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WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS

2007-08

(session year)

Senate

(Assembly, Senate or Joint)

Committee on ... Environment and Natural
Resources (SC-ENR)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... **HR** ... **bills and resolutions** (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Mike Barman (LRB) (August 2012)

June-2014



John Muir Chapter

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Support SB-119, Great Lakes Ballast Water Discharges Before the Senate Environment and Natural Resources Committee Testimony by Caryl Terrell, Sierra Club - John Muir Chapter May 23, 2007

Thank you for the opportunity to speak on the issue of aquatic invasives in the Great Lakes. The Sierra Club is in strong support of SB-119, a bill to regulate the discharge of untreated ballast water into the Great Lakes.

ADD page 2 lines 15-16 "enters Wisconsin waters or" port

Invasive species have been devastating to our state and our region. They have changed the Great Lakes—and our use and enjoyment of them—forever.

- We currently pay a minimum of \$200-\$500 million dollars per year in damage and control costs from the 180 aquatic invasive species that have entered the Great Lakes.
- A new invasive species is discovered every 28 weeks on average, and each has the potential to damage native fish populations, disrupt the food chain, and impair our enjoyment of the Great Lakes.
- For example, zebra and quagga mussel shells pile up on our beaches, making it harder to enjoy a simple walk on the sand.
- The sea lamprey virtually wiped out the lake trout—the top native predator and sport fish in the Great Lakes.
- Zebra and quagga mussels may finish the job. They are such efficient filter feeders that, as their population has exploded over the past ten years, scientists have measured a 94% decline in the population of *Diporeia*—a small shrimp-like organism that is the base of the Lake Michigan food chain. With the disappearance of *Diporeia*, there are fewer forage fish for salmon, lake trout and other important sport fish to eat.
- The latest threat—VHS, or Viral Hemorrhagic Septicemia—is responsible for massive fish kills in Lake Erie and has now been found in the Lake Winnebago system, forcing us to issue emergency rules to try to contain its spread. However, it will certainly have a strong negative impact on Wisconsin's long tradition of sport fishing in inland lakes and the Great Lakes.
- Many of these species, like zebra mussels and now VHS, have spread from the Great Lakes to inland waters, causing havoc in all of Wisconsin's lakes.

We cannot afford to ignore this crisis. Some invasive species are a nuisance. Others, like VHS and the zebra and quagga mussels, pose a direct threat to Wisconsin's sport fishing tradition, which is worth more than \$2 billion to the state every year. These species threaten the region's \$5 billion worth of income that comes from sport fishing and recreational boating every year. More importantly, if we do not take action, the continued influx of invasive species guarantees that our children and grandchildren will

Remember to Support the Sierra Club through your workplace giving campaign!
The John Muir Chapter is proud to be a member of



never be able to experience and enjoy the Great Lakes—or our inland waters—as we know them today.

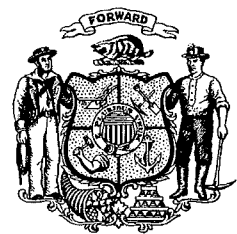
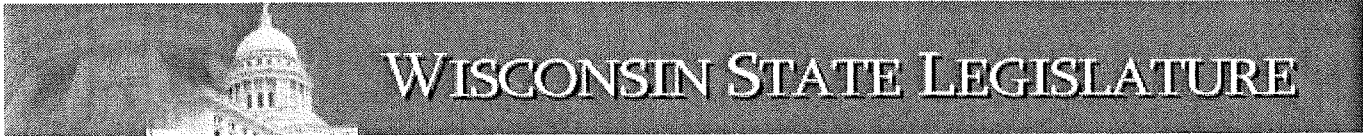
The vast majority of invasive species enter our region through the untreated ballast water of ocean-going ships. Most ocean-going ships are exempt from any kind of treatment or other controls on the discharge of their ballast water. The unintentional release of invasive species from these foreign vessels is killing our lakes and costing us a tremendous amount in both money and the ability to fish and get out on our waters.

We have manageable solutions to this problem. There are technologies that are capable of treating ballast water before its release. Alternatively, we can transfer foreign cargo to US “lakers”, which never leave the Great Lakes system, or to ground transport. Only 7% of the cargo tonnage moved on the Great Lakes is carried by ocean vessels. A recent study estimated an annual cost of \$55 million/year to ban ocean vessels from the Great Lakes entirely and transfer the cargo to US and Canadian vessels. This is a small price to pay in the context of the much more significant cost and damages caused by invasive species, and transferring cargo would actually increase US jobs, while still effectively serving our ports.

Congress has failed to act to require foreign vessels to stop the devastation of our Great Lakes. In lieu of federal action, Great Lakes states must act to protect our most important and valuable resource. Wisconsin should pass legislation preventing the discharge of contaminated ballast water into state waters. Michigan has already passed similar legislation, and other states are following suit.

The discovery of VHS in Wisconsin’s inland lakes is a clear signal that we can no longer afford to ignore the challenge of invasive species. Wisconsin must act now to protect its natural resources and sport fishing heritage. Every day that we wait, this problem will only get worse, and the solutions more costly. Please protect our heritage and way of life—act now to pass legislation that will prevent the discharge of more polluted ballast water into Wisconsin’s waters.

The Sierra Club urges you to vote in support of SB 119 to control invasive aquatic species in the Great Lakes and to recommend adoption to the full Senate. Thank you for considering our testimony.



Testimony
Before the Senate Committee on Environment and Natural Resources
May 23, 2007

Chairman Miller, Senator Jauch, Senator Wirch, Senator Kedzie and Senator Schultz.

Good afternoon.

My name is Andy Lisak and I appear before you in two capacities. First I am the executive director of the Development Association, the lead economic development organization for Superior and Douglas County. In addition to representing the City of Superior and Douglas County, the Development Association represents over 150 private businesses.

This year, I also have the privilege of serving as the President of the Wisconsin Economic Development Association. WEDA is the leading voice for economic development in Wisconsin. WEDA has a membership consisting of over 400 economic development practitioners from throughout the state.

I appreciate the opportunity to share with you this afternoon the concerns of both my local community and the statewide economic development community concerning Senate Bill 119.

