

Frequently asked question:

Prohibition on use Single Use Plastic: DGS Order 5 of 2019 and Addendum No. 1 to said Order

<u>Issued on</u>	<u>Revision No.</u>	<u>Date of Revision</u>	<u>Date of Uploading of revised FAQ on DGS Web-site</u>
14 January 2020	02	05.02.2020	06.02.2020

1.	My vessel is using various sizes of single use plastic bags. Will plastic bags irrespective of sizes will be counted as a single SUP item?
<u>Answer</u>	Yes, plastic bags irrespective of size will be considered as only one Single Use Plastic item.

2.	<p>The SIP is to include a list of all single-use-plastic on board with the exception of those exempted from the definition. The list will need to be separated into three groups which will represent a prohibition sequence as follows:</p> <p>List A – 50% of the total list of SUPs identified in the SIP that are to be prohibited from being on board by 1 April 2020.</p> <p>List B – 75% of the total list of SUPs identified in the SIP that are to be prohibited from being on board by 1 July 2020.</p> <p>List C – 90% of the total list of SUPs identified in the SIP that are to be prohibited from being on board by 1 October 2020.</p> <p>The remaining 10% of SUPs on board after 1 October 2020 will be comprised of those excluded from the SUP definition.</p> <p>Q1: Should the list include the number of each material? For example, onboard the ship there are 20plastic bags of one use, 100platici straws.</p> <p>Q2: In the above definition of the A, B, and C lists, there is the phrase “prohibition from being onboard”. Does it mean that these materials are prohibited to be onboard the vessel or does it mean that their use is prohibited during vessels’ stay in Indian waters?</p> <p>Q3: Are the materials that should be included in the list A, B and C ship specific or should each company develop its own A,B and C lists</p>
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<u>Answer</u>	<p>Ans1: No there is neither a need to identify and nor to list number of each SUP items on board.</p> <p>Ans 2: The phrase “ Prohibition from being onboard” means the following: Foreign Flagged- ships while at a place or port in India: These ships are not allowed to use prohibited items while at a place or port in India. However, these items are allowed to be there on board such vessels provided kept stored at identified locations.</p> <p>Indian Flagged-Ships: These ships are not allowed to have such items on board.</p> <p>Ans 3: Each ship should have a ship specific list.</p>

3.	<p>What does 10% mean? Does it mean 10% of the different types of SUP on board or 10% of total quantity spread over the different types? How is the % to be calculated? Does it mean a percentage of the number of items or volume or weight? Weight of course would be the more accurate measure. However, implementing this requirement to any degree of accuracy will be difficult.</p>
<u>Answer</u>	<p>10% is based on number of SUP items and not on total quantities. All plastic bags irrespective of their size shall be considered consisting of one item and it goes for say other items like plastic bottles.</p>

4.	<p>Biodegradable plastic with a certificate from the manufacturer’ – we find it highly unlikely that all biodegradable plastic will be issued with a certificate. It is probably just poor choice of words and it should be changed to ‘Biodegradable plastic with a stamp, marking or certificate from the manufacturer’ or something similar.</p>
<u>Answer</u>	<p>Yes, biodegradable plastic with a stamp, marking or certificate from manufacturer or something similar shall not be considered for prohibition under DGS Order 5 of 2019 and same is so stated in Addendum No.1 to this order.</p>

5.	In section 2.1 of Draft Addendum No. 1, reusable plastic items are excluded from the definition of single use plastic. We seek confirmation that reusable plastic items such as commercial size dispensers for fluids (e.g. shampoo, cleaning products, etc.) are also excluded, since such items are used more than once before depleted.
<u>Answer</u>	Yes, such items are excluded provided they are re-used/re-filled on the ship itself and not discarded after single use.

6.	Section 2.2 further clarifies that the definition of single use plastics includes only items that are completely made of plastic. Please confirm our understanding that items with multi-layered packaging (e.g. foil-lined condiment packets, etc.) are not included within the definition of single use plastics.
<u>Answer</u>	Yes, multi-layered plastic will not be considered for prohibition provided they are biodegradable with a stamp, marking or certificate from the manufacturer' or something similar.

7.	In section 2.3, Draft Addendum No. 1 distinguishes items used on board ship from cargo related items and packaging. As large quantities of items are often stored on board passenger ships for use on board, we seek confirmation that such stores are considered to be cargo for the purposes of the Order.
<u>Answer</u>	Crew and passenger personnel effects are already exempted and can be stored on ship. SUP not exempted are required to be included. Cargo related SUP are exempted from prohibition.

