

# MEMBER ALERT



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## **UPCOMING AMENDMENTS TO ANNEX V (GARBAGE) OF THE MARPOL CONVENTION RELEVANT TO THE INTERNATIONAL MARITIME SOLID BULK CARGOES (IMSBC) CODE**

Reference is made to forthcoming amendments to Annex V (Garbage) of the MARPOL Convention 73/78 to take effect on March 1, 2018. These are relevant to the classification of solid bulk cargoes deemed *harmful to the marine environment* (HME). HMEs have been defined as follows per Appendix I, Annex V of MARPOL 73/78 in accordance with the criteria in the United Nations Globally Harmonized System of Classification and Labelling of Chemicals (UN GHS):

- *Acute Aquatic Toxicity* Category 1; and/or
- *Chronic Aquatic Toxicity* Category 1 or 2; and/or
- *Carcinogenicity* Category 1A or 1B combined with not being rapidly degradable and having high bioaccumulation; and/or
- *Mutagenicity* Category 1A or 1B combined with not being rapidly degradable and having high bioaccumulation; and/or
- *Reproductive Toxicity* Category 1A or 1B combined with not being rapidly degradable and having high bioaccumulation; and/or
- *Specific Target Organ Toxicity Repeated Exposure* Category 1 combined with not being rapidly degradable and having high bioaccumulation; and/or
- 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 criteria are based on the UN GHS. For specific products (e.g. metals and inorganic metal compounds) guidance available in UN GHS, Annexes 9 and 10 is essential for proper interpretation of the criteria and classification, and should be followed.

Furthermore, the Garbage Record Book has been modified and split into two sections, parts I and II, as follows:

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## Part I

A—Plastics	F—Operational wastes
B—Food wastes	G—Animal carcasses
C—Domestic wastes ashes	H—Fishing gear
D—Cooking oil	I—E-waste
E—Incinerator	

## Part II

J—Cargo residues (non-HME)
K—Cargo residues (HME)

## MARPOL Annex V and the International Maritime Solid Bulk Cargoes (IMSBC) Code

Concerns have been raised that these amendments have not been harmonized with forthcoming amendments to the IMSBC Code concerning shippers' declarations of HME cargoes. The IMSBC Code amendments initiatives which require declaring HME cargoes do not take effect until January 1, 2019, ten months after the Annex V to MARPOL 73/78 amendments.

## Recommendations

Your Managers recommend the following initiatives, given the gap between the Annex V to MARPOL 73/78 and the IMSBC Code HME related amendments coming into effect:

- Ships' masters should be made fully aware of the amended requirements to Annex V to MARPOL 73/78 as noted above that become mandatory as of March 1, 2018 and make all necessary arrangements to ensure compliance;
- Members should insist that shippers properly declare that any HME-related cargoes that are loaded have been designated and documented as such during this interim period to ensure that problems do not arise with port state control or at discharge ports notwithstanding that such declarations are not required under the IMSBC Code amendments until January 1, 2019;
- Members should enquire with receivers and/or local agents to ensure that the discharge port has proper reception facilities to accept both dry and wet HME cargo residues. If such facilities are not available at the discharge port, Members should make proper arrangements to ensure they can discharge the HME residues at a convenient and accessible alternative location; and
- Members may also wish to review their charter party or other applicable contract(s) of carriage to allocate the cost, expense or delay associated with any Annex V of MARPOL 73/78 requirements.