

M-Notices - April 2009

MGN 383 (M+F): US Clean Water Act

Under America's Clean Water Act, the US Environmental Protection Agency (EPA) is required to regulate discharges incidental to the normal operation of vessels, as confirmed last July in a US court ruling. The Maritime & Coastguard Agency (MCA) has published this guidance note to draw attention to the ruling, and make recommendations on the implications for UK vessels.

The ruling means that since 19 December 2008, all commercial vessels of 79ft in length or longer with discharges of pollutants incidental to their normal operation in America's three-mile or inland territorial waters must comply with the EPA final VPG vessel general permit requirements. This is not just limited to ballast water discharges incidental to normal operation.

On the implications for UK vessels, the MCA points out that for most Clean Water Act discharge permits, those seeking a permit must file an NOI notice of intent. Once submitted, ships will automatically be covered at first for the VPG, but after six months, another NOI must be submitted to continue coverage. The VPG is valid for five years.

The MCA recommends that companies which intend to have any of their vessels call at US ports develop a compliance programme based on the EPA's final VPG requirements. Ships are required to have permits, the M note makes clear. Vessels of less than 79ft and commercial fishing vessels should make plans to comply following the end of a two-year moratorium in 2010.

MGN 389 (M+F): Operating Instructions and Signage for Fixed Gas Fire-Extinguishing Systems

Recent Marine Accident Investigation Branch reports (the Calypso, Shark and Figaro cases) underline the need for improvement in the quality and effectiveness of operating instructions and signs given for use of fixed gas fire-extinguishing systems. So the MCA has issued detailed guidance on the use of operating instructions and signs, emphasising the need to be fully competent with the operation of gas fire-extinguishing systems, and aware of actions required after gas release to check it has been released correctly.

The note highlights the passage in the International Maritime Organisation's FSS fire safety systems code, which states: 'The means of control of any fixed gas fire-extinguishing systems shall be readily accessible, simple to operate and shall be grouped together in as few locations as possible at positions not likely to be cut off by a fire in a protected space. At each location there shall be clear instructions relating to the operation of the system having regard to the safety of personnel.'

As fixed gas fire-extinguishing systems differ, the note cautions, in bold type: 'Know YOUR system; don't be caught out in an emergency.'

Other key points include the need for regular testing of systems' audible and visual alarms, and for all crew to be made aware of their meaning and the action to be taken when they operate. Training and familiarisation with the operation and procedures for gas release for persons likely to have to operate the system in the event of a fire should be regularly carried out and recorded

MGN 386 (M+F): Survey and Certification Requirements for The Merchant Shipping (Prevention of Air Pollution from Ships) Regulations 2008 – additional guidance

This is a follow-up to an earlier MCA note, MGN 381 (M+F), providing clarification on the term 'important repair'. The earlier note had stated the requirement for an additional survey 'after a repair resulting from an investigation to the ship or when a defect is discovered in a ship, either of which substantially affect the integrity of the ship or the efficiency or completeness of the equipment of the ship. An additional survey is also required after an important repair or renewal'.

The new note issues the following clarification: 'In cases of doubt as to whether a repair or renewal is important ship owners or masters are recommended to seek advice from the

MCA.’

MIN 339 (M): Code of Safe Working Practices for Merchant Seamen: Issue of Amendment 08

The marine information note provides updated guidance on the 1998 Merchant Shipping (Code of Safe Working Practices for Merchant Seamen) regulations, as affected by the issue of Amendment 08 last year.

The first change relates to the 2007 Merchant Shipping and Fishing Vessels (Health and Safety at Work) Carcinogens and Mutagens regulations, which came into force in March 2008 necessitating a new section in Chapter 27 of the Code, on hazardous substances.

The second change relates to the 2007 Merchant Shipping and Fishing Vessels (Control of Noise at Work), and to the to the 2007 Merchant Shipping and Fishing Vessels (Control of Noise at Work), regulations, which came into force on 23 February last year.

Provided the regulatory requirements are met, including the requirement for copies of the Code of Safe Working Practices for Merchant Seamen and amendments to be easily accessible, the MCA accepts that some copies may be electronic. But in all cases, at least one printed copy should also be available. Details about availability of the Code and amendments are included in the M note.

MIN 342 (M): International safety management (ISM) Code Implementation on Domestic Vessels

Shipping companies are reminded in this note of the EC regulatory requirement for certain domestic cargo and passenger ships to comply with the ISM Code.

Since the IMO adopted the code in 1993, it has gradually become mandatory for most ships sailing on international voyages. Now, under a EC regulation which became enforceable in the UK in 2006, it also applies to ships flying the flag of a member state, and ships regardless of flag, engaged extensively on domestic voyages or on regular services to or from ports of member states. Generally it applies to all cargo or passenger ships of 500gt or upwards, including passenger submersible craft, and mobile offshore drilling units.

It does not apply to military or non-commercial government service ships, fishing vessels. Nor does it apply to ships not propelled by mechanical means, wooden ships of primitive build, or pleasure yachts/craft, unless they are crewed and carrying more than 12 passengers for commercial purposes.

MGN 384 (M+F): Training in the Maintenance of Electronic Navigational Equipment

Maritime administrations must ensure that personnel undertaking the GMDSS Radio Maintenance Certificate, and companies using personnel thus qualified, do so in accordance with the SOLAS regulations, this note points out. At the end of training, candidates can be assessed for two qualifications, the above GMDSS certificate, and the Electronic Navigation Electrical Maintenance Certificate, which are accredited by the Association of Marine Electronic and Radio Colleges. The MCA recognises these training programmes and would like to bring them to the attention of merchant ship personnel. They also link to HND or foundation degree qualifications cited in the note, and to the Merchant Navy Training Board-approved workshop skills for the electro technical officer scheme which is being introduced this year.