MEMBER ALERT

Shipowners Claims Bureau, Inc., Manager One Battery Park Plaza 31st Fl., New York, NY 10004 USA

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JANUARY 30, 2020

BAN OF SINGLE USE PLASTICS: INDIA

Members are reminded that India has imposed a ban on single use plastics (SUPs) applicable to all Indian and foreign flagged vessels while in Indian waters as per the attached Directorate General of Shipping's Order No. 5, Prohibition on use of Single Use Plastics and attached associated Addendum No.1 to DGS Order 5 of 2019.

SUPs are defined as those items which are completely made of plastics and non-biodegradable multi-layered packaging. Such items include, but are not limited to, those contained in paragraph 19 of DGS Order No. 5 and further clarified in the paragraph 2 of the Addendum as follows:

- cutlery, plates and cups;
- garbage and shopping bags, trays, containers, food packaging film;
- milk bottles, freezer bags, shampoo bottles, ice cream containers;
- bottles for water and other drinks (up to 10 liters), dispensing containers for cleaning fluids (up to 10 liters), biscuit trays;
- hot drink cups, insulated food packaging, protective packaging for fragile items; and
- microwave dishes, ice cream tubs, potato chip bags, bottle caps.

Reusable plastic items including commercial sized dispensers of fluids (e.g. shampoo, cleaning products, etc.) are excluded from prohibition provided they are reused/refilled on the ship itself and not discarded after a single use.

Items such as juice/milk packets/tetra-packs with plastic lining or caps are not included in this definition of SUPs.

Biodegradable plastic with a stamp, marking or certificate from the manufacturer or something similar are not prohibited. Non-biodegradable multi-layered packaging shall also be considered for prohibition.

Excluded from the ban are cargo related items and their packaging, crew and passenger effects are also excluded.

Further shipboard items such as personal protective equipment (PPE), medicines, medical equipment, life-saving appliances (LSAs), firefighting appliances and other statutory items used on or with such items that are made up of or contain SUPs are also excluded from prohibition.

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To comply with the requirements, Members are expected to prepare and implement a Ship Execution Plan (SEP) that details the SUP inventory used on or after January 31, 2020.

The SEP should include an inventory list of all SUPs onboard ship, their quantity, and where they are located as per the schedule set forth in Table 1.

Table 1: SUP Methodology and Schedule Implementation Dates

Execution	Execution Schedule			
Methodology	Indian cargo ships	Foreign flagged cargo ships	Indian passenger Ship	Foreign flagged passenger ship
Completed SUP inventory listing prepared	January 31, 2020	January 31, 2020	March 31, 2020	March 31, 2020
Identify, listing and prohibition of 50% of SUP inventory list	April 1, 2020	April 1, 2020	June 1, 2020	June 1, 2020
Identify, listing and prohibition of 75% of SUP inventory	July 1, 2020	July 1, 2020	September 1, 2020	September 1, 2020
Identify, listing and prohibition of 90% of SUP inventory	October 1, 2020	October 1, 2020	December 1, 2020	December 1, 2020

In the event a foreign-flagged vessel does not prepare an SEP as of January 31, 2020, the vessel will be prohibited from using SUPs as per the following schedule set forth in Table 2.

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Table 2: Restrictions for foreign flagged vessels without a SEP for SUPs as of January 31, 2020

	Execution Schedule	
	Foreign flagged cargo ships	Foreign flagged passenger ship
50% of items from SUP list of DGS Order No. 5, 2019	April 1, 2020	June 1, 2020
75% of items from SUP list of DGS Order No. 5, 2019	July 1, 2020	September 1, 2020
50% of items from SUP list of DGS Order No. 5, 2019	October 1, 2020	December 1, 2020

Members should ensure that SUPs are not used during their stays in Indian ports and thus should consider preparation and implementation of a plan to limit the use of SUPs during their stays in port.

Waste reception facilities are to be provided at Indian ports through the Swachh Sagar (Indian Coast Guard). Details can be obtained through their portal at: http://prf.irclass.net/anf. This also includes details of the SUPs which should be kept segregated and marked for disposal.

Port State Control Enforcement

The enforcement approach to be taken is specified in paragraph 20 of attached DGS Order No. 5. For the time being, the DGS will not detain vessels as a means of enforcement of the requirements.

