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# HARMFUL AQUATIC ORGANISMS IN BALLAST WATER

## Comments on documents MEPC 79/WP.6, MEPC 80/4/4 and MEPC 80/4/8

**Submitted by ICS, BIMCO, INTERTANKO, INTERCARGO and NI**

**SUMMARY**

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| *Executive summary:* | This document comments on documents MEPC 79/WP.6, MEPC 80/4/4 and MEPC 80/4/8. It identifies the challenges faced by tankers and bulk carriers in challenging water quality (CWQ), in terms of selection and installation of the ballast water management system (BWMS). It reiterates the call for the development of robust BWMS that could operate in all water conditions to address the challenges faced by tankers and bulk carriers in CWQ. |
| *Strategic direction, if applicable:* | 1 |
| *Output:* | 1.25 |
| *Action to be taken:* | Paragraph 15 |
| *Related documents:* | MEPC 79/WP.6; MEPC 80/4/4 and MEPC 80/4/8 |


1 This document is submitted in accordance with the provisions of paragraph 6.12.5 of 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.5/Rev.4) and provides comments on documents MEPC 79/WP.6, MEPC 80/4/4 and MEPC 80/4/8.

## Background

2 At MEPC 79, the Committee noted the elements that would need to be taken into consideration in the development of future guidance for ships encountering challenging uptake water as considered by the Ballast Water Review Group and reflected in annex 4 to document MEPC 79/WP.6.

3 Among the elements considered are issues related to the selection of BWMS by ships. Element (n) encouraged "the philosophy that BWMS selection and installation should take into account the operating area of the ship".

4 In the report of the Correspondence Group (CG) on Review of the BWM Convention (MEPC 80/4/4), it was noted that, in the discussion on improving the performance and reliability of BWMS to increase compliance to the D-2 standard, members of the CG identified issues related to the selection of BWMS by ships. Among the comments reflected in annex 3, the co-sponsors noted the following:

.1 issue 1.9: how to ensure owners/builders install systems that work and are suitable for the ship's operations rather than price orientated;

.2 issue 7.4: how to ensure this does not encourage poor system installation choices;

.3 issue 21c: application of the wrong BWMS for the environment, or use other than in accordance with the manufacturers' instructions; and

.4 issue 22: ships have limited flexibility in selecting BWMS at the time of ship construction.

5 In the same annex 3, the following justifications were reflected:

.1 bypass of BWMS is a widespread practice despite the practice being likely to significantly impact the performance of a BWMS. With the exception of maintaining safety at sea or minimizing pollution, the scenarios/triggers which justify the practice of bypass are not agreed upon and may result in both compromised efficacy and the inconsistent application of penalties to ships which have undertaken a BWMS bypass; and

.2 for safety in emergency the bypass is required in many cases.

6 Paragraph 12 of document MEPC 80/4/8 and paragraphs 1 and 5 of the annex of the same document alluded that the challenges of BWMS in ports with challenging water quality (PCWQ) could be due to "improper installation, operation or maintenance" of the BWMS. The draft MEPC resolution as presented in the annex to document MEPC 80/4/8 made further mention of "properly installed, operated and maintained ballast water management system". In addition, paragraph 3.2 of the draft MEPC resolution calls upon "ships and shipyards to invest in the most suitable, robust BWMS".

7 Though the co-sponsors note that the table of issues listed in annex 3 of document MEPC 80/4/4 and the specified proposals in document MEPC 80/4/8 would be further discussed, there seems to be a need to share the challenges faced by tankers and bulk carriers in PCWQ, in terms of selecting the "right" BWMS.

**Discussion**

***Selection of BWMS***

8 As rightfully pointed out in the various discussions on the selection of the BWMS, shipowners/operators may not have the final say in determining the type or make of BWMS installed on their ship. Even if the choice of BWMS is available, selecting the most suited system at the construction stage will be based on the anticipated operational profile of the ship. This operational profile is liable to change frequently, often without the owners/operators' foreknowledge, which could require the ship to trade in areas where the water quality may not be suitable for the optimal operation of the installed BWMS.

