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**NATIONAL
OCEAN
INDUSTRIES
ASSOCIATION**

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Captain Mark Neeland
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Subject: Policy Letter 23-05, "GUIDANCE ON SURVEILLANCE REQUIREMENTS FOR CERTAIN COMMERCIAL VESSELS THAT DO NOT CARRY PASSENGERS," November 13, 2023 – Request for Clarification

Dear Captain Neeland,

The National Ocean Industries Association ("NOIA"), respectfully submits this letter to request clarification on the guidance issued through Policy Letter 23-05, issued November 13, 2023, and entitled "GUIDANCE ON SURVEILLANCE REQUIREMENTS FOR CERTAIN COMMERCIAL VESSELS THAT DO NOT CARRY PASSENGERS." Through this policy letter, the U.S. Coast Guard ("USCG") is implementing the mandates of the Safer Seas Act (Title CXVI of the James M Inhofe National Defense Authorization Act for Fiscal Year 2023), which was passed into law on December 23, 2022. The passage of the Safer Seas Act is a critical step forward for the prevention of sexual assaults and sexual harassments at sea and for making the seas safe for merchant mariners.

For the past 50-plus years, NOIA has represented the interests of all segments of the offshore energy industry, including offshore oil and gas, offshore wind, offshore minerals, and offshore carbon sequestration. Our membership includes energy project leaseholders and developers and the entire supply chain of companies that make up an innovative ecosystem contributing to the safe and responsible exploration, development, and production of U.S. oil and natural gas supplies. Offshore projects, of any type, require ongoing vessel support from construction through operations and through final decommissioning of projects. Our membership includes companies involved in vessel use and operations throughout the entire lifecycle of an offshore project. NOIA's members thus have a direct interest in Policy Letter 23-05 and the USCG's implementation of the requirements of the Safer Seas Act.

The USCG issued Policy Letter 23-05 in November in order to set forth its policy and guidance for the implementation of the Safer Seas Act. NOIA requests clarifications in order to improve the overall effectiveness of the program, considering the continuous advancement of video surveillance technology. NOIA specifically seeks clarification and improvement in the guidance related to the video recordings. The Policy Letter states that "video and audio recordings must be continuous and without interruption." The reasonable interpretation of this phrase is that the recordings must be continuous and without interruption while the system is recording individuals and their movements and sounds. In other words, with modern

technology, motion-activated video surveillance equipment effectively and efficiently captures all movements and sounds of individuals with the zone of recording of the camera equipment.

The intent of the Act is clearly to ensure that there is a video and audio record of everyone entering and exiting staterooms. The Act is written with a level of flexibility for implementation by the USCG. Motion-activated technology effectively and efficiently meets the statutory objective of ensuring there is a video record of individuals entering and exiting staterooms. If the Act is interpreted differently – to require video recordings continuously when no one is present – then it would result in unintended consequences that would diminish the effectiveness and efficiency of the program and surveillance system. This interpretation would result in thousands upon thousands of hours of recordings with no one present and with thus little to no value. The magnitude of surveillance data the USCG is expecting the shipping industry to retain under the Policy Letter presents a significant challenge to store and manage, without added value beyond the data captured through motion-activated technology. It would be most reasonable to conclude that the law did not contemplate the retention of thousands upon hours of hours of footage of empty hallways of blank tape.

It is also important to note the dramatic surge in demand for and use of data centers. The exponential growth in demand for data centers is correspondingly putting pressure on the nation's electric grid, driving up demand for energy, and increasing emissions. Motion-activated surveillance will help alleviate these concerns by requiring far less data storage than 24/7 continuous monitoring.

Thus, it is NOIA's position that continuous recording while motion is detected and is ongoing in the area requiring audio and video surveillance meets the requirement for continuous monitoring. NOIA requests USCG to confirm this.

Thank you for your attention to this matter. Please contact me with any questions or if you would like to discuss them further. We could easily arrange for our members to participate in further discussions.

Very respectfully,



Erik Milito
President
National Ocean Industries Association