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Chair: Jim Grazio, Pennsylvania DEP
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January 5, 2010

Mr. Bryan Arroyo and Ms. Mary M. Glackin (Acting)
Co-Chairs, ANS Task Force
U.S. Fish and Wildlife Service
4401 North Fairfax Dr., Room 322
Arlington, VA 22203

Dear ANS Task Force Co-Chairs:

The Great Lakes Panel on Aquatic Nuisance Species respectfully submits the enclosed recommendation to the ANS Task Force in response to recent state and federal activities on ballast water, including the most recent U.S. Coast Guard (USCG) proposed rulemaking on "Standards for Living Organisms in Ships' Ballast Water Discharged in U.S. Waters" (74 FR 44632). While the Great Lakes Panel (GLP) is not in a position to comment directly on proposed federal regulations, it has been deemed important by the GLP Executive Committee that the Panel's voice be heard on this significant regulatory issue. To that end, we have developed the document "Great Lakes Panel on Aquatic Nuisance Species Position Statement on a National Ballast Water Discharge Standard" for your consideration. The purpose of this position statement is to identify basic priorities that should be pursued in the process of establishing a national ballast water discharge standard in collective efforts to advance the protection necessary to safeguard Great Lakes waters from aquatic invasions.

It is important to note that this position statement is consensus-based and has been endorsed by our full membership. We ask that the ANS Task Force convey the recommendations presented by the Great Lakes Panel in this position statement to the USCG and other federal agencies as appropriate.

Sincerely,

Jim Grazio
Great Lakes Panel Chair
Pennsylvania Dept. of Environmental Protection, Great Lakes Biologist

Cc: Peg Brady, Margaret M. (Peg) Brady, DOC/NOAA Liaison to the National Invasive Species Council & Aquatic Nuisance Species Task Force

Great Lakes Panel on Aquatic Nuisance Species Position Statement on a National Ballast Water Discharge Standard

In March 2001, the Great Lakes Panel on Aquatic Nuisance Species – representing the interests of government, industry, academia and non-governmental groups -- adopted a *Policy Statement on Ballast Water Management* (<http://www.glc.org/ans/pdf/3-16-bwmpolicyposition.pdf>). This statement identified a number of key issues on how the ballast water vector should be managed to effectively prevent the introduction and dispersal of aquatic invasive species (AIS) into and within the Great Lakes basin. These issues included the need for binational consistency in ballast water management, the need to address discharges from vessels declaring “no ballast on board” (NOBOB) status, and the need to establish ballast water discharge criteria. The Panel acknowledges the substantial progress to date made by both the public and private sectors to address many of these key issues, including efforts to harmonize U.S. and Canadian ballast water management programs through activities of the binational Great Lakes Seaway Ballast Water Working Group, the application of ballast water management requirements to NOBOB vessels, and voluntary management practices adopted by the U.S. Lake Carriers’ Association and the Canadian Shipowners’ Association.

The Panel also acknowledges recent federal efforts in the United States to establish national ballast water discharge standards to protect the nation’s waters. In the absence of a federal standard, Great Lakes states have developed state-specific ballast water management programs and standards to prevent further AIS discharges into their waters (see attached chart). This patchwork approach has resulted in varying requirements from state to state, complicating both government regulation as well as industry compliance.

The Great Lakes Panel on Aquatic Nuisance Species offers the following consensus-based recommendations for a national ballast water discharge standard to advance the protection necessary to safeguard the Great Lakes waters from aquatic invasions:

