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WORK PROGRAMME

Comments on documents MSC 102/21/3 and MSC 102/21/7

Submitted by Liberia, ICS, ICHCA, P&I Clubs, IVODGA, ITF and WSC

SUMMARY

Executive summary: This document comments on the proposals for a new output related to the mitigation of container fires on board containerships and recommends a holistic, methodical and analytical approach that includes consideration of prioritizing risk prevention and mitigation enhancement, as well as taking into account recent relevant amendments to SOLAS

Strategic direction, if applicable: 6

Output: Not applicable

Action to be taken: Paragraph 16

Related documents: CCC 1/13; CCC 2/15; CCC 3/15; CCC 4/12; CCC 5/13; CCC 6/14; MSC 102/21/3, MSC 102/21/7; MSC.1/Circ.1442, MSC.1/Circ.1521 and resolution MSC.365(93))

1 This document is submitted in accordance with the provisions of paragraph 6.12.4 of the *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.5/Rev.1) and comments on the proposals for a new output in documents MSC 102/21/3 and MSC 102/21/7.

Introduction

2 The increasing number of casualties related to containership fires suggests that the problem is exacerbating with serious consequences for seafarers and the safety of navigation. Concern about this issue has been raised by Member States and non-governmental organizations, both at this session and previous sessions of other IMO bodies.

3 Noting the current proposals for a new output in documents MSC 102/21/3 (Marshall Islands, Singapore, IACS and WSC) and MSC 102/21/7 (Bahamas, Germany, IUMI, BIMCO and CESA), the co-sponsors identify that Member States and international organizations have a common goal to take effective steps towards improving the current situation regarding containership fires.

4 Sharing the above goal, the co-sponsors are in continuous cooperation with ocean carriers, shipping companies and stakeholders directly involved in containership fire incidents, in order to determine appropriate actions that need to be taken. The feedback received consistently confirms that a holistic approach to the problem of container and containership fires needs to be taken, prioritizing risk prevention, as appropriate.

Need for effective risk prevention

5 The co-sponsors identify that the safety of crew and personnel involved in containerized shipping, the environment and ships are exposed to the impact of container fires as a direct result of their root causes. In view of the increasing frequency of incidents, it is now more obvious than ever that the underlying factors should be sufficiently addressed, so that risk-based proposals related to fire protection can also be considered on a proportionate basis as just one part of this more holistic approach.

6 Taking the above into account, the co-sponsors recognize that the issue of container fires is multi-faceted. As such, it requires a combination of actions that are inextricably linked, in order to reduce the risk of fires from materializing. The co-sponsors are of the view that the safety of seafarers and the number of seafarers' lives that have been lost in recent years as a result of containership fires, is of such overriding importance that this matter needs to be looked at in the whole and not just from the perspective of onboard fire-fighting capability.

Areas of risk prevention that need to be considered for enhancement

7 Starting from the stage before containers are loaded onto the ship, shippers and others in the transport chain must be encouraged to apply the correct UN codes or other common nomenclature, ensure correct labelling of goods to be shipped and the accurate designation of dangerous substances. The correct approach to risk-based packaging and packing of dangerous goods in containers is also a significant factor in reducing fire incidents. The IMO/ILO/UNECE Code of Practice for Packing of Cargo Transport Units (CTU Code) is a non-mandatory global code of practice for the handling and packing of CTUs for transportation by sea and land. The CTU Code is intended to assist the industry, employers' and workers' organizations, as well as Governments in ensuring the safe stowage of cargo in containers. The Code also addresses issues, such as training and the packing of dangerous goods. Notwithstanding that the CTU Code is to be revised, the co-sponsors have identified a significant lack of awareness and training in the supply chain, as well as lack of national application of the CTU Code. These are significant factors that contribute to container fires. While the lack of implementation may be due to the non-mandatory nature of the Code, the co-sponsors believe that implementation may usefully be considered given the seriousness of the issue.

8 Additionally, non-declaration and misdeclaration of dangerous goods by shippers to the carrier, as appropriate, either through negligence or intention, have been reported throughout the years both to IMO and other forums, as a major risk factor. As a result, carriers' efforts to comply with stowage requirements in order to reduce risk are instead impeded by incorrect or inaccurate cargo declaration. This effectively prevents the carrier from implementing both mandatory requirements, as well as industry-led operational measures,

such as risk-based stowage* aimed at minimizing the risk of fires and facilitating the use of compatible fire-fighting media. In this regard, the International Maritime Dangerous Goods (IMDG) Code is regularly reviewed and improved under the purview of the CCC Sub-Committee, in order to enhance the regulation of carriage of dangerous goods in packaged form by sea (e.g. CCC 6/14, paragraphs 6.20 to 6.22). While the IMDG Code is mandated by the provisions of SOLAS chapter VII, relevant regulations still need to be effectively enforced with the shippers who, in impunity, violate the provisions of the Code relating to the declaration of dangerous goods, as required.

