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DURING FUMIGATION

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SPECIAL REQUIREMENTS FOR FLAMMABLE FUMIGANTS

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AUTHORITY: 46 U.S.C. 5103; 49 CFR 1.46.

SOURCE: CGD 74–144, 39 FR 32998, Sept. 13, 1974, unless otherwise noted.

GENERAL

§147A.1 Purpose.

The purpose of this part is to prescribe the requirements for shipboard fumigation that are critical for the health and safety of the crew and any other person who is on board a vessel during fumigation. These are interim rules pending further study and promulgation of comprehensive regulations on shipboard fumigation.

§147A.3 Applicability.

This part prescribes the rules for shipboard fumigation on vessels to which 49 CFR parts 171–179 apply under 49 CFR 176.5.

[CGD 86–033, 53 FR 36026, Sept. 16, 1988]

§147A.5 General requirement.

No person may cause or authorize shipboard fumigation contrary to the rules in this part.

§147A.6 Right of appeal.

Any person directly affected by a decision or action taken under this part, by or on behalf of the Coast Guard, may appeal therefrom in accordance with subpart 1.03 of this chapter.

[CGD 88–033, 54 FR 50381, Dec. 6, 1989]

§147A.7 Definitions.

As used in this part:

(a) *Qualified person* means a person who has experience with the particular fumigant or knowledge of its properties and is familiar with fumigant detection equipment and procedures, or an applicator who is certified by the Environmental Protection Agency if his certification covers the fumigant that is used.

(b) *Fumigant* means a substance or mixture of substances that is a gas or is rapidly or progressively transformed to the gaseous state though some nongaseous or particulate matter may remain in the space that is fumigated.

(c) *Fumigation* means the application of a fumigant on board a vessel to a specific treatment space.

§147A.9 Persons in charge of fumigation and the vessel; designation.

(a) The person, including any individual, firm, association, partnership, or corporation, that is conducting a fumigation operation shall designate a person in charge of fumigation for each operation.

(b) The operator of each vessel shall designate a person in charge of the vessel for each fumigation operation.

§147A.10 Notice to Captain of the Port.

Unless otherwise authorized by the Captain of the Port, at least 24 hours before fumigation the operator of the vessel shall notify the Coast Guard Captain of the Port, for the area where the vessel is to be fumigated, of the time and place of the fumigation, and the name of the vessel that is to be fumigated.

BEFORE FUMIGATION

§147A.11 Person in charge of fumigation; before fumigation.

(a) The person in charge of fumigation shall notify the person in charge of the vessel of:

(1) The space that is to be fumigated;

(2) The name, address, and emergency telephone number of the fumigation company;

(3) The dates and times of fumigation;

(4) The characteristics of the fumigant;

(5) The spaces that are determined to be safe for occupancy paragraph (b)(1)(i) of this section;

(6) The maximum allowable concentration of fumigant in spaces, if any, that are determined to be safe for occupancy under paragraph (b)(1)(i) of this section;

(7) The symptoms of exposure to the fumigant; and

(8) Emergency first aid treatment for exposure to the fumigant.

(b) The person in charge of fumigation shall ensure that:

(1) A marine chemist or other qualified person who has knowledge of and experience in shipboard fumigation evaluates the vessel's construction and configuration and determines:

(i) Which spaces, if any, are safe for occupancy during fumigation; and

(ii) The intervals that inspections must be made under § 147A.21(a)(1);

(2) No persons or domestic animals are in the space that is to be fumigated or the spaces that are designated as unsafe for occupancy under paragraph (b)(1)(i) of this section;

(3) There is proper and secure sealing to confine the fumigant to the space that is to be fumigated, including blanking off and sealing any ventilation ducts and smoke detectors;

(4) The personal protection and fumigation detection equipment for the fumigant that is to be used is on board the vessel;

(5) Warning signs are:

(i) Posted upon all gangplanks, ladders, and other points of access to the vessel;

(ii) Posted on all entrances to the spaces that are designated as unsafe for occupancy under paragraph (b)(1)(i) of this section; and

(iii) In accordance with 49 CFR 173.9(c) or section 8.10 of the *General Introduction of the International Maritime Dangerous Goods Code*. The word ''unit'' on the warning sign may be replaced with ''vessel,'' ''barge,'' ''hold,'' or ''space,'' as appropriate.

(6) Watchmen are stationed at all entrances to:

(i) Spaces that are not determined to be safe for occupancy under paragraph (b)(1)(i) of this section; or

(ii) The vessel, if no spaces are determined to be safe for occupancy under paragraph (b)(1)(i) of this section.

[CGD 74–144, 39 FR 32998, Sept. 13, 1974; 39 FR 37771, Oct. 24, 19745; CGD 96–041, 61 FR 50731, Sept. 27, 1996; CGD 97–057, 62 FR 51048, Sept. 30, 1997]

§ 147A.13 Person in charge of the vessel; before fumigation.

(a) After notice under § 147A.11 (a)(5), the person in charge of the vessel shall notify the crew and all other persons on board the vessel who are not participating in the fumigation of the spaces that are determined to be safe for occupancy under § 147A.11(b)(1)(i).

(b) If no spaces are determined to be safe for occupancy under § 147A.11 (b)(1)(i), the person in charge of the vessel shall ensure that the crew and all persons who are not participating in the fumigation leave the vessel and remain away during fumigation.

DURING FUMIGATION

§ 147A.21 Person in charge of fumigation; during fumigation.

(a) Until ventilation begins, or until the vessel leaves port, the person in charge of fumigation shall ensure that a qualified person inspects the vessel as follows:

(1) He must use detection equipment for the fumigant that is used to ensure that the fumigant is confined to:

(i) The space that is fumigated, if partial occupancy is allowed under § 147A.11(b)(1)(i); or

(ii) The vessel, if no space is determined to be safe for occupancy under § 147A.11(b)(1)(i).

(2) He must make inspections at the intervals that are determined to be necessary by the marine chemist or qualified person under § 147A.11 (b)(1)(ii).

(b) If leakage occurs, the person in charge of fumigation shall:

(1) Notify the person in charge of the vessel that there is leakage;

(2) Ensure that all necessary measures are taken for the health and safety of any person; and