



TECHNICAL GROUP OF THE MEPC ON  
OPRC-HNS  
8th session  
Agenda item 3

MEPC/OPRC-HNS/TG 8/3  
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ENGLISH ONLY

## MANUAL AND GUIDANCE DOCUMENTS

### Manual on Chemical Pollution to address legal and administrative aspects of HNS incidents

Submitted by Canada and the Institute of Marine Engineering, Science  
and Technology (IMarEST)

#### SUMMARY

**Executive summary:** This document provides a proposed format for guidance material and a way forward with timetable (including a projected deadline) for the development of the Manual on Chemical Pollution to address legal and administrative aspects of HNS incidents

**Strategic direction:** 7.1

**High-level action:** 7.1.2

**Planned output:** 7.1.2.9

**Action to be taken:** Paragraph 7

**Related documents:** MEPC 54/21; MEPC 57/WP.1; MEPC/OPRC-HNS/TG 5/3/4; MEPC/OPRC-HNS/TG 6/3/3 and MEPC/OPRC-HNS/TG 7/3/3

#### Introduction

1 At its fourth session, the OPRC-HNS Technical Group considered for the first time the development of a Manual on Chemical Pollution to address legal and administrative aspects of the HNS incidents. At MEPC 54, it was agreed that the inclusion of a new section into the Manual on Chemical Pollution series was required (MEPC 54/24).

2 At TG 5 and TG 6, The Technical Group undertook an evaluation of available materials, and considered the possible format for the guidance that was to be developed, in particular the possibility of its development as a new section of the Manual on Chemical Pollution (MEPC/OPRC-HNS/TG 5/3/4 and MEPC/OPRC-HNS/TG 6/3/3).

3 At its seventh session, the Technical Group carried out an in-depth review of a draft text of the Manual on Chemical pollution, legal and administrative aspects of HNS incidents, as prepared by the United States and submitted by the Secretariat (MEPC/OPRC-HNS/TG 7/3/3).

For reasons of economy, this document is printed in a limited number. Delegates are kindly asked to bring their copies to meetings and not to request additional copies.

4 During the course of its deliberations, the Group noted the recent developments with the HNS Convention, and the influence this would have on any guidance to be developed. Further to this, the Group agreed that in order to retain the current momentum, it would proceed with the development of those areas of the document that did not have any bearing on the HNS Convention, through a Correspondence Group led by Canada, and to await the outcome on the deliberations by the Legal Committee on the future Protocol to the HNS Convention before proceeding with this portion of the draft Manual (MEPC 57/WP.1).

### **Current Status**

5 The Correspondence Group, working in the intersessional period, has reviewed the draft manual considered at TG 7 and proposed a possible timeline for its development.

6 A summary of the considerations of the correspondence group is set out at annex, outlining the results of the detailed review, which includes, in particular:

- .1 the proposed format of the guidance material to be produced
- .2 the suggested way forward; and
- .3 a proposed timetable for completion.

### **Action requested of the Technical Group**

7 The Technical Group is invited to:

- .1 consider and provide comments on the results of the correspondence group's initial analysis as set out in the annex; and
- .2 reach agreement on the proposed way forward and proposed timetable for completion.

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## ANNEX

### **RESULTS OF THE CORRESPONDENCE GROUP'S INITIAL ANALYSIS ON THE MANUAL ON CHEMICAL POLLUTION TO ADDRESS LEGAL AND ADMINISTRATIVE ASPECTS OF HNS INCIDENTS**

#### **Format of the guidance material**

##### **1 General Comments**

It was agreed that the text under discussion should become part of the Manual on Chemical Pollution, that it should be formatted to the degree possible exactly as the counterpart version for oil, and that it should consolidate all relevant documents, seeking to be inclusive rather than exclusive in content.

The commonalities between oil and HNS were to reflect as close a format presentation as possible for the HNS materials. The same chapter and section numbering system used in the oil text should be used for the HNS text. However, charts and tables should be used to facilitate usage. This would apply in many areas, but particularly with regard to Part IV materials.

#### **The titling of the text should be consistent with comparable Oil text**

In discussing items to delete from the draft text, it was determined that nothing should be deleted. The material presented represents information found by the Legal Committee to be relevant to the issues of HNS and, since this is a new document, it should seek to be as inclusive as possible in its first presentation.

