

Supporting Statement for Various International Agreement Pollution Prevention Certificates and Documents, and Equivalency Certificates

A. Justification.

1. Circumstances which make the collection of information necessary.

Title 33 USC 1901-1911 requires implementation of the International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol of 1978 (MARPOL 73/78). The United States Coast Guard is delegated the authority to implement the requirements of MARPOL. The requirement to possess an International Oil Pollution Prevention (IOPP) Certificate is mandated by the Act to Prevent Pollution from Ships 1980 (Pub. L. 96-478; 33 USC 1901-1911).

The Coast Guard also has the authority to issue Flag State documents to prove equivalent compliance with MARPOL 73/78. MARPOL 73/78 Annex IV (Sewage) has not been ratified by the United States. Certain U.S. flag vessels may operate on international voyages and in the waters of countries that have adopted MARPOL 73/78 Annex IV. These vessels may need to demonstrate compliance with MARPOL 73/78 Annex IV requirements during a foreign Port State control boarding. As such, a Flag State document is needed to prove equivalent compliance.

–**MARPOL Certificates** and other related MARPOL requirements are listed below:

a) *IOPP Certificates and supplements (33 CFR 151.19)*

Each U.S. oil tanker of 150 gross tons and above and each other U.S. ship of 400 gross tons and above; that engages on international voyages to ports or off-shore terminals under the jurisdiction of other parties to MARPOL 73/78.

b) *Evidence required for ships not party to MARPOL 73/78 (33 CFR 151.21)*

All oil tankers of 150 gross tons and above and all ships of 400 gross tons and above.

c) *Retain discharge data recorded by a cargo monitor (33 CFR 157.37(d))*

All tank vessels 150 gross tons or more carrying oil in bulk.

d) *Statement of Voluntary Compliance (International Maritime Organization Resolution MEPC.111.(53))*

Each U.S. single hull tank vessels 15 years old and older.

e) *International Air Pollution Prevention (IAPP) Certificates (MARPOL 73/78 Annex VI)*

Each U.S. ship of 400 gross tons and above; that engages on international voyages to ports or off-shore terminals under the jurisdiction of other parties to MARPOL 73/78.

–**Flag State documents** issued for U.S. flagged inspected and uninspected vessels sailing on international voyages in the sovereign waters of countries signatory to the revised MARPOL 73/78 Annex IV (Sewage) is described below:

f) Equivalency Certificate for MARPOL 73/78 (Revised) Annex IV International Convention for the Prevention of Pollution from Ships (33 CFR 159)

Annex IV applies to all new vessels built on or after September 27, 2003, which are 400 gross tons International Tonnage Convention (ITC), and above. The Annex also applies to new vessels less than 400 gross tons (ITC), which are certified to carry more than 15 passengers. Existing vessels 400 gross tons (ITC) and above and those existing vessels less than 400 GT (ITC) which are certified to carry more than 15 passengers need not comply until September 27, 2008. Existing federal regulations concerning sewage are outlined in 33 CFR 159 under 'Marine Sanitation Devices.'

a) IOPP Certificates and supplements. All ships engaged in international voyages are required to comply with IOPP certificate requirements. Due to the complex requirements of MARPOL 73/78 and the language difficulties associated with international trade, a uniform certificate listing vital information about the ship's characteristics in a standard form is necessary. The format of the certificate was agreed upon by the United States and other signatories to MARPOL 73/78. The IOPP Certificate is valid for a period of 5 years from the date of issue.

The IOPP certificates serve the necessary function of providing, in standard format and language, for ships of various countries, all the information needed by an inspecting official to efficiently determine whether a ship is in compliance with the requirements of MARPOL 73/78.

b) Evidence required for ships not party to MARPOL 73/78. This implements Article 5(4) of MARPOL 73/78, and is intended to prevent a ship from obtaining more favorable treatment due to its non-party status. Such ships will be required to have surveys conducted and valid documentation that the ship is in compliance with MARPOL 73/78.

c) Retain discharge data recorded by a cargo monitor. The installation and use of cargo monitor and control systems on tank vessels that are 150 gross tons or more is required by 33 CFR 157. Each tank vessel must retain the printout of discharge data from that system for at least three years.

