

Cochin Port Trust (Handling Freight Containers Carrying Dangerous or Hazardous Cargo) Regulations, 2019

UNION OF INDIA

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Rule

COCHIN-PORT-TRUST-HANDLING-FREIGHT-CONTAINERS-CARRYING DANGEROUS OR HAZARDOUS CARGO REGULATIONS, 2019

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Cochin Port Trust (Handling Freight Containers Carrying Dangerous or Hazardous Cargo) Regulations, 2019Published vide Notification No. G.S.R. 761(E), dated 7.10.2019Last Updated 12th October, 2019Ministry of Shipping(PD Division)G.S.R. 761(E). - In exercise of the powers conferred by sub-section (1) of section 124 read with sub-section (1) of section 132 of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby approves with modifications the Cochin Port Trust (Handling Freight Containers Carrying Dangerous or Hazardous Cargo) Regulations, 2019 made by the Board of Trustees of the Cochin Port Trust under section 123 and published by it as required under sub-section (2) of section 124 of the said Act, as set out in the Schedule annexed to this notification.

2. The said regulations as approved shall come into force on the date of publication of this notification in the Official Gazette.

Schedule

In exercise of the powers conferred by section 123 of the Major Port Trusts Act, 1963 (38 of 1963), and in supersession of the Cochin Port Trust (Handling Freight Containers Carrying Dangerous or Hazardous Cargo) Regulations, 1987, except as respects things done or omitted to be done before such supersession, the Board of Trustees of Cochin Port Trust hereby makes the following regulations, subject to approval of the Central Government and the same is being published twice in

the official Gazette for the information of the public, as required under sub-section (2) of section 124 of the said Act, namely:-

1. Short title and Commencement.

(1) These regulations may be called the Cochin Port Trust (Handling Freight Containers Carrying Dangerous or Hazardous Cargo) Regulations, 2019. (2) They shall come into force on the date of publication of the approval thereto by the Central Government in the official Gazette.

2. Definitions.

- In these regulations, unless the context otherwise requires,-(i)"container" means an article of transport equipment specially designed and constructed for the purpose of transport of dangerous goods by one or more modes of transport. Note. - Containers used for the carriage of dangerous or hazardous cargo shall be of adequate strength to resist the possible stress imposed by the conditions of the services in which they are deployed and they shall be properly and regularly maintained;(ii)"closed container" means a container which can be laden only through one or more doors in the side or end walls;(iii)"open top container" means a container with the bottom side and walls, but no roof;(iv)"tank container" means container especially built for transport and distributing liquids and gases in bulk;(v)"platform container" means a type of loadable platform having the same overall external length and width as the base of series containers and equipped with top and bottom corner fittings located, as on these containers, so that some of the same securing and lifting devices may be used;(vi)"container space" means a space occupied by one container equivalent to one Twenty-Foot Equivalent Unit.; Note. - One Twenty-Foot Equivalent Unit measures 6.1 metres x 2.4 metres x 2.4 metres and this distance may be occupied by a neutral container or containers;(vii)"deputy conservator" means the person appointed as such by the Board to be the Head of Marine Department;(viii)"container parking yard" means the yard in which the containers are stacked;(ix)"container handling equipments" means equipments used for safe handling of containers including Transfer Cranes, Top Lift Trucks, Fork Lift Trucks or any other equipment fitted with special device for lifting containers;(x)"container ship" means a ship in which the containers are loaded either below the deck or above deck and shall also include container oriented ships handling cargo in break bulk form;(xi)"dangerous cargo shed" means a specially constructed shed used for keeping dangerous or hazardous cargo;(xii)"International Maritime Dangerous Goods Code" means the International Maritime Dangerous Goods code adopted, by the International Maritime Organisation and as amended from time to time;(xiii)"loading and unloading" refer to the placing of a container aboard a ship and to its removal therefrom;(xiv)"packages" refer to receptacles for dangerous goods and receptacles containing dangerous or hazardous cargo;(xv)"packing and unpacking" refer to the placing of package containing dangerous or hazardous cargo into a container and their removal there from;(xvi)"port" means the Port of Cochin;(xvii)"stuffing and de-stuffing" means filling up the container with cargo and removal of cargo from the container;(xviii)"transport tractor-trailer" means a combination of transport tractor with trailer coupled together permanently or temporarily designed primarily for the transportation of goods by road; and(xix)all other words and expressions used herein and not defined, but defined in the Major Port Trusts Act, 1963 (38 of 1963) or the Indian Ports Act, 1908 (15 of 1908) shall have

