

Meeting of the Great Lakes Panel on Aquatic Nuisance Species

December 2-3, 2008
Ypsilanti Marriott at Eagle Crest
Ypsilanti, MI

Meeting Summary

Tuesday, December 2, 2008

Welcome

Tim Eder, Great Lakes Commission

Eder welcomed everyone to the meeting. He noted that this was a transition time, both for the country and for the Great Lakes Panel (Panel). He talked about the recent election as providing new opportunities and implications for aquatic invasive species (AIS) management. As an example, he highlighted President Obama's campaign initiative, the Obama/Biden Plan, which included zero tolerance for invasive species. Further, he noted the change in leadership of the Panel as an additional opportunity to evaluate future directions for the Panel and its work. Eder acknowledged past accomplishments of the Panel in areas of collaboration, education, state management planning, and rapid response planning, among others. He said the Panel should focus on building on its successes, towards taking on new challenges and opportunities. Prevention and control of AIS continues to be a top priority for the region as well as for the Great Lakes Commission (Commission). The Commission has continued to work with the Panel and through other initiatives to advance AIS management. For example, recent Commission initiatives have focused on organisms in trade, ship-mediated introductions of harmful microbes, and advocacy efforts for federal ballast water regulations. Despite the disappointment of not getting ballast water legislation passed in 2008, he noted that the Commission and others remain optimistic that a policy solution exists and can be reached during the incoming session of Congress.

Call to Order

Jim Grazio, Pennsylvania Department of Environmental Protection; Chair, Great Lakes Panel

Grazio called the meeting to order and followed Eder's comments noting that it is important for the Panel to undergo introspection from time to time. He led a round of introductions and reviewed the agenda. He then asked for a motion to approve the minutes, which was made by Phil Moy (Panel Vice Chair) and seconded by Ted Batterson (At-large Member). There was no discussion and the minutes were approved. Grazio then introduced Kathe Glassner-Shwayder (Panel Coordinator) to open the session on Panel activities.

Great Lakes Panel Update

Great Lakes Panel and Aquatic Nuisance Species Task Force Meetings: Summary of Action Items
Kathe Glassner-Shwayder, Great Lakes Commission; GLP Coordinator

Shwayder gave a summary of the October 2008 Aquatic Nuisance Species Task Force (ANSTF) meeting. She briefly went over the related information in the meeting packet, including the Panel report that was submitted to the ANSTF. This report covered recent Panel work, including the action items that would be covered later in the meeting (i.e. risk assessment, Panel funding recommendation and prohibited species list). She suggested that there be more conductivity between ANSTF and Panel activities and that both groups understand the priorities of the other. Toward this end, it was felt that more joint meetings should be coordinated and Panels should explore more opportunities for joint projects and recommendations. It was also suggested that the Panels increase their focus on marketable products for AIS prevention and control and that Panel reports should be submitted with the strategic plan in mind. Noted was the need for the ANSTF to take greater consideration of Panel needs when setting priorities and meeting agendas. An important development noted was that the U.S. Fish and Wildlife Service budget would be cut by 3.5% this year. It was unclear how this cut would affect the regional panels and state management plan funding, but efforts are underway to protect those budgets. Shwayder also noted that four more state management plans were approved by the Task Force. Although the additional approved plans reflect progress, this would decrease the level of funding allocations for each of the state management plans. After reviewing the remaining decision and action items from the ANSTF meeting, Shwayder called on Panel Chair Jim Grazio to give the next presentation.

