

**Ballast Water Programs On The West Coast Of North America, Excluding Mexico:
Current US and Proposed Canadian Domestic Policy, West Coast State Programs and Port Vancouver (BC) Program.**

(Source: Kevin Anderson, Puget Sound Action Team)

	USCG	Washingtonⁱ	Oregonⁱⁱ	Californiaⁱⁱⁱ	Alaska	Canada^{iv}	Port Vancouver, BC
Enabling legislation	NISA 1990, 1996	RCW 77.120.030 WAC 220.77.090 and 095	ORS Chapter 783.620-.992	PRC71200, 71271	AS 46.03.750.	Proposed amendments to 2001 Canada Shipping Act	Vancouver Port Authority's Ballast Regulations ^v
Implementation – effective date of legislation	July 2004	2001 – exchange. 2007 – treat if not exchanged	January 2002	1999, reauthorized 2003, 2006 rules for coastal traffic	Unknown	Upon registration (adoption)	1998
General application	All vessels entering US waters from outside EEZ	Vessels ≥300 tons entering WA water	Vessels ≥300 tons entering OR waters	Vessels ≥300 tons entering CA waters	All vessels	All vessels entering Canadian waters	Vessels arriving at Port Vancouver
Provides for safety exemptions	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Preempts state or provincial programs	No	NA	NA	NA	NA	No	No
Requires consistency with IMO and USCG	NA	Yes	No	No	No	Yes	No
Requires that operators use best management practices ^{vi}	Yes ^{vii}	No	No	Yes	No	Yes	No
Requires operators to develop and use vessel specific ballast management plans ^{viii}	Yes	Yes	No	Yes	No	Yes	Yes
Requires that operators maintain logs and report ballast operations ^{ix}	Yes – all vessels entering US ports.	Yes	Yes	Yes	No	Yes	Yes
Requires owner/operators to submit interim report that describes steps that they will	No	Yes	No	No	No	No	No

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take to meet treatment or exchange standards							
Requires assessment of non-ballast water vectors and management recommendations	?	No	No	Yes	No	No	No
Jurisdiction's approach to managing ballast water	Exchange, retain on board or use approved treatment alternatives. Treatment standards in consideration	Exchange or treat.	Exchange.	From outside EEZ: exchange, retain on board, treat or use shore side treatment From inside EEZ: Effective March 2006, vessels operating within the Pacific Coast Region must retain, exchange, treat or use shore side facilities to manage ballast water.	Prohibits discharge of ballast water from a cargo tank of a tank vessel only	Exchange, retain ballast on board, discharge to reception facilities or treat	Exchange, treat, or discharge to reception facilities
Exchange standard	Flow-through = 3 times tank volume. 100% empty/refill	Flow-through = 3 times tank volume. 100% empty/refill	Flow-through = 3 times tank volume. 100% empty/refill	Flow-through = 3 times tank volume. 100% empty/refill	None	≥ 95% volumetric exchange and ≥30 parts per thousand salinity if exchanged ≥50 miles offshore Flow through = 3 X tank volume.	Flow-through = 3 times tank volume. Empty/refill = until suction is lost (Consistent with IMO A.868(20))
Exchange location	Transoceanic voyages: ≥200 miles offshore	Transoceanic voyages: ≥200 miles offshore. Coastal voyages:	Coastal voyages: For vessels originating from S of 40 ^o and N of 50 ^o	Transoceanic voyages: ≥200 miles offshore in water ≥ 2000 m.	None	Transoceanic voyages: ≥200 miles offshore in water ≥ 2000 m.	Transoceanic voyages: ≥200 miles offshore in water ≥ 2000 m.

