



İstanbul :

Sayı
Our Reference: 1719

22.04.2015

Konu
Subject :**Amerika Deniz Ticaret Odası Mart 2015 Raporu Hk.**

Sirküler No: 312/ 2015

Sayın Üyemiz,

İlgi: Uluslararası Deniz Ticaret Odası'ndan (ICS) alınan 09.04.2015 tarih ve ICS(15)19 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 edilmektedirler.**

Amerika Deniz Ticaret Odası'nın en son aylık raporu ekte sunulmaktadır. Rapor aşağıdaki hususları içermektedir:

1. Gemi Arızı Boşaltım Yasası (Vessel Incidental Discharge Act – VIDA), 26 Şubat 2015 tarihinde Amerikan Senatosu Ticaret Komitesi tarafından onaylanmıştır. CSA Mart 2015 Raporunda, önerilen kanun tasarısı içeriğinin bir özeti sunulmakta olup, bahse konu kanun tasarısının Kongreden başarılı şekilde geçmesi için denizcilik endüstrisinin desteğini sürdürmesi tavsiye edilmektedir.
2. Ulusal Hazırlık ve Müdahale Uygulaması Programı'nın (National Preparedness and Response Exercise Program – PREP) gözden geçirilmesi sürecindeki son durum Raporunda yer almaktadır. Amerika Sahil Güvenlik Komutanlığı (USCG) en güncel taslağı kamu incelemesi için hazırlamış olup, 28 Nisan 2015 tarihine kadar görüşleri beklenmektedir. CSA, son tarihe kadar konuya ilişkin görüşlerini sunmuş olmayı planlamaktadır. En güncel taslak, USCG ve BSEE (Güvenlik ve Çevresel İcra Bürosu) tarafından alınan görüşlere cevaben yapılan değişiklikleri kapsamaktadır.
3. LNG'nin bir yakıt olarak kullanılması hakkında USCG'nin kesinlik kazanmış iki politika yazısı, 2014 yılının başlarında yayınlanmış olan taslakların yerini almıştır. CSA, her iki yazının da ABD sularında yakıt doldurma faaliyetleri yürüten gemiler tarafından planlarının kapsamlarına alınmasını önermektedir.
4. Ulusal Okyanus ve Atmosfer Yönetimi (National Oceanic and Atmospheric Administration - NOAA), en güncel çalışmalara dayanarak, Kuzey Atlantik Buzul Balinaları (North Atlantic Whale) için mevcut kritik yaşam alanına (critical habitat) iki yeni alanın eklenerek genişletilmesini önermektedir. CSA anılan konuya ilişkin gelişmeleri yakından takip edeceğini bildirmektedir.

Bilgilerinizi arz ve rica ederiz.

Saygılarımızla,

Murat TUNCER
Genel Sekreter**EKLER:**

Ek-1: İlgi yazı ve Eki'nde yer alan CSA Mart ayı Raporu.



Meclisi Mebusan Caddesi No: 22 34427 Fındıklı - İSTANBUL / TÜRKİYE
Tel : +90 212 252 01 30 (Pbx) Fax : +90 212 293 79 35
www.denizticaretodasi.org.tr e-mail : iletisim@denizticaretodasi.org.tr
www.chamberofshipping.org.tr e-mail : contact@chamberofshipping.org.tr





İstanbul :

Sayı
Our Reference :Konu
Subject :**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:

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Meclisi Mebusan Caddesi No: 22 34427 Fındıklı - İSTANBUL / TÜRKİYE
Tel : +90 212 252 01 30 (Pbx) Fax : +90 212 293 79 35
www.denizticaretodasi.org.tr e-mail : iletisim@denizticaretodasi.org.tr
www.chamberofshipping.org.tr e-mail : contact@chamberofshipping.org.tr



International Chamber of Shipping

38 St Mary Axe London EC3A 8BH

Tel +44 20 7090 1460

Fax +44 20 7090 1484

info@ics-shipping.org www.ics-shipping.org www.shipping-facts.com



Handwritten signature: H. C. U. ESTAN

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9 April 2015

TO: ALL FULL AND ASSOCIATE MEMBERS

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

Handwritten signature and date: 09/04
Handwritten signature: J. E. KNEER
Handwritten signature: J. YEZBER

ICS(15)19

US DEVELOPMENTS - MARCH 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 March 2015.

