



**AMERICAN
GREAT LAKES PORTS
ASSOCIATION**

TESTIMONY OF

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The American Great Lakes Ports Association represents the public port authorities on the United States side of the Great Lakes - including the ports of Detroit, Monroe and Muskegon. Each of our member port agencies is a division of state or local government, or an independent agency created by state statute. As a group, and individually, Great Lakes ports work to foster maritime commerce in our region and economic development in their communities.

Michigan has more ports than any other Great Lakes state. Michigan's 22 federally authorized harbors handle a variety of cargoes, including domestic cargoes moving between Michigan and other Great Lakes states, and international cargoes moving between Michigan and overseas ports. Commerce through Michigan ports supports more than 26,000 jobs and \$3.8 billion in business revenue.

We are offering this written testimony in support of HB 5095, sponsored by Representative Dan Lauwers. The legislation would modify Michigan environmental laws to ensure that state requirements for vessel discharges are harmonized with federal regulations maintained by the United States Coast Guard.

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Since 2007, Michigan's environmental laws have required ballast water discharges from ocean-going vessels to be permitted by the Michigan Department of Environmental Quality (MDEQ) in an effort to control the introduction of aquatic nuisance species. To obtain a permit, vessel operators must demonstrate that ballast water is treated by one of four state-approved technologies. This approach to ballast water regulation is fundamentally different than international requirements, federal requirements and the requirements of neighboring states - all of whom require that a specific water quality standard be achieved. Of the eight Great Lakes states, only Michigan has taken a unique approach.

Predictably, no ocean-going vessel operator has installed special ballast water treatment equipment to satisfy Michigan regulators. Because ballast water is discharged when vessels are loaded with cargo (to compensate for cargo weight), Michigan's regulations hinder exports, but not imports. In this regard, Michigan's ballast water regulations have effectively closed the state's ports to export activity. Today, Michigan export cargo is regularly shipped through ports in neighboring states of Ohio and Indiana.

We do not believe it makes sense for individual states to regulate interstate and international commerce - a role specifically reserved for the federal government by the U.S. Constitution. State ballast water discharge rules do nothing to protect the environment. Aquatic invasive species are just that - invasive. They respect no political boundary and migrate freely from state-to-state. Michigan, nor any other state, is in a position to unilaterally protect the Great Lakes ecosystem by regulating ballast water discharges. Only the federal government can effectively serve this role.

Michigan has a robust maritime heritage; however, Michigan farmers and manufacturers must find alternative transportation options to move their products to export markets - and incur additional cost to do so. As state leaders work to create a positive business climate and foster job creation, Michigan's ballast discharge rules should be a target for reform.