

Midwest Environmental ADVOCATES

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For Immediate Release

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House Bill Threatens EPA and State Authority to Regulate Invasive Species in Ballast Water

Madison, WI -- Today, Midwest Environmental Advocates (“MEA”), along with the Minnesota Center for Environmental Advocacy (“MCEA”), expressed its opposition to portions of the Coast Guard Authorization Act of 2008, H.R. 2830, which includes the Ballast Water Treatment Act of 2008, in letters to Wisconsin’s and Minnesota’s congressional representatives. The bill, scheduled for a House floor vote this week, could take away important federal and state tools currently available to fight invasive species.

As currently drafted, the bill is objectionable because it could undermine two crucial tools that State officials have to control the introduction of aquatic invasive species from ship’s ballast water. The bill would largely preempt States from adopting discharge standards that are more stringent or that take effect sooner than those in the new law. In addition, by superseding the existing invasive species law’s savings clause, the bill could be read as limiting the application of the federal Clean Water Act to these point source discharges of pollutants.

Invasive species, such as zebra mussels or Eurasian water milfoil, cause incredible devastation to the native fish and plant life of the state’s waters. Invasives also place a strain on Wisconsin’s economy. Tourism, recreation and sport and commercial fishing industries face the most obvious impacts, but any industry that uses raw water for processing is also affected (power companies and paper mills, for instance).

MEA believes that this bill will perpetuate the economic and environmental harm from invasive species for many years to come. “The bill, as currently proposed, would limit a state’s authority to protect its own waters from invasive species,” states Karen Schapiro, MEA’s Executive Director. “We would like to see a bill that allows and encourages states to set standards that are even more stringent than the absolute minimums set forth in federal law, such as the Clean Water Act.”

In the letters, MEA and MCEA urged the addition of two provisions to H.R. 2830 that will protect the efficacy of the Federal Water Pollution Control Act and the State’s ability to exercise its authority in upholding the Federal Water Pollution Control Act or its own applicable laws and authority.

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Fast Facts

- Invasive species are incredibly pervasive across Wisconsin's waters. According to the Wisconsin Department of Natural Resources, 1,655 waterbodies in the state have aquatic invasives. These include such invasives as zebra mussel, banded mystery snail, Chinese mystery snail, curly-leaf pondweed, Eurasian water-milfoil, freshwater jellyfish, Japanese mystery snail, hybrid milfoil, rainbow smelt, rusty crawfish and spiny waterflea.
- Several industries in Wisconsin are impacted by invasive species, including tourism, commercial and sport fishing industries, forestry and even the power companies.
- Power companies use raw water to cool their machinery during production. Invasive species like zebra mussels clog their intake and discharge pipes, leading to extra costs. These costs are then passed along to customers.
- The Great Lakes sport and commercial fishing industry, valued at almost \$4.5 billion, is at risk due to the growing numbers of invasive species present in its waters.¹
- Midwest Environmental Advocates is Wisconsin's first and only public interest environmental law center. MEA provides legal and technical support to grassroots organizations that are fighting for clean air, clean water, and environmental justice. See www.midwestadvocates.org for more information.

¹ Facts taken from Wisconsin Department of Natural Resources' website, "Invasive Species Make Themselves at Home in Wisconsin's Lakes and Landscapes," <http://dnr.wi.gov/invasives/> (last visited April 24, 2008).