U.S. Department
of Transportation

**Research and
Special Programs
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

APR 12 2000

Mr. Marvin Pontiff
Manager, Safety and Compliance
Mediterranean Shipping Company
550 Long Point Road
Mount Pleasant, SC 29464

Ref. No. 00-0048

Dear Mr. Pontiff:

This responds to your letter dated February 8, 2000, concerning shipping documentation requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You ask specifically about requirements for a dangerous cargo manifest and emergency response information.

You are correct that § 176.30 of the HMR requires a carrier to prepare a dangerous cargo manifest, list, or stowage plan. The dangerous cargo manifest assures that information about the hazardous materials on board a vessel is readily available in a single document, thereby obviating the need for the vessel operator to carry a number of separate shipping papers. For each hazardous material, the information on the dangerous cargo manifest must be the same as the information provided by the shipper on the shipping order or shipping paper. The person supervising preparation of the manifest must certify its truth and accuracy to the best of his knowledge and belief by his signature and notation of the date prepared. In addition, the carrier must assure that the master of the vessel or a licensed deck officer designated by the master acknowledges the correctness of the dangerous cargo manifest, list, or stowage plan by his signature. Shipping papers and packing certificates are not required to accompany hazardous materials shipments on board a vessel.

You ask how the master or his designee can acknowledge that the dangerous cargo manifest is accurate without comparing the information it contains with the shippers' documentation. There is no single answer to this question. If the master or his designee is not comfortable acknowledging the accuracy of certain information on a dangerous goods manifest prepared by the carrier's office personnel, he should be provided with whatever additional supporting information is necessary. Ultimately, the master must relay on information provided to him as well as any of his own observations of the cargo and its storage on board the vessel in fulfilling his responsibilities under § 176.30(c).

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You also ask how Port State Control authorities can verify that the information on a dangerous cargo manifest matches the shipping papers when the shipping documents are maintained at a carrier's business office rather than on board the vessel. The HMR do not prescribe a specific time within which records related to a hazardous materials shipment must be provided to a government authority if requested. Records should be made available to enforcement authorities within a reasonable time. Although not required by the HMR, a carrier may choose to maintain shipping papers on board a vessel to assure that they are readily available.

Your understanding of the requirements for emergency response information related to hazardous materials shipments is correct. Section 172.602 of the HMR provides several options for presenting emergency response information. You will note that all of the options require the emergency response information to be directly associated with the basic description and technical name of the hazardous material or to cross-reference the description of the hazardous material on the shipping paper. This assures that, in an emergency, information about the hazards of the specific materials involved can easily be accessed. Provided the information required by § 172.602(a) is included, any of the three options listed in § 172.602(b) for formatting the information is acceptable.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

Thomas G. Allan

Thomas G. Allan
Senior Transportation Regulations Specialist
Office of Hazardous Materials Standards

MEDITERRANEAN SHIPPING COMPANY (USA) INC.

Form
§ 176.30
00-0048

February 8, 2000

Research and Special Programs Administration
U.S. Department of Transportation
Office of Hazardous Material Standards (DHM-10)
Attn: Mr. Edward Mazzulo
400 7th Street, S.W.
Washington, D.C. 20590

Dear Mr. Mazzulo:

I am writing to request clarification of specific regulatory cites in Title 49 Code of Federal Regulations Subchapter C - Hazardous Materials Regulations. My questions all involve the issue of which documents must accompany hazardous materials shipped as cargo on container vessels.

Mediterranean Shipping Company's position has long been that the dangerous cargo manifest, the supporting documents from the shipper (the dangerous goods declaration and the container packing certificate), and an emergency response card/document must be carried on board its vessels. We have developed a computerized hazardous materials database capable of printing out by voyage and discharge port a DCM, DGD/CPC, and emergency card for hazardous cargoes carried on MSC vessels. The information from the shipper's declaration is verified with the shipper where necessary, and computerized by MSC office personnel. Once entered as complete with all information required by regulation, it is printed for delivery to the vessel's master (the original shipper's documents remain in the office). This process provides clear, easy-to-read information to the vessel's officers and port state control authorities regarding the cargo on board, eliminating ambiguous or unreadable documents supporting the DCM. The emergency card provides a quick reference based on the International Maritime Dangerous Goods Code Supplement, which is cargo-specific, to respond to hazardous materials incidents when minutes matter. The emergency card provides response information in the quickest format available and eliminates the need to search through voluminous guidance documents.

Regarding the shipper's supporting documents, 49 CFR 176.30(b) states the following:

> The hazardous material information on the dangerous cargo manifest must be the same as the information furnished by the shipper on the shipping order or other shipping paper . . . The person who supervises the preparation of the manifest, list, or stowage plan shall ensure that the information is correctly transcribed, and shall certify to the truth and accuracy of this information to the best of his knowledge and belief by his signature and notation of the date prepared.

This part of the documentation process is being completed by MSC office personnel. However, Title 49 CFR 176.30(c) charges the master or licensed deck officer designated

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by the master and attached to the vessel with acknowledging the correctness of the dangerous cargo manifest, list or stowage plan by his signature. How is he to do this without being able to compare the information with the shipper's declaration? How can he verify the placarding on containers with limited quantities of dangerous goods without immediate access to the shipper's supporting documents? How can he respond to a challenge by Port State Control authorities that the information on the DCM matches the shipping papers? What time limit is involved when the support documents are available at the business office in the U.S. which is not in the same location as the Port State Control boarding? MSC would argue that the supporting documents must be available on board to the master in order that he and the Port State Control authorities are able to verify the accuracy of the DCM. This is an issue with which we have a question.

Regarding the required emergency response information, 49 CFR 172.602 addresses the content and form of the information to be "immediately available at all times that hazardous material is present". Specifically, paragraph 176.602(b)(3) states that the emergency information must be presented in one of three manners:

(i) On a shipping paper;

(ii) In a document, other than a shipping paper, that includes both the basic description and technical name of the hazardous material as required by 172.202 and 172.203(k), the ICAO Technical Instructions, the IMDG Code, or the TDG Regulations, as appropriate, and emergency response information required by this subpart (e.g., a material safety data sheet); or

(iii) Related to the information on a shipping paper, a written notification to pilot-in-command, or a dangerous cargo manifest, in a separate document (e.g. an emergency response guidance document), in a manner that cross-references the description of the hazardous material on the shipping paper with the emergency response information contained in the document. . . . aboard vessels, the IMO "Emergency Procedures for Ships Carrying Dangerous Goods", or equivalent documents, may be used to satisfy the requirements of this section for a separate document.

We would appreciate your clarification of the above issues as soon as possible. Are the shipper's supporting documents, other than the carrier-prepared DCM, required to be on board the vessel to accompany the hazardous cargo? Is it not better to have hazardous cargo-specific emergency response information that draws upon other guidance documents immediately available to the master instead of the IMO guidance document itself? Should you have any questions, please contact me at (843) 971-4100 ext. 3087.

Yours truly,

Marvin Pontiff

Marvin Pontiff
Manager, Safety and Compliance