



Congress of the United States
House of Representatives
Washington, DC 20515

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TECHNOLOGY AND INNOVATION

The Honorable Lisa P. Jackson
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20004

August 30, 2011

Dear Administrator Jackson:

I am writing to share my concern regarding recent comments made by EPA Region 2 Administrator, Judith Enck, in support of controversial New York state ballast water regulations. These comments appear to contradict testimony offered by the EPA to the House Transportation and Infrastructure Committee.

In December, 2008, the New York Department of Environmental Conservation (NYDEC) established state regulations governing the discharge of ballast water from commercial vessels operating in New York's jurisdiction. The regulations seek to address the problem of aquatic nuisance species being introduced into New York waters via ships' ballast water.

Under New York's rules, by August 1, 2013, all vessels operating in New York waters will be required to install environmental technology that can clean or treat ballast water to meet a specific water quality standard. The State of New York's ballast water quality standard is 100 times stronger than the standards established by the International Maritime Organization (IMO) in 2004. By January 1, 2013, any new vessels (constructed after that date) which operate in New York waters must install environmental technology that can clean or treat ballast water to a level 1000 times stronger than the IMO standards. The maritime industry has indicated that no technology exists to meet these requirements.

The New York rules not only apply to vessels visiting New York ports, but also apply to vessels that transit New York waters destined for ports in other states. For this reason, New York's regulations impact maritime commerce to and from my district more than 1000 miles to the west.

The Port of Duluth is the largest on the Great Lakes and one of the top 20 ports in the United States based on tons of cargo handled. The economic role played by the port is critical to the iron mining, steel, construction, and agriculture industries. The St. Lawrence Seaway connects the Port of Duluth - and the entire Great Lakes system - to the Atlantic Ocean and world markets. The United States section of the Seaway is located in the State of New York. Consequently, all maritime commerce utilizing the Seaway is now subject to New York's ballast water regulations.

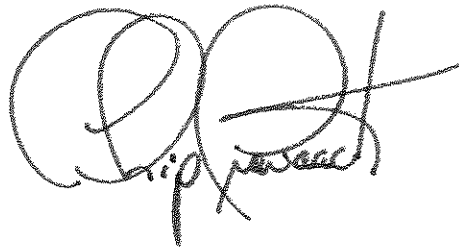
On July 13, 2011, the House Subcommittee on Coast Guard and Maritime Transportation held a joint hearing with the Subcommittee on Water Resources and Environment regarding the issue of ballast water regulation. During that hearing the subcommittees received testimony from Dr. Deborah Swackhamer, Chair of the EPA's Science Advisory Board (SAB). Dr. Swackhamer testified that a recently completed EPA study concluded that no ballast water management system could currently meet a water quality standard 100 times or 1000 times more stringent than the IMO standard. In effect, Dr. Swackhamer was indicating that EPA's own review had concluded that no technology exists to enable the maritime industry to meet New York's ballast water treatment standards.

Given the EPA's own conclusions, the unworkable nature of New York's ballast water regulations and the threat they pose to maritime commerce and related jobs in my district, I was surprised to read the attached news article in which EPA Region 2 Administrator Judith Enck publicly praises the New York regulations and commends New York regulators for "sticking with the regulations they have."

Contrary to Ms. Enck, I am hopeful that New York officials will prudently review the EPA's research and reconsider these unworkable ballast water regulations. In the meantime, I ask that you take steps to ensure that Ms. Enck is aware of the Science Advisory Board's conclusions on the state of ballast water treatment technology.

New York's excessive regulations threaten jobs in my district and throughout the Great Lakes region. I don't take this threat lightly and EPA staff should not either.

Sincerely,

A handwritten signature in black ink, appearing to read "Chip Cravaack". The signature is stylized with large, overlapping loops and a long horizontal stroke extending to the right.

Chip Cravaack
Member of Congress