

MARINE ENVIRONMENT PROTECTION  
COMMITTEE  
65th session  
Agenda item 11

MEPC 65/11/5  
22 March 2013  
Original: ENGLISH

## REPORTS OF SUB-COMMITTEES

### Comments on the report of DE 57 – Incineration in polar waters (Polar Code)

Submitted by Friends of the Earth International (FOEI),  
the Clean Shipping Coalition (CSC), Pacific Environment  
and the World Wide Fund for Nature (WWF)

#### SUMMARY

<i>Executive summary:</i>	In this submission, the co-sponsors recommend the inclusion of a provision in the draft Polar Code restricting shipboard incineration in polar waters
<i>Strategic direction:</i>	5.2
<i>High-level action:</i>	5.2.1
<i>Planned output:</i>	5.2.1.17
<i>Action to be taken:</i>	Paragraph 10
<i>Related documents:</i>	DE 53/18/3; DE 56/10/1, DE 56/INF.3, DE 56/10/11 and DE 57/WP.1

#### Introduction

1 This submission<sup>1</sup> is submitted in accordance with the provisions of paragraph 6.12.5 of the Committees' *Guidelines on the organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.4/Rev.2) and comments on the report of DE 57, and in particular as it concerns the current draft Polar Code.

#### Shipboard incineration in the Polar Regions

2 The co-sponsors believe that, on a per capita basis, more shipboard incineration (i.e. ship-generated onboard incineration) is likely to occur in polar waters than in other marine waters.

<sup>1</sup> The preparation of this document for the IMO's DE Sub-Committee was assisted by the Antarctic and Southern Ocean Coalition (ASOC), an umbrella NGO with expert observer status at the Antarctic Treaty Consultative meetings (ATCM) and meetings of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR).

## Environmental impact from incineration in polar regions is difficult to discern

3 While testing standards are applicable to incineration units used onboard vessels (see MARPOL Annex VI and resolutions MEPC.93(45) and MEPC.76(40)), information pertaining to the actual nature and extent of air emissions from shipboard incineration on a per ship and regional basis is not readily available. Therefore, the true extent of the environmental impact related to these emissions is difficult to determine. However, we do know that incineration produces harmful emissions, such as furans, dioxins, polycyclic aromatic hydrocarbons (PAHs), heavy metals (e.g. mercury), hydrochloric acid, and black carbon<sup>2</sup>. These substances, when emitted from vessels, can enter the marine environment as well as impact human health. This is particularly worrisome as significant amounts of persistent organic pollutants are already present in the Arctic – gravitating toward the region from southern latitudes – and appear at high levels in residents and certain large marine mammals<sup>3</sup>.

## State attempts to restrict shipboard incineration

4 Because of the environmental and public health threats posed by incineration, several governments have taken steps to control these emissions. For example, the State of California in the United States prohibits cruise ships and other oceangoing vessels from conducting onboard incineration within its waters<sup>4</sup>. Moreover, Norway's Svalbard Environmental Protection Act, which applies to waters 12 nm from Svalbard's coastline, prohibits waste incineration<sup>5</sup>. At the regional level, countries acting through the Helsinki Convention have banned ship-generated waste incineration within territorial waters of the Baltic Sea<sup>6</sup>.

## Options for addressing shipboard incineration in the Polar Code

5 Current IMO regulations regarding shipboard incineration provide some restrictions (e.g. polychlorinated biphenyls, or PCBs) and special protocols for the burning of certain harmful substances. However, the co-sponsors believe that enhanced standards are warranted for polar waters, and therefore request that hazardous substances are not incinerated aboard vessels in polar waters. The co-sponsors also ask that, for vessels operating in polar waters, shipowners consider installing shipboard incinerators with effective air pollution control devices.

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<sup>2</sup> See Just Cruising? Environmental effects of cruise ships, Office of the PARLIAMENTARY COMMISSIONER FOR THE ENVIRONMENT Te Kaitiaki Taiao a Te Whare Pāremata, New Zealand, 13 (2003), available at [http://www.pce.parliament.nz/assets/Uploads/Reports/pdf/just\\_cruising.pdf](http://www.pce.parliament.nz/assets/Uploads/Reports/pdf/just_cruising.pdf); see *infra* note 4.

