



## Marine Notice 19/2012

### Guidelines for Revised Garbage Discharge Regulations

Marine Notice 6/2012 provided information on the revised garbage discharge regulations for ships that will enter into force internationally and for Australia on 1 January 2013.

Marine Notice 6/2012 also advised that a further Marine Notice would be issued once a number of associated guidelines designed to assist in the implementation of MARPOL Annex V, including the management of cargo residues, cleaning agents or additives and animal carcasses, had been finalised by IMO. These guidelines have now been agreed and can be found in IMO document Resolution MEPC.219(63).

The purpose of the Guidelines is to assist shipowners, ship operators, ships' crews, cargo owners and equipment manufacturers in complying with certain requirements set out in Annex V of MARPOL, which will be implemented in Australian law by the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983* and Marine Orders Part 95.

A summary of the Guidelines has been provided below, however for further information please refer to the 2012 Guidelines for the implementation of MARPOL Annex V. The Guidelines can be found through the Knowledge Centre on the IMO web page at [www.imo.org](http://www.imo.org), and then following the link to the Index of IMO Resolutions. Additional questions can be directed to AMSA at [eps@amsa.gov.au](mailto:eps@amsa.gov.au).

#### Cargo Residues

The revised regulations in Annex V of MARPOL provide that the discharge of cargo residues is only permitted "...while the ship is en route and as far as practicable from the nearest land, but in any case not less than 12 nautical miles from the nearest land for cargo residues that cannot be recovered using commonly available methods for unloading. These cargo residues shall not contain any substances classified as harmful to the marine environment, taking into account guidelines developed by the Organization."

The IMO Guidelines provide the following information on what is classified 'harmful to the marine environment':

*"Cargo residues are considered harmful to the marine environment and subject to regulations 4.1.3 and 6.1.2.1 of the revised MARPOL Annex V if they are residues of solid bulk substances which are classified according to the criteria of the United Nations Globally Harmonized System for Classification and Labelling of Chemicals (UN GHS) meeting the following parameters:*

1. *Acute Aquatic Toxicity Category 1; and/or*
2. *Chronic Aquatic Toxicity Category 1 or 2; and/or*
3. *Carcinogenicity<sup>2</sup>) Category 1A or 1B combined with not being rapidly degradable and having high bioaccumulation; and/or*
4. *Mutagenicity<sup>2</sup>) Category 1A or 1B combined with not being rapidly degradable and having high bioaccumulation; and/or*
5. *Reproductive Toxicity<sup>2</sup>) Category 1A or 1B combined with not being rapidly degradable and having high bioaccumulation; and/or*
6. *Specific Target Organ Toxicity Repeated Exposure<sup>2</sup>) Category 1 combined with not being rapidly degradable and having high bioaccumulation; and/or*
7. *Solid bulk cargoes containing or consisting of synthetic polymers, rubber, plastics, or plastic feedstock pellets (this includes materials that are shredded, milled, chopped or macerated or similar materials)".*

The Guidelines state that the shipper should classify and declare, as part of the declaration required in section 4.2 of the International Maritime Solid Bulk Cargoes Code (IMSBC Code), if a solid bulk cargo is or is not harmful to the marine environment, using the seven criteria based on the UN Global Harmonised System (UN GHS) (4<sup>th</sup> revised edition 2011), as set out above. For specific products (e.g. metals and inorganic metal compounds), guidance available

in annexes 9 and 10 of the UN GHS are essential for proper interpretation of the criteria and classification and should be followed. Shippers should notify the competent authorities of the port State of loading and unloading of the basis for the provisional classification.

To assist in this notification shippers of solid bulk cargoes from Australia should include the additional information in their declaration to the master and also provide the receiver(s)/consignee(s) with this additional information. Noting shippers must also provide the loading port Competent Authority with this information, AMSA would accept that where a cargo meets any of the criteria that means it is harmful to the marine environment, the Shipper provides notification of this information in a similar manner to that required for a Group A or Group B cargo prior to loading. Form AMSA 268, available at [www.amsa.gov.au](http://www.amsa.gov.au), has been amended to permit the shipper to indicate if the criteria is met and notification would be required if one or more of the three boxes on the form is ticked. Shippers should bear in mind this notification is for any cargo that meets the harmful to the marine environment criteria, including Group C cargoes.

In adopting the Guidelines in March 2012, the IMO Marine Environment Protection Committee recognised that the toxicity data needed to classify many solid bulk cargoes as 'harmful to the marine environment' would not be available when the revised MARPOL Annex V enters into force on 1 January 2013 and that interim measures for the application of the third, fourth, fifth and sixth bullet points above would be needed.

Such interim measures are set out in IMO Circular MEPC.1/Circ.791. This circular provides for the following interim measures:

- between 1 January 2013 and 31 December 2014, if adequate and reliable data on a solid bulk cargoes carcinogenicity, mutagenicity, reproductive toxicity, or specific target organ toxicity – repeated exposure are not available, shippers of solid bulk cargoes should still make every effort to ensure that their solid bulk cargoes are classified to the extent possible using the seven criteria set out above;
- also, between 1 January 2013 and 31 December 2014, while shippers are acquiring adequate and reliable data on a solid bulk cargoes carcinogenicity, mutagenicity, reproductive toxicity, or specific target organ toxicity – repeated exposure, Administrations should accept provisional classifications of solid bulk cargoes that are based on the other criteria 1, 2 and 7 as set out above.

- as of 1 January 2015, shippers' classifications of solid bulk cargoes should be made using all seven criteria listed above.

The Circular also requests parties to MARPOL Annex V to ensure the provision of adequate facilities at ports and terminals for the reception of solid bulk cargo residues including those entrained in the wash water.

More information on the discharge of cargo residues can be found in a fact sheet on the AMSA website.

### Cleaning agents or additives

Cleaning agents may only be discharged into the sea while the ship is 'en route' and if the substance is not harmful to the marine environment. A cleaning agent is not harmful to the marine environment if it:

- is not a "harmful substance" in accordance with the criteria in MARPOL Annex III; and
- does not contain any components which are known to be carcinogenic, mutagenic or reprotoxic (CMR).

The IMO Guidelines further provide the following: *"The ship's record should contain evidence provided by the producer of the cleaning agent or additive that the product meets the criteria for not being harmful to the marine environment. To provide an assurance of compliance, a dated and signed statement to this effect from the product supplier would be adequate for the purposes of a ship's record. This might form part of a Safety Data Sheet or be a stand-alone document but this should be left to the discretion of the producer concerned"*.

### Animal carcasses

Animal carcasses may only be discharged into the sea while the ship is 'en route' and providing the discharge is as far as possible from the nearest land, taking into account the Guidelines that have been developed by IMO. Ship owners and operators engaged in livestock trade should obtain a copy of the Guidelines, and refer in particular to section 2.12.

In summary, it is recommended that the discharge into the sea should take place greater than 100 nautical miles (nm) from the nearest land and in the maximum water depth possible. Carcasses should also be passed through a comminuter or grinder, or have their thoracic and abdominal cavities opened prior to their discharge. The guidelines address circumstances where this is not possible (for example, on a voyage that is not often greater than

100nm from the nearest land) and provide information on dealing with mortalities in excess of those generated during the normal operation of a ship.

For each animal carcass incinerated, discharged into the sea or discharged to a reception facility, an entry in the Garbage Record Book must be made. The entry should include the date/time, position of the ship and remarks to specify the animal species (e.g. sheep, cattle, goats etc.), the category "H" and the number of carcasses discharged. Where the discharge is to a reception facility, the receipt obtained from the facility should be attached to the Garbage Record Book.

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