Panel Member Informal Survey Results & Discussion on Future Direction for the Panel
Jim Grazio, Pennsylvania Department of Environmental Protection; Chair, GLP

Grazio presented information related to an “open letter” he had distributed to the Panel after the spring meeting. The purpose of the letter was to gather comments, recommendations and other input on the work and operations of the Panel. As a framework for this request, Grazio reviewed the Panel’s legislative mandate, as well as the ANSTF Strategic Plan as it relates to the work of the regional Panels. In reviewing the feedback from the open letter, he noted that Panel members are a diverse group with different ideas and opinions. In general, Panel members thought the Panel has worked well as a forum for discussion, networking and information exchange. Also, that the Commission does a good job of providing staff support. There was some concern expressed over the relationship of the Commission and the Panel and it was suggested that the roles and responsibilities of the Panel and the Commission be explored and clarified. In terms of areas for improvement, Panel members thought the Panel could do more to stay relevant, while not trying to be all things to all people, and should evaluate its role in other regional initiatives. Further, the Panel should be engaging more with industry and making more progress between meetings. There were mixed views on advocacy, with some favoring less and others favoring more. Overall, the suggestion was made that the Panel needs to have better communication with agencies. The issue of small grants was also discussed, as well as Panel funding. Grazio noted that he was committed to working with the Commission staff on this issue. Members noted that meeting agendas were generally too ambitious. Some liked the move from state-by-state roundtable reporting to written reports, but others didn’t. Some suggested that the meetings should focus on member updates and committee work time. Recommendations for Panel priorities over the next two years included focusing on recommendations to the ANSTF, increasing regional coordination and member engagement and addressing the funding issue.

During the discussion, it was suggested that the Panel develop a strategic action plan, building on existing documents (e.g., the GLRC Strategy), to define actionable priorities that the Panel can address over the next two years. This plan could also provide justification for the additional funding the Panels are requesting. Members suggested that the Panel should be the lead body on AIS issues in the region, directing the application of research to management and policy. The Panel was advised not to limit itself to the recommendations in the GLRC Strategy, but to also identify gaps and build on those recommendations. Tom Crane (Panel Support Staff) brought the discussion to close, noting that it had given the Executive Committee and Panel staff good direction for planning future meetings and other work.

Crane introduced the Work Session, focusing on progress on key action items from the previous meeting.

Work Session: Strengthening Regional Coordination on AIS Prevention and Control

Risk Assessment: Next Steps on Regional Approach

Mike Hoff, U.S. Fish and Wildlife Service; ANSTF Aquatic Organism Screening Work Group Chair

Hoff gave an update on the status of the screening protocol developed by the Mississippi River Basin Panel (MRBP) and now the task of a joint ANSTF-National Invasive Species Council committee. He reviewed the different decision support tools available to aid in implementation of the screening tool. He focused on two primary points in the screening tool: climate (i.e., habitat) and history of invasiveness. Existing tools to address the climate and habitat issue help the research determine a scientific basis for survival (i.e. the species ability to establish a self-sustaining population). To determine prior invasiveness, Hoff recommended reviewing existing databases and risk assessments on a global scale. For next steps, Hoff indicated that the committee would be developing a mechanism for prioritizing species that should be put through a detail risk assessment, based on the results using the screening tool. The MRBP would continue to work on identifying decision support tools and working with the Great Lakes Panel to encourage the ANSTF to develop a “gold standard” for screening. As an action item for state representatives on the Panel, Hoff requested that they review the screening protocol and either adapt, adopt, or ignore it.

Great Lakes Prohibited Species List

Lindsay Chadderton, The Nature Conservancy; Research Coordination Committee Chair

Chadderton gave a brief overview of the *Great Lakes Prohibited Species List*, an initiative of the Panel led by the Research Coordination Committee. He described some major findings of the list, including the lack of consistency across jurisdictions and that many listed species were already established and widespread within the basin. Illinois was the one state to use a white list approach, giving in the appearance of regulating more species and Wisconsin’s list was still “proposed” and had not been passed into law. Chadderton pointed out that the regulations are only as effective as the lowest common denominator. He noted some outstanding issues for the Panel to address, including opportunities to develop greater consistency in the region (species and definitions), the need to look at aquaculture and bait trade regulations, reviewing the availability of supporting evidence for listing and increasing engagement with both researchers and stakeholders.