d) Statement of Voluntary Compliance. In order to satisfy signatory port states, owners of single hull tankers 15 years old and older may voluntarily comply with the Condition Assessment Scheme outlined in International Maritime Organization (IMO) resolution MEPC.94(46). The format of the certificate was agreed upon by IMO and other signatory nations the revised to MARPOL 73/78 regulations 13G and 13H. The Statement of Voluntary Compliance is valid for a period of not more than 5 years from the date of issue. The Certificate may never be valid beyond a single hull tanker's phase-out date required by the Oil Pollution Act of 1990.

e) IAPP Certificates. All ships engaged in international voyages are required to comply with IAPP certificate requirements. Due to the complex requirements of MARPOL 73/78 and the language difficulties associated with international trade, a uniform certificate listing vital information about the ship's characteristics in a standard form is necessary. The format of the certificate was agreed upon by the United States and other signatories to MARPOL 73/78. The IAPP Certificate is valid for a period of 5 years from the date of issue.

f) Flag State document for MARPOL 73/78 Annex IV (Sewage). Since MARPOL 73/78 Annex IV has not been ratified by the United States, and U.S. flagged vessels on international voyages sailing in the waters of countries that have adopted MARPOL 73/78 Annex IV will be subjected to Port State control

boardings, these vessels will need to demonstrate equivalent compliance through the Flag State documents issued by the US Coast Guard.

This information collection supports the following strategic goals:

Department of Homeland Security

- Protection

Coast Guard

- Protection of the Natural Resources

Marine Safety, Security and Stewardship Directorate (CG-5)

- Human and Natural Environment: Eliminate environmental damage associated with maritime transportation and operations on and around the nation's waterways.

2. Purpose of the information collection.

a) and b) This data is used by Coast Guard inspectors to prepare for inspections requested by ship owners or operators and to issue an IOPP Certificate in a minimum amount of time. The IOPP Certificate makes possible the efficient and effective enforcement of MARPOL 73/78, saving both the government and the ship owners and operators time and expense. Without a standard IOPP Certificate, the routine inspection of a ship upon entry to a port would be extremely burdensome and time consuming for both the government inspector and ship operator. The potential delay represents a significant expense to the ship owner due to lost time for the ship to transfer cargo.

c) This recordkeeping requirement stems directly from the requirements of Regulation 15(3)(a) of Annex I of MARPOL 73/78 that each vessel retain the printout of cargo monitor discharge data from the recording device (part of the control system for three years.) This requirement has been incorporated in 33 CFR 157.37(d). These printouts verify the vessel's compliance with oil discharge standards. There is no requirement that these printouts be submitted to any agency.

In the event of an oil discharge this information will be used to verify if the vessel causing the discharge violated the oil discharge limits of MARPOL 73/78. If the vessel did not, it could be used by the vessel operator as mitigating evidence regardless of the presence of visible traces of oil. This would not be possible if this information was not available. However, this information is not required to be submitted to an agency, merely retained by the vessel and/or ashore for 3-years. In addition, this is a specific requirement of MARPOL 73/78, to which the United States is party, and under the terms of this treaty, must be implemented.

d) MARPOL 73/78 Annex I Regulations 13G and 13H have not been ratified by the U.S. Senate, however, certain U.S. flag vessels may be required by signatory nations to prove compliance with those provisions through Flag State documents. In order to satisfy signatory port states, owners of single hull tankers 15 years old and older may voluntarily comply with the Condition Assessment Scheme outlined in International Maritime Organization resolution MEPC.94(46).

e) This data is used by Coast Guard inspectors to prepare for inspections requested by ship owners or operators and to issue an IOPP Certificate in a minimum amount of time. The IAPP Certificate makes possible the efficient and effective enforcement of MARPOL 73/78, saving both the government and the ship owners and operators time and expense. Without a standard IAPP Certificate, the routine inspection of a ship upon entry to a port would be extremely burdensome and time consuming for both the government inspector and ship operator. The potential delay represents a significant expense to the ship owner due to lost time for the ship to transfer cargo. MARPOL 73/78, Annex VI entered into force for the U.S. on January 8, 2009.

f) Since MARPOL 73/78 Annex IV has not been ratified by the United States, and U.S. flagged vessels on international voyages sailing in the waters of countries that have adopted MARPOL 73/78 Annex IV will be subjected to Port State control boardings, these vessels will need to demonstrate equivalent compliance through the Flag State documents, or Certificates of Equivalency, issued by the US Coast Guard.

