Implementing Ballast Water Treatment Regulations:

A Great Lakes Perspective

By participants of the Great Lakes Ballast Water Collaborative

Craig Middlebrook SLSDC
Robert Lewis Manning CSA
Susan Sylvester WDNR
Mark Burrows IJC
Jeff Stollenwerk MPCA
Dale Bergeron MN Sea Grant

Great Lakes Ballast Water Collaborative

Principle Facilitators: the *Saint Lawrence Seaway Development Corp.* and the *International Joint Commission*

Bringing Federal & State Regulators, Industry, Academics, and NGOs together:

> *"Sharing relevant, useful, accurate science-based information to foster better communication and collaboration among the key stakeholders engaged in the effort to reduce the risk of introduction and spread of aquatic nuisance species."*

The St. Lawrence Seaway

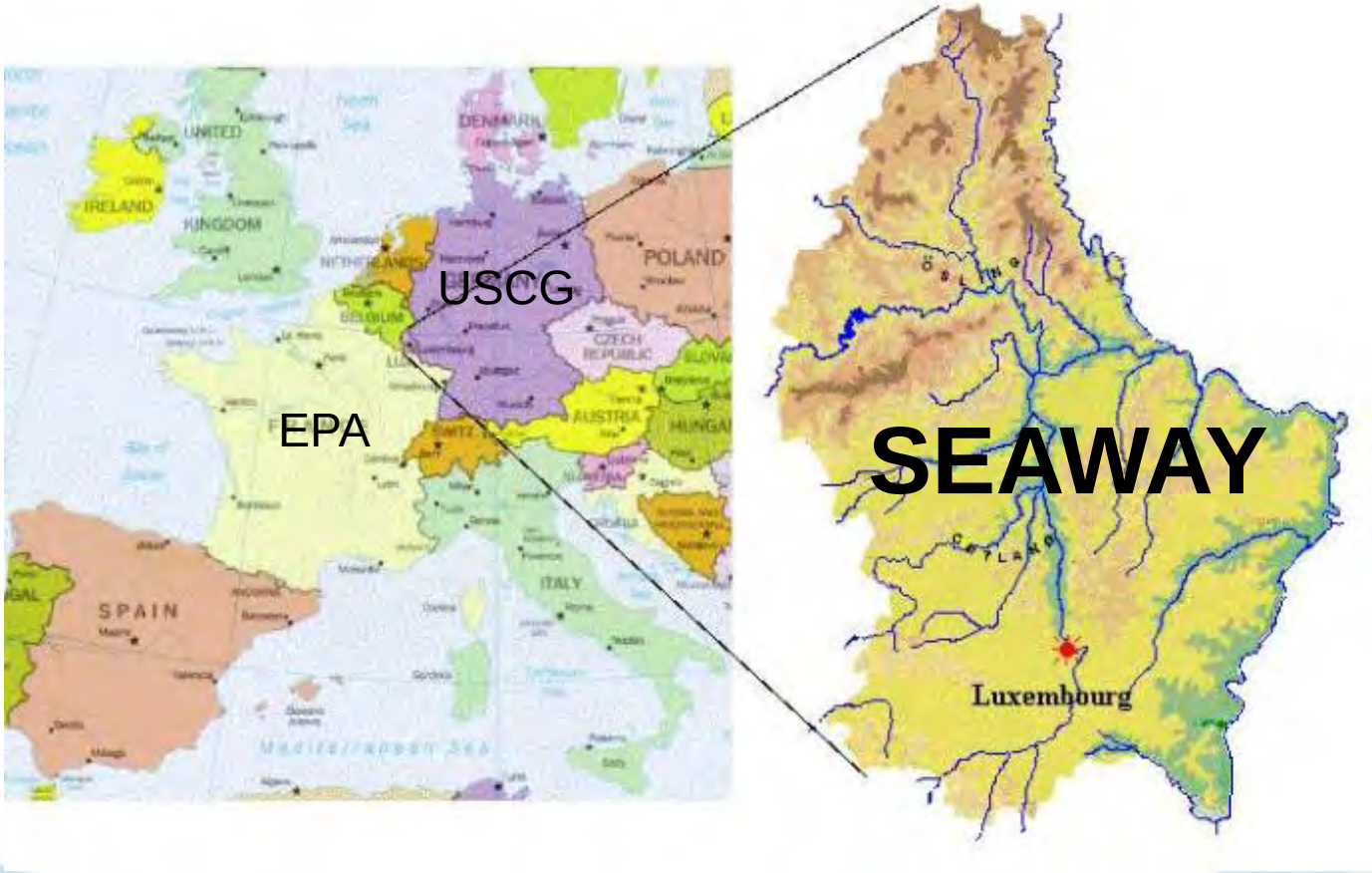
423 miles and 27 Border Crossings

<u>The U.S. Saint Lawrence Seaway Development Corporation</u>

A U.S. Government Corporation within the U.S. DOT that directly partners with Canada to manage and operate the Seaway.

