



**REPUBLIC OF
THE MARSHALL ISLANDS**

**OFFICE OF THE
MARITIME ADMINISTRATOR**

Marine Notice

No. 2-011-38

Rev. 7/14

**TO: ALL SHIPOWNERS, OPERATORS, MASTERS AND OFFICERS OF
MERCHANT SHIPS, AND RECOGNIZED ORGANIZATIONS**

SUBJECT: Material Safety Data Sheets (MSDS) for Ships Carrying Oil or Oil Fuel.

- References:**
- (a) **International Convention for the Safety of Life at Sea, 1974 (SOLAS), as amended**
 - (b) **International Convention for the Prevention of Pollution from Ships, 1973, As Modified By the Protocol of 1978 (MARPOL) Annex I, Regulation 1 – Definitions**
 - (c) **Resolution MSC.239(83) – Adoption of Amendments to SOLAS (new Regulation VI/5-1)**
 - (d) **MSC.1/Circ.1303 – Guidance on the Provision for Material Safety Data Sheets When Carrying Oil or Oil Fuel, in accordance with SOLAS Regulation VI/5-1**
 - (e) **Resolution MSC.282(86) – Adoption of Amendments to SOLAS (revised Regulation VI/5-1)**
 - (f) **Resolution MSC.286(86) – Recommendations for Material Safety Data Sheets (MSDS) for MARPOL Annex I oil cargo and oil fuel**

PURPOSE

This Notice contains the Republic of the Marshall Islands (RMI) Maritime Administrator's (the "Administrator") clarifications to, and interpretations of, the international requirements for the provisioning of MSDS to ships when carrying oil or oil fuel. This Notice supersedes the original issue of 11/11 and reflects the replacement of "ships, mobile offshore drilling units (MODUs) and mobile offshore units (MOUs)..." with "ships and mobile offshore units (MOUs)..." in the Applicability section.

APPLICABILITY

This Notice applies to all ships and mobile offshore units (MOUs) subject to reference (a) above, when carrying oil or oil fuel as defined in reference (b) above.

BACKGROUND

On 1 July 2009, a new SOLAS regulation VI/5-1 entered into force mandating the provision of MSDS to all ships carrying oil or oil fuel, as defined in MARPOL Annex I,

Regulation 1, prior to loading such oil as cargo in bulk or bunkering of oil fuel as set forth under reference (c) above.

In an attempt to ensure uniform understanding by Member Governments, the International Maritime Organization (IMO) has developed guidance on this issue, in conjunction with editorial amendments to SOLAS Regulation VI/5-1. The guidance is set out under reference (d) above. The editorial amendments to SOLAS Regulation VI/5-1, set forth under reference (e) above, took effect as of 1 January 2011 and do not constitute a substantive change to the intent of the regulation as previously worded.

The subject regulation has a very broad application, and affects all ships to which reference (a) applies that use oil fuel for propulsion and auxiliary machinery, as well as all ships carrying oil. Therefore, ships to which this new regulation applies shall anticipate verification for compliance while at ports or terminals within territories that are a party to SOLAS.

REQUIREMENTS

- 1.0 SOLAS Regulation VI/5-1 does not specify the entity within a Party obligated to issue the MSDS, nor does it have explicit requirements governing the duration or location for which the MSDS is to be maintained. Accordingly, the Administrator is of the understanding that the MSDS is to be issued by the supplier of the product or oil fuel.
- 2.0 The MSDS shall be maintained onboard the vessel, and the information provided therein shall be readily accessible by the crew for the duration the product or oil fuel is onboard, but in any case no less than 12 months from the date of loading or bunkering.
- 3.0 When an MSDS is not provided, despite the best efforts of the operator/Master to request in advance or obtain such documentation, details shall be recorded in the ship's log. The Administrator shall be promptly notified of such instances through a report to the following:

Investigations

c/o Marshall Islands Maritime and Corporate Administrators, Inc.

Telephone: +1-703-620-4880

Fax: +1-703-476-8522

Email: investigations@register-iri.com

- 4.0 SOLAS Regulation VI/5-1 does not provide a specific protocol for resolving incidents of non-compliance on the part of the supplier (such as failing to provide an MSDS, or providing an MSDS not in accordance with IMO guidelines). In such cases, any action that may be taken by port State authorities against the ship cannot be anticipated. It is therefore imperative for operators/Masters to ensure the requisite documentation is in place prior to loading/bunkering.
- 5.0 The Administrator recognizes the MSDS format recommendations set forth under reference (f) above as appropriate for demonstrating compliance with SOLAS Regulation VI/5-1. The IMO has urged Member Governments to accept the MSDS format meeting these recommendations to be applied as from 1 July 2009.