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(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...  
PUBLIC HEARING - COMMITTEE RECORDS**

**2007-08**

(session year)

**Senate**

(Assembly, Senate or Joint)

**Committee on ... Environment and Natural  
Resources (SC-ENR)**

**COMMITTEE NOTICES ...**

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

**INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL**

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... **HR ... bills and resolutions** (w/Record of Comm. Proceedings)
  - (**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)
  - (**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

\* Contents organized for archiving by: Mike Barman (LRB) (August 2012)

June-2014

## Senate

### Record of Committee Proceedings

#### **Committee on Environment and Natural Resources**

##### **Senate Bill 119**

Relating to: ballast water management, making an appropriation, and providing a penalty.

By Senators Cowles, Wirch, Hansen, A. Lasee, Harsdorf, Breske, Plale, Risser, Roessler, Schultz, Lassa, Coggs, Lehman and Sullivan; cosponsored by Representatives Nygren, A. Ott, Molepske, Hahn, Pocan, Cullen, Black, Berceau, Sheridan and Hilgenberg.

March 28, 2007      Referred to Committee on Environment and Natural Resources.

May 23, 2007      **PUBLIC HEARING HELD**

Present:    (5)      Senators Miller, Jauch, Wirch, Kedzie and Schultz.

Absent:    (0)      None.

##### Appearances For

- Robert Cowles, Green Bay — Senator, Wisconsin State Senate
- Bob Wirch, Kenosha — Senator, Wisconsin State Senate
- Louis Molepske, Stevens Point — Representative, Wisconsin State Assembly
- Gary Becker, Racine — Mayor, Great Lakes/St. Lawrence Cities Initiative
- Andrea Kaminski, Madison — League of Women Voters of Wisconsin
- Larry Freitag, Sheboygan — himself
- George Meyer, Madison — Wisconsin Wildlife Federation
- Caryl Terrell, Madison — Sierra Club - John Muir Chapter
- Joel Brammeier, Chicago — Alliance for the Great Lakes
- Charles Weier, Two Rivers — Wisconsin Federation of Great Lakes Sport Fishing Clubs
- Melissa Malot, Madison — Clean Wisconsin

##### Appearances Against

- Dean Haen, Green Bay — Port Manager - Port of Green Bay
- George Robichon, Montreal, Quebec — FedNav Limited
- Paul Pathy, Montreal, Quebec — FedNav Limited
- Steve Fisher, Washington — American Great Lakes Ports Association
- John Jamian, Birmingham — Sea Way Great Lakes Trade Association
- Bruce Groulx, Marinette — KK Integrated Logistics
- Jason Serck, Superior — City of Superior, Port Director
- Andy Lisak, Superior — Development Association of Superior & Douglas County; Wisconsin Economic Development Association
- Paul Freer, Superior — Tobacco Workers & Grain Millers
- Shane Sweeny — Tobacco Workers & Grain Millers

- John Reed, Superior — International Longshoremen Association
- Scott Manly, Madison — Wisconsin Manufacturers & Commerce

Appearances for Information Only

- Chuck Ledin, Madison — DNR

Registrations For

- Anne Sayers, Madison — Wisconsin League of Conservation Voters
- Jim Moore, Sturgeon Bay — himself
- Dick Baudhuin, Sturgeon Bay — himself
- Joan Baudhuin, Sturgeon Bay — herself
- James Gleash, Madison — himself
- Peter Murray, Madison — Wisconsin Association of Lakes
- Karen Etter Hale, Madison — Madison Audubon Society
- Marsha Cannon, Madison — herself
- Casey Eggleston, Madison — The Nature Conservancy
- Tom Thoresen, Madison — Wisconsin League of Conservation Voters

Registrations Against

- Jim Hough, Madison — Wisconsin Economic Development Association
- Steve Baas, Milwaukee — Metropolitan Milwaukee Association of Commerce
- Brent Baglien, Omaha — ConAgra Foods
- Adolph Ohjard, Duluth — Duluth Port Authority
- Lance Helgeson, Superior — Cenex Harvest States

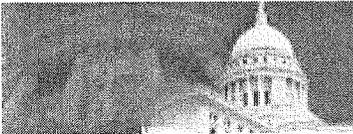
Registrations for Information Only

- None.

