

# Presentation on Pending Aquatic Invasive Species Legislation

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The background of the slide is a solid blue color. In the lower half, there are several decorative elements resembling water ripples or concentric circles. These are rendered in a lighter shade of blue, with some having a slight glow or gradient effect. They are scattered across the bottom, with one prominent set in the lower-left and another in the lower-right.

# Key Legislative Questions Issues

- How much of the problem?
  - Stand-alone ballast bill
  - Stand-alone ship bill
  - Integrated AIS policy with whole ship requirements
- IMO replica or US-specific approach?
  - Deadlines pending pre-review or fixed deadlines?
  - Final std. only, or Interim and final standards?
  - Ballast only, or whole ship?
- How detailed, in general?
- Preemption?
- When?

# NAISA (S. 525/H.R. 1080/81)

- Interim performance standard -- 18 months
  - Treatment (size or percent removal)
  - BWE (based on model or dye test)
- Final standard (set within 4 years) – 2011
  - Whole ship
  - Best available performance approach.
  - Risk-based review and revision
  - 10 year approval period.
  - Applies to coastal voyages
  - Env. Soundness criteria
- No preemption of State law
- Address other pathways, early detection, rapid response, information and education, research

# IMO Agreement

## Regulation B-3 Ballast Water Management

Built	BW m <sup>3</sup>	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	
< 2009	1500-5000	Treat or Exchange									Treat			
< 2009	<1500 >5000	Treat or Exchange										Treat		
>=2009	<5000					Treat								
>=2009 < 2012	>5000					Treat or Exchange						Treat		
>=2012	>5000								Treat					

**Reg. D-5 Review of Standards by IMO prior 1. Jan. 2006**

Adaptation of a Slide by Dr. Stephan Gollasch

# S.2490 Stevens / Inouye Ballast Water Bill

- No interim treatment standard; BWE performance criteria
- Final standard – IMO time-frame
  - Ballast only
  - Concentration-based; stricter than IMO
  - Performance pre-review > delay or strengthen
  - No env. soundness criteria.
- Broad; much left to rules; no deadlines for rule-making
- Preempts State laws addressing standard/time-frame
- Does not address pathways other than vessels,

# Draft EPW Bill

## (Pre-introduction and Subject to Change)

- No interim standard; no BWE performance criteria
- Final standard, time-frame same as IMO
  - Provision for review and revision, no criteria, deadlines
  - No env. soundness criteria
  - Ballast only
- Broad, much left to rulemaking. Few deadlines for rule-making
- No preemption of state law
- Contains provisions addressing other vectors

# Transportation and Infrastructure Bill

- Ships only
- ???

- Have not seen the draft