- The Panel supports a consistent, science-based, national ballast water discharge standard that reconciles and harmonizes the various federal and state requirements. The standard must protect the Great Lakes basin from further invasion while maintaining a level national economic playing field. Furthermore, as the Great Lakes are a binational treasure shared by both the United States and Canada, harmonization of a ballast water discharge standard between the two nations is essential.
- The Panel recognizes the inherent differences between ocean-going vessels (“salties”) and lake freighters (“lakers”) operating on the Great Lakes in terms of their roles in the introduction and dispersal, respectively, of AIS, as well as in terms of ballast tank configurations and ballasting operations. The Panel supports addressing ballast water discharges from both salties and lakers.
- The Great Lakes Panel acknowledges the many challenges related to the implementation of ballast water treatment in the Great Lakes. In particular, the Panel notes that the development and approval of ballast water treatment technologies for lakers is lagging behind that for salties. To address these challenges, a concerted, collaborative effort will be required to expedite the development and approval of safe, effective, and environmentally sound and economically feasible ballast water treatment technologies. The Panel specifically calls for accelerated development and approval of ballast water treatment systems for lakers.
- It is important that ballast water treatment technologies are evaluated through consistent verification protocols to ensure compliance with the national ballast water discharge standard as established. These protocols should also guarantee that treatment technologies are effective for use on the Great Lakes and that treated ballast discharges meet water quality standards. These requirements are especially important for the Great Lakes-St. Lawrence River region because technologies developed for tropical or marine environments can have significantly reduced effectiveness, or persistent toxicity, in temperate freshwater environments. Furthermore, these technologies should be evaluated in addition to, rather than in lieu of,

existing ballast water flushing and exchange requirements for ocean-going vessels. Increased investment is needed for facilities to evaluate technologies for use in the Great Lakes.

- Federal rule making must not be further delayed. The sooner uniform ballast water standards are established and implemented, the faster Great Lakes waters can be protected. To expedite implementation of ballast water discharge standards, industry must know the standards and treatment options that their vessels will be required to meet as far in advance as possible in order to meet their dry-dock schedules. Although implementing ballast water treatment may be costly today, the cost to both the environment and economy of the Great Lakes region will surely be greater tomorrow.

**Summary of Key Elements of Great Lakes State and Provincial Ballast Water Treatment Permit Requirements
& U.S. Clean Water Act Sec. 401 Certification Conditions¹**

State	Regulatory Vehicle	Existing Ongoing	New Ongoing	Existing Lakers	New Lakers	Comments
Illinois	401 Certification	IMO by Jan. 2016	IMO for ships launched after Jan. 2012	IMO by Jan. 2016	IMO for ships launched after Jan. 2012	
Indiana	401 Certification	IMO by Jan. 2016	IMO for ships launched after Jan. 2012	---	---	
Michigan	State permit 401 Certification	Discharge prohibited unless approved treatment to prevent AIS in place	Discharge prohibited unless approved treatment in place	---	---	Rights reserved to modify 401 Cert. if ballast treatment on lakers is determined to be necessary, available and cost effective
Minnesota	State Permit 401 Certification	IMO by Jan. 2016	IMO for ships launched after Jan. 2012	IMO by Jan. 2016	IMO for ships launched after Jan. 2012	MPCA approval of treatment technology
Ohio	401 Certification	IMO by Jan. 2016	IMO for ships launched after Jan 2012	---	IMO for ships launched after Jan. 2016	
Ontario	<i>Canadian Federal Regulation</i>	---	---	---	---	---
Pennsylvania	401 Certification	IMO by Jan. 2016	Various standards more stringent than IMO for ships launched after Jan. 2012	IMO by Jan. 2016	Various standards more stringent than IMO for ships launched after Jan. 2012	Can request to extend compliance date if can justify
Quebec	<i>Canadian Federal Regulations</i>	---	---	---	---	---
New York	401 Certification	100x IMO by Jan. 2012	1000x IMO for ships launched after Jan. 2013	100x IMO by Jan. 2012	1000x for ships launched after Jan. 2013	Can request to extend compliance date if can justify
Wisconsin	State Permit No finding on 401 Certification	100x IMO by Jan. 2012; if no technology then IMO applies	1000x IMO for ships launched after Jan. 2013, if no technology, then IMO applies	BMPs and sediment management plan, may have discharge standard in future	BMPs and sediment management plan	

¹ Some states are currently involved in litigation challenging their ballast water permit systems; IMO = International Maritime Organization Standards, 401 Certification = EPA Vessel General Permit Standards as adopted and possibly modified by the individual state; BMP= Best Management Practices