

Summary of the detention Case 11-01-2009

General

Ground for detention

The vessel was detained due to the detainable deficiency - "EMERGENCY FIRE PUMP CAN NOT WORK" with convention reference to SOLAS II-2/R10.2.2.3.

Dispute

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

1. the convention reference mentioned as the ground for detention seems to be not correct as regulation SOLAS II-2/10.2.2.3 includes requirements regarding general arrangements of fire pumps which are fulfilled on board of the ship;
2. the Company could proof that the fire pumps, including emergency fire pumps, were frequently tested and inspected as required by SOLAS II-2/14.2.2. The records of the tests and inspections, which are carried out weekly, are available and contain no shortcomings regarding the reliability of the equipment;
3. SOLAS says in regulation II-2/10.2.1.2.2.2 that there shall be immediate water delivery from the fire main system at a suitable pressure, either by remote starting of one of the main fire pumps with remote starting from the navigation bridge and fire control station, if any, or permanent pressurization of the fire main system by one of the main fire pumps. The PSC report contains no deficiencies concerning the main fire pumps. Therefore, it must be assumed that the fire main system was fully operational;
4. the vessel was in full ballast condition at the time of the inspection. The emergency fire pump on board the vessel is a centrifugal pump, which needs reasonable time to build up suitable pressure if the ship is in ballast condition and the pump is positioned above the waterline. Further, there are no specifications within the SOLAS convention, which require explicitly that the emergency fire pump shall provide water with sufficient pressure immediately or within a certain time after starting the pump; and
5. a detention requires specific procedures and corrective action to be taken by the ship in order to ensure that the detected hazard is removed before the ship is allowed to proceed to sea. In this case neither repairs nor modifications have been requested or carried out and finally, the ship left the port in the same condition as it arrived.

Based on the above, the flag State Authority is of the opinion that the detention was not justified, since the emergency fire pump on board the vessel was verifiably ready for use without any malfunction during the PSC.

The port State Authority is of the opinion that:

1. the PSC officer found that the emergency fire pump could not supply any water, sufficient time had been given to the crew to fix this deficiency however, before the PSC officer left the vessel, the emergency fire pump still could not supply water;
2. in accordance with SOLAS II-2/R10.2.1.2, readily availability of water supply is required and the emergency fire pump should be able to supply water within a reasonable timeframe;
3. based on Chapter 12/2.2.1.3 of the FSS Code, the ballast condition is considered as a normal service condition; and
4. this deficiency is typical detainable deficiency according to Port State Control Procedures (IMO Res. A.787 (19), as amended), in APPENDIX 1 of which it states "Detainable deficiencies includes: **Areas under the SOLAS Convention**- ...Absence, non-compliance or substantial deterioration to the extent that it cannot comply with its intended use of fire detection system, fire alarms, fire-fighting equipment, fixed fire-extinguishing installation, ventilation valves, fire dampers, and quick-closing devices."

Therefore the detention was considered judicial.

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. Although there are no explicit criteria within SOLAS for the time taken to deliver water from the emergency fire pump following the starting of the machine, the emergency fire pump which does not supply water to the firemain within a reasonable timeframe is considered a detainable deficiency;
2. Under Chapter 12, Section 2.2.1.3 of the FSS Code the ballast condition of the vessel is considered a service condition and therefore immaterial to the required performance of the pump;
3. The prior testing and maintenance regime for the fire pump has no bearing on the detention. A PSC officer must base his reports and requirements on his findings at the time of inspection; and
4. In accordance with A.787(19) as amended, a vessel would be detained in the case of significant findings irrespective of the time the ship will stay in port and therefore, even in the event of a short term detainable deficiency found during an inspection, a detention remains an appropriate action.

Conclusion

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