



United States Coast Guard
U.S. Department of Homeland Security



CG-CVC
Chief, Commercial Vessel Compliance

MI Notice 05-12
June 21, 2012

Inspection Notice

BALLAST WATER REPORTING, RECORDKEEPING AND COMPLIANCE VERIFICATION DURING VESSEL INSPECTIONS AND PORT STATE CONTROL EXAMS

(June 2012)

The Coast Guard has broad regulatory authority over the ballasting operations of vessels operating in the waters of the United States. The desired outcome of Coast Guard authority is the reduction and ultimate prevention of the discharge of potentially harmful aquatic organisms into United States (U.S.) waters. CG-OES-3 (Environmental Standards Division) is continually working to improve the effectiveness and efficiency of the ballast water management (BWM) standards. As such, the Coast Guard has amended its regulations on BWM by publishing a Final Rule for the “Standards for Living Organisms in Ships’ Ballast Water Discharged in U.S. Waters” (77 FEDERAL REGISTER 17254).

The Final Rule establishes:

- A ballast water discharge standard for U.S. waters and a Coast Guard type-approval process for ballast water management systems. This process establishes requirements for designing, testing, installing and operating equipment on board vessels. The Final Rule includes an implementation schedule based upon a vessel’s construction date and ballast capacity.
- A bridging strategy provision allowing a vessel owner with a foreign type-approved ballast water management system (BWMS), which is installed prior to the vessel’s compliance date for meeting the ballast water discharge standard (BWDS), to use that system in meeting the requirements of 33 CFR 151.1510 and 151.2025. Manufacturer of a BWMS approved by a foreign administration may request a Coast Guard determination that their BWMS is an Alternate Management Systems (AMS) for the purposes of complying with U.S. ballast water management regulations.
- A standard that matches what was adopted by the International Maritime Organization in 2004 and further established by seven U.S. states. Only California has more stringent standards at this time.
- Numerical limits for the discharge which are supported by reports from the National Academy of Sciences and the EPA Science Advisory Board in 2011 as the most stringent that vessels can practicably implement and that the Coast Guard can enforce at this time.

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Currently, the Navigation and Inspection Circular (NVIC) 07-01, Change 1 - *Ballast Water Management for the Control of Aquatic Nuisance Species in the Waters of the United States*; provides guidance for Coast Guard personnel, vessel owners and operators, masters and shipping agents and persons-in-charge concerning compliance with, and enforcement of, the U.S. Coast Guard's existing Ballast Water Management (BWM) Program. However, the Coast Guards Final Rule effective June 21, 2012 contains additional requirements which are not addressed in NVIC 07-01, Change 1. This Marine Inspection Notice provides guidance to bridge the gap between BWM practices remaining in effect and the implementation dates requiring Ballast Water Treatment Systems (BWTS) to be installed and utilized onboard a vessel.

Therefore, effective immediately, until NVIC 07-01, Change 1 is amended to reflect the regulatory changes, this notice will serve as interim guidance for both Marine Inspectors (domestic) and Port State Control Officers (foreign) when conducting BW inspections/examinations.

Pre-inspection:

1. Prior to attending a vessel scheduled for an inspection/PSC exam, inspection personnel should verify that a BWM report was submitted to the NBIC by querying the NBIC database. This can be done by using the button labeled "NBIC", adjacent to the "EQUASIS" button, which can be found in the middle of the window when the MISLE "CG Activity History" tab is open.

Activity ID	Start Dt.	Activity Type	Activity Sub Type	Orig. Port	Owner	Status
3101326	2007/11/19	Vessel Operational ...		SEC LA/LB	SEC LA/LB	Closed
2834904	2006/12/05	Vessel Operational ...		SEC LA/LB	SEC LA/LB	Closed
2493472	2005/09/15	Vessel Sighting		AIRS Sacto	AIRS Sacto	Open
3102594	2007/11/21	Boarding	Security Boarding (...)	SEC LA/LB	SEC LA/LB	Closed
2266774	2004/12/30	Boarding	Positive Control Me...	MSO Pug...	SEC PgtS...	Closed
2266774	2004/12/30	Boarding	Security Boarding (...)	MSO Pug...	SEC PgtS...	Closed
1966652	2003/12/18	Boarding	Positive Control Me...	MSO LALB	SEC LA/LB	Closed
1773852	2003/04/14	Boarding	Positive Control Me...	MSO LALB	SEC LA/LB	Closed

National Ballast Information Clearinghouse (NBIC) data can be accessed at <http://cgweb.comdt.uscg.mil/g-ms/g-mso/compliance.htm>

NOTE: Searches can be made using a vessel's IMO or other official number, name, owner, USCG sector, state, port or time frame, as well as combinations of these fields.

