

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

OMB No.: 1625-0118
COLLECTION INSTRUMENTS: CG-16450, CG-16450A,
CG-16450B & CG-16450C

A. Justification.

1. Circumstances that make the collection of information necessary.

The 94th (Maritime) session of the International Labour Conference (ILC) adopted the Maritime Labour Convention, 2006 (MLC), an important 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 entered 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 exempt from the MLC.

The Coast Guard has established 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 are eligible to participate. The Coast Guard will issue voluntary compliance certificates to those vessels meeting the requirements of the MLC.¹ The Coast Guard also allows Recognized Classification Societies listed under 46 CFR Part 8 to issue voluntary compliance certificates. Guidance is provided in Navigation and Vessel Inspection Circular (NVIC) No. 02-13.

The format of the voluntary compliance certificate (Statement of Voluntary Compliance) is in keeping with the format provided in the MLC. It consists of the MLC certificate and is 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 reviews the measures drawn up by the vessel's owner and following a successful voluntary inspection, endorses Part II of the DMLC for inclusion with the full voluntary compliance certificate.

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 interaction with this category of vessels.

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

With the issuance of a voluntary compliance certificate, a vessel has 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 should 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. Purpose of the information collection.

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

4. Efforts to identify duplication.

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 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. Special collection circumstances.

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

8. Consultation.

A 60-Day Notice (see USCG-2016-0204, April 11, 2016, 81 FR 21370) and 30-Day Notice (November 7, 2016, 81 FR 78174) were published in the Federal Register to obtain public comment on this collection. 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. Describe any assurance of confidentiality provided to respondents.

There are no assurances of confidentiality provided to the respondents for this information collection. This information collection request is covered by the Marine Information for Safety and Law Enforcement (MISLE) Privacy Impact Assessment (PIA) and System of Records Notice (SORN). Links to the MISLE PIA and SORN are provided below:

- https://www.dhs.gov/sites/default/files/publications/privacy_pia_uscg_misle.pdf
- <https://www.gpo.gov/fdsys/pkg/FR-2009-06-25/html/E9-14906.htm>

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

There are no questions of sensitive language.

12. Estimate of annual hour and cost burdens to respondents.

- The annual number of respondents is 248.
- The annual number of responses is 248.
- The estimated annual hour burden is 625.
- The estimated annual cost burden is \$45,611.

The burden to respondents is provided in Appendix A. This collection of information is comprised of a reporting element and a recordkeeping element. The reporting burden relates to the preparation (i.e., planning, developing and writing) of DMLC Part II. The recordkeeping burden relates to the posting/filing of the CG-issued to Statement of Voluntary Compliance. When issued, an MLC document is valid for a 5 year period. We estimate that about 5% of the U.S. vessels that want an MLC document are new each year. For new vessels, we estimate that it takes 4 hours to complete a DCML Part II and .1 hours (i.e., 6 minutes) to post/file the document for 4.1 hours total. For existing vessels that renew a DCML Part II, we estimate that it takes 2 hours to complete a DCML Part II and .1 hours to post/file the document for 2.1 hours total. We expect that a crewmember would be responsible to prepare/post/file this document. The position of crewmember is analogous to a GS-12. The wage rate used is in accordance with the current edition of COMDTINST 7310.1(series) for "Out-Government" personnel.

13. Total 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.

The estimated annual Federal Government cost is \$20,088 (see Appendix B). We estimate that it will take 1 hour by a Lieutenant (O-3) to review and process each submission. The wage rate shown is in accordance with the current edition of COMDTINST 7310.1(series) for "In-Government" personnel.

15. Explain the reasons for change in burden.

The change in burden is an ADJUSTMENT due to a change (i.e., decrease) in the estimated annual number of responses. There is no proposed change to the reporting or recordkeeping requirements of this collection. The reporting and recordkeeping requirements, and the methodology for calculating burden, remain unchanged.

16. 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 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. 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.