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**UNIFIED INTERPRETATION OF PROVISIONS OF IMO SAFETY, SECURITY,
ENVIRONMENT, FACILITATION, LIABILITY AND
COMPENSATION-RELATED CONVENTIONS**

**Proposed unified interpretations of SOLAS regulation II-2/10.11 relating to the
extinguishing media containing PFOS and of regulation 7.9.4 of the 1994
and 2000 HSC Codes relating to the fire-extinguishing media restrictions**

Submitted by IACS

SUMMARY

Executive summary: This document proposes a unified interpretation of SOLAS regulation II-2/10.11, relating to the extinguishing media containing PFOS, and a unified interpretation of regulation 7.9.4 of the 1994 and 2000 HSC Codes, relating to the fire-extinguishing media restrictions.

Strategic direction, if applicable: 7

Output: 7.1

Action to be taken: Paragraph 15

Related documents: MSC 108/20

Background

1 MSC 107 adopted resolutions MSC.532(107), MSC.536(107) and MSC.537(107), which included amendments to SOLAS and the 1994 and 2000 HSC Codes regarding the prohibition of the use and storage of fire-extinguishing media containing perfluorooctane sulfonic acid (PFOS). The purpose of the amendments is to protect persons on board against exposure to dangerous substances used in firefighting, as well as to minimize the impact of the fire-extinguishing media which are deemed detrimental to the environment.

2 IACS notes that the amendments to SOLAS and the 1994 and 2000 HSC Codes do not specifically state how compliance with the requirements to prohibit PFOS will be demonstrated for both new and existing ships.

3 To provide the necessary clarity, IACS proposes a unified interpretation of SOLAS regulation II-2/10.11 relating to the extinguishing media containing PFOS and a unified interpretation of regulation 7.9.4 of the 1994 and 2000 HSC Codes relating to the fire-extinguishing media restrictions, as provided in annexes 1 and 2, respectively.

Discussion

4 SOLAS regulation II-2/10.11 addresses the fire-extinguishing media restrictions.

5 SOLAS regulation II-2/10.11.2.2 addresses the use and storage of PFOS, as follows:

"11.2.2 Use or storage of extinguishing media containing perfluorooctane sulfonic acid (PFOS) shall be prohibited."

6 SOLAS regulation II-2/1.2.10 addresses the retroactive application of the requirements in SOLAS regulation II-2/10.11.2, as follows:

"2.10 All ships constructed before 1 January 2026 shall comply with regulation 10.11.2, as adopted by resolution MSC.532(107), not later than the date of the first survey* on or after 1 January 2026.

* Refer to the *Unified interpretation of the term "first survey" referred to in SOLAS regulations (MSC.1/Circ.1290)*."

7 IACS notes that the SOLAS amendments do not specifically state how compliance with the requirements to prohibit PFOS will be demonstrated for both new and existing ships. To address this issue and to ensure the application of the same criteria in the process of demonstration of compliance, IACS developed a draft unified interpretation clarifying specific terminology and detailing the minimum requirements to achieve compliance.

8 Paragraph 7.9.4 of the 1994 and 2000 HSC Codes addresses the fire-extinguishing media restrictions.

9 Paragraph 7.9.4.1 of the 1994 HSC Code addresses the use and storage of PFOS, as follows:

"7.9.4.1 The following restrictions should apply for the use, storage or disposal of perfluorooctane sulfonic acid (PFOS):

.1 on all craft, use or storage of extinguishing media containing perfluorooctane sulfonic acid (PFOS) should be prohibited no later than the date of the first survey* on or after 1 January 2026; and"

"* Refer to the *Unified interpretation of the term 'first survey' referred to in SOLAS regulations (MSC.1/Circ.1290)*."

10 Regulation 7.9.4.1 of the 2000 HSC Code addresses the use and storage of PFOS, as follows:

"7.9.4.1 The following restrictions shall apply for the use, storage or disposal of perfluorooctane sulfonic acid (PFOS):

- .1 on craft constructed on or after 1 January 2026, use or storage of extinguishing media containing perfluorooctane sulfonic acid (PFOS) shall be prohibited;
- .2 craft constructed before 1 January 2026 shall comply with the requirements of 7.9.4.1.1 no later than the date of the first survey* on or after 1 January 2026; and”

“* Refer to the *Unified interpretation of the term 'first survey' referred to in SOLAS regulations* (MSC.1/Circ.1290).”

11 IACS notes that the amendments to the 1994 and 2000 HSC Codes do not specifically state how compliance with the requirements to prohibit PFOS will be demonstrated for both new and existing ships. To address this issue and ensure the application of the same criteria in the process of demonstration of compliance, IACS developed a draft unified interpretation clarifying specific terminology and detailing the minimum requirements to achieve that compliance.

Consideration of the unified interpretations against the three safeguards introduced by MSC 108

12 The draft interpretations are considered to meet the following three safeguards for the consideration of UIs, as established by MSC 108 (MSC 108/20, paragraph 19.6.3):

- .1 UIs are not meant to amend mandatory requirements in Conventions and associated instruments;
- .2 UIs should not go beyond the interpretation of requirements; and
- .3 UIs should not contradict the text of requirements.

