

CARRIAGE OF DANGEROUS GOODS

PTBP MEMORANDUM CIRCULAR NO. 02-96, May 09, 1996

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I

Authority

- A. R.A. 5173 which empowers the PCG to promulgate and administer regulations for the promotion of SOLAS
- B. Chapter XIV of PMMRR on Carriage of Dangerous Goods
- C. Chapter VII, SOLAS 1974 Convention, as amended, on Carriage of Dangerous Goods
- D. International Maritime Dangerous Goods (IMDG) Code, as amended
- E. Annex III to MARPOL 73/78

II

Purpose

To prescribe policies and procedures for the safe handling, carriage and transfer of dangerous goods for the promotion of safety of life and property at sea.

III

Scope

This Memorandum Circular applies to all types of vessels except vessels of Groups IV, VI, VII (Ref: PMMRR) and all wooden vessels carrying passengers which are prohibited from carrying dangerous goods and those vessels specifically classified/designed to carry in bulk a particular class/type of dangerous cargo.

IV

General

A. Definition of Terms

For the purpose of these regulations, certain words or phrases are defined as follows:

1. Ammunition — consists of all types of projectiles, cartridges, grenades, bombs, mines, torpedo warheads, propellant powder chargers, pyrotechnics, rockets, missiles, special weapons, chemical smoke or incendiary ammunition or other fabricated explosive devices.
2. Carriage — shall mean transportation of dangerous cargoes which include the handling and stowage of same.
3. Chemical Ammunition — all kinds of explosives, chemical projectiles, bombs, grenades, mines, etc., loaded with toxic, tear or other gas, smoke or incendiary agent. Also such miscellaneous apparatus as cloud-gas

cylinders, smoke generators, etc., that may be utilized to project chemicals.

4. Corrosive — any dangerous article which when in contact with living tissues will cause severe damage of such tissue by chemical action, or in case of leakage, will materially damage or destroy other freight by chemical action, or are liable to cause fire when in contact with organic matter or with certain chemicals.

5. Dangerous Cargo — goods or merchandise in the form of solids, gases or liquids which exhibit dangerous properties and are taken on board a vessel.

6. Explosives — any chemical compound mixture or device the primary or common purpose of which is to function by explosion with substantial instantaneous release of gas and heat.

7. Gas/Gases — a state of matter in which the molecules are free to move in any direction, expand to fill a container in which they are held, and tend to expand indefinitely when not confined.

8. Inflammable/Flammable — capable of being set on fire, easily kindled combustible.

9. Label — the prescribed caution label required to be affixed to the containers of dangerous cargoes.

10. Oxidizing — to convert into an oxide, to change as a compound so that the valence of the positive element is made higher.

11. Poisonous — having qualities or effects of poison.

12. Radioactive material — any material the specific gravity of which is greater than 0.002 microcurie per gram.

B. Classification

Class 1 - Explosives

Class 2 - Gases; compressed, liquefied or dissolved under pressure

Class 3 - Flammable liquids

Class 4.1 - Flammable solids

4.2 - Substances liable to spontaneous combustion

4.3 - Substances which, when in contact with water, emit flammable gases.

Class 5.1 - Oxidizing substances

5.2 - Organic peroxides

Class 6.1 - Poisonous (toxic) substances

6.2 - Infectious substances

Class 7 - Radioactive materials

Class 8 - Corrosives

Class 9 - Miscellaneous dangerous substances, that is any other substances which experience has shown, or may show, to be of such a dangerous character that the provisions of this regulation should apply to it.

V

Packaging Requirements

A. The packaging of dangerous goods shall be:

1. well made and in good condition;
2. of such a character that any interior surface with which the contents may come in contact is not dangerously affected by the substance being conveyed; and
3. capable of withstanding the ordinary risks of handling and carriage by sea.

B. Where the use of absorbent or cushioning material is customary in the packaging of liquids in receptacles, that material shall be:

1. capable of minimizing the dangers to which the liquid may give rise;
2. so disposed as to prevent movement and ensure that the receptacle remains surrounded; and
3. where reasonably possible, of sufficient quantity to absorb the liquid in the event of breakage of the receptacle.

C. Receptacles containing dangerous liquids shall have an ullage at the filling temperature sufficient to allow for the highest temperature during the course of normal voyage.

