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October 23, 2003

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Docket Management Facility
U.S. Department of Transportation
Room PL 401
400 Seventh St. SW
Washington, DC 20590-0001

Re: Comments on the Notice of Proposed Rule Making: Mandatory Ballast Water Management Plan for U.S. waters [USCG-2003-14273].- 36

Dear Sir or Madam:

The Northeast Aquatic Nuisance Species Panel (NEANS Panel) has reviewed the U.S. Coast Guard's proposed rulemaking entitled, "Mandatory Ballast Water Management Program for U.S. Waters [USCG-2003-14273]." The NEANS Panel is providing the following comments.

We agree that the current voluntary ballast water guidelines for U.S. waters other than the Great Lakes and Hudson River are inadequate based on the current low level of reporting and compliance with voluntary ballast water treatment. Mandatory ballast water management practices for all vessels with ballast tanks entering the Exclusive Economic Zone (EEZ) are an important step towards reducing ballast water mediated introductions to U.S. waters and limiting impacts from aquatic invasive species in general.

The NEANS Panel supports the U.S. Coast Guard's proposed requirement that all vessels operating outside of the EEZ employ one of the four ballast water management practices listed in the federal register notice (33CFR 151 FR 68:148). We agree that the most feasible option at this point is mid-ocean ballast water exchange. We also support development of shipboard and dockside technologies for treating and filtering ballast water. This technology development warrants continued research. We are concerned that feasible alternatives will not be available in the next several years. The level of funding currently available for this research is inadequate and will delay finding cost-effective and reasonable solutions. We are pleased to note that proposed standards are

available for comment (33CFR 151; FR 68:55559-55563). Once standards are set, these will also assist with stimulating technology development.

We are disappointed that vessels traveling along the coast and vessels with no ballast on board (NOBOBs) are not included in the rule making. We recognize that it may not be economically feasible for vessels transiting the coast or with NOBOBs to travel to areas outside the EEZ to exchange ballast water. Therefore, we recommend identifying alternative ballast exchange locations within the EEZ. This is a controversial issue and could be misused by vessels transiting the EEZ without proper enforcement. However, we think it is better to identify sensitive areas where ballast should not be taken up or released than to continue a “no action” alternative for the large number of vessels that are not included in this rulemaking. The U.S. Coast Guard should convene working panels of experts to advise them on the scientific issues related to physical and biological oceanography, risk assessments and other issues.

The NEANS Panel also supports the required development and maintenance of ballast water management plans for vessels operating in U.S. waters. These should be mandatory on each vessel. We support penalties for those not in compliance. We agree that these plans should be modeled after guidelines produced by the International Maritime Organization (<http://imo.globallast.imo.org>).

The NEANS Panel agrees that all ballast water management activities as well as deviations from ballast water management plans should be reported to the U.S. Coast Guard. The proposed rule states that, “Ballast water records must be made available to the local Captain of the Port upon request.” The Panel recommends that these reports not only be made upon request, but that ballast water records are regularly reported by all ship operators. We recommend that ballast management activities and deviations be reported annually and the information used to refine the regulations. Verification of the reporting procedures should be part of the record. The regulations should “reward” those who comply and “penalize” those who do not.

We also recommend that these records be stored in a central database and made available to state coastal programs and regional panels of the federal Aquatic Nuisance Species Task Force (ANS Task Force). Such a database will allow the U.S. Coast Guard and state and regional entities to evaluate the effectiveness of the new ballast water management requirements and make adjustments based on analyses of the data. Because of the regional ecological differences, we recommend accommodation for adaptive regional management of ballast water.

In summary, the NEANS Panel sees these mandatory guidelines as an essential step towards effective ballast water management practices. However, they do not account for introductions that can occur within the EEZ. Several important invaders are likely to be transported in the ballast water of ships operating within the EEZ along the Pacific and Atlantic coasts of North America. For example, Northeastern states and provinces are concerned about the introduction of the veined Rapa whelk (*Rapana venosa*) from the

Chesapeake Bay watershed. The NEANS Panel recommends that the U.S. Coast Guard consider additional measures to limit the transport of aquatic invaders via ballast water within the EEZ. NEANS Panel members and others from the Northeast Region will be meeting on Oct 27 and 28, 2003 to discuss additional options for ballast water management in the region. We suggest that the U.S. Coast Guard build on this and other related workshops, convene panels of experts for ballast water issues, and collaborate with the regional panels of the Federal Aquatic Nuisance Species Task Force to develop regional ballast water management strategies.

In conclusion, The NEANS Panel fully supports the proposed rule with the added consideration listed above. Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script, reading "Judith Pederson". The signature is written in black ink and is positioned below the word "Sincerely,".

Judith Pederson, Ph.D.
Co-Chair
Ballast Water Committee
Northeast Aquatic Nuisance Species Panel