



Client Alert 9-2021

July 5, 2021

Canada Ballast Water Regulations

Recent Update + Repeal of Earlier Regulations

I. ALERT

Transport Canada has recently announced an update to their [Ballast Water Regulations \(SOR/2021-120\)](#). With the issue of these updated regulations which enter into immediate effect, the previously-applicable Canada Ballast Water Control and Management Regulations (SOR/2011-237) have been repealed.

These regulations apply to the management of any quantity of ballast water released from a vessel.

II. BACKGROUND

As a party to the International (IMO) Ballast Water Management Convention (formally known as *the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004*), Canada requires vessels to comply with the applicable standard (D1 or D2) for management of ballast water that is to be discharged into waters under Canadian jurisdiction. As part of this compliance, vessels are required to transition from ballast water management requirements under the D1 (open-sea exchange) to the D2 (treatment) standard in time for their applicable IOPP renewal survey date, as stated in the vessels' International Ballast Water Management Convention (IBWMC) certificate. All ballast water exchanges and/or treatment activity is to be reported to Transport Canada via their [Ballast Water Reporting Form](#), as explained in our Client Alert 16-2018.

Note: In addition to the applicable requirements mentioned above, Canada's new Ballast Water Regulations include **"Additional Measures" in Section C-I of the Annex to these regulations, which apply to ballast water releases in Canadian Fresh Waters.**

III. REGULATORY OVERVIEW

A. The following requirements apply to vessels under the abovementioned Additional Measures, applicable to vessels discharging ballast in Canadian Fresh Waters:

- **Ballast water treatment + exchange: Vessels that are using a ballast water treatment system (BWTS) are also required to carry out an open sea exchange of ballast water prior arrival.** Transport Canada's parameters for an open sea exchange require vessels to carry out this process at a distance of at least 200 miles from the nearest land, in water of at least 2,000 meters depth.

Note: Vessels that are unable to meet these requirements have the option of conducting an exchange in one of the alternate ballast water exchange areas designated in **TP 13617** (see link on page 3).

Exception: This Additional Measure of ballast treatment + exchange does not apply to vessels that took ballast in Canadian waters, in the United States' waters of the Great Lakes, or in open seas (at a distance of at least 200 miles from land, in water at least 2,000 meters deep).

- **Saltwater flushing:** Vessels must conduct a saltwater flushing of ballast tanks that contain only residual amounts of ballast water, unless those residual amounts were taken on board in open seas (as per the distance and depth parameters described previously), or in an alternate ballast water exchange area designated in TP 13617.

Saltwater flushing consists of the following measures undertaken in the following order:

- (a) the addition of water to the ballast tanks in accordance with the requirements for an open sea ballast water exchange;
- (b) the mixing, through the motion of the vessel, of the water added under paragraph (a) with the residual amounts and any sediments that have settled in the tanks; and
- (c) the release of these mixed waters in open seas, so that the salinity of the resulting residual amounts in the tanks exceeds 30 parts per thousand (ppt) or is as close as possible to 30 ppt.

B. Description of Canadian Fresh Waters

For the purpose of these regulations, Canadian Fresh Waters are as follows:

- The waters at the Port of Kitimat and waters in or upstream of the Kitimat Arm, east of a line between Hilton Point and Steel Point;

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- The waters at the Port of Stewart and waters in or upstream of the Portland Canal, north of a line between Portland Point and Ramsden Point;
 - The waters of all Fraser River ports that are:
 - east of Tilbury Island in the main arm of the Fraser River including Anacis Island and New Westminster docking areas; and
 - east of the eastern tip of Mitchell Island in the north arm of Fraser River;
 - The waters of the Saguenay River ports and waters upstream of L'Anse-Creuse;
 - The waters of all St. Lawrence River ports and waters west of the east point of Ile d'Orléans including the port of Quebec City;
 - All Canadian waters of the Great Lakes Basin; and
 - The waters of Happy Valley-Goose Bay and waters of Lake Melville west of Rabbit Island.

Further details of Canada's Designated Alternate Ballast Water Exchange Areas and Fresh Waters can be found in [TP 13617](#).

Please direct questions and/or comments to us at ecm@ecmmaritime.com
