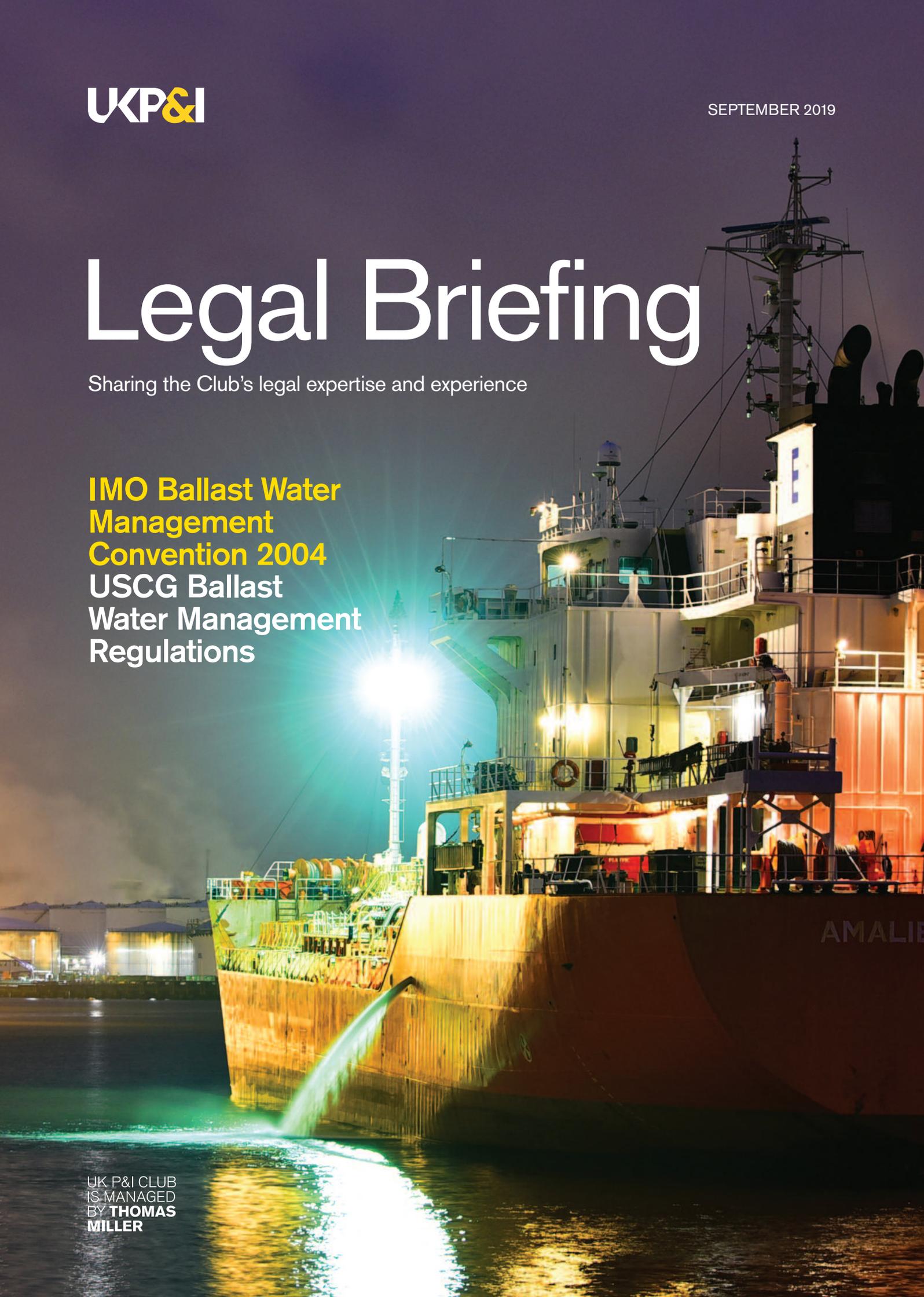


Legal Briefing

Sharing the Club's legal expertise and experience

**IMO Ballast Water
Management
Convention 2004**
**USCG Ballast
Water Management
Regulations**



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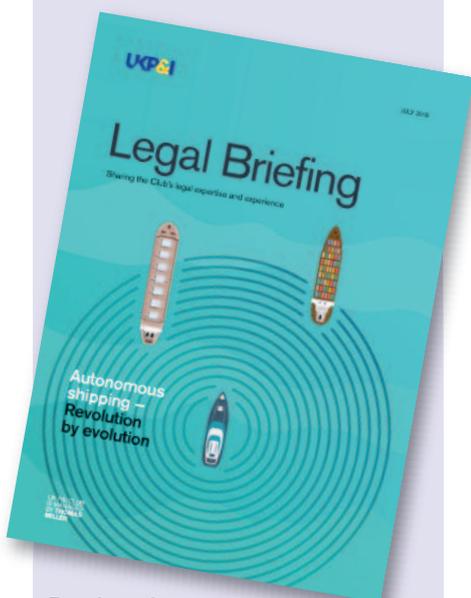
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Previous issues

Copies of previous briefings are available to download as pdfs from our website. Please visit www.ukpandi.com

Sharing expertise

This briefing is one of a continuing series that aims to share the Club's legal expertise with our Members. A significant proportion of the expertise in the Managers' offices around the world consists of lawyers who can advise Members on general P&I related, legal, contractual and documentary issues. These lawyers participate in a virtual team, writing about topical issues under the leadership of our Legal Director, Chao Wu.

If you have any enquiries regarding the issues covered in this briefing, please contact the team via Chao Wu (chao.wu@thomasmiller.com or +44 20 7204 2157) or Jacqueline Tan (jacqueline.tan@thomasmiller.com or +44 20 7204 2118) and we will be pleased to respond to your query. The team also welcomes suggestions from Members for P&I related legal topics and problems that would benefit from one of these briefings.

The IMO Ballast Water Management Convention 2004 and the USCG Ballast Water Management Regulations

The lay of the land as 8 September 2019 approaches

INTRODUCTION

