

MARINA CIRCULAR NO. 01
Series of 2008

TO : ALL SHIPPING COMPANIES, SHIPOWNERS/OPERATORS, CHARTERERS, PUBLIC SERVICE OPERATORS, OTHER MARITIME ENTITIES AND ALL CONCERNED

SUBJECT : RULES GOVERNING THE CARRIAGE OF DANGEROUS AND/ OR HAZARDOUS CARGOES OR GOODS IN PACKAGED FORM FOR SHIPS PLYING THE DOMESTIC TRADE

Pursuant to Section 10 Items 6 to 8 of Republic Act No. 9295, Chapter VIII of PMMRR 1997 on Carriage of Dangerous Goods in Ships and Barges, Chapter VII of SOLAS 1974 Convention, as amended, on Carriage of Dangerous Goods, the International Management Code for the Safe Operation of Ships and for Pollution Prevention (ISM Code), the International Maritime Dangerous Goods (IMDG) Code, as amended, and Annex III of MARPOL 73/78, the following rules shall govern the carriage of dangerous and/ or hazardous cargoes or goods in packaged form:

I. OBJECTIVE:

To provide rules for the carriage of dangerous and/ or hazardous cargoes or goods in packaged form by ships in the domestic trade.

II. COVERAGE:

This Circular shall cover all Philippine registered domestic ships, except those specifically classified/ designed to carry in bulk a particular class/type of dangerous and/or hazardous cargoes or goods.

III. DEFINITION OF TERMS:

1. **Administration** – refers to the Maritime Industry Authority.
2. **Ammunition** – refers to all types of projectiles, cartridges, grenades, bombs, mines, torpedo warheads, propellant powder charges, pyrotechnics, rockets, missiles, special weapons, chemical smoke or incendiary ammunition or other fabricated explosive devices.
3. **Cargo Stowage Plan** – refers to a plan showing the proposed stowage of cargo. In accordance with the plan, a copy of which goes with the ship for the aid of the stevedore at port of discharge.

4. **Carriage** – refers to the transportation of dangerous cargoes, which include the handling, and stowage of same.
5. **Company** – refers to the owner of the ship or organization or person such as the manager or bareboat charterer, who has assumed the responsibility for operation of the ship from the shipowner and who on assuming such responsibility has agreed to take over all the duties and such responsibilities imposed by the 1997 Philippine Merchant Marine Rules and Regulations.
6. **Corporation** – refers to a juridical entity existing by operation of law, having the right of succession and the powers, attributes and properties expressly authorized by law or incident to its existence.
7. **Corrosive** – refers to 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 with organic matter or with certain chemicals.
8. **Dangerous Cargo** – refers to goods or merchandise in the form of solids, gases or liquids, which exhibit dangerous properties and are taken on-board a ship.
9. **Dangerous Cargo Manifest** – refers to information concerning marks and numbers on cargo packages. It also contains full particulars of ship, voyage, crew, passengers and cargo.
10. **Deputized Agent** – refers to an entity authorized by the Administration to implement and enforce maritime safety rules and regulations governing the safe operation of Philippine-flag ships engaged in the domestic trade.
11. **Hazardous cargo** – may be used in lieu of **Dangerous Cargo**.
12. **Inflammable/Flammable** – capable of being set on fire, easily kindled, combustible.
13. **IMDG** – refers to the International Maritime Dangerous Goods Code
14. **Label** – refers to the prescribed caution label required to be affixed to the containers of dangerous cargoes.
15. **Master** – refers to the person having command of a ship.
16. **Oxidizing** – refers to the conversion into an oxide, to change as a compound so that the valence of the positive element is made higher.

17. **Package Form** – refers to the forms of containment specified for harmful substances in the IMDG Code.
18. **Packaging** – refers to the assembly of components necessary to enclose the contents completely. It may, in particular, consist of one or more receptacles, absorbent materials, spacing structures, radiation shielding and service equipment for filling emptying, venting and pressure relief; devices for cooling, absorbing mechanical shocks, handling and tie-down, thermal insulation; and service devices integral to the package. The packaging may be a box, drum or similar receptacles, or may also be a freight container, tank or intermediate bulk container.
19. **Radioactive material** – refers to any material the specific gravity of which is greater than that of 0.002 microcurie per gram.

IV. GENERAL PROVISIONS:

1. The Company and the Master shall ensure that all dangerous and/or hazardous cargoes or goods on board the ship are carried in compliance with this Circular, and shall be jointly responsible for the safe carriage of such.
2. Special Permit shall no longer be issued by the Administration for the carriage of dangerous cargo in packaged form.
3. The transport of dangerous and/or hazardous cargoes in package form shall be covered by a Dangerous Cargo Manifest (DCM). The DCM shall be so reflected in the Master's Oath of Safe Voyage (MOSV).
4. Only ship complying with the requirements of this Circular shall be allowed to carry dangerous and/or hazardous cargoes in packaged form. The compliance shall pertain to the proper identification, packaging, marking, labeling, handling, stowage and transfer of dangerous/ hazardous cargo.
5. Only dangerous cargo properly identified labeled on the outside of the package and possessing the required document shall be allowed on board.
6. A stowage plan for the carriage of dangerous/ hazardous cargoes, complying with the provisions of this Circular, shall form part of the documentation required together with the MOSV.