Like you, the people of Superior/Douglas County and Wisconsin's economic development community are concerned about the spread of invasive species and we appreciate your willingness to address this issue. However, we fear the unintended economic and human costs of SB 119 far outweigh any potential benefits the bill provides.

The State of Wisconsin imposing ballast water regulation will create chaos in the shipping industry and do nothing to stop the introduction and spread of aquatic invasive species.

This chaos will not only be felt by Wisconsin's port communities but also by almost every Wisconsin industrial sector. Based on the fiscal estimate prepared for SB119, a large percentage of ocean going vessels that would normally visit Wisconsin ports will simply go elsewhere should SB 119 be enacted. Wisconsin industries will be forced to shift to more costly and less environmentally friendly modes of transportation to receive raw materials and ship finished goods -modes of transportation that are already heavily burdened and in many cases operating at full capacity.

This will affect Wisconsin's manufacturing sector which utilizes the Port of Milwaukee to import steel and export high valued finished goods throughout the world. This will impact the pulp and paper industry which competes internationally and relies on the port of Green Bay to move pulp and finished paper. This will affect the grain farmers of southern Wisconsin who depend on the Midera Grain Elevator in Milwaukee.

In short by enacting ballast water regulation, the State of Wisconsin will at a minimum, erode one of its competitive advantages and more likely put our industries at a competitive disadvantage.

The negative, unintended consequences, of this bill will be most strongly felt by Wisconsin port communities. And of those communities, no one will suffer more than Superior.

Superior was founded over 150 years ago and was developed because of its transportation potential and capabilities. Our port shipped the lumber to build Chicago, shipped the iron ore and coal that was used to win World War II and shipped grain that fed the world.

Today, Superior along with its sister Port of Duluth, is the largest seasonal port in the world and the largest port on the Great Lakes/St. Lawrence Seaway System. Superior is home to the largest coal handling facility in North America-Midwest Energy. Midwest Energy ships coal used to generate electricity for a major portion of the eastern United States and Canada. The Burlington Northern Santa Fe receives nearly 10 million tons of taconite from the Iron Range of Minnesota and transfers it to vessels that take it to the steel mills of the United States and Canada. Last year, the BNSF loaded 5 ocean going vessels bound for Algeria. This was a first for Superior. You see, our companies compete at the international level and as the taconite to Algeria example illustrates the world is truly flat.

Our 4 grain elevators, these enormous structures that sit on our water front, ship over 2 million metric tons of wheat, oats flax and barley to destinations around the globe. These elevators compete not only with the other elevators located on the Great Lakes but with elevators located on the Gulf Coast (Galveston, New Orleans) and West Coast. These elevators and the workers employed by them will bear the heaviest burden should a state or regional law regulating ballast water be enacted.

Superior's shipping industry is very concerned about the economic costs of SB 119. Several members of the industry have submitted written testimony illustrating the financial impact the bill will have on their business.

It is interesting to note that the Fiscal Estimate prepared for SB 119, predicts that if the bill is enacted, 75% of the estimated 112 oceangoing vessels that would normally visit the Port of Superior, would stop doing so. These vessels would instead more than likely utilize facilities in Duluth, less than ½ mile away. Ballast water would continue to be discharged in the common waters of the Twin Ports. Superior and its shipping industry would suffer enormous costs without any environmental advantage being gained.

Cenex-Harvest States which operates one of the largest grain elevators in the world would lose 38 vessels. Peavey ConAgra which operate two elevators in Superior estimates that it would lose over one million dollars in business. The impact would be similar at General Mills. Superior would no longer ship taconite to Algeria and Superior's Midwest Energy would be unable to take advantage of international market opportunities.

Although our taconite and coal handling facilities would more than likely survive, how likely is it that given a substantial decrease in business our grain elevators will be able to continue to do business in Superior? With the closing of these elevators will come a significant decrease in Superior's tax base and the loss of a large number of jobs.

Those likely to lose their jobs include grain millers, stevedores, longshoremen, vessel agents, tug boat operators, state grain inspectors, railroad workers, truck drivers to name a few.

The jobs that will be lost are jobs that pay relatively high wages and provide benefits to employees and their families. These are jobs that pay above the state average wage, in a county whose average wage typically runs 20-25% below the

state average. As Senator Jauch knows, Superior has had to fight tooth and nail for every good paying job we have, the loss of even one of these jobs, without a corresponding benefit, would be terrible.

With us today are Shane Sweeney and Paul Freer, both members of Grain Millers Local 167G and employees of Cenex Harvest States. Local 167G represents over 100 grain elevator employees. Also with us is John Reed, President of Local 1037 of the International Longshoreman's Association. Local 1037 predicts that based on the fiscal estimate, its members will lose almost \$400,000 in wages and benefits in the first year if SB 119 is enacted.

The businesses and residents of Superior have had a history of making sacrifices to protect the environment. Superior is one of the largest cities in Wisconsin by land mass. Over half of our land is undeveloped-which one would think would provide us with a great asset in our efforts to spur economic development. Unfortunately 70% of that undeveloped land is considered wetlands-preventing its development. We understand the importance of wetlands and we bear the cost in order to protect our environment.

The City of Superior recently created a storm water utility. Our businesses and residents have been asked to incur a substantial financial cost to fund the utility in order to protect the waters of Lake Superior for not only the residents of Superior but for all of those who enjoy its beauty. Again we pay that cost (even though reluctantly) because there is a proven environmental benefit.

SB 119 however, asks us to pay an enormous cost that will affect businesses and the lives of workers and families in Superior without providing any environmental benefit. Vessels that would normally visit Superior would simply move to Duluth,

and continue to discharge ballast water in our common harbor. SB119 will do nothing to stop the introduction and spread of aquatic invasive species.

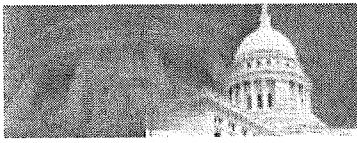
However, I think we all agree that what is needed to address the issue of invasive species is for Washington to take action and pass legislation that will cover all ocean going vessels that call on any Great Lakes or tidewater port in the country. We welcome the opportunity to join with the Wisconsin legislature and members of the Wisconsin environmental community to take our message to Washington.

