



an international coalition to protect and restore
the Great Lakes / St. Lawrence River ecosystem

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Re: Canadian Gazette, Part I, Vol. 139, No. 24. June 11, 2005. Ballast Water Control and Management Regulations

Dear Ms. Carmody:

I am writing on behalf of the Great Lakes United coalition in response to the Canadian Gazette post (Part I, vol 139, no. 24 on June 11, 2005) regarding Ballast Water Control and Management Regulations. Great Lakes United is an international coalition of groups and individuals in Canada, the United States, First Nations and tribes dedicated to the protection and restoration of the Great Lakes-St. Lawrence River basin. We have been involved in the development of effective and environmentally sound regional strategies to prevent aquatic invasive species introductions from the ballast tanks of ocean-going vessels.

The Great Lakes United coalition applauds efforts to amend the Shipping Act to better protect waters of the Great Lakes, St. Lawrence River, and the nation. We stress that such action has been strongly supported by the federal government in the "Government Response to the 4th Report of the Standing Committee on Fisheries and Oceans- Aquatic Invasive Species: Uninvited Guests". In this response, the government expressed support for the committee recommendation "that as a matter of priority, standards for the treatment of ballast water be developed, implemented and fully enforced" (Recommendation 6). We encourage the government to demonstrate support by immediately amending, implementing and enforcing changes to the Shipping Act that significantly increase protection of national waters from the ecologically and economically devastating impacts of aquatic invasive species originating from the ballast tanks.

To ensure the greatest level of protection, the Great Lakes United coalition provides the following recommendations to strengthen the proposed amendments to the Shipping Act.

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1. Regulate all ocean-going vessels classified as No Ballast on Board

The Great Lakes United coalition applauds draft amendments that regulate vessels entering Canadian waters classified as No Ballast on Board. We understand that NOBoB's operating in the Great Lakes will be regulated in the proposed amendments to the Shipping Act from the statements under Application 2.(1) "These Regulations apply to every ship in waters under Canadian jurisdiction that is designed or constructed to carry ballast water," as well as the specific provision under Ballast Management, 4.(3) "It is not necessary to manage ballast water taken on board the ship in the United States waters of the Great Lakes Basin or in the French waters of the islands of Saint Pierre and Miquelon if that ballast water is not mixed with other ballast water taken on board the ship outside waters under Canadian jurisdiction." The second statement implies that once this amendment takes effect, vessels that take onboard ballast water in the Great Lakes basin will be immediately required to meet a salinity exchange requirement, meet a treatment standard, discharge into a reception facility or retain ballast contents on-board.

We stress the importance of regulating all vessels entering Canadian waters, including those classified as No Ballast on Board. We also stress the importance of regulating NOBoBs in Canadian waters besides those in operation within the Great Lakes basin or in the French waters of the islands of Saint Pierre and Miquelon. NOBoBs have been proven to harbour aquatic invasive species in tank residuals (Johengen, 2005) and are a potential source of new invaders that must be regulated as effectively, if not identically, as vessels classified as Ballast on Board.

2. Use the proposed treatment standard as the floor not the ceiling for national regulation

The Great Lakes United coalition understands that the ballast treatment standards proposed in the Shipping Act amendments were based on the International Maritime Organizations recently defined treatment standard. The proposed Shipping Act/IMO-based standard is an acceptable starting point for the development of standards to regulate aquatic invasive species from ocean-going vessels. However, the level of ecological protection that the Shipping Act standard provides has yet to be determined, and Great Lakes United has concerns that the standard is inadequate to protect the Great Lakes- St. Lawrence River basin from many new aquatic invaders and threats to human health. The size requirements set by IMO, and proposed for adoption as the national treatment standard in the Shipping Act, will not protect against organisms, eggs or resting stages the size of zebra mussel veligers (.04-.07 mm in diameter), or against even smaller harmful microbial pathogens (including cholera and giardia) which were found in residuals of NOBoBs entering the Great Lakes (Johengen, 2005).

While we applaud the immediate use of the IMO-based standard as a first step towards protecting Canadian waters from aquatic invasive species, we also strongly encourage prioritizing efforts to rapidly develop, implement and enforce a final ecologically protective standard for Canadian waters, and with particular attention given to providing adequate protection to the Great Lakes- St. Lawrence River basin.

3. Set deadlines by which vessels must meet standards

As the proposed Shipping Act amendments read now, we are uncertain as to if ballast water exchange will be phased out, and when all vessels entering Canadian waters would be required to demonstrate

compliance with a treatment standard. While ballast water exchange helps to reduce the volume of potential invasive aquatic organisms in tanks, its use has not actually reduced the rate of invasions into the Great Lakes (Holeck, 2004). It is therefore critical that protections are improved beyond ballast water exchange.

Great Lakes United recommends that the federal government require all vessels in waters under Canadian jurisdiction to meet the proposed Shipping Act treatment standard and phase out ballast water exchange by the end of 2007. Vessels that fail to meet this standard should be penalized. For the Great Lakes- St. Lawrence River basin, Great Lakes United recommends that the penalty for non-compliance be a requirement for the vessel to seal its tanks while operating within the basin or denial of entry into the Great Lakes- St. Lawrence River basin.

