

Alaska Clean Water Advocacy * Alliance for the Great Lakes * Altamaha Riverkeeper * American Rivers * Bad River Watershed Association * BaySail * Black Warrior Riverkeeper * California Sportfishing Protection Alliance * Center for Biological Diversity Church Women United in New York State * Citizens Campaign for the Environment * Clean Water Action and Clean Water Fund of Minnesota * Clean Wisconsin * Conservation Law Foundation * Conservation Northwest * CURE (Clean Up the River Environment) * Democratic Women's Club of Florida * Earth Law Center * Earthjustice * Endangered Species Coalition * Endangered Habitats League * Environmental Advocates of New York * Friends of Penobscot Bay * Friends of the Earth * Genesee Valley Audubon Society * Gulf Restoration Network * Holy Spirit Missionary Sisters - USA - JPIC * Honor the Earth * Humboldt Baykeeper * Idaho Rivers United * Illinois Council of Trout Unlimited * Indiana Wildlife Federation * Izaak Walton League of America National Great Lakes Committee * Izaak Walton League of America, Headwaters Chapter * Izaak Walton League of America, Minnesota Division * Izaak Walton League of America, New York State Division * Kentucky Waterways Alliance, Inc. * Maryland Conservation Council * Michigan United Conservation Clubs * Milwaukee Riverkeeper * Minnesota Center for Environmental Advocacy * Minnesota Conservation Federation * Minnesota Environmental Partnership * Minnesota Trout Unlimited * National Wildlife Federation * Natural Resources Defense Council * Nature Abounds * New York Trout Unlimited * Northwest Environmental Advocates * Northwest Environmental Defense Center * Ohio Environmental Council * Oregon Shores Conservation Coalition * Protect Our Waters, Inc. * Puget Soundkeeper Alliance * Religious Coalition for the Great Lakes * River Network * San Francisco Baykeeper * Save Lake Superior Association * Save Our Sky Blue Waters * Save The River / Upper St. Lawrence Riverkeeper * Schlitz Audubon Nature Center * Shaker Lakes Garden Club * Spokane Riverkeeper * Surfrider Foundation * The Bay Institute * The Watershed Center Grand Traverse Bay * Tip of the Mitt Watershed Council * Washington Council of Trout Unlimited * Water Supply Citizens Advisory Committee * Waterkeepers Alliance, Inc. * WESPAC Foundation * Wisconsin Trout Unlimited * Wisconsin Wildlife Federation *

March 6, 2017

Dear Senator:

On behalf of our millions of members and supporters, we are writing to urge your opposition to S. 168, the Commercial Vessel Incidental Discharge Act (“CVIDA”). This bill would expose our nation’s waters to the spread of invasive aquatic species discharged by foreign shipping vessels at a tremendous cost to the nation’s taxpayers and ratepayers, as well as private citizens and corporations.

For years, U.S. citizens have been paying the skyrocketing bill for damage to our infrastructure and local economies by invasive species—a subsidy to foreign shipping interests. Now CVIDA proposes to make citizens responsible for these and future costly invasions while the federal government leaves the door wide open for yet more invasive species. At a time when the nation needs more stringent federal and state protections from the spread of invasive species, this bill seeks to abandon the protections of the Clean Water Act and state laws.

Attempts to weaken our protections against aquatic invasive species are not new. Previous versions of this bill have been unsuccessful because Congress is aware of the \$9 billion annual damages to our infrastructure for public water supplies, industry, and energy generation systems due to invasive species.¹ These species have devastated commercial and recreational fisheries and caused irreversible environmental harm to coastal and inland waters, including the Great Lakes, Chesapeake Bay, San Francisco Bay, Gulf of Mexico, and the Columbia River.

The 52 billion gallons of ballast water dumped each year into U.S. waters, 28 percent of which originates outside the U.S and Canada,² are widely recognized as a major pathway for the introduction and spread of aquatic invasive species. For example, 55-70 percent of 180 known invasions of the Great Lakes were caused by ballast water and in western North America, 10-50 percent of over 250 known invasions were from ballast discharges.³ Invaders such as the zebra mussel—which alone costs \$6.4 billion (2010\$) a year—have upended ecosystems by fueling rampant and sometimes toxic algae growth, collapsing native fisheries, and destroying recreation in the Great Lakes. Once in the U.S., these species continue to move; it took only 10 years for the zebra mussel to spread into the Mississippi, Tennessee, Hudson, and Ohio River basins and since then it has moved into California, Nevada, Colorado, and Utah.

CVIDA moves us away from the responsible management of ballast water discharges by completely removing Clean Water Act authority over ship discharges. As provided in Section 12, the Clean Water Act would cease to apply to all ship incidental discharges—including ballast water, nutrient-laden greywater, and chemicals—from commercial vessels and CVIDA would:

- Transfer regulatory authority from the Environmental Protection Agency (EPA)—the agency with water pollution expertise—to the Coast Guard, whose top priority is homeland security;
- Eliminate the Clean Water Act’s protection of water quality clean enough to protect public health, native species, and the use of waters for municipal and industrial purposes; and
- Remove the Clean Water Act’s function of driving the development of improvements in treatment technology.

