

U.S. Department of
Homeland Security

United States
Coast Guard



National Container Inspection Program



COMDTINST M16616.11C



Commandant
United States Coast Guard

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COMMANDANT INSTRUCTION M16616.11C

Subj: NATIONAL CONTAINER INSPECTION PROGRAM MANUAL

- Ref:
- (a) National Container Inspection Program Tactics, Techniques and Procedures Manual
 - (b) Marine Safety Manual (MSM), Volume I, Administration and Management, COMDTINST M16000.6 (series)
 - (c) Memorandum of Understanding between U.S. Customs Service & USCG, 1989
 - (d) Memorandum of Understanding between the U.S. Coast Guard and the National Cargo Bureau, 20 July 1994
 - (e) Operational Risk Management, COMDTINST 3500.3 (series)
 - (f) Safety and Environmental Health Manual, COMDTINST M5100.47 (series)
 - (g) Maritime Radiation Detection Program and Guidance for Utilizing Radiation Detection Equipment during Vessel Boardings, Cargo Inspections, and Other Activities, COMDTINST M16600.2 (series)
 - (h) Coast Guard Medical Manual, COMDTINST M6000.1 (series)
 - (i) International Convention for Safe Containers (CSC)
 - (j) International Maritime Organization CSC Circular 138
 - (k) Guide for Container Equipment Inspection, 5th Edition (IICL-5) - Institute of International Container Lessors
 - (l) Repair Manual for Steel Freight Containers - Institute of International Container Lessors
 - (m) Navigational and Vessel Inspection Circular No. 8-00 - Guidance Regarding Enforcement of the International Convention For Safe Containers (CSC), 1972, for Freight Containers With One Door Removed, COMDTPUB 16700.4
 - (n) Coast Guard After Action Program (CGAAP), COMDTINST 3010.19 (series)

1. PURPOSE. This Manual provides Policy and Doctrine used by the Coast Guard’s National Container Inspection Program (NCIP) to enforce applicable hazardous material and container transportation laws and regulations.

DISTRIBUTION – SDL No. 162

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NON-STANDARD DISTRIBUTION:

2. ACTION. All Coast Guard unit commanders, commanding officers, officers-in-charge, deputy/assistant commandants, and chiefs of headquarters staff elements shall comply with the provisions of this Manual. Internet release authorized.
3. DIRECTIVES AFFECTED.
 - a. Guidance and Procedures for Conducting Containerized Hazardous Materials (HAZMAT) Inspections, COMDTINST 16616.11B, (rev 06-99) is cancelled.
 - b. Marine Safety Manual (MSM) Volume VI, Administration and Management, COMDTINST M16000.11 (series), Chapter 9, is reserved for future revision.
 - c. Guidance and Procedures for Conducting Containerized Hazardous Materials (HAZMAT) Inspections, COMDTINST 16616.11B referenced Safe Work Practice #160. The most current edition of Reference (b), which is available on the CGPortal: <https://cgportal2.uscg.mil/library/directives/SitePages/Home.aspx>, eliminated Safe Work Practice #160.
4. DISCLAIMER. This Manual is not a substitute for applicable legal requirements, nor is it itself a rule. It is intended to provide operational guidance for Coast Guard personnel and is not intended to nor does it impose legally-binding requirements on any party outside the Coast Guard.
5. MAJOR CHANGES. Major changes to this system include: clarification on responsibility at all levels of the organization regarding the NCIP, revised performance goals for inspection and reporting requirements to Commandant (CG-FAC-2), expansion of the safety and health discussion, increased guidance on multi-agency strike force operations (MASFOs), greater detail on structural serviceability inspections, and separation from Coast Guard Tactics, Techniques, and Procedures (TTP) which are contained in Reference (a) which can be accessed on CGPortal at: <https://cgportal2.uscg.mil/sites/FORCECOM/TTP/Lists/TTPLibrary/AllItems1.aspx>.
6. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS.
 - a. The development of this Manual and the general policies contained within it have been thoroughly reviewed by the originating office in conjunction with the Office of Environmental Management, and are categorically excluded (CE) under current USCG CE #33 from further environmental analysis, in accordance with Section 2.B.2 and Figure 2-1 of the National Environmental Policy Act Implementing Procedures and Policy for Considering Environmental Impacts, COMDTINST M16475.1 (series). Because this Manual contains guidance on, and provisions for, compliance with applicable environmental mandates, Coast Guard categorical exclusion #33 is appropriate.
 - b. This directive will not have any of the following: significant cumulative impacts on the human environment; substantial controversy or substantial changes to existing environmental conditions; or inconsistencies with any Federal, State, or local laws or administrative determinations relating to the environment. All future specific actions resulting from the general policies in this Manual must be individually evaluated for compliance with the national Environmental Policy Act (NEPA), DHS and Coast Guard NEPA policy, and compliance with all other environmental mandates. Due to the administrative and procedural nature of this

Manual, and the environmental guidance provided within it for compliance with all applicable environmental laws prior to promulgating any directive, all applicable environmental considerations are addressed appropriately in this Manual.

7. DISTRIBUTION. No paper distribution will be made of this Manual. An electronic version will be located on the following Commandant (CG-612) web sites. Internet: <http://www.uscg.mil/directives/>, and CGPortal: <https://cgportal2.uscg.mil/library/directives/SitePages/Home.aspx>.
8. RECORDS MANAGEMENT CONSIDERATIONS. This Manual has been evaluated for potential records management impacts. The development of this Manual has been thoroughly reviewed during the directives clearance process, and it has been determined there are no further records scheduling requirements, in accordance with Federal Records Act, 44 U.S.C. 3101 et seq., National Archive and Records Administration (NARA) requirements, and Information and Life Cycle Management Manual, COMDTINST M5212.12 (series). This policy does not have any significant or substantial change to existing records management requirements.
9. FORMS/REPORTS.
 - a. The Hazardous Materials & Intermodal Container Inspection Report (CG-5577) has been updated and shall be used during all container inspections. All previous editions are obsolete. Per Chapter II-16-35, Item No. 3 of the Information and Life Cycle Management Manual COMDTINST M5212.12 (series), units shall retain copies of the CG-5577 for three years after which they may be destroyed (NCI-26-76-2 items 453 and NC-26-80-4, and 221) unless they are related to a case under litigation or are part of an incomplete investigation. To obtain copies of the form, field units can contact the Container Inspection Training and Assistance Team at (405) 954-8985 or email CGI-PF-CITAT_MSG@uscg.mil.
 - b. Units will document NCIP activities in Marine Information for Safety and Law Enforcement (MISLE) per applicable MISLENET user guides.
10. REQUESTS FOR CHANGES. Units and individuals may recommend changes by writing via the chain of command to: Commandant (CG-FAC); U.S. Coast Guard Stop 7501; 2703 Martin Luther King Jr Ave., SE; Washington, DC 20593-7501.

J. A. Servidio /s/
Rear Admiral, U.S. Coast Guard
Assistant Commandant for Prevention Policy

NATIONAL CONTAINER INSPECTION PROGRAM

TABLE OF CONTENTS

CHAPTER 1	GENERAL	
	A. Background	1-1
	B. Responsibilities	1-1
	C. Coast Guard Seal Accountability	1-3
	D. Technical Assistance and Policy Interpretation	1-3
CHAPTER 2	GUIDANCE FOR INSPECTION GOALS	
	A. Performance Goal for Inspections	2-1
	B. Selection of Containers	2-3
	C. Personnel Requirements	2-3
CHAPTER 3	HAZARDS ASSOCIATED WITH CONTAINER INSPECTIONS	
	A. Safety and Health Risks	3-1
	B. Response to Releases or Exposures	3-3
	C. Emergency Medical Treatment	3-4
	D. Inspection Controls Established for Specific Hazards	3-4
	E. Responses to Unexpected Hazards and Situations	3-5
	F. Health Related Recordkeeping	3-5
	G. Reports	3-5
CHAPTER 4	STRUCTURAL SERVICEABILITY	
	A. Structural Serviceability	4-1
	B. Inspection Criteria	4-1
	C. Repair	4-2
	D. Alterations	4-2
CHAPTER 5	CONTAINER INSPECTION ACTIVITY REPORTING	
	A. Container Inspection Reporting	5-1
	B. Data Review	5-1
CHAPTER 6	MULTI-AGENCY STRIKE FORCE OPERATIONS	
	A. Purpose	6-1
	B. Frequency of Operations	6-1
	C. Standardization	6-1
	D. Interagency Coordination	6-1

CHAPTER 7	OUTREACH ACTIVITIES	
	A. Purpose	7-1
	B. Frequency	7-1
	C. Stakeholders	7-1
CHAPTER 8	AUTHORITIES AND LEGAL CONSIDERATIONS	
	A. Port Safety	8-1
	B. Port Security	8-1
	C. Legal Considerations	8-1
	D. Searches and the Fourth Amendment	8-1
APPENDIX A	ACRONYMS	A-1
APPENDIX B	GLOSSARY	B-1
APPENDIX C	PERFORMANCE GOAL CALCULATOR	C-1
APPENDIX D	COAST GUARD CONTAINER INSPECTION REPORT FORM AND INSTRUCTIONS	D-1
APPENDIX E	DETENTION STICKER FOR CONTAINERS	E-1

