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Our Reference: 3016

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Konu
Subject : Amerika Deniz Ticaret Odası Haziran 2015 Raporu Hk.

Sirküler No: 562/2015

Sayın Üyemiz,

İlgi: Uluslararası Deniz Ticaret Odası'ndan (ICS) alınan 06.07.2015 tarih ve ICS(15)37 sayılı yazı ve Eki.

İlgi yazıda, ICS Üyeleri, Amerika Deniz Ticaret Odası'ndan (Chamber of Shipping of America - CSA) alınan, yazı Ekindeki raporu dikkate almaya davet edilmektedir. Amerika Deniz Ticaret Odası'nın en son aylık raporu aşağıdaki hususları içermektedir:

1. Raporda balast suyu arıtma sistemleri için ABD Sahil Güvenlik Komutanlığı (United States Coast Guard -USCG) Tip Onay rejimine ilişkin bir güncelleme bulunmakta olup, 17 üreticinin kendi sistemleri için ABD Tip Onayı çıkarmak üzere niyet mektuplarını kaydettirdikleri ve bu sistemlerin üçü için teslim edilen test paketlerini tamamladıkları bilgisi verilmektedir. Konu ile ilgili olarak USCG'dan daha fazla bilgi beklenmektedir.
2. USCG, 2016 yılında kuru havuza alınacak olan gemiler için balast suyu uzatmalarını yayınlamaya başlamıştır. CSA'nın Haziran ayı raporunda, uzatma başvurularında bulunanlara bahse konu süreci daha detaylı şekilde açıklayan USCG standart cevabı sunulmaktadır.
3. Raporda, Kaliforniya Eyaleti Komisyonu'nun (California State Lands Commission – CSLC) Kaliforniya limanlarına giren gemilere yönelik biyolojik kirlenme kuralları oluşturulması için önerdiği düzenlemeye ilişkin CSA'nın görüşlerinden geniş bir alıntı yer almaktadır.
4. CSA, ABD Adalet Bakanlığı'nın denizcilikle ilgili üç ayrı hükmü hakkında bilgi edinmiştir. Anılan davalar, yasadışı boşaltım, hatasız bir yağ kayıt / çöp kayıt defterinin mevcut bulunmayışı ve Liman Devleti Kontrolü İdarelerine yanlış kayıt defterinin sunulması hususlarıyla ilgilidir.
5. 16 Haziran tarihinde Washington'da USCG Komutanı tarafından sunulan ve özellikle denizcilerin farkındalıklarının artırılması, risk değerlendirmesi, bilgi paylaşımı ve eğitim hususlarını içeren yeni USCG Siber Strateji hakkında bir özet sunulmuştur.
6. 2015 ABD Sahil Güvenlik Komutanlığı Yetkilendirme Yasası, Senato Ticaret Komitesi'nden geçmiş olup, Yasanın Eylül ayında ABD Yasama Meclisi Üyelerinin oyuna sunulması planlanmıştır. Ticaret Komitesi, Sahil Güvenlik Komutanlığı Yetkilendirme Yasası'nda yapılan bir iyileştirme olarak, Gemi Arızı Boşaltım Yasası (Vessel Incidental Discharge Act – VIDA) metninin tamamını ekleme kararı almıştır. Bu durum VIDA metninin Senato ve Meclisten geçme ihtimalini artıran bir adımdır.

Bilgilerinizi arz ve rica ederiz.

Saygılarımızla,

İsmail ASASOĞLU
Genel Sekreter V.



