



U.S. Coast Guard's Proposed Ballast Water Discharge Standard Rulemaking

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True or False?

New U.S. Legislation needs to be enacted in order for the Coast Guard to implement a ballast water discharge standard. GL news article 2009.

False: The Coast Guard has this authority under the National Invasive Species Act of 1996.



Legislative Authority

National Invasive Species Act of 1996:

- “Use environmental sound alternative ballast water management methods...if the [Coast Guard] determines that such methods are at least as effective as ballast water exchange.”



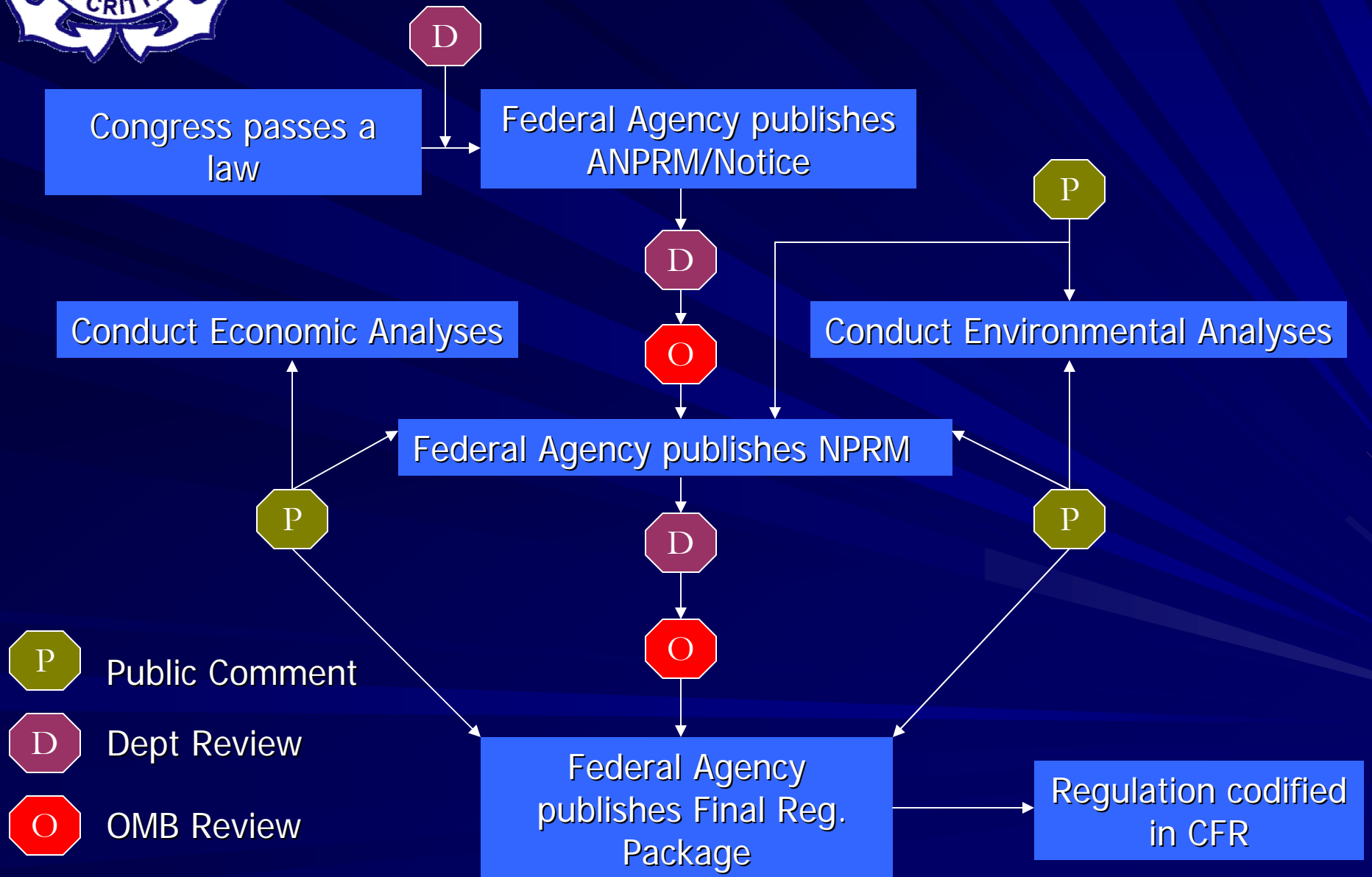
True or False?

