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### 1. Reducing danger in the supply chain

Peregrine Storrs-Fox, the TT Club's Risk Management Director, comments on IMDG Code Amendment 34-08:

'As highlighted in the article in TT Talk Edition 115, a key change in IMDG Code Amendment 34-08 is the new mandatory training requirements for shore side staff involved in the preparation, handling and transport of dangerous goods by sea. Accidents involving packaged dangerous goods continue to occur and this measure is seen as an important element in the wider programme of tackling this issue.

The IMDG Code revision affects all those involved in classifying, consigning, packaging, marking, declaring, documenting, container packing, handling and accepting DG - a vast array of people through the entire supply chain, not just involved at the port or onboard ship. As the Club has previously advised, everybody involved in the chain, including booking staff, carry responsibility to be aware of and apply these important international rules.

The mandatory requirement comes into effect on 1 January 2010 and it is clear that the attitude that the maritime chain adopts is crucial. Furthermore, it is also clear that it must itself play a part in making this new provision effective. Those members, therefore, who deal with shippers, consignors and consolidators are encouraged to develop a simple strategy aimed at informing and, eventually, achieving the goal of the new requirement as far as its customers are concerned. It is recommended that this strategy should have a timescale of some 6-12 months and the following sequential points could form part of it, each following on at orderly intervals:

- Clearly informing the customer of the substance of the new requirements;
- Seeking information regarding the status of the customer's preparedness, i.e. are all relevant employees properly trained;
- Seeking a commitment to implement appropriate training;
- Seeking confirmation that all relevant employees have been trained; and
- Seeking evidence that all relevant employees have been trained.

As a start, Members are recommended to use the next four months to make a concerted effort to inform their customers in some detail of the requirement for training and to ask whether each customer's employees are trained.

Where customers are unable to find appropriate training help is at hand. The Club is aware of a number of different approaches being taken - from face-to-face training courses to online tools.

One example of the latter is an e-learning system developed by Exis Technologies. The course has been developed by a dedicated team of specialists and the support of industry and IMO, and has been certified against the DNV (Det Norske Veritas) Standard for Certification of Learning Programmes. It is tailored to the IMDG Code requirements for both general awareness and function specific training.

The course comprises modules dealing with topics such as classification or consignment, with elements corresponding to lessons. There are self assessment tests at the end of each element to ensure that a good understanding of the course content is being gained as the student progresses, building towards a Course Completion Certificate score.

IMDG Code e-learning can be downloaded and purchased from the course website for stand alone applications and is also available for corporate intranet for broader training programs (providing full administrator management including course configuration for job functions, setting pass marks and timeframes for completion and progress monitoring). Furthermore, the package can accommodate company-specific training elements. There is a course demonstration and online brochure at <http://www.imdgc-learning.com>. For further information please contact Melanie Stephenson at Exis Technologies (+44 1325 467836 or [melanie.stephenson@existec.com](mailto:melanie.stephenson@existec.com)). Other information can be found also at <http://www.hazcheck.com>, including validation of products against the IMDG Code requirements, from packing to segregation and marking and placarding to documentation.

Whatever methodology is adopted, the underlying message is important: the new responsibilities to demonstrate training reach to the originator of any packaged dangerous goods - even the manufacturer. As the requirement will date from 1 Jan 2010, it does mean there is no time to be lost in ensuring that everyone involved in moving such cargo internationally is aware and trained. The Club lobbied for this legal change and now urges robust implementation through the industry. **TTT**

## **2. Weight and freight declaration**

Readers of TT Talk and other TT publications will be familiar with the concerns expressed about the quality of declaration of cargo, particularly in the maritime part of the supply chain. This was highlighted in two separate incidents - 'Annabella' and 'MSC Napoli' - that were investigated by the UK MAIB. In the second incident it was found that the ship was carrying some 1,250 tonnes more than was declared ('deadload') when leaving the load port and 20% of the deck containers that could be weighed were more than three tonnes different from their declared weights. While not seen as a primary cause of the accident, the report stated that weight misdeclaration is an element that 'erodes or eliminates the safety margins', noting also that only in container shipping is the weight of the cargo unknown.

ICHCA International recently reported that the 'Dutch Government has enacted a new statutory instrument regarding road transport which means that shippers and forwarders, as well as road hauliers, could be fined for overweight containers being on the roadways.' This is consistent with many countries around the world and the fines can be stiff. Weight misdeclaration continues to be an issue that endangers lives and property throughout the supply chain. While authorities may take action on roads, other modes of transport are generally less regulated. Rail carriers, inland or marine terminals and shipping lines are more likely to be left to their own devices, generally

relying on contractual provisions that require the shipper or consignor to declare correctly. While charges or indemnities can - and should - be applied for infringement, collection may not be straightforward.

