

FOCUS



The Paint and Coatings Industry:

On Board with Ratification of IMO Anti-Fouling Systems Convention

BACKGROUND

Anti-fouling coatings and systems are designed to minimize the amount of marine growth that accumulates on a ship's hull during normal operation. Assemblages of marine organisms on ship hulls, known as hull fouling, can increase ship operating costs, fuel consumption, and harmful gas emissions. Non-native species can also be transported around the world on fouled ship hulls, which can colonize and disrupt sensitive ecosystems.

In formulating coatings for these requirements, the marine coatings industry has striven to formulate the most effective coatings while simultaneously being mindful of minimizing the impact of the coatings on the environment. It was this concern that spurred the industry to replace tributyl tin (TBT) coatings with more environmentally benign cuprous oxide based biocidal coatings and non-biocidal coatings. This experience led the United States to be among the chief advocates of the International Convention on the Control of Harmful Anti-Fouling Systems, commonly known as the Anti-Fouling Convention (AFS or Treaty), eliminating TBT (organotin) use globally. The convention was adopted by the International Maritime Organization (IMO) at the Diplomatic Conference in October 2001, with the United States as a signatory of the treaty. After the requisite number of Flag States deposited their instruments of ratification to the IMO, the Anti-Fouling Convention entered into force on Sept. 17, 2008. As of Aug. 1, 2009, 40 countries representing 68 percent of the world's tonnage have ratified the AFS.

The convention prohibits the new application of listed anti-fouling systems, and it imposes a requirement that organotin biocides be removed from hulls or over-coated to prevent leaching. Through survey, certification, and inspection mechanisms, the convention provides the means for ensuring international compliance.

The convention provides the appropriate means for addressing any other anti-fouling systems that might later be determined to pose a threat to the marine environment. It also addresses other important issues related to harmful anti-fouling systems, including the prevention of environmental harm during the removal of those systems.

In support of this international framework for addressing the TBT issue, the U.S. Senate gave advice and consent to the ratification of the Anti-Fouling Convention on Sept. 26, 2008. However, before the United States can become a party, implementing legislation needs to be enacted by the House so that the United States fulfills the convention's obligations.

This NPCA/FSCT *Issue Backgrounder* underscores the urgency with which Congress should act on implementation legislation to ratify it. With broad-based support from the marine paint and coatings industry, international maritime community, and endorsement from the U.S. Coast Guard and Environmental Protection Agency (EPA), there is no real reason to delay ratification. --->

In fact, passage of legislation to implement the anti-fouling treaty is a means of protecting domestic waters, safeguarding the global environment, and promoting the development of safer technologies for controlling fouling on ship hulls. The treaty relies on rigorous scientific review as the basis for determining when controls are needed to limit the negative impacts of anti-fouling systems, and its implementation will uphold the standing of the United States as an environmental leader.

WHAT'S MORE, ONLY U.S. RATIFICATION OF THE TREATY WOULD ALLOW THE NATION TO PARTICIPATE FULLY, AS A PARTY, IN THE ASSESSMENT OF PROPOSED FUTURE CONTROLS UNDER THE TREATY; ONLY COUNTRIES PARTY TO THE TREATY CAN PARTICIPATE IN THE VOTE AT THE IMO. PLEASE ACT SWIFTLY TO PASS IMPLEMENTING LEGISLATION!

EVERYBODY'S ON BOARD

The convention has wide-spread support among multiple sections of the maritime community. The marine paint and coatings industry favors the convention, since it will provide a single regulatory program for all countries throughout the world, as well

as a market for hull coatings that do not contain organotin biocides. For similar reasons, ship owners and operators favor the convention because it will level the playing field by requiring all vessels operating in international trade to adhere to the restrictions on coatings containing organotin biocides and spur development of alternatives. Shipyards in the United States also support the convention since they already must comply with the ban on coatings containing organotin biocides for vessels less than 25 meters in length and must meet stringent leaching standards that are unique to the United States.

PLEGGED SUPPORT

Additionally, both the U.S. Environmental Protection Agency and U.S. Coast Guard support the convention, and as recently as June 10, 2009, expressed their support for implementing legislation in testimony before the U.S. House Subcommittee on Coast Guard and Maritime Transportation.

Please join us in helping to make this important international agreement a reality. It will have a positive impact on the health of the marine environment beyond U.S. borders and ensure competitiveness between shipping states.

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NPCA/FSCT is a voluntary, nonprofit trade association working to advance the needs of the paint and coatings industry and the professionals who work in it. The organization represents paint and coatings manufacturers, raw materials suppliers, distributors, and technical professionals. NPCA/FSCT serves as an advocate and ally for members on legislative, regulatory and judicial issues, and provides forums for the advancement and promotion of the industry through educational and professional development services.

