

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



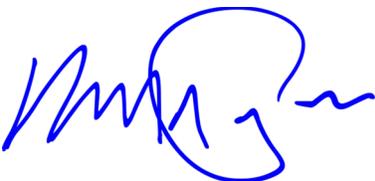
Andy Levin
Member of Congress



MARK TAKANO
Member of Congress



Katie Porter
Member of Congress



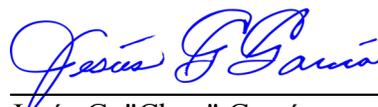
Mark Pocan
Member of Congress



Doris Matsui
Member of Congress



Pramila Jayapal
Member of Congress



Jesús G. "Chuy" García
Member of Congress



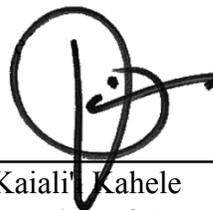
Suzanne Bonamici
Member of Congress



Earl Blumenauer
Member of Congress



Anna G. Eshoo
Member of Congress



Kaiuli 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

Tom Suozzi
Member of Congress