

1. INTERNATIONAL ACTIVITIES

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

The 43rd session of the Marine Environment Protection Committee (MEPC 43) was held at IMO Headquarters in London from June 28 through July 2, 1999. The meeting was attended by 74 member nations, 2 associate members, 7 United Nations agencies, 8 intergovernmental organizations, and 37 nongovernmental organizations. The Coast Guard represented the United States with assistance from the Department of State, the Department of Defense, the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and several private sector advisers.

MEPC 43 agenda items included the following: (1) implementation of the International Convention on Oil Pollution Preparedness, Response and Cooperation (OPRC Convention) and related conference resolutions; (2) harmful effects of the use of anti-fouling paints for ships; (3) harmful aquatic organisms in ballast water; (4) consideration and adoption of amendments to mandatory instruments; (5) identification and protection of special areas and particularly sensitive sea areas (PSSAs); (6) inadequacy of reception facilities; (7) reports of subcommittees; (8) prevention of air pollution from ships; (9) interpretation 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; (10) promotion of implementation and enforcement of MARPOL 73/78 and related codes; (11) Irradiated Nuclear Fuel (INF) Code related matters; (12) work of other bodies; and (13) work program of the MEPC and subsidiary bodies (e.g., scrapping of ships).

Among significant actions taken at MEPC 43 are the following:

1. The Committee adopted amendments to regulation 13G of Annex I of MARPOL 73/78 to broaden the applicability of the requirements for existing oil tankers carrying persistent product oil to have double hulls, and also adopted associated amendments to the International Oil Pollution Prevention (IOPP) Certificate. The United States reserved its position on these amendments because it is not a party to regulation 13G. The MEPC also unanimously adopted amendments to Annex II of MARPOL 73/78 to include a new regulation for shipboard marine pollution emergency plans for tankers carrying noxious liquid substances.
2. Regarding the harmful effects of the use of anti-fouling paints for ships, the Committee accepted, with minor amendments, the draft treaty text submitted by the United States to serve as the basis for further development and negotiation of the draft legal instrument on anti-fouling paints for ships. The MEPC also agreed: (a) to recommend to the Council that a diplomatic conference to finalize and adopt the draft instrument on anti-fouling paints should be scheduled in the 2000/2001 biennium; and (b) that a review of all anti-foulants is inappropriate and that consideration would

be limited in the treaty to specific proposals made by parties that request international action on a specific anti-fouling system or biocide.

3. Regarding harmful aquatic organisms in ballast water, the Committee decided it would not seek approval from the Council for a diplomatic conference in the 2000/2001 biennium to adopt a ballast water management legal instrument. The MEPC agreed that the work of the working group on ballast water has not progressed to a stage where a successful conference is likely in the upcoming biennium. The ballast water management issue remains a high priority of the IMO. The ballast water working group agreed on a base document and prioritized work plan for intersessional action by members, as well as for further work at MEPC 44. The United States played an important role in the further development of this base document.
4. The Committee approved a draft Assembly resolution with new procedures for the identification of PSSAs based on procedures previously proposed by the United States. The MEPC invited the Subcommittee on Safety of Navigation (NAV) to review the new procedures and provide any comments directly to the Assembly.
5. Concerning OPRC matters, the MEPC decided that the draft Protocol on Preparedness, Response and Cooperation to Pollution Incidents by Hazardous and Noxious Substances (HNS Protocol) and the associated draft conference resolutions should be circulated for consideration at a diplomatic conference to be held in conjunction with MEPC 44 in March 2000. The United States has reserved its position on the HNS Protocol because of major inconsistencies with U.S. requirements. The Committee agreed to form a correspondence group for the purpose of updating information on combating oil spills in section IV of the IMO Manual on Oil Pollution. The OPRC working group agreed that an IMO informational guidance document on fisheries management during and after an oil spill would be undertaken with a view toward submission of a draft document to MEPC 44.
6. The Committee approved an MEPC resolution on guidelines for monitoring the sulfur content of residual fuel oils used on board ships. It was agreed to consider modifications to the NO_x Technical Code at the next MEPC session.
7. The MEPC concurred with the actions taken at the 71st session of the Maritime Safety Committee (MSC 71) regarding: (a) procedures for port state control, (b) self-assessment of flag state performance, (c) the harmonized system of survey and certification, (d) limitations on the scope of the draft Polar Code, (e) the International Maritime Dangerous Goods (IMDG) Code, and (f) the guidelines on the method of work for the committees.
8. The Committee approved a draft Assembly resolution concerning the development of guidelines for the provision and utilization of adequate waste reception facilities in ports around the world. A working group will be convened at MEPC 44 to continue the development of these guidelines.