İstanbul :

Sayı
Our Reference :Konu
Subject :**EKLER:**

Ek-1: İlgili yazı ve Eki

DAĞITIM:**Gereği:**

- Tüm Üyelerimiz (Web Sayfasında)
- Türk Armatörler Birliği
- S/S Gemi Armatörleri Motorlu Taş. Koop.
- Vapur Donatanları ve Acenteleri Derneği
- 22,24,25,27,28,29 No.'lu Meslek Komite Bkş.
- İMEAK DTO Şubeleri
- Türk Uzakyol Gemi Kaptanları Derneği
- Gemi Sahibi Firmalar

Bilgi:

- Ulaştırma, Denizcilik ve Haberleşme Bakanlığı
Deniz ve İçsular Düzenleme Genel Müdürlüğü
- Sn. Sefer KALKAVAN
TOBB DTO'ları Konsey Başkanı
- Meclis Başkanlık Divanı
- Yönetim Kurulu Başkanı ve Üyeleri
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6 July 2015

ICS(15)37

TO: ALL FULL AND ASSOCIATE MEMBERS

**Copy: Shipping Policy Committee
Marine Committee
Construction & Equipment Sub-Committee
Environment Sub-Committee**

US DEVELOPMENTS – JUNE 2015

Action required: To note the attached report from the Chamber of Shipping of America (CSA).

Attached at Annex A, please find the monthly report from CSA for June 2015.

The report contains:

1. An update on the USCG Type Approval regime for ballast water treatment systems. CSA understands that 17 manufacturers have filed letters of intent to seek U.S. Type Approval for their systems, and that completed test packages have been submitted for three of these systems. Further information is still awaited from the USCG.
2. News that the USCG has begun to issue ballast water extensions for vessels that will be drydocking in 2016. CSA kindly provides the standardised USCG response sent to those applying for extensions, which explains the process in more detail.
3. An extended extract of CSA comments to the California State Lands Commission (CSLC) regarding its proposed regulation to establish biofouling rules for ships entering Californian ports.
4. News that CSA has recently received information on three separate U.S. Department of Justice judgements on maritime related cases. The cases related to illegal dumping, failure to keep an accurate oil record book/garbage book, and the presentation of a false record book to Port State Control authorities.
5. A CSA summary of the new USCG Cyber Strategy, as was introduced by the USCG Commandant in Washington on 16 June.
6. News that the Coast Guard Authorization Act of 2015 has been passed out of the Senate Commerce Committee and is now scheduled for a Senate floor vote in September. The Commerce Committee took the important decision to add the

full text of the Vessel Incidental Discharge Act (VIDA) as an amendment to the Act, a step which increases the possibility of the VIDA being passed by the Senate and the House.

Joe Francombe
Senior Adviser

**MONTHLY REPORT FOR THE INTERNATIONAL CHAMBER OF SHIPPING
FOR JUNE 2015**

NOTE TO THE READER: References to the Federal Register may be found at <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR>. Please note new address and format for Federal Register retrieval due to upgrade in US government website.

References to legislation may be found at <http://thomas.loc.gov/> by entering the bill number (HR 802, S 2841) in the "search bill text" block found at the center of the page.

US Department of Justice (DOJ) Maritime Related Cases on the Rise

CSA regularly receives press releases from DOJ on completed cases including those relating to the maritime industry. Over the past month, CSA has received press releases on the settlement or decisions taken in 3 separate cases, all related to illegal dumping, failure to keep an accurate oil record book and/or garbage book and obstruction of justice, the latter charge stemming from presentation of a false record book to port state control authorities. The summaries of these cases can be found at <http://www.justice.gov/justice-news> by searching the press release date, in these cases, May 13, June 12 and June 17. After a relatively quiet winter and spring, the sudden increase in these cases is alarming and suggests that vessel personnel are still engaged in illegal acts which are known to bring stiff penalties in the US to both ships' crews and shore based management personnel. We don't pretend to identify the root cause of each non-compliance but surely management oversight and/or crew training must be reviewed and evaluated to assure that these events do not continue. We continue to have additional concerns given that new recordkeeping requirements under IMO instruments and US regulations will provide further ammunition for DOJ to prosecute these types of cases.

USCG Roll Out of Cyber Strategy

USCG Commandant, Admiral Paul F. Zukunft, rolled out the USCG Cyber Strategy in Washington, D.C. Tuesday, June 16, 2015. CSA was in attendance and compiled the following summary of the strategy and important topics discussed at the meeting.

