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HARMFUL AQUATIC ORGANISMS IN BALLAST WATER

Comments on document MEPC 85/4/3 concerning calibration and accuracy checks of BWMS components that take measurements

Submitted by ICS

SUMMARY

Executive summary: This document comments on document MEPC 85/4/3 (INTERTANKO et al.) concerning the calibration and accuracy checks of ballast water management system (BWMS) components that take measurements. While supporting the objective of document MEPC 85/4/3 to increase the service capacity for mandatory BWMS calibration and accuracy check requirements, ICS highlights concerns that the proposed amendment in document MEPC 85/4/3 may introduce undefined terminology and approval concepts that could result in inconsistent implementation. ICS identifies three possible approaches for the Committee's consideration and discusses the advantages and disadvantages of each.

Strategic direction, if applicable: 1

Output: 1.25

Action to be taken: Paragraph 15

Related documents: MEPC 85/4/3; resolution MEPC.300(72) and BWM.2/Circ.66/Rev.6

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.7) and provides comments on document MEPC 85/4/3 (INTERTANKO et al.).

2 Paragraph 4.10 of resolution MEPC.300(72) currently requires that ballast water management system (BWMS) calibration and accuracy checks be performed only by the manufacturer or persons authorized by the manufacturer. In practice, the requirement to perform mandatory BWMS calibration and accuracy checks only by the manufacturer or persons authorized by the manufacturer has contributed to service capacity constraints in circumstances where manufacturer attendance is unavailable, delayed or no longer possible as the BWMS manufacturer has already exited the market. The above-mentioned constraints

are adversely affecting the shipowners' ability to comply with mandatory BWMS calibration and accuracy check requirements.

3 ICS agrees with document MEPC 85/4/3 that increasing service availability for BWMS calibration and accuracy checks is necessary and supports the objective of ensuring that mandatory BWMS calibration requirements can be met in a practical and efficient manner without compromising environmental protection.

Discussion

4 ICS supports the objective of document MEPC 85/4/3 to increase service capacity for mandatory BWMS calibration and accuracy checks. However, ICS is concerned regarding the proposed introduction of the term "competent persons and/or organizations" and the proposed amendment that such persons or organizations be "acceptable by the Administration". As these proposed terms (competent persons and/or organizations) are not defined within the BWMS Code, different interpretations may arise between Administrations, recognized organizations (ROs) and port State control authorities, potentially leading to inconsistent implementation.

5 In considering possible regulatory approaches to increase the service capacity for mandatory BWMS calibration and accuracy checks, ICS notes that paragraph 4.2.11 of resolution MEPC.107(49), as amended by resolution MEPC.285(70), contains a similar requirement for calibration of 15 ppm bilge alarms, namely that calibration and testing be conducted by the manufacturer or persons authorized by the manufacturer. Despite similar requirements, significant service capacity constraints are generally not experienced in practice because calibration and accuracy check services for 15 ppm oily water separator (OWS) alarms are routinely provided through arrangements involving equipment (OWS) manufacturers, component manufacturers (15 ppm sensor) and authorized service providers by either the equipment manufacturer or the component manufacturer operating under established Administration and RO acceptance frameworks.

6 In ICS' view, the above experience with calibration requirement for 15 ppm OWS alarms suggests that the key regulatory objective should be to ensure the quality, traceability and validity of calibration activities while providing sufficient flexibility to facilitate service delivery.

7 In order to facilitate discussion during MEPC 85, ICS has identified three potential regulatory approaches (detailed as option 1, 2 and 3 below) that could address the service capacity constraints associated with mandatory BWMS calibration and accuracy checks. ICS draws attention to the fact that, while all three proposed approaches in paragraphs 8 to 13 of this document seek to increase service availability and maintain confidence in the quality of the BWMS calibration activities, each presents different regulatory, implementation and enforcement considerations which the Committee may wish to take into account.

Option 1: Deletion of the final sentence of paragraph 4.10 of resolution MEPC.300(72), namely "only the manufacturer and persons authorized by the manufacturer can do the accuracy checks"

8 Under option 1, ICS proposes that the final sentence of paragraph 4.10 of resolution MEPC.300(72), namely "only the manufacturer and persons authorized by the manufacturer can do the accuracy checks" would be deleted. The principal advantage of option 1 is that it directly removes the prescriptive restriction that has contributed to the identified BWMS calibration service capacity constraints, while maintaining the mandatory calibration requirement, compliance with the manufacturer's instructions and retention of

calibration certificates on board for inspection purposes. In addition, no consequential amendment to the unified interpretation (UI) in annex 2 of BWM.2/Circ.66/Rev.6 would be required. The Committee should note that the BWMS Code would no longer explicitly identify who may perform calibration and accuracy checks.

