



September 12, 2005

The Honorable Daniel Inouye  
United States Senate  
722 Hart Senate Office Building  
Washington, D.C. 20510

The Honorable Ted Stevens  
United States Senate  
522 Hart Senate Office Building  
Washington, D.C. 20510

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Dear Senator Inouye and Senator Stevens:

Thank you for your efforts to curb the introduction of aquatic invasive species (AIS) through ballast water management legislation. The future of commerce, recreation and the environment of our nation demands action. Already, some 162 species have harmed the Great Lakes. San Francisco Bay, Chesapeake Bay and other national waters have similar problems. Invasive species introductions cost the nation billions of dollars in damages each year.

As you know, the Great Lakes Governors remain deeply committed to halting the effects of AIS. One of our nine priorities for Great Lakes restoration and protection is to stop the introduction and spread of non-native aquatic invasive species. A key action toward this goal is to eliminate ship-mediated introductions of AIS, particularly via ballast water that has proven to be a well-established pathway for invasions. We strongly believe that the time has come to take decisive action to protect the nation's coastal waters, including one of the world's most outstanding natural resources, the Great Lakes.

As proposed by S. 363, ballast water management alone cannot adequately protect the Great Lakes and the rest of our nation's waters from AIS. That is why it is our strong preference to address the AIS issue comprehensively. Several critical components must be included in any Congressional action directed toward eliminating ship-mediated AIS introductions for it to be effective and have our support. The following provisions must be included in any effective Congressional bill that addresses this issue:

- Require the interim application of: 1.) best performing ship-board ballast water treatment; 2.) best residuals management practices for vessels that declare "no ballast on board;" and, 3.) best hull management methods for all ocean-going vessels. Ships should be required to meet an environmentally protective standard on a future date certain (within 5 years), but preventive measures must be taken in the interim;
- Establish incrementally tougher protective standards and require ships to meet those standards by a future date (between 2011 and 2014). The ultimate goal must be zero discharge of viable organisms;

- Maintain the possibility of using U.S. EPA's Clean Water Act authority to address ballast water discharges so that States can assure their publics that they and their resources will receive adequate protection from this threat even if the federal program fails to be implemented;
- Maintain the possibility of State action to improve on federal protections related to ships. While a uniform federal regulatory process is necessary, it should not preclude the States from strengthening these protections as needed;
- Review and implement best-performing ballast water management practices for non-ocean going vessels to address the spread of AIS already introduced into U.S. waters;
- Immediately and significantly expand the research, testing and evaluation of all treatment policies and technologies; and,
- Support information and education outreach programs to reduce the potential for AIS introductions.

Several provisions in S. 363 could significantly impede progress to provide meaningful AIS protection. Specifically, we are concerned with the following provisions:

- A State pre-emption clause that would preclude States from taking steps to protect against damage by AIS introduced through ballast water;
- A clause that the Act would supersede any provision of the Clean Water Act with respect to ballast water;
- Limited case-by-case review of treatments demonstrated to be substantially better than ballast water exchange; and,
- Locking-in the existing regulatory exemption for ships declaring no ballast on board until S. 363 standards are implemented ten years or later from the effective date of the legislation. Because these ships can be a significant vector for AIS and account for approximately 90 percent of the ships entering the Great Lakes, immediate interim steps must be taken.

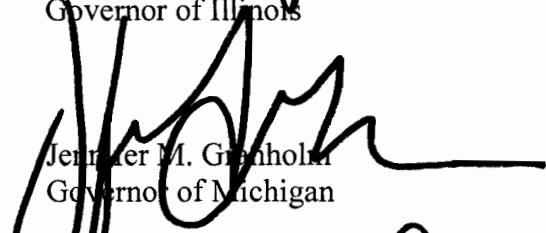
The draft report of the Great Lakes Regional Collaboration issued on July 7, 2005 indicates the broad-based support for addressing this important problem. While State and regional actions against AIS remain critical to establishing a complete protective framework, we believe that a coordinated national approach is the preferred long-term means of stopping new invasive species from penetrating the Great Lakes. While reserving judgment on other specific bills, we urge you to support comprehensive AIS legislation incorporating the suggestions outlined in this letter as an alternative to S. 363 as currently drafted.

Please do not hesitate to contact David Naftzger, Executive Director of the Council of Great Lakes Governors, at 312-407-0177 if there are questions. We look forward to continuing to partner with you on this issue of national importance.

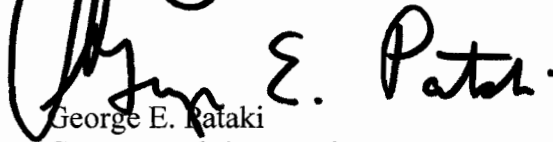
Sincerely,



Rod Blagojevich  
Governor of Illinois



Jennifer M. Granholm  
Governor of Michigan



George E. Pataki  
Governor of New York



Edward Rendell  
Governor of Pennsylvania



Mitch Daniels  
Governor of Indiana



Tim Pawlenty  
Governor of Minnesota



Bob Taft  
Governor of Ohio



Jim Doyle  
Governor of Wisconsin

cc: Great Lakes Congressional Task Force