

MARINE ENVIRONMENT PROTECTION  
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## HARMFUL AQUATIC ORGANISMS IN BALLAST WATER

### Comments on document MEPC 80/4/8

Submitted by ICS, BIMCO, INTERTANKO, INTERCARGO and NI

#### SUMMARY

*Executive summary:* This document comments on document MEPC 80/4/8, specifically on the proposed approach to manage challenging water quality faced by ships.

*Strategic direction, if applicable:* 1

*Output:* 1.25

*Action to be taken:* Paragraph 21

*Related documents:* MEPC 78/INF.17; MEPC 79/WP.6; MEPC 80/4/6, MEPC 80/4/8, MEPC 80/4/16 and MEPC 80/4/18

1 This document is submitted in accordance with the provisions of paragraph 6.12.5 of the Committees' Method of Work and comments on document MEPC 80/4/8. The co-sponsors thank Australia et al. for the proposed temporary guidance on the application of the Ballast Water Management Convention (BWMC) to ships operating in challenging water quality (CWQ) as described in document MEPC 80/4/8, which focuses on maintaining (or returning) the ship to compliance with the D-2 discharge standard following operations in CWQ.

#### General principles

2 The co-sponsors are of the view that the proposed complex approach outlined in document MEPC 80/4/8 is overly prescriptive and undermines the spirit of the BWMC. Any proposal to assist ships manage the CWQ-related issues would need to adopt a goal-based and pragmatic approach, focusing on a logical and practical standardized process to follow, that allows the ship and its Administration to determine the specific procedures based on the ship design and the type of ballast water management system (BWMS) installed. This will enable ships' crews to better understand the requirements and procedures to ensure a ship's compliance with the D-2 discharge standard whenever the BWMS is bypassed.

3 The D-2 discharge standard parameters were agreed based on consensus. Responsibility to meet the standard rests with the ship to ensure that its discharged ballast water complies with the agreed standard. The industry should be allowed to determine how to effectively meet the D-2 discharge standard for each ship by both collaborating with BWMS

manufacturers and, in the long term, leveraging on technological innovation. Attempts to prescribe procedures to ships will inhibit technological advancements in the ballast water management field and increase the complexity of the IMO guidance which should ultimately provide workable and practical solutions for the industry.

4 Document MEPC 80/4/16 (INTERTANKO et al.) highlights that the responsibility to ensure only type approved BWMS are installed on ships rests with the recognized organizations (ROs) and flag States. If the type approved BWMS is not able to operate optimally, despite the maintenance requirements by the manufacturers being adhered to, Member States/flag States should review and consider how the BWMS could be improved to meet D-2 requirements before further approvals for installation on ships.

#### **Determination of CWQ**

5 Paragraph 9 of the annex to document MEPC 80/4/8 identifies possible CWQ triggers that may affect the optimal operation of a BWMS. The conditions identified seem poorly defined and are based on information unavailable to the ship or crew. With many unknown elements, it results in the proposal being overly prescriptive as it proposes measures to address all potential triggers without identifying the root cause on why the BWMS is not operating optimally. This leads to complex procedures being proposed as depicted in figure 1 in the annex and process diagrams 1 to 5 in the appendix to the annex to take into account all BWMS possibilities.

#### **Communication with subsequent port States in the event of a bypass**

6 Paragraph 13 of document MEPC 80/4/8 as well as paragraphs 23.9, 44 and 48 of its annex describe the proposed communication between the ship and the port State(s) in the event of a bypass of the BWMS.

7 Under the existing BWMC, a ship that performs a ballast water exchange and treatment (BWE+BWT) would have restored compliance with the D-2 discharge standard. If the BWE+BWT is done before reaching the next port, the ship would be in compliance with the Convention and, hence, should not be obligated to notify the port State. This is clearly and distinctly different to the circumstances where a bypass was due to a failure or defect of the BWMS, where the port State would have to be notified as the ship is not in compliance with the Convention. The co-sponsors are of the opinion that only port States where the ballast water would be discharged should be notified if the ship has yet to restore compliance with D-2 discharge standard.

#### **CWQ procedures to be included in the Ballast Water Management Plan (BWMP)**

8 Paragraph 18 of document MEPC 80/4/8 and paragraph 9 of its annex propose for pre-emptive bypass arrangements to be agreed bilaterally between the flag State and port State receiving subsequent discharges, prior to the discharge. It also proposes for a guidance document for Administrations.

9 Seeking advance agreement with flag and/or port States only when the BWMS is unable to operate optimally may not be realistic and may impact the ship's operations. The co-sponsors propose that the arrangements be approved by the flag States/ROs on behalf of the flag States and be included in the BWMP. This would simplify the mitigation measures and allow the ship to focus on meeting its operational needs while at the same time observing requirements of the Convention. With the approved BWMP, the procedures could be easily activated involving the ship, the flag State and, where applicable, the port State where the ballast water is intended to be discharged, if the ship has not recovered her compliance to the

D-2 discharge standard. It would be unnecessary to involve any other party and the proposed procedures should not create additional burden on ship's crew when the BWMS is not operating optimally for reasons beyond the crew's control.

### **Meeting the D-2 discharge standard following a bypass of the BWMS**

10 Paragraph 10 in the annex to document MEPC 80/4/8 proposes for ballast water discharges to meet the D-2 discharge standard at subsequent discharge locations. To minimize the risks posed to the surrounding environment, ships that bypass the BWMS should strive to meet the D-2 discharge standard at the next available opportunity and not wait for the next discharge locations.

