

Comments on Proposed Rules
Federal Register: July 30, 2003 (Volume 68, Number 146)

This proposed rule for mandatory Ballast Water Managements admittedly would have no effectiveness standard. However, subsequently in the Federal Register of September 26, 2003 Volume 68 Number 187, the USCG published a notice of intent with request for comments to prepare and circulate a Programmatic Environmental Impact statement (PEIS) for the proposed regulatory action to establish a ballast water discharge standard.

It would appear to be premature to require mandatory BWM without a ballast water discharge standard. Therefore, it is suggested that the proposed rule may be premature.

Also, the proposed rule does not seem to take cognizance of the pending legislation (S-525 and H.R. 1080) that would require at least 95% kill of live aquatic vertebrates, invertebrates, phytoplanktons, and macroalgae. This effectiveness would be required irrespective of the type of BWM used. Yet, the proposed rule would accept ballast water exchange (BWE) as complying, even though the effectiveness may vary from 25% to 90% (according to "Draft Report for Public Comment" September 10, 2001 prepared by US Environmental Protection Agency Office of Water, Office of Wetlands, Ocean and Watershed Office of Wastewater Management, Washington, DC).

The third project related to addressing the Non-Indigenous Species (NIS) problems in US waters involves the encouraging of the installation and testing of ballast water treatment technologies. The USCG is currently working on an interim rule to establish a program through which vessel owners can apply for approval of experimental ballast water treatment systems installed and tested on board their operating vessels. It is urged that this be given the highest of priorities. Without this regulatory encouragement, the maritime community may never develop standards of effectiveness beyond that achieved with BWE. This would be despite the fact that BWE may not achieve the required effectiveness, is not possible in rough weather, is potentially hazardous to both ship and crew, and would not apply to coast wise traffic.

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Mandatory Ballast Water Management Program for U.S. Waters