

October 11, 2022

President Joe Biden
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Dear Mr. President,

We write to ask you to direct the Environmental Protection Agency (EPA) to implement discharge standards for ship's ballast water that comply with the Clean Water Act. EPA has been violating the Act for nearly 50 years.¹

EPA's dereliction of its legal obligation has resulted in billions of dollars of environmental and economic damage in marine, estuarine and fresh waters of the United States, as reported by federal agencies. This includes the fouling and blocking of municipal and industrial water intake pipelines and the devastation of native fish and shellfish populations.

Ballast water has also transported and released toxigenic algae and emergent waterborne diseases into new regions of the world, causing the deaths of thousands of people. Diseases released into US waters have caused outbreaks in at least 15 states. Communities with weaker water and wastewater treatment, which are often communities of color, are exposed to greater risks by EPA's failure to prevent the introduction of waterborne diseases.

This month will mark the 50th anniversary of the Clean Water Act, yet EPA has still not established ballast water discharge standards that conform with the Act. EPA must be directed to meet its Clean Water Act obligations after decades of neglect and refusal.

Background

Ships take up and discharge large volumes of ballast water as a necessary complement to the transport of cargo. This practice transports and releases into the environment a wide variety of harmful invasive organisms: mussels that foul boats, navigational equipment and beaches, block pipelines, and devastate native fish and shellfish populations; crabs that damage shellfisheries; fish that compete with and prey on native fish; and mussels, clams and other invertebrates that consume food organisms that fish depend on, causing fish populations to crash.

Ballast water discharges have also introduced harmful algal blooms; toxigenic dinoflagellates that poison clam fisheries; and several bacterial pathogens that cause human diseases, including one pandemic strain that killed over 10,000 people in South America. A pathogen introduced in ballast water killed off sea urchins needed to maintain coral reefs, thereby destroying reefs throughout the Caribbean. Another pathogen recently introduced into Florida and the U.S. Virgin Islands directly attacks twenty different coral species.

¹ Notes for this letter can be downloaded at: <http://bioinvasions.org/wp-content/uploads/Notes.pdf>.
For further information contact Andrew Cohen, Center for Research on Aquatic Bioinvasions,
acohen@bioinvasions.com.

For 36 years after the passage of the Clean Water Act, EPA unlawfully exempted ballast water discharges from regulation. Even after the courts directed EPA to repeal the exemption, the agency repeatedly adopted inadequate discharge standards that failed when challenged in court. Although Congress confirmed that EPA must establish discharge standards that comply with the Clean Water Act, EPA is instead proposing to re-issue standards that the courts already found are unlawful.

The Solution

Many harmful organisms arrive at our shores carried in ballast tanks. Fortunately, we have the technical ability to efficiently remove or kill organisms that are trapped in a tank of water. For half a century federal law has required EPA to use that ability to protect the environment and public health — yet EPA still refuses to do so.

Mr. President, we call on you to order EPA to finally do its job. If EPA simply followed the law and established discharge standards based on the best available technology, that would fix this problem and protect the environment and health of all Americans as the Clean Water Act intended.

Respectfully,

Marcie Keever, Oceans & Vessels Program Director
Friends of the Earth

Andrew Jimmie, Chairman
Alaska Native Health Board

Don Jodrey, Director of Federal Government Relations
Alliance for the Great Lakes

Valentin Lopez, Chairman
Amah Mutsun Tribal Band

Lucas Bissett, Executive Director
American Fly Fishing Trade Association

Amy Merrill, California Conservation Director
American Rivers

Connor Bevin, Inland Fisheries Policy Manager
American Sportfishing Association

Colton Fagundes, Senior Manager, Policy and Advocacy
American Sustainable Business Network

Dave Eggerton, Executive Director
Association of California Water Agencies

John Pappalardo, Executive Director
Cape Cod Commercial Fishermen's Alliance

Arthur Bowman III, Policy Director
Center for Environmental Health

Sarah Lovinger, Executive Director
Chicago Physicians for Social Responsibility

Fred Mattera, Executive Director
Commercial Fisheries Center of Rhode Island

Dave Runsten, Senior Policy Analyst
Community Alliance with Family Farmers

Bradley M. Campbell, President
Conservation Law Foundation

Scott Winters, Ph.D, CEO
Coral Restoration Foundation

Tim Gibbs, MPH, Executive Director
Delaware Academy of Medicine / Delaware Public Health Association

