

M.S. Notice No.06 of 2010

No.: 21-NT (1)/1997-IV

Date:19-05-2010

Subject: Safe carriage of dangerous goods by sea in accordance with the provisions of IMDG Code, as amended.

PART I

Introduction

1. Carriage of dangerous goods by sea is regulated in order reasonably to prevent injury to persons or damage to ship and their goods/cargoes. Carriage of marine pollutants is primarily regulated to prevent harm to the marine environment. The objective of the IMDG Code is to enhance the safe carriage of dangerous goods, while facilitating the free unrestricted movement of such goods in packaged form.
2. The Government of India is party to the SOLAS Convention 1974 as amended and the provisions relating to the carriage of dangerous goods of this convention has been enacted into the Merchant Shipping Act 1958 under section 331 and rules made thereunder i.e. MS (Carriage of Cargo) Rules, 1991. These provisions prescribe the requirement to load, stow and handle dangerous goods in packaged form carried by ships to sea that conforms generally to the provisions of SOLAS Chapter VII (carriage of dangerous goods) and IMDG Code as amended. The IMDG code requires the shore side personnel's, shippers, forwarders, shipping line booking staff, agents, container consolidators, packers, port organizations to deal with the shipment of these goods in safe and efficient manner from the premises of the manufacturer to the premises of the receiver covering the entire transportation chain including the road, rail, port areas and sea journey except air.

PART II

Compliance with IMDG Code as amended

Existing National Rules

3. The existing M.S. (Carriage of Cargo) Rules 1991 are under revision to cover the gaps under the new IMDG Code as amended. Under these

circumstances, all stake holders shall continue to comply with following existing rules:

- (i) section 331 of Merchant Shipping Act – Carriage of dangerous goods;
- (ii) part III of M.S.(Carriage of Cargo) Rules, 1991 – Carriage of dangerous goods in packaged and solid bulk form;
- (iii) cargo Circular NT-CRG-01/03 dated 24th November, 2003 – Procedure for packing and certification; and
- (iv) NT-CRT-1 of 2006 dated 17th May, 2006 – Prohibition of dangerous goods carriage on sailing vessels.

New Provisions of IMDG Code as amended

4. The new provisions for updated list of dangerous goods specified in the IMDG code, stowage requirement, proper cargo information, reporting and emergency response including the training requirements for ship board and shore personnel are enumerated below:

Safe loading, stowage, handling and carriage of dangerous goods by sea and response requirements during casualty

- (i) The new IMDG code that comes into force with effect from 1.1.2010 includes 9 classes of dangerous goods in packaged form. This includes marine pollutant and wastes. Dangerous goods in solid and bulk form are specified in Group B of International Marine Solid Bulk Cargoes code (IMSBC). These dangerous goods are loaded, stowed, segregated, secured, handled and carried as per the provisions specified in Vol 1, Chapter 2, Vol 2, Dangerous goods list and supplement to IMDG code as amended.
- (ii) these dangerous goods are required to have UN number, proper shipping names and carried in the specified packing group detailed under Chapter 2 of IMDG code. The complete details of the cargo/goods along with the properties, subsidiary risks, EmS, stowage and segregation required for safe carriage are included in Volume 2 of the IMDG code under Chapter 3.2 (Dangerous Goods list);
- (iii) dangerous goods which are carried by containers or offshore containers shall also be stowed, loaded, segregated, secured and transported as per the provisions of Volume 1, Volume 2 of the IMDG code and the emergency response (EmS) specified in supplement to the IMDG code as amended;

(iv) reporting of incidents involving dangerous goods shall be carried out in accordance with Regulation 6 of SOLAS 1974 Chapter VII. Any such incident taking place within Indian waters shall be reported to the nearest MRCC on the coast of India immediately but not later than 24 hours. The report shall be based on the "General principle for ship reporting systems and ship reporting requirements including guidelines for reporting incident involving dangerous goods, harmful substances and/or marine pollutants" approved by the International Maritime Organization (IMO) by Resolution A.851(20); and

(v) every such incident shall be dealt with as per EmS Guide and MFAG for the specific IMDG as specified in the supplement to the IMDG Code as amended.

