

## **SOCIAL PARTNERS AGREEMENT**

### **TRAINING FOR PORT WORKERS IN RELATION TO FUMIGATED CONTAINERS**

#### **Overview**

Over 600 million freight containers are shipped throughout the world annually. Freight containers are sometimes treated with chemicals (fumigants) in order to kill any potential pests inside the freight container before shipping. The objective of this process is to ensure that products are not damaged or destroyed during the shipping process and to keep pests out of receiving countries

These chemicals have potentially harmful effects on human health. In gas form, these chemicals can be extremely dangerous, if not fatal, upon inhalation. In many cases, the gases are also difficult to detect by humans. Solid residues can be harmful as well.

Given that most of all freight containers transit through ports, it is important that port operators and workers ensure there is a proper training framework in place to ensure that health risks from fumigated containers are minimised.

International law requires the marking of containers under fumigation, however unfortunately, information regarding the atmospheric status inside a container cannot always be relied upon.

#### **Scope**

Health risks related to fumigated containers arise from entering containers that have been treated with fumigants. Social Partners agree that appropriate control measures should be put into place, based on a suitable and sufficient risk assessment. The control measures should reduce the risk to anyone entering the container to as low as reasonably practicable. This is the best method by which to ensure potential health risks related to fumigated environments inside containers are minimised.

In cases where port workers do enter containers, for example, to carry out stripping and stuffing services, in addition to other control measures, they should be trained and competent to both carry out the task and exercise the control measures correctly. For this reason, this agreement focuses exclusively on training for port workers who are entering containers.

There also needs to be a sufficient framework in place for assessing risks within a container. Unfortunately, information regarding the atmospheric status inside a container cannot always be relied upon. For this reason, where relevant, port operators should have a framework for assessing risks.

This agreement does not cover other actors in ports (for instance, customs) or other actors in the logistics chain (inland warehousing). That being said, it is important that all actors have a sufficient framework in place for entering potentially fumigated environments. The duty holder shall however ensure that there is coordination with other actors in the port areas (for instance, customs) to ensure that, where required, containers are entered in a safe manner.

#### **Objective of this Agreement**

The objective of this agreement is to assist port operators and workers in creating a framework for identifying risk in their respective operations and training port workers. The role of social

partners at European level is to provide guidance based on existing good practices. Social Partners agree this can only be achieved via a bottom-up approach, namely by the duty holder at local level, given that containers will need to be assessed on a case-by-case basis.

These guidelines should be viewed as a minimum level of training that is required. Operators are strongly encouraged to develop more specific and detailed training programmes which take into consideration the type of equipment used to detect fumigants, the type of cargo handled and the profile of workers entering containers. Given the wide range of factors which must be taken into consideration, it is not viewed as appropriate to develop a generic approach on this topic. It remains the responsibility of social partners at local level to implement a training programme which best fits their specific needs.

These guidelines deal specifically with the fumigation of containers. Social partners recognise that other health risks exist from entering containers, such as deoxygenised environments, that should be taken into consideration before operations begin.

### Main components of training schemes in relation to fumigated containers

#### 1) Framework for Assessing Risk

Prior to any port worker entering a container that might be hazardous, social partners agree there is a need for all duty holders to have a system in place for assessing the risk of a container. Under this system, duty holders shall identify whether:

- Fumigation gas is likely to be present (case A);
- There are indications fumigation gas could be present (case B);
- No indications that atmosphere is unsafe (case C);

This assessment shall be carried out in a standardised and systematic manner before any operations being. For case A, namely that fumigation gases are likely to be present, appropriate control measures should be put into place, based on a suitable and sufficient risk assessment. This will involve the container being made safe in a controlled manner, such as controlled ventilation. For case B, namely indications fumigation gas could be present, the duty holder should establish a preliminary investigation into the container to establish whether fumigated gases are present. For case C, namely no indications that atmosphere is unsafe, the container can be opened and entered under procedures determined by the duty holder and other appropriate stakeholders.

For case B, namely indications fumigation gas could be present, this preliminary investigation may include but is not limited to the following factors:

- Country of origin of container;
- Number of containers delivered by company per year;
- Type of goods;
- Etc.

For instance, fumigants are much more likely to be present in the transportation of certain dry food types (for instance; rice). In this case, it is likely the container will contain a fumigated environment. In this case, the container should be treated as a Type A container. Given the wide range of factors that can be included in a preliminary investigation, it is the role of the individual duty holder to identify which factors should be included in their respective preliminary investigations.

Containers should always be treated as potentially hazardous. Normal procedures should not mean that the container can be entered under the assumption that there are no hazardous substances in the container, but rather that normal health and safety shall apply.<sup>1</sup> If it cannot be established whether there is no fumigant in a container, the container should be treated as if fumigant is present.

Workplace exposure limits are defined under the Chemical Agents Directive (98/24/EC). For any chemical agent for which an IOELV (Indicative occupational exposure limit value) has been set at Union level, Member States are required to establish a national occupational exposure limit value. They also are required to take into account the Union limit value, determining the nature of the national limit value in accordance with national legislation and practice. Limits for exposure to chemical agents is established under European law and must be followed in establishing risk.

Employers should establish working practices for control of possible exposure with a priority on eliminating risk. The use of personnel protective equipment should not be viewed as a means of eliminating risk, and the priority should therefore be on properly identifying and treating containers.

## 2) Health and Safety Contact Points

Duty holders shall establish a health and safety contact point in the case of any suspicious substances inside a container. Procedures for reporting suspicions should be included within personnel training.

The health and safety contact point shall also establish procedures for an emergency or alarm and said procedures should be routinely tested.

## 3) Training for Entering Containers

Personnel should be trained to recognise signs of the use of fumigants inside a container. These may include, but are not limited to:

- A "Fumigation Warning Sign" is attached to the container doors with the date of ventilation
- Smell or irritation noticed near the container;
- Unclear or torn warning labels attached to one or both container doors;
- The container door and/or ventilation openings are taped;

If the atmosphere inside a container is not safe, nobody should enter the container until it is made safe. A system should be put in place to ensure that potentially unsafe containers are not entered.

The training should include reporting to relevant health and safety coordination points and ensure port workers remain vigilant and alert to possible signs of the presence of fumigants. Accidents can only be prevented by port workers and duty holders working together to identify risks.

## 4) Training for Working Within Containers

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<sup>1</sup> [ILO 152](#), IMDG Code, [Directive 89/391](#), Directive 98/24, relevant national legislation, etc.

Personnel training should also include signs of fumigants (for example: solid residue or smell) whilst working inside a container. The environment inside a container can change during the unloading process as some fumigation devices are placed between cargo (for example: in between bags of tobacco). In some cases, it is therefore not possible to establish if case B containers contain a fumigated environment from outside the container and it will be crucial that all personnel required to enter a container have the necessary awareness training and understand the procedure if they detect or suspect the presence of fumigation products. Personal monitors should be used where appropriate and training should also include training on how to use personal monitors. As stated, human senses such as sight and smell cannot be relied out to identify fumigants and should not be viewed as a sufficient health and safety precaution.