In fact those of us in the economic development and shipping community have already put our money where our mouths are. Late last month, I along with Wisconsin business and labor representatives visited the offices of every member of the Wisconsin Congressional delegation. Every member recognizes the importance of federal ballast water regulation. Many believe that with the recent change in Congress, this is the year for the passage of federal ballast water regulation.

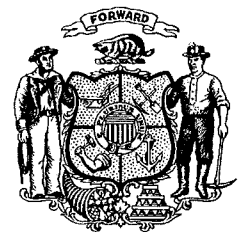
As has already been noted, Congressman Obey has been a supporter of industry's efforts to address the issue of invasive species and ballast water. Because of him, over \$2 million dollars of funding was made available for the Great Ships Initiative at University of Wisconsin Superior. Wisconsin could take a constructive role by helping to fund this industry-federal government initiative.

The introduction of aquatic invasive species via ballast water is an important issue. However, SB 119 does not effectively address the issue and the unintended consequences of the bill are too great- the cost to Wisconsin's industries and port communities too large. Federal, not state, action is needed.

Once again thank you for giving me the opportunity to share my concerns.



WISCONSIN STATE LEGISLATURE





Wisconsin Economic Development Association Inc.

TO: Members, Senate Committee on Environment & Natural Resources

FROM: Andy Lisak, President and Jim Hough & Amy Boyer, on behalf of
Wisconsin Economic Development Association

DATE: May 23, 2007

RE: **Opposition to Senate Bill 119**

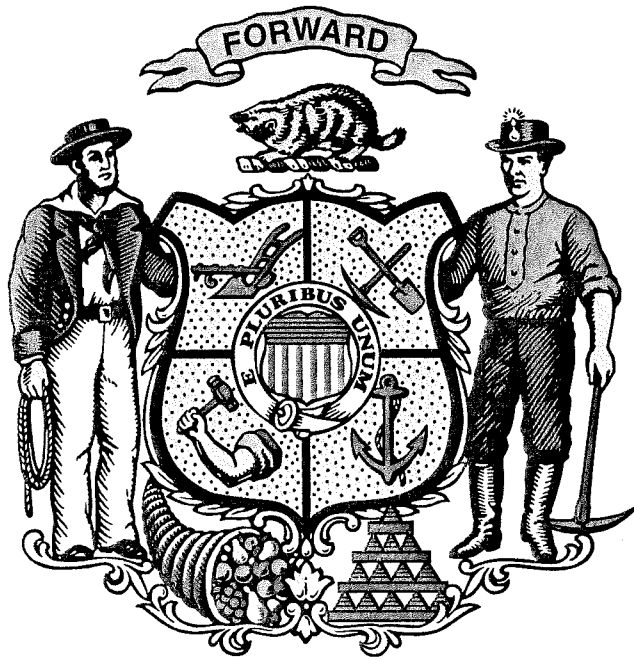
The Wisconsin Economic Development Association (WEDA), a statewide association of over 400 private and public economic development professionals, business leaders and volunteers in economic development, respectfully urges opposition to Senate Bill 119.

Although aquatic invasive species are a problem, SB 119 does not solve the problem. **SB119 will put Wisconsin industries and port communities at a competitive disadvantage and will not accomplish the intended prevention of the introduction and spread of aquatic invasive species.**

The fiscal note prepared for the bill indicates that 75% of the ocean going vessels that would typically visit the Port of Superior would simply move across the harbor to the Port of Duluth if SB119 is passed.

WEDA supports action at the federal level that utilizes proven science. Federal action will prevent putting various states and their ports at a competitive disadvantage and is strongly supported over a patchwork of state laws that, while well intended, create winners and losers without solving the problem. WEDA members have actively lobbied members of the Wisconsin Congressional delegation to support federal legislation.

We thank you for your time and consideration and respectfully urge you opposition to SB 119.





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WRITTEN TESTIMONY OF
ADOLPH N. OJARD
PRESIDENT, AMERICAN GREAT LAKES PORTS ASSOCIATION
EXECUTIVE DIRECTOR, DULUTH SEAWAY PORT AUTHORITY
1200 Port Terminal Drive
Duluth, MN 55802-2609
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BEFORE THE
The Wisconsin Senate Committee on Environment and Natural Resources USE
May 23, 2007

**"The Impact of Aquatic Invasive Species
on the Great Lakes"**

Mr. Chairman, members of the committee, I am Adolph Ojard, Executive Director of the Duluth Seaway Port Authority in Duluth, Minnesota and President of the American Great Lakes Ports Association. Our organization represents the 12 public port authorities on the U.S. side of the Great Lakes. While I am providing written testimony specifically on behalf of the Great Lakes port community, I can assure you that the views I express today are shared by the majority of private maritime interests in the Great Lakes-St. Lawrence Seaway system.

I want to thank you and the committee for your leadership and your willingness to hold this hearing in such a timely manner at the beginning of the 110th Congress. Although today's hearing focuses on SB 119, Aquatic invasive species is both a national and international issue. – Currently 70 ballast water treatment systems are being developed world wide – it is a billion dollar market.

While the various witnesses testifying today will offer differing perspectives, we all agree on one thing: this is not a state issue rather *Congress must act quickly to enact a national program requiring the treatment of ships' ballast water.*

The Great Lakes/Seaway Transportation Corridor continues to develop as an essential component of our national transportation policy. This is the longest and most extensive deep draft waterway in the world 2342 mile- Duluth to Atlantic. The binational region it serves is home to a one-quarter of North America's population a third of North America's gross national product and 40 percent of U.S. manufacturing.

The shipping industry - like any industry - operates under the terms of an unwritten social contract with the public. That is, our industry should add value to society, and do no harm. Waterborne transportation is widely regarded as the safest, cleanest, and least costly mode of commercial transport. Ships emit one-tenth the greenhouse gas of trucks and half that of trains. one marine accident is recorded for every 13.7 rail accidents and 74.7 truck accidents. A 1000ft ship loading coal in Superior, Wisconsin will deliver that coal to Detroit Michigan and return, a distance of 1600 miles with a total fuel burn of 1.1 gallons / ton delivered. Unfortunately, the emergence of aquatic invasive species has become our industry's "**Achilles' heel.**" We stand ready to solve this problem - and let me assure you that we will solve it.