The International Convention for the Control and Management of Ships' Ballast Water and Sediments, adopted by the IMO on 13 February 2004, entered into force on 8 September 2017. As of EIF, ships have had to comply with the Convention's D-1 ballast water exchange (BWE) requirement but the requirement for ships to have ballast water treatment systems (BWTS) installed as a method of compliance with the D-2 ballast water performance standard was delayed by two years. The first date on which ships will be required to have BWTS fitted will therefore be 8 September 2019.

Across the Atlantic, important developments have also been taking place in relation to the USCG's BWM regulations which entered into force on 21 June 2012. With over twenty BWTS now issued with USCG type approved certificates, the USCG has hardened its stance on extending Alternate Management System (AMS) certifications and extensions to ships which have reached their implementation deadlines. The Vessel Incidental Discharge Act (VIDA), enacted at the end of last year has however, raised hopes for more harmonisation of the USCG's BWM regulations with the IMO's BWMC and with the regulations of other US States.

The IMO Convention took over thirteen years to enter into force, and enforcement of the USCG's ballast water performance (BWP) standard was continuously postponed from June 2012 due to there being no USCG type approved equipment. The time lines below may therefore serve as helpful recaps of some of the more significant developments on the long and tumultuous journey that these two sets of regulations have taken Members on.

We will also look at some questions Members may have relating to these two regulations as 8 September 2019 approaches, and end with brief guidance on P&I Club cover for claims arising out of breaches of these BWM regulations.