D. Cylinders or receptacles for gases under pressure shall be adequately constructed, tested, maintained and correctly filled.

E. Empty uncleaned receptacles for gases under pressure shall be adequately constructed, tested, maintained and correctly filled.

F. Dangerous goods not loaded in bulk shall not be carried on any ship if the goods are not packed in a manner adequate to withstand the risk of handling and transport by sea if the packing does not conform with the requirements of the IMDG Code.

VI

Identification/Marking/Labeling/Placarding

A. Packages containing dangerous goods shall be durably marked with the correct technical name; trade names alone shall not be used.

B. Packages containing dangerous goods shall be provided with distinctive labels or stencils of the labels, or placards, as appropriate, so as to make clear the dangerous properties of the goods contained therein.

C. The method of marking the correct technical name and affixing labels or applying stencils of labels, or of affixing placards on packages containing dangerous goods, shall be such that this information will still be identifiable on package surviving at least three (3) months' immersion in the sea. In considering suitable marking, labeling and placarding methods, accounts shall be taken of the durability of the material used and of the surface of the package.

D. Packages containing dangerous goods shall be so marked and labeled except:

1. Packages containing dangerous goods of a low degree of hazard or which are packed in limited quantities; or
2. when special circumstances permit, packages that are stowed and handled in units that are identified by labels

or placards; may be exempted from labelling requirements.

VII

Stowage Requirements

A. Dangerous goods shall be stowed safely and appropriately in accordance with the nature of the goods. Incompatible goods shall be segregated from one another.

B. Explosives (except ammunition) which present at serious risk shall be stowed in a magazine which shall be kept securely closed while at sea. Such explosives shall be segregated from detonators. Electrical apparatus and cables in any compartment in which explosives are carried shall be so designed and used as to minimize the risk of fire or explosion.

C. Dangerous goods in packaged form which give off dangerous vapors shall be stowed in a mechanically ventilated space or on deck. Dangerous goods in solid form in bulk which give off dangerous vapors shall be stowed in a well ventilated space.

D. In ships carrying flammable liquids or gases, special precaution shall be taken where necessary against fire or explosion.

E. Substances which are liable to spontaneous heating or combustion shall not be carried unless adequate precautions have been taken to minimize the likelihood of the outbreak of fire.

VIII

Dangerous Cargo Manifest with Stowage Plan

A. Any vessel carrying or transferring dangerous cargoes while in navigable waters of the Philippines must have on board a Dangerous Cargo Manifest with Stowage Plan.

B. The Dangerous Cargo Manifest with Stowage Plan shall show thereon, the following information:

1. Name of vessel and official number
2. Nationality/Flag of vessel
3. True shipping name of the dangerous cargoes. Noun descriptions must be used.
4. List of receptacles containing dangerous goods which shall be marked with the correct technical name (trade names shall not be used) and identified with a distinctive label or stencil of the label so as to make clear the dangerous character.
5. Tonnage in bulk shipment or the number and description of the outside containers and their gross weight.
6. Classification of the dangerous cargoes.
7. The stowage provided for the dangerous cargoes on board the vessel.
8. Loading point and destination.
9. Permit from the Firearms and Explosives Office, Philippine National Police, as appropriate (for domestic transport)
10. Environmental Compliance Certificate issued by the Environmental Management Bureau, DENR, as

appropriate (for domestic transport).

11. Signature of the master or other officer of the vessel authorized by the vessel owner/master.

C. The information required to appear on the Dangerous Cargo Manifest with Stowage Plan shall be the correct information actually furnished to the vessel by the shipper/cargo owner.

D. The said manifest with storage plan aboard the vessel shall be produced upon demand of the Commandant, Philippine Coast Guard or his authorized representative.

E. Owners, charterers or agents of vessels carrying or transferring dangerous cargoes shall retain for one year, copy of the Dangerous Cargo Manifest with Stowage Plan.

IX

Prohibited Dangerous Cargoes

Dangerous articles such as fulminates or other detonating compounds in bulk in dry condition, or explosive composition that ignites spontaneously or undergo marked decomposition when subjected for 48 consecutive hours to a temperature of 167 degrees Fahrenheit or compositions containing an ammonium salt and a chocolate, or other like explosive shall not be accepted by any vessel.

