



BARBADOS

The Official Gazette Part A

28th October, 2024

Statutory Instrument

S.I. 2024 No. 63

**SHIPPING (DOMESTIC VESSELS)
(MARINE FACILITIES) REGULATIONS, 2024**

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Shipping (Domestic Vessels)

(Act 2024–22)

**SHIPPING (DOMESTIC VESSELS)
(MARINE FACILITIES) REGULATIONS, 2024**

The Minister, in exercise of the powers conferred on him by section 305(1) (r) of the *Shipping (Domestic Vessels)*, makes the following Regulations:

Citation

1. These Regulations may be cited as the *Shipping (Domestic Vessels) (Marine Facilities) Regulations, 2024*.

Definitions

2. In these Regulations,
- “abrasive blasting” means the use of pressurized air or water to propel abrasive media including copper slag, garnet, glass and sand against a surface to remove coating, corrosion or contamination;
- “approved waste facility” means a waste management facility approved by the Ministry responsible for the Environment.

Chemical storage

- 3.(1) A marine facility operator shall
- (a) provide a secure, covered area with a surface impervious to leaks or spills to facilitate chemical storage;
 - (b) establish a retaining wall around chemical storage areas;
 - (c) establish chemical storage areas away from through-traffic, storm-water drains, pipes or any areas prone to flooding;

- (d) ensure that chemical storage facilities comply with the requirements of any relevant enactment and international standards;
 - (e) provide adequate natural or mechanical ventilation for chemical storage having regard to the nature of the chemicals and their use;
 - (f) display signage to identify chemical hazards and restricted access;
 - (g) keep storage areas free of combustible waste materials;
 - (h) store small quantities of chemicals to be used on-site;
 - (i) store chemicals in sealed containers or apparatus away from heat, naked flames, direct sunlight, oil or other flammable liquids and fire hazards;
 - (j) secure chemicals in sealed containers or apparatus appropriate to the type of chemical to be stored;
 - (k) regularly inspect chemical storage containers, apparatus and equipment;
 - (l) store incompatible chemicals separately;
 - (m) seal and clearly label all chemical storage containers and smaller decanting containers;
 - (n) where practicable, fit chemical storage containers with taps to minimize spills, drips or leakages;
 - (o) remove any excess chemical from the tap to minimize spills, drips or leakages; and
 - (p) place chemically compatible trays under container taps to catch spills, drips or leakages.
- (2) A person who contravenes paragraph (1) is guilty of an offence and is liable on summary conviction to a fine of \$20 000.

Chemical handling

- 4.(1) A marine facility operator shall
- (a) refer to the material safety data sheet for advice and information on handling chemicals;
 - (b) ensure that personnel responsible for handling chemicals are aware of the hazardous nature of the chemicals;
 - (c) ensure that chemical handling complies with the relevant enactment and international standards; and
 - (d) provide
 - (i) personal protective equipment for chemical handling; and
 - (ii) staff training in chemical handling procedures and the use of chemical handling equipment.
- (2) A person who contravenes paragraph (1) is guilty of an offence and is liable on summary conviction to a fine of \$20 000.

Emergency response procedures

- 5.(1) A marine facility operator shall
- (a) prepare an emergency response plan that describes environmental safety provisions and emergency response procedures in the event of fire, chemical and other spills, damage to equipment and personal injury;
 - (b) conspicuously display
 - (i) the emergency response plan; and
 - (ii) the telephone numbers of the relevant response agency in the event of fire, chemical and other spills, damage to equipment and personal injury;

- (c) annually review the contents of the emergency response plan with the facility staff;
 - (d) promptly report all spills to the relevant authorities;
 - (e) keep and maintain spill clean-up equipment including absorbent materials and non-toxic dispersant booms;
 - (f) train staff in the use of spill clean-up equipment and procedures;
 - (g) as soon as it is practicable, safely contain and clean up spills or leaks;
 - (h) not wash the substances onto soil or into any inland or coastal waters;
 - (i) not use sawdust or other readily combustible absorbents to clean up flammable chemical spills;
 - (j) refer to the material safety data sheet for guidance for dealing with chemical spills;
 - (k) dispose of contaminated clean-up materials in accordance with the waste management plan; and
 - (l) where practicable, assist government agencies in the event of an environmental emergency.
- (2) A person who contravenes paragraph (1) is guilty of an offence and is liable on summary conviction to a fine of \$20 000.

