

YOUR BIMCO GUIDE TO PREPARE FOR

# PORT STATE CONTROL INSPECTIONS IN THE USA

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**BIMCO**

## Introduction

This guide has been prepared to protect **YOU** – the crew – from unnecessary problems during Port State Control inspections when calling at US ports.

This guide is not meant to help the bad guys avoid getting caught, but rather to help you perform your duties in a way that complies with regulations.

When rules are broken you may face fines and possibly jail time.

This guide will provide general advice. Detailed guidelines and instructions are available in the Safety Management System (SMS) and Ship Security Plan (SSP).

**REMEMBER, ONE MISTAKE CAN JEOPARDIZE THE FUTURE FOR YOU AND YOUR COMPANY**



## What is Port State Control?

Port State Control (PSC) is part of an international effort to identify and eliminate sub-standard ships.

It is a process by which a country enforces international rules relating to safety, security and the environment over foreign ships in its waters.

In addition a country may have its own laws and regulations for any ship trading in its waters.

Countries have the right to verify that ships operating in their waters comply with SOLAS and MARPOL, and to take action to bring these ships into compliance if they do not.

The US Coast Guard will take action against ships that do not in comply with laws or regulations.

**THE GOAL IS TO IDENTIFY AND ELIMINATE SUB-STANDARD SHIPS FROM US WATERS**



## The Facts

In 2007, 8,281 ships from 84 different countries made 82,937 calls at US ports.

USCG conducted 10,423 PSC safety examinations.

152 ships were detained as a result of problems found.

In other words, 98.5% of inspections found ships to be safely operated!

### Problems found

The reasons that ships get into trouble vary over the years as the USCG focuses on current problems.

The Top-Three reasons for 2007 detentions were:

1. **Safety**
2. **Security**
3. **Pollution**

### THE POLLUTION OFFENCES MAY GET CREW IN PRISON



## Consequences

If serious defects are found during an inspection an expanded examination will be carried out.

For crew such inspections may result in investigations of violations of US laws, some of which carry criminal sanctions for the crew.

Lying to officials, for instance by presenting log books, Oil Record Books or records with false or incorrect entries, carries severe criminal penalties in the USA.

The penalties for safety, security or environmental violations can be less severe.

### **LYING TO OFFICIALS IS A CRIME IN USA**



# What are they looking for?

A typical PSC Inspection sequence could include:

1. **Inspecting the ship's certificates.**
2. **Looking at the ship's condition, equipment and the crew at work.**
3. **Looking at any target areas that the PSC Officers prioritise, such as security or pollution.**

**IF SOMETHING LOOKS WRONG  
– EXPECT TO BE INVESTIGATED!**



## Good work wasted!

Imagine a PSC Officer being met at the ship by:

- a dirty or oily gangway
- a daydreaming watchman
- sloppy ISPS procedures
- a messy deck and accommodation
- crew in doubt of their assigned duties

an unnecessary bad start on what could otherwise have been a trouble free PSC!

### FIRST IMPRESSIONS HAVE AN IMPACT!



## In the Master's Office

Once on board, PSC Officers start by checking the ship's certificates.

They will want to make sure that the ship has the required certificates, and that they are valid.

Some certificates, such as the IOPP attachments will tell the PSC Officer what equipment is on board, and what related procedures are required.

The inspector will focus on such equipment and procedures during his inspections.

SMS procedures may also be checked.

Have all documents ready before the PSC Officer arrives!

**MAKE SURE THAT PROCEDURES  
ARE BEING FOLLOWED!**





## Evidence of Compliance

The information on the supplement to the IOPP certificate relates to;

- **SOPEP,**
- **the Safety Management System, and**
- **machinery spaces.**

If there are differences between the information on these documents and what is found on board you should inform the PSC Officer and not wait for him to find out himself!

Prepare documentation to show that procedures are being followed. Unofficial logs and records, such as sounding books, are treated as official documents.

- **records of drills and exercises**
- **Oil Record Book (ORB), including**
- **waste delivery receipts**

**REMEMBER – CONSISTENCY COUNTS!**



## On the Bridge

Bridge inspections usually focus on:

- **Operational equipment**
- **Nautical publications, charts and posted information**
- **English speaking operator of the radio equipment**
- **Officers familiar with the equipment and publications, procedures and requirements in respect of log and record keeping**

Equipment can break down or need servicing.  
Tell the PSC Officer!

Ensure that the logs do not contain incorrect entries.

**IT IS A CRIME TO PRESENT  
A FALSIFIED LOG IN THE USA!**



## On Deck

In 2007, 17% of deficiencies involved problems with Fire Fighting equipment and Life Saving Appliances. Other problems related to security arrangements – improper access controls was a frequent issue.

### What is the PSC Officer looking for?

The **presence** of required equipment.

The **condition** of the required equipment.

The **knowledge** of the crew in respect of the maintenance and operation of safety equipment and their own duties.

**Evidence** that effective safety management systems and security procedures are in place on board. Checklists can be found in the ship's Safety Management System – **USE THEM**, and remember that it is a crime to present a falsified checklist to an official.

### IT IS THE CHECKS

– NOT THE TICKS THAT COUNT



## Accommodation

The accommodation, including the galley, may not be important from a safety and environmental protection point of view, but the appearance of the accommodation and galley is important, as it is often considered representative for the condition of the ship and the quality of the management on board.

Make sure that fire doors are not forced open by unauthorized means – not even temporarily.

**HOUSEKEEPING COUNTS!  
MAKE A GOOD IMPRESSION!**



## Machinery spaces

The inspection of machinery spaces concentrates on identifying fire, personal injury, electrical and environmental hazards.

The PSC Officer will focus on the awareness of and compliance with the SMS procedures, and the familiarity of the crew with the operation of equipment such as Oily Water Separator (OWS), emergency fire pump and emergency steering.

Emergency exits must be unobstructed and well marked and lit – and they must not be locked, e.g. for security purposes, if that prevents their use.

### **ENSURE THE ENGINE ROOM IS A SAFE AREA**



## PSC Focus on Environmental compliance

Inspections are focused on identifying the intentional discharges of oil, and on checking if the crew try to hide violations. When inspecting ships for environmental compliance the PSC Officer often looks for:

Genuine entries in the logs and Oil Record Book.

Entries in the ORB in line with statements from the crew regarding actual procedures followed.

Records of operations, maintenance works and malfunctions of the pollution prevention equipment.

The crew are familiar with their duties in respect of operation of pollution prevention equipment under the SMS.

Signs of tampering with the piping or the electrical controls on the OWS.

**YOU MUST PROVE THAT YOU COMPLY!**



# Environmental equipment tests

PSC Officer may ask for an operational test of the **Oily Water Separator**. The tests will seek to confirm the performance of both the OWS and the engineers operating the OWS. All engineers assigned with operation of the OWS should be prepared to conduct such tests.

Close inspection of Oil Content Monitors should be expected. **NEVER** tamper with this equipment as the PSC Officer will be looking for signs of tampering. Equipment performance may also be tested.

Tank levels may be checked to confirm that they are in accordance with ORB entries.

PSC Officers may also check incinerators and the standard discharge connection to verify regular use.

Any connections, hoses and fittings that can be used to discharge directly overboard will give rise to suspicion.

**PROVE THAT YOU USE THE EQUIPMENT  
– THE RIGHT WAY!**



## Preparing for inspections:

Ensure that all are familiar with their environmental SMS duties.

Make sure repairs, adjustments and maintenance cannot be read as “tampering” – and record it in the ORB immediately.

If dismantling of equipment is required to carry out tests, then label it accordingly. That will reduce the risk of being suspected of tampering.

If ship’s equipment such as a hose is used for discharge to reception facilities then record it – do not hide it.

