



**Customer Advisory # 124 – 2011
New IMDG Regulation
Effective January 1, 2012**

Dear Valued Customer,

While the United States has historically regulated vehicles and internal combustion engines transported within their jurisdiction as hazardous material under Title 49, Code of Federal Regulations, (49 CFR) new regulations have been adopted which will extend regulatory controls to international transportation under the jurisdiction of the International Maritime Dangerous Goods Code (IMDG).

CMA CGM deems it important to inform its customers on the fact that IMO, after having decided to withdraw "Motor Vehicles" from the IMDG Code in the mid 90's, has decided that vehicles will be subject to the IMDG Code as of January 1st, 2012 (IMDG Code Amendment 35-10). From this date on, all vehicles will have to be declared as hazardous cargoes under the entry **UN 3166 Class 9** or **UN 3171 Class 9**.

Proper shipping name is as described in the IMDG Code "**ENGINE, INTERNAL COMBUSTION**" or "**VEHICLE, FLAMMABLE GAS POWERED**" or "**VEHICLE, FLAMMABLE LIQUID POWERED**" or "**ENGINE, FUEL CELL, FLAMMABLE GAS POWERED**" or "**ENGINE, FUEL CELL, FLAMMABLE LIQUID POWERED**" or "**VEHICLE, FUEL CELL, FLAMMABLE GAS POWERED**" or "**VEHICLE, FUEL or BATTERY-POWERED VEHICLE**" or "**BATTERY-POWERED EQUIPMENT**".

All vehicles powered by internal combustion engines, fuel cells or batteries either loaded in containers or stowed on board container ships must comply with these following rules:

1. Vehicles and equipment shall not show signs of leakage from batteries, engines, fuel cells, compressed gas cylinders or accumulators, or fuel tank(s) when applicable;
2. For flammable liquid powered vehicles and equipment, the fuel tank(s) containing the flammable liquid shall not be more than one-fourth full and in any case the flammable liquid shall not exceed 250 L;
3. For flammable gas powered vehicles and equipment, the fuel shut-off valve of the fuel tank(s) shall be securely closed;
4. Installed batteries shall be protected from damage, short circuit, and accidental activation during transport. Lithium ion or lithium metal batteries shall meet the requirements of the United Nations *Manual of Tests and Criteria*, Part III, subsection 38.3, unless otherwise approved by the competent authority; and
5. Dangerous goods required for the operation of the vehicle or equipment such as fire extinguishers, compressed gas accumulators, airbag inflators, etc., shall be securely mounted in the vehicle or equipment.

All vehicles shipped under the amendment 35-10 or in any case after January 1st, 2012, must be accompanied with a dangerous goods declaration. If the shipment complies with the above rules, it will not be necessary to apply the marking, labelling and placarding provisions of the Code.

CMA CGM (America) LLC

5701 Lake Wright Drive, Norfolk, Virginia 23502-1868, Tel: 1-877-556-6308

Q: In which case will motor vehicles be exempted from this obligation?

Vehicles and equipment are not subject to the provisions of the IMDG Code if any of the following conditions are met:

1. The fuel tank(s) of the vehicle or equipment powered by a flammable liquid fuel is empty and installed batteries are protected from short circuit;
2. The fuel tank(s) of the vehicle or equipment powered by a flammable gas is emptied of liquefied or compressed gas, the positive pressure in the tank does not exceed 2 bar, the fuel shut-off or isolation valve is closed and secured, and installed batteries are protected from short circuit; or
3. The vehicle or equipment is solely powered by a wet or dry electric storage battery or a sodium battery, and the battery is protected from short circuit.

CMA CGM will naturally keep its customers updated of any new developments on this important decision. For more information, please contact your local CMA CGM office.

Thank you for your continued support. Should you require additional information or clarification of the regulation, please contact our Hazardous Cargo Manager, Kevin Reposa, at 757-961-2408 or via electronic mail: usa.kreposa@cma-cgm.com.

Best regards,

Kevin Reposa
Hazardous Cargo Manager
(757) 961-2408