

**Fourth IMO R&D Forum on
Hazardous and Noxious Substances (HNS)
12 to 14 May 2009**

**Interspill 2009
Marseille, France**

OPENING ADDRESS

by

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It is a great pleasure to **welcome** you all to the Interspill 2009 Conference and Exhibition and the Fourth IMO R&D Forum, organized by the International Maritime Organization as a parallel event to Interspill 2009.

This is the first IMO R&D Forum devoted exclusively to spill preparedness and response relating to hazardous and noxious substances or so-called 'HNS'. Like its predecessors, which focused mainly on oil spills, this Forum is designed to stimulate ideas, promote new research and encourage co-operative activities between experts in spill prevention, emergency preparedness and response and post-spill environmental restoration. A first glance at the rich 'mix' of submissions by authors from many different countries shows that there is no shortage of creative thinking and practical suggestions to tackle the particular challenges posed by HNS spills, and I believe that we can all look forward to a lively and fruitful exchange on both the broader and more intricate aspects of the **topics covered in the programme**. These range from trends in HNS transportation and the detection and monitoring of HNS in the marine environment, to protection of health and safety, response strategies, incident experiences, lessons learned from case studies and regulatory developments.

IMO's keen interest in organizing this Forum stems, of course, in part from its own regulatory work, in particular its responsibilities under the **'OPRC-HNS Protocol' of 2000**, which is concerned with preparedness, response and co-operation in HNS pollution incidents and which entered into force two years ago (in June 2007). IMO's interest in organizing this Forum alongside Interspill 2009 stems from the firm belief that working together with Industry provides opportunities and synergies whereby government and industry can draw on each others strengths.

Before I proceed with presenting, hopefully, some 'food for thought' for our discussions in the coming days, I wish to place on record IMO's, appreciation for the tremendous encouragement and generous **support** of a number of organizations, without which this Forum could not have taken place. First, we feel greatly indebted to the **Interspill Steering Committee** and to the **City of Marseilles** for their hospitality and enthusiastic support. Our special thanks are also owed to the **International Tanker Owners Pollution Federation**, ITOPF, for raising additional funds, as has also **Canada**, as well as IMO's own Integrated Technical Co-operation Programme, which has enabled us to extend invitations to a number of participants from the Mediterranean, Black Sea and Caspian regions, African nations and several key regional centres. My IMO colleagues and I have also greatly appreciated the invaluable input of ITOPF in the preparation of the **'White Paper'** for this Forum, which sets the stage for the R&D Forum by addressing the question **"Are HNS spills more dangerous than oil spills?"**, and the positive contributions of **CEDRE** (Centre de Documentation de Recherche et d'Experimentation sur les pollutions accidentelles des eaux, Brest, France) and of the **European Maritime Safety Agency**, EMSA.

Allow me to use this opportunity to put forward a few thoughts, which, I hope, will help set the scene and inspire us all to engage in fruitful exchanges and challenging discussions. I will do this by relating some of the highlights of IMO earlier engagement with HNS-related environmental issues.

The dangers of HNS have been **long recognized** by IMO, as evidenced by the inclusion into the 1974 SOLAS Convention of mandatory – technical and operational – provisions for the safe carriage of dangerous goods in packaged form. As dangerous cargoes came to be transported in increasing quantities, due to the growth of the chemical industry, and many of these cargoes were known to have extremely hazardous or noxious characteristics, awareness also grew of the risk of

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serious damage *outside* the immediate confines of the ship, such as in the case of a massive fire or explosion or of damage to the environment caused by toxic leaks or spillages along coastlines and in port areas. Thus, as of the late 1960s, the then International Maritime Consultative Organization, IMCO, embarked on the development of a code for the safe construction, equipment and operation of ships carrying dangerous chemicals in bulk, and, in 1973, adopted the International Convention for the Prevention of Pollution from Ships, the MARPOL Convention, with a dedicated Annex (Annex II) governing the technical and operational control of pollution from noxious liquid substances carried in bulk.

Significantly, as early as the Brussels Conference of November 1969, which, in the wake of the *Torrey Canyon* tanker pollution disaster of 1967, adopted the ‘twin’ oil pollution liability and compensation conventions, the CLC and Fund Conventions, the governments participating in that Conference adopted a **Resolution on Co-operation concerning Pollutants Other Than Oil**. We must remember, of course, that, also at that time, preparatory work was already underway for the International Conference on Marine Pollution, which would adopt, in 1973, the MARPOL Convention, with its Annex II governing Regulations for the Control of Pollution by Noxious Liquid Substances in Bulk. Barely two months after the Brussels Conference, in January 1970, IMO’s Legal Committee recognized the need to extend the principles of civil liability and compensation for marine oil pollution damage to damages caused by pollutants other than oil, or “agents” as they were called at the time identifying this as “a matter of urgency”.

