

REVISED RULES ON THE PREVENTION OF POLLUTION BY GARBAGE FROM SHIPS

PHTBP MEMORANDUM CIRCULAR NO. 03-2001, June 15, 2001

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I. AUTHORITY

- a. Executive Order No. 292
- b. Republic Act No. 5173
- c. Presidential Decree No. 600
- d. Presidential Decree No. 979
- e. Annex V of the International Convention for the Prevention of Pollution from Ships, MARPOL 73/78

2. PURPOSE:

The purpose of this Memorandum Circular is to provide implementing rules to prevent pollution by garbage from ships within the territorial and archipelagic waters of the Philippines.

3. SCOPE:

This Memorandum Circular shall apply to all Philippine registered vessels engaged in international or domestic trade and to all small crafts within the Philippine territorial and archipelagic waters.

4. DEFINITION OF TERMS:

- a. Waste - unnecessary or superfluous matters, which are to be discharged. For purposes of this Circular, the term "waste" shall be used synonymously with the term garbage.
- b. Food Waste - any spoiled or unspoiled victual substances, such as fruits, vegetables, dairy products, poultry, meat products, food craps, food particles and other matter contained by these substances, generated aboardship, principally in the galley and dinning areas.
- c. Plastic - solid material containing one or more synthetic organic high polymers and which is formed/shaped by heat and/or pressure either during the material properties ranging from hard and brittle to soft and elastic, and is used for marine purposes including, but not limited to packaging, ships construction, disposable eating utensils, bags, sheeting, floats, fishing nets, strapping bands, rope and line.
- d. Domestic Waste - all types of food waste and wastes generated in the living spaces on board the ship.
- e. Cargo-Associated Waste - any matter which have become waste as a result of cargo stowage and handling, including, but not limited to dunnage shoring, pallets, lining and packing materials, plywood, paper, cardboard, wire and steel strapping.
- f. Maintenance Waste - any matter collected by the engine and deck department while maintaining and operating the vessel, such as soot, machinery, deposits, scraped paint, deck sweeping, wiping waste and rags, etc.

- g. Operational Waste - all cargo associated with maintenance waste and cargo residues.
- h. Dishwater - residue from the manual or automatic washing of dishes and cooking utensils which have been pre-cleaned to the extent that any food particles adhering to it would not normally interfere with the operation of automatic dish washers.
- i. Cargo Residues - remnants of any cargo material on board that cannot be placed in proper holds or which remains in cargo holds or elsewhere after unloading procedures have been completed.
- j. Fishing Gear - any device or part thereof that may be placed in the water for the purpose of capturing or controlling for subsequent capture, living marine or freshwater organism.
- k. Special Permit - a document issued by the Philippine Coast Guard in favor of ship operators and shipyards, granting the latter the authority to dump waste/garbage into the sea or any body of water within the territorial jurisdiction of the Philippines, subject to specified conditions prescribed by PCG rules and regulations on dumping and discharge of waste and other harmful matters.
- l. Special Area - a body of water, which due to recognized technical reasons in relation to its oceanographic and ecological condition and strategic importance, is deemed subject to special control.
- m. Reception Facility - refers to a port garbage discharge reception facility provided by the Philippine Ports Authority (PPA) or a mobile discharge reception service provided by, or approved contract with or a permit issued by the PPA, Environmental Management Bureau (EMB) or the Department of Environment and Natural Resources (DENR), as the case may be.

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POLICIES

a. Prohibitions: It shall be unlawful for any person to dispose into any body of water within the Philippines:

- 1) Any material made of plastic including, but not limited to synthetic fishing nets and plastic garbage bags; or
- 2) Any domestic, cargo-associated, maintenance and/or operational waste.

b. Exceptions: The prohibitions in the preceding paragraph shall not apply in the following instances:

- 1) Disposal of garbage into any body of water shall be done at the nearest land in accordance with Annex 1[*].
- 2) Disposal of garbage resulted as a consequence of damage to the ship arising from accidents like collision at sea, sinking and/or grounding as a result of force majeure or if the disposal appears to be the only way of averting grave, real and imminent danger to life or property, provided that the damage caused by reason of the disposal is less than would have otherwise occurred.
- 3) Disposal into any body of water of harmful substances or wastes containing substances is allowed by a Special Permit issued by Commandant, PCG in accordance with PCG rules governing the dumping and discharge of waste and other harmful matters. In no case shall any form of discharge be made in the Special Areas.

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REQUIREMENTS:

a. Ship Operators

- 1) Minimize the generation of garbage by limiting the taking aboardship of potential garbage
- 2) Replace disposable plastic sheeting used for cargo protection with permanent, re-useable covering materials.

- 3) Adapt storage systems and a method that shall promote the re-use of covering, dunnage, shoring, dining and packing materials.
- 4) Dispose garbage at the port reception facilities and retain on board appropriate facilities to be approved by the PCG, for the discharge of garbage on Philippine waters.
- 5) Utilize comminuters or grinders capable of passing through a screen with an opening not greater than twenty-five (25) millimeters before disposal.
- 6) Develop Garbage Management Plan for vessel 400 GT above, and every vessel certified to carry 15 persons or more and submit the same to the Commander, Marine Environmental Protection Command for approval. The plan should provide written procedures for collecting, storing, segregation, processing of garbage and including the use of equipment on board. The approved plan shall be incorporated into the crew and vessel operating manuals. The plan should be subjected for PCG review every five (5) years.

b. Vessels

- 1) Plastic garbage shall be disposed at port reception facilities.
- 2) Every vessel shall have a shipboard team responsible for proper handling and storing garbage
- 3) Passengers shall be briefed on the shipboard garbage disposal system.
- 4) A summary of the restrictions regarding the discharge of garbage from ships shall be permanently posted on board in a conspicuous place.
- 5) Officers on board and/or the crew shall assist in the recovery and proper disposal of potential harmful garbage.
- 6) Every vessel of 400 GT and above and every ship which is certified to carry 15 person or more shall be provided with a Garbage Record Book duly registered with the Philippine Coast Guard. Any discharge, escape or accidental loss of garbage shall be recorded on the Garbage Record Book, together with the date, time, position, description and amount of garbage.
- 7) There shall be adequate and appropriate garbage containers aboardship.

c. Others

- 1) Shipyards shall provide reception facilities and/or services for garbage and other form of refuse from ship calling in for repairs.
- 2) Port authorities shall provide appropriate reception facilities for vessel calling in their ports.

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PENALTIES

Any person who shall be found to have violated any of the provisions of this Circular shall be liable to pay the administrative fine in the amount of Ten Thousand Pesos (P10,000.00), without prejudice to civil and/or criminal action(s) which the PCG may file against the violator whenever warranted.

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FEES

- a) Review and approval of Garbage Management Plan – P500.00
- b) Registration of Garbage Record Book – P300.00

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REPEALING CLAUSE

Memorandum Circular No. 02-94 entitled Prevention of Pollution by Garbage from Ship is hereby repealed.

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EFFECTIVITY:

This Memorandum Circular shall take effect after fifteen (15) days from the time it is filed with the UP Law Center.

Adopted: 15 June 2001

(SGD.) ARTHUR N. GOSINGAN

VADM PCG

Commandant PCG

[*] Not Filed with ONAR.

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