

The Marine world

continues its campaign

■ ■ Despite criticism concerning the increasing detention of ships, the high-profile fines and the criminalisation of seafarers with the slightest evidence of deviation from international regulations, the marine world continues its campaign towards a vision in which sub-standard ships are eliminated and in which the marine environment and its resources are adequately protected. The current focus of the campaign is the implementation of MARPOL regulations.

The Port State Control on both a national and regional level – together with other leading international organisations within the marine industry – take initiatives, co-ordinate and exchange information, experience and ideas in the fight against the present mentality. This mentality allows vessels to sail with malfunctioning equipment, is responsible for poor maintenance programs and places the highest priority on reduced costs, all at the expense of the environment.

Port State Control Inspections

Port State Control carry out their duties and exercise their powers of inspection that have been granted by international conventions. These controls are intended as an extra “safety net” that compensates the failures of various flag states, classification societies and shipowning companies to fulfil their commitments in accordance with international standards.

Experience has shown that Port State Control inspections can be enormously effective, especially if organised on a regional basis. It is not rare that a ship calling at a port in a particular region will also call at other ports of nearby countries before her return voyage. It is therefore not necessary to re-inspect a ship that has already been inspected at one port in the region. This saves time and ensures that the overall volume of inspected ships is increased.

The IMO is encouraging various regions to

establish Port State Control organisations in order to establish a harmonised regime of Port State Control world-wide. Regional Port State Control organisations serve as forums in which practical recommendations can be developed and agreements or Memoranda of Understanding (MOU) can be signed. The first such memorandum was the Paris MOU which was signed in 1984 and opened the way for other memoranda in Europe and the North Atlantic, Latin America, the Asia-Pacific region, the Caribbean, the Mediterranean, the Indian Ocean, West and Central Africa, the Black Sea, and the Persian Gulf. Signatories of an MOU undertake particular projects that include inspections related to areas of ongoing concern or to new requirements that come into force.

The Paris & Tokyo MOU's

A recent example of Port State Control co-operation on a regional level is that between the signatories of the Paris MOU and those of the Tokyo MOU. These signatories carried out a Concentrated Inspection Campaign (CIC) on the enforcement of MARPOL regulations during the period February-April 2006. The Paris MOU website states that “in 2004, a total of 3,646 deficiencies were found during inspections”. Their plan was to conduct approximately 4,500 inspections during the CIC “to verify whether the oil filtering equipment is installed, maintained and operated appropriately and whether pollution prevention arrangements and procedures are properly followed on board ships”.

A press release issued by the secretariat of the Tokyo MOU has described the areas of inspection which included the Oil Filtering Equipment, the International Oil Pollution Prevention (IOPP) certificate, the incinerator, sludge tanks, sludge pipeline, the amount of the sludge and/or bilge water that has been discharged into port reception facilities, the remaining capacities of the sludge and bilge water tanks for the intended voyage as well as inspection of the tank diagram, Oil Record Book (ORB), and logbook.

It should be noted that the results from all

inspections are entered into databases which will later be analysed and evaluated by the MOU Committee. The results of the analysis remain to be seen.

US Port State Control

On another front, the United States, although not a member of any Memorandum of Understanding, has empowered the United States Coast Guard (USCG) to carry out inspections on board vessels entering U.S. ports, to ensure that safety and pollution standards are met.

These investigations are becoming evermore organised and sophisticated. The USCG issued in January this year a very detailed policy letter to guide Port State Control officers when investigating MARPOL violations. The letter states that “a review of data obtained during Port State control examinations over the past several years indicates an increasing frequency of Coast Guard actions involving non-compliance with MARPOL Annex I requirements. Recent MARPOL Annex I investigations have demonstrated that related shipowners and vessel crews conceal accidental or deliberate discharges of oily waste and sludge ...”. The areas of inspection are similar to those stated in the press release from the Tokyo MOU. However, it should be emphasised that the letter contains extremely detailed instructions, and it gives a clear message that the international requirements must be strictly adhered to, and even the most minor non-compliance will be thoroughly investigated. This letter is a valuable document for owners and seafarers in their efforts to be proactive, and should be read by all trading at U.S. ports. (See www.uscg.mil/hq/g-m/moc/pol0601.pdf)

Brief summary of the policy letter

A brief summary will provide an idea of the document's contents. The letter starts with guidelines for the review of documents such as the IOPP certificate, the ORB, the Oil Discharge Monitor and Control System Record, and the Shipboard Oil Pollution Emergency Plan (SOPEP). The information in the IOPP certificate concerning the vessel's arrangements and equipment will be checked to see whether this information matches the vessel, while the

ORB will be checked to ensure that it contains all shipboard oil transfer and discharge operations. Spot checks will be carried out for this reason. It is recommended that the Port State Control officer checks the entries to reveal any irregularities concerning codes, dates and crew signatures. The information in the SOPEP will also be verified. Examples of tampering with the Oil Discharge Monitor

Kleopatra Georgantzi
Claims Executive
Team Göteborg III



and Control System Record have been seen, similar to known methods of tampering with the Oily Water Separator (OWS) equipment, making it possible to discharge oil above the permitted limits.

