**Ballastwater Equipment Manufacturers' Association**
**103 Oronoco Street, Suite 200**
**Alexandria, VA 22314, USA**
**www.bwema.org**

# Real Ballast Facts Bulletin

Issue #10, 22 June 2023

**Stay in touch with BEMA!**

- Visit our website www.BWEMA.org
- Follow the #BallastGeeks on Twitter for the latest ballast water scuttlebutt, news, and regulatory updates @BEMAssociation. Follow our LinkedIn Page: Official BEMA LinkedIn Page
- For any questions, ask the BEMA External Affairs Committee at external-affairs@bwema.org

## BEMA Annual Meeting

When it comes to hosting an annual association meeting, BEMA sure knows how to bring the "fun" to the function! Check out this picture, taken just at the end of BEMA's recent 6th Annual Meeting, held in April just before PPR 10. This pictures shows the group, just as the meeting was winding up, showing not only the members in attendance, and some of our invited guests, but all showing just a handful of the many who joined the meeting online.


BEMA was extremely pleased and honored to share our meeting with a couple of very notable guests: Maarten Vlag of the Paris MoU and Theofanis Karayannis from the IMO. Maarten was able to give the members a look behind the curtain of port state inspections and he highlighted that the Paris MoU as well as other sister MoUs were planning to highlight ballast water compliance enforcement starting in 2025.

"Each year we target one area of enforcement for enhanced surveys and inspections," Vlag noted during his presentation. "In 2025, we have selected ballast water and as the implementation period for the Convention will be over, we will be developing a specific checklist to help ensure vessels are compliant."

The #ballastgeeks were also treated to a thorough update on the status of the Ballast Water Management Convention Review Plan and the upcoming compliance monitoring device approval guidelines and bio-fouling mitigation guidelines which were featured at PPR 10 directly from the IMO Secretariat. Karayannis highlighted as well the coming conversations about challenging water and submission of guidance that was requested during MEPC 79, and which BEMA was a part of providing and co-sponsoring for MEPC 80. Check out the MEPC 80 update below to find out how those conversations went!

And would it really be a BEMA event if there wasn't a social gathering afterwards?

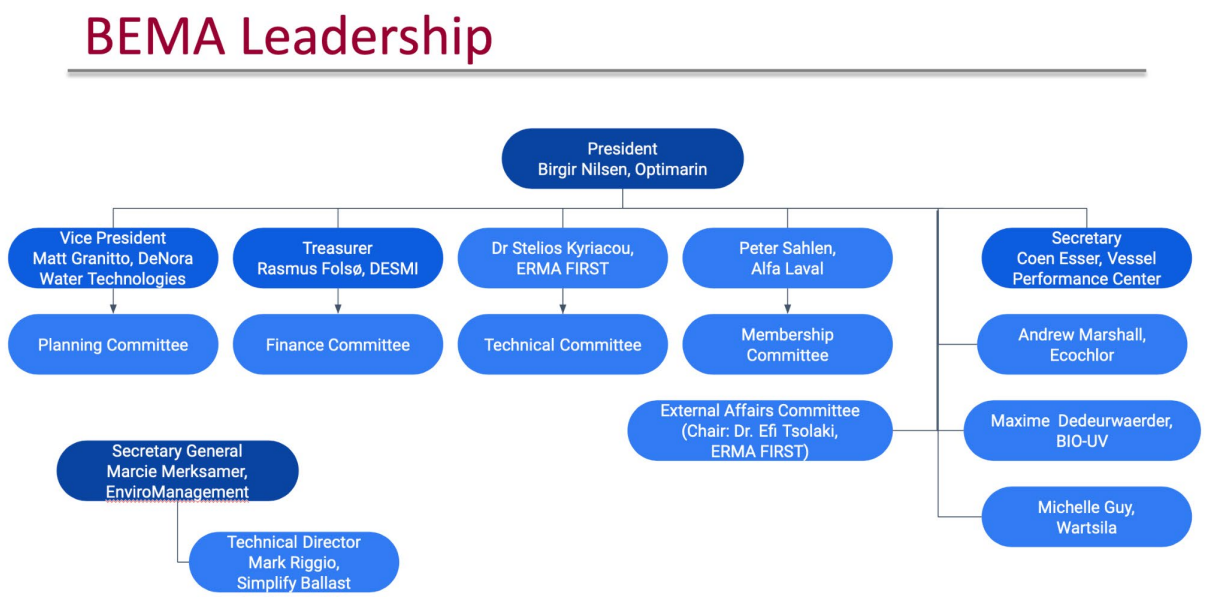
As you can see below, the frivolity and networking carried on late into the evening as the #ballastgeeks got a chance to welcome a new Board, meet some new friends, entertain some potential new members, and even meet some old ones that we had not seen in a while.


In fact, for the 6th election, BEMA members were presented with a very full ballot of highly qualified candidates! Thank you to all candidates for being willing to serve and thank you to all who voted!

In case you missed the social media posts, our new 2023 - 2024 Board of Directors, with Officer positions, is:

President - Birgir Nilsen, Charter Member, Optimarin
Vice President - Matt Granitto, Charter Member, De Nora Water Technologies
Treasurer - Rasmus Folsø, Charter Member, DESMI
Secretary - Coen Esser, Associate Member, Control Union Vessel Performance Centre (newly elected)
Maxime Dedeurwaerder - Charter Member, BIO-UV (newly elected)
Michelle Guy - Charter Member, Wartsila (newly elected)
Andrew Marshall - Charter Member, Ecochlor
Dr Stelios Kyriacou - Charter Member, ERMA FIRST (newly elected)
Peter Sahlen - Charter Member, Alfa Laval

After the election and the organizational meeting of the Association, the Board makeup, leadership structure, and committee structure has been updated to look like this:



Hopefully you had a chance to join the fun! If not, you can always plan to attend next year!! Contact the External Affairs Committee Chair at external-affairs@bwema.org if you want to find out more! Not a member? You can always be an invited guest - but you can also insure that you get a chance to be "in the room where it happens" just by signing up! Go to https://bwema.org/apply-for-membership to find out how to join!

## Regulation Updates & Info

### ★ IMO UPDATES

**Summary of PPR 10**

The IMO's Sub-Committee on Pollution Prevention and Response (PPR) held its 10th Session from 24 to 28 April 2023 and the #BallastGeeks were there!

Mark Riggio, Technical Director of BEMA and Karl Lander, Corporate Member Armach Robotics were the BEMA Delegation attending Plenary and Agenda items 5, 14, 17 and the Biofouling Working Group.

Key Outcomes of the PPR10 Session are presented below:

- The Working Group on Marine Biosafety finalized the draft text of the 2023 guidelines for the control and management of ships' biofouling to minimize the transfer of invasive aquatic species and the associated draft MEPC resolution, set out in annex 1, and the Sub-Committee to approved it with a view to adoption by MEPC 80. This new guideline includes guidance on fouling ratings and recommended actions, inspection intervals, inspection and cleaning reports, contingency measures, and the form for the Biofouling Record Book and Biofouling Management Plan. The development of verification guidelines for in water cleaning and capture rates was moved to a future development, together with the development and inclusion of content on best practices for biofouling inspections and cleaning actions
- The Sub-Committee agreed to the draft Protocol for verification of ballast water compliance monitoring devices as completed by the Correspondence Group and set out in annex 2 to document PPR 10/17 with a view to its approval by MEPC 80.
- The WG also agreed to the draft unified interpretation to the form of the International Ballast Water Management Certificate and regulations B-3.5 and B-3.10 of the BWM Convention, to define the date of construction for vessels undergoing a major conversion as the start date of the major conversion with regard to the form of the BWM Certificate. This outcome was approved by the Committee for inclusion in BWM.2/Circ.66/Rev.5, consolidating all unified interpretations to provisions of the BWM Convention (paragraph 43).
- The WG also approved the draft 2023 guidelines for the development of the Inventory of Hazardous Materials and the associated draft MEPC resolution to include cybutryne on the list of hazardous materials and set the maximum dry paint threshold value at 1,000 mg of cybutryne per kilogram of dry paint.
  Numerous other working groups met regarding plastics, air pollution, and spills of hazardous and noxious substances. For additional details on these items, reach out to the NGO Subcommittee through external-affairs@bwema.org for all the latest details.

For more details on these items, you can check out the BEMA Members-Only News Brief on PPR10. It is located through our website in the Members Only area.

Not a member? Contact our Membership Committee (membership@bwema.org) to find out how you can get the latest news straight from BEMA.

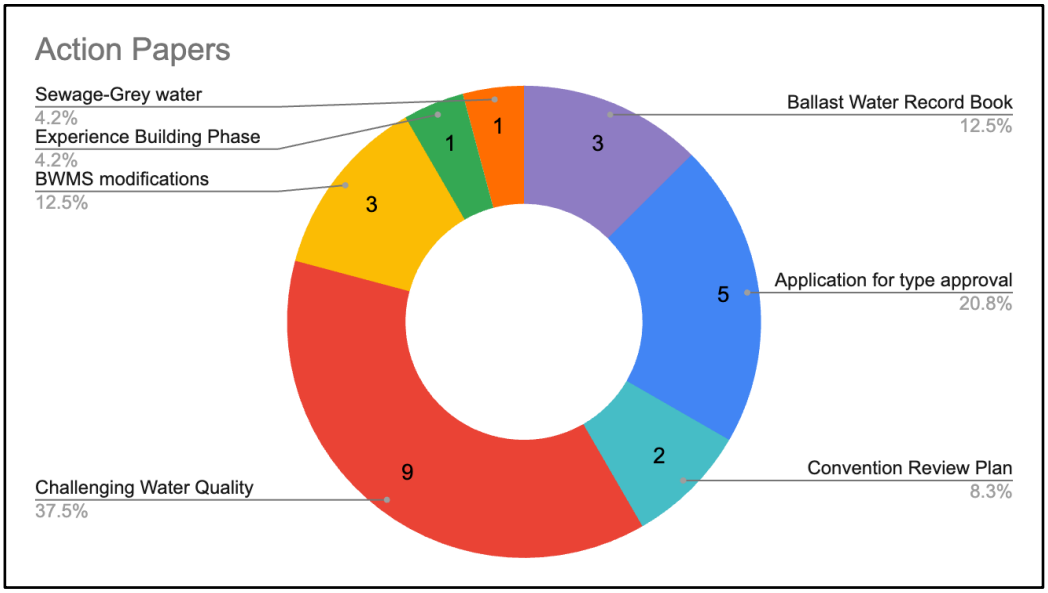
**MEPC 80 Outline**

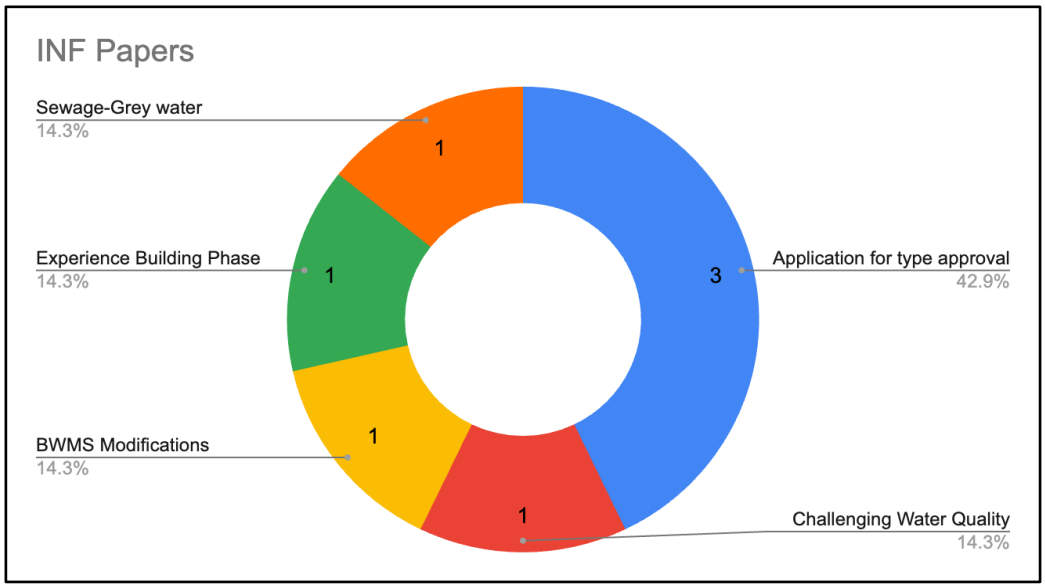
MEPC 80 is coming and the #BallastGeeks are once again planning to be in the middle of the conversations around ballast water, bio-fouling, and all matters related to biosecurity.

For MEPC 80, BEMA participated either as a lead author or a co-sponsor on three papers:

- **MEPC 80/4/8** - *Proposed temporary guidance on the application of the BWM Convention to ships operating in challenging water quality*
- **MEPC 80/4/11** - *Proposal to encourage port State control inspections during the experience-building phase*
- **MEPC 80/INF.18** - *Information regarding procedural aspects that affect type approval of ballast water management systems*

As to the makeup of all of the papers, there were 31 total papers put in under agenda items 3 and 4 which pertained to ballast water treatment or biofouling. 24 of the papers were action papers (including two by BEMA) and 7 were informational papers (including BEMA's submission). The topics of the papers ranged from the carriage of treated sewage and grey water in ballast tanks to guidelines for vessels in challenging water quality. Here is a breakdown of the papers by topic:



## ★ USA UPDATES

### US EPA VIDA Update

The US Environmental Protection Agency recently updated their website to inform that they are developing a Supplemental Notice to the Vessel Incidental Discharge National Standards of Performance proposed rule. EPA anticipates that the Supplemental Notice will provide clarification on the proposed rule, share new ballast water data that EPA is receiving from the U.S. Coast Guard, and discuss additional regulatory options EPA is considering for the final rule. EPA intends to sign the Supplemental Notice in the Fall of 2023 and make it available for public comment in the Federal Register shortly thereafter. During the comment period, EPA will solicit comments specific to the issues identified in the Supplemental Notice. EPA anticipates that the final rule addressing public comments received on both the proposed rule and the Supplemental Notice will be signed for publication in the Fall of 2024. This schedule will be reflected in the 2023 Spring Semi-Annual Regulatory Agenda. For further information on the EPA's plans for the long-anticipated VIDA, please see their website at https://www.epa.gov/commercial-vessel-discharge-standards

### US Coast Guard Updates three parts of certification standards

In three separate posts via their Maritime Commons blog, the US Coast Guard updated sections of their regulations with potential implications for ballast water treatment systems.

First, on January 23rd, the Coast Guard released an updated Maritime Cybersecurity Assessment & Annex Guide (MCAAG), to help Maritime Transportation Security Act (MTSA) regulated facilities and other Marine Transportation System (MTS) stakeholders (including ship owners and operators) to address cyber risks. This voluntary guide serves as a resource for baseline cybersecurity assessments and plan development, particularly the Facility Security Assessments (FSA) and Facility Security Plans (FSP) required by MTSA. For BWMS that have remote access or data acquisition capabilities, it may be appropriate to review this published guide.

Next, on March 16th, the Coast Guard published a Final Rule in the Federal Register to update the electrical engineering regulations for commercial vessels in 46 CFR Subchapter J, Parts 110-113. This final rule updates the standards incorporated by reference (IBR) in both 46 CFR 110.10-1 and all of the sections in Subchapter J that reference the updated IBR standards. More specifically, this final rule incorporates more recent editions of many standards, incorporates by reference additional standards for certain topics, and removes IBR standards that are no longer actively used by industry. In addition, the final rule amends specific regulations regarding electrical generator prime movers in 46 CFR 111.12, electrical cable construction in 46 CFR 111.60, hazardous area classification in 46 CFR 111.105, and allows use of emergency generators in port in 46 CFR 112.05. This final rule is effective April 17, 2023.

Lastly, on March 21st, the Coast Guard Office of Design and Engineering Standards (CG-ENG) issued Policy Letter 01-23, Design Basis Agreement Submission Guidance. The policy letter serves to provide additional guidance for entities interested in submitting vessel design equivalency requests to the Coast Guard for review and consideration. While this has more application to vessels engaged in Outer Continental Shelf (OCS) activities, there may be application for BWMS in use on these vessels.

### US Coast Guard Publishes 2022 Port State Control Annual Report

**BWM Compliance Statistics:** Compliance with ballast water management regulations continues to be one of the most challenging issues faced by the maritime industry. When a ship reaches its mandatory compliance date, it must comply with the provisions in Title 33 Part 151 in order to trade in the United States. While the Unites States is not signatory to the Ballast Water Convention, the Coast Guard ensures foreign vessels are in compliance with U.S. ballast water laws and regulations in order to further protect our nation's waterways from the threat of invasive species. This year, we continued an Enhanced Exam Program (EEP) to combat instances of non-compliance with ballast water regulations.

