

# BUNKERSPOT

## ANGLE OF APPROACH

SHIPPING SIZES UP FUTURE  
FUEL OPTIONS

INSIDE:

VESSEL ARREST

FUEL MEASUREMENT

SHIP DESIGN

REGIONAL FOCUS

# Plan of action

Recent oils spills have once again focused attention on the efficacy and reliability of national response measures. Rhys Berry takes a closer look at the high profile issue of pollution prevention

**A**mong the many issues to arise from two recent high profile bunker spills – the first at Port Metro Vancouver and the second off the coast of Gran Canaria – was the response of the various responsible agencies to the respective events.

In April, the Cyprus-flagged *MV Marathassa* cargo vessel, on her maiden voyage, spilled an estimated 2,700 litres of bunker fuel into Port Metro Vancouver's English Bay. At the time, the Canadian Federal Government was heavily criticised by British Columbia Premier, Christy Clark, who labelled the Coast Guard's response to the spill as 'not good enough'. While over in Europe, the captain of the Russian-flagged *Oleg Naydenov*, which caught fire in the Port of Las Palmas, called the Spanish authorities' decision to tow the stricken vessel 15 miles out to sea, where it later sank, 'a grave mistake.'

While perhaps less-informed critics of the authorities' actions in both incidents were quick to apportion blame and bemoan the lack of a comprehensive regulatory framework in the case of an oil spill, the fact is that the maritime industry is well regulated in this area and has a clear and effective response mechanism in place. The real focus, however, should be on *how* these guidelines are implemented in practice across the world – and this is perhaps a more grey area.

The cornerstone of oil spill prevention in the maritime industry is, of course, the International Convention for the Prevention of Pollution from Ships (MARPOL), which was initially adopted on 2 November 1973 at the International Maritime Organization (IMO) and covered pollution by, for example, oil, chemicals, sewage and garbage. In February 1978, the 1978 MARPOL Protocol was then adopted in response to a number of tanker accidents between 1976-77.

Aimed at providing a global framework

for international co-operation in combatting major incidents or threats of marine pollution, the International Convention on Oil Pollution Preparedness, Response and Co-operation 1990 (OPRC 90) subsequently entered into force in 1995. Under this convention, ships are required to report incidents of pollution to coastal authorities. It also calls for the establishment of stockpiles of oil spill combating equipment, the holding of oil spill combating exercises and the development of detailed plans for dealing with pollution incidents. Additionally, OPRC 90

their requirement to have an arrangement with a spill response organisation.'

In terms of Canadian provisions, the Canadian Coast Guard (CCG) is responsible for conducting spill management under Section 180 of the *Canada Shipping Act, 2001*, which requires that the CCG provides a national preparedness capacity and manages the National Response Team (Canadian Coast Guard Environmental Response personnel who are trained to monitor, manage or assist in responses to incidents at the regional, national or international level), and

**'In the event of a spill, the responsible party is liable and required to pay for the clean-up. The Canadian Coast Guard acts as the Federal Monitoring Officer and has the authority to manage the spill if the responsible party is unable or unwilling'**

obliges parties to the convention to provide assistance to others in the event of a pollution emergency (and provision is made for the reimbursement of any assistance provided).

Anti-pollution legislation and spill response procedures are also covered at the national level. With regard to Canada's current approach to spills, Western Canada Marine Response Corp.'s (WCMRC) Communications Manager, Michael Lowry, told *Bunkerspot*: 'The Canadian spill response regime operates under a "polluter pays" model. The shipping and oil industry fund the day-to-day operations of response organisations through

also ensures an 'appropriate response' to marine pollution incidents by the federal Monitoring Officer or On-Scene Commander.

'In the case of WCMRC, we charge a membership fee to vessels and a bulk oil cargo fee to oil handling facilities,' says Lowry. 'In the event of a spill, the responsible party is liable and required to pay for the clean-up. The Canadian Coast Guard acts as the Federal Monitoring Officer and has the authority to manage the spill if the responsible party is unable or unwilling.'

