

New Zealand Government

New Zealand's Submission to the Office of Legal Affairs of the United Nations on marine debris, plastics and microplastics

5 February 2016

Introduction

1. New Zealand notes the decision of the General Assembly which requests the Secretary-General to convene the seventeenth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea to be held in New York from 13 to 17 June 2016 (A/70/L.22 para. 309). The Secretary-General has been requested to prepare a report to be considered at the meeting which will focus on marine debris, plastics and microplastics.

2. This submission responds to the invitation for States to submit a contribution outlining, *inter alia* (i) challenges posed by marine debris, plastics and microplastics, (ii) actions and activities that have been undertaken at the national and regional levels with regard to the provisions of General Assembly resolutions on oceans and the law of the sea and resolutions on sustainable fisheries that relate to marine debris, plastics and microplastics (including paras. 163-164 and 181-184 of resolution 69/245, and paras. 170-171, 188-193 and 246 of draft resolution A/70/L.22; and paras. 108, and 168-169 of resolution 69/109 and paras. 113 and 174-175 of resolution 70/75, currently available as A/70/L.19); and (iii) any suggestions for further action to prevent and significantly reduce marine debris, plastics and microplastics.

Background

3. New Zealand, as a maritime nation, is pleased to see this issue being focussed on at the highest level. Marine pollution, including marine debris is a significant, and growing, global problem. While land-based sources of marine pollution receive the largest share of attention, there is also increasing concern about marine-based sources of pollution.

(i) Challenges posed by marine debris, plastics and microplastics

4. A significant challenge for New Zealand is the lack of reliable and accurate data on the amount, type and source of marine debris, including plastics and microplastics. This lack of data makes developing targeted, comprehensive and integrated strategies to reduce the amount of waste entering the marine environment very challenging.

5. A significant difficulty in collecting data is due to the fact that the vast majority of debris entering the marine environment is from diffuse, and often non-point, land-based sources. This highlights the importance of developing effective land-based waste management practices.

6. As marine debris originates from a wide range of sources, coordinated action involving central and local governments, the private sector and civil society is needed to change behaviour.

7. Effective and efficient waste treatment options need to be developed to reduce the amount of debris leaking into the marine environment.
8. Research into increasing the economic value, quality and quantity of material that is reused and recycled is needed to reduce the amount of material becoming waste.
9. Lost or abandoned fishing gear causes significant mortality in marine species, including endangered species. Gear can affect ecosystems for months or even years after it has been lost or discarded. More work is needed to decrease the quantity and sources of marine-based debris.

(ii) Actions and activities at the national and regional levels

Management at the national level of land-based sources of waste

10. The New Zealand Government is committed to ensuring all waste is managed appropriately.

- The key piece of legislation is the Waste Minimisation Act 2008¹ which encourages actions to reduce the quantity of waste generated and disposed of, aims to lessen the environmental harm from waste and provide wider social, economic and cultural benefits, by:
 - Imposing a levy on all waste disposed of in municipal landfills to generate funding to help local government, communities and businesses minimise waste,
 - Establishing a process for government accreditation of voluntary product stewardship schemes which recognises those businesses and organisations that take responsibility for managing the environmental impacts of their products,
 - Requiring product stewardship schemes to be developed for certain 'priority products' where there is a high risk of environmental harm from the waste or significant benefits from recovering the product, and
 - Requiring local councils to produce a Waste Management and Minimisation Plan for promoting effective and efficient waste management and minimisation within their districts.

The waste management and minimisation schemes under this Act do not specifically refer to marine debris, plastics or microplastics. However, as the majority of marine debris originates from land-based sources, marine debris will be captured by waste management and minimisation schemes created under this Act.

- Resource Management Act 1991²: This is New Zealand's main piece of environmental legislation and provides a framework for managing the effects of activities on the environment. It controls the environmental impacts of waste facilities such as treatment and disposal facilities, recycling plants and clean fills.

¹ <http://www.mfe.govt.nz/waste/waste-strategy-and-legislation/waste-minimisation-act>

² http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM230265.html?search=qs_act%40bill%40regulation%40deemed+of+eg_resource+management+resel_25_h&p=1&sr=1

- Local Government Act 2002³: Solid waste collection and disposal is identified as a core service to be considered by a local authority.
- Litter Act 1979: Provides mechanisms and penalties to enforce the unlawful disposal of waste.

11. More information on relevant New Zealand legislation, regulations and strategies for minimising and managing waste on land can be found at: <http://www.mfe.govt.nz/waste/waste-strategy-and-legislation>.

Management at the national level of marine-based sources of waste

12. Relevant New Zealand legislation, regulations, strategies and guidelines for managing waste from marine-based sectors such as shipping and fishing include:

- Resource Management (Marine Pollution) Regulations 1998⁴: control dumping and discharges from ships and off-shore installations in the coastal marine area⁵. The Regulations deal with the dumping of waste and discharges from vessels including oil, garbage (including plastics) and sewage. The garbage discharge regulations are in line with New Zealand's obligations under MARPOL Annex V, and the regulations controlling the dumping of waste are in line with the London Protocol.
- Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act⁶ manages the effects of activities between 12 and 200 nautical miles. This Act and regulations made under it, in particular those relating to discharges and dumping,⁷ manage wastes from sources such as off-shore installations.
- Discharge of marine debris from shipping [paras. 163 -164 resolution 69/245] The New Zealand government has been working closely with the fishing industry to improve garbage management on New Zealand-flagged fishing vessels. The potential for snagging and ghost fishing is assessed when applications for disposing structural waste at sea are evaluated.
- Lost, Abandoned or Discarded Fishing Gear [paras. 108, 168-169 resolution 69/109; paras. 113, 174-175 resolution 70/75] Drift netting (one of the main ghost fishing culprits) has been illegal in New Zealand fisheries waters since 1991. New Zealand government fisheries observers on board vessels record when gear is lost (or where it has become unusable but is retained on board for later disposal on land). Observers also record all instances where fishing gear is caught during fishing activity. Further, the Fisheries (Commercial Fishing) Regulations 2001 include requirements to have clearly marked surface floats on all static fishing gear, meaning the owner(s) can be clearly identified. New Zealand recently led an International Maritime Organisation working group that helped to amend international regulations on garbage from ships. The regulations now include fishing gear and require it to be

