



UNITES STATES COMMITTEE ON THE MARINE TRANSPORTATION SYSTEM  
WASHINGTON, D.C. 20590

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**FAQ's ON PROPOSED NATIONAL GUIDANCE FOR RESPONDING TO MUNITIONS  
AND EXPLOSIVES OF CONCERN IN U.S. FEDERAL WATERS**

1. What is the CMTS?
  - a. The U.S. Committee on the Marine Transportation System (CMTS) is a Cabinet-level Federal maritime policy coordinating committee, chaired by the Secretary of Transportation. The purpose of the CMTS is to create a partnership of Federal departments and agencies with responsibility for the marine transportation system. More information is available on our website at [www.cmts.gov](http://www.cmts.gov).
2. What are MEC?
  - a. MEC stands for munitions and explosives of concern and includes unexploded ordnance (UXO), discarded military munitions (DMM), and munitions constituents (MC) that pose an explosive hazard. Until the mid-1970s MECs were regularly disposed of via offshore dumping. Now the Marine Protection, Research, and Sanctuaries Act, also known as the Ocean Dumping Act, prohibits the unpermitted dumping of materials, including munitions, at sea.
3. Why is this guidance being developed?
  - a. The development of projects such as offshore wind and mineral extraction along the outer continental shelf (OCS) has also led to an increase in the discovery of MEC. Authority over the OCS is divided amongst multiple Federal agencies, and a lack of clear guidance or regulatory authority has created uncertainties in safety and liability for agencies operating on the OCS. This guidance is being developed as a road-map for industry to follow in determining the most appropriate and safe course of action when they discover offshore MEC.
4. If an MEC is found, should I contact state or Federal authorities?
  - a. Within three nautical miles of the coast (or 9 nautical miles off Texas, Puerto Rico, and the west coast of Florida), the coastal state will have jurisdiction and should be contacted. If the MEC is found in Federal waters, Federal authorities will need to be contacted. It is still recommended to contact the coastal state in such situations as a courtesy.
5. Am I legally required to follow the Guidance Document?
  - a. Guidance documents are not legally binding. They instead advise persons on the best-course-of-action in a particular situation, as with MECs. While this guidance is not legally binding, it is intended to help ensure safety and compliance with relevant rules and regulations.
6. If I am preparing to build an offshore facility, what can I do to prevent potential MEC concerns during the construction process?

- a. Performing a pre-construction survey will oftentimes help identify any potential MEC concerns before seabed disturbing activities begin – and will usually be required in any offshore lease stipulations. If an MEC is found during these surveys, the lessee should follow the reporting requirements in their lease, or any other applicable binding documents. If an MEC is discovered during seabed disturbing activities or during post-construction surveys the lessee should contact BSEE, BOEM, USCG, FWS, NOAA, USACE, and the EPA, with the information detailed in the National Guidance.
7. If an MEC is accidentally brought aboard a ship, what steps should be taken to ensure crew safety?
  - a. Follow immediate emergency procedures. When a MEC is brought onto a ship or causes an emergency the USCG's broad safety authority will be triggered. Radio the USCG at channel 16 and follow emergency procedures. If possible, keep the MEC over the side of the vessel and avoid putting it on the deck.
8. What is 'micrositing' and are you required to microsite around an MEC?
  - a. Micrositing is the process that determines the exact location of a wind turbine or similar offshore site. This process takes into account regulations, resources, and other requirements. In the case of an MEC, if micrositing is feasible it will always be the preferred course of action. In the interest of safety, BSEE can always issue an administrative order on the OCS requiring a lessee to microsite around an MEC.
9. What process will occur if micrositing is not possible?
  - a. The lessee will conduct a hazard risk analysis and use the information to develop a munitions response plan. BSEE and BOEM will then assess the plan and request the Maritime Operational Threat Response (MOTR) to convene. BSEE will provide comments from MOTR to the lessee, before they proceed with the munition response operations. After the completion of operations, the lessee will provide a post activity report.
10. What should I do if I'm not sure who to contact, or the agencies I contact do not respond within the periods designated in the guidance document?
  - a. The CMTS is always available to assist with contacting the appropriate Federal agency partners – CMTS contact information is available at: [CMTS - U.S. Committee on the Marine Transportation System](#).
11. Who should I contact if an MEC explodes, or chemical substances are released into the water? Am I liable if this occurs without purposeful tampering/interaction with the MEC?
  - a. In the event of an emergency (like an explosion), or if a chemical leak is detected, then the USCG should be immediately contacted over channel 16 if at sea, or 911 called if in port. Once the emergency has abated, any pollution releases need to be reported to the EPA, NOAA, and BSEE. If in, or impacting state waters, the state department of environmental quality needs to be contacted as well. Any issues of liability will have to be determined by resource or local agencies on a case-by-case basis.
12. How do I guarantee that I am following all laws and restrictions when dealing with an MEC?
  - a. The *National Guidance for Responding to Munitions and Explosives of Concern in Federal Waters* is intended to create a reporting structure and logical framework to guide safe MEC operations. However, the information appearing in the guidance is not intended to provide legal advice to any individual or entity. We urge you to consult with your own legal advisor before taking any action based on information appearing in this guidance.

Nothing in this document relieves a lessee of its obligation to comply with all applicable Federal laws in conducting all activities, notwithstanding recommendations in this document.

13. Am I able to pull an identified MEC aboard my ship to be disposed of without contacting BSEE?
  - a. Due to the potential risk of an MEC endangering crew and vessels you should not bring an identified or potential MEC aboard your ship. If an MEC is brought aboard the ship by accident, the best course of action is to immediately contact the USCG over channel 16.
14. If I locate a potential MEC, how soon should I contact the necessary agencies?
  - a. If the MEC is found during pre- or post-construction surveys, the lessee should notify the required agencies within forty-eight hours. If an MEC is found during seabed disturbing activities, the required agencies should be notified within 24 hours. If a lessee fails to contact the agencies within this time frame, they should inform BSEE. In an emergency, the Lessee should immediately contact the USCG.
15. If an MEC is located on a finished construction site, can it be moved without violating the Ocean Dumping Act?
  - a. General the relocation of MEC for the purpose of constructing offshore energy site is not “dumping” under the act, because it is not disposed for the purposes of disposal. However, as the distance for relocating MEC increases and become farther than necessary to prevent hazards during the construction of the fixed structures, the relocation of MEC becomes less like a site preparation activity and more like a disposal activity that may be subject to the Marine Protection, Research, and Sanctuaries Act. If there is a question as to the applicability of the Ocean Dumping Act, the Lessee should contact EPA at their contact information listed here: <https://www.epa.gov/ocean-dumping/forms/regional-contacts-ocean-dumping-management-program>.
16. While performing a munitions response operation, what should the lessee do to ensure the safety of outside parties?
  - a. The lessee should at a minimum utilize channel-16 to broadcast Sécurité calls during the operation and provide full transparency and follow reporting guidance after operations end.
17. When performing a munitions response plan, what crew training is required?
  - a. Lessees should obtain appropriately trained contractors to carry out the response plan. The lessee should list the selected contractors and their certifications in the proposed munitions response plan. Certification requirements have been laid out by the Department of Defense Explosives Safety Board in Technical Paper 18, available at <https://www.denix.osd.mil/ddes/denix-files/sites/32/2017/06/DDESB-TP-18-Final-200616security-stamped.pdf>.