Please note that the Indian DGS has issued a series of frequently asked questions, FAQS attached that may be of assistance in clarifying these new requirements.

Your Managers recommend that Members take note of this information and be guided accordingly.





भारत सरकार / GOVERNMENT OF INDIA पोत परिवहन मंत्रालय / MINISTRY OF SHIPPING

नौवहन महानिदेशालय, मुंबई DIRECTORATE GENERAL OF SHIPPING, MUMBAI

F.No. ENG.OPP-38(02)/19

Dated 16th October, 2019

DGS Order No. 05 of 2019

Sub.: Prohibition on use of Single Use Plastics

Introduction:

Whereas the object of the Merchant Shipping Act, 1958, as amended is to foster the development of shipping and ensure the safe & efficient Indian mercantile marine in a manner best suited to serve the national interests;

- 2. Whereas the Directorate General of Shipping [DGS], Ministry of Shipping, Govt. of India is the designated maritime administration of the country to administer the Merchant Shipping Act, 1958, as amended, as facilitator and regulator of the merchant shipping in India;
- 3. Whereas, the United Nations Environment Programme (UNEP) is the leading global environmental authority that sets the global environmental agenda, promotes the coherent implementation of the environmental dimension of sustainable development within the United Nations system, and serves as an authoritative advocate for the global environment;
- 4. Whereas, over the years India has actively collaborated in the work of the UNEP, including for the prevention of marine pollution;
- 5. Whereas, as per the 2018 UNEP report titled 'Single-use plastics A Roadmap for Sustainability', single-use plastics are also known as disposable plastics like plastic bags, straws, coffee stirrers, soda and water bottles and food packaging, which are used only once before they are thrown away or recycled;
- 6. Whereas, the aforesaid report highlighted the ubiquitous nature of plastic for being one of the greatest environmental challenges that chokes marine life transforming some marine areas into a plastic soup;

S. SAGAGA.

- 7. According to International Clean-up Report, 2017, the most common finds during international coastal clean-ups are, in order of magnitude, cigarette butts, plastic beverage bottles, plastic bottle caps, food wrappers, plastic grocery bags, plastic lids, straws and stirrers, glass beverage bottles, other kinds of plastic bags, and foam take-away containers. Single-use plastics took most of the spots in this list of top ten.
- 8. Whereas, as per the 2018 UNEP report, Single-use plastics A Roadmap for Sustainability: "Plastic pollution is a defining challenge of our times....Single-use throw away plastics are the biggest contributor every year, millions of plastic bags end up in the environment, thus polluting soil, water bodies, rivers oceans."
- 9. Whereas, according to International Maritime Organization, Marine litter presents a huge problem in our oceans, with some scientists warning that, by 2050, the quantity of plastics in the oceans will outweigh fish.
- 10. Whereas prohibition of discharging plastic at sea is not alien to maritime regulatory frameworks.
- 11. Whereas anecdotal accounts suggest the prevalence of wilful dumping of litter (plastic bottles, bags etc.) overboard by seafarers and that the lack of proper education and management has lead the seafarers to inevitably use single-use plastic products and discard them in a non-responsible manner;
- 12. Whereas, to avoid such practices IMO adopted Resolution MEPC.295(71)/2017: Guidelines for the implementation of MARPOL ANNEX V on 7th July 2017.
- 13. Whereas during the Independence Day speech on Aug. 15,2019, Hon'ble Prime Minister had urged people and government agencies to "take the first big step" on October 2, 2019 towards freeing India of single-use plastic.
- 14. Whereas in-line with the Hon'ble Prime Minister's call to the people and the government agencies, the Director General of Shipping decided to examine the issue of prohibiting the usage of single-use plastics on Indian ships and foreign ships while such ships are in Indian waters.
- 15. Whereas, a stakeholders meeting was convened at Directorate on 29th August 2019 under the chairmanship of Director General of Shipping and Additional Secretary to Govt. of India. The meeting was attended by representatives of Indian National Ship Owner Association, Indian Coastal Shipping Association and Recognized Organizations.

- 16. Whereas in the said meeting it was decided that with effect from 2nd October 2019 all possible efforts will be made by the Indian shipping to contribute towards achieving the goal of making India and Indian waters free from Single use plastic.
- 17. Now therefore, in larger public interest a ban is imposed on single use plastic on Indian ships and foreign ships while in Indian waters, as per terms and conditions mentioned under succeeding paragraphs.

