



SEMAPHORE

Newsletter of the Maritime Law

Association of Australia and New Zealand



US Maritime Regulatory Review Initiated

Public comment is being sought in the United States as to how the Federal Government may prudently manage regulatory costs imposed on its maritime sector, which is noted to currently be regulated by multiple Federal agencies.

The request for information issued on May 17 by the Office of Information and Regulatory Affairs (OIRA) was set in motion by Executive Order 13771, “Reducing Regulation and Controlling Regulatory Costs”, issued by President Trump on January 30 last year.

“OIRA seeks public comment on how existing agency requirements affecting the maritime sector can be modified or repealed to increase efficiency, reduce or eliminate unnecessary or unjustified regulatory burdens, or simplify regulatory compliance while continuing to meet statutory missions,” states the organisation.

“This RFI is meant to inform agencies’ development of regulatory reform proposals. Additionally, OIRA intends to make all submissions publicly available on www.regulations.gov.”

ORIA has requested commenters specify the regulation, guidance document, or form or reporting requirement at issue, providing legal citation or form number where known and available.

The organisation has also requested that commenters provide, in as much detail as possible, an explanation of why any given regulatory requirement should be modified, streamlined or repealed, as well as specific suggestions of ways agencies can do so while achieving their regulatory objectives.

OIRA has provided the following list of questions to help guide public input:

1. are there regulations that have become unnecessary, ineffective or are no longer justified, and if so what are they – eg, vessel equipment, manning or reporting requirements?
2. are there rules or reporting requirements that have become outdated and, if so, how can they be modernised to better accomplish their objective?
3. are there requirements – eg, flagging, certification or training rules that could be streamlined, reduced or provided in an easier-to-access manner, such as online training and certification?
4. are there rules from different agencies that involve similar, overlapping activities such as training, drills or inspections that might be consolidated or co-ordinated to reduce the regulatory burden on the industry?
5. are there reporting or other information collection requirements imposed by multiple regulatory agencies that involve similar, overlapping reporting that might be consolidated or co-ordinated to reduce the regulatory burden on the industry?
6. are there rules or reporting requirements imposed by the United States and other countries – especially Canada and Mexico – that are inconsistent with one another to the point of creating barriers to commerce? Are there reporting requirements between Canada and

the United States, particularly on the Great Lakes, that are similar to the point that the two countries may be able to share information, to the extent permissible by law, to reduce the burden on industry?

7. are there rules that have not achieved their intended purpose or otherwise not operating as well as expected such that a modified or different approach at lower cost should be considered?
8. are there rules that are preventing or creating barriers to the adoption of new, innovative technologies in the maritime industry?
9. are there rules preventing, curtailing or causing the decision to outsource maritime related activities that would otherwise add value to the domestic economy? What types of economically beneficial maritime activities might be animated if these rules were abolished?
10. do agencies currently collect information that they do not need or use effectively?
11. are there regulations, reporting requirements or regulatory processes that are unnecessarily complicated that could be made more efficient?
12. are there rules or reporting requirements that have been overtaken by technological developments? Can new technologies be leveraged to modify, streamline or do away with existing regulatory or reporting requirements?
13. how can agencies that regulate the maritime sector best reduce regulatory costs while achieving the agencies' statutory objectives, and how can they best identify those rules that might be modified, streamlined or repealed?
14. what factors should agencies consider in selecting and prioritising rules and reporting requirements for reform?
15. how can agencies obtain and analyse accurate, objective information and data about the costs and benefits of existing regulations? Are there existing sources of data to use to evaluate the current effects of regulations?

Written comments and information are requested on or before July 16 this year.

June 2018

