



25th BC Towboat Conference

**Regulatory Changes Affecting the
Tug Industry**

May 31, 2024

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Recent and Upcoming Regulatory Changes

- **Vessel Construction and Equipment Regulations (VCER)**
- **Marine Safety Management System Regulations (MSMSR)**
- **Marine Personnel Regulations (MPR 2024)**
- **PPA Pilotage Waiver - General Pilotage Regulations**





VCER - In Force Dec 2023

Vessel Construction and Equipment Regulations

Applies to

- Canadian Safety Convention passenger vessels
- Canadian Non-Convention Vessels that are 24 m or longer
- Canadian Cargo Vessels that are 24 m or longer

Part 3

- Towing Requirements
- Assessment of Bollard Pull

301 (2) A vessel that is constructed or converted for the purposes of towing must not undertake a towing operation unless the vessel's bollard pull has been assessed and determined to be adequate for the operation in accordance with the recommended practices and standards and that assessment and determination are documented .





MSMSR – Canada Gazette 1 Fall 2023

Marine Safety Management System Regulations

- Requires a formal safety management system for various classes of vessels .
- Class 1: SOLAS vessels, including those with 500 or more gross tonnage (GT) that are engaged on an international voyage
- Class 2: Vessels of 500 GT or more, not covered under Class 1; and passenger vessels of 24 m in length or more carrying 50 or more passenger
- Class 3: Vessels of 24 m or more, not covered under Classes 1 and 2
- Class 4A: Vessels of more than 15 GT, not covered in Classes 1 to 3
- Class 4B: Passenger vessels and tugs up to 15 GT, not covered in Classes 1 to 3
- Class 5: Other vessels of up to 15 GT, not covered in Classes 1 to 4





MSMSR – Canada Gazette 1 Fall 2023

Marine Safety Management System Regulations

Vessel Types

MSMSR Type	Type of Operation
Passenger - carrying vessel	Any vessel that is used to carry one or more passengers
Cargo vessel	Any vessel that is used to carry any type of cargo Workboat Dredger - Any vessel engaged in a dredging operation
Towboat	Any vessel engaged in a towing activity
Fishing Vessel	Any vessel used, or is to be used, for commercially catching, harvesting, or transporting fish or other living marine resources
Barge	a vessel that does not have a mechanical means of propulsion and is used to carry one or more persons, oil in bulk, or dangerous chemicals in bulk.
Offshore Operations	Mobile Offshore Drilling Ship/Rig





MSMSR – Canada Gazette 1 Fall 2023

Marine Safety Management System Regulations

Transitional Periods and Compliance Dates

Class	Vessels	Year of Compliance
1	SOLAS Over 500	Immediate
2	Passenger -carrying vessels of 24 m or more and carrying 50 or more passengers.	Year 2 for passenger vessels Year 3 for other vessels
3	Vessels of 24 m or more	Year 2 for passenger vessels Year 3 for other vessels
4	<ul style="list-style-type: none">- Vessels over 15 GT- Passenger -carrying vessels of 15 GT or less that carry more than 12 passengers.- Passenger -carrying vessels of 15 GT or less that carry 12 or less passengers, and Tugs/towboats of 15 GT or less	Year 2 for Passenger vessels and Vessels over 7m Year 3 for Vessels up to 7M
5	All remaining vessels subject to MSMSR	Up to end of Year 3

* Date on Vessels Safety Certificate or if No Safety Certificate required, the Date of Vessel's Registry





MPR 2024 – Canada Gazette 1 in 2024

Marine Personnel Regulations 2024

- Expected to go to Canada Gazette late 2024 /early 2025
- Come into Force in early to mid 2026 (Pending Election)
- Numerous Significant Changes
 - Minimum Crew size
 - Minimum Safe Manning Documents for all Tugs over 5GT
 - Deck, Navigation, Engineering Watches
 - Complement based on Operation, Navigation, Safety/Emerg
 - Deck COC based on vessel length, not tonnage
 - Small Vessel Operator (SVO)
 - Engineering COC / Horsepower Tables
 - Small Vessel Machinery Operators
 - Dual Capacity
 - Trading Limits





PPA Pilotage Waiver

Prior to 2003 – Regulations

- Compulsory Pilotage applied to every ship over 350 GT. This did not apply to ships under 10,000 GT if the deck officers who has conduct of the watch held a COC issued by the Minister of Transport . There was a sea service requirement in the region similar to today's regulations
- 2003 , Proposed regulation exempting Canadian and US Flagged Tugs was struck down by Justice Dept (Ultra Vires) resulting in all tugs over 350 GT requiring Pilots
- The requirement to waive tugs was born the moment the new regs CIF.
- Nothing really changed until 2010 / 2012 when the current Waiver program was established
- The program loosely administered until the Nathan E Stewart incident in 2016
- Subsequent TSB Reports from Ocean Monarch and Ingenika raised concerns
- 2022 – Regulatory Oversight of Pilotage Transferred to TC from PPA





PPA Pilotage Waiver

General Pilotage Regulations – Section 25 PPA

- 25.9(1) Every ship more than 350 GT is subject to Compulsory Pilotage
- 25.10(3) PPA may waive compulsory Pilotage if every person in charge of the deck watch
 - 150 days of service in preceding 18 month or
 - 365 day of Service in preceding 60 Months
 - Has served as a **person in charge of the deck watch** in compulsory Pilotage area at least once in preceding 24 months
- PPA developed the Standard of Care after the Nathan E Stewart Incident in 2016
 - Provide dispensation : time may be accumulated in a position **as any member of the deck watch** of a ship over 25 GT.....
 - April 8th, 2024 , the PPA issued a memo they would no longer exercise the discretion to issue dispensation for officers who do not meet the minimum sea time requirements as an officer in charge of a deck watch as per section 25.10 (3)





PPA Pilotage Waiver

General Pilotage Regulations Needs revision

- 25.10(3) will not be reviewed for ?? (2 years) at least .
- No firm interim solution forthcoming : 25 (10) 1 e
- PPA will provide a Waiver if no Pilots are available .
- The fix is no better than the waiver and will lead to more issues
 - BCCP perform approx . 13,000 pilot assignments per year .
 - CMC members alone would require 70,000 + Pilot assignments per years . Based on 2022 estimates
- We are only one more small incident away from the next regulatory disaster
- Affects both Canadian and US Operators, but US Mariners have advantage over Canadian Mariners .





Additional Changes in Policy / Requirements

Policy Changes not covered in Regulations :

- Fatigue Management : on line course for Mariners
- Safe Manning Documents & recovery of persons overboard
- Reciprocal Agreements STCW Certificates
- Recognition of Royal Canadian Navy Competencies
- Guidance on laying up and retiring Single Hull Oil Barges
- Practice of partially beaching barges to undertake repairs
- North Coast Waterway Management Guidelines
- Inspection of Vessel Personnel Certificate and Endorsements
- GHG Reporting requirements for vessel over 400 Tons

Thank You



Questions?

All photos courtesy of CMC Member Company's