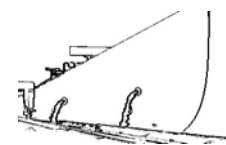




FACT SHEET



Environmental Protection Agency Aquatic Nuisance Species in Ballast Water Discharges

On January 13, 1999, the U.S. Environmental Protection Agency (EPA) received a petition which requested that ships' ballast water be regulated under the National Pollutant Discharge Elimination System (NPDES), a program that requires permits for the discharge of pollutants into the Nation's waters. Environmental degradation from the introduction of invasive species through ballast water is well documented. In response to the petition, EPA's Office of Water investigated what mechanisms are available under the Clean Water Act and other relevant statutes and programs to control aquatic nuisance species (ANS) in ballast water discharges.

The draft report, *Aquatic Nuisance Species in Ballast Water Discharges: Issues and Options*, is now available for public review and a notice will be published in the Federal Register on September 27, 2001. The report explores non-regulatory as well as regulatory actions that EPA could take to prevent these ANS introductions. EPA will prepare a final report once public comments have been considered.

Currently, the greatest impediment to effectively controlling ANS from ballast water discharges is the lack of commercially available technical solutions. New scientific and regulatory developments are expected to provide significant new tools for fighting ANS, but these are in the future.

The report suggests that EPA can best combat ANS introductions from ballast water discharges by taking an active role in a number of areas. Recommended EPA actions in the draft report include:

One: EPA should promote the development of effective ballast water treatment technologies by:

- Actively promoting research, outreach, and technology development through its participation in the ANS Task Force, the Invasive Species Council, and their appropriate committees and working groups on ballast water;
- Promoting technology development, for example through its Environmental Technology Verification (ETV), Small Business Innovative Research, and Green Ships and Green Ports programs;
- Establishing the prevention of ANS introductions as an EPA research priority;
- Providing technical assistance to ANS research projects initiated or funded by the National Oceanic and Atmospheric Administration (NOAA), the U.S. Fish and Wildlife Service (USFWS), the U.S. Coast Guard, or other government, academic, or non-governmental organizations;
- Supporting the U.S. Coast Guard's efforts to evaluate the effectiveness of its regulations and to revise them, if necessary to enhance their effectiveness in preventing ANS introductions, including the development of domestic ballast water standards and encouraging the development and adoption of new technologies; and
- Continuing EPA's participation on the U.S. delegation to the Ballast Water Working group of the Marine Environmental Protection Committee of the International Maritime Organization, which is working toward an international ballast water agreement, including developing standards.

Two: EPA should work to prevent species introductions by:

- Encouraging public participation and education/outreach (e.g., through the National Estuary Programs, Great Waters programs, Aquatic Nuisance Species Task Force, National Invasive Species Council, Interagency Committee on the Marine Transportation System, and web sites);
- Working with the U.S. Coast Guard to maximize compliance with the NISA regulations at 33 CFR 151 by:
 - Providing technical assistance, coordination, and advocacy support to U.S. Coast Guard outreach, education, and research projects; and
 - Participating actively on the ANS Task Force, its regional Panels, and its Ballast Water Committees;
- In cooperation with other Federal agencies, engaging the regulated community in a government-shipper partnership emphasizing the use of EMS to address all aspects of ship-borne transfers of ANS, by:
 - Formally recognizing the efforts of shipping interests which commit to real, significant actions that reduce the risk of ANS transfer;
 - Providing technical assistance, coordination, and where appropriate, financial support to shippers' projects designed to address ANS; and
 - Where appropriate, providing regulatory flexibility for ANS prevention projects using EPA's Project XL program;
- Providing encouragement for national consistency and coordination to State and local governments' efforts to control ANS invasion from ballast water;
- Developing EPA's Invasive Species Management Plan to identify appropriate EPA-specific activities to implement the Invasive Species Council's National Invasive Species Management Plan;
- Using EPA's authority to review NEPA documents and other documentation, to promote the adequate consideration of the effects of ANS in Federal actions which involve ballast water; and
- Deferring consideration of the application of National Pollutant Discharge Elimination System (NPDES) permits to ballast water discharges pending these actions. The effectiveness of other programs, including the level of compliance with the U.S. Coast Guard's program under NISA, will be a factor in EPA's future consideration of this issue.

An electronic copy of the entire draft report can be viewed or downloaded from EPA's Internet web site at www.epa.gov/owow/invasive_species/petition.html. A paper copy of the draft report can be obtained by sending a written request to: Marine Pollution Control Branch, ATTN: Ballast Water, US Environmental Protection Agency (4504F), 1200 Pennsylvania Avenue, NW, Washington, DC, 20460.

If you have information or comments to provide, please email them to Ballast.Water@epa.gov, or mail them to: Marine Pollution Control Branch, ATTN: Ballast Water, US Environmental Protection Agency (4504F), 1200 Pennsylvania Avenue, NW, Washington, DC, 20460. Please include your name, affiliation, address, phone number and/or email address. All comments received before January 11, 2002, will be made part of the official record, and will be considered when preparing the report.