



## ILA-USMX JOINT SAFETY COMMITTEE

OSH Circular 2020-02 (14 February 2020)

### Fire Protection at Marine Terminals



Over the last few years, the ILA~USMX Joint Safety Committee has been made aware of far too many fires occurring during the use of container handling pieces of equipment.

We've explored the potential causes of those fires and have likewise suggested methods and means to prevent them.

Often, we're asked about the presence (or lack thereof) of fire extinguishers within this equipment. We'll look at the relevant U.S. regulations within this OSH Circular.

To begin with, it's appropriate to understand which department/agency Congress has tasked with regulating fire protection issues at marine terminals. While many would guess that OSHA should be the responsible agency, it turns out that the U.S. Coast Guard, under the broad authority conferred by the Ports and Waterways Safety Act, is responsible for promulgating fire protection regulations that have application at all "Designated Waterfront Facilities."

Those facilities are defined as "[a] waterfront facility designated under 126.13 for the handling, storing, loading, and discharging of any hazardous material subject to the Dangerous Cargo Regulations (49 CFR parts 170 through 179). So, in sum, any marine terminal that stores, loads or discharges a HazMat [labeled] cargo is properly defined within the term: "Designated Waterfront Facilities."

Within the relevant U.S. Coast Guard regulations, 33 CFR 126.15 (a)(9) provides that:

*Material handling equipment, trucks, and other motor vehicles. When dangerous cargo is being transferred or stored on the facility, material handling equipment, trucks, and other motor vehicles operated by internal combustion engines must meet the requirements of NFPA [National Fire Protection Association] 307, chapter 9.*

In turn, the 1995 edition of NFPA 307 (Fire Protection of Marine Terminals) is the edition that was adopted by reference within 33 CFR 126, and in looking at Chapter 9 the following paragraph appears:

*9.1.2 Unless fire extinguishers are readily available, each vehicle shall be provided with an extinguisher approved for class B and class C fires.*

In finality, then, it would theoretically be up to each individual U.S. Coast Guard Captain of the Port to determine when such fire extinguishers are "readily available" and when they're not.

**Got an OSH-related question? Write to the JSC at: [blueoceana@optonline.net](mailto:blueoceana@optonline.net)**

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