3. Considerations of the use of improved information technology to reduce the burden.

Information is not submitted to the Coast Guard (CG). Upon successful completion of an inspection, the CG will issue the appropriate Certificate(s). The Certificate(s) should be posted on the vessel. For oil tanker discharge monitoring and control systems, per Resolution MEPC.108(49) dated 18 July 2003, monitoring and control system data may be recorded and stored electronically (paragraphs 6.9.1 & 6.9.3). This information is not sent to the CG, rather it is made available upon inspection. We estimate that 50% of all recordkeeping is done electronically.

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

The Coast Guard is the only agency, Federal, State or private that requires this information collection and that administers these MARPOL 73/78 requirements on commercial vessels. The regulations allow foreign vessels to show compliance through an IOPP Certificate, or an Equivalency Certificate, rather than directly submitting information to the Coast Guard. This avoids duplication on an international level.

5. Methods used to minimize the burdens to small entities, if involved.

This information collection does not have an impact on small businesses or other small entities.

6. Consequences to the Federal program if collection were conducted less frequently.

Without the MARPOL Certificates, including the IOPP, Statement of Voluntary Compliance and the IAPP, a ship could encounter severe international trade restrictions and delays. The certificates are reissued every 5 years. Without the cargo monitor discharge data, engine fuel and exhaust emissions data, or the Certificate of Equivalency for MARPOL 73/78 Annex IV (Sewage), it would not be possible to confirm that the ship is operating in compliance with U.S. regulations and/or MARPOL 73/78.

7. Special circumstances that require collection to be conducted in an inconsistent manner.

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

8. Consultation.

A 60-day Notice was published in the *Federal Register* to obtain public comment on this collection (see [USCG-2011-0843]; September 12, 2011; 76 FR 56208). Additionally, a 30-day Notice was published in the *Federal Register* to obtain public comment on this collection (November 18, 2011; 76 FR 71581). The Coast Guard has not received any comments on this information collection.

9. Provide any payment or gift to respondents.

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

10. Assurances of confidentiality provided to respondents.

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 information collection burden.

- The estimated annual **respondents are** **1,566.**
- The estimated annual **responses are** **10,503.**
- The estimated annual **burden hours are** **2,738.**
- The estimated annual **cost is** **\$167,946.**

Table 4, available at the end of these calculations in this section, provides a summary of all the different components involved in this collection of information with the grand totals.

TABLE 1
Vessels with IOPP Certificates
(Carry oil and are greater than 150 gt., and all other ships greater than 400 gt.)

Types of Vessels	
Nontank Vessels	
Freight Barge	189
Freight Ship	229
MODU	47
Oil Recovery	46
Towing Vessel	34
Industrial Vessel	93
OSV	268
Research Vessel	16
School Ship	4
Passenger Inspected.	118
Tank Vessels	
Tank Barge	461
Tank Ship	51
Ships – TOTAL	1,556

a) IOPP Certificates and supplements.

The total number of U.S. vessels affected by the IOPP Certificate reporting requirements is estimated to be 1,556 (1,044 Nontank Vessels + 461 Tank Barges + 51 Tank Ships as shown in Table 1). This figure was obtained from the U.S. Coast Guard Marine Information for Safety and Law Enforcement database (MISLE). The required posting of an IOPP Certificate and supplement take approximately twenty minutes (0.33 hours) per ship. The IOPP Certificate will be issued once every five years. Approximately **1,556 vessels** are required to have an IOPP Certificate. The total number of annual **responses is estimated to be 311** (rounding 1,556 ships / 5 years). The total estimated annual

burden on the public is **103 hours** (rounding up 311×0.33 hours/ship). Total cost to the public is estimated to be **\$6,077 per year** ($103 \text{ hours/year} \times \59 hour^1).

b) Evidence required for ships not party to MARPOL 73/78.

The Coast Guard does not maintain the data required to calculate burden on foreign-flagged vessels trading in U.S. waters that are not signatory to MARPOL 73/73. We have historically estimated this population to be approximately 10. The presentation and compilation of the required information needed is expected to take approximately twenty hours per ship. The total estimated annual burden on the public is **200 hours** ($10 \text{ ships} \times 20 \text{ hours/ship}$). Total cost is estimated to be **\$11,800 per year** ($200 \text{ hours/year} \times \59 hour^2).

c) Retain discharge data recorded by a cargo monitor.