9. The MEPC agreed with the proposal of Panama on the inspection and certification of floating platforms. It also agreed with the proposal of the Republic of Korea regarding clarification of MARPOL Annex V (garbage). The Committee agreed to consider a draft text of the revision of MARPOL Annex IV (sewage) at its next session to address issues that have prevented this Annex from entering into force.
10. The Committee had a very preliminary discussion of the outcome of the 7th session of the Commission on Sustainable Development (CSD 7). The MEPC agreed to discuss the CSD recommendations in more detail at its next session and requested the IMO secretariat to inform the other IMO committees of the CSD recommendations.
11. The MEPC took note of the significant progress made by the correspondence group led by the United States to revise the publication titled "MARPOL: How to Do It." Due to limited time, the Committee was not able to resolve the one remaining issue on the inclusion of references to the United Nations Convention on the Law of the Sea (UNCLOS) in the text of the publication, and agreed to consider this matter at its next session.
12. After an extensive exchange of views, the Committee decided to include the Norwegian proposal on the scrapping of ships in its work program and on its agenda for MEPC 44. It was recognized that additional information is needed to assist the Committee in dealing with this issue, including input on which other international organizations should be coordinated with on this issue. Norway was invited to provide more information to the next session of the MEPC.

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B. International Maritime Organization (IMO), Facilitation Committee (FAL)

The 27th session of the Committee for the Facilitation of International Maritime Traffic (FAL 27) was held at IMO Headquarters in London from September 6-10, 1999. The session was attended by 50 member governments, 1 associate member, 4 intergovernmental organizations, and 16 nongovernmental organizations. The U.S. delegation was led by the Coast Guard with assistance from the Immigration and Naturalization Service and the Port of Corpus Christi.

FAL 27 agenda items included the following: (1) status of the Convention on Facilitation of International Maritime Traffic (FAL Convention); (2) consideration and adoption of proposed amendments to the Annex to the FAL Convention; (3) electronic data interchange (EDI) messages for the clearance of ships; (4) application of the Committee's guidelines; (5) general review of the FAL Convention; (6) formalities connected with the arrival, stay, and departure of ships; (7) formalities related to cargo; (8) formalities connected with the arrival, stay, and departure of persons; (9) facilitation aspects of other IMO forms and certificates; and (10) ship/port interface (SPI).

Significant actions taken at FAL 27 include the following:

1. The Committee adopted by resolution FAL.6(27) amendments to the Annex to the FAL Convention. These amendments concern: (a) electronic data-processing techniques; (b) illicit drug trafficking; (c) arrival, stay, and departure of ships; (d) arrival and departure of persons; and (e) clearance of cargo and other articles.
2. The Committee proposed that member states and international organizations should continue to submit statistics on stowaway cases. These submissions should be based on the newly revised circular approved at this session. These statistics will be compiled by the secretariat and issued on a quarterly basis to member states and international organizations.
3. The SPI working group met and addressed matters directed to it by the Maritime Safety Committee (MSC), the Marine Environment Protection Committee (MEPC), the FAL, and its work program concerning: (a) model course assessment for cargo handling in port areas; (b) promotion of EDI in matters related to port management; (c) assessment of the availability of adequate tug assistance in ports; (d) development of an information leaflet for terminal operators loading and unloading solid bulk cargoes; (e) updating the bibliography list for training as circulated by FAL.6/circ.8; and (f) evaluating the need for recommended minimum standards for the training and education of port marine personnel.

The SPI working group reported back to the Committee during the session regarding: (a) the approval of a draft revised FAL circular on updating the bibliography list; (b) providing guidance on the development of a model course for the safe and secure packing of cargo transport units (CTUs); (c) development of a draft MSC circular on the safe loading and unloading of solid bulk vessels by terminal representatives; (d) removal of EDI from the working group's work agenda for the time being; (e) a request for direction on the development of standards for the training of port marine personnel; and (f) a re-evaluation of the working group's work program as requested by FAL 27. The SPI working group also completed a report to the MSC, MEPC, and FAL on its work regarding the availability of tugs and a model course on safety for the loading and securing of CTUs. A complete SPI working group report was drafted to be provided to FAL 28 for its approval concerning matters not considered at this session.

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