

# ABS REGULATORY NEWS

No. 04/2025



## CHANGES TO USCG SEXUAL ASSAULT AND SEXUAL HARRASSMENT (SASH) REGULATIONS

USCG Audio and Video Surveillance Requirements Entered into Effect on 23 December 2024.

*This publication supersedes the earlier ABS Regulatory News No. 10/2024, with the addition of clarifying the applicability to foreign flagged vessels directly engaged in Outer Continental Shelf (OCS) activities.*

*On 23 December 2024, the USCG published MSIB 13-23, CH 3, clarifying that the requirement contained in 46 U.S.C. § 4901 for Audio and Video Surveillance equipment is applicable to foreign flagged vessels directly engaged in OCS activities and operating superjacent to the United States OCS for more than 72 hours.*

### BACKGROUND

Sexual assault and sexual harassment are issues faced by merchant mariners around the world. The cooperation to end this type of behavior and create a safe working environment for everyone on board a vessel has increased in recent years with regulatory efforts by the United States Government and Coast Guard being placed into effect to protect mariners.

The James M. Inhofe National Defense Authorization Act (NDAA) for Fiscal Year 2023 was signed into law on December 23, 2022, and created new requirements applicable to all US flagged vessels to enhance the safety of the crew onboard during operations under Title 46 of the United States Code (U.S.C.). For vessels subject to EMBARC, they will need to meet both the EMBARC and NDAA requirements (EMBARC applies to vessels subject to carrying cadets from the United States Merchant Marine Academy at Kings Point).

### KEY NOTES

#### Audio and Video Surveillance Systems:

- Vessels must **have installed** audio and video surveillance equipment no later than 23 December 2024 if the vessel has drydocked between 23 December 2022 and 23 December 2024. If the vessel has not drydocked between these dates, it must comply during its next scheduled drydocking.

#### Master Key USCG Definition:

- A master key is any physical key, keys or electronic means that can access multiple or all secure compartments, rooms or areas of a vessel. Specifically, areas that are not meant to be accessed from the outside when they are occupied such as staterooms and bathrooms. This includes duplicate keys given to an individual occupying a single stateroom. There may also be multiple master keys or a system of keys onboard.

## ACTIONS FOR COMPLIANCE

The new NDAA requirements fall into the following three categories: posted signage, video and audio surveillance, and a master key system. Vessels with an active Safety Management System (SMS) must also incorporate policies and procedures found in CVC-WI-004(3), U.S. Flag Interpretations on the ISM Code, as well as the USCG Policy Letters and Marine Safety Information Bulletins (MSIB) listed below in their SMS.

## SPECIFIC REQUIREMENTS

The following requirements were signed into law on 23 December 2022. Audio and video surveillance equipment must be installed no later than 23 December 2024 or the next drydock period. The USCG is looking for the best efforts by this date.

### POSTED SIGNAGE

All US flagged merchant vessels that began construction after March 4, 1915, must follow the requirements listed below as per USCG Policy Letter 23-04.

**Exemption:** Yachts, pilot vessels, and vessels less than 100 gross tons do not need to follow these requirements.

1. Each crew berthing area must have the following information on a physically posted signage made from durable material that is located at eye level on a vertical wall, bulkhead, or other vertical structure, and is easily legible due to the font, size, and clear concise statements used:
  - a. Vessel owner or company policy prohibiting sexual assault and sexual harassment, retaliation, and drug and alcohol usage.
  - b. Procedures and policies to report SASH and other crimes, as well as
    - i. The telephone number, email address, and website address to report SASH allegations to the Coast Guard.
    - ii. Vessel owner or company procedures to report a breach of company policy and how to access company helpful resources.
    - iii. Outside organization resources such as counseling.
    - iv. Retention time requirements for surveillance footage after a SASH incident occurred.
    - v. Any additional items specified in USCG regulations.
2. Each crew washing area must have the following information on a physically posted signage made from durable material that is located at eye level on a vertical wall, bulkhead, or other vertical structure, and is easily legible due to the font, size, and clear concise statements used:
  - a. Vessel owner or company policy prohibiting sexual assault and sexual harassment, retaliation, and drug and alcohol usage.
  - b. Procedures and resources to report crimes including sexual assault and sexual harassment.

## AUDIO AND VIDEO SURVEILLANCE

All US flagged commercial vessels that do not carry passengers and foreign flagged vessels engaged in OCS activities must follow the requirements listed below as per USCG Policy Letter 23-05, including:

- a.) Vessels that have overnight accommodation for at least 10 people and are either on a voyage of at least 600 miles and cross seaward of the Boundary Line or are at least 24 meters (79 feet) in length and are required to have a load line or are operating over the outer Continental Shelf for at least 72 hours.
- b.) Vessels of 500 gross tons or more on an international voyage.

**Exemption:** Fishing Vessels, fish processing vessels, and fish tendering vessels are exempt from these requirements. These requirements are not applicable to foreign flagged vessels which are solely transiting the Outer Continental Shelf.

