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.

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

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.
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

Sherri Norris, Executive Director
California Indian Environmental Alliance

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
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Scott Winters, Ph.D, CEO
Coral Restoration Foundation

Tim Gibbs, MPH, Executive Director
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John Rumpler, Clean Water Program Director
Environment America

Esperanza Vielma, Executive Director
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Ann Mesnikoff, Federal Legislative Director
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Wenonah Hauter, Founder and Executive Director
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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, Pinocheville 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

Cynthia D. Lamberth, Executive Director
Kentucky Population Health Institute

Larry Romanelli, Ogema
Little River Band of Ottawa Indians

William Jones, Jr., Chairman
Lummi Nation

Ben Martens, Executive Director
Maine Coast Fishermen’s Association

Lance Morgan, President & CEO
Marine Conservation Institute

Gail Johnson, Executive Director
Massachusetts Association of Public Health Nurses

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

Ken Norton, Chairman
National Tribal Water Council

Marc Smith, Policy Director
National Wildlife Federation

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Drew Harris, DPM, MPH, Chairman
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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

Kelly Campbell, Executive Director
Oregon Physicians for Social Responsibility

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

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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  
Riley Lynch, Climate and Health Program Manager  
Washington Physicians for Social Responsibility  
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 Aegis 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  
David Helvarg, Executive Director  
Blue Frontier  
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  
Stacey Cox, Executive Director  
Center for Health Innovation  
Andrew Wunderley, Executive Director & Waterkeeper  
Charleston Waterkeeper  
Judy Pollock, President  
Chicago Audubon Society  
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  
Thomas D. Chrosniak III, President  
Connecticut River Salmon Association  
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

Melanie Bahnske, President
Kawerak, Inc.

Bruce Reznik, Executive Director
Los Angeles Waterkeeper

Michael Orr, Communications Director
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Lois Wolfson, President
Michigan Chapter North American Lake Management Society

Amy Trotter, Executive Director
Michigan United Conservation Clubs

Cheryl Vosburg, Executive Director
Michigan Water Environment Association

Pete Bucher, Chief of Staff
Ohio Environmental Council

Jennifer Bolger Breceda, 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**

Greg Vespe, Executive Director  
**Rhode Island Saltwater Anglers Association**

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**

Andrea Mackenzie, General Manager  
**Santa Clara Valley Open Space Authority**

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 Tynra, 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 VanTassell, 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-ʻIao, Director  
**Waiwai Ola ‘Ohana**

Jen Oden, President  
**Washington State Lake Protection Association**

Linda Hunter, Founder & Director  
**Wild Oyster Project**

Debra Buffkin, Executive Director  
**Winyah Rivers Alliance**

Mike Engleson, Executive Director  
**Wisconsin Lakes**
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
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
Nanette Diaz Barragán
Member of Congress

Melanie A. Stansbury
Melanie Stansbury
Member of Congress

Alan S. Lowenthal
Alan S. Lowenthal
Member of Congress

Eleanor Holmes Norton
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‘i 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