



Human Environment and Transport
Inspectorate
*Ministry of Infrastructure
and Water Management*

> Return address Postbus 16191 2500 BD The Hague

TO WHOM IT MAY CONCERN

ILT

Human Environment and
Transport Inspectorate
NSI / Licensing Merchant
Shipping

Westelijke Parallelweg 4
Zwijndrecht
Postbus 16191
2500 BD The Hague
The Netherlands
www.ilent.nl

Contact

nsi-tez-kv@ilent.nl

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Subject Further information regarding asbestos containing materials

The reason for this letter is that both the Recognized Organizations and the shipowners have requested for clear instructions by the Administration, in relation with the Instruction to Recognised Organisations no. 24 - Ban on the use of Asbestos on board ships, dated 18-07-2022 (as amended, further: Instruction), for those ships for which asbestos was found more than 3 years ago.

Please note that the Instruction is leading, which contains further instruction and elaboration of the following information.

The Administration already had a document in place for this, called "Scenarios asbestos", however all stakeholders have requested a formal letter so as to ensure that all ships will be dealt with in the same manner.

This letter replaces the document "Scenarios asbestos" and it will be included in NeRF as an attachment to the Instruction. It was drafted to provide additional guidance in order to bridge the intermediate period caused by the time which was needed to amend the Instruction. As a result the text of the Instruction is referred to as leading and shall be used together with this Letter.

In case of a new application:

The Instruction, as amended is applicable in full.

In case of already submitted requests:

Regardless whether a letter was sent as confirmation of receipt on the application of an exemption written to shipowners (between April 2021 and July 2022) or not, the following applies.

1) Ship did not have an exemption before:

A new application must be submitted in full compliance with the Instruction (dated 18-07-2022).

2) Ship did have an exemption before:

In cases where forbidden asbestos containing material (ACM) was found longer than 3 years ago, the instruction of the Minister does not provide for the possibility of a follow-up exemption, except for gaskets which contain asbestos provided these are placed on board between 1st July 2002 and 1st January 2011. And then only for other gaskets than those which have to be removed when planned repairs or removal of the relevant system (containing these gaskets) takes place. Such naturally with the result that it does not cause any risk for health or the environment (see further paragraph 5.1 of the Instruction).

Formally this would mean that all other forbidden ACMs should have to be removed before a new or a consecutive exemption request can be submitted. However, since this is considered undesirable, it is accepted that the shipowner applies to be exempted for direct removal of such ACMs provided that in the meantime the conditions of paragraph 5 of the Instruction will be met. Preferably, the removal of such ACMs shall take place as soon as reasonably possible (e.g. during planned maintenance), based on the risks, planning of surveys and maintenance but certainly no later than 31 December 2024. The shipowner shall mention the date of compliance with the above in their exemption request, which will then serve as due date of the temporary exemption issued by the RO.

In case of an application for an exemption as described above it shall be noted that for most of the exemption requests which already have been submitted, the reports are more than 3 years old.

In such cases the validity has expired, based on Staatscourant 2018, 68771, Artikel 22 (Asbestinventarisatierapport), sub 18: "In het asbestinventarisatierapport wordt aangegeven dat het rapport drie jaar geldig is na ondertekening".

Therefore:

- Expired reports cannot be accepted in case removal of the ACMs is planned.
- Expired reports can also not be accepted in case of new or consecutive exemption requests.

As mentioned in paragraph 4.4 of the Instruction, is that in case of an expired report an additional investigation has to take place and a new / revised report has to be made up. The scope of the additional / update investigation shall consist of sampling of locations / installations / areas which are not sampled before and/or where removal activities which have been carried out. As well as that emphasis shall be placed on the systems that must be opened (regularly) for maintenance. The outdated report can be amended based on the additional / update investigation.

Because of the above and also because of the amendments of the Instruction, and in addition the requirement for an Owners' declaration asbestos (see paragraph 5.3 of the Instruction), a new application is required for all cases where ACMs forbidden by SOLAS are on board. The requests shall be submitted in full compliance with the Instruction.

Notes:

- It is noted that some of the reports submitted with the consecutive requests for an exemption are based on an IHM survey. This is not always acceptable (see Instruction, especially paragraph 6.5).
- It has been brought to our attention that some ships where ACM was discovered during IHM have taken actions and have removed the ACM and have a clean IHM part I. See Instruction paragraph 6.5. In case ACM is found during IHM, also when concerned ACM is removed, an investigation in accordance with the instruction is to be carried out.
- The initiative in all cases is up to the concerned owners. The additional/update investigation (also see Instruction paragraph 4.4) shall be done as soon as possible, but ultimately 31-03-2023.

I hope to have informed you sufficiently,

Best regards
ing. J. van Ee
Team manager



Note:

In case of questions please contact nsi-tez-kv@ilent.nl