The Great Lakes St Lawrence Seaway was designed and built to provide global connectivity. The principal inbound cargoes have been steel from Europe and iron ore from Canada, delivered to our industrial centers. Ships discharging in the lower Great Lakes will then sail to Duluth -Superior and Thunder Bay, Ontario, to load prairie grains for export back to North Europe, the Mediterranean and North Africa markets. As you can see, a typical cargo ship will call at multiple ports in the U.S. and/or Canada before exiting the Seaway.

A comprehensive federal ballast water treatment program is needed to accomplish two important goals: 1) harness market forces to protect the environment, and 2) create an orderly regulatory environment within which commerce can flow unimpeded.

. For this reason, it is of critical importance that the federal government establish sole jurisdiction over this issue.

For the Great Lakes shipping industry, that impact of SB 119 is the fear of a growing patchwork of differing and conflicting state laws - each attempting to regulate ships engaged in interstate or international commerce. Since most Great Lakes vessels load or discharge cargo in numerous jurisdictions, the potential for chaos is considerable.

Since the year 2000, six states, the states of New York, Michigan, Indiana, Illinois, Wisconsin and Minnesota have all considered legislation to regulate ships' ballast water. Additionally, the Province of Ontario has also considered legislation. Many of these efforts have been misguided and reflect the lack of maritime expertise at the state level. To date, only the State of Michigan has actually enacted a ballast water statute. That law requires all ships conducting port operations in Michigan ports to obtain a permit from the state. Further, it requires that a ship owner either certify that it will not discharge ballast in Michigan waters, or that it will do so only after treating the ballast with one of four ballast water treatment systems. These systems were arbitrarily selected by the Michigan Department of Environmental Management. Not one of them has been scientifically tested and shown to prevent the introduction and spread of aquatic invasive species.

So what is developing? Permits for each port of call, and installation of ballast treatment systems poorly conceived and not certified.

The Impact on Great Lakes Vessel owner could be 4 ports of call, 4 permit applications, 4 permit fees and a non certified ship board treatment system and countless opportunities for delay worth thousands of dollars per hour. Or would ocean ships find

this system unworkable and divert cargo to the tide water ports. Would the **Unintended Consequences** of a modal shift to land transportation be far more harmful to the environment and the Great Lakes than the existing trade routes.

It is important to note that the states do not want to get involved in the regulation of ballast water. Based on our experiences, all branches of state government seem to recognize the negative consequences of their actions. They seem to understand the harm they would inflict on their own citizens and their own economies by imposing added costs and isolating valuable Great Lakes maritime commerce. Yet the continuing lack of action on a federal level has driven the states into attempting independent remedies. With minimal understanding of the intricacies of the maritime industry, the legislation that is being developed is ineffective at best, absurdly impractical at worst. Further complicating the issue is that state regulatory bodies have little or no knowledge of shipboard issues.

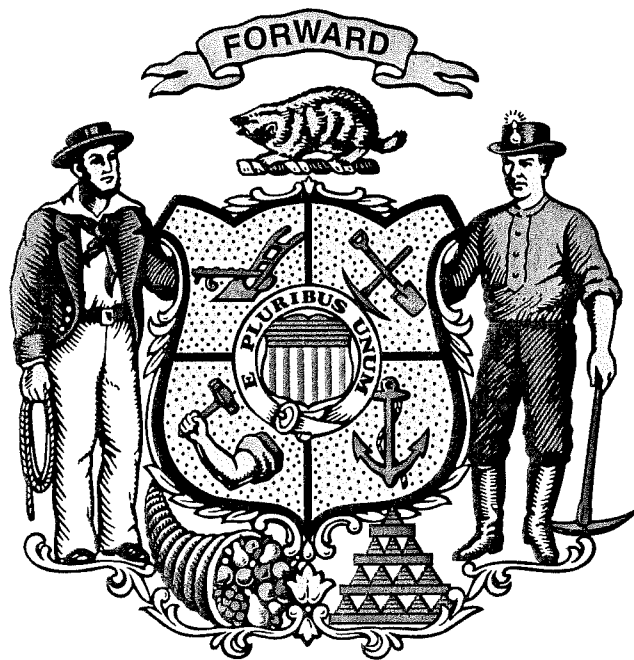
When federal standards are finally enacted, the U.S. Coast Guard must be the regulatory agency. Vessel operations are highly complex. The Coast Guard is the only agency with the knowledge, experience and skill to effectively regulate vessel operations. That, in fact, is what the Coast Guard does---facilitate commerce through safe navigation in safe harbors. They know what to do and when to do it. Just as important, they know what not to do and when not to do it. Any other agency would not only be an impediment to operations, it would be a safety and environmental hazard.

The negative impacts of aquatic invasive species are not in dispute. The need of both the environment and industry is for the United States Congress to create a regulatory framework within which the private sector can begin making the necessary investments to solve this problem. I believe we can protect the aquatic environment and maintain a healthy shipping industry. There is a win-win scenario, and it's not far out of reach. Today, technology vendors have developed a host of products to treat ships' ballast water, but absent a federal ballast treatment program, they are reluctant to make the investment necessary to bring these products to market.

So what is needed?

- **Defined and enforceable federal standards for ballast water treatment.**
- **Federal preemption over state and local jurisdiction.**
- **Uniform national standards and regulation.**
- **Incentives to encourage vessel operators to implement early installation of approved ballast water treatment systems.**
- **Authorization for the USCG to exclusively regulate shipboard ballast operations.**
- **Public and private investment in both shipboard ballast water technology and eradication of harmful invaders from our waters.**

Today, we have two federal ballast water specific bills one in each congressional body that will address the issue. Both have bipartisan support. I ask the Committee to support the efforts for Federal legislation.



Support SB 119: Controlling Great Lakes Invasive Species

The Wisconsin League of Conservation Voters urges you to support SB 119, which will be before the Senate Committee on the Environment and Natural Resources on Wednesday.

Invasive species have the ability to change aquatic systems and the plants and animals that live in them by shading out native plant species or by consuming plants and animals that fish rely on for food. There are currently 164 aquatic nuisance species in the Great Lakes. Ballast water from ocean-liners are mostly responsible for the introduction of new species, which is occurring every eight months on average.

