



THE IZAAK WALTON LEAGUE OF AMERICA

December 4, 2009

United States Coast Guard
Docket Management Facility (M-30)
U.S. Department of Transportation
West Building, Ground Floor, Room W12-140
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590-0001

Docket Number USGC-2001-10486; Notice of Proposed Rulemaking

To Whom It May Concern:

The Izaak Walton League's Great Lakes Committee respectfully submits these comments in response to the Notice of Proposed Rulemaking and Draft Environmental Impact Statement on Standards for Living Organisms in Ships' Ballast Water Discharged in U.S. Waters: Docket Number USCG-2001-10486.

The Izaak Walton League supports strong federal protections against the introduction of invasive aquatic species into our Great Lakes from ballast water dischargers. The continuing onslaught of these invasive species is biological pollution and one of the greatest threats to the health of the Great Lakes ecosystem, the most magnificent freshwater resource in the world.

The Izaak Walton League of America, founded in 1922 by outdoor enthusiasts determined "to save outdoor America for future generations," has played a significant role in nearly every major conservation victory in the United States. We have helped to reduce water and air pollution, protect forests, foster ethical outdoor behavior, and discourage unwise development. Our mission is "to conserve, maintain, protect, and restore the soil, forest, water, and other natural resources of the United States and other lands; to promote means and opportunities for the education of the public with respect to such resources and their enjoyment and wholesome utilization." In addition to national staff, the League has 300 local chapters and state divisions that attract conservationists who roll up their sleeves to clean up litter, plant trees, monitor water quality and get involved with environmental education and wildlife habitat enhancement.

NATIONAL OFFICE
707 Conservation Lane
Gaithersburg, Maryland 20878-2983
Phone: (301) 548-0150
Fax: (301) 548-0146
E-mail: general@iwla.org



MIDWEST OFFICE
1619 Dayton Avenue, Suite 202
St. Paul, Minnesota 55104-6206
Phone: (651) 649-1446
Fax: (651) 649-1494
E-mail: midwestoffice@iwla.org

Aquatic invasive species introduced by ballast water discharges like the zebra mussel and round goby have already caused permanent ecosystem damage, have cost taxpayers hundreds of millions of dollars in control and suppression expenses, and have undermined our valuable sport fishery. New invasive species are entering our Great Lakes at an alarming rate: on average one every 28 weeks. Several invasive species introduced in the Great Lakes have also continued to spread through waterways across the nation.

In the proposed rule, the Coast Guard requested comments on whether or not the Great Lakes should be treated differently from the rest of the country in ballast regulations. Since the League was formed in Chicago in 1922, the Great Lakes ecosystem has been considered by our members to be a valuable natural resource. We believe the Great Lakes should receive special treatment and requires the strictest protections from invasive species. The Great Lakes are especially susceptible to damage from invasive species and from other pollutants because the water in the larger lakes is flushed only once every 500 or more years. Therefore, any pollutants, once in the lakes, are likely to stay rather than flush out, as they would in ocean environments.

An invasion into the Great Lakes, unlike a coastal invasion, can quickly and easily spread across the freshwater rivers and lakes of North America to affect both coastal and inland states. The zebra and quagga mussel demonstrate this vividly. These small bivalves invaded the Great Lakes 20 years ago, carried from Europe by international vessels. They rapidly invaded all the Great Lakes, and quickly moved past the Lakes and into the St. Lawrence, Mississippi, Tennessee, Hudson, and Ohio River Basins. And tragically, they have just been found west of the continental divide in California and Nevada. In the United States, Congressional researchers estimated that zebra mussels cost the power industry alone \$3.1 billion in the 1993-1999 period, with their impact on industries, businesses, and communities over \$5 billion.

In addition, the Great Lakes are the direct source of drinking water for more than 30 million people in the United States and Canada. The greatest threat to our drinking water security is contamination from microbes, bacteria and viruses that can threaten human health if ingested. Modern drinking water treatment systems are effective at killing microscopic organisms before the water is sent to our taps. These systems rarely fail, but when they do the consequences can be serious. In 1993, a parasite known as cryptosporidium was in the waters of Lake Michigan off the shores of Milwaukee, Wisconsin. It got into drinking water supply and an outbreak affected more than 403,000 people, causing numerous deaths. It is the largest waterborne disease outbreak ever recorded in the United States. We know that ballast tanks can transport dangerous types of microbes and pathogens, like Cholera and giarda. NOAA determined that 49% of ballast tanks tested positive for one or more human pathogens. It is essential that high levels of protections are in place to ensure that human pathogens are not carried into the Great Lakes from ballast, and compromise the drinking water for tens of millions.

