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(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

(3) Notify the person in charge of the vessel when there is no danger to the health and safety of any person.

(c) After the exposure period, if the vessel is in port, the person in charge of fumigation shall ensure that fumigators or other qualified persons ventilate the space that is fumigated as follows:

(1) Hatch covers and vent seals must be removed, other routes of access to the atmosphere must be opened, and if necessary, mechanical ventilation must be used.

(2) Personal protection equipment that is appropriate for the fumigant that is used must be worn.

(d) If ventilation is completed before the vessel leaves port, the person in charge of fumigation shall:

(1) Ensure that a qualified person, who is wearing the personal protection equipment for the fumigant that is used if remote detection equipment is not used, tests the space that is fumigated and determines if there is any danger to the health and safety of any person, including a danger from fumigant that may be retained in bagged, baled, or other absorbent cargo;

(2) Notify the person in charge of the vessel of this determination; and

(3) If it is determined that there is a danger:

(i) Ensure that all measures are taken that are necessary for the health and safety of all persons; and

(ii) Notify the person in charge of the vessel when there is no danger to the health and safety of any person.

§147A.23 Person in charge of vessel; during fumigation.

(a) The person in charge of the vessel shall ensure that the crew and all other persons on board the vessel who are not participating in the fumigation restrict their movement during fumigation to the spaces that are determined to be safe for occupancy under §147A.11(b)(1)(i).

(b) The person in charge of the vessel shall ensure that the crew and all other persons who are not participating in the fumigation follow any instructions of the person in charge of fumigation that are issued under §147A.21(b)(2) or (d)(3)(i) and that the vessel does not leave port if he is notified under:

(1) Section 147A.21(b)(1) that there is leakage, unless the person in charge of fumigation notifies him under §147A.21(b)(3) of this subpart that there is no danger; or

(2) Section 147A.21(d)(2) that there is a danger after ventilation, unless the person in charge of the fumigation notifies him under §147A.21(d)(3)(ii) that there is no danger.

(c) If fumigation is not completed before the vessel leaves port, the person in charge of the vessel shall ensure that personal protection and fumigant detection equipment for the fumigant that is used is on board the vessel.

(d) If the vessel leaves port before fumigation is completed, the person in charge of the vessel shall ensure that a qualified person makes periodic inspections until ventilation is completed and this person shall use detection equipment for the fumigant that is used to determine if:

(1) There is leakage of fumigant; or

(2) There is a concentration of fumigant that is a danger to the health and safety of any person.

(e) If the qualified person determines under paragraph (d) of this section that there is leakage or a concentration of fumigant that is a danger to the health and safety of any person, the person in charge of the vessel shall take all measures that are, in his discretion, necessary to ensure health and safety of all persons who are on board the vessel. If the danger is due to leakage, he shall also ensure that qualified persons immediately ventilate in accordance with paragraphs (c)(1) and (2) of §147A.21.

(f) If the vessel leaves port during the exposure period, the person in charge of the vessel shall ensure that the space that is fumigated is ventilated by qualified persons after the exposure period in accordance with paragraphs (c)(1) and (2) of §147A.21.

(g) If ventilation is completed after the vessel leaves port, the person in charge of the vessel shall ensure that a qualified person, who is wearing the personal protection equipment for the fumigant that is used if remote detection equipment is not used, tests the space that is fumigated to determine if there is a danger to the health and