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AIR POLLUTION PREVENTION

Arctic HFO ban is not a Black Carbon control measure

Submitted by FOEI, WWF, Pacific Environment and CSC

SUMMARY

Executive summary: This commenting document responds to two submissions (MEPC 79/14/1 and MEPC 79/5/5) and clarifies why the IMO's Arctic Heavy Fuel Oil (HFO) ban is not a substitute for a Black Carbon control measure.

Strategic direction, if applicable: 3

Output: 3.3

Action to be taken: Paragraph 10

Related documents: MEPC 78/7/27; MEPC 79/5/5, MEPC 79/14/1 and resolution MEPC.329(76)

Introduction

1 This document is submitted in accordance with the provisions of paragraph 6.12.5 of the *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.5/Rev.3) and comments on documents MEPC 79/14/1 and MEPC 79/5/5 (FOEI et al.).

2 Regulation 43A of MARPOL Annex I, the "Arctic HFO ban", was drawn up to address the accidental spill of Heavy Fuel Oil (HFO) into Arctic waters. Document MEPC 79/14/1 draws attention to the fact that clauses 43A.2 and 43A.4 mean that nearly three-quarters of the HFO-fuelled fleet in the Arctic will, via exemptions and waivers, be able to continue to use HFO until July 2029 – the end of the decade.¹ It also highlights analysis by the International Council on Clean Transportation (ICCT) which found that if exempt ships or those eligible for waivers continue to use HFO beyond 1 July 2024, there will only be a 5% reduction in Black Carbon (BC) emissions (MEPC 79/14/1, paragraph 5).

¹ [The International Maritime Organization's proposed Arctic heavy fuel oil ban: Likely implications and opportunities for improvement \(theicct.org\)](https://www.theicct.org/)

3 Document MEPC 79/5/5 recalls MEPC's commitment to address the impact of BC emissions on the Arctic and outlines an approach to reduce BC emissions through a regulation in MARPOL Annex VI which would require ships to use only marine distillate fuel or other cleaner alternative fuels or methods of propulsion that are safe when operating in or near to the Arctic.

4 This submission clarifies why the push to reduce ships' BC emissions impacting the Arctic cannot rely on the Arctic waters HFO ban contained in MARPOL Annex I regulation 43A and shows that a new measure is now urgently needed to implement IMO's commitment to address ship BC emissions affecting the Arctic.

Limitations of regulation 43A to deliver effective and timely black carbon reductions

5 Regulation 43A, set out in resolution MEPC.329(76), comes into effect on 1 November 2022, but its provisions only start to take effect from 1 July 2024, and it only comes into full effect in banning HFO use and carriage in the Arctic on 1 July 2029, when clauses 43A.2 and 43A.4 cease to be applicable. Based on the ICCT 2020 study, potentially only 30% of the HFO being carried in Arctic waters and 16% of the HFO being used in Arctic waters will be prohibited from 1 July 2024 (MEPC 79/14/1). Around 22% of ships will be exempt until 1 July 2029,² and the opportunity for Arctic coastal nations to issue waivers could involve the exempting of up to a further 53% of ships operating in the Arctic (based on 2019 Arctic shipping patterns). So, regulation 43A will only fully prohibit the use of HFO, with the associated reductions in Black Carbon emissions, from mid-2029.

6 In addition, the prohibition on HFO use and carriage delivered through regulation 43A is only applicable to vessels operating in Arctic waters.³ As set out in paragraph 12 of document MEPC 79/5/5, the delineation of Arctic waters excludes the busy waters of the north Atlantic which fall within the more widely used geographic scope definitions of the Arctic, including those used by the Arctic Council and others. Black Carbon emitted from beyond the Arctic can have dangerous impacts on both the Arctic environment and Arctic communities and it is for this reason that IMO's output is to reduce the impact of Black Carbon emissions on the Arctic, and not simply reduce emissions only from ships operating in Arctic waters.

Action required

7 The UN Intergovernmental Panel on Climate Change (IPCC) has, in its *Climate Change 2022 Mitigation of Climate Change* Report, called for substantial and immediate reductions in short-lived climate forcers (SLCF) like Black Carbon, which are seen as critical to meeting long-term climate goals.⁴ It recognizes that action now on SLCFs could help to reduce the rate of climate change in the short term (MEPC 78/7/27, paragraph 6 (WWF et al.)). MARPOL Annex I regulation 43A does not act quickly or effectively enough to address the impact of shipping's Black Carbon emissions on the Arctic, having been designed to address HFO spills, including providing five-year exemptions for ships with protected fuel tanks.

² Ships delivered on or after 1 August 2010 with a combined oil fuel capacity greater than 600 cubic metres (m³) and ships constructed on or after 1 January 2017 that have a combined oil fuel capacity of less than 600 m³ are exempt from the provisions of regulation 43A.1 until 1 July 2029.

³ Defined by the Safety of Life at Sea Convention, chapter XIV, regulation 1.

⁴ Climate Change 2022: Mitigation of Climate Change
https://report.ipcc.ch/ar6wg3/pdf/IPCC_AR6_WGIII_FinalDraft_FullReport.pdf

8 It is for this reason that document MEPC 79/5/5 sets out how MARPOL Annex VI should be amended to reduce Black Carbon emissions from all ships operating in or near the Arctic, requiring them to use only distillates or other alternative cleaner fuels or forms of propulsion. This could be implemented quickly and would immediately deliver very significant reductions in Black Carbon emissions.

9 It has been argued that the application of MARPOL Annex I regulation 43A from 1 November 2022 would render unnecessary further measures to address Black Carbon emissions. This is clearly not the case. HFO use will continue in the Arctic until the end of this decade and continued HFO use will continue to exacerbate the climate crisis in the Arctic with black carbon emissions largely unabated.

Action requested of the Committee

10 The Committee is invited to note the information provided in paragraphs 5 to 9 and to forward this document to PPR 10 in order to inform further consideration of the urgent need for measures to reduce the impact of Black Carbon emissions from international shipping in the Arctic.