Training of ship board and shore based personnel

5. The successful application of regulations concerning the transport of dangerous goods and the achievement of their objectives are greatly dependent on the appreciation by all persons concerned of the risks involved and on a detailed understanding of the regulations. This can only be achieved by properly planned and maintained initial and retraining programmes for all persons concerned with the transport of dangerous goods. The provisions of paragraphs 1.3.1.4 to 1.3.1.7 Chapter 1.3 (Training) of Volume 1 of IMDG Code remain recommendatory (please refer 1.1.1.5 chapter 1.1 of Volume 1 of IMDG Code). In view of this, the following training requirements are to be fulfilled by ship board and shore personnel's:

Ship Board Personnel

- (i) the ship owner or ship master shall ensure that officers and ratings responsible for handling dangerous goods on ships, carried in cargo units, cargo transport units (CTU), offshore containers and dangerous goods and hazardous substances in packaged and solid bulk form conform to the requirements of STCW Code, Chapter 1.3 and 1.4 of Volume 1 of IMDG Code, as amended including the relevant provisions of Merchant Shipping Act 1958 and Rules framed there under;
- (ii) the ship owner or the ship master shall ensure that officers and ratings carry appropriate certificates.

Shore side personnel

(i) the manufacturer, freight forwarders, shipper, stevedores, packers, shipping line booking staff, shipping agent, ship managers, container consolidators, laboratory test houses personnel's, cargo surveyors and port personnel's responsible for dangerous goods handling and transport in transit from the manufacturers premises to port areas and on ships carrying dangerous goods in packaged and solid bulk form in cargo units, cargo transport units(CTU) and offshore containers falling under the IMDG Class category as specified in IMSBC Code are given general awareness / familiarization training including function specific and safety training to the extent, practicable and reasonable as specified in applicable part of Chapter 1.3 and 1.4, relating to training and security provisions of Volume I of IMDG Code as amended;

(ii) the employers of the above stated organization are urged to ensure that such employees are qualified and trained in handling specific type of dangerous goods to prevent accidents to them and to the property;

(iii) shore-based personnel engaged in the transport of dangerous goods intended to be transported by sea shall receive training in the contents of dangerous goods provisions commensurate with their responsibilities. Training requirements specific to security of dangerous goods specified in chapter 1.4 of Volume 1 of IMDG Code shall also be addressed;

(iv) entities engaging shore-based personnel in such activities shall determine which staff will be trained, what levels of training they require and the training methods used to enable them to comply with the provisions of the IMDG Code; and

(v) this training shall be provided or verified upon employment in a position involving dangerous goods transport. For personnel who have not yet received the required training, the entities shall ensure that those personnel may only perform functions under the direct supervision of a trained person. The training shall be periodically supplemented with refresher training to take account of changes in regulations and practice;

6. The Competent Authority i.e. Directorate General of Shipping or Recognized Organization by the Central Government or its Authorized Body, may audit the entity to verify the effectiveness of the system in place, in

providing training or staff commensurate with their role and responsibilities in the transport chain.

Accessibility and availability of IMDG Code, as amended including associated publications:

7. IMO publishes an annual publication called "Publications Catalogue" that contains the procedure of ordering of publication relating to safe operation of ships including carriage of dangerous goods and IMO Model Courses on dangerous, hazardous and harmful cargoes. This publication also provides list of distributor of IMO publications all over the world including India. It is therefore advised that the concerned entity may obtain the details on the procedure of ordering the related publications directly to IMO as specified below:

IMO Publishing Service
4 Albert Embankment
London SE1 7SR
United Kingdom
e-mail: sales@imo.org
Tel : +44 (0)20 7735 7611
Fax : +44 (0)20 7587 3241.

8. All concerned in the safe carriage of dangerous goods specified in IMDG Code, as amended including solid bulk cargoes falling under IMDG Class category from Indian ports or places are directed to comply with the existing National Rules (Please refer Para 3) and new provisions of IMDG Code (Please refer Para 4 and 5) as stated above. Contravention of any of these provisions would lead to an appropriate legal action as prescribed in Indian Merchant Shipping Act, 1958.

This notice may be reviewed if deemed necessary at periodical interval.

This issues with the approval of Director General of Shipping.



(Capt. Deepak Kapoor)
Nautical Surveyor-cum-DDG (Tech)