

1. INTERNATIONAL ACTIVITIES

A. Oceans and the Law of the Sea (UN)

The United Nations (UN) has published its annual report on *Oceans and the Law of the Sea*. This annual report (A/54/429) is the only comprehensive and multidisciplinary UN document presenting to the General Assembly an overview of all aspects of marine affairs integrating legal, economic, social, and environmental issues. In this report, the importance of the oceans and seas was once again highlighted by the international community, one year after the International Year of the Ocean was celebrated. In this context, it was reiterated that “the United Nations Convention on the Law of the Sea (UNCLOS) sets out the overall legal framework within which all activities in this field must be considered.”

Following the entry into force of UNCLOS and the establishment of the new “treaty system of ocean institutions,” the General Assembly not only emphasized the principle enunciated in the preamble that “the problems of ocean space are closely interrelated and need to be considered as a whole,” but also pointed to the strategic importance of UNCLOS as a framework for national, regional, and global action in the marine sector. The overall framework provided by UNCLOS for action in the marine sector combined with the imperative of considering ocean issues “as a whole” point to the importance of monitoring and reviewing, in an integrated manner, developments pertaining to the implementation of UNCLOS as well as other developments relating to ocean affairs and the law of the sea. The present report was prepared in response to the request of the General Assembly contained in resolution 53/32 of November 24, 1998.

The contents of the report include the following items: (1) UNCLOS, the implementing agreements and the newly established institutions; (2) maritime space; (3) states with special geographical characteristics; (4) shipping industry and navigation (e.g., world fleet growth, aging world fleet, decommissioning/recycling/scraping of ships, safety of ships, transport of cargo, safety of navigation, maritime claims, flag state implementation, and port state control); (5) crimes at sea (e.g., illicit traffic in narcotic drugs and psychotropic substances, smuggling of migrants, piracy and armed robbery, and stowaways); (6) development and management of marine resources and protection and preservation of the marine environment (e.g., marine fisheries, conservation and management of marine mammals, marine and coastal biodiversity, minerals, offshore installations and structures, reduction and control of pollution, regional cooperation, marine protected areas, and climate change); (7) underwater cultural heritage; (8) marine science and technology; (9) settlement of disputes; (10) capacity-building and information dissemination; (11) international cooperation and coordination; and (12) review of the sectoral theme of “oceans and seas” by the Commission on Sustainable Development in 1999.

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B. International Maritime Organization (IMO), Subcommittee on Standards of Training and Watchkeeping (STW)

The 31st session of the Subcommittee on Standards of Training and Watchkeeping (STW 31) was held at IMO Headquarters in London from January 10-14, 2000, under the chairmanship of Mr. Christopher Young of the United States. The meeting was attended by 67 member governments, 1 associate member government, and 22 United Nations, intergovernmental, and nongovernmental organizations. The United States was represented by the Coast Guard with assistance from a large number of private sector advisers. The STW deals with matters related to the 1978 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, as amended, (STCW Convention).

STW 31 agenda items included the following: (1) validation of model training course content; (2) training and certification of maritime pilots and revision of resolution A.485(XII); (3) follow-up action to the 1995 STCW Conference; (4) unlawful practices associated with certificates of competency; (5) follow-up action to the 1995 STCW-F Conference; (6) casualty analysis; (7) development of guidance on training in the use of electronic chart display and information systems (ECDIS); (8) medical standards for seafarers; (9) IMO standard marine communication phrases; (10) development of requirements for training in ballast water management; and (11) development of guidelines for ships operating in ice-covered waters.

Among significant actions taken at STW 31 are the following:

