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SUBCOMMITTEE ON WATER RESOURCES AND ENVIRONMENT

BALLAST WATER MANAGEMENT HEARING
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TESTIMONY OF
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Good morning Chairman Duncan, Chairman LoBiondo, Ranking Member Filner, Ranking Member Costello and distinguished members of the Subcommittees. My name is David Ullrich and I am the Executive Director of the Great Lakes Cities Initiative. I am honored to appear before you today to present the views of Great Lakes Cities Initiative on ballast water issues. I appreciate this opportunity and the attention you are giving to this very important subject.

The Great Lakes Cities Initiative is a growing coalition of more than 40 mayors who represent cities and towns located along the Great Lakes in both the U.S. and Canada. Mayor Richard M. Daley of Chicago created the Initiative in 2002. A list of all the mayors who are participating in the Initiative is attached to this statement. The Initiative is based in Chicago and it is a project of the Northeast-Midwest Institute.

The Great Lakes Cities Initiative has three primary goals: (1) to help advance the long-term protection and restoration of the Great Lakes, (2) to strengthen the role of local leaders in Great Lakes decision-making, and (3) to share best practices among Great Lakes cities and towns.

I am here today to talk about an issue that is of great concern to mayors all across the Great Lakes. Preventing the introduction of new invasive species is one of the top priorities of the Great Lakes mayors. Because ballast water from ships is the primary way for aquatic invasive species to be introduced, special attention must be given to this source to find solutions that will reduce and ultimately eliminate future introductions of such species. Cities bear the brunt of the impacts from invasives in many forms, including clogged water intake structures, impaired drinking water quality, fouled beaches, reduced recreational activity, increased maintenance costs, and many other problems. The fundamental security of the drinking water of millions of people is at stake. This is not something that cities or states alone can handle. It requires strong federal action, with international cooperation, especially with Canada and Mexico.

Impacts on Cities

Cities all along the shores of the Great Lakes deal with and pay for the problems presented by invasive species every day and have done so for many years. In the 1960's,

alewives were dying by the millions and washing up on the shores. Beaches were closed and cities spent millions of dollars to clean up the dead fish, only to have more die and wind up on shore. Lamprey eels entered the Great Lakes even earlier, and decimated the lake trout populations, adversely affecting commercial and sport fishing. In the late 1980's, the zebra mussels became one of the most devastating invasive species. While disrupting the biological balance in the lakes, they also encrusted municipal water intakes and many other types of structures, requiring extensive time and resources from cities to deal with the problems caused. The companion quagga mussels have followed the zebra mussels, and continue to damage the lakes and impose costs on cities to deal with their after affects.

The problems go well beyond the immediate and direct effects of the various invasive species. Because cities are the primary providers of drinking water and domestic use water for citizens, there is much at stake in assuring a high quality and reliable source of water. Over 25 million people in the Great Lakes Basin rely on water from the lakes to drink. In recent years, several Great Lakes cities have experienced taste and odor problems in their drinking water which are thought to be related to the presence of zebra and quagga mussels. It is not unrealistic to think that the drinking water supply could be vulnerable to the unintentional or intentional introduction of microbial contamination that could present a significant threat to public health. Protecting the security of this bountiful source of drinking water, which represents almost 20 percent of the surface fresh water in the world, must be a high priority on a national level.

The problem of zebra mussels clogging water intake structures has been the subject of investigation in the recent past. Electric utilities and municipal water treatment plants take in some of the largest quantities of waters among the various users. In a study looking at costs during the period from 1989 to 1994 for 51 facilities using chemical treatment, the average total control costs for the medium sized plants reached a high in 1993 of \$154,000 for each facility and \$84,000 for small plants. For the City of Erie, Pennsylvania, alone, the total cost over the period from 1992 to 2003 was over \$1.6 million. Although the costs varied from year to year during the study period, this is a very significant expense imposed upon taxpayers when considered across the Great Lakes Basin. Other studies looking at industries, businesses, and communities estimated the impact to be over \$5 billion in the 1993-1999 period.

