

Great Lakes United



Union St-Laurent Grands Lacs



Ohio Environmental Council

[UNLEASHING THE POWER OF GREEN]



Oppose Ballast Water Rider (Sec. 459) to Interior Approps (H.R. 2584)

Rep. Steve LaTourette (R-OH) offered an amendment to the Fiscal Year 2012 Department of the Interior-EPA appropriations bill on July 12 that prohibits Great Lakes states from receiving any EPA funding – including Great Lakes restoration funding through the Great Lakes Restoration Initiative, Superfund, Clean Water or Drinking State Revolving Funds, Brownfield funding, etc. – if they have in effect ballast water rules that have more stringent timelines or standards than federal or international requirements. The amendment was accepted by voice vote.

This ballast water provision (Sec. 459) clearly penalizes New York, which has been a leader in developing protective standards that will require the shipping industry to begin treating its ballast water to eliminate invasive species threats before discharging it into New York waters. New York's leadership has also been a critical driver in the development of stronger regulations at the federal level.

This section is ambiguous, however, and more than likely applies to other Great Lakes states stripping them of all their EPA funding for having requirements, including timelines, that are more stringent than federal or international requirements. This includes Wisconsin, Ohio, Illinois, Indiana, and Minnesota, all of which have required that existing IMO technologies be in use on vessels by deadlines that are likely more stringent than what the Coast Guard will require. Michigan could also be threatened by this legislation, if the Michigan Department of Environmental Quality determines that technologies that have been approved by the Coast Guard are not safe for use in Michigan waters.

States have been exercising their right to protect their waters from damaging aquatic invasive species in the absence of any strong national standards. This section will force states to choose between setting their standards to the lowest common denominator, compromising their environment and economic wellbeing, or lose critical restoration, sewage and drinking water infrastructure, and other funding with similar consequences.

Background

Ballast-mediated invaders to the Great Lakes wreak irreparable harm on the ecosystem, cause ongoing severe economic hardship to the region, and move beyond the shoreline and across the country. For example, zebra and quagga mussels invaded the Great Lakes in the 1980s from ballast water and have caused large-scale disruptions in parts of the Great Lakes. Fish biomass has decreased by about 95% in Lakes Michigan and Huron due to zebra mussels filtering out plankton at the base of the food chain. These two invasive mussels have also rapidly spread down the Mississippi River and across the Rocky Mountains. The economic impact of these invaders to the eight Great Lakes states has topped \$200 million dollars annually and will

increase as new species arrive and those already here spread throughout the nation. These invasions demonstrate the Great Lakes are the gateway for invasive species to inland lakes and rivers all across America. Protecting the Great Lakes protects the nation.

For two decades there have been virtually no new federal regulations to stop ballast-mediated invasive species from commercial vessels. In 2009, both the Coast Guard and EPA began to take meaningful action. The Coast Guard finally proposed new ballast water standards, which are in the final stages of clearance. The EPA and states also began exercising their authority to regulate ballast water under the Clean Water Act. The EPA issued a Vessel General Permit using existing standards like ballast water exchange. EPA is now reviewing this permit with possible intent to incorporate the same national numeric ballast water standards the Coast Guard is studying as part of its new rule.

In lieu of strong national standards, states are exercising their authority to set their own ballast water discharge requirements to ensure that vessels entering their waters are treating their ballast to prevent the introduction of an invasive species. States that have established their own requirements, which are more aggressive than the federal program currently requires, consistently modify their requirements in response to the latest review of available technology to ensure that their standards can be achieved. Both California and New York, which have the toughest standards in the country, have recently updated their requirements and identified specific IMO-certified technology that will likely also meet the levels of protection they have set.

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