Vessel work area

- 6.(1)** A person shall
- (a) undertake all vessel repair and maintenance activities on a bunded, sealed area to ensure that the wash-down wastewater and other facility liquid wastes can be fully contained on site;
 - (b) where practicable, establish the work area at least one metre above the high tide mark to minimize the potential for waste materials to enter the inland or coastal waters.

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- (c) where practicable, undertake work at low tide in a bunded area;
 - (d) erect signage to draw attention to environmental management requirements;
 - (e) regularly clean and maintain the work area;
 - (f) establish a daily checklist to ensure that work areas are kept clean and comply with statutory requirements;
 - (g) where practicable, assign inspection responsibilities to facility staff or club members;
 - (h) encourage vessel owners who use a marine facility to
 - (i) fit oil filtration devices to their bilge pumps; and
 - (ii) place commercial oil absorption materials in their bilges;
 - (i) ensure that sumps, traps and filters operate with maximum efficiency; and
 - (j) collect and retain all waste material from the work area until it can be disposed of appropriately.
- (2) A person who contravenes paragraph (1) is guilty of an offence and is liable on summary conviction to a fine of \$20 000.

Hull cleaning and stripping

- 7.(1) A person shall
- (a) where practicable, use manual or mechanical buffing and scraping methods in preference to abrasive blasting for hull cleaning;
 - (b) fit sanders, grinders and other power tools with dust extraction and collection systems;
 - (c) use water-based or biodegradable strippers, cleaners and degreasers;
 - (d) where practicable, use phosphate-free detergents and scrub with a soft brush to absorb the detergent;

- (e) use biodegradable spray-type cleaners that do not require rinsing;
 - (f) refer to the material safety data sheet before deciding on a suitable chemical cleaner;
 - (g) where practicable, avoid using chemicals;
 - (h) dilute corrosion and rust removers to the correct concentration;
 - (i) handle and store any removed or disposed underwater coating as controlled waste; and
 - (j) not burn off anti-fouling coatings.
- (2) A person who contravenes paragraph (1) is guilty of an offence and is liable on summary conviction to a fine of \$20 000.

Pressure water blasting

- 8.(1)** A person shall
- (a) ensure that pressure water blasting activities do not create an environmental nuisance;
 - (b) prevent spray drift from escaping the work area by
 - (i) using moveable waterproof screens; and
 - (ii) avoiding pressure water blasting operations during windy conditions;
 - (c) where the surface to be cleaned contains paint with more than 0.5% lead content, utilize a water proof membrane and ensure persons working in the area are protected; and
 - (d) direct wastewater runoff to a collection point.
- (2) A person who contravenes paragraph (1) is guilty of an offence and is liable on summary conviction to a fine of \$20 000.

Abrasive blasting

- 9.(1)** A person shall
- (a) ensure that pressure water blasting activities do not create an environmental nuisance;
 - (b) consult with the relevant agencies for details of minimum buffer distances from adjoining land uses when conducting abrasive blasting;
 - (c) remove zinc anodes before abrasive blasting;
 - (d) use water or other suppressant to control dust emissions from the work area;
 - (e) where practicable, conduct abrasive blasting operations in an abrasive blasting chamber;
 - (f) ensure that the screening material for outdoor blasting is tear-resistant, ultraviolet resistant, fire retardant and of suitable material and construction to prevent the escape of fine dust;
 - (g) avoid using abrasives that contain highly toxic substances;
 - (h) use recyclable and environmentally safe abrasives; and
 - (i) where practicable, arrange for testing of paint on all painted vessel structures to be blasted where the vessel's paint history is unknown.
- (2) A person who contravenes paragraph (1) is guilty of an offence and is liable on summary conviction to a fine of \$20 000.