In the case of the *Oleg Naydenov*, jurisdiction lay with the Directorate General



of the Merchant Navy (SASEMAR), who took the decision to tow the vessel 15 nautical miles south of Gran Canaria where it sank three days later. Why SASEMAR decided to take this course of action has divided opinion. Spanish Government delegate to the Canary Islands, María del Carmen Hernández Bento, came out in defence of the decision. However, just days later, images emerged of a six kilometre-long oil slick heading for Tenerife.

Like its Spanish counterparts, the UK Maritime and Coastguard Agency (MCA) assumes responsibility in the event of an oil spill at sea. Asked why SASEMAR may have decided to tow the *Oleg Naydenov*, MCA head of counter pollution response and salvage Stan Woznicki preferred not to comment: 'It isn't once size fits all,' he said. In the event of an oil spill in UK waters, the coastguard will seek advice on how best to address an incident. 'Unique circumstances will drive decision making,' he said. 'Ultimately, the determination of risk sits with the SOSREP having taken advice from other parties. Every consideration goes into each case, large or small.'

The responsibility for such an occurrence rests with a state and its authorised agencies – invariably the national coastguard or navy – and often they will seek advice on how best

to respond to an incident. Tim Wadsworth is technical support manager at the International Tanker Owners Pollution Federation Limited (ITOPF), a not-for-profit organisation which provides impartial technical advice for incidents involving oil or chemical spills. 'We never manage an accident, only advise,' he said. 'We go on site at the request of the ship's insurer and offer advice on the best way to act.' He cited the adoption of MARPOL as a watershed for oil spills, noting that since its introduction, the level of recorded incidents has consistently been reduced.

Wadsworth also stresses the distinction between well-prepared and perhaps less prepared nations. 'The latter, he says, 'generally do not have the infrastructure to respond to an accident.'

Widening the net and looking beyond Europe and North America, it is the coast guard agency which assumes responsibility for dealing with oil spills in India, having been designated as the Central Coordinating Authority. In a circular issued by A A Hebbbar on 1 May this year, the Deputy Inspector General (Environment) explained the country's oil spill response strategy: 'As per the National Oil Spill Disaster Contingency Plan 2015, the Indian National Centre for Ocean Information

Services (INCOIS), Hyderabad will provide ocean state forecast and software-based prediction of the trajectory of spilled oil in the event of contingency. An Online Spill Advisory (OOSA) system has been developed by INCOIS for use by the Indian Coast Guard and other statutory authorities and combat agencies involved in oil spill cleanup and control measures in the event of an oil spill.

As *Bunkerspot* went to press, the Indian government had also just given its approval for the country's accession to the International Convention on Civil Liability for Bunker Oil Pollution Damage 2001, which provides for 'adequate, prompt and effective compensation' for bunker fuel spills.

Perhaps nowhere is the importance of a clear and rigorous set of guidelines more essential than Singapore. 'Being one of the busiest ports in the world and the top bunkering port, we are reminded of the importance to be vigilant and ready to swiftly respond to any oil spill incident,' a Maritime and Port Authority of Singapore (MPA) spokesperson told *Bunkerspot*.

Singapore, as a party to MARPOL, has implemented a number of provisions for the prevention of, and response to, bunker spills. All bunkering operations in

the port are governed by the Singapore Standard Code of Practice for Bunkering (SS 600) which sets out all safety, health and environment requirements. The standard also prescribes the requirement for oil spill handling equipment to be ready for immediate use on bunker tankers at all times. Regular shipboard emergency drills are conducted to ensure that all crew onboard the bunker tanker are trained to handle a bunker oil spill.

In terms of reaction to an incident, the responsibility lies with the MPA which has an oil spill response plan. 'Various government agencies, private organisations, oil spill response companies and major oil companies with a presence in Singapore, are parties to this,' said the MPA spokesperson.

The response plan includes up-to-date lists of oil spill response capabilities in Singapore and the region. 'To test the plan and demonstrate Singapore's readiness to respond effectively to oil spill incidents at sea, the MPA conducts regular joint oil spill table-top and field exercises with multi agencies annually,' said the spokesperson.

'The MPA also carries out checks during bunkering operations to ensure all anti-pollution measures are strictly adhered to, conducts regular briefings to share lessons learnt and best practices on safe bunkering to the bunker tanker operators to enhance their safety awareness during bunkering operations.'

