



May 6, 2005

Docket Management Facility (USCG-2004-19842)  
U.S. Department of Transportation  
Room PL-401  
400 Seventh Street, SW  
Washington, DC 20590-0001

Submitted electronically to the docket USCG-2004-19842

Re: Comments on Ballast Water Management for Vessels Entering the Great Lakes  
That Declare No Ballast Onboard

To Whom It May Concern:

I am writing on behalf of Great Lakes United to express our recommendations for the improved regulation of ocean-going vessels declaring “no ballast on board” (NOBOB) and the aquatic invasive species they carry. Great Lakes United is an international coalition of over 170 environmental and conservation organizations, unions, academia and businesses in the United States, Canada, First Nations and tribes dedicated to the protection and restoration of the Great Lakes-St. Lawrence River basin ecosystem.

Great Lakes United has consistently been involved in developing and promoting effective and environmentally sound strategies to prevent aquatic invasive species introduction and spread in the region. Our goal in this work is to achieve zero new introductions of aquatic invasive species into the Great Lakes and St. Lawrence River. Along with scientists, the shipping industry and many other sectors, we have called for federal leadership to set ballast water discharge standards and accelerate the development of protective technologies for onboard use. We have also called for a progressive study of options for reconfiguring basin transportation systems such that international trade is facilitated without the need for ocean-going vessel entry into the lakes. We expressed our frustration with the lack of progress by federal agencies in stemming the influx of aquatic invasive species from ocean-going vessels when we added our signature to a July 2004 legal petition to the Coast Guard. Led by the New York State Attorney General’s office and supported by six other states, the petition demanded that the Coast Guard close the NOBOB loophole and regulate all ocean-going vessels entering the Great Lakes.

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For twelve years the Coast Guard has had the clear mandate and authority to regulate ballast management of all ocean-going vessels entering the Great Lakes, including NOBOBs, to protect the region from new aquatic invasions. The Code of Federal Regulations under “Ballast Water Management for Control of Non-indigenous Species in the Great Lakes and Hudson River” (33 CFR Part 151 Subpart C) states that each ocean-going vessel “shall employ one of the following ballast water management practices: 1) Carry out an exchange of ballast water...2) Retain the vessel’s ballast water on board the vessel...3) Use an alternative environmentally sound method of ballast water management.” The regulation further states that if vessels are not in compliance with one of these ballast water management requirements, the Coast Guard should restrict their operation within the Great Lakes or the Hudson River.

We are uncertain as to how the Coast Guard could interpret these regulations to exempt NOBOB vessels, as the Coast Guard states in the January 14, 2005, *Federal Register*. Also, we are concerned with the Coast Guard’s artificial creation of a vessel classification—whether or not a vessel is cargo laden—and allowing this artificial classification to illegally exempt a vessel from regulation.

The Coast Guard did not respond to the July 2004 petition with the urgency one would expect on an ecological issue as significant as that of aquatic invasive species and their devastating effects on the largest freshwater ecosystem in the world. Timely and acceptable actions to exercise existing authorities could have resulted in emergency rulemakings and notices to mariners to improve protections on the Great Lakes for the 2005 shipping season. Instead, in January 2005, the Coast Guard called for public comments and scheduled a public meeting to be held two months after the 2005 navigation season opened the Great Lakes to another wave of the unregulated NOBOB invasion vector. It is apparent that, twelve years after being charged with regulating all ocean-going vessels entering the Great Lakes, the Coast Guard has just begun to think about regulating those entering the system as NOBOBs, and only due to legal prodding.

While Great Lakes United believes the Coast Guard’s response has been inadequate to date, we believe the Coast Guard can reverse this trend by taking the following recommended actions:

1. Quickly develop specific requirements for a mandatory plan to manage NOBOBs. At the latest, the mandatory plan should take effect at the beginning of the 2006 shipping season. The plan should employ a management practice such as “swish and spit” to flush dangerous residuals and replace tank contents with salty residuals, a practice that the Great Lakes Environmental Research Laboratory has said will reduce the risk of aquatic invasive species introductions from NOBOB transfer. This mandatory plan should be an interim measure until biologically protective ballast water discharge standards are set and enforced onboard all ocean-going vessels entering the Great Lakes, BOB and NOBOB alike.
2. For the remainder of the 2005 shipping season the Coast Guard should require all NOBOB vessels to retain ballast water on board the vessel at all times while

operating within the Great Lakes. Under this restriction vessels would be able to enter the Great Lakes, drop off their cargo, take on Great Lakes water to stabilize their voyage and then seal their tanks and leave the Great Lakes.

3. The Coast Guard must finalize the ballast water discharge standard begun in 2002. This task should be put on a strict and aggressive timetable- we recommend completion by the end of 2005. Great Lakes United reiterates from our 2002 comments to the Coast Guard (submitted to USCG-2001-10486 “Standards for Living Organisms in Ship’s Ballast Water Discharged in U.S. Waters”) that the goal of the ballast water discharge standard is to eliminate the risk of new introductions. Our specific recommendation is for a standard to “remove, kill or inactivate vertebrates, invertebrates and photosynthetic organisms (including holoplanktonic, meroplanktonic, and demersal zooplankton, phytoplankton and propagules of macroalgae and aquatic angiosperms) inclusive of all life-stages.”
4. All changes in ballast water management practices be monitored for compliance. Vessels not in compliance be restricted from entering the Great Lakes, as stated under 33 CFR Part 151 Subpart C.
5. Changes in management of ballast water must be monitored for efficacy in reducing the risk of aquatic invasive species introductions into the Great Lakes.

Thank you for the opportunity to comment.