Swimming beaches are a very important for recreation for many residents and visitors all around the Great Lakes and contribute significantly to the economy. During the few warm summer months, many thousands of people go to beaches for an opportunity to enjoy the beauty of the lakes and the refreshing qualities they provide. Lately, more and more beaches have restricted swimming because of bacterial pollution from municipal and wildlife sources, but problems have also been presented by algal blooms and dead fish and waterfowl related to botulism. Although there is not absolute proof of the cause, many scientists link the problems to zebra mussels and other invasive species.

These and other problems related to invasive species are issues that cities must deal with on a regular basis. They are costly, time consuming, and detract from the quality of life for citizens and visitors to the cities. Action is needed now to prevent the introduction of more invasive species in the future which create problems as or more significant than those caused now.

Ballast Water

Invasive species have entered the United States and the Great Lakes basin in a variety of ways over the years, but the most significant source for aquatic invasive species in the Great Lakes has been ballast water. Ships coming into the St. Lawrence Seaway have brought along with them in their ballast water many different species since it began operations. Although there has been a requirement for ballast water exchange in the open seas for ships coming into the Great Lakes for a number of years, it has not proven to be 100% effective in eliminating all of the living organisms. The exchange of water outside the 200 mile zone is not always completely successful, and many ships are exempted from the requirement because they have “no ballast on board” (No-BOB) for a particular load. As these ships off load cargo and take on ballast water, then later load cargo and pump out ballast water, the living organisms in the ballast tanks are pumped out into the open water.

Because ballast water is such a significant source of aquatic invasive species, it is the appropriate point of focus for attention is preventing further introductions. In addition, particularly with regard to the Great Lakes, there is a fixed and manageable number of ships that must be dealt with to address the problem. Also, the ballast water medium is contained in tanks so treatment can be controlled more effectively. Understandably, there are many challenges in terms of the appropriate treatment approach, safety on the ships, and costs. However, considering the costs being imposed on cities and the damage to the environment, this must be treated as a very high priority matter. Finding the solution can and must be accomplished in a manner that is effective and does not adversely effect the shippers.

Federal Action

The problem of introducing invasive species in ballast water is one of international scope and requires strong federal action. With the increasing globalization of the economy, there will be more and more international trade and shipment of goods from one part of the world to another. In a situation like this, the Federal government can best represent the interests of the United States, with strong input from state and local governments. Unfortunately, because of the slow process in international forums and the difficulty in getting strong, national legislation passed, ballast water continues to carry invasive species from one part of the world to another. The level of frustration at the state and local level has risen to a point where some have actually passed laws or are considering legislation that would regulate ships and their ballast water. If this trend were to continue, there would be an inconsistent and ineffective control system that

would present an exceedingly difficult situation for shippers. Ships that move from port to port in different jurisdictions would spend an inordinate amount of time and money learning the requirements and taking the steps to comply with them. It would be far better to have a consistent system imposed nationally so that all ships entering U.S. waters would be subject to the same requirements and the same enforcement system.

Beyond the impracticalities of inconsistent requirements across the country, separate efforts to regulate ballast water would impose a burden on cities and states that they are not in a position to take on. Developing the necessary expertise on maritime law, control technologies, monitoring and inspection systems, and enforcement protocols is beyond the scope of most cities and states, and would be an inefficient duplication of effort across our seacoasts and the Great Lakes. Far better is a system where requirements can be established at the national level with the appropriate public process for comment, then implemented by a federal agency in a manner that would be fair and consistent across all U.S. ports for all ships.