Manual anti-fouling paints

- 10.(1)** A person shall
- (a) paint vessel hulls and niche vessel areas
 - (i) with an anti-fouling coating suitable to the vessel type and the vessel use; and

- (ii) in accordance with the manufacturer's specifications;
 - (b) comply with the manufacturer's directions when applying paint;
 - (c) consider alternative technologies to prevent fouling;
 - (d) use anti-fouling paints that are environmentally safe;
 - (e) not make or use a home-made anti-fouling paint;
 - (f) where a tributyltin-based anti-fouling coating is present on the hull, safely remove and dispose of coating;
 - (g) mix paints in drip trays under cover and in a sealed, bunded and well-ventilated paint area;
 - (h) not mix or prepare anti-fouling paints in coastal or marine waters;
 - (i) clean up spilled paint;
 - (j) not wash spilled paint into the wastewater collection system;
 - (k) use an absorbent material to wipe or squeeze excess paint; and
 - (l) not rinse paint containers, rollers or brushes into storm-water drains, gutters or sewers.
- (2) For the purpose of this regulation, "home-made paint" means a paint that is
 - (a) made or modified by a person other than the manufacturer or supplier; and
 - (b) not approved by the relevant health or environmental regulatory person.
- (3) A person who contravenes paragraph (1) is guilty of an offence and is liable on summary conviction to a fine of \$20 000.

Spray painting

- 11.(1)** A person shall
- (a) follow the anti-fouling paint manufacturer's specifications;
 - (b) ensure that spray painting activities do not create an environmental nuisance;
 - (c) conduct spray painting on a sealed and banded surface in a screened area;
 - (d) not spray paint in windy conditions;
 - (e) keep spray guns and lines clean and well maintained to reduce emissions;
 - (f) use efficient spray equipment including high volume low pressure spray guns for outdoor spray painting;
 - (g) use corrosion inhibitors that are compatible with surface coating requirements, biodegradable and free from chromates, nitrates and nitrites;
 - (h) use a wash station for cleaning spray equipment and scrape the paint cup free of any residual paint with a spatula before cleaning the equipment with solvent;
 - (i) ensure that the spray equipment is properly maintained and periodically cleaned;
 - (j) use a gun wash station or similar for the cleaning of spraying equipment; and
 - (k) not wash spraying equipment in or near coastal or marine waters.
- (2)** A person who contravenes paragraph (1) is guilty of an offence and is liable on summary conviction to a fine of \$20 000.

Welding and metal fabrication

12.(1) A person shall

- (a) establish an isolated, well-ventilated area for using torches and welders, away from combustible materials such as oils, grease and rubber;
- (b) conduct all metal cutting operations on a sealed surface inside a screened area to minimize the horizontal dispersion of metal fragments and allow the sweeping or vacuuming of metal scraps and filings; and
- (c) where practicable, reduce the amount of grinding and sanding;
- (d) securely wrap all dust and other grinding wastes prior to disposal in an industrial bin; and
- (e) dispose of dust and other grinding wastes in an environmentally safe manner.

(2) A person who contravenes paragraph (1) is guilty of an offence and is liable on summary conviction to a fine of \$20 000.

Engine maintenance and repair

13.(1) A person shall

- (a) regularly maintain vessel engines regularly to prevent oil and fuel leaks to the bilge;
- (b) use a drip tray or groundsheet under the engine to collect oil, grease, solvents or detergents;
- (c) keep adequate supplies of rags and other absorbent materials for cleaning up small fuel and oil spills;
- (d) clean engine parts in a properly designated wash bath or over catch pans located in a covered, sealed and bunded area that is graded to a collection pit or sump;

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- (e) where practicable, clean engine parts with a brush rather than with solvents or aqueous degreasers such as alkaline or caustic soda;
 - (f) where practicable, use water-based or biodegradable strippers, cleaners or degreasers;
 - (g) use a funnel when pouring fuel into drums or tanks or use hand pumps to remove fuel from drums;
 - (h) drain oil filters before disposal;
 - (i) not place a container or vessel containing residual oil, fuel or other fluids in industrial waste bins unless the container or vessel has been drained and wiped clean; and
 - (j) use bilge pump or separation services.
- (2) A person who contravenes paragraph (1) is guilty of an offence and is liable on summary conviction to a fine of \$20 000.

Removal of biofouling

14.(1) A person shall

- (a) inspect hulls and niche areas including sea chests, internal sea water systems, bow thrusters, anchor chests, bilge keels, dry-docking support strips, rope guards, propellers and rudders;
- (b) remove and collect all biofouling on the vessel and moorings;
- (c) carefully remove biofouling to prevent contamination with paint chips and other hull coatings;
- (d) not return collected biofouling to the sea or any waterway;
- (e) install waste treatment systems with technology such as filtration technology, neutralization or other chemical treatment processes to minimize the risk of the introduction or translocation marine pests;

- (f) report any suspected or discovered marine pest during removal of biofouling from a vessel or mooring to the Environmental Protection Department and Coastal Zone Management Unit;

(2) A person who contravenes paragraph (1) is guilty of an offence and is liable on summary conviction to a fine of \$20 000.

