

SUB-COMMITTEE ON POLLUTION  
PREVENTION AND RESPONSE  
10th session  
Agenda item 5

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**REVIEW OF THE 2011 GUIDELINES FOR THE CONTROL AND MANAGEMENT OF  
SHIPS' BIOFOULING TO MINIMIZE THE TRANSFER OF INVASIVE AQUATIC SPECIES  
(RESOLUTION MEPC.207(62))**

**Comments on the report of the Correspondence Group on  
Review of the Biofouling Guidelines**

**Submitted by ICS and BIMCO**

**SUMMARY**

*Executive summary:* This document highlights some industry concerns with the draft Guidelines which may affect uptake and effectiveness.

*Strategic direction, if applicable:* 1

*Output:* 1.21

*Action to be taken:* Paragraph 17

*Related documents:* MEPC 76/13/2; PPR 7/7/4, PPR 7/22, PPR 7/22/Add.1; PPR 8/4, PPR 8/13; PPR 9/7, PPR 9/7/3, PPR 9/INF.19; PPR 10/5/1 and resolution MEPC.207(62)

**Introduction**

1 This document is submitted in accordance with the provisions of 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) and comments on the report of the Correspondence Group on Review of Biofouling Guidelines, document PPR 10/5/1 by Norway.

2 MEPC 62 adopted the *2011 Guidelines for the control and management of ships' biofouling to minimize the transfer of invasive aquatic species* (the Guidelines) through resolution MEPC.207(62). The aim of the Guidelines is to provide a globally consistent approach to managing biofouling by providing useful recommendations on general measures to minimize the risks associated with biofouling for all types of ships.

3 PPR 7 established the Correspondence Group on Review of the Biofouling Guidelines under the coordination of Norway. The Correspondence Group has submitted a draft revision of the Guidelines (draft revised Guidelines) in document PPR 10/5/1.

4 The co-sponsors thank the Coordinator and the Correspondence Group for their work. The co-sponsors would like to highlight a few areas where the draft revised Guidelines seem overly complex and disregard the practicalities related to existing technology and the limited availability of in-water cleaning services around the world. The co-sponsors point out that failure to address these concerns could lead to limited uptake of the Guidelines and may affect its effectiveness.

5 As mentioned in document PPR 10/5/1, there are several issues that still need further consideration and discussion before being resolved by the Sub-Committee.

6 The following issues in particular need to be considered in order to improve the potential uptake of these Guidelines:

- .1 The flowchart included in document PPR 10/5/1, annex, page 4, directs all ships to conduct a proactive cleaning operation. The chart is constructed in such a way that ships cannot bypass this step, even if they have applied the best anti-fouling systems (AFS) and regularly monitor biofouling parameters. Furthermore, even if a ship has a fouling rating of 1 or less, the flowchart still directs the ship to conduct more proactive cleaning.

A proposed solution to this is that a ship should carry out regular monitoring of biofouling parameters and, if needed, be given a choice of in-water cleaning with capture. Once a cleaning operation has been carried out, the flowchart should direct the ships to conduct regular monitoring of biofouling parameters again.

- .2 Under Definitions, paragraph 2.1, a new definition "Independent inspection organizations" is introduced. To the industry's knowledge, there are no such organizations in place and if so definitely not widely distributed. Further discussion on this is provided in paragraphs 7 to 10 of this document.
- .3 Under Definitions, paragraph 2.1, "Proactive cleaning" is introduced. This definition is not sufficient to define proactive cleaning. The phrase "hull grooming", which is introduced in this definition, needs a separate definition. Furthermore, it does not clarify whether proactive cleaning includes capture of collected biofouling and other material from the ship or not. This is unlike the definition of reactive cleaning, which clearly mentions that reactive cleaning includes capture of biofouling that is removed from the ship.
- .4 In paragraph 10.16, the co-sponsors support alternative 2 and a capture rate of 90% biofouling and waste substances and any substance bigger than 10  $\mu\text{m}$  in size. BIMCO and ICS have produced an industry standard (MEPC 76/13/2) in consultation with main stakeholders in the industry and it was reported that achieving a capture rate higher than this is not feasible with current technologies that are commercially available. Going beyond the current commercially available technological capabilities would incur greater cost leading to a substantial increase in the cost of in-water cleaning with capture. As these Guidelines are still voluntary, a substantial increase in cost for environmental cognisant shipowners may delay the uptake of these Guidelines.

