



Save The River

Protecting the St. Lawrence River through Advocacy, Education and Research

October 13, 2010

Senator Darrel J. Aubertine
317 Washington Street, 4th Floor
Watertown, NY 13601

Dear Senator Aubertine,

I am writing you today to express disappointment regarding your recent statements opposing New York State's ballast regulations.

As you know, ship ballast is the primary pathway for aquatic invasive species introductions into the Great Lakes-St. Lawrence River system and these species, such as zebra mussels and round gobies, are one of the most significant environmental threats to the health of the River and Lakes. Invasive species foul beaches, wreak havoc on the fishery, clog water intake valves of cities and utilities, and harm fish and wildlife. Additionally, aquatic invasive species cost the eight Great Lakes states and its citizens at least \$200 million per year, according to researchers at Notre Dame University.

These impacts are not just abstractions. They are real and impacting communities in your district on a daily basis. A few examples:

- Major botulism outbreaks, which have been directly correlated to ecosystem changes caused by aquatic invasive species, have fouled the beaches of Lake Ontario with thousands of dead fish and birds over the past few years.
- Mats of cladophora, a native algae that has been fueled by ecosystem changes caused by aquatic invasive species introductions, foul local beaches. Cladophora smells like raw sewage when it decomposes and harbors harmful bacteria, which causes serious health concerns at popular swimming beaches. The most prominent example is at Wilson's Beach, in your hometown of Cape Vincent.
- This year the community of Sackett's Harbor had to invest thousands of dollars to clean the city's water intake pipes to remove zebra mussels, which have threatened the community's water supply.
- The James FitzPatrick nuclear power plant near Oswego was closed down at least three times in 2007 because its intake pipes had become clogged by zebra and quagga mussels, threatening operation of the plant.

From a strictly economic perspective, your opposition to the State of New York's ballast regulations hardly seems to benefit jobs in your district. The importance of tourism to the economy of upstate New York far outweighs that of commercial shipping. In fact, in Oswego County there are more than twenty times as many jobs supported by tourism than by the Port of Oswego. Over the span of your district the

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numbers are even more compelling. In a report compiled by Tourism Economics titled "The Economic Impact of Tourism in New York State", researchers found that in 2007 tourism in the Thousand Islands region, which in this report included Jefferson, Oswego and St. Lawrence counties, was a \$419 million industry, supporting over 8,000 jobs.

The commercial shipping industry has been allowed to pose a direct threat to economic and environmental health of Upstate New York communities for too long. The first federal ballast legislation was passed in this country over twenty years ago. Yet in 2010, adequate protection from invasive species still does not exist. At a meeting with Save The River last November, Seaway Administrator Terry Johnson acknowledged that even the basic ballast water exchange programs that are required today for ships transiting the Seaway would not exist if advocates like Save The River had not campaigned for tougher regulations. We have seen time and again that the shipping industry will not clean up their act until forced to by government regulatory action and public pressure.

Representatives from the shipping industry were given multiple opportunities to be 'at the table' during the development of these regulations. I personally attended a meeting in February of 2009 in Albany that included regulators from NY DEC, representatives from environmental and conservation organizations, and representatives from the shipping industry. The regulatory process included a public comment period during which the shipping industry provided comment and recommendations. And, as you are most likely aware, several entities, including the Port of Oswego, brought legal action against the State of New York to prevent implementation of the regulation. The courts upheld the New York's rule - twice.

The State of New York's ballast regulation is both reasonable and fair. It clearly states that if ballast treatment technology is not available by the January 2012 deadline that vessel operators may apply for an extension. Time and again in the history of environmental protection and public safety, we have seen government regulatory action drive technological innovation. The State of New York regulations are the primary driving force today behind advancements in ballast treatment technology. We have every reason to believe that if these rules are set aside, progress toward cleaning up ship ballast tanks will significantly slow or stop, allowing even more aquatic invasive species to enter the St. Lawrence River and Great Lakes.

Today, we are at a cross-road in efforts to prevent aquatic invasive species introductions out of our nation's waters. New York State's ballast rule is the most significant effort to date to prevent further introductions in our waterways and to prevent further economic and ecological harm to our communities. I would hope that you would stand on the side of protecting one of the world's largest fresh water ecosystems and on the side of protecting thousands of jobs in communities rely healthy St. Lawrence River and Great Lakes for our livelihoods.

Sincerely,



Jennifer J. Caddick

Save The River Executive Director & Upper St. Lawrence Riverkeeper

cc: Senator Charles Schumer

Senator Kirsten Gillibrand

Congressman Bill Owens

Assemblywoman Addie J. Russell

Assemblyman Will Barclay

St. Lawrence Seaway Development Corporation Administrator Collister Johnson

St. Lawrence Seaway Management Corporation President Dick Corfe

NY DEC Commissioner Pete Grannis