March 13, 2008

Failed to pass pursuant to Senate Joint Resolution 1.

Elizabeth Bier  
Committee Clerk



# WISCONSIN STATE LEGISLATURE





WISCONSIN STATE DIVISION OF  
**The Izaak Walton League of America**

INCORPORATED  
DEFENDERS OF SOIL, AIR, WOODS, WATERS AND WILDLIFE



Wisconsin Division  
Izaak Walton League of America  
811 4<sup>th</sup> St.  
Plover, WI 54467-2253  
April 26, 2007

Senator Mark Miller - Chair  
Committee on Environment and Natural Resources  
Room 409 South – State Capitol  
P.O. Box 7882  
Madison, WI 53707- 7882

Dear Senator Miller:

Enclosed is a resolution supporting the enactment of AB-86 and SB-119. This resolution was passed unanimously at annual meeting of the Wisconsin Division of the Izaak Walton League of America in Benton Wisconsin on April 14, 2007.

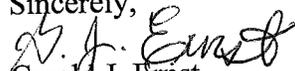
These bills relate to the management of vessel ballast water in Wisconsin's Great Lake Waters and would require all oceangoing vessels using ports in Wisconsin to obtain a permit from the DNR and be capable of treating ballast water to prevent the further introduction of invasive species.

This legislation is necessary because these alien organisms threaten the health of our waters and the recreational and commercial fishing industries that depend on them. In addition, invasions like the Zebra Mussel have cost our communities and industries millions of dollars to protect drinking water, utilities, and recreation facilities.

The Izaak Walton League is one of the oldest conservation organizations in the United States and we currently are celebrating our 85<sup>th</sup> anniversary. Our motto is "Defenders of soil, air, woods, waters and wildlife." We believe that this legislation is a vital step in protecting one of Wisconsin's most valuable resources, namely our Great Lakes and inland waters.

We urge your support of this important legislation and request fast action to move it out of committee.

Sincerely,

  
Gerald J. Ernst

President, Wisconsin Division



WISCONSIN STATE DIVISION OF  
**The Izaak Walton League of America**  
INCORPORATED  
DEFENDERS OF SOIL, AIR, WOODS, WATERS AND WILDLIFE



## **Management of Ballast Water in Wisconsin's Great Lake Waters**

The Great Lakes have been invaded by invasive (non-native) aquatic organisms and pathogens transported from foreign waters in oceangoing ships' ballast water. Over 160 non-native species have been introduced since the opening of the St. Lawrence Seaway in 1959. A new invasive species is identified in the Great Lakes every seven months according to a McGill University study. A University of Michigan study estimates that 1.5 billion gallons of foreign ballast water is discharged into the Great lakes annually.

The ballast water that harbors these invaders is used to stabilize ships when they are empty or partially loaded and is pumped in or out as needed. The average ship retains 42,000 gallons of ballast water and sludge when traveling the Great Lakes. Exotic organisms are flushed into the lakes as ships take on and discharge this ballast water in the course of their voyage.

Once introduced these foreign non-native organisms are expensive to control and almost impossible to eliminate. These invasive organisms threaten the sport and commercial fishing industries and force communities to spend millions to protect drinking water, power plants, and recreation facilities. To make matters worse, some of these organisms have also infected our inland waters.

On February 22, 2007 Assembly Bill 86 was introduced and on March 28, 2007 Senate Bill 119 was introduced in the Wisconsin Legislature. Both of these bills require operators of oceangoing vessels using ports in Wisconsin to get a permit from the Department of Natural Resources. To obtain the permit it must be demonstrated that the vessel is not capable of taking on ballast water or that the vessel is equipped with technology that the DNR determines can prevent the introduction of aquatic nuisance species into the Great Lakes. This legislation carries a fine of up to \$25,000 per day for violations.

