### 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)

<table>
<thead>
<tr>
<th>Enabling legislation</th>
<th>USCG</th>
<th>Washington</th>
<th>Oregon</th>
<th>California</th>
<th>Alaska</th>
<th>Canada</th>
<th>Port Vancouver, BC</th>
</tr>
</thead>
<tbody>
<tr>
<td>NISA 1990, 1996</td>
<td>NISA</td>
<td>RCW 77.120.030</td>
<td>ORS Chapter 783.620-.992</td>
<td>PRC 71200, 71271</td>
<td>AS 46.03.750.</td>
<td>Proposed amendments to 2001 Canada Shipping Act</td>
<td>Vancouver Port Authority's Ballast Regulations</td>
</tr>
<tr>
<td>General application</td>
<td>All vessels entering US waters from outside EEZ</td>
<td>Vessels ≥300 tons entering WA water</td>
<td>Vessels ≥300 tons entering OR waters</td>
<td>Vessels ≥300 tons entering CA waters</td>
<td>All vessels</td>
<td>All vessels entering Canadian waters</td>
<td>Vessels arriving at Port Vancouver</td>
</tr>
<tr>
<td>Provides for safety exemptions</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Preempts state or provincial programs</td>
<td>No</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Requires consistency with IMO and USCG</td>
<td>NA</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Requires that operators use best management practices vi</td>
<td>Yes vii</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Requires operators to develop and use vessel specific ballast management plans viii</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Requires that operators maintain logs and report ballast operations ix</td>
<td>Yes – all vessels entering US ports.</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Requires owner/operators to submit interim report that describes steps that they will</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

10/24/05 (Anderson)
<table>
<thead>
<tr>
<th>USCG</th>
<th>Washington¹</th>
<th>Oregon²</th>
<th>California³</th>
<th>Alaska</th>
<th>Canada⁴</th>
<th>Port Vancouver, BC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdiction’s approach to managing ballast water</td>
<td>Exchange, retain on board or use approved treatment alternatives. Treatment standards in consideration</td>
<td>Exchange or treat.</td>
<td>Exchange</td>
<td>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.</td>
<td>Prohibits discharge of ballast water from a cargo tank of a tank vessel only</td>
<td>Exchange, retain ballast on board, discharge to reception facilities or treat</td>
</tr>
<tr>
<td>Exchange standard</td>
<td>Flow-through = 3 times tank volume. 100% empty/refill</td>
<td>Flow-through = 3 times tank volume. 100% empty/refill</td>
<td>Flow-through = 3 times tank volume. 100% empty/refill</td>
<td>Flow-through = 3 times tank volume. 100% empty/refill</td>
<td>None</td>
<td>&gt; 95% volumetric exchange and ≥30 parts per thousand salinity if exchanged ≥50 miles offshore. Flow through = 3 X tank volume.</td>
</tr>
</tbody>
</table>

10/24/05 (Anderson)  

DRAFT
<table>
<thead>
<tr>
<th>USCG</th>
<th>Washington</th>
<th>Oregon</th>
<th>California</th>
<th>Alaska</th>
<th>Canada</th>
<th>Port Vancouver, BC</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>50 miles offshore on US west coast. 50 miles and in waters at least 200 m. deep</td>
<td>Pending coastal voyages: &gt; 50 miles offshore in ≥200 m. deep</td>
<td>Recommendations for performance standards are due January 2006.</td>
<td>None</td>
<td>Same as IMO - Discharge ≤10 org/ml greater than 50 microns; ≤10 org/ml between 10 to 50 microns.</td>
<td>None (Port authority will consider interim approval from relevant maritime administration such as USCG)</td>
</tr>
<tr>
<td></td>
<td>Three alternatives under consideration. Technology standard: Inactivate/remove 95% zooplankton and 99% bacteria &amp; phytoplankton in ballast water.</td>
<td>Allows discharge of ballast water ‘that has been treated to remove organisms in a manner that is approved by the US Coast Guard™’</td>
<td>None</td>
<td>Exemption from ballast management requirements. No exchange required for vessels originating from ports north of Cape Blanco (42°50’N) and from Alaska</td>
<td>Exchange not required for vessels originating from ports north of Cape Blanco (42°50’N) and from Alaska</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Exemption from ballast management requirements.</td>
<td>Exempts vessels originating from north of 40° and south of 50°</td>
<td>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</td>
<td>None</td>
<td>None</td>
<td></td>
</tr>
</tbody>
</table>

