

**Supporting Statement
for
Various International Agreement Certificates and Documents**

OMB No.: 1625-new

COLLECTION INSTRUMENTS: CG-16450, CG-16450A, CG-16450B & CG-16450C

A. Justification

1. Explain the circumstances that make collection of information necessary.

The 94th (Maritime) session of the International Labour Conference (ILC) adopted the Maritime Labour Convention, 2006 (MLC), an important new international agreement that consolidates almost all of the 70 existing International Labour Organization (ILO) maritime labour instruments in a single modern globally applicable legal instrument. The MLC establishes comprehensive minimum requirements for working conditions of seafarers including, among other things, conditions of employment, hours of work and rest, accommodation, recreational facilities, food and catering, health protection, medical care, welfare and social security protection. It combines rights and principles with specific standards and detailed guidance as to how to implement these standards at the national level.

The MLC will enter into force on August 20, 2013. It requires all ships 500 Gross Tons or more that engage on international voyages be issued a valid Maritime Labour Convention certificate issued by its flag administration. To date, the U.S. has not ratified the MLC. Until such time that the U.S. ratifies the MLC, the Coast Guard cannot mandate enforcement of its requirements on U.S. vessels or upon foreign vessels while in the Navigable Waters of the United States. However, Article V, paragraph 7 of the Convention contains a “no more favorable treatment clause” which requires ratifying governments to impose Convention requirements on vessels from a non-ratifying government when calling on their ports irrespective of their status of ratification. As a result, U.S. vessels not in compliance with the MLC may be at risk for Port State Control actions including detention when operating in a port of a ratifying nation. Fishing vessels, vessels of novel design, warships, and naval auxiliary vessels are exempted from the MLC.

The Coast Guard is establishing a voluntary inspection program for vessels who wish document compliance with the requirements of the MLC. All U.S. commercial vessels that operate on international routes will be eligible to participate. The Coast Guard intends on issuing voluntary compliance certificates to those vessels meeting the requirements of the MLC.¹ The Coast Guard also plans to allow Recognized Classification Societies listed under 46 CFR Part 8 to issued voluntary compliance certificates.

¹ For ships of less than 500 gross tons, the Coast Guard is providing a template for ship owner/operators to use to demonstrate MLC compliance—but will not issue voluntary compliance certificates. Thus, we expect no interact with this category of vessels.

The format of the voluntary compliance certificate (Statement of Voluntary Compliance) will be in keeping with the format provided in the MLC. It will consist of the MLC certificate and be supplemented with a Declaration of Maritime Labour Compliance (DMLC).

The DMLC is a unique two part form, Part I is prepared by the Coast Guard and references current U.S. laws/regulations² to the relevant mandatory areas of compliance in the convention. Part II is prepared by the vessel's owner. It documents the measures they have put in place to ensure continuous improvement and ongoing compliance and involves collections of information required to issue the voluntary compliance certificate in the format of the MLC. Once prepared, the Coast Guard will review the measures drawn up by the vessel's owner and following a successful voluntary inspection, endorse Part II of the DMLC for inclusion with the full voluntary compliance certificate.

With the issuance of the voluntary compliance certificates vessels will be able to provide proof they have voluntarily met the requirements of the MLC and undergone a verification inspection by the U.S. Coast Guard. By doing so, they will avoid unnecessary delays or monetary penalties imposed by officials in the ports of MLC ratifying nations.

This information collection supports the following strategic goals:

Department of Homeland Security

- Prevention
- Protection

Coast Guard

- Marine Safety
- Marine Environmental Protection

Prevention Policy & Response Policy Directorates (CG-5P & CG-5R)

- Safety: Eliminate deaths, injuries, and property damage associated with commercial maritime operations.
- Human and Natural Environment: Eliminate environmental damage associated with maritime transportation and operations on and around the nation's waterways.

2. By whom, how, and for what purpose the information is to be used.

The MLC requires ship-owners identify the measures they have put in place to ensure ongoing compliance with the MLC. This information is to be documented on Part II of the DMLC.

The primary need for information is to provide Coast Guard Officer in Charge, Marine Inspection (OCMI) the necessary information required to issue a voluntary compliance certificate in the format prescribed by the MLC. The information will also be used to show MLC ratifying nation how the vessel is maintaining compliance with the requirements of the MLC.

3. Consideration of the use of improved information technology.

The DMLC Part II may be submitted to the appropriate OCMI by mail, fax or electronically submitted via e-mail. A comprehensive list of contact info for CG units can be found at:

² The authority for the issuance of the MLC/DMLC is 33 U.S.C. 1221(c)(3).

<http://www.uscg.mil/top/units/>. We estimate that 90% of the reporting will be done electronically.

4. Efforts to identify duplication. Why similar information cannot be used.

The Coast Guard monitors State, local, and international regulatory activity in this field. To date, no other equivalent State, local, or international programs have been identified that require similar information.

5. Methods to minimize the burden to small entities if involved.

Because of the nature of the information collection requirements, the level of effort to prepare a DMLC Part II is estimated to vary directly with the size and complexity of the entity. As a result, this information collection does not have an impact on small businesses or small entities.

6. Consequences to the Federal program if collection were not done or conducted less frequently.

Vessel not in compliance with the MLC may be at risk for additional Port State Control inspection actions including detention when operating in a port of a MLC ratifying nation. When a U.S. vessel is detained by a foreign government, additional targeting for inspection takes place for all U.S. vessels operating internationally. This results in additional delays in port and incurs added operating cost to the U.S. ship-owner.

7. Explain any special circumstances that would cause the information collection to be conducted in a manner inconsistent with guidelines.

This information collection is conducted in manner consistent with the guidelines in 5 CFR 1320.5(d)(2).

8. Consultation.

The Coast Guard published on February 11, 2013, a Notice entitled “Draft Guidance Regarding Voluntary Inspection of Vessels for Compliance with the Maritime Labour Convention, 2006” (MLC Guidance) [USCG-2012-1066; 78 FR 9709]. The Notice announced—

- the availability of a draft Navigation and Inspection Circular (NVIC) that sets forth the Coast Guard’s policies and procedures regarding the voluntary inspection of U.S. vessels under the Maritime Labour Convention, 2006 (MLC, 2006).
- and sought comments related to a new collection of information (i.e., 60-day Notice).

We receive no ICR-related comments to the 60-day Notice.³ On May 28, 2013, the Coast Guard published the 30-day Notice (78 FR 31962). We receive no ICR-related comments to the 30-day Notice.

³ The Coast Guard did receive a number of comments that resulted in revisions to the NVIC and explanatory language on one of the forms. However, the form change did not result in any change to the estimated number of responses or burden related to this collection.

9. Explain any decision to provide payment or gift to respondents.

There is no offer of monetary or material value for this information collection.

10. Describe any assurance of confidentiality provided to respondents.

Once issued, the voluntary compliance certificate and supplements are required by the MLC to be posted on the vessel in a conspicuous place available to all seafarers. There are no assurances of confidentiality provided to the respondents for this information collection.

11. Additional justification for any questions of a sensitive nature.

There are no questions of sensitive language.

12. Estimates of reporting and recordkeeping hour and cost burdens of the collection of information.

- **The annual number of respondents is 1,000.**
- **The annual number of responses is 2,000.**
- **The estimated annual hour burden is 4,150.**
- **The estimated annual cost burden is \$290,500.**

This collection of information is comprised of 2 elements, a reporting element and a recordkeeping element. The reporting burden (1st response) relates to the preparation (i.e., planning, developing and writing) of DMLC Part II. The DMLC Part II is generally a one-time collection of information. The recordkeeping burden (2nd response) relates to the posting/filing of the CG-issued to Statement of Voluntary Compliance.

We assume the reporting and recordkeeping elements are completed by someone equivalent to level GS-12, and the wage rate used is \$70/hour.⁴

The Coast Guard estimates up to 1,000 vessels may wish to participate in the voluntary inspection program and receive voluntary compliance certificates. On average, we expect each DLMLC Part II to carry a burden of 4 hours to complete. Additionally, we estimate it will take about 10 minutes (.15 hours) per vessel for recordkeeping (i.e., posting/filing of the CG-issued to Statement of Voluntary Compliance). Thus, the total burden per respondent is 4.15 hours.

# Respondents	1,000
# Annual Responses	2,000
Hour Burden/Response	4.15
Total Hour Burden	4,150
Wage Rate	\$70
Total Cost Burden	\$290,500

⁴ Equivalent to a GS-12 “out of gov’t” rate, see COMDTINST 7310.1N.

13. Estimates of annualized capital and start-up costs.

There are no capital, start-up or maintenance costs associated with this collection.

14. Estimates of annualized Federal Government costs.

Reviews of the DMLC Part II are to be conducted by the Coast Guard at the local Sector offices. It takes the Coast Guard an average of 60 minutes to review each DMLC Part II and issue a Statement of Voluntary Compliance. The task is typically performed by a Lieutenant (O-3) at a wage rate of \$75.⁵ The costs are tabulate in the table below.

Annual Number of Documents	1,000
USCG Effort per Document (hours)	1
Total Government Effort (hours)	1,000
Hourly Wage Rate	\$75
Total Government Cost	\$75,000

15. Explain the reasons for the change in burden.

This is a NEW COLLECTION due to the establishment of a new voluntary inspection program for vessels that wish to document compliance with the requirements of the MLC. The instruments (i.e., forms) associated with this collection are all CG-issued documents.

16. For collections of information whose results are planned to be published for statistical use, outline plans for tabulation, statistical analysis and publication.

This information collection will not be published for statistical purposes.

17. Approval to not display expiration date.

The certificate/documents associated with this collection are prescribed by an international treaty. These certificates/documents all have specific one to five year expiration dates related to requirements set out in MLC. The addition of a second expiration date to these certificates/documents—that for OMB approval—may cause several problems. First, it may cause U.S.-flag vessel owner/operators to interact with the Coast Guard more frequently than required to reconcile the existence of 2 expirations dates on their ships' certificates/documents. Second, it may cause confusion with foreign Port State Control boarding officers, resulting in U.S.-flag ships being delayed or detained in foreign ports due to 2 differing expiration dates. It is for these reasons that expiration dates for OMB approval are not displayed on the certificates/documents associated with this collection. However, the OMB expiration date will be displayed on the Instruction sheet related to the information collection request.

18. Explain each exception to the certification statement.

The Coast Guard does not request an exception to the certification of this information collection.

⁵ Equivalent to an O-3 "in gov't" rate, see COMDTINST 7310.1N.

B. Collection of Information Employing Statistical Methods

This section does not apply because the collection does not employ statistical methods.