Working in a COVID-19 World: Maritime Industry
“As a maritime company, my employees are considered essential critical infrastructure workers. What medical, safety, and other requirements must I address to protect my team members and my company?”

Maritime companies face a number of unique challenges during the COVID-19 era. Deemed essential personnel by government agencies, many maritime workers also perform their tasks under close conditions that place them at a higher risk for transmission of the novel coronavirus. To help employers with operations in the United States balance safety and job performance requirements, the US Centers for Disease Control (CDC), the US Coast Guard (USCG), US Customs and Border Protection (CBP), and other agencies have developed guidelines on employee self-monitoring, testing, illness reporting, and other issues.

The following includes guidance and checklists on specific COVID-19-related issues for the maritime industry, as well as tips for employers, agency contact information, and additional online resources.
Certain maritime workers are considered Essential Critical Infrastructure Workers pursuant to the Cybersecurity and Infrastructure Security Agency (CISA). Consider United States Coast Guard (USCG) Marine Safety Information Bulletin (MSIB) Number 11-20.

In a non-exhaustive list, the CISA/MSIB guidance deems the following to be essential personnel, and therefore provide a critical function to maintain public health and safety, and economic and national security during the pandemic: merchant mariners, pilots, longshoremen, representatives of seafarers’ labor organizations, marine consultants, naval architects, shipyard workers, Classification Society surveyors and auditors, vessel owners and operators, bridge operators, lock and dam operators, commercial barge fleeting personnel, crane operators, cargo operators, dredging operators, and federal and state agency personnel (e.g., Coast Guard, Customs and Border Protection, Centers for Disease Control and Prevention, Army Corps of Engineers, local health & safety organizations). Other related industries are also Essential Critical Infrastructure Workers, including transportation workers, petroleum workers, workers who support hazardous materials response and cleanup, critical manufacturing workers throughout the supply chain, and workers who provide medical services meeting shipboard medical needs.

REPORTING

- All vessels calling on US ports are now required to report crew and passenger illnesses to the applicable Captain of the Port (COTP) and the Centers for Disease Control (CDC), immediately, or 15 days prior to arriving in a US port.
- The USCG has deemed the illness of a person onboard a vessel that may adversely affect the safety of the vessel or port facility a “hazardous condition” pursuant to 33 CFR 160.216. Illnesses must be reported immediately to the applicable COTP and the CDC. Additional guidance and reporting requirements can be found here: MSIB Number 02-20 (Change 4).
- The USCG issued MSIB Number 06-20 on Vessel Reporting Requirements for Illness or Death, which sets forth the definition for an ill person on board a vessel, including a fever of 100.4°F for greater that has persisted for more than 48 hours. Illnesses on board a vessel must be reported to both the Coast Guard and the CDC, immediately. Masters who fail to do so are subject to Coast Guard enforcement action, including civil penalties, vessel detentions, and criminal liability. In short, if a crewmember exhibits symptoms consistent with COVID-19 or other flu-like illnesses, it must be reported to the applicable COTP.

EMBARKATION/DISEMBARKATION

Commercial vessels that have been in affected countries, including Iran, China, European states within the Schengen Area, and the United Kingdom and Ireland, within the past 14 days, with no sick crewmembers, will be permitted to enter the US and conduct normal operations, with restrictions. Crewmembers will be required to remain on board the vessel except to conduct specific activities directly related to vessel cargo or provisioning operations. Crewmembers with a transit and/or crewmember visa may be permitted to disembark provided they are cleared by Customs and Border Protection (CBP), and, if applicable, the CDC. All persons who have been in or through an affected country may be subject to CDC screening prior to disembarking in a U.S. port.

The authority to impede a seafarer from embarkation/disembarkation rests solely with CBP, the Coast Guard, or the CDC. Facility operators should contact local CBP, the Coast Guard, or the CDC to request specific restrictions on crewmembers’ access. In New Orleans, the Area Port Director of the CBP has restricted the disembarkation of all foreign crewmembers; see SC20-023. Crew sign-offs with D-2 visas will be granted if the crewmember has direct and continuous travel out of the United States, provided the crewmember is not exhibiting symptoms of coronavirus and has valid travel documents. The USCG issued specific guidance to port and facility operators in MSIB Number 07-20 (Change 1) to ensure the safety and security of workers, ports, and facilities.

DOCUMENTATION, CERTIFICATES, AND ENDORSEMENTS

MSIB Number 08-20, Change 1 provides guidance related to mariner credential endorsements and medical certificates. Specifically, the MSIB states that Regional Examination Centers and Monitoring Units will be closed until further notice.
All Merchant Mariner Credentials and Medical Certificates that are set to expire between March 1, 2020, and July 31, 2020, are extended until October 31, 2020. Mariners should carry the expired credential with a copy of the MSIB. Similarly, STCW Endorsements and STCW Medical Certificates that expire between March 1, 2020, and July 31, 2020, are extended until October 31, 2020. Mariners should continue to carry the expired credential with a copy of the MSIB. Additionally, all Additional Information letters, Qualified Assessor letters, Designated Examiner letters, Proctor approval letters, Approval to Test letters, and mariner training course completion certificates that expire in that same timeframe are extended until October 31, 2020. Pilot's annual physical examination requirements will not be enforced during the national emergency. Finally, course and program approvals that expire between January 1, 2020, and July 31, 2020, are extended for six months from the date of expiration.

