

## New Alternative Route for Obtaining USCG Approval

Negotiations on an important mutual recognition agreement between the European Community (EC) and United States (US) was concluded June 2003. The agreement aims to simplify matters for manufacturers that wish to have both U.S. Coast Guard (USCG) and European certificates of conformity (see definition). The US-EC Mutual Recognition Agreement (MRA) on Marine Equipment is a result of a 5-year cooperative effort that recognizes the importance of facilitating EC-US trade in marine equipment and promoting bilateral cooperation on international marine equipment regulations. Once the MRA signed, the USCG will work closely with the European notified bodies to prepare for the implementation date (approximately 2 months after agreement is signed).

The MRA will allow a manufacturer to reach multiple markets on the basis of compliance with one set of regulatory requirements instead of multiple ones, as would be the case without the MRA. This can directly lead to a reduction of costs for manufacturers in terms of testing and certification. It can also reduce the uncertainty of having to obtain approval from a conformity assessment body (i.e., USCG or European notified bodies) in the importing country since the manufacturer may be unfamiliar with that country's requirements.

### **Definitions**

**Certificate of Conformity:** *the document or documents issued by a Conformity Assessment Body of a Party certifying that a product fulfils the relevant legislative, regulatory and administrative requirements of that Party. In the U.S., this is the Certificate of Type Approval issued by the United States Coast Guard. In the EC, they are the certificates, approvals and declarations foreseen by Directive 96/98/EC.*

**Conformity Assessment Body:** *means a legal entity, whether a Regulatory Authority or a other body, public or private, that has the authority to issue Certificates of Conformity under a Party's domestic laws and regulations. Specifically:*

- 1) The Notified Bodies designated by the EC Member States under Directive 96/98/EC;*
- 2) The USCG together with the laboratories it has accepted under 46 CFR 159.010.*

**FTP Code:** *International Code for Application of Fire Test Procedures published by the International Maritime Organization.*

**MED:** *Marine Equipment Directive – Council Directive 96/98/EC of 20 December 1996 on marine equipment, as amended.*

**Member State:** *member governments of the European Community.*

**Notified body:** *a body authorized by the competent national administration of a Member State to carry out work in accordance with the MED.*

**Wheelmark:** *term commonly used to describe marking affixed to products as an indication of compliance with the Marine Equipment Directive (MED). More properly called the 'Mark of Conformity'.*

The initial MRA product scope includes 43 products in three main categories: life saving equipment (e.g. visual distress signals, marine evacuation systems); fire protection equipment (e.g. fire doors, insulation); and navigational equipment (e.g., compasses, GPS equipment, echo-sounding equipment). The agreement also contemplates expanding the product scope in the future for items where it can be agreed that the requirements are equivalent. The complete listing of eligible products can be found in Annex II of the MRA. The following table is intended to help manufacturers understand the benefits of the MRA:

Scenario	Benefits of the MRA
Manufacturer currently holds the “wheelmark” for an item covered by the MRA but does not have USCG approval.	→ If manufacturer wishes to have USCG approval, then application should be made to the notified body that issued the “wheelmark” certificate(s).
Manufacturer currently has USCG approval for an item covered by the MRA but does not have the “wheelmark.”	→ If manufacturer wishes to have the “wheelmark,” then application should be made to the USCG. USCG approval certificate will be reissued to show that the manufacturer is eligible to apply the “wheelmark” to the product as allowed under the MRA.
Manufacturer currently has both USCG approval and the “wheelmark.” Manufacturer wishes to alleviate some of the burden of maintaining both the USCG required “follow-up program” and the MED “quality assurance” system. Item is covered by the MRA	→ Manufacturer may decide to terminate one of the type approvals and get it back based on the MRA. For example, the manufacturer could terminate the USCG approval and then get a new USCG approval from the notified body that issued the “wheelmark” for that product.
Manufacturer currently has both USCG approval and the “wheelmark.” Manufacturer wishes to maintain both approvals independently.	→ MRA does not apply. Manufacturer must comply with all requirements of each type approval system. For example, the USCG required “follow-up” program and the MED “quality assurance” must both continue to be maintained.
Manufacturer has USCG approval and <u>does not</u> wish to have the “wheelmark.”	→ MRA does not apply. No action is needed. Simply continue to comply with USCG requirements for type approval.
Manufacturer has “wheelmark” and <u>does not</u> wish to have the USCG approval.	→ MRA does not apply. No action is needed. Continue to comply with requirements for maintaining the “wheelmark.”
Manufacturer has neither approval. Manufacturer wishes to have both USCG type approval and the “wheelmark.”	→ Recommended that manufacturer choose the type approval system that is most suitable. When making application for type approval, request both approvals as permitted by the MRA.