4. Ensure strict enforcement

As recommended by the Standing Committee on Fisheries and Oceans, and supported by the federal government, it is essential that regulations to prevent aquatic invasive species introductions from ocean-going vessels are enforced. Adequate enforcement will require a stable financial commitment from the federal government to ensure that carriers are duly notified of requirements, processes are established to obtain and monitor ballast management reports, personnel are trained in protocols for handling non-compliant vessels, etc.

5. Grant reference to the International Joint Commission

Ballast water management programs should be harmonized between Canada and the United States in the Great Lakes- St. Lawrence River basin, where the international boundary is a shared water body, and the two countries have a longstanding history of cooperation through commitments under the Great Lakes Water Quality Agreement. In 2003 Great Lakes United requested a reference from both the Minister of Foreign Affairs and the U.S. Secretary of State to the International Joint Commission to address the need for coordination and harmonization of invasive species prevention and control in the United States and Canada. We therefore express our support of the Standing Committee on Fisheries and Oceans recommendation that Canada seek a permanent reference to the International Joint Commission to coordinate and harmonize binational efforts for action to counter the threat of aquatic invasive species in the Great Lakes basin (Recommendation #2).

6. Require the Seaway to take action

Under the St Lawrence Seaway Act, the Seaway Management Corporation has the authority to regulate vessels under its jurisdiction. Following this authority, the Seaway Management Corporation developed a Seaway Handbook, which includes a requirement to comply with a “Code of Best Practices for Ballast Water Management” in order to obtain clearance to transit the Seaway. If enforced, this Code of Best Practices would require ocean-going vessels, including those classified as NOBoB, entering the Great Lakes- St. Lawrence River basin to commit to the following:

“To conduct ballast water management whenever practical and at every opportunity even if the vessel is not bound for a port where such a procedure may be required. This process will ensure that residual ballast on board will, to the greatest extent possible, be subjected to these practices.

This process will also aid to minimize sediment accumulations in ballast tanks, and there mid-ocean exchange is practiced, subject fresh-water organisms to an extended exposure to salt water.”

We are uncertain as to whether the Seaway is enforcing the ‘Best Practices’ because a recent report (Johengen, 2005) says that approximately 50% of ships entering the Seaway carry freshwater or brackish residuals, which would imply they are not complying with the ‘Best Practices’.

7. Develop, implement and enforce a program to control spread

Vessels that are not regulated under the amendments to the Shipping Act may not be a source of new introductions into Canadian waters, but still may pose a risk in transporting introduced invaders into uninfected ecosystems. It is therefore important to develop a ballast management program for vessels making coastal voyages, vessels never transiting outside of the EEZ, and other domestic vessels, that pose a risk of transporting invasive species already established. Such a program may include the mandatory compliance with best practices, periodic tank flushing to remove sediments, tank flushing when leaving one ecosystem for another (for example: the Atlantic Ocean to the Laurentian Channel), or requirement to meet a treatment standard.

The Great Lakes United coalition again applauds efforts to better regulate vessels operating within Canadian waters to protect against the introduction of aquatic invasive species. We recommend strengthening the proposed regulations to the Shipping Act in order to improve upon efforts to prevent new invasions.

It is essential that aquatic invasive species introductions are curbed into the Great Lakes- St. Lawrence River basin, as this region is experiencing what scientists have termed an “invasional meltdown”. Aquatic invasive species are permanently altering food webs, implicated in the disappearance of keystone prey species, devastating the fishing community, and causing Lake-wide perturbations such as large anoxic zones and botulism outbreaks. In a matter of decades, the integrity of the Great Lakes is being erased by our inability to change course. We urge you to ensure that Shipping Act amendments are strong enough to protect Canadian waters from new invasions. Anything short of this goal is not good enough.

Thank you for serious consideration of Great Lakes United’s comments. Please feel free to contact me for any questions or clarifications.

Sincerely,



Jennifer Nalbone
Habitat and Biodiversity Coordinator

Cc: Standing Committee on Fisheries and Oceans

References:

Government Response to the 4th Report of the Standing Committee on Fisheries and Oceans- Aquatic Invasive Species: Uninvited Guests”

http://www.dfo-mpo.gc.ca/communic/reports/aquaspec-espaqua/resp-rep_e.htm.

Johengen, T. (2005) Assessment of Transoceanic NOBOB Vessels and Low-Salinity Ballast Water as Vectors for Non-indigenous Species Introductions to the Great Lakes

<http://www.glerl.noaa.gov/res/projects/nobob/products/>

Holeck, K.T. et al (2004) “Bridging Troubled Waters: Biological Invasions, Transoceanic Shipping, and the Laurentian Great Lakes” BioScience, vol 54 no. 10

Seaway Handbook: http://www.greatlakes-seaway.com/en/pdf/web_practices_and_procedures.pdf

Code of Best Practices for Ballast Water Management:

http://www.shipfed.ca/eng/library/other_subjects/ballats_water/BallastWaterBestPractices.html