The report contains:

1. News that following the adoption of two amendments, the Vessel Incidental Discharge Act (S. 373) was approved by the Senate Commerce Committee on 26 February. CSA kindly provides a summary of the implications of the proposed bill and advises that the shipping industry coalition will continue to seek support for its successful passage through Congress.
2. An update on the status of the review of the National Preparedness for Response Exercise Program (PREP). The U.S. Coast Guard (USCG) has produced its latest draft for public review and requested comments by 28 April. CSA is expecting to make comments prior to the deadline. The latest draft includes changes made in response to comments already received by the USCG and the Bureau of Safety and Environmental Enforcement (BSEE).
3. A link to two finalised USCG policy letters relating to the use of LNG as fuel. The finalised letters replace drafts issued in early 2014 and incorporate text intended to align with eventual IMO guidelines on LNG fueling operations. CSA suggests that both USCG letters are incorporated into planning by vessels conducting LNG fueling operations in U.S. waters.
4. News that the National Oceanic and Atmospheric Administration (NOAA) is proposing to expand the current 'critical habitat' for North Atlantic Right Whales by adding two new areas, based on the results of recent studies. CSA advises that it will continue to monitor these developments closely.

Joe Francombe
Policy Officer

International Chamber of Shipping Limited. Registered in England No. 2532887 at the above address

MONTHLY REPORT FOR THE INTERNATIONAL CHAMBER OF SHIPPING
FOR MARCH 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.

Vessel Incidental Discharge Act Legislative Proposals (S 373/HR 980)

S. 373, the Vessel Incidental Discharge Act, was approved by the Senate Commerce Committee on February 26th on a strong bipartisan vote. There were five votes opposing the approval. It is important to note that Senator Boxer, a longtime opponent of this type of legislation is no longer on the Committee; however she would be expected to weigh in opposing this bill when it is scheduled for a floor vote sometime this spring. Two amendments to the bill were adopted as well which (1) would require saltwater flushing of ballast tanks for vessels entering the Great Lakes via the St. Lawrence River after operating outside the EEZ, and (2) expand the state petition process so that states have an opportunity every 10 years to propose higher ballast water treatment standards if they meet the conditions currently laid out in the bill. The broad based industry coalition will continue to contact Members to garner support for the bill and ensure a successful passage when the bill is scheduled for a floor vote.

This bill is essentially the same bill introduced during the last session of Congress. Details of the bill are as follows:

This bill would remove discharges incidental to the operation of commercial vessels, including ballast water (save the usual exceptions including garbage, incinerator ash, oil/hazardous substances, sewage which are regulated elsewhere in USCG regulations) from the current EPA NPDES/VGP program and would mandate the creation of regulations relating to these discharges. As proposed, the US Coast Guard would be the lead agency in promulgating these regulations but would coordinate these regulatory initiatives "in consultation" with EPA. For some believing that certain elements of environmental regulations should vest solely with EPA, this may be a potential problem but one which can arguably be solved with precise drafting to assure that vessel specific requirements are promulgated by the US Coast Guard and only those requirements relating to water quality standards and effluent limitations vest with the EPA,

The **initial ballast water performance standard** to be implemented is the IMO Ballast Water Convention standard contained in regulation D-2 of the Convention which is defined as "best available technology economically achievable" at this point in time. Provisions are also included which would allow a state proposing more stringent standards to petition the USCG for review of feasibility/achievability of the more stringent standard and if the USCG agreed, the more stringent standard would supersede the less stringent national standard in place at the time. In addition, the legislation would

later than January 1, 2022 if a feasibility review conducted by January 1, 2020 indicates that this more stringent standard is achievable. If the feasibility study indicates the ability of BW treatment systems to meet a performance standard higher than the initial (IMO) standard, but not capable of meeting the 100 times IMO standard, then the performance standard would be revised to reflect the capabilities of systems at that point in time. In the long term, the language in the legislation ties establishment of new performance standards to the capability of BW treatment technologies at the time feasibility reviews are conducted e.g. best available technology. Criteria to be used in the feasibility review include improvements in the scientific understandings of invasion biology and ecology, improvements in treatment technology, capability of technologies to achieve a proposed more stringent performance standard, effectiveness and reliability of these technologies, compatibility of these technologies with the design and operation of vessels by class, type and size, commercial availability of these technologies, safety, improvements in the detection, quantification and assessment protocols and cost effectiveness (comparison of cost of retaining current performance standard versus the cost of implementing a more stringent standard).