The Mitten Crab *Eriocheir sinensis* originates from eastern Asia but has been accidentally introduced to Western Europe, the Baltic Sea and the west coast of North America, causing local extinctions of native species and extensive river bank erosion

BWMC 2004 – TIMELINE	
13.02.04	<p>IMO</p> <ul style="list-style-type: none"> adopted the International Convention for the Control and Management of Ships' Ballast Water and Sediments the Convention stipulates that it will EIF 12 months after ratification by a minimum of 30 States, representing 35 % of world merchant shipping tonnage
27.02.12 – 02.03.12	<p>MEPC 63</p> <ul style="list-style-type: none"> adopted revised Guidelines on design and construction to facilitate sediment control on ships (G12), one of the 14 sets of guidelines developed to assist in the implementation of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (BWM Convention) which update the previous version adopted in 2006
13-17.05.13	<p>MEPC 65</p> <ul style="list-style-type: none"> approved draft resolution recommending a rescheduling of the implementation dates agreed a trial period for port state control and sampling agreed new guidance on BWMS type approvals
25.11.13	<ul style="list-style-type: none"> IMO revised the implementation schedule aligning the date for a ship's compliance to her first IOPP renewal survey after EIF adopted by IMO Resolution A.1088(28) Under this revised schedule, the date for a ship to comply is determined by her ballast capacity, her construction date and the date of her first IOPP renewal survey after EIF
17.10.14	<p>MEPC 67</p> <ul style="list-style-type: none"> adopted a resolution acknowledging that BWTS needed to be sufficiently robust and consistent set up a Correspondence Group to review the G8 Guidelines (Guidelines adopted in 2008) for approval of BWTS, to update the guidelines with experience gained and to provide guidance for a consistent application of the Guidelines set up a review of the G9 Procedures for approval of BWMS that make use of Active Substances adopted Guidelines for Port State Control inspection for compliance with the BWMC. The Guidelines involve a four-stage inspection agreed that port States should refrain from applying criminal sanctions or detain a ship based on sampling during the trial period
11-15.05.15	<p>MEPC 68</p> <ul style="list-style-type: none"> considered the interim report of the Correspondence Group on the review of the G8 Guidelines and re-established the group to continue working on the review agreed "Roadmap for the implementation of the BWMC" emphasising that early movers, ships which installed BWMS approved under the G8 Guidelines, should not be penalised developed draft amendments to regulation B-3 of the BWMC to provide an appropriate timeline for ships to comply with the D-2 BWP standard received a progress report on a study (IMO in partnership with the World Maritime University) initiated by MEPC 67, on the implementation of the BWP standard described in regulation D-2 of the BWMC

QUESTIONS MEMBERS MAY HAVE

Have the IMO and the USCG reconciled their differences in relation to BWP standards?

While the US have adopted a BWP standard similar to the IMO's D-2 standard, the two standards are not identical. The IMO uses the most probable number (MPN) method for the testing of UV-based BWTS for its BWP standard. The discharge standard in regulation D-2 of the BWMC refers to "non-viable" organisms meaning organisms which are no longer able to reproduce. The USCG discharge standard on the other hand requires micro-organisms in UV systems to be dead and not simply rendered non-viable.

This difference, as noted, is most relevant for the ultraviolet (UV)-based systems. Such systems are popular because they are relatively easy to use, meaning less training is required, and the use of UV to treat the ballast water creates no harmful by-products.

When the IMO revised its G8 Guidelines for the approval of BWMS, the hope was that the Revised Guidelines (now the BWM Code), would align the IMO's performance standard with the USCG's performance standard. The IMO's standard however remains as "non-viable".

What is VIDA?

On 4 December 2018, following lengthy lobbying by BWMS manufacturers for an alternative to the current testing protocol used by the USCG, the Vessel Incidental Discharge bill was enacted into law. The Vessel Incidental Discharge Act (VIDA) extended the validity of VGP 2013 beyond 18 December 2018 and made a number of substantial changes. VIDA charged the EPA with the task of establishing vessel discharge standards and the USCG with the task of enforcing the VGP. VGP 2013 would remain in effect until the EPA and the USCG create new regulations addressing vessel discharges. Under VIDA, the EPA has to establish vessel discharge standards no later than two years after enactment, i.e. by 3 December 2020. The EPA is to review the standards every five years and make revisions as necessary. The revised standards cannot be less stringent unless based on new information that would justify less strict standards

