



**THE STEAMSHIP MUTUAL
UNDERWRITING ASSOCIATION (BERMUDA) LIMITED**

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To the Members

March 2000

Dear Sirs

CALIFORNIA BALLAST WATER MANAGEMENT PROGRAM

Since 1992 an working group established by the Marine Environment Protection Committee at IMO has been considering the best way to implement regulations dealing with ballast water management to minimise the transfer of harmful aquatic organisms. Guidelines were first issued in 1993 and then refined in 1997 (IMO Resolution A.868(20) of 1997: Guidelines for the control and management of ship's ballast water to minimise the transfer of harmful aquatic organisms and pathogens). However, legally binding provisions are still required.

The damage which can be caused to local marine environments by non-indigenous species is seen as such a pressing issue in many coastal areas that some national legislatures have not been prepared to wait for the IMO's international regulations. Accordingly, several jurisdictions have already implemented their own legislation, (based on the IMO guidelines in only some cases). These include: Australia, Canada, Chile, Israel, New Zealand, U.S.A.

Even within the USA there is already a diversity of legislation: All vessels which have operated beyond the 200 mile EEZ of USA (and Canada) must report certain ballast water information to the USCG but implementation of guidelines dealing with ballast water management practice remains voluntary for the time being. There are no penalties for non-compliance. By contrast, California has now implemented its own state legislation with mandatory ballast water management practice requirements. Fines will be imposed for non-compliance.

The statute implementing the California Ballast Water Management Program came into force on 1st January 2000. Key Components of the law and a sample ballast water reporting form appear as attachments 1 and 2 to this circular.

A \$600 fee is due for each vessel entering a Californian port (\$400 from 30th April 2000). The fees will be deposited in the Exotic Species Control Fund which will provide the resources for the various research projects associated with ballast water management mandated by the legislation (including alternatives to mid-ocean exchange, monitoring the existence of non-indigenous species in coastal waters, collation of information supplied in the reporting forms). The estimated cost of the research programs is \$6, 400, 000 and it is anticipated that the \$600 fee will be sufficient to generate this.

The legislation remains in force until 1 January 2004. The agencies charged with the various research projects must report by 2002. The research findings will assist in determining the changes, if any, that may need to be made to the legislation in the future.

Further information on these regulations is available from the California State Lands Commission (tel: 00 1 916 574 1900/ fax: 00 1 916 574 1810/ website: www.slc.ca.gov.) Information about ballast water management generally can be found on the Club website at: www.simsl.com.

Yours faithfully,

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