

limitations set forth in §171.12 of this subchapter. The requirements of §§176.83, 176.84, and 176.112 through 176.174 are not applicable to shipments of Class 1 (explosive) materials made in accordance with the IMDG Code. A hazardous material which conforms to the provisions of this paragraph (a) is not subject to the requirement specified in §172.201(d) of this subchapter for an emergency response telephone number, when transportation of the hazardous material originates and terminates outside the United States and the hazardous material—

- (1) Is not offloaded from the vessel; or
- (2) Is offloaded between ocean vessels at a U.S. port facility without being transported by public highway.

(b) Canadian shipments and packages may be transported by vessel if they are transported in accordance with this subchapter. (See §171.12a of this subchapter.)

(c) The requirements of this subchapter governing the transportation of combustible liquids do not apply to the transportation of combustible liquids in non-bulk (see definitions in §171.8 of this subchapter) packages on board vessels.

(d) Transport vehicles, containing hazardous materials loaded in accordance with specific requirements of this subchapter applicable to such vehicles, may be transported on board a ferry vessel or carfloat, subject to the applicable requirements specified in §§176.76, 176.100, and subpart E of this part.

(e) Hazardous materials classed and shipped as ORM-D are not subject to the requirements of this part unless they are offered for transportation as hazardous wastes.

(f) Paragraph (a) of this section does not apply to hazardous materials, including certain hazardous wastes and hazardous substances as defined in §171.8 of this subchapter, which are not subject to the requirements of the IMDG Code.

(g) The requirements of this subchapter do not apply to atmospheric gases used in a refrigeration system.

[Amdt. 176-1, 41 FR 16110, Apr. 15, 1976]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §176.11, see the List of CFR Sections Affected which appears in the Find-

ing Aids section of the printed volume and on GPO Access.

§ 176.13 Responsibility for compliance and training.

(a) Unless this subchapter specifically provides that another person shall perform a particular duty, each carrier shall perform the duties specified and comply with all applicable requirements in this part and shall ensure its hazmat employees receive training in relation thereto.

(b) A carrier may not transport a hazardous material by vessel unless each of its hazmat employees involved in that transportation is trained as required by subpart H of part 172 of this subchapter.

(c) The record of training required by §172.704(d) of this subchapter for a crewmember who is a hazmat employee subject to the training requirements of this subchapter must be kept on board the vessel while the crewmember is in service on board the vessel.

[Amdt. 176-31, 57 FR 20954, May 15, 1992, as amended by Amdt. 176-35, 59 FR 49134, Sept. 26, 1994]

§ 176.15 Enforcement.

(a) An enforcement officer of the U.S. Coast Guard may at any time and at any place, within the jurisdiction of the United States, board any vessel for the purpose of enforcement of this subchapter and inspect any shipment of hazardous materials as defined in this subchapter.

(b) [Reserved]

[Amdt. 176-1, 41 FR 16110, Apr. 15, 1976, as amended by Amdt. 176-1A, 41 FR 40687, Sept. 20, 1976; Amdt. 176-24, 51 FR 5974, Feb. 18, 1986]

§ 176.18 Assignment and certification.

(a) The National Cargo Bureau, Inc., is authorized to assist the Coast Guard in administering this subchapter with respect to the following:

- (1) Inspection of vessels for suitability for loading hazardous materials;
- (2) Examination of stowage of hazardous materials;
- (3) Making recommendations for stowage requirements of hazardous materials cargo; and

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(4) Issuance of certificates of loading setting forth that the stowage of hazardous materials is in accordance with the requirements of this subchapter.

(b) A certificate of loading issued by the National Cargo Bureau, Inc., may be accepted by the Coast Guard as prima facie evidence that the cargo is stowed in conformity with the requirements of this subchapter.

[Amdt. 176-1, 41 FR 16110, Apr. 15, 1976, as amended by Amdt. 176-24, 51 FR 5974, Feb. 18, 1986]

Subpart B—General Operating Requirements

§ 176.24 Shipping papers.

(a) A person may not accept a hazardous material for transportation or transport a hazardous material by vessel unless that person has received a shipping paper prepared in accordance with part 172 of this subchapter, or as authorized by §171.12 of this subchapter, unless the material is excepted from shipping paper requirements under this subchapter.

(b) Each person receiving a shipping paper required by this section must retain a copy or an electronic image thereof, that is accessible at or through its principal place of business and must make the shipping paper available, upon request, to an authorized official of a Federal, State, or local government agency at reasonable times and locations. For a hazardous waste, each shipping paper copy must be retained for three years after the material is accepted by the initial carrier. For all other hazardous materials, each shipping paper copy must be retained for 375 days after the material is accepted by the carrier. Each shipping paper copy must include the date of acceptance by the carrier. The date on the shipping paper may be the date a shipper presents a booking for carriage with the carrier as an alternative to the date the shipment is picked up, accepted, or loaded on the vessel by the carrier.

[67 FR 66574, Nov. 1, 2002]

§ 176.27 Certificate.

(a) A carrier may not transport a hazardous material by vessel unless a

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certificate prepared in accordance with §172.204 of this subchapter has been received.

(b) In the case of an import or export shipment of a hazardous material that will not be transported by rail, highway, or air, the shipper may certify on the bill of lading or other shipping paper that the hazardous material is properly classed, described, marked, packaged, and labeled according to part 172 of this subchapter or in accordance with the requirements of the IMDG Code (IBR, *see* §171.7 of this subchapter). *See* §171.12 of this subchapter.

(c)(1) A person responsible for packing or loading a freight container or transport vehicle with packages of hazardous materials for transportation by a manned vessel in ocean or coastwise service, must provide the vessel operator, at the time the shipment is offered for transportation by vessel, with a signed container packing certificate stating, at a minimum, that—

(i) The freight container or transport vehicle is serviceable for the materials loaded therein, contains no incompatible goods, and is properly marked, labeled or placarded, as applicable; and

(ii) When the freight container or transport vehicle contains packages, those packages have been inspected prior to loading, are properly marked, labeled or placarded, as applicable; are not damaged; and are properly secured.

(2) The certification may appear on a shipping paper or on a separate document as a statement, such as “It is declared that the packing of the container has been carried out in accordance with the applicable provisions [of 49 CFR], [of the IMDG Code], or [of 49 CFR and the IMDG Code].”

[69 FR 76180, Dec. 20, 2004]

§ 176.30 Dangerous cargo manifest.

(a) The carrier, its agents, and any person designated for this purpose by the carrier or agents shall prepare a dangerous cargo manifest, list, or stowage plan. This document may not include a material which is not subject to the requirements of 49 CFR or the IMDG Code (IBR, *see* §171.7 of this subchapter). This document must be kept in a designated holder on or near the vessel's bridge. It must contain the following information: