

BALLAST WATER UPDATE FEBRUARY 2003

National Ballast Water Legislation - The Congress held several hearings last year on ballast water management, and AAPA's Chairman, Dick Steinke, testified during one such hearing in May 2002. In September 2002, legislation was introduced in the House and Senate to strengthen the national ballast water management program. AAPA staff participated in the drafting of these bills; however, there were still a number of areas that required addition revision. Unfortunately, because of their was little time remaining in the legislative session and other priorities consumed Congress' attention (e.g., Iraq war resolution, elections, appropriations), no progress was made in moving a bill before the Congress adjourned in December 2002.

It is expected that revised bills will be re-introduced before the end of the month and that Congress will move them to enactment this year. AAPA is currently working with a coalition of carriers and maritime labor groups on this effort.

Coast Guard National Regulatory Program - The following section discusses the status of several aspects of the Coast Guard's national regulatory program:

(1) Penalties for Non-Reporting

The Coast Guard anticipates that it will have a Final Rule incorporating penalties for a vessel's failure to submit ballast water management reports by the end of 2003. The Notice of Proposed Rulemaking to establish penalties for not reporting was published in the January 3, 2003 Federal Register. Comments are due by April 7, 2003.

(2) Mandatory Ballast Water Exchange

The Coast Guard anticipates a Notice of Propose Rulemaking to establish the mandatory ballast water exchange program to be published by the end of 2003, with a Final Rule in Summer of 2004.

(3) Standard for Technology Evaluation

The Coast Guard anticipates that it will publish a Notice of Proposed Rulemaking by the end of 2003, and a Final Rule in the Fall of 2004. A notice requesting public comment on four possible approaches to setting standards for ballast water treatment, as well as answers to several specific questions related to setting, implementing, and enforcing such standards was published in the Federal Register on May 1, 2001 and the comment period closed on July 2, 2001. An Advance Notice of Proposed Rulemaking for a treatment standard, which incorporates the public comments, as well as domestic and international developments over the past 2 years, was published in the Federal Register on March 4, 2002, and the public comment period closed on June 3, 2002. the Coast Guard

anticipates that it will have a Notice of Proposed Rulemaking ready for Departmental and Interdepartmental review by Winter of 2003 and a Final Rule in the Fall of 2004.

(4) Approval Program for Experimental Treatment Systems

The Coast Guard anticipates publishing an Interim Rule by June 2003. A notice requesting public comment on how such a program might be structured was published in Federal Register on May 22, 2001, and the comment period closed on July 23, 2001.

International Ballast Water Management Treaty - The Ballast Water Working Group of the IMO met on October 7-11, 2002, to continue development of an international ballast water treaty. While considerable progress was made, a significant amount of work remains, particularly on the issues of treatment standards and approval protocols. An intercessional working group will meet 3-9 March 2003 (prior to MEPC 49 (July 2003)) to further work on the draft convention so MEPC 49 will be able to take a decision as to whether the instrument is sufficiently developed to recommend the holding of diplomatic conference in early 2004.