CHAPTER 1. General

A. Background.

1. Cargo and Container Inspections. The Coast Guard inspects cargoes and containers to promote maritime safety, security, and stewardship for America's ports and waterways. Cargo incidents, especially those involving hazardous materials, threaten the public, mariners, port workers, the environment, and can disrupt the marine transportation system. Furthermore, criminal elements use containers for drug and other smuggling activities, and containers represent a widely recognized potential vector for weapons of mass destruction/effect. Specifically, the Coast Guard inspects containers for compliance with the Federal Hazardous Materials Transportation Law (FHMTL), 49 U.S.C. 5101-5127, and the International Safe Container Act of 1977 (ISCA), 46 U.S.C. 80501-80509. Regulations implementing the FHMTL are codified in 49 CFR 107-180. Regulations implementing the ISCA can be found in 49 CFR 450-453. The Coast Guard also inspects containers of general cargo to ensure hazardous materials are not being shipped illegally. This is generally referred to as undeclared hazardous materials. Undeclared hazardous material shipments are a leading cause of transportation incidents. Additionally, personnel performing inspections are always on the lookout for containers being used in a subversive manner that threatens the security of port infrastructure, vessels, maritime workers and the general public.
2. Program Establishment. The Department of Transportation and Related Agencies Appropriations Act for Fiscal Year 1994 provided specific funding to establish the Coast Guard's NCIP. Congress provided these funds in response to several commercial transportation incidents including the loss of four hazardous material containers overboard from the Motor Vessel SANTA CLARA I during a 1992 storm. Pursuant to the Act, the Coast Guard obtained 76 new billets in 1994. The Commandant directed 51 of those billets to 26 select Coast Guard Marine Safety Offices nationwide while another 10 were assigned to the then newly established Coast Guard Center of Expertise for Container Inspections, the Container Inspection Training and Assistance Team (CITAT) - to serve as a standardized source of training and knowledge for the Coast Guard and other regulatory agencies. The remaining billets were assigned to Coast Guard Headquarters and Training Center Yorktown. Under the NCIP, personnel visit terminals to selectively and randomly inspect containers to ensure compliance with applicable regulations.

B. Responsibilities.

1. Headquarters.
 - a. Provide policy guidance and regulatory interpretation on all matters pertaining to the NCIP.
 - b. Coordinate efforts to improve the NCIP through the Coast Guard Container Safety and Security Working Group.
 - c. Share inspection results for data collection and trend analysis with U.S. Customs and Border Protection (CBP), Pipeline and Hazardous Materials Safety Administration (PHMSA), and National Cargo Bureau (NCB).

- d. Explore opportunities with CBP, PHMSA and NCB to improve personnel safety, combine training opportunities, and improve mission efficiency.
- e. Periodically review and update this instruction.

2. Areas and Districts.

- a. Provide oversight and support to the Coast Guard Captain of the Port (COTP) performing the activities of the NCIP.
- b. Serve as a liaison between the COTP and Headquarters to address questions and provide suggestions for improving the NCIP.

3. COTP.

- a. Develop standing local arrangements for cooperation and information sharing with other regulatory agencies and organizations having an interest in container inspections. These include at a minimum CBP, PHMSA, and NCB.
- b. Through Reference (c) which can be made available by the Office of Port and Facility Compliance (CG-FAC) upon request, COTPs are strongly encouraged to make regular contact with CBP representatives to share intelligence and avoid operational conflicts, especially when examining imported containers not yet cleared by CBP.
- c. Through Reference (d) which can be made available by the Office of Port and Facility Compliance (CG-FAC) upon request, COTPs are required to make contact with the local NCB surveyor to establish procedures to coordinate daily hazardous material cargo inspections and enable both parties to utilize resources more efficiently and avoid a duplication of effort.
- d. Develop relationships with PHMSA regional offices to address issues related to container inspections and the transportation of hazardous materials.
- e. Meet container inspection performance goals as established per Chapter 2.A.
- f. Maintain an adequate cadre of qualified Container Inspectors taking into consideration the established performance goal.
- g. Issue Container Inspector qualification letters to include language empowering inspectors to issue container detention orders under 49 CFR 453. Although it is not mandatory for Container Inspectors to be designated as Notice of Violation (NOV) Issuing Officers in order to conduct container inspections, COTP's should issue NOV Issuing Officer designation letters to Container Inspectors who will be expected to initiate enforcement actions as a result of deficiencies discovered while conducting a container inspection.

- h. Ensure there is a process at the unit level to detain container shipments and control their movement. Develop a procedure to follow up on containers taken out of service and cargoes placed on hold, to include the timely assessment of outstanding deficient containers and cargoes until such deficiencies are resolved. As a recommendation, units should allow no more than two weeks for an owner/operator to resolve any outstanding deficiencies.
 - i. Exercise prudent judgment before allowing containers with any damage to continue beyond the port area.
 - j. Ensure MISLE casework is completed correctly. This can be done by establishing a review process by which a department head, or his/her designee, reviews all activities associated with container inspections to ensure proper quality control. A job aid for MISLE review can be found at CITAT's website, www.uscg.mil/hq/citat.
 - k. Strengthen cooperation with other federal, state, and local agencies by leading and participating in multi-agency strike force operations (MASFOs). When leading MASFOs, Coast Guard units shall follow the guidance contained in Chapter 6.
 - l. Assist in program improvement by completing after action reports for all MASFOs conducted per Chapter 6.
 - m. Exploit opportunities to conduct outreach to individuals who offer or transport hazardous materials in maritime commerce in order to increase compliance with applicable regulations. See Chapter 7 of this Manual and Chapter 4 of the NCIP TTP Manual.
- C. Coast Guard Seal Accountability. Missing, lost, or stolen Coast Guard seals can be used in a fraudulent manner to convey a false appearance that the Coast Guard has inspected the container and/or its cargo. In doing so, hazardous materials, contraband and/or other illicit materials could then be transported more easily. To safeguard against this potential, field units conducting container inspections shall exercise strict control over seals intended for use as part of their container inspection program. Units shall develop a means to maintain accountability of both unused and used seals and incorporate this process in a unit developed Standard Operating Procedure. Should a container seal be found missing, lost or stolen, the unit shall note the seal number and report that number to the local CBP office and local port facilities or port authorities handling containerized cargo.
- D. Technical Assistance and Policy Interpretation. Through the chain of command, the Office of Port and Facilities Activities - Cargo & Facility Division (CG-FAC-2) and CITAT are available to provide policy interpretations and technical assistance.

CHAPTER 2. Guidance for Inspection Goals

A. Performance Goal for Inspections.

1. Purpose. This Chapter discusses the methodology to determine a default performance goal for the number of container inspections to be conducted. Actual container inspection numbers may differ after considering the full suite of missions, priorities, and available Coast Guard and non-Coast Guard resources.
2. Background. In 1994 the Commandant established a national performance goal based on container traffic volumes. In 1999, the Commandant rescinded this national performance goal by establishing a standard based on Container Inspector billets. This Manual uses a statistical sampling method to set unit level performance goals and incorporates a risk based approach based upon a historical analysis of trends in the container inspection targeting process.
3. Performance Goal Calculations. It is neither necessary nor possible to inspect every container entering and departing the United States. A risk based targeting of hazardous material and general cargo containers, particularly when done in cooperation with other agencies and organizations, can deter and detect most improper shipments. The methodology described in this Manual is intended to derive statistically valid targets for individual ports that achieve that goal. Cooperation, planning, and information sharing with other agencies and organizations is key to this process. COTPs shall annually establish the calendar year goal for the number of containers to be inspected as follows:
 - a. Determine baseline sampling size.
 - (1) At the beginning of each fiscal year, acquire the total number of containers without regard to size, commonly represented as twenty-foot equivalent units (TEUs), that move through all ports within the COTP zone. The size of the container is no longer a consideration factor of the NCIP. This container throughput information can generally be obtained from local port authorities or port facilities through the port authority or facility's website, or by contacting representatives directly. If there is an inability to acquire this data locally, units may use the container throughput data from the Performance Goal Calculator posted within the Commandant (CG-FAC-2) portal site at <https://cgportal2.uscg.mil/units/cgfac2/SitePages/Home.aspx>. This data is derived from the American Association of Port Authorities (AAPA) website at <http://www.aapa-ports.org/>. This information may not be updated annually and/or lack information on all container ports; therefore engagement with port authorities and individual facilities is the preferred method to obtain container throughput data.
 - (2) Enter the total number of containers into the Performance Goal Calculator provided within the Commandant (CG-FAC-2) portal site. The resulting value will be the baseline sampling size of containers to be inspected. Appendix C contains a printed copy of the Performance Goal Calculator.

