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外航組合員各位

米国におけるバラスト水管理について

題記の件に関し、米国ニューオーリンズのコレスポンデンツ Murphy, Rogers, Sloss, Gambel & Tompkins より添付の情報を受領いたしましたのでご参考に供します。

米国バラスト水管理規則は、2017 年 9 月 8 日に発効する 2004 年の船舶のバラスト水及び沈殿物の規制及び管理のための国際条約(BWM 条約)とは別に、同条約を批准していない米国が独自に定めるもので、双方間で相違点があるため注意が必要です。この点に関し、2017 年 7 月 18 日付特別回報第 17-005 号もご参照ください。

米国バラスト水管理要求内容の概要については添付 2 のコレスポンデンツ報告書概要（英文）と添付 3 の当組合要訳をご覧ください。また、詳細については添付 1 の 2017 年 8 月 8 日付コレスポンデンツ報告書本文（英文）をご参照くださいますようお願い申し上げます。

以上

日本船主責任相互保険組合

添付 1： 2017 年 8 月 8 日付コレスポンデンツ報告書本文（英文）
添付 2： コレスポンデンツ報告書概要（英文）
添付 3： コレスポンデンツ報告書概要の当組合要訳

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8 August 2017

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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.[1] 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),[2] § 151.1500 – 151.1518, and Subpart D (Ballast Water Management for the Control of Nonindigenous Species in Waters of the United States),[3] § 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.

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[1] / 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.

[2] / 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

[3] / 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*[4] internet posting dated 10th 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 2nd 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 2nd 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").[5] 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 16th 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 2nd 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);

[4] / Maritime Commons can be found at: http://mariners.coastguard.dodlive.mil/.

[5] / Please note that the AMS information listed in this paragraph is current as of 18th 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)):

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

USCG MSIB OES-MSIB No. 14-16 dated 2nd 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 6th March 2017 adds that:

[6]/ "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

[7]/ 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 8th 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. [8]

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 30th 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

[8]/ 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 13th and 24th 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 16th August 2016,

2. USCG Marine Safety Information Bulletin OES-MSIB No. 14-16 (Ballast Water Management (BWM) Extension Program Update) dated 2nd December 2016,

3. USCG Marine Safety Information Bulletin OES-MSIB No. 003/17 (Ballast Water Management (BWM) Extension Program Update) dated 6th March 2017;

4. USCG Marine Safety Information Bulletin MSIB No. 007-17 (Acceptable U.S. Ballast Water Management Methods vs. BWM Convention Methods) dated 30th June 2017;

5. USCG Marine Safety Center BWMS Type Approval Status (Approved + Under Review) – revised 6th June 2017;

6. USCG Ballast Water Frequently Asked Questions (Updated July 2017);

7. California State Lands Commission's advisory letter dated 24th 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.[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

米国におけるバラスト水管理の概要
(Executive Summary)

2017 年 9 月 8 日に「2004 年の船舶のバラスト水及び沈殿物の規制及び管理のための国際条約（BWM 条約）」の発効が予定されています。国際海事機関（IMO）の海洋環境保護委員会（MPEC）は、IMO 承認のバラスト水処理装置設置期日の日程修正に合意し、これにより 2017 年 9 月 8 日以前に建造された一定の船舶に対する設置期日がさらに 2 年間延長されることになりました。

米国は IMO 条約の締約国ではなく、バラスト水管理についての独自の要件を設けています。IMO 条約と米国要件の目標は非常に似通っていますが、要件自体と実施日程に決定的な相違があります。きわめて重要なのは、IMO は一定の船舶に対する遵守期日を延期しましたが、同延期は米国沿岸警備隊(USCG)による米国要件の実施には影響を与えず、2013 年 12 月 1 日より前に建造された既存船舶に対しての米国要件遵守期日は 2016 年 1 月 1 日より後の最初のドライドック入りの日、また 2013 年 12 月 1 日以降に建造された船舶に対しては船主への引渡日としています。[1]

さらに、処理システムの段階的交換についての米国要件は IMO 条約要件より厳しく、IMO 条約の条項に基づき段階的交換が承認された Statement of Compliance を保持していても米国要件を満たしていることにはなりません。2017 年 6 月 30 日発行の USCG Marine Safety Information Bulletin (MSIB) No. 007-17[2] は、米国が IMO 条約締約国でないことを改めて述べており、米国要件が、米国領海を航行する商船に対し、次に示す 5 つのバラスト水処理法のいずれかの実施を義務づけていることを明記しています。

