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Agenda item 5

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**DEVELOPMENT OF FURTHER MEASURES TO ENHANCE THE SAFETY OF SHIPS
RELATING TO THE USE OF FUEL OIL**

Comments on documents MSC 105/5 and MSC 105/5/Add.1

Submitted by IBIA

SUMMARY

Executive summary: This document comments on documents MSC 105/5 and MSC 105/5/Add.1, the report of the Correspondence Group on Development of Further Measures to Enhance the Safety of Ships Relating to the Use of Fuel Oil, and makes proposals regarding the draft SOLAS amendments set out in annex 1 to document MSC 105/5/Add.1

Strategic direction, if applicable: 1

Output: 1.29

Action to be taken: Paragraph 17

Related documents: MSC 105/5, MSC 105/5/Add.1 and resolution MEPC.324(75)

Introduction

1 This document is submitted in accordance with the provisions of paragraph 6.12.5 of the *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.2) and comments on documents MSC 5/5 and MSC 5/5/Add.1.

Background

2 MSC 105/5 contains the report of the Correspondence Group on Development of Further Measures to Enhance the Safety of Ships Relating to the Use of Fuel Oil, while document MSC 105/5/Add.1 contains draft SOLAS regulations (annex 1) and draft provisions to be included in guidelines for ships to address situations where they have indicative test results suggesting the oil fuel supplied may not comply with SOLAS regulation II-2/4.2.1 (annex 2).

Discussion and comments

3 Paragraph 12 of document MSC 105/5 highlights that the Group considered the reliability of flashpoint tests and concluded that further discussion was necessary. Indeed, there is a disconnect between having a regulation with a specific limit for flashpoint (60°C), while not accepting the test precision statement (repeatability/reproducibility) of the accepted test method to establish flashpoint. This has a bearing on the definition of a "Confirmed case" in annex 1 of document MSC 105/5/Add.1 and it may be useful to distinguish between what is acceptable for the ship to have for use on board (e.g. a tank sample) versus what is acceptable for a delivered sample (e.g. a MARPOL sample), in line with the verification procedures to determine compliance with sulphur limits in appendix VI of MARPOL Annex VI.

4 IBIA is not aware of any accidents on ships as a result of a flashpoint measured a few degrees below 60°C. Moreover, safety design, procedures and equipment must surely be designed to tolerate flashpoint slightly below the SOLAS limit, in the same way that all safety systems are designed to withstand conditions beyond a specified limit. Therefore, accepting a flashpoint analysis result that takes the precision statement of the test method into account should not be seen as a reason to prevent the ship from carrying and using the fuel.

5 Due care and attention is needed with all fuels regarding possible formation and build-up of flammable vapours, including when flashpoint above 60°C has been determined; as such the general safety provisions in SOLAS regulation II-2/4 should always be observed on board.

6 Examination of annex 1 and 2 of document MSC 105/5/Add.1 shows a couple of things that are missing or could be more accurately represented.

7 The second footnote, both in annex 1 and annex 2, explains that the laboratory undertaking the flashpoint test should be "Accredited to ISO/IEC 17025:2017 or equivalent standard" but fails to specify that the laboratory should also be accredited for the accepted ISO 2719 flashpoint test method. There is a precedent in MARPOL Annex VI for specifying not just the general laboratory accreditation level, but also for performing a specific test. IBIA refers to resolution MEPC.324(75), which states: "The laboratory is to be accredited to ISO/IEC 17025:2017 or an equivalent standard for the performance of the given sulphur content test ISO 8754:2003".

8 Paragraph 4 in annex 1 of document MSC 105/5/Add.1 talks about providing a bunker delivery note (BDN) prior to bunkering with information about the flashpoint. BDNs are not provided prior to bunkering as they contain information that can only be provided on completion of the operation. Information about specific fuel parameters such as sulphur, density and flashpoint will, however, be provided by the supplier on the basis of tests undertaken prior to the bunkering operation.

9 The fourth footnote in annex 1 of document MSC 105/5/Add.1 says the flashpoint shall be specified in accordance with standards acceptable to the Organization. However, it is only the test method, not the ISO 8217 standard, that is relevant for determining flashpoint.

10 IBIA believes that a supplier's declaration, modelled in accordance with the requirement for MARPOL Annex VI/18 to provide a declaration signed and certified by the fuel oil supplier's representative that the oil fuel supplied is in conformity with SOLAS regulation II-2/4.2.1 is the best way forward. This would make it mandatory for suppliers to provide compliant fuels. It will also allow for appropriate authorities to take action as appropriate against oil fuel suppliers that have been found to deliver oil fuel that does not comply with SOLAS regulation II-2/4.2.1.

11 In practice, laboratories typically only test to determine if the fuel has a flashpoint above 70°C as that is considered to be sufficient to guarantee it is above the 60°C minimum. Reporting values above this level have little value for the ship. The actual flashpoint may be significantly higher, but it is time-consuming to establish the exact flashpoint above this level.

12 Many participants in these discussions want a specific flashpoint value to be recorded on the BDN. While we do not see the justification for this, should that be the outcome, IBIA would strongly recommend requiring only values below 70°C to be specifically documented.

Proposals

13 The text in the second footnote of annex 1 and 2 of document MSC 105/5/Add.1 currently says "Accredited to ISO/IEC 17025:2017 or equivalent standard". This should be amended as follows:

The laboratory is to be accredited to ISO/IEC 17025:2017 or an equivalent standard for the performance of the given flash point test ISO 2719:2016.

14 The reference to providing a bunker delivery note prior to bunkering in text in paragraph 4 of annex 1 to annex 1 of document MSC 105/5/Add.1 should be deleted, as this is not practicable.

15 In light of paragraphs 8 to 10 above, the text in paragraph 4 of annex 1 of MSC 105/5/Add.1 should read: Ships carrying oil fuel, as defined in regulation 1 of annex 1 to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, shall be provided with a bunker delivery note. This bunker delivery note shall contain a declaration signed and certified by the fuel oil supplier's representative that the oil fuel supplied is in conformity with SOLAS regulation II-2/4.2.1.

16 In light of paragraphs 11 and 12 above, a supplier's declaration could be modelled on the multiple tick-box approach used for compliance with sulphur limits in appendix V of MARPOL Annex VI; requirements for information to be included in the bunker delivery note. For example, it could require a certification that the oil fuel supplied is in conformity with SOLAS regulation II-2/4.2.1 and that:

- .1 The flashpoint has been measured at ____ (in °C); or
- .2 The flashpoint has been measured at or above 70°C.

In this instance, .1 and .2 would be the two tick-box options.

Action requested of the Committee

17 The Committee is invited to consider the comments and information provided in this document, in particular the concrete proposals in paragraphs 13 to 16, and take action as appropriate.