8.	Section 2.5 of the Draft Addendum provides examples of practical exclusions for medical and life-saving equipment. We request clarification that the exclusion similarly extends to plastics used for sanitation such as plastic/latex gloves, trash bags, etc., and to personal protective equipment (PPE) including respirator cartridges, gloves, suites, boot covers and related items.
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<u>Answer</u>	<p>Personnel protective equipment including respirator cartridges, gloves, suits, boots and related packaging are excluded from prohibition.</p> <p>Latex/rubber are not plastics and are excluded from prohibition.</p> <p>Plastics used for sanitation are not excluded from prohibition.</p>
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9.	<p>The requirement in section 3.1.2 to list an inventory of 10% of items which the ship intends to continue using appears to correspond to the earlier-referenced methodology listed in section 1.5 (labeled 1.3.3), which allows ships to continue to use 10% of total single use plastic inventory items based on operational needs of different ship types (March 31, 2020 for passenger ships). However, the text and requirements of section 3.1.3 (labeled 3.1.2) do not provide the same level of clarity. As drafted, it may be read to permit an increase over time in the percentage of inventory items that may continue to be used on ships (from 10% to 50% to 75% to 90%). In contrast, section 4 reflects an intent to increasingly prohibit single use plastics from being onboard from 50% to 75% to 90%, as identified in paragraph 19 of Order 5, by December 1, 2020 for foreign flagged passenger ships. The text in section 3 could be clarified to avoid confusion.</p>
<u>Answer</u>	<ol style="list-style-type: none"> 1. The purpose of this Order and its Addendum is to dissuade ships from using Single use plastic items. Therefore, inventory once prepared should not be changed unless there are slips in the preparation of an inventory. 2. The aim of the Order is to help smooth removal of Single Use Plastic items from ships especially Indian ships by giving enough time to find alternatives. Therefore, the Addendum allows ships to identify the single use plastic items, list these items and prohibit use of these items on board ships in phased manner to achieve the target date of prohibition.

10.	<p>We are the management company for vessels, which have possibility to call or pass your waters as Foreign Flag Cargo Ship. According to DGS Order No. 5 of 2019 and the Addendum No. 1 to this Order, the vessel prohibit using Single Use Plastic (SUP) in your waters. Related to this Order, we have some questions as below:</p> <ol style="list-style-type: none"> 1. Can the vessel use these various foods and drinking water under this situation?
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	<p>2. If, the vessel can use them, how deal with the log entry?</p> <p>3. If the vessel cannot use them, what can the crew do to take the meal on-board?</p> <p>4. Section 20.3 of the Order said, further no single use plastic items to be discharged to port reception facility at your port. Is this mean all plastic items (except Sec.2 of the Addendum No. 1) including the contents should be landed to port reception facility?</p>
<p><u>Answer</u></p>	<p>1. DGS Order 5 of 2019 should be read along with Addendum No.1 to DGS Order 5 of 2019.</p> <p>2. The use of SUP on foreign ships is only prohibited at a place or port in India. There is no prohibition on usage while the ship is passing through Indian territorial waters.</p> <p>3. A list of all Single Use Plastic except those exempted as per Addendum No.1 to DGS Order 5 of 2019 is to be prepared by 31st January 2020. There is no need to identify number of each SUP in such a list. However, progressively 50%, 75% and 90% of items (as determined by Owner/Manager) listed in this list should not be used by foreign ships when at a port or place in Indian waters on/after 1 April 2020, 1 July 2020 and 1 October 2020 on cargo ships and 1 June 2020, 1 September 2020 and 1 December 2020 on passenger ships respectively.</p> <p>4. The purpose of Log entry is to indicate the places where all these items are stored for Port State Control purpose, however, quantity of each item stored is not required.</p> <p>5. Section 4.5 of Addendum No.1 to DGS Order 5 of 2019 stated that “Waste reception facilities shall continue to be provided at all Indian ports though Swachh Sagar Portal including for disposal of Single use plastic items. However, they should be kept. segregated and marked for disposal”. So there is no prohibition in using port reception facilities in India for discharge of single use plastic items.</p> <p>6. The Addendum No.1 to DGS Order 5 of 2019 allows 10% of items identified in the list prepared</p>

<p>11.</p>	<p>Addendum No. 1 to DGS Order 5 of 2019</p>
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	<p>With respect to the above addendum to the DGS order prohibiting the use of single use plastics, we note that the execution requirements place an obligation on ships to inventory a specific proportion of their single use plastic by certain dates. Is there a requirement as to how this will be calculated, or will it be left to the discretion of the ship? Ordinarily Annex V discharges are calculated and recorded by weight or volume rather than number of items, and we would be grateful if you could clarify whether this standard practice will apply in the case of the inventories.</p>
<u>Answer</u>	<ol style="list-style-type: none"> 1. Yes, unlike MARPOL, the prohibition is based on number of items of each type as explained below and not quantity of each type of items. The reason for this is to give enough space and time to Ship-Owners to find suitable alternatives and reduce dependence on single use plastics by both ship and seafarers. 2. The philosophy of number of items is as below: <ul style="list-style-type: none"> - In case SUP water bottles are used on board, the inventory should include SUP water bottles as one item only irrespective of sizes and numbers of each size of bottles. Same goes with plastic bags (garbage or otherwise) etc.

