

NISC / ISAC Meeting – December 2011

ACTION OR INFORMATION ITEM

SPONSOR: Peg Brady (NOAA)

TOPIC: Overview of federal programs and policies addressing Ballast Water

1. **DESCRIPTION OF AGENDA ITEM:** Ballast water (BW) is a known vector for the delivery of non-native aquatic organisms into U.S. waters. As an example, the introduction of quagga mussels into the Great Lakes is attributed directly to BW discharges. Over the last few years a number of significant federal actions have been taken that have had considerable policy and technical ramifications regarding BW and AIS. The 2 part presentation is intended to provide ISAC an update from EPA & USCG representatives regarding these important federal actions. The presentations will focus on:
 - EPA's Vessel General Permit: In 2005 a district court overturned an EPA Clean Water Act (CWA) exemption and in 2008 EPA implemented the vessel general permit (VGP) program affecting 61,000 US flagged commercial vessels and 8,000 foreign flagged. Now EPA's vessels program regulates incidental discharges from the normal operation of vessels. The vessels program does not regulate discharges from military vessels or recreational vessels. Instead, those are regulated by other EPA programs under section 312 of the CWA. Incidental discharges from the normal operation of vessels include, but are not limited to, ballast water, bilgewater, graywater, and anti-foulant paints. The current VGP is scheduled to be revised based in information gathered by EPA..
 - An update on the USCG rulemaking regarding the Standards for Living Organisms in Ships' Ballast Water Discharged in U.S. Waters:
National Invasive Spp. Act (NISA) required the USCG to establish national voluntary ballast water management guidelines. If the guidelines were deemed inadequate, NISA directed the USCG to convert them into a mandatory national program. To comply with NISA, the Coast Guard has established both regulations and guidelines to prevent the introduction of ANS. Under the initial nationwide program which began in 1998, a self-policing program was established where ballast water management (BWM) was voluntary for 24-30 months. However, the rate of compliance was found to be inadequate, and in 2004, the voluntary program became mandatory. Since that time the USCG has been developing a standard for the allowable concentration of living organisms in ships' ballast water discharged in U.S. waters. The draft Ballast Water Discharge Standard (BWDS) rulemaking package is currently in review. Recently the draft rule package was submitted to the Office of Management and Budget for interagency review. A summary is posted on the OMB website (<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201010&RIN=1625-AA32>).
2. **WHY IS THIS ITEM IMPORTANT TO NISC / ISAC?**

On average more than 2 million gallons of ballast water containing non-native organisms is discharged into U.S. waters daily. Significant federal actions are being taken to reduce the risk of AIS introductions into aquatic ecosystems; however significant policy and technical issues remain. These presentations will provide ISAC an update on the topic.
3. **PREVIOUS ACTIONS TAKEN BY NISC / ISAC ON THIS ITEM:**

ISAC rec'd a briefing regarding these issues @ the December, 2009 Washington, D.C. meeting.
4. **ACTION REQUESTED OF NISC / ISAC:**

None
5. **ALTERNATIVES:**

None
6. **ATTACHMENTS:** None