

Docket No. 20-10, Comments on Conditions Created by Canadian Ballast Water Regulations in the U.S./Canada Great Lakes Trade

Dear Sirs,

Canada has decided Ballast water equipment should be installed on ships exclusively used in the Great Lakes to protect Canadian interest in the Great Lakes. It is their sovereign right. US shipping interest are claiming the regulations will create unfair economic cost allowing an economic advantage for Canadian shipping without doing any good. Comments are being taken regarding Canada's intent but, not on the federal register site.

I do not understand why the comments are not going on the federal register. My feelings are this investigation should be transparent and any thoughts determining its outcome should be available to the public. You have my permission to show, share or publish anything I send you.

The investigation seems to revolve around the economic cost for older US Lakers and ships that are exclusively confined to the Great Lakes to install equipment for Canadian waters.

The EPA'S 2020 purposed VIDA regulations published on the federal register October 2020 outlines many reasons Canada may have decided to require protection for their waters other than the alleged reasoning: they are trying to create an economic advantage by requiring their shipping industry to spend money to install protective equipment.

The EPA did not recommend protections for the Great Lakes with on board or land based treatment. The EPA'S descriptions and reasons for not recommending any ballast water treatment basically concluded nothing was "economically achievable". Their justifications are an ambiguous interpretation of "cost achievable" mentioning the inadequate physical characteristic of an aging US fleet, without considering the cost ballast water has on human, wildlife and plant health. The EPA mentions problems faced by the US ships such as, materials used in construction of US vessels being subject to corrosion from chemicals, lack of space, infringement on cargo space, cold water, adverse weather, water clarity, age of US Lakers, lack of technology to fully satisfy the standard, Etc.. Land based facilities along with honey barges etc. were also deemed not "economically achievable". Their reason were numerous, but they basically ruled out all options for any improvements for ballast water discharges. Their view appears to be, any improvements that only partially helped and did not fully satisfy the standard for water quality would not be "economically achievable" for the US shipping industry. Federalism using (BAT) was the way the regulations for this legislation were established by the EPA. The EPA also recommended the elimination of numerous best management practices designed

to prevent movement of pathogens. These eliminations even included avoiding dangerous uptakes of ballast water, from sewage outflows.

Canada contends the quality of the water, their equipment will produce will help.

It should be noted that equipment used to remove invasive species will perform better when cleaner clearer water uptakes are used to start with. Water clarity and large amounts of algae ,plankton etc. will enhance the problems ballast water treatment systems face, which are problems prevalent in the Great Lakes. The United States for security reasons should always inspect and check the safety and reliability of any equipment used to cycle biological or chemical materials that are being discharge into “the Waters of the United States” .

Our country should not try and collect fees or fines because Canada wishes to exercise their sovereign rights to protect their waters. The lack of action by the EPA and purpose reduction of best management practices shows a logical reason for the Canadian government to be concerned about US ships needing ballast water equipment. Canada’s decision to require ballast water treatment in its waters probably correlates to concern that the US shipping industry could deliver pathogens into Canadian waters. Considering the EPA has given US ships a pass not to treat ballast water, while at the same time purposing it is ok, to uptake ballast water from hotspots of pathogens, sewage outflows, algae blooms, etc., Canada should have grave concerns.

The United States needs to protect our shared interest with Canada as joint stewards for the Great Lakes. We should welcome the opportunity to test and work with Canadian ships outfitted with ballast water equipment. An influx of newly installed equipment on Canadian ships and with their help, could serve a dual use. Ships with new equipment could start protecting now, while providing a larger pool of systems for comparison study, evaluation, tweaking and experimentation helping to address all the diverse water conditions the Great Lakes presents. A collaboration between ships and Great Lakes college’s would enhance the knowledge needed for development of future installations and help with the installations required by 2030 for older ships. An incentive based program for participating ships could help promote a stronger collaboration, mandatory uptake management using today’s technology providing ships scientific direction avoiding hot spots would help insure safer discharges. Monitoring to insure better quality water uptakes, before treatment and discharge could help reduce chemical needs when required.

The standard the EPA created by design, to decide if equipment and regulation are “economically achievable” may never be achievable. A combination of many different approach’s may be the only choice to do some good. Smaller gains, such as a fair weather filter, or promoting business for land

base and honey barges where practicable etc., collectively may produce meaningful results. There are many things not considered “economically achievable” by the EPA’S designed definition of “economically achievable” , which could help protect health and should be incorporated into a comprehensive approach to protect the Great Lakes from ballast water dangers.

Preserving the “Waters of the United States” with health conscious regulations would help protect all United States citizens that depend on our water for life. “Stakeholders” should not be defined by the EPA or Coast Guard to only belong within certain privileged groups, revolving around the shipping industry, the general public which uses “The Water of the United States” to swim, ingest, sustain life, along with those who’s livelihood depend on clean water should all be considered “stakeholders”. Dose this investigation reach out to everyone who should be a “Stakeholder”? Probably not.

The dangers aquatic invasive species pose, exasperated by climate change and its effects on health, needs to be addressed now. Waiting 5 years for another EPA review, crafted with federalism using selected approved scientific study with a BAT derived perspective for what is “economically achievable”, all to avoid costs for an antiquated US shipping industry should not be acceptable. The type of regulations the EPA purposed will never facilitate an effective rapid response to address major endemic or pandemic outbreaks of disease from bacteria or virus using ballast water systems as a vector for dispersal, nor will it stop the spread of any invasive species in the Great Lakes. The exponential growth of trade and population along with climate change will continue to harm the Great Lakes.

Canada should be applauded for requiring ships to start spending money to protect waters that belong to the people of both countries and not just concentrating on what is economically beneficial for their shipping industry. It is time for the United States to step up and embrace the Canadian effort.

As I remember, It was reported when the VIDA legislation was signed into law in 2018 that a final Presidential approval would be needed, Regardless if this is the case or not:

President Biden should pursue sooner than later a cooperative arrangement with his Canadian counterpart to work together to preserve the Great Lakes to help secure human wildlife and plant health as long as possible for future generations. The following link depicts a Presidential executive order (13751) signed during the Obama Biden administration that should have been considered when the VIDA legislation was crafted. It pertains to invasive species and health correlating to climate change.

Sincerely Don Mitchel

<https://www.federalregister.gov/documents/2016/12/08/2016-29519/safeguarding-the-nation-from-the-impacts-of-invasive-species>