

Chamber of Shipping of America

Analysis of

US Coast Guard Marine Safety Information Bulletin, OES-MSIB Number  
003/17

**BALLAST WATER MANAGEMENT (BWM) EXTENSION PROGRAM UPDATE**

Published March 6, 2017; additional information on BW Extension Program  
is available at:

[https://www.uscg.mil/msib/docs/003\\_17\\_3-6-2017.pdf](https://www.uscg.mil/msib/docs/003_17_3-6-2017.pdf)

and

[https://homeport.uscg.mil/mycg/portal/ep/contentView.do?contentType=2  
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m.0](https://homeport.uscg.mil/mycg/portal/ep/contentView.do?contentType=2&channelId=-18366&contentId=466465&programId=13065&programPage=%2Fep%2Fprogram%2Feditorial.jsp&pageType=13489&BV_SessionID=@@@0745170490.1490702023@@@&BV_EngineID=cccdadqmdjhekhlcfnqcfkmdfhdfgm.0)

**Note:** Reviewers are urged to use the most recent policy letters with regard to the ballast water extension program as significant policy changes have been made with the most recent publication of MSIB 003/17.

**Summary:** On March 17, 2017, the USCG issued an MSIB addressing new policy changes in their ballast water management extension program. This document is a direct result of the US type approval of three ballast water management systems in December 2017. Prior to these US type approvals, the extension request application was quite simple in that it only need to request an extension based on the fact that no US type approvals existed. That obviously changed once these three systems received their US type approvals.

Notwithstanding the fact that 2 of these systems have minimum hold times of 72 hours making them unacceptable to vessels on shorter voyages and the other has a hydrogen gas venting requirement making it potential unusable on vessels based on already established hazardous area designation, the USCG will now require a vessel specific extension request that shows why these three systems are unacceptable to use on that vessel, based on a variety of factors including but not limited to flow rates, hold times, power level/consumption, water temperature and footprint limitations based on available space on existing vessels. The USCG has also indicated that even with a successful argument that no current US type approved systems are appropriate for use on a particular

vessel, the extension request must include information on how the shipowner intends to comply with the requirements, including a timeline and installation plan. These latter requirements are difficult if not impossible to provide given that many vessel owners will still be looking at systems that have yet to receive a US type approval, making it difficult to predict with any certainty when a particular system would be ready for installation. The main point the USCG has made to us in ongoing discussions is that they want to see evidence that the shipowner is engaged in conversations with manufacturers of systems appropriate for a specific vessel and is making a good faith effort to comply with the regulations as soon as an appropriate system becomes available.

The MSIB also makes some significant changes to past policy:

First, recently issued extensions were timed in terms of “first scheduled drydocking” after a date certain. MSIB 003-17 reverses that policy and makes clear that future extensions will be issued to vessels based on a date certain in the future. Practically, this change in policy means that a vessel may be required to conduct a drydocking for the sole purpose of BW treatment system installation.

Second, prior to the issuance of this MSIB, the USCG policy was that the AMS program and the extension were two separate and distinct programs such that a vessel with an installed AMS could apply for and receive an extension. This MSIB reverses that policy such that vessels with an AMS will NOT be granted an extension. While CSA continues to discuss this issue with USCG, a blanket application of this policy would result in a vessel with a poorly operating AMS (of which there are plenty) being forced to use the AMS, when if they had been granted an extension, they would be permitted to conduct ballast water exchange which is most certainly more environmentally protective than a poorly operating AMS. We hope to convince the USCG that under this situation, a vessel may apply for and receive an extension providing that it indicates in specificity the problems being encountered in the operation of the AMS.

Finally, supplemental extensions, previously allowed to be submitted within 90 days of the expiration of the current extension, must now be submitted one year prior to the expiration of the current extension/supplemental extension.

Given the harder line taken by the USCG and the political pressure that USCG is getting to move this program along, it should be expected that receiving an extension will be significantly more difficult, require much more additional information advocating as to why existing US type approved systems are not usable on a particular vessel and most likely be granted for a shorter period of time than prior extensions.

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