

## New ballast water discharge standards in U.S. waters

On 16 March 2012 the U.S. Coast Guard announced amendments to its regulations on ballast water management (BWM) to aid in controlling the introduction and spread of non-indigenous species from ships' ballast water in waters of the United States.

A standard for the permitted concentration of living organisms in ballast water discharged from ships in U.S. waters has been established which is consistent with the ballast water performance standard set out in regulation D-2 of the IMO Ballast Water Management Convention (BWM Convention).<sup>1</sup> The Coast Guard is also amending its regulations covering engineering equipment by establishing an approval process for ballast water management systems (BWMS).

In principle, the amended regulations require all non-recreational vessels<sup>2</sup>, both U.S. and foreign, that are equipped with ballast tanks and intend to discharge ballast water into U.S. waters, to:

- install and operate a BWMS approved by the U.S. Coast Guard or an alternate management system (AMS), which is a BWMS approved by a foreign administration pursuant to the standard set out in the IMO BWM Convention; or
- ballast with water from a U.S. public water system.

The implementation schedule for the new ballast water discharge standard for vessels using a Coast Guard approved BWMS is as follows:

Vessel's ballast water capacity (BWC)		Date constructed	Vessel's compliance date
New vessels	All	On or after 1 December 2013	On delivery
Existing vessels	BWC < 1500 m <sup>3</sup>	Before 1 December 2013	First scheduled dry docking after 1 January 2016
	1500 ≤ BWC ≤ 5000 m <sup>3</sup>		First scheduled dry docking after 1 January 2014
	BWC > 5000 m <sup>3</sup>		First scheduled dry docking after 1 January 2016

Once appropriate BWMS are type approved by the Coast Guard, vessels will no longer be able to install AMS in lieu of type approved systems. If using an AMS that was installed prior to the date a vessel is required to comply with the new U.S. requirements (as detailed in the table above), this AMS may be employed for no longer than five years after this date.

All details of the BWM requirements, discharge standards, implementation schedule, equipment approval process as well as the requirements in extraordinary circumstances can be found in the final rule published in the Federal Register on 23 March 2012. The final rule is available at the [Federal Digital System](#). See also the news release on the [U.S. Coast Guard website](#).

The amended regulations will enter into force on 21 June 2012 and Members and clients calling at ports in the U.S. should familiarise themselves with the new requirements and prepare for the implementation of approved BWMS to meet the discharge standards.

The Coast Guard has also announced that in the period to 1 January 2016 they will perform a review to determine whether technology allowing compliance with a more stringent performance standard than that of the IMO can be practically implemented, and, if so, the Coast Guard will implement the more stringent requirements.

<sup>1</sup> The IMO Ballast Water Management Convention (BWM Convention) was adopted in 2004 and will enter into force 12 months after the date on which no less than 30 states, the combined merchant fleets of which constitute no less than 35% of the gross tonnage of the world merchant shipping, have ratified it. As of 29 February 2012, 33 states have ratified the BWM Convention, but the current contracting parties still represent only 26.46% of the world tonnage. The BWM Convention status can be followed on the IMO webpage covering [Ballast Water Management](#).

<sup>2</sup> Please refer to the final rule for details regarding vessels specifically exempted from all or parts of the new requirements. Examples are vessels operating on government non-commercial service (Department of Defence or Coast Guard vessels, warships, naval auxiliary vessels and similar), crude oil tankers engaged in coastwise trade, vessels operating exclusively within one Captain of the Port (COTP) Zone and non-seagoing vessels.