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ISLANDS OF GARBAGE CONTINUE TO GROW IN PACIFIC

by Ursula Kazarian*

Hundreds of square miles¹ of discarded plastic have formed islands on the high seas, created by drifting debris caught in the oceans' currents. The islands are held together at the points where these currents merge, producing massive, rotating vortexes of trash visible to the human eye from afar. The largest of these islands, located in the Pacific Ocean midway between Hawaii and San Francisco and known as the "Eastern Garbage Patch," is reportedly twice the size of Texas and continuing to grow.² The slightly smaller "Western Garbage Patch" lurks off of the shores of Japan. Many more are growing around the globe. Very little research has been completed, but the scant information that has been reported is certainly cause for worry. The populations of native species of birds and other wildlife near the patches are plummeting, and resort beaches throughout the Pacific are cluttering up with seasonal plastic tides. It is estimated that four-fifths of this waste originates on land and is carried to the oceans by rivers.³ Existing laws and international entities focus more on "traditional" sources of ocean pollution, such as oil discharge from ships. Currently, international law fails to specifically address this crisis of mounting waste throughout the oceans.

Unlike other indirect, sometimes microscopic, causes of harm that threaten our water, air, and land, these garbage patches are visible, tangible, and persistent pollutants that threaten ocean wildlife. While much of the waste can be traced back to specific urban areas, such as the Los Angeles River in the case of the Eastern Garbage Patch, the consequences are far-reaching. Forty percent of the native species of albatross near the Eastern Garbage Patch die within their first year, and most of those deaths occur because the parent birds mistake the plastics for food and feed the garbage to their young.⁴ The garbage patches also purge plastic debris on a seasonal basis over many beach areas and tourist hotspots throughout the Pacific. This far-reaching problem promises only to become worse with time and demands legal protection from the international community.

Annex V of the International Convention for the Prevention of Pollution from Ships ("MARPOL"), under the United Nations International Maritime Organization, addresses the problem of garbage pollution from ships in the oceans. While MARPOL considers plastic waste as "the greatest danger"⁵ of all the garbage dumped in the ocean from ships, using this instrument as a source of remedy is limited because the Convention only applies to pollution from ships. Just one-fifth of the Eastern Garbage Patch is estimated to have originated from ships,⁶ thereby answering only a portion of the problem. Furthermore, Annex V is optional for member countries, and thus is rarely, if ever, enforced.

Although international action is far from satisfactory, national initiatives are emerging. The U.S. House of Representatives recently passed an amendment to a Senate Act to:

"establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its impacts on the marine environment and navigation safety, in coordination with non-Federal entities..."⁷

The Act even addresses "measuring and strengthening" its compliance with Annex V of MARPOL, and, in addition, explicitly incorporates land-based sources of pollution in its program.⁸ The Act also provides for the establishment of an "Interagency Committee on Marine Debris" to "coordinate... among federal agencies, ... non-governmental organizations, industry, universities, state governments, Indian tribes, and other nations."⁹ This is an extremely progressive approach to resolving the problem of marine debris, but it is only the first step. It is unclear whether this Act will directly affect the Eastern Garbage Patch, save through possible prevention of further debris accumulation. An international entity is surely needed in order to categorically address those issues of marine debris that fall outside of national jurisdiction. Islands of garbage are appearing all over the globe, and responsibility for drifting garbage must also be clarified. Otherwise, well-intentioned national plans could be wasted in a maelstrom of legal actions to shift the blame.

Despite the current lack of international policy regarding marine debris, there are possible trajectories for international cooperation toward resolution of this serious issue. Key elements include raising public awareness of the problem on an international level, encouraging international organizations already in place to expand their reach and hold known polluter countries accountable, and supplying short-term solutions such as onsite mobile incineration clinics. It is imperative that we combat this problem using these methods and others, or else our plastic waste will become an increasing menace to our oceans, to our wildlife, and to ourselves.

Endnotes:

¹ See generally Kenneth R. Weiss, *Plague of Plastic Chokes the Seas*, LA TIMES, Aug. 12, 2006, at A1.

² Weiss, *id.*

³ Weiss, *id.*

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⁴ Weiss, *id.*

⁵ *Prevention of Pollution by Garbage from Ships*, International Maritime Organization (2002), http://www.imo.org/Environment/mainframe.asp?topic_id=297 (last visited Sept. 25, 2006).

⁶ Weiss, *supra* note 1.

⁷ Marine Debris Research, Prevention, and Reduction Act, H.R. 3692, 109th Cong. § 362 (2006) [hereinafter Marine Debris Research].

⁸ Marine Debris Research, *id.*

⁹ Marine Debris Research, *id.*
