

	OFFICE OF MARINE AND AVIATION OPERATIONS	POLICY 1702	VERSION 1.0
		EFFECTIVE DATE November 7, 2011	
	AUTHORIZED BY:  RADM Jonathan W. Bailey, NOAA Director, Office of Marine and Aviation Operations	REVIEW DATE November 7, 2012	
		RESPONSIBLE POSITION Chief SECD	

NOAA SHIP SAFETY AND ENVIRONMENTAL STANDARDS WAIVERS AND EXEMPTIONS

1. PURPOSE

- 1.1 This policy provides requirements for the Office of Marine and Aviation Operations (OMAO) to request waivers or exemptions from safety and environmental compliance standards and policies required by OMAO for National Oceanic and Atmospheric Administration (NOAA) ships.

2. SCOPE

- 2.1 This policy applies to all NOAA ships.
- 2.2 This policy applies when there are deficiencies preventing a NOAA ship from sailing.
- 2.3 Legally applicable standards and regulations can never be waived, altered, or exempted. OMAO requested and authorized waivers and exemptions can only be granted under this Policy in the following situations:
- An OMAO requirement or regulation internally developed, required, and implemented.
 - OMAO voluntarily chooses to adhere to international, federal, or state regulations.
- 2.4 Waivers and exemptions to safety and environmental standards and policies as detailed in OMAO policy are generally not permitted. Careful consideration must be given when it is determined to deviate from a standard or requirement.
- 2.5 When requesting or approving a waiver or exemption from OMAO policy, an Operational Risk Management (ORM) assessment must be implemented in accordance with OMAO Procedure 1701-14.
- 2.6 The Commanding Officer (CO) of a NOAA ship shall ensure risk management procedures are fully integrated into any and all approved waivers or exemptions from OMAO policy.

International, federal, state regulations, laws, or requirements that apply to NOAA ships and operations cannot be waived or exempted unilaterally by OMAO. Only the regulatory agency that enforces the regulation may provide waivers or exemption where appropriate.

3. POLICY

- 3.1 Minimum Requirements to Request a Waiver or Exemption from OMAO Policy
- 3.1.1 To request a waiver or exemption from an OMAO policy, the following conditions must be met:

- Reasonable effort was made to problem-solve and find alternatives to meet the standard.
- Controls can be employed that will produce an equivalent or greater level of safety or environmental protection.

3.1.2 An operational risk assessment must be conducted by the originator of the request and documented in accordance with OMAO Procedure 1701-14, Operational Risk Management. Before a waiver/ exemption may be considered, mitigation strategies identified in the ORM must be sufficient to reduce the risks to an acceptable level. While not the sole purpose of ORM, it serves as an effective tool to help ensure an equivalent level of safety or alternative means of environmental compliance is identified and met.

4. GUIDANCE

Guidance is provided in related procedure 1702-01 NOAA Ship Safety and Environmental Standards Waivers and Exemptions Procedure.

5. RESPONSIBILITIES

- 5.1 The OMAO Director assumes ultimate responsibility for all waivers and exemptions based on OMAO policy.
- 5.2 The SECD Chief shall review and evaluate regulatory compliance issues associated with all waiver and exemption requests.
- 5.3 The MAOC Director shall review and approve requests for waivers and exemptions based on OMAO policy, and send any endorsement of waiver or exemption requests to the SECD Chief.
- 5.4 The MOC Director shall evaluate all requests for waivers and exemptions from OMAO policy; and send any endorsement of waiver or exemption requests to the MAOC Director.
- 5.5 The MOC-CO shall evaluate all recommendations for waivers and exemptions from OMAO policy; and send any endorsement of waiver or exemption requests to the MOC Director.
- 5.6 Ship COs shall be responsible for enforcing any and all conditions or terms regarding the approval of any waivers or exemptions applicable to their ship.
- 5.7 The STEM Chief shall be responsible for evaluating all requests for waivers and exemptions; and ensure the risk assessment is complete in accordance with OMAO procedures and does not violate any known safety or environmental standards.
- 5.8 The Chief, Marine Engineering, shall review and evaluate all waivers and exemptions requiring significant ship modifications, and provide detailed cost estimates and recommendations for phased implementation of modifications needed to meet standards in accordance with OMAO and NOAA policy.
- 5.9 Port Engineers shall evaluate requests for waivers and exemptions from mechanical and electrical engineering standards required by OMAO policy; and assemble all technical documentation packages required for a waiver or exemption for requirements. When it is determined that a repair or modification of the ship is beyond the capability of the ship's force to resolve, the Port Engineer shall generate and provide labor and material estimates from contractual services for full compliance with OMAO policy.
- 5.10 The Small Boat Program Manager shall provide technical review and recommendations for all waivers and exemptions involving small boats and rescue boats onboard NOAA ships.
- 5.11 The OMAO Director of Health Services shall provide technical review and recommendations for all waivers and exemptions involving health and sanitation issues.

- 5.12 The Fleet Inspection Team shall randomly audit approved waivers and exemptions for compliance with the requirements and conditions specified in the approved waiver or exemption.
- 5.13 The Electronics Engineering Division shall evaluate requests for waivers and exemptions from standards required by OMAO policy for electronics.
- 5.14 The OMAO Security Officer will evaluate requests for waivers and exemptions from standards required by OMAO ship and port facility security policies.
- 5.15 NOAA GC shall determine if OMAO waivers or exemption requests can be legally granted.

6. DEFINITIONS

Waiver	Temporary deferment from an established standard or requirement specified in OMAO policy. Waivers will have a start and end date. If an end date cannot immediately be determined, a reasonable target end date will be assigned and evaluated upon expiration. Waivers will not be extended without exceptional circumstances. Those circumstances are evaluated by the OMAO Director.
Exemption	An exemption is a permanent departure from a standard specified in OMAO policy.
Originator	The individual who initiates the waiver or exemption request. In most cases, this will be the ship's CO.

7. REFERENCES

No references related to this document.

8. AUTHORITY

OMAO Policy 1701

9. NOTES

Effect on other documents: None.

Distribution: MOC-A/P, NOAA Ships, Small Boat Program Manager

Document History:

<u>Version</u>	<u>Effective Date</u>	<u>Brief Description of Changes</u>
1.0	11/7/11	Initial Document