

Statement of the Honorable Tim Bishop
Committee on Rules
H.R. 2838, the Coast Guard and
Maritime Transportation Act of 2011
November 4, 2011

My amendment amends Title VII of the Coast Guard Reauthorization bill to recognize the importance of both Federal and State efforts to protect the waters of individual states by retaining a limited role for states to provide additional operational limitations to protect important state resource waters from the introduction of invasive species and other pollutants.

I agree, in concept, with Chairman LoBiondo that we should enact a stringent, uniform national standard for ballast water treatment technologies for commercial vessels. It makes sense to set a high standard that is technologically achievable and reduces the likelihood of introducing invasive species into our native waters.

My amendment does not add or change any technological requirements in the bill – an issue of extreme importance for industry. Nor does it give states carte blanche to prevent ships from releasing ballast water.

It simply provides for the ability of states to petition the federal government, under a set of criteria that protects international and domestic commerce, to identify and protect highly sensitive water resources within a state's existing jurisdiction.

My amendment is not without precedent. In 1996, the Republican controlled Congress amended the Clean Water Act to require DOD to work with EPA to regulate ballast water from military vessels through the Uniform National Discharge Standard program (Change enacted through the FY96 National Defense Authorization Act, PL 104-106).

In providing for these uniform national standards, the Republican Congress, acknowledging a deep respect for the rights of states, included a residual authority for States to establish No-Discharge Zones, similar to those allowed under the my amendment.

Furthermore, Section 312 of the Clean Water Act – probably the closest analogy to the issue of ballast water discharges from commercial vessels – establishes uniform standards for discharges of marine sanitation devices. Section 312 specifically reserves a role for States to create No Discharge Zones for important State waters, provided that these zones will not adversely impact vessels from operating within the State.

Thus far in the 112th Congress, much of the debate has centered on how States should be allowed to take the lead on managing many different programs – ranging from education, to environmental protection, to expenditure of resources. Yet, in this instance, we seem to be saying the exact opposite – that the Federal government knows best how to protect local waters, and States are not even given a say on how additional protections may be warranted.

For example, earlier this year the Rules Committee passed H.Res. 347, to provide consideration for H.R. 2018, the Cooperative Federalism Act of 2011. This bill would eliminate any federal role in setting baseline water quality standards, giving full discretion to states. However, Title VII of today's bill says that states should have no say in what happens in their waters whatsoever.

Mr. Chairman, the Environmental Council of the States recognizes my amendment as an improvement to the bill, although like me, they have several additional concerns with Title VII. I ask that you enter their letter into the Committee's record.

Finally, I will submit for the record a letter from the California State Lands Commission to members of the California delegation that outlines their concerns with Title VII of the bill and recognizes the devastating effects that invasive species can have on the economy and environment costing states billions every year.

I urge the committee to support my amendment for floor consideration.

Thank you.