12.	<p>On the subject of the SUP ban and the Ship Execution Plan (SEP), could you please advise, if all the SUP on board are to be listed in the SEP or the SEP should have only those items listed that are out of the exempted list, e.g. do we need to have SUP used for PPE ,Medical ,Statutory ,personal use included in the SEP or keep them out from the start.</p>
<u>Answer</u>	<p>The list is required to include only those items which are not exempted. Number/Quantity/Volume of each type of item is not required to be listed.</p>

13.	<p>a) At the end of page 3, in the table of the execution schedule, there is the reference “The ship can continue to use remaining 10% of items not identified for prohibition vide list prepared as per Paragraph 3.1.1.” This is not clear and guidance is needed. If this 10% includes the items exempted, then in case that the exempted SUP are of equal</p>
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	<p>or similar number with the prohibited ones, there will be an issue to apply the 50%, 75% and 90% scheme.</p> <p>b) If the Addendum should be read along with the circular, a new paragraph of the verification by the PSC is needed as the existing is clearly referring to the old model described in the circular.</p>
<p><u>Answer</u></p>	<p>a) Apart from exempted items, the ships can continue using 10% of items identified in the list prepared on/after 1 October 2020, in case of cargo ships and on/after 1 December 2020 in case of passenger ships. The purpose of preparation of an initial list of SUP and progressive prohibition and then exclusion 10% of items from the list apart from exempted SUP items (detailed in Paragraph 2 of Addendum No.1 to DGS Order 5 of 2019) are manifold. Few of the reasons are listed below:</p> <ul style="list-style-type: none"> (i) Since purpose of DGS Order 5 of 2019 and Addendum No.1 is to dissuade ships from using Single Use Plastic items, a list will create awareness and prevent later inclusion of other SUP items. (ii) Ship owners can look for alternatives only if a list is available to work upon and strive to get alternatives prior prohibition date. Further even if alternatives are available, there may be some SUP items, a ship may want to continue using based on their operations. (iii) A list will help in Port State, Flag State Inspection as the inspection will not be arbitrary, and inspector will have a document to base his inspection upon. (iv) To encourage a culture of self-regulation. <p>b) The port state inspection will not detain the vessel and the philosophy of the inspection will be as follows:</p> <ul style="list-style-type: none"> (i) PSC inspector will verify availability of a list of all SUP items on board the ship on/after the date on which such list is required. List is not mandatory and in case list as required by Paragraph 3.1.1 of Addendum No. 1 is not available, the PSCO will consider items detailed in Paragraph 19 of DGS Order 5 of 2019 as the list for the

