



Association of Transportation Law Professionals

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MANAGEMENT OF SHIP'S BIOFOULING TO REDUCE INVASIVE AQUATIC SPECIES

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The United States is focused on the danger to the marine environment caused by Invasive Aquatic Species (“IAS”) that are transferred from other regions of the world by the shipping trade. For example, NOAA is concerned with the proliferation of lionfish that have been transplanted to the warm waters of the southern United States.¹ Zebra mussels native to Russia that were transported to the United States in ballast water in 1980s now thrive in all of the Great lakes, and have migrated to Texas, California, Nevada, Utah and Florida. Zebra mussels destroy the native algae population, destroy native mussels, and clog water intakes.²

The International Maritime Organization (“IMO”), the United Nations Development Programme (“UNDP”), and the Global Environment Facility (“GEF”) are jointly spearheading an initiative designated the GloFouling Partnerships Project (“GFPP”) to combat the transfer of IAS resulting in damage to the marine environments throughout the world.³ The IMO defines Biofouling as: “*the accumulation of microorganisms, plants, algae, and animals on ships’ hulls and ballast water. They are often transferred to new locations where they outcompete native species, resulting in biodiversity loss.*” In addition, the IMO has long acknowledged that biofouling increases fuel consumption of vessels.⁴

On November 4 – 8, 2024, the third GloFouling Partnership Forum was held in Busan, Korea for the purpose of showcasing advancements to reduce biofouling and the transfer of IAS. Participants at the GloFouling Partnership Forum had an opportunity to observe (i) dry dock cleaning procedures and techniques; (ii) a demonstration of regional technology; and (iii) and testing for advanced ballast water management and biofouling management.⁵ In addition, experts gave presentations regarding recent advancements in both the detection and response to biofouling, including antifouling coatings applied to the hull of a vessel, cleaning techniques, as well as UV-

¹ <https://www.fisheries.noaa.gov/insight/invasive-and-exotic-marine-species#where-are-invasive-species-found?>

² [https://www.usgs.gov/faqs/what-are-zebra-mussels-and-why-should-we-care-about-them#:~:text=The%20zebra%20mussel%20\(Dreissena%20polymorpha,to%20all%20five%20Great%20Lakes.](https://www.usgs.gov/faqs/what-are-zebra-mussels-and-why-should-we-care-about-them#:~:text=The%20zebra%20mussel%20(Dreissena%20polymorpha,to%20all%20five%20Great%20Lakes.)

³ <https://www.imo.org/en/MediaCentre/Pages/WhatsNew-2183.aspx>

⁴ Id.

⁵ Id.

LED systems.⁶ Finally the Forum focused on various proposed methods for the reduction of IAS and biofouling in Marine Protected Areas and Particularly Sensitive Sea Areas.⁷

The IMO adopted the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 in furtherance of its commitment to combating IAS, which are considered marine pollutants. Specifically, IMO recognizes that ships and immersive structures are often a pathway for the distribution of IAS.⁸

On July 7, 2023, the IMO adopted the Marine Environment Protection Committee, Annex 17, Resolution MEPC.378(8) entitled "*2023 Guidelines for the Control and Management of Ships' Biofouling to Minimize the Transfer of Invasive Aquatic Species.*"⁹ The Guidelines urge Member States to take immediate action to reduce the risk of IAS on the world's oceans. The Guidelines recommend that shipowners install (i) an anti-fouling system installation and maintenance system; (ii) establish contingency action plans, (iii) implement plans for inspection, cleaning, maintenance, and create a biofouling management plan; (iv) train crewmembers of the risks of IAS; and (v) establish a biofouling record book.¹⁰ The ultimate goal of the IMO, in collaboration with Member States, governmental entities and industries, is to minimize and sharply reduce the transfer of IAS to protect the marine environment.

⁶ Id.

⁷ Id.

⁸ <https://www.imo.org/en/OurWork/Environment/Pages/Biofouling.aspx>

⁹ <https://www.lr.org/en/knowledge/regulatory-updates/imo-meetings-and-future-legislation/mepc-80-summary-report/>

¹⁰ Id.