

# Marine Protection Rules

## Part 150: Carriage of Cargoes — Harmful Substances Carried in Packaged Form

MNZ Consolidation

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## **Part objective**

The purpose of Part 150 is to give effect to certain requirements in Protocol I and Annex III of MARPOL concerned with the prevention of pollution by harmful substances carried by sea in packaged form and reporting of occurrences involving harmful substances falling under the control of this Annex.

Other Annex III requirements – for packaging, marking, labelling and associated documentation, and on board stowage – are implemented by Part 24A: Carriage of Dangerous Goods through maritime rules giving effect to international standards for these matters found in the International Maritime Dangerous Goods Code for “marine pollutants” – a category encompassing “harmful substances” and “dangerous goods”.

The authority for Part 150 is found in sections 386 and 388 of the Maritime Transport Act 1994.

Marine protection rules are disallowable instruments under the Legislation Act 2012. Under that Act, the rules are required to be tabled in the House of Representatives. The House of Representatives may, by resolution, disallow any rules. The Regulations Review Committee is the select committee responsible for considering rules under that Act.

### **Disclaimer:**

This document is the current consolidated version of Maritime/Marine Protection Rules Part 150 produced by Maritime New Zealand, and serves as a reference only. It has been compiled from the official rules that have been signed into law by the Minister of Transport. Copies of the official rule and amendments as signed by the Minister of Transport may be downloaded from the Maritime New Zealand website. [www.maritimenz.govt.nz](http://www.maritimenz.govt.nz)

## History of Part 150

Part 150 first came into force on 20 August 1998 and now incorporates the following amendments:

<b>Amendment</b>	<b>Effective Date</b>
Amendment 1	1 July 2014
Amendment 2	1 January 2015
Amendment 3	1 April 2015
Amendment 4	1 November 2016
Amendment 5	13 December 2019

### Summary of Amendments

#### **Amendment 1**

Part 24A: Carriage of Cargoes — Dangerous Goods 150.2, 150.5

#### **Amendment 2**

Marine Protection Rules Various Amendments 2014 150.2, Appendix

#### **Amendment 3**

Marine Protection Rules Various Amendments 2015 Part Objective

#### **Amendment 4**

Marine Protection Rules Various Amendments 2016 Part Objective

#### **Amendment 5**

Marine Protection Rules Various Amendments 2019 Part Objective, 150.2

All signed rules can be found on our website:

<https://www.maritimenz.govt.nz/Rules/>

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## General

### 150.1 Entry into force

Part 150 entered into force on 20 August 1998.

### 150.2 Definitions

In Part 150:

**Director** means the person who is for the time being the Director of Maritime Safety under section 439 of the Maritime Transport Act 1994:

**Foreign ship** means any ship that is not a New Zealand ship:

**Harmful substance** means –

(a) any substance in packaged form for the time being identified as a marine pollutant in the IMDG Code; and

(b) any substance that meets the criteria in the Appendix of Annex III of MARPOL

but does not include ship's stores and equipment:

“Harmful substance” as defined here is a “harmful substance” for the purposes of section 225 of the Maritime Transport Act 1994:

**International Maritime Dangerous Goods Code** or **IMDG Code** mean the *International Maritime Dangerous Goods Code* published by the International Maritime Organization, as amended by that organisation from time to time:

**marine pollutant** means a substance identified as a marine pollutant in the IMDG Code;

**MARPOL** has the same meaning as section 225 of the Act

**Master** means any person (except a pilot) having command or charge of any ship:

**New Zealand jurisdiction** means –

(a) the internal waters of New Zealand:

(b) the territorial sea of New Zealand:

(c) the exclusive economic zone of New Zealand:

(d) those waters under or about any ship or offshore installation constructed, erected, placed or used in, on, or above the continental shelf of New Zealand but beyond the outer limits of the exclusive economic zone of New Zealand in connection with the exploration of the continental shelf or the exploitation of its natural resources:

**New Zealand ship** means a ship that is registered under the Ship Registration Act 1992; and includes a ship that is not registered under the Act but is required or entitled to be registered under the Act:

**Owner**, -

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- (a) in relation to a ship registered in New Zealand under the Ship Registration Act 1992, means the registered owner of the ship:
- (b) in relation to a ship registered in any place outside New Zealand, means the registered owner of the ship:
- (c) in relation to a fishing ship, other than one to which paragraph (a) or paragraph (b) of this definition applies, means the person registered as the owner under section 57 of the Fisheries Act 1983:
- (d) in relation to a ship to which paragraph (a) or paragraph (b) or paragraph (c) of this definition applies, where, by virtue of any charter or demise or for any other reason, the registered owner is not responsible for the management of the ship, includes the charterer or other person who is for the time being so responsible:
- (e) in relation to an unregistered ship or a registered ship that does not have a registered owner, means the person who is for the time being responsible for the management of the ship:

**Packaged form** in relation to harmful substances means the forms of containment specified for harmful substances in the IMDG Code:

**Packagings** are receptacles and any other components or materials necessary for the receptacle to perform its containment function:

**Part** means a group of rules made under the Maritime Transport Act 1994:

**Receptacle** means any containment vessel for receiving and holding substances or articles, including any vehicle, and any means of closing:

**Rules** includes maritime rules and marine protection rules:

**Ship** means every description of boat or craft used in navigation, whether or not it has any means of propulsion; and includes –

- (a) a barge, lighter, or other like vessel:
- (b) a hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates:
- (c) a submarine or other submersible.

### **150.3 Application**

Rules 150.4 to 150.6 apply to –

- (a) any New Zealand ship:
- (b) any foreign ship within New Zealand jurisdiction.