Regional Panel Funding Letter to ANSTF

Michael Murray, National Wildlife Federation; Policy Coordination Committee Chair

Murray first provided context for development of a Panel letter on the issue of funding. At the spring joint meeting of the Great Lakes and MRB Panels, the lack of funding for both regional panels and state management plans was identified as a limiting factor in the ability of the Panels and the states to advance AIS management. As a result, a letter was drafted to the ANSTF identifying this issue and requesting that it be an agenda item for discussion at the next meeting of the ANSTF. Murray noted the desire of both Panels to involve the other four regional Panels in this request, in hopes that the regional panels will speak with the same voice on this issue. He reviewed next steps for the letter which including getting final approval from both Panels, forwarding it to the other Panels to get their sign-on and then submit the letter by late winter. In the meantime, Murray noted the need for the Panels to identify priority activities not being accomplished on AIS prevention and control given the current funding constraints and what could be accomplished with increased funding. It was clarified that funding authorizations for the Panels and state management plans are separate, but that the U.S. Fish and Wildlife Service requests funding for both under one line item ("NISA Implementation"). There was a caution against having entire Panels review and approve the letter, and that the Executive Committees should take the lead on revising and approving the letter.

Great Lakes Panel Wiki: Structure and Function

Rochelle Sturtevant, Great Lakes Sea Grant Network; Information/Education Committee Chair

Sturtevant gave an update on the development of the Great Lakes Panel Wiki. The wiki was developed to serve as a system to track progress under the priorities established by each of the Panel committees. The wiki also provides a more efficient mechanism for providing Panel member updates. The intent is for the wiki to help in assessing the extent to which priorities are being addressed; including reassessing the relative importance of each the priorities. Sturtevant also gave a brief tutorial on using the wiki. In discussion, it was suggested that a date be added to each entry, so that users know how current the information is and that the entries be brief with a link for more information. The Great Lakes Research Inventory, administered by the International Joint Commission, was highlighted as a potential connection to the Panel wiki. Finally, Sturtevant emphasized that the wiki was valuable because it provides for collaborative editing, more efficient information sharing, tracking progress, with availability at anytime.

VHS Control Update - Coordination of Regulations

Jill Wingfield, Great Lakes Fishery Commission

To open her presentation, Wingfield gave a review of the structure for regional fisheries management, specifically the role of the Great Lakes Fishery Commission as providing secretariat support. In regards to regulations related to the fishery, one of the Fishery Commission's goals has been to understand regulatory variability across the region in order to develop a framework to facilitate a basin-wide regulatory response. Initial analysis was done on Asian carp regulations. Through the work of the Fishery Commission, the region was able to increase consistency and build regional support for federal listing of several Asian carp species. Now work is focused on VHS regulations. Currently, the regulations are highly variable, partly because states had to act quickly following VHS discovery. In addition, the VHS regulations are more complex than those for Asian carp, as they need to address all aspects of fish movement in order to prevent the spread of the disease. Wingfield explained the two phases of this effort: the VHS regulatory analysis (Phase I) and workshops to gather more information towards improving consistency in the regulatory response when the next new aquatic threat is identified (Phase II). She noted that the importance of this effort as a limited capacity to access or understand the complexities of regulations could prevent the lay angler or aquaculturist from following the regulations or guidelines. Phase I of the project is complete, and based on that feedback, the Fishery Commission is ready to move forward with Phase II. The workshops as part of Phase II will be targeted towards all agencies involved in fisheries management and responding to new aquatic threats in an attempt to gather all the information needed to improve consistency. Wingfield noted that this work will continue to focus on VHS, which could be used as a proof of concept for a larger regulatory framework. In response to a question of potential conflicts with international law,

It was asked how this work fits into the interim VHS rules that the U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) issued. Wingfield surmised that the state regulations will change to accommodate the interim rule. She noted that, even if APHIS sets requirements, the state regulations may still not address the requirements in a consistent way. In addition, she noted that Ontario was included in the regulatory analysis and that federal law would be included in the next iteration of the analysis.

