



# SEMAPHORE

Newsletter of the Maritime Law

Association of Australia and New Zealand



## DG Declaration/Stowage Under Fire

Vessel operators, owners and other stakeholders throughout the maritime world are drawing unprecedented focus on the need for shippers to ensure they properly declare and stow dangerous goods cargo so as to ensure the safety of crews and ships.

The issue has gained increasing prominence in the wake of incidents such as the March 2018 fire onboard the 15,226-TEU Maersk Honam – which resulted in the deaths of five out of 27 crew members.

It is understood to have been a focal point of this month's meeting of the International Maritime Organization's Subcommittee on Carriage of Cargo and Containers.

A document prepared collaboratively for that meeting by the International Cargo Handling Co-ordination Association, World Shipping Council and other parties stated "the increasing number of casualties related to container fires during the past years suggests that the problem is exacerbating".

"In 2019, up to the time of writing this document, there is an alarmingly increasing number of containership fires, which, compared to previous years, may indicate an increasing severity of the problem," it stated.

### **New Zealand**

In New Zealand – and much to the delight of members of the New Zealand Shipping Federation – regulatory authorities recently undertook a crackdown on dangerous goods compliance of vehicles bound for the Cook Strait ferries.

A total of 88 vehicles were spot checked on July 30, of which 83 were commercial trucks, 48 were confirmed as intending to travel on a Cook Strait ferry and 21 were carrying dangerous goods.

Maritime New Zealand compliance systems delivery deputy director Pelin Fantham, whose organisation led the multi-agency exercise, reports that "good compliance" was observed.

Mr Fantham says information gained from the operation is to be used in subsequent compliance checks as well as in other activities by regulators to ensure dangerous goods are transported safely in compliance with the law.

Police, which regularly undertake road transport compliance and safety checks on commercial vehicles throughout the roading network –



*New Zealand Shipping Federation executive officer  
Annabel Young*

including for dangerous goods -- issued one infringement notice during the exercise.

While this particular exercise may have revealed a positive result, Shipping Federation executive officer Annabel Young is urging against complacency.

“This is something that the roll-on/roll-off operators have been complaining about for years and it is great to see that the regulatory agencies are taking it seriously,” says Ms Young.

Emphasising Ms Young’s point, the Police’s Commercial Vehicle Safety Team detected 367 offences from the 3718 roadside dangerous goods inspections conducted on heavy motor vehicles during the 2017-2018 financial year.

Adds Ms Young: “Everyone understands that the liability does not stop with the truckie but extends all the way back to the owner of the business and the person who documented the goods.”

### **United States**

A recent voluntary inspection of 500 Maersk, Hamburg Süd, Hapag-Lloyd and CMA CGM containers undertaken in the United States by the National Cargo Bureau (NCB) revealed the following concerning results:

- 55% failed with one or more deficiencies
- 49% of the import containers containing dangerous goods failed
- 38% of containers with dangerous goods exports failed
- of the import containers with dangerous goods, 44% had problems with the way cargo was secured, 39% had improper placarding and 8% had misdeclared cargo
- of the export containers with dangerous goods, 25% had securing issues, 15% were improperly placarded and 5% were misdeclared

### **Carrier Initiatives**

Following the tragic fire onboard the Maersk Honam, Maersk last year conducted a thorough review with partner stakeholders leading to the development of comprehensive new guidelines on dangerous goods stowage across its fleet.

Assessing containership designs from a risk-mitigation perspective, the carrier assigned vessels with six different risk zones within its “Risk Based Dangerous Goods Stowage” principles, of which key elements include:

- cargo covered under the International Maritime Dangerous Goods Code will no longer be stowed next to accommodation and the main propulsion plant, which has been defined as the zone with the lowest-risk tolerance

### **Notable Vessel Fires This Year**

According to Drewry Container Insight Weekly, notable fires onboard containerships and containership/roll-on roll-off hybrids so far in 2019 have included:

- January 3 – 7179-TEU Yantian Express, Canada east coast
- January 29 – 3267-TEU Olga Maersk, between Panama and Cartagena
- January 31 – 9200-TEU APL Vancouver, Vietnamese coast
- February 13 – 5754-TEU ER Kobe, China coast
- March 10 – 1321-TEU Grande America, France Atlantic coast
- May 16 – 716-TEU Grande Europe, Mallorca coast
- May 25 – 1585-TEU KMTC Hong Kong, Laem Chabang Port
- August 9 – 10,106-TEU APL Le Havre, Indian west coast

- risk tolerance will be low below deck and in the middle of a vessel, but higher on deck fore and aft
- utilising statistics on container fires in the Cargo Incident Notification System, Maersk has defined which United Nations numbers of hazardous goods can be stored in each risk zone

At that time, Maersk head of fleet technology Ole Graa Jakobsen said the tragedy had made it “clear” that international regulations and practices with regard to dangerous goods stowage needed review in order to “optimally protect crew, cargo, environment and vessels”.

“All cargo aboard Maersk Honam was accepted as per the requirements of the International Maritime Dangerous Goods Code and stowed onboard the vessel accordingly,” he said.

“Despite this, as the fire originated in a cargo hold in front of the accommodation which held several containers with dangerous goods, it had an unbearably-tragic outcome.”

It is understood a review aimed at creating best-management practices for dangerous goods stowage was also subsequently initiated by the American Bureau of Shipping, Lloyds Register, the International Group of P&I Clubs, the NCB, the TT Club and Exis Technologies.

Meanwhile, carriers are ramping up penalties for containers found to be in breach of dangerous goods regulations – including Taiwan-based Evergreen leading the way with its recent announcement of fines of US\$35,000 per infringing box.

Following its 7510-TEU containership Yantian Express catching fire in January this year, Hapag-Lloyd, also responded with US\$15,000 fines for such breaches – albeit, this is understood to apply only to the China tradelane.

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