

SENATE BILL REPORT

SB 6293

As Reported By Senate Committee On:
Natural Resources, Parks & Recreation, January 31, 2000

Title: An act relating to ballast water management.

Brief Description: Creating a ballast water monitoring program.

Sponsors: Senators Jacobsen and Oke.

Brief History:

Committee Activity: Natural Resources, Parks & Recreation: 1/20/2000, 1/31/2000 [DPS].

SENATE COMMITTEE ON NATURAL RESOURCES, PARKS & RECREATION

Majority Report: That Substitute Senate Bill No. 6293 be substituted therefor, and the substitute bill do pass.

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

Staff: Vic Moon (786-7469)

Background: Aquatic nuisance species invasions into state waters through ballast water are recognized as a serious problem that threatens economic development, biological diversity and human health issues. Congress enacted the Nonindigenous Aquatic Nuisance Species Prevention and Control Act in 1990 and amended the act in 1996. The act is intended to prevent and control infestations of species such as zebra mussels and other nonindigenous aquatic nuisance species. California was the first state to enact state legislation to manage ballast water to control nonindigenous species in 1999.

The federal agency in charge of ballast water management is the United States Coast Guard. States and the federal government through the Coast Guard can work jointly to monitor ballast water issues and protect states' waters from the introduction of nonindigenous species. The Coast Guard's ballast water program is voluntary and involves policies to protect both federal and state waters. Since ballast water exchange is not always possible or effective, an alternative treatment method for ballast water is something that the states can work with the industry to develop to control the invasion.

Summary of Substitute 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.

A severability clause is included.

Substitute Bill Compared to Original Bill: Definitions of terms are included to clarify the program and that the Department of Fish and Wildlife's rulemaking authority specifically applies to standards and to ballast exchange, discharge and treatment. Language setting up a special account is deleted.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The state needs a program to complement the United States Coast Guard's authority to control the introduction of invasive nuisance species.

Testimony Against (concerns): The bill needs some definitions and a legislative review in a few years.

Testified: PRO: Scott Smith, WDFW; Mark Sytsma Portland State University; Steve Tilley, Puget Sound Water Quality Action Team; Grant Kirby, NW Indian Fisheries Commission; Ed Owens, Commercial Seafood Harvesters; Bill Dewey, Pacific Coast Shellfish Growers Assn.; Harry Hutchins, Puget Sound Steamship Operators; Eric Johnson, WA Public Ports Assn.; Ron Shultz, Audubon; Bruce Wishart, People for Puget Sound;

Terry Finn, Port of Seattle; Concerns: Dan Riley, Western States Petroleum Assn.; Rick Wickman, Dave Cook, Columbia River Steamship Operators Association.