the meanings respectively assigned to them in those Acts.

3. Dangerous or Hazardous Cargo.

- For the purpose of this regulations, the dangerous or hazardous cargo shall cover all substances classified as dangerous cargo by the International Maritime Dangerous Goods code by the International Maritime Organization.

4. Classification of Dangerous or Hazardous Goods.

- For the purposes of these regulations, dangerous or hazardous goods shall be divided into the following classes based on the International Maritime Dangerous Goods Code classifications, namely:-Class 1 - Explosives;Class 2 - Gases compressed; liquefied or dissolved under pressure;Class 3 - Inflammable liquids;Class 4 - Flammable Solids;Class 4.1 - Flammable solids (including self reactive substances and solid desensitized explosives) ;Class 4.2 - Substances liable to spontaneous combustion;Class 4.3 - Substances, which in contact with water emit inflammable gases;Class 5.1 - Oxidizing substances;Class 5.2 - Organic Peroxides;Class 6.1 - Poisonous (Toxic) substances;Class 6.2 - Infectious substances;Class 7 - Radio-active substances;Class 8 - Corrosives;Class 9 - Miscellaneous dangerous substances and articles, i.e., any other substance which experience has shown or may show to be of such dangerous character as to be treated as dangerous goods.

5. General acceptability of ships carrying dangerous or hazardous containers into port.

(1)All dangerous or hazardous cargo entering the Port area must be classified, packaged, labelled and marked in accordance with the International Maritime Dangerous Goods Code and be declared by the ship or shipper accordingly and the container shall also be marked as such and shall be accompanied by a packing certificate issued by the operating company indicating the contents.(2)No ship carrying containers containing dangerous or hazardous cargo on board shall enter the port unless the containers are stowed and so documented according to the applicable provisions of the International Maritime Dangerous Goods code.

6. Restriction on entry of ships carrying certain classes and quantities of dangerous or hazardous cargo.

(1)Ships carrying explosives shall be allowed only at such of the anchorages or areas notified by the concerned port authorities except in such quantities as may be permitted to be handled inside the port area under the applicable law for the time being in force.(2)No cylinder containing gases compressed, liquefied or dissolved under pressure shall be permitted to be brought inside the port unless such cylinders are permitted for import or export by the Chief Controller of Explosives.(3)Dangerous goods in tank containers of the following class and type of commodity shall be limited aboard any ship to such quantity as may be notified by the port authorities, namely:-Class 2 - Liquefied, Inflammable or Poisonous Gases;Class 3.1 - Inflammable Liquids e.g. Carbon

Disulphide; Class 4.2 - Spontaneously Combustible Liquids e.g. Aluminium Alkyls; Class 6 - Tetra-methyl Lead (Fuel Additives); Class 6.1 - Poisonous (Toxic) substances; Class 6.2 - Infectious substances; Class 8 - Corrosives; Class 9 - Miscellaneous dangerous substances; (4) In all such cases, handling of tank containers shall be limited to day light hours and subject to the consignee taking delivery from the port premises and they shall not be deposited for any length of time within the port premises. (5) The Deputy Conservator or officer responsible for the safety of the port or any authorized representative specially nominated by him for the regulation of the dangerous or hazardous cargo in the port shall be the sole authority to give permission for landing or loading dangerous or hazardous cargo in containers.