John Rumpler, Clean Water Program Director
Environment America

Esperanza Vielma, Executive Director
Environmental Justice Coalition for Water

Ann Mesnikoff, Federal Legislative Director
Environmental Law & Policy Center

Wenonah Hauter, Founder and Executive Director
Food & Water Watch

Anna Linakis, MPH, Executive Director
Greater Boston Physicians for Social Responsibility

Mariana Del Valle Prieto Cervantes, Director of Strategic Initiatives
Green Latinos

Matt Rota, Senior Policy Director
Healthy Gulf

Kim Irwin, MPH, Administrator
Indiana Public Health Association

John Goss, Policy Chair
Indiana Wildlife Federation

David Phillips, Director
**International Marine Mammal Project of Earth
Island Institute**

InterTribal Sinkyone Wilderness Council, a
consortium of 10 federally recognized Tribal Nations:

Mary J. Norris, **Cahto Tribe of Laytonville
Rancheria**

Priscilla Hunter, **Coyote Valley Band of Pomo
Indians**

Suzanne Romero, **Hopland Band of Pomo
Indians**

Leona Williams, **Pinoleville Pomo Nation**

Mariah Rosales, **Potter Valley Tribe**

Debra Ramirez, **Redwood Valley Little River
Band of Pomo Indians**

Jaime Boggs, **Robinson Rancheria of Pomo
Indians**

Michelle Downey, **Round Valley Indian Tribes**

Crista Ray, **Scotts Valley Band of Pomo
Indians**

Buffie Schmidt, **Sherwood Valley Rancheria of
Pomo Indians**

William Jones, Jr., Chairman
Lummi Nation

Lance Morgan, President & CEO
Marine Conservation Institute

Bob Peters, Tribal Chairman
**Match-E-Be-Nash-She-Wish Band of Pottawatomi
Indians (Gun Lake Tribe)**

Charlene Nijmah, Chairwoman
Muwékma Ohlone Tribe

Charles C. Caldart, Director of Litigation
National Environmental Law Center

Brad Warren, President
**National Fisheries Conservation Center/Global
Ocean Health**

Marc Smith, Policy Director
National Wildlife Federation

Lisa A. Harrison-Gulla MPH, MAE, HO, REHS,
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Drew Harris, DPM, MPH, Chairman
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North American Marine Alliance

Violet Sage Walker, Chairwoman
Northern Chumash Tribal Council

Liz Hamilton, Executive Director
Northwest Sportfishing Industry Association

Michael Stocker, Director
Ocean Conservation Research

Charles Saylan, Executive Director
Ocean Conservation Society

Lara Levison, Senior Director, Federal Policy
Oceana

Glen H. Spain, J.D., Northwest Regional
Director/Acting Executive Director
**Pacific Coast Federation of Fishermen's
Associations**

Stephanie Shell, Executive Director
Pennsylvania Public Health Association

Barbara H. Warren, Chapter Coordinator
Physicians for Social Responsibility Arizona

Michael Rincon, Research and Policy Manager
Physicians for Social Responsibility—Los Angeles

Robert M. Bernstein, MD, President
Physicians for Social Responsibility New Mexico

Kathleen Nolan, MD, MSL - President
Physicians for Social Responsibility—New York

Tonyehn Verkitus, Executive Director
Physicians for Social Responsibility Pennsylvania

Chris Gadbois, President
Rhode Island Public Health Association

Lorette Picciano, Executive Director
Rural Coalition

Harry Wang, MD, President
**Sacramento Chapter of Physicians for Social
Responsibility**

Robert M. Gould, MD, President
**San Francisco Bay Physicians for Social
Responsibility**

