

## **Welcome to this Edition of TT Talk, number 19 in the series**

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### **1. More about that fumigated furniture!**

Edition 17 of TT Talk, published on January 17 this year, referred to an article by Andrew Trasler of TMS(UK) on the TT Club website at

<http://www.ttclub.com/ttclub.nsf/ByKey/AMIR-56EF96?OpenDocument>

The article related to problems encountered with a consignment of furniture from south-east Asia that had been fumigated with sulphuryl fluoride. In answer to questions raised by Rob van Uffelen, the Global Manager Dangerous Cargo at P&ONedlloyd, Andrew says:-

The container in question which sparked the note in TT Talk had been loaded at the shipper's premises in Thailand. The TT Member then undertook the movement to the port and shipment to Germany. In accordance with regulations, before it was shipped the container was fumigated with methyl bromide at the port of loading. The container was marked accordingly, and when it reached Hamburg, was checked and certified as free of methyl bromide.

It was only when it reached the consignee's premises, and the doors opened, that problems arose. One of the consignee's workers got into the container to assist with the unloading and was overcome by sulphuryl fluoride fumes. We have been assured that at no stage in the transport process had fumigation with sulphuryl fluoride been undertaken: hence there were no warnings on the container or the carriage documents.

The suspicion has to be that the cargo of furniture had been treated with sulphuryl fluoride at the factory and that residues remained within the packing. These were sufficiently strong to affect the unfortunate employee. The point I was making was that this might be a risk with other similar cargoes from south-east Asia, if the factory has treated its products before loading them into the container. Had the container been fumigated with sulphuryl fluoride after loading, it is quite clear that it should/would have been placarded as such by the fumigation company and appropriate precautions would then have been taken before devanning. However, because the treatment had been done by the shipper before the cargo was loaded into the container, there was no such warning. This seems to be a gap in the regulations, which could create a hazard for personnel at the devanning point.

### **2. Handling an environmental pollution case**

A port operator Member of the TT Club in the UK has recently been involved in a prosecution under the Water Resources Act of 1991. During discharge of containers from a container ship, a 20' dry box fell overboard. The cargo was bulk latex in a flexitank. On impact the container was damaged and sank; the flexitank burst and latex leaked into the river.

An investigation was commenced by the Environment Agency (a UK central government department) and they issued a Summons under section 85(1) of the Water Resources Act 1991, alleging that the port had caused poisonous, noxious or polluting matter to enter controlled waters (the harbour estuary).

On the recommendation of the Club's lawyers, the port pleaded guilty to the Summons, since the offence was one of strict liability, and presented arguments in mitigation.

At the trial in the court of first instance in January 2002, the Court found that:

- the pollution was not the result of a deliberate act;
- there had been no attempt to save costs or maximise profit;
- it was an isolated incident;
- there had been no danger of death or serious injury.

The Court also took into account:

- the port's timely plea of Guilty;
- the port's clear and great concern regarding the incident;
- that it was the port's first water pollution offence;
- that the port contributed resources to improving the local environment.

At the hearing, the Environment Agency criticised the port for not following its Pollution Response Plan to the letter, in not deploying a containment boom - even though the Agency conceded that the boom might not have been effective on this occasion. The port was fined US\$7,000 and was ordered to pay costs in addition.

When faced with an environmental incident, Members should immediately notify the Club, so that the Club can:

- assist in identifying appropriate expert assistance, and in seeking to reduce the environmental impact;
- investigate the incident to establish its cause and the parties responsible;
- provide legal representation for Members' employees when they are interviewed by the environmental authorities;
- assist the Member to cooperate, and be seen to be co-operating, with the environmental authorities.

### **3. ICHCA on substance abuse in the workplace**

The Safety Panel of the International Cargo Handling Co-ordination Association has recently published another of its helpful Briefing Pamphlets, no. 15 in the series, entitled Substance Abuse in the Workplace. John Nicholls, the TT Club's Director of Loss Prevention, represents the TT Club on the Safety Panel.

In the Introduction, the author of the pamphlet, Robert D Baron, Director of Safety and Security for the Steamship Trade Association of Baltimore, Maryland since 1981, says that "substance abuse in the workplace is not unique to the cargo handling industry or to any particular region of the world. It is, in fact, an insidious problem that should neither be denied or ignored". For the purposes of the pamphlet, substance abuse is defined as "the use of mind altering or mood changing materials. It includes the excessive use of alcohol, misuse of prescribed medicines and use of prohibited or illegal drugs".

Mr. Baron continues, "One of the acknowledged solutions to alcohol and drug abuse is to eradicate the practice from all workplaces. Although this might seem to be easily accomplished, the challenge is one that requires compassion, co-operation, determination and diligence..... The use of illegal drugs or the misuse of legal drugs or alcohol can significantly affect the safe performance of workers. This may affect the profitability of a company..... Employees under the influence of drugs or alcohol can be a risk to themselves, fellow employees, customers and the public".

He quotes the case of a fork-lift operator who, whilst driving the fork-lift in reverse, struck a longshoreman (stevedore) who was walking on the pier. The longshoreman suffered multiple internal injuries. After the accident, the fork-lift driver tested positive for drugs.

The pamphlet gives advice on the various substances the subject of abuse and on how to recognise the symptoms. It also offers detailed guidance on how to set up an effective substance abuse programme within the workplace, supported by a help and advice service for employees. Results from organisations which have established such programmes are reported as encouraging.

For more detailed information, and useful references, see the ICHCA website at

<http://www.ichca.org.uk>

#### **4. FIATA withdraws FCRs for steel shipments**

An item of news on the website of the British International Freight Association (BIFA) at

<http://www.bifa.org>

tells us that FIATA, the international association of national forwarding associations, has taken the radical step of prohibiting the issuance of FCRs (Forwarders' Certificates of Receipt) in respect of shipments of steel. The news item states that for two or three years now, "FIATA has repeatedly been confronted with incidents involving the issuance of FIATA FCRs by forwarders without actually shipping the goods. Investigations by FIATA showed that a very large percentage of these incidents were fraudulent, mainly by the seller of the goods. In some instances, the freight forwarders were not even members of a national freight forwarders association and simply forged the FIATA FCR form".

The article continues that, "without exception, all cases were specifically related to very large steel shipments, where the buyers of the goods had relied on the FIATA FCR, which had also been requested in a letter of credit. These buyers were not able to obtain the goods, although most had paid the purchase price already. Therefore, with these incidents on the increase, FIATA [took this radical step], aiming to prevent further damage to the reputation of the certificate as a reliable forwarders' document and indeed all other FIATA documents".

#### **5. European Airports and Seaports Police Association Conference in Vienna, 24/25 April 2002**

The European Airports and Seaports Police Association has contacted us to tell us that it will hold its annual conference this year in Vienna on Wednesday April 24 and Thursday April 25. The conference theme is to examine the challenges that face the global transport and supply system in relation to international terrorism. Anyone who would like to attend the conference should apply to the General Secretary at [j.d.jones@west-midlands.police.uk](mailto:j.d.jones@west-midlands.police.uk) for 'observer status'.

#### **6. Conclusion**

We hope that you will have found the above items interesting. If you would like to have further information on any topic, or have any comments you would like to make, then e-mail the Editor at [tt.talk@ttclub.com](mailto:tt.talk@ttclub.com). We look forward to hearing from you.

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