10/24/05 (Anderson)
<table>
<thead>
<tr>
<th>USCG</th>
<th>Washington$^i$</th>
<th>Oregon$^ii$</th>
<th>California$^iii$</th>
<th>Alaska</th>
<th>Canada$^iv$</th>
<th>Port Vancouver, BC</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Francisco Bay (including Stockton and Sacramento). 2) LA/Long Beach port complex</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Requires jurisdiction to approve treatment systems</td>
<td>Proposed</td>
<td>Yes</td>
<td>No</td>
<td>Yes – for systems that are environmentally safe and as effective as exchange. Also, CA approves systems approved by USCG HQ</td>
<td>No</td>
<td>Yes (flag state)</td>
</tr>
<tr>
<td>Allows use of approved experimental treatment systems</td>
<td>Yes$^v$</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Requires early compliance for new ships</td>
<td>Unknown</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Requires operators to manage ballast tank sediments$^vi$</td>
<td>Proposed</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Requires facilities that clean or repair ballast tanks to provide sediment disposal options</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>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.</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Requires jurisdictions to designate no-ballast uptake areas</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No – state has authority to</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>USCG</td>
<td>Washington</td>
<td>Oregon</td>
<td>California</td>
<td>Alaska</td>
<td>Canada</td>
<td>Port Vancouver, BC</td>
</tr>
<tr>
<td>------</td>
<td>------------</td>
<td>--------</td>
<td>------------</td>
<td>--------</td>
<td>--------</td>
<td>-------------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>designate areas to be avoided.</td>
</tr>
<tr>
<td><strong>Requires jurisdictions compensate operators for delays</strong></td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td><strong>Allows jurisdictions to inspect logs and sample ballast water</strong></td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Penalties for non-compliance</strong></td>
<td>Civil penalties up to $27,500/day and criminal</td>
<td>$500 to $5000 per violation</td>
<td>$500 to $5000 per violation</td>
<td>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</td>
<td>None</td>
<td>Unknown – same as current enforcement and compliance in Canada Shipping Act</td>
</tr>
<tr>
<td><strong>Allows jurisdictions to assess fees to support program</strong></td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Currently, $400 at 1&lt;sup&gt;st&lt;/sup&gt; CA port per visit.</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

---

<sup>1</sup> Washington state law: Chapter 177.120 RCW and state regulations WAC 220.77.090  
<sup>2</sup> Oregon state law ORS 783.625, 783.630, 783.635, 783.640 and 783.992 – amended in March 2005.  
<sup>3</sup> California Public Resources Code 71200-71217

10/24/05 (Anderson)  
**DRAFT**  
5
Proposed Ballast Water Control and Management Regulations (TP 13617 E) published in the Canada Gazette June 11, 2005 by Transport Canada and Fisheries

Regulations are authorized by the Canada Marine Act

Avoid uptake or discharge in certain areas, clean ballast tanks, clear anchors and chains, clean hull fouling organisms, etc

Required for all vessels operating in US waters.

Plans detail actions to implement BW requirements, how sediment must be managed, designates an office in charge and defines reporting requirements

Ballast record book can be electronic, integrated into other record systems, etc. It must be available for inspection anytime. Logs detail ballast practices undertaken.

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

Exchange, treatment, retention or discharge to approved facilities.

Shipboard Technology Evaluation Program (STEP) January 2004. Approved systems must be environmentally safe and as effective as exchange.

Remove and dispose of sediments according to the ship’s ballast water management plan