



DETROIT/WAYNE COUNTY PORT AUTHORITY
MICHIGAN'S INTERMODAL GATEWAY

March 10, 2006

Mr. William Creal, Chief
Permits Section
Water Bureau
State of Michigan
Department of Environmental Quality
Constitution Hall
525 Allegan Street
P.O. Box 30273
Lansing, MI 48909-7773

Dear Mr. Creal:

We appreciated the opportunity to participate in the Michigan Department of Environmental Quality's (MDEQ) February 27, 2006 meeting in Lansing to discuss the state of Michigan's intention to require oceangoing vessels conducting port operations and ballast water discharges in Michigan waters to obtain a Ballast Water Control General Permit and for this opportunity to comment on Act 33, Public Acts of 2005.

We take the issue of aquatic invasive species (AIS) very seriously and well recognize the threat AIS pose to the well-being of our Great Lakes waters. We are also well aware of the role played by international shipping in the introduction of many of these species and are committed to seeking rational solutions that prevent further introductions and further degradation by AIS of our most precious natural resource.

Having said that, we also feel very strongly that AIS is not a Michigan problem, nor even a Great Lakes problem - it transcends regions and is, in fact, an international issue. Local efforts to solve this complex and widespread problem, while laudable, cannot succeed. The presumption that other Great Lakes states and the two Canadian Great Lakes provinces will enact similar legislation is premature, at best.

International shipping occurs in every coastal state in the country, not just in the eight Great Lakes states. Having each individual state enact discrete legislation to solve an international problem makes no sense. Enacting similar state laws to control air pollution by commercial vehicles engaged in interstate or international commerce would bring the transportation industry, and the country's economy, to a screeching halt. Imposing a patchwork of state-specific permitting requirements on the airline industry would be, similarly, devastating.

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Implementation of the permitting process will have the unintended, but very real, consequence of putting the state of Michigan at a competitive disadvantage. Exports from Michigan's ports will cease to exist. Livelihoods dependant on water-borne international trade and our ability to grow and expand this business sector will be affected. Vessel operators will simply seek alternative ports, like those in nearby Ohio – unfettered by a permitting requirement - to conduct their business. Michigan's already fragile economy will suffer yet another negative impact. Public Act 33 could very easily be interpreted as infringing on a carrier's ability to conduct interstate commerce.

Inasmuch as the treatment methods endorsed by MDEQ have not yet been proven to be effective, that the proposed permitting requirement is not recognized by the U. S. Coast Guard (USCG) and that Michigan's response is in opposition to already-adopted International Maritime Organization (IMO) standards, we urge that the MDEQ, on behalf of the state of Michigan, delay implementation of the permitting requirement and, rather, work cooperatively with the appropriate federal entities to achieve and enforce a strong national ballast water management program. Simply stated U. S. standards for the treatment of ballast water should be set by the USCG to be consistent with those implemented by the IMO. We do not exist in a vacuum. And we all agree on the problem. To truly protect our valuable waters, we need more than a *feel good* but ineffectual solution – one that achieves the intended results. Let's not settle for easy answers.

Yours truly,

A handwritten signature in cursive script, appearing to read "Curtis Hertel", with a long horizontal flourish extending to the right.

Curtis Hertel
Executive Director