There are approximately 512 tank vessels in the U.S. fleet that are required to keep records of cargo monitor discharge data (461 Tank Barges + 51 Tank Ships). To estimate the annual burden the following assumptions are made:

- each vessel operates for 350 days a year;
- a ballast discharge is made every 20 days, making approximately 17 discharges per year;
- recordkeeping takes $\frac{1}{4}$ hour per ballast discharge; and .
- a person with an equivalent wage to a GS-11 would be in charge of keeping the record, receiving an hourly salary of \$59.00³.

Table 2 shows the burden per type of vessel.

TABLE 2
Estimate of Annual Burden for Vessels that Retain Cargo Monitor Discharge Data

Type of Vessel	Number of Vessels	Annual Discharges (17 per vessel)	Hour Burden (0.25 hrs. per discharge)*	Cost Burden (\$59 per hr.)
Tank Barges	461	7,837	1,959	\$115,581
Tank Ships	51	867	217	\$12,803
Total	512	8,704	2,176	\$128,384

* Figures may be rounded.

d) Statement of Voluntary Compliance.

The total number of U.S. vessels affected by the Statement of Voluntary Compliance (SOVC) is estimated to be 0 (0 Tank Barges + 0 Tank Ships). This figure was obtained from the data available from the MISLE database. The completion of the SOVC is estimated to take approximately thirty minutes (0.17 hours) per vessel. The SOVC lasts for five years and approximately **0 vessels** are applicable for the program. The total number of annual **responses is estimated to be 0** (0 ships / 0 years). The total estimated annual burden on the public is **0.00 hours** ($0 \times 0.17 \text{ hours/ship}$). Total cost to the public is estimated to be **\$0 per year** ($0.00 \text{ hours/year} \times \59 hour^4).

e) IAPP Certificates.

¹ See Enclosure (2) to COMDTINST 7310.1M (equivalent to the GS-11 out-of-govt. rate).

² ditto.

³ ditto.

⁴ ditto.

The total number of U.S. vessels affected by the IAPP Certificate reporting requirements is estimated to be 1,556 (1,044 Nontank Vessels + 461 Tank Barges + 51 Tank Ships as shown in Table 1). This figure was obtained from the MISLE database. The required posting of an IAPP Certificate takes approximately ten minutes (0.17 hours) per ship. An IAPP Certificate is issued once every five years.

Approximately **311 vessels (1,556/5)** will receive an IAPP Certificate annually. The total estimated annual burden on the public is **53 hours** (311 x 0.17 hours/ship (rounded)). Total cost to the public is estimated to be **\$3,127 per year** (53 hours/year x \$59/ hour⁵).

f) Flag State documents (Certificates of Equivalency) for MARPOL 73/78 Annex IV (Sewage).

The Coast Guard estimates that the vessels listed below, in Table 3, are candidates for the Certificate of Equivalency. The annual burden hours are also calculated and shown in Table 3. We assume that it takes 10 minutes to post the Certificate of Equivalency, and that someone of rank equivalent to O-3 posts the document, and the equivalent wage rate for this is \$90/hour.⁶ We also assume that only 75% of the eligible vessels will apply for the certificate.

⁵ ditto.

⁶ See Enclosure (2) to COMDTINST 7310.1M (equivalent to the O-3 out-of-govt. rate).

TABLE 3
Estimate of Annual Burden for Vessels with the Certificate of Equivalency for MARPOL 73/78
Annex IV (Sewage)

Types of vessels that are candidates for Flag State documents	Number of vessels in each category	Annual burden hours (assuming 10 minutes – 0.17 hours – to post the document)	Cost of burden hours (wage rate \$90/hour)
Freight Ship	229	39	\$3,504
Towing Vessel	34	6	\$540
Tank Ship	51	9	\$810
Passenger Inspected	118	20	\$1,800
Industrial Vessel	93	16	\$1,440
Freight Barge	189	32	\$2,880
MODU	47	8	\$720
OSV	268	46	\$4,140
Research Vessel	16	3	\$270
School Ship	4	1	\$90
Tank Barge	461	79	\$7,110
Oil Recovery	46	8	\$720
Total	1,556	275	\$24,744
About 75% will actually apply for the Certificate of Equivalency	1,167*	206*	\$18,558*

* Note—Figures may be rounded.

