

## **HAZARDOUS CARGO**

Tariff # 032

Rule Number 13

### **A. REGULATIONS GOVERNING TRANSPORTATION**

The transportation of explosives, inflammables, corrosives, radioactive materials, compressed gases, combustible liquids, and other hazardous articles and materials will be governed by the conditions of carrier's bills of lading; and/or regulations applying in the country of registration of the carrying vessel and/or country where the cargo is loaded, discharged, or transported; and/or the following publications, as applicable:

1. United States Code of Federal Regulations, CFR Title 46, Shipping.
2. United States Code of Federal Regulations, CFR Title 49, Transportation.
3. International Maritime Dangerous Goods (IMDG) Code, published by the International Maritime Organization (IMO), to include Class 1 through Class 9 materials and articles and all other parts, sub-parts, and classes as amended.

### **B. DEFINITIONS AND LIMITATIONS**

1. For the purpose of this tariff, the term "hazardous cargo" shall mean and include all commodities:
  - a. identified in the IMDG Code with a UN or IMO classification number, and
  - b. requiring labeling according to the provisions of the IMDG Code.
2. Except as specifically provided herein or in individual TLIs, the rates in this tariff shall not apply to the transportation of hazardous cargo. Such cargo shall be accepted for transportation by carrier only upon fulfillment of the following conditions.

### **C. CONDITIONS FOR ACCEPTANCE AND TRANSPORTATION BY CARRIER**

1. Hazardous cargo will be accepted for transportation only:

a. after prior booking arrangements have been concluded with carrier, which reserves the right to refuse to accept or transport any goods which in its judgment are objectionable or likely to injure the vessel, docks, or other cargo or for which in carrier's judgment it has no safe and suitable stowage; and

b. when shipping container, markings, and packing for the handling, stowage, and transportation of hazardous articles are in accordance with the regulations of applicable port or governmental authorities or inland carriers.

2. Shipments of hazardous cargo to which this rule refers shall be transported by carrier only in accordance with rules and/or regulations promulgated by port or governmental authorities or inland carriers and at the risk and expense of the cargo interest.

3. Shippers and/or their agents shall be solely liable for delivery of hazardous cargo to carrier properly packaged, labeled, and marked; properly stowed and secured in container(s), with only compatible commodities in the same container; and in container(s) properly labeled and placarded. Consignees and/or their agents shall be solely liable for redelivery of empty containers to carrier with placards removed.

4. Shippers and their agents are responsible to inform themselves of and comply with all applicable U.S. Department of Transportation regulations and other rules governing the shipment of hazardous materials. Such rules include but are not limited to those pertaining to the identification of

Such materials on shipping papers, appropriate clausings of bills of lading, provision of 24-hour emergency response telephone numbers and other required emergency response information, and other requirements for packaging, marking, and labeling described in 49 CFR, Parts 171-176. Shipper shall indemnify carrier for any liability, claim, or cost incurred by carrier as a result of shipper's failure to comply with all applicable Governmental regulations concerning shipment of hazardous materials.

4A) In order to ensure compliance with International Maritime Dangerous Code along with United States and Canadian government regulations, Westwood requires the shipper and their agents to provide a 24 hour emergency response telephone number that is contracted by an Emergency Response Service Company. The 24-hour emergency response telephone number cannot be a private phone number of an account on the bill of lading. The name of the Emergency Response Service Company, Phone Number and the applicable Contract between the parties must be designated on the hazardous declaration.

4B) If shipper and their agents do not comply with all applicable regulations Westwood Shipping Lines will assess a Hazardous Non-compliance charge of \$35,000 per container.

4C) If carrier is assessed a non-compliance penalty from governing authorities due to the non-compliance of the shipper and their agents, the full penalty charge will be the responsibility of the shipper, in addition to any charges WSL incurs for safe movement in accordance with rules and/or regulations promulgated by port or governmental authorities or inland carriers in respective countries and the Westwood Hazardous Non-compliance charge as outlined in 4B.

4D) Carrier has the liberty to refuse or terminate hazardous cargo where shipper and/or their agent is not in full compliance with regulations and/or other rules governing the shipment of hazardous materials. These governing bodies may include but are not limited to International Maritime Organization, Vessel Flag State, US Department of Transportation, Transport Canada, United States/Canada/Japan/Korea/China Government, etc.

5. In the event any governmental and/or port authority or inland carrier requires special inspection, handling, or storage of hazardous cargo, carrier may take any steps required by such party and all additional expenses shall be for the account of the cargo. (Such steps may include but are not limited to delivery under hook as provided in Rule 2. NOTES herein.)

D. RATES APPLICABLE TO HAZARDOUS CARGO Except as otherwise specifically noted, rates for hazardous cargo in standard dry containers may be determined by adding the following charges to the otherwise applicable TLI rate:

1. Cargo moving to load or discharge port CY or door (local or OCP):

US\$5.00 WM

US\$200.00 per 20 ft. standard (except tanks)

US\$300.00 per 40 ft. container

2. Cargo moving under intermodal through rates (IPI) or Portland OR (CY or door):

US\$25.00 WM

US\$350.00 per 20 ft. container (except tanks)

US\$400.00 per 40 ft. container.

3. Tanks moving to load or discharge port CY or intermodal through rates (IPI):

US\$500.00 per 20 ft. tank.

-Above charges apply to containerized cargo moving to or from inland locations via Canada routed to the US IPI.

-All door destinations and Intermodal tanks require case-by case pricing and routing.

Except as otherwise specifically noted, tank, open-top, or flatrack container rates or breakbulk rates apply only to non-hazardous cargo.

EXCEPTION: Bulk marine tank containers and breakbulk wheeled vehicles carrying fuel in tanks are not subject to the provisions of paragraph D. above but are subject to all other provisions of this rule.