



**DEPARTMENT OF HOMELAND SECURITY**

**UNITED STATES COAST GUARD**

**STATEMENT OF**

**MR. JEFFREY LANTZ  
DIRECTOR, COMMERCIAL REGULATIONS AND STANDARDS**

**ON**

**SHIP ANTI-FOULING SYSTEMS**

**BEFORE THE**

**SUBCOMMITTEE ON COAST GUARD AND MARINE  
TRANSPORTATION**

**COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE**

**U. S. HOUSE OF REPRESENTATIVES**

**JUNE 10, 2009**

Good morning Mr. Chairman and distinguished Members of the Subcommittee. I am Jeffrey Lantz, the Coast Guard's Director for Commercial Regulations and Standards. It is a pleasure to be here today, and I look forward to discussing the Coast Guard's role in preventing the environmental damage that can result from the use of harmful anti-fouling systems. Further, I am glad to have the opportunity to express our willingness to work with Congress should legislation for the International Convention on the Control of Harmful Anti-fouling Systems be developed.

Anti-fouling coatings and systems are designed to minimize the amount of marine growth which accumulates on a ship's hull during normal operation. Assemblages of marine organisms on ship hulls, known as hull fouling, can increase ship operating costs, fuel consumption, and harmful gas emissions.<sup>1</sup> However, some of the anti-fouling coatings designed to inhibit marine growth on hulls have proven extremely harmful for the marine environment and may pose a risk to human health<sup>2</sup>. These biocides can have significant impacts on the marine environment when, as a result of leaching from vessel hulls or deposition from shipyard activities, they enter the water column and embed in the sediments. Organotin compounds, such as tributyltin (or TBT), are particularly troublesome: they can remain in sediments for several years; are highly toxic to marine organisms; cause malformations and mutations in shellfish; and bioaccumulate in fish, birds, and marine mammals as TBT is absorbed via the food chain.<sup>3</sup> There has also been public concern about TBT's potential health effects in humans, however, this concern is still under study.<sup>4</sup>

In the 1980s, concern for the health of both the marine environment and the humans who interact with it motivated many countries, including the United States, to enact legislation restricting the use of organotin anti-fouling systems; focused particularly on small vessels, the Organotin Anti-fouling Paint Control Act was passed by Congress in 1988.

The international maritime community also recognized the need to control and ultimately eliminate the use of organotin compounds on all vessels. Given the higher levels of organotin compounds detected in ship channels and harbors, it was appropriate that an international solution to the harmful anti-fouling system problem would be found through the International Maritime Organization (IMO). The International Convention on the Control of Harmful Anti-fouling Systems, commonly known as the Anti-Fouling Convention, was adopted internationally by the IMO at the Diplomatic Conference in October 2001; after the requisite number of Flag States deposited their instruments of ratification to the IMO, the Anti-Fouling Convention entered into force on September 17, 2008. . The Convention prohibits the new application of listed anti-fouling systems, and, for all but a few existing vessels, it imposes a requirement that organotins be removed from hulls or over-coated to prevent leaching. Through survey, certification, and inspection mechanisms, the Convention provides the means for ensuring international compliance. The Convention provides the appropriate means for addressing any other hull-fouling systems that might later be determined to pose

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<sup>1</sup> Focus on IMO. 2002. Anti-fouling systems. International Maritime Organization, London, UK

<sup>2</sup> U.S. EPA.2003. Ambient aquatic life water quality criteria for tributyltin (TBT).Office of Water, EPA, Washington, D.C. December 2003. EPA 822-R-03-031

<sup>3</sup> Ibid

<sup>4</sup> Antizar-Ladislao, 2008. Environment International 34 (2008) p 301

too great a threat to the marine environment. It also addresses other important issues related to harmful anti-fouling systems, including the prevention of environmental harm during the removal of those systems.

The Convention has wide-spread support among multiple sections of the maritime community. The marine paint and coatings industry favors the Convention, since it will provide a single regulatory program for all countries throughout the world as well as a market for non-organotin-based hull coatings. For similar reasons, ship owners and operators favor the Convention because it will level the playing field by requiring all vessels operating in international trade to adhere to the restrictions on organotin hull coatings and spur development of alternatives. Shipyards in the United States also support the Convention since they already must comply with the ban on organotin coatings for vessels less than 25 meters in length and must meet stringent leaching standards that are unique to the United States.

The Anti-Fouling Convention's role in protecting the environment has been recognized in other international instruments; the recently-adopted International Convention for the Safe and Environmentally Sound Recycling of Ships incorporates Anti-Fouling Convention controls to prevent the deposition of harmful anti-fouling systems in the ship recycling process.

In support of this international framework for addressing the harmful anti-fouling system issue, the United States Senate gave advice and consent to the ratification of the Anti-Fouling Convention on September 26, 2008. Before the United States can become a party, however, implementing legislation needs to be enacted so that the United States fulfill the Convention's obligations.

Implementing legislation for the Anti-Fouling Convention would allow the United States to deliver an even higher standard of environmental protection by building upon the successes already achieved through such laws as the Organotin Antifouling Paint Control Act of 1988 (OAPCA). Legislation consistent with the requirements of the Anti-Fouling Convention would expand the application of existing prohibitions in OAPCA to all ships, regardless of size. It would help protect U.S. ports and other waters against organotin deposition from foreign vessels. In addition to preventing new application of organotin compounds, implementing legislation consistent with the Anti-Fouling Convention would create removal or over-coating requirements for vessels with existing organotin anti-fouling systems.

Implementing legislation would allow the United States to assist in the international effort to prevent damage to the environment through the deposition of harmful anti-fouling systems. Such legislation would give us the opportunity to promote international compliance through use of the robust U.S. Port State Control system. Legislation would allow for the involvement of U.S. agencies in the scientific and technical groups established under the Convention. Deposit of an instrument of ratification at IMO would provide concrete evidence of the United States' continued commitment to protecting environmental health from the effects of harmful anti-fouling systems.

In order to ensure that U.S. vessels can prove their compliance with the requirements of the Convention in the ports of Party States, the United States, as a party, could issue International Anti-Fouling System Certificates to its vessels.

I appreciate the opportunity to provide you with U.S. Coast Guard views in support of the Anti-Fouling Convention. As a party to the Anti-Fouling Convention, we can protect the health of our waters from harmful anti-fouling systems. By participating in this international agreement, we can help make a positive impact on the health of the marine environment beyond U.S. borders. We appreciate the work of our partners at the Environmental Protection Agency and look forward to further work with them on this important issue.

Thank you for the opportunity to testify before you today. I will be happy to address any questions you may have.