International Maritime Organization and International Convention

The International Maritime Organization (IMO) has been working for a number of years with its member countries on ballast water and sediment management issues to deal with the problem of invasive species in a way that is effective and safe for shippers. The negotiations came to a successful conclusion this February with the adoption of the International Convention of the Control and Management of Ships' Ballast Water and Sediments. The Convention is a significant step in the right direction toward controlling ballast water and invasive species, but will not solve the problem completely in a timely manner. The basic management approach through ballast water exchange is fundamentally sound. In order to make sure the exchange is effective, there is a ballast water standard that must be met. If the standard is not met through the exchange, then further treatment of the water is necessary to make sure there is compliance. Ships must have a plan and maintain logs to document their ballast water management practices, and those records must be available for inspection. These requirements are phased in over a period of time between 2009 and 2016. The Convention provides for exceptions to the requirements and allows countries to take more stringent measures not subject to IMO approval. The Convention does not come into effect unless there is ratification by 30 countries representing 35% of global gross tonnage.

Most importantly, the Convention demonstrates that the world community understands the significance of the invasive species problem caused by ballast water and has taken action to control it. However, the ballast water standards themselves, the time allowed for compliance, and the opportunity for exceptions to the rules creates a concern on the part of cities that must deal with the problems posed by invasive species. In addition, it is not clear how member countries will ensure that a high level of compliance with the requirements and that enforcement will be timely and effective when necessary.

The Convention provides an opportunity for ratifying countries to impose more stringent requirements if they deem it necessary to protect their interests. If the United

States ratifies the Convention, we urge the Federal government to take full advantage of this opportunity to impose management practices and set standards that will provide the highest degree of assurance that the introduction of invasive species from ballast water can be reduced and ultimately eliminated. In addition, the management practices and standards should become effective sooner, and interim requirements are needed promptly to control ballast water prior to the effective date. There also must be a reliable reporting, inspection, and enforcement system to assure high levels of compliance are achieved. Collectively, a much greater awareness of the magnitude and serious nature of this problem and a sense of urgency for solving it is needed.

Federal Legislation

The United States Congress has demonstrated its concern for the invasive species problem and its commitment to deal with it through passage of the National Invasive Species Act (NISA). The law was first passed in 1990 and amended in 1996. The law has helped draw attention to the problem and increase the understanding of it. Also, it imposed ballast water exchange requirements for the Great Lakes ships, which has provided much needed protection for the resource.

Congress is now considering the National Aquatic Invasive Species Act (NAISA), which would amend NISA. The Great Lakes Cities Initiative supports strong legislation to deal with the problem of invasive species, and NAISA includes many of the key elements needed. Immediate action is needed for all ships to require ballast water exchange, best management practices, plans and record keeping, rapid response capability, effective compliance and enforcement, and more research. Only through prompt action will we be able to prevent the serious environmental damage and major economic costs associated with the introduction of more invasive species. Mayors of the Great Lakes Cities Initiative wrote in November 2003 in support of NAISA, and continue to encourage timely legislative action, promulgation of the necessary regulations, and strong enforcement of the requirements.

Although the primary concern today is with ballast water, it is important to recognize that invasive species enter the United States environment through a variety of sources. One of the most dramatic examples is the Asian carp, which was brought here intentionally to deal with aquatic nuisance problems in fish farms. Having escaped the farms during major flooding, the Asian carp are now creating significant problems in the Mississippi and Illinois Rivers. Mayor Daley is working closely with state and Federal officials to keep the Asian carp out of Lake Michigan through an electric barrier on the Chicago Sanitary and Ship Canal, which needs funding to continue its operations after September of this year. Passage of NAISA would be an important step in dealing with threats like the Asian carp.

Conclusion

On behalf of the mayors of the Great Lakes Cities Initiative, I would like to thank Chairman Duncan, Chairman LoBiondo, Ranking Member Filner, Ranking Member

Costello and all the other Subcommittee Members for holding this important hearing and for providing me with the opportunity to share our views. The Great Lakes mayors are very encouraged that the Subcommittees have demonstrated an ongoing commitment to work on ballast water issues, and we look forward to working cooperatively with the subcommittees in any way we can to advance progress on this and other related matters of importance.