

Summary for Ocean Law Website:

Act to Prevent Pollution from Ships and MARPOL 73/78:

On November 2, 1973, the International Maritime Organization (IMO) adopted the International Convention for the Prevention of Pollution from Ships (MARPOL) to limit ship-borne marine pollution resulting from operational or accidental causes. Subsequently modified by the Protocol in 1978, the Convention is widely known as MARPOL 73/78.

MARPOL comprises six annexes that address specific forms of marine pollution. Annexes I and II respectively regulate oil and noxious liquid substances in bulk and are obligatory for all MARPOL parties. The remaining annexes address harmful substances in packaged form (Annex III), sewage from ships (Annex IV), garbage (Annex V), and air pollution from ships (Annex VI). As of August 25, 2014, the U.S. is party to MARPOL Annexes I, II, III, V and VI.

The United States implements its obligations under MARPOL through domestic law. The Act to Prevent Pollution from Ships (APPS), as amended by the Maritime Pollution Prevention Act of 2008, incorporates Annexes I, II, V and VI into U.S. law while the Hazardous Material Transportation Act (HMTA) incorporates Annex III. The U.S. is not a party to Annex IV.

The table below indicates each Annex by pollution source, its title, U.S. signatory status and implementing legislation, law and/or regulations.

Source: <https://homeport.uscg.mil/mycg/portal/ep/programView.do?channelId=-18346&programId=243762&programPage=%2Fep%2Fprogram%2Feditorial.jsp> (last visited, August 25, 2014).

International Convention for the Prevention of Pollution by Ships (MARPOL 73/78)				
Annex	Pollution Source	Title	U.S. Signatory?	Implementing Legislation/ Regulations/ Guidance
I	Oil	Regulations for the Prevention of Pollution by Oil	Yes	Act to Prevent Pollution from Ships of 1980 (APPS) 33 U.S.C. § 1901 – 1912 33 C.F.R. Parts 151 , 155 , 156 , 157
II	Noxious Liquid Substances (NLS)	Regulations for the Control of Pollution by NLS in bulk	Yes	APPS 33 U.S.C. § 1901 – 1912 33 C.F.R. Part 151
III	Packaged Substances	Regulations for the Prevention of Pollution by Harmful Substances in Packaged Form	Yes	Hazardous Materials Transportation Act of 1974 (HMTA) 49 U.S.C. § 5101 (former 49 U.S.C. § 1801 <i>et seq.</i>) 46 C.F.R. Part 148 49 C.F.R. Parts 171 , 172 , 173 , 174 and 176

IV	Sewage	Regulations for the Prevention of Pollution by Sewage from Ships	No	Federal Water Pollution Control Act (FWPCA), as amended by the Clean Water Act (CWA) 33 U.S.C. § 1251 33 C.F.R. Part 159
V	Garbage	Regulations for the Prevention of Pollution by Garbage from Ships	Yes	APPS 33 U.S.C. § 1901 – 1912 33 C.F.R. Part 151
VI	Air	Regulations for the Prevention of Air Pollution from Ships	Yes	APPS 33 U.S.C. § 1901 – 1912 40 C.F.R. Part 94 (EPA Engine Emissions)