In 2022, the Coast Guard issued 25% more deficiencies for non- compliance with the regulations over the previous year's numbers. The majority of the deficiencies were issued to vessels with inoperable systems, deficient ballast water management plans, and to those that failed to report mandatory ballast water practices to the National Ballast Information Clearinghouse (NBIC) within specified timeframes. On the positive side, the Coast Guard is seeing an increased trend of vessels reporting their inoperable systems prior to arrival.

Additionally, the EEP contributed to identification of more discharges of non-compliant ballast water into the waters of the United States as well as showing an increase of non-reported inoperable ballast water systems.

**BWMS:** Deficiencies include both inoperable Coast Guard Type Approved systems and accepted Alternative Management Systems.

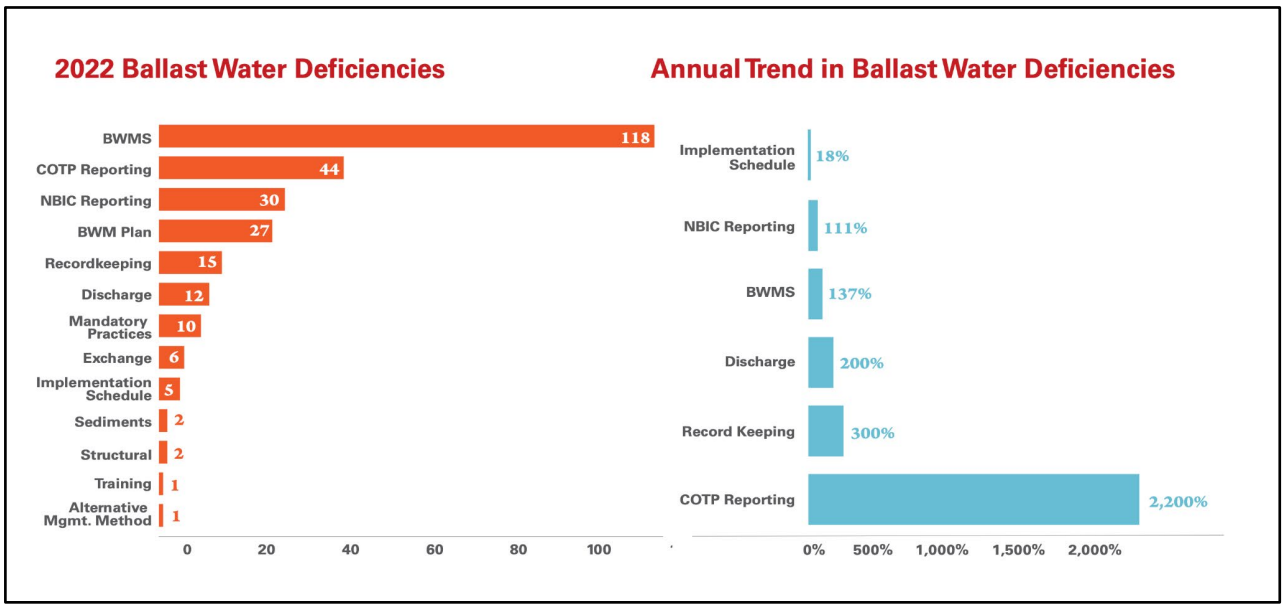
**COTP Reporting:** Deficiencies are issued when a vessel fails to report an inoperable system to the USCG.

**Discharge:** Deficiencies are issued when a vessel discharges non-compliant ballast water.

**Implementation Schedule:** Deficiencies involve vessels that are past their compliance date and using an unapproved BWM method.

**Mandatory Practices:** Deficiencies include failures to remove hull fouling organisms and marine growth as well as improper uptake of ballast water.

**Structural:** Deficiencies record failures in ballast water tanks and associated piping.




https://www.dco.uscg.mil/Portals/9/DCO%20Documents/5p/CG-5PC/CG-CVC/CVC2/psc/AnnualReports/annualrpt2022.pdf

## Events and Meetings

★ **Riviera Webinar BEMA 500 days to go to D-2 Day interview and Ballast Water Webinar Week**

BEMA participated in Riviera Maritime Media's Ballast Water Webinar week on May 30th, as Technical Director Mark Riggio joined a panel full of #ballastgeeks to discuss "replacing out-of-spec ballast water treatment systems. " The panel was made up of BEMA Board member Andrew Marshall of Ecochlor, Bill Yoon from BEMA-member Alfa Laval, and Riggio.