Therefore be it resolved that the Wisconsin Division of the Izaak Walton League of America at their annual meeting in Benton Wisconsin on April 14, 2007 urge the Wisconsin Legislature and Governor to pass and enact AB-86 and SB-119 to manage ballast water in Wisconsin waters. Be it further resolved that copies of this resolution be mailed to the Assembly Committee on Natural Resources members, Senate committee on Environment and Natural Resources members, and Governor Doyle.



# WISCONSIN STATE LEGISLATURE



**Bier, Beth**

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**From:** Miller, Mark  
**Sent:** Tuesday, May 15, 2007 9:15 AM  
**To:** Bier, Beth  
**Subject:** FW: NCEL INFO ALERT: MI ballast water law challenged, state legislators lend support

**Attachments:** Brief-Motion-Amicus Curaie-State Legislators.051107.pdf; Motion-Amicus Curaie-State Legislators.051107.pdf

Beth,  
Shippers sue MI on ballast water law. Cowles and Richards (WI) file briefs supporting MI.  
MM

***Sen. Mark Miller***

608-266-9170, Toll-free 877-862-4825  
FAX 608-266-5087  
Sen.Miller@legis.wi.gov

SB 119  
File

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**From:** Adam Schafer [mailto:adam@ncel.net]  
**Sent:** Monday, May 14, 2007 4:49 PM  
**To:** 'Adam Schafer'  
**Subject:** NCEL INFO ALERT: MI ballast water law challenged, state legislators lend support

**NCEL**

**National Caucus of Environmental Legislators**

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**Info Alert**

**Great Lakes**

**May 14, 2007**

**TO: NCEL Great Lakes States Participants**  
**FROM: Adam Schafer**  
**SUBJECT: MI ballast water law challenged, state legislators lend support**

Earlier this year, shipping interests in the Great Lakes challenged Michigan's new invasive species law. This landmark law, sponsored by State Senator Patty Birkholz, requires ocean going vessels that use Michigan ports to sanitize ballast tanks with one of four approved technologies before discharging water. The law's purpose is to cut down on the amount of invasive species entering the Great Lakes through ballast water discharges. Similar legislation has been proposed by NCEL participants this year in Minnesota and Wisconsin. According to the Great Lakes Regional Collaboration study, invasive species cause economic losses of \$5 billion annually.

**This past Friday, several state legislators involved with NCEL filed friend of the court papers supporting Michigan's new invasive species law, which was sponsored by State Senator Patty Birkholz. NCEL participants Illinois Rep. Karen May, Minnesota Sen. Ann Rest, Wisconsin Sen. Rob Cowles, and Wisconsin Rep. Jon Richards joined Senator Birkholz on submitting a friend of the court brief.**

**Copies of the brief and the motion are attached. The Alliance for the Great Lakes, who in previous years has spoken on NCEL panels, and others have intervened to help defend Michigan's invasive species law. Additional Information about this issue from the Alliance for the Great Lakes is pasted below and can be found online at <http://www.greatlakes.org/>. For more information contact NCEL at [adam@ncel.net](mailto:adam@ncel.net).**



Brief-Motion-Amicus Curaie-Sta...    Motion-Amicus Curaie-State Leg...

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<http://www.greatlakes.org/news/040907.asp>

#### Alliance Joins Court Battle to Uphold Invasive Species Law

Shippers seek to overturn a new law protecting the Great Lakes against zebra mussels and other invasives discharged in the ballast water of oceangoing ships.

As shipping interests challenge the region's first law protecting boaters, anglers, swimmers and the Great Lakes ecosystem from invasive species, the Alliance and two other conservation groups seek to join the court battle to keep invasives at bay.

The Alliance joined Michigan United Conservation Clubs and National Wildlife Federation in filing a motion Monday in Detroit federal district court to intervene in defense of a Michigan law protecting the Lakes from the discharge of invasive species by oceangoing ships.

