

MARITIME SAFETY COMMITTEE  
104th session  
Agenda item 15

MSC 104/15/32  
10 August 2021  
Original: ENGLISH  
Pre-session public release:

## WORK PROGRAMME

### Comments on document MSC 104/15/23

#### Submitted by IMPA

#### SUMMARY

*Executive summary:* This document comments on document MSC 104/15/23 (China), which proposes a new output to amend SOLAS regulation V/23, and associated resolution A.1045(27) and MSC.1/Circ.1428, to address the issues identified with pilot transfer arrangements and to improve the safety of pilots at sea

*Strategic direction, if applicable:* 6

*Output:* Not applicable

*Action to be taken:* Paragraph 14

*Related documents:* SOLAS regulation V/23; resolutions MSC.308(88) and A.1045(27), as amended by resolution A.1108(29); MSC.1/Circ.1331, MSC.1/Circ.1428; NCSR 6/INF.10; NCSR 7/INF.17; NCSR 8/INF.3 and NCSR 8/INF.10

#### Introduction

1 This document is submitted in accordance with the provisions of paragraph 6.12.5 of the *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.5/Rev.2) and comments on document MSC 104/15/23 (China).

2 In document MSC 104/15/23, China proposes a new output for inclusion in the biennial agenda of the Sub-Committee on Navigation, Communications and Search and Rescue (NCSR) for a revision of SOLAS regulation V/23, resolution A.1045(27), and associated resolutions and circulars. The review envisaged in the proposal would consider all relevant instruments dealing with pilot transfer equipment and arrangements, including the IMPA poster "Required Boarding Arrangements for Pilots", which was approved and circulated by the Committee in 2012 (MSC.1/Circ.1428).

3 IMPA supports China's proposal for the new output and would expect to take an active role in the work of NCSR developing amendments to SOLAS regulation V/23 and resolution A.1045(27), and possibly preparing new instruments, as may be appropriate to enhance the safety of pilots while transferring to and from ships via a pilot ladder. IMPA has also already begun an in-house review of its boarding arrangements poster to make it more user-friendly and instructive for ships' crews. The results of that review could be shared as part of the proposed work item.

## **Background**

4 At the eighty-second session of the Committee in 2006, Brazil, the United States and IMPA proposed a new work programme item for the Sub-Committee on Safety of Navigation (NAV) to consider amendments to SOLAS regulation V/23 and the associated resolution A.889(21) for the purpose of improving the safety of pilot transfer arrangements (MSC 82/21/17). The Committee, noting the concern of the sponsors over continued loss of life or serious injury suffered by pilots in the course of transferring to ships, approved the proposal and placed in the work programme of NAV a high priority item on "Improved safety of pilot transfer arrangements" with two sessions allotted (MSC 82/24, paragraph 21.42).

5 The eventual product of that work item was an amended SOLAS regulation V/23 adopted by the MSC in 2010 (resolution MSC.308(88)) and new accompanying standards adopted by the Organization in 2011 (resolution A.1045(27), which replaced resolution A.889(21)). Those instruments made a number of important improvements in the Organization's requirements and standards for pilot transfer arrangements. Among other things, the instruments eliminated mechanical pilot hoists; required pilot ladders and accommodation ladder platforms to be secured to the ship's side when used in combination; prohibited shipside doors from opening outward when used for pilot transfer; required rubbing bands on ships' hulls to be cut back to allow safe approach of a pilot boat; required pilot ladders to be certified by the manufacturer as complying with the regulation or with an international standard acceptable to the Organization (viz., ISO 799); and specifically required ladders to be regularly inspected in accordance with SOLAS regulations I/6, 7, and 8).

6 As China notes in document MSC 104/15/23, despite these revisions to the Organization's regulation and standards for pilot transfers, as well as the growing recognition of the dangers faced by pilots having to deal with unsafe transfer arrangements, pilot fatalities and serious injuries continue to occur with an unacceptable frequency.

7 The incidence of non-compliant transfer arrangements compiled by IMPA in its annual safety campaign surveys and submitted to the Organization for each of the past three years has averaged 12.7% (NCSR 6/INF.10, NCSR 7/INF.17 and NCSR 8/INF.3). Information collected informally by regional, national and local pilot organizations suggests that the actual rate of non-compliance is probably significantly higher.

## **Discussion**

8 There are a number of reasons why pilots continue to encounter unsafe transfer arrangements, many of which do not comply with the current IMO requirements. In some cases, the requirements are simply not adequately enforced by flag States and port States. In other cases, the revisions adopted in 2010-2011 did not go far enough and have left gaps in what was hoped would be a thorough, all-encompassing safety system. Some operators and class societies have seemed willing to adopt overly creative interpretations of what were thought to be clear requirements and implementation dates.