X

Explosives Hazard Divisions

(Classes 1.1 -1.5 per IMDG Code Classification)

A. Substances and articles which have a mass explosive hazard.

B. Substances and articles which have a projection hazard but not a mass explosion hazard.

C. Substances and articles which have a fire hazard and either a minor blast hazard or a minor projection hazard or both, but not a mass explosion hazard:

1. Substances and articles which give rise to considerable radiant heat; or

2. Substances and articles which burn one after another, producing minor blast or projection effects or both.

D. Substances and articles which present no significant hazard

This division comprises substances and articles which present only a small hazard in the event of ignition of initiation during transport. The effects are largely confined to the package and no projection of fragments of appreciable size or range is to be expected. An external fire must not cause virtually instantaneous explosion of almost the entire contents of the package.

Note: Substances and articles in this division so packaged or designed that any hazardous effects arising from accidental functioning are confined within the package unless the package has been degraded by fire, in which case all blast or projection effects are limited to the extent that they do not significantly hinder fire-fighting or other emergency response efforts in the immediate vicinity of the package, are in compatibility group S.

E. Very insensitive substances which have a mass explosion hazard

This division comprises substances which have a mass explosion hazard but are so insensitive that there is very little probability of initiation or of transition from burning to detonation under normal conditions of transport.

Note: The probability of transition from burning to detonation is greater when large quantities are carried in a ship. As a consequence, the stowage requirements for explosive substances in division A and for those in division E are identical.

CLASSIFICATION CODES

Description of substance or article to be classified

Compatibility Group

Classification Code

Primary Explosive

A

1.1 A

Article containing primary explosive

B

1.1 B

1.2 B

1.4 B

Propellant explosive or other

1.1 C

secondary deflagrating explosive

1.2 C

or article containing such explosive

C

1.3 C

1.4 C

Secondary detonating explosive or

1.1 D

black powder or article containing

1.2 D

secondary detonating explosive, in

1.4 D

each case without its own means of

1.5 D

initiation and without a propulsive charge

D

Article containing secondary detonating

1.1 E

explosive, without its own means of

1.2 E

initiation, with a propulsive charge

E

Article containing secondary detonating

1.1 F

explosive, with its own means of

1.2 F

initiation, with or without a propulsive

1.3 F

charge

F

1.4 F

Pyrotechnic substance, or article

1.1 G

containing pyrotechnic substances, or

1.2 G

article containing both an explosive

1.3 G

and an illuminating incendiary, lachrymatory

1.4 G

or smoke-producing substance

(other than a water-activated article or

one containing white phosphorus,

phosphide or flammable liquid or gel

G

Article containing both an explosive

1.2 H

and white phosphorus

H

1.3 H

Article containing both an explosive

1.3 J

and a flammable liquid or gel

J

Article containing both an explosive

1.2 K

and a toxic chemical agent

K

1.3 K

Article containing explosives and

1.1 L

presenting a special risk needing

1.2 L

isolation of each type

L

1.3 L

Explosive so packed or designed

1.4 S

that any explosive effect during

transport is confined within the package

except when an external fire has

degraded this packaging

S

XI

Explosive in Passenger Ships

A. Explosive in division D compatibility group S may be carried in any amount in passenger ships. No other explosives may be carried except any one of the following:

- Explosives articles for life-saving purposes, if the total net explosives mass of such articles does not exceed 50 kg per ship;
- Explosive in compatibility groups C, D and E, if the total net explosives mass does not exceed 10 kg per ship;
- Explosive articles in compatibility group G other than those requiring special stowage, if the total net explosives mass does not exceed 10 kg per ship; and
- Explosives articles in compatibility group B, if the total net explosives mass does not exceed 5 kg per ship.

B. Notwithstanding the provisions of paragraph A, additional quantities or types of explosives may be carried in passenger ships in which special safety measures approved by the Administration are taken.

XII

Reporting of Incidents Involving Dangerous Goods

A. When an incident takes place involving the loss or likely loss overboard of packaged dangerous goods into the waters subject to the jurisdiction of the Philippines, the master, or other person having charge of the ship, shall report the particulars of such an incident without delay and to the fullest extent possible to the nearest Coast Guard Station and/or Detachment.

