

Summary of the Detention Case 08-01-2008

General

Ground for detention

The vessel was detained due to the detainable deficiency - "Oily water separator 15ppm alarm found not working".

Dispute

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

1. the malfunction of the 15ppm alarm was because of a sudden failure of a printed circuit board of the 15ppm monitoring device and was not caused by lack of maintenance as the company could prove that the 15 ppm-monitoring device was tested regularly without objections before the detention of the ship;
2. in the light that the ground for detention is the result of accidental damage and appropriate remedial action, to the satisfaction of the port State Authority, has been taken by the ship; therefore, in accordance with IMO Resolution A.787(19) as amended by Resolution A.882(21), no detention order should be made.

The port State Authority is of the opinion that:

1. the failure of 15 ppm alarm is considered as a serious deficiency as the alarm is a critical equipment to control the discharge of oil mixture from the vessel, as such the vessel should be detained until the deficiency is rectified in accordance with Resolution A.787(19) as amended;
2. the deficiency was found by PSCO at the early stage of the inspection of the vessel and the Master had not initiated rectification action and advised the PSCO of the situation prior to the start of the inspection. After detecting the alarm failure, the Engineer on board was allowed sufficient time to rectify the problem before the PSCO disembarked the vessel, but was not successful. Besides, the engineer did not show to the PSCO any maintenance record of the equipment;
3. in this case, there was no evidence that the failure of the printed circuit board of the 15ppm alarm was due to accidental damage as claimed by the flag State of the vessel. Furthermore, should the failure of the printed circuit board was actually caused by accidental damage, the master of the ships should follow the requirements of notification and take remedial action in accordance with the provisions of para. 2.6.7 of Resolution A.787(19) as amended to avoid the detention. However, this had not been the case in this incident;
4. it is a normal practice that, at the discretion of the PSCO, he may request the Master to carry out operational test of some of the critical shipboard systems or equipment, for examples lowering / launching of lifeboat, running test of lifeboat engine, emergency generator, emergency fire pump, 15ppm alarm of oily water separator, etc. If any one or a combination of those system or equipment failed, he would

consider to detain the ship having regard to the consequence of the failure of the system or equipment;

5. if the views by the flag State for this case are accepted and justified, there will be many similar cases in the future that detention cannot be effected even though the critical shipboard system or equipment onboard ship fail the function test during PSC inspections, with the adverse consequence of jeopardizing safety and pollution prevention at sea.

Opinions of the panel

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

1. A failure of the 15ppm alarm is a serious deficiency related to the protection of the environment;
2. There is no objective evidence that the failure of the 15ppm alarm occurred at the time of the inspection;
3. Should this deficiency be considered as an accidental damage, the port State Authority should be informed and corrective action should be initiated prior to the start of the inspection in accordance procedures prescribed in Resolution A.787(19) as amended; however there is no evidence showing that the aforementioned measures had been taken;
4. Assessment of the deficiency and the control measure exercised by the PSC officer are in line with procedures contained in Resolution A.787(19) as amended; and
5. Without the consistent application of the guidelines for the rectification of deficiencies in respect of those sustained on a voyage to a port or whilst within a port, the Port State Authorities may be faced with being unable to impose appropriate control measures without the benefit of objective evidence.

Conclusion

The panel members unanimously agreed that the decision of detention for this specific case is justified from both the technical and procedural points of view. Therefore, the port State Authority does not need to reconsider its decision of the detention.