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HOUSE JOINT RESOLUTION NO. 534

Offered January 23, 1995

Memorializing the United States Congress, and various international, national, regional and state agencies and organizations both private and public, to take certain actions to aid in the prevention of the introduction of nonindigenous species through ballast water into the Chesapeake Bay and other coastal waters.

Patrons—Copeland, Bloxom, Morgan and Murphy; Senators: Cross and Gartlan

Referred to Committee on Rules

WHEREAS, invasions by nonindigenous aquatic species are having a dramatic ecological and economic impact on marine, estuarine, and freshwater systems throughout the world; and

WHEREAS, ballast water discharged from ships is the single largest source of these nonindigenous species; and

WHEREAS, the ports of Norfolk and Baltimore rank second and fifth in the nation, respectively, in the volume of ballast water discharged from incoming ships; and

WHEREAS, increased global trade, faster ships, increasing incidence of pest species in foreign ports serving ships destined for the Chesapeake Bay, and other factors make future Chesapeake Bay invasions by nonindigenous species highly likely; and

WHEREAS, the zebra mussel, which has invaded the Great Lakes, is causing billions of dollars of economic damage to that region by clogging water intake pipes, damaging property, and altering the ecology of the Great Lakes ecosystem, arrived in the Great Lakes through the discharge of ballast water from ships originating in foreign ports; and

WHEREAS, any future invasion could have catastrophic ecological and economic impacts for the region; and

WHEREAS, individual states are limited in their power to set policy regarding ballast-mediated nonindigenous species invasions because they lack the constitutional authority to affect interstate and international trade; and

WHEREAS, most U.S. efforts to manage ballast water originate from the federal Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (Public Law 101-646), which establishes mandatory ballast water management protocols for the Great Lakes and Hudson River but does not afford protection for the Chesapeake Bay and other at-risk coastal regions; and

WHEREAS, given this limitation, the Chesapeake Bay Commission, in its capacity as the legislative arm of the Chesapeake Bay Program, engaged regional and national experts in a year-long effort to develop and recommend policies to improve the management of ballast water in the Chesapeake Bay in order to reduce the risk of nonindigenous species invasion; and

WHEREAS, based on this review, the in-transit exchange of ballast water in open ocean environments represents the best currently available method of reducing the risk of nonindigenous species invasions via ballast water but still permits some species introductions, and, therefore, other technological solutions must be found; and

WHEREAS, data collection and education are key components of reducing the risk of ballast-mediated invasions, and require the cooperation of and participation by the shipping industry, port authorities, federal agencies, and other stakeholders throughout the Chesapeake Bay region; and

WHEREAS, the Maryland, Pennsylvania, and Virginia delegations to the Chesapeake Bay Commission, because of their concern about ballast-mediated nonindigenous species invasions, voted to introduce resolutions detailing their findings and recommendations in the General Assemblies of all three states; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly formally recognize the national and international scope of ballast-mediated introductions and call for a concerted federal effort that addresses at-risk coastal regions, such as the Chesapeake Bay; and, be it

RESOLVED FURTHER, That, in order to accomplish this, the General Assembly urge the federal government to implement programs and fund research to help prevent the introductions of nonindigenous species via ballast water into the Chesapeake Bay and other at-risk coastal regions; and, be it

RESOLVED FURTHER, That the General Assembly request that the U.S. Coast Guard, or the lead agency as designated by the federal government, implement and widely publicize a national program that establishes guidelines for voluntary ballast water management for ships calling at Chesapeake Bay and all other U.S. ports; and, be it

RESOLVED FURTHER, That the U.S. Coast Guard also develop, in consultation and cooperation

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60 with the shipping industry and the research community, a reasonable reporting mechanism for vessels
61 calling at Chesapeake Bay and all other U.S. ports in order to collect data to assess the extent of
62 participation in the program; and, be it

63 RESOLVED FURTHER, That such a program coincide with a vigorous, multilingual education
64 program to raise awareness of ballast management issues among the crews and agents of foreign- and
65 U.S.-flagged ships; and, be it

66 RESOLVED FURTHER, That such an outreach effort take advantage of the preexisting distribution
67 channels of those organizations that have routine contact with vessels, such as the U.S. Department of
68 Agriculture's Animal and Plant Health Inspection Service, the U.S. Coast Guard, port administrations
69 and pilots associations; and, be it

70 RESOLVED FURTHER, That pursuant to U.S. Coast Guard implementation of voluntary ballast
71 water management guidelines and reporting procedures, a mandatory approach be developed if, after an
72 adequate period of education for ship owners and crews of not less than 24 months, an evaluation of the
73 effectiveness of participation in the program determines that such measures are necessary; and, be it

74 RESOLVED FURTHER, That the U.S. Congress reauthorize Public Law 101-646 and appropriate
75 funds necessary to implement the provisions of the Act, including research to be undertaken within the
76 Chesapeake Bay region to (i) establish post-1991 trends in ballast water released into the Chesapeake
77 Bay, focusing on quantities, vessel types, and sources and (ii) examine attributes and patterns of
78 ballast-mediated invasions that relate to current and future potential management strategies; and, be it

79 RESOLVED FURTHER, That the General Assembly support modifications to international
80 regulations under the international Convention on Marine Pollution ("MARPOL") that would require all
81 International Marine Organization (IMO) nations (including the United States) to collaboratively
82 undertake ballast water management protocols, based on current voluntary IMO guidelines; and, be it

83 RESOLVED FURTHER, That the General Assembly strongly encourage the National Research
84 Council Marine Board's Committee on Ships' Ballast Operations to continue to work toward the
85 development of a long-term international consensus on the design and construction of vessels that
86 operate safely while allowing for offshore exchange of ballast water or allowing for other means to
87 reduce the transport of living organisms by ships' ballast systems; and, be it

88 RESOLVED FURTHER, That the General Assembly urge Congress to support national legislation
89 calling for the demonstration of ballast water management technologies and practices that help prevent
90 aquatic nonindigenous species from being introduced and spread in North American waters, and that the
91 Chesapeake Bay be explicitly designated as a site for a public-private collaboration to demonstrate new
92 technologies and practices that will reduce the risk of nonindigenous species introduction; and, be it

93 RESOLVED FINALLY, That the Clerk of the House of Delegates prepare and transmit a copy of
94 this resolution to the executive director of the Chesapeake Bay Commission with a request that the
95 Commission convey this resolution to the members of Congress, the U.S. Coast Guard, the National
96 Research Council's Marine Board, and all other appropriate international, national, state and local
97 authorities concerned with the management of ballast water so that they may be apprised of the sense of
98 the General Assembly of Virginia in this matter.