September 12, 2014

The Honorable Harry Reid  
Majority Leader  
United States Senate  
522 Hart Senate Office Building  
Washington, D.C. 20510

Re: S. 2094, Vessel Incidental Discharge Act

Dear Majority Leader Reid,

As members of the Great Lakes Legislative Caucus (GLLC), we are writing to express our strong opposition to the Vessel Incidental Discharge Act of 2014 (S. 2094) due to the impact it could have on additional invasive species making their way into the Great Lakes. The GLLC is a nonpartisan, binational organization of state and provincial legislators representing the eight U.S. States and two Canadian provinces that are home to the Great Lakes. One of our primary goals is protection and restoration of the Great Lakes. Preventing the spread of aquatic invasive species is one of our highest priorities.

Many studies have documented how aquatic invasive species are introduced to the Great Lakes through ballast water to devastating effect. Invasive species have caused extensive damage to both commercial and sports fisheries on the Great Lakes, destroyed ecosystems, and critically undermined the biodiversity that is essential to healthy lake systems. They are a direct threat to the over $5 billion spent every year by people enjoying the Great Lakes. Invasive species that make their way into the Great Lakes don’t contain themselves there. The Great Lakes serve as an entry point for invasive species to inland waterways throughout the country, expanding the biological and economic havoc beyond the Great Lakes.

Given the multijurisdictional nature of the Great Lakes’ political boundaries, many of us have long hoped for a strong, uniform federal standard that would adequately protect the Great Lakes from additional aquatic species introduced through ballast water. In lieu of such a standard, some states have exercised their Tenth Amendment right to establish standards that would seek to protect the Great Lakes.

S. 2094 not only establishes an insufficient federal standard, it prohibits states from exceeding the inadequate federal standard. As state and provincial legislators we also have a responsibility to protect the Great Lakes and the citizens who rely upon them for commerce and recreation. S. 2094 adds insult to its injury by taking away the right of various jurisdictions to protect the waters of their states while simultaneously putting a weak standard in place.
Specifically, S. 2094 would freeze inadequate Coast Guard standards for the discharge of ballast water in place until 2022. S. 2094 does not allow any state deviations from the federal, uniform standard absent a showing of “scientific need” that the National Research Council says is scientifically impossible for states to demonstrate under the law as currently written. S. 2094 would therefore fatally undermine strong state standards protecting the Great Lakes from aquatic invasive species. S. 2094 usurps states’ right to create effective, innovative solutions to the aquatic invasive species crisis.

S. 2094 would represent an enormous reversal to the dramatic improvements many states have made in protecting their waters from ballast discharge. Great Lakes states and local environmental protection officials, due to insufficient federal action, are the leaders in devising creative, cost-efficient methods for preventing the spread of aquatic invasive species through ballast water. Infringing on states’ rights in environmental protection to instead create an ineffective federal standard is not a viable solution to stop the introduction of additional aquatic invasive species. It is instead a tremendously detrimental step backwards.

S. 2094 undermines the Clean Water Act by substituting the environmental authority and expertise of the Environmental Protection Agency with the regulatory oversight of the Coast Guard, which is not typically charged with enforcing federal environmental protections. Perhaps most distressingly, a statutory exemption allowing ballast discharge into supposedly “geographically limited areas” is so nebulous that it could be used as a pretext to exempt ships throughout the entirety of the Great Lakes from ballast discharge laws.

S. 2094 is an unnecessary overreach that seeks a de facto repeal of effective state regulations that are preventing the spread of aquatic invasive species in lake and river basins across the United States. We urge you to oppose this effort to undermine necessary environmental protections. Please help us defend our Great Lakes from ballast water invasive species by opposing S. 2094.

Thank you for considering our request. If you have any questions about this letter, please contact Lisa Janairo of the GLLC staff at 920.458.5910.

Sincerely,

Senator Ann H. Rest
Chair, Great Lakes Legislative Caucus
Minnesota

Representative Kelly Burke
Illinois

Senator Pamela Althoff
Illinois

Senator Melinda Bush
Illinois
Representative Barbara Flynn Currie
Illinois

Representative Robyn Gabel
Illinois

Senator Donne E. Trotter
Illinois

Representative David Niezgodski
Indiana

Senator Bruce Caswell
Michigan

Representative Marcia Hovey-Wright
Michigan

Representative Al Pscholka
Michigan

Senator Chris Eaton
Minnesota

Representative Rick Hansen
Minnesota

Representative Laura Fine
Illinois

Representative Elizabeth Hernandez
Illinois

Senator John Broden
Indiana

Senator Steve Bieda
Michigan

Representative Brandon Dillon
Michigan

Representative Jeff Irwin
Michigan

Senator Rebekah Warren
Michigan

Representative Bob Gunther
Minnesota

Representative Jerry Hertaus
Minnesota
Senator Alice Johnson
Minnesota

Representative Sandra Masin
Minnesota

Senator David Senjem
Minnesota

Representative JoAnn Ward
Minnesota

Representative Yvonne Selcer
Minnesota

Senator David Senjem
Minnesota

Representative Linda Slocum
Minnesota

Representative Yvonne Selcer
Minnesota

Representative Linda Slocum
Minnesota

Senator David Senjem
Minnesota

Representative John Ward
Minnesota

Representative Linda Slocum
Minnesota

Senator John Ward
Minnesota

Senator George Maziarz
New York

Representative Mike Foley
Ohio

Senator Chuck Wiger
Minnesota

Representative Robert Hagan
Ohio

Representative Mike Foley
Ohio

Senator Chuck Wiger
Minnesota

Representative John Patterson
Ohio

Senator Chuck Wiger
Minnesota

Representative John Patterson
Ohio

Senator Edna Brown
Ohio

Representative Tom Letson
Ohio

Representative Edna Brown
Ohio

Representative John Patterson
Ohio

Speaker Dave Levac
Ontario

Representative Greg Lucas
Pennsylvania
Representative Curt Sonney  
Pennsylvania

Representative Gary Hebl  
Wisconsin

Representative Nick Milroy  
Wisconsin

Representative Melissa Sargent  
Wisconsin

Cc: Sen. Tammy Baldwin  
Sen. Sherrod Brown  
Sen. Robert Casey  
Sen. Dan Coats  
Sen. Joe Donnelly  
Sen. Richard Durbin  
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Sen. Ron Johnson  
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Sen. Amy Klobuchar  
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Sen. Charles Schumer  
Sen. Debbie Stabenow  
Sen. Patrick Toomey