USCG will recognize cyberspace as an operational domain and promote a culture that recognizes the importance of cyberspace operations, which has become as important as operations in physical domains. The USCG's main objective is to incorporate cybersecurity defense and good cyber hygiene into all aspects of USCG operations and culture in particular, the Maritime Transportation System.

The strategy outlines the USCG's plan to work with industry to manage cyber risks to maritime critical infrastructure and the Maritime Transportation System. The USCG will focus on three specific strategic priorities in the cyber

and Protecting Infrastructure.

This strategy will be executed in close coordination with the Department of Homeland Security, Department of Defense, the Intelligence Community, and in consultation with the full range of partners across the whole of government, as well as global and private sector partners.

Points of Interest:

- Incorporate cybersecurity training for Mariners:

Cybersecurity will be added to requirements for obtaining USCG credentials

Cybersecurity to be required training for vessel and facility security officers, in coordination with the IMO

Incorporate into maritime academy curricula including USCG Academy

- Risk Assessment:

Develop guidance for commercial vessel and waterfront facility operators on how to identify and evaluate their cybersecurity-related vulnerabilities. Incorporate this risk information into existing vessel and facility security assessments.

Improve and incorporate risk assessment methodologies to identify critical and vulnerable systems to put security measures in place that protect and mitigate the risk to ships, companies and the Maritime Transportation System.

- Information Sharing:

Develop policies and guidelines for ensuring the rapid dissemination of cyber threat indicators to maritime partners and stakeholders to enhance the safety, security, and resiliency of the Maritime Transportation System.

Work with the maritime industry, Area Maritime Security Committees, DHS, and other stakeholders, evaluating the feasibility of establishing an Information Sharing and Analysis Center (ISAC) to share cybersecurity related information with the maritime industry.

- Equipment:

Review design and operating standards for Coast Guard required equipment to determine those where accepted cybersecurity standards could improve the security and reliability of the systems.

- Work with the IMO to develop global maritime cyber prevention and response protocols.
- Incorporate cybersecurity into existing enforcement and compliance programs.
- Commandant does not see cybersecurity becoming part of the ISPS Code or MTSA which he stated during the Q&A session. This is good

Committee working group's to not develop IMO guidelines, rather use what Industry has developed which CSA has been working on with BIMCO, International Chamber of Shipping, Intertanko and CLIA.

The USCG Cyber Strategy is available for download at:
<http://www.uscg.mil/seniorleadership/DOCS/cyber.pdf>

Coast Guard Authorization Act/ Vessel Incidental Discharge Act (VIDA) Amendments

On June 18th, S 1611, the Coast Guard Authorization Act of 2015, was introduced. The Senate Commerce Committee promptly took action on this piece of legislation most importantly adding the full text of the Vessel Incidental Discharge Act (VIDA) as an amendment. The Committee then successfully reported the bill out of committee on June 25th and the bill is now ready for floor debate and vote which, based on discussions with staff, is expected to occur in September. The addition of VIDA to this bill is a very significant step in moving the provisions of VIDA forward with the hopes that the bill will be successfully passed by the Senate and referred to the House of Representatives for action. CSA and our industry coalition partners will work through the summer to ensure successful passage in the Senate. It is also important to note, that the House has indicated that they will promptly move the legislation when it is received from the Senate although it is expected that the two bills (Senate and House) will likely move to conference committee for resolution of any differences between the two pieces of legislation.

