Comments of the

World Shipping Council

Submitted to the

United States Coast Guard
Department of Homeland Security

In the matter of

Supplemental Notice of Proposed Rulemaking

Cargo Securing Manuals

Docket Number:
USCG-200-7080
RIN 1625-AA25

February 13, 2014
The World Shipping Council (WSC) is a non-profit trade association that represents over twenty-nine liner shipping\(^1\) companies that carry over 95% of the United States’ international containerized trade. WSC’s member companies operate more than 5,000 ocean-going liner vessels -- mostly containerships -- of which approximately 1,500 vessels make more than 27,000 calls at ports in the United States each year.

WSC respectfully files the following brief comments in response to the United States Coast Guard’s Supplemental Notice of Proposed Rule Making (SNPRM) published on November 15, 2013 (78 Fed. Reg. 68784), which invites public comment on proposed regulations that would, among other things, align Coast Guard regulations with International Maritime Organization (IMO) SOLAS requirements for cargo securing manuals (CSM), and would also specify when and how the loss or jettisoning of cargo at sea are to be reported to the Coast Guard.

1. **CSM Requirements**

One of the stated purposes of the SNPRM is to align Coast Guard regulations with SOLAS requirements for CSMs and to apply those requirements to U.S. vessels and foreign vessels operating in U.S. waters. Since 1997, the SOLAS Convention has required vessels of 500 gross tons or more, engaged in international trade and carrying cargo other than solid or liquid bulk, to carry a flag-state-approved CSM and to load, stow and secure cargo on board the ship in compliance with the approved CSM. Since then, the SOLAS CSM requirements have also been incorporated into the IMO Code of Safe Practice for Cargo Stowage and Securing, which was most recently updated in 2010 and published in 2011.

Proposed §97.120 of the SNPRM would require foreign flag vessels operating in U.S. waters to have on board a CSM that has been approved by the vessel’s flag administration. This section would also require CSMs approved after June 30, 2010 to meet the IMO’s 2010 revisions to the guidelines for the preparation of CSMs (MSC Circular MSC.1/Circ.1353) and would require container vessels with a keel laid on or after January 1, 2015 to have a “cargo safe access plan” that meets the applicable guidelines in MSC Circular MSC.1/Circ.1352.

WSC and its member companies support the Coast Guard’s proposal to align U.S. CSM regulations with the CSM requirements already in force under the SOLAS Convention. Liner vessels that carry America’s import and export containerized commerce are also carrying

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\(^1\) Liner vessels operate on fixed schedules among pre-determined ports. The Council’s member lines operate containerships, roll-on/roll-off, and car carrier vessels. A list of the Council’s members may be found at [www.worldshipping.org](http://www.worldshipping.org).
containers in international commerce that are destined for ports all over the world. Ensuring the safe loading and secure transport of all containers on board ships requires a single, effective set of international rules. We commend the Coast Guard for aligning U.S. regulations with the international regulations governing CSMs.

2. **Estimate of the Number of Containers Lost at Sea**

The SNPRM’s preamble notes that the Coast Guard estimated in 2009 that between 500 and 2,000 containers are lost at sea annually. The preamble also references an International Organization for Standardization (ISO) document which stated that approximately 3,000-4,000 containers are lost at sea each year worldwide. The ISO document provides no source for those numbers, and no explanation of the methodology used to derive the numbers. The SNPRM uses as the basis for its cost analysis the ISO estimate of 4,000 containers lost at sea per year worldwide.

In 2011, after observing wildly different estimates on the number of containers lost at sea, WSC undertook a survey of our member companies to generate an estimate of the number of containers lost overboard on an annual basis. Only the carriers know the actual number of containers lost overboard. WSC’s members, which represent over 90 percent of the global containership capacity, were asked to provide the actual number of containers lost overboard from their vessels during the previous three years. Container lines representing more than 70 percent of the global container ship capacity provided data in response to the survey.

Based on the survey results, WSC estimated that on average there are approximately 350 containers lost at sea each year, not counting catastrophic events, which for the purposes of the analysis were defined as events involving the loss of 50 or more containers. Including losses resulting from catastrophic events, an average total loss of approximately 675 containers was observed per year. Although catastrophic losses, such as the sinking of the *MOL Comfort* in the Indian Ocean in 2013, will increase the total container loss numbers in a particular year, such events are uncommon. The WSC study on containers lost at seas may be accessed at: [http://worldshipping.org/industry-issues/safety/Containers_Overboard_Final.pdf](http://worldshipping.org/industry-issues/safety/Containers_Overboard_Final.pdf).

3. **Conclusion**

WSC and its member companies appreciate the opportunity to submit these comments to the Coast Guard on its SNPRM on cargo securing manuals. We do so in order to assist the U.S. government in establishing efficient, internationally consistent regulations to enhance maritime and cargo safety.