9 It is the co-sponsors' view that regulation and enforcement are two sides of the same coin. As such, inspections by Authorities on cargo transport units are essential towards improving compliance with IMO regulation and standards. The importance attached to inspections is highlighted in the *Inspection programmes for cargo transport units carrying dangerous goods* (MSC.1/Circ.1442), as amended by MSC.1/Circ.1521 (currently under review).

10 The Member States which have not yet carried out container inspection programmes have been urged to do so and to submit the relevant information to the Organization. However, only a few Member States either carry out or report inspections' findings to the Organization, as indicated by the low numbers of reports, which were only seven in 2019 and 2018 (CCC 6/14, paragraphs 9.3 to 9.5 and CCC 5/13, paragraphs 9.4 to 9.8); five in 2017 (CCC 4/12, paragraphs 8.2 to 8.9); four in 2016 and 2015 (CCC 3/15, paragraphs 11.2 to 11.5, CCC 2/15, paragraphs 10.2 to 10.4) and six in 2014 (CCC 1/13, paragraphs 8.2 to 8.5). In this respect, it is considered crucial that more Member States seek to implement container inspection programmes, as these are necessary in the context of preventing risk factors associated with container fires.

11 At the same time, fragmentation in parts of dangerous goods regulation at the intermodal level has been identified as a risk factor, due to adding complexity and burden on shippers and entities in the supply chain, eventually discouraging them from declaring containerized dangerous goods, as required. Therefore, there is a need to consider areas of further harmonization and/or alignment of dangerous goods regulations intermodally, in order to facilitate and encourage the declaration of dangerous goods, as appropriate.

12 The successful application of regulations regarding the transport of dangerous goods is heavily dependent on proper training of all persons involved in the supply chain. Chapter 1.3 of the IMDG Code requires that shore-based personnel engaged in the transport of dangerous goods intended to be transported by sea be trained in the contents of dangerous goods provisions commensurate with their responsibilities. In this regard, the co-sponsors have identified that personnel in the supply chain may not always be aware that the goods to be transported may be loaded onto ships, or that indeed the goods are considered dangerous. At the same time, there may be gaps in training requirements for shore-based personnel. As such, consideration needs to be given, more broadly, on encouraging mandatory training for shore-based personnel engaged in the handling, packing, labelling and transportation of containerized goods, as appropriate.

* Industry guidance on risk-based stowage can be found in *Safety Considerations for Ship Operators Related to Risk-Based Stowage of Dangerous Goods on Containerships* (Version 1.00, November 2019), as published by the Cargo Incident Notification System (CINS) and made available through the following link: <http://www.cinsnet.com/wp-content/uploads/2019/11/CINS-DG-Stowage-Considerations-Final.pdf>.

Further comment on proposals for a new output

13 At the same time, the co-sponsors note that recent amendments to SOLAS chapter II-2 were introduced with the adoption of resolution MSC.365(93)), which entered into force on 1 January 2016 and introduced new requirements for fire protection on containerships. The co-sponsors would urge that, should the Committee consider amendments to SOLAS via a new output, an analytical approach be followed in which recent amendments and their effect on safety be considered and taken into account prior to re-amending them.

Recommendation

14 In conclusion, the co-sponsors consider that a holistic, methodical and analytical approach should be taken to the issue of container fires. Such an approach should focus on the need for correct identification, classification, packing, labelling, handling, storage, declaration, loading, stowage and unloading on shore and in port areas, which will enable States and industry to improve their understanding of the IMDG Code. Additionally, States should ensure that shore-based personnel acquire a working level of knowledge and understanding of applicable regulations, and that there is adequate compliance, implementation and enforcement of regulation, all of which will contribute to the safer transport, storage and stacking of dangerous goods in port areas, as well as on board ships.

15 Therefore, the Committee, in its deliberations for a new output related to containership fires, should:

- .1 include the need to prioritize the enhancement of risk prevention and mitigation related to container fires, as set out in this document; and
- .2 assess whether there is a need to include relevant parts of SOLAS that were recently amended,

allocating these items for consideration to the relevant sub-committees, as appropriate.

Action requested of the Committee

16 The Committee is invited to consider the recommendations in paragraphs 14 and 15, as part of a potential new output, and take action, as appropriate.