B. In the event of the ship referred to in paragraph A being abandoned, or in the event of a report from such a ship being incomplete or unobtainable, the owner, charterer, manager or operator of the ship, or their agents shall, to the fullest extent possible, assume the obligations placed upon the master by this regulation.

XIII

Authority to Load, Handle and Discharge Dangerous Cargo

On authority to load, handle and discharge dangerous cargo, reference is made to Chapter XIV Sec 1409 of PMMRR which provides as follows:

A. Dangerous cargoes shall not be handled, stowed, stored, loaded on, or discharged from a vessel except on safe pier or anchorage as may be permitted by the Commandant, Philippine Coast Guard or his authorized representative.

B. In an emergency arising by reasons of casualty or national necessity, a vessel may load or discharge dangerous cargoes in any location authorized by the Commandant Philippine Coast Guard or his authorized representative.

C. A Permit to Carry/Transfer Dangerous Cargo using the form in Annex "A"[*], shall be issued by Coast Guard Station, Commanders after verifying the applicant's compliance with the safety requirements of this Memorandum Circular, in reference to the IMDG Code, Chapter VII of SOLAS 74, as amended and Chapter XIV of the PMMRR.

XIV

Precautionary Measures

- A. No unnecessary fire shall be permitted on a deck, lighter, or vessel while loading, handling, or discharging dangerous cargoes.
- B. Every fire deemed necessary must be properly safeguarded and for the entire period of cargo transfer shall be under the close supervision of a competent person assigned for that purpose by the master or the person in charge of the vessel.
- C. Every vessel engaged in the handling and transfer of dangerous cargoes and equipped with means for power, heating, cooking, or lighting involving use of smoke pipes or stacks shall have such smoke pipes and/or stacks protected by a spark screen.
- D. Insofar as practicable, unless the barge, lighter, etc., is loading or discharging dangerous cargoes to or from the vessel, barges lighters, tugboats, and other types of vessels shall not come alongside a vessel handling, stowage, storing and loading, discharging or transporting dangerous cargoes opposite the area where hatches serving a hold containing explosives are open.
- E. Welding or cutting operations involving the use of open flames shall not be undertaken on a vessel having dangerous cargoes on board, except in case of an emergency affecting the safety of a vessel.
- F. Cleaning of fireside of boilers shall not be undertaken on a vessel while in areas designated as a dangerous cargo loading and unloading facility.
- G. All tubes and uptakes of the vessel must be thoroughly swept or blown and reasonably free of soot prior to the arrival of the vessel at a dangerous cargo loading facility or anchorage. A vessel at a dangerous cargo loading facility or anchorage shall not blow tubes or uptakes.
- H. Bunkering of a vessel shall not be done while the vessel is at a dangerous cargo loading waterfront facility. When at an anchorage, dangerous cargo laden vessels may engage in bunkering operation provided dangerous cargoes are not being loaded, handled or discharged, and all holds in which explosives are stowed are secured.
- I. A vessel at a dangerous cargo loading facility or anchorage shall not transfer fuel oil between its own fuel oil storage tank or from its storage tanks to the setting tank except under the close supervision of a licensed engineer who shall be in constant attendance until the operation is completed.
- J. The refueling of powered lifeboats or units of the vessel machinery is prohibited while the vessel is at the dangerous cargo loading facilities.
- K. Boiler room and engine room bilges must be clean and free of oil or unnecessary residue before the vessel proceeds to a dangerous cargo loading facility for anchorage, and it is further required that the bilges be maintained in this condition during the entire time the vessel is moored at the dangerous cargo loading facility or anchorage.
- L. On every vessel located at dangerous cargo loading facility or anchorage no work shall be undertaken on the main propulsion machinery auxiliaries or boiler that will render inoperative fire pumps, electric power propulsion unit, tugboat shall be available for immediate towing of such vessel when needed.
- M. Every self-propelled vessel having on board dangerous cargo shall at all times maintain means of propulsion. When not underway, such a vessel shall have available on deck, fore, and aft, hawsers, capable of being used for

emergency towing. The eye of such hawser shall be clear of the chock with messenger attached and ready to run and the ships end shall be stopped off on the butts to permit reasonable scope of hawser for towing. A heaving line made up and secured to the rail by rope yarn shall be bent to the messenger. Fire axes shall be kept conveniently at hand, fore and aft to be used on the ship or passed to the deck for cutting mooring lines in case of an emergency.

