

Need for IHM Maintenance: Delineated

Inventory of Hazardous Materials (IHM) is not merely a static document, rather it is a dynamic one, constantly changing and evolving until the last breath of the vessel. Hence IHM maintenance is always paramount for IHM compliance. Manu Mangal, Shaunak Sabnis & Papaiadasan Selvaraj, IHM Managers at Verifavia Shipping share their expert knowledge and experience of the preparation and maintenance involved in the Inventory of Hazardous Materials and answers some common questions.

- Can Port State Control (PSC) Inspect your vessel for IHM compliance?

YES, PSC often inspect vessels for IHM compliance, therefore it is essential for IHM record is maintained accurately and efficiently.

A Regular Inspection from Port State Control:

Checking that an approved IHM Part – I, Inventory Certificate (or SoC) and IHM Part – I maintenance record is present onboard which shall be considered sufficient for the inspection to be approved.

What can trigger a Detailed Inspection from Port State Control?

- 1) Missing certificates required under SRR
- 2) IHM is not ship specific or deviates from actual
- 3) Missing entries as required and listed in Annex I and II of SRR
- 4) Missing procedure for maintaining the IHM

Fact: In July 2021, a Panamanian Flagged vessel was issued a WARNING by the PSC authorities at the port of Antwerp, Belgium for NOT having onboard a Panamanian Flag approved Statement of Compliance (SoC).

- What if the PSC finds a vessel to be non-compliant?

If a vessel is non-compliant, a ship may be warned, detained, dismissed, or excluded from a port or offshore terminal under the jurisdiction of a member state if the vessel fails to provide a certificate or statement of compliance as required under the SRR for the vessel.

Also, penalties, which may be of a **civil or administrative nature**, should be effective, proportionate, and dissuasive. Once again, this is important from the practical standpoint,

As this requirement applies not only to the general scheme of sanctions but to the penalties awarded in each individual case.

A point to note is that Ship Recycling Regulation (SRR) does not fall under the Environmental crime directive. Therefore it is not necessary to introduce prosecution. But most of the member states have done so! ^{*1}

FACT: In Ireland there is a fine of up to € 300,000 for breaching obligations under the SRR, in the Czech Republic it is almost € 400,000, and in the UK or Malta the offender faces up to 2 years in prison.*2

- What can you expect as a ship owner if you don't comply with the regulation?

A 1984-built product tanker, converted to an FPSO in 1997, working in the North Sea flagged under the United Kingdom transferred to a grey or black-listed flag, and authorities were not informed of the decision to go direct for scrapping in a non-OECD country sighting that the UK would have had to refuse export. Furthermore, the ship had not compiled a Convention or Regulation compliant Inventory of Hazardous Materials, which would have alerted the authorities to address the issue of hazardous materials on board the vessel.

What Happened Next?

This case was brought to the attention of the courts of the country where the Ship was destined to be recycled and subsequently an injunction to stop the scrapping of the vessel was issued in August 2017. In November 2019, the High Court Division of the Supreme Court effectively ruled that the import and breaking of the ship was in fact a case of illegal dumping of hazardous waste.

This led to financial and reputational implications for the shipowner, the cash buyer, the recycling facility, and all those associated with the project.

All this could have been avoided if the applicable legislation and guidance documents were followed and a dedicated IHM would have been developed for the vessel!

There have been repetitive instances which have reflected the long-term objective and need for the IHM regulation to be taken seriously. This not being applicable only to ship owners, but all parties involved. The need of the hour is to understand that the cost of non-compliance is far more than the cost of compliance and the necessity to take effective steps towards safeguarding human and marine life. ^{*3}

There have been instances which reflect the strict nature of IHM regulation and negligence towards it, such as examples published in Ship Breaking Platform [regarding fatal accidents in shipyards](#). Additionally, the toxic waste generated in the ship breaking yards following a ship being beached is summarised in [this article](#). With this in mind, it is essential for ship owners and operators to recognise the need to ensure IHM maintenance is managed on an ongoing basis.

For any further questions about IHM, please contact us at [Verifavia Shipping here](#).

References:

*1 https://www.dropbox.com/s/dzv9mrywjrx31xn/6_Vomacka_SSR.pdf?dl=0

*2 https://www.era-comm.eu/combating_waste_crime/module_3/module_3_24.html

*3 https://maritimecyprus.files.wordpress.com/2020/05/risk-focus-inventory_of_hazardous_materials.pdf