

SUB-COMMITTEE ON POLLUTION
PREVENTION AND RESPONSE
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Agenda item 13

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**FOLLOW-UP WORK EMANATING FROM THE ACTION PLAN TO ADDRESS
MARINE PLASTIC LITTER FROM SHIPS**

**Comments on document PPR 10/13 regarding reducing the risk associated with the
maritime transport of plastic pellets**

Submitted by FOEI and CSC

SUMMARY

Executive summary: This document comments on document PPR 10/13, calls for coordination on international governance of plastic pellets with particular reference to the current negotiations for a new legally binding instrument to end plastic pollution initiated at the resumed fifth session of the United Nations Environment Assembly (UNEA 5.2), invites action to support the circular for plastic pellets, and introduces the findings of a new study which analyses the feasibility of the different regulatory options for tackling pellet loss at sea.

*Strategic direction,
if applicable:* 4

Output: 4.3

Action to be taken: Paragraph 12

Related document: MEPC 77/8/3, MEPC 77/16; MEPC.341(77); PPR 9/15/4, PPR 9/15/7, PPR 9/15/5; PPR 10/INF.5, PPR 10/INF.6 and PPR 10/INF.7

Introduction and background

1 This document is submitted in accordance with paragraph 6.12.5 of the *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.5/Rev.4). It comments on document PPR 10/13 (Norway and Spain), the report of the Correspondence Group on Marine Plastic Litter from Ships (CG).

2 The CG was instructed by PPR 9 to consider the options for reducing the environmental risk associated with the maritime transport of plastic pellets (ToR 1). Relating to the report on pellets, the CG has "agreed there was a need to develop mandatory requirements for the transport of plastic pellets, but, at this stage, it was not in a position to conclude on the most appropriate instrument".¹

¹ PPR 10/13, paragraph 47.

3 Given the significant contribution of plastic pellets as a source of plastic pollution in the marine environment and the significant global momentum around binding measures to address plastic pollution with the adoption of UNEA Resolution 5/14, IMO Member States must reflect on the important contributions made during the CG and offer a clear direction at the forthcoming PPR Sub-Committee meeting. Ahead of the second session of the Intergovernmental Negotiating Committee (INC-2), there is a high ambition to govern plastics at every stage of their lifecycles, including in the marine environment. Several pre-session submissions call on the INC-2 Member States to include language related to the transport and handling of plastic pellets in the global instrument.² Therefore, IMO regulations on plastic pellets must move forward clearly and swiftly to ensure coordination and synergy with the new global instrument and to maximize effective governance on plastic pellet pollution by 2024.

Comments on Guidelines to reduce the environmental risk associated with the maritime transport of plastic pellets, as a short-term measure

4 As outlined in document PPR 9/15/4 (FOEI, Pacific Environment and CSC), there is widespread recognition of the harm that plastic pollution causes to the marine ecosystem. Chronic and acute spills have continued unabated between the first submission to IMO on pellet spills and this document, with two disasters this year.³ The CG collected inputs from participants through three rounds of consultation (detailed in documents PPR 10/INF.5, PPR 10/INF.6 and PPR 10/INF.7) and assessed the options to reduce the environmental risk associated with the maritime transport of plastic pellets, identifying three relevant primary measures: packaging, notification and stowage.⁴ Future working groups must agree on and implement mandatory provisions for the carriage of plastic pellets in freight containers as soon as possible. However, the co-sponsors support the development of a circular addressing each of these measures as a supplementary interim approach to mitigating the threat posed to the marine environment. Such a measure is not a substitute for continuing the development of legally binding procedures but can happen in the short term.

5 Plastic pellets (including flakes, granules and powders) can escape into the marine environment through acute incidents (e.g. shipping disasters or container loss) and chronic leakage (e.g. flimsy packaging, damaged containers and poor handling). Minimum requirements for impact-, tear- and marine-resistant packaging will significantly reduce the risk of chronic leakage from damaged primary packaging in transit. In the case of lost containers or sunken vessels, environmental leakage will be substantially less due to pellets remaining contained within primary packaging, making recovery less environmentally damaging and expensive. The co-sponsors emphasize strengthening the packaging criteria in the proposed draft of the circular and including language for disaster response protocols to improve preparedness for losses.⁵

² See pre-session submissions from the European Union, Monaco, Oman, the United Kingdom and Uruguay. Available at <https://www.unep.org/events/conference/second-session-intergovernmental-negotiating-committee-develop-international>.

³ Willsher, K. (2023). France to take legal action over 'nightmare' plastic pellet spill, the Guardian. Available [here](#). The National (2023), Thousands of microplastic 'nurdles' wash up on Dubai Beach. Available [here](#).

⁴ PPR 10/13, paragraph 16.

⁵ PPR 10/13, annex 1, paragraph 4.1.

6 Lastly, concerning the circular, the proposed plastic pellet definition in annex 1 to document PPR 10/13 does not adequately cover "plastic pellets".⁶ All plastic pellets pose a risk to the environment, and therefore the definition of plastic pellets must cover materials derived from fossil fuels, biomass, or recycled. In line with the current definition of plastic pellets in the OSPAR recommendation and ISO, we propose an alternative text: "Plastic pellets means a mass of pre-formed moulding material, having relatively uniform dimensions, used as feedstock in plastic product manufacturing operations. Plastic pellets are transported in various forms, including flakes, granules and powders and can be referred to as resin or nurdles."⁷ However, if the proposed definition in annex 1 to document PPR 10/13 moves forward, the co-sponsors strongly oppose the currently bracketed size inclusion. The co-sponsors remind Member States that recycle flakes can be bigger than 5mm yet pose the same significant risk.