The Legal Committee having recognised the need to address HNS pollution, by mid-1972, received **technical** data prepared by an *ad hoc* panel of GESAMP, covering a list of some 250 substances presenting appreciable degrees of harm to human health, the marine environment, marine resources and/or amenities – [either because of their **inherent** characteristics or because of the **quantities** in which they were carried]. However, although discussions continued for several years, with a number of delegations [e.g. Australia, France, Mexico, the Netherlands, Sweden] warning against waiting for a major catastrophe, it was not until September 1977 that the Committee decided on the development of a new treaty instrument on liability and compensation for HNS damages as the “highest priority”.

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The rest is history, as they say and without delving further into history, I would just like to mention that IMO's Legal Committee (95th session, 30 March to 3 April 2009), has approved a new draft Protocol to the parent 1996 HNS Convention six weeks ago, (International Convention on Liability and Compensation for Damage in connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996) which is designed to address the practical problems that have prevented many States from ratifying the Convention despite being adopted in 1996. It is hoped that a diplomatic conference can be convened as early as possible in **2010**. If adopted, it is hoped that the Convention will then enter into force soon thereafter,

It is relevant to recall this brief historic background, as it reminds us that HNS concerns **have been around for awhile** and, therefore, when seeking to address them, we should guard against re-inventing the wheel but co-operate to build on past knowledge and experience with a view to identifying gaps and selecting priorities where an enhanced focus on thorough scientific study and on R&D in technology is most needed, which is indeed a principal objective of our event this week.

Perhaps most of all, what this brief glance at some historic facts also tells us is that the **nature** of the issues concerns the dynamic **interplay of science, technology, policy and regulation**, which, I am sure you will agree, is for many in this audience par for the course as they go about their daily endeavours, whether as scientists, engineers, spill response practitioners, policy-makers or regulators concerned with the broader principles or more intricate legal aspects of emergency planning and management. How this dynamic interaction plays itself out may be difficult to predict, but that does not mean that we are doomed to be left, helplessly, at the mercy of 'push and pull' factors seemingly working in hopelessly different directions.

In spite of this long history and awareness of the risk and issues surrounding the transport and the possible release of HNS, there are still many information and research gaps to be addressed. One way of coping with the uncertainty is to **share knowledge**, by promoting the effective dissemination of information and of lessons learned from HNS incidents, the exact purpose for

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organizing this Forum. This is all the more important in view of the fact that HNS spills, for a variety of reasons set out in the White Paper, are likely to be rarer, relatively speaking, when compared with oil spills, and, therefore, opportunities to learn lessons will be less frequent. However, as the White Paper also asserts, projections of increased maritime transport of chemicals would suggest some increase in the number of HNS incidents. We should also heed the growing trade in vegetable oils, biofuels, in particular biofuel blends: while these products have caught the imagination of ‘green economy’ protagonists, these high volume chemicals pose as yet largely untested challenges for spill preparedness and response.

The provisions of the OPRC-HNS Protocol and the now likely imminent entry into force of the HNS Convention (and related Protocol) on liability and compensation serve as important drivers to stimulate research and development on methodologies and technologies for responding to such incidents, to address the most important information gaps for preparedness and response to incidents involving HNS both in bulk and in package form such as — immediate and chronic effect of spills of these substances into the marine saline environments; how to develop systems for adequately preparing for and responding to such a vast number of substances; and can oil spill response equipment be used to respond to HNS? Can we extend the experience of responding to land based HNS spills to water-borne spills where if one had to compare, the experience is plentiful in one instance and in its infancy in the other?

To conclude, **co-operation** to ensure greater accessibility of information on incidents involving different types of HNS will always be of critical importance to successful spill preparedness and response. To quote the White Paper authoress, Dr. Karen Purnell: “Joint government/industry projects combined with more effective dissemination of information from incidents and R&D projects are surely the way forward.”

Once again, I am delighted to welcome you all to this Fourth IMO R&D Forum. I hope that you will find it an excellent opportunity to explore ways in which to achieve the needed pro-active approach to HNS spills. Speaking from **IMO’s perspective**, the ‘OPRC-HNS Protocol’ not only lays down an exclusive global mandate but will also continue to provide the overarching reference framework for the co-operation needed – through the wide range of functions, responsibilities and/or obligations it assigns not only to the Organization but also to individual

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State Parties and the industry entities concerned. The IMO's Integrated Technical Co-operation Programme, too, will continue to play its part in tackling the task in hand.

I believe, and this is my personal view, that science and R&D underpins a sound policy of spill preparedness, response and co-operation if this is to yield the desired results. May we, together, succeed in promoting this synergy. May we also continue to push the boundaries beyond what we know and have learned already, thus going from strength to strength in our continued quest to better anticipate problems, target our R&D projects more effectively, improve our operational procedures of emergency planning and response, and enhance training of personnel and equipment deployment skills.

With these words, I wish you all a successful and enjoyable three days of debate and networking in this vibrant Mediterranean and beautiful historic city.

Thank you.

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