7. Advance Notification.

(1) The Master or the ship owner or agent must inform the port authority at least forty eight hours prior to arrival of the ship of the dangerous or hazardous goods in the containers aboard the ship and those to be discharged at the port. (2) The intention to land or load dangerous or hazardous cargo shall be given by the steamer agents or consignors or consignees in an application made in triplicate to the Deputy Conservator for seeking permission at least forty-eight hours in advance and such application shall include a complete list of all substances with their true chemical name and International Maritime Dangerous Goods Code Number: Provided that one copy of each such application and its enclosure shall be given to the Deputy Conservator, Container Terminal Manager and Traffic Manager and such list shall furnish complete details including their full technical names, quantities, mode of packaging, International Maritime Dangerous Goods classification, if known and such other relevant data: Provided further that the items included in the list shall be serially numbered for reference and follow up correspondence. (3) An application for issue of permits for inflammable liquids including petroleum as defined in clause (a) of section 2 of the Petroleum Act, 1934 (30 of 1934), shall contain the information in respect of flash points of such liquids and whether such liquids are miscible with water or not. (4) In addition to the documents as specified in this regulation, the Deputy Conservator and Container Terminal Manager shall be provided with the information regarding transit cargo of dangerous or hazardous goods containers carried by each ship. (5) In the case of export, the intention to export dangerous or hazardous cargoes through containers shall be advised to the port authority prior to their delivery to the berth at least forty eight hours in advance and permission obtained from the Deputy Conservator. (6) In the case of cargo in transit, the same prohibitions and restrictions as applicable in respect of dangerous or hazardous cargo for loading or unloading shall be applicable.

8. Berthing.

- Any container ship carrying containers containing dangerous or hazardous cargo on board shall be berthed only when permission to berth is granted by the port authorities at the designated berth.

9. Stacking of dangerous or hazardous cargo containers.

- The port authorities shall stack the dangerous or hazardous cargo containers in either of the following: - (i) stack the containers separately in a specially designated area which has been

constructed for storage of dangerous or hazardous cargo and provided with fire fighting arrangements; or(ii)stack the containers in the parking yard itself by providing proper segregation as per International Maritime Dangerous Goods Code.

10. Containers containing dangerous or hazardous cargo brought to International Container Transshipment Terminal, Port Container Freight Station etc.

(1)The containers containing dangerous or hazardous cargo which are brought to the International Container Transshipment Terminal or Port Container Freight Station or such other terminal or station shall be placed in specifically marked area or noted area with proper labels, security arrangements and adequate fire fighting arrangements suitable for the specific classified cargoes as specified by the International Maritime Organization.(2)The permission for India gateway terminal shall be only for transit and the officer at International container transshipment terminal or India gateway terminal authorised by the Deputy Conservator shall ensure that segregation and safety requirements including fire fighting equipments are available at the container freight station prior to permitting despatch of cargo.(3)The General Manager of the India Gateway Terminal Private Limited or an officer designated by him shall be responsible for the safety of dangerous cargo and its handling in the International container transshipment terminal and en-route, and the name and designations of such officer responsible for enforcing safe handling of cargo at International Container Transshipment Terminal or India Gateway Terminal shall be intimated to the Deputy Conservator.

11. Special conditions to be followed for permitting transit of Class-7 Cargo.

- Vessels in transit carrying Class-7 cargo as classified by the International Maritime Organization shall be permitted in Cochin Port International Container Transshipment Terminal, subject to the following conditions, namely: -(i)no shifting of containers shall be permitted in the port or on board the vessel;(ii)the port is to be informed at least ten days in advance of the arrival of the vessel along with a copy of the stowage plan showing the position of the Class-7 cargo containers;(iii)the information on the arrival of the vessel carrying Class - 7 cargos is to be intimated to Deputy Conservator, Harbour Master, Traffic Manager and Terminal Manager of the International Container Transshipment Terminal; and(iv)hazardous cargo declaration in respect of 'in transit' container shall be provided.