Plenary Discussion

Crane opened the discussion, noting the progress that has been made since the last meeting and reviewing common themes and challenges in AIS management that the Panel could have a role in addressing. For example, reducing inconsistency and complexity; increasing and improving communication with audiences outside the Panel; narrowing

priorities; and ensuring stakeholder involvement. It was noted that on a general basis, the Panel, as an entity does not “do” AIS management. It is the role of the member agencies and organizations of the Panel to take action while the Panel facilitates coordination of AIS prevention and control. The Panel can have a substantial influence through the development of reports, recommendations, model plans, etc., but is limited in its ability for implementation due to funding constraints. Other discussion points included:

- Lack of single authority to respond to new invasions: Panel could request the designation of a federal lead, as well as help to build capacity among the states for response.
- Increasing consistency in prohibited species lists will depend heavily on justification for specific species listings (e.g. risk assessments), which may not be applicable across jurisdictions.
- Transparency is important when developing and implementing a risk assessment process.
- There is a desire to implement high-level efforts similar to the ballast water management recommendations of 1999.
- It is unclear how the Panel can communicate externally the importance of fundamental issues (e.g. consistency and funding).
- The Panel only has the authority to make recommendations, identify issues, and facilitate information sharing.
- The Panel is positioned to facilitate consistent policy development within the region (i.e. at a state level).
- State level ballast water regulations provide an opportunity for the Panel to act as a leader on consistency issues.

At the close of the discussion, Committees were asked to incorporate discussion issues in the development of their work plans. The issue of developing an overall Panel strategic or action plan was tabled until the end of the meeting.

Wednesday, June 18, 2008

Agenda Review

Jim Grazio, Great Lakes Panel Chair

Grazio opened the meeting for the day, reviewing the agenda and logistics.

Committee Reports by Committee Chairs

Policy Coordination Committee

Michael Murray, National Wildlife Federation; Policy Coordination Committee Chair

Murray reported out on the work and discussions of the Policy Coordination Committee. The Committee agreed that the best course of action for the letter on the need for regional panel funding was for the Executive Committee to make revisions as needed and work with the other regional panel Executive Committees to finalize and submit the recommendation to the ANSTF. The Committee also recommended retaining the reference to SMP funding in the letter. In regards to ballast water, it was advised that the Panel resubmit the previous year’s recommendation to the ANSTF with a cover letter under the signature of the new Panel Chair. There was discussion regarding the need to revise or update the recommendation itself, but it was decided that the recommendation should not be changed given the amount of effort that went into its initial development and approval. The Committee also discussed efforts related to rapid response, emphasizing the need to build on recently completed mock exercises conducted in Pennsylvania and Illinois. The Committee decided to incorporate rapid response as part of their work plan, specifically considering ways the Panel can contribute to moving forward on a regional basis. Other efforts of the Committee will be developing an organizational schematic for the Panel as well as developing a priorities document similar to what the other Committees have done. Murray said he would develop the Committee work plan based on these priorities. The Committee also recommended inviting a representative of the Great Lakes Regional Collaboration to the next meeting to give an update on their AIS activities.

Information/Education Committee

Rochelle Sturtevant, Great Lakes Sea Grant Network; Information/Education Committee Chair

Sturtevant gave a report on the efforts of the Information/Education Committee. The Committee has developed a new work plan based on progress from last year as well as emerging issues. Part of the work plan will be focused on promoting the use of the Committee email lists as well as the new Panel wiki. In addition, the Committee will continue to work with Commission staff and Panel members to increase distribution of the *Great Lakes Aquatic Invasions* booklet, specifically targeting state legislators and local officials. Sturtevant also noted the work of the province of Quebec to develop a French language version of the booklet. The Committee would also like to see further development and promotion of the ANSTF Experts Database, emphasizing the need to incorporate the information into rapid response planning. The Committee will continue to pursue avenues for potential work on communication with stakeholder groups. Committee members felt that messaging should be consistent and positive; focusing on what actions stakeholders can take to help solve AIS problems. The message should also be generic in order to

reach a broad audience. It was also suggested that the committee consider options for promoting the model efforts of industry and other users (e.g., through certification) to advance AIS prevention and control.