The USCG also issued guidance on vessel inspections, exams, and documentation in MSIB Number 09-20. Prior to boarding a vessel, inspectors and port state control officers will verify with the vessel that there are no ill crewmembers or passengers onboard. Certain allowances may be made on a case-by-case basis for vessel inspections and exams. The aim of the USCG is to maintain the uninterrupted flow of commerce.

**FEDERAL DRUG TESTING**

The USCG provided guidance on compliance with federal drug testing requirements during this national emergency in MSIB Number 10-20. For random testing, the USCG encourages operators to use their own office employees or mariners to administer drug tests to minimize contact among mariners and third-party collectors. The USCG will give consideration to these efforts when evaluating whether to initiate an enforcement action against an employer if they fail to meet the requirement of 50% random test rate for covered employees in 2020. If an employer falls short of the requirement, they should provide an explanation to the USCG. For pre-employment screenings, employers may request to waive drug tests for prospective employees if that applicant has been covered by a random drug test program for at least 60 days within the past year of the intended hiring date. All post-casualty testing for marine incidents and reasonable cause testing of employees remains in place.

Reporting notifications if a crewmember becomes ill or exhibits symptoms consistent with coronavirus:

For Mariners: Notify the local Captain of the Port
See the following contact information for COPT offices along the Gulf South:

<table>
<thead>
<tr>
<th>Location</th>
<th>Primary Phone</th>
<th>Emergency Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Orleans</td>
<td>504.365.2209</td>
<td>800.874.2153</td>
</tr>
<tr>
<td>Houma</td>
<td>985.850.6408</td>
<td>985.380.5320</td>
</tr>
<tr>
<td>Port Arthur/Lake Charles:</td>
<td>409.723.6500</td>
<td>409.723.6500</td>
</tr>
<tr>
<td>Mobile</td>
<td>251.441.5720</td>
<td>251.441.5976</td>
</tr>
<tr>
<td>Corpus Christi</td>
<td>361.939.0450</td>
<td>361.939.0450</td>
</tr>
<tr>
<td>Houston/Galveston</td>
<td>281.464.4800</td>
<td>281.464.4800</td>
</tr>
<tr>
<td>Miami</td>
<td>305.535.4300</td>
<td>305.535.4313</td>
</tr>
</tbody>
</table>

For Offshore Workers: Notify BSEE through the eWell Reporting System
https://ewell.bsee.gov/ewell/

There is no need to also provide notice to the USCG per MSIB 20-02 issued by the Eighth District.

For Crewmembers and Workers: Notify local CDC Quarantine Station

Gather Information:
- List of the sick traveler’s signs and symptoms, including onset dates
- The sick traveler’s highest recorded temperature
- The sick traveler’s embarkation date and port
- The ship’s ports of call during the 14 days before the person got sick
• List of ports of call where the sick traveler disembarked during the 14 days before the person got sick

Contact local CDC Quarantine Station
See the following contact information for ports across the Gulf South and the Bahamas:
• Houston (includes ports in Louisiana and East Texas, Health Districts 4, 5, 6, 7)
  281.230.3874 (24-hour access)
• El Paso (includes ports in West Texas, Health Districts 8, 9, 10, 11)
  915.834.5950 (daytime)
  866.638.9753 (24-hour access)
• Florida (includes Mississippi, Alabama, Florida, and pre-clearance ports in the Bahamas)
  305.526.2910 (24-hour access)

Complete Maritime Conveyance Illness or Death Investigation Form
• Additional resources related to completing this form are available online.

For ships on international voyages, complete a Maritime Declaration of Health and send it to the competent authority, according to the 2005 International Health Regulations and the national legislation of the country of disembarkation.

Additional CDC Coronavirus Disease 2019 Guidance for Ships includes guidance on the use and handling of personal protective equipment (PPE) and certain safety equipment on ships, including the following:
• Wearing a face mask
• Wearing impermeable disposable gloves if crewmembers need to have direct contact with sick people or potentially contaminated surfaces
• Instructing crewmembers to wash their hands with soap and water or use an alcohol-based hand sanitizer after removing gloves
• Carrying a sufficient quantity of PPE, including facemasks, NIOSH-certified disposable N95 filtering facepiece respirators, eye protection such as goggles or disposable face shields that cover the front and sides of the face, and disposable medical gloves and gowns
• Developing a contingency plan for rapid resupply of medical supplies during outbreaks for day-to-day needs
• Carrying a sufficient quantity of sterile viral transport media and sterile swabs to collect nasopharyngeal and nasal specimens if COVID-19 infection is suspected

Sector New Orleans issued MSIB XX-046, which includes COVID-19 Precautionary Practices for the Lower Mississippi River maritime community. The recommended precautions include:
• Limit visitors from coming on board the vessel.
• Conduct all ship’s business on deck in open air whenever possible.
• All crew personnel and ship visitors are encouraged to wear a facemask, practice physical distancing of at least six feet if possible, and refrain from shaking hands.

