

Support the Clean Boating Act of 2008

S. 2766/H.R. 5949 Preserves Recreational Boating & Protects Environment

THE PROBLEM

In 1973, the Environmental Protection Agency recognized that it would be unnecessary for recreational boaters to be subject to complex federal and state permitting requirements designed for large point source polluters, such as wastewater treatment plants, cruise ships, cargo ships, and supertankers. EPA thus issued a common sense exemption. In Sept. 2006, however, a U.S. District Court ruling nullified this EPA regulation, ruling that the Agency did not have the authority to issue it. The ruling resulted from a lawsuit brought to halt the introduction of invasive species into U.S. waters through the discharge of ballast water from large, oceangoing commercial ships.

The decision, however, was a major blow to recreational boating. Included under the exemption the court nullified were incidental discharges from recreational boats, including engine cooling water, gray water, uncontaminated bilge water, and weather deck runoff, among others. **As a result of this broad decision, all recreational boat operators in the nation will have to obtain a federal or state permit by September 2008.** Minimizing the exchange of ballast water from one international port to another is very important in reducing the spread of aquatic invasive species, but neither Congress nor EPA intended to sweep pleasure boats into same regulatory scheme. Doing so would have a devastating effect on recreational boating in America.

THE IMPACT

Unless Congressional action is taken soon, every recreational boat owner in the country – 18 million strong and growing – will be subject to an unprecedented permitting system for everyday discharges associated with the normal operation of a boat. The threat is imminent. EPA has already completed the first phase of this new regulation and is moving to implement this permitting system for pleasure boaters by the court-ordered September 2008 deadline. This burdensome permitting will lead to:

- New yearly fees for family boaters;
- Bureaucratic red tape—potentially different in each state—associated with getting a permit;
- An increased burden for the taxpayer because federal and state governments will be required to develop new government programs and entities to implement these regulations;
- New enforcement regimes, \$32,000 per day per incident penalties and citizen lawsuits.

THE SOLUTION

Congress should enact **S. 2766/H.R. 5949, the Clean Boating Act of 2008**, introduced by Senate Environment & Public Works Chair Barbara Boxer (D-Calif.) and Senator Bill Nelson (D-Fla.) and Steve LaTourette (R-Ohio) and Candice Miller (R-Mich.). The Clean Boating Act restores a 35-year permitting exemption for recreational boat incidental discharges, such as weather deck run-off and engine coolant water, and protects the health of the nation's waterways, on which recreational boaters and anglers depend, by pursuing whether reasonable best management practices need to be put into place for some recreational boat incidental discharges. **We also encourage the nearly 100 House Members who co-sponsored H.R. 2550, the Recreational Boating Act of 2007, to now co-sponsor H.R. 5949.** The House Transportation & Infrastructure Committee and the Senate Environment & Public Works Committee unanimously approved the Clean Boating Act in May 2008. S. 2766 currently has 34 bipartisan sponsors, and the H.R. 5949 is accumulating bipartisan cosponsors quickly from the 90+ Representatives who co-sponsored the earlier bill. Congress must move quickly to expedite passage of the Clean Boating Act well before the court-ordered September 2008 permitting deadline in order to protect recreational boaters and anglers.

For more information and to take action, please contact Dylan Jones (djones@nmma.org; or 202-737-9776) or Mat Dunn (mdunn@nmma.org; or 202-737-9760).