



Guidelines for the use of dispersants

for combating oil pollution at sea in the Mediterranean region

Part I: Regional approval



MEDITERRANEAN ACTION PLAN (MAP)

REGIONAL MARINE POLLUTION EMERGENCY RESPONSE CENTRE FOR THE MEDITERRANEAN SEA (REMPEC)





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RESPONSE CENTRE FOR THE MEDITERRANEAN SEA (REMPEC)

MEDITERRANEAN ACTION PLAN

Guidelines for the use of dispersants for combating oil pollution at sea in the Mediterranean region

Part I: Regional approval

Regional Information System

www.rempec.org

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Note

This document is aimed at facilitating the implementation of the “Protocol concerning Co-operation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency” of the Barcelona Convention (Emergency Protocol, 1976) and the “Protocol concerning Co-operation in Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution of the Mediterranean Sea” (Prevention and Emergency Protocol, 2002) by the Contracting Parties of the Barcelona Convention.

These "Guidelines", which are advisory, do not affect in any way already existing or planned national laws and regulations related to matters covered by it. REMPEC assumes no liability whatsoever for any potentially damaging consequences which could result from the interpretation and use of information presented in this document.

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1	2	3	<i>Helicopter mounted spraying system</i>
4			<i>Airborne treatment</i>
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The Guidelines are downloadable from REMPEC’s website (www.rempec.org) in the section “Information resources/Regional Guidelines/Preparedness & Response”.

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Foreword

In a large part of the Mediterranean coastal States, the use of dispersants as a response method for combating accidental oil spills at sea has not as yet been covered by specific national regulations.

Controlled and appropriate use of selected dispersants on types of oil amenable to chemical dispersion, is widely recognized as one of the useful methods for combating accidental oil spills, and in particular the massive ones. Moreover, under certain sea and weather conditions the use of dispersants might be the only applicable response method for protecting sensitive natural resources, coastal installations or amenities.

However, the opportunistic attitude regarding the use of dispersants is hardly acceptable. Selection of products which might be used, definition of zones in which their use is either allowed or prohibited and their place in the general strategy of pollution response need to be adequately regulated if the use of dispersants is expected to produce desired results without creating additional risks for the environment.

Considering the developments in the field of dispersants since the October 1998 edition of the "Guidelines for the Use of Dispersants for Combating Oil Pollution at Sea in the Mediterranean Region", the Ninth Meeting of the Focal Points of the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC), Malta, 21-24 April 2009, tasked the Mediterranean Technical Working Group (MTWG) to review their content.

This new edition of the Guidelines, endorsed by the Tenth Meeting of the Focal Points of REMPEC, Malta, 3 to 5 May 2011, has been prepared with the technical support of the 'Centre of Documentation, Research and Experimentation on Accidental Water Pollution' (CEDRE) and reviewed by the Centre in collaboration with the MTWG.

They aim at assisting the Mediterranean coastal States in developing and harmonizing national laws and regulations regarding the use of dispersants in response to oil spills at sea. It does not refer to the use of dispersants on shore.

The Guidelines are divided into four independent parts addressing different issues. Each part has been developed with a specific objective and is aimed at different end-users:

PART I **REGIONAL APPROVAL**

Part I which remains unchanged when compared to the version adopted by the Eighth Ordinary Meeting of the Contracting Parties to the Barcelona Convention (UNEP (OCA)/MED IG.3/5, Appendix I, Antalya, Turkey 15 October 1993), provides regionally approved guidance for the development of national laws and regulation on the use of dispersants.

PART II **BASIC INFORMATION ON DISPERSANTS AND THEIR APPLICATION**

Part II provides theoretical information on dispersants and their application. It is aimed at providing background information on the matter to any person interested in the subject.

PART III **OUTLINE AND TEMPLATE FOR A NATIONAL POLICY ON THE USE OF DISPERSANTS**

Part III has been prepared with a view to assisting coastal States in the development of their national policy on the use of dispersants. It has been developed as a template which can be followed and adapted by the authorities in charge of the development/maintenance of the national policy on the use of dispersants and can also be used for the implementation of national or local contingency plan for dispersants.

PART IV **OPERATIONAL AND TECHNICAL SHEETS**

Part IV is based on the publication entitled "Using dispersant to treat oil slicks at sea. Airborne and shipborne treatment. Response manual" (CEDRE 2005). It provides a set of practical technical sheets which point out the different operational issues when using dispersants. It has been developed for operational users with a view to providing them with the required knowledge for efficient dispersant application.

In order to keep the coastal States regularly informed of the current situation regarding the use of dispersants, REMPEC shall update this document to include any new and significant developments in the research field.