We appreciate the Coast Guard's proposed rule and believe it is an important step forward. Unfortunately, it falls short in effectively controlling invasive species. For example, even the proposed Phase I standard of less than ten organisms larger than 50 microns (i.e., fish) per cubic meter of ballast water would equal up to 378,790 live fish per thousand-foot boat load

of 10 million gallons, which is the typical ballast water volume in a Great Lakes vessel. This number of live contaminated fish is totally un-protective and unacceptable. Even the proposed Phase II standard for fish (less than 1 organism larger than 50 microns per 100 cubic meter of ballast water) would allow 378 live fish per thousand-foot boat load of untreated ballast water. This number would not prevent the spread of VHS in infected carrier fish or prevent the establishment of invasive fish populations such as the Eurasian ruffe. The number of fish discharged needs to be zero to truly protect the Great Lakes. Zero discharge is not inconsistent with current law. In fact, the National Invasive Species Act (NISA) requires the Coast Guard to establish a zero discharge standard for the introduction and spread of nonindigenous species. Therefore, we ask you to significantly strengthen the proposed ballast rule to ensure that ships are not able to introduce or spread these harmful invasive species in U.S. waters.

We strongly recommend the following amendments to the draft rule:

1. Replace the proposed Phase I standards with the stricter standards proposed for Phase II. The proposed Phase I standards, which are those recommended by the International Maritime Organization (IMO), are too weak. The final rule should require ballast water treatment that mirrors the California and New York state standards by no later than 2012.
2. Replace the proposed Phase II standards with stricter standards to bring us as close to zero discharge of live organisms as possible by 2014.
3. Close the practicability review loophole that could delay the implementation of these new standards. The scope of the practicable review should be consistent with the mandate of the NISA which requires that the regulations “ensure to the maximum extent practicable that aquatic nuisance species are not discharged into waters of the U.S. from vessels.” In addition, it is critical that the review process be an open and transparent one that invites comments from all interested parties.
4. Continue to protect the authority of the U.S. EPA and the states to help solve this enormous problem. For better clarity, the Coast Guard should modify the rule to stipulate that the agency will conduct its NISA Practicable Review in direct cooperation with the U.S. EPA.
5. Retain the states’ rights to impose even stricter standards than the national standards.
6. Lakers operating exclusively within the Great Lakes and the St. Lawrence River should be regulated to the same extent as ocean-going vessels as they are significant parties to the spread of aquatic invasive species within the Great Lakes.
7. The new regulations must require the Coast Guard to address the impacts of invasive species introduced in ways other than ballast water, such as anchors, anchor chains, and hulls, as well as effective methods to reduce or eliminate the introduction of invasive species through these vectors.
8. The final rule should include strict provisions for enforcement of the new regulations, including outlining the penalties that will be invoked for violations and the amount of

financial resources that will be dedicated to enforcement.

The history of efforts to deal with invasive species discharged into the Great Lakes from ballast water over the last 20 years has been characterized by delay, loopholes in protection, and poor enforcement that have only exacerbated the problem. We cannot afford another 20 years – or even five years – of the same. It is important to put in place an effective, decisive solution now.

We greatly appreciate your consideration, and urge you to adopt our recommendations in the final rule.

Sincerely,
Great Lakes Committee
Izaak Walton League of America, Inc.

Jill Crafton
Chair, IWLA Great Lakes Committee
Minnesota

Leah Miller
Clean Water Program Director
Izaak Walton League of America

IWLA Great Lakes Committee Members:

Wendy Reid, Illinois
Emil Garcia, Indiana
Charlotte Read, Indiana
Timothy Russell, Indiana
Jim Sweeney, Indiana
Robert Stegmier, Michigan
John Trimberger, Michigan
Dave Dempsey, Minnesota
Gary Glass, Minnesota
Dave Zentner, Minnesota
Les Monostory, New York
Rick Graham, Ohio
Jeanne Agneessens, Wisconsin
Jerry Ernst, Wisconsin
George Guyant, Wisconsin