18-22.04.16

MEPC 69

- approved draft amendments to regulation B-3 relating to the time scale for implementation of the requirements, to be held in abeyance and circulated on EIF for subsequent adoption
- agreed that the technical standards and approval testing procedures in the G8 Guidelines will undergo a comprehensive review and re-established the Correspondence Group to continue its work

08.09.16

- Finland's accession to the BWMC brought the combined tonnage of the 52 contracting states to 35.1441%. The convention would enter into force twelve months later

28.10.16

MEPC 70

- welcomed the news that the conditions for EIF were met on 08.09.16 and that the BWMC would enter into force on 08.09.17
- adopted revised Guidelines for approval of BWMS which update the G8 Guidelines (2016 Guidelines)
- agreed that the BWMS approval process should be made mandatory.
- instructed the IMO Secretariat to prepare the Code for approval of BWMS
- agreed to instruct a correspondence group to develop a structured plan for data gathering and analysis of experience gained with the implementation of the BWMC

01.01.17

- IMO D-1 BWE standard became obsolete.
- Henceforth, all ships would need to meet requirements of D-2, the BWP standard

03-07.07.17

MEPC 71

adopted a revised implementation schedule (see Diagram 2) which provided that:

- Ships constructed on or after 08.09.17 must have a BWMS installed on delivery
- Ships with completed IOPP renewal surveys between 08.09.14 and 07.09.17 should have a BWMS installed by the first IOPP renewal survey on or after 08.09.17
- All other existing ships should have a BWMS installed by their first IOPP renewal surveys on or after 08.09.19 or second IOPP renewal surveys after 08.09.17
- Ships not required to have an IOPP certificate should have a BWMS installed by 08.09.24

08.09.17

The BWMC 2004 entered into force

- All new ships must meet the D-2 standard
- Existing ships must meet the D-1 standard, and must meet the D-2 standard on the ships' corresponding compliance dates
- All ships must have a BWM Plan, regardless of compliance method

09-13.04.18

MEPC 72

- adopted amendments relating to the implementation of the Convention
- established a ballast water EBP taking into consideration that challenges may arise during the implementation of the Convention that were not foreseen at the time of its adoption
- adopted the agreed Review of the G8 Guidelines for approval of BWMS adopted by MEPC 67 (2016 Guidelines) as the BWM Code
- adopted amendment to make the BWM Code mandatory for approval of BWMS

Under VIDA, the Coast Guard is instructed to consider type approval testing methodologies that utilise the most probable number (MPN) method, bringing the USCG's methodology in line with that of the IMO's. VIDA amends the USCG regulations by expanding the definition of "living" to ensure that organisms that cannot reproduce (non-viable) are not considered to be living. This amendment means that not being able to reproduce is now regarded to be the same as dead. VIDA has therefore moved the USCG standard closer to the IMO standard.

Furthermore, by making the USCG the sole enforcement body for BWM regulations, this does away with the previous conflicts seen between the EPA policies and the USCG policies.

Will harmonisation lead to all systems receiving IMO and USCG type approvals?

The harmonisation of the performance standards for UV-based BWTS means we should be seeing more of such systems gaining US type-approval, increasing the overall choice of systems for shipowners. Some manufacturers who had applications of their systems rejected by the USCG, lodged appeals against those decisions and the appeals are on-going. Shipowners who have already installed IMO approved UV-based systems may therefore find their systems receiving retrospective approval which would mean that they will not need to retrofit their ships with other USCG compliant systems.

There is however another difference between the USCG's and the IMO's testing requirements to prove that a BWTS meets the discharge standards. While both the BWM Code and the US type-approval testing are mandatory, the BWM Code allows manufacturers to conduct the testing of their own equipment but the US type-approval testing requires testing independent of the manufacturers.

