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Agenda item 4

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HARMFUL AQUATIC ORGANISMS IN BALLAST WATER

Comments about sampling and analysis of ballast water discharges at flag State surveys and port State control

Submitted by ICS

SUMMARY

Executive summary: This document highlights the need for regulatory requirements to reflect the best technology standards that are currently available for ballast water management systems (BWMS). In cases of non-compliance with the D-2 standard, consideration should be given to the fact that the quality of intake water exceeding the design limits of BWMS meeting applicable regulations are out of the ship's control.

*Strategic direction,
if applicable:* 1

Output: 1.24

Action to be taken: Paragraph 10

Related documents: MEPC 76/INF.56; MEPC 81/INF.6, MEPC 81/WP.9; MEPC 82/4/5, MEPC 82/INF.11 and resolution MEPC.387(81)

Introduction

1 This document is submitted in accordance with 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.5), comments on document MEPC 82/4/5 (Australia) and aims to provide industry opinion from a ship's perspective on the proposed sampling and analysis of ballast water discharges during flag State surveys and port State control to verify that ships meet the requirements of regulation D-2.

Background

2 At its eightieth session, the Committee adopted the Convention Review Plan (CRP), which comprises the list of priority issues that need to be addressed in the BWM Convention review process. This list of priority issues serves as the driving force behind the ongoing comprehensive review of the BWM Convention. In response to the identified priority issues,

the Committee is now moving forward with the development of a package of amendments to the BWM Convention. These amendments aim to address the specific provisions and/or instruments that need to be amended within the BWM Convention, BWMS Code and relevant guidelines and guidance.

3 At the eighty-first session of the Committee, the frequency of additional sampling and analysis requirements of ballast water discharges during flag State surveys was agreed to be twice every five years, i.e. during intermediate and renewal surveys (MEPC 81/WP.9, paragraph 12). In the case of D-2 standard non-compliance, the requirements for rectification pathways including time-bound repair plans, destination State approvals and flag State approvals (dispensation) were not concluded during MEPC 81 and require further discussion (MEPC 81/WP.9, paragraph 10).

4 Accordingly, the Committee re-established the Correspondence Group (CG) on Review of the BWM Convention to prepare draft texts of amendments and new provisions and/or instruments. The CG on Review of the BWM Convention is currently considering draft text proposals to amend regulations A-3, B-1, B-2, B-6, D-2, D-3, E-1 of the BWM Convention and the Guidelines (G4), including the additional sampling and analysis requirements to prove the effectiveness of BWMS in meeting the D-2 standard during the flag State surveys.

Discussion

5 ICS is increasingly concerned regarding the effectiveness of BWMS, particularly as a result of studies that indicate ships' failure to comply with the D-2 standard (MEPC 76/INF.56, MEPC 81/INF.6 (both by Australia) and MEPC 82/INF.11 (Republic of Korea)). ICS considers that the non-compliance with the D-2 standard could be due to:

- .1 challenging water quality (CWQ) including BWMS not able to handle the water quality in certain conditions;
- .2 operational issues including lack of crew training and familiarization; and
- .3 BWMS plant efficacy including lack of maintenance of the BWMS plant.

6 ICS notes that the draft text proposals being considered by the CG aiming to amend specific provisions and/or instruments within the BWM Convention relate mostly to issues such as lack of crew training and familiarization, lack of proper BWMS maintenance and improper record-keeping. However, the actual root causes of BWMS bypasses or non-compliance with the D-2 standard extend beyond these issues, specifically with respect to BWMS encountering CWQ conditions, and the alternative procedures for D-2 compliance have not been sufficiently proven as yet.

7 By adopting resolution MEPC.387(81) on *Interim guidance on the application of the BWM Convention to ships operating in challenging water quality conditions*, the Committee agreed that BWMS may not be able to handle water quality in certain conditions and new procedures have been introduced to ensure that trade remains possible when ships encounter challenging water quality conditions. ICS believes that it is essential to verify the effectiveness of the new procedures introduced, particularly the efficacy of ballast water exchange plus treatment (BWE+BWT), for ensuring ships meet the D-2 standard at the subsequent port of ballast water discharge when challenging water quality conditions are met.

8 Additionally, ships are permitted to bypass the BWMS only as a last resort, which can lead to prolonged operation of the BWMS in close proximity to the trigger values, which are significantly higher than the land-based type approval testing criteria values. Consequently, further investigation is required to verify the effectiveness of the new procedures introduced by resolution MEPC.387(81) to meet the D-2 standard set by the BWM Convention, especially when the BWMS is operating beyond its expected criteria.

Proposal

9 Based on the above discussion in paragraphs 5 to 8, the Committee is invited to consider the following proposals:

- .1 agree that lack of training and familiarization, lack of maintenance and inadequate record-keeping are not the only problems that may prevent a ship from meeting D-2 standard requirements;
- .2 recognize that the new procedures introduced in resolution MEPC.387(81) to address the operational problem of BWMS unable to handle water quality in certain conditions may not ensure that the ships will meet the D-2 performance standard;
- .3 agree that ships that are unable to meet the D-2 standard due to challenging water quality, which have taken all necessary steps to meet these standards, including training the crew, maintaining the BWMS, maintaining adequate records and implementing all required steps as per resolution MEPC.387(81) and other industry best practices, should not be unduly penalized; and
- .4 concur that the results of inspection, sampling and analysis during surveys should be used as feedback to enhance the CWQ procedures set out by the Organization in resolution MEPC.387(81).

Action requested of the Committee

10 The Committee is invited to consider the comments and proposals contained in this document and take action as appropriate.
