



# Environmental Standards Update



## Progress on the Guidelines for the Ballast Water Management Convention at BLG 11

By Dr. Richard Everett, USCG

The 11<sup>th</sup> session of the International Maritime Organization's (IMO) Bulk Liquid and Gas Subcommittee (BLG) was recently held from 16-20 April in London, UK. An agenda item of particular interest was "harmful aquatic organisms in ballast water."

Significant progress has been made on ballast water management. Of the fifteen sets of guidelines being developed to accompany the Ballast Water Management Convention of 2004, twelve have been adopted by the Marine Environment Protection Committee (MEPC), and two of the remaining three were finalized at BLG 11. The guidelines recently finalized were *Guidelines for risk assessment under Regulation A-4 (G7)* and *Guidelines for additional measures regarding ballast water management including emergency situations (G13)*. The remaining implementing document, *Guidelines for ballast water sampling (G2)*, will next be discussed at the 12<sup>th</sup> session of the BLG in 2008.

As part of the requirements of the Convention, a review of ballast water management technologies was conducted at MEPC 55 this past October. While the Com-

mittee determined that there will likely be adequate technologies available by 2009 to meet the ballast water discharge standard outlined in the Convention, several delegations expressed concern that this would not be the case.



The Committee will conduct another review of available technologies at MEPC 56, which will be held July 9-13 of this year in London. Between sessions, the Committee asked the Legal Office of the IMO to provide an opinion regarding options to minimize the consequences of a possible delay in the development of type-approved ballast water management systems. Noting significant support among the delegations for an MEPC Resolution on the issue, the BLG Subcommittee invited the MEPC to consider draft text for a Resolution at MEPC 56. Delegations were

encouraged to ensure that appropriate legal experts attend MEPC 56 to discuss options, should it be determined that it is necessary to extend the timeline for meeting the requirements specified in the Convention.

Another major ballast water issue discussed by the BLG Subcommittee was the question of whether ballast water treatment systems that create potentially harmful by-products, not for the purpose of killing or inactivating organisms, were required to be approved by the IMO under the *Procedure for Approval of Ballast Water Management Systems that Make Use of Active Substances (G9)*. The Subcommittee agreed that the language of the Convention meant that such systems would not require IMO approval, and instead would be approved by individual flag Administrations under the *Guidelines for Approval of Ballast Water Management Systems (G8)*.

The G8 guidelines explicitly call for Administrations to ensure that approved systems do not harm human health or the environment, but do not provide specific procedures for conducting toxico-

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logical assessments. Significant concern was expressed by some delegations regarding the lack of procedures for conducting toxicological assessments, and the discussion is likely to continue at future meetings; this discussion may include proposals for amending the G8 guidelines to more directly address ecotoxicological testing.

Under the Convention, treatment systems using active substances for the purpose of meeting the requirements of the Convention must be approved by IMO. MEPC adopted the procedure for approval of ballast water management sys-

tems that make use of active substances (G9), and established a technical panel under the coordination of the Group of Experts on the Scientific Aspects of Marine Environmental Protection (GESAMP). GESAMP is to develop the standard methodology, subject to approval by the MEPC, by which applications for ballast water management systems that make use of active substances are evaluated. The methodology has been under development while applications for approval are being reviewed, and remains to be formally approved by the MEPC. The U.S. has significant concerns regarding the

degree to which the methodology actually tracks the terms of the Convention and the G9 guidelines.

The latest version of the methodology was to have been considered by the Ballast Water Working Group at BLG 11, but time constraints prevented that discussion. The BLG Subcommittee requested that the methodology be taken up for consideration by the Review Group at MEPC 56, time permitting.

Questions regarding ballast water discussions at BLG or MEPC can be directed to Richard Everett by sending an e-mail to richard.a.everett@uscg.mil.

## Public Meeting for the 56<sup>th</sup> Session of the Marine Environment Protection Committee

*By LT Heather St. Pierre, USCG*

The U.S. Coast Guard will be hosting the Shipping Coordinating Committee's public meeting at 9:30 a.m. on Wednesday, June 20, 2007 in room 2415 at the Coast Guard Headquarters building, 2100 Second St. S.W. in Washington, DC 20593. The primary purpose of the meeting is to prepare for the 56<sup>th</sup> Session of the International Maritime Organization's (IMO) Marine Environment Protection

Committee (MEPC). MEPC 56 will be held from July 9-13, 2007 at the Royal Horticultural Halls and Conference Centre in London, UK.

There are several items of particular interest that will be discussed at the 56<sup>th</sup> session, including harmful aquatic organisms in ballast water, recycling of ships, prevention of pollution of ships,

interpretations and amendments of MARPOL 73/78 and related instruments, and identification and protection of Special Areas and Particularly Sensitive Sea Areas.

Members of the public may attend this meeting, but seating is somewhat limited. Interested persons may seek additional information by contacting LT Heather St. Pierre by calling 202-372-1432.

## Cooperating Agency Workshop for Ballast Water Discharge Standard Draft EIS

*By Bivan R. Patnaik, USCG*

The Coast Guard will hold a cooperating agency workshop in Charleston, SC, during the first week of May 2007. The intent of the workshop is to further develop

the environmental analysis) that would support the establishment of a ballast water discharge (BWD) standard.

Currently, the Coast Guard

is engaged in a rulemaking that would set a BWD standard for treating ballast water before it is discharged in U.S. waters. This

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rulemaking is being carried out under the National Invasive Species Act, which authorizes the Coast Guard to approve alternative ballast water management systems (BWMS) that are found to be at least as effective as mid-ocean ballast water exchange (BWE) in preventing nonindigenous species (NIS) introductions.

