



Congress of the United States
House of Representatives

Washington, DC 20515

The Honorable Janet Napolitano,
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

COMMITTEE ON
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COMMITTEE ON
SCIENCE, SPACE, AND TECHNOLOGY
SUBCOMMITTEE ON
TECHNOLOGY AND INNOVATION

October 20, 2011

Dear Secretary Napolitano:

I have a strong interest in the upcoming ballast water regulations proposed by the Coast Guard and currently under review at the Department of Homeland Security.

The Coast Guard's ballast water regulations are written under the authority of the National Invasive Species Act (16 U.S.C. 4711), which includes a number of requirements. First, any standards established by the Coast Guard must be "practicable." 16 U.S.C. 4711(c)(2)(A). I am particularly concerned that those standards are practicable for American ships on the Great Lakes, which are unique in many respects, including the size of their ballast tanks, flow rates, ecological conditions, and other factors. I hope that the Coast Guard will carefully consider the unique characteristics of the Great Lakes -- the types of ships, their operating environment, and filtration equipment. Needless to say, ballast water standards that are not practicable for vessels on the Lakes will help no one and jeopardize the 227,000 regional jobs that are dependent on Great Lakes maritime transportation.

Second, NISA authorizes the Coast Guard to impose requirements for ballast water exchange and "other alternative ballast water management methods, including modification of the vessel ballast water tanks and intake systems." 16 U.S.C. 4711(c)(2)(D)(i - iii). However, the law limits the application of those requirements to vessels that "carry ballast water into waters of the United States after operating beyond the exclusive economic zone." 16 U.S.C. 4711(c)(2)(D). In fact, NISA twice reserves those particular requirements for international vessels -- in one section specifically for vessels entering the Great Lakes (16 U.S.C. 4711(b)(2)(A-B)) and in a subsequent section for other vessels entering U.S. waters (16 U.S.C. 4711(c)(2)(D)). I am deeply concerned that despite the clear direction of this statute, the proposed rule would impose those very requirements on vessels that do not operate beyond the exclusive economic zone. Of course, NISA allows the Coast Guard to impose other ballast water management requirements on American vessels, and I fully expect that the agency will.

Again, thank you for your interest. I would also be grateful if you could provide me any information regarding the possible timing of the ballast water regulation.

Sincerely,

Chip Cravaack
Member of Congress