

Regulatory Framework for Controlling Aquatic Pollution

International Authorities

International Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, London, 1972 [London Dumping Convention (LDC)] (26 UST 2403)—Prohibits dumping plastics and other persistent synthetic material into the oceans. Such material may float or remain in suspension so that such materials interfere with uses of the ocean. Regulation excludes wastes disposed of during normal vessel operations, which instead are regulated by MARPOL Annex V.

Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973/1978 (MARPOL) (17 ILM 546, 1978)—Applies to ship-generated wastes. Annex V restricts the at-sea disposal of garbage and prohibits the at-sea disposal of plastic materials. The protocol requires adequate port waste-reception facilities and was entered into force in the United States on December 31, 1988. The Wider Caribbean Region (Gulf of Mexico, Caribbean Sea, Straits of Florida, and the coastal lands of 25 nations bordering these waters) was accepted for a Special Area designation in July 1991. This designation prohibits ships from disposing of any wastes except food wastes into these waters.

Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (1983) (Cartagena Convention)—Obligates contracting parties to prevent, reduce, and control pollution from ships, land-based sources, and seabed activities. The convention requires parties to protect unique and fragile ecosystems and the habitats of endangered species, and to engage in technical assistance programs, information and data exchange, and regional cooperation during aquatic emergencies. It commits nations to develop liability and compensation procedures for damage resulting from polluting events. The United States, Cuba, and Mexico have ratified this convention.

Federal Authorities

Federal Water Pollution Control Act (FWPCA) of 1972, as amended [Clean Water Act (CWA)] (33 USC 1251, 1262, 1311 and the sections that follow)—Establishes permitting and pollution control requirements for point source pollution [including publicly owned treatment works, combined sewer overflows, and storm drains] for discharges into waters of the United States and the oceans. The act establishes the National Pollutant Discharge Elimination System permit program to control such discharges.

Marine Mammal Protection Act (MMPA) of 1972 (16 USC 1361 and the sections that follow)—Places a moratorium on the taking and importing of aquatic mammals and aquatic mammal products from U.S. waters for any purpose other than scientific research or public display. The act established the Marine Mammal Commission (MMC), which recommends protection and conservation policies on marine mammals for Federal agencies.

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Endangered Species Act of 1973 (ESA), as amended (16 USC 1531 and the sections that follow)—Intended to conserve endangered and threatened species and to protect the ecosystems in which they live. ESA calls for all necessary measures to improve the condition of endangered and threatened species so they can be delisted, and to support international treaties for the protection of wildlife and habitat. Among other things, it requires the listing of threatened and endangered species, designation of critical habitat of listed species, and development of recovery plans, and it provides for enforcement actions.

Resource Conservation and Recovery Act of 1976 (RCRA) (42 USC 6901 and the sections that follow)—Amends the Solid Waste Disposal Act to better address the disposal of municipal and industrial wastes. RCRA includes provisions to regulate the disposal of hazardous wastes by establishing a “cradle to grave” program. The goals set by RCRA are to protect human health and the environment, to reduce waste and conserve energy and natural resources, and to reduce or eliminate the generation of hazardous waste as expeditiously as possible.

Act to Prevent Pollution from Ships (APPS) of 1982 (33 USC 1901 and the sections that follow)—Regulates disposal of wastes, including oil or other hazardous substances, generated during normal operation of vessels. APPS implements MARPOL 73/78 legislation and was amended in 1987 by MPPRCA to implement MARPOL Annex V specifically.

Marine Plastic Pollution Research and Control Act (MPPRCA) of 1987 (Pub. L. 100–220)—Implements MARPOL Annex V by amending APPS. MPPRCA calls for Federal agency reports to Congress on methods to reduce plastic pollution and effects of plastics on the aquatic environment. It requires Coast Guard regulation of overboard disposal of plastics and other garbage under MARPOL Annex V. It calls for Citizen Pollution Patrols (joint responsibility of National Oceanic and Atmospheric Administration, Coast Guard, and Environmental Protection Agency) and public outreach and citizen awards for reported violations. MPPRCA also requires adequate port waste-reception facilities, vessels 26 feet in length or greater to display placards, and vessels 40 feet in length or greater to provide waste management plans. Subtitle B requires EPA to study methods for reducing plastic pollution and requires the Department of Commerce to determine the effects of plastics on the aquatic environment.



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An Act to Study, Control, and Reduce the Pollution of Aquatic Environment from Plastic Materials and for Other Purposes of 1987 (Degradable Plastic Ring Carrier Law) (Pub. L. 100-556)—Directs EPA to develop regulations that require plastic ring carriers to be made of degradable materials. Many states have already enacted similar laws.

Driftnet Impact Monitoring, Assessment, and Control Act of 1987 (Pub. L. 100-220, Title IV)—Requires the study and creation of a driftnet marking, registry, and identification system. The Act directs the Secretary of Commerce to collect information on the numbers of U.S. marine resources killed, retrieved, discarded, or lost by foreign driftnet fishing vessels operating beyond the Exclusive Economic Zone of any nation, to evaluate alternative driftnet materials that hasten decomposition of the netting, and to evaluate the feasibility of a driftnet bounty system.

Medical Waste Tracking Act of 1988 (Subtitle J of RCRA; 42 USC 6992 and the sections that follow)—Regulates generators and handlers of wastes and requires standards for separating, labeling, packaging, and tracking of certain types of medical wastes. EPA established a demonstration project in several states for the purpose of tracking medical wastes from generation through disposal.

Marine Protection, Research, and Sanctuaries Act (MPRSA) of 1972 (Ocean Dumping Act), amended in 1988 [Ocean Dumping Ban Act (ODBA)] (33 USC 1401 and the sections that follow)—Prohibits the transport of material for the purpose of ocean dumping unless authorized by permit. The act implements the London Dumping Convention (LDC). It prohibits the ocean disposal of sewage sludge and industrial wastes, and the ocean disposal of potentially infectious medical wastes.

Shore Protection Act (SPA) of 1988 (Pub. L. 100-688, Sections 4001-4204)—Establishes a permitting scheme for vessels transporting municipal and commercial waste. The Act requires waste handlers to minimize the release of municipal or commercial waste during on-loading or off-loading to vessels, or during vessel transport.

The U.S. Public Vessel Medical Waste Anti-Dumping Act of 1988 (Pub. L. 100-699 Sections 3101-3105)—Requires that all public vessels have a management plan for medical wastes on board ship, and prohibits the disposal of these wastes at sea except during national emergencies.

Abbreviations:

ILM—International Legal Materials

UST—United States Treaties and Other International Agreements

USC—United States Code

Pub. L.—Public Law

Source: U.S. Environmental Protection Agency, Oceans and Coastal Protection Division. "Status of Efforts to Control Aquatic Debris." Washington, DC: U.S. Environmental Protection Agency, Oceans and Coastal Protection Division, 31 July 1994. Also available online at <<http://www.epa.gov/cgi-bin/claritgw>>, accessed May 11, 1998.