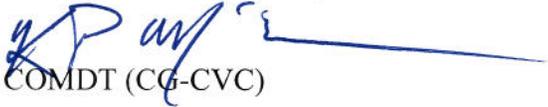




16721
CG-CVC POLICY LETTER
NO. 12-05

OCT 11 2012

From: 
COMDT (CG-CVC)

To: Distribution

Subj: HOURS OF REST-- IMPLEMENTATION OF THE 2010 AMENDMENTS TO THE
INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION
AND WATCHKEEPING FOR SEAFARERS, 1978

Ref: (a) Title 46, Code of Federal Regulations (46 CFR) Parts 7 and 15
(b) International Convention on Standards of Training, Certification and Watchkeeping
for Seafarers, 1978, as amended (STCW)
(c) Title 46, United States Code (46 U.S.C.) Part F
(d) International Labor Organization (ILO) Guidelines for the Development of Tables of
Seafarers' Shipboard Working Arrangements and Formats of Records of Seafarers'
Hours of Work or Hours of Rest

1. PURPOSE. This policy letter provides guidance to clarify the hours of rest requirements of the 2010 amendments to the STCW Convention and Code.
2. DIRECTIVES AFFECTED. Revises Section 4 of G-MOC Policy Letter 4-00, REV 1, dated April 26, 2001.
3. APPLICATION. This guidance applies to all vessels subject to STCW under current national regulations. This includes all seagoing vessels, as defined in 46 CFR 15.1101, meaning self-propelled vessels engaged in commercial service that operate beyond the boundary line established by 46 CFR part 7, except those vessels that have been determined to be otherwise exempt from, or not subject to further obligation of, STCW under 46 CFR 15.103(e) and (f).
4. BACKGROUND.
 - a. The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 as amended (STCW), sets forth minimum hours of rest requirements for merchant mariners. In 2007, the International Maritime Organization (IMO) embarked on a comprehensive review of the entire STCW Convention and STCW Code. The Parties adopted these amendments on June 25, 2010, at the STCW Diplomatic Conference in Manila, Philippines, and the amendments entered into force for all ratifying countries on January 1, 2012. The 2010 amendments include changes to the

Subj: HOURS OF REST-- IMPLEMENTATION OF THE 2010 16721
AMENDMENTS TO THE INTERNATIONAL CONVENTION ON OCT 11, 2012
STANDARDS OF TRAINING, CERTIFICATION AND
WATCHKEEPING FOR SEAFARERS, 1978

hours of rest requirements in STCW Regulation VIII/1, applicable to personnel working onboard seagoing vessels. The major amendments to the hours of rest requirements in the 2010 amendments to the STCW Convention and Code: (1) expanded the application for hours of rest periods for mariners to include all personnel with designated safety, prevention of pollution, and security duties onboard a vessel; (2) increased the minimum weekly rest hours from 70 hours to 77 hours; (3) required use of a standardized format to record watch schedules; (4) required compensatory rest period for seafarer on call; (5) required recordkeeping of hours of rest; (6) required a copy of records of hours of rest to be provided to the seafarer; and, (7) amended the exceptions to the hours of rest requirements.

- b. The Convention is not self-implementing; therefore, the U.S., as a signatory to the STCW Convention, must initiate regulatory changes to ensure full implementation of the amendments to the STCW Convention and STCW Code. The U.S. implements these provisions under the Convention and under the authority of United States domestic laws in United States Code Titles 5, 14, 33, and pursuant to 46 CFR, Chapter I, Subchapter B.
- c. The Coast Guard published a Supplemental Notice of Proposed Rulemaking (SNPRM) on August 1, 2011 (76 FR 45908), proposing changes to implement the STCW Convention and Code, to address the comments received from the public in response to the Notice of Proposed Rulemaking (NPRM) published on November 17, 2009 (74 FR 59354), and to incorporate the 2010 amendments to the STCW Convention that came into force on January 1, 2012. The public comment period for the SNPRM ended on September 30, 2011. The Coast Guard intends to publish a final rule to implement amendments to the STCW, including the 2010 amendments, and ensure that the U.S. is meeting its obligations under the Convention.
- d. Although full implementation of the hours of rest requirements necessitates national regulatory changes, the Coast Guard is promulgating this interim policy to provide mechanisms to lessen the port state control impact on U.S. vessels while operating abroad until the Coast Guard completes the final rule. As previously noted, full implementation of these amendments will require national regulatory changes to 46 CFR 15.1111. As stated in the notice of policy published in the Federal Register on January 04, 2012 (77 FR 232), the Coast Guard will not enforce these STCW requirements until the national regulations are revised. However, U.S. documented vessels subject to STCW are encouraged to implement these requirements to avoid any potential port state control detentions.

5. DISCUSSION.

- a. In accordance with 46 CFR 15.1101(a)(4), *rest* means a period of time during which the person concerned is off duty, is not performing work, including administrative tasks such as chart corrections or preparation of port entry documents, and is allowed to sleep without being interrupted.

