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Docket Management Facility (USCG-2003-14273) - 47
U.S. Department of Transportation
Room PL-401, 400 Seventh Street, SW.
Washington, DC 20590-0001

DEPT OF TRANSPORTATION
2003 JUL 12 A 9:06

Re: Docket Number USCG-2001-10486

Desk Officer,

Thank you for the opportunity to comment on this docket. The undersigned recognize the necessity of regulating potentially dangerous ballast water discharge for invasive species in order to mitigate environmental effects. We are anxious to comment on the issues to be addressed in the programmatic environmental impact statement. Our primary concern in this letter, however, is to raise the issue of possibly disclosing "opportunities" to terrorists through this public process. We do not advocate closing the public comment completely, but suggest limiting the public information that could jeopardize national security.

Beyond the well documented environmental damage it may cause, ballast water is a potential host to dangerous chemical or biological agents. Deadly pathogens planted intentionally in ships' ballast water discharge are also a threat to human health by transmitting diseases through the food chain. The discharge of toxic ship ballast represents a potential future security threat that could be life-threatening and could result in enormous economic consequences.

In addition to its direct toll on human lives, terrorism can have a significant negative impact on local economies and trade and investment flows. In light of the current circumstances, it is prudent to take a more lateral approach to national security with respect to system vulnerabilities, particularly where the potential to cause human and/or economic damage through terrorist attacks is significant.

The undersigned do not believe that the appropriate course of action is to close the proceedings to public scrutiny. As suggested in the September 2003 *NEPA Task Force Report to the Council on Environmental Quality: Modernizing NEPA Implementation* "public scrutiny [is] essential to implementing NEPA." The taskforce goes on to acknowledge that several agencies have reservations about releasing scientific and technical information to the public but that "the desire to protect some types of information in NEPA documents must be balanced with the need to provide sufficient information to ensure informed decision making by Federal agencies and to facilitate public participation." Although a uniform mechanism for handling sensitive information under NEPA by all agencies has not yet been developed by CEQ, we urge that the Department of Homeland Security and the Coast Guard consider the sensitivity of information that may be revealed through this programmatic environmental impact statement.

While we are unaware of whether the security issue has been addressed by the Coast Guard and of the level of detail that will ultimately be revealed in the impact statement, we are concerned that operational opportunities and pathways disclosed in the impact statement may be of use to those with malintent. We hope that considerable thought is given to national security issues in relation to the technical information revealed in this impact statement.

We look forward to filing comments on the ballast water discharge docket and we appreciate your attention to this letter and welcome your comments.

Signed
Elizabeth Brown (Primary Contact; 1 Scott Circle NW
#616, Washington, DC 20036. e-mail:
liz@fronesis.com)
Kevin Haggerty
Brad Hartnett

Alyssa Lyons
Karl Sidenstick
Heidi Taylor
Dorothy Weir

Cc: Secretary Tom Ridge, Department of Homeland Security
Diana Bear, General Counsel CEQ
Allegra Cangelosi, Northeast Midwest Institute