During the panel discussion, the subject of challenging water, dealing with increasing certification requirements and changes to AMS approved systems, and some manufacturers leaving the market as reasons why a system could fall "out of spec."

One particular item of note was during the polling of attendees, the group was asked what an acceptable level of reduction of flow would be for a BWMS to automatically incur before it would be considered to be "out of spec". This was asked by our Technical Director to help inform our position at MEPC where one of our

papers (MEPC 80/4/8, co-sponsored with Australia, Canada, Republic of Korea, and Ireland) proposes just such a number. Interestingly, the crowd at the webinar agreed with BEMA and our other co-sponsors that 50% is the right number.

If you missed this webinar and you're looking for the #realballastfacts in real-time - make sure you follow us on social media so you can learn more about when and where BEMA will be speaking next!

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**Recent & Upcoming Industry Events 2023:**

**NOR-SHIPPING** - June 6 - 9, Oslo, Norway

**INTERNATIONAL DAY OF THE SEAFARER** - June 25, IMO Headquarters, London

**MEPC 80 -** July 3 - 7, IMO Headquarters, London

**WORLD MARITIME DAY** - September 28, IMO Headquarters, London

**KORMARINE** - October 24 - 27, Busan Exhibition and Convention Center, Busan, South Korea

**EUROPORT Rotterdam** - November 7 - 10, Ahoy Rotterdam Center, Rotterdam, Netherlands

I**NTERNATIONAL WORKBOAT Show** - November 29 - December 1, David L. Lawrence Convention Center, New Orleans, LA.

**MARINTEC China** - December 5 - 8, Shanghai New International Expo Center, Shanghai, PRC

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## Member Spotlight

*The Member Spotlight is an opportunity for Members to have exposure in the ballast water network.*

***Note that views expressed are those of the BEMA Member and do not necessarily reflect the opinions of BEMA. If you are a BEMA Member and want to see your company highlighted in our Member Spotlight, contact the Membership Committee at membership@bwema.org to learn how! Not a Member? Apply now!***

This month's Member Spotlight comes from long-time Charter Member Wärtsilä Water and Waste Technical Sales Manager, Tim Denison.

**Challenges are there to be met**

*Tim Denison, Technical Sales Manager, Wärtsilä Water and Waste*

When you are a company that has been in the marine industry as long as we have, you have seen your share of challenges. And you learn a thing or two about challenges as well. The first thing you learn about challenges is that you will never solve them by sticking your head in the sand and hoping they go away.

The second thing is how to roll up your sleeves and solve them.

Ballast water treatment is complicated – we all know that. It is complicated, but it is not impossible. We also know that it is also not straightforward.

Right now, as an industry, we have to pick the direction that we are heading.

We have been fighting over customers for years, fighting over performance claims, tests, selection criteria, and OPEX versus CAPEX. We have had our moments of combined triumph (think back to September, 2016) and our moments

of combined exasperation. But one thing has been true since the very first meetings of the ballast water working group: we are in this together.

Ships often do not get the opportunity to pick the system that they want, crews do not always get the training they need, and as we all know, sometimes the customers' front office cuts 'optional' items from a bill of materials in order to make sure a project hits a budget line rather than make sure that the ship has the right system, optimally installed, fitted with all of the right components.

People make decisions, and sometimes choose our competitors, and we hear about the consequences.

We at Wärtsilä are moving beyond this history, though, and leaning in to face these issues and these problems.

Why? Because this is not our first trip around the bay.

In the rush of a frantic market, a lot of players show up, make a lot of noise, and then disappear when the dust settles. As a member of BEMA, I know that you are not one of those people. You are like us: committed to this market and committed to helping ships stop the spread of invasive species.

And as the dust is starting to settle, and we can see the crowds starting to thin, now is the time to lean in even harder. Now is the time when we all have to band together and start really thinking about how these systems really work on ships. Now is the time to deal with the real issues: challenging water, piping contamination, reduced flow, replacing legacy systems, maintaining equipment after an OEM has disappeared, and helping ships learn that bypassing their system is not easier than using it.

We think that BEMA is the best way for our industry to tackle these problems head on. That is why we have remained committed to BEMA since the very beginning.

It takes an industry to solve these kinds of problems, so we are grabbing our oar and getting down to the business of making this whole thing work. Thank you to the many of you that are already pulling alongside us, we see you and we salute you for everything you are doing.

And if you are not yet fully engaged, what is stopping you?

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