Wildlife and Countryside Link's response to the Transport Committee's call for evidence on the Government's strategy for the maritime sector

July 2013

Wildlife and Countryside Link (Link) brings together 41 voluntary organisations concerned with the conservation and protection of wildlife and the countryside. Our members practise and advocate environmentally sensitive land management, and encourage respect for and enjoyment of natural landscapes and features, the historic and marine environment and biodiversity. Taken together our members have the support of over 8 million people in the UK and manage over 750,000 hectares of land.

This response is supported by the following members of Link:

- Environmental Investigation Agency
- Humane Society International
- Marine Conservation Society
- National Trust
- Royal Society for the Prevention of Cruelty to Animals
- Royal Society for the Protection of Birds
- Wildfowl & Wetlands Trust
- The Wildlife Trusts
- WWF – UK
- Zoological Society of London

Summary

- We believe there is scope for improving the Government's approach to the prevention of pollution by non-oil substances from ships, such as Polyisobutylene (PIB).
- The damaging impacts of PIB on marine ecosystems are seriously underestimated and we urge the Government to call on the International Maritime Organisation (IMO) to urgently review and reclassify all forms of PIB under the international MARPOL Convention to prevent their discharge in any quantity, and implement regulations and a systematic monitoring programme on the transportation of PIB cargoes. As well as prohibiting legal discharges, this action will help minimise the risk of any further tragic and wholly avoidable incidents like the two witnessed earlier this year.
- We also call on the Government to carry out the strictest possible enforcement and prosecution of illegal discharges of any Hazardous and Noxious Substances (HNS) at sea, as well as the illegal discharge of other forms of ship-generated waste, specifically all plastics, including ropes and fishing nets, prohibited under MARPOL Annex V.
- HNS pollution incidents should be given the same status as oil pollution incidents. There should also be associated procedures in the Maritime and Coastguard Agency (MCA) for responding to pollution incidents.

- The Government should revise the National Contingency Plan, to ensure clear procedures for the response to HNS pollution incidents and define responsibilities for the relevant statutory agencies.
- The Government must ratify the Protocol on Preparedness, Response and Co-operation to pollution incidents by HNS 2000.
- The Government should undertake a comprehensive review of the extent and efficacy of enforcement of stakeholders' compliance with MARPOL annex V, and the ability of regulatory authorities to detect illegal activities.
- The Government should revise the Port Reception Facilities (PRF) regulations in 2013 to mandate the provision of recycling and disposal facilities for fishing gear and extend the existing mandatory charge to fishing vessels, such that there would be a 'No Special Fee' system for ship-generated waste applicable to all maritime vessels.
- The Government must ratify the IMO Ballast Water Management (BWM) Convention, which sets global standards and management procedures.
- We would like to clarify that the designation of Marine Conservation Zones (MCZs) is highly unlikely to affect shipping lanes given that they are being designated principally to protect seafloor habitats, as opposed to the adjacent water column.

Is there scope for improving the Government's approach to maritime safety and the prevention of pollution by ships?

1. In February and April 2013, more than 4000 seabirds were stranded on beaches along the south coast of the UK between Cornwall and Hampshire. They were contaminated by some form of polyisobutylene (PIB) – a man-made synthetic product which had been discharged at sea. PIBs, along with other non-petroleum products, are transported around the world on a regular and increasing basis. PIB usually enters the water through ships 'flushing', or washing, their tanks and clearing ballast water. Slicks of PIB at sea are extremely hazardous to swimming or diving seabirds, which can become covered in the substance, which sticks their wings to their bodies and prevents them from feeding, causing immobilisation, hypothermia, starvation and eventually death. No successful prosecutions have been made in the case of illegal discharges of PIB.

2. Despite being classed as a noxious substance, it is currently legal to discharge PIB into the marine environment under the MARPOL Convention. Under Annex II of MARPOL, PIB's pollution risk is classed as category Y: *Noxious Liquid Substances in bulk which, if discharged into the sea from tank cleaning or deballasting operations, are deemed to present a hazard to either marine resources or human health and therefore justify a limitation on the quality and quantity of the discharge into the marine environment*. This is the higher of two categories of hazardous substance considered to have a potentially harmful effect if discharged, but where the current regulations allow their legal discharge, with conditions.

3. In addition, despite its hazard status under MARPOL, there is no systematic monitoring or research into the wider impacts of PIB discharges to the marine ecosystem, beyond simply whether it floats or sinks. There is also no protocol for recording previous incidents and no consistent approach to describing

these substances in the regulations and guidance documents. As a result, the risk to seabirds and the wider marine environment of PIB has not been fully identified and is seriously underestimated, and leaves seabird populations highly vulnerable to future incidents of this kind.

4. Urgent action is needed to prevent PIB causing further needless seabird deaths through its discharge into the marine environment. We therefore call on the UK Government to highlight the legal discharge status of PIB within the IMO, with a view to an urgent review of the hazard classification status of PIB and a change in the classification of PIB, to prevent any further tragic and wholly avoidable incidents like the one just witnessed.

5. We also call on the Government to carry out the strictest possible enforcement and prosecution of illegal discharges of any HNS at sea.

6. HNS pollution incidents should be given the same status as oil pollution incidents, with associated procedures in the MCA for responding.

7. The Government should revise the National Contingency Plan, to ensure clear procedures for the response to HNS pollution incidents and define responsibilities for the relevant statutory agencies.