- b. Apply appropriate incentives. Units may “buy down” the baseline sampling size by applying one or more incentives, provided all criteria have been met to the satisfaction of the COTP. These incentives are aimed at helping the COTP to target inspections at the highest risk containers by excluding containers that other organizations inspect, or which otherwise represent lower risk. Reducing the baseline will reduce the overall number of inspections required and the operational burden on an already strained staff. The intent of all the incentives below is to cooperate with port partners, review known shipping data (such as cargo sources, contents, and destinations), coordinate inspection activities to avoid duplication of effort, and use available Coast Guard personnel to target the highest risk shipments.

(1) Coordination with NCB. Select “Yes” on the Performance Goal Calculator if the following criteria are met, otherwise select “No”:

- (a) NCB regularly performs container inspections at ports in the COTP zone; and,
- (b) Unit has an active relationship with those NCB surveyors who perform container inspections, discusses respective container inspection programs and shares unique experiences, best practices and lessons learned; and
- (c) Procedures exist for sharing operational information between the Coast Guard and NCB to coordinate container inspections (dates/locations/cargos), discrepancy reporting, and notification of emergency situations.

(2) Coordination with CBP. Select “Yes” on the Performance Goal Calculator if the following criteria are met, otherwise select “No”. Note that the Customs-Trade Partnership Against Terrorism http://www.cbp.gov/xp/cgov/trade/cargo_security/ctpat/C-TPAT, can provide information as part of the overall risk evaluation process.

- (a) CBP regularly performs container inspections at ports in the COTP zone; and,
- (b) Unit meets regularly with CBP to discuss respective container inspection programs, shares unique experiences, best practices and lessons learned; and
- (c) Unit shares information with CBP regarding key areas of interest to the Coast Guard’s NCIP, to include awareness of major structural deformities, improper or lack of placarding, marking or labeling of containers carrying hazardous materials or the hazardous materials packaging themselves, and actual or perceived discrepancies in shipping papers or other documentation; and
- (d) Procedures exist for sharing operational information between the Coast Guard and CBP to coordinate container inspections (dates/locations/cargos), discrepancy reporting, and notification of emergency situations; and
- (e) CBP is invited and participates in MASFOs.

(3) Coordination with port operators and shippers such as facility operators, freight forwarders, and port authorities. Select “Yes” on the Performance Goal Calculator if the following criteria are met, otherwise select “No”:

(a) Unit meets with port operators and shippers to discuss cargo trends, understand port activity levels, and gain insight into plans that may affect cargo container volumes and shipping patterns, or reveal potential anomalies; and

(b) Unit communicates the goals and objectives of the Coast Guard’s NCIP to ensure port officials are able to contribute.

c. Reporting of Performance Goal. Units shall provide a copy of the completed Performance Goal Calculator to Commandant (CG-FAC-2) upon determination of the performance goal and no later than 1 FEB of each year. This reporting enables CG-FAC to plan resources, training, and target setting necessary to manage the overall program.

B. Selection of Containers. Choose containers for inspection based on a variety of factors, including whether the container has declared hazardous material or general cargo. Inspectors shall inspect hazardous material and general cargo containers in equal amounts on an annual basis. When considering which containers to inspect, both import and export shipments should be considered. Inspectors should also consider, among other elements, available historical data, including violation history, to prioritize which containers to inspect. Chapter 1 of the NCIP TTP Manual describes the method to target different types of containers that are to be inspected in order to meet the overall unit established performance goal.

C. Personnel Requirements.

1. Sector Staffing Model. Upon initial promulgation of this Manual, Commandant (CG-FAC-2) used available AAPA data in conjunction with MISLE Container Inspection Activity data to establish baseline performance goals for many, but not all container ports. These goals were used as input criteria into the Coast Guard Office of Shore Forces Sector Staffing Model database to determine workforce requirements. Commandant (CG-FAC-2) recognizes that supplements to the existing workforce are needed in order to meet many of the individual unit baseline performance goals. To aid in the effort to justify requests to increase the workforce it is critical that units adhere to the performance reporting goal requirements established in Paragraph 2.A.3.c. of this Manual. Doing so allows Commandant (CG-FAC-2) to assess the overall performance of the NCIP and initiate appropriate workforce adjustments.
2. Time to Complete Values: For planning purposes, the Coast Guard Office of Shore Forces Sector Staffing Model assumes that the average time to complete a single container inspection, less travel and administrative processing time, is 30 minutes. The average administrative time to complete a MISLE entry is also assumed to be 30 minutes. Units are encouraged to report differences in these average values to Commandant (CG-FAC-2) as they affect the Sector Staffing Model.

CHAPTER 3. Hazards Associated with Container Inspections

A. Safety and Health Risks. The safety of Container Inspectors while performing their duties under the NCIP is of utmost importance and the standardization of inspection and safety procedures is a top priority. All container inspections shall be conducted with caution given the safety and health risks these activities present. Additionally, Container Inspectors shall employ the concepts of Operational Risk Management as prescribed in Reference (e), which can be accessed through the CGPortal: <https://cgportal2.uscg.mil/library/directives/SitePages/Home.aspx>, as part of the mission preparation, safety assessment and container opening phases as detailed in the NCIP TTP Manual for each container to be inspected as no two containers present the same exact hazards. This chapter replaces Safe Work Practice #160 which previously appeared in Reference (b) and details the updated policy and procedures for conducting container inspections.

1. Safety Hazards.

- a. Container Inspectors must fully understand the hazards involved with making entry into a container.
 - (1) This Manual introduces the term “Enclosed Space” to the NCIP. The Occupational Safety and Health Administration defines an enclosed space at 29 CFR 1915.4(p) as “any space, other than a confined space, which is enclosed by bulkheads and overhead.” One of the major hazards an enclosed space may present is the possibility for accumulation of a hazardous atmosphere due to inadequate ventilation. Containers, with the exception of portable tanks, flat racks and multiple element gas containers (MEGCs) are enclosed spaces. Precautions must be taken to minimize risks associated with entry into an enclosed space and potential exposure during inspections.
 - (2) Under certain circumstances a container could also be considered a confined space. Chapter 6 of Reference (f), which can be accessed through the CGPortal: <https://cgportal2.uscg.mil/library/directives/SitePages/Home.aspx>, explains that a confined space has three distinct characteristics: (1) It is large enough and so configured that an employee can bodily enter and perform assigned work; (2) It has limited or restricted means for entry or exit; and (3) It is not designed for continuous employee occupancy. Portable tanks and MEGCs are always to be treated as a confined space. Container Inspectors shall never enter confined spaces as part of performing the NCIP; the ideal solution is to require the cargo custodian to de-van the cargo to continue an inspection or secure the services of properly trained and equipped emergency response personnel.
 - (3) A main factor in determining whether or not a container may initially be treated as an enclosed space is assessing the ability to quickly egress from within the container. If the nature of the cargo or loading procedure allows for a direct or unobstructed egress path, the container, or a portion thereof, may be treated as an enclosed space.
- b. While on container yards, inspectors shall remain alert for moving vehicles or other container handling equipment to avoid being inadvertently struck.

- c. While inspecting a container, inspectors shall be alert to any attempt by facility personnel to inadvertently move that container.
 - d. Inspectors shall minimize the likelihood of slips, trips or falls especially while inspecting containers loaded on chassis or when climbing onto and walking along the tops of portable tanks. Inspectors shall not climb on any container even if designed for such purpose (i.e. freight containers), and in no case shall any container be climbed if it is stacked on top of another container. Ladders shall be used in order to view the container components (corner fittings, top side rails, roof, etc) otherwise not readily visible from the ground.
 - e. Inspectors shall always use safety straps when opening container doors given the likelihood that cargoes have shifted and may be resting against the container doors.
 - f. Inspectors shall not open the doors of a container that is part of a stack. Container doors are a structural part of a container and, if opened while stacked, may compromise the structural integrity of the container and stack.
 - g. Given possible interactions with hazardous materials, Coast Guard personnel are prohibited from smoking while conducting container inspections.
2. Equivalent Safety Measures. The COTP is authorized to approve safety measures that are equivalent to those described in this Chapter if necessary to complete the mission. Equivalent measures include:
- a. Partial de-vanning of the cargo,
 - b. Forced ventilation of a container, or
 - c. Other measures approved by the COTP.
3. Health Considerations.
- a. Low oxygen content inside a container is harmful and may be fatal. Many factors encountered during transportation may create an oxygen deficient atmosphere regardless of whether the container is loaded or empty.
 - b. Exposure through inadvertent ingestion, absorption, injection or inhalation of hazardous materials from a container may be harmful or fatal. Of note, Poisonous by Inhalation (PIH) commodities generally have low Immediately Dangerous to Life and Health (IDLH) levels, Threshold Limit Values (TLV), and Short Term Exposure Limits (STEL). The inspector shall exercise additional caution while conducting inspections of these commodities as prescribed within this Manual and Reference (a).
 - c. Fumigated containers present a potentially fatal chemical hazard. Fumigants are used for agricultural products or when wood (including cargo, cargo dunnage, container flooring, etc.) is shipped to countries that require fumigation as a condition of entry. Containers that have

had a fumigant applied shall not be opened until 24 hours after the fumigant was applied. Container Inspectors are authorized to place the container on hold until the above 24 hour requirement has passed and the inspector must make proper notification to the COTP of the hold.

