

# JAPAN P&I NEWS

No.914-17/08/15

To the Members

Dear Sirs,

## **USA - Ballast Water Management – A US Perspective**

We have obtained the information on the captioned topic from Murphy, Rogers, Sloss, Gambel & Tompkins, our legal correspondent at New Orleans, USA as per the attached.

The United States, not being a signatory to The International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 ("BWM Convention") which will enter into force on 8<sup>th</sup> September 2017, has instead enacted its own ballast water management requirements ("US Requirements"). Members are requested to pay special attention to key differences between the BWM Convention and the US Requirements. In this connection, please also refer to our circular [No.17-005](#) dated 18<sup>th</sup> July 2017.

The outline of the US Requirements can be found in "Ballast Water Management – A US Perspective (Executive Summary)". "Ballast Water Management – A US Perspective" dated 8<sup>th</sup> August 2017 explains them in detail for further reference.

Yours faithfully,

**The Japan Ship Owners' Mutual Protection & Indemnity Association**

Attachment 1 : Ballast Water Management – A US Perspective dated 8<sup>th</sup> August 2017

Attachment 2 : Ballast Water Management – A US Perspective (Executive Summary)

# MURPHY, ROGERS, SLOSS, GAMBEL & TOMPKINS

A PROFESSIONAL LAW CORPORATION

ONE SHELL SQUARE  
701 POYDRAS STREET  
SUITE 400  
NEW ORLEANS, LOUISIANA 70139  
TELEPHONE (504) 523-0400  
FACSIMILE (504) 523-5574

200 WEST THOMAS STREET  
HAMMOND, LOUISIANA 70401  
TELEPHONE (985) 340-2007  
FACSIMILE (985) 340-2005  
EMAIL FIRM@MRSNOLA.COM

ROBERT H. MURPHY  
E. CARROLL ROGERS  
PETER B. SLOSS  
GARY J. GAMBEL  
PETER B. TOMPKINS  
CHARLES L. WHITED, JR.  
JOHN H. MUSSER, V  
RONALD J. WHITE  
JEFFREY A. RAINES  
EMILY STEVENS HARDIN  
DONALD R. WING  
TIMOTHY D. DEPAULA  
MICHAEL D. LETOURNEAU  
TARRYN E. WALSH

8 August 2017

The Japan Ship Owners' Mutual Protection & Indemnity Association  
2-15-14, Nihonbashi-Ningyocho  
Chuoh-ku, Tokyo 103-0013, JAPAN

Re: **BALLAST WATER MANAGEMENT – A U.S. PERSPECTIVE**

Dear Sirs:

We set forth for the Association's and its Members' guidance our advisory / comments concerning vessel ballast water management from a United States ("US") perspective.<sup>1</sup> As members of the worldwide maritime community are well aware, the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004, ("IMO Convention"), adopted on 13th February 2004, will enter into force on 8th September 2017, or in less than two (2) months. Less well known is that the US is not a signatory to the IMO Convention. Instead, the US has enacted its own ballast water management requirements ("US requirements") which apply to US and foreign vessels, and are found in 33 CFR Part 151, Subpart C (Ballast Water Management for Control of Nonindigenous Species in the Great Lakes and Hudson River),<sup>2</sup> § 151.1500 – 151.1518, and Subpart D (Ballast Water Management for the Control of Nonindigenous Species in Waters of the United States),<sup>3</sup> § 151.2000 – 151.2080.

While there are differences between the IMO Convention and the US requirements, their respective goals are very similar: to prevent / limit the spread of nonindigenous species by controlling the discharge of ballast water from vessels. In the US, the governmental entity monitoring a vessel's ballast water management performance, and enforcing the US requirements is the United States Coast Guard ("USCG"). Furthermore, the USCG maintains an active presence in every US port, and specifically, has a major presence in those ports where commercial vessels trade, and ballast water management issues may arise.

The entry into force of the IMO Convention in September of this year will not affect the USCG's enforcement of US regulations – the USCG will continue to inspect vessels to ensure compliance not only when they arrive at US ports, but also while they remain in US waters. The focus of this advisory will be to emphasize those ballast water management issues which are of particular importance to the USCG so that vessels calling at US ports comply with US regulations throughout the entire time they are in US waters: upon arrival, while conducting cargo operations, and when departing this country.

---

<sup>1</sup> / We would like to thank Mr. Mike Rand, Environmental Compliance Coordinator, Office of Commercial Vessel Compliance, United States Coast Guard, Washington, D.C., for his valued assistance in reviewing this advisory, and for providing his comments.