**GUIDELINES FOR THE USE OF DISPERSANTS
FOR COMBATING OIL POLLUTION AT SEA
IN THE MEDITERRANEAN REGION**

P A R T I

REGIONAL APPROVAL

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PART I

REGIONAL APPROVAL

INTRODUCTION

With a view to implementing the Protocol Concerning Co-operation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency (Barcelona, 16 February 1976),

The Contracting Parties to the Barcelona Convention,

have approved the following Guidelines in order to guide the Mediterranean coastal States in developing and harmonizing their national laws and regulations regarding the use of dispersants in combating accidental marine oil pollution.

1. SCOPE

1.1 These Guidelines apply to the conditions and limits of the use of dispersants in combating accidental marine oil pollution.

They rely on the state-of-the-art in the field of the use of dispersants, as presented in Part 1 prepared by REMPEC on the basis of currently available technical literature.

1.2 These Guidelines which are advisory guidelines, do not affect in any way existing and future national laws and regulations related to matters covered by them and compatible with their objectives.

2. DEFINITIONS

For the purpose of these Guidelines:

"Dispersant" means a mixture of surface active agents in one or more organic solvents, specifically formulated to enhance the dispersion of oil into the sea water column by reducing the interfacial tension between oil and water.

"Regional Information System" (hereinafter referred to as "RIS") means a set of written documents and computerized databanks, models and a decision-support system which REMPEC compiles, prepares, keeps up-to-date, publishes and regularly disseminates to the Mediterranean coastal States, comprising necessary information on various aspects of preparedness for and response to accidental marine pollution by oil and other harmful substances.

3. GENERAL PRINCIPLES

3.1 Each Mediterranean coastal State shall endeavour to take the necessary measures to ensure that when dispersants are used for combating accidental marine oil pollution within its territorial waters or during combating operations conducted under its authority outside its territorial waters according to international law, these are used in an appropriate way with a view to reducing the negative effects of such pollution and, in particular, with a view to minimizing its overall effect on the marine environment.

- 3.2 Each Mediterranean coastal State shall endeavour to take the appropriate steps necessary to define its policy regarding the use of dispersants in combating accidental oil pollution, applying the principle of prior authorization for the use of dispersants.
- 3.3 Each Mediterranean coastal State shall endeavour to take the necessary measures to ensure that national regulations regarding the use of dispersants, including any limitations for their use, are clearly reflected in the national contingency plan for accidental oil pollution combating, as well as in any bilateral or multilateral operational agreement concerning co-operation and mutual assistance in response to accidental marine oil spills.
- 3.4 With a view to facilitating international co-operation in combating massive oil spills which may threaten the interests of one or more coastal States, each Mediterranean coastal State should make available to the other Mediterranean coastal States, information concerning its policy regarding the use of dispersants. Such information should be made available through the RIS.
- 3.5 If necessary, each State shall make all necessary arrangements, in liaison with other States, in order to eliminate dispersants which have reached their expiry date.

4. USE OF DISPERSANTS IN COMBATING ACCIDENTAL MARINE OIL POLLUTION

- 4.1 It is the sovereign right of each Mediterranean coastal State to prohibit within its territorial sea the use of dispersants for combating accidental marine oil pollution.
- 4.2 Each Mediterranean coastal State which considers the use of dispersants as one of the possible methods for combating accidental marine oil pollution and which incorporates this method in its oil pollution response strategy shall adopt rules and regulations regarding:
- requirements for the use of dispersants;
 - restrictions on the use of dispersants;
 - conditions for the use of dispersants.

4.2.1 Requirements for the use of dispersants

- (i) Within the powers given to the On-Scene Commander by the competent national authorities, he shall take the decision to use dispersants, taking into account the applicable national rules and specific circumstances of the accident and shall rely on the advice given by specialized organizations.
- (ii) Only dispersants which have been approved for use in the territorial waters of a respective coastal State shall be eligible for such an authorization, taking into account the reservations mentioned in (b) below.
- a) Approval for use may be granted by the competent national authorities to products satisfying certain established and defined criteria, concerning at least the product efficiency, toxicity and possibly biodegradability.
- b) Coastal States which have no defined testing and approval procedures or do not possess the necessary means to carry out the tests, may approve for use in its territorial waters products approved for use by another State, taking into consideration the compatibility of standards adopted by each State concerned.

- c) When granting approvals for use of particular products in its territorial waters, competent national authorities shall take into consideration the changes in original properties of dispersants which may occur with aging and the lack of sufficient scientific knowledge of these processes. Accordingly, they may grant such approvals for only a limited period of time or stipulate periodical checking of original properties of approved products.
- d) Competent national authorities shall prohibit the use of products whose properties have changed beyond acceptable standards due to aging. According to circumstances, all such products shall be either recuperated or destroyed, disposed of and/or used for other purposes.

