



GREAT LAKES  
LEGISLATIVE CAUCUS

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

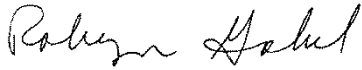


Senator Pamela Althoff  
Illinois



Senator Melinda Bush  
Illinois

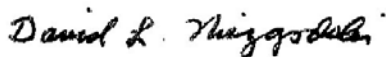
Representative Barbara Flynn Currie  
Illinois



Representative Robyn Gabel  
Illinois



Senator Donne E. Trotter  
Illinois



Representative David Niezgodski  
Indiana



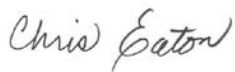
Senator Bruce Caswell  
Michigan



Representative Marcia Hovey-Wright  
Michigan



Representative Al Pscholka  
Michigan



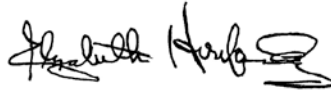
Senator Chris Eaton  
Minnesota



Representative Rick Hansen  
Minnesota



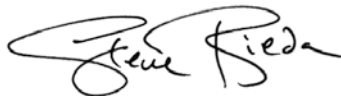
Representative Laura Fine  
Illinois



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



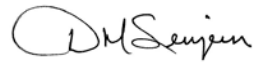
Representative Jerry Hertaus  
Minnesota



Senator Alice Johnson  
Minnesota



Representative Sandra Masin  
Minnesota



Senator David Senjem  
Minnesota



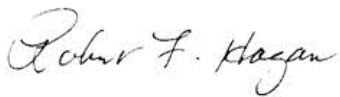
Representative JoAnn Ward  
Minnesota



Senator Chuck Wiger  
Minnesota



Senator Edna Brown  
Ohio



Representative Robert Hagan  
Ohio

Representative Tom Letson  
Ohio

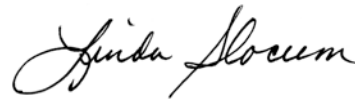


Speaker Dave Levac  
Ontario

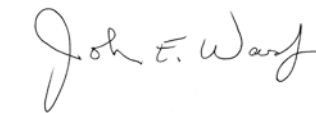
Representative Phyllis Kahn  
Minnesota



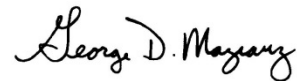
Representative Yvonne Selcer  
Minnesota



Representative Linda Slocum  
Minnesota



Representative John Ward  
Minnesota



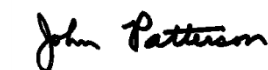
Senator George Maziarz  
New York



Representative Mike Foley  
Ohio



Senator Cliff Hite  
Ohio



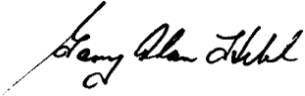
Representative John Patterson  
Ohio



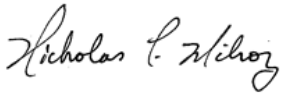
Representative Greg Lucas  
Pennsylvania



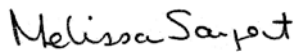
Representative Curt Sonney  
Pennsylvania



Representative Gary Hebl  
Wisconsin



Representative Nick Milroy  
Wisconsin



Representative Melissa Sargent  
Wisconsin



Representative Terese Berceau  
Wisconsin



Representative Cory Mason  
Wisconsin



Representative Tod Ohnstad  
Wisconsin

Cc: Sen. Tammy Baldwin  
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Sen. Robert Casey  
Sen. Dan Coats  
Sen. Joe Donnelly  
Sen. Richard Durbin  
Sen. Al Franken  
Sen. Kirsten Gillibrand  
Sen. Ron Johnson  
Sen. Mark Kirk  
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Sen. Carl Levin  
Sen. Robert Portman  
Sen. Charles Schumer  
Sen. Debbie Stabenow  
Sen. Patrick Toomey