

January 20, 2016

VIA REGULAR MAIL

Commandant
Admiral Paul F. Zukunft
U.S. Coast Guard Stop 7430
2703 Martin Luther King Jr. Ave. SE
Washington, DC 20593-7430

Re: U.S. Coast Guard 46 C.F.R. § 162.060-10(b)(1) request and type approval of ballast water management systems

Dear Sir:

On or about December 14, 2015, the United States Coast Guard (“USCG”) issued preliminary decisions that would prevent international shipping companies, such as our company, from utilizing the most environmentally friendly and practicable Ballast Water Management System (“BWMS”) developed to-date. Specifically, the USCG has preliminarily rejected the Most Probable Number (“MPN”) method for testing the efficacy of BWMSs that utilize ultraviolet (“UV”) technology to render organisms unable to reproduce. As a result, U.S. type approval cannot be granted to these BWMSs because the efficacy of such systems is determined by using the MPN method. This action, if affirmed by senior USCG officials, would have significant adverse economic impacts on the worldwide shipping industry because it is contrary to the approach of most, if not all, other nations. We request that the USCG approve the 46 C.F.R. § 162.060-10(b)(1) requests and type approval applications for BWMSs that use UV technology to render organisms unable to reproduce, as measured by the MPN method.

This situation places international shipping companies in an untenable position. It is widely anticipated that the IMO convention will be ratified within the coming months. One year after the date of ratification, installation of IMO type-approved BWMSs will be required on all ships. From a practical standpoint, shipping companies must begin the process of equipping their fleets with BWMSs very quickly after IMO convention ratification. Because the U.S. has not issued type approval for any BWMS, there is currently no way for international shipping companies to practically comply with both the IMO convention and the USCG’s requirements as articulated in its preliminary decision.

The USCG’s departure from the worldwide standards wreaks havoc on the international shipping industry and is contrary to the agency’s prior signals on this issue. Ship owners do not have luxury of waiting for the USCG to engage in a lengthy process of changing the ETV protocol or its regulations. Moreover, it is our understanding that such measures are not necessary because approval of the MPN method is consistent with U.S. law and the IMO convention.

For all of the above reasons, senior USCG officials should approve the 46 C.F.R. § 162.060-10(b)(1) requests and type approval applications for BWMSs that use UV technology to render organisms unable to reproduce, as measured by the MPN method.