- d. Exposure to radioactive materials poses potential health risks. Reference (g), which can be accessed through the CGPortal: <https://cgportal2.uscg.mil/library/directives/SitePages/Home.aspx>, contains guidance that Container Inspectors must adhere to when radioactive materials are present.

B. Response to Releases or Exposures. All personnel shall immediately egress from the exposure area and muster in a safe location upwind. This action is referred to as an emergency egress.

1. Situations Requiring Egress. The following, among others, are indications of possible exposure and require an immediate emergency egress:
 - a. Leaks, odors, or sounds (such as when compressed gas is released),
 - b. Personal monitor or meter alarms,
 - c. Anytime you feel dizzy or light-headed, or
 - d. If a Container Inspector senses any unexpected chemical through smell or dermal sensation. This is a judgment call; however, you shall emergency egress any time there is a burning sensation in your lungs or you experience a shortness of breath. Any of these sensations may indicate a life-threatening situation and you must react promptly to avoid injury.
2. Actions to be Taken after an Emergency Egress.
 - a. The Container Inspector shall institute, when safe and appropriate, applicable safety measures; such as, establishing isolation and protective action distances (close off the area) to safeguard other personnel from accidental exposure to a hazardous atmosphere or environment in accordance with specific emergency response information such as that found in the Department of Transportation Emergency Response Guide (DOT ERG) Book.
 - b. Following the establishment of the appropriate safety measures, proper notifications shall be made to the COTP via the applicable Sector Command Center and the National Response Center. Additional notifications to CBP and facility personnel may be required.
 - c. The Container Inspector shall work with the COTP to institute appropriate operational control measures; such as, placing a container out of service and putting cargo on hold.
 - d. The appropriate carrier, facility and shipper personnel who have the capability to resolve the emergency shall be notified. Waterfront facilities may have response plans that detail the facility procedures for resolving hazardous material spills that include required notifications.

This does not preclude a Container Inspector from notifying emergency response personnel, but ensures appropriate action is taken to quickly resolve any emergencies.

- e. The Container Inspector shall not reenter any container which required emergency egress until the COTP, after considering all applicable safety concerns, determines that it is safe to do so.

C. Emergency Medical Treatment.

1. Use of Guides. Consult chemical specific emergency response information such as that found in the Department of Transportation Emergency Response Guide (DOT ERG) Book, the National Institute for Occupational Safety and Health (NIOSH) Pocket Guide, the Chemical Hazard Response Information System (CHRIS) Manual COMDTINST M16465.12 (series), or Material Safety Data Sheets (MSDSs), for appropriate initial decontamination. Coast Guard personnel shall be aware of the location and contact information of facility-operated and local fire departments, first aid stations, and chemical decontamination stations.
2. Medical Facilities. Exposure to hazardous materials requires specialized medical facilities. COTPs shall maintain current listings and locations of medical facilities with toxic units for hazardous material exposure victims. If such facilities do not exist, every effort shall be taken to bring personnel to other appropriate pre-identified medical facilities.
3. Medical Care. Reference (h), which can be accessed through the CGPortal: <https://cgportal2.uscg.mil/library/directives/SitePages/Home.aspx>, provides policy for emergency medical care. Provide emergency medical services personnel, including 911 operators with all known information including the name and concentration of the hazardous materials, duration of exposure, and most probable route of exposure. Also give medical personnel the 24-hour telephone number to the Agency for Toxic Substances and Disease Registry, which is (770) 488-7100.

D. Inspection Controls Established for Specific Hazards.

1. Radioactive Material. Shipments of radioactive materials, identified in 49 CFR 173.403 or International Maritime Dangerous Goods (IMDG) Code 2.7.2, shall be inspected taking into account the unique nature of the hazard. Radioactive materials shipped properly pose little risk of exposure and are required to be prepared in compliance with the same standards as all other hazardous material shipments. The inspection of radioactive materials shall be done with extreme caution and follow the safety procedures in Reference (g).
2. Poisonous by Inhalation. Containers with PIH commodities, as identified in the Hazardous Material Table (49 CFR 172.101), or with "FUMIGANT" warning signs per 49 CFR 173.9 or Section 5.5.2.3 of the IMDG Code may be opened, but shall only be inspected visually without having the inspector cross the plane of the container doorway. If a visual inspection reveals a reasonable suspicion of a violation needing further investigation, the Container Inspector may require the cargo custodian to de-van as necessary to the satisfaction of the inspector.

3. Emergency Escape Breathing Device (EEBD). Container Inspectors shall carry an EEBD if they enter a container beyond a tailgate inspection if it has the potential for suddenly changing atmospheres, such as a cargo of compressed gas cylinders.

- E. Responses to Unexpected Hazards and Situations. Containers have been known to be used for many purposes other than the legal intermodal transportation of goods including illicit drug trafficking and human smuggling. Should a Container inspector discover unexpected hazards or situations during the course of an inspection, when safe and appropriate the inspector shall establish isolation and protective action distances to safeguard themselves and other personnel in the area and make appropriate notification to law enforcement agencies, the Facility Security Officer, and the Sector Command Center.

- F. Health Related Recordkeeping. Each inspector shall maintain a personal record of known exposure to hazardous materials in his/her medical record and provide copies to physicians conducting Occupational Medical Surveillance and Evaluation Program (OMSEP) visits. Suspected exposures should also be documented. The Occupational Health Surveillance Questionnaire, CG Form 5197, is available for use as a personal record. Each inspector shall also maintain a personal record of suspected or known exposure to hazardous materials in his/her medical record. Provide copies to physicians conducting Occupational Medical Surveillance and Evaluation Program (OMSEP) visits.

- G. Reports. Chapter 3 of Reference (f) sets the policy for MISHAP response, investigation and reporting. Copy Commandant (CG-FAC-2) on all MISHAP reports related to container inspections. Also notify Commandant (CG-FAC-2) of each instance where a high potential for a MISHAP has occurred. This information will be used to evaluate this policy and the associated tactics, techniques and procedures.

CHAPTER 4. Structural Serviceability

- A. Structural Serviceability. Containers are transported as single units or as integral parts of larger structures when secured to other containers. They are designed to protect contents while withstanding rough handling and adverse conditions. A Container Inspector shall be cognizant of structural weaknesses that are introduced through allowable alterations or structural damage and shall consider conditions that a container is expected to withstand under all modes of transportation. As an example, an empty or loaded container with structural weaknesses that is part of a stack may compromise an entire load.
- B. Inspection Criteria.
1. Available Inspection and Repair Criteria. Coast Guard Container Inspectors shall have a working knowledge of widely used inspection and repair criteria listed below. Understanding these criteria is crucial in assessing actions necessary when damage is identified during a container inspection.
 - a. International Maritime Organization (IMO).
 - (1) The 1972 International Convention for Safe Containers (CSC), Reference (i), which can be accessed through the CGPortal: <https://cgportal2.uscg.mil/library/directives/SitePages/Home.aspx>, establishes provisions for containers used in international transport.
 - (2) IMO's CSC Circular 134 "Guidance on serious structural deficiencies in containers" as amended by CSC Circular 138 "Revised Recommendations on Harmonized Interpretation and Implementation of the International Convention for Safe Containers, 1972, as Amended," Reference (j) which can be accessed through the internet at http://www.imo.org/blast/mainframemenu.asp?topic_id=564, provides guidance to enable authorized officers from port states to assess the integrity of structurally sensitive components of containers.
 - b. Institute of International Container Lessors (IICL), Ltd.
 - (1) "IICL Guide for Container Equipment Inspection, 5th Edition (IICL-5)", Reference (k) is an industry publication establishing container serviceability standards intended primarily for container leasing and shipping companies during container interchanges.
 - (2) "IICL Repair Manual for Steel Freight Containers", Reference (l), provides recommended repair procedures for damaged containers.
 - c. Other Industry Criteria. Owners, lessees and other industry groups have published and made their inspection and repair criteria available to the public. Below is a list of some publically available criteria.
 - (1) Military Handbook 138-B is the Department of Defense handbook containing guidance on inspection procedures and criteria.

(2) Unified Container Inspection and Repair Criteria (UCIRC) is an International Chamber of Shipping guide available to be used for in-service and on/off hire inspections.

(3) Trade organizations such as the Association of Certified Marine Surveyors have published guidelines for their members to use when inspecting containers.