Beth Roach, Water Director
Sierra Club

Katie Day, Environmental Science and Policy
Manager
Surfrider Foundation

Rebecca Bernhardt, Executive Director
Texas Physicians for Social Responsibility

Mark J. Spalding, President
The Ocean Foundation

Bill Mott, Executive Director
The Ocean Project

Carrie Butler, Executive Director
Utah Public Health Association

Daniel Estrin, General Counsel and Advocacy Director
Waterkeeper Alliance

Adam Cantor, Natural Resources Director
Wiyot Tribe Natural Resources Department

Peter Neill, Director
World Ocean Observatory

Whitney Tilt, Executive Director
AFFTA Fisheries Fund

Cindy Lowry, Executive Director
Alabama Rivers Alliance

Brittany McLaughlin, Executive Director
Alliance for a Living Ocean

Jason Flanders, Partner
Aqua Terra Aeris Law Group

Jason Wedemeyer, Executive Director
Association of Northwest Steelheaders

Dean Wilson, Executive Director
Atchafalaya Basinkeeper

Kristen Schlemmer, Legal Director & Waterkeeper
Bayou City Waterkeeper

Abigail Alling, Founder / CEO
Biosphere Foundation

Nelson Brooke, Riverkeeper
Black Warrior Riverkeeper

Roger Fleming, Policy Director and Attorney
Blue Planet Strategies

Sean Bothwell, Executive Director
California Coastkeeper Alliance

Daniel Gluesenkamp, Executive Director
California Institute for Biodiversity

Mark Seelos, President
California Lake Management Society

Chris Shutes, Water Rights Advocate
California Sportfishing Protection Alliance

Josh Bradt, Director
California Urban Streams Partnership

John Cassani, Waterkeeper
Calusa Waterkeeper

Trish Rolfe, Executive Director
Center for Environmental Law and Policy

Andrew Wunderley, Executive Director & Waterkeeper
Charleston Waterkeeper

Michael Mullen, Executive Director
Choctawhatchee Riverkeeper

Carin High, Co-Chair
Citizens Committee to Complete the Refuge

Trish Mulvey, Co-Founder
CLEAN South Bay

Faith Rivers James, Executive Director
Coastal Conservation League

Bradley Davidson, Executive Director
Conservation Alabama & Conservation Alabama Foundation

Karen Mitchoff, Chair
Contra Costa County Board of Supervisors

Sue Mauger, Science & Executive Director
Cook Inletkeeper

Karla Rossini, Executive Director
CU Maurice River

Maya K. Van Rossum, Delaware Riverkeeper
Delaware Riverkeeper Network

Adam Colette, Programs Director
Dogwood Alliance

Clifford C. Chan, General Manager
East Bay Municipal Utility District

Linda Sheehan, Executive Director
Environment Now

Jill M. Ryan, Executive Director
Freshwater Future

Ivy L. Frignoca, Casco Baykeeper
Friends of Casco Bay/Casco Baykeeper

Susan Schwartz, President
Friends of Five Creeks

Margaret Frisbie, Executive Director
Friends of the Chicago River

Jann Dorman, Executive Director
Friends of the River

Lovel Pratt, Marine Protection and Policy Director
Friends of the San Juans

Glenn Phillips, Executive Director
Golden Gate Audubon Society

Sadie Wilson
Greenbelt Alliance

Susan Scott, President
Hawai'i Audubon Society

Randall Kennedy, Board President
Hawai'i Conservation Alliance Foundation

Jessica Yamauchi, CEO
Hawai'i Public Health Institute

Hannah Bernard, Executive Director
Hawai'i Wildlife Fund

Katherine Pease, Director of Science & Policy
Heal the Bay

Steven Ridini, EdD, President & CEO
Health Resources in Action

Sarah Winter Whelan, Executive Director
Healthy Ocean Coalition

Tracy Brown, President and Hudson Riverkeeper
Hudson Riverkeeper

Jennifer Kalt, Executive Director
Humboldt Baykeeper

Bruce Reznik, Executive Director
Los Angeles Waterkeeper

Michael Orr, Communications Director
Louisiana Environmental Action Network

Lois Wolfson, President
Michigan Chapter North American Lake Management Society

Amy Trotter, Executive Director
Michigan United Conservation Clubs

Jennifer Bolger Brededa, Executive Director
Milwaukee Riverkeeper

Kathryn Hoffman, Chief Executive Officer
Minnesota Center for Environmental Advocacy

Steve Morse, Executive Director
Minnesota Environmental Partnership

Deb Castellana, Director of Strategic Alliances
Mission Blue

Rachel Bartels, Director
Missouri Confluence Waterkeeper

Cade Kistler, Baykeeper
Mobile Baykeeper

Mark Sherwood, Executive Director
Native Fish Society

Gregory A. Thomas, Chief Executive Officer
Natural Heritage Institute

Andrea LaMoreaux, President
NH Lakes

Frank Egger, President
North Coast Rivers Alliance

Bob Rees, Executive Director
Northwest Guides and Anglers Association

Matt Misicka, Executive Director
Ohio Conservation Federation

Garry Brown, Founding Director
Orange County Coastkeeper, Inland Empire Waterkeeper and Coachella Valley Waterkeeper