The Seaway is the gateway to the heart of North America.

The Seaway is the "Luxembourg" of Ballast Water Regulation



A Long Term Regulatory Challenge

NEW PLAYERS + NEW RULES + A KNOWLEDGE GAP =

CONFUSION & UNCERTAINTY

- More U.S. and Canadian policymakers than ever in need of knowledge to formulate regulations of immense complexity within a limited time frame...
- Yet, the science of ballast water is a relatively “new” discipline…
- And a U.S. national legislative solution is not forthcoming…
- Commerce dreads uncertainty above all else, especially in a “fragile” economy.

How to respond on the Great Lakes?

In a region of multiple jurisdictions where ballast water regulatory authority is now widely dispersed and information and knowledge are limited, it is essential to…

- Build new relationships and partnerships.
- Create a forum for candid and unbiased discussion.
- Exchange relevant and substantive information and data among senior decision makers.
- Emphasize inclusive participation *(“round table”)*.
- Strive for flexibility and informality.

The Result…?

…Great Lakes Ballast Water Collaborative (BWC)

Comprised of:

- Government Regulators (State and Federal)
- Commercial Maritime Representatives
- Scientists and Researchers
- Non-Governmental Organizations

Seeking to:

- Share relevant information
- Foster better communication
- Partner to reduce ANS introduction and spread risks

High-Level Participation is Key

Over 100 individuals and organizations have been actively participating in the GL BWC, including:

FEDERAL AGENCIES

U.S. EPA
U.S. Coast Guard
Transport Canada
Fisheries and Oceans Canada
International Joint Commission
U.S. Maritime Administration
NOAA
National Park Service
U.S. Geological Survey
SLSDC & SLSMC

STATES AND PROVINCES

Minn. Pollution and Control Agency
Wis. Dept. of Natural Resources
NY Dept. of Environmental Conservation
California State Lands Commission
Ministère des Transports du Québec
Ontario Ministry of Natural Resources

SCIENTISTS & RESEARCHERS

Chris Wiley
Dr. Lisa Drake
Dr. David Reid
Dr. Mario Tamburri
Allegra Cangelosi
Dr. Hugh MacIsaac
Dr. Sarah Bailey

COMMERCIAL NAVIGATION

American Steamship Co.
Canadian Shipowners Assoc.
Seaway Marine Transport
Canada Steamship Lines
Shipping Federation of Canada
American Great Lakes Ports Assoc.
Fednav, Ltd.
Canfornav, Ltd.
Interlake Steamship Co.
Key Lakes, Inc.
U.S. Lake Carriers Assoc.

OTHER ENTITIES

Minnesota Sea Grant
Northeast Midwest Institute
Great Lakes Commission
ABS
Minn. Env. Partnership
Great Lakes United

Relevancy is Critical

The BWC has sought to broaden the understanding of some of the most important questions surrounding ballast water regulation:

- Identify “commercially available” treatment systems “rated” to meet or exceed a standard beyond the IMO (D-2) standard for fresh water environments.
- Evaluate factors affecting the installation of specific ballast water treatment systems on the applicable fleets and vessels transiting the Great Lakes.
- Assess current verification capabilities for treatment systems to comply with a discharge standard of 100x the IMO (D-2) standard.

Gather Frequently at a "Round Table"

- The non-hierarchal and informal nature of the Collaborative is critical to its effectiveness as a forum for relationship building and information exchange.
- A willingness to meet frequently has allowed beneficial relationships and substantive proposals to develop:

  - Detroit, MI (9/2009)*
  - Ann Arbor, MI (12/2009)
  - Toronto, ONT (1/2010)
  - Montreal, QUE (5/2010) *
  - Duluth/Superior, MN/WI (7/2010)*
  - Toronto, ONT (1/2011)*
  - Baltimore, MD (9/2011)*
  - Cleveland, OH (2/2012)
  - Duluth/Superior, MN/WI (8/2012)*

BWC Outcomes

- Connect and Educate key stakeholders on complexities of ballast water science, management, regulation, and enforcement.
- Allow for better understanding of contents of NAS study and SAB Report (6/11), EPA VGP2 proposal (11/11) and USCG final rule (3/12).
- Elicit practical and immediate risk-mitigation proposals from industry.
- Help align Federal and State regulatory regimes.
- Draft and disseminate substantive, informative, and “accessible” reports to the public.
- BWC Reports available at: **www.greatlakes-seaway.com** under the “Environment” tab.

Continued Areas of Focus for the BWC

- Provide accurate information/education/real understanding.
- Understand how the new regulatory framework – USCG Final Rule, EPA VGP2, State 401 Permits – will all work together.
- **Move from defining the ballast water regulatory framework to helping implement that framework effectively.**
- Focus on Ballast Water Management Systems (BWMS):
    - Availability of technology for GLSLS?
    - Reliability of verification/enforcement?
    - Independent laboratories?