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Court Ruling Confirms Need for Congress to Act on Vessel Discharges Bill

ARLINGTON, VA — A federal appeals court ruling handed down this week underscores the urgent need for Congress to pass the Vessel Incidental Discharge Act (VIDA) and establish a uniform federal framework for the regulation of ballast water and other vessel discharges, according to the American Waterways Operators, the trade association that represents the U.S. tugboat, towboat and barge industry.

Vessel discharges – including discharges of ballast water, which vessels use to maintain their stability – are currently regulated in redundant and inconsistent ways by two federal agencies, the Coast Guard and the Environmental Protection Agency, and over two dozen states. On Monday, the U.S. Court of Appeals for the 2nd Circuit ordered the Environmental Protection Agency to reassess the standard to which it requires vessel operators to treat ballast water in order to prevent the spread of invasive species. EPA’s current ballast water treatment standard, which is aligned with the Coast Guard’s, is nationally and internationally agreed to be the most environmentally protective standard that can be achieved with existing commercially available technology. This ruling adds further uncertainty to an already untenable situation for vessel operators, and reinforces the need for Congressional action to fix this broken regulatory regime.

“In order to make investments in environmentally protective ballast water treatment technology with confidence, vessel operators must have certainty that regulations won’t be a moving target,” said Thomas A. Allegretti, President & CEO of the American Waterways Operators. “By moving swiftly to enact VIDA, Congress can eliminate this uncertainty and establish a single set of practicable, science-based standards for ballast water and other incidental discharges that are good for the marine environment, good for the U.S. economy, and good for the American taxpayer.”

About the American Waterways Operators

The American Waterways Operators is the national trade association representing the tugboat, towboat and barge industry, which operates on the rivers, the Great Lakes, and along the coasts and in the harbors of the United States. Barge transportation serves the nation as the safest, most environmentally friendly and most economical mode of freight transportation. For more information about AWO, please visit www.americanwaterways.com.