1. The STW completed development of draft guidance on physical ability standards for both entry-level and in-service seafarers. The guidance incorporates all of the key principles of the U.S. proposal submitted to STW 30, and takes into account the requirements of the Americans with Disabilities Act. The guidance also makes appropriate reference to the International Labor Organization (ILO)/World Health Organization (WHO) guidelines on the conduct of medical fitness examinations for seafarers. The draft guidance will be submitted to the 72nd session of the Maritime Safety Committee (MSC 72) for adoption as an amendment to the STCW Code.
2. Subcommittee actions with regard to clarifications of STCW provisions included: (a) development of a draft MSC circular on the elements to be included when two parties to the STCW Convention enter into an arrangement for recognition of certificates issued by one party for service on ships flying the flag of the other party; (b) preparation of draft amendments to the STCW Code to incorporate guidance which had previously been issued in the form of STCW or MSC circulars; and (c) development of a draft Assembly resolution to revoke resolutions that were superseded by the 1995 amendments to the STCW Convention. These documents will be sent to MSC 72 for adoption or approval as appropriate.
3. The Subcommittee validated six IMO model training courses, including one on maritime english and one on the assessment, examination and certification of seafarers. The IMO secretariat was invited to publish the courses as soon as practicable.

4. The STW discussed a proposal submitted by a group of ship-owning organizations that would extend the operational guidance in resolution A.485(XII) to call for a prescriptive passage plan to be provided to a ship before the maritime pilot is embarked. The proposal was referred to the Subcommittee on Safety of Navigation (NAV) for consideration. The United States reiterated its proposal to include provisions to cover emergency situations in both initial training and continuing training of maritime pilots. Work on revising resolution A.485(XII) is expected to be finalized at STW 32.
5. The Subcommittee recognized that analysis of casualty investigations can result in useful information to be used in determining the effectiveness of training. However, the STW requested that the Subcommittee on Flag State Implementation (FSI) be advised that more detailed information is needed to enable the STW to examine the human factors of primary concern.
6. The STW reviewed guidance proposed by the Russian Federation on training and assessment in the operational use of ECDIS. The United States expressed the view that training need not be limited solely to simulators, and use of raster charts should be reflected in the guidance. The Subcommittee agreed that further work was necessary and deferred further action until STW 32.
7. Among its actions concerning fishing vessel safety, the STW agreed that it is necessary to develop standards for the officer in charge of the engineering watch on fishing vessels that were not included in the 1995 International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F Convention). The Subcommittee developed a draft MSC circular to call attention to existing standards pending amendment of STCW-F once that convention comes into force.
8. The STW discussed a variety of measures that might prevent unlawful practices associated with certificates of competency. The concept of an international certificates database was not considered feasible at this time. The general view is that greater emphasis should be placed on facilitating access to nationally maintained electronic databases. This subject will be further discussed at STW 32.
9. Training in ballast water management and training for operation of ships in ice-covered waters were briefly discussed, but no conclusions were reached. Discussion of these subjects will continue after further work has been undertaken by the Marine Environment Protection Committee (MEPC) and the Subcommittee on Ship Design and Equipment (DE).

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C. International Maritime Organization (IMO), Subcommittee on Flag State Implementation (FSI)

The 8th session of the Subcommittee on Flag State Implementation (FSI 8) was held at IMO Headquarters in London from January 24-28, 2000. The meeting was attended by 63 member governments, 1 associate member government, 1 United Nations specialized agency, 3 intergovernmental organizations, and 14 nongovernmental organizations. The United States was represented by the Coast Guard with assistance from the Department of State, the National Transportation Safety Board, and 2 private sector advisers.

Among FSI 8 agenda items were the following: (1) responsibilities of governments and measures to encourage flag state compliance; (2) comprehensive analysis of difficulties encountered in the implementation of IMO instruments; (3) self-assessment of flag state performance; (4) implications arising when a vessel loses the right to fly the flag of a state; (5) guidelines for unscheduled inspections of roll-on/roll-off passenger ships; (6) introduction of the harmonized system of survey and certification (HSSC) into Annex VI (air pollution) of the 1973 International Convention for the Prevention of Pollution from Ships, as modified by the Protocol of 1978, as amended, (MARPOL 73/78 or MARPOL Convention); (7) analysis and evaluation of deficiency reports and mandatory reports under MARPOL 73/78; (8) casualty statistics and investigations; (9) regional cooperation on port state control; (10) results of inspections; and (11) mandatory reporting procedures on port state control detentions.

