Marine notice 01/2022
Supersedes 03/2017 and 04/2017

MARPOL Annex V (Garbage) Discharges

Purpose

Australian legislative requirements preventing pollution from discharge of garbage.

The purpose of this marine notice is to provide general information on Australia's implementation of Annex V of the International Convention for the Prevention of Pollution from Ships (MARPOL) – Regulations for the prevention of pollution by garbage from ships – and the 2017 Guidelines for the Implementation of MARPOL Annex V (the 2017 Guidelines) to assist shipowners, masters and crews in applying the Annex V discharge requirements.

This notice is issued as general guidance only and should be read in conjunction with the relevant Acts, Marine Orders and Standards[1]. This document does not constitute legal advice and is not a substitute for independent professional advice.

General prohibition

The disposal of all garbage into the sea from ships is prohibited, except in some limited circumstances.

Under MARPOL Annex V, garbage includes all kinds of food wastes, domestic wastes and operational wastes, all plastics, cargo residues, incinerator ashes, cooking oil, fishing gear, and animal carcasses generated during the normal operation of the ship.

Food wastes

While the vessel is *en route,* food wastes that have been comminuted or ground and capable of passing through a screen with openings no greater than 25 mm, can only be discharged 3nm or more from the nearest land[2].

[1] In particular the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983* and *Marine Order 95* (Marine pollution prevention – garbage)

[2] Australia's nearest land boundary extends around the outer edge of the Great Barrier Reef and the Torres Strait. Refer to the AMSA website for more information on Nearest Land under MARPOL.



Figure one: Nearest Land – Limitations on Operational Discharges

Food waste not comminuted or ground can only be discharged 12 nautical miles or more from the nearest land. Ships operating alongside or within 500 m of a fixed and floating platform cannot discharge food waste, except under very limited circumstances (see Exceptions below).

Additional requirements are in place for ships operating in MARPOL Special Areas and Polar Regions. Refer to MARPOL for more information, noting that there are currently no Annex V Special Areas designated around the Australian mainland. There is, however, an extended 'nearest land' boundary around the Great Barrier Reef area.

In addition, vessels arriving into Australian waters on an international voyage are subject to Australian Biosecurity requirements and additional restrictions will apply, particularly in relation to food and other waste onboard. See the Department of Agriculture, Water and the Environment website for more information.

Cargo residues

Cargo residues may be left over after loading or unloading. Cargo residues classified as Harmful to the Marine Environment (HME), cannot be discharged into the sea, except under very limited circumstances (see Exceptions below). Such waste must be discharged to an onshore waste reception facility.

Cargo residues not classified as HME can be discharged into the sea provided that the ship is *en route* and the discharge occurs as far as practicable from the nearest land, but not less than 12 nautical miles from the nearest land.

Cargo residues of solid bulk substances are classified as HME according to the criteria of the United Nations Globally Harmonized System for Classification and Labelling of Chemicals (UN GHS) eighth revised addition (2019).

The classification and declaration of solid bulk cargoes (other than grain) as HME or non-HME is mandatory. The shipper must provide the HME declaration to the master before loading a solid bulk cargo in accordance with the International Maritime Solid Bulk Cargoes (IMSBC) Code.

More information can be found at AMSA's Managing Solid Bulk Cargo Residues in Australian Waters.

Cleaning agents or additives

Cleaning agents or additives contained in cargo hold, deck and external surfaces wash water can be discharged into the sea, provided that they are not classified as HME.

For cleaning agents and additives, HME substances are those that are identified as marine pollutants in the International Maritime Dangerous Goods (IMDG) Code or which meet the criteria in the Appendix of MARPOL Annex III (harmful substances). These criteria can be found in the 2017 Guidelines.

Animal carcasses

Animal carcasses may only be discharged into the sea when:

- the ship is not in a MARPOL designated special area;
- the ship is *en route* and the discharge is as far as possible from the nearest land;
- the carcass has been slit or cut so that its thoracic and abdominal cavities are opened or passed through a comminuter, grinder, hogger, mincer or similar equipment; and
- the discharge is undertaken in accordance with section 2.12 of the 2017 Guidelines.

Mixed garbage

When different types of garbage are combined or contaminated by other substances that are prohibited from discharge, the more stringent discharge requirements will apply.

Garbage management

MARPOL Annex V requires that ships manage and record waste generated on board the ship, including discharges.