Part V contents on STOPIA and TOPIA should be reduced to a summary paragraph with reference to the parent organization for further information. While they are oil related, they may have application in HNS incidents in which oil is also involved (e.g., bunkers) but should not be so detailed as to take away from the HNS focus of the document.

For text, which is the subject of control by other bodies outside of IMO, the narrative should be confined to a generic discussion of the document with references to the source authority. This will avoid changes being made by an independent body, which would otherwise render the document in error, or out of date.

Regional agreements should be mentioned in a new part (e.g. Part V), with a generic description. Such agreements could be either bilateral or multilateral. Web sites and coordinating institutions for these agreements should be noted.

Irradiated Nuclear Fuel (INF) conventions should be included with a generic discussion and reference to the appropriate governing authority in a Part VII.

Other documents such as UNEP "Orange Book" containing substance classes should be included in a generic fashion, perhaps as a Part VIII dealing with "Reference Documents".

#### **Introduction**

A statement should be added to the danger of HNS and its criticality in terms of safe response.

The definition of “HNS” in the HNS Protocol should be provided in the introduction. This should be brought forward from page 47 and should be followed with a discussion of the definition differences with regard to other HNS related conventions and protocols. A table of these differences would be helpful.

Reference should be made to “multi-convention” incidents such as an accident which releases HNS product as well as oil bunkers and it should be noted that these will be treated in separate parts related to the appropriate convention of coverage.

Reference should be added to national statutory and regulatory regimes in addition to international requirements.

It should be pointed out that the three principle documents are the HNS Protocol, the HNS Convention and the Manual on Chemical Pollution.

Each of the Parts that follow should be summarized in terms of content.

## **Part I – Entities Potentially involved in an HNS Pollution Emergency**

Comments:

A section should be added on the “HNS Responder” to address liabilities and administrative concerns.

Similarly, a section should be added for “Port Authority”.

The title of “SMPEPs” (Shipboard Marine Pollution Emergency Plans) should be used rather than “SOPEP” (Shipboard Oil Pollution Emergency Plans) as is currently present. The first line of the text should be deleted (i.e. 1.2.1).

Diagrams may assist clarity of expression in this part. For example, a graphic, which summarizes each entity’s responsibility, would be helpful.

A very brief reference to the Pilot’s role should be mentioned (e.g., 3.1).

References to LOF2000 and SCOPIC should be updated.

The word “annex” should be deleted, as there are no annexes to this document. Alternatively, this could be addressed by cross references to the oil text or reference to another source of information (e.g., web addresses).

## **Part II**

Comments:

Expand the HNS Protocol discussion to cover the requirements in detail.

Remove those conventions noted in Part I (e.g., 1969 Intervention Convention) and have those covered in Part III.

Brief summaries of particular sections are provided in the beginning of this Part and the Convention is more broadly described at the end of this Part. Both texts should be joined in a single presentation for a particular Convention.

The OPRC Protocol and the HNS Convention should be joined into a revised Part II.

### **Part III**

The remainder of Part III should be retained in Part III.

### **Part IV**

Comments:

This Part is too short and should be merged with Part III as a single chapter on codes and guidelines.

### **Part V**

Comments:

Use Part V as the Part for Regional Agreements, INF, the UNEP “Orange Book”, etc., under the title of “Other Conventions and Agreements”.

## **2 Path Forward**

Coordination will need to be ensured with the IMO Legal Committee, the International Oil Pollution Compensation Fund, the IMO Committee on Bulk Liquids and other IMO Committees and sub-committees, the International Salvage Union, the International Chamber of Shipping, the International Harbour Masters Association, the International Group of P&I Clubs, OPRC TG.

There may be other groups, which will require coordination, and the Secretariat has been requested to gather those NGOs at IMO, which are chemical in nature.

## **3 Timetable and Projected Deadline**

### **Timetables for progress will follow in three Stages**

Stage 1: Preparation of a rough compilation of text consistent with the recommendations above. This should be carried out and refined over several sessions for presentation at TG 10.

Stage 2: Preparation of smooth text with final recommended text order and revision of any relevant language during TG 10 and the intersessional period between TG 10 and TG 11.

Stage 3: Coordination with relevant staffs of other organizations as noted in “Path Forward” above, between TG 10 and TG 11. Final recommendation to MEPC 62 would be forwarded for formal coordination and the final text to the IMO Legal Committee and other relevant organizations.

*Note: This timetable will also take into consideration the revisions to the HNS Convention, to ensure these are included in the final version of the Manual.*