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PREVENTION AND RESPONSE
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Agenda item 14

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**DEVELOPMENT OF MEASURES TO REDUCE RISKS OF USE AND CARRIAGE OF
HEAVY FUEL OIL AS FUEL BY SHIPS IN ARCTIC WATERS**

Comments on the report of the Correspondence Group

Submitted by ICS, P & I Clubs and ITOFF

SUMMARY

Executive summary: This document provides comments on document PPR 7/14 - Report of the Correspondence Group on the development of Guidelines on Measures to Reduce Risks of Use and Carriage of Heavy Fuel Oil as Fuel by Ships in Arctic Waters

Strategic direction, if applicable: 6

Output: 6.11

Action to be taken: Paragraph 25

Related document: PPR 7/14

1 This document is submitted under the provisions of paragraph 6.12.5 of the document on *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.5/Rev.1) and comments on document PPR 7/14 (Russian Federation), the report of the Correspondence Group and the draft Guidelines on mitigation measures to reduce risks of use and carriage for use of HFO as fuel by ships in Arctic waters.

2 ICS and ITOFF, with the assistance of the International Group of Protection & Indemnity Associations (P & I Clubs), participated in the Correspondence Group on the Development of Guidelines on Measures to Reduce Risks of Use and Carriage of Heavy Fuel Oil (HFO) as Fuel by Ships in Arctic Waters. The co-sponsors wish to thank the Russian Federation for coordinating the Correspondence Group and submitting the report.

3 Paragraph 15 of the report of the Correspondence Group notes dissension of participants to the requirements for pollution response equipment to be carried on board ships. In this regard, the co-sponsors feel the compelling need to provide comments on the Report,

as well as the text of the draft Guidelines set out in the annex to the Report, given that ICS and ITOPF raised a significant number of concerns with the draft during the work of the Correspondence Group and that those concerns remain with the draft submitted to PPR 7.

Discussion

4 The co-sponsors raise concern with regard to the content of paragraph 16 of the report of the Correspondence Group and how that is being interpreted with respect to the carriage of oil spill response equipment on board ships trading in Arctic waters.

5 The co-sponsors also note that some of the allocations of recommendations to ship operators, marked as "OP" rather than Maritime Administrations, marked as "MA" respectively in the draft Guidelines, present issues of concern.

6 Specifically, concern exists relating to the recommendations allocated to the ship operator in paragraphs 4.5, 4.6, 6.5, 6.12, 6.14, 6.17, 6.19, 6.20, 6.21, 6.22, 6.23, 6.26, 6.28 and 7.8.

7 The co-sponsors maintain that all the recommendations listed above should be allocated to maritime Administrations and not to the ship operator.

8 Additionally, the co-sponsors have concern regarding the practicality and effectiveness of emergency response equipment being placed on board a ship to the extent proposed and specifically with respect to oil booms, floating beacons, skimmers and elastic floating tanks.

9 The co-sponsors consider that recommending the ship operator to carry response equipment, and that the crew is trained to use such equipment, is unlikely to achieve a better response to potential risks associated with the use of carriage of HFO as fuel by ships in Arctic waters.

10 The co-sponsors would highlight the previous work undertaken by the United States authorities regarding the carriage of oil spill response equipment on board oil tankers, during implementation of the US Oil Pollution Act of 1990 (OPA 90). The co-sponsors note that after considerable debate, the resultant US requirement stipulated the carriage of limited equipment for small on-deck spills only and not equipment to respond to a spill of oil into the sea. This decision was made after careful consideration of the practicalities and safety aspects involved. The co-sponsors believe that the considerations given to this matter at the time, and the conclusions reached, are as relevant today as they were in the early 1990s.

11 The co-sponsors recognize the perception that the carriage of spill response equipment on ships in Arctic waters might promote a quicker and easier clean-up of any spilled HFO. However, there are many reasons why the carriage of booms, skimmers and other on water spill response equipment is neither practical nor likely to achieve a better response.

12 Not least of these reasons is storage, maintenance and deployment by the crew on board. The draft Guidelines recommend significant amounts of bulky and heavy equipment are held on board ships. To handle this equipment on deck would likely require mechanical assistance and preclude safe maintenance and deployment. For some ships, the requirements for storage may require significant redesign of deck areas.

13 In practical terms, a ship's deck fittings, such as pipework and other structures, do not make the deck of a ship the ideal place to store and launch equipment. Cranes, intended for cargo, stores or handling of hoses in the calm and controlled conditions of a port, cannot be

used efficiently and safely in a heavy swell or strong winds and in the dark. A ship can have a high freeboard and any equipment deployed from the deck could be easily damaged or cause further damage to the ship.