Manufacturers who have conducted tests on their own systems will therefore still have to pass the presumably more stringent independent tests in the US. It is possible that not all manufacturers of IMO type approved systems will be prepared to submit or re-submit their systems for USCG approval. Until an IMO type approved system has received USCG approval, the system remains

- recommended that the BWM Code be applied asap when approving BWMS, but not later than 28.10.18
- emphasised that early movers, ships which installed BWMS approved in accordance with the G8 Guidelines, should not be penalised
- agreed that BWMS installed on or after 28.10.20 should be approved taking into account the BWM Code
- agreed that BWMS installed prior to 28.10.20 should be approved taking into account either the G8 Guidelines or preferably the BWM Code

22-26.10.18

MEPC 73

- approved Guidance on System Design Limitations of BWMS and their monitoring, and Guidance for the commissioning testing of BWMS
- adopted amendments to update the Guidelines for BWM and development of BWM plans (G4) to address the incorporation of information on contingency measures in BWP plans
- approved a data gathering and analysis plan for an EBP
- agreed to include two new outputs in its agenda: "Review of the BWMC based on data gathered in the EBP", and "Urgent measures emanating from issues identified during the EBP of the BWMC", both with a target completion year of 2023

13-17.05.19

MEPC 74

- approved a revision of the circular for data gathering and analysis plan for the EBP associated with the BWMC
- approved amendments to the BWMC concerning commissioning testing of BWMS to demonstrate that its mechanical, physical, chemical and biological processes are working properly
- endorsed the view that commissioning testing should begin as soon as possible.
- agreed updated unified interpretation (UI) of appendix I (Form of the International BWM Certificate). The UI will become applicable on 13.10.19, the same date the BWMS Code becomes effective

Additional Information

IMO FAQ – last updated September 2017

www.imo.org/en/MediaCentre/HotTopics/Documents/FAQ%20-%20Implementing%20the%20Ballast%20Water%20Management%20Convention.pdf

IMO website:

www.imo.org/en/OurWork/Environment/BallastWaterManagement/Pages/BWMFAQ.aspx



Toxic algae washed up on beach, Plage de Postolonnec, Brittany, France

unapproved, and so there will continue to be BWMS which are approved by the IMO but not by the USCG, at least in the foreseeable future.

Are alternate management systems and USCG time extensions dead?

While the outlook in the wake of VIDA is positive, the benefits will not be felt by shipowners for some time yet.

In the absence or lack of suitable USCG type approved systems, to enable ships to continue trading to the US without being in breach of the USCG final rule, the USCG introduced interim solutions such as the granting to shipowners of AMS status and extensions for compliance. Ships could receive an extension of five years by employing an AMS, normally an IMO-type approved system which had received an AMS approval from the USCG. Shipowners could separately apply for extensions to the ship's compliance date without installing an AMS.

As there are now over twenty USCG type approved systems available, the USCG has stopped accepting AMS and has severely curtailed its AMS certification, and extensions policies. Shipowners with current AMS certificates and extensions which are about to expire must therefore have their ships fitted with a USCG type-approved BWTS on the expiry of the certificates and extensions. They may be able to buy some time if they can demonstrate that no USCG type-approved system can be fitted. This burden on the shipowner is one that is very, very difficult to shift.

So, while not quite dead yet, AMS and extensions are definitely in their last gasps.

What about more stringent State requirements?

Under the existing VGP, States are permitted to impose additional requirements, including prohibition of certain discharges, in their waters. Twenty five States in the US have imposed such additional requirements over and above federal law requirements. Shipowners have found it difficult to comply with the additional requirements which have on occasion been conflicting, confusing and costly to comply with.