4.2.2 Restrictions on the use of dispersants

- (i) Each coastal State shall endeavour to designate zones, precisely defining their geographical boundaries, where the use of dispersants is either allowed (subject to prior authorization), limited or prohibited.
- (ii) Such zones shall be designated with a view to protecting particularly sensitive marine ecosystems and/or preventing negative effects of dispersed oil on industrial or other installations in zones not considered as environmentally sensitive.
- (iii) In designating such zones, competent national authorities shall take into consideration, at least:
 - the environmental sensitivity of the area (specific habitats, fish spawning areas, shellfish breeding areas, seasonal changes in the environment, etc.);
 - the oceanographic features of the area (sea depths, currents, wave energy, etc.);
 - the distance from the shore and the type of adjacent coastal formations.
- (iv) Once such zones have been designated, the competent national authorities responsible for the preparation of national contingency plans, shall endeavour to prepare maps showing the geographical limits of these zones and to include these maps in their respective contingency plans.
- (v) When updating contingency plans and in particular as regards the zones where dispersants can be used, the competent national authorities may take into consideration assessment studies on the impact of the use of dispersants during previous pollution events.

4.2.3 Conditions for the use of dispersants

With a view to achieving the maximum effectiveness of dispersants' treatment and to minimizing any possible deleterious effects of such treatment, each Mediterranean coastal State shall include in the operational part of its contingency plan, precise technical conditions for the use of dispersants, regarding *inter alia*:

- types and characteristic of oil which might be chemically dispersable;
- recommended application techniques;
- recommended dosages of dispersants;

- limits of weather/sea state conditions in which the use of dispersants could be envisaged.

4.3 All such requirements, restrictions and conditions for the use of dispersants, established by each Mediterranean coastal State individually, should be reflected in their respective national contingency plans and taken into consideration in any bilateral or multilateral operational agreements concerning response to accidental marine oil pollution which the coastal States may wish to enter into.

5. REGIONAL CO-OPERATION

5.1 Mediterranean coastal States shall exchange the information concerning their respective national policies regarding the use of dispersants, including *inter alia* information on products approved for use, criteria for approval of products, laboratories authorized to perform testing of products, restrictions and conditions for use of dispersants. Such information will be disseminated through RIS.

5.2 Mediterranean coastal States agree to mutually accept, in joint response operations in case of emergency, the policy regarding the use of dispersants of the coastal State in whose territorial waters the response operations are carried out.

5.3 In all such cases, the competent national authorities of the affected coastal State agree to consider authorization for use in their territorial waters of dispersants approved by the assisting coastal State, providing that such approval was granted in conformity with the principles on which these Guidelines are based.

5.4 Mediterranean coastal States shall endeavour to co-operate in developing compatible testing procedures for approval for use of products commercially available with a view to eventually harmonizing such testing procedures.

5.5 Mediterranean coastal States shall endeavour to facilitate the transfer of technology among themselves with regard to the use of dispersants, in particular through REMPEC.

5.6 If a State, affected by pollution, does not possess the pre-established national regulations for the use of dispersants, it shall seek the most qualified advice and endeavour to take into account the regulations of the neighbouring States.

6. ROLE OF REMPEC

6.1 REMPEC shall continue to collect and disseminate, through RIS, information concerning:

- a) the state-of-the-art in the field of using dispersants in marine oil pollution response;
- b) new products and application techniques;
- c) research on the process of aging of stored dispersants and related developments;
- d) policy, including rules and regulations of the Mediterranean coastal States regarding the use of dispersants;
- e) products approved for use in the Mediterranean coastal States;
- f) delineation of zones for the use of dispersants established by the coastal States;
- g) testing procedures adopted by the Mediterranean coastal States;

- h) laboratories authorized to test dispersants on behalf of the competent national authorities in their respective countries.
 - 6.2 At the request of the competent national authorities of the Mediterranean coastal States, REMPEC shall provide advice and technical assistance concerning all aspects of developing national policies regarding the use of dispersants.
 - 6.3 REMPEC shall organize training activities on the use of dispersants aimed at personnel involved in planning and response, either by including these activities in general training courses or by organizing specialized courses.
 - 6.4 REMPEC shall maintain updated versions to the Parts of these Guidelines taking into consideration acquired experience and technology developments on the one hand and information provided by the member States on the other hand. It shall submit to the Contracting Parties for approval the modifications to be introduced in these Guidelines themselves.
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