

## Port Health Controls in Brazil

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### Introduction

Gard has recently been notified by Members and Clients that the Brazilian National Sanitation Surveillance Agency (ANVISA) appears to enforce local health regulations applicable to ships arriving in Brazilian ports more rigorously. This has been confirmed by our local correspondent in Rio de Janeiro, particularly as concerns documentary evidence of compliance with RDC 72 Articles 60/61 on the control of air conditioning systems and Articles 79/80 on the control of synanthropic fauna specimens harmful to health. Lack of compliance and/or documentary evidence acceptable to the authorities may result in fines and/or delay of the vessel in port.

The health control requirements applicable to vessels calling at Brazilian ports in general are set out in ANVISA's Resolution RDC No 72 of 29 December 2009 concerning minimum requirements for the promotion of health at the health control ports located nationwide and the vessels calling those ports (RDC 72).

The purpose of this Alert is to inform Members and Clients about the compliance requirements, inspection practices and provide advice on how to reduce the risk of non-compliance and fines.

### **RDC 72 on the Control of air conditioning systems:**

*Article 60* requires the vessel's air condition system components to be kept in good condition with respect to maintenance, operation, control and cleaning.

*Article 61* further requires that records of maintenance, operation, cleaning and disinfection of the air conditioning equipment as well as any air quality reports shall be made available to the port health authorities. It is required that the air quality of HVAC systems with a refrigerating capacity equal to or larger than 60,000 BTU shall be evaluated *every 6 months* when it comes to testing against applicable chemical and biological parameters.

With respect to the requirement for air quality reports, our correspondent has informed that port health authorities will typically require the vessel to present a valid "*Air Quality Control Certificate*" issued by a competent third party company as documentary evidence for the procedures carried out. The documentation presented is required to include information detailing the physical, chemical and biological parameters of the systems.

### **RDC 72 on the Control of synanthropic fauna specimens harmful to health:**

*Article 79* requires vessels in transit through or staying in a Brazilian port to be free from breeding places of insect larvae, adult insects and other animals transmitters or receivers of diseases of importance to public health and poisonous animals whose presence entails risks to the individual or collective health, as well as factors that are conducive to the maintenance and breeding of these animals.

*Article 80* further requires that vessels shall, *every 6 months*, be submitted to procedures of disinsectization and de-ratisation and that documentary evidence of the procedures carried out, in the form of records and certificates, shall be made available to the port health authorities.

Our correspondent has informed that port health authorities will typically require the vessel to present a valid "*Ship Sanitation Control Certificate*" issued by a competent third party company as documentary evidence for the procedures carried out. The documentation presented is required to include information on methodology applied, dosage per compartment, active substances used and their concentrations applied. Further, we have been informed that since ANVISA requires evidence confirming that procedures for controlling of insects or rodents have been exercised, the presence of a Ship Sanitation Control *Exemption* Certificate will not suffice even if there is no evidence of insect or rodent infestation onboard the vessel.

### Recommendations and advice

Vessels calling Brazilian ports may experience delays and/or fines imposed by the port health authorities unless being able to provide documentary evidence of compliance with local regulations concerning satisfactory health control procedures carried out onboard. In order to reduce the risk of such problems, the following recommendations and advice should be noted:

- Vessel maintenance records and log books should be kept up to date at all times and contain relevant information as required by the Port Health Authorities for their inspections in general.
- Vessels should ensure that they are in possession of a valid *Air Quality Control Certificate* pursuant to RDC 72 Articles 60/61 and a *Ship Sanitation Control Certificate* pursuant to RDC 72 Articles 79/80 prior to calling at Brazilian ports. Alternatively, they should arrange for the required documents to be obtained and issued as soon as possible following arrival in a Brazilian port. In accordance with RDC 72 Articles 60/61 and 79/80, valid certificates are those issued within the *preceding 6 month period* by a competent third party company, whether located in Brazil or abroad.
- With respect to RDC 72 Articles 79/80 specifically; local lawyers in Rio de Janeiro inform that it should be possible for vessels arriving with a Ship Sanitation Control *Exemption Certificate* that is not accepted by the authorities to challenge a fine if there is no evidence of insect or rodent infestation onboard the vessel. However, Members and Clients should be aware that the vessel will almost certainly be delayed and legal costs may be substantial.
- RDC 72 is applicable for all Brazilian ports although local port health authorities may give variable attention to the control measures specified. According to the correspondent, ANVISA in Rio de Janeiro State are currently active and rigorous in its efforts. It would be prudent to assume that the port health authorities in other Brazilian ports, especially the larger ones, may intensify their efforts in this regard. Hence, prior to calling any Brazilian port, Members and Clients should contact their local agents for latest information on port authority requirements and make the necessary arrangements accordingly.

For guidance only:

- We have been advised that the cost of obtaining an Air Quality Control Certificate in Rio de Janeiro is in the region of USD 1,500 to USD 2,500. Similarly, the cost of obtaining a Ship Sanitation Control Certificate in Rio de Janeiro is in the region of USD 2,000 to USD 3,000.
- An English version of RDC 72 can be found via the link: <http://www.docstoc.com/> and by entering "RDC 72" in the search field. But please use the information with caution as the content/translation is unverified by Gard.
- Reference is made to Gard's [Loss Prevention Circular No. 12-09 on "Port Health Authority fines in Brazil"](#) for additional information regarding Brazilian Port Health Authorities' requirements and areas of inspection.

*We would like to thank Gard's correspondent in Rio de Janeiro, Representações Proinde (Rio) Ltda, for their assistance with the above information.*