PART 453—CONTROL AND ENFORCEMENT

Sec. 453.1 Unsafe and noncomplying containers subject to detention or control.

453.3 Detention orders and other orders.

453.5 Termination of detention orders and other orders.

453.7 Appeal provisions.


§ 453.1 Unsafe and noncomplying containers subject to detention or control.

(a) Any container used in or offered for movement in international transport which does not have a valid safety approval plate attached to it is subject to detention or other control by a District Commander or Captain of the Port. However, upon receipt of evidence that a container which does not have a valid safety approval plate attached to it meets the standards of the convention, the District Commander or Captain of the Port may authorize limited movement of such container under conditions he deems appropriate. This paragraph becomes effective on January 3, 1979 for new containers and on January 1, 1985 for existing containers.

(b) If a District Commander or Captain of the Port finds that a container used in or offered for movement in international transport, even though it has a valid safety approval plate attached to it meets the standards of the convention, the District Commander or Captain of the Port may authorize limited movement of such container under conditions he deems appropriate. This paragraph becomes effective on January 3, 1979 for new containers and on January 1, 1985 for existing containers.

§ 453.3 Detention orders and other orders.

(a) The terms of any detention order or other order issued under § 453.1, to the maximum extent practicable, make provisions to avoid loss or damage to cargo.

(b) Written notice of any detention order or other order issued under § 453.1 is given immediately to the terminal operator, stevedore, or other person having actual control over the container involved. Prompt notification is also given to the owner of the container, or his agent. The notification identifies the container involved, its location, and describes the condition which gave rise to the order.

§ 453.5 Termination of detention orders and other orders.

(a) When a container, which is the subject of a detention order or other order issued under § 453.1, is restored to a safe condition, it must be examined in accordance with § 452.3 and a new re-examination date marked on the container in accordance with § 452.1(b) of this subchapter.

(b) The owner or the owner’s agent shall notify the District Commander or Captain of the Port.
Coast Guard, DHS

§ 453.7 Appeal provisions.

(a) The owner, his agent, or the custodian of a container subject to a detention order or other order, may petition the Chief, Office of Operating and Environmental Standards (CG-OES), U.S. Coast Guard to review that order.

(b) The Chief, Office of Operating and Environmental Standards (CG-OES), U.S. Coast Guard requires independent surveys to determine the extent of deficiencies, if necessary. Upon completion of his review, including review of the results of any required independent surveys, the Chief, Office of Operating and Environmental Standards (CG-OES), U.S. Coast Guard affirms, sets aside, or modifies the order.

(c) The owner of a container is liable for any costs incident to a petition for review including any independent surveys, and for any other costs incident to or resulting from detention or other control of a container.

(d) Unless otherwise determined by the Chief, Office of Operating and Environmental Standards (CG-OES), U.S. Coast Guard, a detention order or other order remains in effect pending the outcome of any petition or appeal of that order.

(e) The Chief, Office of Operating and Environmental Standards (CG-OES), U.S. Coast Guard acts on all appeals within ten days of receipt.