Shipping interests affected by the law sued the Michigan Department of Environmental Quality and Michigan attorney general on March 15 in an attempt to overturn it.

"Citizens from around the region are paying millions of dollars annually," said Cameron Davis, president of the Alliance - which is represented in the litigation by Christopher Tracy of the Kalamazoo-based law firm of Howard & Howard.

"It's time for oceangoing ships to start paying for their own damage to the region," Davis said. "The average person shouldn't pay for the shippers' failure to innovate to fix this problem that they've known about for decades."

The No. 1 pathway for non-native aquatic species to enter the Great Lakes is through ballast discharge from oceangoing vessels originating in foreign ports. Since the opening of the St. Lawrence Seaway in 1959, one new aquatic non-native species has been discovered in the Great Lakes every 28 weeks from all pathways. Since 1970, fully 77 percent of the invasions -- 36 of 47 -- are attributable to transoceanic shipping activities

"What's wrong with this picture?" asked Andy Buchsbaum, center director of the National Wildlife Federation's Great Lakes office. "The shipping industry brings zebra mussels and dozens of other harmful organisms into the Great Lakes and spreads a deadly fish virus through the lakes. Now it's suing us - Michigan citizens - to stop us from defending our rivers and lakes and the Great Lakes themselves. Well, we're fighting back, and that's why we've gone to court."

Invasive species such as the zebra mussel, discharged into the Great Lakes via oceangoing vessels, have caused enormous ecological and economic damage.

Invasive species outcompete native species such as lake perch, whitefish and others for food and habitat and can also affect people. Recent federal research suspects a connection between zebra mussels and algae, which can have toxic effects on human health.

Invasive species also cost the Great Lakes region \$5 billion annually in damage and control costs, according to the Great Lakes Regional Collaboration Strategy released in December 2005.

"We're filing this motion to stand up for the millions of anglers, hunters, boaters, campers and families in Michigan and elsewhere who rely on the Great Lakes for their jobs, recreational opportunities, and quality of life," said Donna Stine, executive director of Michigan United Conservation Clubs. "The shipping industry's lawsuit is an attack on the right of Michigan's citizens to protect themselves from invasive species. That is unconscionable, and we won't stand for it."

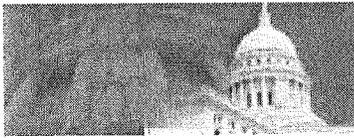
Comprehensive federal legislation to stop the introduction of invasive species has languished in the U.S. Congress, leading Michigan to pass a law in 2005 requiring oceangoing vessels to obtain a permit to discharge ballast water.

"The problem of invasive species will not go away on its own," said MUCC's Stine. "Inaction will only exacerbate the problem of invasive species and cost citizens more money. The state of Michigan understands this and needs to be commended -- not punished -- for taking action."

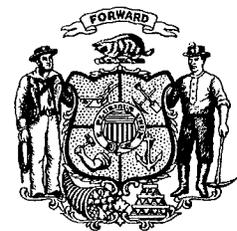
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Adam Schafer, Executive Director  
National Caucus of Environmental Legislators  
1920 L St, NW  
Suite 800  
Washington, DC 20036  
adam@ncel.net  
202-454-4588  
202-835-0491 FAX  
[www.ncel.net](http://www.ncel.net)

*NCEL is a non-partisan, non-profit organization formed in 1996 by state legislators who felt the need to communicate regularly about their efforts to enact progressive environmental legislation and alert each other to efforts to pass anti-environmental legislation in states across the country. Currently, over 400 bi-partisan state legislators participate in the Caucus representing all 50 states. If you have legislative colleagues that would be interested in participating in the Caucus, please forward this email to them or email NCEL at adam@ncel.net.*

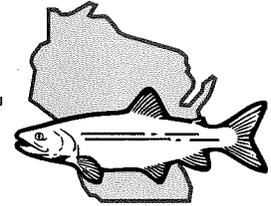


# WISCONSIN STATE LEGISLATURE



# Wisconsin Federation

## of Great Lakes Sport Fishing Clubs



**Charles C. Weier, President**

358 22<sup>nd</sup> Street

Two Rivers, WI 54241 - 3802

Phone 920/793-2332

[TBTR@aol.com](mailto:TBTR@aol.com)

May 21, d2007

Senate Committee of Environment and Natural Resources  
Chairman, Senator Mark Miller and Committee Members:

Subject: Senate Bill 119, Ballast Water Management on Our Great Lakes.

