



16711

MOC Policy Letter No. 01-01

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:

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

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