It wasn't until 2001, with the adoption of the International Convention on Civil Liability for Bunker Oil Pollution Damage (BUNKER), that a framework was put in place for addressing liability arising from fuel spills from vessels that were not tankers built to transport persistent oil as cargo. BUNKER requires the registered owner of a vessel to hold compulsory insurance cover. It also mandates 'direct action' which allows a claim for compensation for pollution damage to be brought directly against the insurer. Generally, claims are settled relatively quickly and with little objection. The immediate focus involves a swift but 'reasonable' response – 'a sensible way of doing things,' says ITOFF's Wadsworth.

However, legal wrangles arising from large-scale oil spill incidents can play out for years, and involve a wide range of aggrieved parties. 'You have to justify that you're not gilding the response,' says Woznicki of the MCA. 'Ultimately, we're accountable to the central government, UK parliament, local authorities, insurers and P&I Clubs, to name but a few.'

In order to be covered in the event of a bunker spill, vessels over 1,000 gross tonnes are required to maintain a Bunkers

Convention certificate onboard. Under the certificate, International Group clubs provide 'Blue Cards' and will pool liabilities. 'Each club will cover up to \$9 million of claim,' says Duncan Howard, Claims Operations Director of the Standard Club, one of 13 insurers that make up the International Club. Although legislation dictates that ships are always liable, it can often be a drawn out process trying to determine to what extent.

One of the more high profile bunker spill cases of recent years, the *Cosco Busan* incident was complex for a number of reasons. The incident, which happened in 2007, occurred when the COSCO container ship, operated by Fleet Management Ltd, and guided by a San Francisco Bar Pilots Association pilot, struck the San Francisco-Oakland Bay Bridge in thick

fog, resulting in more than 53,000 gallons of bunker fuel being leaked into the bay.

Almost four years after the event both Regal Stone Ltd, who owned the vessel, and Fleet Management agreed to pay \$44.4 million towards the clean-up and damage to the environment.

So what provisions and procedures do bunker suppliers have in place to prepare for, and respond to, a spill? A spokesperson for Monjasa told *Bunkerspot* that while such incidents are 'extremely rare', the company has a number of measures in place should such a situation occur.

'Onboard all our vessels we have a Shipboard Emergency Plan (SEP) and Shipboard Oil Pollution Emergency Plan (SOPEP),' said Monjasa's Thorstein Andreasen.

'The primary objectives of this SOPEP are to prevent pollution; stop or minimise outflow when damage to a vessel or its equipment occurs, or when an operational spill occurs in excess of the quantity or instantaneous rate permitted under the present convention.'

UK-based Whitaker Tankers shares this commitment to prevention as well as

preparedness. 'You cannot beat practice,' Managing Director Mike Whitaker explained. 'We have regular drills with our customers and port authorities and take the time to physically deploy oil spill booms, etc. to ensure that everything comes together smoothly.'

'Spills inevitably do not happen in nice calm weather in the middle of the day - and 11.00 pm on a miserable night is not the time to discover that your response kit is not in the right place or people don't know what to do with it.'

Whitaker suggests it is in a supplier's interest to be proactive. 'Some bunker operators tend to believe that what goes on onboard the receiving ship is the receiving ship's problem, whereas we believe if you spot a potential deficiency, like a missing scupper plug, it is better to cease pumping until it is sorted. Not only that, but there is likely to

'Spills inevitably do not happen in nice calm weather in the middle of the day – and 11.00 pm on a miserable night is not the time to discover that your response kit is not in the right place or people don't know what to do with it'

be negative media interest of any incident regardless of who's fault it is, so it is better to avoid it in the first place if at all possible.'

The recent spills in Canada, Spain and New Zealand have once again put response agencies to the test. While the seaborne oil trade has risen steadily since the early 1980s, the introduction of MARPOL and spill response legislation can be seen to have made a significant contribution. However, the effectiveness of the requirements of such legislation is dependent on the decisions and procedures of national response agencies. Human error can be the weak link in the spill response chain just as much as it plays a part in the occurrence of spill itself. However, comprehensive legislation is in place and – although there may be less than adequate response strategies in some parts of the world – by and large 'best practice' is the order of the day.

 Rhys Berry  
Bunkerspot reporter

 Tel: +44 1295 814455  
Email: rhys@petrospot.com