C. Repair. When examining the structural serviceability of containers and making a determination on corrective actions necessary for damaged containers, inspectors shall adhere to the following policy:

1. All Containers. If any container falls beyond tolerances specified in Reference (j), then the inspector shall take the container out of service and require it to be repaired to a safe condition.
2. Containers Carrying Explosives. Containers used for transport of UN Class 1 (explosive) materials shall meet the specific requirements of 49 CFR 176.170 and 49 CFR 176.172. If a structural condition is not addressed in 49 CFR then the inspector shall use criteria found in the next paragraph to determine if damage warrants the container being taken out of service.
3. Containers Other than Those Carrying Explosives. If, in the judgment of the Coast Guard inspector, a container intended for transportation by vessel poses an obvious risk to safety, the inspector shall take the container out of service and require it to be repaired to a safe condition. When making a determination if a damaged container warrants being taken out of service, Coast Guard inspectors do not typically know the specific inspection or repair criteria that a container is subject to. In these cases, the tolerances in IICL-5 should be used as a threshold to further assess the risk. IICL-5 should not be used solely as an out of service criteria for all damage as this may result in undue delay to the shipment of the container and its cargo, but must be used in conjunction with knowledge of the dynamic forces a container is subject to during transport, other inspection criteria the inspector is familiar with, and experience to conduct a risk assessment to determine if the container is unsafe.
4. Damage Repair. Containers taken out of service shall be repaired to a safe condition. A safe condition would be considered as repairs made to the applicable standard in Reference (l), another applicable repair standard that the damaged container is subjected to such as an owner-developed criteria, or to original manufacturer specifications.
5. Job Aids. Job aids related to situations described in Paragraphs 4.C.1 through 4.C.4 are available at CITAT's website: www.uscg.mil/hq/citat.

D. Alterations. A common allowable alteration is a container with one door removed. This alteration is addressed in Reference (m) which can be found at <http://www.uscg.mil/hq/cg5/nvic/>. Approval of new containers and approval of modifications to existing containers are performed by the Office of Operating and Environmental Standards - Vessel and Facility Operating Standards Division (CG-OES-2) or Approval Authorities delegated by Commandant. A list of approval authorities may be obtained from Commandant (CG-OES-2).

CHAPTER 5. Container Inspection Activity Reporting

A. Container Inspection Reporting.

1. MISLE. Container Inspectors shall record inspection activities in MISLE within 24 hours of completion. Data entry into MISLE is critical to the success of the NCIP. Data inconsistencies, especially with quantities inspected, country of origin, and undeclared hazardous materials make it difficult, and at times impossible to assess the effectiveness of this inspection program. All Container Inspectors shall strictly follow applicable MISLE User Guides when entering data. Direct questions or recommendations regarding these user guides to Commandant (CG-FAC-2) for consideration. MISLE has been updated to reflect new inspection types, actions taken, and hold status. Instructions for data entry can be found in the MISLE User Guides at <http://mislnet.osc.uscg.mil> .
2. Hazardous Materials & Intermodal Container Inspection Report, Form CG-5577. The CG-5577 (Appendix D), is a legal document and therefore shall be filled out legibly and correctly during container inspections. Information obtained from these reports entered into MISLE is used by the NCIP Program Managers to review data on total container inspections and discrepancy numbers by category, port of origin, inspection port code and owner code. This data is being used to formulate better risk based targeting matrices, assess the overall accomplishments of the NCIP, identify areas of the FHMTL, IMDG Code and CSC that may need revision and make annual reports to Congress and the International Maritime Organization. The report serves as:
 - a. Official notice of deficiency to the shipper, carrier, or facility representative,
 - b. A notification of a detention order,
 - c. A form to capture data for entry into MISLE, and
 - d. Documentation for record keeping.
3. Alternate forms. The CG-5577 must be used to document deficiencies discovered during inspections. Alternate forms that appropriately capture information required by MISLE may be used to document and record container inspections where no discrepancies exist. An example of an alternate form is available on CITATs website: www.uscg.mil/hq/citat.

- B. Data Review. To ensure data quality and consistency, Commandant (CG-FAC-2) shall conduct periodic reviews of MISLE activities.

CHAPTER 6. Multi-Agency Strike Force Operation (MASFO)

- A. Purpose. A MASFO is a surge enforcement activity involving multiple agencies with varying jurisdictions, authorities and resources. MASFOs are usually led by the agency having the predominant authority over the physical location of the operation. MASFOs prompt interagency cooperation and information sharing that synergistically enhances each agency's safety and security missions.
- B. Frequency of Operations. COTPs with container shipments exceeding 500,000 containers per year shall lead at least one MASFO activity per calendar year. Other ports with a significant number of container shipments should consider conducting yearly MASFOs. COTP zones with several container ports should consider conducting small-scale MASFOs at multiple locations.
- C. Standardization
1. NIMS Compliant MASFO Plan. For Coast Guard led MASFOs, COTPs shall prepare an Incident Action Plan (IAP) for each MASFO. This IAP shall follow the National Incident Management System (NIMS) Incident Command System (ICS) format for a planned event and be tailored to the size and type of the MASFO. To assist units, CITAT has posted a job aid specific for MASFOs at www.uscg.mil/hq/citat.
 2. After Action Reporting. A hot wash shall be conducted following each MASFO to identify areas for improvement by listing lessons learned, recommendations, and best practices. COTPs shall enter an after action report into CG-SAILS, <http://lintra.comdt.uscg.mil/cps>, as per Reference (n) which can be accessed through the CGPortal: <https://cgportal2.uscg.mil/library/directives/SitePages/Home.aspx>. These after action reports will be reviewed by the NCIP program manager and CITAT to improve the NCIP. An example after action report may be found at www.uscg.mil/hq/citat.
- D. Interagency Coordination. MASFOs normally involve Federal, state and local agencies with authority to enforce requirements applicable to facilities, containers, and cargoes, as well as equipment and people responsible for transporting hazardous materials in commerce. Units shall establish local arrangements with participating agencies to increase productivity and enhance communications. These arrangements serve to clarify roles and responsibilities of each agency. Below is a list of agencies and organizations that may be interested in participating.
1. Federal agencies.
 - a. The Coast Guard has authority over maritime facilities, personnel and vessels. This authority can be used to direct shipment or movement of containers used or intended to be used for hazardous material carriage in the maritime mode. The Ports and Waterways Safety Act (PWSA), Hazardous Materials Transportation Authorization Act (HMTAA), 33 CFR 6 and the ISCA are the laws through which the Coast Guard exercises its authorities.
 - b. The Federal Motor Carriers Safety Administration (FMCSA) has authority over commercial motor vehicles and their employees who transport property over the nation's highways (49

CFR 390.3(a)). FMCSA agents generally have close ties with state police and other state and local public road enforcement officials.

- c. Authority to enforce the Federal railroad safety laws has been delegated by the Secretary of Transportation to the Federal Railroad Administrator (49 CFR 1.49). The laws apply to all railroads (except self-contained urban rapid transit) and convey on FRA the authority to issue rules and orders covering every area of railroad safety (49 U.S.C. 20102 and 20103).
- d. U. S. Customs and Border Protection is an agency in the Department of Homeland Security. Among its many duties, CBP is charged with managing the import and export of commercial goods, including hazardous materials. While anti-terrorism is a primary mission of CBP's Office of Field Operations, many of the importation inspection functions that CBP performs at field offices are related to revenue collection, consumer protection, fair trade practices and other traditional commercial activities. As such, CBP receives and uses vast amounts of cargo data. CBP field missions complement the Coast Guard's NCIP.
- e. Pipeline and Hazardous Materials Safety Administration is an agency in the Department of Transportation. Its mission is "to protect against the risks to life, property, and the environment that are inherent in the transportation of hazardous material in intrastate, interstate, and foreign commerce" (49 U.S.C. 5101). PHMSA's Office of Hazardous Materials Enforcement (OHME) verifies compliance with the provisions of 49 CFR parts 100-180 and conducts investigations into hazardous material incidents. This is accomplished through unannounced compliance inspections of entities that offer hazardous materials for transportation in commerce and that manufacture, re-qualify, rebuild, repair, recondition, retest packaging (other than cargo tanks and tank cars) used to transport hazardous materials. OHME's investigators also inspect shippers, freight consolidators, and freight forwarders. The investigators monitor company procedures, practices, and operations for regulatory compliance and recommend enforcement action for regulatory violations. Upon request, PHMSA also provides investigative assistance and training to federal, state and local enforcement officials engaged in the enforcement of 49 CFR.
- f. Animal and Plant Health Inspection Service (APHIS), an agency under the Department of Agriculture, provides leadership in ensuring the health and care of animals and plants. This agency enforces regulations regarding invasive species (7 CFR 301).
- g. Transportation Security Administration (TSA) is an agency under the Department of Homeland Security. Its responsibilities span all modes of transportation with several having a direct link to the Coast Guard and the NCIP. TSA's Port and Intermodal Division is engaged in providing expertise in credentialing as well as passenger and vehicle screening techniques and procedures. The Hazardous Materials Endorsement Threat Assessment Program conducts a security threat assessment for any driver seeking to obtain, renew, or transfer a hazardous materials endorsement on a state-issued commercial driver's license. The Surface Transportation Security Inspection Program fields inspectors that are focused on the areas of highest risk in the freight rail industry. The inspection program is responsible for verifying implementation of voluntary security measures, conducting vulnerability assessments, and conducting regulatory compliance inspections. The inspectors also act as

local liaisons to rail carriers and other government agencies for emergency planning and response.