11 The co-sponsors have concerns with the sentence "Where there are no available reception facilities or port-based treatment systems, or where the ship is not able to use such facilities, this guidance should be fully applied". It seems to imply that the use of reception facilities or port-based systems should be prioritized. The co-sponsors share the views expressed in paragraphs 31 to 34 of document MEPC 80/4/6 (India et al.) that described the challenges of considering port-based treatment facilities as an option to address CWQ. As explained in paragraph 20, the co-sponsors are of the opinion that ships should be allowed to decide on how to meet the D-2 discharge standard and utilization of reception facilities could be an option.

### **Temperature and salinity**

12 Element "p" in annex 4 to document MEPC 79/WP.6 stated that temperature and/or salinity are not to be considered as parameters that would trigger a challenging uptake water situation.

13 INTERTANKO has previously highlighted two occurrences to the Committee where the BWMS were affected by cold water (paragraph 8 of document MEPC 78/INF.17). Since then, INTERTANKO received reports of instances where the BWMS had to be bypassed when the air ambient and seawater temperature were below 0°C. Further analysis of reports received from INTERTANKO members, as reported in document MEPC 80/4/18, revealed that these conditions have caused TRO sampling pumps to freeze, reduced treatment rates causing severe delays, and that the specific BWMS was not suited to these conditions. Other factors referred to the impact of salinity on systems during bypassing operation. As noted in document MEPC 80/4/18, salinity values were unanimously low, a trend observed across multiple BWMS, seasons and locations.

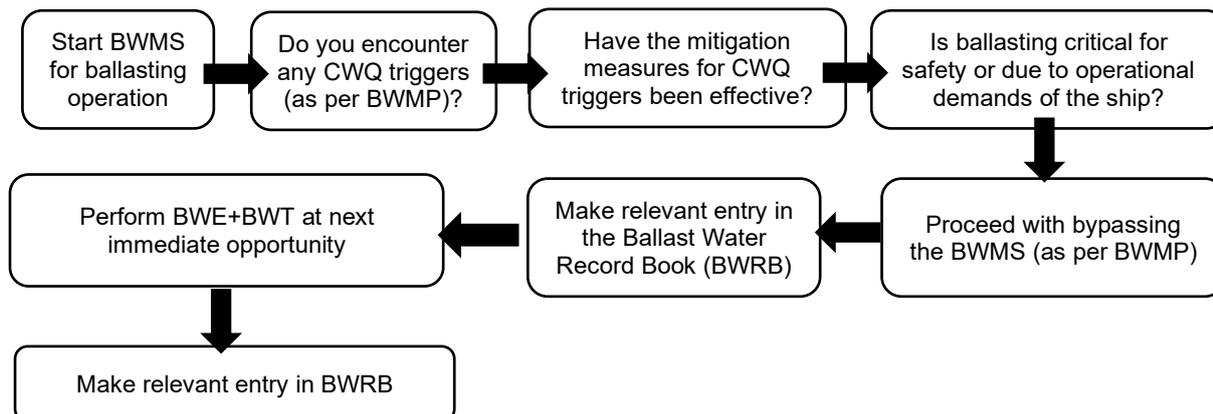
14 Noting the experiences detailed in paragraph 13, together with the BWMS type approval certificate that recognizes operational limitations including temperature and salinity, the co-sponsors request for the Committee to review element "p", as temperature and salinity do affect the optimal operation of BWMS.

### **Comments on proposed CWQ procedures**

15 The proposed CWQ procedures as reflected in figure 1 in the annex to document MEPC 80/4/8 and in the four process diagrams in the appendix to that annex are overly complicated. The co-sponsors propose for the Committee to consider a simplified process, as reflected in the figure below.

16 On the management of unmanaged or partially managed ballast water, it is not practical for "ships to proceed to nearby area where less challenging uptake water may be obtained in order to complete ballasting using the BWMS" as proposed in paragraph 39.5 of

the annex to document MEPC 80/4/8. Ships would not know where the "less challenging water" is located. Hence, further clarity would be required.



**Figure 1: Proposed CWQ procedures**

17 On the decontamination procedures as described in paragraphs 40 to 43 in the annex to document MEPC 80/4/8, the co-sponsors are of the opinion that the existing D-2 discharge standard does not have provision suggesting additional flushing prior to the treatment process. Without scientific evidence based on actual studies that compare organism density in the water before and after bypass and flushing, the proposed procedures will cause significant operational burden and restrictions on ships.

18 Paragraph 40.2.2 of the annex to document MEPC 80/4/8 suggests carrying out BWE+BWT using the flow-through method. However, it does not provide any technical aspect on how neutralization for BWMS with active substances could be utilized. This may potentially impact the local ecosystem, even if the designated area meets the requirements in regulation B-4.1. In addition, some ships and BWMS types are better suited to sequential exchange. Hence, it is better to leave such operational and technical details to the ship, the RO and the Administration so that each proposed solution is ship- and BWMS-specific and can be certified as ensuring the ballast is discharged within the parameters of regulation D-2. There would also be a need to assess how the discharge of BWMS using active substances could be controlled.

19 On the proposed procedures for ships using the flow-through or dilution method as described in paragraph 40.2.2.1 of the annex to document MEPC 80/4/8, there should be consideration that the proposal for exchange to be conducted at least five times the volume of each ballast tank will increase the ship's greenhouse gas emissions and impact on the Carbon Intensity Indicator.

20 The industry should be allowed to decide on how ships could meet the D-2 discharge standard. The proposed procedures from paragraphs 40 to 43 of the annex to document MEPC 80/4/8 could be adopted as a possible voluntary measure for ships to consider. It should not restrict ships from adopting alternative methods to comply with the Convention by leveraging on technological innovations.

### **Action requested for the Committee**

21 The Committee is invited to consider the comments in paragraphs 2 to 20 and take action as appropriate.