This Federation, representing 13 Great Lakes Sport Fishing Clubs comprising some 3,500 members, has elected to take a position of full support for Senate Bill 119, concerning Ballast Water Management, Appropriation, and Providing Penalty for violations in all Wisconsin waters.

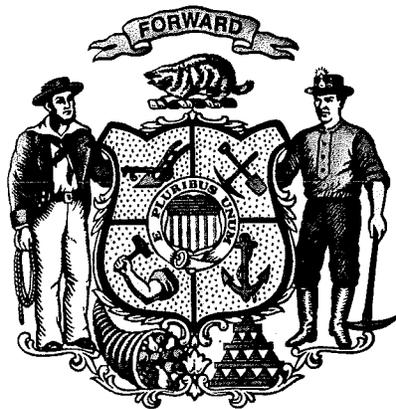
From the time that our Great Lakes were opened to the Atlantic via the St Lawrence system and the Llewellen Canal of the mid 1800's, some 187 invasive species of marine life have entered our Great Lakes, and more than seventy five percent of those species were introduced within the past thirty years. The damage by invasive marine life to our Great Lakes has been enormous totaling in the billions of dollars, and the problem grows worse every year as foreign ships continue dumping contaminated bilge water containing new invasive marine species into our Great Lakes system. It is high time to put an end to the blatant abuse of our waterways by foreign shippers who are not willing to take the responsible and necessary measures to control their bulge water emissions, and if they will not comply then they must be bared from using our Wisconsin waters and ports completely.

Respectfully,

A handwritten signature in cursive script, appearing to read 'Charles C. Weier', written in black ink.

Charles C. Weier  
Pres. WF/GLSFC

copy: Thom Gulash, Sec.





ConAgra Foods, Inc.  
One ConAgra Drive  
Omaha, NE 68102

TEL: 402-595-4000  
FAX: 402-595-4165

May 22, 2007

Senator Mark Miller  
Chairman  
Committee on Environment and Natural Resources  
Wisconsin State Senate

Dear Mr. Chairman:

On behalf of ConAgra Foods, Inc., I am writing to express our opposition to **SB 119**, a bill pertaining to ballast water management of ocean going vessels visiting Wisconsin ports.

ConAgra Foods, Inc. is an integrated food manufacturing company with an export terminal grain elevator in Superior, Wisconsin. This facility employs both union and non-union personnel.

At ConAgra Foods, we recognize that invasive species are a problem and something needs to be done to minimize or eliminate the threats posed to the Great Lakes. However, we submit that action on this issue should not be undertaken at the state level, but rather at the federal level, utilizing proven science.

We contend that SB 119, if passed, will put Wisconsin industries such as ours, as well as port communities, at an economic disadvantage. As you know, both Superior and Duluth utilize a common entrance to the ports. It would be a simple matter, and one that would seem to be based in sound economics, for grain loadings to merely shift a few miles to the north to Duluth. If those loadings shifted, Superior businesses and employees would be disadvantaged, perhaps irreparably, while the threats to the jointly used waterway from ballast water would remain the same.

