

**MARINE SAFETY AND SECURITY MANAGEMENT SYSTEM****TIER I – POLICY****POLICY FOR PRESENTING A REQUEST FOR AN EXTENSION OF  
THE INSTALLATION TIMELINE FOR BALLAST WATER  
MANAGEMENT SYSTEM IN ORDER TO COMPLY WITH THE  
*BALLAST WATER REGULATIONS***

Effective Date	Date of Revision

# MARINE SAFETY AND SECURITY MANAGEMENT SYSTEM

## TIER I – POLICY

### **POLICY FOR PRESENTING A REQUEST FOR AN EXTENSION OF THE INSTALLATION TIMELINE FOR THE BALLAST WATER MANAGEMENT SYSTEM IN ORDER TO COMPLY WITH THE *BALLAST WATER REGULATIONS***

#### **1 Policy Objective**

- 1.1 The objective of the Policy is to promote consistency when evaluating a request for an extension to comply with the installation timeline for the installation of Ballast Water Management Systems (BWMS) required under the *Ballast Water Regulations*.
- 1.2 The Policy lays out the conditions which must be met by the applicant while ensuring the intent and objectives of the regulations are preserved.

#### **2 Policy Statement**

- 2.1 The following policy was developed to guide Transport Canada Marine Safety and Security (TCMSS) and stakeholders in determining the conditions under which to grant Canadian vessels trading domestically an extension to comply with the installation compliance timeline of the *Ballast Water Regulations*.
- 2.2 Under the *Ballast Water Regulations*, vessels built before January 1, 2009, have until September 8, 2030 to install a ballast water treatment system, while those built after January 1, 2009 must install their ballast water treatment system before September 8, 2024.
- 2.3 The limited availability of shipyard capacity to carry out installations and the supply chain disruptions affecting the availability of components and their timely delivery has led to difficulties for some companies to meet these regulatory timelines beyond their ability to control or mitigate.
- 2.4 Provided sufficient evidence is presented to support the request for an extension, any extension granted should not exceed five (5) calendar years from the compliance date of 8 September 2024 to ensure the overall objectives of the regulations are preserved. The requested extension to install the Ballast Water Management System (BWMS) should be aligned with the next dry-docking date of the vessel, the soonest date possible after the required compliance date from the Ballast Water Regulations (BWR) which is either 2024 or 2030.

- 2.5 In determining its decision, the MTRB shall follow existing procedures documented under Marine Technical Review Board Process for Granting a Regulatory Exemption or Replacement (TP 13585 E).

### **3 Scope**

- 3.1 This policy applies to all Canadian vessels designed or constructed to carry ballast water and that operate exclusively in waters under Canadian jurisdiction and, if applicable, the U.S. waters of the Great Lakes Basin and eastern portion of the St. Lawrence Seaway System.

### **4 Authority**

- 4.1 *The Canada Shipping Act, 2002, s.26.*

Section 26 of the CSA 2001 provides the authority to the Minister of Transport (or his delegate) to make decisions via the Marine Technical Review Board (MTRB) on applications for an exemption from, or the replacement of, any requirement under the regulations in respect of a Canadian vessel or in respect of the issuance of a Canadian maritime document to a person, other than one with respect to fees.

- 4.2 *Ballast Water Regulations, s.11*

Section 11 of the *Ballast Water Regulations* sets out the timelines for installation compliance for vessels operating in waters under Canadian jurisdiction, and if applicable, the United States' waters of the Great Lakes Basin and eastern portion of the St. Lawrence Seaway System.

### **5 Responsibility/ further information**

- 5.1 The Director, Environmental Programs & Protection Standards, is accountable for the development, implementation, maintenance, and continuous improvement of the procedure.

For further information, please contact:

Director, AMSK

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### **6 Related Documents**

- 6.1 *International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (BWM)*

- 6.2 *Canada Shipping Act, 2001*
- 6.3 *Ballast Water Regulations*
- 6.4 Marine Technical Review Board Process for Granting a Regulatory Exemption or Replacement (TP 13585 E)

## **7 Background**

- 7.1 In 2004, the International Maritime Organization approved an *International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004* for vessels trading internationally. The Convention stipulates requirements for vessels designed to prevent the transfer of harmful aquatic organisms and pathogens through ships' ballast water and sediments.
- 7.2 In June 2021, Transport Canada published the *Ballast Water Regulations*, which domesticate the requirements for internationally trading ships under the *International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004*, and also include specific timelines for compliance for the vessels operating in waters under Canadian jurisdiction, and if applicable, the United States' waters of the Great Lakes Basin and eastern portion of the St. Lawrence Seaway System.
- 7.3 The *Ballast Water Regulations* require that Canadian vessels trading exclusively within Canadian waters or the United States' waters of the Great Lake Basin must conduct ballast water management to meet the ballast water performance standard set under the *International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004*.
- 7.4 A vessel is deemed compliant with the requirements if its ballast water management system was installed per the timelines noted in 2.3; it holds a valid International Ballast Water Management (IBWM) Certificate or equivalent; its ballast water management water system is in good working order and maintained and operated per manufacturer's instructions; and the ballast water is managed per the conditions noted in its Type Approval Certificate, as required by the applicable provisions of the *Ballast Water Regulations*.
- 7.5 For vessels which take ballast on board in the Great Lakes Basin or in the eastern waters of the St. Lawrence River, the *Ballast Water Regulations* deem compliance with the requirements if, among other variables, the vessel has installed an IMO-approved ballast water management system prior to September 2024 and is operating it within the conditions set by the manufacturer outlined in its Type Approval Certificate.

- 7.6 An extension to the compliance schedule for Canadian vessels would provide for more time for operators to source available shipyards or ballast water management system manufacturers.

## 8 Definitions

- 8.1 **Ballast water management system (BWMS)** means any system which processes ballast water such that it meets or exceeds the ballast water performance standard in regulation D-2 of the *International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004*. The BWMS includes ballast water treatment equipment, all associated control equipment, piping arrangements as specified by the manufacturer, control and monitoring equipment and sampling facilities.
- 8.2 **Ballast water performance standard** means the standard set out in regulation D-2 of the Annex to the *International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004*.
- 8.3 **Eastern waters of the St. Lawrence River** means the waters of the St. Lawrence River from the lower exit of the St. Lambert Lock at Montréal in Quebec as far seaward as a straight line drawn from Cap-des-Rosiers to Pointe Ouest, Anticosti Island, and from Anticosti Island to the north shore of the St. Lawrence River along the meridian of longitude 63° W, and their connecting and tributary waters.

## 9 Date of Application

- 9.1 January 23, 2024.

## 10 Date for Review or Expiry

- 10.1 This Policy must be reviewed within one year of approval of the Policy.

## 11 RDIMS Reference

- 11.1 The English version of this document is saved in RDIMS under reference number 19995781.
- 11.2 La version française du présent document est dans le SGDDI et porte le numéro de référence (20051999).
- 11.3 This is the first approved and finalized revision of the English version of this document.

## 12 Keywords

- Ballast water management system
- *Ballast Water Regulations*

- *International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004*