Research Coordination Committee

Lindsay Chadderton, The Nature Conservancy; Research Coordination Committee Chair

Chadderton gave an update on activities of the Research Coordination Committee. The Committee recently completed work on the *Great Lakes Prohibited Species List* and recommended that the Policy Coordination Committee investigate opportunities for using the list to promote a more regionally consistent approach. Chadderton noted that any potential for additional work in the area of bait or aquaculture regulations should not prevent other efforts from moving forward. The Committee will be developing a Panel position statement related to the importance of reporting new discoveries, specifically addressing the scientist's responsibility to report new information, namely, new discoveries of AIS. The Committee also discussed if and how the Panel should engage with existing or proposed risk assessment initiatives. Members agreed on the need for tools to determine higher risk aspects of AIS introduced through the trade of live organisms. The role of the Panel, however, is still unclear. The Committee will continue to explore opportunities for the Panel related to risk assessment. Further, the Committee identified several ways in which the Panel can provide leadership to the broader Great Lakes research community: identify priorities, assess research underway to address these priorities, identify gaps in that research, and promote community outreach to achieve research goals. Finally, Chadderton noted that the Committee would be reviewing the Committee's priorities document and make revisions in effort to narrow the list of priorities and better reflect the intent of the document as a mechanism for identifying priority research issues.

Regional/State Program Updates

Rapid Response Mock Exercise - Pennsylvania

Jim Grazio, Pennsylvania Department of Environmental Protection; Great Lakes Panel Chair

Grazio discussed a recent rapid response mock exercise that was held in Pennsylvania. The exercise was conducted as part of the Great Lakes Regional Collaboration (GLRC) initiatives (<http://glrc.us/initiatives/invasives/index.html>). A primary goal of the exercise was to test the communications protocol developed by the GLRC and based on the Commission's model rapid response plan (<http://glc.org/ans/pdf/06-12-12-RR-Plan-Iteration-III-Dec06-NT2.pdf>). The rapid response scenario developed for the event focused on a local fisherman that discovers a snakehead fish, reporting it to the Pennsylvania Dept. of Environmental Protection (PDEP). PDEP then would take the lead on organizing the appropriate agencies and resources for a response. The Environmental Protection Agency (EPA) was the lead sponsor for the mock exercise, which cost approximately \$25,000. Grazio highlighted some of the opportunities for improvement for future work, including enhancing public knowledge of the appropriate person/entity to call when reporting a new discovery; further clarifying agency roles, responsibilities and jurisdictional authority; and defining the applicability of the Incident Command System (ICS) to rapid response for AIS. It was noted that ICS might not be relevant for a small scale exercise, but on a larger scale, it might be useful in maintaining organization of efforts and in identifying the lead agency.

Rapid Response Mock Exercise – Mississippi River Basin Panel

Doug Keller, Indiana Dept. of Natural Resources; Mississippi River Basin Panel Chair

Keller described a mock exercise sponsored by the Mississippi River Basin Panel (MRBP) that took place in Illinois on November 5-6th, 2008. This was a table-top exercise, not a field exercise like the one held in Pennsylvania. A primary goal of the exercise was to gain a better understanding of using ICS for an AIS rapid response. The exercise included two scenarios: the "real-life" discovery of snakehead in Arkansas and a hypothetical discovery of VHS along the Mississippi River. Keller noted the challenge in dealing with an organism that cannot be seen or touched (i.e. VHS). He said the final report will be available early in the next year. Ohio was identified as the next likely state to host a mock exercise, learning from the efforts of the previous two. In addition, the International Joint Commission is doing work on developing a binational framework for rapid response, including a related website that will house materials from the mock exercises.