<sup>3</sup> See e.g. L. Ritter et al., A Review of Selected Persistent Organic Pollutants, for the IPCS (1995), available at [http://www.who.int/ipcs/assessment/en/pes\\_95\\_39\\_2004\\_05\\_13.pdf](http://www.who.int/ipcs/assessment/en/pes_95_39_2004_05_13.pdf).

<sup>4</sup> California Air Resources Board, Staff Report: Initial Statement of Reasons for the Proposed Airborne Toxic Control Measure for Cruise Ship Onboard Incineration, iv, (2005), available at <http://www.arb.ca.gov/regact/csoi/isorcomp.pdf>.

<sup>5</sup> A. Evenset and G. Christensen, *Environmental impacts of expedition cruise traffic around Svalbard*, prepared for Association of Arctic Expedition Cruise Operators, Akvaplan-niva AS Report: 4823-1, 52, (2011), available at <http://www.aeco.no/documents/Finalreport.pdf>.

<sup>6</sup> Convention on the Protection of the Marine Environment of the Baltic Sea Area, 1992 (Helsinki Convention), annex IV, Reg. 7 (these amendments entered into force on 31 Dec. 2000), available at <http://www.helcom.fi/stc/files/Convention/Conv1108.pdf>.

6 Likewise spatial restrictions on shipboard incineration are quite limited<sup>7</sup>. Regulation 16.4 of MARPOL Annex VI states: "Shipboard incineration of sewage sludge and sludge oil generated during normal operation of a ship may also take place in the main or auxiliary power plant or boilers, but in those cases, shall not take place inside ports, harbours and estuaries." Outside of this exception, shipboard incineration is presumably allowed without spatial stricture in polar waters, apart from any other applicable standards (e.g. Norway).

7 Therefore, in light of the above information, and consistent with the application of the precautionary approach<sup>8</sup>, it would seem prudent to enact some type of spatial restriction on shipboard incineration in polar waters to protect public health and the marine environment. We request a ban on shipboard incineration in Polar Code waters within a certain distance from land and ice. The co-sponsors believe that the appropriate scope of this ban for the polar regions should extend 12 nm from the nearest land, ice shelf, land fast ice, or area of ice concentration exceeding 10 per cent ice coverage.

8 In addition, ship operators and owners should make every effort possible to minimize waste produced on board. Methods such as digesting and compacting, among others, should be considered to achieve this objective.

9 Moreover, article 5 of the 1996 Protocol to the London Convention on ocean dumping provides strong support for restricting shipboard incineration in polar waters<sup>9</sup>. That Protocol contains a ban on ocean incineration beyond internal State wastes, with the prohibition encompassing all waste and other matter, including industrial waste and sewage sludge. States that have ratified (currently 42) the instrument should act consistently with the principles of the 1996 Protocol, and include appropriate measures on shipboard incineration in the Code.

#### **Action requested of the Committee**

10 The Committee is invited to agree to include a provision in the draft Polar Code prohibiting shipboard incineration in polar regions within 12 nm from the nearest land, ice shelf, land fast ice, or area of ice concentration exceeding 10 per cent ice coverage.

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<sup>7</sup> A 2003 report to the California legislature, summarizing MARPOL Annex V, noted that "the state of the art in marine incinerators is not highly advanced, primarily because the technology has not yet been subject to constraints either on air emissions or on the types of materials that could be incinerated. It states that marine incinerators in current use do not include any provision for air pollution control. It further advises that the use of incinerators in urban areas should be discouraged because their use will add to possible air pollution in these areas. MARPOL does not prohibit the use of incinerators in port areas." Cruise Ship Environmental Task Force, Regulation of Large Passenger Vessels in California, a report to the California legislature, 56 (2003), available at [http://montereybay.noaa.gov/resourcepro/resmanissues/pdf/CA\\_cruise%20ship\\_rept.pdf](http://montereybay.noaa.gov/resourcepro/resmanissues/pdf/CA_cruise%20ship_rept.pdf).

<sup>8</sup> Guidelines on the Incorporation of the Precautionary Approach in the Context of Specific IMO Activities, resolution MEPC.67(37), adopted 15 September 1995.

<sup>9</sup> "Contracting Parties shall prohibit incineration at sea of wastes or other matter." 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Waste and Other Matter, art. 5, 1972.