7. The Master shall ensure that all dangerous cargo/es carried on board are protected from any unauthorized access and that such spaces where these cargoes are carried are properly marked (i.e. black and yellow stripes, no smoking, others, as applicable).
8. Dangerous goods liable to spontaneous combustion shall not be carried on board unless added precautions are taken for the carriage of such items.
9. Only personnel with training in handling, carriage and stowage of dangerous goods shall be allowed to handle dangerous goods.
 - 9.1. All personnel shall be adequately trained in the use of protective equipment and have basic training in the procedures appropriate to their duties necessary under emergency conditions.
 - 9.2. Personnel involved in cargo operations shall be adequately trained in handling procedures.
 - 9.3. Officers shall be trained in emergency procedures to deal with conditions of leakage, spillage or fire involving the cargo and sufficient number of them shall be instructed and trained in essential first aid for cargoes carried, based on the guidelines developed by the Organization.
10. The Company shall ensure that designated crew properly trained in handling accidents involving dangerous goods are readily available.
11. The Company shall ensure that materials/equipment, to include medical first aid, to address accidents involving dangerous goods are readily available.

V. SPECIFIC PROVISIONS:

A. Packaging Requirements

The packaging requirements in the carriage of dangerous goods in packaged form shall be based on the provisions under Chapter 4.1 of the IMDG Code, 2004 edition, and its subsequent amendments.

B. Marking/Labelling/Posting of Placard

The marking/labeling/posting of placard of dangerous goods in packaged form shall be based on the provisions under Chapter 5.2 of the IMDG Code, 2004 edition, and its subsequent amendments.

C. Stowage Requirements

The stowage requirements in the carriage of dangerous goods in packaged form shall be based on the provisions under Chapter 7.1 of the IMDG Code, 2004 edition and its subsequent amendments.

D. Segregation

The segregation requirements in the carriage of dangerous goods in packaged form shall be in accordance with the provisions under Chapter 7.2 of the IMDG Code, 2004 edition and its subsequent amendments.

E. Explosives

The carriage of explosives on board should be in accordance with Class 1, Chapter 2.1 of the IMDG Code, 2004 edition and its subsequent amendments.

F. Dangerous Cargo Manifest with Stowage Plan

1. Any ship transporting or storing dangerous cargoes when in navigable waters of the Philippines must have on board a DCM with Stowage Plan, in accordance with the provisions of, Chapter VII of SOLAS '74, Regulation 4, 2004 edition, MARPOL 73/78, Annex III, Regulation 4, based on the Multimodal Dangerous Goods Manifest, herein attached as "Annex A".
2. The DCM with Stowage Plan shall show thereon the following:
 - 2.1. Name of the ship and official number
 - 2.2. Nationality/ Flag of Ship
 - 2.3. True shipping name of the dangerous cargoes. Noun descriptions must be used.
 - 2.4. Each receptacle containing dangerous goods 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).
 - 2.5. Tonnage in bulk shipment or the number and description of the outside containers and their gross weight.
 - 2.6. Classification of the dangerous cargoes.
 - 2.7. The stowage provided for the dangerous cargoes on board the ship.
 - 2.8. Loading point and destination.
 - 2.9. Applicable clearances from other government agencies.
 - 2.10. Signature of the master or other officer of the ship authorized by the master to sign for him.

3. The information required to appear on the DCM with Stowage Plan shall be the information actually furnished to the ship by the shipper.
4. The DCM with Stowage Plan aboard the ship shall be produced upon demand by the Administration, or its deputized agent.
5. Owners, charterers or agents of ships transporting or storing dangerous cargoes shall retain for one year, copy of the DCM with Stowage Plan.

G. Prohibited Dangerous Cargoes

1. Dangerous articles such as fulminates or other detonating compound 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 75 degrees Centigrade or compositions containing an ammonium salt and a chlorate, or other like explosives shall not be accepted by any ship.
2. Transport of explosive substances which are unduly sensitive, or so reactive as to be subject to spontaneous reaction, is prohibited.

H. Authority As To Carriage Of Dangerous Goods In Ships and Barges

References is made to Regulation VIII/14 of PMMRR 1997, as amended, which provides that:

“The dangerous goods classified under Regulation 2 of Chapter VII of SOLAS '74, as amended, shall comply with the requirements of Chapter VII of SOLAS '74, as amended, when such goods are carried in ships and barges in packaged form or in bulk as appropriate.”

I. RESPONSIBILITIES

The COMPANY and MASTER OF THE SHIP shall be jointly responsible in ensuring:

1. The safe carriage of dangerous cargo.
2. That personnel involved in the handling, carriage and stowage of dangerous goods are properly trained.

3. That personnel properly trained in the handling accidents involving dangerous goods are readily available whenever operations regarding these goods are taking place.
4. That materials/equipment, to include medical first aid, to address accidents involving dangerous goods are readily available whenever operations regarding these goods are taking place.
5. That their ships carrying dangerous cargoes in packaged form comply with the requirements of this Circular. The compliance shall pertain to the proper identification, packaging, marking, labeling, handling, stowage and transfer of dangerous/hazardous cargo.
6. That, when an accident/ incident takes place involving loss or likely loss overboard of packaged dangerous goods into the sea, the Master shall report the particulars of such an incident without delay and to the fullest extent possible to the nearest Philippine Coast guard Station and/or Detachment, copy furnished the Administration, in accordance with Chapter VII of SOLAS, Regulation 6, 2004 edition.
7. That, in the event ship, abandoned due to an incident/accident involving dangerous cargoes, or in the event of a report from such a ship being incomplete or unobtainable, the Company, to the fullest extent possible, assumes the obligations placed under the Master by this regulation.
8. Coordination with the Administration by way of proposing amendments/recommendations to further improve the existing system to control the carriage of dangerous goods by sea in the country.

VI. PENALTIES/SANCTIONS:

1. For ship Master Dangerous Cargo Manifest/Stowage Plan (DCM/SP) with misrepresentations and submission of fraudulent documents:

	MASTER	COMPANY
First Offense	Twenty-Five Thousand Pesos (P25,000.00) and warning	Twenty-Five Thousand Pesos (P25,000.00) and warning
Second Offense	Fifty Thousand Pesos (P50,000.00) and suspension of SIRB and	Fifty Thousand Pesos (P50,000.00) and suspension of CPC and Safety Certificate,

	QDC, as applicable	as applicable
Third Offense	One Hundred Thousand Pesos (P100,000.00) and cancellation of SIRB and QDC, as applicable	One Hundred Thousand Pesos (P100,000.00) and cancellation of CPC and Safety Certificate, as applicable

2. For Failure of the Master to Submit DCM/SP:

	MASTER	COMPANY
First Offense	Twenty-Five Thousand Pesos (P25,000.00) and warning	Twenty-Five Thousand Pesos (P25,000.00) and warning
Second Offense	Fifty Thousand Pesos (P50,000.00) and suspension of SIRB and QDC, as applicable	Fifty Thousand Pesos (P50,000.00) and suspension of CPC and Safety Certificate, as applicable
Third Offense	One Hundred Thousand Pesos (P100,000.00) and cancellation of SIRB and QDC, as applicable	One Hundred Thousand Pesos (P100,000.00) and cancellation of CPC and Safety Certificate, as applicable

3. For non-fulfillment of stated requirements in the carriage of dangerous cargo in package form in domestic ships as specified in this Circular:

	MASTER	COMPANY
First Offense	Twenty-Five Thousand Pesos (P25,000.00) and warning	Twenty-Five Thousand Pesos (P25,000.00) and warning
Second Offense	Fifty Thousand Pesos (P50,000.00) and suspension of SIRB and QDC, as applicable	Fifty Thousand Pesos (P50,000.00) and suspension of CPC and Safety Certificate, as applicable
Third Offense	One Hundred Thousand Pesos (P100,000.00) and cancellation of SIRB and QDC, as applicable	One Hundred Thousand Pesos (P100,000.00) and cancellation of CPC and Safety Certificate, as applicable

The foregoing penalties shall not be a bar and shall not prejudice the institution of criminal cases before the courts of law.

VII. REPEALING CLAUSE:

Any provision/s of other applicable circulars, rules and regulations otherwise inconsistent herewith is/are hereby modified/amended accordingly.

VIII. SEPARABILITY CLAUSE:

Should any provision or part of this Circular be declared by competent Authority to be invalid or unconstitutional, the remaining provisions or parts hereof shall remain in full force and effect and shall continue to be valid and effective.

IX. TRANSITORY PERIOD:

All shipping companies, shipowners/operators, charterers and personnel concerned/ involved in the handling, carriage and stowage of dangerous goods shall undergo trainings in handling, carriage and stowage of such cargo within six (6) months from the effectivity of this Circular.

X. EFFECTIVITY:

This MARINA Circular shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

Manila, Philippines, _____.

BY AUTHORITY OF THE BOARD:

(Sgd.) VICENTE T. SUAZO, JR.
Administrator

SECRETARY'S CERTIFICATE

This is to certify that MARINA Circular No. **2008-01** has been approved during the 178th Regular Meeting of the MARINA Board of Directors held on November 8, 2007.

(Sgd.) ATTY. MANUEL C. PORTUS
Corporate Board Secretary