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		≥50 miles offshore	on US west coast. ≥50 miles and in waters at least 200 m. deep	Pending coastal voyages: > 50 miles offshore in ≥ 200 m. deep		deep. If unable to exchange as above, no less than 50 miles offshore and in water at least 500 meters deep. Coastal voyages: >50 miles offshore in >500 m. depth	deep. Not in regulation, but Port accepts >50 miles offshore for coastal traffic
Treatment standard	Three alternatives under consideration.	Technology standard: Inactivate/ remove 95% zooplankton and 99% bacteria & phytoplankton in ballast water.	Allows discharge of ballast water ‘that has been treated to remove organisms in a manner that is approved by the US Coast Guard’	Recommendations for performance standards are due January 2006.	None	Same as IMO - Discharge ≤10 org/m ³ greater than 50 microns; ≤10 org/ ml between 10 to 50 microns, Human health standards. ^x	None (Port authority will consider interim approval from relevant maritime administration such as USCG)
Exemption from ballast management requirements ^{xi}		Ballast water or sediments that originate in WA waters, Columbia system, or internal waters of British Columbia south of 50 ⁰ N, including straits of Georgia and Juan de Fuca.	Exempts vessels originating from north of 40 ⁰ and south of 50 ⁰	Beginning March 2006, vessels operating within “common water” zones are not required to manage ballast water but must when operating between zones. Zones include: 1) ports within San	None	Exchange not required for vessels originating from ports north of Cape Blanco (42° 50’N)	Exchange not required for vessels originating from ports north of Cape Blanco (42°50’N) and from Alaska

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				Francisco Bay (including Stockton and Sacramento). 2) LA/Long Beach port complex			
Requires jurisdiction to approve treatment systems	Proposed	Yes	No	Yes – for systems that are environmentally safe and as effective as exchange. Also, CA approves systems approved by USCG HQ	No	Yes (flag state)	Yes
Allows use of approved experimental treatment systems	Yes ^{xii}	Yes	No	Yes	No	Yes	No
Requires early compliance for new ships	Unknown	No	No	No	No	No	No
Requires operators to manage ballast tank sediments ^{xiii}	Proposed	No	No	Yes	No	Yes	Yes
Requires facilities that clean or repair ballast tanks to provide sediment disposal options	No	No	No	No - BUT facilities that clean or repair ballast tanks (i.e., dry docks) are subject to local and state rules. These facilities are managed under the CWA as point source polluters.	No	Yes	No
Requires jurisdictions to designate no-ballast uptake areas	Yes	No	No	No – state has authority to	No	No	No

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				designate areas to be avoided.			
Requires jurisdictions compensate operators for delays	No	No	No	No	No	No	No
Allows jurisdictions to inspect logs and sample ballast water	Yes	Yes	Yes	Yes Sample/cause to inspect a minimum of 25% of arriving vessels	No	Yes	Yes
Penalties for non-compliance	Civil penalties up to \$27,500/day and criminal	\$500 to \$5000 per violation	\$500 to \$5000 per violation	For intentional or negligent failure to comply =\$5000/violation plus misdemeanors. Failure to comply with reporting requirements =\$500/violation Each day constitutes a separate violation	None	Unknown – same as current enforcement and compliance in Canada Shipping Act	None specified (Port authority can prosecute under Canada Marine Act provisions)
Allows jurisdictions to assess fees to support program	No	No	No	Currently, \$400 at 1 st CA port per visit.	No	No	No

ⁱ Washington state law: Chapter 177.120 RCW and state regulations WAC 220.77.090

ⁱⁱ Oregon state law ORS 783.625, 783.630, 783.635, 783.640 and 783.992 – amended in March 2005.

ⁱⁱⁱ California Public Resources Code 71200- 71217

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- ^{iv} Proposed Ballast Water Control and Management Regulations (TP 13617 E) published in the Canada Gazette June 11, 2005 by Transport Canada and Fisheries
- ^v Regulations are authorized by the Canada Marine Act
- ^{vi} Avoid uptake or discharge in certain areas, clean ballast tanks, clear anchors and chains, clean hull fouling organisms, etc
- ^{vii} Required for **all** vessels operating in US waters.
- ^{viii} Plans detail actions to implement BW requirements, how sediment must be managed, designates an office in charge and defines reporting requirements
- ^{ix} Ballast record book can be electronic, integrated into other record systems, etc. It must be available for inspection anytime. Logs detail ballast practices undertaken.
- ^x Discharge less than 250 colony-forming units (cfu) per 100 ml of *E. coli*; and 5. Less than 100 cfu per 100 ml of intestinal enterococci
- ^{xi} Exchange, treatment, retention or discharge to approved facilities.
- ^{xii} Shipboard Technology Evaluation Program (STEP) January 2004. Approved systems must be environmentally safe and as effective as exchange.
- ^{xiii} Remove and dispose of sediments according to the ship's ballast water management plan