³ <http://www.legislation.govt.nz/act/public/2002/0084/latest/DLM170873.html>

⁴ <http://www.mfe.govt.nz/marine/legislation/marine-pollution-regulations> The Maritime Transport Act 1994 and the Marine Protection Rules also control discharges from ships: <http://www.maritimenz.govt.nz/Environmental/Garbage-disposal.asp>

⁵ Within 12 nautical miles of the coastline

⁶ <http://www.legislation.govt.nz/act/public/2012/0072/latest/DLM3955428.html>

⁷ [http://www.legislation.govt.nz/regulation/public/2015/0228/latest/DLM6594195.html?search=ts_act%40bill%40regulation%40demedreg_Exclusive+Economic+Zone+and+Continental+Shelf+\(Environmental+Effects%E2%80%94Discharge+and+Dumping\)+Regulations+2015+resel+25+a&p=1](http://www.legislation.govt.nz/regulation/public/2015/0228/latest/DLM6594195.html?search=ts_act%40bill%40regulation%40demedreg_Exclusive+Economic+Zone+and+Continental+Shelf+(Environmental+Effects%E2%80%94Discharge+and+Dumping)+Regulations+2015+resel+25+a&p=1)

recorded and reported when lost. If properly enforced by flag States, this rule will help reduce the incidence of lost gear.

13. New Zealand is monitoring international developments and considering options in regard to microplastics, especially microbeads in cosmetics and personal care products. The New Zealand Environmental Protection Authority regulates and manages cosmetic products containing hazardous substances under the Cosmetic Products Group Standard. The Group Standard is closely aligned to the European Cosmetics Regulation and is reviewed regularly to take into account changes made to the EU Directive and other comparable jurisdictions.⁸ Currently microbeads are not specifically regulated under the Group Standard.

Activities of industry, researchers and NGOs

14. New Zealand industry, researchers and non-governmental organisations are actively involved in addressing the issue of marine debris. Plastics New Zealand's Operation Clean Sweep⁹ assists plastics manufacturers and distributors in preventing plastic pellets, manufactured or used in operations, from getting into waterways that eventually lead to the sea.

15. The New Zealand non-governmental organisation Sustainable Coastlines undertakes mass beach clean ups and public education and monitors and publishes data on what is collected¹⁰.

Regional initiatives

16. New Zealand is a Party to the Noumea Convention for the Protection of the Natural Resources and Environment of the South Pacific Region¹¹. Under the Convention, Parties are to take all appropriate measures to prevent, reduce and control pollution caused by:

- coastal disposal or by discharges emanating from rivers, estuaries, coastal establishments, outfall structures or any other sources in their territory; and
- discharges from vessels.

17. A strategy Cleaner Pacific 2025 was developed in 2015 through a partnership between the Secretariat of the Pacific Regional Environment Programme (SPREP) and the Japan International Cooperation Agency, in consultation with SPREP Member countries and territories. As well as shaping regional priorities in the area of waste management and pollution control, Cleaner Pacific 2025 recognises the critical importance of managing the pollution of waterways and marine environments.

(iii) Suggestions for further action to prevent and significantly reduce marine debris, plastics and microplastics

18. New Zealand suggests the international community consider the following action:

- Identify knowledge and implementation gaps taking into account existing work including:

⁸ www.epa.govt.nz/hazardous-substances/reassessments-reviews/Pages/Reviewing-cosmetics.aspx

⁹ <http://www.plastics.org.nz/environmental/litter/operationcleansweep/>

¹⁰ www.loveyourcoast.org/learn/

¹¹ <https://www.sprep.org/legal/noumea-convention>

- Convention on Biological Diversity: developing an information paper on “Marine Debris: Understanding, Preventing and Mitigating Significant Adverse Impacts on Marine and Coastal Biodiversity”;
 - Joint Group of Experts on the Scientific Aspects of Marine Pollution work on the “sources, fate and effects of microplastics in the marine environment”; and
 - UNEP’s Global Partnership on Marine Litter.
- Develop approaches/strategies/best practices for monitoring and measuring the main sources and categories of marine debris, plastics and microplastics entering the marine environment.
 - Develop approaches/strategies/best practices for effective waste management practices.
 - Identify and share good practice examples of integrated action involving partnership between central and local governments, the private sector and civil society.
 - Encourage research into the economics, quality and quantity of reused and recycled material.
 - More research on the impacts of marine debris/microplastics, including:
 - impacts on species (entanglement, ghost fishing, contamination by ingestion);
 - impacts on habitats (e.g. damage from debris drifting into sensitive habitats like seagrass or reef-forming corals); and
 - impacts on humans (from ingesting fish and shellfish contaminated by microplastics or the chemicals they carry).
 - Research on the biosecurity risk from marine debris carrying unwanted organisms where they could get established.
 - Research on the economic costs of marine debris/microplastics (e.g. clean-up costs, lost tourism revenue, fisheries losses from ghost fishing, damage to habitats leading to less commercial/recreational use).