For example, the California State Lands Commission (SLC)'s new rules on BWM which came into effect on 1 July, 2017 do not provide for an exemption for ship

USCG BWM REGULATIONS – TIMELINE	
17.06.04	Linked to the National Invasive Species Act of 1996, the USCG established in 2004 the rules for controlling the discharge of living organisms from ships' ballast water in US
23.03.12	Full text of the USCG Final Rule on Standards for Living Organisms in Ships' Ballast Water Discharged in U.S. Waters published, to be effective as of 21.06.12. All ships with ballast tanks prohibited from discharging untreated ballast water into US waters. The implementation schedule for the installation of a BWTS under the rule is based on the capacity and the construction date of the ship. (See Diagram no. 3)
15.06.12	AMS Determination Policy signed as a bridging strategy. A five year grandfather period is granted after the ship's compliance date. For AMS approval, the BWMS must have been type approved by a foreign Administration pursuant to the standards set forth in the IMO BWMC
21.06.12	Revised USCG regulations on BWM entered into force. The regulations require compliance with the treatment standard at the first scheduled dry-docking after 01.01.16 for sailing ships, and at delivery for newbuildings
28.03.13	EPA issued 2013 VGP applicable to discharges incidental to the normal operation of a ship including the discharge of ballast water. VGP requires Best Available Technology (BAT). VGP waters extend up to 3 NM from coastal baseline
25.09.13	USCG started granting extensions to compliance dates as no USCG type approved equipment yet available. Ships are not required to be fitted with interim BWMS during the extension period. EPA has no authority to grant similar extensions and did not automatically recognise such extensions
24.12.13	EPA issued a joint EPA/USCG letter in which it set out to reassure the industry that it would adopt a unified approach with the USCG to address the industry's BWM issues, and that it was working with the USCG to ensure the earliest availability of USCG type approved technology
27.12.13	EPA issued an Enforcement Response Policy advising its personnel that it would consider a violation of the 2013 VGP ballast water numeric discharge limit a low enforcement priority
01.01.14	All captured ships to have a USCG type approved system fitted following first drydocking after 01.01.16. However, no such system yet available
05.10.15	2nd US Circuit Court decision in Natural Resources Defence Council vs EPA et al; Decision: EPA appeared to be taking the path of least resistance, not BAT

deviation to perform BWE while the federal law does.

Ships arriving from a port or place located outside the Pacific Coast Region (PCR), and carrying ballast water sourced from outside the PCR, must conduct BWE at least 200 NM from any land (including islands) at a depth of at least 2000m. Ships arriving at a port or place from within the PCR and carrying water sourced within the PCR, must conduct BWE at least 50 NM from any land at a depth of at least 200m. Under the federal law, the only requirement for ships conducting BWE is for the BWE to be conducted at least 200NM from shore.

Many ships calling at ports in California have received penalties under the new rules. Perhaps not surprisingly, the biggest reason for the penalties being incurred has been the performance of BWE in the wrong location.

California also has a final standard of "0" living organisms in ballast water discharge. As there is as yet no suggestion that such a standard is possible of being attained, the implementation date for this standard has again been delayed, this time to 01.01.2030. For shipowners, this higher standard is simply causing uncertainty.

Once VIDA is fully implemented however, individual States will no longer be authorised to establish and enforce their own standards for discharges, including ballast water discharges unless they are identical to the federal standards to be promulgated by the EPA. This will remove the burden on ships to comply with more stringent State discharge standards for ballast, graywater, etc. Shipowners will hugely welcome the more harmonious regulations.

Members are nevertheless reminded that the IMO also allows States party to the IMO to implement more stringent regulations. States not party to the Convention are, of course, also free to impose more stringent requirements. Ships calling at ports in these States will have to comply with the more stringent requirements at the ports. States which have enacted requirements more stringent or additional to those under the IMO Convention and the US Federal requirements include Australia, Argentina, Brazil and New Zealand. Members are directed to Lloyd's Register's website for a list of National Ballast Water Management Requirements, www.lr.org/en/ballast-water-management.

