

Attachment 1

Current EPA Activities and Involvement in Ballast Water Issues

EPA recognizes that the discharge of invasive species from ballast water is a serious threat to the environment. The impacts of invasive species are costly and often irreversible. EPA is working closely with stakeholders, States and other Federal agencies to help control invasive species and prevent future invasions.

EPA and Coast Guard Activities

The EPA is working closely with the Coast Guard to develop supporting documents for ballast water regulations that the Coast Guard is developing under the Nonindigenous Aquatic Nuisance Species Control Act, as amended by the National Invasive Species Act. Most recently, the EPA worked with the Coast Guard to develop a Programmatic Environmental Assessment (PEA) for the Coast Guard's Mandatory Ballast Water Management Program. The Coast Guard is preparing to propose regulations for a Mandatory Ballast Water Management Program, which would require ballast water management for all vessels equipped with ballast tanks entering U.S. waters after operating outside of the Economic Exclusive Zone (EEZ). The PEA identifies the potential for environmental impacts of the proposed rulemaking. EPA is also beginning to work with the Coast Guard on an Environmental Impact Statement (EIS) for an upcoming Coast Guard rulemaking proposal to establish Standards for Living Organisms in Ship's Ballast Water Discharged in U.S. Water. EPA will perform duties as a cooperating agency (under the National Environmental Policy Act) in addition to the agencies traditional duties as a reviewer of the EIS. Public meetings will be held in Fall 2003 regarding the EIS.

Environmental Technology Verification Program

EPA's Environmental Technology Verification (ETV) Program develops testing protocols and verifies the performance of innovative technologies that have the potential to improve protection of human health and the environment. EPA created the ETV program to accelerate the entrance of new environmental technologies into the domestic and international marketplace. Currently, the ETV program is developing protocols for testing, verifying and reporting on new ballast water treatment technologies. Since FY 2001, EPA has contributed \$160K to the program. [Note: this last sentence doesn't sound right. Do we mean that EPA has "allocated" the money (i.e., from appropriated funds)? Has Congress earmarked the money (in which case, the line would be that "Congress has appropriated" the money. Given that it is an EPA program, it doesn't sound right to say EPA has contributed to it.)]

International Maritime Organization (IMO)

In 1997, the IMO adopted voluntary ballast water management guidelines to minimize the transfer of harmful aquatic organisms and pathogens. Members of the Ballast Water Working Group of the Marine Environmental Protection Committee (MEPC) of the IMO are now attempting to draft an international agreement that would make the management of ballast water discharges mandatory. EPA actively participates as a member of the U.S. delegation in the

preparations for, and the negotiations during, the meetings of the Ballast Water Working Group of the MEPC of the IMO. In April 2001 the MEPC considered a draft text of an international ballast water instrument drafted by the United States. The U.S. draft was accepted by the MEPC as the base document for further development of the treaty. In addition, over the next year, the U.S. delegation is coordinating an international correspondence group to help develop an effective international standard. The U.S. delegation has taken on the role to chair an intercessional standards drafting group, because the United States government believes that development of an effective international standard is necessary, and should be the basis of this agreement. The United States will need to address potential limitations on individual States (domestic States of the U.S. or foreign nation "States"?) concerning the regulation of ballast water discharges in their jurisdictions. Domestic implementation of this instrument is expected to be accomplished through existing domestic legislation. In October 2002, the MEPC continued negotiations of the ballast water treaty. During this session, the MEPC agreed that the performance standard should not be based on the percentage of viable organisms removed, but on the number of organisms per unit volume. A new convention adopting these latest agreements could be adopted as soon as 2004.

Aquatic Nuisance Species Task Force

EPA is a member of the Aquatic Nuisance Species Task Force (ANSTF). Under NISA, the ANSTF is an intergovernmental organization dedicated to preventing and controlling aquatic nuisance species. The U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration (NOAA) co-chair the ANSTF, which consists of seven Federal agency representatives (including EPA) and 11 *ex officio* members. The ANSTF coordinates government efforts dealing with invasive species in the United States with those of the private sector and other North American interests. EPA has been involved in various sub-committees within the ANSTF, including the Ballast Water and Shipping Committee and the Ballast Water Program Effectiveness and Adequacy Criteria Committee. Under the auspices of the Ballast Water and Shipping Committee, the Coast Guard and EPA have established a formal collaborative engineering test program to verify the effectiveness of ballast water treatment technologies. The Ballast Water Program Effectiveness and Adequacy Criteria Committee recommends criteria for assessing whether the requirements and guidelines implemented by the U.S. Coast Guard program are effective at reducing the risk of species invasion.