Genetic Biocontrol Symposium & Grass Carp Issue

Doug Keller, Indiana Dept. of Natural Resources; Mississippi River Basin Panel Chair

Keller gave an overview of two proposals that the MRBP has put before the ANSTF. The first is for a genetic bio-control symposium that is currently being planned, but lacks adequate funding (approximately \$200,000 is needed). Keller requested that the Panel submit a letter to encourage the ANSTF to support this effort. Panel members requested clarification on what specifically the money was needed for (e.g. travel support) and recommended reaching out to industry or the private sector for sponsorship. Keller then discussed the proposed review of the triploid grass carp inspection and certification program. He emphasized the importance of the program to ensuring grass carp are in fact triploid (and not diploid). Recommendations under the Asian carp management plan address the triploid grass carp program which the MRBP supports for implementation. This review has would have several

components, including reviewing standard operating procedures that are occurring at the production facilities and identifying action states can take to support the process. Keller explained that the MRBP was requesting support from the Great Lakes Panel in the form of a letter of endorsement for the program review, and/or financial support. A motion was made and seconded that the Panel should develop a letter supporting the review of the triploid grass carp program, for submittal to the ANSTF. There was no discussion and the motion passed by vote of the Panel members.

Great Lakes Commission AIS Project Activities

Erika Jensen, Great Lakes Commission

Jensen gave a brief summary of Commission initiatives related to AIS management. These efforts include investigating the organisms in trade vector of AIS introduction and spread; working with the Northeast-Midwest Institute on development of a monitoring program for ship-mediated harmful microbes; ongoing outreach and education efforts through the Great Lakes Aquatic Invasions booklet and *ANS Update* newsletter; and the development of an online information tool to support species-specific management planning for AIS, among others.

Coordination of State Ballast Water Programs

Moderator: Phil Moy

State Programs

Michigan

Roger Eberhardt, Michigan Dept. of Environmental Quality

Eberhardt gave an overview of Michigan's efforts to regulate and manage ballast water. He reviewed 2001 legislation which required all ships to report on ballast water best management practices (BMPs) to protect the Great Lakes; after which 200 ships posted on the corresponding ballast water website. In 2005, legislation was passed that created a ballast operations permit (general permit) which prohibits ships from discharging ballast water unless it undergoes an MDEQ approved treatment. The permit only applies to ocean going vessels. A lawsuit was filed, challenging the legislation (*FedNav vs. Chester*). Recently (Nov. 14, 2008), the Circuit Court of Appeals ruled that the permit was legal. A coalition of Great Lakes States was also established under Michigan's 2005 legislation for the purpose of maintaining discussion on protection of Great Lakes from ballast water discharge. Panel state representatives are invited to participate in quarterly conference calls with interim calls upon state request, with a generally good level of participation. Under a small grant from NOAA, Michigan is looking at mapping of key AIS in key ports so that BMPs can be conducted for ballast leaving those ports. This information may help other states interested in ballast originating from Michigan ports. The state also participates in Council of Great Lake Governors AIS Task Force and is actively involved in providing comment on proposed federal ballast water legislation. Eberhardt noted that the EPA vessel general permit should be finalized by the end of December and that the permit is comprehensive for all discharges, not just AIS. BMPs are required under the EPA permit system and states are in the process of developing certification programs, based on water quality standards, under the Clean Water Act. These certification programs are currently not consistent across the Great Lakes states. Eberhardt indicated that while we have not reached "success", each piece is pushing us further ahead.

Minnesota

Luke Skinner, Minnesota Dept. of Natural Resources

Skinner opened his presentation noting that while ballast water is considered a threat, it is not the only vector of AIS introduction and spread causing problems. A priority for Minnesota is to protect Lake Superior from new introductions, given the lake's unique status as the least invaded of all the Great Lakes. The state is not satisfied with EPA's approach of using only BMPs to manage ballast water, with no required treatments. A state general permit was developed to include treatment requirements, which went into effect at the end of September 2008 and applies to both ocean-going and domestic ships. The permit requires International Maritime Organization (IMO) level standards for discharges by January 2012 for new vessels and January 2016 for existing vessels. Skinner said that Minnesota is still calling for federal action for consistency across the Great Lakes states on ballast water programs. In absence of federal program, they are working with other states and Canada for a regional approach. He noted that Minnesota has been addressing Great Lakes policy issues, such as ballast water, through the Council of Great Lakes Governors. Recommendations from the governors are channeled through the Council to the Congressional delegation on federal actions. He noted that a significant challenge is to prevent AIS while maintaining a viable shipping industry. Much of the treatment research is focused on brackish water, but there is emerging work from the Great Ships Initiative on freshwater technology. Skinner clarified that Minnesota's permit program would be used as the certification requirements under the EPA permit.