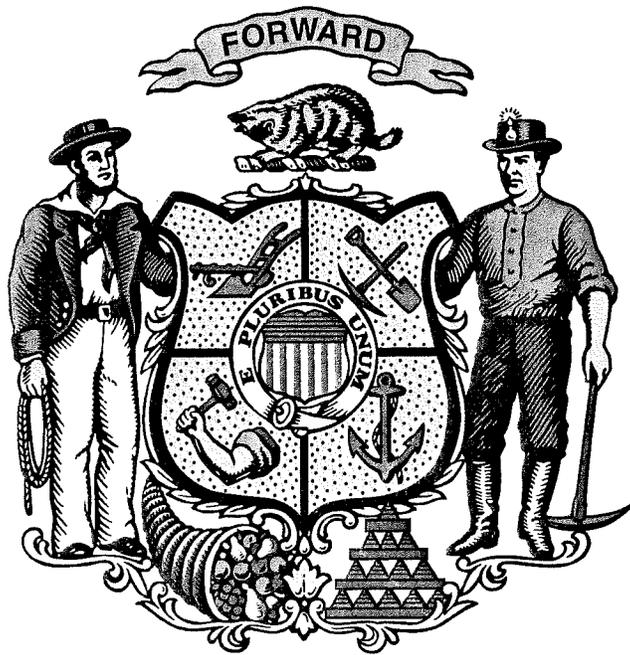
In order to maintain the current level playing field between Superior and Duluth with respect to this issue, we recommend opposing SB 119, and seek instead federal action on this topic that would impact equally the ports on the Great Lakes.

Thank you for the opportunity to comment on this important commercial issue.

Sincerely

A handwritten signature in black ink that reads "Brent A. Baglieri". The signature is written in a cursive, flowing style.

Brent A. Baglieri  
Vice President, Government Affairs



CHAIR:  
Energy, Utilities and  
Information Technology Committee

MEMBER:  
Joint Committee on Finance  
Joint Committee on Audit

**ROBERT L. COWLES**  
Wisconsin State Senator • 2nd Senate District

TO: Senate Committee on Environment and Natural Resources  
FROM: Senator Robert Cowles  
DATE: May 23, 2007  
RE: Senate Bill 119

Dear Chairperson Miller and Members of the Committee:

I am writing today to encourage you to support Senate Bill 119, relating to the regulation of ocean-going ships that discharge ballast water in the Great Lakes. I am pleased to join Senator Wirch and Representative Nygren in offering this bill to address an important issue.

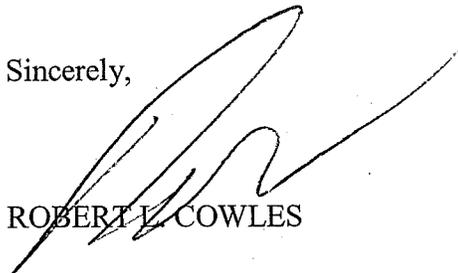
Aquatic invasive species are a tremendous threat to the Great Lakes and to inland lakes here in Wisconsin. Ballast water discharges from ocean-going vessels are the number one contributor to the spread of aquatic invasive species in the Great Lakes. Currently, there are 185 different invasive species in the Great Lakes, and a new one is discovered every six months, on average. The cost to Wisconsin's economy due to these invaders is tremendous. Studies show that invasive species cost the Great Lakes region billions of dollars every year.

Viral hemorrhagic septicemia (VHS), a dangerous fish-killing virus, was recently discovered in inland lakes in Wisconsin, after first being discovered in the Great Lakes in 2005. VHS and other aquatic nuisances threaten to destroy some of the most popular sport-fishing species in Wisconsin lakes, which would be a terrible blow to our economy. It's very possible that VHS was introduced to the Great Lakes through the discharge of contaminated ballast water.

The problem of invasive species in the Great Lakes really requires a solution by the federal government, but unfortunately, they have failed to act on this important issue. Every day that passes without action, the costs to control these invasive species worsens. Lack of action by the federal government has forced Great Lakes states like Michigan and Wisconsin to take the lead on this issue, but ultimately, the federal government and the shipping industry will have to form a partnership to develop and implement technology to decontaminate ballast water before it is discharged into the Great Lakes.

I would like to thank Senator Wirch and Representative Nygren for their excellent work on this important issue, and I would also like to thank Chairperson Miller and the other members of the Committee for your consideration of this important issue.