Comments on mandatory requirements to reduce the environmental risk associated with the maritime transport of plastic pellets

7 The CG has identified three mandatory options to prevent sea-based sources of pellet pollution,⁸ and the co-sponsors strongly approve instruments that result in mandatory universal implementation. Universal regulation helps create global industry standards and practices, resulting in a more cost-efficient supply chain. Accordingly, the co-sponsors support the proposed assignment of an individual UN Number for plastic pellets, resulting in a mandatory regulatory framework over packing, labelling, documenting packages containing plastic pellets, and influencing stowage and stowage plans during transit.

8 The co-sponsors also support the alternative proposal of an amendment to MARPOL Annex III to include plastic pellets. Plastic pellets in the marine environment are harmful substances with persistent, polluting impacts on biodiversity, ecosystems and local economies. Classifying plastic pellets as harmful substances will yield the necessary regulatory requirements for the packaging, marking and labelling of plastic pellets and could influence stowage and stowage plans for all packages containing plastic pellets, minimizing the environmental risk associated with their transport at sea. This option would also result in improved pollution preparedness and the introduction of effective disaster response protocols.

9 Regarding the MARPOL Annex III option (see paragraph 8), the co-sponsors recognize the CG's note that "such an approach would not be in line with the Globally Harmonized System (GHS)";⁹ however, amending MARPOL Annex III follows the precedent of appendix I to MARPOL Annex V, which recognizes plastics as harmful to the marine environment.¹⁰ The GHS recognized that materials such as plastics present issues as they are insoluble. Likewise, thousands of chemicals are used in plastics and testing all of these is not feasible; the co-sponsors support that "this option could be implemented by IMO alone without the involvement of other UN agencies."¹¹

⁶ Ibid., at footnote *.

⁷ OSPAR recommendation 2021/06, modifying EN ISO 472:2013+A1:2018.

⁸ PPR 10/13, paragraphs 32.1 and 32.2.

⁹ PPR 10/13, paragraph 36.

¹⁰ MARPOL Annex V, regulation 3.3.

¹¹ PPR 10/13, paragraph 36.

10 Finally, the CG included an option for adding a new chapter to MARPOL Annex III, specifically for the carriage of plastic pellets at sea. As proposed, this option could mandate safe stowage, but this approach does not recognize the environmental hazards plastic pellets are to the marine environment and would not result in any mandatory changes to the packaging and labelling of plastic pellets in transit. For these reasons, the co-sponsors are of the opinion that this option is, therefore, unlikely to reduce the risk of either chronic or acute losses of plastic pellets during transit despite the positive effects of safe stowage. Introducing a new chapter is an unusual approach and would not have broader benefits in terms of triggering disaster response protocols or pollution preparedness. Therefore, the co-sponsors recommend that Member States pursue a path forward that will obligate improved packaging and safe stowage in recognition of the hazardous nature of plastic pellets (see paragraph 12 below).

Feasibility study

11 A study analysing the feasibility of the regulatory options identified in the report of the CG concluded that all options would be feasible to implement by actors in the transport chain, regulators and inspectors. The study concluded that different aspects of risk management are tackled by the different options to different degrees. The options to apply for a new UN number or recognize pellets as a harmful substance by amending appendix I of MARPOL Annex III would require better packaging of pellets, thus reducing the risk of chronic losses of pellets from containers and would reduce the risk of acute losses and dispersion of pellets in the marine environment if the container is lost overboard. Both of these options would trigger a preference for either below-deck stowage or stowage in a sheltered location above deck but would require a further amendment to the language of the IMDG Code to mandate safe stowage. In addition, classifying pellets as a harmful substance would improve disaster response and pollution preparedness. The option to add a chapter to MARPOL Annex III could include mandatory requirements for safe stowage, thus reducing the risk that containers with plastic pellets are lost at sea, but the drafting seen so far did not require improved packaging requirements for plastic pellets being transported by sea. A combination of both mandatory packaging requirements and mandatory safe stowage requirements is needed to maximally eliminate the risks of pellet loss but is not guaranteed under any of the options unless additional changes are pursued. The additional costs of all options appear to be manageable, based on feedback from interviewees. This study was carried out by CE Delft and commissioned by Fauna & Flora International. The full study can be accessed here.¹²

Action requested of the Sub-Committee

- 12 The Sub Committee is invited to take note of the above comments and to:
- .1 request an update on IMO engagement in the Global Plastic Treaty negotiations, particularly regarding potential binding measures on sea-based sources;
 - .2 request the finalization and issuance of the circular set out in annex 1 to document PPR 10 /13 by MEPC 81 (2024) to coordinate with the finalized negotiations of the Global Plastic Treaty in 2024;¹³ and
 - .3 carry forward the ambition to determine - no later than MEPC 81 (2024) – the best mandatory universal regulations for the maritime transport of plastic pellets, with special consideration for the feasibility study.

¹² <https://cedelft.eu/publications/preventing-spills-of-plastic-pellets/>

¹³ UNEA Resolution 5/14, paragraph 1. Available at: https://wedocs.unep.org/bitstream/handle/20.500.11822/39812/OEWG_PP_1_INF_1_UNEA%20resolution.pdf