It should be noted that investigators have several forensic tests at their disposal to determine whether a MARPOL violation has occurred. These tests include, for example, computer programs that compare entries in the vessel's bilge sounding logs and ORB with the expected waste oil production of the vessel, its tank capacities and incinerator use, and in this way determine whether the entries are correct. One should also bear in mind that the role of the USCG is that of criminal investigator. The USCG collects evidence and passes it over to the U.S. prosecutors. The letter clearly states that: "the Coast Guard and the Department of Justice may use a falsified ORB as criminal evidence against the ship and its crew members suspected of an illegal oil discharge".

Another section of the letter deals with "vessel examination" and "operational inspection of equipment" during which "the PSC officer should conduct a walk-through examination of the main machinery spaces to form a general impression of the state of the engine room, machinery spaces and physical condition of systems and equipment", paying special attention to "excessive leakage of water, oil and other substances into machinery space bilges". Loose bolts, blanked flanges, dead-end valves, chipped paint handprints against the hull or piping, portable pumps, hoses, and cleaning

products in the engine room are some of the "red flags" that will alert officers, stimulating further investigation into whether oil has been illegally discharged.

The letter refers to operational tests of the OWS and the Oil Content Monitor/meter (OCM) or bilge alarm, both separately and as a system, and it refers to examining and evaluating the competence of the responsible crew members in systems operation and preventive maintenance, as specified by the ship's Safety Management System. An operational test of the incinerator used to dispose residual oil on board might also be deemed necessary, where "clear grounds" are found "to justify a more in depth inspection".

The officer's attention is drawn to the inspection of the quality of fluid entering the OWS and its effluent, and to the measurement of the fluid level in any source tank that supplies oily water to the OWS. This level should drop at a rate that is proportional to the operation of the OWS. Similar guidelines are given in relation to the OCM, and the possibility of it being by-passed or tampered with is pointed out, and how this would affect its sensitivity to the level of oil in the water and the detection of the 15 ppm limit.

Finally, the USCG officer is even advised to inspect the sludge tank and the standard discharge connection.

Oil Water Separator Advice

As a response to the Port State Control's campaign and reinforcing at the same time the world-wide effort to prevent, reduce and control pollution, several maritime bodies co-operated and issued a guidance for the shipping industry into the use of oily water separators, highlighting at the same time the importance of the enforcement of the MARPOL regulations. These bodies are BIMCO, Intercargo, the International Chamber of Shipping, the International Shipping Federation, Intertanko and the Oil Companies' International Marine Forum. (See www.marisec.org/ows).

The advice covers both the technical and managerial aspects of the use of oily water separators, and it focuses on the action to be taken by managers and operators to create a

culture of awareness of, and compliance with environmental rules, within the company and the seafarers. The advice is to ensure that the guidance is "to be carefully analysed by shipping companies as a check on their compliance process".

The guidance draws attention to the importance of maintenance, the use of control devices to verify equipment operation, physical inspection and operational tests, and measures such as the increase of tank capacity, where possible.

Furthermore, managers are advised to concentrate on the use of the ISM Safety Management System, the internal and external audits on environmental compliance, the analysis of their results, and the follow up of corrective actions until completion. Investment should be made into modern technology, the upgrading of the existing equipment and a "realistic operating budget" should be drawn up to this effect.

Guidance is also given concerning the assignment and accountability of environmental responsibility of the crew to senior management and officers on board, training, open communication, reward of compliance and how to deal with non-compliance, monitoring of the crew's workloads, setting priorities and discussing concerns at all levels of engineering department.

There is room for improvement

This article has shown that an international campaign for the protection of the environment is coming from different directions, using several approaches and examining the problems from different angles and perspectives. It is true that repeated improper behaviour has led to some extreme responses by certain coastal states, and these responses may be perceived as threats to the marine industry. The alternative, however, is to adopt a more open-minded view: extreme developments generate a feeling that dramatic change is needed. They lead to the understanding that there is room for improvement and generate a feeling of urgency in promoting change of culture that will ultimately lead the industry to the correct balance. ■