Significant actions taken by FSI 8 include the following:

1. A demonstration was given by the United States to member governments in plenary of a database created by the U.S. Coast Guard to record flag state self-assessments. The FSI established a working group to complete work on the development of clear criteria for the self-assessment of flag state performance. Upon receiving the working group report, the Subcommittee agreed to attach the criteria and related performance indicators to a draft Maritime Safety Committee (MSC)/Marine Environment Protection Committee (MEPC) circular for approval by MSC 72 and MEPC 44.
2. After extensive discussion concerning the issues related to illegal, unreported, and unregulated (IUU) fishing, the FSI agreed to: (a) refer the matter to MSC 72 and MEPC 44 for further guidance on how the issues could be incorporated in the Subcommittee's work program; (b) recommend that the committees consider the formation of a joint Food and Agriculture Organization (FAO)/IMO ad hoc working group; and (c) invite the FAO to submit a relevant document providing draft terms of reference for the proposed joint group to MSC 72 for consideration.
3. With regard to unscheduled inspections of ro-ro passenger ships, the Subcommittee, using draft guidelines that had been prepared at FSI 6, agreed to have the delegation from the United Kingdom, in cooperation with the IMO secretariat, produce a relevant working paper for consideration by the FSI. Upon receipt and review of the working paper, the FSI agreed to forward the guidelines as a draft MSC circular for approval by MSC 72.

4. Concerning the analysis and evaluation of deficiency reports and mandatory reports under MARPOL 73/78, the Subcommittee, after reviewing papers regarding port state control reporting, agreed to establish an intersessional correspondence group. Terms of reference were developed and agreed to by the FSI, and the correspondence group on certain aspects of port state control was established under the coordination of the United States. The focus of the correspondence group will be to analyze the quality and timeliness of current reports of detentions by port states to flag states and the IMO and to investigate different means for making improvements in the process.
5. The FSI, upon receiving the report of the working group on casualty analysis, agreed to: (a) replace the terms “seaworthy” and “unseaworthy” in MSC/circ.827 and MEPC/circ.333 with the phrases “fit to proceed” and “unfit to proceed” respectively; (b) forward relevant analysis and recommendations on fires and explosions to the Subcommittee on Fire Protection (FP) for information and for consideration as to whether guidance on hot work, complementary to MSC/circ.744 and MSC/circ.807, is needed; and (c) forward the document on fires involving oil leaking near a diesel engine to the FP for its information.

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D. International Maritime Organization (IMO), Subcommittee on Dangerous Goods, Solid Cargoes and Containers (DSC)

The 5th session of the Subcommittee on Dangerous Goods, Solid Cargoes and Containers (DSC 5) was held at IMO Headquarters in London from February 7-11, 2000. The session was attended by 48 member governments, 1 associate member government, the International Atomic Energy Agency (IAEA), 2 intergovernmental organizations, and 19 nongovernmental organizations. The United States was represented by the Coast Guard with assistance from the Research and Special Programs Administration.

DSC 5 agenda items included the following: (1) Amendment 30 to the International Maritime Dangerous Goods (IMDG) Code and its annexes and supplements, including harmonization of the IMDG Code with the United Nations Recommendations on the Transport of Dangerous Goods (UN Recommendations), reformatting of the IMDG Code, and implementation of Annex III of the 1973 International Convention for the Prevention of Pollution from Ships, as modified by the Protocol of 1978, as amended, (MARPOL 73/78 or MARPOL Convention); (2) revision of the Emergency Schedules (EmS); (3) review of the Code of Safe Practice for Solid Bulk Cargoes (BC Code), including evaluation of properties of solid bulk cargoes; (4) matters related to the Cargo Securing Manual; (5) casualty and incident reports and analysis; (6) implementation of IMO instruments and training requirements for cargo-related matters; (7) ventilation requirements for packaged dangerous goods; and (8) carriage of calcium hypochlorite.