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## **Independent inspection organizations**

7 The important role that the "independent inspection organizations" play in the proposed inspection regime is likely to be a significant limiting factor for the uptake of the Guidelines, particularly when combined with the other necessary elements of an inspection (such as ports with suitable water quality, access to divers and ROVs). Taking all these factors into consideration including the added administrative burden for authorities ashore, and the importance of not causing undue delay to ships, means that there are likely to only be a few States where inspections can be undertaken.

8 The Guidelines specifically refer to "organizations" qualified to perform inspections. However, it remains unclear as to whether such organizations exist at a scale to perform the required inspections, what entities determine whether they are qualified and from where they might be operating. Experience suggests that in many cases biofouling inspectors operate as individual and independent consultants, who would potentially not fit within the definition of the proposed organization.

9 The level of "qualification" required is unclear. What determines whether an organization or individual is qualified to assess the level of biofouling needs to be clarified.

10 It is reiterated from previous submissions (PPR 9/7/3) that, to encourage uptake of the Guidelines by ships, consideration should be taken of the information currently obtained by ships. Quantified data can be provided by most ships on the state of their biofouling and existing monitoring and measurement. If this information based on measured data demonstrates the risk is low, it should be used to negate the requirements for fixed intervals of inspections by an independent organization.

## **Proactive cleaning**

11 The co-sponsors do not recommend any in-water cleaning without capture. If such a practice is recommended within these Guidelines, there is always the possibility that users will take the easier and cheaper way out and conduct proactive cleaning without capture even when they should not. For example, it is not easy on a practical level to assess whether the biofouling growth is <2 fouling rating on the entire underwater surface, especially in borderline cases. In these cases, proactive cleaning without capture may be carried out even if the fouling has grown above >2 fouling rating. Such action could lead to a spread of invasive aquatic species (IAS).

## **Inspection frequency**

12 BIMCO conducted an industry-wide survey on the practical aspects of biofouling management and asked specific questions on experiences with AFS, with special emphasis on the lifetime of an AFS as claimed by an AFS manufacturer versus the AFS' effectiveness as observed by the shipowner. These results were submitted as documents PPR 9/7/3 and PPR 9/INF.19. The results showed that the average lifetime of an AFS as claimed by the AFS manufacturer was 4.92 years and 76% of the reported AFS claimed a lifetime of 5 years. As per the shipowners' experience, 90% of the AFS surveyed lasted 60% or more of their claimed lifetime and 66% of the responses stated that the AFS lasted more than the 80% of the claimed lifetime.

13 Furthermore, shipowners are willing to invest in a more efficient AFS which can last longer. The survey revealed that the quality of AFS available in the market today is quite varied. There are high-quality paints available that perform well with no biofouling accumulation and work the entire lifetime as claimed. But these are not cheap products. The owners choose high-quality AFS not only to minimize the growth of biofouling, thereby reducing fuel bills, but also to reduce the need for inspection and cleaning.

14 If the Guidelines recommend more frequent and automatic inspections, it will not make sense for the shipowners to invest in high-quality anti-fouling products, as the ships will need to perform frequent inspections anyway. This will potentially lead to the opposite of the intent of these Guidelines and increase the spread of invasive aquatic species as well as driving up emissions.

15 Therefore, the co-sponsors propose to keep the industry practice of today and change the frequency of inspections for low-risk ships from the 12 months or less, as proposed in the draft revised Guidelines, to between 18-24 months. Such a frequency will bring these inspections in line with the other inspections of the Harmonized System of Survey and Certification.

16 The co-sponsors propose keeping the Guidelines practical for stakeholders to use with the current available technology. Furthermore, the co-sponsors propose keeping the inspection frequency on a practical level and in line with the available technology. Guidelines should drive towards better innovation in cleaning technology and AFS technology (less biocides, less releasing particles, etc). This will mainly benefit ports and Member States, and will reduce the spread of invasive aquatic species and protect the marine environment.

#### **Action requested of the Sub-Committee**

17 The Sub-Committee is invited to consider the concerns raised in paragraphs 6 to 16 and take action, as appropriate.

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