14.12.15
USCG rejected applications from three manufacturers whose equipment were tested using IMO's "Most Probable Number" (MPN) test method
01.01.16
New compliance dates under the revised implementation schedule took effect
Ships may also comply by having a USCG approved BWMS installed onboard by the ship's scheduled compliance date under the above schedule, by not discharging ballast water within 12 nautical miles of the US, by discharging ballast water to a facility onshore or other ship/ barge for purposes of treatment, by using only water from the US public water system
As no USCG type approved equipment available, as an interim measure, the USCG accepted IMO type approved equipment, and equipment certified by other third parties capable of meeting the same D-2 discharge standard, as Alternate Management Systems (AMS) and granted manufacturers of such equipment AMS notations for periods of up to five years
USCG also granted extensions to ships that intend to install a BWMS that is expected to receive USCG type approval within 12 months of the ship's current compliance date. Documentation provided should include proof from the manufacturer or independent lab that shows they have applied for USCG type approval, proof of acquisition of the BWMS, and proof of arrangements for installation on a specific date not to exceed 12 months from the ship's current compliance date
22.02.16
New BWM Reporting requirements issued
02.12.16
First USCG type approved certificate issued to Optimarin
USCG issued bulletin confirming that, "any ship with an AMS will still be allowed to use that AMS for up to five years after the compliance date and extensions to ships' compliance dates is still available if it can be documented that, despite all efforts, compliance with one of the approved BWM methods including installation of a USCG type approved BWMS, is not possible"
01.07.17
The California State Lands Commission new rules on BWM which codified the enforcement of the California Marine Invasive Species Act (MISA) come into effect
04.01.17
New guidance on extensions to compliance dates
06.03.17
USCG revised its extension policy for the implementation of BWTS
<ul style="list-style-type: none"> ▪ Now that USCG type-approve systems are available, extensions granted will be fewer and more limited ▪ Previous extensions granted will remain valid ▪ For ships with compliance dates of 01.01.21 or later, no extensions are likely ▪ AMS status granted will remain in compliance until the date stated on its certificate, usually five years after ship's compliance date. New AMS extension requests will be denied

What has been the effect of de-coupling of IOPP renewal surveys?

When the IMO aligned the date for compliance with Regulation D-2 with the renewal of the ship's International Oil Pollution Prevention (IOPP) certification, many owners arranged to have their IOPP renewal surveys earlier (or as close to 8 September 2017 as possible) to try and delay installing BWMS on their ships for up to five years, up to as late as 2022. However, MEPC 71 in July 2017 delayed the compliance deadline under the Convention by two years, with the deadline for the installation of BWMS starting on 8 September 2019 instead of 8 September 2017. The amended regulation stipulates that ships that completed, or plan to complete, their IOPP renewal surveys between 8 September 2014 and 8 September 2017 must stick to the original schedule. The effect is that owners who had de-coupled found themselves losing two additional years for compliance while those who waited will now have until as late as 8 September 2024 to comply. This unfortunate de-coupling has been cited as one of the reasons many tanker owners who have de-coupled have been scrapping their tankers early.¹ It is noted that some flag states such as Antigua and Barbuda, Curacao, India, Marshall Islands, Panama and Tuvalu and the UK have indicated that they have no objection to allowing re-harmonisation.

While it is understandable that shipowners, for financial reasons, may wish to put off for as long as possible the installation date of their BWTS, shipowners must keep yard capacity at the top of their list of considerations. Shipowners should ensure that they secure yard capacity early for a timely fitting of their BWTS at the ship's first or second IOPP survey after 8 September 2019 as applicable.

Club Cover

Members are reminded that P&I cover for fines involving non-compliance with ballast water requirements will be discretionary (similar to MARPOL violations). In such cases, Members will be required to satisfy the Members' Committee that all reasonable steps had been taken to avoid the event giving rise to the fine.