9 Tankers and bulk carriers typically have no fixed trade patterns. Tankers and bulk carriers would operate based on the charterer's instructions which, in turn, are dictated by commercial agreements. In some instances, the shipowner/operator may not be aware of the tanker's next port of call as the charterers may be in negotiation on the sales/purchases of the cargo carried by the tankers and bulk carriers. The tanker/bulk carrier would only be informed of the next port of call once the negotiation is concluded.

10 With the above in mind, for tankers and bulk carriers, it would be difficult for a shipowner/operator to select and install a BWMS based on the expected operating area of a tanker/bulk carrier as their operating profile may vary during the lifetime of both the BWMS and the ship itself. It would be erroneous to attribute the challenges faced by a tanker/bulk carrier installed with a BWMS that is not able to operate optimally in certain water conditions to "poor system installation choices", "application of the wrong BWMS for the environment" or "improper installation, operation or maintenance of the BWMS".

***Approval of BWMS***

11 It is important to note that all ships are required to install BWMS that meet the D-2 discharge criteria. The BWMS installed on ships went through type approval by Member States. The approval would be based on the manufacturers ensuring that their BWMS met the technical specifications and the requirements of the Convention. Shipowners and operators would only be able to exert influence on the selection of the approved BWMS for installation on their ships in accordance with the rules set by the flag Administration and classification societies. Following the installation, shipowners and operators would only be responsible for the operation and maintenance of the BWMS as advised by the manufacturers.

12 Hence, the co-sponsors assessed that there is a need for Member States to review the type approval process and ensure that only BWMS that could operate in all water conditions be approved for installation on ships. Importantly, shipowners and operators would assume that type approved BWMS, when installed on ships and maintained as per the manufacturers' advice, would meet the D-2 discharge standard.

***Considerations in dealing with CWQ***

13 In dealing with CWQ, shipowners and operators of tankers and bulk carriers see bypassing the BWMS as a "last resort" option. Bypassing the BWMS comes with its own issues. Hence, shipowners and operators would have to consider the following:

.1 The decision to bypass the BWMS may result in delays to the tanker/bulk carrier's planned voyage as they would need to go through risk assessments and undergo the appropriate procedures to bring back the affected ballast tanks of the tanker/bulk carrier to comply with D-2 requirements. This would in turn impact the commercial agreements between the owners/operators and the charterers. Delays to ships' schedules also have knock-on effects to schedules of supporting shore side services such as berthing, stevedoring, bunkering, re-supply, surveyors, regulatory inspections, and crew changes.

.2 The tanker/bulk carrier would need to use additional pumps or pumping time as part of their procedures to comply with the requirements (such as undergoing ballast water exchange and treatment) resulting in increased consumption of fuels. These would increase the tanker/bulk carrier's GHG emissions and will impact Carbon Intensity Indicator, for which even small increments (1-2%) could make the difference to meeting an annual target.

.3 If the tanker/bulk carrier is expected to sail to a dedicated area to conduct ballast water exchange following the bypass of the BWMS, this action itself presents a navigational risk to the traffic in the area and results in an increase in the tanker's fuel consumption and GHG emissions as well as delays to schedules. This also results in inefficiency of the ship as it is now sailing on a voyage that is completely not required. This is also against the spirit of the BWM Convention's regulation B-4 and BWM.2/Circ.63 (*Application of the BWM Convention to ships operating in sea areas where ballast water exchange in accordance with regulations B-4.1 and D-1 is not possible*).

.4 The bypassing of the BWMS by a tanker/bulk carrier presents a biological risk to the environment.

14 It is important for the Convention and its instruments to promote the development of suitable methods for the management of ballast water and sediments, including the development of robust BWMS suitable for challenging conditions in worldwide operations. The development of such a system would address the issues faced by ships when they operate in CWQ.

**Action requested of the Committee**

15 The Committee is invited to consider the comments in paragraphs 6 to 13, and the need to promote the development of robust BWMS as presented in paragraph 14, and take action as appropriate.