14 Handling, deployment and operation of the listed equipment would require several crew as a minimum. The numbers of crew on board most ships make the deployment of oil spill response equipment impractical given the other responsibilities and tasks that need to be undertaken in any emergency situation. The specialist nature of some of this equipment precludes the ability of the crew to be in a position to properly handle and deploy such equipment at sea with the expertise necessary to contribute towards an effective response. Hence why, in certain jurisdictions, specialist and dedicated shore-based spill response companies exist and operate in accordance with statutory approvals based on defined levels of competence and expertise, coupled with continuous training often overseen by the relevant government agencies. It is impractical and unrealistic to expect the crew, with their other multitude of onboard tasks, to be in a position whereby they can deploy and operate such equipment in a safe manner and to any degree that would contribute towards an effective response. The co-sponsors suggest that the safety of passengers and crew, the safety of the ship and the safety of cargo, bunkers etc. remaining on board should remain the priority of the master and ship operator, over oil spilled to sea.

15 The use of the number of workboats necessary to hold the stipulated length of boom in place for effective containment of spilled oil would require further equipment, storage and maintenance. Furthermore, their operation for this task is labour-intensive and time-consuming. Lifeboats should specifically not be used for this or any other purpose for which they were not designed. The types of skimmers and pumps necessary for an effective response would require large power supplies located either on deck or on workboats or other floating platforms. Use of such power supplies would necessitate transfer of fuel, considerable lengths of trailing hoses etc. adding further to safety concerns. Unless managed carefully, the use of the stipulated amounts of sorbent material will add considerably to pollution of Arctic waters, in addition to the spilled oil.

16 The co-sponsors are most concerned at the recommendation for ships' crew to go overboard into Arctic waters to operate deployed equipment. Requiring crew to depart the ship, potentially in situations of distress, into very cold, and potentially oily water introduces unacceptable safety risks to life that may potentially exacerbate the ability of the master to control the situation.

17 It is always considered preferable for responders to bring their own response equipment to the site of an incident, on which they have been trained. Trained shore-based responders are able to select this equipment for optimal efficiency given the environmental factors and the type of oil spilled. This equipment is likely to be more reliable given the unknown level of maintenance of equipment stored on board a ship. Indeed, the harsher conditions to which the deck of a ship is exposed, particularly in the Arctic, will accelerate deterioration of equipment stored there in comparison to that stored on land.

18 The co-sponsors suggest that to manage an entire response safely and effectively there must be sufficient trained response personnel on scene, numbers of whom will not be available from the crew in the event of an incident. Ships simply cannot carry on board sufficient resources to fulfil the requirements of a satisfactory response. The preparation of suitable ship contingency plans is a much more practicable alternative to achieving a successful response to a spill of oil.

19 This has been recognized internationally by the International Maritime Organization and reflected in the International Convention for the Prevention of Pollution from Ships

(MARPOL), which requires ships to carry a shipboard oil pollution emergency plan (SOPEP). This plan must include emergency activation procedures for the notification of the relevant authorities, the coordination of shipboard action with national and local authorities and the reduction or control of the discharge of oil following the incident. Further ship emergency response planning requirements are stipulated in the Polar Code for ships operating in Arctic waters. It has been acknowledged that these actions rather than the carriage of equipment on board will do significantly more to mitigate the effects of any oil spill.

20 It is therefore questionable to link the requirements of OPRC-90 as stated in paragraph 16 to the increased carriage recommendation proposed in the draft Guidelines.

21 The co-sponsors would also comment that these carriage recommendations are outside of the MARPOL requirements and therefore not in line with the statement made in the Preamble of the draft Guidelines that states: "The Guidelines are in alignment with the requirements of the International Convention for the Safety of Life at Sea of 1974 (SOLAS), the International Convention for the Prevention of Pollution from Ships of 1973, as modified by the Protocol of 1978 and as amended by the 1997 Protocol (MARPOL), the International Code for Ships Operating in Polar Waters (Polar Code) and other relevant IMO mandatory instruments."

22 Reference can also be made to paragraph 16.2.1 of the *Guidelines for ships operating in Arctic ice-covered waters* (MSC/Circ.1056-MEPC/Circ.399), which states: "All ships should have the capability to contain and clean up minor deck and over side spills."

23 The co-sponsors advise that the concerns contained within this document were previously raised during the work of the Correspondence Group.

Proposal

24 The co-sponsors recommend that the Sub-Committee, in continuing its work on development of measures to reduce risks of use and carriage of HFO as fuel by ships in Arctic waters, including the development of the draft guidelines:

- .1 recognize the need to amend the recommendations with respect to oil spill response equipment allocated to the ship operator in the draft Guidelines since they are not practicable or appropriate as currently drafted to achieve a successful response to potential HFO spills;
- .2 ensure that all new recommendations and/or requirements placed on the ship operator should be based on thorough consideration and assessment; and
- .3 take into account the specific need to amend paragraphs 4.5, 4.6, 6.5, 6.12, 6.14, 6.17, 6.19, 6.20, 6.21, 6.22, 6.23, 6.26, 6.28 and 7.8 of the draft Guidelines to allocate responsibility to the maritime Administration.

Action requested of the Sub-Committee

25 The Sub-Committee is invited to note the discussion in paragraphs 4 to 22, consider the proposal in paragraph 24, and take action as appropriate.