Subj: HOURS OF REST-- IMPLEMENTATION OF THE 2010 16721
AMENDMENTS TO THE INTERNATIONAL CONVENTION ON OCT 11, 2012
STANDARDS OF TRAINING, CERTIFICATION AND
WATCHKEEPING FOR SEAFARERS, 1978

- b. The 1995 amendments to the STCW Convention and Code established the minimum hours of rest requirements. These amendments were implemented in 46 CFR 15.1111 as follows: (1) established a minimum of 10 hours of rest in any 24-hour period for an officer in charge of a navigational or engineering watch, or a rating forming part of a navigational or engineering watch; (2) allowed the hours of rest to be divided into no more than two periods, of which one must be at least 6 hours in length; (3) allowed exceptions to the minimum hours of rest in the case of an emergency or drill, or in other overriding operational conditions; (4) allowed the reduction to the minimum period of ten hours to not less than 6 consecutive hours as long as no reduction extends beyond 2 days, and not less than 70 hours of rest are provided each 7-day period; and, (5) required the master to post watch schedules where they are easily accessible.
- c. In accordance with the 2010 amendments to the STCW Convention and Code, section A-VIII/1, **the following minimum hours of rest requirements should be implemented onboard vessels subject to STCW**, unless already exempted in 46 CFR 15.103(e) and (f):
- (1) Every person assigned duty as officer in charge of a navigational or engineering watch, or duty as a ratings forming part of a navigational or engineering watch, or designated safety, prevention of pollution, and security duties onboard any vessel that operates beyond the boundary line, as described in 46 CFR Part 7, should receive:
- (i) a minimum of 10 hours of rest in any 24-hour period; [46 CFR 15.1111(a)],
and
 - (ii) 77 hours of rest in any 7-day period.[STCW A-VIII/1.2.2].
- (2) The hours of rest, required under paragraph (c)(1), may be divided into no more than two periods in any 24-hour period, one of which should be at least 6 hours in length, 46 CFR 15.1111(b), and the interval between consecutive periods of rest should not exceed 14 hours. [STCW A-VIII/1.3.]
- (3) The requirements of paragraphs (c)(1) and (c)(2) need not be maintained in the case of an emergency or drill or in other overriding operational conditions, [46 CFR 15.1111(c)]. Musters, fire-fighting and lifeboat drills, and drills prescribed by national laws and regulations and by international instruments, should be conducted in a manner that minimizes the disturbance of rest periods and does not induce fatigue. [STCW A-VIII/1.4].
- (4) The minimum period of rest required under paragraph (c)(1) may not be devoted to watchkeeping or other duties, [46 CFR 15.1111(e)].
- (5) Watchkeeping personnel remain subject to the work-hour limits in 46 U.S.C. 8104 and to the conditions when crew members may be required to work, [46 CFR 15.1111(f)].

(6) The master shall post watch schedules where they are easily accessible. They must cover each affected member of the crew and must take into account the rest requirements of this section as well as port rotations and changes in the vessel's itinerary, [46 CFR 15.1111(g)]. The schedules should be established in a standardized format in the working language or languages of the ship and in English. [STCW A-VIII/1.5].

(7) Records of daily hours of rest should be maintained onboard the vessel. Each affected person should receive a copy of the records pertaining to them, which should be endorsed by the master or by a person authorized by the master and by the seafarer. [STCW A-VIII/1.7].

(8) For every seafarer on call, such as when a machinery space is unattended, the seafarer should have an adequate compensatory rest period if the normal period of rest is disturbed by call-outs to work. [STCW A-VIII/1.6].

(9) The master of the vessel may suspend the schedule of hours of rest and require a seafarer to perform any hours of work necessary for the immediate safety of the ship, persons onboard, or cargo, or for the purpose of giving assistance to other ships or persons in distress at sea. As soon as practicable after the situation has been restored, the master should ensure that any seafarer who has performed work in a scheduled rest period is provided with an adequate period of rest. [STCW A-VIII/1.8].

(10) In exceptional circumstances, the master may authorize exceptions from the hours of rest required under paragraph (c)(1)(ii) provided that the rest period is not less than 70 hours in any 7-day period. These exceptions should meet the following additional requirements: (1) exceptions should not extend beyond two 24-hour periods in any 7-day period; (2) exceptions should not extend for more than two consecutive weeks; and, (3) the intervals between two periods of exceptions should not be less than twice the duration of the exception. [STCW A-VIII/1.9].

