

4. SPECIAL PROJECTS AND REPORTS

A. Ballast Water Management (CG)

The Coast Guard (CG), U.S. Department of Homeland Security, has published Navigation and Vessel Inspection Circular (NVIC) No. 07-04 titled *Ballast Water Management for the Control of Aquatic Nuisance Species in the Waters of the United States*. This NVIC provides guidance for Coast Guard personnel, vessel owners and operators, shipping agents, and persons-in-charge concerning compliance with, and enforcement of, the U.S. Coast Guard's Ballast Water Management (BWM) Program.

The BWM Program has been and is continuing to be conducted under the authority of the Non-indigenous Aquatic Nuisance Prevention and Control Act of 1990 (NANPCA), as reauthorized and amended by the National Invasive Species Act of 1996 (NISA). The Coast Guard is currently moving forward with four new projects aimed at reducing aquatic nuisance species (ANS) transfers from ballast water. The first project implements penalties for failing to submit BWM reports and failing to maintain BWM records. It expands the number of vessels required to submit the BWM reports to the National Ballast Information Clearinghouse (NBIC) to include all vessels equipped with ballast water tanks (with some exceptions) that operate in U.S. waters. The second project creates a new national mandatory BWM Program by changing the voluntary guidelines of 33 CFR part 151, subpart D, into mandatory practices required for all vessels equipped with ballast water tanks. The third project helps facilitate shipboard testing of ballast water treatment systems, in order to assist the marine industry in developing more options for BWM (refer to NVIC 01-04). The final project is aimed at developing ballast water discharge standards, which are essential for determining whether alternative BWM methods are environmentally sound and effective at preventing introductions of ANS.

To address the international concerns of ANS transport, the U.S. government has engaged in international negotiations through the International Maritime Organization (IMO), Marine Environment Protection Committee (MEPC). The Coast Guard leads the U.S. delegation that consists of representatives from six federal agencies, as well as the port and shipping industry. In February 2004, the IMO adopted the International Convention for the Control and Management of Ships' Ballast Water and Sediments. This Convention will enter into force 12 months after the date on which not less than 30 nations, the combined merchant fleets of which constitute not less than 35 percent of the gross tonnage of the world's merchant shipping, have either signed it without reservation as to ratification, acceptance, or approval, or have deposited the requisite instrument of ratification, acceptance, approval, or accession.

Transitioning from voluntary guidelines to a mandatory BWM Program, with penalties for non-compliance, required that changes be made to 33 CFR part 151, subparts C and D. The enclosures in NVIC 07-04 provide guidance regarding these changes, and additional enclosures will be added as new regulations are promulgated.

For a copy of NVIC 07-04, refer to the following Coast Guard Internet Web Site:
<http://www.uscg.mil/hq/g-m/nvic/index.htm>.

B. Marine Equipment Approvals (CG)

The Coast Guard (CG), U.S. Department of Homeland Security, has published Navigation and Vessel Inspection Circular (NVIC) No. 08-04 titled *Guide to Marine Equipment Approvals Covered by US – EC MRA*. This NVIC provides guidance regarding the Agreement between the United States of America (US) and the European Community (EC) on Mutual Recognition of Certificates of Conformity for Marine Equipment. This mutual recognition agreement (MRA) became effective on July 1, 2004. The MRA's twin objectives are to facilitate US – EC trade in marine equipment and to promote bilateral cooperation on international marine equipment regulations. The MRA will allow a manufacturer to reach multiple markets on the basis of compliance with one set of regulatory requirements instead of multiple ones. This can directly lead to a reduction of costs for manufacturers in terms of testing and certification.

The initial MRA product scope includes 43 products in three main categories: life-saving equipment (e.g., visual distress signals, marine evacuation systems); fire protection equipment (e.g., fire doors, insulation); and navigational equipment (e.g., compasses, global positioning system (GPS) equipment, echo-sounding equipment). The agreement also contemplates expanding the product scope in the future for items where it can be agreed that the requirements are equivalent.

The MRA allows reciprocal approvals to be given by both the United States and the European Community for certain marine products where it has been found that the approval process is identical or equivalent. Manufacturers will be able to obtain both Coast Guard approval and European approval through only one review process.

For a copy of NVIC 08-04, refer to the following Coast Guard Internet Web Site:
<http://www.uscg.mil/hq/g-m/nvic/index.htm>.

C. Approval of Ballast Water Treatment Systems (CG)

On August 5, 2004, (69 FR 47453-47454), the Coast Guard (CG), U.S. Department of Homeland Security, published a notice seeking consultation with all interested and affected parties in establishing a program to approve ballast water treatment (BWT) systems. The intent of this program is to ensure that BWT systems approved for use onboard vessels will meet the ballast water discharge standards that the Coast Guard will be implementing in the near future to prevent the introduction and spread of nonindigenous species via ballast water discharges, as authorized by the Nonindigenous Aquatic Nuisance Prevention and Control Act and the National Invasive Species Act.

The approval program will have to accommodate many different technologies as BWT options, as well as different types of vessels, and the costs associated with establishing this program. Treated ballast water may be sampled for the life of the treatment system as part of compliance measures to enforce ballast water discharge standards. In addition, the U.S. Environmental Protection Agency's Environmental Technology Verification Program (<http://www.epa.gov/etv>),

an independent technology evaluation program, could be used in conjunction with the Coast Guard's approval program.

