



APRIL 10, 2012

CIRCULAR NO. 11/12

TO MEMBERS OF THE ASSOCIATION

Dear Member:

BALLAST WATER DISCHARGES: NEW US REGULATIONS

Members should be aware that, on March 23, 2012, the United States Coast Guard (USCG) published new regulations in regard to ballast water discharges, in the form of a final rule entitled [Standards for Living Organisms in Ships' Ballast Water Discharge in U.S. Waters](#). The rule outlines ballast water discharge standards (BWDS). It implements provisions which are intended to ensure, to the maximum extent practicable, that aquatic nuisance species are not discharged from vessels into the waters of the United States.

It should be noted that the final rule establishes a ballast water discharge standard that is consistent with that adopted by the [International Maritime Organization](#) (IMO) in 2004.

Applicability

The new rule applies to all non-recreational vessels, US and foreign, equipped with ballast tanks and which operate in the waters of the United States. It does not apply to foreign vessels engaged in innocent passage.

Exemptions

The following vessels are exempt from ballast water management (BWM) requirements, reporting requirements, and record-keeping requirements:

- Crude oil tankers engaged in coastwise trade; and
- Vessels which operate exclusively within one captain of the port (COTP) zone.

The following vessels are exempt only from BWM requirements:

- Seagoing vessels which operate in more than one COTP zone, do not operate outside the exclusive economic zone (EEZ), and are less than or equal to 1,600 gt, or less than or equal to 3,000 gt (International Convention on Tonnage Measurement of Ships, 1969).
- Non-seagoing vessels.
- Vessels that take on and discharge ballast water exclusively in one COTP zone.

Actions Required

To discharge ballast water into US waters, vessels covered by these regulations must employ one of the following ballast water management methods:

- A ballast water management system (BWMS) which meets the required BWDS and has been approved by the USCG; or

- The performance of a complete ballast water exchange 200 nautical miles from any shore prior to discharging ballast water (unless the vessel is required to employ an approved BWMS). N.B. An alternate management system may be used, as long as it was installed on the vessel prior to the date that the vessel is required to comply with the BWDS (an AMS will be allowed for up to five years after the vessel is required to comply with the BWDS); or
- The ballasting of a vessel exclusively with water from a US public water system (PWS); or
- The discharge to a facility onshore or to another vessel for purposes of treatment; or
- The simple refraining from the discharge of ballast water into US waters.

In addition, every vessel must have a sampling port(s) to collect representative samples of the vessel's ballast water. Sampling ports must be located:

- As close as practicable to the BWMS prior to treatment to determine concentrations of living organisms upon uptake;
- As close as practicable to the BWMS overboard outlet prior to the discharge point to determine concentrations of living organisms prior to discharge; and
- Elsewhere as necessary to ascertain the proper functioning of the BWMS.

Ballast water treatment system manufacturers are responsible for obtaining approval of their system to meet US standards. Manufacturers must ensure that an IMO certified system is acceptable to the USCG. Ship owners and operators should liaise directly with their system manufacturers regarding US approval and acceptability of ballast water treatment systems.

Implementation schedule

Every vessel must use an approved ballast water treatment system that meets the US discharge standard in accordance with the following implementation schedule to comply with BWDS.

Implementation Schedule for Approved BWM methods			
	Vessel's ballast water capacity	Date constructed	Vessel's compliance date
New Vessels	All	On or after December 1, 2013	On delivery
Existing Vessels	Less than 1500 m3	Before December 1, 2013	First scheduled dry docking after January 1, 2016
	1500-500 m3	Before December 1, 2013	First scheduled dry docking after January 1, 2014
	Greater than 5000 m3	Before December 1, 2013	First scheduled dry docking after January 2, 2016

Vessels employing a USCG approved BWMS must meet the following BWDS by the dates identified in the implementation schedule:

Ballast Water Discharge Standards (BWDS)
For organisms greater than or equal to 50 micrometers in minimum dimension: <ul style="list-style-type: none">• Discharge must include fewer than 10 organisms per cubic meter of ballast water.
For organisms less than 50 micrometers and greater than or equal to 10 micrometers. <ul style="list-style-type: none">• Discharge must include fewer than 10 organisms per milliliter (mL) of ballast water.
Indicator microorganisms must not exceed: <ul style="list-style-type: none">• For toxicogenic <i>Vibrio cholera</i> (serotypes O1 and O139)<ul style="list-style-type: none">○ A concentration of less than 1 colony forming unit (cfu) per 100 mL• For <i>Escherichia coli</i><ul style="list-style-type: none">○ A concentration of fewer than 250 cfu per 100 mL• For intestinal enterococci<ul style="list-style-type: none">○ A concentration of fewer than 100 cfu per 100 mL

Extensions

USCG may grant an extension to the implementation schedule only in those cases where the master, owner, operator, agent, or person in charge of a vessel can document that, despite all efforts to meet the BWDS, compliance with requirements is not possible. Any extension request must be made no later than twelve months before the scheduled implementation date as listed in the table.

Extension requests must be submitted in writing to the following address:

Commandant (CG-522)
U.S. Coast Guard Office of Operating and Environmental Standards
2100 2nd St. SW., Stop 7126
Washington, DC 20593-7126

Actions taken by USCG

As long as the BWE is an allowable ballast water management option, the USCG will not require a vessel to deviate from its voyage or delay the voyage in order to conduct BWE. A vessel may be required to deviate from its voyage or delay the voyage if BWE is directed by a captain of the port. A person who violates this subpart is liable for a civil penalty not to exceed \$35,000.

The USCG intends to expand the applicability of the BWDS to all vessels not legislatively exempted that operate in US navigable waters or territorial sea; however, additional analysis is necessary to support the expansion. The USCG will conduct a practicability review no later than January 1, 2016.

More Information

Members are encouraged to visit the following web sites for additional information:

- National Ballast Information Clearinghouse (NBIC) Web site:
<http://invasions.si.edu/nbic/submit.html>
- U.S. Coast Guard Maritime Information Exchange Web site:
<http://cgmix.uscg.mil/Default.aspx>

In addition, Members may refer to the USCG March 16, 2012 News Release, as follows:
<http://www.uscgnews.com/go/doc/786/1340435/Coast-Guard-issues-standard-for-living-organisms-in-ships-discharged-ballast-water>

If any further information or advice is required, your Managers stand ready to assist in the usual way.

Yours faithfully,



Joseph E.M. Hughes, Chairman & CEO
Shipowners Claims Bureau, Inc., Managers for
THE AMERICAN CLUB