

## **SUBCOMMITTEE ON COAST GUARD & MARITIME TRANSPORTATION**

### **“Control of Anti-Fouling Systems”**

#### *Opening Statement of Chairman Elijah E. Cummings*

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At the beginning of the 110<sup>th</sup> Congress, one of the charges the Chairman of the full Committee on Transportation and Infrastructure, Congressman Oberstar, set for each Subcommittee was to protect the environment from the impacts that each mode of transportation imposed on it.

In our Subcommittee, we have worked diligently to keep that charge by taking specific steps to lessen the impact of commercial shipping on the marine environment as well as on air quality.

Last year, for example, this Subcommittee developed and the Congress eventually passed the *Maritime Pollution Prevention Act*, H.R. 802, which instituted the legal changes needed to bring the United States into compliance with the International Convention for the Prevention of Pollution from Ships (MARPOL Convention), Annex VI.

MARPOL Annex VI limits the emissions from ships of sulfur oxide and nitrogen oxide, which are ozone depleting substances. H.R. 802 was enacted after the Annex VI treaty was ratified by the Senate in April 2006 and had come into force internationally in May 2006.

Today, we convene to consider another International Convention which has now come into force and to which the U.S. Senate has now given its consent: the International Convention on the Control of Harmful Anti-fouling Systems on Ships.

Fouling is defined by the International Maritime Organization as the “unwanted growth of biological material – such as barnacles and algae – on a surface immersed in water.”

If such organisms grow on the hull of a vessel, they can add significant weight to the vessel and slow its movement through the water, thus causing it to consume more fuel and to release more polluting emissions than it might otherwise do.

Additionally, as biological materials accumulate on a vessel, the vessel becomes the vector by which these plants and animals are introduced into environments in which they are not native.

The build-up of biological materials on untreated surfaces can proceed at an astonishing rate.

The IMO has written that if a vessel bottom is exposed to the water without any treatment, up to 300 pounds of material could gather on each square yard of the ship’s hull over just a six-month period. This could add up to 6,000 tons of weight on a deep draft vessel.

Anti-fouling systems are the systems used to prevent the build-up of biological materials on a ship's hull.

In the 1960s and 70s, an anti-fouling system was developed that relied on a compound called tributyltin, known more commonly as TBT.

This compound was initially hailed as the most effective way of preventing fouling – and later advances in the formulation of this substance required that a new coating of anti-fouling paint be applied only once every five years.

Unfortunately, TBT had not been fully studied before it was released into the marine environment – and it has proven to be highly toxic to marine life, including crustaceans, mollusks, fish, and even marine mammals.

TBT has caused alterations in oyster shells, and has caused female dog whelks – a type of snail – to begin developing male sexual characteristics.

There is even some evidence that TBT is bio-accumulative – meaning that larger animals can ingest it as they consume smaller animals on the food chain. Thus, the IMO reports that traces of TBT contamination have now been found even in whales.

In October 2001, after nearly a decade of work, the IMO adopted the International Convention on the Control of Harmful Anti-fouling Systems on Ships – which now bans the use of TBT among Convention signatories.

This Convention has also established a system under which new anti-fouling coatings can be tested to assess their effect on the marine environment. Coatings can be added to the list of prohibited anti-fouling systems under the Convention if they are found to be harmful.

The Convention on the Control of Harmful Anti-fouling Systems on Ships was drafted to enter into force one year after 25 states representing 25% of the merchant shipping tonnage in use around the world adopted the Convention.

The Convention came into force internationally on September 17, 2008. The United States Senate gave its consent to the Convention just a few days later in September 2008.

I note that currently under U.S. law, TBT, like all organotins, is regulated under the *Organotin Anti-Fouling Paint Control Act of 1998*.

Under this Act, the sale and most applications of TBT anti-fouling coatings in the United States are prohibited.

However, the United States does not yet have the ability to prohibit vessels from other states using TBT-based anti-fouling coatings from entering our waters.

At this time, the United States needs to adopt the laws that will bring our nation into full compliance with the Convention, thus completing our ratification of the Convention and finally banning the entry into U.S. waters of ships with TBT coatings. Today's hearing will help inform the development of such legislation.

I look forward to the testimony of today's witnesses – and recognize our Ranking Member, Congressman LoBiondo.

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