Cameron La Follette, Executive Director
Oregon Coast Alliance

Phillip Johnson, Executive Director
Oregon Shores Conservation Coalition

Pete Topping, Executive Director & Baykeeper
Peconic Baykeeper

Martin Miesko, President
Pennsylvania Lake Management Society

Nancy Stoner, President
Potomac Riverkeeper Network

Blair Englebrecht, Policy and Boating Programs Manager
Puget Soundkeeper Alliance

Eleanor Hines, North Sound Baykeeper
RE Sources

Emily Bowes, Conservation Director
Rogue Riverkeeper

Katharine M. Noonan, Co-Chair and President
Rotary Nature Center Friends

Jack Olles, President
Salmon Unlimited Illinois

Matt O'Malley, Executive Director and Managing Attorney
San Diego Coastkeeper

Ben Eichenberg, Staff Attorney
San Francisco Baykeeper

Tonya Bonitatibus, Riverkeeper & Executive Director
Savannah Riverkeeper

David Lewis, Executive Director
Save The Bay

John Peach, Executive Director and Riverkeeper
Save the River Upper St. Lawrence Riverkeeper

Bill Lucey, Long Island Soundkeeper
Save the Sound—Long Island Soundkeeper

Brock Cahill, President
SeaChange Agency

Georgienne Bradley, Founder and Director
Sea Save Foundation

Abbey Tyrna, Executive Director & Waterkeeper
Suncoast Waterkeeper

David Whiteside, Executive Director
Tennessee Riverkeeper

Gary Bobker, Program Director
The Bay Institute

Sean Bothwell, Director
The Otter Project

Juliana Gonzalez, Executive Director
The Watershed Project

Heather Hulton VanTassel, Executive Director
Three Rivers Waterkeeper

Victoria Frankeny, Riverkeeper & Staff Attorney
Tualatin Riverkeepers

Todd Steiner, Executive Director
Turtle Island Restoration Network

Sue Joerger, Executive Director
Twin Harbors Waterkeeper

George L. Shillinger, PhD, Executive Director and Co-Founder
Upwell Turtles

Rhiannon Tereari'i Chandler-Īao, Director
Waiwai Ola 'Ohana

Jen Oden, President
Washington State Lake Protection Association

Debra Buffkin, Executive Director
Winyah Rivers Alliance

cc: Michael S. Regan, Administrator, U.S. Environmental Protection Agency
Janet McCabe, Deputy Administrator, U.S. Environmental Protection Agency
Bruno Pigott, Deputy Assistant Administrator, Office of Water, U.S. Environmental Protection Agency
Sara Gonzalez-Rothi, Senior Director for Water, White House Council on Environmental Quality

Attachment: House Ballast Water Letter to EPA

Congress of the United States

Washington, DC 20510

June 23, 2022

The Honorable Michael S. Regan
Administrator
United States Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Regan:

We are writing to request the EPA to establish ballast water discharge standards that conform with the Clean Water Act (CWA). Ballast water discharges are the leading source of invasive species in U.S. waters, posing public health and environmental risks, as well as significant economic cost to industries such as water and power utilities, commercial and recreational fisheries, agriculture, and tourism. EPA's compliance with the CWA here is overdue.

As you know, this year marks the 50th anniversary of the passage of the CWA. For 36 years following the passage of the CWA, the EPA exempted ballast water discharges from the Act. Federal courts found this to be in violation of the CWA and ordered the agency to regulate ballast discharges. The EPA adopted discharge standards that did not meet the requirements of the CWA and that failed when challenged in court. In 2018, Congress passed the Vessel Incidental Discharge Act (Title IX of Public Law 115–282) to reconcile and consolidate U.S. ballast water laws, confirming that the EPA must follow the CWA in establishing discharge standards; however, the EPA is proposing to re-issue discharge standards that the courts have previously found to be unlawful under the Act.

The EPA's failure to establish effective ballast water discharge standards has resulted in billions of dollars of environmental damage in marine, estuarine, and fresh waters of the United States. Ships take up and discharge large volumes of ballast water in different parts of the world as a normal and necessary complement to the transport of cargo. In doing so they transport and release into the environment a wide variety of harmful organisms. Ballast water discharges can contain non-native and nuisance plant and animal species that can cause extensive ecological and economic damage to aquatic ecosystems. Organisms introduced by ballast water include crabs that damaged shellfisheries; fish that competed with or preyed on native and commercial fish species; invertebrates that consumed organisms that native fish depend on, causing fish populations to crash; and mussels that have fouled boats, navigational equipment, and beaches, blocked pipelines, and devastated native mussel populations.