National Invasive Species Council

EPA is also a member of the National Invasive Species Council (NISC) and participates in its efforts to control invasive species introductions. The Council was established under Executive Order 13112 and is co-chaired by the Secretaries of Interior, Agriculture and Commerce, with membership including the Administrator of EPA and Secretaries of Defense and Transportation. The Council is charged with (1) overseeing the implementation of the order by Federal agencies; (2) developing guidance for Federal agencies and making recommendations for international cooperation; and (3) preparing a National Invasive Species Management Plan. The NISC released its final Invasive Species Management Plan (Plan) on January 18, 2001, and that Plan directs EPA and certain other Federal agencies to take a number of actions. These actions include sponsoring research to develop new technologies for ballast water management,

and the development of standards by the Coast Guard for approving ballast water management technologies. Early detection and rapid response is another major action in the Plan. The early detection of potential invasions, and the rapid eradication or containment of invasive species is the goal of this action. The Plan directs EPA, USDA, DOI, and DOC to institute systematic monitoring surveys of locations where introductions are most likely to occur by 2003. The surveys will be developed in cooperation with Federal, State, local, and Tribal authorities.

National Estuary Program

Congress established the National Estuary Program (NEP) in 1987 to identify nationally-significant estuaries threatened by pollution, development, and overuse, and promote effective management that will lead to the conservation of these important ecosystems. Under the program, there are currently 28 such estuaries identified for NEPs. The San Francisco Estuary Project and the Puget Sound Water Quality Action Team are two NEPs that have identified aquatic nuisance species as a priority issue in their Comprehensive Conservation and Management Plans. Several other NEPs, such as Tampa Bay, Massachusetts Bays, Barataria-Terrebonne, Delaware Inland Bays, and Narragansett target aquatic nuisance species in their annual workplans as well. The San Francisco Bay NEP has developed an aquatic nuisance species monitoring program that is likely to serve as a model for other estuaries that are vulnerable to invasive species invasions via ballast water. Because a number of major ports are located in estuaries, EPA is working to support the development of effective research and monitoring programs in the NEPs. In FY 2000, EPA provided special funding in support of aquatic nuisance species activities to the San Francisco NEP, the Puget Sound Water Quality Action Team, the Massachusetts Bays NEP, and the Tampa Bay NEP. In addition, EPA funded a number of NEP programs in FY 2002 which addressed aquatic nuisance species. The funding supports work ranging from the development of rapid response and monitoring programs to efforts which seek to control invasive species in specific estuaries.

Interagency Committee on the Marine Transportation System

EPA also participates on the Interagency Committee on the Marine Transportation System (ICMTS), a Federal interagency partnership responsible for the Nation's Marine Transportation System (MTS) - waterways, ports and their intermodal connections (i.e. railroads, highways). The ICMTS coordinates overlapping Federal agency functions in the management of that system. The management and potential regulation of ballast water is a salient issue for the constituents and managers of the MTS, so this committee follows the activities of the participating Federal agencies who address ballast water introductions of nonindigenous species, both at the national and international level.

Office of Wetlands, Oceans and Watersheds (OWOW) Invasive Species Strategy

A number of programs administered by EPA's Office of Water deal with invasive species issues. The programs are aimed at contributing to the control and prevention of invasive species. The purpose of the strategy is to improve the effectiveness of the programs and establish appropriate leadership, partnership and educational roles in the invasive species management community. The plan is divided into a number of different stages in order to appropriately achieve the goals of the strategy. Phase I of the Strategy was completed in March 2003, defining and outlining the objectives of the strategy. Phase II is scheduled to be completed in August 2003. Phase II will begin to identify the priority action items for OWOW.