8. The UK Government must ratify the Protocol on Preparedness, Response and Co-operation to pollution incidents by HNS 2000, which requires measures to be established to ensure international cooperation in response to HNS pollution incidents.

9. In addition to the particular threats posed by HNS, discharge of other forms of waste also presents a critical threat to the marine environment. Maritime vessels have been identified as a significant source of marine debris, where this is defined as “any persistent, manufactured or processed solid material discarded, disposed of or abandoned in the marine and coastal environment”.

10. Marine debris is known to be harmful to organisms and to human health, can present a hazard to shipping, is aesthetically detrimental and may concentrate and transport contaminants within the food chain. It can impact biodiversity in a number of ways, namely through entanglement in, or ingestion of, debris items by wildlife, facilitation of the transport of invasive species and through effects at an ecosystem level. In addition to its impacts on biodiversity, marine debris can also have substantial negative socio-economic impacts, contributing to economic losses to commercial fishing and shipping industries, as well as recreation and tourism. It represents a dangerous form of marine pollution, persisting almost indefinitely in the environment.

11. In 2010, the UK was one of 140 states which ratified MARPOL Annex V regulations which prohibit the discharge of all plastics, including ropes and fishing nets. However, detection of illegal dumping remains intrinsically difficult.

12. We call on the Government to undertake a comprehensive review of the extent and efficacy of current UK enforcement efforts with regards to

MARPOL annex V amendments, in line with its commitments under international, national and European legislation.

13. The UK Government should produce a comprehensive marine debris strategy and action plan, including further measures for the prevention of pollution by ships.

14. The Port Waste Reception Facilities regulations should be extended to mandate the provision of recycling and disposal facilities for fishing nets and lines by fishing ports and harbours.

15. The mandatory charge implemented under the Port Waste Reception Facilities regulations should be applicable to fishing vessels, which are currently exempt. This 'No Special Fee' system, where the cost of reception, handling and disposal of ship-generated wastes is included in a mandatory charge irrespective of whether wastes are delivered or not, is a key prerequisite for decreasing the number of operational and illegal discharges.

16. Ballast water provides a very serious threat to marine biodiversity because of the transfer of non-native species. In the marine environment non-native species are transported in ballast water (the water used to keep a vessel in balance until more cargo is loaded or offloaded at another port often thousands of miles away). UK waters are now home to over 50 alien species including the Chinese mitten crab, *Eriocheir sinensis*, *the green alga Codium fragile tomentosoides, the leathery sea squirt Styela* clava, and Japweed, *Sargassum muticum*. It is the non-native species that succeed in out-competing native species that provide the greatest threat, but with native species increasingly over-exploited the opportunity for this is widespread

17. The IMO Ballast Water Management (BWM) Convention was adopted in 2004. It sets global standards and management procedures. The draft regulations require vessels undertaking deep sea voyages (>200 nm from shore and >500m depth) to implement a management procedure which may involve exchange of ballast at sea or non-release of ballast or discharge to ports or treatment of ballast water to destroy organisms. Ports would be required to provide reception facilities for ballast tank sediments. It also requires signatories to take special regional measures where these are necessary. As effective ballast water treatment technologies are still not widely available and management is still largely confined to ballast water exchange at sea, regional measures are desperately needed. The UK, working under the auspices of OSPAR and the NSC are developing a regional ballast water management strategy for the NE Atlantic.

18. The United Kingdom must ratify the BWM Convention. It will enter into force 12 months after ratification by 30 states, representing at least 35% of world merchant shipping tonnage. As of June 2013, 37 states representing 30.32% of world tonnage had ratified.

What constraints are there on growth in the UK maritime sector and how can these constraints be overcome?

19. We note that within the recent Select Committee's Inquiry on Access to Ports, a number of parties expressed concerns that the designation of Marine Conservation Zones (MCZs) represented a potential impediment to shipping lanes, as well as future development of ports. These concerns were evidenced by directing the Committee to the Impact Assessment attached to the 2009 Marine and Coastal Access Act. Specifically, the predicted costs to industry were highlighted.

20. We feel obligated to clarify that the designation of MCZs is highly unlikely to affect shipping lanes given that they are being designated principally to protect seafloor habitats, as opposed to the adjacent water column. Moreover, a number of recent studies have calculated that better managing and protecting these areas is likely to have a net economic benefit. One recently published study (July 2013) calculated that for two user groups alone (diving and recreational angling), the net benefit of these sites was in the region of £1.87 - 3.39bn.[1] We believe this reiterates the sound basis for the designation of MCZs; the scientific evidence that our seas are not as healthy or as productive as they once were has been well documented. The MCZ policy was conceived on this basis and, far from acting as an impediment to economic growth, will have a significant role in safeguarding our rich marine ecosystems, and in turn the numerous goods and services they provide.

21. Finally, we would direct the Committee to the statement jointly signed by the Seabed User and Developer Group (SUDG) and environmental NGO community signed in December 2012, which supported the designation of the full ecologically coherent network of MCZs. The SUDG comprises a number of organisations, including the British Marine Foundation, Oil & Gas UK, The Crown Estate, Associated British Ports and British Ports Association.

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[1] Kenter, J.O., Bryce, R., Davies, A., Jobstvogt, N., Watson, V., Ranger, S., Solandt, J.L., Duncan, C., Christie, M., Crump, H., Irvine, K.N., Pinard, M., Reed, M.S. (2013). The value of potential marine protected areas in the UK to divers and sea anglers. UNEP-WCMC, Cambridge, UK.