1. Continuous video and audio surveillance equipment must be installed in every area where doors from staterooms open. All stateroom doors must be easily seen from all angles and not obstructed with the ability to clearly recognize personal in every ambient lighting situation from the video recording technology. Audio recording equipment must be able to reasonably discern normal conversations in all ambient noise environments of the vessel.
2. Posted signage on durable material that is in an easily accessible area, is at eye level, and is clearly legible and concise must be present on board the vessel to notify the crew of continuous audio and visual recording.
3. Vessel owners must maintain video and audio recordings for at least 1 year and at least 5 years if the recording relates to a SASH incident. Recordings can be kept physically on a vessel or in a cloud format, but must have accurate time synchronization, time stamping, and metadata.
  - a. Only human activity needs to be recorded allowing for the use of motion or sound activated recording technology on board a vessel to limit data storage.
4. All employees must be trained to respond to sexual assault and sexual harassment. Training records must be kept including the date and location of the training, topics covered, and employees present, and these records as well as training procedures and policies must be added to the SMS if one is present.
5. Vessel owners must ensure that access to video and audio surveillance recordings is not used in any labor action or employment dispute unless for a civil or criminal action.

## MASTER KEY CONTROL SYSTEM

All US flagged vessels subject to inspection must follow the requirements listed below as per USCG Policy Letter 23-06. This includes freight vessels, nautical school vessels, offshore supply vessels, passenger vessels, sailing school vessels, seagoing barges, seagoing motor vessels, small passenger vessels, steam vessels, tank vessels, fish processing vessels, fish tender vessels, Great Lakes barges, oil spill response vessels, and towing vessels.

**Exemption:** Passenger vessels that are authorized to carry and have overnight accommodations for 250 passengers or more that disembark and embark in the United States are exempt from these requirements.

1. Vessels must have a master key system. This system shall provide and control access to all master keys both physical and electronic onboard the vessel. A list of all crewmembers identified by position in the master key control system must be kept onboard and up to date as well as in the vessel owner's records and SMS.
2. Vessels must keep records in a logbook of every time a master key is used to access a location including the date, time, location accessed, and the crewmembers name and rank that used the key. This logbook should be centrally located aboard the vessel and included in the SMS.
3. The records stated above as well as the list of all crewmembers that have access to and use of the master key must be given to the USCG, the Federal Bureau of Investigation, or any law enforcement officer conducting an investigation if requested.
4. Vessels are to implement the following for an effective master key system.
  - a. The owner must specify personnel to be responsible for the list of persons with access to the master key.
  - b. All master keys must be catalogued with their storage locations. Physical keys should be kept in a secure space and electronic keys should be kept in a system that can control and log access.
  - c. Unless actively used by a crewmember, keys must be in their storage location.
  - d. The system should be regularly audited by a vessel's owner, operator or captain to ensure it is effective.
  - e. Crewmembers with master key access should know their responsibilities as well as the implications of losing or duplicating a key.
  - f. Rekeying is necessary during compromises to the system
  - g. All crewmembers should be trained on the master key control system and related policies and procedures.
  - h. Vessels with an SMS must maintain required records and training records in their system.
5. Crewmembers not included in the master key control system should not have access to the master key unless there is an emergency, and in this case should immediately inform the master and owner and log the use of the key.
6. No temporary or verbal authorization of crew members not in the master key control system to use the master key should be allowed unless in an emergency.
7. Persons associated with the safety and the security of the vessel, such as Designated Person Ashore (DPA) should be included in the required list if they have access to the master key.

## REFERENCES

Document	Title
<a href="#">46 U.S.C. § 11101</a>	Title 46, United States Code (U.S.C.) § 11101, Accommodations for seamen
<a href="#">46 U.S.C. § 4901</a>	Title 46, United States Code (U.S.C.) § 4901 – Surveillance requirements
<a href="#">46 U.S.C. § 3106</a>	Title 46, United States Code (U.S.C.) § 3106 – Master key control system
<a href="#">CVC-WI-004(3)</a>	U.S. Flag Interpretations on the ISM Code
<a href="#">USCG Policy Letter 23-04</a>	Guidance on Statutory Information Requirements within Accommodation Spaces on Merchant Vessels
<a href="#">USCG Policy Letter 23-05 CH-1</a>	Guidance on Surveillance Requirements for Certain Commercial Vessels that do not Carry Passengers
<a href="#">USCG Policy Letter 23-06</a>	Guidance on Master Key Control Requirements on Merchant Vessels
<a href="#">MSIB 13-23 CH-3</a>	Coast Guard Policies to Address Sexual Assault and Sexual Harassment Prevention and Response on Vessels
<a href="#">MSIB 01-23</a>	Reporting Sexual Misconduct on U.S. Vessels

### WORLD HEADQUARTERS

1701 City Plaza Drive | Spring, TX 77389 USA

P 1-281-877-6000 | F 1-281-877-5976

ABS-WorldHQ@eagle.org

www.eagle.org

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