2. State and Local Agencies. Other agencies involved in the enforcement of hazardous material and safety regulations include port authorities, state and local police, state transportation agencies, and fire departments.
3. Non-Governmental Organizations. While not an agency, the National Cargo Bureau is a not-for-profit membership organization dedicated to the safe loading, stowage, securing, and unloading of cargo on all vessels and the safety of shipboard cargo handling gear through the application of uniform standards designed to protect cargo, vessels, personnel and the public. In their role as maritime surveyors, NCB experts are hired by various maritime interests to perform hazardous material container inspections. The NCB is authorized by the United States Government to assist in the administration of regulations pertaining to the safe loading of cargo. NCB is authorized by 46 CFR 148.01-13 and 49 CFR 176.18 to issue certificates and assist the U.S. Coast Guard in administering the regulations governing the Carriage of Solid Hazardous Materials in Bulk (46 CFR Part 148) and the Hazardous Materials Regulations (49 CFR Subchapter C). Reference (d) outlines the organizations' mutual interests and concerns regarding the safe carriage and stowage of hazardous materials and formalizes NCB's hazardous material inspection role on the behalf of the COTP. NCB office locations are listed at <http://www.natcargo.org>.

CHAPTER 7. Outreach Activities

- A. Purpose. Outreach is one of the ways the Coast Guard's Marine Safety program accomplishes its goals by stressing Prevention-Through-People. By proactively engaging stakeholders and cooperating with our partner Federal agencies, we can leverage resources to increase awareness of the FHMTL and the common trends faced in the shipment of hazardous materials. Outreach provides an opportunity to continuously implement an adequate level of prevention awareness to decrease the risk of a major transportation incident. The NCIP relies on a robust outreach effort for its success. Due to the complexity of domestic and international regulations, outreach efforts are necessary at the field level. In keeping with the Commandant's intent, this outreach provides increased opportunities to establish partnerships with other agencies and industry. Additionally, in order to meet future increases in containerized traffic, the Coast Guard must continue to foster partnerships now that will serve as future force multipliers. The activities described in this chapter can be conducted in conjunction with other established committees or convenient forums. Possible committees include Area Maritime Security Committees (AMSCs), Harbor Safety Committees (HSC), Local Emergency Planning Committees (LEPCs), Area Planning Committees (APCs), and Port Readiness Committees (PRCs). COTPs may also offer to host or participate in other agency traveling road shows and conferences.
- B. Frequency. Units shall conduct outreach efforts in order to increase awareness of hazardous materials transportation regulations. COTPs with container shipments exceeding 500,000 containers per year must conduct at least one day of outreach activity per calendar year. Other ports with a significant number of container shipments should consider conducting a yearly outreach event. COTPs with several container ports should consider conducting small-scale outreach events at their various container ports.
- C. Stakeholders. Local outreach efforts should include, but not be limited to, the following members of the maritime transportation community:
1. Industry-Registered DOT entities.
 - a. Manufacturers,
 - b. Shippers, forwarders, & freight consolidators,
 - c. Carriers, unions, trucking associations, & rail personnel,
 - d. Agents, custodians, & facility managers, and
 - e. Importers & exporters.
 2. Federal agencies.
 - a. PHMSA Hazardous Materials Safety Assistance Team (HMSAT) & OHME,
 - b. CBP,

- c. TSA,
 - d. U.S. Department of Agriculture (USDA),
 - e. FMCSA,
 - f. Federal Railroad Administration (FRA), and
 - g. U.S. Attorney.
3. State Agencies.
- a. State police,
 - b. State DOT, and
 - c. State port authority.
4. Local Agencies.
- a. County / local police,
 - b. Port authority, and
 - c. Fire departments.
5. Other.
- a. National Cargo Bureau.

CHAPTER 8. Authorities and Legal Considerations

- A. Port Safety. A COTP has broad authority to inspect hazardous materials shipments and waterfront facilities for compliance with various laws and regulations. The broad authority contained in the Ports and Waterways Safety Act (PWSA) and in 33 CFR 160.109 states the following: “To prevent damage to, or the destruction of, any bridge or other structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to such waters, and to protect the navigable waters and the resources therein from harm resulting from vessel or structure damage, destruction, or loss, each District Commander or COTP may: (1) Direct the handling, loading, unloading, storage, and movement (including the emergency removal, control and disposition) of explosives or other dangerous articles and substances, including oil or hazardous material.”
- B. Port Security. To prevent potential damage or destruction, the Coast Guard has authority for visitation, search, and removal of any articles or things in port areas. This authority is based on Executive Order 11249 of 13 October 1965, which is codified in 33 CFR 6.04-7, and states: “The Captain of the Port may cause to be inspected and searched at any time any vessel, waterfront facility, or security zone, or any person, article, or thing therein, within the jurisdiction of the United States, may place guards upon such vessel, waterfront facility, or security zone and may remove there from any and all persons, articles or things not specifically authorized by him to go or remain thereon or therein.”
- C. Legal Considerations. These authorities mentioned in this chapter do not give Container Inspectors free access to anything or everything in or on a container or facility. Coast Guard Container Inspectors need to understand how to carry out the missions within the guidelines of the Fourth Amendment. Field units shall contact their appropriate District Legal Office for guidance when needed. If any criminal activity is suspected or discovered, the inspection activity shall cease and the local Coast Guard Investigative Service (CGIS) office shall be notified. The inspection shall not recommence until the CGIS representative has given clearance.
- D. Searches and the Fourth Amendment. Inspecting the contents of a container under the NCIP clearly constitutes a search within the meaning of the Fourth Amendment. Therefore, Coast Guard inspectors must give due consideration to the requirements of the Fourth Amendment and its protections against unreasonable searches and seizures. Such consideration will not only help establish the underlying legal reason for the search but will also help ensure that the container inspection program is conducted in a fair and responsible manner. Judicial decisions interpreting the Fourth Amendment show a clear preference that searches and seizures are conducted pursuant to search warrants issued by a judicial officer. However, obtaining a search warrant normally will not be practicable or feasible for Coast Guard inspectors participating within the NCIP. While search warrants are preferred by the law, this is not to say that a warrant is always required. In fact, courts have recognized many circumstances under which warrantless searches and seizures may be made. One or more of the below-discussed exceptions to the warrant requirement of the Fourth Amendment will normally apply to Coast Guard container inspections. Inspectors should clearly be able to articulate which of the following exception(s) applies to the case at hand. This is not intended to suggest that legal advice is required in every case. On the contrary, a good working knowledge of these exceptions will contribute to a fair and highly efficient inspection program that is legally supportable. However, when complex legal questions do arise, they should be referred to

the District Commander's legal staff. Common exceptions to the warrant requirement include the following:

1. Closely Regulated Industry/Pervasively Regulated Business. Under this exception, if a container is declared as containing hazardous materials (placarded, listed on the dangerous cargo manifest (DCM), declared on shipping papers, etc.) or the inspector has an objectively reasonable and articulable belief that there are hazardous materials or contraband within the container, it may be inspected without a warrant. An “objectively reasonable and articulable belief” is something less than probable cause but something more than mere suspicion. The inspector must be able to specifically articulate what factor or factors led him or her to believe the package contained a hazardous material. The decision to inspect may be based upon all of the circumstances confronting a trained inspector drawing inferences and deductions based upon his or her training and background, law enforcement reports, intelligence sources such as CBP or PHMSA, and other information that would elude an untrained person. This applies anywhere within the COTP’s zone of jurisdiction as long as the container was, is being, or is intended to be transported by water mode.
2. Exigent Circumstances/Emergency Situations. Any container may be inspected without a warrant if there is reason to believe an emergency situation exists. Emergencies may include, but are not limited to, leaking packages in the container and obvious damage to the container and/or its contents. The inspector must reasonably believe that the emergency involves hazardous materials or that the situation otherwise poses a significant risk of injury to persons or damage to property or the environment. To maximize the likelihood that a search under this exception is upheld, it should be undertaken only when the emergency is an actual safety problem, not merely an apparent regulatory violation. This exception applies anywhere within the COTP’s zone of jurisdiction.
3. Border Search/Customs Search. A container located in a Customs area, or just having been imported or intended to be exported, whether or not marked or manifested as containing hazardous materials, may be inspected under the “border search” exception to the Fourth Amendment. Customs areas include the docks, container stations, cargo terminals, and the importer's premises. The Customs area in which the Coast Guard will conduct the majority of its inspections of containers is that area immediately adjacent to the waterfront where cargoes are loaded and unloaded. Coast Guard commissioned, warrant, and petty officers may conduct warrantless inspections of containers in Customs areas under this exception pursuant to authority contained in 14 U.S.C.143 and 19 U.S.C. 1401. Under Reference (c), examination of un-cleared imported containers by the Coast Guard will be coordinated with the CBP.
4. Consent. Any container may be inspected without a warrant, whether or not marked or manifested as containing hazardous material, if consent to search is granted by the container’s owner or the agent of the container’s owner. This exception applies anywhere within the COTP’s zone of jurisdiction. Inspectors are cautioned that merely being the custodian of a container does not necessarily imply authority to provide consent.