Waste management options

15.(1) A person shall ensure the

- (a) minimization of waste;
- (b) on-site containment and storage of waste;
- (c) on-site treatment and reuse of waste;
- (d) off-site recycling of waste; and
- (e) off-site disposal of waste to an approved facility.

(2) A person who contravenes paragraph (1) is guilty of an offence and is liable on summary conviction to a fine of \$20 000.

Solid waste management

16.(1) A person shall

- (a) separate and sort any solid waste in order to
 - (i) maximize the volume of reusable or recyclable waste;
 - (ii) minimize the volume of controlled or hazardous waste by ensuring that such waste is separate from general waste; and
 - (iii) facilitate the disposal of the waste;
- (b) establish a recycling station in a convenient location with clearly labelled waste containers for individual types of solid waste including under cover spill trays for battery storage;
- (c) collect and recycle general waste;

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- (d) establish a storage area with separate bins or containers for other non-recyclable solid wastes;
 - (e) dispose of solid non-recyclable general waste at an approved waste facility;
 - (f) put solid waste into industrial skips for transport to an approved waste facility;
 - (g) train staff in waste management and disposal equipment and procedures;
 - (h) regularly inspect waste containers;
 - (i) reorganize or remove large items from waste containers to prevent blockage;
 - (j) ensure that there are no obstacles that prevent access to the containers;
 - (k) ensure that all bins, industrial skips and sealed containers are regularly emptied;
 - (l) ensure that all containers for waste oils, solvents and other chemicals or potential contaminants including paint, paint thinners or acids are empty and have been dried out before disposal in waste bins;
 - (m) store controlled or hazardous solid waste on-site in sealed, clearly labelled containers for collection and transportation to an approved waste facility;
 - (n) ensure that the waste storage area is secure, sealed and bunded; and
 - (o) erect signs relating to the facility's waste management and disposal requirements.
- (2) For the purpose of this regulation,
- “controlled or hazardous waste” means any waste that is toxic, corrosive, poisonous, combustible, flammable, explosive or capable of leaching;

“general waste” means uncontaminated debris or litter and includes the following:

- (a) cardboard and paper;
- (b) food;
- (c) garden waste generated from vegetation;
- (d) plastics;
- (e) aluminium cans;
- (f) bottles;
- (g) steel cans and drums; or
- (h) any similar waste.

(3) A person who contravenes paragraph (1) is guilty of an offence and is liable on summary conviction to a fine of \$20 000.

Wastewater collection and treatment system

17.(1) A person shall design and establish a wastewater collection and treatment system suitable to its operation.

(2) A wastewater collection and treatment system shall remove suspended solids, dissolved and undissolved contaminants, turbidity and discoloration for reuse on-site or discharge to the sewer system.

(3) A wastewater collection and treatment system shall contain the following:

- (a) a sealed, bunded work area;
- (b) catchment drains and trenches;
- (c) a common sump for the catchment drains;
- (d) tanks with adequate capacity to store and treat the runoff water;
- (e) a sand filter to remove fine particles from the water;
- (f) an oil or water separator;

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- (g) flocculation or aeration technology to separate solids; and
 - (h) lime stabilization system to precipitate heavy metals.
 - (4) A person shall
 - (a) ensure that the wastewater collection system is separate from the storm-water collection system for other relatively clean areas of the site such as carparks and roofs;
 - (b) regularly clean and maintain work areas;
 - (c) ensure that no particles or wastewater from cleaning or maintenance work falls or drains into storm-water;
 - (d) where practicable, cover work areas to minimize the amount of contaminated runoff;
 - (e) not wash vessels, hardstand areas, vehicles or machinery parts into the soil, storm-water system or inland or coastal waters;
 - (f) cover catchment drains and trenches with removable gratings;
 - (g) regularly inspect the gratings;
 - (h) remove accumulated debris from the gratings;
 - (i) prevent oily wastes from being mixed with other run-off water that enters the collection system;
 - (j) construct the waste collection sump so that the accumulated sludge can be removed and transported to an approved waste facility;
 - (k) fit the sump with removable catchment baskets or cover the sump outlets with a removable screen;
 - (l) regularly inspect and clean the sump, catchment baskets or removable screens before and after site and vessel cleaning activities;
 - (m) use above ground polyethylene tanks or below ground concrete tanks for subsequent waste treatment;

