

New Certificate of Compliance Process FAQs

(April 2024)

1. **Has the Coast Guard Eighth District (D8) Outer Continental Shelf (OCS) Division process for issuing Certificates of Compliance changed?** Yes. The D8 OCS Division has amended its processes and procedures regarding Mobile Offshore Drilling Unit (MODU) Certificate of Compliance (COC) issuance and validity.
2. **How have the processes changed?** The D8 OCS Division will primarily conduct exams once a MODU is on the lease location and engaged in development or production operations, as defined in 43 USC 1331. Option “B” & “C” MODUs will receive one (1) year COCs once remote verification of flag/class documents is completed. Subsequent on-deck examination will be completed within that same year focused on workplace safety, and emergency response efficacy.
3. **Why were these changes implemented?** This office has recalibrated its MODU oversight to more closely conform with statutory authority and enacting regulations. Namely those of 43 USC 1132(2) and 43 USC 1348(c), as implemented by 33 CFR 140.3, 33 CFR 140.10, and 33 CFR 143.200.
4. **How do international treaties and enacting US statutes pertain to this decision.** International treaties and enacting US statutes provide for acceptance as evidence of lawful inspection an unexpired certificate of inspection issued by a country whose inspection laws and standards are deemed equivalent to those of the United States. A foreign country is considered to have inspection laws and standards similar to those of the United States when it is a party to an International Convention for Safety of Life at Sea to which the United States Government is currently a party and presents a certification of inspection which attests that a vessel complies with either the IMO MODU Code or national standards accepted by the USCG as equivalent (presently only Panama and Marshall Islands).
5. **To which units does this change apply?** The approach discussed applies only to foreign-flagged MODUs which qualify for design and equipment compliance certification under subsections (b) or (c) of 33 CFR 143.207 (aka Option “B” and Option “C” MODUs). All other changes (e.g. location, validity, etc.) apply to all foreign MODUs requesting a D8 OCS Division COC.
6. **Why is the revised process not utilized for foreign-flagged MODUs examined under 33 CFR 143.207 subsection (a) (aka “Option A” MODUs)?** As opposed to exams of Option “B” and Option “C” MODUs certificates issued by flag states which attest to compliance with national standards as opposed to those of the IMO or recognized by the USCG as equivalent to those of 46 CFR 108 cannot be accepted in lieu of OCMI examination. Therefore, USCG attendance is required prior to COC issuance for Option “A” MODUs.
7. **How are U.S. flagged MODUs impacted by this new process?** U.S. flag procedures and norms concerning vessel Certificates of Inspection are unchanged.

8. **What is the frequency of MODU COC exams?** 33 CFR 143.210 states that a letter of compliance is valid for one year or until the MODU departs the OCS for foreign operations, whichever comes first. Therefore, the OCMI requires a scheduled onsite exam at least once per year.
9. **What is the validity period for COCs?** 33 CFR 143.210 states that a letter of compliance is valid for one year or until the MODU departs the OCS for foreign operations, whichever comes first. Accordingly, full-term COCs will expire 365 days after issuance. Flag/class issued documents, which for the basis of COC issuance, must remain valid for COC validity to remain undisturbed.
10. **Will exams be conducted when a MODU is not attached to a federal lease?** Not normally. It is OCMI preference that MODU examinations be conducted when a MODU is under the jurisdiction of 43 U.S. Code § 1333 namely, attached to the federal submerged lands pursuant to Exploration or Development activities so as to be considered an “OCS Facility” as defined in 33 CFR 140.10.
11. **What is the focus of MODU exams?** Pursuant to 43 USC 1356(a)(2), as enacted by and 33 CFR 143.210, MODU COC issuance is determined based on determination of design and equipment compliance. Onsite attendance is primarily focused on assessing compliance with 43 USC 1348(c) and 43 USC 1356 which are implemented collectively by Parts 141, 142, and 146 of 33 CFR.
12. **The lease operator requires a valid COC as a condition of contract issuance. Will a COC be issued in such a circumstance?** No. It is the responsibility of the contracting lease operator to vet MODUs being considered for contract and remain responsible for ensuring compliance with statutory and regulatory requirements.
13. **Is a foreign MODU required to maintain a COC when not on lease?** No. MODUs without projected contract/permitting needs are not required to maintain a current COC.
14. **How will MODU compliance be documented?** Per 46 CFR 2.01-6, a Certificate of Compliance (COC) (Form CG-3585) will be issued in lieu of the letter of compliance referenced in 33 CFR 143.210.
15. **I have questions concerning scheduling. Who should I contact?** Please contact OCSScheduling@uscg.mil.
16. **I have additional questions about this policy that were not answered within these FAQs. Who should I contact?** For policy interpretation questions, please contact OCSCorrespondence@uscg.mil.