SB 119 will help to stop ocean-going vessels from discharging ballast water polluted with harmful biological contaminants in the Great Lakes. Michigan has already passed similar legislation and other Great Lakes states are likely to follow suit. Wisconsin should be one of them.

Support AB 130: Granting Resident Hunting Licenses to Members of the Wisconsin National Guard

The Wisconsin League of Conservation Voters urges you to support AB 130, which will be before the Senate Committee on the Environment and Natural Resources on Wednesday.

AB 130 allows the DNR to issue resident hunting licenses to members of the Wisconsin National Guard who are residents of other states. Often times, these Guard members spend extensive time in Wisconsin. Allowing any person enrolled in a Wisconsin National Guard unit to purchase resident hunting licenses is an appropriate way to honor their service and to pass on Wisconsin's proud hunting traditions.

Support AB 131: Hunting Approvals to Members of the U.S. Armed Forces

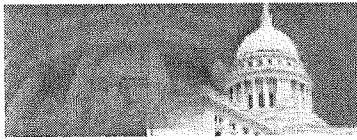
The Wisconsin League of Conservation Voters urges you to support AB 131, which will be before the Senate Committee on the Environment and Natural Resources on Wednesday.

AB 131 makes it easier for Wisconsin members of the armed forces to enjoy Wisconsin's hunting traditions by allowing the DNR to issue wild turkey hunting licenses, Canada goose hunting permits, and hunter's choice and other special deer hunting permits to Wisconsinites who are in active service in the U.S. armed forces outside the state but who are on furlough or leave within the state.

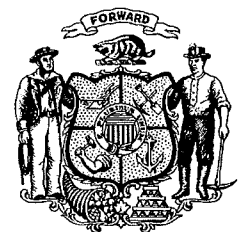
Conservation NOW announces to Legislators and other stakeholders the pro-conservation positions on issues before the Senate and/or Assembly in the week ahead. Some of these policies are the priorities of the conservation community and can be found on the Conservation Priorities Agenda which was delivered to legislative offices on February 21, 2007. All of these issues will be tracked on the Conservation Vote Tracker (<http://www.conservationvoters.org>). Many of the issues in Conservation NOW will be scored on the Conservation Scorecard to be released in the summer of 2008. Conservation NOW is produced and distributed by the Wisconsin League of Conservation Voters. Please contact Anne Sayers at anne@conservationvoters.org if you have any questions.

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WISCONSIN STATE LEGISLATURE



Bier, Beth

From: Bier, Beth

Sent: Thursday, May 24, 2007 10:23 AM

To: Bier, Beth; Erickson, Pat; Johnson, Dan; Kanninen, Dan; Klein, Jonathan; McGuire, Paula; Miller, Mark; Sen.Jauch; Sen.Kedzie; Sen.Schultz; Sen.Wirch

Subject: FW: Ballast Water Testimony.doc

FYI, below is the testimony from DNR on SB 119.

Ballast Water Testimony-May 23, 2007

- Good morning. My name is Chuck Ledin and I am the Director of the Office of the Great Lakes at DNR.
- We fully support every effort to eliminate any new releases of exotic species through ballast water discharges and are very interested in working with the legislature to advance solutions to this extremely serious problem.
- The continuing releases of exotic species through ballast water discharges into the Great Lakes are undoing many years of environmental restoration progress. That progress was made through significant public and private investments. During my 34 years at DNR there have been tremendous improvements in our state waters. In the early 1970's, only two species of fish lived in the Fox River. Today it has become a trophy walleye fishery, it is on the verge of being a tremendous trophy musky fishery and we have seen the beginnings of a successful return of lake sturgeon. In Lake Superior efforts to preserve the only self-sustaining lake trout population have succeeded and we are now able to work towards brook trout and sturgeon restoration. Now due to exotic species, those restoration successes are seriously threatened. The continuing failure of the US Congress to deal with this issue has led to increased costs to Wisconsin citizens, degraded environmental conditions like our beautiful Great Lakes beaches fouled with rotting algae and mussel shells and now with VHS, the potential for serious damage to the State's excellent inland and Great Lakes fisheries. And yet, perhaps we are need to feel somewhat lucky that foreign ships have dumped these plagues in our waters rather than water borne cholera or typhus resulting in epidemics and the kind of human health problems common to the Great Lakes in the early 1900's.
- We have heard that there is no evidence that ballast water discharges cause these problems. There is no evidence because there is not any regular or required monitoring of either ballast tanks or ballast discharges. It is clear to me that viruses and mussels from other areas did not get in the Great Lakes by swimming up the St. Lawrence River.
- A tragic fact about foreign ballast water is that it is really a small amount of water to control. About 100-200 million gallons of foreign ballast are brought into the whole Great Lakes system **each year**. For comparison purposes, that amount of water is effectively treated **each day** by the Milwaukee Metropolitan Sewerage District.
- There is no doubt that this issue is causing problems world wide and needs a world solution which can be implemented sooner rather than later. Our preference would be international standards and compliance schedules that require immediate action.

- If that fails then national standards are needed. Governor Doyle, as Chair of the Council of Great

