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TECHNICAL UPDATE: 2011/2/5

WHAT PROTECTION DO YOU HAVE AGAINST SUPPLY OF PROBLEM FUELS?

You have received two technical updates in the recent past, one about fuels containing several contaminants causing machinery damage to three vessels (2011/2/3) and the second technical update(2011/2/4) about a fuel supplied in Sevilla, Spain containing unacceptable high levels of contaminants. The question on your minds is likely to be "What protection do I have against supply of problem fuels?"

Please remember that ISO 8217 is a commercial contract with no mandatory (regulation based) clout. This is why you can continue to specify ISO 8217:2005 even several months after ISO 8217:2010 has been available since July 2010. As we have pointed out in the past, ISO 8217:2010 provides even less protection than ISO 8217:2005 with regard to contaminated fuels. In fact, ISO 8217:2005 is a better choice from this angle.

However, please remember that Marpol Annex VI is a mandatory regulation. Regulation 18.1 clearly states that adding potentially harmful substances such as chemical waste into bunker fuel is not permitted. This regulation also goes on to say that the bunker fuel should be free of inorganic acids or chemical waste that could jeopardize the safety of the ship, cause harm to the people handling the fuel on the ship or add to the overall pollution level. If you study carefully, you will find that ISO 8217:2005 carries more or less the same wording as Regulation 18.1 of Marpol Annex VI. Fortunately, Regulation 18.1 was retained with the same wording when Marpol Annex VI went through a revision in July 2010.

We would like to suggest one more time, that in your fuel contract, you should include Regulation 18.1 of Marpol Annex VI. Regulators such as Port State Control are likely to demand enforcement based on Regulation 18.1 of Marpol Annex VI where fuel quality is the suspected cause of machinery problems or a safety incident or an accident associated with the ship. This is a protection still available to you and you must ensure charter parties carry this reference to Regulation 18.1 of Marpol Annex VI with regard to the clause on fuel quality.

Please do not hesitate to contact us with any questions.

Best regards,
Dr.Vis