

U.S. Department
of Transportation

United States
Coast Guard



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MOC Policy Letter No. 01-01

APR 13 2001

From: Commandant
To: Distribution

Subj: CARGO SHIP FIXED FIRE-EXTINGUISHING SYSTEM SOLAS EXEMPTIONS

Ref: (a) SOLAS 60, Chapter II-2, Regulation 65(f)(iii)
(b) SOLAS 74, Chapter II-2, Regulation 52(f)(ii)
(c) SOLAS 74(as amended) Chapter II-2, Regulation 53.1.2

1. This policy letter is promulgated to clarify the U.S. position regarding the interpretation of references (a) through (c), and the steps that Captain of the Ports (COTPs) shall take when clear grounds are identified, on a non-U.S. flagged vessel, that a SOLAS exemption certificate from the requirement to carry a cargo hold, fixed fire-extinguishing system has not been issued or is invalid.

2. The three regulations referenced above refer to the requirement for a cargo ship, of at least 2000 gross tons, to carry a cargo hold, fixed fire-extinguishing system. SOLAS allows a Flag State to exempt a vessel from the carriage of a fixed fire-extinguishing system, if the vessel carries non-combustible or low fire-risk cargoes, or cargoes for which a fixed gas fire-extinguishing system is ineffective. The International Maritime Organization (IMO) published Marine Safety Circular 671 (MSC/Circ.671), to assist Administrations in determining which cargoes meet these conditions. Vessels carrying specific cargoes listed in MSC/Circ.671, are eligible for the exemption from the cargo hold, fixed fire-extinguishing system requirement, regardless of the vessel's applicability to SOLAS 60, SOLAS 74 or SOLAS 74, as amended.

3. There has been some confusion over whether the three conditions necessary for this exemption in references (a) and (b) must be met to qualify for an exemption. The Coast Guard interprets the three requirements of references (a) and (b) conjunctively; that is all three conditions must be met to qualify for an exemption. The ambiguity of references (a) and (b) was removed when reference (c) was published, and it clearly states, "Such exemptions may be granted only if the ship is fitted with steel hatch covers and effective means of closing all ventilators and other openings leading to the cargo spaces."

4. During Port State Control exams of non-U.S. flagged cargo ships, COTPs shall follow the following guidelines when these vessels are not equipped with a cargo hold, fixed gas fire-extinguishing system:


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a. Does the vessel have a SOLAS exemption from the carriage of the fire-extinguishing system? If yes, refer to the next paragraph. If no, refer to paragraph c.

b. Is the vessel carrying a cargo that is listed in table 1 of the Annex to MSC/Circ.671? If yes, the vessel is properly exempted. If no, refer to the next paragraph.

c. At this point, clear grounds have been identified that the vessel is not in compliance with this requirement, and potentially poses a fire risk threat to the vessel and the port if the cargo is combustible, or does not constitute a low fire risk. If the COTP is unsure if the cargo is noncombustible, or constitutes a low fire risk, the COTP should request that Commandant (G-MSE-4) assist with that determination. If the subject cargo is combustible or does not constitute a low fire risk, the vessel should be detained, and the vessel ordered to comply with the regulation, or offload the subject cargo.

5. The contents of this policy letter will be incorporated into the next change to Volume II of the Marine Safety Manual.


J. D. SARUBBI
By direction

Encl: (1) MSC/Circ.671

Dist: CG LANTAREA (Am)
CG PACAREA (Pm)
All CGD (m)
All CG MSOs/ACT
CG MSC



Ref. T4/4.03

**LISTS OF SOLID BULK CARGOES WHICH ARE NON-COMBUSTIBLE
OR CONSTITUTE A LOW FIRE RISK OR FOR WHICH A FIXED
GAS FIRE-EXTINGUISHING SYSTEM IS INEFFECTIVE**

1 The Maritime Safety Committee, at its sixty-fourth session (5 to 9 December 1994), agreed there was a need to provide Administrations with guidelines regarding the provisions of regulation II-2/53 of the SOLAS Convention concerning exemptions from the requirements for fire-extinguishing systems.

2 The Committee also agreed the annexed table 1 providing a list of solid bulk cargoes which are non-combustible or constitute a low fire risk, and recommended Member Governments to take into account the information contained in that table when granting exemptions under the provisions of regulation II-2/53.1.

3 The Committee further agreed the annexed table 2 providing a list of solid bulk cargoes for which a fixed gas fire-extinguishing system is ineffective, and recommended that cargo spaces in a ship engaged in the carriage of cargoes listed in table 2 be provided with a fire-extinguishing system which provides equivalent protection. The Committee agreed that Administrations should take account of the provisions of regulation II-2/54.2.1 when determining suitable requirements for an equivalent fire-extinguishing system.

4 The annexed tables will be reviewed periodically by the Maritime Safety Committee. Member Governments are requested to provide the Organization, when granting exemptions to ships for the carriage of cargoes not included in table 1, with data on the non-combustibility or fire risk properties of such cargoes. Member Governments are also requested to provide the Organization, when equivalent fire-extinguishing systems are required for the agreed carriage of cargoes not included in table 2, with data on the inefficiency of fixed gas fire-extinguishing systems for such cargoes.

5 The purpose of this circular is to provide guidance to Administrations. It should not, however, be considered as precluding Administrations of their right to grant exemptions for cargoes not included in table 1 or to impose any conditions when granting such exemptions under the provisions of SOLAS regulation II-2/53.1.

ANNEX

**List of solid bulk cargoes which are non-combustible
or constitute a low fire risk**

Cargoes listed in regulation II-2/53

Ore
Coal
Grain
Unseasoned timber

Cargoes listed in the Code of Safe Practice for Solid Bulk Cargoes (BC Code)

All cargoes listed in appendices A and C of the BC Code

The following cargoes listed in appendix B of the BC Code:

Aluminium processing by-products
Aluminium ferrosilicon powder (including briquettes)
Aluminium silicon powder, uncoated
Calcined pyrides (Pyritic ash, Fly ash)
Direct reduced iron briquettes, hot moulded
Ferrophosphorus (including briquettes)
Ferrosilicon, containing more than 30% but less than 90% silicon (including briquettes)
Ferrosilicon containing 25% to 30% silicon, or 90% or more silicon (including
briquettes)
Fluorspar (calcium fluoride)
Lime (unslaked)
Magnesia (unslaked)
Pencil pitch
Petroleum coke
Radioactive Material, Low Specific Activity Material (LSA-1)
Radioactive Material, Surface Contaminated Object(s) (SCO-1)
Silicomanganese
Sulphur (lump or coarse grained powder)
Vanadium ore
Woodchips with moisture content of 15% or more
Wood pulp pellets with moisture content of 15% or more
Zinc ashes
Zinc dross
Zinc residues
Zinc skimmings

*When loaded and transported under the provisions of the BC Code.