

11/15/2018: Evaluation and activation of salvage marine firefighting resources

Posted by LT Amy Midgett, Thursday, November 15, 2018

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The Coast Guard continues to evaluate salvage and marine firefighting (SMFF) capabilities listed in vessel response plans to ensure compliance with response planning requirements for vessels navigating in U.S. territorial waters.

Progress made since the inception of SMFF regulations in 2011 is the result of a concerted effort between the Coast Guard and maritime industry stakeholders who plan for emergencies and mitigate situations that could escalate into worst-case discharges.

The Coast Guard has completed 64 scenario-based SMFF verifications to date and recently began requiring plan holders to produce evidence that the contracts/agreements supporting SMFF services are adequate. In most Captain of the Port zones, primary SMFF providers rely heavily on subcontracted resources to meet the SMFF requirements. The availability, capability and intent of all required resources to respond is critical in determining compliance with federal SMFF regulations. Because of this, it is crucial for the plan holder to understand the relationship between the primary SMFF provider and the provider's subcontracted resources. By doing this, plan holders will be able to identify discrepancies or gaps and make the necessary corrections to maintain compliance with SMFF planning requirements.

The Coast Guard Office of Marine Environmental Response Policy offers the following information to assist vessel owner/operators (VO/O) in understanding the SMFF requirements to ensure compliance with the regulation.

Tank & Non-tank Vessel Owner/Operator's duties

SMFF regulations (Title 33, CFR, Part 155) require the VO/O to select resource providers that support the planning requirements for specific salvage and marine firefighting services. If the VO/O does not own response resources, they must arrange through contract(s) or other legally binding means to meet the criteria established in the regulation. This contract or agreement must include, but is not limited to:

- Written consent from the resource provider for the plan holder to list them in their VRP;
- Agreement from service providers or resource providers to provide the services listed; and
- The service provider's or resource provider's acknowledgement that their resources are capable of arriving

within the response times required by Coast Guard regulations.

The Coast Guard maintains a Geographic Specific Appendices or GSA (e.g. towing vessel(s) and/or subcontractor information) database for each primary SMFF provider in order to facilitate preparation and approvals of VRPs. GSAs are intended to provide plan preparers a list of adequate resources. The VO/O is responsible for selecting adequate resource providers for their vessels and for verifying they are available to respond.

When the primary service provider hired by the VO/O does not own the resource(s), they must sub-contract entities that can guarantee their availability and intent to commit to respond. The VO/O is still responsible for ensuring that all contracts and agreements between the primary service provider they choose and the sub-contracted entities owning resources meet the planning requirements for their VRPs. The contract between the primary SMFF provider and the resource owner must, at a minimum, include language that addresses:

- The resources owner's intent to respond;
- Whether they are capable of meeting the time requirements and providing the service;
- If a non-dedicated resource, clarification as to which situations may render the resource unavailable, such as weather, repairs or other extraordinary circumstances.

Statements such as "if available" do not imply commitment and do not support the intent of the regulations. In this case, additional clarification must be provided to determine compliance with planning requirements. Finally, VO/Os should remember *the burden of compliance rests with them and not the contracted or sub-contracted service provider*.

Use of response resources listed in the VRP

Vessel owners/operators should only list resource providers in their VRPs that have been arranged by contract or other approved means. This includes resources incorporated by reference, such as the primary SMFF providers pre-evaluated/approved for each GSA, and the subcontracts that support them.

Activation of VRPs continues to be problematic during oil spills and vessel casualties since sometimes it is unclear whether the VRP gets activated or not. As a reminder, VRP activation and mobilization of resources is a discussion that must take place when reporting an incident/casualty to the Coast Guard. Activation is required whenever an incident on the vessel is beyond the ability of the Master and crew to manage with resources available on board the vessel. Activation does not always mean resources are mobilized; however, it does mean that assessment of the situation and discussion of response actions are taking place. If resources are mobilized, they must be the resources pre-identified in the VRP. Only under exceptional circumstances will the Coast Guard Federal On Scene Coordinator allow the plan holder to deviate from resources identified in the plan. If that happens, it is a good indicator that the plan holder should reevaluate the response strategies within their VRP and update it as necessary.

Industry stakeholders' willingness to cooperate with the Coast Guard has been key to the success of the SMFF verification program. By building on lessons learned from past SMFF verifications, the Coast Guard continues to improve the SMFF verification process to ensure compliance with regulation and industry preparedness and readiness to respond to an actual event.

A summary of SMFF verifications performed in conjunction with the review of VRPs for approval is posted to the Vessel Response Plan ["What's New?"](#) Homeport page and will be updated on a quarterly basis.

If you have any questions or comments, please contact the VRP program staff at vrp@uscg.mil.

Check out our previous posts on VRPs and SMFF verifications:

[4/18/2018: Salvage and Marine Firefighting Verifications in conjunction with Vessel Response Plans: The First Year](#)

[3/15/2018: Subchapter M regulations and marine firefighting requirements – A discussion from two perspectives](#)

[3/13/2018: Activating a Vessel Response Plan](#)

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