

SUB-COMMITTEE ON POLLUTION
PREVENTION AND RESPONSE
5th session
Agenda item 19

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**CONSIDERATION OF AN INITIAL PROPOSAL TO AMEND ANNEX 1 TO THE AFS
CONVENTION TO INCLUDE CONTROLS ON CYBUTRYNE**

Proposal for support of the technical evaluation of cybutryne

Submitted by IPPIC

SUMMARY

Executive summary: MEPC 71 referred an initial proposal to amend annex 1 of the AFS Convention to the Sub-Committee on Pollution Prevention and Response. Articles 6 and 7 of the AFS Convention provide procedures for proposing amendments to controls on anti-fouling systems, including the establishment of technical groups. IPPIC possesses expertise relevant to the work of the Sub-Committee and any technical group it may establish to evaluate this proposal and offers its support to this process.

Strategic direction: Number to be assigned after A 30

High-level action: Number to be assigned after A 30

Output: Number to be assigned after A 30

Action to be taken: Paragraph 10

Related documents: MEPC 71/14; resolutions A.900(21) and A.1097(29)

1 Through its Anti-fouling Coatings Committee, the International Paint and Printing Ink Council (IPPIC) and its marine coatings industry participants actively follow and contribute to the development of rules and regulations regarding anti-fouling coatings in many jurisdictions throughout the world. The marine coatings manufacturing industry's objective is to support and comply with the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001 (AFS Convention) in order to ensure that the benefits of using these coatings can be realized while avoiding harmful impacts on human health and the environment.

2 The marine coatings industry has supported the AFS Convention in its role in ending the adverse environmental effects of tributyltin (TBT) biocides and, further, is committed to avoiding the use of compounds that, like TBT, are demonstrated to have potential long term adverse effects. The current proposal represents a progression in how IMO, through the AFS

Convention, will play its role in evaluating and potentially developing comprehensive global regulation of potentially harmful anti-fouling systems.

3 However, it is also critical to recognize the important role organic biocides take in ensuring the production of effective biocidal anti-fouling systems. Such anti-fouling systems support the shipping industry in meeting its obligations to prevent the translocation of invasive species and also support crucial IMO goals by furthering the reduction of carbon emissions through improved ship fuel efficiency.

4 Member States of the European Union (EU) have proposed cybutryne to be considered for addition to annex 1 of the AFS Convention (Controls on anti-fouling systems). IPPIC observes that restrictions on cybutryne use, particularly in coatings for pleasure craft, are already in force in a number of EU and non-EU countries. As a result, cybutryne is not as widely used in the industry as other active substances used in anti-fouling coatings. It is noted that annex 1 of the Convention has not previously been amended to prohibit or control anti-fouling systems other than TBT and, as a result, the procedures set forth in article 6 of the Convention have not heretofore been utilized.

5 Article 7 of the AFS Convention provides for the establishment of technical groups and provides that Parties not only may participate in deliberations under the auspices of such a technical group, but also that they "should draw on the relevant expertise available to that Party."

6 While the proposal to add cybutryne to annex 1 of the AFS Convention was based on regulatory activity carried out in a group of Member States, the Convention provides guidance for the independent review of a comprehensive proposal by the technical group, which permits consideration of additional data submitted by any interested entity.

7 Although IPPIC is not a "Party" to the AFS Convention, we submit that we, as the producers and suppliers of anti-fouling systems, as well as the active substances used in the production of such anti-fouling systems, are the repository of significant and relevant technical expertise, as well as potentially possessing relevant data as envisioned by article 6(4) of the Convention, which can assist any technical group or groups that may be established to study this issue.

8 IPPIC believes that the development of appropriate risk assessment approaches that are relevant for all Parties to the Convention will be critical in order to establish a robust assessment framework that prohibits the use of compounds which demonstrate unreasonable risk of adverse effects on non-target organisms or human health such as to warrant amending annex 1. IPPIC believes that this process should avoid the unnecessary inclusion of effective compounds that support IMO objectives established to reduce ship emissions and the translocation of invasive species.

9 IPPIC anticipates the opportunity to engage in this process in support of the Sub-Committee and any technical group it may establish in order to continue to promote the responsible use of biocidal substances in anti-fouling systems.

Action requested of the Sub-Committee

10 The Sub-Committee is invited to note this information and the opportunity for any technical group to benefit from the expertise of IPPIC members.