For further information, contact Mr. Bivan Patnaik, Environmental Standards Division, Office of Operating and Environmental Standards (G-MSO), U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, telephone: (202) 267-0995, electronic mail: bpatnaik@comdt.uscg.mil.

D. Ocean Blueprint for the 21st Century (Ocean Commission)

The U.S. Commission on Ocean Policy released on September 20, 2004, its final report titled *An Ocean Blueprint for the 21st Century*. The report contains the Commission's final recommendations for a new, comprehensive national ocean policy. The report has 31 chapters and a number of appendices. Issues addressed include: (1) our oceans – a national asset; (2) blueprint for change – a new national ocean policy framework; (3) ocean stewardship – the importance of education and public awareness; (4) living on the edge – economic growth and resource conservation along the coast; (5) clear waters ahead – coastal and ocean water quality; (6) ocean value and vitality – enhancing the use and protection of ocean resources; (7) science-based decisions – advancing understanding of the oceans; (8) the global ocean – U.S. participation in international policy; and (9) moving ahead – implementing a new national ocean policy.

Among the report's numerous recommendations are the following:

1. The nation's lead agencies for natural hazards planning, response, recovery, and mitigation are the Federal Emergency Management Agency (FEMA) and the U.S. Army Corps of Engineers. These agencies implement programs that specifically target the reduction and management of risks from natural hazards. Opportunities for improving federal natural hazards management include: (a) amending federal infrastructure policies that encourage inappropriate development in hazard-prone areas; (b) augmenting hazards information collection, analysis, and dissemination; (c) refining the National Flood Insurance Program; and (d) undertaking effective and universal state and local hazards mitigation planning.
2. As more people come to the coast to live, work, and visit, coastal habitats are increasingly stressed and damaged. Over the past several decades the nation has lost millions of acres of wetlands, seen the destruction of sea grass and kelp beds, and faced a loss of significant mangrove forests. Cost-effective conservation and restoration programs should be expanded according to a national strategy that sets goals and priorities, enhances the effectiveness and coordination of individual efforts, and periodically evaluates progress. Many habitat conservation and restoration projects have been successful, but continued progress will depend on sustained funding, improved government leadership and coordination, enhanced scientific research and monitoring, better education and outreach, and solid stakeholder support.
3. A national sediment management strategy is needed that balances ecological and economic needs according to an ecosystem-based management approach. Such a strategy should consider sediments on a multi-project, regional, watershed basis, and should involve all

relevant parties. Participation in watershed management efforts by federal, state, and local entities, along with key stakeholders such as coastal planners and port managers, is an important step in diminishing upland sources of excess or contaminated sediment. Scientifically sound methods for characterizing contaminated sediment, combined with innovative technologies for dredging, treatment, and disposal of this material will also be critical.

4. With regard to supporting marine commerce and transportation, the U.S. Department of Transportation (DOT) should be given lead responsibility within the federal government for oversight of the marine transportation system, including regular assessments of its status and future needs. DOT should develop an integrated national freight transportation strategy that strengthens the links between ports and other modes of transportation to support continued growth of international and domestic trade. In developing a national freight transportation strategy, DOT should work closely with the U.S. Department of Homeland Security and FEMA to incorporate port security and other emergency preparedness requirements. To ensure good coordination, the Interagency Committee for the Marine Transportation System should be strengthened, codified, and placed under the oversight of the National Ocean Council. Because marine transportation is primarily a nonfederal activity, the Marine Transportation System National Advisory Council should also be maintained to provide a venue for outside input to the federal government on relevant issues.
5. The U.S. Coast Guard should work with industry partners and enhance incentive programs to encourage voluntary commitments from vessel owners and operators to build a workplace ethic that values safety, security, and environmental protection as central components of everyday vessel operations. These voluntary measures should be complemented by effective oversight and monitoring, whether conducted by the Coast Guard or third-party audit firms, and backed up by consistent enforcement efforts, including performance-based vessel inspections. The United States should also work with other nations, through the International Maritime Organization (IMO), to enhance flag state oversight and enforcement. Initiatives should include expeditious promulgation of a code outlining flag state responsibilities and development of a mandatory external audit regime to evaluate flag state performance and identify areas where additional technical assistance is needed. Control over vessels entering U.S. ports should be improved by ensuring that the Coast Guard has sufficient resources to sustain and strengthen its performance-based inspection program for marine safety and environmental protection, while also meeting its enhanced security responsibilities. In addition, the Coast Guard should work at the regional and international levels to increase effective coordination and vessel information sharing among concerned port states.
6. The introduction of non-native organisms into ports, coastal areas, and watersheds is causing harm to marine ecosystems around the world. The most effective weapon against invasive species is prevention. To control the introduction of invasive species through ships' ballast water, a major pathway, the Coast Guard's national ballast water management program should: (a) incorporate sound science in the development of biologically meaningful, mandatory, and enforceable ballast water treatment standards; (b) develop new treatment technologies, revising the standards as needed to incorporate these technologies; and (c) allow for full consultation with the U.S. Environmental Protection Agency.

For a copy of the full report, which is over 600 pages in length, refer to the Internet Web Site of the U.S. Commission on Ocean Policy: <http://www.oceancommission.gov>.