<sup>2</sup> / Subpart C can be found at: <https://www.ecfr.gov/cgi-bin/text-idx?SID=42e3fb22b277940f12669eb7653a5157&mc=true&node=sp33.2.151.c&rgn=div6>

<sup>3</sup> / Subpart D can be found at: <https://www.ecfr.gov/cgi-bin/text-idx?SID=42e3fb22b277940f12669eb7653a5157&mc=true&node=sp33.2.151.d&rgn=div6>

Since the US enacted its own ballast water management regulations in March 2012, it has approved, after a careful review of the individual manufacturer's application, four (4) **Ballast Water Management Systems** ("BWMS") manufactured by the following companies (in date order of approval):

1. Optimarin AS / Sandnes, Norway

Model: OBS / OBS Ex  
System Type: Filtration + UV  
Certificate Issued: 2 December 2016  
Certificate Expires: 2 December 2021

2. Alfa Laval Tumba AB / Tumba, Sweden

Model: Pure Ballast 3  
System Type: Filtration + UV  
Certificate Issued: 23 December 2016  
Certificate Expires: 23 December 2021

3. OceanSaver IP AS / Drammen, Norway

Model: MK II  
System Type: Filtration + Electrodialysis  
Certificate Issued: 23 December 2017  
Certificate Expires: 23 December 2021

4. Sunrui Marine Environment Engineering Co., Ltd. / Qingdao, China

Model: Balclor  
System Type: Filtration + Electrolysis  
Certificate Issued: 7 June 2017  
Certificate Expires: 6 June 2022

The USCG has issued Certificates of Approval for the approved BWMS, and the Certificates can be found on the USCG's website at <https://homeport.uscg.mil/> (Missions > Environmental > Ballast Water Management Program > Type Approval > Approved BWMS). It is anticipated that with the passage of time, the USCG will approve additional applications for BWMS for use in commercial vessels.

The USCG has also taken under review for possible BWMS approval the following two (2) BWMS applications:

1. Ecochlor, Inc. / USA

Model: Ecochlor BWTS  
System Type: Filtration + Chemical Injection  
Application Received: 31 March 2017  
Certificate Issued: Pending

2. Erma First ESK Engineering Solutions SA / Greece

Model: Erma First FIT  
System Type: Electrolysis + Filtration  
Application Received: 2 May 2017  
Certificate Issued: Pending

According to the USCG's *Maritime Commons*<sup>4</sup> internet posting dated 10<sup>th</sup> May 2017, its Marine Safety Center ("MSC") will review BWMS applications "...for compliance with U.S. Coast Guard regulations in 46 CFR 162.060. Once it has been determined that the application meets the requirements, the MSC will issue a type approval certificate." An earlier *Maritime Commons* posting dated 2<sup>nd</sup> December 2016 provides that:

"Each type approval application includes thousands of pages of data and analysis to document compliance with the comprehensive land-based and shipboard testing requirements. In addition, the applications include detailed descriptions of materials, evaluations of component suitability for the maritime environment, and operating manuals. The Marine Safety Center remains in constant communications with the manufacturers and the Independent Laboratories to keep them apprised of the status of our review."

USCG Rear Admiral Paul Thomas, Assistant Commandant for Prevention Policy, was quoted in the 2<sup>nd</sup> December 2016 posting as stating the following regarding the USCG approval of the BWMS manufactured by Optimarin AS, the first BWMS to receive USCG approval: "While this is a significant milestone, it is the first of multiple system approvals that are needed to mitigate the threat of harmful aquatic invasive species,...One size does not fit all, so we will continue to evaluate other systems submitted by multiple manufactures with the intent to provide options that meet shipping's varying needs."

In addition to the four (4) above listed USCG approved BWMS, the USCG has accepted for use in vessels some one hundred one (101) Ballast Water **Alternate Management Systems** ("AMS").<sup>5</sup> The first USCG AMS "acceptance" was issued on 15 April 2013, and the most recent on 28 April 2017. These AMS had previously been approved as BWMS by foreign administrations in accordance with IMO Convention standards, and the manufacturers sought and received written approval from the USCG that their respective BWMS are accepted as AMS. Marine Safety Information Bulletin ("MSIB") OES-MSIB No. 010-16, Rev. 1, dated 16<sup>th</sup> August 2016 provides that:

"To be eligible for use, an AMS must be installed on a vessel prior to the date the vessel is required to comply with the ballast water discharge standard (BWDS). A vessel may continue to manage ballast water with an AMS for up to 5 years after the date it is required to comply with the BWDS implementation schedule in 33 CFR 151.1512(b) or 151.2035(b)."

