-binding requirements on any party. It represents the Coast Guard's current thinking on this topic and may assist industry, mariners, the general public, and the Coast Guard, as well as other Federal and state regulators, in applying statutory and regulatory requirements. An alternative approach may be used for complying with these requirements if the approach satisfies the requirements of the applicable statutes and regulations. If you want to discuss an alternative approach (you are not required to do so), you may contact the Coast Guard Office of Commercial Vessel Compliance (CG-CVC) who is responsible for implementing this guidance.

9. QUESTIONS. Questions concerning this policy letter and guidance should be directed to Office of Commercial Vessel Compliance, COMDT (CG-CVC), Port State Control Division at Portstatecontrol@uscg.mil. This policy letter and other Port State Control Policy documents are posted on the CG-CVC website at http://www.uscg.mil/hq/cgcvc/cvc/policy/policy_letters.asp.

#