



AMERICAN SAIL TRAINING ASSOCIATION



Sail Training International



## *Guidelines to US Regulations for Visiting Vessels*





This document was printed in February of 2009, and is only a summary of the regulations and provided for general guidance. For a complete understanding of all regulations, please refer to the Code of Federal Regulations, the Canada Shipping Act, and State/Provincial regulations.

[www.gpoaccess.gov](http://www.gpoaccess.gov)  
[www.tc.gc.ca](http://www.tc.gc.ca)

## TALL SHIPS® ATLANTIC CHALLENGE 2009

The TALL SHIPS® ATLANTIC CHALLENGE is organized by Tall Ships Atlantic Challenge Limited, a wholly owned company of Sail Training International, with the American Sail Training Association, a founding member of Sail Training International.

For information on the TALL SHIPS® ATLANTIC CHALLENGE 2009 (how to enter, host port updates, and other news), go to

[www.tallshipsraces.com/atlanticchallenge](http://www.tallshipsraces.com/atlanticchallenge)



## E) COMMUNICATION

It is highly recommended that the primary ASTA contact should be the Executive Director (complete contact information below). This will enable ASTA to request questions and interpretations directly with a US Coast Guard for immediate replies.

Correspondence should be addressed to:

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## Guidelines to US Regulations for Visiting Vessels

**TALL SHIPS® ATLANTIC CHALLENGE 2009**  
*Organized by Sail Training International and  
the American Sail Training Association*

Section A: United States Coast Guard Section B: US Passports and Visas Section C: Vessel Security Section D: Pollution Prevention Section E: Communication
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We are very pleased that you are planning to bring your ship for our series - in general, the regulations for visiting the US during the TALL SHIPS® ATLANTIC CHALLENGE are quite easy to meet as long as your vessel is certified by your home authority. Here is a quick review:

### A) THE UNITED STATES COAST GUARD (USCG)

The Coast Guard, now under the Department of Homeland Security is the primary federal agency for enforcing laws and regulations regarding marine safety, security, and environmental protection. It does this through Marine Safety Offices in each major US port. We strongly recommend that, if you are planning to visit a United States (US) port or ports, you contact the Coast Guard Marine Safety Office for the zone in which the port is located in advance of your visit as early as possible, so as to ensure your vessel is in compliance and to arrange for an examination prior to becoming an attraction vessel or taking US sail trainees aboard for passage.

## Coast Guard, continued

If you have internet access, you can also obtain detailed information on US maritime laws and regulations through the web sites listed throughout this guide. Visit <http://www.uscg.mil> for Coast Guard contact information.

Maritime Transportation Security Act - International Ship & Port Facility Security Code Web Site: <http://www.uscg.mil/hq/g-m/mp/mtsa.html>

### Notice of Arrival:

Vessels over 300 GRT must send a formal **Notice of Arrival (NOA)** to the Coast Guard at least 96 hours before arriving in the US. This will include detailed information on the crew. The vessels may make a single notice on if submitting a NOA via fax or e-mail by entering each U.S. port in the Consecutive Port of Call for Current Voyage blocks of the NOA form and update the voyage information as needed. If vessels choose to submit via the e-NOAD system (including InfoPath), the system is set up to require a new arrival notice for each port call. Although this may appear more cumbersome, the eNOA/D is designed to allow you to 'copy' all the non-unique data over to a new notice, requiring minimal effort to add an additional port of call to a voyage.

You will also find crew lists and Customs forms on this web site for the National Vessel Movement Center: <http://www.nvmc.uscg.gov/> All other vessels should notify the Coast Guard 24 hours before arrival.

## Souvenir and Merchandise Sales

If you plan to bring items (*i.e.* souvenirs, t-shirts, postcards, etc.) to sell in US ports, the regulations may differ depending on where the sale takes place (*i.e.* on board the vessel or on the pier). Additionally, contact each local Customs and Border Protection office prior to selling souvenirs and merchandise.

### Penalties

Anyone who knowingly violates applicable regulations faces delay, fines or possibly even imprisonment. The best way to ensure a trouble-free and pleasant stay in the US is to contact the Coast Guard or local US Consul as soon as you have an itinerary to ensure you are up to date on the US rules and to seek waivers or equivalent procedures.