Furthermore, USCG approval of the foreign administration approved BWMS as an accepted AMS does not necessarily imply that it will receive USCG BWMS approval. The list of USCG accepted AMS and the corresponding Alternate Management System (AMS) Acceptance Letters, in accordance with the requirements of 33 CFR 151.2026, can be found at <https://homeport.uscg.mil/> (Missions > Environmental > Ballast Water Management Program > Alternate Management Systems (AMS)).

The USCG clearly sets forth in its MSIB OES-MSIB No. 14-16 dated 2<sup>nd</sup> December 2016 the five (5) ways by which:

"commercial seagoing ships operating in U.S. waters (within 12 nautical miles) and not otherwise exempted are required to manage ballast water...:

1. Use a U.S. type-approved BWMS to meet the discharge standard;
2. Temporarily use a foreign type-approved BWMS that has been accepted by the U.S. Coast Guard as an Alternate Management System (AMS);
3. Use and discharge ballast water obtained exclusively from a U.S. Public Water System (PWS);

---

<sup>4</sup> / Maritime Commons can be found at: <http://mariners.coastguard.dodlive.mil/>.

<sup>5</sup> / Please note that the AMS information listed in this paragraph is current as of 18<sup>th</sup> July 2017, and is subject to change.

4. Discharge ballast water to a reception facility;
5. Do not discharge ballast water inside 12 nautical miles.”

Assuming that an oceangoing commercial vessel wants to discharge in US waters ballast water previously obtained from outside of the US, and it is not otherwise exempted, e.g., the USCG has granted the vessel an extension to its compliance date, it must have onboard and correctly utilize a USCG approved BWMS or an accepted AMS to prevent / limit the spread of nonindigenous species by controlling the discharge of ballast water from vessels.

Because the USCG has now approved four (4) BWMS for use in preventing / limiting the spread of nonindigenous species by controlling the discharge of vessel ballast water, the granting by the USCG of an extension to the vessel’s compliance date, while not eliminated, will become more difficult to obtain. We set forth below the Implementation Schedule Table used for both the Ballast Water Management Discharge Standards for Vessels Using Coast Guard Approved Ballast Water Management Systems (Table 151.1512(b)) and the Approved Ballast Water Management Methods (Table 151.2035(b)):

	<b>Vessel's ballast water capacity</b>	<b>Date constructed<sup>6</sup></b>	<b>Vessel's compliance date<sup>7</sup></b>
New vessels	All	On or after December 1, 2013	On delivery.
Existing vessels	Less than 1500 m <sup>3</sup>	Before December 1, 2013	First scheduled drydocking after January 1, 2016.
	1500-5000 m <sup>3</sup>	Before December 1, 2013	First scheduled drydocking after January 1, 2014.
	Greater than 5000 m <sup>3</sup>	Before December 1, 2013	First scheduled drydocking after January 1, 2016.

USCG MSIB OES-MSIB No. 14-16 dated 2<sup>nd</sup> December 2016 states that “Now that a type approved BWMS is available, any owner/operator requesting an extension must provide the Coast Guard with an explicit statement supported by documentary evidence (*e.g.*, a delay in commercial availability) that installation of the type approved system is not possible for purposes of compliance with the regulatory implementation schedule.” MSIB OES-MSIB No. 003/17 dated 6<sup>th</sup> March 2017 adds that:

---

<sup>6</sup>/ “Constructed” in respect to a vessel means a stage of construction when—

- (1) The keel of a vessel is laid;
- (2) Construction identifiable with the specific vessel begins;
- (3) Assembly of the vessel has commenced and comprises at least 50 tons or 1 percent of the estimated mass of all structural material, whichever is less; or
- (4) The vessel undergoes a major conversion.

33 CFR 151.1504

<sup>7</sup>/ For your information, recent amendments to Regulation B-3 of the IMO Convention were approved, and the amended compliance schedule for the installation of Ballast Water Treatment Systems (“BWTS”) for certain existing vessels was extended for some two (2) years for vessels built before 8<sup>th</sup> September 2017. While the IMO Convention delayed the BWTS compliance deadlines for certain existing vessels, those IMO Convention amendments have no effect whatsoever on the enforcement by the USCG of US regulations / US compliance dates.

