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June 20, 2024

Daniel B. Maffei  
Chairman, Federal Maritime Commission  
800 North Capitol Street, N.W.  
Washington, D.C. 20573

RE: Investigation Into Conditions Affecting United States Carriers in Connection with Canadian Ballast Water Regulation in the United States/Canada Great Lakes Trade

Docket No. FMC-2024-0008

Dear Mr. Maffei,

We are writing on behalf of the Shipping Federation of Canada, which is the national association representing the owners, operators and agents of the ocean-going ships that carry Canada's international trade to and from ports around the world. A significant portion of our members' ships are involved in loading and discharging international cargo in the Great Lakes, on both the Canadian and U.S. side of the border.

We appreciate this opportunity to provide an ocean carrier perspective on the Federal Maritime Commission (FMC)'s investigation into the implementation of the *International Convention for the Control and Management of Ships' Ballast Water and Sediments* (IMO BWM Convention) via Canada's Ballast Water Regulations.

As a preface to our comments, we note that our organization has long been active in working toward practical measures to minimize the spread of aquatic invasive species in the Great Lakes via ships' ballast water. For example, we developed and implemented ballast-water management guidelines for our members calling the Great Lakes over a decade before the first Canadian ballast water regulations were put into place, and as recently as this summer, we are collaborating with U.S.- based research efforts regarding the spread of aquatic invasive species via treated and untreated ballast water in the Great Lakes. All of our member's vessels, including those calling the Great Lakes, are required to have installed ballast water management systems by September 8 of this year.

We have a very narrow interest in the above-noted case, specifically as relates to the undesirable precedent that would be set by having the FMC issue a ruling on the implementation of an international agreement developed by the International Maritime Organization (IMO). As you are undoubtedly aware, the framework of international conventions developed by the IMO has resulted in significant advances in the areas of health, safety and environmental protection over the last

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**SHIPPING FEDERATION OF CANADA**

625 Rene-Levesque Blvd West, Suite 800, Montreal, QC, H3B 1R2  
Tel: (514) 849-2325  
[www.shipfed.ca](http://www.shipfed.ca)

several decades, while also helping to ensure a stable and predictable regulatory environment for ocean ships regardless of where in the world they trade.

A ruling by the FMC penalizing a country, via its carriers, for implementing an IMO Convention to which it is a signatory (i.e. Canada's implementation of the IMO BWM Convention) would essentially subvert the principles on which the IMO framework has been built, by creating uncertainty regarding the applicability of international laws to international ships, and potentially impeding the IMO's future effectiveness.

Given the foregoing, we strongly urge the Federal Maritime Commission NOT to set an undesirable precedent by issuing a ruling penalizing the implementation of the IMO BWM Convention. This being said, we understand that the possibility of such a ruling on this investigation may become moot, as during the current comment period, Canada has established a procedure whereby U.S.-flagged vessels may apply for an extension to comply with the installation of Ballast Water Management Systems.

Sincerely,

A handwritten signature in black ink, appearing to read 'CH Hall', written in a cursive style.

Chris Hall  
President and CEO  
Shipping Federation of Canada