

National Environmental Coalition on Invasive Species

Defenders of Wildlife, Environmental Defense, Great Lake United, International Center for Technology Assessment, National Wildlife Federation, The Ocean Conservancy, Union of Concerned Scientists

June 6, 2005

The Honorable XXXX
United States Senate
Washington, DC 20510

Dear Senator:

The member organizations of the National Environmental Coalition on Invasive Species (NECIS) urge you to co-sponsor the National Aquatic Invasive Species Act (NAISA), S. 770. NAISA will amend and improve the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990.

Separately, our individual organizations have protected millions of acres of land; worked with thousands of corporate partners, landowners, affiliates, and community groups; and provided scientific, economic, and legal analyses that advocate responsible policy solutions at the international, national, and local level. *Together*, our organizations have over six million individual members and supporters. The threat that invasive species pose to our environment and economy and our interest in finding equitable, practical, and cost-effective solutions to this environmental problem unites us in this Coalition.

NECIS supports The National Aquatic Invasive Species Act because it will:

- Reduce the introduction and spread of aquatic invasive species in the United States that threaten the diversity and abundance of native wildlife, the ecological stability of infested waters and estuarine or wetland habitats, and the commercial and recreational activities that depend upon them;
- Require that effective standards are defined, set, and enforced for how ships manage their ballast water. That is:
 - Within 24 months of enactment, all vessels shall be required to:
 - Prepare and maintain on board an Invasive Species Management Plan, outlining procedures to prevent introductions of potentially invasive organisms;
 - Report all ballast operations, treatment, and management practices;

- Conduct Best Management Practices for ballast water and other vessel operations
 - Within 24 months of enactment, all ships that enter a U.S. port from outside the Exclusive Economic Zone (EEZ) must manage their ballast water by either:
 - Conducting a ballast water exchange sufficient to exchange at least 95% of their ballast water in the open ocean prior to discharge into U.S. waters; or
 - Treating ballast water to comply with an environmentally protective ballast discharge standard
 - New ships entering service after January 1, 2008, must install approved, effective, and environmentally sound technology to treat ballast water.
 - By 2011, the ballast exchange option will expire, and the environmentally protective standard will apply to all transoceanic and coastal ships, requiring them to install ballast treatment technologies that meet the standard.

Other NAISA provisions include supporting information and education outreach programs to reduce the potential for aquatic invasive species introductions; creating a “Rapid Response” process for the containment, control, and eradication of initial invasions in aquatic systems; screening live aquatic species for invasiveness before import for aquaculture, the aquarium industry, etc.; and authorizing additional research to ensure that proper methods are developed and used to prevent, control, and eradicate aquatic invasive species.

While there are sections of NAISA that we would prefer be strengthened, we believe S. 770, is a fine starting point. For example, we would like fewer species in trade to be exempted from pre-import screening and clearer and stronger authority laid out for enforcing the law. However, we understand the detrimental impact transoceanic vessels and ballast water dumping have on our indigenous aquatic life and ecosystems. It is time to address this problem with practical solutions and this bill will do just that.

While NECIS welcomes the opportunity to work with the Commerce Committee in addressing aquatic invasive species, we do not support S. 363, the Ballast Water Management Act of 2005, as introduced in both the 108th and 109th Congress, and urge its amendment. As introduced, S. 363 would delay implementation of ballast water management for an unacceptably long time, exclude several types of shipping traffic and voyages, and promote several exemptions at the sole discretion of Coast Guard. Moreover, S. 363 fails to address many other vectors of aquatic invasive species of concern to our organizations, and omits many important, more comprehensive provisions found in NAISA, such as education, rapid response, screening, and research programs. Finally, we oppose the S. 363 preemption clause that allows federal law to override more stringent state standards and requirements; states should have the flexibility to better protect public trust resources when they deem it necessary. We understand that there is

intent to amend the legislation and NECIS would welcome the opportunity to discuss our concerns and strengthen S.363, however, NECIS cannot support the bill as introduced.

Please co-sponsor NAISA and help pass this important and extremely needed legislation.

Sincerely,

Gabriela Chavarria, PhD.
Vice President for Conservation Policy
Defenders of Wildlife
1130 Seventeenth Street, NW
Washington, D.C. 20036
(202) 772-0231

Catherine Hazlewood
Legislative Program Manager
The Ocean Conservancy
2029 K Street, NW
Washington DC 20006
202-351-0443

Peter T. Jenkins
Attorney/Policy Analyst
International Center for Technology
Assessment
660 Pennsylvania Ave. SE, Suite 302
Washington, DC 20003 USA
(202) 547.9359 ext. 13

Phyllis N. Windle, PhD.
Senior Scientist, Global Environment
Program
Union of Concerned Scientists
1707 H Street, NW, Suite 600
Washington, DC 20006
(202) 223-6133

Timothy Male, PhD.
Senior Ecologist
Environmental Defense
1875 Connecticut Avenue, NW
Washington, DC 20009
(202) 387-3500 ext. 3313

Jennifer Nalbone
Habitat and Biodiversity Coordinator
Great Lakes United
1300 Elmwood Avenue
Buffalo State College- Cassety Hall
Buffalo, NY 14222
(716) 213-0408

Jim Lyon
Senior Vice President for Conservation
National Wildlife Federation
1400 16th Street, NW - Suite 501
Washington, DC 20036
(202) 797-6888