

CHEMICAL TANKERS KNOWLEDGEBASE SAMPLES IN A CARGO DISPUTE

Why are samples important?

Disputes regarding Chemical Products are most likely to concern off-specification claims of some sort, often involving water contamination, cross-contamination with other products either directly or indirectly, by additives or inhibitors incorrectly applied or by ship's systems contamination.

Such disputes often occur at the discharge ports where it then becomes vital for the vessel to show that the cargo arrived in the same condition as to when it was loaded/shipped.

Then only way that this can be proved is by comparison between the load port and discharge port samples.

What is the immediate action to take?

Immediately, on notification of a dispute, steps should be taken to secure all available samples obtained leading up to the notification. If at the discharge port, ensure that any tank, line and manifold samples taken remain on-board if possible.

If the load port consignee samples are still on-board, identify and secure the same if possible, however it should be remembered that such samples remain the consignee's property.

In all cases, it is vital that all samples* of the cargo involved in such a dispute, be identified, logged, isolated and secured. As such, all Parties, at both loadport and disport, should be placed on notice to retain all samples until the dispute has been resolved.

* Samples should include both ship and shore from both loadport(s) and disport(s), sealed or unsealed, pertaining to the product in question. Even if the contamination is apparently limited to only some of the tanks loaded, is essential that samples from all the tanks loaded should be included to allow comparison/reference to be made. Samples of prior cargo and/or adjacent cargo should also be secured.

Any unsealed samples, especially ship's manifold samples from the load port, should immediately be sealed, witnessed and signed by two persons. The merits of unilaterally drawn samples may be questionable however, but may offer some defence for the vessel.

Any samples involved in such a dispute should only be released to a person holding owners written authorisation with a proper receipt being received for each sample.

Following actions?

Any cargo sampling that follows, should only be performed by Cargo Surveyors holding Owner's permission and witnessed by a ship's competent officer.

Cargo sampling is likely to involve one of more of the following:

- Dead Bottom Sampling
- Zone Sampling
- Running Sampling
- Line Sampling
- Cargo Pump Well Sampling

All of which may be required to be carried out using closed sampling conditions.

If any of the ship's systems are alleged to be the source of the contamination, than samples of the system's operation medium should be obtained by a Surveyor, sealed and witnessed.

What equipment would be used?

It is unlikely that a vessel holds the equipment necessary to conduct all of the sampling requirements above, especially dead bottom and running sampling, and it is unlikely, except in the larger ports, for the shore surveyors to carry such equipment that is compatible with the vessels own interlocks or tank fittings.

Cargo sampling in such cases would most likely involve the use of the ship's equipment, in which case it is important to note in a log what equipment was used to obtain which sample.

It is also vital to ensure that all sampling equipment is clean before use and cleaned between each sample type. All cleaning conducted should be logged.

Closed-type sampling devices, either portable or fixed, are noted to be exceptionally difficult to clean, and in many cases have proved to be the source of the contamination itself.

If the closed-sampling equipment is in any way suspect than all efforts should be made to obtain samples via open hatches taken using traditional methods. Such actions may require terminal and other parties' agreement and may not be possible for products loaded under a nitrogen blanket.

Sample containers should be appropriate for the chemical in question – usually clear glass bottles with self-sealing caps are appropriate but, if not, advice should be sought.

How many Samples would be required?

The type and quantity of samples required will normally be the subject of discussion between Owners, Charterers and Receivers, involving Cargo Insurers, P&I Club's and Surveyors, but may in extreme cases run into the hundreds.

It is important that each sample is properly sealed and correctly labelled.

Storage?

It is only at the large ports where Surveying Companies are able to store samples; therefore, the vessel may be required to retain all such samples on board until suitable arrangements are made or, occasionally, until a suitable port call occurs.

All samples should therefore be stored in a dedicated suitable locker fitted with storage units, normally cell-divided, constructed of suitable resistant materials. Samples of incompatible products should be stored apart.

Samples are often disposed of by surveying companies after 90 days, therefore surveyors should be placed on notice (via their instructing clients) to retain samples indefinitely until instructed otherwise.