Among significant actions taken at DSC 5 are the following:

1. The Subcommittee completed and agreed to the final draft text of Amendment 30 to the IMDG Code for submission to the Maritime Safety Committee (MSC) for adoption. Amendment 30 is unique in that it is completely restructured in the format of the UN Recommendations. This culminates a 5-year project initiated by the United States to reformat the IMDG Code consistent with other modal rules. In addition to the complete restructuring of the Code, Amendment 30 updates the Code consistent with the 11th revised edition of the UN Recommendations. This assures harmony with the other modal rules and provides for significant changes to the packing provisions and instructions for nearly all types of packaging and dangerous goods. Amendment 30 also incorporates the new IAEA safe transport standards for the transport of Class 7 (radioactive) materials.
2. In response to a number of incidents and resulting concerns raised within the maritime shipping industry about the safe transport of calcium hypochlorite, the DSC evaluated several submissions that had been made by member states and the maritime insurance industry. Although still lacking complete investigation reports into the incidents, the Subcommittee was able to reach agreement on additional precautionary measures to be taken to the satisfaction of producers, vessel owners, and insurance interests. Draft amendments to the IMDG Code were prepared and an MSC circular developed for early dissemination of the information.
3. The Subcommittee agreed to several amendments to the BC Code that will be forwarded to the MSC for approval, and made significant progress in its work to restructure the BC Code. The DSC also agreed to continue intersessionally its work concerning new procedures for evaluating the liquefaction potential of solid bulk cargoes.
4. The Subcommittee agreed to a U.S. proposal to amend an Annex of the Code of Safe Practice for Cargo Stowage and Securing (CSS Code) and prepared the amended text for submittal to the MSC for approval. With regard to the safety aspects of ballast water management, the DSC noted that the draft Code on Ballast Water Management was still under development and agreed that it was premature to make any decision on the issue at this stage.
5. Concerning emergency procedures for ships carrying dangerous goods, a working group was convened to continue the project to completely revise the EmS guide. The DSC decided that the Subcommittee on Fire Protection (FP) should be invited to consider the relevant draft schedules on fire protection and agreed to forward those schedules to the FP for consideration. Also the Subcommittee noted the advice of the IAEA that there did not appear to be a need to carry specialized radiation monitoring equipment for Class 7 materials regardless of the type of packaging involved. The Subcommittee intends to further this work intersessionally.

6. The DSC noted that the Subcommittee on Standards of Training and Watchkeeping (STW), at its 31st session, had approved a draft Assembly resolution revoking those resolutions superseded by the 1995 amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW Convention), including resolution A.537(13) on training of officers and ratings responsible for cargo handling on ships carrying dangerous and hazardous substances. The Subcommittee agreed that no further action was required on this issue and invited the MSC to delete this sub-item from its work program.
7. In response to a request from the Subcommittee on Ship Design and Equipment (DE) to provide advice on the carriage of dangerous goods on high-speed craft (HSC), the DSC confirmed that dangerous goods are currently allowed on HSC craft and that chapters VI and VII of the International Convention for the Safety of Life at Sea (SOLAS Convention) are applicable to both new and existing HSC. Consequently, the DSC agreed that there was no need to change this approach on new, and probably safer, HSC pending other proposals that might be made in the future on this subject.

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E. International Maritime Organization (IMO), Subcommittee on Fire Protection (FP)

The 44th session of the Subcommittee on Fire Protection (FP 44) was held at IMO Headquarters in London from February 21-25, 2000. The meeting was attended by 47 member governments, 1 associate member, 2 intergovernmental organizations, and 13 nongovernmental organizations. The United States was represented by the Coast Guard with assistance from the Environmental Protection Agency and 1 private sector adviser.

FP 44 agenda items included: (1) recommendation on evacuation analysis for passenger ships and high-speed craft; (2) comprehensive review of chapter II-2 of the International Convention for the Safety of Life at Sea (SOLAS Convention); (3) smoke control and ventilation; (4) unified interpretations to SOLAS chapter II-2 and related fire test procedures; (5) ventilation requirements for packaged dangerous goods; (6) fire test procedures: fire retardant materials for the construction of lifeboats; (7) fire-fighting systems in machinery and other spaces; (8) use of perfluorocarbons (PFCs) in shipboard fire-extinguishing systems; (9) use of asbestos on board ships; (10) analysis of fire casualty records; and (11) fixed fire detection and fire alarm systems.

1. The Subcommittee considered the essential uses of PFCs in shipboard fire-extinguishing systems, and confirmed its agreement at the last session that there are no essential uses of PFCs, as proposed by the United States. The FP also confirmed the U.S. view that there are a variety of alternatives to PFC fire-extinguishing agents. In accordance with the instructions of the Maritime Safety Committee (MSC) and the Marine Environment Protection Committee (MEPC), the FP drafted language

banning the use of PFCs in shipboard fire-extinguishing systems, for approval by the Committees.

