

The Role of port State control in Ballast Water Sampling - Potential Problems

EMSA Ballast Water Workshop: Compliance Sampling and Analysis – the Development of a European Ballast Water Sampling Strategy

23rd – 24th February 2010

1

A photograph of a large, dark blue ocean wave with white foam, breaking under a cloudy sky. The image is partially covered by a semi-transparent blue rectangle containing text.

Brian Elliott

Senior Project Officer for Environmental Protection

Port State Control and Ballast Water Sampling

1). What can port State control be expected to do?;



2). Liability Issues and other problems; and

3). How can these be overcome?



Port State Control and Ballast Water Sampling

- What is the role of enforcement sampling?
 - within flag State control/within port State control
- Guidelines for port State control
 - yet to be developed
 - the BWM Convention has yet to be ratified and enter into force.
 - Presently these Guidelines are in draft form
 - will be developed when ratification has occurred.
- Some states have openly indicated that they will ratify in the near future (Panama, Turkey, Jamaica + at least 3 EU MS) then these guidelines may have to be developed quickly.

Status of the Ballast Water Management Convention



South Korea

Sweden



France



South Africa



St Kitts and Nevis



Kiribati



Kenya



Liberia

Spain



21 States = 23% of world's merchant fleet (10/12/09)

4

Ratification: 30 States = 35% of world's merchant fleet



The Maldives

Antigua and Barbuda



Sierra Leone



Norway



Barbados



Tuvalu



Egypt

Marshall Islands



Albania



Mexico



Nigeria



Cook Islands



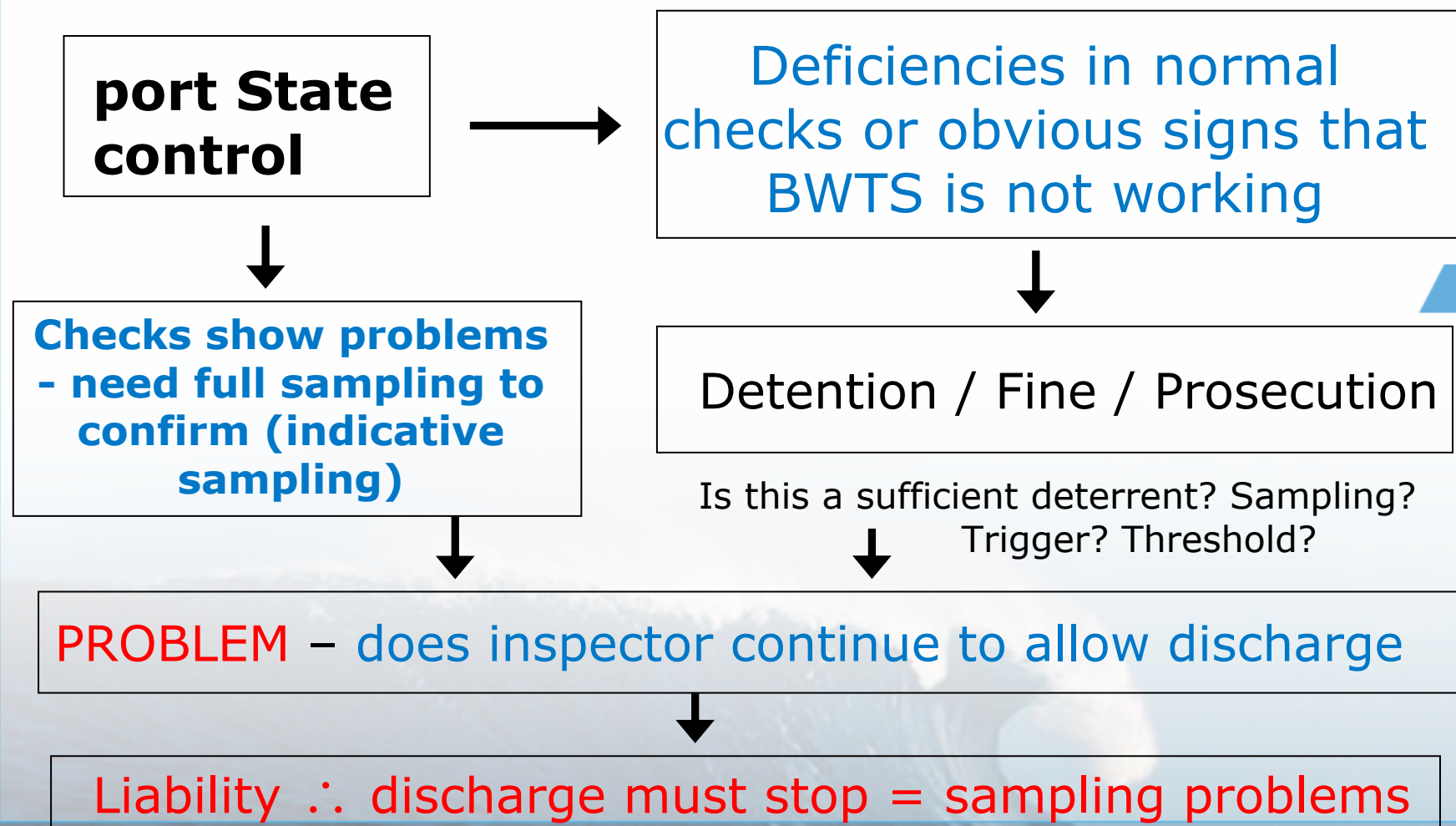
Syrian Arab Republic

Port State Control and Ballast Water Sampling

Realistically the port/flag State control will check:

- relevant survey certificates,
- the ballast water management plan,
- the ballast water management record book,
- the type approval certification of the treatment system,
- whether the crew/nominated officer is
- trained to use the equipment and
- is aware of any related procedures,
- storage of hazardous chemicals and
- the condition of the treatment equipment.

Port State Control and Ballast Water Sampling - Options



Port State Control and Ballast Water Sampling

- **What can be done with the ship? effectively immobilised - undue delay?**
- **Can a ship be dismissed from a port or the waters of a country?**

Solutions

- **Use pSc only for compliance;**
- **Re-circulate water or land ashore.**
 - impractical - large discharge rates and the lack of shore-side reception facilities or holding tanks and piping for recirculation on the vessel;
- **Accepting the liability and the risk of an internal legal challenge;**
- **Mitigating the liability**
 - Memorandum of Understanding can be developed in order for samples to be taken, how to treat and dispose of the rest of the discharge.
 - port State control Guidelines

Port State Control and Ballast Water Sampling

- **California stance**
- **Thoughts?**
- **Is this really an issue?**
- **Are there similar problems with other discharges?**
i.e. Oil in water
- **If so what are the solutions?**

