The ballast water dilemma

The shipping industry, despite those who might suggest otherwise, has a very respectable record of environmental improvement stretching back very many years. It responds to societal demands to clear up pollution, to eliminate harmful emissions and operate in a more sustainable manner. But in its response, it consistently points out that the need of a global industry is world-wide implementation of regulations and that the International Maritime Organisation must be regarded as the vehicle for all regulatory change.

BIMCO has pointed out time and time over the years that unilateral or regional regulations make the operation of ships in world-wide trading both expensive and impractical. Shipping will do all that is asked of it, so long as this is reasonable and international. For some time, BIMCO, in conjunction with its Round Table partners International Chamber of Shipping, Intertanko and Intercargo has been warning about the problems of a realistic implementation schedule for the international convention to regulate ships' ballast water.

There is no sense that the industry is trying to delay the process or that it regards the aims of the convention, to prevent the transfer of invasive species and pathogens in ballast water, as anything other than valid and necessary.

The problem is solely that of implementation and the concerns that this convention might enter into force next year, with the owners of some 50,000 ships having to fit compliant equipment costing between $1m and $5m to their vessels.

The Round Table has now reiterated its concern, with the US system of approval for this equipment different to that of the IMO regime, pointing out that owners who have spent heavily to fit IMO approved equipment, may find that this fails to fulfil the requirements of the USCG testing regime and this expensive investment will have to be replaced within five years in order to continue to trade in US waters.

As the ratification procedure of the convention approaches its conclusion, the dilemma facing operators becomes ever more acute. To date, there are 54 systems which have been approved under the IMO regime, but none have so far been approved by the US and only 17 manufacturers have indicated intent that they will submit their system for the US approval process.

As the Round Table notes, there is no guarantee that these will meet approval so the investment of an operator working into US waters may indeed be in vain. The word "reasonable" has acquired a great deal of importance in the world-wide regulatory process which has been developed over the years at the IMO.

There is a pleasing pragmatism about maritime regulations, which recognises commercial realities and technical developments, which is, in most respects – reasonable. But in this dilemma facing owners, what is reasonable and pragmatic seems to have been stretched to breaking point.

Why would a sensible owner invest huge sums (which of themselves make a ship neither more efficient or enhance its earning power) in equipment which may subsequently fail to meet USCG requirements and in time become so much scrap iron? But if the US has not approved any of the

systems on the market, what on earth is the owner to do? This is a real dilemma, which must be addressed with the utmost urgency.

Source: BIMCO