2. A working group developed a preliminary evacuation analysis methodology for high-speed passenger craft based on the interim guidelines for ro-ro passenger ship evacuation analysis. These macroscopic guidelines will be given further consideration at the next session of the Subcommittee. With respect to mega-cruise ships, the working group agreed that the same macroscopic methods developed for ro-ro ferries and high-speed craft could be applied. Guidelines for these large passenger ships will be developed at the next session.
3. A working group completed its work on a revision of SOLAS chapter II-2, and development of a companion Fire Systems Safety Code covering fire protection requirements for ships. The new chapter allows the use of a performance-based design approach as an alternative to the prescriptive requirements in chapter II-2. A working group will be established at the next session to finalize the work.
4. The Subcommittee agreed to draft interpretations to related fire test procedures and SOLAS chapter II-2 for submission to MSC 72 for approval. Members were invited to submit their comments to the next session of the Subcommittee with regard to additional draft interpretations concerning fire test procedures and SOLAS chapter II-2, guidelines for carbon monoxide detectors, test procedures for fire retardant materials used for the construction of lifeboats, and the need for comprehensive revision of resolution A.602(15).
5. The FP agreed that asbestos is not required for fire protection purposes on new ships and that further consideration of the uses of asbestos on ships should take place in the Subcommittee on Ship Design and Equipment (DE). The Subcommittee decided to consider its work on this issue completed.

For further information, contact Mr. Robert Markle, Chief, Lifesaving and Fire Safety Division, Office of Design and Engineering Standards (G-MSE), U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, (phone: (202) 267-1444).

F. International Maritime Organization (IMO), Marine Environment Protection Committee (MEPC)

The 44th session of the Marine Environment Protection Committee (MEPC 44) convened at IMO Headquarters in London from March 6-13, 2000. The meeting was attended by 80 member governments, 1 associate member, 5 United Nations agencies, 6 intergovernmental organizations, and 33 nongovernmental organizations. The United States was represented by the Coast Guard with assistance from the Department of State, Department of Defense, Environmental Protection Agency, National Oceanic and Atmospheric Administration, Maritime Administration, and several private sector advisers.

Significant MEPC 44 agenda items included the following: (1) implementation of the International Convention on Oil Pollution Preparedness, Response and Cooperation (OPRC Convention); (2) harmful effects of the use of anti-fouling paints for ships; (3) harmful aquatic organisms in ships' ballast water; (4) inadequacy of reception facilities; (5) identification and protection of Special Areas and Particularly Sensitive Sea Areas (PSSAs); (6) prevention of air pollution from ships; (7) interpretations and amendments of the 1973 International Convention for the Prevention of Pollution from Ships, as modified by the Protocol of 1978, as amended, (MARPOL 73/78 or MARPOL Convention), and related codes; (8) follow-up action to the United Nations Conference on Environment and Development (UNCED); (9) promotion of implementation and enforcement of MARPOL 73/78 and related codes; and (10) recycling of ships.

Among major actions taken at MEPC 44 are the following:

1. The Committee unanimously adopted an amendment to Annex III (packaged harmful substances) of MARPOL 73/78 to delete the clause regarding tainting of seafood as a criterion for determining a marine pollutant under the appendix of Annex III. This amendment is scheduled to enter into force on January 1, 2002. The MEPC also approved amendments to Annex V (garbage) of MARPOL 73/78 regarding the prohibition on disposal at sea of waste ash from the incineration of plastics containing heavy metals or toxic materials. These amendments will be considered for adoption at MEPC 45.
2. The anti-fouling working group made significant progress in the development of a legally binding international instrument that will prohibit the use of tributyltin-based paints on ships and provide a framework for establishing international restrictions on other anti-fouling systems that may prove problematic in the future. The full text of the draft treaty has been fully reviewed by the working group with the exception of provisions on entry-into-force and amendments of the treaty. An article-by-article review of the instrument is scheduled for plenary discussion at MEPC 45, and the final diplomatic conference to adopt the draft anti-fouling instrument is tentatively scheduled for October 2001.
3. The ballast water working group made noteworthy progress on a legally binding international instrument on ballast water management (BWM). As currently envisioned, the instrument would initially require a base level of BWM actions by all nonpublic vessels on a global level, with countries able to designate additional measures in accordance with IMO procedures in waters under their jurisdiction. When technology has evolved to the stage where these additional measures can become part of the global base level of actions, they would be required of all nonpublic vessels, and the need for additional country-designated measures should diminish over time. These concepts will be developed further at MEPC 45.
4. The MEPC agreed to include recycling (scrapping) of ships on its work program. To facilitate discussion, the Committee agreed to establish a correspondence group, led by Bangladesh, in order to gather information and views on the subject, including