USCG Type Approval Status

CSA, as likely the rest of the shipping industry, is closely monitoring the status of the USCG type approval process. It is our understanding that 17 manufacturers have filed letters of intent to seek US type approval for their systems although the specific stage these 17 systems are in the certified lab testing process is not known due to the unwillingness or inability (due to confidentiality issues) of the labs or the USCG to provide this information. We have also learned as noted in previous reports, that 3 of these systems have submitted completed test packages to the USCG over the past two months although the USCG has not issued any public statements as to the status of their review of these packages or the likelihood that any or all of these three systems will receive a US type approval. It is also our understanding that all three involve the use of ultraviolet (UV) as a treatment technology. It should be recalled that the US via an expert group, is still trying to validate the use of the Most Probable Number (MPN) process as a way to quantify the efficacy of UV systems in general. The work of the expert group is supposed to be completed by the end of June 2015 and it is hoped that CSA will be able to provide additional information on the status of this validation process as soon as it is completed, recognizing that any US type approvals for UV based systems are not likely to occur until this validation process is completed.

USCG Ballast Water Extensions Update

We have just been informed that recent extension requests for vessels drydocking in 2016 are now being issued by USCG. As of this writing, the latest extension issued for a vessel with a scheduled drydocking in May 2016 is January 1, 2018. Late in June, CSA received the following notice from USCG relative to the response provided to applicants requesting an extension:

[QUOTE] Thank you for your application. We will contact you if we have any questions, or need additional information. Your application will be processed in the order received, and with priority for vessels with earlier compliance dates.

We have issued approval letters for most vessels with 2016 dry dock dates that submitted applications at least 12 months ahead of their scheduled dry dock dates.

Vessels with 2016 scheduled dry dock dates are being granted extensions to January 1, 2018, to implement the Ballast Water Discharge Standard (BWDS) or employ other Ballast Water Management (BWM) methods. At this time, we have not made a decision on the length of extension for vessels with scheduled dry dock dates in 2017 or later years.

This is consistent with the Coast Guard's previous extension periods: vessels with dry dock dates in 2014 were given extensions to January 1, 2016, and vessels with dry dock dates in 2015 were given extensions until January 1, 2017.

In addition, we are issuing extension letters to January 1, 2018, for vessels with supplemental requests for extensions that expire on January 1, 2016, and vessels with construction dates on or after December 1, 2013 (the Coast Guard ballast water regulations consider these "new vessels" under 33 CFR 151.2035).

Please continue to use our office's general email address at environmental_standards@uscg.mil **[END QUOTE]**

California State Lands Commission (CSLC) Proposed Regulation on Biofouling

As noted in our last report, the CSLC has issued its proposed regulations to establish biofouling rules for all ships (greater than 300 tons that carry ballast water) entering California ports. Comments were due on the proposed rule on 16 June 2015. A copy of the regulations and supporting documentation may be downloaded at the CSLC website for marine facilities at: http://www.slc.ca.gov/Division_Pages/MFD/MFD_Home_Page.html.

CSA and others in the industry coalition addressing this issue submitted individual comments on the proposal. Key elements of CSA's comments are included below:

[QUOTE] We look forward to future work with CSLC and our industry colleagues in the development of the biofouling compliance assessment protocols as indicated in Section 2298.1(e) which we respectfully request be promulgated via a proposed rulemaking with opportunity for comment.

Given the positive spirit of cooperation between CSLC and the regulated community, we still have identified certain concepts and requirements in the proposed regulation which we believe are technically infeasible and unworkable and are further discussed in more detail below.

1) Section 2298.2(e) - Definition of "biofouling compliance assessment protocols".

As noted above, we look forward to providing input to CSLC during the development of the above referenced protocols. Since their provisions are

protocols but stand ready to provide comments during the rulemaking process as requested above.

2) Section 2298.2(cc) – Definition of “wetted portion of a vessel”.

The proposed definition of “wetted portion of a vessel” includes the phrase “or associated with internal piping structures in contact with water taken onboard”. We believe this phrase should be deleted entirely as its inclusion results in an overly broad and, we believe, unintended scope of application. As currently proposed, this definition would arguably include the internal piping systems of a vessel since these internal systems do in fact come “in contact with water taken onboard” but present little or no risk of invasive species introductions when compared to biofouling on hull surfaces and other external areas. In the alternative, we would recommend the phrase be replaced with the phrase “or associated with internal piping structures directly exposed to seawater on the outer surface of the vessel’s hull where water is taken onboard.”

