

SENATE BILL REPORT

SHB 2466

As Reported By Senate Committee On:
Natural Resources, Parks & Recreation, February 23, 2000

Title: An act relating to ballast water management.

Brief Description: Creating a ballast water monitoring program.

Sponsors: House Committee on Natural Resources (originally sponsored by Representatives Regala, Ericksen, Buck, Linville, Anderson, Barlean and Mitchell).

Brief History:

Committee Activity: Natural Resources, Parks & Recreation: 2/21/2000, 2/23/2000 [DPA].

SENATE COMMITTEE ON NATURAL RESOURCES, PARKS & RECREATION

Majority Report: Do pass as amended.

Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Staff: Vic Moon (786-7469)

Background: In 1998, the Zebra Mussel and European Green Crab Task Force presented recommendations regarding the introduction of aquatic nuisance species in Washington State. The task force focused on four ways aquatic nuisance species may be introduced. One way the task force studied is through ballast water. In its final report, the task force included recommendations addressing introduction of aquatic nuisance species through ballast water.

At the national level, a new U.S. Coast Guard interim rule relating to ballast water and aquatic nuisance species went into effect this past summer. The rule established voluntary ballast water management guidelines that apply to vessels with ballast tanks operating in all United States waters. Along with other voluntary provisions, vessels operating beyond the 200-mile-wide Exclusive Economic Zone (EEZ) are asked to use at least one of five ballast water management practices provided in the rule. An exemption is provided if there are concerns about the safety of the vessel, its crew, or its passengers.

The rule's mandatory reporting requirements apply to vessels carrying ballast water into U.S. waters after operating beyond the EEZ. Limited vessel exceptions are provided. The rule details the specific information vessels must submit and when it must be submitted.

To maintain nationwide consistency and avoid potential conflicts and duplication, the Coast Guard has asked any political entity looking at the ballast water issue to first consider its rule prior to taking action. However, this regulation is not intended to preempt any state, regional, or local efforts that exceed, but do not conflict, with the standards detailed in the rule.

Summary of Amended Bill: The Legislature finds that nonindigenous species have the potential to cause economic and environmental damage to the state, and the current efforts to stop the introduction is not adequate to reduce the risk of new introductions. Ballast water means any water and suspended matter taken on board a vessel to control or maintain the vessel's stability. Nonindigenous species mean any species or biological material that enters the state's waters beyond that species historic range, including organisms transferred from one country to another. A recognized maritime association means a trade association that promotes management practices to improve ballast water and includes members of the Puget Sound Marine Committee for Puget Sound and Columbia River Steamship Operators. The application of ballast water control applies to all vessels except those vessels in defense, those vessels that discharge water or sediments only at the location where the ballast water or sediments originated, those vessels that are in innocent passage or are not entering or departing waters of the United States, and oil tankers that do not discharge ballast water in this state..

Nothing in the act authorizes the discharge of oil or noxious liquid substances into state waters and nothing in this law relieves the operator of a vessel from the responsibility of insuring the safety and stability of the vessel.

No vessel may discharge ballast water unless there has been an open sea exchange or beginning January 1, 2002, the vessel has had the ballast water treated. Ballast water management is required by the Coast Guard and is submitted to vessel associations and then forwarded to the United States Coast Guard. The Department of Fish and Wildlife must develop and adopt ballast sampling and testing protocols. The Department of Fish and Wildlife may adopt rules to implement the ballast water exchange program and may impose civil penalties or warnings for persons violating the rules of the department. Any person who falsifies ballast water control reports can receive a civil penalty up to \$5,000, in addition to any criminal liability that may attach to the filing of a false document. The Department of Fish and Wildlife in cooperation with the Coast Guard must enforce the requirements of the law.

The departments of Fish and Wildlife and Ecology will study the United States Department of Defense compliance and report to the Legislature. The ports, the Department of Fish and Wildlife and industry will establish a pilot program and develop a system so that costs will be equal between small and large ports.

A severability clause is included.

Amended Bill Compared to Substitute Bill: The Washington ports will participate in the port study.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Ballast water discharge causes environmental problems and a cooperative state and Coast Guard program is needed.

Testimony Against: None.

Testified: PRO: Scott Smith, WA Dept. of Fish and Wildlife; Rick Wickman, Columbia River Steamship Operators Assn.; Randy Ray, Puget Sound Steamship Operators Assn.