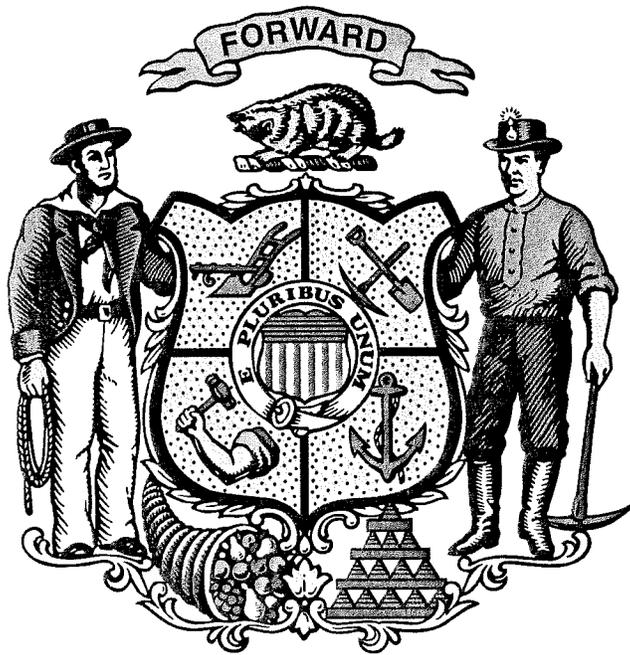
Sincerely,

  
ROBERT L. COWLES

Office:  
Room 122 South, State Capitol  
P.O. Box 7882  
Madison, WI 53707-7882  
608-266-0484

Toll-Free Hotline: 1-800-334-1465  
TDD Hotline: 1-800-228-2115  
Fax: 608-267-0304

District:  
300 W. St. Joseph Street  
Green Bay, WI 54301-2328  
920-448-5092  
Fax: 920-448-5093





## ROBERT W. WIRCH

STATE SENATOR TWENTY-SECOND DISTRICT

May 23, 2007

To: Senate Committee on Environment and Natural Resources

From: Senator Bob Wirsch

Thank you Chairman Miller for holding a hearing on Senate Bill 119.

The Federal Government has failed to take action on this important issue, and Wisconsin can not continue to wait to protect our waters and fisheries from unregulated discharged ballast water.

At least 162 aquatic invasive species have been identified in the Great Lakes, and it is estimated that an additional new non-native species is introduced into the waterway every eight months. Recently VHS has been found in Lake Winnebago, and there is an assumption that it is in Lake Michigan also.

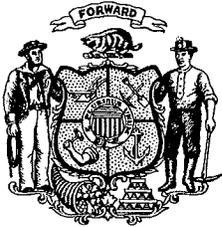
Invasive species will not only impact our waters and fisheries, but also have the potential to make a tremendous economic impact on our state. There are many costs in dealing with invasive species, but there are also serious concerns regarding the permanent long range impact invasive species will have on our charter fishing industry and tourism.

I have heard concerns from the shipping industry regarding the potential impact Senate Bill 119 will have Wisconsin ports. If we consider the cost benefit analysis, failing to take action will result in an even greater impact on the environment, industry and tourism.

Once again, thank you for holding a hearing on Senate Bill 119.



# WISCONSIN STATE LEGISLATURE



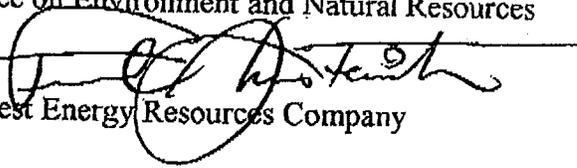
**Fred L. Shusterich**  
President

Superior Midwest Energy Terminal  
P.O. Box 787, West Winter Street, Superior, WI 54880  
Tel: 715.392.9807 Fax: 715.392.9137  
E-Mail: fshusterich@midwestenergy.com

**Midwest Energy  
Resources**



TO: Members,  
Senate Committee on Environment and Natural Resources

FROM: Fred Shusterich   
President, Midwest Energy Resources Company

DATE: May 23, 2007

RE: Opposition to Senate Bill 119

I am writing to express my opposition to Senate Bill 119 which aims to establish a state permitting and management process for the purpose of regulating the ballast water of ocean going vessels that visit Wisconsin ports.

