

SR-86, As Adopted by Senate, February 13, 2008

Substitute for Senate Resolution No. 86

A resolution to memorialize the Congress of the United States to reject legislation that would preempt the authority of the Great Lakes states to curb the release of ballast water.

Whereas, Ballast water discharges from ships entering the Great Lakes are the leading pathway for the introduction of aquatic invasive species. Since the opening of the St. Lawrence Seaway in 1959, ocean-going ships have introduced more than 30 new species to the Great Lakes; and

Whereas, Once introduced and established, aquatic invasive species are nearly impossible to eliminate and costly to control. Zebra mussels and other aquatic invasive species introduced from ballast water have irrevocably changed the Great Lakes and directly cost cities and industries--and indirectly cost Great Lakes residents--tens of millions of dollars per year to control; and

Whereas, Current federal ballast water regulations designed to protect the Great Lakes are ineffective. At least eleven new aquatic invasive species have been introduced from ballast water since current requirements for ballast water exchange with open ocean water went into effect, including the recent introduction of viral hemorrhagic septicemia (VHS) that directly threatens the \$4.5-billion Great Lakes fishery; and

Whereas, The ocean-going shipping industry has shown little urgency over the last two decades to develop and install ballast water treatment technology, even as it introduced more and more aquatic invasive species to new regions. Rather, the industry has continuously fought efforts in the United States Congress, state legislatures, and the courts to require expeditious treatment of their ballast water. For every year treatment is not required for ballast water, an additional one to two new species, with unknown but potentially devastating impacts, make the Great Lakes their permanent home; and

Whereas, The state of Michigan has succeeded in identifying and requiring treatment technologies that would provide additional protection to the Great Lakes; and

Whereas, Michigan and other states bear primary responsibility for protecting the health and safety of their citizens and the integrity of natural resources for their citizens. The Congress of the United States acknowledged the authority for the Great Lakes states to act unilaterally to protect and preserve the waters of the Great Lakes Basin in the federal Clean Water Act and the National Invasive Species Act, as affirmed this past summer by the United States District Court for the Eastern District of Michigan; and

Whereas, Federal ballast water legislation, such as the Coast Guard Authorization Act of 2007 (H.R. 2830) and the Ballast Water Management Act of 2007 (S. 1578), would preempt Michigan's efforts to protect its waters from further degradation. Preempting state actions before strong federal treatment standards are in place would leave the Great Lakes vulnerable to future invasions and would trample on fundamental states' rights to protect their natural resources. This shortsighted approach undermines the millions of dollars and thousands of hours spent each year working to restore the Great Lakes to a healthy, self-sustaining system; and

Whereas, The Coast Guard Authorization Act of 2007 and the Ballast Water Management Act of 2007 would also set a precedent for future federal actions that restrict state authority to protect essential natural resources. Clearly, Michigan and other states are best suited to make decisions that keep waters safe, clean, and healthy for its residents with regulations, when needed, above and beyond minimum federal requirements; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to reject legislation that would preempt the authority of the Great Lakes states to curb the release of ballast water; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.