1. PURPOSE/SCOPE

The purpose of the Vessel Inspections Protocol is to coordinate vessel inspection activities to maximize the effectiveness of available Department of Ecology ("Ecology") and Thirteenth U.S. Coast Guard District ("USCG") resources devoted to vessel oil spill prevention.

2. AUTHORITY/REFERENCES

Memorandum of Agreement on Pollution Prevention and Response between the Commander, Thirteenth Coast Guard District and the state of Washington executed on June 26, 2007, Section V- Prevention of Oil Spills:

C. *Vessel Inspections. The Coast Guard has the primary responsibility for the inspection of, the design, construction, operation, equipment, and manning of vessels. The Parties acknowledge their common interest in managing and reducing the risks posed by substandard vessel operations and shipping practices. The Parties will develop a protocol to address the comparison and coordination of screening tools, coordination of inspection activities, sharing of inspection information when appropriate, and the sharing of deficiency information, in particular situations or circumstances involving a vessel's condition or equipment that may significantly increase the potential for unauthorized oil discharge or create an unusual or unacceptable risk to public health and safety or the environment. Cognizant inspectors from both Parties may carry out inspections and other activities together to observe methods and collaborate on enforcement cases, as appropriate, where concurrent jurisdiction exists.*

Ecology

Statutes

RCW 88.40	*Transportation of Petroleum Products – Financial Responsibility*
RCW 88.46	*Vessel Oil Spill Prevention and Response*

Regulations

WAC 173-184	*Vessel Oil Transfer Advance Notice & Containment Requirements*
WAC 317-10	*Vessel Contingency Plans and Response Contractor Standards*
WAC 317-31	*Cargo and Passenger Vessels – Substantial Risk*
WAC 317-40	*Bunkering Operations*
WAC 317-50	*Financial Responsibility for Small tank Barges and Oil Spill Response Barges*

Documents/Forms

Bunker Operations Monitoring Report (ECY 050-29)
Preliminary Boarding Report (ECY 050-31
Tanker Boarding Checklist (ECY 050-35)

Tank Barge Boarding Checklist (ECY 050-36)
Fishing Vessel Boarding Checklist (ECY 050-37)
Cargo and Passenger Vessel Boarding Checklist (ECY 050-38)
Notification Drill Checklist (ECY 050-50)
Tank Barge – Tow Vessel Company Audit Checklist (ECY 070-62)
Waste Oil Discharge Checklist (ECY xxx-xx [under development])

USCG

Statutes

14 USC 141	*Cooperation with Other Agencies*
46 USC Subtitle II:	*Vessels and Seamen*
Part B	*Inspections and Regulation of Vessels*
Part C	*Load Line of Vessels*
Part E	*Merchant Seaman Licenses, Certificates, and Documents*
Part F	*Manning of Vessels*
Part J	*Measurement of Vessels*

Regulations

33 CFR Subchapter O	*Pollution Prevention Regulations*
46 CFR Subchapter C	*Uninspected Vessels*
46 CFR Subchapter D	*Tank Vessels*
46 CFR Subchapter E	*Load Lines*
46 CFR Subchapter F	*Marine Engineering*
46 CFR Subchapter G	*Documentation and Measurement of Vessels*
46 CFR Subchapter I	*Cargo and Miscellaneous Vessels*
46 CFR Subchapter J	*Electrical Engineering*
46 CFR Subchapter K	*Small Passenger Vessels carrying more than 150 passengers or with overnight accommodations for more than 49 passengers*
46 CFR Subchapter L	*Offshore Supply Vessels*
46 CFR Subchapter H	*Passenger Vessels*
46 CFR Subchapter Q	*Equipment, Construction, and Materials: Specifications and Approvals*
46 CFR Subchapter N	*Dangerous Cargoes*
46 CFR Subchapter O	*Certain Bulk Dangerous Cargoes*
46 CFR Subchapter R	*Nautical Schools*
46 CFR Subchapter S	*Subdivision and Stability*
46 CFR Subchapter T	*Small Passenger Vessels (under 100 gross tons)*
46 CFR Subchapter U	*Oceanographic Research Vessels*
46 CFR Subchapter V	*Marine Occupational Safety and Health Standards Subpart B-Commercial Diving Operations*
46 CFR Subchapter W	*Lifesaving Appliances and Arrangements*

International Conventions (Not a Comprehensive List)
International Convention for the Safety of Life at Sea (SOLAS)
International Convention for the Prevention of Pollution from Ships (MARPOL)
International Life-Saving Appliance Code
International Conference on Load Lines
International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW)
International Labor Organization (ILO) Convention #147

3. EFFECTIVE DATE/POINTS OF CONTACT

This protocol will become effective upon signature of both parties.

The following persons will serve as points of contact for questions concerning this protocol and its implementation:

Ecology

Headquarters Spills
Prevention Section Manager, Spills Program
Phone: 360-407-7465
Fax: 360-407-7288
Mailing Address: Washington Department of Ecology, Spills Program, P.O. Box 47600, Olympia, WA 98504-7600

Spill Prevention Unit Supervisor, Southwest Regional Office
Phone: 360-407-6238
Fax: 360-407-6305
Mailing Address: Washington Department of Ecology, Southwest Regional Office, P.O. Box 47600, Olympia, WA 98504-7600.

