

“Approval” of New Oil Spill Response Products for use in Australia

The Australian Maritime Safety Authority (AMSA) manages the National Plan to Combat Pollution of the Sea by Oil and Other Noxious and Hazardous Substances (The National Plan). As part of the National Plan, each State and the Northern Territory has its own statutory and/or combat agencies that are responsible for coordination of the local administration and operation of the National Plan in responding to marine oil spills within their jurisdictions. Each State and the Northern Territory also has its own legislative and administrative requirements governing oil spill response. AMSA is responsible for oil spill response only within the Commonwealth jurisdiction, which is generally beyond the three nautical mile coastal waters limit.

From time to time, AMSA receives questions from suppliers of oil spill response products (particularly involving new or innovative technology) about what requirements exist for “approval” in order to enable the products to be used in Australia. Unlike some overseas countries, AMSA has no statutory licensing powers and there are no such “approval” requirements in Australia however:

- A notice of exemption is in place under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) to the effect that response actions taken in accordance with the National Plan are exempt from the EPBC Act.
- The relevant Annexes of the International Convention for the Prevention of Pollution from Ships (MARPOL) include an exemption for any discharge which is undertaken by the combat agency during a National Plan response for the purpose of combating specific pollution incidents in order to minimise the damage from pollution.

In other words, the EPBC Act and the MARPOL Convention do not apply where any product is used only as part of a response mounted by the relevant National Plan combat agency and in accordance with the applicable contingency plan. Such contingency plans may be at the national, State/NT, regional, port, or terminal and platform level.

With regard to oil spill dispersants, however, the National Plan stakeholders have determined that AMSA should maintain a Register of suitable oil spill dispersants to facilitate their use in combating a marine oil spill by the relevant response agency. As agreed with the National Plan participants, AMSA has published standards and testing protocols for the addition of new oil spill dispersant products to this Register. The addition of a product to the Register indicates that the health and safety and technical data requirements have been satisfied. AMSA's listing of an oil spill dispersant product on the National Plan Register does not mean that the product is recommended or certified in any way for use in a specific oil spill event in Australian waters. It should also be emphasised that this process applies only to dispersants, and not to sorbents or any other oil spill response resources.

In summary, providing the EPBC Act and MARPOL issues are addressed as outlined above, there are no statutory restrictions on the use of new oil spill response products. With regard to dispersants, to access a copy of the standards and testing protocols interested parties should use the link below.

www.amsa.gov.au/Marine_Environment_Protection/National_plan/General_Information/Dispersants_Information/Oil_Spill_Dispersants.asp

With regard to oil spill response equipment, such as booms, sorbents, or skimmers, AMSA encourages National Plan stakeholders to consider purchase and use of any new types of equipment that might suit their particular needs.

For further information:

Manager, Environment Protection Response
Maritime Standards Division
Australian Maritime Safety Authority
PO Box 2181
Canberra ACT
Ph: (02) 6279 5000
Fax: (02) 6270 5076