The Coast Guard is required to conduct essential environmental impact analyses under the National Environmental Policy Act, the Endangered Species Act, and various other environmental statutes to support this rulemaking. We began this process in the Fall of 2003 by holding public meetings in various locations across the nation to engage interested stake-

holders in discussing the environmental impacts the Coast Guard must consider. The Environmental Protection Agency, the National Oceanic and Atmospheric Administration, the U.S. Fish and Wildlife Service, and the Animal and Plant Health Inspection Service are assisting us as cooperating agencies.

Over the last few years, the Coast Guard has developed a Draft Programmatic Environmental Impact Statement (DPEIS) which considers: a “no action” alternative where a discharge standard would not be established and ballast water exchange would continue to be used by vessels to manage their ballast; a “virtual sterilization” standard alternative that would require the elimination of all living organisms larger than 0.1

micron; and less stringent standards are evaluated that would establish maximum acceptable discharge concentrations for various types of potential NIS. An example of this type of standard is set forth in the International Maritime Organization’s “Convention for the Control and Management of Ships’ Ballast Water and Sediments” which was adopted in 2004.

Once the workshop has concluded, the Coast Guard intends to incorporate input collected from the cooperating agencies into the DPEIS and publish it in summer of 2007 for public review and comment. During the public comment period, the Coast Guard will hold public meetings across the country to further engage the public.

## Coast Guard Holds Public Meetings on Ballast Water Reporting and Recordkeeping Requirements

*By LT Heather St. Pierre, USCG*

The Coast Guard recently held two public meetings to receive public input regarding our current ballast water management reporting and recordkeeping requirements found in 33 C.F.R. part 151 subparts C and D. These reporting requirements are currently being reviewed to determine if any appropriate revisions are required. Specifically, we asked for feedback on the types of vessels that are required to report their ballast water management practices, submission requirements, and on the ballast water report form itself. The comment period ended on March 16, 2007.

The public meetings were

held in two locations: Chicago, Illinois and New Orleans, Louisiana. Both meetings were well-attended by participants representing mariners and the shipping industry, federal agencies, state agencies, international government organizations, and technology developers. During the public comment period—which included the public meetings—the Coast Guard received many comments, both written and by oral statement. We greatly appreciate those who participated and provided comments. Now that the comment period has ended, the Coast Guard is in the process of evaluating the comments received and determining

the best course of action.

If you would like to view additional information about this project, including the Notice with Request for Comments and the public comments we received under this docket, please visit the Docket Management System website at <http://dms.dot.gov>. Upon viewing the Docket Management System site, proceed to simple search, and under the docket number, enter 26136. The presentations and statements made at the public meetings, as well as the meeting transcripts, will also be available and accessible on this site at a later date.

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## Second Session of the Intersessional Working Group on Ship Recycling

By LT/jg David Major, USCG

On May 7, 2007, the Second Session of the Intersessional Working Group on Ship Recycling will take place in London, England. The International Maritime Organization (IMO) is convening the meeting pursuant to the decision of the 55th Session of the Marine Environment Protection Committee (MEPC).

The IMO, MEPC and its member nations are developing a legally binding instrument on ship recycling, with the assistance of the Intersessional Working Group. The instrument is the *Convention for the Safe and Environmentally Sound Recycling of Ships*, informally known as the *Ship Recycling Convention*. Ship recycling, which is an important vehicle for the recovery of steel, has historically taken

place under conditions that pose risks to the environment and worker safety. A need exists for an international agreement regarding ship recycling that will assure the protection of human health and the environment and will create a level playing field for ship recycling operations. Thus, the United States government is supporting international efforts to develop the *Ship Recycling Convention*.

The Intersessional Working Group is preparing for the upcoming MEPC meeting to be held by the IMO in London, July 9-13, 2007. Documents for this meeting, specifically regarding ship recycling (agenda item 3), can be requested at <http://www.uscg.mil/hq/g-m/mso/mep56.htm>.



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### Calendar of Events

- 📅 **May 6-7, 2007**  
**Great Lakes Panel on Aquatic Nuisance Species**  
 Tom Ridge Environmental Center  
 Erie, PA  
<http://www.glc.org/ans/panel.html>
- 📅 **May 8-10, 2007**  
**Aquatic Nuisance Species Task Force**  
 Tom Ridge Environmental Center  
 Erie, PA  
<http://anstaskforce.gov/meetings.php>
- 📅 **May 21-24, 2007**  
**5<sup>th</sup> International Conference on Marine Bioinvasions**  
 Massachusetts Institute of Technology  
 Cambridge, MA  
<http://web.mit.edu/seagrant/Bioinvasion2007/index.html>
- 📅 **May 30-31, 2007**  
**Northeast Aquatic Nuisance Species Panel**  
 Hilton—Mystic  
 Mystic, CT  
<http://northeastans.org/meetings.htm>
- 📅 **June 5-7, 2007**  
**Mississippi River Basin Panel on Aquatic Invasive Species**  
 Pray, MT  
<http://www.ux.cerc.cr.usgs.gov/MICRA/MRB%20Panel%20on%20ANS.htm>
- 📅 **July 9-13, 2007**  
**MEPC 56**  
 Royal Horticultural Halls and Conference Centre  
 80 Vincent Square, London  
 SW1P 2PE

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