“...The Coast Guard is poised to release a Federal Register post to begin the rulemaking process to set national ballast water discharge standards.” ais listserv 2008

False: “The Coast Guard began the rulemaking process in 2002 with publication of an ANPRM.”



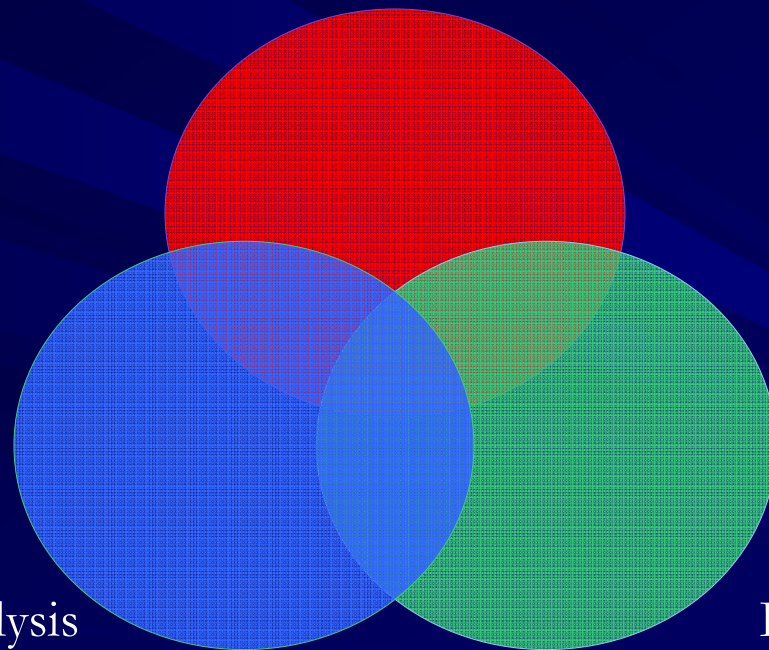
Federal Rulemaking





BWDS Rulemaking Package

Notice of
Proposed Rulemaking



Environmental Analysis

Economic Analysis



BW Discharge Standard

This rulemaking would establish:

- a concentration/size-based discharge standard (# of living organisms/volume of ballast water)
- an implementation schedule, vessel applicability, legal and regulatory exemptions
- criteria for acceptance of BWMS approved by other countries



BWD Standard Rulemaking (cont'd)

- Be used to approve BWMS for:
 - Biological Efficacy (testing requirements)
- Must ALSO meet Engineering and Operational Requirements (46 CFR Subchapter Q, Parts 159-162)
 - Electrical, Engineering, Piping Equipment, and Independent Laboratories
- BWMS using biocides-EPA FIFRA registration



BWD Standard Rulemaking WILL NOT

- Describe specific enforcement and compliance procedures
- Discuss elements of EPA's VGP or its integration with CG requirements
- Address any differences with state requirements
- Advocate the use of specific BWMS



True or False?

The Coast Guard will publish the Draft Programmatic Environmental Impact Statement (DPEIS) first? CG 2007

False: That was the intent of the Coast Guard in Fall of 2007, however, we were directed not to publish the DPEIS first.



Environmental Analyses

- National Environmental Policy Act:
 - Analyze environmental impacts
 - By setting a standard, what is the probability of an invasion occurring
- Endangered Species Act:
 - Analyze impacts to threatened and endangered species by setting a standard



Environmental Analyses WILL NOT

- Evaluate potential impacts to the environment from specific/individual BWMS





Supporting Analyses cont'd

- Executive Order 12866
 - Assess costs and benefits
- Regulatory Flexibility Act
 - Economic impacts to small businesses
- Small Business Regulatory Enforcement Fairness Act
 - Assistance to small businesses





Next Steps

- NPRM, DPEIS, and RA to publish in the near future
- Expected to be submitted to OMB shortly?
<http://www.reginfo.gov/public/do/eoPackageMain>
- Public Comment Period-90 days
- As Stakeholders we are seeking your input
- Four Public Meetings planned in the U.S.
 - Watch USCG web page for announcements



Web: <http://www.uscg.mil/hq/cg5/cg522/cg5224/>

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Listserv: [http://cgls.uscg.mil/mailman/listinfo/
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