New York

Dave Adams, New York State Dept. of Environmental Conservation

With regards to New York's ballast water management efforts, Adams said the state certification for EPA was completed in November 2008. He also noted that recent update of rules and regulations for the St. Lawrence Seaway; ships are now required to flush ballast tanks with saltwater at least 200 miles from shore and to conduct

sediment treatment. Adams said that while this has helped to close some policy loopholes, gaps still exist. He explained the state's certification process uses a three-tiered approach: (1) address coastal trade; (2) technology for existing vessels; and (3) technology for vessels constructed on or after Jan. 1, 2013. The following requirements address these three tiers:

1. Vessels entering New York waters whose voyages originate within the Exclusive Economic Zone (EEZ) are required to conduct ballast water exchange at least 50km off shore and in waters at least 200m in depth; unless exclusively within the Seaway or New York harbors. (This condition is addresses the Atlantic coastal trade loophole)
2. Beginning Jan. 1, 2012, all vessels are required to have ballast water treatment systems that meet standards 100 times IMO standards.
3. New vessels constructed on or after Jan. 1 2013 are required to have technology that meets standards 1000 times IMO standards.

Wisconsin

Phil Moy, Wisconsin Sea Grant

Moy described Wisconsin's efforts as similar to Minnesota using a general permit and IMO standards as a guide. The Wisconsin permit applies to vessels over 25m in length, retrofitting old vessels by 2012 and new vessels after 2012. The public comment period just concluded, and the state will need to begin addressing concerns that were raised. Wisconsin also has a Demonstration Project aimed toward developing barge-based treatment and testing in Milwaukee Harbor (shore based treatment system). They have completed the first phase of work and are moving into phase two which will focus on bench testing and categorizing treatment technology. Currently there is a two-day processing time for treatment. In addition, feasibility questions still exist, such as how to move the water from the ship to a barge system and questions related to costs.

Indiana

Doug Keller, Indiana, Dept. of Natural Resources

Keller said that because the state prefers a federal approach to ballast water management, it will likely not pursue state ballast water laws. The Indiana Dept. of Environmental of Management is working on the issue of adding state requirements to the EPA permit, but it is still unclear.

Pennsylvania

Jim Grazio, Pennsylvania Department of Environmental Protection; Chair, GLP

Grazio indicated that a bill to implement a ballast water program did not pass the state legislature. In addition, the state is considering a state certification for the EPA permit similar to Minnesota and Wisconsin requirements.

Illinois

Kristin TePas, Illinois-Indiana Sea Grant and Illinois Natural History Survey

TePas said that similar to Indiana and Pennsylvania, there has been little action on an Illinois ballast water program.

Ohio

John Navarro, Ohio Department of Natural Resources

Navarro noted that while the state has not moved on legislation, it has developed a certification for the EPA permit. The state requirements use IMO standards starting in 2012 and differentiate between ocean-going and lake vessels.

Federal Perspectives

Canada Federal Government

Chris Wiley, Transport Canada and Fisheries and Oceans Canada

Wiley said that the Great Lakes probably have the most prescriptive and effective ballast water regime. He recognized the efforts of the Great Lakes Protection Fund funded Great Ships Initiative which is helping to advance the state of treatment technology. He explained that there is a strong justification requirement for any new law to be passed in Canada. In regards to ballast water, this means that a great deal of effort has gone into providing good science that supports ballast water regulations for the Great Lakes. Overall, Canada's intent is to ratify the IMO agreement and standards, once that science is in place. Wiley indicated that current ballast water standards are strictly enforced and that there are no "holes" in its enforcement for vessels coming into the Seaway; all vessels are required to exchange or flush ballast water. The enforcement regime is the product of a joint, binational agency effort between the U.S., Canada and the Seaway. As a result, he said, there is no unmanaged ballast water coming into the Great Lakes. Wiley acknowledged, however, that the effectiveness of these management efforts is less clear. According to organism samples, the risk is significantly decreased by these efforts and this indicator is being examined on a continuing basis. Wiley also mentioned a study underway to examine the role of "lakers" in moving ballast water around the Great Lakes. He said the final report is not finished, but suggests that any decision made with respect to the "lakers" be based on good science. In terms of moving forward in the near-term, Wiley recommended that monitoring (sampling) for current enforcement program be increased. He also noted the