- d. As described in paragraph (c)(1), the 2010 amendments to the STCW Convention and Code expanded the application for hours of rest periods for mariners from persons assigned duty as officer in charge of a navigational or engineering watch, or duty as a rating forming part of a navigational or engineering watch, to include all personnel with designated safety, prevention of pollution, and security duties onboard a vessel. Personnel with designated safety, prevention of pollution, and security duties onboard a vessel include: (1) watchstanding personnel as assigned on the vessel's Certificate of Inspection; (2) all personnel with designated safety duties on board the vessel as assigned on the watch bill/station bill; (3) all personnel with designated prevention of pollution duties on board the vessel as assigned on the Pollution Response Plan or as identified in the Safety Management System; and, (4) all personnel with designated security duties on board the vessel as assigned on the Vessel Security Plan.
- e. The master, or authorized person, is responsible for ensuring that records of daily hours of rest are maintained for each seafarer serving on the ship. Owners/operators are encouraged to utilize the "Model Format for Records of Hours of Work or Hours of Rest

Subj: HOURS OF REST-- IMPLEMENTATION OF THE 2010 16721
AMENDMENTS TO THE INTERNATIONAL CONVENTION ON OCT 11, 2012
STANDARDS OF TRAINING, CERTIFICATION AND
WATCHKEEPING FOR SEAFARERS, 1978

of Seafarers” developed by the ILO and the IMO, which is included as Enclosure (1) to this policy letter. The records can be documented in the vessel logbook. Each record should be endorsed by the master or authorized person and the seafarer. A copy should be made available to the seafarer. It is recommended that records be retained onboard for each seafarer during their full time onboard or for 12 months, whichever is longer.

- f. In an emergency or when unforeseen events occur, as described in paragraphs (c)(3) and (c)(9), changes may be unavoidable. In these cases, records should reflect all deviations from the hours of rest schedule.
- g. The Coast Guard will check the ship’s documentation as part of the normal routine of vessel inspection and examination and may include a check that the appropriate schedules are posted in accordance with existing national regulations in 46 CFR 15.1111(g). As described in paragraph (4)(d), the Coast Guard will not enforce the STCW amendments to the hours of rest requirements until the national regulations are revised.
- h. Lastly, shore management has a responsibility to ensure that proper guidance is provided on the management of fatigue, its impact on safety, and the regulation of hours of work and rest. It is encouraged that this guidance is included as part of the Safety Management System (SMS). The SMS should encourage seafarers to alert their onboard managers should they be working, or be at risk of working, in non-conformance to this policy and STCW. The SMS should also provide clear guidance to masters on the actions to be taken in the event of significant non-conformance. Such action may include the suspension of operations until personnel are suitably rested. Owners/operators should also be aware of, and react to, planned or expected periods of high intensity operations and ensure that staffing onboard is adequate in good time prior to the planned operations.

6. ACTION.

- a. All OCMI’s should be guided by the information in this policy letter. Commanding Officers of units with marine safety responsibilities should bring this policy letter to the attention of all segments of the maritime industry in their area of responsibility.
- b. Vessel owners and operators, or their representatives, are encouraged to become familiar with the provisions and guidelines detailed in this policy letter and employ them when on international voyages to lessen vulnerability to port state action.
- c. Mariners are encouraged to become familiar with the provisions and guidelines detailed in this policy letter.
- d. This policy is posted along with other CG-CVC policy letters on the Coast Guard’s Homeport internet website at <http://homeport.uscg.mil> by selecting the following links: Library > Policy > Policy Letters > Inspection.

Subj: HOURS OF REST-- IMPLEMENTATION OF THE 2010 16721
AMENDMENTS TO THE INTERNATIONAL CONVENTION ON OCT 11, 2012
STANDARDS OF TRAINING, CERTIFICATION AND
WATCHKEEPING FOR SEAFARERS, 1978

7. DISCLAIMER. This guidance is not a substitute for applicable legal requirements, nor is it itself a regulation. It is not intended to, nor does it, impose legally-binding requirements on any party. It represents the Coast Guard's current thinking on this topic. You can use an alternative approach if the approach satisfies the requirements of the applicable statutes and regulations. If you want to discuss an alternative approach (you are not required to do so), you may contact the Mariner Credentialing Program Policy Division (CG-CVC-4) at (202) 372-2357 or MMCPolicy@uscg.mil, which is responsible for implementing this guidance.

Enclosures: (1) ILO/IMO Model Format for Record of Hours of Work or Hours of Rest of Seafarers'

Distribution: All Area/District (p) offices
All Sectors/ Activities and MSU's
National Maritime Center

Enclosure (1) ILO/IMO Model Format for Record of Hours of Work or Hours of Rest of Seafarers'



Model format for record of hours of work or hours of rest of seafarers¹

Name of ship: _____ IMO number (if any): _____ Flag of ship: _____
Seafarer (full name): _____ Position / rank: _____
Month and year: _____ Watchkeeper:² yes no

Page 1 of 2

Record of hours of work/rest³

Please mark periods of work or rest, as applicable, with an X, or using a continuous line or arrow.

COMPLETE THE TABLE ON THE REVERSE SIDE

The following national laws, regulations and/or collective agreements governing limitations on working hours or minimum rest periods apply to this ship:

I agree that this record is an accurate reflection of the hours of work or rest of the seafarer concerned.

Name of master or person authorized by master to sign this record _____

Signature of master or authorized person _____ Signature of seafarer _____

A copy of this record is to be given to the seafarer. This form is subject to examination and endorsement under procedures established by _____
(name of competent authority)

¹ The terms used in this model table are to appear in the working language or languages of the ship and in English.

² Check as appropriate.

³ Delete as appropriate.