12. Container brought in for customs examination in port by road or Roll On - Roll Off Barges.

- The following condition shall be applicable when containers are brought in for customs examination in Cochin Port, Willingdon Island by road or roll on - roll off barges, namely: -(i)advance information of not less than forty-eight hours and permission shall be obtained for placing the container at noted area or Inspection Ramp in the Port Container Freight Station;(ii)container to be placed with proper International Maritime Organisation Class labels on

all sides;(iii)dwelling time of container at Cochin Port Trust Area Container Freight Station shall not exceed forty-eight hours; and(iv)seal verification by the Custom's representatives shall be done in the presence of port fire service personnel.

13. Stuffing and de-stuffing of containers.

(1)The stacking of containers shall be as provided in regulation 9 and the stuffing or destuffing operation shall commence only after obtaining clearance from the Deputy Conservator.(2)The stuffing and destuffing operation shall follow strictly the International Maritime Dangerous Goods Guidelines for the packing of dangerous or hazardous cargo in a Freight Container.(3)In case stuffing or destuffing is done in an area in the vicinity of stack-yard, a minimum distance of thirty metres around shall be observed.(4)The following procedure and conditions shall be followed before stuffing, namely:-(a)containers into which dangerous cargos are to be stuffed shall be examined visually for damage and if there is evidence of material damage, the container shall not be packed;(b)container shall be clean, dry and fit for use and irrelevant dangerous cargo labels shall be removed or masked over before stuffing begins;(c)information shall be provided by the shipper about the hazardous proportions of the dangerous cargo to be handled and the shipper shall also ensure that dangerous cargoes are stuffed, marked and labeled in accordance with the International Maritime Dangerous Goods Code;(d)dangerous cargo shall not be handled unless packaged, marked and labeled in accordance with these regulations;(e)dangerous cargo shall only be handled, stuffed and secured under direct and identifiable supervision of a person deputed by the consignor or the consignee as the case may be, who is familiar with the risks involved and knows which emergency measure should be taken and such person shall also ensure that any necessary protective equipment is available;(f)smoking shall be strictly prohibited;(g)suitable fire precaution measure shall be taken;(h)packages shall be examined and if any found to be damaged, leaking or sifting shall not be stuffed into a container and packages showing evidence of staining, etc., shall not be packed into a container without first determining that it is safe and acceptable to do so;(i)water or other matter adhering to packages shall be removed before packing into a container;(j)if cargoes are palletized or otherwise utilized they shall be compact and secured in a manner unlikely to damage the individual packages comprising the unit load and the materials used to handle the unit load together shall be compatible with the substances unit load and retain their efficiency when exposed to moisture, extremes of temperature and sunlight;(k)in case where electric power supplied is used for any equipment or machinery in the area where containers are stacked or stuffing and destuffing is carried out, the electric supply system in the machinery shall be of a type which will not cause any spark likely to cause hazard; and(l)container intended to carry dangerous cargo under temperature control shall be inspected and operated to ensure that the machinery is in proper working order before the shipment is made and a record of the inspection shall be maintained.(5)While stuffing and securing containers, -(a)special care shall be taken during handling to ensure that the packages or receptacles are not damaged;(b)if a package containing dangerous cargo is damaged during handling and the contents leak out, the immediate area shall be evacuated until the hazard potential can be assessed and such damaged packages shall not be transported;(c)no repacking shall be done within the port premises and if leakage from dangerous cargo is likely to cause any explosion, spontaneous combustion, poisoning or similar danger, personnel shall immediately be moved to safe place and the emergency response organization including the fire service, medical services and

pollution control organization shall be notified as necessary;(d)dangerous goods shall not be stuffed in the same container with incompatible substances;(e)dangerous goods, which may suffer damage by taint, odour or contamination to other products, shall not be stuffed in the same container as goods;(f)when dangerous cargo, particularly those from Class 6.1 (Poisons) and Class 8 (Corrosives) are handled, consumption of any form of food or drink shall be prohibited;(g)special packing instructions detailed on individual packages or otherwise available must be strictly observed and goods marked "Protect from Frost" shall be stowed away from the walls of the container; and(h)goods marked "this way up" shall be packed accordingly and when dangerous goods consignment forms only part of the load of a container, it shall be stuffed so as to be accessible from the doors of the container.

