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October 11, 2011

The Honorable Andrew M. Cuomo  
Governor of New York State  
New York State Capitol Building  
Albany, NY 12224

Dear Governor Cuomo,

On behalf of the 80 undersigned organizations concerned with protecting the water resources of New York and the Great Lakes region, we thank you for your efforts to secure passage of a comprehensive new law to protect our freshwater from harmful water withdrawals and implement key provisions of the Great Lakes Compact. As you well know, New York is host to national treasures like the Great Lakes, St. Lawrence River, Long Island Sound, and Hudson River which are critical drivers of the state and regional economy, providing drinking water sources for millions, and recreational resources for local and seasonal residents alike.

Today, we are writing to encourage you to continue your strong track record of protecting New York's and the Great Lakes-St. Lawrence River region's waters from the tremendous damage caused by invasive species brought into the Lakes and River via ships' ballast tanks.

As you know, ship ballast is the primary pathway for aquatic invasive species introductions into waterways, like the Great Lakes and St. Lawrence River. These species, such as zebra mussels and round gobies, are one of the most significant environmental threats to New York and the nation's waters in both the U.S. and Canada. Invasive species foul beaches, wreak havoc on the fishery, clog water intake valves of cities and utilities, disrupt the food chain, and harm fish and wildlife. These impacts on ecosystem health and the region's infrastructure result in substantial economic impacts: aquatic invasive species cost the eight Great Lakes states and its citizens at least \$200 million per year every year, in clean up costs and lost revenue, according to researchers at the University of Notre Dame.

The commercial shipping industry has been allowed to pose a direct and unnecessary threat to the economic and environmental health of New York and Great Lakes communities for too long. The first federal ballast legislation – the Nonindigenous Aquatic Nuisance Prevention and Control Act – was passed in this country

twenty years ago and New York's leadership has been critical in pressing the federal government to strengthen its ballast clean up programs. For example, in 2004 at the insistence of the New York Attorney General, who petitioned the federal government, the federal government ultimately implemented requirements to close a loophole that allowed vessels who claimed they had "No Ballast on Board" to engage in ballast management practices. Despite such incremental gains, federal protections to adequately stop new invasions of nonindigenous species still do not exist.

We applaud the State of New York's efforts, in the absence of strong federal protections, to address the threat of aquatic invasive species introductions. Through its authority to implement the federal Clean Water Act and protect state water quality standards, the New York State Department of Environmental Conservation ("DEC") has established stringent technology requirements for ships operating throughout New York's waters that will be instrumental to stopping more devastating aquatic invasive species introductions. DEC based these requirements on the work of a broad-based panel of scientists in California who found that any less protective ballast water standard would not be tough enough to prevent further species invasions.

State leadership has been, and will continue to be for the foreseeable future, a critical driver advancing the development of unified federal ballast water regulations in the U.S. Our organizations are highly appreciative of New York's historic and ongoing leadership in addressing the irreversible ecological damage created by ballast mediated invasive species. We believe that New York's decision to press forward in the pursuit of rapid implementation of stringent, protective standards will set a persuasive precedent for shaping strong federal and state invasive species policy with decision makers across North America. Your leadership is creating an impetus to meet ballast water discharge standards as quickly as possible and continue the urgency in which cutting-edge technologies to prevent invasive species pollution in the U.S. and Canada are developed, verified and implemented for use.

We urge you to continue this leadership role by supporting and defending the current state ballast water requirements and moving to enforce these protective requirements as quickly as possible, until federal regulations meet or exceed the bar set by New York.

DEC's ballast requirements are challenging, but also reasonable and fair given the rapid pace of ballast water technology development. DEC allows a vessel owner to ask for additional time to comply with the standards if it can show that it has made its best efforts to comply but has not been able to find the right solution for its vessel. And, as shown by the one-year extension granted last winter, DEC is willing to accommodate the shipping industry's concerns, and also help identify technologies that the DEC believes are available to meet the State's standards. However without DEC's stringent standards in place, vessel owners will never have the incentive to make the operational improvements which are needed to protect our waters.

Today, we are at a crossroads in efforts to prevent aquatic invasive species introductions to our nation's waters. DEC's ballast requirements are the most significant effort to date to prevent further introductions of harmful species to the state and the Great Lakes to prevent further economic and ecological harm to our communities. If state rules are set aside, progress toward cleaning up ship ballast tanks will revert to the slow pace set by the federal government, allowing even more aquatic invasive species to enter the nation's waters.

We greatly appreciate your ongoing efforts to address this critical issue, and look forward to working with you to keep New York's strong ballast water regulations in place while pressing for comprehensive federal action. Thank you for again for your commitment to protecting New York and the Great Lakes region's water resources and the thousands of jobs and communities they support. Please do not hesitate to contact Jennifer Nalbone from Great Lakes United at (716) 213-0408, Jennifer Caddick from Save the River at (315) 686-2010, or Sean Mahar from Audubon New York at (518) 869-9731 with any questions.

Sincerely,

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