13 IACS recalls the view of MSC 108 that interpretations are useful in that they also provide more specific guidance to the application of technical requirements (MSC 108/20, paragraph 19.6.2). Accordingly, IACS considers that the interpretations that provide guidance on how to document, survey or implement a regulation may be considered acceptable if they strictly remain within the boundaries of the existing regulatory text. In support of the aforementioned, IACS notes that MSC.1/Circ.1671 on *Unified interpretation on implementation of regulation 2.10.3 of the 2009 MODU Code, regulation 2.8.2 of the 1989 MODU Code and regulation 2.7.2 of the 1979 MODU Code* provides implementation provisions for asbestos, which are similar in nature to the ones detailed in the enclosed draft interpretations for PFOS.

Proposal

14 To introduce the needed consistency, IACS prepared the two draft interpretations contained in annexes 1 and 2 for consideration by the Sub-Committee.

Action requested of the Sub-Committee

15 The Sub-Committee is invited to consider the foregoing, the proposal in paragraph 14 and the draft interpretations in annexes 1 and 2, and to take action, as appropriate.

ANNEX 1

DRAFT UNIFIED INTERPRETATION OF SOLAS REGULATION II-2/10.11 REGARDING EXTINGUISHING MEDIA CONTAINING PFOS

SOLAS regulation II-2/10.11.2.2 reads, as follows:

"11.2.2 Use or storage of extinguishing media containing perfluorooctane sulfonic acid (PFOS) shall be prohibited."

SOLAS regulation II-2/1.2.10 as amended by resolution MSC.532(107) reads as follows:

"2.10 All ships constructed before 1 January 2026 shall comply with regulation 10.11.2, as adopted by resolution MSC.532(107), not later than the date of the first survey* on or after 1 January 2026.

* Refer to the *Unified interpretation of the term 'first survey' referred to in SOLAS regulations (MSC.1/Circ.1290)*."

Interpretation

- 1 The phrase "fire-extinguishing media" should include the firefighting foams.
- 2 The phrase "containing perfluorooctane sulfonic acid (PFOS)" should mean present in concentrations of PFOS above 10 mg/kg (0.001% by weight).
- 3 Verification that "extinguishing media containing perfluorooctane sulfonic acid (PFOS)" are not used or stored on ships, should require the Administration or its recognized organization to review the maker's declaration or laboratory test reports for the extinguishing media covered by the SOLAS Convention, which should be provided to the Administration or to its recognized organization by shipyards, repair yards and equipment makers.
- 4 The declaration issued by the foam maker should contain information about the foam such as, but not limited to: foam type, production period, batch No., ref. to type approval / MED Certificate for the foam.
- 5 For extinguishing media installed before 1 January 2026, where the maker's declaration or laboratory test reports are not available, sampling and testing of the extinguishing media on board should be required to be conducted in accordance with a recognized standard.

ANNEX 2

DRAFT UNIFIED INTERPRETATION OF REGULATION 7.9.4 OF THE 1994 AND 2000 HSC CODES RELATED TO THE IMPLEMENTATION OF THE FIRE-EXTINGUISHING MEDIA RESTRICTIONS

Regulation 7.9.4 of the 1994 HSC Code reads as follows:

"7.9.4 Fire-extinguishing media restrictions

7.9.4.1 The following restrictions should apply for the use, storage or disposal of perfluorooctane sulfonic acid (PFOS):

- .1 on all craft, use or storage of extinguishing media containing perfluorooctane sulfonic acid (PFOS) should be prohibited no later than the date of the first survey* on or after 1 January 2026; and
- .2 the substances prohibited by the requirements of 7.9.4.1.1 should be delivered to appropriate shore-based reception facilities when removed from the craft.

* Refer to the *Unified interpretation of the term 'first survey' referred to in SOLAS regulations (MSC.1/Circ.1290)*."

Regulation 7.9.4 of the 2000 HSC Code reads as follows:

"7.9.4 Fire-extinguishing media restrictions

7.9.4.1 The following restrictions shall apply for the use, storage or disposal of perfluorooctane sulfonic acid (PFOS):

- .1 on craft constructed on or after 1 January 2026, use or storage of extinguishing media containing perfluorooctane sulfonic acid (PFOS) shall be prohibited;
- .2 craft constructed before 1 January 2026 shall comply with the requirements of 7.9.4.1.1 no later than the date of the first survey* on or after 1 January 2026; and
- .3 the substances prohibited by the requirements of 7.9.4.1.1 or 7.9.4.1.2 shall be delivered to appropriate shore-based reception facilities when removed from the craft.

* Refer to the *Unified interpretation of the term 'first survey' referred to in SOLAS regulations (MSC.1/Circ.1290)*."

Interpretation

1 The phrase "fire-extinguishing media" should include firefighting foams.

2 The phrase "containing perfluorooctane sulfonic acid (PFOS)" should mean present in concentrations of PFOS above 10 mg/kg (0.001% by weight).

3 Verification that "extinguishing media containing perfluorooctane sulfonic acid (PFOS)" are not used or stored on ships, should require the Administration or its recognized organization to review the maker's declaration or laboratory test reports for the extinguishing media covered by the SOLAS Convention, which should be provided to the Administration or its recognized organization by shipyards, repair yards and equipment makers.

4 The declaration issued by the foam maker should contain information about the foam such as, but not limited to: foam type, production period, batch No., ref. to type approval / MED Certificate for the foam.

5 For extinguishing media installed before 1 January 2026, where the maker's declaration or laboratory test reports are not available, sampling and testing of the extinguishing media on board should be required to be conducted in accordance with a recognized standard.