Spill Prevention Unit Supervisor, Northwest Regional Office
Phone: 425-649-4491
Fax: 425-649-7098
Mailing Address: Washington Department of Ecology, Northwest Regional Office, 3190 - 160th Ave. SE, Bellevue, WA 98008-5452

USCG

13th District
Chief, Inspection and Investigations Branch
Phone: 206-220-7224
Fax: 206-220-7225
Mailing Address: Commander, Thirteenth Coast Guard District (dp), 915 Second Avenue, Room 3506, Seattle, WA 98174

Sector Portland
Chief, Inspection Division
Phone: 503-240-9340
Fax: 503-240-9369
Mailing Address: USCG, Sector Portland, 6767 N. Basin Ave., Portland, OR 97217

Sector Seattle
Chief, Inspection Division
Phone: 206-217-6184
Fax: 206-217-6199
Mailing Address: USCG, Sector Seattle, Bldg 4, 1519 Alaskan Way S., Seattle, WA 98134-1192

4. POLICIES

- It is the policy of the USCG and Ecology to follow the policies and procedures listed in this protocol when conducting vessel inspections.
- It is the policy of the USCG and Ecology to coordinate vessel inspections to increase effectiveness of their respective spill prevention programs to the maximum extent possible.
- It is the policy of the USCG and Ecology that documents will be shared pursuant to the Disclosure of Records protocol in accordance with the Freedom of Information Act.
- It is the policy of the USCG and Ecology to share any significant non-compliance violations observed on any vessel.
- It is the policy of the USCG and Ecology to share vessel inspection results where significant environmental violations are uncovered.
- It is the policy of the USCG and Ecology to share information related to vessel safety and spill prevention.

- It is the policy of the USCG and Ecology to regularly review the results of vessel inspections to identify any preventive measures that need to be addressed to further enhance the protection of the Washington State marine environment.

- It is the policy of the USCG and Ecology to provide familiarization training for the other agency's inspectors, as practicable, commensurate with any joint inspection/examination conducted to improve coordination, collaboration, and understanding of each agency's methods.

- Tank Vessels: The USCG conducts port state control inspections of all foreign tank vessels operating in Washington waters in accordance with federal law and USCG policies and procedures. In addition, the USCG conducts flag state inspections of U.S. flag tankers and tank barges. Ecology conducts consensual inspections of tankers and tank barges enrolled in the Voluntary Best Achievable Protection (VBAP) Program and the Exceptional Compliance Program (ECOPRO).

- Cargo and Passenger Vessels: The USCG conducts port state control inspections of all foreign cargo and passenger vessels operating in Washington waters in accordance with federal law and USCG policies and procedures. In addition, the USCG conducts flag state inspections of US-flag cargo and passenger vessels. Ecology conducts substantial risk inspections of cargo and passenger vessels, 300 gross tons and larger, identified through its vessel risk screening system and supplemental information from other marine safety agencies.

  Ecology also conducts inspections of Washington State ferries and other roll/roll-off car ferries operating in Washington waters biennially, using a tailored substantial risk checklist. Vessels may be determined to pose a substantial risk if they have serious SOLAS, MARPOL, STCW violations, or if they have a significant number of violations of the Accepted Industry Standards peculiar to Washington waters.

- Fishing Vessels: The USCG conducts voluntary in-port flag state examinations of fishing vessels and issues decals to those vessels that pass the examination. USCG vessels on fisheries patrols are less likely to conduct underway safety inspections of fishing vessels with current decals. Ecology conducts substantial risk inspections of fishing vessels, 300 gross tons and larger, that are based on Accepted Industry Standards peculiar to Washington waters.

- Other Vessel Inspections: In addition to those inspections cited above, the USCG, in accordance with federal law, conducts a wide variety of flag state inspections of U.S. flag commercial vessels, including examinations of uninspected commercial vessels to ensure

compliance with applicable regulations. Ecology conducts notification drills to ensure vessels are capable of activating spill response organizations and notifying government agencies in the event of an oil spill.

5. STANDARD OPERATING PROCEDURES

Frequency of Communication

A. Ecology will immediately inform the USCG of any significant federal violations observed during vessel inspections.

B. Ecology will inform the cognizant Sector promptly, and the USCG will inform Ecology promptly of any situation involving a vessel that may pose significant threat to the public health and safety, or the environment.

USCG Task Detail

The Sector Chief, Inspection Division will oversee the following tasks:

A. Review inspection reports provided by Ecology and provide feedback to Ecology as needed.

B. Coordinate daily vessel inspection/examination schedule with Prevention Section Manager or appropriate Ecology Regional/Field Office to identify opportunities for joint attendance and to leverage resources.

Ecology Task Detail

The Prevention Section Manager will oversee the following tasks:

A. Review PSIX, as well as other databases provided by the USCG website and provide feedback to the USCG as needed.

B. Provide findings of non-compliance and any related vessel information to assist the USCG in conducting federal enforcement actions.

C. Coordination of each Ecology Regional/Field Offices' daily vessel inspection/examination schedule with appropriate USCG Sector Prevention Branch to identify opportunities for joint attendance and leverage resources.

6. MEASURES OF EFFECTIVENESS

Partnership Measures

- Number of joint inspections/examinations conducted on vessels inspected or examined by both agencies during the same port call.
- Protocol implementation progress regarding vessel screening coordination and inspection information sharing will be compiled and discussed at quarterly Ecology/USCG coordination meetings.

Environmental Protection/Prevention Measures

- Number of Vessels with major pollution prevention deficiencies/Total number of vessels boarded for inspection or examination.
- Annual percentage of Vessels targeted for Safety/Environmental Protection examinations that were actually boarded. *Goal: 98%*

7. APPROVAL

W. T. DEVEREAUX
Captain, U. S. Coast Guard
Thirteenth Coast Guard District
Chief, Prevention Division

DATE: 26 JUN 2007

DALE JENSEN
Program Manager
Spill Prevention, Preparedness, and Response Program
Washington Department of Ecology

DATE: 6-26-07