N. Non-propelled vessels having on board dangerous cargoes when moored or anchored shall have at least one tugboat for each facility or area at which they are moored or anchored.

O. Every vessel loading or unloading dangerous cargoes shall display at its masthead by day a red flag at least 16 square feet in area or at least 10 feet above the upper deck if the vessel has no mast, and at night, while fast to a dock, a red light in the position specified for the flag.

P. Any devise, such as a radio, radar, etc., capable of radiating electromagnetic energy shall be de-energized by opening the main switches thereto, and these switches shall be tagged to warn personnel against re-energizing the circuits whenever the vessel is at a dangerous cargo handling facility or anchorage with a barge or other type of vessel containing explosives alongside, or when a hatch containing dangerous cargo is uncovered.

XV

Validity of Permit

The Permit to Carry/Transfer Dangerous Cargo issued by the Philippine Coast Guard is valid for one voyage only.

XVI

Schedule of Fees and Charges

A. Permit — P20.00 + .5% of total value in pesos of cargo but not less than P25.00 per permit.

B. Inspection Fee — P20.00 + P0.20/tonnage in excess of 50 GT

C. Sample computation of the above is illustrated as follows:

1.2 cylinders of LPG worth P125/cylinder loaded on board a 10 GT vessel

Permit: $P20 + (P125 \times 2) .005 = P21.25 >$

P25.00

Inspection Fee: (10 GT , 50GT)

20.00

Total _____

P45.00

2.20 drums of gasoline worth P2,000.00/drum loaded on board a 1,000 GT vessel

Permit: $P20 + (P2,000 \times 20) \times .005 =$

P220.00

Inspection Fee : $P20 + (950 \times .20) =$

210.00

Total _____

P430.00

3.100 drums of gasoline worth P2,000/drum loaded on board a 10,000 GT vessel

Permit : $P20 + (P2,000 \times 100) \times .005 =$

P1,020.00

Inspection Fee: $P20 + (9,950 \times .20) =$

2,010.00

Total _____

P3,030.00

XIV

Responsibilities

A. Coast Guard Station Commander

- Shall be responsible for the assessment of pertinent documents submitted in applying for a Permit to Carry/Transfer Dangerous Cargo.

- Shall cause the inspection of the dangerous cargo applied to be carried/transferred, including the evaluation of their particulars and characteristics, and the issuance of aforesaid permit.
- Shall cause the verification and evaluation of the location and suitability of cargo deck spaces, rooms/holds where said cargoes will be stowed/stored and the inspection of vessels carrying dangerous cargo to ensure compliance with the prescribed regulations.
- Shall verify and evaluate the Dangerous Cargo Manifest with Stowage Plan submitted and the capability of the ship's crew and ancillary services personnel in handling/transferring dangerous cargo on board.
- Shall refer to the conditions of this Memo-Circular, PMMRR and related Conventions and Codes in consideration of the issuance of the said permit.
- Shall inspect and monitor the actual stowage of the cargo prior to vessel departure and during the actual transfer of the dangerous cargo.
- Shall issue inspection and Apprehension Report for every violation noted, duly acknowledged by vessel master/owner or terminal operator, as appropriate, and conduct hearings to dispose of said reports/cases.
- Assess and collect fines for violations, issue official receipts thereof, and deposit amount collected to the PCG Trust Receipt Account Number.
- Shall submit to CPCG (Attn: CG-8) via District Commander, a monthly report of all permits issued and violations noted/fined, with indicated amount of fine, Official Receipt Number and date remitted to the bank. Appropriate reports of deliberations/hearings conducted shall be annexed thereto.

