

MEMBER ALERT

November 24, 2004

NEW MANDATORY BALLAST WATER MANAGEMENT PROGRAM IN THE US EFFECTIVE NOVEMBER 1, 2004

Introduction

The Managers were recently informed of new mandatory ballast water management regulations in the United States which became effective as of November 1, 2004. The following is a summary of the new requirements.

Background

Vessel owners, operators and masters should understand the new requirements, as should shipping agents acting on vessels' behalf in the US. For ease in doing so, please access the following website: <http://invasions.si.edu/nbic/news.html>.

Under the authority of the Non-indigenous Aquatic Nuisance Prevention Control Act and National Invasive Species Act, the regulations establish penalty provisions for vessels equipped with ballast water tanks calling at ports within the US which fail to submit a Ballast Water Management (BWM) Report Form. Additionally, ballast water management procedures, record keeping and reporting requirements for vessels bound for the Great Lakes and/or portions of the Hudson River are now much more stringent.

New mandatory reporting requirements

As of November 1, 2004, all vessels except vessels exempted by 33 CFR 151.2040 and 15.2045 (see MOC Policy Ltr 04-06 at the above website address for exemption clarification), equipped with ballast water tanks bound for a US port, including those that have not operated outside the Exclusive Economic Zone (EEZ), must submit a BWM Reporting Form (ORB form control No. 1625-0069), to the National Ballast Water Information Clearinghouse (NBIC), 24 hours prior to arrival at the port of destination.

The reports must be submitted for all voyages where a vessel enters a Captain of the Port (COTP) Zone (whether from another COTP zone or from outside the EEZ) to anchor or moor. This includes vessels that declare "No Ballast on Board", as well as vessels not discharging ballast water.

Vessels bound for ports on the Hudson River North of the George Washington Bridge MUST provide their BWM Reporting Form to COTP New York at +1-718-354-4249, at least 24 hours before the vessel's arrival at the Port of New York.

Vessels entering the COTP New York Zone, but remaining South of the George Washington Bridge, should submit the BWM Reporting Form directly to the NBIC.

Means of submitting BWM Reporting Forms to the NBIC

- Via the internet at <http://invasions.si.edu/ballast.html> (recommended);
- via e-mail to NBIC@BALLASTREPORT.ORG, fax: +1-301-261-4319; or
- by mail to Attn: US Coast Guard, c/o SERC. PO Box 28, Edgewater, MD 21037-0028.

Note to Shipping Agents

Shipping agents should facilitate efforts to submit complete, accurate and timely reports. BWM Reporting Forms can be retrieved at <http://invasions.si.edu/NBIC/bwform.html>.

Penalties for Non-compliance

As prescribed in subparts C and D of 33 CFR Part 151, violators of the mandatory management requirements for vessels bound for the Great Lakes or places North of the George Washington Bridge on the Hudson River, and for all vessels bound for any US ports, that fail to comply with the record keeping and/or reporting requirements, will be liable for civil penalty of up to US\$27,500 for each violation, with each day constituting a separate violation. Persons knowingly violating either provision will be guilty of a class C felony.