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Mr. Timothy M. Brown
Chief, Office of Standards Evaluation and Development
United States Coast Guard
2703 Martin Luther King Jr. Avenue SE
Washington, D.C. 20593

RE: Notice of Availability and Request for
Comments, Availability of *Retrospective
Analysis of 2012 Ballast Water Discharge
Standards*

Dear Mr. Brown:

The American Waterways Operators is the tugboat, towboat and barge industry's advocate, resource and united voice for safe, sustainable and efficient transportation on America's waterways, oceans and coasts. As the largest segment of the nation's 45,000-vessel domestic maritime fleet, our industry serves as a vital part of America's supply chain and national security, moving the nation's commerce on U.S. inland and intracoastal waterways, the Atlantic, Pacific and Gulf Coasts, and the Great Lakes. On behalf of our over 300 members, we appreciate the opportunity to comment on the Coast Guard's report, *Retrospective Analysis of 2012 Ballast Water Discharge Standards*.

AWO members are proud to be the safest and most environmentally responsible mode of freight transportation. Our industry is committed to building on this success and actively exceeds regulatory requirements to preserve and protect the environment while facilitating the efficient movement of maritime commerce. For many years, AWO has worked collaboratively with the Coast Guard to ensure that commercial vessel operators can feasibly and practicably comply with ballast water management regulations. Throughout this long-standing engagement, AWO has consistently advocated for streamlined, uniform vessel incidental discharge standards that would replace a conflicting patchwork of federal and state-by-state regulations with a single national framework. The Vessel Incidental Discharge Act (VIDA) established the uniform national standards long sought by industry. In 2024, the Environmental Protection Agency promulgated its VIDA National Standards of Performance, now leaving the Coast Guard to finalize corresponding implementation and enforcement regulations by 2026. As that statutory deadline approaches, AWO is using this opportunity to highlight the significant financial and operational burdens that ballast water management requirements impose on vessel operators, as reflected in the report.

Ballast Water Management System and Retrofitting Costs

The report finds that the ballast water management system (BWMS) acquisition costs projected in the 2012 rule likely overstated the price of systems available today. Those savings, however, are offset by higher-than-anticipated expenses for vessels that must be retrofitted to accommodate a BWMS. As the report notes, these retrofitting costs are likely to meet or exceed the cost of the system itself and vary significantly depending on individual vessel characteristics. Moreover, vessels undergoing these retrofits are typically taken out of service for several days and, according to the stakeholders consulted for the report, potentially as long as 20 days, resulting in significant lost operating time.

These findings underscore the very real financial and operational strain that ballast water management requirements have already placed on vessel operators. As the Coast Guard develops its VIDA implementation and enforcement regulations, AWO urges the agency to bear these substantial retrofit costs and installation timelines in mind. We ask that the Coast Guard issue requirements that reflect the realities of shipyard availability, installation costs, and vessel out-of-service periods, and incorporate additional flexibility to ensure that operators can achieve compliance without incurring excessive economic or operational hardship or disruption.

Net Benefits

The report projects the overall economic impacts of the 2012 rule through 2050, weighing the upfront vessel operator investments required for compliance against the long-term benefits of reduced non-indigenous species (NIS) invasions. Over this period, it is estimated that the rule will yield net benefits of approximately \$2.37 billion in 2022 dollars. As the report explains, however, costs rise sharply in the early years as the existing fleet is retrofitted, then level off as installations shift, while benefits accrue slowly at first and grow at an increasing rate as the benefits of avoided NIS invasions become clear. As a result, the rule does not become net beneficial until 2045.

In other words, the burden of the rule is front-loaded: vessel operators bear the full weight of retrofit and compliance costs in the near term, while the rule's benefits do not outweigh those costs for nearly two decades. This does not mean that the rule is not beneficial, however, as we will discuss below – only that those benefits are achieved at significant expense to vessel operators.

Ballast Water Management System Operational Challenges and Extensions

The report acknowledges several key challenges associated with complying with BWMS requirements, including instances in which BWMS malfunctioned, resulting in unanticipated downtime, added costs, and lost revenue. The report further notes that BWMS performance can be impaired by challenging water conditions, such as high turbidity, low temperatures, and low salinity, particularly in freshwater areas where many AWO members operate. Such downtime can result in substantial lost revenue, and wait times for a technician to repair a system can vary. These challenges, regardless of their frequency, underscore the need for clear

and practical compliance guidance, especially because these conditions and BWMS limitations are beyond the control of vessel operators.

As the Coast Guard develops its VIDA implementation and enforcement regulations, AWO urges the agency to develop compliance guidance allowing for alternative compliance pathways when challenging water conditions occur. Specifically, we recommend that the Coast Guard allow operators to conduct a near-shore exchange followed by treatment. This combination would effectively reduce the risk of potential NIS spread while sparing operators the extended transit time, fuel costs, and lost revenue incurred by conducting a full exchange 200 nautical miles from shore. Applied consistently, this alternative pathway would ensure that vessel operators who have installed Coast Guard-approved BWMS are not penalized for circumstances beyond their control and can still achieve compliance, without increasing risk of NIS introduction.

Baseline Invasion Rates

The new baseline rate in the report demonstrates that the existing standards are working as intended and that the current regulatory framework is environmentally protective. Considering this, AWO urges the Coast Guard and EPA to preserve the existing standards, as more stringent measures are not warranted by the data. Imposing more stringent requirements would only add to the significant financial and operational burdens for operators and would risk destabilizing the streamlined national framework under VIDA. Maintaining the current standards is mutually beneficial for the Coast Guard and EPA, the domestic maritime industry, and the environment.

VIDA Implementation and Enforcement Regulations Timeline

AWO urges the Coast Guard to prioritize the timely promulgation of its VIDA implementation and enforcement regulations and to meet its 2026 statutory deadline. The primary purpose of VIDA was to establish a single, uniform national standard in place of the conflicting patchwork of federal and state-by-state requirements that has long burdened vessel operators. Until the Coast Guard finalizes these regulations, that promise remains unfulfilled, leaving operators to navigate ongoing regulatory uncertainty and inconsistencies. Delay prolongs this uncertainty and invites states and environmental groups to challenge a standard that, as this report demonstrates, is achieving real environmental benefits.

On behalf of our members, thank you for the opportunity to comment on the Coast Guard's *Retrospective Analysis of 2012 Ballast Water Discharge Standards* report. We would be pleased to answer any questions or provide additional information as needed.

Sincerely,



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Vice President – Regulatory Affairs