18. Applicability of ban:

- 18.1. All Ships which are deemed to be Indian Ships under Merchant Shipping Act, 1958.
- 18.2. Foreign ships in any port or place in India.

19. Prohibitions:

19.1. Items prohibited w.e.f. 01.01.2020:

Following Single use plastics are prohibited to be used on board Indian ships and foreign ships when such ships are at a port or place in India with effect from 1st January 2020:

- 19.1.1. Bags, trays, containers, food packaging film;
- 19.1.2. Milk bottles, freezer bags, shampoo bottles, ice cream containers;
- 19.1.3. Bottles for water and other drinks, dispensing containers for cleaning fluids, biscuit trays;
- 19.1.4. Hot drink cups, insulated food packaging, protective packaging for fragile items:
- 19.1.5. Microwave dishes, ice cream tubs, potato chip bags, bottle caps;

19.2. Items prohibited with Immediate effect

- 19.2.1. Cutlery, plates and cups;
- 19.2.2. Up-to 10 litres bottles for water and other drinks;
- 19.2.3. Garbage and shopping bags, and
- 19.2.4. Dispensing containers for cleaning fluids which are less than 10 litres volume.

20. Enforcement:

20.1.All Recognized Organizations are here by directed to ensure during surveys,

inspection and audits of Indian ships that:

20.1.1. Single use plastics are not found used/stored on board any Indian ship. A

Memo to the same effect to be inserted in the Survey status of ships.

20.2 Administration Surveyors while conducting Flag State Inspection/Audit/Survey

of Indian ships to verify that Single use plastics are neither used and nor available on

Indian ships. In case of non-compliance, a deficiency raised to be rectified prior

departure under Code 99103 (Other MARPOL Operational). If same deficiency is

repeated during next inspection, it may be taken as a clear ground for detention under

ISM Code.

20.3. Administration Surveyors while carrying out Port State Inspection of foreign

flag vessels to ensure that Single use plastics are not in use and are kept locked in a

store during their stay in Indian ports and on their passage through the territorial

waters of India. A foreign ships intending to enter an Indian port (as defined in Article

11 of UNCLOS), is required to make a log entry identifying the "Single Use Plastic

Items" on board the ship and stating the time, latitude and longitude "when" along

with the location of the store where these items are stored prior entering Indian

territorial waters. Further no single use plastic items to be discharged to port reception

facility at an Indian port; same to be verified during Port State Inspections.

20.4. No detention of foreign ships to be enforced. In case it is found necessary, after

uploading all other deficiencies on IOCIS website, a handwritten deficiency in the

printed PSC Form 'B' to be rectified prior departure may be issued; however, no such

deficiency to be uploaded on IOCIS.

21. The foregoing measures have been put in place to ensure safe, secure, environmentally

sound, sustainable shipping and in public interest.

22. This order shall come into force with immediate effect.

Amitabh Kumar)

Director General of Shipping

& Additional Secretary to the GoI.

To;

- 1. All the stakeholders through DGS website
- 2. All Mercantile Marine Departments
- 4. All Recognised Organisations
- 5. Indian Ports Association
- 6. Indian National Ship-owners Association [INSA], Mumbai.
- 8. ICC Shipping Association [ICCSA], Mumbai.

Copy for kind information to:

The Secretary to the Government of India, Ministry of Shipping, Transport Bhawan,

1. Parliament Street, New Delhi - 110 001. [Attn.: Shri Satinder Pal Singh, Joint Secretary]





भारत सरकार / GOVERNMENT OF INDIA पोत परिवहन मंत्रालय / MINISTRY OF SHIPPING

नीवहन महानिदेशालय, मुंबई DIRECTORATE GENERAL OF SHIPPING, MUMBAI

F.No. ENG/OPP-38(02)/19

Dated 8th January, 2020

Addendum No.1 to DGS Order 5 of 2019

(Sub: Prohibition on use of Single Use Plastics On-board Merchant Ships)

