



# Ballast Water and the Vessel Incidental Discharge Act



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# Presentation Topics



- Ballast Water Management (BWM) enforcement
- Vessel Incidental Discharge Act (VIDA) implementation



# Ballast Water Management



# Our message to industry ...



Coast Guard continues to enforce current Ballast Water regulations until it publishes final VIDA implementing regulations.

- 50 USCG Type Approved systems are available for most vessel needs, including freshwater routes.
- Compliance enforcement is similar to other pollution prevention and control requirements and technologies.
- Vessel-specific BWM Plans should address contingencies for when preferred management method is not available.



# Alternate Management Systems and Extensions



- Coast Guard exempts vessels confined to Laurentian Great Lakes, and other non-seagoing vessels, from BWM requirements.

## **For vessels covered by 2012 Final Rule:**

- Coast Guard extension letters have been greatly reduced; only ~ 1,200 active, with ~ 400 for vessels with AMS.
- VIDA does not include a statutory mandate to continue to recognize AMS or grant extensions.
- Coast Guard will re-evaluate need for programs when drafting VIDA regulations.



# BWM Enforcement



- Coast Guard's Enhanced Exam Program focused on BWM, and increased identification of issues
  - 204 identified in 2021, and 273 identified in 2022
- Inoperable BWMS continue to be most common
- Increases seen with incomplete BWM Plans, and failure to report BWM practices to NBIC.
- Coast Guard required vessels to modify cargo plans to facilitate safe and compliant discharges.





# Reports to Congress



- VIDA requires annual review in 2-year blocks
  - 2017-2020 combined into first report, along with historical background – SERC published Sept 2022
  - 2020-21 final draft - in Administration review
  - 2021-22 draft - will come together this spring
- Coast Guard Appropriations Act requires report on BWM enforcement activities
  - 2022 first report - DHS published June 2022
  - 2023 draft – in Administration review
- Publicly available – see slide notes for links



# Vessel Incidental Discharge Act





# VIDA Implementation



- Vessel Incidental Discharge Act (VIDA) is now four years old (enacted December 4, 2018)
- Congress passed VIDA to help streamline the U.S. patchwork of federal, state, and local requirements for commercial vessels.
- VIDA will require new forms of cooperation among USCG, EPA, Canada, tribes, and state and provincial governments.



# Highlights

- Maintains existing vessel discharge requirements established through EPA 2013 VGP and USCG ballast water regulations for most vessels.
- Authorizes EPA and USCG to develop new vessel discharge regulations.
- Establishes enhanced and regional ballast water requirements to address invasive species.
- Requires USCG to consider ballast water test methods based on organism viability.



# Federal Regulations



- VIDA requires EPA, USCG to develop two sets of federal regulations for 23 vessel discharges
  - EPA national standards of performance to replace current VGP (new proposal to publish in late 2023)
  - USCG implementing, monitoring, and enforcement regulations to replace current BWM regulations (expected to publish two years after EPA final rule).



# VIDA Enforcement



- EPA, the USCG, and U.S. states will have enforcement authority.
- Much of this remains to be determined, including through the rulemaking process.



# Other VIDA Activities



- Viability Policy Letter
  - Final “[Policy Letter 02-22](#)” published March 24, 2022.
  - Describes type-approval testing method acceptance process for ballast water management systems that render organisms “permanently incapable of reproduction” in ballast water.
  - To date, no alternate test methods have been submitted.
- Intergovernmental Response Framework
  - USCG, in consultation with EPA, and in coordination with inter-agency Aquatic Nuisance Species Task Force
  - Establish framework for Federal, inter-governmental response to ANS risks from vessel discharges
  - Still in conceptual phase while rulemaking takes priority
  - ANS Task Force’s Prevention workplan has placeholder



Thank you!



Please send questions to:  
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