

# Don't Equate Family Boating With Commercial Ballast Water

## *Support H.R. 2550/S. 2067, the Recreational Boating Act of 2007*

### **TODAY'S BOATS ARE CLEAN AND ADEQUATELY REGULATED**

The Clean Water Act (CWA) is the principal law governing pollution of the nation's surface waters. Today's recreational boats are modern and clean to meet regulations under the Clean Vessel Act, which established federal standards of performance for marine sanitation devices. Any oil discharges (including fuel, oil, sludge, oil refuse, and oil mixed with wastes) are prohibited by the Clean Water Act and the Oil Pollution Act (OPA). These laws impose stiff penalties on boaters for any oil discharges.

### **THE PROBLEM**

In 1973, the EPA recognized that it would be costly and unnecessary for recreational boaters to be subject to complex Clean Water Act permitting requirements designed for large discharges from vessels such as cruise ships, cargo ships, and supertankers. As a result, the EPA issued a common sense exemption for small, everyday discharges. Recently, a federal judge ruled that the EPA did not have the authority to issue this exemption. In Sept. 2006, a U.S. District Court ruling nullified EPA regulation 40 CFR 122.3(a) exempting discharges incidental to the normal operation of vessels, including recreational boats. Included under the exemption for recreational boats are: engine cooling water; gray water; bilge water; and deck runoff. The ruling resulted from a lawsuit brought to halt the introduction of invasive species in U.S. waters through ballast water discharges from large commercial, ocean-going vessels. The court has directed the EPA to rewrite the regulation by September 8, 2008. The judge's decision was based on pollution from ballast water, the water carried by a vessel in its tank or cargo hold to ensure its stability. This is primarily a concern for large commercial boats with huge ballast tanks, not recreational boats. NMMA strongly supports measures to halt the introduction and spread of invasive species. However, we believe that Congress never intended for to force owners of recreational boats to obtain the same sorts of permits or inspections as cargo container ships, cruise ships or supertankers.

### **THE IMPACT**

Unless Congressional action is taken soon, every recreational boat owner in the country – 18 million strong and growing – will be subject to sweeping new regulations and an unprecedented permitting system for everyday discharges such as bilge water, deck runoff and engine cooling water. The threat is imminent. In June 2007, EPA issued a public notice beginning the rulemaking process to create this permitting system. The deadline to submit public comments to EPA ended on August 6, 2007, at which point EPA began the impossible task of creating this new arduous permitting system.

The EPA and 50 states will have to figure out how to regulate more than 18 million recreational boats, likely through burdensome permitting, which may lead to:

- New yearly fees for family boaters – plus the need to obtain different permits for each state a boat may travel through
- Bureaucratic red tape—different in each state—associated with getting a permit
- An increased burden for the taxpayer as governments develop new programs and entities to implement these regulations
- New enforcement regimes

### **THE SOLUTION**

On September 27, 2007, during a markup in the Senate Commerce Committee on comprehensive ballast water legislation, Senator Barbara Boxer, Chair of the Senate Environment and Public Works Committee, committed herself to passing legislation protecting recreational boaters from this permitting scheme before the September 2008 deadline.

NMMA is encouraging the House and Senate to enact **HR 2550/S.2067, the Recreational Boating Act of 2007**, sponsored by Reps. Gene Taylor and Candice Miller and Sen. Mel Martinez. The Recreational Boating Act is a simple legislative fix that would reinstate the exemption for recreational boats that has existed for 34 years under the Clean Water Act. This necessary, uncomplicated legislative fix will keep boating simple, safe and fun for American families.

For more information, contact Dylan Jones ([djones@nmma.org](mailto:djones@nmma.org); (202) 737-9766) or Mathew Dunn ([mdunn@nmma.org](mailto:mdunn@nmma.org); (202) 737-9760). To write to your elected officials on the Recreational Boating Act, visit [www.boatblue.org](http://www.boatblue.org).