1. Background to issuance of this Addendum No.1 to DGS Order 5 of 2019

- 1.1. The DGS Order 5 of 2019 was issued after having completed the due process of consultations with representatives from INSA (Indian National Ship Owners Association), ICSA (Indian Coastal Ship Owners Association) and IRS (Indian Register of Shipping) and on ascertaining the feasibility in implementation of the requirements that have been enumerated in the stated order.
- 1.2. However, since the issuance of the aforesaid order, the Directorate has received a number of representations from INSA, ICSA, INCLA (Indian Cruise Liners Association), Royal Association of Netherland Ship Owners Association, Maritime Association of Ship Managers and Agents(MASSA), Foreign Ship Owners Association(FOSMA) expressing the difficulties being faced by the ships to meet the time bound requirements stated in the said order and also stating that the supply lines needed to be modified to supply biodegradable alternatives for the prohibited Single Use Plastics (SUP) items and that they need further discussion for complying with the requirements.
- 1.3. In consideration of the representations, the Directorate issued notice dated 21.11.2019 to stakeholder deferring the implementation of the requirements of DGS Order 5 of 2019 pending issuance of a methodology for execution through the issuance of an addendum to DGS Order 5 of 2019.
- 1.4. Deliberation with stakeholders was held in the Directorate on 13.12.2019 and the plan for execution of the requirements of DGS Order 5 of 2019 was finalised. Accordingly, this Addendum No. 1 is in accordance with the said notice to stakeholders providing the methodology to be adopted for complying with the requirements of the aforesaid order.

- 1.5. To assuage in implementation of the requirements of said Order, the Directorate prescribes following methodology for smooth rolling out of the prohibition in the use of SUP on-board merchant ships, visiting Indian port (s), and also provides clarity in the definition of SUP and prescribes the execution plan vide this addendum.
 - **1.5.1.** Re-defining Single use plastics for a clearer understanding.
 - **1.5.2.** Adopting a methodology of self-regulation by allowing ships to prepare their own execution plan.
 - **1.5.3.** Preparation of inventory of single use plastic on board ship by 31January 2020 or 31st March 2020 for cargo ships and passenger ships respectively.
 - **1.5.4.** Clarification to use waste reception facilities at Indian ports for disposal of SUP.

2. Definition of Single use plastic (SUP):

- 2.1. DGS Order 5 of 2019 defines SUP as "disposable plastics which are used only once and then thrown away by the user". It is clarified that the said definition does not include all those plastic items, which are re-used on ships.
- 2.2. The definition of SUP includes only those items, which are completely made of plastics, and items such as juice/milk packets / tetra-packs with plastic lining or caps are not included in this definition. Biodegradable plastic with a stamp, marking or certificate from the manufacturer' or something similar shall not be considered for prohibition. Non-biodegradable multi-layered packaging shall also be considered for prohibition.
- 2.3. The said prohibition is applicable to items used on board ship and excludes cargo related items and packaging.
- 2.4. Crew and passenger personnel effects are now excluded from this prohibition till such time an execution plan is decided, at a later date, for these items and / or issued vide *Addendum No. 2*.
- 2.5. Necessary items such as Personal Protective Equipment, medicines, medicinal equipment, life-saving appliances, fire fighting appliances, and other statutory items used on such equipment's which are made up of SUP or contained in SUP are excluded from prohibition.

3. Ship Execution Plan (SEP)

- 3.1 SEP is defined as a ship-specific plan containing the following:
 - 3.1.1 List of an inventory indicating all single use plastic used on board a ship as on31 January 2020 for cargo ships and 31 March 2020 for passenger ships.

3.1.2 Identification, listing and prohibition of single use plastic items are as per execution methodology as detailed in subsequent paragraphs.

4. Execution

4.1 Based on the list of inventories prepared, following execution plan to be adhered and compliance with the same need to be demonstrated:

Execution	Execution Schedule			
Methodology	Indian Cargo Ships Foreign Flag Indian Passenger Cargo Ships at an Ships Indian Port or place		Foreign Flag Passenger Ships at an Indian Port or place	
Preparation of complete list of inventories as per Paragraph 3.1.1	31 January 2020	31 January 2020	31 March 2020	31 March 2020
Identification, listing & prohibition of 50% of items detailed in the inventory prepared vide paragraph 3.1.1	1 April 2020	1 April 2020	1 June 2020	1 June 2020
Identification, listing & prohibition of 75% of items detailed in the inventory prepared vide paragraph 3.1.1	1 July 2020	1 July 2020	1 Sept 2020	1 Sept 2020
Identification, listing & prohibition of 90% of items detailed in the inventory prepared vide paragraph 3.1.1	1 October 2020	1 October 2020	1 Dec 2020	1 Dec 2020

Note: 90% of items of inventory prepared vide paragraph 3.1.1.

