

MARITIME SAFETY COMMITTEE  
89th session  
Agenda item 7

MSC 89/7/7  
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## **DANGEROUS GOODS, SOLID CARGOES AND CONTAINERS**

### **Measures to improve safe transportation of solid bulk cargoes by ships**

**Submitted by INTERCARGO and BIMCO**

#### **SUMMARY**

*Executive summary:* This document comments on document MSC 89/7/4 concerning measures to improve safe transport of solid bulk cargo by ships

*Strategic direction:* 5.2

*High-level action:* 5.2.3

*Planned output:* 5.2.3.1

*Action to be taken:* Paragraph 10

*Related document:* MSC 89/7/4

#### **Background**

1 This document comments on document MSC 89/7/4 (China) concerning measures to improve safe transport of solid bulk cargo by ships and is submitted in accordance with paragraph 4.10.5 of the Guidelines on the organization and method of work of the Committees (MSC-MEPC.1/Circ.2).

2 Industry made a statement to MSC 88 concerning the liquefaction of dry bulk cargoes and difficulties obtaining accurate shippers declarations (MSC 88/26, paragraph 12.4) and welcomes the above document submitted by China suggesting three areas for possible improvements to the IMSBC Code. The co-sponsors make the following observations and comments.

#### **Independent sampling, testing and certification scheme**

3 Shipowners have faced extreme difficulties in some areas of the world obtaining accurate and reliable shippers' declarations. Although it is clearly the shipper's responsibility to test the cargo (SOLAS regulations VI/2.1 and IMSBC Code, section 4.2.1), it is now common practice for shipowners to employ independent cargo surveyors to test the cargo properties to ensure safe shipment. This in itself has proved challenging with many reports of surveyors being intimidated, threatened (included with firearms) and subjected to actual bodily harm. In addition, some commercial interests have attempted to exclude the use of third party cargo surveyors through charterparty clauses.

4 The co-sponsors support the proposal in document MSC 89/7/4 for an independent sampling, testing and certification scheme to be included in the IMSBC Code. In doing so, we would stress the importance of ensuring clear and consistent responsibilities for shippers, charterers, competent authorities and the State of the port of loading.

#### **Operational guidance for seafarers on board the ship carrying solid bulk cargo that may liquefy**

5 On numerous occasions shipowners have disputed the veracity of cargo declarations following the Master discovering problems with cargo and exercising their right under SOLAS regulation VI/7.7 to stop loading. This action has invariably resulted in the engagement of independent cargo surveyors, P&I Clubs and other interests. On some occasions the ship has departed several weeks later without any cargo and subsequently another ship has arrived and loaded the cargo – a cargo known to be dangerous and liable to liquefy. The co-sponsors believe this is done through ignorance of the dangers rather than an acceptance of a known, potentially lethal, risk.

6 This leads us to agree that there is scope for improving levels of knowledge within the industry concerning cargoes prone to liquefaction and the IMSBC Code, not only within the shipping and seafaring community, but also ashore. While there may be merit in training for emergency response in the event that a cargo liquefies we firmly believe the focus should be on preventing unsuitable cargo being loaded on to the ship in the first instance.

#### **Prevention of accident through ship design**

7 Paragraph 9 of document MSC 89/7/4 notes that the current IMSBC Code philosophy avoids liquefaction of cargoes by controlling the moisture content and that this approach lacks effective control and enforcement. Paragraph 10 suggests an alternative philosophy of achieving safe transport through ship design. We note the IMSBC Code contains a provision for specially constructed ships (paragraph 7.3.2) which can be applied when the cargo ceases to be a dry bulk cargo and transport in a ship type other than a bulk carrier is desired.

8 The co-sponsors oppose the transfer of responsibility, for ensuring dry bulk cargoes are safe to transport, to the ship. The responsibility for ensuring a cargo is suitable for shipment should remain with the shipper and competent authority of the port of loading.

#### **Proposal**

9 The solution to the problems discussed lie in ensuring effective control, and accurate declaration, of cargo properties and enforcement of SOLAS and the IMSBC Code. Towards this end, the co-sponsors suggest consideration is given to tasking the DSC Sub-Committee with: developing a scheme for ensuring reliable independent sampling, testing and certification of cargoes; and enhancing education for ship and shore personnel involved with the shipment of dry bulk cargoes.

#### **Action requested of the Committee**

10 The Committee is invited to consider the above comments and proposal in paragraph 9 and take action, as appropriate.

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