

# LP BULLETIN

Friday 07 November 2008

## Bulletin 608 - 11/08 - Unsafe Berth - Salvador, Brazil

**An incident investigation has found berth fendering at Salvador to be in a poor state of maintenance. Vessels sailing to the port should be vigilant to the condition and suitability of fendering before committing to coming alongside the berth.**

A claim has recently been brought against an entered vessel for costs associated with the replacement of a berth fender that broke away as the vessel was coming alongside. The master reports that a pilot was on board and the vessel came alongside parallel to the berth as intended.

A subsequent investigation has found the existing fendering at Salvador to be in a poor state of maintenance. Fendering there is of the type consisting of two jumbo tyres secured either side of a metal plate and hung from the quay on chains. Although the cost of replacing a fender of this type is not expensive, damage caused to vessels due to damaged or missing fendering can result in large claims and pollution incidents. In such cases the vessel is initially highly likely to be held responsible, which may result in delays in sailing.

The survey has found that most tyres on the berths are partly damaged/cut, heavily pressed and with exposed hanging chains - in no condition to withstand the heavy pressure that can be exerted on them during normal vessel berthing operations.

In the case reported in this bulletin, the concrete base from which the fender was secured was found with signs of damage from several previous incidents. Additionally, the hanging chains were heavily pitted and corroded. One of the chains was also sighted to be partly damaged and bolts were missing from the securing arrangement.



### **Liability for damages to fixed and floating objects**

A Vessel may be held liable for damage to fenders and it is important therefore to determine if there is any pre-existing damage before, and as, the vessel comes alongside. In cases where there is risk to the vessel it may be necessary to protest the berth is unsafe and request another berth be allocated. In other cases, even when it is deemed safe for the vessel to come alongside the berth, any existing damage observed should be reported and documented. As a matter of routine, it is recommended that the following precautions are taken:

- If it is suspected that claims have been submitted for pre-existing damage, the master should draw the port authority's attention to such damages and record details in a written report and in the logbook. A video recording or dated photographs may prove useful in defeating any unjustified claim.

- A close watch should be kept of mooring arrangements whilst at berth in order to prevent ranging damage. This is particularly important at berths not adequately protected from sea swell and weather conditions.

Source of information: Jacqueline Tan  
Thomas Miller P&I Ltd.  
Tel: +44 20 7204 2118  
Email: jacqueline.tan@thomasmiller.com

Enquiries to: Loss Prevention Department  
Thomas Miller P&I Ltd  
Email: lossprevention.ukclub@thomasmiller.com  
Tel: +44 20 7204 2217