Ballast water discharges have also introduced harmful bloom-forming algae, toxigenic dinoflagellates that poisoned clam fisheries, and several bacteria that cause human diseases, including one pandemic strain that, after introduction into South America via ballast water, killed over 10,000 people. Scientists at the U.S. Food and Drug Administration, the National Academy of Sciences and the Centers for Disease Control have warned about the potential for ballast water to introduce epidemic diseases into U.S. waters. Without regulatory standards that prevent the release of these disease organisms, communities with weaker water and wastewater treatment infrastructure, which are often already challenged communities, face a greater risk of epidemic spread.

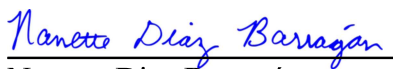
Fortunately, the harmful organisms and pathogens carried in ballast water arrive at our shores trapped in ballast tanks and we have the technical ability to capture or kill them before they are released into U.S. waters. However, regulations must require effective treatment technology for it to be used. The EPA and the U.S. Coast Guard should also release to State regulators and the public all ballast water treatment system test data and supporting documents in their possession that is necessary to assess the performance of ballast water treatment systems. This is essential for States and members of the public to properly review federal management of ballast water discharges.

As we celebrate the 50th anniversary of the CWA this year, it is time for the EPA to take immediate action to finally establish ballast water standards based on the best available technology as required under the CWA. Thank you for leadership to ensure that the EPA meets its CWA obligations and protects our nation's waters. We look forward to your prompt response.

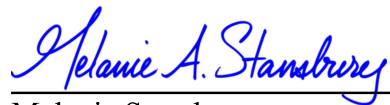
Sincerely,



Jared Huffman
Member of Congress



Nanette Diaz Barragán
Member of Congress



Melanie Stansbury
Member of Congress



Alan S. Lowenthal
Member of Congress



Eleanor Holmes Norton
Member of Congress



John Garamendi
Member of Congress



Adriano Espaillat
Member of Congress



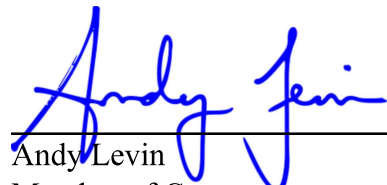
Sara Jacobs
Member of Congress



Mark DeSaulnier
Member of Congress



Rashida Tlaib
Member of Congress



Andy Levin
Member of Congress



MARK TAKANO
Member of Congress



Katie Porter
Member of Congress




Mark Pocan
Member of Congress



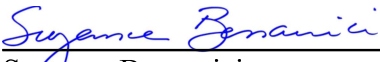
Doris Matsui
Member of Congress



Pramila Jayapal
Member of Congress



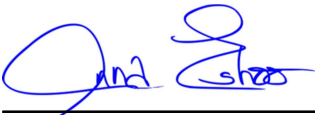
Jesús G. "Chuy" García
Member of Congress



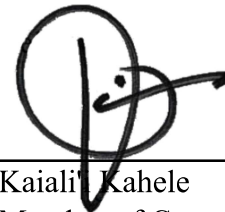
Suzanne Bonamici
Member of Congress



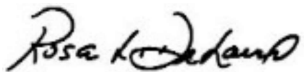
Earl Blumenauer
Member of Congress



Anna G. Eshoo
Member of Congress



Kaiali Kahele
Member of Congress



Rosa L. DeLauro
Member of Congress



Chellie Pingree
Member of Congress



Mike Levin
Member of Congress



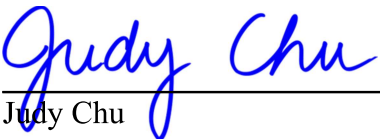
Mike Thompson
Member of Congress



Steve Cohen
Member of Congress



Ed Case
Member of Congress



Judy Chu
Member of Congress



Lisa Blunt Rochester
Member of Congress



Ted W. Lieu
Member of Congress



Troy Carter
Member of Congress



CORI BUSH
Member of Congress



Jamaal Bowman, Ed.D.
Member of Congress



Thomas R. Suozzi
Member of Congress