



U.S. Customs and
Border Protection

DATE: October 21, 2008

PORT OF CHARLESTON NOTICE NO: FY2009-03

TO: Vessel Carriers, Brokers, Importers, Owners, Agents, and Other interested Parties

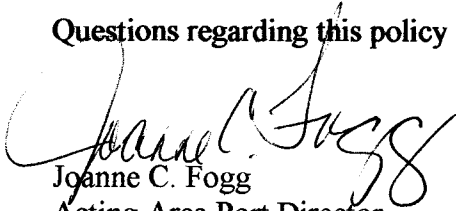
SUBJECT: U. S. Coast Guard Certificate of Financial Responsibility (COFR) for Vessels

On September 17, 2008, the Coast Guard published a Final Rule in the Federal Register (73FR53691) amending the regulatory requirements, under the Oil Pollution Act of 1990 and the Comprehensive Environmental Response, Compensation and Liability Act, for vessel operators (as defined in the rule) to establish and maintain evidence of financial responsibility. This rulemaking eliminates the requirement in Title 33, Code of Federal Regulations, Section 138.65 that an original Certificate of Financial Responsibility (COFR), or authorized copy thereof, be carried aboard covered vessels effective October 17, 2008.

Vessel operators must have a COFR for vessels over 300 gross tons using the navigable waters of the United States. In addition, any vessel, regardless of tonnage, that is lightering or transshipping oil in the Exclusive Economic Zone (EEZ) of the U.S., must have a COFR. The EEZ consists of those areas adjoining the territorial sea of the U.S., the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and U.S. overseas territories and possessions and extends up to 200 nautical miles (370 km) from the U.S. coastline. The only exceptions to the COFR requirement are public vessels and non-self propelled barges that do not carry oil as fuel or cargo and do not carry hazardous substances as cargo. These two types of vessels do not require a COFR.

COFR information is publicly available on the National Pollution Funds Center (NPFC) website at <https://npfc.uscg.mil/cofr/default.aspx>.

Questions regarding this policy may be referred to the Supervisory CBPO at (843) 727-4387.


Joanne C. Fogg
Acting Area Port Director