B. Vessel Owner/Operator

1. Shall submit a letter of application (form prescribed Annex "B"[*]) to the Coast Guard Station (Headquarters, Philippine Coast Guard for foreign vessels) where the vessel is berthed/anchored for the issuance of a Permit to Carry/Transfer Dangerous Cargo on board his vessel stating therein the correct technical name of the cargo to be carried/transferred (trade names shall not be allowed) and the correct description given in accordance with the classification set out in para IV-B. Said letter shall also contain information on the cargo owner, company name, source of the cargo, intended destination, intended receiver and intended use/disposition.
2. Shall submit to the aforesaid Coast Guard Station (Headquarters, Philippine Coast Guard for foreign vessels) together with the letter of application, the Dangerous Cargo Manifest with Stowage Plan covering the condition of the dangerous cargo stowage area, system of cargo stowage/transfer, safety precautionary measures to be undertaken/observed and the designated person/s in charge of the particular cargo while on voyage/actual transfer.
3. Shall abide by the provisions of this Memorandum Circular in reference to the pertinent provisions of the PMMRR and the International Maritime Dangerous Goods Code pertaining to the proper identification, packaging, marking, labeling, handling, stowage and transfer of dangerous cargo.

C. Vessel Master

1. Shall carry/transfer dangerous cargo only when same is covered by a valid Permit to Carry/Transfer Dangerous Cargo issued by PCG.
2. Shall observe/undertake the safety procedures/measures cited in this Memorandum Circular, Chapter XIV of the PMMRR, Chapter VII of SOLAS 74, as amended and the IMDG Code.
3. Shall assign watches to regularly check the condition of the dangerous cargoes on board throughout the

duration of the voyage up to the transfer to the recipients.

D. AC of S, CG-8

1. Monitor the implementation of this Memorandum Circular and the developments on this subject, and submit recommendations to the Commandant, PCG to further improve the existing system of control of dangerous goods in the country to fully adapt to the international standards and the provisions of UN/IMO issuances and guidelines.
2. Shall program the periodic training of Coast Guard Inspectors regarding the Carriage of Dangerous Goods and related subjects.
3. Shall inter-act with concerned national, regional and international Agencies/Entities for exchange of appropriate information on the subject and for technical co-operation.

XV

Penal Provisions

A. Shipowners, charterers, operators and/or agent found violating the following shall be liable to a fine as indicated without prejudice to filing of appropriate charges, as warranted:

1. For willfully and deliberately authorizing the loading/transfer of dangerous cargo on board their vessels without complying with the safety requirements cited in this Circular on the required handling, stowage and precautionary measures:

- a. First Offense — 25% of the cargo's total value or P3,000.00 whichever is higher.
- b. Second Offense — 50% of the cargo's total value or P6,000.00 whichever is higher; & recommendation for 30 days suspension of CPC for Philippine -registered vessels.
- c. Third Offense — 100% of the cargo's total value or P10,000.00 whichever is higher; & recommendation for indefinite suspension of CPC for Philippine-registered vessels.

2. For carrying dangerous cargo without appropriate permit thereof:

- a. First Offense — 35% of the cargo's total value or P5,000.00 whichever is higher
- b. Second Offense — 75% of the cargo's total value or P10,000.00 whichever is higher; & recommendation for 30 days suspension of CPC for Philippine-registered vessels.
- c. Third Offense — 100% of the cargo's total value or P20,000.00 whichever is higher; & recommendation for indefinite suspension of CPC for Philippine-registered vessels.

B. Ship's Master found violating the following shall be liable to a fine as indicated without prejudice to filing of appropriate criminal charges, as warranted:

1. For carrying/transferring dangerous cargo on board without the required PCG Permit to Carry/Transfer Dangerous Cargo:

- a. First Offense — P1,000.00
- b. Second Offense — P4,000.00; and recommendation for 30 days suspension of license for holders of Philippine licenses.
- c. Third Offense — P8,000.00; and recommendation for indefinite suspension of license for holders of

Philippine licenses.

2. For not complying with the safety requirements regarding dangerous cargo cited in this Circular on its handling, stowage and the prescribed precautionary measures to be observed:

- a. First Offense — P1,000.00
- b. Second Offense — P4,000.00; and recommendation for one (1) month suspension of license for holders of Philippine licenses.
- c. Third Offense — P8,000.00; and recommendation for indefinite suspension of license for holders of Philippine licenses.

XVI

Effectivity

This Memorandum Circular shall take effect one month after its publication in a newspaper of general circulation or fifteen days after submission to the University of the Philippines' Law Center.

Adopted: 9 May 1996

(SGD.) ARTURO T. CAPADA
Commodore AFP

[*] Not included here.

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