14. Marking and Labeling.

(1)The containers shall be sealed prior to dispatch but shall not be locked unless specifically required and agreed to by the container operator and in such cases a key shall be readily available at all times.(2)Containers in which dangerous goods are stuffed shall bear International Maritime Organization Dangerous goods Code Class Labels (Placards) which shall be not less than 250 mm x 250 mm in size and except where not required by International Maritime Dangerous Goods Code there shall be at least four such labels (Placards) placed externally in conspicuous places, one on each side and one on each end and the labels for the sides of the container shall be affixed in such position that they are not obscured when the container doors are opened.(3)The container shall also bear externally the correct technical name of each of the dangerous substances packed therein.(4)Additional labels as may be required by rail and road transport authorities shall be provided.

15. Stuffing Certificate.

(1)Those responsible for the stuffing of the dangerous cargo into a container shall provide a Container Stuffing Certificate certifying that it has been properly carried out and embodying the following provisions, namely: -(i)that the container was clean, dry and apparently fit to receive the goods;(ii)no incompatible goods have been stuffed in the container;(iii)all packages have been externally inspected for damage and only dry, sound packages packed;(iv)all packages have been properly stuffed in the container and secured and suitable securing materials used;(v)the container and packages are properly marked and labelled;(vi)the dangerous cargoes in the container are those for which acceptance has been officially obtained with the shipment in question; and(vii)the consignor of the dangerous cargo has in each case issued a dangerous cargo's declaration as to nature of the hazard and that the cargoes are suitably packaged for transport by sea.(2)The Container Stuffing Certificate shall be forwarded with the container and to be available at the time of loading on board ship.

16. General advice on receipt of containers containing dangerous or hazardous cargo for stuffing or de-stuffing.

(1) Containers containing dangerous cargo shall be destuffed with care, always bearing in mind that the cargo may have been damaged in transit and before the doors are opened, this possibility shall be borne in mind in relation to the properties of the cargo and if there is evidence that damage has occurred and such a condition exists, expert advice must be sought before commencing to de-stuff the containers. (2) The following general advice shall be followed, namely: -(i) any container which carried dangerous cargo particularly, toxic products, shall be ventilated before destuffing commences, that is, the door shall be kept open for an adequate period; (ii) after any container containing dangerous goods had been destuffed, particular care must be taken to ensure that no hazard remains and this may entail special cleaning particularly if toxic spillage has occurred or is suspected and only when satisfied that a container offers no hazard, the dangerous goods labels shall be removed; (iii) If any container shows signs of heat it shall be removed to a safe place and fire services immediately notified and care shall be taken to see that any fire fighting methods to be used are suitable for the cargo in question; and (iv) consignee is normally obliged to return the container, after destuffing, cleaning and making it suitable for the transport of every kind of cargo, especially when poisonous, dangerous or obnoxious cargo has been transported.

