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ANY OTHER BUSINESS

Proposal to clarify the relevant threshold in respect of cybutryne in the 2023 Guidelines for the development of the Inventory of Hazardous Materials

Submitted by China and IACS

SUMMARY

Executive summary: This document proposes changes to the 2023 *Guidelines for the development of the Inventory of Hazardous Materials* (resolution MEPC.379(80)) as a consequence of the introduction of controls on cybutryne in the *International Convention on the Control of Harmful Anti-fouling Systems on Ships, 2001* (AFS Convention) to clarify the relevant threshold in respect to cybutryne, when samples are directly taken from the hull or when samples are taken from wet paint containers.

Strategic direction, if applicable: Not applicable

Output: Not applicable

Action to be taken: Paragraph 16

Related documents: PPR 10/17/1; resolutions MEPC.269(68), MEPC.331(76) MEPC.356(78), MEPC.357(78), MEPC.358(78) and MEPC.379(80)

Introduction

1 The Marine Environment Protection Committee, at its eightieth session, adopted the 2023 *Guidelines for the development of the Inventory of Hazardous Materials* (resolution MEPC.379(80)) to include cybutryne following the entry into force of the respective controls in the *International Convention on the Control of Harmful Anti-fouling Systems on Ships, 2001* (AFS Convention). In these Guidelines, the threshold corresponding to sampling of dry paint directly from the hull (i.e. 1000 mg/kg) is included, and the threshold corresponding to wet sampling from a paint container (200 mg/kg) was considered not relevant in the context of the Inventory of Hazardous Materials which relates to ship recycling.

2 However, the co-sponsors believe that the threshold corresponding to wet sampling from a paint container (200 mg/kg) is considered relevant in cases where the development of the Inventory of Hazardous Materials is based on the collection of Material Declarations from suppliers to the shipbuilding industry and accordingly proposes that the Committee should consider amendments to the *2023 Guidelines for the development of the Inventory of Hazardous Materials* in this respect.

Background

3 MEPC 76 adopted amendments to annex 1 to the AFS Convention (resolution MEPC.331(76)), which introduced controls on cybutryne; those amendments entered into force on 1 January 2023.

4 At the same time, PPR 9 finalized the draft texts of the revised guidelines for brief sampling of anti-fouling systems on ships, guidelines for inspection of anti-fouling systems on ships and guidelines for survey and certification of anti-fouling systems on ships. As part of the discussion, the Sub-Committee agreed to a new paragraph 2.2 of appendix I of the *2010 Guidelines for survey and certification of anti-fouling systems on ships* related to the mentioning of specimens of paint for analysis during survey and certification, which can be taken from wet paint containers with a threshold corresponding to 200 mg of cybutryne per kilogram of dry paint.

5 Following the finalization of that work in the PPR Sub-Committee, MEPC 78 adopted the *2022 Guidelines for brief sampling of anti-fouling systems on ships*, the *2022 Guidelines for inspection of anti-fouling systems on ships*, and the *2022 Guidelines for survey and certification of anti-fouling systems on ships* by resolutions MEPC.356(78), MEPC.357(78) and MEPC.358(78), respectively. At the time of adoption of those resolutions, the Committee noted that there might be a need to consider amending the *2015 Guidelines for the development of the Inventory of Hazardous Materials* (resolution MEPC.269(68)) as a consequence of the introduction of controls on cybutryne.

6 In response to the Committee's consideration of the above, PPR 10 discussed document PPR 10/17/1 (China), proposing modifications to the *2015 Guidelines for the development of the Inventory of Hazardous Materials* to include cybutryne following the entry into force of the respective controls in the AFS Convention. When discussing the proposed modifications in the Working Group on Marine Biosafety established by PPR 10, IACS suggested that the threshold corresponding to samples taken from wet paint containers (200 mg/kg) should be considered relevant in cases where the development of the Inventory of Hazardous Materials is based on the collection of Material Declarations from suppliers to the shipbuilding industry. However, following brief discussion, the Group agreed that only the threshold corresponding to samples directly taken from the hull should be included, as the threshold corresponding to samples taken from wet paint containers would not be relevant in the context of the Inventory of Hazardous Materials which relates to ship recycling. With that, PPR 10 approved the draft *2023 Guidelines for the development of the Inventory of Hazardous Materials*.

7 Following that approval at PPR 10, MEPC 80 adopted the *2023 Guidelines for the development of the Inventory of Hazardous Materials* by resolution MEPC.379(80).

Discussion

8 According to regulation 5 of the *Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009* (the Hong Kong Convention), both new ships and existing ships shall have on board the Inventory of Hazardous Materials and the Inventory shall be properly maintained and updated throughout the entire operational life of the ship

taking into account the *2023 Guidelines for the development of the Inventory of Hazardous Materials*.

9 In this regard, section 4.1 of the *2023 Guidelines for the development of the Inventory of Hazardous Materials* indicates that part I of the Inventory for new ships should be developed at the design and construction stage and it should include, as appropriate, the items listed in appendix 1 of those Guidelines. Furthermore, section 5.1 indicates that the subsequent conformity of part I of the Inventory should be ascertained by reference to the collected Supplier's Declaration of Conformity described in section 7 of those Guidelines and the related Material Declarations collected from suppliers. The "Form of Material Declaration" is shown in appendix 6 of those Guidelines.