The ship can continue to use remaining 10% of items not identified for prohibition vide list prepared as per Paragraph 3.1.1.

- 4.2 Since the usage of SUP on-board a ship is not yet prohibited globally, foreign ships, visiting Indian port (s), are required not to use items made of single use plastics during their stay at an Indian port and hence they need to include in ship execution plan a methodology to prevent usage during their stay at Indian port (s). As far as practicable, all are urged to avoid using SUP on-board ships.
- 4.3 If a foreign cargo or passenger ship does not prepare an inventory as detailed in previous paragraphs of this addendum, the items mentioned in paragraph 19 of DGS Order 5 of 2019 will be prohibited to be used on board such ships (while at an Indian port or place) as per following implementation plan:

Prohibition of SUP for foreign	Execution Schedule	
ships not in possession of Execution plan as on 31 January 2019	Foreign Flag Cargo Ships at an Indian Port or place	Foreign Flag Passenger Ships at an Indian Port or place
50 % of items of SUP from the list provided in DGS Order No. 5 of 2019	1 April 2020	1 June 2020
75 % of items of SUP from the list provided in DGS Order No. 5 of 2019	1 July 2020	1 September 2020
90 % of items of SUP from the list provided in DGS Order No. 5 of 2019	1 October 2020	1 December 2020

- 4.4 The enforcement mechanism for compliance to changes via this addendum and last DGS Order 5 of 2019 is as per DGS Order 5 of 2019.
- 4.5 Waste reception facilities shall continue to be provided at all Indian ports through Swachh Sagar Portal including for disposal of Single use plastic items. However, they should be kept, segregated and marked for disposal.

Amitabh Kumary

Directorate General of Shipping & Additional Secretary of GOI

To;

- 1. All the stakeholders through DGS website
- 2. All Mercantile Marine Departments
- 4. All Recognised Organisations
- 5. Indian Ports Association
- 6. Indian National Ship-owners Association [INSA], Mumbai.
- 8. ICC Shipping Association [ICCSA], Mumbai.

Copy for kind information to:

The Secretary to the Government of India, Ministry of Shipping, Transport Bhawan,

1, Parliament Street, New Delhi - 110 001. [Attn.: Shri Satinder Pal Singh, Joint Secretary]

Frequently asked question:

Prohibition on use Single Use Plastic: DGS Order 5 of 2019 and Addendum No. 1 to said Order

<u>Issued on</u>	<u>Last Updated on</u>
14 January 2020	

Question	My vessel is using various sizes of single use plastic bags. Will plastic bags
	irrespective of sizes will be counted as a single SUP item?
Answer	Yes, plastic bags irrespective of size will be considered as only one Single Use
	Plastic item.

Question

The SIP is to include a list of all single-use-plastic on board with the exception of those exempted from the definition. The list will need to be separated into three groups which will represent a prohibition sequence as follows:

List A - 50% of the total list of SUPs identified in the SIP that are to be prohibited from being on board by 1 April 2020.

List B -75% of the total list of SUPs identified in the SIP that are to be prohibited from being on board by 1 July 2020.

List C - 90% of the total list of SUPs identified in the SIP that are to be prohibited from being on board by 1 October 2020.

The remaining 10% of SUPs on board after 1 October 2020 will be comprised of those excluded from the SUP definition.

Q1: Should the list include the number of each material? For example, onboard the ship there are 20plastic bags of one use, 100platci straws.

Q2: In the above definition of the A, B, and C lists, there is the phrase "prohibition from being onboard". Does it mean that these materials are prohibited to be onboard the vessel or does it mean that their use is prohibited during vessels' stay in Indian waters?

Q3: Are the materials that should be included in the list A,B and C ship specific or should each company develop its own A,B and C lists

<u>Answer</u>

Ans1: No there is neither a need to identify and nor to list number of each SUP items on board.