- (n) install and ensure that the capacity of a holding tank is adequate to contain wastewater runoff;
 - (o) regularly monitor liquid levels in holding tanks in order to avoid any overflow and to detect leaks;
 - (p) construct a sand filter in order to remove or replace the surface layers of sand or contaminants;
 - (q) clean and maintain oil or water separator in accordance with the manufacturer's specifications;
 - (r) where necessary, install a granular activated carbon filter to remove any dissolved tributyltin; and
 - (s) where practicable, reuse the treated water on-site.
- (5) A person who contravenes paragraph (1) is guilty of an offence and is liable on summary conviction to a fine of \$20 000.

Management of liquid waste

18.(1) A person shall

- (a) establish a secure recycling station for used engine oil, lubricating oil, hydraulic oil, gearbox oil, volatile solvents, thinners and other hydrocarbons;
- (b) establish a separate area for liquid waste that cannot be readily recycled including bilge water, liquid paint residues, thinners and solvents and other contaminated water that cannot be treated in the wastewater system;
- (c) display signs to show where the recycling station and storage area for non-recyclable liquids are located;
- (d) store non-recyclable liquid wastes in separate, sealed containers for disposal at an approved waste disposal facility;

- (e) ensure there are enough drums or other containers for collecting and storing recyclable and non-recyclable liquids;
 - (f) ensure that incompatible wastes are stored separately and in suitable containers;
 - (g) clearly label liquid waste disposal drums or containers with details of its contents;
 - (h) ensure that liquid waste disposal drums or containers are sealed prior to disposal;
 - (i) manage as controlled waste spent abrasive blasting media, sludge or other solids collected by on-site liquid waste management systems including pits, trenches, sumps or holding tanks; and
 - (j) properly store and dispose of liquid waste.
- (2) A person who contravenes paragraph (1) is guilty of an offence and is liable on summary conviction to a fine of \$20 000.

Air quality management

- 19.(1)** A person shall
- (a) undertake all activities that generate large volumes of dust, dirt, soot, smoke or other particulate emissions in an enclosed and ventilated work area;
 - (b) where an enclosed and ventilated work area does not exist, use a tarpaulin or similar material to enclose the part of the vessel being worked on to contain dust, dirt, soot, smoke or other particulate emissions;
 - (c) where practicable, not burn coatings from hulls;
 - (d) where practicable, not produce toxic gases;
 - (e) wrap oily rags, oil-soaked sawdust, plastics, rubber or any other similar material for disposal in an industrial bin;

- (f) not burn oily rags, oil-soaked sawdust, plastics, rubber or any other similar material;
 - (g) where practicable, fit power tools with dust extraction and collection systems;
 - (h) regularly collect floor sweepings, dust, powder waste or absorbent clean-up materials for placement in a sealed bag before proper disposal;
 - (i) use wet or dry vacuum cleaners with dust filters for general cleaning of the work area floor surface rather than sweeping and hosing the surface down with water;
 - (j) maintain air pollution control equipment;
 - (k) immediately repair or replace any emission control equipment that is blocked, frayed, leaking or not functioning within the manufacturer's specifications;
 - (l) control any exhaust emissions to prevent nuisance or odours or fumes; and
 - (m) use mechanical ventilation systems and activated carbon filters or scrubbers to prevent the release of any uncontrolled odours from the facility.
- (2) A person who contravenes paragraph (1) is guilty of an offence and is liable on summary conviction to a fine of \$20 000.

Noise management

20.(1) A person shall

- (a) incorporate acoustic barriers, damping and insulating materials in the facility's design and layout; and
- (b) fit mechanical ventilation systems including air conditioners and fans with noise-proof ducting and acoustically designed intake and exhaust openings.

(2) A person who contravenes paragraph (1) is guilty of an offence and is liable on summary conviction to a fine of \$20 000.

In-water vessel maintenance

21.(1) A person shall not conduct in-water vessel maintenance unless all waste has been properly secured and contained for transport and disposal at an approved waste facility.

(2) A person who contravenes paragraph (1) is guilty of an offence and is liable on summary conviction to a fine of \$20 000.

Made by the Minister this 21st day of October, 2024.

G. P. I. GOODING-EDGHILL
Minister responsible for Shipping