- input from the International Labor Organization (ILO), the Basel Convention, and the London Convention. It was agreed to consider this item at MEPC 46 in 2001.
5. The Committee agreed in principle with the recommendation of the Subcommittee on Flag State Implementation (FSI) to establish a joint Food and Agriculture Organization (FAO)/IMO working group to address the issue of illegal, unreported and unregulated fishing, subject to the FAO providing the draft terms of reference to the 72nd session of the Maritime Safety Committee (MSC 72). The Committee also approved a draft MSC/MEPC circular on self-assessment of flag state performance.
 6. The MEPC did not approve Colombia's proposal to identify the sea area around Malpelo Island as a PSSA and requested Colombia to submit further information in support of its proposal. The Committee agreed to terms of reference for the correspondence group on revision of the guidelines for the designation of Special Areas and identification of PSSAs.
 7. The Committee approved an MEPC resolution with annexed guidelines for ensuring the adequacy of port reception facilities for ships' wastes. The resolution urges governments to ensure that their existing and planned reception facilities comply with the guidelines and that the adequacy of their reception facilities is assessed on a regular basis. Of particular note are new added paragraphs encouraging regional planning in regions where not every port authority can fully comply with MARPOL's reception facility requirements.
 8. The MEPC approved a revised draft text of Annex IV (sewage) of MARPOL 73/78. The revision was initiated to address the concerns of those states that are not party to Annex IV, with the hope that they would ratify it and bring it into force (the United States has not yet ratified Annex IV). The United States proposed a number of revisions to Annex IV, some of which were accepted and many of which were not accepted. As a result, the United States, as well as Germany and Russia, reserved its position on this revision to Annex IV.
 9. Concerning prevention of air pollution from ships, the Committee approved: (a) an amendment to Annex VI (air pollution) of MARPOL 73/78 to include the North Sea as a SO_x emission control area; (b) a draft Assembly resolution on availability of low sulfur fuel oils in SO_x emission control areas; (c) an amendment to the NO_x Technical Code for modification of the allowable test condition parameter range; and (d) editorial and technical corrections to the NO_x Technical Code.
 10. The Committee approved revisions to the publication titled *MARPOL – How to Do It* in order to incorporate guidance on enforcement. The revised text is based substantially on changes made by a correspondence group, led by the United States. Key text addressing the interplay between MARPOL and the United Nations Convention on the Law of the Sea (UNCLOS) was redrafted to more fully explain the circumstances, safeguards, and geographical zones of coastal, flag, and port state jurisdictions in UNCLOS as they affect enforcement of MARPOL.

11. The OPRC working group held an informal meeting to discuss progress made by its correspondence group on the revision of the IMO Oil Pollution Manual. Lead for this correspondence group was transferred to the Netherlands, who agreed to consolidate the revised text of each chapter into a single document to be considered at MEPC 45. The working group made progress on the Committee's request to develop a work plan for MEPC 45 that addresses the heavy fuel oil response problems posed by incidents such as the recent tanker ERIKA spill off the coast of France. Among the recommendations was the proposal for a third IMO Oil Spill R&D Forum to focus on preparedness and response for heavy fuel oil spills.
12. The MEPC agreed to take chapter 19 of Agenda 21 of UNCED, which addresses environmentally sound management of toxic chemicals, into account when it considers issues of chapter 17 of Agenda 21, which addresses actions relevant to the oceans and seas. The Committee agreed that it had taken a number of important steps under chapter 19 that should be brought to the attention of the United Nations Commission on Sustainable Development.

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