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2. The NBIC database, along with ballast water program related information is also accessible by clicking on the hyperlink found at the bottom of the window whenever a “Vessel Description Summary” tab is open.

<http://cgweb.comdt.uscg.mil/g-ms/g-mso/compliance.htm>

3. Due to their unique situation, reporting forms for vessels arriving into the Great Lakes through the locks at Massena, New York are handled differently. These can be found at <http://invasions.si.edu/cgi/uscg/massena> .

NOTE: The NBIC database is updated several times a day during normal business hours with information that has been vetted through the NBIC data review process. Reports received outside of these times (i.e. after 5 p.m. Eastern time, weekends and holidays) are available for viewing by USCG personnel in their raw (as submitted) form and will not highlight any missing or incorrect information.

4. Units should cross check the NBIC data with Ship Arrival Notification System (SANS) data to identify possible non-compliance by a vessel scheduled to arrive in their sector. Additionally, units should review the BWM reporting history. The results of this search may establish clear grounds for expanding a BW exam during a PSC exam or Inspection. This report can also be compared with the vessel’s onboard records should an inspection/examination take place.
5. Absence of a report in the NBIC database, or a report being flagged as unacceptable by NBIC, does not necessarily mean the vessel is in violation of the mandatory BW reporting requirements. *However*, when put into context with the vessel’s reporting history these could be considered sufficient clear grounds to expand the BW inspection/examination.

NOTE: A missing or incomplete report in an otherwise good reporting history would not constitute clear grounds. Note also a web-based BWM Lookout List that identifies vessels with a history of either not reporting or submitting inaccurate or incomplete BWM reports to the NBIC is under development. Units will be notified when it becomes operational.

Inspection/Exam: Currently, BWM practices (BW exchange >200nm) remains in effect until the implementation date that mandates the installation and use of BWTS onboard vessels¹. These implementation dates for both the Great Lakes/Hudson River and Waters of the U.S. are located in 33 CFR Subpart C (§ 151.1500) & Subpart D (§ 151.2000). Therefore, the following inspection/exam guidance shall be followed:

1. During the scheduled inspection/PSC exam, MI’s/PSCO’s should conduct a BW inspection/exam in accordance with Enclosures (3) and (5) of NVIC 07-04 (Change 1). A key element is verification that vessel operators have submitted ballast water reports in accordance with the ballast water regulations per 33 CFR 151 – Subparts C and D.
2. The only new requirement for vessels that comes into effect on June 21, 2012 is for the incorporation of vessel specific biofouling management and sediment management plans in the already required vessel ballast water management plan, in accordance with 33 CFR 151.2050(g)(3). Inspectors and PSCOs shall verify a plan meeting these requirements is on board the vessel. Keeping separate Biofouling Management and Sediment Management Plans on board, and referencing them in the Ballast Water

¹ Unless another BWM method, as prescribed in 33 CFR 151.2025 is utilized.

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Management Plan, would comply with Coast Guard requirements under 33 CFR § 151.2050(g)(3).

3. Units that identify a vessel which is not in compliance with the reporting requirements should take enforcement action in accordance with Enclosure (4) of NVIC 07-04 (Change 1).
4. Additionally, units shall issue deficiency reports to vessels which have not submitted a pre-arrival BW report, or an amended form when requested by NBIC as follows:
 - a. U.S. flagged vessels: Issue a CG-835 requiring the master to submit a BW report prior to sailing (Cite: 33CFR151.2041).
 - b. Foreign flagged vessels: Issue a CG-5437A & CG-5437B requiring the master to submit a BW report (Cite: 33CFR151.2041 - Code 17)

NOTE: For both domestic and foreign vessels, the report (whether an initial or amended) should accurately reflect the vessels BWM activities for the current port call.