17. De-stuffing of dangerous or hazardous cargoes.

(1) Notification of import of dangerous cargo must be given to the concerned port authority by the consignee or importer or his agent prior to the arrival of the container within the port. (2) While destuffing dangerous or hazardous cargoes, the following procedure shall be followed, namely: -(i) dangerous cargo containers shall be destuffed with care always bearing in mind that the cargo may have been damaged in transit and before the doors are opened, this possibility shall be borne in mind in relation to the properties of the cargo and if there is evidence that such damage has occurred, expert advice must be sought before commencing destuffing of the container; (ii) if cargo is destuffed and checked, it must be separated according to its class and placed in the correct storage area and any discrepancy in respect of marks, labels or type of packaging must be reported to the supervisor and the operating company shall be advised at the earliest opportunity; (iii) areas for the storing of the various classes shall be clearly defined and where possible, there shall be an outside stowage provided the packaging is suitable and in any event, dangerous goods shall be set apart from the general cargo within the transit shed; (iv) removal of imported dangerous cargo must be effected immediately; (v) all dangerous cargo labels shall be removed as soon as the container can be declared non-hazardous; (vi) Less than Container Load containers containing part International Maritime Organization cargo shall be permitted to be de-stuffed in port's Container Freight Station; (vii) International Maritime Organization cargo shall not be stored in the Port's Container Freight Station; (viii) Full Container Load containers are permitted for direct delivery; (ix) Less than Container Load containers for de-stuffing are to be placed at noted area marked for placement of International Maritime Organization containers at Port Container Freight Station with proper labels on all sides; (x) permission for de-stuffing shall be obtained from Deputy Conservator or his authorised deputies; and (xi) International Maritime Organization cargo shall be delivered either in the containers or designated trucks, which shall observe the applicable motor vehicle rules for road transportation.

18. Limit of dangerous cargo.

- Total quantity of dangerous cargo in a designated area shall not exceed ten-container load.

19. Precautions to be taken by persons handling dangerous or hazardous cargo.

(1)The following special fire fighting provisions shall be made in the designated areas where dangerous or hazardous cargo containers are kept, namely: -(a)the provision of all fire fighting equipment as required by national or local regulations in properly maintained and fully operational condition;(b)the provision of clear information as to emergency routines to be followed and a regular practice of such routines;(c)good liaison between the container base and the local fire brigade so that the fire service shall be readily available at all times;(d)good housekeeping and cleanliness shall be ensured since patches of oil mixed with the sawdust are potential sources of ignition and heaps of rubbish can be readily ignited, and piles of dunnage can assist in the rapid spread of the fire;(e)proper care shall be taken to minimize sources of ignition such as smoking, unprotected or ill maintained electrical installations or main equipment;(f)proper care of machinery and its operations particularly when refueling; and(g)clear access to fire appliances within the premises shall be maintained and its route kept clear at all times to enable emergency vehicles to reach the area.(2)The following special equipment shall be provided in the designated areas where dangerous or hazardous containers are kept, namely: -(a)adequate and proper breathing apparatus shall be provided and trained in its use so as to render immediate assistance to personnel affected by noxious fumes;(b)protective clothing, comprising rubber boots and gloves and apron together with oilskins shall be available for use in dealing with spilt material; and(c)receptacles of inert materials shall be available for use in minimising the spread of spilt liquid:Provided that nothing in this section shall prevent calling upon the proper emergency service as soon as trouble arises.(3)Adequate lighting arrangements shall be made and -(a)wherever and whenever dangerous goods are handled or when other goods handled adjacent to dangerous goods, adequate and flameproof lighting shall be provided; and(b)it shall be remembered that labels may appear to change colour in artificial light.

20. Segregation of International Maritime Organization class containers.

- The segregation of International Maritime Organization class containers shall be in accordance with the provisions of the International Maritime Dangerous Goods Code.

21. International Maritime Dangerous Goods Code to apply in the absence of specific provisions.

- In these regulations, where a procedure is not expressly provided for, the provisions of the International Maritime Dangerous Goods Code shall apply.

22. Contraventions of regulations.

- Any person who contravenes any of the aforesaid provisions or orders made thereunder shall be punishable with fine which may extend up to two thousand rupees and where the contravention or failure is continuous one, with further fine which may extend up to five hundred rupees per day of such continued contravention and also liable to pay the cost of rupees one lakh towards the damage caused to the port property, environment and human life or as determined by the Chairman, Cochin Port Trust, whichever is higher.

23. Standard Operating Procedures.

- Specific standard operating procedures may be framed by the Board from time to time.