

Assembly Bill 433 (AB 433), California's Marine Invasive Spp. Act

AB 433 strengthened the legislation begun by AB 703 (at bottom). AB 433 requires all vessels arriving from outside the EEZ *and* traveling between one port or place and another in the Pacific Coast Region to perform ballast exchange or certain qualifying vessels must retain all ballast water onboard. Specifically, AB 433 mandates that:

For Vessels Coming From Outside the EEZ

Mandatory mid-ocean exchange or retention of all ballast water for all qualifying vessels. Two options exist for Ballast Water Exchange. These include:

- Flow Through Exchange - overflowing the tank from the top until three volumes of water have been changed.
- Empty/Refill Exchange - pump out, until tank is empty or nearly so, and then refilling the tank with mid-ocean waters.

For Vessels Coming From Other West Coast Ports

The master, operator, or person in charge of a vessel that arrives at a California port or place from another port or place within the Pacific Coast Region shall employ at least one of the following ballast water management practices:

- Exchange the vessel's ballast water in near-coastal waters before entering the waters of the state
- Retain all ballast water on board the vessel
- Use a United States Coast Guard (USCG) approved alternate and environmentally sound method of ballast water management that is at least as effective as exchange in removing or killing nonindigenous species.
- Discharge the ballast water to a reception facility approved by the California State Lands Commission (CSLC)
- Under extraordinary circumstances perform a ballast water exchange in an area agreed to by the CSLC and in consultation with the USCG

All Vessels Must Complete and Submit a Ballast Water Report Form

The Ballast Water Report Form must be completed and submitted by the vessel master, owner, operator, agent, or person in charge of the vessel upon departure from each port of call in California. The Ballast Water Report Form (developed by the United States Coast Guard) may be downloaded from the California State Lands Commission web site. Forms may be submitted electronically or in written form to CSLC (Fax: 562-499-6444 or email: bwform@slc.ca.gov). Submission of the California Ballast Water Report Form does not relieve the vessel of the responsibility to report to the US Coast Guard.

All Vessels Must Comply With "Good Housekeeping" Practices

- Avoid uptake or discharge in or near marine sanctuaries, reserves, parks, or coral reefs.

- Minimize or avoid uptake in the following areas or circumstances: Areas of known infestation or pathogens; Near sewage outfalls; Near dredging operations; Areas with reduced tidal flushing; In darkness when bottom-dwelling organisms are active; Where propellers may stir up sediment
- Clean Ballast tanks regularly to remove sediment. Disposal of sediments must be in accordance with appropriate laws.
- Minimize discharge amounts
- Rinse anchors and anchor chains
- Remove fouling organisms from hull, pipes, etc...
- Dispose of any removed substance in accordance with laws

All Vessels Must Maintain a Ballast Water Management Plan

The Ballast Water Management Plan must be prepared specifically for the vessel. The Plan must be a written document that is kept on board, specific for your vessel, and describes the procedure for ballast management. It should include safety and exchange procedures. (See IMO Resolution A.868 for "Guidelines for the Control and Management of Ship's Ballast Water to Minimize the Transfer of Harmful Aquatic Organisms and Pathogens." Adopted November 1997).

All Vessels Must Maintain a Ballast Water Log

The Ballast Water Log must outline the ballast water management activities for each ballast water tank on board the vessel and shall make the separate ballast water log available for inspection.

Mandatory Fee Submission for All Vessels

Each owner/operator shall pay **\$625** for each qualifying voyage at their first port of call in California. Fees may be submitted to the California Board of Equalization (916) 322-1965.

Additional Requirement for All Vessels

- Vessel master, Person In Charge, and crew must be trained in the application of ballast water and sediment management and treatment procedures.
- Vessels must submit to random sampling for compliance purposes.
- Failure to comply with any portion of the Law may result in civil and/or criminal penalties.