As regards any future changes to the performance standards, an accelerated implementation schedule would be adopted which would provide at least 24 months advance notice before the new implementation date takes effect. While this text may provide some concern to the industry, it should be noted that the legislation contains adequate **grandfathering text** such that a vessel on which a compliant (at the time of installation) BW treatment system is in operation, the vessel may continue to use that system, regardless of future changes to the performance standards, until the expiration of the service life of the system.

The legislation also contains provisions of the issuance of compliance date **extensions** similar to the process currently in place as well as a US type approval ("certification") process also similar to the program currently in place. The legislation contains two exceptions to the US type approval provisions which address (1) systems operating under the **USCG Shipboard Technology Evaluation Program** ("STEP") and (2) systems which have been **type approved by other nations** if the certification "demonstrates performance and safety of the treatment technology equivalent to" a system which has received a US type approval. These provisions arguably mirror the current Alternative Management System (AMS) program but do not limit use of such systems to the current 5 year period associated with AMS installations.

Consistent with existing practices, the legislation contains a number of situations where the performance standards do not apply including operations within a geographically limited area, uptake/discharge exclusively within 1 COTP zone, continuous ballasting using a flow through system, use of shore based drinking water as ballast water, use of an alternative compliance program, and vessels which carry permanent ballast water in sealed tanks.

Regarding **preemption of state requirements** by federal requirements, hard preemption language is included in the bill in Section 10 ("Effect on State Authority") which prevents states from imposing additional specific requirements after the date of enactment. There is however a savings clause in Section 10(b) which recognizes the legality of more stringent state requirements which are in effect at the date of enactment providing the USCG and EPA agree that these requirements are achievable, the technology is commercially available and the requirements "are consistent with obligations" under international law.

requiring USCG and EPA sign off on any existing state provisions provides the necessary dose of reality to states which may choose to continue to live in the ideal world without regard to the realities of vessel operations and practical limitations on treatment technologies.

National Preparedness for Response Exercise Program (PREP)
Guidelines
(Federal Register, February 27, 2015 (Pgs. 10704-10710))

After two somewhat convoluted rounds of request/receipt of comments on the PREP guidelines, the USCG has produced its latest iteration for public review and has requested comments to the docket by April 28, 2015.

The PREP guidelines are published and agreed by the National Scheduling Coordination Committee (NSCC) which is composed of four distinct US federal agencies – the Coast Guard (USCG/DHS), the Environmental Protection Agency (EPA), the Pipeline and Hazardous Materials Safety Administration (PHMSA/DOT), and the Bureau of Safety and Environmental Enforcement (BSEE/DOI). Combination of the responsibilities across 4 separate and distinct US government departments/administrations for issuing and exercising the PREP guidelines reflect the need for coordination and collaboration of these agencies during response to a real life situation and thus justifies the need for similar coordination and collaboration in the exercise of response plans. While traditionally the USCG has taken the lead in this process, public sensitivity to emergency response planning and implementation during an actual incident has elevated the importance of this joint effort across all the involved agencies, although admittedly, coordination across 4 very unique bureaucracies can be challenging at best.

It may be recalled that the original review process commenced in February 2012 with an initial draft and round of comments via USCG docket USCG-2011-1178, followed by a second draft and round of comments via the Bureau of Safety and Environmental Enforcement (BSEE) docket BSEE-2014-0003. Since most in the commercial shipping industry do not follow notices issued by BSEE, CSA learned about this second draft just prior to the end of the second comment period. At that time, CSA submitted a short comment letter requesting an extension of the comment period and convened a meeting in Washington DC in June 2014 of all interested stakeholders to discuss the draft guidelines. Although invited, no representatives of the US government or any of the four above noted agencies participated in this meeting due to restrictions placed on government agencies by the Administrative Procedures Act which precludes interactive discussions between government agencies and the private sector during an ongoing administrative process (rulemaking, guideline development or other government action). A transcript of discussions at this meeting was provided to the USCG for information.

The draft announced in this Federal Register notice represents the most current iteration of the draft guidelines and includes changes made in response to comments received in both the USCG and BSEE dockets during the last two iterations.

In general, the changes to the current draft include changes in definitions and terminologies, additions incorporating the new salvage and marine firefighting (SMFF) requirements, additions incorporating the new non-tank vessel (NTV) requirements, provisions which will allow for use of alternative worst case discharge (WCD) scenarios during exercises, changes to exercise frequency, addition of lists of equipment to be exercised relative to oil spill surveillance

to four years.

