



CHAMBER OF SHIPPING OF AMERICA

MONTHLY REPORT FOR BIMCO

February 2018

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NOTE TO THE READER: Reference to the Federal Register may be found at <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR>. Please note new address and format for Federal Register retrieval due to upgrade in US government website.

References to legislation may be found at <http://thomas.loc.gov/> by entering the bill number (HR 802, S 2841) in the "search bill text" block found at the center of the page.

USCG CG-CVC Policy Letter 18-02 – Guidelines for Evaluating Potential Courses of Action When a Vessel Bound for a Port in the United States has an Inoperable Ballast Water Management (BWM) System

The USCG published the above referenced policy letter which provides information to all stakeholders on the USCG expectations for contingency planning for vessels with installed ballast water management systems (BWMS) when the BWMS is found to be inoperable while enroute to a US port. This guidance is applicable to vessels which have installed US type approved systems or have installed BWMS accepted by the USCG as an Alternate Management System (AMS).

A vessel which has not passed its compliance date (including any extended compliance dates as per issuance of a USCG extension) and finds its installed BWMS is inoperable may use any of the other BWM methods found in 33 CFR 151.1510(a) or 33 CFR 151.2025(a). Vessels which have not passed their compliance dates may also claim the route exemption found in 33 CFR 151.2040(a) and not be required to perform a ballast water exchange (BWE) if its voyage will not extend beyond 200 nm from shore for sufficient time to perform a BWE.

A vessel which has passed its compliance date (including any extended compliance dates as per issuance of a USCG extension) and finds its installed BWMS is inoperable may use any of the other BWM methods found in 33 CFR 151.2025(a). However, these vessels MUST obtain approval from the District Commander or the Captain of the Port if BWE is the proposed alternate compliance method. The route exemption is NOT available to vessels which have passed their compliance date. It should be expected that if the USCG approves this contingency measure, the vessel will be required to conduct the



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exchange at least 200 nm from shore (unless there are safety or stability issues).

In either case noted above, the vessel must notify the nearest District Commander or Captain of the Port at the time the inoperability is identified. It is also strongly recommended that the same notification be made to the District Commander or Captain of the Port with jurisdiction over the next US port of call given that it is this office that will make the decision on acceptability of proposed contingency measures.

Other key points found in this guidance include:

- A lack of consumables required by the BWMS is NOT an acceptable inoperability justification and will not be grounds for the USCG to approve use of an alternative management method e.g. BWE.
- Submission of the required report to the National Ballast Water Information Clearinghouse (NBIC) does NOT meet the reporting requirements noted above.
- Upon notification by the vessel to the USCG of the inoperability of the BWMS, the vessel owner/operator should be prepared to propose an alternate management method in accordance with this guidance, provide a repair timeline for the BWMS. The USCG will consider a number of factors specific to the situation including operating history of the vessel and its BWMS, crew training and the possibility that the BWMS may be repaired during the vessel's US port call.
- If the vessel has multiple US port calls, the USCG may allow the vessel to continue its voyage; however, USCG may impose additional requirements e.g. BWE, if ballasting/deballasting operations will be conducted during the remaining US ports of call.
- A vessel which is past its compliance date MUST repair an inoperable BWMS before returning to the US after sailing foreign.

A copy of the guidance document may be found at:

http://www.dco.uscg.mil/Portals/9/DCO%20Documents/5p/CG-5PC/CG-CVC/Policy%20Letters/2018/CG-CVC_pol18-02.pdf

As of this writing, the USCG has just published Navigation and Inspection Circular (NVIC) 01-18, Ballast Water Management for Control of Non-Indigenous Species in Waters of the United States. CSA has just obtained a copy of this document and is in process of reviewing its 35 pages in order to provide a



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summary in our next monthly report. For those who wish to obtain a copy of this document, it can be downloaded at:

http://www.dco.uscg.mil/Portals/9/DCO%20Documents/5p/5ps/NVIC/2018/NVIC-01_18.pdf

USCG Updated Oil Record Book Part I and Part II (CG-4602A)

In regards to the USCG updated Oil Record Book (ORB) Part I and Part II (CG-4602A), more and more member companies have notified us that they were able to procure them from various COTP. There are still USCG districts unaware of the update and others that do not have any in stock however, more and more are becoming available.

We have been advised by some members that there are errors in the updated ORB and would like to collect these then provide them to the appropriate personnel at USCG. **Please notify skline@knowships.org of any errors or issues found with the updated ORB.**

CSA Meeting with the Cotton Club

At its invitation, CSA provided a briefing to the Cotton Club at its monthly luncheon held at the Canadian Embassy. The briefing addressed issues pending at IMO (GHG, 2020 sulfur cap) as well as US legislative and regulatory issues. CSA is pleased to offer these briefings on a semi-annual basis upon request and values greatly our collaborative working relationship with the Cotton Club members.

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