
Information on the MEPC 73 Outcome Related to Sampling and Analysis to Verify D-2 Compliance at BWMS Commissioning

To Whom May Concern,

This document provides the BEMA perspective regarding MEPC 73 outcomes Related to Sampling and Analysis to Verify D-2 Compliance at BWMS Commissioning. BEMA believes it is important to share the below technical and practical considerations with interested stakeholders.

During MEPC 73, the draft guidance on the validation of the compliance of individual BWMS with regulation D-2 of the BWM Convention in conjunction with their commissioning was considered for finalization. Also considered at MEPC 73 was a paper submitted by Japan (MEPC 73/4/5) that expressed several implementation issues and proposed to keep BWMS commissioning testing in abeyance until experience is gained. The majority of delegations did not support the Japanese paper and the Ballast Water Review Group (BWRG) was tasked to finalize the draft guidance, which was approved by the Committee as BWM.2/Circ.70, including clarifications of issues mentioned in the Japanese paper.

Important implementation issues highlighted in MEPC 73/4/5, which BEMA agrees are important considerations, are listed below (**bold text**), followed by the outcomes of MEPC 73 (*italicized text*).

- **Sampling and analysis methods (listed in BWM.2/Circ.42/Rev.1) have not been adequately validated yet, which is the purpose of the trial period. Before compulsory implementation, clarification on acceptable sampling and analysis methods should be developed.**

MEPC 73 Outcome: Indicative testing methods according to BWM.2/Circ.42/Rev.1 have been confirmed as acceptable for this purpose. The Committee further reasoned that waiting for the end of the trial period to begin BWMS testing at commissioning would cause many ships to not be tested at installation and would miss the primary purpose of performing the testing at commissioning.

- **If sampling and analysis at commissioning would be done using the detailed methods as performed during Type Approval shipboard testing, the testing will have a high cost. This will ultimately result in significant additional cost for the shipowner, reflected in the overall cost of BWMS installation.**

MEPC 73 Outcome: The Committee clearly restated that indicative analysis methods should be used to perform BWMS commissioning testing. Further, it was confirmed that this testing is not intended to re-test the BWMS for D-2 compliance because the system has already been type approved, but is to verify proper BWMS installation. As a consequence, the title of the Guidance was modified as, "Guidance for the commissioning testing of ballast water management systems".

- **Practicalities of the sampling and analysis are not defined yet, such as inlet sampling port, sampling volumes, number of samples (replicates), number of tanks or treated volume to be verified, challenge conditions, retention time to be applied, etc. Depending on final procedures to be applied, this can lead to several days spent at the shipyard or moving the vessel to locate sufficient challenge organisms, all with related increased costs.**

MEPC 73 Outcome: The “Guidelines for ballast water sampling (G2)” are to be used for BWMS commissioning testing. The three (3) organism size classes of the discharge standard should be evaluated. In case indicative analysis is not available or practical for one size category, the test should be done to the satisfaction of the Administration (e.g. performing a detailed analysis or waiving the requirement for the concerned size class).

Samples of ambient water before BWMS treatment should be taken for water characterization, but this does not need to be from an in-line sample port at uptake and can be done by collecting a direct sample of the harbour water. It was clarified that sufficiently challenging water should be used for the testing; however, a vessel is not required to move to locate adequate water. No minimum number of organisms is required in the ambient water, which should be accepted for testing regardless of the level of challenge it poses to the BWMS.

BEMA would also like to note that additional shipyard time should be planned to perform BWMS commissioning testing, as the Guidance indicates that samples “...should be collected during the corresponding ballast water discharge after the full treatment has been applied.” This means that any holding time indicated on BWMS Type Approval certificate should be applied prior to collecting ballast water discharge samples for D-2 compliance testing. Further, BEMA notes that cleaning of ballast water tanks should be considered prior to commissioning testing to avoid potential interferences with test results.

- **Clarification on who is responsible for scheduling, contracting, and conducting D-2 verification testing during commissioning is required. Is it the Class that issues the D-2 compliance report, the BWMS manufacturer, the Shipowner, or the Flag administration?**

MEPC 73 Outcome: Interpretation is left open to be performed to the satisfaction of the respective Administration.

- **Clarification on which organizations are responsible for certifying the testing companies who will conduct this verification testing for each installation. Is it the Class Society, the Flag Administration, or some other independent verification organization?**

MEPC 73 Outcome: Interpretation is left open to be performed to the satisfaction of the respective Administration.

- **Actions taken following non-compliant test results are unclear. Following root cause analysis, which party is responsible for addressing the issues? What party will be responsible to arbitrate conflicting root cause analysis reports?**

MEPC 73 Outcome: The final Guidance does not directly address these issues; however, the Guidance indicates that testing should be evaluated to the satisfaction of the Administration. Therefore, any actions needed with respect to non-compliant test results are the decision of the respective Administration.

The instrument for implementing BWMS commissioning testing is resolution A.1120(30), *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2017*. The BWRG report (MEPC73/WP.10) notes that while the testing was intended to occur for all new BWMS installations, the applicable section of the 2017 HSSC Guidelines are applicable only to vessel Initial Surveys (i.e., new vessels). However, BWMS installation on existing vessels could be connected to an Additional Survey and in these cases, there is a need to identify how BWMS commissioning testing can be addressed in the HSSC Guidelines, or elsewhere. This will be considered during the development of the 2019 HSSC Guidelines.

Considering the above, and following the 2017 HSSC Guidelines, BWMS commissioning testing would currently be required on new vessels that will undergo an Initial Survey. For BWMS retrofit scenarios on existing vessels, BEMA anticipates that commissioning testing will be implemented when the 2019 HSSC Guidelines are finalized and include language that would cover surveys other than Initial Surveys unless the respective Administration has alternate requirements.

Following the outcome of MEPC 73 on this topic, BEMA recommends stakeholders consult with the respective Administration to understand and prepare for how that Administration intends to implement the BWMS Commissioning Testing stipulated by resolution A.1120(30), *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2017*.

Any stakeholder is welcome to contact BEMA if they have questions on this topic. Inquiries can be sent to the Secretary General at info@bwema.org.

Please visit the BEMA website - www.bwema.org - to join our mailing list or become a Member.
