

106TH CONGRESS
2^D SESSION

H. R. 4191

To require the issuance of regulations pursuant to the National Invasive Species Act of 1996 to assure, to the maximum extent practicable, that vessels entering the Great Lakes do not discharge ballast water that introduces or spreads nonindigenous aquatic species and treat such ballast water and its sediments through the most effective and efficient techniques available, including sterilization, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 5, 2000

Mr. HOEKSTRA (for himself, Mr. BARCIA, Mr. EHLERS, Mr. UPTON, Mr. SMITH of Michigan, and Mr. CAMP) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To require the issuance of regulations pursuant to the National Invasive Species Act of 1996 to assure, to the maximum extent practicable, that vessels entering the Great Lakes do not discharge ballast water that introduces or spreads nonindigenous aquatic species and treat such ballast water and its sediments through the most effective and efficient techniques available, including sterilization, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Great Lakes Ecology
3 Protection Act of 2000”.

4 **SEC. 2. BALLAST WATER TREATMENT REGULATIONS RE-**
5 **QUIRED.**

6 (a) IN GENERAL.—Section 1101(b) of the Nonindige-
7 nous Aquatic Nuisance Prevention and Control Act of
8 1990 (33 U.S.C. 4711(b)) is amended by striking para-
9 graphs (1) and (2) and inserting the following:

10 “(1) IN GENERAL.—The Secretary of Transpor-
11 tation shall issue regulations to prevent the intro-
12 duction and spread of aquatic nuisance species with-
13 in the Great Lakes.

14 “(2) CONTENTS OF THE REGULATIONS.—The
15 regulations required by paragraph (1) shall—

16 “(A) ensure to the maximum extent prac-
17 ticable that ballast water containing aquatic
18 nuisance species is not discharged into the
19 Great Lakes;

20 “(B) protect the safety of each vessel, its
21 crew, and passengers, if any;

22 “(C) apply to all vessels capable of dis-
23 charging ballast water, whether equipped with
24 ballast water tank systems of otherwise, that
25 enter the Great Lakes after operating on waters
26 beyond the exclusive economic zone;

1 “(D) require such vessels to—

2 “(i) carry out any discharge or ex-
3 change of ballast water before entering the
4 Great Lakes; or

5 “(ii) carry out any discharge or ex-
6 change of ballast water within the Great
7 Lakes only in compliance with the regula-
8 tions;

9 “(E) take into consideration different ves-
10 sel operating conditions;

11 “(F) require the use of environmentally
12 sound treatment methods for ballast water and
13 ballast sediments, such as sterilization, in pre-
14 venting and controlling infestations of aquatic
15 nuisance species;

16 “(G) provide for certification by the master
17 of each vessel entering the Great Lakes that
18 such vessel is in compliance with the regula-
19 tions;

20 “(H) assure compliance through—

21 “(i) sampling procedures;

22 “(ii) inspection of records; and

23 “(iii) imposition of sanctions in ac-
24 cordance with subsection (g)(1);

1 “(I) be based on the best scientific infor-
2 mation available;

3 “(J) not supersede or adversely affect any
4 requirement or prohibition pertaining to the
5 discharge of ballast water into the waters of the
6 United States under the Federal Water Pollu-
7 tion Control Act (33 U.S.C. 1251 et seq.); and

8 “(K) include such other matters as the
9 Secretary considers appropriate.”.

10 (b) STERILIZATION DEFINED.—Section 1003 of such
11 Act (33 U.S.C. 4702) is amended by—

12 (1) redesignating paragraphs (13), (14), (15),
13 (16), and (17) in order as paragraphs (14), (15),
14 (16), (17), and (18); and

15 (2) inserting after paragraph (12) the following:

16 “(13) ‘sterilization’ means the treatment of
17 sediments in ballast water tanks to remove or de-
18 stroy all living biological organisms through—

19 “(A) filtration;

20 “(B) the application of biocides or ultra-
21 violet light; or

22 “(C) thermal methods;

23 “(D) other treatment techniques approved
24 by the Secretary;”.

1 (c) MAXIMIZING PUBLIC PARTICIPATION IN THE
2 FORMULATION OF REQUIRED REGULATIONS.—The Sec-
3 retary of Transportation shall maximize public participa-
4 tion in the issuance of regulations required by the amend-
5 ment made by subsection (a), by—

6 (1) publishing an advance notice of proposed
7 rulemaking;

8 (2) publishing the advance notice of proposed
9 rulemaking and the proposed rule through means
10 designed to reach persons likely to be subject to or
11 affected by the regulations, including electronic
12 means;

13 (3) making the text of the advance notice of
14 proposed rulemaking and of the proposed rule avail-
15 able through electronic means;

16 (4) providing not less than 120 days for public
17 comment on the proposed rule;

18 (5) providing for an effective date that is not
19 less than 30 days after the date of publication of the
20 final rule; and

21 (6) such other means as the Secretary considers
22 appropriate.

23 (d) REQUIRED REGULATORY SCHEDULE.—

24 (1) ISSUANCE OF ADVANCE NOTICE OF PRO-
25 POSED RULEMAKING.—The Secretary shall issue an

1 advance notice of proposed rulemaking for the regu-
2 lations required by the amendment made by sub-
3 section (a) within 30 days after the date of enact-
4 ment of this Act.

5 (2) ISSUANCE OF FINAL REGULATIONS.—The
6 Secretary shall issue final regulations required by
7 the amendment made by subsection (a) within 180
8 days after the date of enactment of this Act.

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