

17 November 2011

Ministry of Agriculture and Forestry

PO Box 2526

Wellington

Attention: Allan Bauckham

### **Submission Draft Anti – Fouling and In Water Cleaning Guidelines**

1. This submission is made on behalf of companies exploring for or producing petroleum products both within the Territorial Sea and wider Exclusive Economic Zone.

#### **Introduction**

2. We understand that the draft Import Health Standard for Vessel Biofouling will put in place requirements for vessels entering NZ waters. If they don't meet the IHS an inspector may take action to ensure mitigation of the risk that the vessel poses to NZ. This IHS will be renamed as a Craft Risk management Standard eventually but the amendment of the Biosecurity Act has not yet happened.
3. The requirements involve maintenance of antifouling coatings (and non-concurrence may lead to removal of biofouling) and, if this is carried out in NZ or Australia, the Guidance document which is the subject of this submission gives useful advice for doing this safely, effectively and with least possible risk to the environment (including least biosecurity risk to the marine environment).
4. The draft Anti-Fouling and In Water Cleaning Guidelines primarily gives guidance to regional councils to use in deciding whether to allow vessels to clean their hulls in-water and what conditions should be added to the consent in terms of capture of discharged matter.
5. The guidelines advise those involved in up-keep of antifouling coatings as to the appropriate product to use and how to of remove and apply antifouling safely. MAF is acting as the agent for coordinating this review of an existing Code of Practice that was agreed in 1997 by NZ and Australian Ministers and which effectively banned the practice of in-water cleaning. This ban was mainly to avoid release of TBT into the water, a risk that is now a thing of the past as TBT use in antifoulants has been banned since 2008. It was thought that with care and under set conditions a certain amount of in-water cleaning could be allowed now.
6. While the Association is generally supportive of the proposed guidelines for commercial and other vessels that can be periodically dry docked for the purposes of bio fouling maintenance, the issue of cleaning both offshore drilling rigs and floating production and storage off-take vessels is still rather problematical.
7. There are no dry dock facilities in New Zealand capable of cleaning such vessels. In water cleaning is technically possible offshore, but increases the risk to divers and those required to operate in the water. Regulatory agencies have (to date at least) been reluctant to identify suitable sites where in water cleaning can occur due to the potential for introducing

invasive species, in particular because of the issues surrounding the cleaning of the Ocean Patriot rig in Tasman Bay recently.

#### **Definition of Vessel – Page 17**

8. This definition is different to that defined by the IMO in an MEPC Resolution. For the purposes of ensuring that the Guidelines are intended to bring into force that Resolution then the definitions should be aligned.

#### **Emergency response – Page 23**

9. This section seems a little loose. We would have thought that there was a requirement for all maintenance facilities to have in place an emergency response plan. As it stands it is just a ‘recommendation’ that one should be in place.

#### **Recommendations for Decision Making on In Water Cleaning**

10. On Page 27, point 4, there is a requirement that macro fouling derived from international locations should only be removed using cleaning techniques that are able to minimise the release of all organisms.
11. This requirement is similar to that proposed earlier by MAF in relation to the draft Import Health Standard, where the proposed Standard required that the hull of all vessels arriving in New Zealand waters must be “clean”. That was defined as free from visible aquatic organisms, except as a slime layer.
12. The Association disagrees with the essential philosophy of this, in that it prescribes an outcome which is the opposite of the approach normally taken by participants in the oil exploration industry, which is to manage identified risk. A good example of the risk management approach was in relation to the drilling of AWE’s Tuatara well last year off the coast of D’Urville Island, an approach the industry endorses.
13. We have previously proposed an alternative, or equivalent, option for oil rigs which may require separate treatment to other commercial vessels. We have previously described our preferred approach to MAF in submissions to the proposed Import Health Standard, and draw your attention to that submission, which we attach for your information.
14. We would be happy to meet with MAF to discuss this submission if you wish.

Sincerely

John Pfahlert

Executive Officer