9 As China has noted, despite the specific direction in the 2010 revision of SOLAS regulation V/23 that pilot ladders must be inspected on a regular basis, pilots continue to find ladders that have been inspected by class, flag State, or port State authorities yet are clearly defective or otherwise non-compliant with the Organization's standards. IMPA notes, however, that the Bahamas Maritime Authority has recently announced a Concentrated Inspection Campaign for pilot transfer arrangements on ships of its registry. This is a welcome development, and IMPA would urge other registries and port State authorities to do likewise. It would be even better and more effective for the Organization to take the lead in driving a global CIC initiative for enhanced inspections of pilot transfer arrangements and for better understanding and more strict enforcement of the Organization's relevant requirements and standards.

10 China has also identified a number of unclear provisions or gaps in the current instruments that should be addressed in its proposed review and revision of SOLAS regulation V/23 and resolution A.1045(27). IMPA agrees with China's assessment of the need to correct these problems, which have contributed to pilot casualties.

11 Experience since the 2010-2011 revisions has shown other defects or deficiencies in the current instruments, and IMPA, and perhaps other delegations, would like to see these addressed and corrected. Three examples:

- .1 SOLAS regulation V/23.1 establishes 1 July 2012 as the basic effective date for the changes made in 2010. Pilot transfer equipment and arrangements installed on a ship on or after 1 July 2012, whether original to a new-built ship or a replacement of equipment and arrangements on a ship built before that date, must comply with the requirements of the 2010 revision. The date that a ship was built has no relevance to the effective date of the 2010 amendments, however, with the sole exception of the requirement that a side door used for pilot transfer must open inwards. Nevertheless, pilots encounter ships built before 1 July 2012 claiming "grandfathered" status for non-compliant pilot transfer equipment and arrangements installed after the 1 July 2012 date.
- .2 SOLAS regulation V/23.1.2 states that in addition to equipment and arrangements complying with the requirements of the regulation, "due regard shall be paid to the standards adopted by the Organization". A footnote explains that the reference to "standards" is to resolution A.1045(27). The term "due regard shall be paid to" needs to be clarified, as does the legal status and function of resolution A.1045(27) and its relationship to the regulation. Some ship operators and class societies have interpreted the language of the sub-paragraph as meaning that compliance with the standards in resolution A.1045(27) is completely voluntary. Under that interpretation, the standards are unenforceable, and the purpose of the standards is frustrated.
- .3 Neither regulation V/23 nor resolution A.1045(27) specifies how a pilot ladder should be secured to the deck, particularly when less than the ladder's full length is deployed. Both instruments merely require that the "securing strong point, shackles and securing ropes [for a pilot ladder] shall be at least as strong as the side ropes". IMPA is currently in the process of commissioning tests of the relative strength, durability and efficacy of different securing methods and devices, such as rolling hitches or shackles, and would look to offer the results to the proposed review.

12 IMPA also agrees with China that SOLAS regulation V/23 and resolution A.1045(27) should be reviewed and revised to ensure that they are consistent with the recent revisions to ISO's 799 *Ships and Marine Technology – Pilot ladders* standards. The new 799 standards are being issued in three parts:

- 799-1:2019 *Design and Specification* and 799-2:2021: *Maintenance, Use, Survey and Inspection* have been published.
- The third part, 799-3 *Attachments and Associated Equipment* is currently out for ballot and is expected to be published in 2022.

IMPA has been active in the development of the revised ISO 799 standards and believes that there are a number of items in those standards that would be appropriate for inclusion in SOLAS regulation V/23 and resolution A.1045(27).

13 IMPA acknowledges that several responsible operators have recently embarked on programmes to correct or replace non-compliant pilot transfer arrangements, especially versions of the trapdoor accommodation ladder platforms that pilots have long considered unsafe. This is welcome and much appreciated. But more needs to be done. Clarifying and strengthening revisions to SOLAS regulation V/23 and resolution A.1045(27) would assist these and other operators to better understand what is needed to enhance the safety of pilots. At the same time, more effective enforcement of the Organization's requirements and standards would benefit such operators by levelling the playing field.

#### **Action requested of the Committee**

14 The Committee is invited to consider the above and approve the proposal in document MSC 104/15/23 for a new output to amend SOLAS regulation V/23 and associated instruments to improve the safety of pilot transfer arrangements.

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