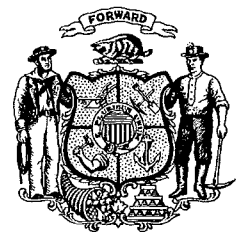
- Lakes Governors, has repeatedly pressed Congress to take action and reauthorize the national exotic species legislation with provisions to regulate ballast water discharges. Yet, the repeated call for Congressional action by the eight Great Lake state Governors seems to fall on deaf ears.
- The National Resources Board has also written to Congress to urge federal action this year.
 - But still we wait and hope while new exotics continue to enter the system.
 - If the federal paralysis on national standards continues, then we hope that regional standards could be enacted for the Great Lakes. Any of these three international, national or regional, approaches could prevent further introductions to the Great Lakes from ballast water discharges.
 - If none of these approaches are viable then each state must try to protect itself. This bill would implement such a program.
 - This bill proposes an approach which the state of Michigan has adopted to try and curb any new exotic releases into Michigan waters. The Michigan approach has now been challenged by the shipping industry and other maritime interests in a lawsuit.
 - On the national level, US EPA was directed to develop ballast water discharge standards following a court ruling that the existing ballast water permitting exemption went beyond EPA authority. Unfortunately EPA has chosen to appeal that decision rather than develop the standards. It is possible that the appeal decision could come this fall.
 - We have also heard that the Coast Guard has proposed standards which are undergoing a federal agencies' review prior to a release for public comment. The Coast Guard has had authority to develop standards for over 5 years but has yet to do so and with history as the guide, we question whether or not standards will actually be proposed later this summer as Coast Guard officials have projected.
 - Several ballast regulation proposals have been introduced in Congress in past sessions but all have had problems developing a constituency. Three bills have been introduced this year. One of the new bills, introduced this session by a Michigan legislator, may contain the basic requirements to enlist broad support. The Great Lakes states are all reviewing this proposal and are working through both the Great Lakes Commission and the Council of Great Lakes Governors to develop our state and regional reactions.
 - Because ballast water discharges have been unregulated, industry is fighting for consistent requirements that are stable over time to allow for return on investments for treatment costs. This is not an unreasonable concern but it should not be a barrier for action. There are technologies that work and are available that may not be the silver bullet but are certainly effective and implementable.
-
- In Governor Doyle's Conserve Wisconsin agenda, the Governor identified the need for controlling ballast water discharges. To move that agenda forward, we are participating in two state efforts: a federally and industry funded study in Superior evaluating and promoting new or different ship based technologies and developing ways to promote use of those technologies called the Great Ships initiative and a preliminary study looking at shore based treatment as an alternative approach aimed at protecting our state waters. We solicited proposals for engineering studies for a facility in Milwaukee with the cooperation of the Port and expect to receive proposals by June 1. If the subsequent feasibility study is favorable to this approach, we would be seeking the means to implement a demonstration treatment facility as soon as possible. While such a facility does not guarantee protection for the Great Lakes, it would greatly reduce future risks to Wisconsin.
 - While these research efforts are important to long term management decisions, there is no need to

wait. Immediate action is possible for many situations using various chemicals as disinfectants or biocides. There are operational issues related to safety and discharge quality control but what is lacking is the will not the capability for improved control.

- Over 180 exotic species are now in Lake Michigan. A recent report to Congress states that exotic species cost the taxpayers of the United States billions of dollars per year. We must do whatever we can to shut the door and prevent any new releases by at least the end of 2008. Wisconsin simply cannot afford either the economic or the ecological consequences of inaction.
- We will provide some detailed comments to the bill sponsors following this hearing and again we would be interested in working with the legislative sponsors to provide information based on our involvement with other states and their experiences with different efforts to combat invasives or to share information from various studies on control technologies.
- Thank you for this opportunity to present our views and I would be glad to answer any question you might have.



WISCONSIN STATE LEGISLATURE



Bier, Beth

From: Stolzenberg, John
Sent: Friday, May 25, 2007 11:47 AM
To: Beth Bier; Dan Johnson; Dan Kanninen; Jonathan Klein; Paula McGuire
Subject: Follow up to hearing on SB 119 (Ballast Water Management)

At the hearing on the ballast water management bill, SB 119, held earlier this week on May 23 by the Senate Committee on Environment and Natural Resources, Sen. Wirch asked who are the parties to the lawsuit challenging Michigan's ballast water control permit law.

According to staff at the Office of the Great Lakes, Michigan Department of Environmental Quality, the plaintiffs in this lawsuit are:

- Fednav Limited
- Canadian Forest Navigation Co. LTD.
- Nicholson Terminal and Dock Company
- The Shipping Federation of Canada
- The American Great Lakes Ports Association
- Seaway Great Lakes Trade Association
- The United States Great Lakes Shipping Association
- Baffin Investments LTD.
- Canfornav. Inc.

John

John Stolzenberg
Legislative Council
266-2988



June 6, 2007

Senate Committee on Environment and Natural Resources
Attn: Senator Mark Miller, Chair
Room 409 South
State Capitol
P.O. Box 7882
Madison, WI 53707-7882



RE: Vote in favor of SB 119

Dear Senators Miller, Jauch, Kedzie, Schultz, and Wirch;

I am writing on behalf of the Northeastern Wisconsin Great Lakes Sport Fishermen (NEWGLSF). NEWGLSF was created in 1974 to provide a civilian organization to work with the public, elected officials, the Wisconsin Department of Natural Resources, the Federal Bureau of Fish & Game Management, and Federations, Councils and other organizations in order to protect and enhance our Great Lakes sport fishery.

NEWGLSF is composed of more than 700 individual members and over 100 business sponsors, including charterboat business owners. Our members are active in our communities. The organization has raised and released over four million trout and salmon in our rearing facility, for our fishermen fishing the waters of Lake Michigan in the Manitowoc/Two Rivers area. NEWGLSF also runs both the Annual Northeastern Wisconsin Salmon Derby and the Club's Annual Spring Banquet, along with many other annual events as posted on our web site, at www.newglssf.org.

Senators, as Great Lakes sport fishers, we are concerned about the condition of the Great Lakes ecosystem. Environmental and ecosystem problems with the Great Lakes affect our health, lifestyle, and livelihoods. Specifically, we are concerned about invasive species, and their primary conduit into the Great Lakes via ballast water. **We encourage you to support Senate Bill 119.**

Consider the following:

Great Lakes are valuable resource to Wisconsin for recreational fishing and boating.

- The Wisconsin Department of Natural Resources sells more than 1,000,000 resident and 500,000 nonresident recreational fishing licenses annually, collecting over \$1.1 billion in fees. DNR estimates that those anglers spend another \$2.1 billion in Wisconsin communities each year.

Great Lakes recreational activities like fishing are threatened by invasive species.

- Invasive species have no natural predators, and often thrive in Great Lakes waters where they compete with native species, alter habitats and food webs, and destabilize the ecosystem.
- Invasive species have a negative impact to important fish species, by eating their food, altering their habitat, or preying on them.
- The cumulative impact of zebra mussels range from \$3 billion to \$7.5 billion for the Great Lakes.
- Annual sea lamprey control costs are over \$21 million, shared by Canada and the US.
- Impact to commercial and recreational fishing \$4.5 billion in US and Canada, and we expect this to rise with the introduction of VHS into the system.

