



**THE MARINE POLLUTION (DISPERSANTS AND EXCEPTIONS)
REGULATIONS 1975, AMENDMENT NO. 1**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 15th day of February 1988

Present:

THE RIGHT HON. DAVID LANGE PRESIDING IN COUNCIL

PURSUANT to sections 3 (3), 4 (3), and 68 of the Marine Pollution Act 1974, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Marine Pollution (Dispersants and Exceptions) Regulations 1975, Amendment No. 1, and shall be read together with and deemed part of the Marine Pollution (Dispersants and Exceptions) Regulations 1975* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 28th day after the date of their notification in the *Gazette*.

2. New Schedule substituted—The principal regulations are hereby amended by revoking the Schedule, and substituting the Schedule set out in the Schedule to these regulations.

SCHEDULE
NEW SCHEDULE TO PRINCIPAL REGULATIONS

Reg. 4
"SCHEDULE
DISPERSANT SPECIFICATION

1. *General*—This specification relates to the following types of oil spill dispersants for application at sea or on beaches:

- (a) *Type 1: Conventional, hydrocarbon base*—For use undiluted from appropriate spray equipment, using breaker boards or other suitable means of application and agitation:
- (b) *Type 2: Water dilutable concentrate*—For use after dilution with sea water and sprayed from appropriate spray equipment, using breaker boards or other suitable means of application and agitation:
- (c) *Type 3: Concentrate*—For use undiluted from aircraft or ships, using appropriate spray equipment.

2. *Materials*—(1) The dispersant supplied shall consist of suitable ionic or non-ionic surfactants, or a blend of such surfactants dissolved in a suitable solvent. The surfactants shall be wholly soluble in the solvent, and shall remain distributed uniformly at all temperatures from -10°C to 50°C when stored for periods of up to seven days.

(2) Type 2 dispersants shall be miscible with sea water at 1:10 concentration to form a solution or emulsion having a viscosity not greater than that of the original dispersant alone.

3. *Prohibited ingredients*—The dispersant supplied shall not contain benzene, chlorinated hydrocarbons, phenols, caustic alkali, free mineral acid, or compounds which could expose the user to an unacceptable toxicological hazard during normal spraying or handling operations when wearing a closely fitted face visor.

4. *Toxicity*—The manufacturer shall have admitted the dispersant to an internationally recognised marine ecological toxicity test and shall provide a copy of the test report.

5. *Testing*—The supplier shall submit to the Director a sample of the material for testing against this specification. The Director may arrange for an appropriate authority to test the material so supplied for compliance with the following table:

Test No.	Test	Type 1	Type 2	Type 3	Method
1	Appearance	Clear and homogeneous visual examination			
2	Dynamic viscosity at 0°C , mPa s, maximum	50	250	250	ASTM D445 IP 71 BS 4708 IP 34 BS 2839

SCHEDULE—continued

Test No.	Test	Type 1	Type 2	Type 3	Method	
3	Flash point, °C minimum	60	60	60	ASTM	D93
4	Cloud point, °C (as received) maximum	-10	-10	-10	ASTM IP	D2500 219
5	Efficiency index, % 2000 minimum mPa s Fuel oil, 5000 minimum mPa s Fuel oil,	30	30	60		Clause 2
6	Storage Test (-10°C for 7 days)	Pass	Pass	-		Clause 2
7	Miscibility with water	-	Pass	-		Clause 2

—Notes: “ASTM” refers to the American Society for Testing and Materials.

“BS” refers to a British Standard.

“IP” refers to the Institute of Petroleum.

6. *Formulation*—Each supplier shall submit to the Director details of the formulation used in the preparation of the product. This information shall be treated as confidential. The details of the information shall include the percentage of aromatics, chemical name (if any), and function.

7. *Quality assurance*—(1) Each supplier shall certify that each batch of a product approved by the Director in accordance with this specification is of the same formulation as the sample so approved.

(2) The Director may at any time require a consignment of an approved product to be tested in accordance with this specification to ensure that supplies conform with prescribed requirements. If a sample taken from a consignment is found not to conform with the prescribed requirements, the Director may revoke any approval in respect of the product.

8. *Keeping qualities*—The product shall, when suitably stored in its original sealed containers, retain the properties described in this specification in temperate climates (-20°C to 30°C) for a period of not less than two years, commencing at the date of despatch from the supplier.

9. *Containers and marking*—The product shall be supplied in sound, clean, and dry containers, or bulk carriers suitable for the product.”

MARIE SHROFF,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations amend the Marine Pollution (Dispersants and Exceptions) Regulations 1975 by revoking the dispersant specification prescribed in the Schedule and substituting a new specification. The former was based on a specification published by the Warren Spring Laboratory and the new one is based on that laboratory's latest specification for oil spill dispersants.

Issued under the authority of the Regulations Act 1936.
Date of notification in *Gazette*: 18 February 1988.
These regulations are administered in the Ministry of Transport.