10 As a result of the implementation of controls on cybutryne, a new material called "anti-fouling systems containing cybutryne" has been added to the "Form of Material Declaration" in appendix 6. However, the indicated threshold value corresponds to the threshold applicable when samples are taken directly from the hull (1000 mg/kg). Given that the paint manufacturer is responsible for signing the Material Declaration, the co-sponsors hold the view that, by default, the form will be completed based on samples taken from wet containers. Consequently, only the threshold applicable to these wet container samples should be considered within the scope of the "Form of Material Declaration".

11 Indeed, in this context, it is recalled that paragraph 4.8 of the *2022 Guidelines for brief sampling of anti-fouling systems on ships* (resolution MEPC.356(78)) indicates that the specimens of paint for analysis during survey and certification can be taken either as wet paint from product containers, or dry paint film sampled from the hull. Consequently, the discussions and the work undertaken at PPR 9 led to the addition, for the sake of consistency, of a new paragraph 2.2 of appendix I of the *2022 Guidelines for survey and certification of anti-fouling systems on ships* (resolution MEPC.358(78)), as follows (grey text):

"2 For the purpose of compliance with annex 1 to the Convention in respect to cybutryne

2.1 When samples are directly taken from the hull

It could be expected that the distribution of the remaining anti-fouling paint on the hull surface is not uniform. Due to hull design and consequent action of the sea water during the service life of the paint, the paint may not have uniformly eroded, some parts in the hull may still have some paint, other parts may not have any paint left. Therefore, the brief samples taken from the hull surface should be representative of the anti-fouling system applied. Average values of cybutryne should not be present above 1,000 mg of cybutryne per kilogram of dry paint. Below this level any remaining cybutryne is expected not to create a negative impact to the marine environment.

2.2 When samples are taken from wet paint containers

Cybutryne should not be present at a level which does provide a biocidal effect (i.e. average values of cybutryne should not be present above 200 mg of cybutryne per kilogram of dry paint)."

12 As the Hong Kong Convention will enter into force on 26 June 2025, the co-sponsors believe that further clarification on the relevant threshold in respect to cybutryne is needed to ensure consistent and uniform development of the Inventory of Hazardous Materials for ships.

Proposal

13 In light of the background and discussion presented in paragraphs 5 to 12 above, the co-sponsors propose amendments to the last row "Anti-fouling systems containing cybutryne" of table A of the Form of Material Declaration in appendix 6 of the *2023 Guidelines for the development of the Inventory of Hazardous Materials*, as follows:*

"APPENDIX 6 FORM OF MATERIAL DECLARATION

...

Table	Material name	Threshold value	Present above threshold value	If yes, material mass		If yes, information on where it is used
			Yes / No	Mass	Unit	
Table A				
(materials listed in appendix 1 of the Convention)	Anti-fouling systems containing cybutryne	1000 mg/kg ²⁰				
		200 mg/kg ²⁰				

...

20 ~~When samples are directly taken from the hull, average values of cybutryne should not be present above 1,000 mg of cybutryne per kilogram of dry paint. This threshold value is based on appendix I of the 2022 Guidelines for survey and certification of anti-fouling systems on ships (resolution MEPC.358(78)) for samples taken from wet paint containers.~~

14 In addition, in order to maintain coherence, the threshold levels for both existing and new ships should be reflected in "Table A – Materials listed in appendix 1 of the Annex to the Convention", as listed in the new item "anti-fouling systems containing cybutryne" in appendix 1 of the *2023 Guidelines for the development of the Inventory of Hazardous Materials*. Specifically, the threshold of 1000 mg/kg should be applicable for existing ships where the inventory is developed based on sampling taken from the hull, while the threshold of 200 mg/kg should be applicable for new paint where the inventory is based on the Material Declaration. Consequently, the co-sponsors believe that both thresholds are relevant and, therefore, should be indicated in table A to account for both scenarios: inventory developed based on samples taken from the hull and inventory developed based on the Material Declaration.

15 Furthermore, for the sake of consistency and alignment with the other footnotes provided for table A, reference should be made to the regulatory framework used for the threshold value, which in this case is the "appendix I of the *2022 Guidelines for survey and certification of anti-fouling systems on ships (resolution MEPC.358(78))*". Therefore, the co-sponsors propose amendments to table A of appendix 1 as follows:

* Here and further in the text, tracked changes are indicated using "strikeout" for deleted text and "grey shading" to highlight all modifications and new insertions, including deleted text.

"Table A – Materials listed in appendix 1 of the Annex to the Convention

A-4	Anti-fouling systems containing organotin compounds as a biocide	x			2,500 mg total tin/kg ⁷
	Anti-fouling systems containing cybutryne	x			1,000 mg/kg ⁸ or 200 mg/kg ⁸

⁸ When samples are directly taken from the hull, average values of cybutryne should not be present above 1,000 mg of cybutryne per kilogram of dry paint. These threshold values are based on appendix I of the 2022 *Guidelines for survey and certification of anti-fouling systems on ships* (resolution MEPC.358(78))."

Action requested of the Committee

16 The Committee is invited to consider the foregoing, the proposed amendments to the 2023 *Guidelines for the development of the Inventory of Hazardous Materials* in paragraphs 13 and 15, and take action, as appropriate.