At the same time, many readers will have seen reports concerning the fire on 'MOL Prosperity' at the beginning of July just outside Hong Kong waters. Initial reports that the cause was related to declared dangerous goods were discounted as the fire started in a container declared to contain inert goods. The final conclusion of the investigators has not yet been published. However, it again raises the spectre that declaration of the nature of the goods being carried - out of sight - in the container was inadequate. Whatever ultimately becomes known about this particular incident, it forms another timely reminder that those involved need to be vigilant to know your shipper and seek to validate that both weight and contents are accurately declared. And, as mentioned through the first article in this issue of TT Talk, awareness and functional training for packaged dangerous goods is now mandated throughout the supply chain. **TTT**

### **3. UK HSE advise checks to cranes with tubular collared or sleeved backstay design**

Following the recent unfortunate accident in which the boom of a gantry crane collapsed over a ship during cargo operations, the UK Health & Safety Executive have recommended Non Destructive Testing to crane structures.

The UK's Port Skills & Safety organisation issued the following alert:

'Although it is too early to be sure of the exact cause of failure of the Morris Dockside Crane at Southampton on 13 July 2009, there are questions about any dockside crane that has a 'tubular collared or sleeved backstay', particularly where final assembly has taken place on site and welding has taken place in wet weather or the welding allows water ingress. The particular Morris Crane involved in the incident was installed in 1993, and although there are few if any identical designs in the UK, there may be others worldwide. As a precautionary measure it may be advisable for users of any Morris dockside crane to have the backstays Non Destructive Testing (NDT) tested for reassurance.

The investigation into this incident is obviously still at an early stage, and this advice is purely precautionary.' **TTT**

### **4. Australia - New CBFCA trading conditions**

CBFCA, the Customs Brokers and Forwarders Council of Australia Inc, has revised its 2006 conditions, creating the '2009 Terms and Conditions'.

According to CBFCA, the major amendments in the 2009 Terms and Conditions are:

- (a) a new definition of 'Customs' to take into account its new name;
- (b) reference to 'Chain of Responsibility' legislation;
- (c) a wider definition of 'Customer' with the intent to try bind more entities to the agreement;
- (d) reference the proposed 'Personal Property Securities Act', which, if enacted, will have an effect on the enforcement of payment of debts;
- (e) reference to the Montreal Convention 1999 on international carriage of goods by air;
- (f) change to the rate of interest on late payment of fees from 24% to a rate determined by reference to the lending rate of the broker's or forwarder's bank (to ensure that, with falling interest rates, the rate charged in respect of late payment of fees is not seen as an unenforceable penalty);
- (g) a new clause clearly setting out when delivery occurs;
- (h) inclusion of a right of inspection of the goods; and

(i) inclusion of the term 'act of terrorism' in the definition of 'force majeure'.

Please use the following web link for the CBFCA national news flash 'Revised Trading Terms and Conditions':

<http://www.cbfc.com.au/BusinessOperationItem.aspx?EntityId=380837> 

## 5. Major regulation affecting cargo shipments

According to Information Paper 40/2009 published by ICHCA International, security regulations for air and sea cargoes in the EU and US are being made increasingly strict. Already, specific data on the contents of all containers headed for the US must be sent to the US Customs and Border Protection at least 24 hours before loading at the foreign port. The US is now working toward a 100% cargo screening of everything entering the country by 2010 - a goal that many insist is almost impossible. In a separate initiative, the EC is running trials on technology-based solutions for better container security on imports from Asia to the EU.

In the effort to improve security measures, many worry that the costs will be too high, especially in the current times of economic insecurity. These concerns are well-founded, not only when taking into account the monetary strains but also in considering the immense scale of such requirements.

Many believe a more feasible alternative would be a practical, intelligence-led approach to security through an effective selection process for targeting suspicious cargo. The reality is that regardless of the resolution, there is a steady movement toward more stringent security in the supply chain. This must always be taken into account when planning the transport of goods in order to avoid loss.

Please visit the following link to ICHCA International's Information Paper Number 40, compiled by the International Security Panel, for more information on this issue:

<http://www.ttclub.com/ttclub/public.nsf/html/JGRM-7U9D26?OpenDocument> 

## 6. Conclusion

We hope that you will have found the above items interesting. If you would like to have further information about any of them, or have any comments you would like to make, please email the editor at [tt.talk@ttclub.com](mailto:tt.talk@ttclub.com). We look forward to hearing from you.

Peter Stockli  
Editor for the TT Club

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