

# HOUSE BILL REPORT

## HB 2412

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### As Reported by House Committee On:

Natural Resources

**Title:** An act relating to ballast water management on the Columbia river.

**Brief Description:** Determining ballast water treatment methods for the Columbia river system.

**Sponsors:** Representatives Fromhold, Lisk, Doumit, Chandler, Grant, Hankins, Hatfield and Delvin.

### Brief History:

#### Committee Activity:

Natural Resources: 2/1/02, 2/6/02 [DPS].

#### Brief Summary of Substitute Bill

- Requires the director of the Department of Fish and Wildlife to adopt rules for ballast water management in the navigable waters of the Columbia River system.
- Before ballast water treatment technologies can take effect in the navigable waters of the Columbia River system, the director must consult with the Oregon task force. No rules regarding ballast water treatment technologies for the Columbia River may be adopted until after the end of the 2003 regular legislative session.
- Requires these rules to take into account the research and activities of the Oregon task force in order to coordinate the collection of sampling and testing data.

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### HOUSE COMMITTEE ON NATURAL RESOURCES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Doumit, Chair; Rockefeller, Vice Chair; Sump, Ranking Minority Member; Buck, Eickmeyer, Ericksen, Jackley, McDermott, Orcutt, Pearson and Upthegrove.

**Staff:** Bill Lynch (786-7092).

**Background:**

The discharge of untreated ballast water is a concern because it leads to the introduction of invasive species into areas. In 2000 the Washington Legislature enacted ballast water management legislation. This included the requirement that after July 1, 2002, nonexempt vessels could only discharge ballast water into waters of the state if they either did an open sea exchange or had treated the ballast water according to standards developed by the Department of Fish and Wildlife.

Oregon adopted legislation in 2001 that created a task force to study and make recommendations on issues related to ballast water, including ballast water treatment technologies, appropriate standards for discharge of treated ballast water, and the compatibility of Oregon's laws with Washington, California, British Columbia, and the regulations promulgated by the United States Coast Guard. The task force is required to make its report and recommendations to the Oregon Legislature by January 2003.

There have been concerns that Washington and Oregon may adopt inconsistent laws regarding ballast water management for the Columbia River. Effective ballast water treatment technologies have also been slow in developing.

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**Summary of Substitute Bill:**

The director of the Department of Fish and Wildlife (DFW) is required to monitor the activities of the Oregon task force examining ballast water management. Before ballast water treatment technologies can take effect in the navigable waters of the Columbia River system, the director, in consultation with the task force, must determine practical and cost-effective ballast water treatment for the Columbia River system; determine the degree to which ballast water exchange decreases the risk of transporting invasive species into these waters; determine the compatibility of ballast water treatment with other western states, British Columbia, and Coast Guard regulations; research requirements for ballast water treatment technology and other areas of concern related to the possible introduction of invasive species; and recommend amendments to the federal law regarding invasive species. The director must submit a report to the natural resources committees of the House and Senate by January 2003 that contains findings and recommendations regarding these issues.

The director of the DFW must adopt rules for ballast water management in the navigable waters of the Columbia River system. The rules must include provisions pertaining to reporting requirements and ballast water discharge. No rules regarding ballast water treatment technologies for the Columbia River may be adopted until after the end of the 2003 regular legislative session. The rules must take into account the research and

activities of the Oregon task force in order to coordinate the collection of sampling and testing data.

The DFW must include information on how Washington and Oregon are coordinating their efforts for ballast water management on the Columbia River in its 2004 report to the Legislature on ballast water management.

**Substitute Bill Compared to Original Bill:**

The language that prohibited the director of the Department of Wildlife from issuing rules more stringent than Oregon pertaining to ballast water management for the Columbia River system is deleted. The director must consider the rules adopted in Oregon when issuing rules for ballast water management for the Columbia River system.

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**Appropriation:** None.

**Fiscal Note:** Requested on January 31, 2002.

**Effective Date of Substitute Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For (original bill):** This is a jurisdictional issue and isn't about the good work that is being done on ballast water management. Oregon also requires reporting and allows open-sea exchanges, but there is a need for Oregon and Washington to harmonize their efforts.

(With concerns) The language that prohibits Washington from being more stringent than Oregon should be removed. Washington has been the leader in these efforts and shouldn't be subservient to another state. Washington is currently working with Oregon, California, Alaska, and Canada on these issues.

**Testimony Against:** None.

**Testified:** Rick Wickman, Columbia River Steamship Operators Association.

(With concerns) Morris Barker, Department of Fish and Wildlife.