APPENDIX A. Acronyms

<u>Acronym</u>	<u>Meaning</u>
AAPA	American Association of Port Authorities
AMSC	Area Maritime Security Committee
AOR	Area of Responsibility
APC	Area Planning Committee
APHIS	Animal and Plant Health Inspection Service
CBP	U.S. Customs and Border Protection
CFR	Code of Federal Regulations
CGAAP	Coast Guard After Action Program
CGIS	Coast Guard Investigative Service
CHRIS	Chemical Hazard Response Information System
CITAT	Container Inspection Training and Assistance Team
COTP	Captain of the Port
CSC	International Convention for Safe Containers
DCM	Dangerous Cargo Manifest
DOT	Department of Transportation
DOTOIG	Department of Transportation Office of Inspector General
EEBD	Emergency Escape Breathing Device
ERG	Emergency Response Guide
FHMTL	Federal Hazardous Materials Transportation Law
FMCSA	Federal Motor Carriers Safety Administration
FRA	Federal Railroad Administration
HAZMAT	Hazardous Materials

Appendix A to COMDTINST M16616.11C

HMSAT	Hazardous Materials Safety Assistance Team
HMTAA	Hazardous Materials Transportation Authorization Act
HSC	Harbor Security Committee
IAP	Incident Action Plan
ICS	Incident Command System
ID	Identification
IDLH	Immediately Dangerous to Life and Health
IICL	Institute of International Container Lessors
IM	Intermodal
IMDG	International Maritime Dangerous Goods
IMO	International Maritime Organization
ISCA	International Safe Container Act of 1977
ISO	International Organization for Standardization
LEPC	Local Emergency Planning Committee
LOW	Letter of Warning
MASFO	Multi-Agency Strike Force Operation
MEGC	Multiple-Element Gas Container
MILSPEC	Military Specification
MISLE	Marine Information for Safety and Law Enforcement
MOU	Memorandum of Understanding
MSDS	Material Safety Data Sheet
MSM	Marine Safety Manual
NCB	National Cargo Bureau

NCIP	National Container Inspection Program
NIMS	National Incident Management System
NIOSH	National Institute for Occupational Safety and Health
NOV	Notice of Violation
OHME	Office of Hazardous Materials Enforcement
OMSEP	Occupational Medical Surveillance and Evaluation Program
PHMSA	Pipeline and Hazardous Materials Safety Administration
PIH	Poisonous by Inhalation
PPE	Personal Protective Equipment
PRC	Port Readiness Committee
PRD	Personal Radiation Detectors
PWSA	Ports and Waterways Safety Act
SANS	Ship Arrival Notification System
STEL	Short Term Exposure Limits
TEU	Twenty-foot Equivalent Units
TLV	Threshold Limit Values
TSA	Transportation Security Administration
TTP	Tactics, Techniques, and Procedures
UCIRC	Unified Container Inspection and Repair Criteria
UN	United Nations
U.S.C.	United States Code
USCG	United States Coast Guard
USDA	United States Department of Agriculture

APPENDIX B. Glossary

<u>Word or Phrase</u>	<u>Definition</u>
Agent	A person who represents and acts on behalf of a container's owner.
Confined space	A space with all of the following characteristics: (1) It is large enough and so configured that an employee can bodily enter and perform assigned work; (2) It has limited or restricted means for entry or exit; and (3) It is not designed for continuous employee occupancy.
Container	A freight container, portable tank, multiple-element gas container (MEGC), flat rack, quadcon, tricon, tactical ISO shelters, MILSPEC Van and other structures which must comply with the International Convention for Safe Containers (CSC) requirements.
Custodian	The terminal operator, stevedore or other person having actual control over the container involved.
De-van	An industry term used synonymous with the word "unload."
Enclosed space	Any space, other than a confined space, which is enclosed by bulkheads and overhead.
Equivalent safety measures	The use of safety methods that provide the same level of protection to inspectors conducting enclosed space entries of containers as the primary methods identified within this COMDTINST Manual, to the satisfaction of the Container Inspector or COTP.
Freight container	A reusable container having a volume of 64 cubic feet or more designed and constructed to permit being lifted with its contents intact and intended primarily for containment of packages (in unit form) during transportation.
Intermodal container	A freight container designed and constructed to permit it to be used interchangeably in two or more modes of transport.
Intermodal (IM) portable tank	A specific class of portable tanks designed primarily for international intermodal use.
Multi-Agency Strike Force Operation (MASFO)	A surge enforcement activity involving multiple agencies with varying jurisdictions, authorities and resources, usually led by the agency having the predominant authority over the physical location of the operation.
Multiple-element gas container (MEGC)	Assemblies of UN cylinders, tubes, or bundles of cylinders interconnected by a manifold and assembled within a framework, including all service equipment and structural equipment necessary for the transport of gases.

Appendix B to COMDTINST M16616.11C

Portable tank A bulk packaging (except a cylinder having a water capacity of 1000 pounds or less) designed primarily to be loaded onto, or on, or temporarily attached to a transport vehicle or ship and equipped with skids, mountings, or accessories to facilitate handling of the tank by mechanical means.

Tailgate inspection An internal inspection of a container, that is limited to that interior volume of a container beginning at the door sill and ending at an imaginary plane established at the lesser of either the first three feet of the container itself or the first tier of dunnage.

APPENDIX C. Performance Goal Calculator

COTP Zone: Savannah
CY 2014 Goal: 1535

Enter Annual Container Throughput in Boxes - Use data from your ports. If no data exists, use the throughput data from Table 1 on the right.	1645043
Qualify for National Cargo Bureau Incentive? <small>(Click on cell to toggle Yes/No)</small>	Yes
Qualify for Customs and Border Patrol Incentive? <small>(Click on cell to toggle Yes/No)</small>	Yes
Qualify for Port / Facility Interaction Incentive? <small>(Click on cell to toggle Yes/No)</small>	Yes
Select the Confidence Interval (CI) Base by using the drop down list (click on cell) after comparing your throughput value to Table 2 below.	1.75
Calculated Annual Performance Goal	1535

Table 1	
COTP	Throughput
Sector Anchorage	274425
Sector Baltimore	402131
MSU Baton Rouge	1482
Sector Boston	110675
Sector Charleston	798879
Sector Delaware Bay	316293
MSU Texas City (Galveston)	35517
Sector Guam	108634
Sector Hampton Roads	1102051
Sector Honolulu	697008
Sector Houston	1141763
Sector Jacksonville	466834
MSU Lake Charles	1669
Sector LA/LB	8147439
Sector Miami	1199692
Sector Mobile	257278
Sector New Orleans	293293
Sector New York	3197016
Sector North Carolina	157867
Sector Northern New England	3426
MSU Port Arthur	3615
MSU Portland (Columbia River)	111200
Sector Puget Sound	1981036
Sector St. Petersburg	33227
Sector San Diego	49706
Sector San Francisco	1318992
Sector San Juan	645476
MSU Savannah	1645043

Table 2	
COTP Throughput Threshold	Minimum CI
Equal or greater than 5000000	0.5
Equal or greater than 3000000	1.25
Equal or greater than 1000000	1.75
Equal or greater than 500000	2
Equal or greater than 100000	2.75
Less than 100000	3.75

HAZARDOUS MATERIALS CONTAINER INSPECTION GUIDANCE

(Note: For radioactive, PIH and fumigated cargoes, refer to guidance in COMDTINST 16616.11(series))

A. GENERAL

1. Create safe working zone around container.
2. Identify potential hazards associated with commodity.
3. Inspect container exterior for signs of leakage, structural integrity (Section B) and placards/markings/shipping paper consistency.
4. Attach safety strap to container locking bars.
5. Remove original seal and document its number/time on CG5577.
6. Open one container door. Check for shifted cargo. Remove strap.
7. Open both doors and ventilate for 15 minutes. (For PIHs & fumigated cargoes see note above.)
8. Thoroughly inspect shipping papers (Section C).
9. Fill out CG 5577 with information available.
10. Conduct tailgate inspection. Verify marking, labeling, packaging, segregation, and blocking & bracing (Sections D & E).
11. Document all discrepancies. Take pictures for evidence.
12. Close container doors. Affix USCG seal and document number.
13. Complete CG5577. Affix detention stickers if necessary.
14. Deliver carbon copy and report findings to facility custodian.
15. U.S. DOT Hazmat Reg No. is described in 49 CFR 107.601-107.717. Merchant vessels engaged in any of the activities requiring registration and transporting, transiting, or transshipping packaged hazardous materials within 12 miles of the U.S. must have a U.S. DOT Hazmat Reg No. Hazmat Reg Nos. can be verified at <https://hazmatonline.phmsa.dot.gov/services/companylookup.aspx>

