



STATUTORY INSTRUMENTS.

S.I. No. 393 of 2017



SEA POLLUTION (CONTROL OF POLLUTION BY NOXIOUS LIQUID
SUBSTANCES IN BULK) (AMENDMENT) REGULATIONS 2017

S.I. No. 393 of 2017

SEA POLLUTION (CONTROL OF POLLUTION BY NOXIOUS LIQUID SUBSTANCES IN BULK) (AMENDMENT) REGULATIONS 2017

I, SHANE ROSS, Minister for Transport, Tourism and Sport, in exercise of the powers conferred on me by sections 10, 12, 14, 15, 17 and 18 of the Sea Pollution Act 1991 (No. 27 of 1991) and the Maritime Transport, Safety and Security (Transfer of Departmental Administration and Ministerial Functions) Order 2005 (S.I. No. 842 of 2005) (as adapted by the Transport (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 141 of 2011)), and for the purposes of giving effect to the MARPOL Convention, to Annex II, hereby make the following regulations:

1. (1) These Regulations may be cited as the Sea Pollution (Control of Pollution by Noxious Liquid Substances in Bulk) (Amendment) Regulations 2017.

(2) These Regulations come into operation on 1 September 2017.

2. The Sea Pollution (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations 2008 (S.I. No. 217 of 2008) are amended by the substitution of the material in the Schedule for Schedule 1 to those Regulations.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 5th September, 2017.*

SCHEDULE

“SCHEDULE 1

Regulation 6

[Text of Appendix I to Annex II of the MARPOL Convention as amended by Resolution MEPC.270(69) adopted on 22 April 2016 by the Marine Environment Protection Committee of the Organization]

**GUIDELINES FOR THE CATEGORIZATION OF NOXIOUS LIQUID
SUBSTANCES ***

Products are assigned to Pollution Categories based on an evaluation of their properties as reflected in the resultant GESAMP Hazard Profile as shown in the table below:

Rule	A1 Bio— accumulation	A2 Bio— degradation	B1 Acute toxicity	B2 Chronic toxicity	D3 Long- term health effects	E2 Effects on marine wildlife and on benthic habitats	Cat
1			≥ 5				X
2	≥ 4		4				
3		NR	4				
4	≥ 4	NR			CMRTNI		
5			4				Y
6			3				
7			2				
8	≥ 4	NR		Not 0			
9				≥ 1			
10						Fp, F or S If not Inorganic	
11					CMRTNI		
12	Any product not meeting the criteria of rules 1 to 11 and 13						Z
13	All products identified as: <2 in column A1; R in column A2; blank in column D3; not Fp, F or S (if not organic) in column E2; and 0 (zero) in all other columns of the GESAMP Hazard Profile						OS

*Reference is made to MEPC. 1/Circ. 512 on the Revised Guidelines for the provisional assessment of liquid substances transported in bulk.

Abbreviated legend to the revised GESAMP Hazard Evaluation Procedure

Columns A & B		Aquatic environment			
Rating	A		B		
	Bioaccumulation and biodegradation		Aquatic toxicity		
	A1 Bioaccumulation	A2 Biodegradation	B1 Acute toxicity	B2 Chronic toxicity	
	log Pow	BCF	LC/EC/IC50 (mg/l)	NOEC (mg/l)	
0	<1 or >ca. 7	no measurable BCF	R: readily biodegradable	>1000	>1
1	≥1 – <2	≥1 – <10	NR: not readily biodegradable	>100 – ≤1000	>0.1 – ≤1
2	≥2 – <3	≥10 – <100		>10 – ≤100	>0.01 – ≤0.1
3	≥3 – <4	≥100 – <500		>1 – ≤10	>0.001 – ≤0.01
4	≥4 – <5	≥500 – <4000		>0.1 – ≤1	≤0.001
5	≥5 – <ca.7	>4000		>0.01 – ≤0.1	
6				≤0.01	

Abbreviated legend to the revised GESAMP Hazard Evaluation Procedure
(continued)

Columns C & D		Human health (toxic effects to mammals)				
Rating	C			D		
	Acute mammalian toxicity			Irritation, corrosion and long-term health effects		
	C1	C2	C3	D1	D2	D3
	Oral toxicity LD ₅₀ /ATE (mg/kg)	Dermal toxicity LD ₅₀ /ATE (mg/kg)	Inhalation toxicity LC ₅₀ /ATE (mg/l)	Skin irritation & corrosion	Eye irritation & corrosion	Long-term health effects
	0	>2000	>2000	>20	not irritating	not irritating
1	>300 – <2000	>1000 – <2000	>10 – <20	mildly irritating	mildly irritating	M – Mutagenic
2	>50 – <300	>200 – <1000	>2 – <10	irritating	irritating	R – Reprotoxic Ss – Sensitising to skin
3	>5 – <50	>50 – <200	>0.5 – <2	severely irritating or corrosive 3A Corr. (≤ 4hr) 3B Corr. (≤ 1hr) 3C Corr. (≤ 3min)	severely irritating	Sr – Sensitising to respiratory system A - Aspiration hazard T – Target Organ Toxicity N – Neurotoxic I – Immunotoxic
4	≤ 5	≤ 50	≤ 0.5			

Column E		Interference with other uses of the sea	
E1	E2	E3	
Tainting	Physical effects on wildlife & benthic habitats	Numerical rating	Interference with Coastal Amenities
NT: not tainting (tested) T: tainting test positive	Fp: Persistent Floater	0	no interference <i>no warning</i>
		1	slightly objectionable <i>warning, no closure of amenity</i>
	S: Sinking substances	2	moderately objectionable <i>possible closure of amenity</i>
		3	highly objectionable <i>closure of amenity</i>

”.



GIVEN under my Official Seal,
30 August 2017.

SHANE ROSS,
Minister for Transport, Tourism and Sport.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations substitute an amended Schedule 1 to the Sea Pollution (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations 2008 (S.I. No. 217 of 2008) which give effect to Annex II of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78).

These Regulations effectively implement amendments, contained in Resolution MEPC.270(69) adopted on 22 April 2016 by the Marine Environment Protection Committee of the International Maritime Organization, regarding the revised GESAMP Hazard Evaluation Procedure in Appendix I to Annex II of MARPOL 73/78.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€2.54



Wt. (B32976). 315. 9/17. Essentra. Gr 30-15.