

States at High Risk from Ballast Water Impacts and Costs

- **VIDA¹ is a NATIONAL threat to prevention and mitigation of invasive species and water quality impacts - Inland states remain significantly exposed to these threats as it removes a highly effective state perimeter defense system. This version is simply a redressing of the same provisions states have opposed for the last 10 years.**
- The costs of aquatic invasive species carried in ballast water is in the billions of dollars per year nationally with impacts to the environment such as the whole ecosystem change of the Great Lakes, natural resource economies such as recreational boating and hydropower transmission, and potential for impacts to human health from diseases and parasites.
- States have a compelling interest in managing ballast water as federal protections have lagged in both protective and timely regulatory implementation and states ultimately bear the brunt of irreversible aquatic invasive species impacts and costs.

VIDA Significantly Lowers Protections for Invasive Species and Water Pollution

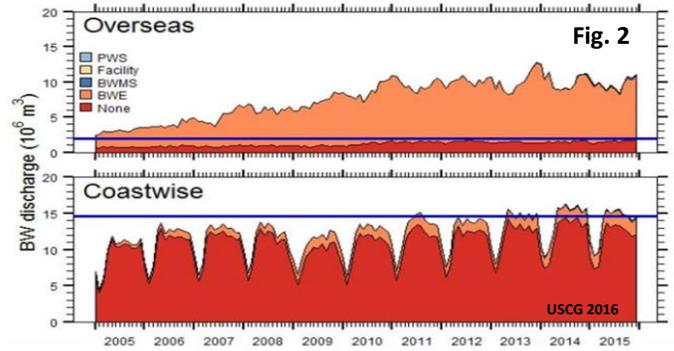
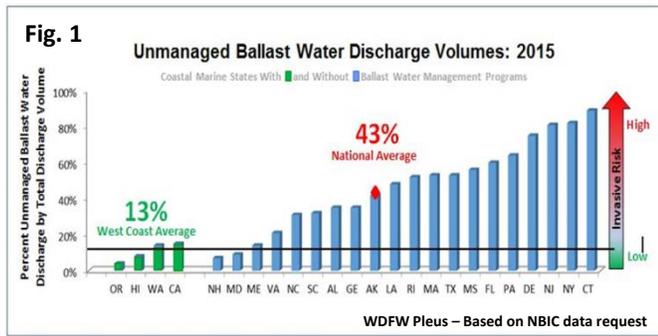
Regulatory Agency	VIDA Vessel Category		
	Commercial ≥ 79ft	Commercial < 79ft	Fishing (any size)
USCG	Full Authority	Exempt	Exempt
EPA	Exempt	Exempt	Exempt
States	Enforce USCG Only	Exempt	Exempt

- Strips all Clean Water Act authorities for management of all incidental discharges over all vessel categories and places sole regulatory authority for commercial vessels greater than 79ft with the U.S. Coast Guard. This would remove all EPA VGP and state requirements for scientifically-based ballast water management requirements to prevent the spread of invasive species such as coastal exchange, saltwater flushing of empty tanks, and exchange plus treatment provisions.
- VIDA applies to three categories of vessels: commercial vessels ≥ 79ft (Sec. 4(b)(1)); commercial vessels < 79ft (Sec. 8(c)(1)(A)); and fishing vessels of any size (Sec. 8(c)(1)(B)). The bulk of the VIDA bill focuses on ballast water standards and requirements for larger commercial vessels ≥ 79ft. However, the regulatory exemptions proposed under VIDA for the two other vessel categories would fully preempt the federal government and states managing ballast water and 35 other incidental discharges on all navigable waters – fresh and marine.
- Creates a uniform national standard only for ballast water and national best management practices for all other incidental discharges on commercial vessels greater than 79ft under the U.S. Coast Guard. (Sec. 8(a))
- Prohibits setting standards and defers setting requirements for all 35 other incidental discharges on commercial vessels greater than 79ft by at least 2 years and limits administration for these large vessels to best management practices that are more difficult to enforce. (Sec. 8)

State Management Proven to Significantly Reduce Invasive Species Risks

- USCG data shows that unmanaged (raw) ballast water constituted **43%** or 121.2 million metric tons (Mmt) of the 282.2Mmt of overall ballast water discharged in 2015. That volume of unmanaged discharge would fill a train stretching almost halfway around the world. (USCG 8th NBIC biennial report)
- Conversely, West coast states with ballast water management programs averaged only **13%**, an invasive species risk reduction of 3.3 times less than the national average of 43% (Fig. 1). (NBIC 2016 data request)
- Nationally, the volume of unmanaged ballast water has continued to increase since the federal program began mandatory ballast water exchange requirements in 2004 (Fig 2). ([USCG Ballast Water presentation - September 2016](#))

¹ VIDA facts based on Senate S.168 “Commercial Vessel Incidental Discharges Act”



Scope of Incidental Discharges Covered Under VIDA is Extreme

- VIDA applies to more than just ballast water – it applies to 36 categories of “incidental” discharge effluent streams affecting both invasive species and water pollution elements. These include toxic copper and zinc leachates from anti-fouling paints, greywater, invasive species attached to the hulls of vessels that could be discharged during in-water cleaning, and “any other pollutant associated with the operation of a marine propulsion system, shipboard maneuvering system, habitability system, or installed major equipment, or from a protective, preservative, or absorptive application to the hull of a vessel.” (Sec. 2(7))
- Fully exempts federal and state management of all 36 incidental discharges for tens of thousands of small commercial and fishing vessels. (Sec. 8(c)(1)) This goes far beyond simply exempting those vessel classes from coverage under NPDES permits as proposed in S.371 by Murkowski, Boxer, Cantwell, and Sullivan in 2015. Unlike VIDA, S. 371 would have continued to allow federal and state regulators to manage those vessels under existing authorities.
- VIDA’s 36 categories are broader in scope than covered under EPA’s Vessel General Permit (26 categories), EPA’s Small Vessel General Permit for commercial vessels < 79 feet and fishing vessels (only 4 categories).
- VIDA’s scope of incidental discharge coverage is on all navigable waters. The Federal definition under section 33 CFR § 2.36 applies and includes territorial seas (marine), internal waters subject to tidal influence (estuaries), internal waters not subject to tidal influence (freshwater), and other waters over which the Federal government may exercise constitutional authority.

Transition to Ballast Water Treatment Requires State Cooperation and Enforcement

- As of 2015, only 2% of vessels had management systems installed and only 1% actually used them to manage their ballast water. This lags far behind USCG’s implementation schedule. (USCG 8th NBIC biennial report)
- According to the USCG, of the 58 “accepted” foreign type-approved treatment systems for use in US waters, 70% lacked any quality control, 50% lacked any independent verification, and 80% lacked any scale-up to ship volume capacities. (USCG Ballast Water Management Update – Feb. 2016 presentation)
- Worldwide, industry groups are reporting great difficulty in finding and purchasing a ballast water treatment system that can work reliably or consistently meet discharge standards.
- USCG records show a low enforcement priority for ballast water management requirements as compared to Washington State alone. (USCG Puget Sound Sector data request)

BWM Enforcement Element	USCG: National (2004-2013 avg/yr)	USCG: Puget Sound Sector (2004-2013 avg/yr)	WA State: Puget Sound Sector (2012-2013 avg/yr)
Inspections	6,800	218	171
Deficiencies	97	1	380

- Based on these facts, there is no known evidence to support USCG and EPA that ballast water is a priority or that they have the resource capacity to effectively implement and enforce any ballast water management method now or in the future without active support by States.