9 The proposed amendments to paragraph 4.10 of resolution MEPC.300(72) are highlighted in grey and shown as addition/deletion:

"Facilities shall be provided for checking, at the renewal surveys and according to the manufacturer's instructions, the performance of the BWMS components that take measurements. A calibration certificate certifying the date of the last calibration check shall be retained on board for inspection purposes. Only the manufacturer or persons authorized by the manufacturer shall perform the accuracy checks."

Option 2: Retention of paragraph 4.10 of resolution MEPC.300(72) and amendment of the unified interpretation in annex 2 of BWM.2/Circ.66/Rev.6 to clarify the term "manufacturer"

10 Under option 2, ICS proposes that paragraph 4.10 of resolution MEPC.300(72) would remain unchanged and the UI in annex 2 of BWM.2/Circ.66/Rev.6 would be amended to clarify that the term "manufacturer" includes the BWMS manufacturer, the component manufacturer and persons or service providers authorized by either. In ICS' view, the principal advantage of option 2 is that it retains the existing mandatory text of the BWMS Code while broadening the range of entities that may undertake calibration and accuracy checks. ICS also highlights the principal disadvantage of option 2, which is that the amendment to the UI in annex 2 of BWM.2/Circ.66/Rev.6 does not remove the underlying prescriptive requirement in the BWMS Code and relies on a broader interpretation of the existing requirement in the BWMS Code.

11 The proposed amendment to the UI in annex 2 of BWM.2/Circ.66/Rev.6 is highlighted in grey and shown as an addition:

"Interpretation:

1.1 For BWMS components that take measurements, the interval for an accuracy check/calibration (or replacement of a sensor in case it cannot be calibrated) should not be mandatorily linked to the survey scheme for the BWMS, even though a validity check of calibration certificates should be conducted at BWM annual/intermediate/renewal surveys. The accuracy check/calibration of BWMS components that take measurements should be performed in accordance with the calibration procedure at intervals specified in the manufacturer's instructions.

1.2 For the purposes of BWMS calibration, "manufacturer" means the manufacturer of the equipment, the manufacturer of the component and persons or independent service providers authorized by both."

Option 3: Amendment of paragraph 4.10 of resolution MEPC.300(72) to explicitly recognize component manufacturers and authorized service providers

12 Under option 3, paragraph 4.10 of resolution MEPC.300(72) would be amended to expressly permit calibration and accuracy checks to be undertaken by the BWMS manufacturer, the component manufacturer, or persons authorized by either. In ICS' view, the principal advantage of option 3 is that it directly addresses many practical service-capacity challenges, while providing greater clarity regarding who is permitted to undertake calibration and accuracy checks. The principal disadvantage is that it retains a prescriptive framework

linking calibration activities to manufacturer authorization and may therefore not fully address situations involving BWMS manufacturers exiting or having already exited the market or circumstances where manufacturer authorization is unavailable.

13 The proposed amendment to the UI to paragraph 4.10 of resolution MEPC.300(72) is highlighted in grey and shown as an addition:

"Facilities shall be provided for checking, at the renewal surveys and according to the manufacturer's instructions, the performance of the BWMS components that take measurements. A calibration certificate certifying the date of the last calibration check shall be retained on board for inspection purposes. Only the manufacturer or persons authorized by the manufacturer shall perform the accuracy checks. For the purposes of BWMS calibration, "manufacturer" means the manufacturer of the equipment, the manufacturer of the component and persons or independent services authorized by both."

14 ICS recognizes that each of the above options has advantages and disadvantages and does not seek to prejudge the Committee's decision. The Committee may wish to consider these options against the common objective of increasing service capacity for mandatory BWMS calibration and accuracy checks while ensuring consistent implementation and continued confidence in the quality and validity of the BWMS calibration process.

Action requested of the Committee

15 The Committee is invited to:

- .1 note the service-capacity constraints associated with mandatory BWMS calibration requirements; and
 - .2 consider the advantages and disadvantages of the three options outlined in paragraphs 8 to 13 and take action as appropriate.
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