Keep the spare parts inventory up-to-date. Do not cause unnecessary suspicion by being unable to locate the spare parts.

### **CO-OPERATE WITH THE PSC OFFICER – DO NOT HIDE FACTS**





## Inspections in the US:

There are 3 types of ship inspections or law enforcement (LE) boardings of particular relevance to seafarers:

- **Port State Control (PSC) Safety and environmental inspections**
- **PSC ISPS compliance inspections**
- **LE boardings**

Ships may be subjected to more than one inspection type at a time, and often ISPS compliance and enforcement inspections will be combined with PSC safety and environmental inspections. The purpose of these inspections is to ascertain ships' compliance with applicable regulations, as described elsewhere in this guide. The scope of the inspections may be expanded, depending on the inspectors' findings, and the ship's crew will usually be acquainted with the cause and scope of such inspections, including any possible criminal activity investigation.

LE boardings are different. Such boardings are undertaken in cases of an actual security threat or suspicion of a security threat on board a particular ship. Any such suspicion may originate from a wide range of intelligence information. A LE boarding will therefore usually be unexpected, and depending on circumstances, the Boarding Officers' conduct may differ substantially from that displayed by Port State Control Officers during normal PSC inspections. LE boardings are carried out to protect the port state, as well as the ship and crew from a suspected or actual security threat, or for law enforcement purposes.

The boarding team will take appropriate precautions during these inspections and ships' crews should follow instructions and co-operate with the boarding team.

# Selection of ships for inspection:

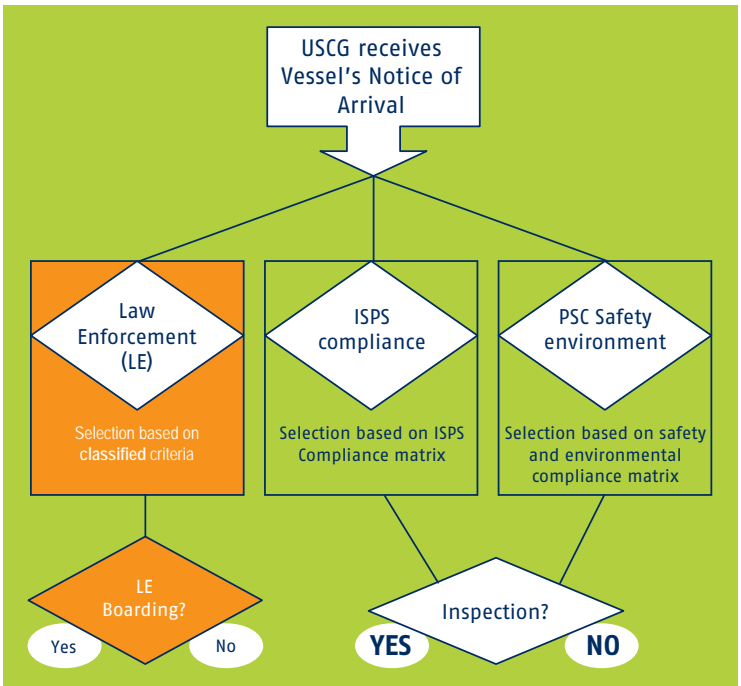
The PSC programme is aimed at ensuring compliance with safety, environmental and security regulations. Accordingly the track record of the classification society, the flag, the ship, and its owners are factors in the targeting process. In practice, ships are targeted for PSC on the basis of 2 systems:

1. the ISPS matrix and
2. the safety and environmental matrix.

These matrixes are published by the USCG. In addition, all ships can assess the likelihood of being subjected to inspections at any time.

In respect of LE boardings, ships are targeted based on classified information and evaluation processes.

## 3 risk-based vessel selection tools



## ISPS Inspections:

The USCG enforces the applicable requirements of SOLAS Chapter XI-2, the ISPS Code, and the maritime security regulations authorized by MTSA.

The enforcement will apply to all foreign vessels under SOLAS and all foreign commercial vessels greater than 100 GRT that enter US ports.

