



SHIP SAFETY BULLETIN

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Subject: September 08, 2024, deadline to be met to comply with the International Ballast Water Performance Standard

Purpose:

This bulletin gives masters, owners, operators, and authorized representatives (AR) general information about the compliance of Regulation D-2 (Ballast Water Performance Standard) of the Annex to the *International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004* (the Convention) by September 8, 2024 refer to subsection 11(1) of [Ballast Water Regulations](#) (the Regulations).

Scope:

This bulletin applies to most of the following vessels, if they are designed or constructed to carry ballast water:

- a) Canadian vessels everywhere; and
- b) Foreign-flagged vessels navigating in waters under Canadian jurisdiction.

Background:

In 2017, the Convention came into force internationally to apply to most vessels operating internationally except those listed in article 3, paragraph 2 of the Convention. Subsequently, the Regulations, which implement the Convention, came into force in June 2021 to further protect waters under Canadian jurisdiction from the introduction and spread of Aquatic Invasive Species (AIS) organisms and pathogens by Canadian and foreign vessels (*for further information, please consult the [Ship Safety Bulletin # 09/2021 – Coming into force: New Ballast Water Regulations](#)*).

The Regulations made the Annex to the Convention mandatory. Both the Convention and the Regulations, aimed at improving ballast water management, included two Annexes: regulation D-

Keywords:

1. Ballast Water Regulations
2. The Convention
3. Ballast water Performance Standard
4. Ballast water management system

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1, covering the ballast water exchange standard, and regulation D-2, covering the ballast water performance standard.

From September 8, 2024, all vessels constructed after January 1, 2009, that are subject to regulation B-3 of the Annex to the Convention must adhere to the performance standards contained in regulation D-2. Vessels constructed before January 2009 will have until September 8, 2030, to comply with D-2 performance standards.

What you need to know:

On September 8, 2024, all vessels subject to the *International Convention for the Control and Management of Ships' Ballast Water and Sediments* or Canada's Ballast Water Regulations must meet specific performance standards:

Regulation D-2 of the Annex to the Convention outlines the permissible levels of organisms in discharged ballast water:

- No more than ten viable organisms that are 50 micrometres or larger dimension per cubic metre.
- No more than ten viable organisms that are smaller than 50 micrometres but larger than or equal to 10 micrometres dimension per millilitre.

In addition, a ballast water discharge of indicator microbes, as a health standard, shall not exceed the following specified concentrations:

- Toxicogenic *Vibrio cholerae* (O1 and O139) with less than one colony-forming unit (cfu) per 100 millilitres or less than 1 cfu per 1 gram (wet weight) zooplankton samples;
- *Escherichia coli* less than 250 cfu per 100 millilitres;
- Intestinal *Enterococci* less than 100 cfu per 100 millilitres.

If your vessel doesn't have a ballast water management system, you must install an approved system in accordance with regulation D-3 of the Annex to the Convention before the deadline.

Requirements for authorized representatives:

Masters, owners, operators, and AR of vessels subject to the Convention and Regulations installation requirements are reminded that they must comply with the Ballast water performance standard and have their Ballast Water Management System (BWMS) installed on or before the deadline of September 8, 2024.

After installing a BWMS, you must ensure that officers and crew are trained and proficient in their tasks related to ballast water management.

Your company's safety management system (if applicable) should include detailed training, familiarization protocols in line with the convention and focus on:

- The vessel's system and roles.
- How to make sure the system is in good working order.
- The manufacturer's instructions on operating and maintaining the system.
- How to manage the system according to the manufacturer's instructions subject to any limiting operating conditions or other restrictions identified in the Type Approval Certificate; and
- Information on how you document and keep records for the vessel's ballast water record book (for more information consult the [BWM.2/Circ.80 – Guidance on ballast water record-keeping and reporting](#)).

Updating your Ballast Water Management Plan:

The Ballast Water Management Plan (BWMP) is a document specific to each vessel that outlines the processes for managing ballast water and sediment. This plan, specific to the vessel and its equipment, requires approval from the Flag State Administration and/or the Recognized Organization (RO). It is mandatory for the plan to remain up to date and to cover, amongst other aspects:

- emergency response procedures;
- contingency plans; and
- procedures for complying with the standards in D-1 and D-2 regulations of the Annex to the Convention.

Type Approval Certificate:

BWMS are designed to treat ballast water by eliminating or neutralizing aquatic organisms, bacteria, and sediments. According to regulation D-3 of the Annex to the Convention, a BWMS must obtain a type approval certificate which ensures that the BWMS meets environmental standards and provide the systems design and operational limitations.

Vessels of Non-Parties:

The Convention requires Canada to apply the requirements of the Convention to vessels of non-Parties to the Convention to ensure that no more favorable treatment is given to such vessels. The Convention's requirements include the development of an approved BWMP to meet the Convention's performance standard wherever ballast water is discharged - even if the ballast is ultimately discharged into waters of non-Parties. The Regulations therefore require that vessels that load or discharge ballast water in waters under Canadian jurisdiction hold and keep on board a document of compliance issued by, or on behalf of, their flag state that certifies that the vessel meets the requirements of the Convention.

Vessels subject to the equivalent compliance regime:

The Convention allows Canada to establish equivalent compliance requirements for certain pleasure craft, and search and rescue craft that carry less than eight cubic metres of ballast water and are less than 50 metres in length. The Regulations have done so for these vessels by giving effect to the IMO guidelines for equivalent compliance. For reasons of practicality and feasibility, the Regulations also allow vessels less than 50 metres in length, as well as non-self-propelled vessels with a gross tonnage of fewer than 3,000 tons, to follow, instead of the Regulations, an equivalent compliance regime if they operate exclusively in waters under Canadian jurisdiction, or those waters and on the high seas. Equivalent compliance regime refers to a set of methods and best practices approved by the IMO ([*MEPC.123\(53\) - Guidelines for BWM equivalent compliance \(G3\)*](#)) (see subsection 6(2) and (3) of the Regulations) that allows vessel owners to determine how best to manage ballast water on board their vessel, as installing and operating BWMS and meeting all the requirements under the Regulations is not always feasible.

Deemed compliance:

Section 12 of the Regulations provides that a vessel using a BWMS to meet the ballast water performance standard is deemed to have met that standard in respect of ballast water taken on board in the Great Lakes Basin or in the eastern waters of the St. Lawrence River under certain conditions.

Transport Canada included the “deemed compliance” provision to address the risk that BWMS might not consistently meet the performance standard in the Great Lakes region and the St. Lawrence River due to the challenging water quality conditions in these areas (e.g., very silted, cold, fresh or brackish water) in order to allow the Convention to be feasibly implemented in these regions and increase environmental protection as soon as possible.

Transport Canada Marine Safety and Security (TCMSS) emphasizes the importance of all relevant stakeholders taking the required actions to ensure compliance with the Ballast Water Performance Standard by September 8, 2024.