方法１：「USCG が型式承認したバラスト水処理装置（BWMS）を搭載する」

USCG はこれまでに以下の製造者による 4 つの BWMS[3]装置を承認しています。

製造者	型式名	処理方法	承認証明書 発行日	承認証明書 有効期限
Optimarin AS （ノルウェー・サンドネス）	OBS / OBS Ex	フィルター + 紫外線（UV）	2016 年 12 月 2 日	2021 年 12 月 2 日
Alfa Laval Tumba AB （スウェーデン・ツンバ）	Pure Ballast 3	フィルター + 紫外線（UV）	2016 年 12 月 23 日	2021 年 12 月 23 日
OceanSaver IP AS （ノルウェー・ドランメン）	MK II	フィルター + 電気分解	2016 年 12 月 23 日	2021 年 12 月 23 日
Sunrui Marine Environment Engineering Co., Ltd. （中国・青島）	Balclor	フィルター + 電気分解	2017 年 6 月 7 日	2022 年 6 月 6 日

[1] 添付 1：報告書本文 4 ページのチャート参照

[2] USCG Website 参照：https://www.uscg.mil/msib/docs/007_17_6-30-2017.pdf

[3] USCG Website 参照：
http://www.dco.uscg.mil/Portals/9/DCO%20Documents/Marine%20Safety%20Center/BWMS%20Approval%20Status%20_10Aug17.pdf?ver=2017-08-10-144451-977

さらに USCG は以下の 2 BWMS の型式承認も検討中です。

製造者	型式名	処理方法	申請日
Ecochlor, Inc. （米国）	Ecochlor BWTS	フィルター + 薬剤	2017 年 3 月 31 日
Erma First ESK Engineering Solutions SA （ギリシャ）	Erma First FIT	電気分解 + フィルター	2017 年 5 月 2 日

方法 2：「USCG が許可する代替管理装置（AMS）を搭載する」

AMS は IMO 条約基準に従い米国以外の国が以前承認した装置で、これらの装置の製造業者が USCG に許可を申請し、AMS として認められたものです。AMS は、米国のバラスト水排出基準（BWDS）の遵守義務が生じる日以前に搭載されていなければならず、遵守開始日から最長 5 年間使用できます。ただし AMS として許可された装置が必ずしも BWMS としての承認を将来 USCG から受けるわけではないことにご留意ください。

USCG はこれまでに 101 の装置を AMS として認めています。AMS リストは国土安全保障省ウェブサイト https://homeport.uscg.mil/で参照できます。（Missions > Environmental > Ballast Water Management Program > Alternate Management Systems（AMS））

方法 3:「米国公共用水施設（PWS）から取水した水のみをバラスト水として使用する」

方法 4:「米国領水域でバラスト水を排出しない」排出禁止には海岸線から 12 海里以内の領海も含まれる。

方法 5:「陸上の受入施設に排出、または処理のために他船に排出する」

上述の 5 つの方法でバラスト水を管理できない船舶は USCG に遵守日の延長を申請し、許可を得なければなりません。申請は文書で行い、「規定された遵守日までに型式承認された装置の搭載が不可能である」旨の証拠書類を添付しなければなりません（2016 年 12 月 2 日発行 USCG MSIB OES-MSIB No. 14-16）。現在 USCG は多様な処理装置を型式承認しているため、延長許可を得ることは不可能ではありませんが、更に難しくなっていることにご留意ください。

延長申請の要件に関する追加情報は、2016 年 12 月 2 日発行 USCG MSIB No. 14-16[4]と 2017 年 3 月 6 日発行 USCG MSIB No. 003-17[5]をご覧ください。USCG は、延長申請は遵守日の 16 ヶ月から 12 ヶ月前に行うよう推奨しており、12 ヶ月前より後に申請されたものは却下される恐れがあると警告しています。

[4] USCG Website 参照：https://www.uscg.mil/msib/docs/014_16_12-2-2016.PDF

[5] USCG Website 参照：https://www.uscg.mil/msib/docs/003_17_3-6-2017.pdf

またカリフォルニア州は、同州に寄港する船舶に対し、USCG のバラスト水処理装置規則への独自の追加規則を定めています。同追加規則の最新情報については、2017 年 7 月 24 日発行のカリフォルニア州有地管理委員会の勧告[6]で述べられています。

上述の 5 方法の記録管理要件や実施方針関連の情報を含めたバラスト水管理要件についての詳細は、USCG の「バラスト水に関するよくある質問（“Ballast Water Frequently Asked Questions（2017 年 7 月更新)”)」[7]で参照できます。

結論として、船主とオペレーターの方々には米国と（必要に応じて）カリフォルニア州のバラスト水管理規則を遵守することを推奨します。まだ遵守していない船舶の船主とオペレーターの方々には延長許可の基準をよく確認の上、必ず遵守日の 12 ヶ月前までに延長の申請を行うよう推奨します。

以上

[6] カリフォルニア州有地管理委員会 Website参照：
http://www.slc.ca.gov/Programs/MISP/USCGTALetterFinal.pdf

[7] USCG 作成 FAQs 参照：https://www.piclub.or.jp./?action=common_download_main&upload_id=11601