Invasive species are primarily introduced into the Great Lakes by ocean-going ships ballast water.


- Around 65% of the invasive species in the Great Lakes are introduced via ballast water.
 Note: some people claim that less than 1/3 of invasive species come from ballast water, based on the fact that 1/3 of the total number of invasive species in the Great Lakes have come from ballast water; however, this is ignoring the fact that oceangoing ships weren't in the Great Lakes until 1959, when the St. Lawrence Seaway opened and allowed oceangoing vessels into the Great Lakes. Since that time, more than 2/3 of the invasive species in the Great Lakes have come from ballast water from oceangoing vessels.

State legislative action is needed to stop invasive species!

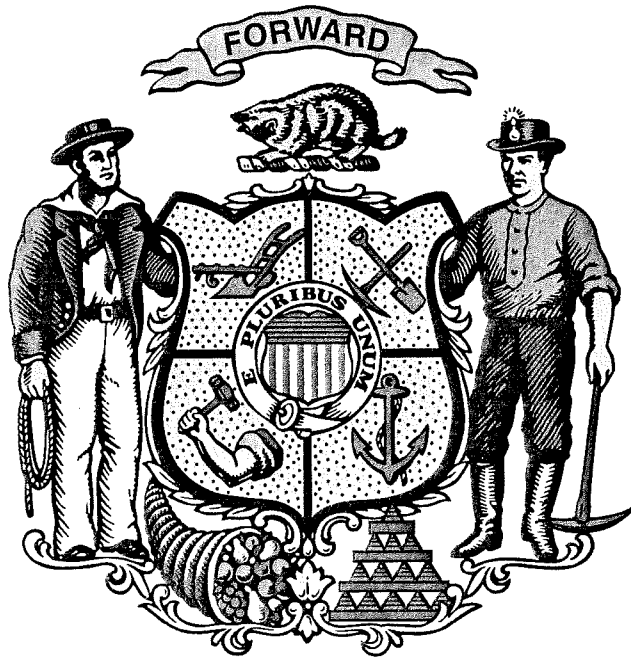
- No invasive species in the Great Lakes has been eradicated – prevention is key!
- Federal legislators keep introducing ballast water bills, but letting them die; it is time to do our part and pass legislation to protect Wisconsin from invasive species.

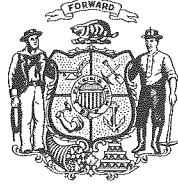
For all of these reasons, we strongly urge you to support Senate Bill 119, which will go far to prevent further invasive species from entering the Great Lakes via ballast water.

Thank you for your time.

Sincerely, 

Scott Haberman
 President, Northeastern Wisconsin Great Lakes Sport Fishermen





Carol Roessler
STATE SENATOR

November 9, 2007

Senator Mark Miller, Chair
Senate Committee on Environment and Natural Resources
Room 409 South, State Capitol
Madison, WI 53707-7882

Dear Senator Miller,

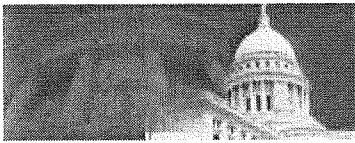
As a co-sponsor of the Ballast Water legislation contained in Assembly Bill 86 and Senate Bill 119, I am greatly concerned with the lack of attention that both bills have received. As you well know, the Great Lakes are one of Wisconsin's most important natural resources and a gateway to inland waters which are so much a part of our state. This discharge of untreated ballast water, however, is threatening this precious resource and leaving our waters prone to invasive species and disease. The concerns regarding the release of ballast water are grave and urgent.

According to the Great Lakes Fisheries Committee, there are reasonably priced methods of treating ballast water that could be used by international ships to reduce invasive species and diseases in Wisconsin waters by nearly 90%. AB 86 has resided in the Natural Resources committee since its introduction on February 22, 2007 with no further action since that date. While SB 119 was introduced on March 28, 2007 and was the subject of a public hearing on May 23, 2007, it also has not been acted upon any further.

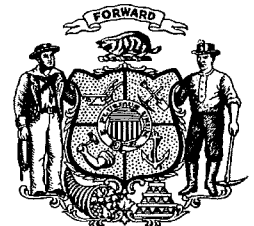
I am asking that your committee please take action on the aforementioned legislation as soon as possible. I appreciate your consideration and I respectfully urge that a public hearing, if necessary, and executive vote be held.

Sincerely,

CAROL ROESSLER
State Senator
18th Senate District



WISCONSIN STATE LEGISLATURE



Memo

WMC Testimony on Senate Bill 119 Ballast Water Regulation

My name is Scott Manley, and I serve as the Environmental Policy Director for Wisconsin Manufacturers & Commerce. WMC is the state's largest business trade association, with over 4,000 members in the manufacturing, service, health care, energy and insurance sectors of our economy. Many WMC members serve a global market, and rely upon Great Lakes shipping as a means to delivery their goods to the global marketplace. As such, WMC members have a significant interest in Senate Bill 119

I want to begin by commending all of the authors of this legislation for what we believe is a very well-intended proposal to address aquatic invasive species. WMC recognizes invasive species as a growing problem that deserves the attention of policymakers. However, we have concerns with the regulatory approach taken in this rule, and I'll address those concerns in a moment.

First, I want to take a moment to place commercial shipping into context. Each year, Wisconsin ports handle about 44 million tons of cargo, with an estimated value of \$7 billion. To put that into perspective, a typical container ship carrying 25,000 tons of cargo would require about 870 semi-trailer trucks to move the same amount of cargo. Waterway shipping is also very fuel efficient. A cargo ship can move one ton of cargo more than 500 miles on a gallon of fuel. By comparison, a railcar can move that same ton of cargo 200 miles on one gallon of fuel, and a diesel truck can move it 59 miles. Great Lakes shipping continues to be a cost-effective and efficient means to transport good and keep our economy afloat.

