BALLAST WATER MANAGEMENT – A US PERSPECTIVE
EXECUTIVE SUMMARY

The International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 ("IMO Convention") is scheduled to enter into force on 8th September 2017. Recently, the IMO's Marine Environmental Protection Committee (MPEC) agreed upon a revised schedule which effectively delays the deadline to install an IMO-approved Ballast Water Management (BWM) system for certain vessels constructed prior to 8th September 2017 for an additional two years.

The United States is not a signatory to the IMO Convention and has instead enacted its own ballast water management requirements ("US Requirements"). While the goals of both the IMO Convention and US requirements are very similar, there are key differences between the requirements themselves, and in their implementation schedule. Crucially, the IMO's postponement of BWM compliance deadlines for certain vessels has no effect on USCG enforcement of the US requirements, which are in effect for existing vessels upon their first scheduled drydocking after 1st January 2016 if constructed before 1st December, 2013, and on delivery when constructed on or after 1st December, 2013.[1]

Furthermore, the IMO Convention requirements for sequential exchange are less stringent than US requirements, and a Statement of Compliance for Ballast Water Management endorsed for sequential exchange under provisions of the IMO convention does not signify that US BWM requirements have been met. USCG Marine Safety Information Bulletin (MSIB) No. 007-17, issued 30th June 2017,[2] reiterates that the US is not a signatory to the IMO Convention, and states that US requirements specify that commercial seagoing vessels operating within the United States are required to employ one of the following five methods to manage ballast water:

Method 1: "Use a USCG-approved Ballast Water Management System (BWMS)." To date, the US Coast Guard (USCG) has approved manufacturers' applications[3] for four (4) BWMS:

Manufacturer	Model	System Type	Certificate Issued	Certificate Expires
Optimarin AS / Sandnes, Norway	OBS / OBS Ex	Filtration + UV	02 Dec 2016	02 Dec 2021
Alfa Laval Tumba AB / Tumba, Sweden	Pure Ballast 3	Filtration + UV	23 Dec 2016	23 Dec 2021
OceanSaver IP AS / Drammen, Norway	MK II	Filtration + Electrodialysis	23 Dec 2017	23 Dec 2021
Sunrui Marine Environment Engineering Co., Ltd. / Qingdao, China	Balclor	Filtration + Electrolysis	07 Jun 2017	06 Jun 2022

[1] See chart on page (4) of the Ballast Water Management – A US Perspective dated 8th August 2017 ("Advisory")
[2] Refer to the website of the USCG: https://www.uscg.mil/msib/docs/007_17_6-30-2017.pdf
[3] Refer to the website of the USCG: http://www.dco.uscg.mil/Portals/9/DCO%20Documents/Marine%20Safety%20Center/BWMS%20Approval%20Status%20_10Aug17.pdf?ver=2017-08-10-144451-977

In addition, the USCG currently has "under review" applications for an additional two (2) BWMS:

Manufacturer	Model	System Type	Application Received
Ecochlor, Inc. / USA	Ecochlor BWTS	Filtration + Chemical Injection	31 Mar 2017
Erma First ESK Engineering Solutions SA / Greece	Erma First FIT	Electrolysis + Filtration	02 May 2017

Method 2: "Use a USCG-accepted Alternate Management System (AMS)." AMS are systems which had been previously approved by foreign administrations under IMO Convention standards, and for which manufacturers subsequently sought and received written acceptance from the USCG for designation as AMS. Such systems must have been installed prior to the date on which vessels were required to comply with the US ballast water discharge standard (BWDS), and may continue to be used for up to five years after said compliance date. Note that acceptance as an AMS does not necessarily indicate that a system will receive USCG approval as a BWMS.

To date, the USCG has accepted one hundred one (101) AMS. A list of accepted AMS may be found at: https://homeport.uscg.mil/ (Missions > Environmental > Ballast Water Management Program > Alternate Management Systems (AMS).

Method 3: "Use only water from a U.S. public water system (PWS)."

Method 4: "Do not discharge BW into waters of the United States." This includes the territorial sea as extended to 12 nautical miles from the baseline.

Method 5: "Discharge to a facility onshore or to another vessel for purposes of treatment."

A vessel not able to manage ballast water via one of the five listed methods must request and receive an extension to its compliance date from the USCG. This statement must indicate in writing, and support with documentary evidence, that "installation of the type approved system is not possible for purposes of compliance with the regulatory implementation schedule." (USCG MSIB OES-MSIB No. 14-16, 2nd December 2016). It should be noted that it is now more difficult (though not impossible) to obtain an extension date given that the USCG has approved multiple BWMS.

Additional information regarding the requirements for a vessel requesting as an extension may be found in USCG MSIB No. 14-16 (2nd December 2016) and USCG MSIB No. 003-17 (6th March 2017), appended to this report as Attachments 2[4] and 3[5], respectively. The USCG recommends that extensions be requested twelve (12) to sixteen (16) months before a vessel's compliance date, and notes that extensions

[4] Refer to the website of the USCG: https://www.uscg.mil/msib/docs/014_16_12-2-2016.PDF
[5] Refer to the website of the USCG: https://www.uscg.mil/msib/docs/003_17_3-6-2017.pdf

requested less than twelve (12) months before a vessel's compliance date are at risk of being denied.

Also, we note that the State of California has additional BWMS regulations and reporting requirements that vessels trading to California must comply with in addition to the US requirements. Recent updates are discussed in letters issued by the California State Lands Commission dated 24th July 2017, and appended to this report as Attachments 7[6], respectively.

Further information on US ballast water management requirements, including information on enforcement policies and recordkeeping requirements for the above-listed methods, may be found in the USCG's "Ballast Water Frequently Asked Questions (Updated July 2017)," appended to this report as Attachment 6[7].

In conclusion, we recommend that vessels Owners and Operators comply with ballast water management provisions of the United States and (when applicable), the State of California. For those vessels not already in compliance, we recommend that Owners and Operators carefully review the criteria for the granting of extensions and ensure that extensions are requested at least twelve (12) months before a vessel's compliance date.

[6] Refer to the website of the California State Lands Commission: http://www.slc.ca.gov/Programs/MISP/USCGTALetterFinal.pdf

[7] Refer to the USCG's FAQs: https://www.piclub.or.jp./?action=common_download_main&upload_id=11601