

Summary of the Detention Case 32-04-2018

I. General

1. Ground for detention

The ship was detained due to the following detainable deficiencies:

07105 Fire doors/openings in fire-resisting divisions - FIRE DOOR ENTRANCE TO E/R A60 - DEFECTIVE; FIRE DOOR E/R TO STEERING A60 - FRAME BROKEN;
14608 Incinerator incl. operations and operating manual - INCINERATOR WAS DEFECTIVE.

2. Dispute

The flag State did not agree with the detention by the port State Authority and expressed views that:

1. The fire doors (i.e. engine room entrance and steering room) and insulation were not deformed, there was a very small crack on the door's side frame near the lock/handle side and this did not hamper the closing and sealing of the door; the above mentioned defects were considered minor, which would not render the vessel to be unsafe or for the vessel to be sub-standard;
2. The problem with the incinerator was found before the inspection and a spare sludge pump had been ordered and received on 11 September 2018 with the intention to replace the defective one at the port of inspection in order to meet the requirement of furnace temperature arise to 600°C in 5 minutes (batch-load type). The incinerator was not used to incinerate garbage whilst awaiting the spare pump. As provided in the Garbage Record Book, the incinerator was last used to burn garbage on 18 August 2018.

Based on the above, the flag State is of the opinion that the detention (code 30) would need to be downgraded to 17.

The port State Authority is of the opinion that:

1. In accordance with SOLAS II.2 Reg. 9.4.2, doors and door frame in "A" Class divisions shall be constructed of steels. Doors fitted in boundary bulkheads of machinery space of category A shall be reasonably gastight and self-closing; but the PSCO found that A60 insulation of the door in question was aged and damaged and there was a crack of door frame;
2. The incinerator was found not meeting Regulation 16.9 of MARPOL Annex VI and 4.1 of Standard Specification for Shipboard Incinerators (MEPC.76(40)), i.e. the temperature in the actual combustion space could not reach 600°C within 5 minutes after start;
3. The Chief Engineer and the Engineer in charge were found not familiar with the requirement and equipment of incinerator, who did not aware that the "oil sludge pump" is not suitable. Therefore, during the previous burnt of garbage (i.e. on 18 August 2018), the incinerator did not meet the requirement of minimum temperature.

Based on the above, the detention was correct.

II. Opinions of the panel

The panel members reviewed the relevant information and materials received. As the result of evaluation, panel members reached general opinions as follows:

1. Based on evidences and materials provided by both the flag and port States, the defects/damages to the two fire doors in question were not in such a nature, which were found substantial deterioration to the extent that they could not comply with their intended use; therefore, it would not be appropriate to detain the vessel on that ground;
2. Although the defective incinerator was an issue and a clear ground for a more detailed inspection, it would not be an immediate ground for detention without further investigation;
3. According to information and evidences/records (i.e. Garbage Record Book and Oil Record Book) provided by the flag State, the incinerator was not used to burn garbage since 18 August 2018; this means that the failure of the incinerator did not create the actual and immediate threat of air pollution;
4. There were no sufficient and objective evidences to support the view of PSCO that the crew did not aware the problem of sludge pump and that the crew used the defective incinerator to burn garbage; and
5. Although both fire doors and incinerator are detainable areas in the Guidelines for detention of ships (Appendix 2 to Resolution A.1119(30)), it does not mean that deficiencies under those areas should always cause detention of ships.

III. Conclusion

The panel members are of the unanimous opinion that the decision of detention was not justified. Therefore, the port State Authority would be asked to reconsider the decision of the detention.