



REASSESSMENT OF THE RESPONSES TO MARINE SAFETY RECOMMENDATION M09-01

Continuity of maintenance and failure records

Background

On 11 April 2007 at 1730 eastern daylight time, the chemical/products tanker *Sichem Aneline*, loaded with benzene, experienced a steering gear malfunction and grounded on the south side of the Pointe-aux-Trembles anchorage in the St. Lawrence River. The vessel was refloated on 15 April 2007 and towed to the Port of Montréal. There were no injuries or pollution and the vessel sustained only minor damage.

The Board issued the safety recommendation on 23 April 2009.

Board Recommendation M09-01 (23 April 2009)

Historical maintenance records and failure information on safety-critical equipment – including the steering, power, propulsion, lifesaving appliances, and damage control – are crucial to a ship's manager and crew when assessing system performance and planning risk-based preventive maintenance. In this occurrence, following a recent change in the vessel's management, previous managers retained historical records of failures and maintenance. As a result, adequate records and information on previous failures of and repairs to the steering gear were not readily available to the new manager and crew.

This is not the first instance where the TSB has identified the lack of continuous maintenance records as a safety issue. The investigation into an occurrence involving the *Millenium Yama* in 2000 revealed that the vessel had changed management five times. At the time of the occurrence, no reference documentation was found on board that would have allowed engine room personnel to determine the condition and origin of a failed connecting rod. Such a situation left a new manager without adequate information to make informed maintenance decisions and to ensure continued safety.

Canada is not alone in identifying the issue of continuity of maintenance records. Following a 2002 occurrence involving a lifeboat accident immediately after a change of vessel management, the United Kingdom's Marine Accident Investigation Branch noted that all of the vessel's records other than the ship's plans had been removed from the vessel. The issue was introduced at the IMO by the United Kingdom in 2004; however, to date, there has been little progress.

Given these safety deficiencies and their recognition by other flag states, the Board is concerned that the IMO has not addressed the risks associated with the non-retention of proper maintenance and failure records. Therefore, the Board recommends that:

The Department of Transport advocate at the International Maritime Organization (IMO) effective measures to ensure that maintenance and failure records remain on board throughout a vessel's life.

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Response to M09-01 (23 July 2009)

In its 23 July 2009 letter, the Minister of Transport, Infrastructure and Communities, agreed in principle with the recommendation.

The response noted that, currently, the ISM Code does not require the transfer of maintenance records upon the sale or handover of a vessel. The department will research any previously submitted documents on this issue by other flag states. Furthermore, once completed, the department will work together with the Transportation Safety Board to formulate an information paper for submission to the IMO, which will be submitted to the Flag State Implementation Committee, scheduled for the summer of 2010.

Board assessment of response to M09-01 (04 September 2009)

If implemented, the proposed action by Transport Canada to submit an information paper – advocating effective measures to ensure that maintenance and failure records remain on board throughout a vessel's life – to the IMO would satisfy the intent of the recommendation.

Therefore the response to the recommendation is considered to be **Satisfactory Intent**.

Response to M09-01 (December 2009)

TC's update, dated December 2009, indicated that the International Safety Management Code does not currently require the transfer of maintenance records upon the sale or handover of a vessel to a new operator.

In response, TC is conducting analysis into the feasibility of requiring the transfer of maintenance records. Research has been completed and TC is presently formulating an information paper for submission to the International Maritime Organization (IMO) with the support of other IMO members. The department will also work closely with TSB in the formulation of the information paper. The Sub-Committee on Flag State Implementation Committee will consider the recommendation during the next meeting scheduled for July 5-9, 2010.

Board reassessment of response to M09-01 (May 2010)

An information paper outlining a proposal for a requirement that maintenance and failure records remain on board a vessel at the transfer of ownership has been submitted to the IMO Sub-Committee on Flag State Implementation. It is proposed that the Sub-Committee explore a

possible amendment to the ISM Code that would require the transfer of such records. A proposed amendment is included in the paper.

Therefore, the assessment of the response remains at **Satisfactory Intent**.

Response to M09-01 (December 2010)

TC's update in December 2010 indicated that at the IMO Flag State Implementation Sub Committee meeting of July 2010, TC submitted a proposed amendment to the International Safety Management Code, which would require retention of maintenance records upon change of ownership. The proposal was met with support from some member nations, and Canada was invited to submit the proposal to the Maritime Safety Committee for consideration as a new work item.

Board reassessment of response to M09-01 (March 2011)

Given that Canada was invited to submit a proposal to the Maritime Safety Committee for consideration as a new work item, the assessment remains **Satisfactory Intent**.

Response to M09-01 (December 2011)

The International Safety Management Code does not currently require the transfer of maintenance records upon the sale or handover of a vessel to a new operator.

Transport Canada (TC) submitted a proposed amendment to the International Safety Management Code at the Flag State Implementation Committee meeting of July 2010, which would have required retention of maintenance records upon change of ownership. The proposal was met with support from some member nations, and Canada was invited to submit the proposal to the Maritime Safety Committee for consideration as a new work item. TC is currently revising the submission for presentation to the Maritime Safety Committee at the upcoming meeting in May 2012.

Board reassessment of response to M09-01 (March 2012)

The assessment remains **Satisfactory Intent**.

Response to M09-01 (December 2012)

The International Safety Management Code does not currently require the transfer of maintenance records upon the sale or handover of a vessel to a new operator.

In July 2010, Transport Canada proposed an amendment to the International Safety Management Code at the Flag State Implementation Committee (FSI18) meeting, for the retention of maintenance records upon change of ownership of a vessel. The proposal was met with support from some member nations, and therefore Canada was invited to submit the

proposal for consideration as a new work item at the 90th session of the Maritime Safety Committee (MSC 90).

In May 2012, Transport Canada, in a joint submission with the Republic of South Korea, proposed an amendment at MSC 90 to Section 10 of the International Safety Management Code to include a requirement for the transfer of a ship's maintenance and failure records for safety critical equipment with the sale of a vessel. The committee agreed to forward the proposal to the STW Sub-Committee for consideration under "Enhancing the efficiency and user-friendliness of the ISM Code" that has been included in the provisional agenda for STW 44.

Transport Canada, having successfully submitted to the IMO a proposal that advocates the TSB's recommendation, now considers this item to be closed.

Board reassessment of response to M09-01 (March 2013)

In 2012, TC advocated at the IMO for effective measures to ensure that maintenance and failure records remain on board throughout a vessel's life. Although the item remains on the provisional agenda, this safety deficiency is now in the international arena and, therefore, the assessment of this response has been changed to **Fully Satisfactory**.

The deficiency file is assigned **Inactive** status.