

July 18, 2005

Secretary General Efthimios Mitropoulos and  
Member Nation Delegates  
International Maritime Organization  
4 Albert Embankment  
London SE1 7SR

Re: Strengthen MARPOL 73/78 Air Pollution Standards and Adopt Port Community Bill of Rights

Dear Secretary Mitropoulos and IMO Member Nation Delegates,

On behalf of Bluewater Network, Friends of the Earth-US, Friends of the Earth International, the North Sea Foundation, Coalition for a Safe Environment, Clean Air Task Force, Natural Resources Defense Council, Union of Concerned Scientists, The Center for Energy Efficiency and Renewable Technologies, Citizens Environment Alliance of Southwestern Ontario, California Earth Corp, and Friends of the Earth-Australia we urge the International Maritime Organization to:

- a) Immediately strengthen air pollution standards for the world's shipping fleet,
- b) Implement a program to reduce greenhouse gases from the world shipping fleet and
- c) Adopt a Port Community Bill of Rights to eliminate and prevent negative public health and quality of life impacts in neighborhoods near ports and cargo movement corridors.

In addition, we recommend that the IMO develop an environmental enforcement and community program funded by the shipping industry to ensure enforcement of existing environmental laws; implement cleaner technology, fuels and operations; and protect communities from shipping and port pollution and operations.

You have stated that during your tenure "a priority will be to keep the public and politicians informed of IMO's work in service of an industry that is the cleanest and cheapest mode of transporting more than 90 percent of the world's goods." We hope that your leadership will guide the IMO and the shipping industry to reach the goal of "cleanest mode."

Until now, the IMO has clearly failed to adequately regulate pollution from ships to live up to the standard of "cleanest mode." The IMO has also failed to ensure that member nations are enforcing the regulations that have been adopted. Additionally, the IMO acts too slowly to achieve meaningful improvements that are available from advances in technology, fuels and operations. In addition, the body has failed to address or even acknowledge the public health and quality of life impacts in communities impacted by global shipping.

We recognize that the IMO has made a commitment to protecting the environment as evidenced in the adoption of MARPOL 73/78 and the six annexes that set environmental standards for oil, noxious liquid substances, packaged substances, sewage, garbage and air pollution. We also realize that the Marine Environmental Protection Committee has begun work on ballast water treatment standards to prevent further spread of invasive species across the oceans and plans for reducing greenhouse gas emissions.

However, these IMO processes have not reached their highest potential because they are controlled by delegate nations whose members are disproportionately influenced by shippers whose vessels are registered in those countries. This has had the unfortunate effect of undermining advances in environmental regulations that would cost-effectively protect the environment and human health.

## **Reform the IMO voting procedures**

The IMO needs to act immediately to correct these flaws and to ensure global shipping trade does not continue to unfairly burden communities and the environment. We urge you to institute a reform of the voting procedures within the IMO to provide for equal representation for each nation uniformly as do other United Nations bodies. In particular, we object to the IMO's practice of setting high and seemingly arbitrary ship registration tonnage thresholds in order to achieve ratification and entry into force of environmental conventions and amendments. The IMO's policy of requiring higher thresholds for more complex conventions was apparently intended to ensure that upon entry into force it would be applicable to as many maritime states as possible. Instead, this policy – even with improvements such as the tacit acceptance procedure – has held back progress.

If the IMO is to legitimately represent the interests of all its member nations and protect air and water quality and human health from shipping pollution, it must give each nation an equal vote in all processes that lead to the development, ratification and implementation of conventions and amendments. The shipping tonnage requirements should be eliminated. Without fundamental reform of the IMO voting procedures, it will be difficult if not impossible to achieve many of the technical solutions that we are recommending below. We therefore would counsel you to immediately institute a reform of the voting and ratification procedures within the IMO.

## **Strengthen Air Pollution Standards**

Many of the environmental and community problems can be solved with technical and operational improvements. These solutions include cleaner fuels and engines, electrification of berths for ships in port, upgrading of ships and port equipment, modernization of cargo transport including railways, and requirements for green shipping by the world's largest shippers, who profit the most from cheap transport.