Garbage Management Plans

Under MARPOL Annex V every ship of 100 gross tonnage and above, and every ship certified to carry 15 or more persons, is required to carry a Garbage Management Plan. The Garbage Management Plan contains procedures for collecting, storing, processing and the discharge of garbage, including the use of equipment onboard.

Garbage Record Books

Under MARPOL Annex V every ship of 400 gross tonnage and above, and every ship certified to carry 15 or more persons engaged in international voyages, is required to maintain and retain onboard a Garbage Record Book.

Fishing vessel operators must record the discharge or loss of fishing gear in the Garbage Record Book or the ship's official logbook.

The Garbage Record Books are divided into Part I and Part II. Part I is used by all ships, but Part II is only required for ships that carry solid bulk cargoes.

Part I covers discharges of:

A. Plastics
B. Food wastes
C. Domestic wastes
D. Cooking oil
E. Incinerator ashes
F. Operational wastes
G. Animal carcass(es)
H. Fishing gear
I. E-waste

Part II covers discharges of:

J. Cargo residues (non-Harmful to the Marine Environment)
K. Cargo residues (Harmful to the Marine Environment).

Placards

All ships of 12 metres or more in length are required to display placards that notify the crew and passengers of the MARPOL garbage discharge requirements for that ship under MARPOL.

The placards should be placed in prominent places onboard the ship where the crew and passengers will see them to inform how they can manage their waste (e.g. galley spaces, bridge, main deck and passenger accommodation).

Garbage Placards can be obtained from any AMSA office or by submitting a request to AMSA through the AMSA website.

Reception facilities

Australia is required under MARPOL to ensure that adequate reception facilities are available in ports and terminals to meet the needs of the ships regularly using them, including the reception of all waste streams generated on board a ship during normal operations.

Further information on arranging for waste reception, reporting inadequacies of facilities, and best practice regarding the provision of waste reception facilities in Australia can be found on AMSA's Waste reception facilities in Australian ports webpage.

Exceptions

Exceptions to the prohibition of garbage discharge under MARPOL Annex V are:

General garbage

- the discharge of garbage from a ship is necessary to secure the safety of a ship and those on board, or saving a life at sea;
- the accidental loss of garbage resulting from damage to a ship or its equipment, provided that all reasonable precautions have been taken before and after the occurrence of the damage, to prevent or minimise the accidental loss;

Fishing gear

- the accidental loss of fishing gear from a ship provided that all reasonable precautions have been taken to prevent such loss; or
- the discharge of fishing gear from a ship for the protection of the marine environment or for the safety of that ship or its crew.

When the loss or discharge of fishing gear, such as nets, long lines, fish traps or any human-made contraptions designed to catch fish, cannot be reasonably retrieved, and poses a significant threat to the marine environment and navigation, the fishing vessel operator is required to report the approximate position and reasons for the loss to the nearest port authority or the Joint Rescue Coordination Centre in Canberra (on 1800 641 792). This allows AMSA to broadcast Maritime Safety Information (MSI) if there is a significant risk to navigation. The loss must still be recorded in the garbage record book, as above.

It is recommended that state/NT and port authorities are consulted on any local regulations that may apply in specific circumstances.

Penalties

There are substantial penalties for MARPOL breaches in the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983*, including the power to detain vessels. A detention requires the owner to post an undertaking of considerable financial security.

Guidelines for the Implementation of MARPOL Annex V

The 2017 Guidelines for the Implementation of MARPOL Annex V (Resolution MEPC.295(71)), as amended, (2017 Guidelines) were developed to assist shipowners, ship operators, ships' crews, cargo owners and equipment manufacturers in complying with certain requirements set out in Annex V of MARPOL. This includes the management of cargo residues, cleaning agents or additives, and the treatment of animal carcasses.

The 2017 Guidelines also provide information on all aspects of garbage management, such as waste minimisation, shipboard garbage handling and storage, shipboard treatment of garbage (e.g. grinding or comminution, compaction and incineration).

Further information

The following information can be obtained from the AMSA website:

- Summary of MARPOL discharge standards
- Managing Solid Bulk Cargo Residues in Australian Waters fact sheet
- 2017 Guidelines for the implementation of MARPOL Annex V (Resolution MEPC.295(71))
- Revisions to MARPOL - Current texts
- Garbage Management
- Waste reception facilities in Australian ports

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