Section 5 (a) of CVIDA also freezes in place an approach that will be ineffective at both preventing new invasions as well as slowing the spread of invasive species within the waters of the U.S., such as throughout the Great Lakes and along the coastlines, in the future by:

¹ Pimentel, D., R. Zuniga, and D. Morrison. 2005. Update on the environmental and economic costs associated with alien-invasive species in the United States. *Ecological Economics*. 52: 273-288.

² National Academy of Sciences (2011)

³ Endangered Species Act Section 7 Consultation, Biological and Conference Opinion on the U.S. Environmental Protection Agency’s Proposed Vessel General Permit and Small Vessel General Permit, pg. 228

http://www.nmfs.noaa.gov/pr/consultation/opinions/biop_epa_vessels.pdf

- Only requiring the Coast Guard to conduct reviews of the ballast water standard in 2022 and every 10 years thereafter to determine whether the standard should be revised. Under CVIDA these reviews would be virtually standard-less.

In addition to undermining federal regulation of ballast water discharges, CVIDA would also preempt states' rights to protect their waters. Section 11 precludes states from the adoption or the enforcement of any law or regulation pertaining to ballast water and other incidental discharges from commercial vessels.

Finally, CVIDA would create special exceptions for vessels that operate exclusively within a "geographically limited area" such as the Great Lakes. Section 4(b) ignores clear scientific evidence that ships transfer and spread invasive species from one U.S. port to another by allowing the Coast Guard to wholly exempt such ships from any regulation.

As a whole, the provisions of this legislation would enshrine an ineffective regulatory scheme that places the economic burden associated with aquatic invasive species on the nation's citizens rather than on the largely foreign-owned shipping industry⁴ that is responsible for discharging those species to our nation's waters. For these reasons, we strongly urge you to voice your opposition to CVIDA (S. 168) and insist that we keep the federal and state ballast water protections we currently have in place.

Sincerely,

Alaska Clean Water Advocacy (AK)

Alliance for the Great Lakes (IL)

Altamaha Riverkeeper (GA)

American Rivers

Bad River Watershed Association (WI)

BaySail (MI)

Black Warrior Riverkeeper (AL)

California Sportfishing Protection Alliance (CA)

Center for Biological Diversity

Church Women United in New York State (NY)

Citizens Campaign for the Environment (NY)

Clean Water Action and Clean Water Fund of Minnesota (MN)

⁴ Daniel Brackens, "The Negative Effects of the Jones Act on the Economy of Hawaii," The Bastiat Institute, August 18, 2009, 6, <http://www.bastiatinstitute.org/wp-content/uploads/2009/08/Jones-Act-Study1.pdf> (accessed February 18, 2014), cited by The Heritage Foundation in Brian Slattery et al., "Sink the Jones Act: Restoring America's Competitive Advantage in Maritime-Related Industries," *available at* http://www.heritage.org/research/reports/2014/05/sink-the-jones-act-restoring-americas-competitive-advantage-in-maritime-related-industries#_ftn1

Clean Wisconsin (WI)
Conservation Law Foundation
Conservation Northwest (WA)
CURE (Clean Up the River Environment) (MN)
Democratic Women's Club of Florida (FL)
Earth Law Center (CA)
Earthjustice
Endangered Species Coalition
Endangered Habitats League (CA)
Environmental Advocates of New York (NY)
Friends of Penobscot Bay (ME)
Friends of the Earth
Genesee Valley Audubon Society (NY)
Gulf Restoration Network (LA)
Holy Spirit Missionary Sisters - USA - JPIC (IL)
Honor the Earth
Humboldt Baykeeper (CA)
Idaho Rivers United (ID)
Illinois Council of Trout Unlimited (IL)
Indiana Wildlife Federation (IN)
Izaak Walton League of America National Great Lakes Committee (OH)
Izaak Walton League of America, Headwaters Chapter (MN)
Izaak Walton League of America, Minnesota Division (MN)
Izaak Walton League of America, New York State Division (NY)
Kentucky Waterways Alliance, Inc. (KY)
Maryland Conservation Council (MD)
Michigan United Conservation Clubs (MI)
Milwaukee Riverkeeper (WI)
Minnesota Center for Environmental Advocacy (MN)
Minnesota Conservation Federation (MN)
Minnesota Environmental Partnership (MN)

Minnesota Trout Unlimited (MN)
National Wildlife Federation
Natural Resources Defense Council
Nature Abounds (PA)
New York Trout Unlimited (NY)
Northwest Environmental Advocates (OR)
Northwest Environmental Defense Center (OR)
Ohio Environmental Council (OH)
Oregon Shores Conservation Coalition (OR)
Protect Our Waters, Inc. (FL)
Puget Soundkeeper Alliance (WA)
Religious Coalition for the Great Lakes
River Network
San Francisco Baykeeper (CA)
Save Lake Superior Association (MN)
Save Our Sky Blue Waters (MN)
Save The River / Upper St. Lawrence Riverkeeper (NY)
Schlitz Audubon Nature Center (WI)
Shaker Lakes Garden Club (OH)
Spokane Riverkeeper (WA)
Surfrider Foundation (CA)
The Bay Institute (CA)
The Watershed Center Grand Traverse Bay (MI)
Tip of the Mitt Watershed Council (MI)
Washington Council of Trout Unlimited (WA)
Water Supply Citizens Advisory Committee (MA)
Waterkeepers Alliance, Inc.
WESPAC Foundation (NY)
Wisconsin Trout Unlimited (WI)
Wisconsin Wildlife Federation (WI)