### **FTP Code Items Covered by MRA**

The remainder of this article will focus on the fire protection equipment covered by the MRA. The MRA’s product scope is based on a detailed product-by-product determination of the equivalency of US and EC marine equipment requirements. The comparison resulted in the

inclusion of most fire protection equipment/materials that have testing prescribed in the International Maritime Organization (IMO) Fire Test Procedures Code (FTP Code). The following table lists those “fire protection” items covered by the MRA:

**Partial List of FTP Code Items Covered by MRA**

<b>USCG Category Description</b>	<b>USCG Approval Category</b>	<b>Council Directive 96/98/EC on Marine Equipment</b>	<b>FTP Code</b>
DECK ASSEMBLY (IMO)	164.105**	A.1/3.11	FTP Code Annex 1, Part 3
PRIMARY DECK COVERINGS (IMO)	164.106	A.1/3.1	FTP Code Annex 1, Part 6
STRUCTURAL INSULATION (IMO)	164.107**	A.1/3.11	FTP Code Annex 1, Part 3
BULKHEAD PANELS (IMO)	164.108**	A.1/3.11	FTP Code Annex 1, Part 3
NON-COMBUSTIBLE MATERIAL (IMO)	164.109	A.1/3.13	FTP Code Annex 1, Part 1
STRUCTURAL CEILING (IMO)	164.110**	A.1/3.11	FTP Code Annex 1, Part 3
DRAPERIES, CURTAINS & OTHER SUSPENDED TEXTILES	164.111	A.1/3.19	FTP Code Annex 1, Part 7
INTERIOR FINISH (IMO)	164.112***	A.1/3.18	FTP Code Annex 1, Parts 2 & 5
FLOOR COVERINGS (IMO)	164.117	A.1/3.18	FTP Code Annex 1, Parts 2 & 5
FIRE DOORS (IMO)	164.136*	A.1/3.16*	FTP Code Annex 1, Part 3
PENETRATION SEALS (FIRE STOPS)	164.138	A.1/3.26	FTP Code Annex 1, Part 3
DAMPERS	164.139	A.1/3.22	FTP Code Annex 1, Part 3
BEDDING COMPONENTS	164.142	A.1/3.21	FTP Code Annex 1, Part 9
UPHOLSTERED FURNITURE	164.144	A.1/3.20	FTP Code Annex 1, Part 8
FIRE DOOR CONTROL SYSTEMS (IMO)	164.146	A.1/3.17	FTP Code Annex 1, Part 4

\* Limited to fire doors without windows or with total window area no more than 645 cm<sup>2</sup> in each door leaf. Approval limited to maximum door size tested. Doors must be used with a fire tested frame design.

\*\* Does not include “A” or “B” class windows.

\*\*\* Limited to exposed surfaces of ceilings, walls, and floors. Does not apply to pipes, pipe coverings, or cables.

### **USCG Approval**

The MRA will not change the Coast Guard's requirements process for type approval of FTP Code items. However, the MRA will allow a manufacturer to obtain USCG approval through the respective notified body. If application for type approval is made to the Coast Guard, then all testing must be conducted at a USCG accepted independent laboratory (such as SP); laboratory must be involved with witnessing construction of, or selecting the test specimen; all testing must be conducted by one laboratory; and a "follow-up" agreement must be established with that same laboratory. Based on the USCG type approval, manufacturers may also request the "wheelmark" from the Coast Guard.

Coast Guard accepted independent laboratories, such as SP, are a key part of the USCG ability to administer a type approval program. Besides demonstrating the knowledge and technical ability to carry out the specified test methods, USCG accepted laboratories have also shown the ability to provide "follow-up" services. The USCG uses the "follow-up" program to comply with the "quality control system" required by 5.2.2 of the FTP Code. Some laboratories have different names for the "follow-up" program such as "listing & labeling," "production control," "manufacturing inspection," etc. The manner in which the "follow-up" programs are administered may vary from laboratory to laboratory. While each "follow-up" program may be different, each program should result in verification that the product currently being produced has not changed from that used for initial approval testing. At SP, the "Manufacturing Inspection Agreement" satisfies the Coast Guard's requirements for "follow-up". A current list of laboratories that have been accepted by the Coast Guard can be obtained at: <http://www.uscg.mil/hq/g-m/mse/lablist/lablist.html>

### **Approval Markings**

It could have been possible to mutually recognize the respective markings required in EC and US regulations because of the equivalent technical requirements for products included in the MRA. However, it was considered better to maintain the respective marking requirements to avoid causing confusion as to what products are actually covered by the MRA. It will also make it easier for regulators, vessel owners/operators, and those responsible for purchasing to ensure regulatory compliance. Therefore, products intended for U.S. flag vessels must be marked with the appropriate USCG approval number. Likewise, the "wheelmark" is required for European flag vessels.

### **Finding USCG Approved Products**

A list of USCG approved equipment and materials are available at: <http://cgmix.uscg.mil/Equipment/> Click on "Search." This list is automatically updated on a weekly basis.

### **Summary**

To summarize, the important points regarding the EC-US MRA are as follows:

- The MRA specifically identifies what items are covered.
- It is anticipated that manufacturers will be able to begin utilizing the MRA in September 2003
- The USCG will not accept the MED "wheelmark" in lieu of USCG approval on U.S. flag ships. MRA provides a means to obtain USCG Approval for eligible products.
- A manufacturer having the MED "wheelmark" will make application for USCG type approval to the notified body that issued the "wheelmark."

- A manufacturer having a USCG type approval will make application for the MED “wheelmark” to the Coast Guard.

**Contact**

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