### Personal Protective Equipment (PPE) Checklist

- Face masks
- Disposable gloves
- N95 filtering facepieces
- Face shields
- Eye protection
- Disposable medical gowns
- Soap
- Alcohol-based sanitizer
- Sterile swabs

Additional documentation and resources can be found on the following page.
United States Coast Guard
- MSIB 01-20 (Commandant) – Novel Coronavirus Precautions
- MSIB 02-20, Change 4 (Commandant) – Novel Coronavirus
- MSIB 06-20 (Commandant) – Vessel Reporting Requirements for Illness or Death
- MSIB 07-20, Change 1 (Commandant) – Port and Facility Operations
- MSIB 08-20, Change 1 (Commandant) – COVID-19 – Mariner Credentials
- MSIB 09-20 (Commandant) – Vessel Inspections, Exams, and Documentation
- MSIB 10-20 (Commandant) – Guidance for Drug Testing Compliance
- MSIB 11-20 (Commandant) – Maintaining Commerce/Critical Workers Response Plans
- MSIB 12-20 (Commandant) – COVID-19 – Vessel and Facility
- MSIB 13-20 (Commandant) – COVID-19 – TWIC Operations
- MSIB 14-20 (Commandant) – Ballast Water Management Extensions

LAMA Report on USCG Coronavirus Update, MTS Recovery Plan, and Quarantine Questions
- Sector New Orleans MTS Recovery Plan
- AMSP Section 5300

MSIB XX-035: COVID-19 Vessel Precautions
MSIB XX-044: US Coast Guard Personnel Face Masks
MSIB XX-046: COVID-19 Precautionary Practices

Customs and Border Protection
- Southern Currents 20-020: Vessel Entrance and Clearance Reminders in light of the 2019 Novel Coronavirus
- Southern Currents 19-021: Uploading Vessel Documents into the CBP Document Imaging System
- LAMA Guidance for Using the CBP Document Image System (DIS)
- Southern Currents 20-023: CBP New Orleans Temporary Restrictions on Crew Shore Leave
- Southern Currents 20-024: Temporary Vessel Entrance and Clearance Procedures
- Southern Currents 20-028: Vessel Agent Updates – Temporary Vessel Entrance and Clearance Procedures
- Southern Currents 20-029: Alternate Payment Options for Entry Summaries
- Southern Currents 20-030: Restriction on C1 (crewmembers in transit) Hoteling

Transportation Security Administration
- COVID-19 Enrollment Impact FAQ 03/31/20
- Department of Homeland Security TWIC Information site: https://www.tsa.gov/for-industry/twic
- TWIC Enrollment: https://universalenroll.dhs.gov/important-notices
- TWIC Exemption 04/10/20

Lower Mississippi River Pilot Associations:
- Bar Pilots
  - Bar Pilots Letter RE: COVID-19 Precautions
  - Bar Pilots COVID-19 Risk Management Plan 03/20/20

- Crescent Pilots
  - CRPPA Precautionary Measures 03/20/20
  - CRPPA COVID-19 Risk Management Plan 03/23/20

NOBRA Pilots
- NOBRA Letter 03/30/20

Federal Pilots

USDA Federal Grain Inspection Service
- USDA Letter RE: COVID-19 03/13/20
- USDA Letter #2 RE: COVID-19 03/16/20
- Updated Guidance on Facility Checks 03/27/20

Port of New Orleans
- Port of New Orleans Letter RE: COVID-19
- Port of New Orleans Letter 040220 Video 040220

The Lonestar Harbor Safety Committee – Best Practices for the Houston Ship Channel
- Lonestar HSC COVID-19 Best Practices

Centers for Disease Control
- Coronavirus main page
- CDC Cleaning & Disinfecting Guidance
- CDC Guidance for Businesses and Employers
- CDC Guidance for the Maritime Community
- CDC Updated Cleaning & Disinfecting Guidance 04/01/20
- Guidance for Workers That May Have Been Exposed 04/11/20
- Interim Guidance for Ships on Managing Suspected COVID-19

Army Corps of Engineers
- https://www.usace.army.mil/Coronavirus/

The World Health Organization
- Operational Considerations for Managing COVID-19 Cases/Outbreaks on Board Ships
We are here to help.

While COVID-19 will be with us for the foreseeable future, we expect the situation to remain fluid as new information, policy, and guidance is released by government agencies and industry groups. For ongoing updates, we encourage you to visit our COVID-19 Center on our Disaster Prep and Recovery Blog.

For answers to your specific questions and solutions that address your specific needs and circumstances, please reach out to one of the designated Jones Walker attorneys below. You may also contact the firm at info@joneswalker.com.

**Maritime:**
William C. Baldwin  
D: 504.582.8315  
wbaladin@joneswalker.com

R. Scott Jenkins  
D: 504.582.8346  
sjenkins@joneswalker.com

Jeanne L. Amy  
D: 504.582.8376  
jamy@joneswalker.com