¹ Tankers heading for scrapping are getting younger, in Hellenic Shipping News 19/03/2018 www.hellenicshippingnews.com/tanker-scrapping-in-2018-already-as-high-as-the-whole-of-2017/



A diver collects invasive lionfish from a local reef at Isla Mujeres, Mexico

- Must install a type-approved BWTS (if compliance date reached) or perform BWE after AMS expiry date

14.02.18

USCG issued policy letter: "Guidelines for evaluating potential courses of action when a vessel bound for a port in the US has an inoperable BWMS" – www.ballast-water-treatment.com/sites/default/files/ressources/uscg-guidelines.pdf. These guidelines apply to ships using a USCG approved BWMS or a BWMS accepted by the Coast Guard as an AMS. It does not address situations where the inoperable BWMS is the result of an emergency situation caused by weather, casualty, flooding, etc

04.12.18

Vessel Incidental Discharge Act (VIDA) enacted

18.12.18

VGP 2013 expired and supplanted by VIDA

11.03.19

USCG clarified that it had reconsidered its previous interpretation of 'next scheduled drydocking' with respect to BWMS compliance dates. Due to drydock slippage, the USCG determined that 'first scheduled drydock after (date)' will not include drydocking for emergency purposes or to install an exhaust gas cleaning system (scrubber) that did not involve a statutory out-of-the-water survey

Additional information is available on the USCG's website

www.dco.uscg.mil/Our-Organization/Assistant-Commandant-for-Prevention-Policy-CG-5P/Commercial-Regulations-standards-CG-5PS/office-oes/

The USCG's BWMS Approval Status table, updated on 31 July 2019 lists twenty systems which have received USCG Certificates. [Click here.](#)
dco.uscg.mil/Portals/9/MSC/BWMS/BWMS_Approval_Status_31JUL19.pdf

Please see below the UK P&I Club's previous legal briefings on Ballast Water Management:

01.07.2013

BWMC 2004 – Outstanding regulatory and compliance issues continue to place shipowners in a dilemma.

24.02.2015

Latest Update on the BWMC 2004.

05.01.2016

BWMC 2004 – Outstanding regulatory and compliance issues continue to place shipowners in a dilemma.



1. ABBREVIATIONS	
AMS	Alternate management system
BWE	Ballast water exchange
BWMS	Ballast water management system(s)
BWMT	Ballast water management treatment
BWP	Ballast water performance
BWTS	Ballast water treatment system
EIF	Entry into Force
EPA	Environmental Protection Agency
IMO	International Maritime Organization
MEPC	IMO Marine Environment Protection Committee
VIDA	Vessel Incidental Discharge Act
VGP	Vessel General Permit

2. BWMC 2004 – REVISED SCHEDULE AGREED ON 07.07.2017			
New vessels	Existing vessels where:	For other existing vessels	Existing vessels not required to have an IOPP certificate
Keel laid on or after 8 September 2017:	Completed IOPP renewal survey between 8 September 2014 and 7 September 2017:	Install BWM system at whichever occurs first of the following:	Tankers of less than 150GT and ships other than oil tankers of less than 400GT
Install BWM system upon delivery	Install BWM system at the first IOPP renewal survey on or after 8 September 2017	First IOPP renewal survey on or after 8 September 2019 OR Second IOPP renewal survey on or after 8 September 2017*	Install BWM system not later than 8 September 2024

*If the first IOPP renewal survey following the date of entry into force of the Convention is completed between 8 September 2017 and prior to 8 September 2019.

3. USCG FINAL RULES IMPLEMENTATION SCHEDULE			
For performing ballast water treatment through the installation and operation of an approved BWTS			
	Vessel's ballast water capacity	Date constructed	Vessel's compliance date
New vessels	All	On or after 1 December 2013	On delivery
Existing vessels	Less than 1500 m ³	Before 1 December 2013	First scheduled drydocking after 1 January 2016
Existing vessels	1500-5000 m ³	Before 1 December 2013	First scheduled drydocking after 1 January 2014
Existing vessels	Greater than 5000 m ³	Before 1 December 2013	First scheduled drydocking after after 1 January 2016

*Drydocking means hauling out of a vessel or placing a vessel in a drydock or slipway for an examination of all accessible parts of the vessel's underwater body and all through-hull fittings – 46 CFR 71.50-1