	<p>ship and carry out inspection in accordance with other paragraphs detailed below.</p> <p>(ii) On/after the date of progressive prohibition (50%, 75% & 90% respectively), the PSC Inspector will verify whether the ship has identified from the list prepared percentage of items not to be used when at a port or place in Indian waters. Further he will identify whether there is some written record of the places where these prohibited items are kept stored and how non-usage of same is implemented.</p> <p>(iii) In case any of the prohibited item (or SUP item not listed in the prohibition list) is found being used on board, the PSCO may give a deficiency to be rectified prior departure. However, no detention shall be enforced.</p> <p>(iv) While at a port or place in Indian waters, ship can separately store all SUP items to be landed to Port reception facilities.</p>
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14.	<p>In our effort to prepare a proper Ship Execution Plan for the prohibition of the Single Use Plastics, we would appreciate it if you could guide us on the below questions which are not clearly addressed in the Circular, the Addendum and the FAQ document.</p> <p>For easier reference, I am asking for “Foreign Cargo Vessels”.</p> <p>(A) Should the original circular and the addendum be read together to create the plan? Some parts from the original circular are missing from the addendum included in the SEP. i.e. The addendum is not making any reference to lock the SUP when in Indian waters/ports.</p> <p>(B) Should the items for prohibition be locked in a space prior entering Indian waters and recorded in the log book?</p> <p>(C) Should the inventory include all SUP including the ones not identified for prohibition? I believe that this is not the case since they are set as exemption.</p> <p>(D) What is the expectation for items not in the prohibition list. Is it correct to say that nothing will change for these items?</p> <p>(E) Will the vessel have available a new SEP for every call in Indian waters/ports?</p>
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	<p>(F) Is there an expectation to compare the previous inventory with the new one and to see smaller quantities? How will this be done? Stamped?</p>
<p><u>Answer</u></p>	<p>(A) Yes, DGS Order 5 of 2019 should be read along with Addendum No.1 to the Order. There is no need for locking all SUP items, however all locations where SUP is available to be recorded.</p> <p>(B) Location of SUP items may be recorded in Ship Execution plan prior arrival at a port or place in Indian waters signed by Master with ship stamp. There is no need for making a log entry. The purpose of this recording is only for ease of port state control inspection.</p> <p>(C) There is no need to include items excluded from prohibition which are detailed in Paragraph 2 of Addendum No. 1 to DGS Order 5 of 2019.</p> <p>(D) As above</p> <p>(E) The philosophy is as below:</p> <ul style="list-style-type: none"> (i) Foreign Flag vessels on frequent run to a place or port in Indian waters should have a list of all prohibited SUP items on board in place on cargo ships or passenger ships by 31 January 2020 and 31 March 2020 respectively. (ii) In case a foreign flag vessels is trading in Indian waters by grant of license under Section 406 or 407 of Merchant Shipping Act, 1958: <ul style="list-style-type: none"> - If licensed on/before/after 31 January 2020, the vessel should have a list prepared prior coming to a port or place in Indian waters. - Further the prohibition on these licensed vessels shall be same as for Indian ships and shall not be allowed to have progressively SUP items on board based on this list and identified by them in accordance with Paragraph 4 of Addendum No.1. - The above prohibition is only during the period of license or during their stay at a port or place in India, whichever is later. (iii) Other foreign flag vessel, which do not visit a place or port in Indian waters regularly, should have a list prior arrival only. There

	<p>is no need to prepare a list on/before 31 January 2020. However, there is no relaxation from progressive prohibition of use of SUP items while at a port or place in Indian waters. This means:</p> <ul style="list-style-type: none"> - that if a foreign flag vessels enters a place/port in Indian waters on/after 1 April 2020 but before 1 July 2020, it should not only have a list of SUP items, but also have identified and listed 50% of items from this list which shall not be used at a place/port in Indian waters. Location of these SUP prohibited should be identified and recorded. - Again if the same vessel or another foreign flag vessel comes to a port/place in Indian water on/after 1 July 2020 but before 1 September 2020, but also have identified and listed 75% of items from this list, which shall not be used at a place/port in Indian waters. Location of these SUP prohibited should be identified and recorded. This list may be a new list and may include additional items. - Again if the same vessel or another foreign flag vessel comes to a port/place in Indian water on/after 1 September 2020 but before 1 September 2020, but also have identified and listed 90% of items from this list, which shall not be used at a place/port in Indian waters. Location of these SUP prohibited should be identified and recorded and should not be used during its stay. This list may be a new list and may include additional items. - The above philosophy also goes for passenger ships and only date of implementation will change in accordance with Addendum No.1.
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15.	<p>Just to make sure, I would like to confirm about the following questions.</p> <p style="text-align: center;">1. Definition of Single Use Plastic</p> <p>As per “Definition of Single Use Plastic”, it states “items such as juice/milk packets / tetra-packs with plastic lining or caps are not included in this definition”.</p> <p>But, other items such as “Biodegradable plastic”, “cargo related items and Packaging” and others are stated not to be included from prohibition.</p>
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	<p>My understanding is that items from 2.1 to 2.5 refer to the definition of SUP, so items, which are not prohibited, are also not included in the definition of SUP.</p> <p>Is this understanding correct?</p> <p style="text-align: center;">2. Inventory List of Single Use Plastic</p> <p>If these items which are stated “not to be included from prohibition” are included in the SUP, its use are just prohibited, and must it be listed on the Inventory List?</p> <p>Even if it is necessary to be listed, when considering the “prohibition of 50%, 75%, 90%”, must these items which are not prohibited be included in the ratio?</p> <p>If the answer of No.2 Questions are yes, it is very hard to make the inventory list of SUP.</p> <p>Because, if we have 9 items which are not prohibited (ex: PPE, medical equipment, Crew personal effects, etc.), we must prepare more than 90 items to be listed for the rule, and this is not realistic.</p>
<p><u>Answer</u></p>	<ol style="list-style-type: none"> 1. The prohibition is only on those Single Use Plastic Items, which are completely made of Plastics. Items such as juice and milk tetra-packs with only plastic caps are not prohibited. Further your understanding is correct. 2. The items, which are excluded from prohibition, are not to be included in the list of single use plastic items on board. Please note it is a list and not an inventory and only item need to be mentioned and numbers are not required.