“If a type-approved system is not available for a vessel, and compliance with the other approved ballast water management methods is not possible, the vessel owner/operator may apply for an extension of the vessel’s compliance date. Whether a type-approved system is “available” will be based on evidence submitted by the vessel owner/operator with the application for extension. The length of compliance date extensions, when granted, will be based on the availability of Coast Guard type-approved systems and detailed installation plans. Vessel owners and operators should anticipate that this will not typically align with scheduled dry docking.”

We strongly recommend that a vessel’s Owner / Operator carefully review MSIB OES-MSIB Nos. 14-16 and 003/17 for the criteria used by the USCG in evaluating a vessel’s extension request. Not only will the vessel’s compliance date be considered, but the availability of a BWMS, and its possible installation time / plan will be taken into account.<sup>8</sup>

The USCG also discussed in MSIB OES-MSIB No. 003/17 its position regarding extension requests for those vessels with accepted AMS installed onboard:

**“Alternative Management System (AMS):** Vessels having an AMS installed do not qualify for an extension because the vessel is in compliance with the regulations; the AMS can be used for a period of five years after the vessel’s compliance date. Once Coast Guard type-approved BWMS are available for a vessel, the vessel will no longer be able to install AMS in lieu of type-approved systems. Therefore, if a vessel is not past its compliance date and installing an AMS is being considered as a compliance method, the vessel owner or operator should evaluate whether a Coast Guard type-approved BWMS is available for the vessel. If it is determined that such a system is not available, an AMS can be installed before the vessel’s compliance date and used for up to five years after the vessel’s compliance date.”

Furthermore, the USCG recommends that vessel interests submit its extension request (12) to (16) months before the vessel’s compliance date, and that requests submitted less than (12) months prior to the compliance date are at risk of being denied. Sufficient time is needed by the USCG to review applications, request additional information, if needed, and grant or deny the extension request. If the request is denied, then the vessel’s Owner / Operator would have “...enough time to prepare for and install a BWMS, or assess compliance options using another approved ballast water management method prior to the vessel’s compliance date.” The USCG also cautions that if an extension is granted for a vessel, that vessel interests should ensure that the vessel is in compliance with US regulations at its extended compliance date, as it is unlikely that a further or supplemental extension will be granted.

The USCG’s most recent MSIB that deals with BWMS and its management methods is No. 007-17 dated 30<sup>th</sup> June 2017. Importantly, this bulletin reconfirms that the IMO Convention requirements for “sequential exchange method” are not permitted under US law beyond a vessel’s compliance date:

“Recently, the National Ballast Information Clearinghouse has received a number of reports indicating that untreated ballast water exchanges had been undertaken by vessels beyond their compliance date and without a valid Coast Guard extension. An investigation into these circumstances has found that "Statement(s) of Compliance for Ballast Water Management" endorsed for "sequential exchange method" [Regulation D-1 of the BWM Convention] have

---

<sup>8/</sup> It has been brought to our attention regarding extension requests that certain BWMS are not approved / accepted to treat fresh water, and that certain BWMS are approved / accepted with a specific “hold time.” A vessel Owner / Operator may refer to these limitations, if applicable, when applying for an extension. The Owner / Operator will need to provide proof / evidence that the vessel operates in a manner, e.g., that the vessel has a history / practice of entering a port, discharging its cargo, and taking on ballast so that the vessel can safely shift docks, requiring no hold time and the ability to process fresh / brackish water.

been misinterpreted as applying to the U.S. BW regulations. These Statements of Compliance are issued under the provisions of the BWM Convention, which the United States is **not** signatory to. Under the U.S. BW regulations, meeting the BWM Convention requirements for sequential exchange is **not** an acceptable BWM method for vessels beyond the compliance date specified in 33 CFR 151.1512 & 151.2035 without a valid Coast Guard extension.”

The June 2017 bulletin also reconfirms the information found in MSIB OES-MSIB No. 14-16 and as discussed earlier in this advisory, regarding the five (5) ways by which commercial vessels beyond their compliance dates are required to manage ballast water when operating in US waters. The USCG “reminds” vessel interests to maintain current “vessel specific” Ballast Water Management plan for the vessel, and to provide needed “...training on the application of ballast water and sediment management and treatment procedures as required by 33 CFR 151.2050(h). These plans should include options for the Master to consider if the BWMS stops operating or becomes unexpectedly unavailable during a voyage, and the need to contact the cognizant COTP or District Commander as soon as possible to discuss options not addressed above.”