requirements set forth by the Great Lakes Water Quality Agreement for establishing compatible requirements and regulations between the U.S. and Canada. Wiley spoke briefly about the status of treatment technology for ballast water. He said that four basic technologies have been given IMO approval, but that refinement of definitions and further testing is needed to ensure the technologies will be effective in the “fresh”, “cold” water of the Great Lakes. In conclusion, Wiley noted that science is key to management and a risk assessment is needed to determine where limited resources should be applied in managing the various vectors of AIS introduction and spread.

U.S. Coast Guard

CDR Timothy Cummins, U.S. Coast Guard

Cummins gave an update on the status of U.S. Coast Guard (USCG) rule-making for ballast water. He said it was a top priority for the agency; however, there are uncertainties related to the upcoming change in Administration. The proposed rulemaking on ballast water discharge standards (# of organisms/volume of ballast water) and supporting documents are completed and in the final stages of clearance. The recent election will play a role in when they are published. The long-term goal of USCG is to establish discharge standards, identify treatment systems that are approved to meet those standards, and install those systems aboard ships. He indicated that biological efficacy requirements must be met along with electrical, operational and FIFRA requirements, making implementation difficult. Cummins then gave an overview of the Joint Ballast Water Management Exam Program implemented between the U.S., Canada and the Seaway. He described the tank sampling that goes on as part of the program as well as their enforcement and compliance objectives. He said in 2008, all ships coming into the Great Lakes had their ballast water reporting forms checked; 78 percent had their tanks sampled; and only 83 ships were found to be not in compliance. Ships with tanks that are not in compliance may not have ballast or may chose to retain their ballast water. Cummins highlighted three significant issues related to ballast water management:

- Consistency: From an environmental point of view, if one state isn't on board they pose a risk.
- Scientific justification for environmental water quality standards: Determining what the standard should be for number of organisms (i.e. numeric standards) needs more research (e.g., how many organisms can we allow to reduce AIS risk to acceptable levels?)
- Coastal voyages: More work is needed to determine what recommendations can be made for these vessels.

Public Comment

Jim Weakley, Lake Carriers' Association

Weakley commented that many complexities exist around the ballast water issue and that legislation or regulations should not recommend a “one-size fits all” treatment approach. He stressed that ocean-going vessels need to be treated differently from “lakers.” He also suggested that the Panel needs to increase industry involvement and consider the current economic crisis and related implications of Panel activities.

Charles Shea, U.S. Army Corps of Engineers

Shea gave an update on the Chicago Sanitary and Ship Canal dispersal barrier system. He provided some clarification on the status of the system in light of recent media attention. Barrier I is in continuous operation, only being turned off for maintenance at which time Barrier IIA is turned on. Safety testing has been completed and the results are being shared with USCG. The hope is to have Barrier IIA operating fully within the next several months and is currently set to operate at 1 volt per inch. Although no decision has been made regarding the voltage for Barrier IIA, the intent is to find a level that stops fish but does not increase the risk to human health and safety. Safety tests are planned for higher voltages, in coordination with USCG. Barrier IIB is still in the design phase and the desire to operate at a higher voltage may influence design completion. The agency hopes to start construction on Barrier IIB in summer 2009. Shea also mentioned an upcoming meeting on the barrier system in Chicago (January 9, 2009).

Panel Business

It was decided that the action items from the meeting would be sent out by Panel staff via email after the meeting. A proposal was made to hold the next meeting (spring 2009) in New York although no decision was made.