As seen from Table 3, the estimated **annual burden** for posting the Certificate of Equivalency is **206 hours** and the **cost is \$18,558**.

Table 4 below provides a summary of the annual respondents and responses, as well as the burden and cost calculations, for each component of this collection of information.

TABLE 4
SUMMARY

Requirement	Annual Respondents	Annual Responses	Annual Burden Hours	Annual Costs
a) IOPP Certificates and supplements	1,556	311	103	\$6,077
b) Evidence required for ships not party to MARPOL 73/78	10	10	200	\$11,800
c) Retain discharge data recorded by a cargo	512 ⁷	8,704	2,176	\$128,384

⁷ The respondents under c) are a subset of those in a), therefore the total number is not affected by it

monitor				
d) Statement of Voluntary Compliance	0 ⁸	0	0	\$0
e) IAPP Certificates	1,556 ⁹	311	53	\$3,127
f) Flag State documents (Certificates of Equivalency)	1,167 ¹⁰	1,167	206	\$18,558
TOTAL	1,566	10,503	2,738	\$167,946

13. Estimate of annual capital and start-up costs.

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

14. Estimates of annualized cost to the Federal Government.

1) *IOPP Certificate, IAPP Certificate, Statement of Voluntary Compliance and other MARPOL requirements*

It takes the Coast Guard an average of 120 minutes (or 2.0 hours) to complete each IOPP Certificate. With an estimate of 311 forms issued per year, the Coast Guard would devote 622 hours annually (622 hours = 311 forms x 2.0 hours/form). Assuming a GS-13 is involved with the issuance of the forms, at an hourly rate of \$77 (Commandant Instruction 73101.1M), the annual cost to the Federal Government would be \$47,894 (622 hours/year x \$77/hour = \$47,894). For the IAPP Certificates, the estimated amount of time for Coast Guard to review, the number of applicants per year, and the rank of the officer issuing the certificates can be assumed to be the same as for the IOPP Certificates making the cost to the Federal Government \$47,894 as well. For the Statement of Voluntary Compliance, it takes approximately 30 minutes for the Coast Guard to review the form. Regarding cargo monitor discharge records, we assume no specific costs are associated with them, as these records would be examined in the general course of a Coast Guard inspection or investigation. The total cost for the IOPP, IAPP and SOVC Certificates is \$95,788.

2) *Issuing Flag State documents*

These certificates are generally completed by someone of a rank equivalent to W-3, and the applicable government wage rate is \$77/hour. We estimate that it takes about 10 minutes a certificate, and since the total number of applications is 1,167 the total cost to the government is \$15,276 [$\$77 * 0.17 * 1,167$].

Therefore the **total cost** to the **Federal Government** is **\$111,064** [\$95,788 + \$15,276].

15. Reasons for change in the burden.

The change in burden is an ADJUSTMENT due to a change in the vessel population. There is no proposed change to the recordkeeping requirements of this collection. The recordkeeping requirements, and the methodology (except as noted below) for calculating burden, remain unchanged. NOTE—In this ICR we estimate an annual increase in responses and burden, but a decrease in respondents. This change is due to an error in the past on how respondents were calculated. See section 12 Table 4 footnotes that

⁸ The respondents under d) are a subset of those in a), therefore the total number is not affected by it.

⁹ The respondents under e) are the same as those in a), therefore the total number is not affected by it.

¹⁰ The respondents under f) are a subset of those in a), therefore the total number is not affected by it.

indicate that respondents in rows (c) through (f) are the same as, or a subset of, the respondents in row (a).

16. Plans for tabulation, statistical analysis and publication.

This information collection will not be published for statistical purposes.

17. Approval for not explaining the expiration date for OMB approval.

The certificates associated with this collection are prescribed by an international treaty (e.g., MARPOL) that the U.S. Government is signatory to. These certificates all have specific five year expiration dates related to requirements set out in treaty. The addition of a second expiration date to these certificates—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. 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 associated with this collection. However, the OMB expiration date is displayed on the Instruction sheet related to the information collection request.

18. Exception to the certification statement.

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

B. Collection of Information Employing Statistical Methods.

This information collection does not employ statistical methods.