

MARINE ENVIRONMENT PROTECTION  
COMMITTEE  
69<sup>th</sup> session  
Agenda item 4

MEPC 69/4/xx  
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## HARMFUL AQUATIC ORGANISMS IN BALLAST WATER

**Comments on document MEPC 69/4/13 (Liberia) relating to a Proposal for Additional Revision of the Application Schedule of Regulation B-3 of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (BWMC)**

**Submitted by ICS and INTERTANKO**

### SUMMARY

*Executive summary:* This document comments on the information provided by Liberia in their submissions MEPC 69/4/13 and MEPC 69/INF.22 and raises additional related concerns about the available supply of approved Ballast Water Management Systems (BWMSs) which can be considered suitable for installation on ships operating or intending to operate globally including within United States (US) waters. Recent decisions in the US which impact negatively on the approval of BWMSs using Ultra Violet (UV) technology are described along with the envisaged consequences, firstly to shipowners in terms of the available range of systems to select from, and secondly the ability of manufacturers to meet the subsequent demand from both the newbuild and retrofit markets should the BWMC enter into force in the near future as is now expected.

*Strategic direction:* 2.0

*High-level action:* 2.0.1

*Action to be taken:* Paragraph 10

*Related documents:* MEPC 69/4/13, MEPC 69/INF.22, MEPC 69/4/6

### Introduction

1 This document is submitted in accordance with the provisions of paragraph 6.12.5 of the Guidelines on the organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies (MSC-MEPC.1/Circ.4/Rev.3) and comments on documents MEPC 69/4/13 (Liberia) and MEPC 69/INF.22 (Liberia).

2. The co-sponsors note with concern the information provided by Liberia in the annex to MEPC 69/INF.22 in particular the estimated 3,500 ship shortfall in terms of the global

dockyard capacity for retrofitting BWMSs in 2020 see paragraph 14 of the annex. It is noted that this shortfall is envisaged to be caused by a spike in the number of IOPP renewal surveys in 2020 together with the increased dry docking time that will be required for the fitting of BWMSs estimated at 1.5 times the normal dry docking duration.

### **Causes of concern leading to early conduct of IOPP renewal surveys.**

3. With respect to paragraphs 7 and 8 of MEPC 69/4/13 and the early completion in 2015 of IOPP renewal surveys ahead of the original scheduled dates in 2016, 2017 and 2018 plus the envisaged early IOPP renewal surveys ahead of the entry into force of the BWMC. The co-sponsors believe that for the following reasons IOPP renewal surveys are being justifiably conducted early:

- ***Continued lack of BWMSs fully approved by the USCG for use in US waters.*** Shipowners operating or intending to operate their ships globally including within US waters, or contemplating the future re-sale of their ships to those that do, are naturally awaiting USCG approval of a BWMS which has already been approved by an IMO member State. This is to ensure that the system chosen and fitted at great expense will meet in full both the requirements of the BWMC, once it enters into force, and the US Ballast Water Regulations currently in force. At present there are no USCG approved BWMSs for shipowners to select from without running the risk of being forced to replace the systems after only 5 years. Shipowners are therefore renewing their IOPP certificates early so as to give themselves the maximum amount of time before they will need to select and fit a BWMS in the hope a suitably approved systems will later exist;
- ***Doubts concerning the robustness of the presently available BWMSs approved by Administrations under the current Guidelines (G8) (adopted by resolution MEPC.174(58)).*** Shipowners naturally wish to fit BWMSs which will have been approved in accordance with the revised Guidelines G8 currently under development. It is envisaged that the revised Guidelines G8 will be significantly more robust but this needs to be demonstrated in fact. It is hoped that the revised Guidelines will be completed and adopted as soon as possible so as to facilitate the earliest availability of BWMSs approved in accordance with the revised Guidelines G8.
- ***The reservations made by the US in relation to the agreements made by other IMO Member States concerning the non-penalization of shipowners.*** The US has reserved its position with respect to important decisions, concerning envisaged PSC inspection procedures and the non-penalization of early movers, adopted/approved by MEPC. These decisions were envisaged to provide assurance to proactive shipowners who fit BWMSs approved by Administrations under the current Guidelines (G8) (adopted by resolution MEPC.174(58)). As a result of the US reservations shipowner confidence has naturally been affected resulting in a reticence to fit currently approved systems.