The security standards are seamlessly integrated into the existing Port State Control programme, however an ISPS inspection focuses on compliance with the ISPS Code.

If the inspection reveals clear grounds or non-compliance with the applicable security requirements, the Captain Of The Port (COTP) imposes more severe control and/or enforcement actions.

These actions may include a thorough investigation with subsequent delay or detention of the ship; possible restriction of ship operations; expulsion of the ship from port; and/or lesser administrative or corrective measures.

## LE Boardings:

A LE boarding differs significantly from an ISPS/MTSA Security Compliance Examination.

The LE boarding of a vessel will be performed by an armed boarding team searching the ship and examining the cargo, relevant documentation, crew, officers and persons on board arriving or departing a US port.

The objective is to deter acts of terrorism and/or transportation security incidents. The boarding team is instructed to examine all items that could cause damage to the US, its people or its possessions.

With this in mind the conduct of the boarding teams during such boardings may differ significantly from that experienced during safety and security inspections.

A crew exposed to a LE boarding may find themselves being subjected to a direct, interrogatory and uncompromising behaviour by the boarding team. Although this may be a stressful experience, the only recommendable action under such circumstances is full co-operation, patience and non-interference while the boarding team is conducting its boarding.

BIMCO enjoys a close and constructive dialogue with the USCG and other US agencies, amongst others to ensure that inspections are relevant, fair and practical and that ships are inconvenienced the least. For this purpose, BIMCO operates a ships' reporting programme that details actual experiences in connection with inspections around the world. All reports of experiences are important and welcome.

## When things go wrong...

If the PSC Officer finds a problem on your ship, you should expect that he will take a closer look at everything.

As a result, he may decide to:

Order that repairs are made to correct the problem (sometimes before the ship will be allowed to sail).

If the crew can repair or correct the problem quickly, then the risk of delays and possible fines may be reduced.

For severe problems, if the PSC Officer thinks that US laws have been broken, a criminal investigation could be started. A criminal investigation could aim at both the Company and the crew on board.

**LYING TO INVESTIGATORS IN A CRIMINAL INVESTIGATION RESULTS WITH PUNISHMENT FAR WORSE THAN THE PUNISHMENT FOR VIOLATIONS OF SAFETY AND SECURITY REGULATIONS**



# Conclusions

Important things to remember: **ALWAYS!!!**

- **Tell the truth**
- **Tell others to tell the truth**
- **Make sure all log entries are complete and accurate**
- **Know your safety, security and environmental compliance duties – and do them!**
- **Fix or report defects as soon as possible**
- **Share relevant information with the authorities**

More information is available on:  
<http://homeport.uscg.mil>

**AVOID PROBLEMS – RUN A SAFE AND  
SECURE SHIP AND BE HONEST WITH PORT  
STATE CONTROL OFFICERS**



## The US PSC Checks include:

- Certificates
- Emergency Generator and Lighting
- Main and Emergency Fire Pump
- Fixed Deck Foam FF System
- Fire Detection System
- Fire and Boat Drills
- Steering Gear
- Oily Water Separator and Bilge Monitor
- Safety Management System
- Navigation Safety Checks
- Conduct a Deck Walk – Structure and Watertight Integrity
- ILO – Crew living Conditions
- Security Compliance

# BIMCO – Reflecting your interests

BIMCO is an independent international shipping association comprised of ship owners, managers, brokers, agents and many other stakeholders with vested interests in the shipping industry. The association acts on behalf of its global membership to promote higher standards and greater harmony in regulatory matters. It is a catalyst for the development and promotion of a fair and equitable international shipping policy.

"This guide provides practical and valuable information for the mariner to avoid serious yet common Port State Control problems that may lead to delays and detentions in ports throughout the world. In the spirit of PSC harmonisation and transparency, I heartily endorse this guide."

**Brian Salerno**

*Rear Admiral, U.S. Coast Guard*

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