## Agricultural Products

US law generally prohibits the introduction of any perishable agricultural products into the United States; these include dairy products, fresh fruit and vegetables, fresh meats and fish, etc. These laws are enforced by the Agriculture department of the Customs and Border Protection which inspects arriving vessels and aircraft and debarking passengers and crew members.

If you have such products on board you may retain and continue to consume them on board, but any garbage resulting from their consumption must be disposed of in segregated containers provided by the port.

## **B) US PASSPORTS AND VISAS**

As of January 2008, all foreign nationals arriving in the U.S. by sea or air will be required to have a valid passport. As a general rule, the passport should be valid for 6 months beyond the expected date of departure from the U.S. In addition, all foreign nationals will be required to obtain a B1/B2 visa. Canadian and Bermudian citizens do not require a visa to enter the U.S.

Information on Bermudan visas:

<http://hamilton.usconsulate.gov>

Participants in this event should be aware that the visa waiver program allowing nationals of participating countries to enter the U.S. for 90 days without a visa cannot be utilized by persons arriving in the U.S. on carriers that are not signatories to the VWP (Visa Waiver Program) agreement. Tall Ships and other non-commercial vessels are rarely signatories to the agreement, and therefore crew must obtain B1/B2 visas. B1/B2 visas are non-immigrant visas for business or pleasure.

Permanent, full time, professional crew members must have a valid C1/ D visa but, they are reminded that they may only stay in U.S. waters for 29 days.

<http://italy.usembassy.gov/visa/vis/VIS-3-en.asp>

Please apply for these visas very early - the visa offices are quite busy and interviews are required in many countries. See the attached web sites below for further details:

<http://travel.state.gov/visa/tempvisitors.html> and

<http://travel.state.gov/> and <http://cbp.gov>

and <http://uscis.gov>

## Passports and Visas, continued

U.S. Citizens will need passports to re-enter the U.S. from Canada by sea. Legal Permanent Residents should have their "green cards."

Information regarding application for or renewal of passports can be found at: [http://travel.state.gov/passport/passport\\_1738.html](http://travel.state.gov/passport/passport_1738.html)

## International Documentation:

Non-US flagged sail training vessels operating in US waters should be certified by their flag state or classification society as a passenger or sail training vessel. Vessels of 500 or more gross tons must have either a SOLAS certificate or an International Maritime Organization (IMO) Code of Safety for Special Purpose Ships Certificate. Non-US flagged sail training vessels may also require a currently endorsed load line, international tonnage certificate, safety construction, safety equipment, radiotelegraph, and other SOLAS certificates depending on the vessel's size and route.

## Garbage Discharge

Under MARPOL Annex V and US law, it is illegal for any vessel to discharge plastics or garbage containing plastics into any waters.

Additional restrictions on dumping non-plastic waste are as follows:

Within 3 NM of shore, vessels may not dump plastics or any other type of trash.

Within 3-12 NM of shore, vessels may not dump plastics, dunnage, lining, or packing materials that float as well as all other trash that is not ground to less than 1 inch.

Within 12-25 NM of shore, vessels may not dump plastics, dunnage, lining, and packing materials that float.

Beyond 25 miles, vessels may not dump plastics.

## Sewage Discharge

Discharge of raw sewage from a vessel in US waters (within 3 NM from shore) is illegal. Vessels with installed toilets must have either a Marine Sanitation Device (MSD) that is certified to meet Coast Guard standards or that meets the IMO Certificate of Type test, or a holding tank that meets 33 CFR 159.12a. Vessels over 65 feet in length that have a certified MSD must have either a Type II or III device. These either treat the sewage or hold it for discharge in an appropriate place. Vessels not equipped with approved equipment should make arrangements with sponsoring ports for dockside facilities and seek approval from the local Coast Guard Marine Safety Office to seal shut overboard discharge valves.

### **No-Discharge Zones (NDZ) for Vessel Sewage**

NDZs are established under CWA Section 312. More information may be found at the Environmental Protection Agency Ocean Regulatory Programs web site: [http://www.epa.gov/owow/oceans/regulatory/vessel\\_sewage/vsdnozone.html](http://www.epa.gov/owow/oceans/regulatory/vessel_sewage/vsdnozone.html)

The tables list States where the current no-discharge zones (NDZs) for vessel sewage are located. The tables also include the names of the waterbodies, the type of designation and a link to the Federal Register Notice describing the action. NDZ designation types include:

312(f)(3) protecting aquatic habitats where pumpout facilities are available;

312(f)(4)(A) protecting special aquatic habitats or species; and

312(f)(4)(B) protecting drinking water intake zones to protect human health.