### **Available capacity for the manufacture of systems adequately approved and certified for use on ships operating globally including in US waters.**

4 In paragraph 11 of MEPC 69/4/13 Liberia states “the Committee recognised that total annual production capacity of BWMSs has been significantly increased in recent years to catch up with the peak demands for retro-fitting”. The co-sponsors would however bring to the attention of the Committee the preliminary decisions made by the USCG in December 2015 rejecting the Most Probable Number (MPN) analysis as an equivalent alternative to the method for determining the number of living organisms in the 10-50 µm size class. As a result, if the decisions are affirmed by senior USCG officials, the requests for approval by the USCG of 4 (four) UV systems, all previously approved by IMO member States as complying with BWMS

approval Guidelines (G8) (adopted by resolution MEPC.174(58)) , will be rejected by the USCG.

5 Data available to the co-sponsors shows that:

- Between 2010 and 2015 approximately 42% of all BWMSs installed on delivered newbuild ships were UV systems type approved by IMO member States other than the US; and
- Approximately 55% of all BWMSs sold in 2015 for installation on newbuild and retrofit ships were UV systems. This approximates to roughly 1300 BWMSs.
- At the end of 2015 27 of the 53 IMO member State type approvals of BWMSs were type approvals of UV systems

6 Taking into consideration the information provided in paragraphs 4 and 5 above the ramifications of the decision made by the USCG in terms of the availability of BWMSs that are on the market presently and which previously it would have been hoped would obtain both IMO type approval and USCG type approval is significant. Systems gaining both IMO and USCG type approval are those systems which could reasonably be considered from a shipowners' perspective to be best suited for installation on ships intended to operate globally including within US waters. At present there are no such systems and the removal of UV systems in terms of US approval halves the number of systems shipowners can select from if they wish to operate globally.

## Conclusions

7 In line with paragraph 6 above the co-sponsors would therefore argue that the MPN preliminary decision made by the USCG creates substantial BWMS supply issues, should the BWMC come into force soon, and that this should be taken into consideration together with the information provided in the submissions by Liberia when the Committee decides on any actions that may be necessary.

8 The USCG decision relating to MPN analysis as described in paragraph 4 runs contrary to the decision of the IMO member States that have currently type approved UV BWMSs and who have found the use of MPN analysis acceptable in assessing the efficacy of systems. The root cause of this conflict emanates from the difference in definition of *viable organisms* used by the parties concerned. As can be seen from the Report of the Correspondence Group on the review of the Guidelines (G8), MEPC 69/4/6, under item 3.4 a revised definition of the definition viable organism was supported by the group with the exception of Italy and the US. This revised definition proposed in paragraph 39 of the report would support the understanding of most IMO member States as to the intended meaning of *viable organisms* within the G8 Guidelines facilitating the ongoing approval of UV BWMSs whilst meeting the objectives of the BWMC.

9 Shipping needs a common and agreed understanding of the term viable organisms which meets the objective of controlling invasive species and is applied consistently globally by all member States during the type approval of systems and during any subsequent onboard sampling and analysis. A common globally agreed understanding of the term viable organisms will facilitate the availability of the maximum number of BWMSs which are suitable for global use and the co-sponsors would implore all parties to work together to agree and implement a definition which achieves the common objective of controlling the introduction of invasive species through ships ballast water.

### **Action requested of the Committee**

10 The Committee is invited to note the comments contained within this submission relating to submissions MEPC 69/4/13 and MEPC 69/INF.22 from Liberia and taking into consideration paragraphs 7 to 9 of this submission together with the information provided by Liberia take action as appropriate.

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