Ans 2: The phrase "Prohibition from being onboard" means the following:

Foreign Flagged- ships while at a place or port in India: These ships are not allowed to use prohibited items while at a place or port in India. However, these items are allowed to be there on board such vessels provided kept stored at identified locations.

Indian Flagged-Ships: These ships are not allowed to have such items on board.

Ans 3: Each ship should have a ship specific list.

Question

What does 10% mean? Does it mean 10% of the different types of SUP on board or 10% of total quantity spread over the different types? How is the % to be calculated? Does it mean a percentage of the number of items or volume or weight? Weight of course would be the more accurate measure. However implementing this requirement to any degree of accuracy will be difficult.

Answer

10% is based on number of SUP items and not on total quantities. All plastic bags irrespective of their size shall be considered consisting of one item and it goes for say other items like plastic bottles.

Question

Biodegradable plastic with a certificate from the manufacturer' – we find it highly unlikely that all biodegradable plastic will be issued with a certificate. It is probably just poor choice of words and it should be changed to 'Biodegradable plastic with a stamp, marking or certificate from the manufacturer' or something similar.

Answer

Yes, biodegradable plastic with a stamp, marking or certificate from manufacturer or something similar shall not be considered for prohibition under DGS Order 5 of 2019 and same is so stated in Addendum No.1 to this order.

Question

In section 2.1 of Draft Addendum No. 1, reusable plastic items are excluded from the definition of single use plastic. We seek confirmation that reusable plastic items

	such as commercial size dispensers for fluids (e.g. shampoo, cleaning products, etc.)
	are also excluded, since such items are used more than once before depleted.
Answer	Yes, such items are excluded provided they are re-used/re-filled on the ship itself
	and not discarded after single use.

Question	Section 2.2 further clarifies that the definition of single use plastics includes only
	items that are completely made of plastic. Please confirm our understanding that
	items with multi-layered packaging (e.g. foil-lined condiment packets, etc.) are not
	included within the definition of single use plastics.
Answer	Yes, multi-layered plastic will not be considered for prohibition provided they are
	biodegradable with a stamp, marking or certificate from the manufacturer' or
	something similar.

Question	In section 2.3, Draft Addendum No. 1 distinguishes items used on board ship from
	cargo related items and packaging. As large quantities of items are often stored on
	board passenger ships for use on board, we seek confirmation that such stores are
	considered to be cargo for the purposes of the Order.
Answer	Crew and passenger personnel effects are already exempted and can be stored on
	ship. Any SUP other than that is cargo-related to be detailed in the list.

Question	Section 2.5 of the Draft Addendum provides examples of practical exclusions for
	medical and life-saving equipment. We request clarification that the exclusion
	similarly extends to plastics used for sanitation such as plastic/latex gloves, trash
	bags, etc., and to personal protective equipment (PPE) including respirator
	cartridges, gloves, suites, boot covers and related items.
Answer	Personnel protective equipment including respirator cartridges, gloves, suites, boots
	and related packaging are excluded from prohibition.
	Latex/rubber are not plastics and are excluded from prohibition.
	Plastics used for sanitation are nor excluded from prohibition.

Question

The requirement in section 3.1.2 to list an inventory of 10% of items which the ship intends to continue using appears to correspond to the earlier-referenced methodology listed in section 1.5 (labeled 1.3.3), which allows ships to continue to use 10% of total single use plastic inventory items based on operational needs of different ship types (March 31, 2020 for passenger ships). However, the text and requirements of section 3.1.3 (labeled 3.1.2) do not provide the same level of clarity. As drafted, it may be read to permit an increase over time in the percentage of inventory items that may continue to be used on ships (from 10% to 50% to 75% to 90%). In contrast, section 4 reflects an intent to increasingly prohibit single use plastics from being onboard from 50% to 75% to 90%, as identified in paragraph 19 of Order 5, by December 1, 2020 for foreign flagged passenger ships. The text in section 3 could be clarified to avoid confusion.

Answer

- 1. The purpose of this Order and its Addendum is to dissuade ships from using Single use plastic items. Therefore, inventory once prepared should not be changed unless there are slips in the preparation of an inventory.
- 2. The aim of the Order is to help smooth removal of Single Use Plastic items from ships especially Indian ships by giving enough time to find alternatives. Therefore, the Addendum allows ships to identify from the list prepared, list these items and prohibit use of these items on board ships, just prior to date of prohibition.