A more detailed discussions of the changes made in response to comments received may be reviewed in the Federal Register notice referenced above, available at :

<http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR&browsePath=2015%2F02%2F02-27%5C%2F6%2FCoast+Guard&isCollapsed=false&leafLevelBrowse=false&isDocumentResults=true&ycord=377>

A copy of the Federal Register notice and the draft PREP guidelines issued in March 2015 is available in the federal docket at

<http://www.regulations.gov/#!home>

When accessing this home page for regulations.gov, enter the docket number "USCG-2011-1178" in the search area and click on "search". This will take you to the main docket page which actually includes two subsections – one for the 2012 revision process and one for the 2015 revision process. Go down to the PREP guidelines dated 2015 and click on "open docket folder" on the far right side of the screen. Both the Federal Register notice and the 2015 guidelines may be download at this screen.

Due to the technical detail of these guidelines and the need for input by experts in the area of emergency response and planning, CSA will be inviting comments from CSA members and other interested parties on these guidelines with the expectation that we will submit consolidated comments to the docket by the April 28, 2015 deadline. We also expect to discuss this issue at our upcoming Operations Committee meeting on March 31, 2015 with a few to determining the benefit of creating an ad hoc members committee that would produce draft comments for review and submission by the deadline. Regardless of methodology used to finalize comments, CSA staff urgently needs input from members on specific comments to be included in the CSA consolidated comment document.

LNG as Fuel – Policy Letters 01-15 and 02-15
(Federal Register, February 25, 2015 (Pg. 10131 – 10137))

In early 2014, the USCG published two draft policy letters relating to (1) LNG fuel transfer operations including training and (2) guidance and existing regulations applicable to vessels and terminals conducting LNG fuel transfer operations. It should be noted that but for the regulatory requirements references, the contents of these policy letters are recommendatory in nature e.g. voluntary guidelines, which may be used by entities engaged in LNG fuel transfer operations. It is also notable that these guidelines do NOT apply to vessels regulated as LNG carriers utilizing boil-off as fuel.

Since early 2014, IMO has done much work on finalizing international guidelines relating to LNG fueling operations and the USCG notes in this document that these guidelines attempt to align with what is expected to be the final IMO guidelines relating to this subject.

In review of the above referenced Federal Register document, much discussion is provided relative to how the USCG responded to comments received and in most cases integrated appropriate text reflecting these comments in to these final guidelines.

The USCG has now finalized the policy letters and published them as Policy Letter 01-15 and Policy Letter 02-15 respectively. Copies of the policy letters

2013-1084 in the search box. Click on "open docket folder" and you will be provided links to both documents via the first link in the "supporting documents" section. Both policy letters should be fully integrated into any planning by both vessels and waterfront facilities who are now or intend to conduct LNG fueling operations in US waters.

Endangered and Threatened Species – Critical Habitat for Endangered North Atlantic Right Whale (NOAA PR and Request for Comments) Federal Register, February 20, 2015 (Pg. 9314-9345)

NOAA is proposing to expand the current critical habitat for North Atlantic Right Whales by adding two new areas in (1) the Gulf of Maine and Georges Bank and (2) off the Southeastern US coast. No recommended or mandatory management actions are being proposed for any ocean users in these covered areas at this time. Comments are requested by April 21, 2015.

Critical habitat under US law is defined in the Endangered Species Act as areas occupied by the named species which are (i) essential to the conservation of the species and (ii) which may require special management considerations or protection. Under US law, critical habitat designation may only be designated in areas within US jurisdiction and thus this designation only extends seaward from the US baseline out to the US EEZ.

The North Atlantic Right Whale, while positive trends are visible in the growth of the population, is still listed as an endangered species under US law. NOAA has ongoing initiatives to monitor not only the estimated population of these whales but also their geographic location which may vary in some degree from year to year.

These proposed expansion of the critical habitat are based on a number of studies including a draft biological source document (NMFS 2014a) and draft Endangered Species Act Section 4 report (NMFS 2014b). These scientific studies of species spatial and temporal distribution, collectively numbering over 300 pages in total, may be reviewed at www.greateratlantic.fisheries.noaa.gov.

This current proposal is consistent with other similar actions being taken by NOAA on the West Coast of the US and in the Gulf of Mexico regarding other listed species. While CSA does not intend to submit comments on this proposal which is based on scientific and biological assessment of the species' needs and thus does not propose any new management strategies, it is worth noting that critical habitat expansion designations are normally the first step in reviewing what, if any, new requirements should be imposed on ocean users in the areas included in the critical habitat expansion.

CSA will continue to monitor these developments closely and particularly with regard to any discussions and or proposals that would impose new restrictions on commercial shipping in the affected areas.
