

HOUSE BILL REPORT

HB 1042

As Reported By House Committee On:
Fisheries & Wildlife

Title: An act relating to ballast discharge.

Brief Description: Requiring collection of ballast discharge data.

Sponsors: Representatives King, Jacobsen, Orr, Springer and Lemmon.

Brief History:

Reported by House Committee on:
Fisheries & Wildlife, January 26, 1993, DP.

HOUSE COMMITTEE ON FISHERIES & WILDLIFE

Majority Report: Do pass. Signed by 8 members:
Representatives King, Chair; Orr, Vice Chair; Fuhrman,
Ranking Minority Member; Sehlin, Assistant Ranking Minority
Member; Basich; Chappell; Foreman; and Scott.

Staff: Keitlyn Watson (786-7310).

Background: Ballast is used to manipulate the trim and stability of a vessel. Tankers and cargo vessels typically take on ballast water at ports of origin, either from the open sea or, more frequently, from an estuary at the mouth of a river. On arrival at the destination, the vessel may discharge the ballast water prior to loading cargo for the return journey.

Ballast water and associated sediments may contain organisms and pathogens from the port of origin that can, when discharged, have injurious effects on the marine aquatic ecosystem or human health. Exotic organisms can replace native organisms, altering the marine aquatic ecosystem. In the Great Lakes, the zebra mussel, imported via ballast water from the Caspian Sea, fouled a city water system and caused billions of dollars of damage. Recent tests have confirmed the presence of cholera bacteria in ballast water aboard vessels in U.S. ports.

In October of 1990, Congress passed the Nonindigenous Aquatic Nuisance Prevention and Control Act. The purpose of the act is to prevent the unintentional introduction and

dispersal of nonindigenous species into waters of the United States through ballast water exchange. The act requires the Secretary of Transportation to issue regulations and voluntary guidelines to prevent the introduction and spread of aquatic nuisance species into the Great Lakes.

On July 4, 1991, the Marine Environment Protection Committee of the International Maritime Organization (IMO) adopted a resolution entitled "International Guidelines for Preventing the Introduction of Unwanted Aquatic Organisms and Pathogens from Ship's Ballast Water and Sediment Discharges." These international voluntary guidelines are intended for use by mariners and member states to prevent the introduction of unwanted aquatic organisms and pathogens from ship's ballast discharges into member port state waters. The IMO was formed in 1982 as a specialized agency of the United Nations, to facilitate cooperation among governments on technical matters affecting international shipping. Its main functions are to achieve safe and efficient navigation and to prevent pollution caused by ships in the marine environment.

Examples of techniques that may be used to control ballast discharge include non-release of ballast water, open ocean exchange of ballast water, management practices that prevent or minimize the uptake of contaminated water or sediment during ballasting and deballasting, or discharge of ballast water into shore-based facilities. A ballast water control report form for suggested use by member port state authorities is issued as part of the guidelines. The U.S. Coast Guard, in November of 1991, submitted an open letter to U.S. shipping agents, urging them to distribute the IMO guidelines to their clients.

The California Assembly recently passed legislation to require that ships from foreign ports discharging ballast in California ports fill out ballast water report forms and submit them to the state Department of Fish and Game and the Department of Health.

The state Department of Ecology is authorized under RCW 90.48.080 to regulate the discharge of polluting matter in waters of the state. The state Office of Marine Safety, created by the Legislature in 1991, is charged with providing leadership and coordination in identifying and resolving threats to the safety of marine transportation and the impact of marine transportation on the environment (RCW 43.21I.010). Chapter 88.46 RCW mandates the owner or operator of tank vessels to prepare and submit to the office an oil spill prevention plan, and mandates tank, cargo, and passenger vessels to have a contingency plan for cleanup of oil spills.

Summary of Bill: The administrator of the Office of Marine Safety is directed to advise owners and operators of any vessel capable of discharging ballast into Washington state waters of the availability of the "International Guidelines for Preventing the Introduction of Unwanted Aquatic Organisms and Pathogens from Ship's Ballast Water and Sediment Discharges" published by the IMO. The administrator is directed to encourage all owners and operators of such vessels to use appropriate procedures described in the guidelines to minimize detrimental effects of deballasting in Washington's waters. Shipping agents are directed to make reasonable efforts to facilitate the transfer of information between the administrator and the owner or operator of such vessels.

The administrator is directed to use, in consultation with the departments of Ecology and Health, the IMO guidelines to develop a ballast water control report form that specifies ballast discharge procedures. The form is to be developed by January 1, 1994, and, beginning June 1, 1994, is to be made available to operators of relevant vessels. The forms are to be submitted by the operators to the Office of Marine Safety within 10 days of entering a Washington port.

The administrator is authorized to collect samples from any vessel capable of discharging ballast.

The administrator, in cooperation with the departments of Health and Ecology, is to analyze the forms and samples, if appropriate, and report to the appropriate legislative committee on findings by July 1, 1995.

An appropriation of \$256,511 is made from the general fund to carry out the purposes of the act. Of that amount, \$237,110 is appropriated to the Office of Marine Safety, \$10,000 is appropriated to the Department of Ecology, and \$9,401 is appropriated to the Department of Health.

Fiscal Note: Requested January 13, 1993.

Appropriation: \$256,511 from the general fund.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The data collected on ballast water will help Washington to avoid problems that have occurred elsewhere, and will be valuable in fisheries management. The provisions of the bill will help protect the marine environment. The bill as reworked from the previous versions is something that everyone can live with.

Testimony Against: None.

Witnesses: Janet Kelly (cost estimate for implementation of bill may be too high due to sampling costs, recommends sampling in instances of known potential problems to reduce costs; Cyreis Schmitt, Department of Fisheries (recommends that vessels travelling through state waters also be subject to the data collection requirements); Bob Diaz, Office of Marine Safety; Jan Fisher, Atlantic Richfield Corporation; Randy Ray, Puget Sound Steamship Operators Association.