The USCG concluded its June 2017, and most recent bulletin by reminding vessel interests that “Violations of the U.S. ballast water regulations may result in costly delays, environmental deficiencies, civil enforcement action, and ineligibility for the QUALSHIP 21/E-Zero designation. For vessels subject to the International Safety Management (ISM) Code, companies are reminded of their obligation to ensure compliance with mandatory rules and regulations under Part A/1.2.3.1 and A/6.4 as well as 33 CFR 96.240(b).”

We would like to add that since the State of California has its own BWMS requirements, vessels trading to that state must also comply with California’s regulations, in addition to US regulations found in 33 CFR Part 151, Subparts C and D. In this regard, the California State Lands Commission recently issued advisory letters / updates dated 13<sup>th</sup> and 24<sup>th</sup> July 2017 that discuss California state requirements regarding a vessel’s management of its ballast water while in California state waters.

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 7.

In sum, we strongly recommend that vessels trading to the US comply with all US ballast water management requirements / regulations, and for those vessels trading to the State of California, that state’s own regulations, so as to avoid any possible violations of law, vessel delays, environmental problems, fines, and related issues. We are aware that non-compliance with US ballast water management regulations has resulted in a vessel being ordered to depart a US port for international waters to discharge its ballast water before being allowed to return to that port to conduct cargo operations.

Please note that we attach to this advisory a copy of the following documents discussed in this advisory:

1. [USCG Marine Safety Information Bulletin OES-MSIB No. 010-16, Rev. 1 \(Alternate Management Systems \(AMS\) Program Update, Rev. 1\) dated 16<sup>th</sup> August 2016,](#)
2. [USCG Marine Safety Information Bulletin OES-MSIB No. 14-16 \(Ballast Water Management \(BWM\) Extension Program Update\) dated 2<sup>nd</sup> December 2016,](#)
3. [USCG Marine Safety Information Bulletin OES-MSIB No. 003/17 \(Ballast Water Management \(BWM\) Extension Program Update\) dated 6<sup>th</sup> March 2017;](#)
4. [USCG Marine Safety Information Bulletin MSIB No. 007-17 \(Acceptable U.S. Ballast Water Management Methods vs. BWM Convention Methods\) dated 30<sup>th</sup> June 2017;](#)

5. [USCG Marine Safety Center BWMS Type Approval Status \(Approved + Under Review\) – revised 6<sup>th</sup> June 2017](#);
6. [USCG Ballast Water Frequently Asked Questions \(Updated July 2017\)](#);
7. [California State Lands Commission’s advisory letter dated 24<sup>th</sup> July 2017 and attachments](#).

Should the Association’s Members have any questions concerning US ballast water management requirements or our advisory, we recommend that Members contact the Association for assistance. We, too, are also pleased to respond to any enquiries that the Association / its Members may have.

With best regards, we remain,

Yours very truly,

MURPHY, ROGERS, SLOSS,  
GAMBEL & TOMPKINS

Charles L. Whited, Jr.

/Enclosures



## **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.<sup>1</sup>

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,<sup>2</sup> 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<sup>3</sup> for four (4) BWMS:

<b>Manufacturer</b>	<b>Model</b>	<b>System Type</b>	<b>Certificate Issued</b>	<b>Certificate Expires</b>
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

<sup>1</sup> See chart on page (4) of the Ballast Water Management – A US Perspective dated 8<sup>th</sup> August 2017 ("Advisory")

<sup>2</sup> Refer to the website of the USCG: [https://www.uscg.mil/msib/docs/007\\_17\\_6-30-2017.pdf](https://www.uscg.mil/msib/docs/007_17_6-30-2017.pdf)

<sup>3</sup> 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](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:

<b>Manufacturer</b>	<b>Model</b>	<b>System Type</b>	<b>Application Received</b>
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<sup>4</sup> and 3<sup>5</sup>, respectively. The USCG recommends that extensions be requested twelve (12) to sixteen (16) months before a vessel’s compliance date, and notes that extensions

---

<sup>4</sup> Refer to the website of the USCG: [https://www.uscg.mil/msib/docs/014\\_16\\_12-2-2016.PDF](https://www.uscg.mil/msib/docs/014_16_12-2-2016.PDF)

<sup>5</sup> Refer to the website of the USCG: [https://www.uscg.mil/msib/docs/003\\_17\\_3-6-2017.pdf](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<sup>6</sup>, 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<sup>7</sup>.

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.

---

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

<sup>7</sup> Refer to the USCG's FAQs: [https://www.piclub.or.jp/?action=common\\_download\\_main&upload\\_id=11601](https://www.piclub.or.jp/?action=common_download_main&upload_id=11601)