IMPLEMENTATION AND ENFORCEMENT OF ANNEX V OF MARPOL 73/78 IN THE UNITED STATES

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ABSTRACT

A new, bold international law entered into placed on 31 December 1988 in response to the threat to the marine environment posed by marine debris. Annex V of MARPOL 73/78, as it is known, is the first international agreement to attempt to reduce the amounts of plastics and other garbage waste discharged into the oceans from vessels. The U.S. Coast Guard's role was to interpret broad international guidelines and directives by Congress as stated in the Marine Plastic Pollution Research and Control Act of 1987, and develop practical enforceable regulations. These regulations which were developed reflect both the Coast Guard's expertise in enforcing Annexes I and II of MARPOL 73/78, and the numerous comments received from industry and the environmental and public sectors. The resulting performance-based regulations left the details of compliance up to vessels, which were required to restrict their discharge of garbage, and to the terminals and ports, which were required to provide reception facilities for the garbage wastes. Vessels have employed numerous different strategies to comply with the regulations. These strategies range from different operational methods to the installation of large garbage-treating equipment, based on the route, passenger load, type of trade, and size of vessel. Port facilities have applied an equally diverse response to compliance.

The Coast Guard's enforcement of these regulations involves a multiagency effort. The Department of Agriculture and the National Marine Fisheries Service, NOAA, conduct enforcement in areas of their own influence and expertise. The Coast Guard expects that these enforcement strategies together with educational efforts by local captains of the port should result in a high compliance rate on the part of the shipping community.

In R. S. Shomura and M. L. Godfrey (editors), Proceedings of the Second International Conference on Marine Debris, 2-7 April 1989, Honolulu, Hawaii. U.S. Dep. Commer., NOAA Tech. Memo. NMFS, NOAA-TM-NMFS-SWFSC-154. 1990.