## **C. VESSEL SECURITY**

If your vessel is non-military and over 500 gross registered tons, you will need an ISSC from your government. Please send a copy of your ISSC to ASTA as soon as possible. Vessels under 500 tons may prepare a modified vessel security plan especially for the ASTA series as it has a MENS designation. Visit the US Coast Guard web site for further information regarding Maritime Security Regulations: <http://www.uscg.mil/hq/g-m/mp/mtsa.shtml>

### **Marine Event of National Significance**

Each year since 2000, the U.S. Coast Guard has designated the annual ASTA series as a "**Marine Event of National Significance**" (MENS). This allows non-US vessels to apply for special permission to carry paying trainees between US ports. The trainees must be involved in the operation of the ship and engaged in a formal educational program while on board. And vessels must be inspected by their national authority or a recognized classification society.

The **Application for Special Permit** is required for those vessels wishing to carry passengers-for-hire for the duration of the port event. Additional information can be found at the following web site [http://www.uscg.mil/hq/cg5/nvic/pdf/2000/2\\_00/n2-00.pdf](http://www.uscg.mil/hq/cg5/nvic/pdf/2000/2_00/n2-00.pdf) and the following applications:

[http://www.uscg.mil/hq/cg5/nvic/pdf/2000/2\\_00/app1.pdf](http://www.uscg.mil/hq/cg5/nvic/pdf/2000/2_00/app1.pdf)

[http://www.uscg.mil/hq/cg5/nvic/pdf/2000/2\\_00/app2.pdf](http://www.uscg.mil/hq/cg5/nvic/pdf/2000/2_00/app2.pdf)

[http://www.uscg.mil/hq/cg5/nvic/pdf/2000/2\\_00/app3.pdf](http://www.uscg.mil/hq/cg5/nvic/pdf/2000/2_00/app3.pdf)

[http://www.uscg.mil/hq/cg5/nvic/pdf/2000/2\\_00/app4.pdf](http://www.uscg.mil/hq/cg5/nvic/pdf/2000/2_00/app4.pdf)

#### **Attraction Vessel Inspection:**

If you are planning to open your vessel to visitors or host a public reception while in port in the US and will earn fees for doing so, you must request Coast Guard inspection as a moored Attraction Vessel. This inspection is made primarily to ensure that arrangements for boarding and egress are safe and that the vessel has adequate fire protection. This inspection must be conducted in each port visited and can only be conducted after the vessel is moored and gangways are in place. Two (2) ring buoys with attached lines are required equipment for any vessel open to the public. Two (2) gangways are suggested. Further guidance can be found in the Coast Guard Marine Safety Manual, Volume II, Section B, Page 82-91 at the following link: [http://www.uscg.mil/hq/cg5/NVIC/pdf/2000/2\\_00/app4.pdf](http://www.uscg.mil/hq/cg5/NVIC/pdf/2000/2_00/app4.pdf)

**Port State Control Examination:** Information can be found at: [G-PCV Policy Letter 06-01](#)

#### **D) POLLUTION PREVENTION**

All vessels are subject to US environmental laws and regulations while in the waters of the United States. If your vessel's fuel capacity is 250 bbls (barrels) or more and you intend to bunker within US waters, you must comply with the Oil Pollution Prevention regulations (33 CFR 155 & 156). These regulations require containment devices such as drip pans, secured scuppers, and written transfer procedures prior to bunkering or transferring fuel.

Additionally, all vessels entering U.S. water require a **Certificate of Financial Responsibility (COFR)** provided by a domestic (U.S.) underwriter. This certificate demonstrates that sufficient insurance has been obtained to pay for cleanup of any oil spilled in US waters.

**For detailed information about this ruling and to obtain the appropriate coverage, contact:**

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#### **Oil Discharge**

MARPOL Annex I rules generally apply in US waters. Under this convention, vessels en route, but not in a special area, may not discharge more than 15 ppm (parts per million) of oil within 12 nautical miles (NM) of shore and 100 ppm beyond 12 NM from shore. In both cases, an oily water separator (OWS) with a monitor and alarm must be used. A sheen may not be created.