On the merits of state legislation to restrict ballast water discharges, WMC believes that because ships making port in Wisconsin must travel through multiple state jurisdictions before getting here, and because of the Interstate Commerce consideration attendant to any regulation of this sort, our organization believes that regulating ballast water of oceangoing vessels is better addressed by the United States Congress. A federal solution will result in uniform standards, better enforcement, regulatory clarity and certainty. Importantly, it will also result in a level playing field that prevents Wisconsin ports and businesses from being placed at a competitive disadvantage relative to other states. Congressman Jim Oberstar, the Chair of the House Transportation Committee from Minnesota, has made federal invasive species legislation a top priority. We believe there is growing support for federal legislative action, including support from Wisconsin's own Congressional delegation.

Beyond our belief that this issue should be addressed by Congress instead of the Wisconsin Legislature, WMC has a number of concerns

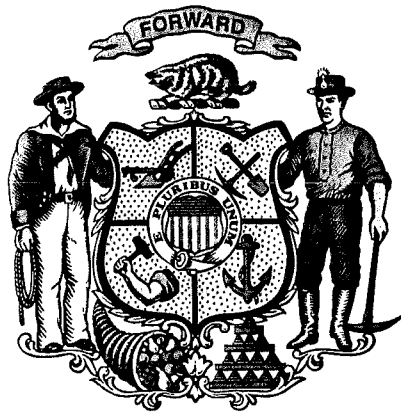


with Senate Bill 119. First, we are not aware of the successful deployment of technology on an oceangoing vessel that would meet the permit criteria established in the bill. In other words, we don't believe any shippers could qualify for a permit. The result would be a de facto ban on oceangoing shipping in the Great Lakes, which we know is not what the authors intended. We are aware of ongoing research and efforts to establish pilot programs to test the research and development of the technology that would allow shippers to meet the regulatory requirements of this bill. We would ask that this important work be given time to demonstrate success before implementation of a regulatory mandate. Rather than setting an arbitrary effective date in the bill, the regulatory requirement should be staged to coincide with the successful and cost-effective deployment of technology that enables shippers to comply with the bill.

In summary, we support a federal solution for the regulation of invasive species in ballast water as a means to protect the economic competitiveness of Wisconsin industry. In the absence of workable technology, adopting state-only rules like those proposed in Senate Bill 119 will severely constrain the ability of our manufacturers to transport their goods.

At a time when Wisconsin businesses are trying to increase their profile in the global marketplace, we ask the Committee to carefully consider the ramifications of this bill, and whether it would jeopardize our ability to use Great Lakes shipping as a safe, cost-effective and efficient means to ship products to the global market. WMC acknowledges that economic concerns must be weighed against legitimate environmental concerns. We appreciate that policymakers must undertake an important balancing act on this issue. However, we believe striking that difficult balance is more appropriately achieved through uniform, federal regulations as opposed to state-only legislation.

Thank you for your thoughtful consideration of this important issue.



SEAWAY GREAT LAKES TRADE ASSOCIATION

JOHN JAMIAN
PRESIDENT

248.593.5693 OFFICE
202.580.5139 MOBILE

Date?

Thank you Mr. Chairman and members of this committee.

My name is John Jamian and I currently serve as the President of the Seaway Great Lakes Trade Association, an association whose membership represents a diverse group of organizations from shipping, manufacturing, ports, grain and labor and who benefit from the St. Lawrence Seaway and Great Lakes transportation system.

As the former Deputy and Acting Administrator of the U.S. Department of Transportation's Maritime Administration, former Executive Director of the Detroit Wayne County Port Authority and a former State Representative in the Michigan Legislature, I have been involved with our Great Lakes and Seaway transportation system for well over 18 years.

I wanted to talk to you today with regards to SB 119 and its potential impact on our local, regional, state and national economy. First, I would like to mention that we completely support cleaning up and dealing with the Aquatic Nuisance Species problem on the Great Lakes.

Our membership is keenly aware of the sensitivity of this issue and the need to find proper treatment technology. At risk of repeating what others have said or may say, and coming from my federal maritime background, this is a problem that exist in just about all of our nations coastal areas. Some of these ANS problems have arrived by ships and many have arrived through different vectors-including swimming on their own.

Our problem is that, as a country, we need to have a national treatment standard that applies uniformly across our nation. This is the responsibility of the US Coast Guard and they are aggressively working on establishing that standard. In sharing our frustration with this committee, it makes no sense to try and regulate this issue on a state-by-state basis. If each of our eight Great Lakes states independently moves to regulate ballast water treatment, what we would ultimately have is a patchwork of inconsistent rules, regulations and fees that would only serve to drive business away from our region. (That is why we decided to challenge the Michigan law)

Our ship owners most likely would not install equipment that has not been certified by the US Coast Guard and may not be acceptable in other states or countries. This in turn could create a modal shift from our seaways to the highways and I'm fairly certain, we do not wish to have another 40, 000 trucks on our already over congested surface transportation system. Not to mention a very large increase in heavy air emissions.

Since I come from the State of Michigan, please allow me to share a few thoughts about the impact of our law, PA 33. There are those in Michigan that trumpet the fact that this new law solves the problem. In fact it does anything but solve the problem. How does making a ship owner file for a permit and paying a fee solve the problem of ANS? The ships can still come to Michigan and so can Aquatic Nuisance Species. There is no sign at the boarder saying ANS not allowed!

But what has happened, is that global companies trading in and out of Michigan have heard about this legislation and its problems, and now possibly are thinking of other places to

261 EAST MAPLE ROAD SUITE 200 BIRMINGHAM, MICHIGAN 48009

700 12TH STREET N.W. SUITE 700 WASHINGTON, DC 20005

import or export their products. On top of that, we have various groups making statements that we need to shut down the seaway to ocean ships.

Many of our global shippers know that the ultimate solution will be one that is led by the federal government, and shutting down our waterway only places us regionally in a very compromised economic position.

This in turn could have serious consequences with jobs at ports such as Superior, Green Bay or Milwaukee.

With regard to waterborne transportation, Michigan and Wisconsin are ranked high in the nation, indicating that shipping plays a critical role in our economy.

For both Michigan's and Wisconsin's economy to prosper, we have to have a functional and efficient multi modal transportation system. Quality of life begins with a job. Arbitrarily closing our ports to trade will not attract new businesses to our state or foster economic development.

While Michigan and possibly Wisconsin act to chase the shipping industry away, adjacent states have taken no similar action. They eagerly await the movement of commerce and jobs from our states to their jurisdictions.

Thank You.

John Jamian
President