### **150.4 Jettison of harmful substances**

The owner and the master of a ship to which this rule applies must ensure that harmful substances carried are not jettisoned, unless such action is necessary for the purposes of securing the safety of the ship or saving life at sea.

**150.5 Occurrences involving harmful substances**

- (1) Where an occurrence takes place involving any actual or probable leakage or spillage of a harmful substance on or from a ship that is in a New Zealand port or at a New Zealand offshore terminal, the master must ensure that the harbourmaster, where there is a harbourmaster, and the Director are notified as soon as possible of the leakage or spillage.
- (2) Where an occurrence takes place involving any actual or probable loss or spillage of a harmful substance into the sea from a New Zealand ship beyond New Zealand waters, the master must report the particulars to the appropriate authority of the nearest State as soon as possible and to the fullest possible extent.
- (3) In the event of a ship being abandoned while carrying a harmful substance, or in the event of a report from such a ship being incomplete or unobtainable, the operator must make or complete the report and forward it to the Director as soon as possible and to the fullest possible extent.
- (4) The master or the operator, as applicable, must ensure that the words “harmful substance” appear in the reports and notices provided under subrules (1), (2), and (3).
- (5) Except where compliance with this subrule impairs the safety of the ship or persons on board, the owner and the master of any ship to which subrule (1) or (2) applies must ensure that—
  - (a) appropriate measures based on the physical, chemical, and biological properties of harmful substances are taken to regulate the washing of leakage or spillage of those harmful substances overboard; and
  - (b) if the vessel is in any port, the Harbourmaster is consulted before washing any leakage or spillage of harmful substances overboard.
- (6) If the harmful substance is a marine pollutant the requirements in subrules (1), (2), (3), and (4) do not apply provided the notifications and reports are submitted in accordance with Subpart F of Part 24A.

## Appendix

### Criteria for identification of harmful substances in packaged form

For the purposes of this Appendix, substances identified by any one of the following criteria are harmful substances:

1. Acute (short-term) aquatic hazard

Category: Acute 1

96 hr LC<sub>50</sub> (for fish) ≤1mg/l and/or

48 hr EC<sub>50</sub> (for crustacea) ≤1mg/l and/or

72 or 96 hr ErC<sub>50</sub> (for algae or other aquatic plants) ≤1mg/l

2. Long-term aquatic hazard

(a) Non-rapidly degradable substances for which there are adequate chronic toxicity data available:

Category Chronic: 1

Chronic NOEC or EC<sub>x</sub> (for fish) ≤0.1mg/l and/or

Chronic NOEC or EC<sub>x</sub> (for crustacea) ≤0.1mg/l and/or

Chronic NOEC or EC<sub>x</sub> (for algae or other aquatic plants) ≤0.1mg/l

Category Chronic: 2

Chronic NOEC or EC<sub>x</sub> (for fish) ≤1mg/l and/or

Chronic NOEC or EC<sub>x</sub> (for crustacea) ≤1mg/l and/or

Chronic NOEC or EC<sub>x</sub> (for algae or other aquatic plants) ≤1mg/l

(b) Rapidly degradable substances for which there are adequate chronic toxicity data available:

Category Chronic: 1

Chronic NOEC or EC<sub>x</sub> (for fish) ≤0.01mg/l and/or

Chronic NOEC or EC<sub>x</sub> (for crustacea) ≤0.01mg/l and/or

Chronic NOEC or EC<sub>x</sub> (for algae or other aquatic plants) ≤0.01mg/l

Category Chronic: 2

Chronic NOEC or EC<sub>x</sub> (for fish) ≤0.1mg/l and/or

Chronic NOEC or EC<sub>x</sub> (for crustacea) ≤0.1mg/l and/or

Chronic NOEC or EC<sub>x</sub> (for algae or other aquatic plants) ≤0.1mg/l

(c) Substances for which adequate chronic toxicity data are not available:

Category: Chronic 1

96 hr LC<sub>50</sub> (for fish) ≤1mg/l and/or

48 hr EC<sub>50</sub> (for crustacea) ≤1mg/l and/or

72 or 96 hr ErC<sub>50</sub> (for algae or other aquatic plants) ≤1mg/l

and the substance is not rapidly degradable and/or the experimentally determined BCF ≥ 500 (or, if absent, the log K<sub>OW</sub> ≥4).

Category: Chronic 2

96 hr LC<sub>50</sub> (for fish) >1mg/l but ≤ 10 mg/ l and/or

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48 hr EC <sub>50</sub> (for crustacea)	>1mg/l but ≤ 10 mg/ l and/or
72 or 96 hr ErC <sub>50</sub> (for algae or other aquatic plants)	>1mg/l but ≤ 10 mg/ l
and the substance is not rapidly degradable and/or the experimentally determined BCF ≥ 500 (or, if absent, the log K <sub>OW</sub> ≥4).	

The following definitions apply for acronyms or terms used in this Appendix:

EC <sub>x</sub>	the concentration associated with x% response
EC <sub>50</sub>	the effective concentration of substance that causes 50% of the maximum response
ErC <sub>50</sub>	EC <sub>50</sub> in terms of reduction of growth
K <sub>OW</sub>	octanol/water partition coefficient
LC <sub>50</sub>	(50% lethal concentration) the concentration of a substance in water which causes the death of 50% (one half) in a group of test animals
NOEC	(No Observed Effect Concentration) the test concentration immediately below the lowest tested concentration with statistically significant adverse effect. The NOEC has no statistically significant adverse effect compared to the control.

Further information on the criteria can be found in relevant paragraphs of the IMDG Code.