

MGN 457 (M) Corrigendum

Oil Recovery Vessel Code - Withdrawal in Favour of Alternative Arrangements

Notice to all Ship owners and operators of vessels, of any size, engaged in oil recovery operations; and those who may commission vessels to engage in such activity

This MGN supersedes M.1663

Summary

This Notice addresses

- the withdrawal of the MCA Code of Practice for Vessels Engaged in Oil Recovery Operations, the “Black Code”, ISBN: 0-11-551811-8;
- the Alternative Arrangements to provide an equivalent level of safety and environmental protection; and
- factors considered in the decision to withdraw the Code.

1. Introduction

1.1 In 1996 the Marine Safety Agency published the Code of Practice for Vessels Engaged in Oil Recovery Operations, also known as the “Black Code”, ISBN: 0-11-551811-8. This Code addressed the provisions considered necessary for Offshore Supply Vessels (OSVs) when engaged in the task of oil recovery in the event of an accidental spill.

1.2 On publication of this Marine Guidance Note, the Black Code is being withdrawn. It has been identified that the prescriptive requirements placed on operators of oil recovery vessels in the Black Code have the potential to be counter productive to the intended outcome of recovering oil after a spill. The reasoning behind this decision is outlined in detail in the attached annex.

1.3 Merchant Shipping Notice No: M.1663 which advised of the publication of the Code of Practice for Vessels Engaged in Oil Recovery Operation, is withdrawn

1.4 Withdrawing the Code eases the mandatory provisions in favour of an improved risk-based approach, and is an opportunity for sensible safety and marine pollution control measures in what may be difficult and ill-defined circumstances.

2. Alternative Risk Management Approach

2.1 Because of the diversity of both the oil to be recovered and the process by which that oil will be managed from recovery to disposal, it is necessary to rely upon a risk based approach, noting:

2.1.1 The offshore sector places responsibility on the operator to have in place a Risk Management System to cover all identified risks.

2.1.2 The Port Marine Safety Code, ISBN: 978-1-84864-035-1, places responsibility on port authorities and managers to have in place a Safety Management System supported by risk assessment and risk management. This Code requires harbour authorities, under the Merchant Shipping (Oil Pollution Preparedness Response and Co-operation Convention) Regulations 1998 (the OPRC Regulations, SI 1998/1056) to prepare an Oil Pollution Emergency Plan to respond to oil spills in their waters.

2.1.3 Ship Operators are required to assess and manage all identified risks. Larger ships have a statutory obligation through the International Management Code for Safe Operation of Ships and Pollution Prevention (the ISM Code), implemented in the United Kingdom by the Merchant Shipping (International Safety Management (ISM) Code) Regulations 1998, SI 1998/1561), and all vessels have statutory responsibilities arising from the Merchant Shipping (Health and Safety at Work) Regulations 1997 (SI 1997/2962). A viable model for the safety management of vessels under 500GT is the Domestic Safety Management system, described in Merchant Shipping Notice MSN1754 and Marine Guidance Note MGN158. Although this system is applicable to passenger ships under the Merchant Shipping (Domestic Passenger Ships) (Safety Management Code) Regulations 2001 (SI 2001/3209), it can also be applied on a practical level of safety management to smaller vessels.

2.2 Vessels used for oil recovery which rely on shipboard pumps and stowage should, where appropriate, be Classed and remain in Class with one of the UK authorised Recognised Organisations, with the notation "oil recovery service" (or equivalent), MGN 322 refers. These would normally be vessels of over 24 metres in length, greater therefore in size than those subject to the MCA Small Commercial Vessel Codes which remain appropriate for vessels operating portable pumps and discharging collected residues into independent free floating tanks.

3. Responsibility

3.1 Failure to have in place, and effectively operate, a risk management system would be a breach of the Merchant Shipping Regulations identified above, i.e. requirement to identify risks, carry out risk assessments, and appropriate surveillance. In the event of an accident to a vessel or person the companies/employers may also be subject to a claim of liability.

More Information

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Annex:

“Factors influencing the decision to withdraw the Code”

The Diversity of Oil to be recovered

1. Spills might occur typically;
 - in Mineral Exploration workings or an oilfield around an individual oil rig where it might be the result of a blowout or the burst or fracture of a crude oil transportation pipeline.
 - in proximity to an oil refinery.
 - in proximity to a marine casualty, whether by foundering, collision or grounding.
 - in proximity to the lightering of a tanker or ship for which it is necessary to reduce draft and therefore cargo deadweight, for onward transit in shallow water.
 - in a port or at an anchorage, for various reasons.
2. The type, quality and properties of oil to be recovered will be diverse depending upon the origin, degree of processing and post-discharge physical or chemical treatment.
3. Recovered oil will, in the first instance, be a mix of oil and water as the two cannot be readily, efficiently or cost effectively separated in the time frame available for recovery in a marine pollution countermeasures control response.
4. It is inappropriate to treat oil requiring recovery as having the same properties and therefore presenting exactly the same risk to people, property and the environment as crude or refined petroleum products.

Collection of Recovered Oil

1. Vessels engaged in oil recovery will, having contained oil within a boom, proceed to recover such oil into either -
 - a. Off-ship facilities such as “DRACONE” barges or tank barges.
 - b. Onboard retention in ships tanks.
2. Where oil is recovered into off-ship facilities, support vessels are generally small, under 500GT or <24 metres in length. In either case regulations are limited, and since vessels provide only an “on-deck” pumping capability they will not be considered as tankers. Pumps and their prime movers should be sourced to minimise immediate risks from any possible gaseous source.
3. Where oil is recovered into onboard tanks or other facilities, vessels might be considered as “tankers” although this will depend on a number of factors previously noted above.

Better Regulation and De-Regulation

1. Considered as part of the MCA Better Regulation and de-regulation initiative.