B. STRUCTURAL INTEGRITY / SAFETY APPROVAL PLATE

1. Valid CSC safety approval plate attached to the container (49CFR451).
2. Safety approval plate contains the following in this order:
 - (a) "CSC SAFETY APPROVAL"
 - (b) Country of approval and approval reference #
 - (c) Date (month & year) of manufacture
 - (d) Manufacturer's ID # or Owner's container #
 - (e) Maximum operating gross weight (kg & lbs)
 - (f) Allowable stacking weight for 1.8g (kg & lbs)
 - (g) Transverse racking test load value (kg & lbs)
3. Next exam due date or ACEP marked on safety approval plate or as close as practicable (49 CFR 452).
4. See CITAT Structural Integrity Job Aid for structural requirements at www.uscg.mil/hq/citat.

C. SHIPPING PAPERS

1. All hazardous materials observed are listed (172.200).
2. Proper shipping name, hazard class, ID # and packing group are correct and in order [172.202(a)(1-4)].
3. Total quantity by weight or volume indicated [172.202(a)(5)].
4. Additional descriptions used where required (172.203):
 - (a) DOT-E or DOT-SP
 - (b) Limited Quantity or LTD QTY
 - (c) Hazardous Substance RQ
 - (d) Radioactive Material
 - (e) Empty Packaging
 - (i)(1) Name of the Shipper
 - (i)(2) Minimum Flashpoint
 - (k) Technical Name
 - (l) Marine Pollutant
 - (m) Emergency/Control Temperature for certain Class 4.1 & 5.2
5. Shipper's certification and signature (172.204)
6. Emergency response telephone # listed on shipping papers (172.201(d) & 172.604) Exceptions: 172.604(c) & 171.22(g)(1)
7. Hazardous waste manifest when applicable (172.205)
8. Emergency response information available (172.602)
9. Container packing certificate available (176.27)

D. MARKING / LABELING / PLACARDING

1. Non-Bulk Packages marked with the following (172.301):
 - (a) Proper shipping name and ID #
 - (b) Technical name when required
 - (c) DOT-E or DOT-SP when required
 - (d) Consignee's or Consignor's name and address

2. Bulk Packages marked with I.D. # and DOT-E or SP if required (172.302). See cite for locations.
3. Additional package markings present where required:
 - (a) Radioactive Materials (172.310).
 - (b) Orientation Arrows for liquid hazardous materials in combination packages(172.312)
 - (c) Poisonous Material and PIH's (172.313)
 - (d) Limited Quantities (172.315 & 172.301(a))
 - (e) ORM-D Material (172.316)
 - (f) Explosive (172.320)
 - (g) Marine Pollutant (172.322)
 - (h) Hazardous Substance (RQ) and Waste (172.324)
 - (i) Freight Container (172.301(a)(3) & 172.331(c))
4. Packages properly labeled with primary and subsidiary hazards (172.400 & 172.402 & 172.406, see exceptions in 172.400a)
5. Additional labeling requirements are met (172.402)
6. Placards visible on all four sides of container (172.504(a))
7. Subsidiary placards for PIH, 4.3, and Uranium Hexafluoride (172.505)
8. Marine Pollutant mark on all 4 sides (172.322)
9. Overpacks are marked/ labeled to reflect contents and with "OVERPACK" (173.25)

E. PACKAGING / STOWAGE AND SEGREGATION

1. Packages used are appropriate for each commodity (171.2)
 - Research commodities in 172.101 Column 7 & 8
 - Marking for Cylinder (178.35), POP (178.503), IBC (178.703)
2. Packages secured to prevent shifting in any direction. Vertical restraint is not required if the shape of the packages, loading pattern, and horizontal restraint preclude vertical shifting. (176.76(a)(2), and otherwise in accordance with (176.76).
3. Hazard classes are properly segregated within the container. See 176.83(d). For other than Class 1, use Table 176.83 (b) where X indicates compatible cargoes. For Class 1, use Table 176.144 (a) where X indicates incompatible cargoes.

HAZARDOUS MATERIALS TANK INSPECTION REFERENCES

A. GENERAL

1. No significant material damage to the tank (49 CFR 173.32)
 - (a) Framework, including saddles
 - (b) Corner Castings
 - (c) All emergency devices
 - (d) Tank
 - (e) Upper/Lower Discharge Valve and Gaskets
 - (f) Drip Cap
 - (g) Manhole
 - (h) Compressed Air Connection
 - (i) Pressure Relief Devices
2. No external evidence of corrosion, leakage, or other unsafe condition (49 CFR 173.32(e))
3. No missing or loose nuts/bolts on blank flanges (173.32(e))

B. MARKINGS

1. Tank is properly marked with (172.326):
 - (a) PSN on two opposing sides
 - (b) name of owner or lessee
 - (c) I.D. # on each side and each end if $\geq 3,785L$ 2 opposing sides if $< 3,785L$
2. Information is properly marked on I.D. plate (178.273 or 178.274). See CITAT Portable Tank Data Plate Job Aid.
3. Last hydrostatic & visual test dates marked on I.D. plate (180.605).
4. Upcoming inspection/test dates marked on CSC plate, unless ACEP.

CITAT CONTACT INFORMATION

Telephone – (405) 954-8985 Fax – (405) 954-9217
 For Job Aids and Guidance, visit the USCG CITAT's Website:
www.uscg.mil/hq/citat

<p>U.S. Department of Homeland Security United States Coast Guard</p> 	<p>HAZARDOUS MATERIALS & INTERMODAL CONTAINER INSPECTION REPORT CG-5577</p>	<p>DATE <u>12 Nov 09</u> TIME <u>1430</u></p>																		
<p>CONTAINER NUMBER: <u>SUDU1234567</u> MISLE ACTIVITY/CASE: _____ INVOLVED PARTY & U.S. DOT Hazmat Reg No. <u>Stepan Company</u> <small>(Shipper, Carrier, Forwarder, NYOCC, etc.)</small></p>	<p>ORIGINAL SEAL # <u>01230321</u> REPLACEMENT SEAL# <u>CG 08041790</u> COTP ZONE <u>Baltimore</u></p>	<p>LOCATION/PIN # <u>MPA Seagirt Marine Terminal</u> COUNTRY OF ORIGIN <u>Peru</u> SHIPMENT PREPARED BY <u>49 CFR / IMDG Code</u></p>																		
<p>ADDRESS: <u>22500 W. Millsdale Rd.</u> <u>Elwood, IL 60421</u></p>	<p>SHIPMENT PREPARED BY <u>49 CFR / IMDG Code</u> CONTAINER TYPE Tank / <u>Freight</u> / Reefer / ACEP # <u>N/A</u></p>																			
<p>INSPECTION TYPE: <u>Declared</u> General, <u>Structural</u> MASFO: <u>yes</u> / <u>no</u> CSC ID #: <u>D-HH 1155/GL 2246</u></p>																				
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<p>INSTRUCTIONS: <u>Compliance Order: Repair required prior to further movement of container - Damage to Front Curbside Corner Post exceeds permissible standards; contact the COTP at ###-###-#### upon remedy.</u></p>																				
<p> <input checked="" type="checkbox"/> Container Detained <input type="checkbox"/> Shipment Detained <input checked="" type="checkbox"/> Repair required <input type="checkbox"/> Re-Inspection required </p>																				
<p> Hazmat UN ID #(s): <u>UN2258</u> _____ Hazard Class(es): <u>8(3)</u> _____ </p>																				
<p> Authorities: <u>49 CFR 453.1</u> <u>33 CFR 160.109</u> <u>33 CFR 6.04-7.3</u> </p>																				
<p><i>Note: This report constitutes written notice of discrepancies discovered, order for detention, and/or corrective action required. Separate notice will be given if penalty action is initiated.</i></p>																				
<p>Copy delivered to: <u>Bob Smith, Terminal Manager</u> <small>(Shipper/Agent/Custodian - Printed Name)</small></p>		<p>_____ <small>(Signature)</small></p>																		
<p>CG COTP Representative: <u>MST1 Doug H. Shuab</u> <small>(Printed Name)</small></p>		<p>_____ <small>(Signature - CG COTP Rep.)</small></p>																		
<p><small>Top White Copy to Involved Party / Bottom Blue Copy to USCG File</small></p>																				

