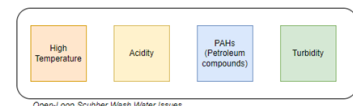


## Global Discrepancies in the Regulation of Scrubber Wash Water Discharge

On 1 January 2020, the IMO introduced measures to reduce the total sulphur oxide emissions from shipping. This required vessels to either use fuel oil with lower sulphur content or limit their air pollution by using exhaust gas cleaning systems known as “scrubbers”.

One of the common systems that ship owners comply with sulphur limit rules on exhaust gas emissions (airborne emissions) is through the use of open-loop scrubbers. These systems filter harmful sulphur oxides from ships’ exhaust gases, releasing the sulphur into the water instead through ‘wash water’. However, in removing pollutants from the exhaust gases and expelling them in wash water, some studies suggest that open loop scrubbers move the pollution from the air into the oceans.<sup>[1]</sup>



Wash water from open loop scrubber systems may be contaminated in the following ways:

- Increased temperature – the temperature of the water may exceed 60°C.
- Increased acidity – the pH of the wash water may reach 6 or under.
- Polycyclic Aromatic Hydrocarbons (PAHs) – byproducts of combustions processes involving petroleum products may be introduced to the water.
- Increased turbidity – the water may become cloudier depending on degree of suspended solids present.

For more details please refer to the [Exhaust Gas Scrubber Washwater Effluent](#) (United States Environmental Protection Agency) and [‘What are the Wash Water Discharge Regulations?’](#) (Liqtech).

In order to manage the potential risks identified above, there are global regulations on the monitoring, recording and discharge quality of scrubber wash water. These can mainly be found in the [IMO’s Resolution MEPC.340\(77\)](#), entitled the 2021 Guidelines for Exhaust Gas Cleaning Systems. The [MEPC’s 2022 Circular 899](#) also provides guidelines on risk assessments for scrubber discharge water.

Ship owners may consider if they follow the IMO rules carefully, and their discharges meet the relevant criteria, then they will be compliant with the law. However, there have been increasing instances of ship owners receiving large fines from local authorities for failing to follow local

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guidelines on scrubber usage. Typically, this is because there are unique local regulations that deviate from the IMO global regulations.

There are a number of ways in which countries may endorse or differ from the general international criteria, as outlined below:

1. **Express approval:** Some countries specifically state in their local laws that wash water may be discharged in their waters or ports. Care should be taken in these cases to consult local agents in particular ports, as it is not unheard of for such a general government position to contrast with the rules in specific ports.

#### Example

Brazil – There has been a statement by the authorities that there are no restrictions on scrubber water discharges. However, the Ports of Parana have confirmed separately that restrictions do apply in their terminals.

2. **Localised bans on discharge:** In some jurisdictions compliant wash water may not be discharged in certain anchorages, ports, in the country's territorial sea, or within their Exclusive Economic Zone (EEZ). Care should be taken to consult with local authorities and agents in these cases as the regulations may be fluid.

#### Example

Argentina – Discharge of wash water was announced as forbidden within territorial waters. This was then extended to the EEZ, before it was reported that the regulations may be suspended entirely.

3. **Notification requirements:** In some jurisdictions compliant wash water may only be discharged where the discharge is notified to the authorities. In some places permission to discharge is also required to be obtained before the operation takes place.

#### Example

Australia – Generally scrubber water discharge is permitted, subject to notifying the authorities in advance of arrival in port and providing them with sufficient information about the planned discharge. If they are satisfied, they will provide permission for the operation to go ahead. However, in certain ports in Sydney, permissions will always be denied.

4. **publicly available information:** Some countries do not have specific processes or procedures for wash water discharge which we are aware are publicly reported.

#### Example

The Caribbean - The position appears to be particularly difficult for ship owners operating in this region, which is home to some of the most sensitive marine habitats and strictest environmental

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standards as a result. The following countries do not appear to have clear rules on what is or is not permitted with regards to scrubber discharge: Antigua and Barbuda, Aruba, Bahamas, Barbados, British Virgin Islands, Cuba, Curacao, Grenada, Haiti, Jamaica, Martinique, St Lucia, St Maarten, Trinidad & Tobago, US Virgin Islands.

These diverging rules can make it difficult for ship owners to decide what they can do and where. The picture can be especially difficult for ships which are engaged in the tramp trade, as at each destination their procedures may need to change.

In order to assist Members in this position, we would like to bring to their attention a [new resource from Bimco](#), which aims to keep an up-to-date list of all the known regulations in each country for scrubber wash water discharge.

Members can of course also consult their local agents where they have specific questions. The Club's local correspondents are a further resource available to assist Members with advice in the event they are unable to determine the position in a certain area, or if they receive a related penalty from the authorities.

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[1] IVL Swedish Environmental Research Institute. (2019, July 1). Study shows the environmental effects of scrubbing systems. IVL Swedish Environmental Research Institute. <https://www.ivl.se/english/ivl/press/press-releases/2019-07-01-study-shows-the-environmental-effects-of-scrubbing-systems.html>