3) Sections 2298.3 – Biofouling Management Plan and 2298.4 Biofouling Record Book.

These sections contain the provisions associated with producing a biofouling management plan and maintenance of the biofouling record book. While we have no objections in general to the requirements in these sections, the practical and administrative aspects of plan preparation and record book maintenance as a part of normal vessel operations should be recognized. Hull fouling management is not only critical for environmental protection purposes but also for vessel operating/fuel efficiency. In this respect, a number of our members have indicated that their hull biofouling management programs and record keeping have been integrated into their vessel efficiency plans. These plans include all the elements contained in the referenced IMO guidelines (“Guidelines for the Control and Management of Ships’ Biofouling to Minimize the Transfer of Invasive Aquatic Species”, adopted July 15, 2011) relative to the components of the biofouling management plan and the biofouling record book. Therefore providing the vessel has either a stand-alone biofouling management plan and biofouling record book or has integrated these documents into existing operational management plans, both should be deemed compliant with the requirements, providing the necessary components are accessible and able to be produced for inspection.

4) Section 2298.5 – Hull Husbandry Reporting Form.

As noted in the (3) above, vessels are already recording information consistent with the IMO guidelines either in a stand-alone record book or in a record book integrated into their vessel efficiency management program. Requiring the same information to be recorded and submitted in a different format is redundant and serves no beneficial purpose. This information is available upon request from the vessel/vessel owner and thus the urgency of requiring the submission of the Hull Husbandry Reporting Form prior to the first annual entry into state waters not only places an undue administrative burden on the vessel to track and schedule this submission, but also presents an unnecessary administrative burden on CSLC who will obviously receive these reports from each and every vessel covered by this regulation. In the alternative, acknowledging this information is available onboard the vessel or from the vessel/vessel owner upon request, we suggest modification of the reporting requirements of this section to support reporting annually based on a request from CLSC with such information to be provided to CSLC within 60 days of the receipt of the request by the vessel or vessel owner.

finally returns to a California port. The benchmark for whether the vessel took all possible measures to meet the requirements (and thus support a determination of compliance or non-compliance) should be viewed through the lens of whether in-water cleaning was available through reasonably commercial efforts in pre-California ports of call within a time period that would prevent the regrowth to exceed the "not significantly in excess of five percent" criteria, providing such management efforts are properly documented.

8) The cost estimates contained in the Notice of Proposed Regulatory Action document at page 7 are significantly understated.

The document provides a variety of new cost estimates associated with niche area management methods and properly notes they are not only variable but also "difficult to predict". Out of water management methods are addressed within the context of a planned drydocking e.g. "while a vessel is in dry dock will incrementally increase the coating costs". However, no mention is made of the situation where a vessel must go on drydock for the sole purpose of cleaning the hull and niche areas where either in-water cleaning is not commercially available in regular ports of call or where in-water cleaning cannot effectively remove biofouling from niche areas. Given the requirements in the proposed regulation which do not exclude certain problematic niche areas as discussed in (2) above, the vessel owner may have no other compliance option. In this case, drydocking costs will far exceed the estimated range of \$10,000 to \$42,000 for in-water cleaning of the entire ship. In addition, the out of service time costs (which can range from \$30,000 to \$80,000 per day, variable based on charter rates for specific vessel types and the marketplace) for the vessel is not factored into these cost estimates.

In addition, the costs for in-water cleaning appear to make the assumption that the in-water cleaning can be done without any out of service time to the vessel e.g. during normal operations. Based on input from our members, this is often not the case and a vessel which conducts in water cleaning may incur deviations and delays of their normal operations resulting in out of service time costs as noted in the paragraph above. Given these assumptions, we would suggest that the regulation expressly state that vessels are not expected to incur delays or deviate from their normal route, for the sole reason of conducting an in-water cleaning or drydocking for the sole purpose of biofouling management. **[END QUOTE]**