5. Vessels enrolled in the Coast Guard's voluntary Shipboard Technology Evaluation Program (STEP) may use a ballast water treatment (BWT) system as part of their BWM program. Information pertaining to STEP is located in Navigation and Vessel Inspection Circular 01-04; Enclosure (4) describes the required documentation that must be maintained on board the vessel and Enclosure (5) discusses how to verify vessel compliance. Vessels enrolled in STEP are identified in MISLE by a special note.
6. The Coast Guard type-approval (see 33 CFR § 151.2025 & 46 CFR part 162) process for BWT system is currently under development. Until BWT systems approved² by the Coast Guard are required, the most viable BWM option available to vessels (non-STEP) for discharging ballast water into waters of the United States remains the mid-ocean ballast water exchange. However, the presence of flag administration approved BWT technologies on aboard non-U.S. Flagged vessel is acceptable for discharging ballast water into waters of the United States as long as the system is accepted by the U.S. Coast Guard as an Alternate Management System (AMS) (see -33 CFR § 151.2026). Further guidance regarding AMS is available at: http://www.uscg.mil/environmental_standards/. Vessels utilizing a BWT system for BWM that have not been accepted by the Coast Guard as an AMS will not be permitted to discharge treated BW in U.S. Waters and will be required to continue the implementation of the mid-ocean BW exchange.
7. MI's/PSCO's should verify at the beginning of the exam if BWT technologies are part of the vessel's BWM plan. If a non-STEP vessel has installed a BWT system, make note of the treatment technology (i.e. filtration, ultraviolet radiation, chlorination) and that the method/system is approved by the flag state's Administration. Additionally, confirm if the BWT system has been accepted by the Coast Guard as an AMS.

² CG type-approved; this does not mean units operating under a CG approved Alternate Management System (AMS).

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- Units will not conduct ballast water sampling for vessels utilizing a BWT system, regardless of the operational status of the BWT system at the time of the exam. MI's/PSCO's should review the BWT system by referencing the vessel's BWM plan, and familiarize themselves with the method and any hazards associated with the BWT system, including any Material Safety Data Sheets (MSDS).

Post-inspection documentation:

- Document all BWE activity and actions in the appropriate MISLE section.
- Pay particular attention to verifying and updating the vessel's ballast system information in MISLE.

Marine Safety Network - Vessel Ballast System -- Webpage Dialog

Vessel Name: CSAV RIO MALLECO Call Sign: V2EU6
Flag: ANTIGUA AND BARBUDA Primary VIN: 9483786

Type	Other Type Description	Capacity	Measurement	Fixed Ballast	Individual Modify by
Water		5953	Metric Tons (Liquid)		Newsham, Scott A.

Ballast Type: Water Capacity: 5953 Metric Tons (Liquid) Units Fixed Ballast?

Other Ballast Type Description:

Save Cancel

Close Help

(Version 4.0.10)

http://misle.osc.uscg.mil/msnweb/MSN_VsI_Ballast_System.asp?Vessel_Id=1087201 Local intranet | Protected Mode: Off

- If the vessel is not enrolled in STEP and has an installed BWT system, notify CG-5224 by e-mail at environmental_standards@uscg.mil and provide the examination's MISLE Activity number and the name of the BWT in use.
- After inspecting a STEP vessel, enter the following text into MISLE under the "Vessel Inspection Activity, Narrative" tab: "EXPERIMENTAL BALLAST WATER TREATMENT SYSTEM VERIFIED IAW NVIC 01-04. PERFORMANCE LOG AND REPORTING FORMS EXAMINED."

Additional Sources of Information:

- The Environmental Standards Division maintains a BWM web page containing current regulations, regulatory development activity and compliance guidance at:

http://www.uscg.mil/environmental_standards/

- Units wishing to view historical NBIC data of BW discharge activities in their COTP zone may visit the public NBIC homepage at: <http://invasions.si.edu/nbic>

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3. Questions regarding ballast water compliance for U.S. or Foreign flagged vessels should be emailed to CGCVC@uscg.mil . Place the following text in the subject line; Ballast Water question - Domestic *or* Foreign.
4. Questions regarding ballast water regulatory developments should be directed to Mr. Scott Newsham (CG-OES-3 - Environmental Standards Division) at 202-372-1435 or Scott.A.Newsham@uscg.mil .