More specifically, we urge the IMO to take the following steps as soon as possible:

- 1.** Promptly amend Annex VI to adopt an international marine fuels standard that caps sulfur at 1.5 percent sulfur content at sea and .2 percent sulfur or less while in ports and coastal waters out to 200 miles.
- 2.** Promptly adopt a second tier of NO<sub>x</sub> emissions limits for new marine diesel engine standards that are 90 percent more stringent than Annex VI standards.
- 3.** Promptly adopt particulate matter emissions (PM) limits for new marine diesel engine standards that will reduce PM emissions by 50 to 90 percent.
- 4.** Promptly adopt NO<sub>x</sub>, SO<sub>2</sub>, and PM emission standards for existing marine engines that reflect the application of best available retrofit control technology.
- 5.** Promptly set new standards for additional criteria air pollutants not currently covered in Annex VI including PM, hydrocarbons, airborne toxics, and carbon monoxide emissions.
- 6.** Promptly set an international voltage and infrastructure standards for ship and port electrification so that all new vessels and port terminals are equipped for shoreside power.
- 7.** Prohibit all onboard incineration within 200 miles of land, and strictly limit materials that can be incinerated. End burning of oily sludge, require proper on-shore disposal.
- 8.** Conduct a feasibility study on the availability and cost of alternative fuels and propulsion systems including bio-fuels, natural gas, and wind and sail configurations.

## **Port Community Bill of Rights**

To address human health impacts, the IMO should promptly adopt a Port Community Bill of Rights to guide all current and future policies and standards for international shipping, new ports and port expansion around the world.

Communities and cities that border ports and ocean shipping lanes have basic rights to quality of life standards, good public health and safety, and a clean environment. Furthermore, they are entitled to protection from the loss of their home, freedom from community blight, traffic congestion, and economic exploitation as well as relief from the burden of port construction, expansion and maintenance costs. The IMO has a fundamental duty to assure protection of natural resources, coastal tidelands, world seafood supplies, wildlife and sea life habitats from pollution and degradation caused by shipping. See attached text for details.

## **Greenhouse Gases**

Promptly initiate a full-scale program to control and reduce greenhouse gas emissions. Implement the measures recommended in the IMO Greenhouse Gas Report of 2000. This report found that, without corrective action, by 2020 greenhouse gas emissions from ships are predicted to rise from 38 to 72 percent. The report also identified a number of state-of-the-art technical and operational measures that together could cut emissions of carbon dioxide by the world fleet by more than half over the next two decades.

The IMO should also work with the secretariat of the Framework Convention on Climate Change to appropriately allocate responsibility for greenhouse gas emissions from marine bunker fuels to individual countries so that these emissions are addressed in national climate protection programs.

We appreciate your consideration of our views and request a meeting with you and IMO senior staff and at your earliest possible convenience to discuss these issues.

Sincerely yours,

Teri Shore  
Clean Vessels Campaign Director  
Bluewater Network – a division of Friends of the Earth – US  
San Francisco, California, USA  
[www.bluewaternet.org](http://www.bluewaternet.org)

Brent Blackwelder  
President  
Friends of the Earth – US  
Washington DC, USA  
[www.foe.org](http://www.foe.org)

Eelco Leemans  
North Sea Foundation  
Friends of the Earth International  
Netherlands  
[www.noordzee.nl](http://www.noordzee.nl)

Jesse N. Marquez  
Executive Director  
Coalition for a Safe Environment  
Wilmington, California, USA

David Marshall  
Senior Counsel  
Clean Air Task Force  
Henniker, New Hampshire, USA

Diane Bailey  
Health and Environment Program  
Natural Resources Defense Council  
San Francisco, California, USA

Don Anair  
Clean Vehicles Engineer  
Union of Concerned Scientists  
Oakland, California, USA

José Carmona  
Policy Coordinator  
The Center for Energy Efficiency and Renewable Technologies  
Sacramento, California, USA

Cam Walker  
National Liaison Officer  
Friends of the Earth - Australia  
Melbourne, Victoria, Australia

Derek Coronado  
Research and Policy Coordinator,  
Citizens Environment Alliance of Southwestern Ontario  
Windsor, Ontario, Canada

Don May, President  
California Earth Corps  
Los Angeles, California, USA