Midwest Energy Resources Company (MERC) is the largest coal handling facility in North America. Each year, our Superior, Wisconsin terminal handles over 20 millions tons of low sulfur, western coal both for our parent company, Detroit Edison, as well as for sixteen other customers situated in the Great lakes basin and Canadian Maritimes. The coal arrives at our facility by rail and is shipped to points east by vessel. Midwest Energy employs 89 people in Superior and pays over \$1 million in Wisconsin occupational taxes.

Over the last five years MERC has sold and delivered by vessel coal to Nova Scotia Power (NSPI) and New Brunswick Power (NBP) in the Canadian Maritimes. Currently in combination we ship approximately 200,000 tons to these customers under spot and short term contracts. MERC is currently working to secure 3 year contracts with both of these customers. Total tonnage in combination for these two customers could approach 1.0 million tons annually. SB119, if enacted, would seriously jeopardize our business growth potential with both NSPI and NBP.

I realize that aquatic invasive species are a problem and that something needs to be done, utilizing proven science to address this issue. Senate Bill 119 is not the answer. If passed, SB 119 will put Wisconsin industries and port communities at a competitive disadvantage and do nothing to address the issue of aquatic invasive species. What is needed, in order to effectively stop the introduction and spread of aquatic invasive species and protect Wisconsin industries and jobs, is legislation at the federal level that applies to all oceangoing vessels visiting Great Lakes and/or tidewater ports.

I appreciate the opportunity to express my opposition to SB 119. For additional information or if you have any questions, please do not hesitate to contact me at 715.395.3504.

FLS:kjl



# WISCONSIN STATE LEGISLATURE





# ALLIANCE FOR THE GREAT LAKES

ENSURING A LIVING RESOURCE FOR ALL GENERATIONS

**Testimony of Joel Brammeier, Associate Director for Policy**

**SB 119**

**Senate Committee on Environment and Natural Resources**

**May 23, 2007**

## **Introduction**

Good morning Chairman Miller and members of the committee. Thank you to Senators Wirch and Cowles for bringing this issue to the attention of the committee and for the opportunity to testify. My name is Joel Brammeier and I serve as Associate Director for Policy for the Alliance for the Great Lakes – the oldest regional Great Lakes citizen organization, with offices in Chicago, Michigan and Milwaukee, Wisconsin.

My message today is simple: the state of Wisconsin cannot afford to wait another day before stopping discharges of contaminated ballast water from destroying our outdoor way of life.

## **This Problem Is Far From Solved**

Let me first put to rest any contention that this problem is under control. In the last year, a series of on-the-ground failures illustrates precisely the opposite. Invasive species continue to flood into Wisconsin waters. The bloody red shrimp has been found in multiple locations and is likely spread throughout the Great Lakes. New Zealand mudsnails have now spread to Superior Harbor. All the while, viral hemorrhagic septicemia, mutated into a form that kills a variety of Great Lakes fish, is rapidly spreading throughout the region, threatening Wisconsin's bountiful inland waters. All of these species were or may have been brought here in ballast tanks of oceangoing ships.

Any of these invasions should be enough to set off alarm bells. Like a burglar, each of these invaders breaks the glass and ransacks your house. But unlike a thief, these invaders put their feet

up when they're finished and wait for you to come home so they can show you firsthand what valuables you've lost. What's left behind is an ecosystem stripped of its value with no insurance to cover the damage.

### **Congress Has Refused To Act**

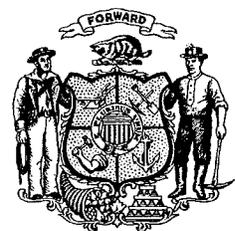
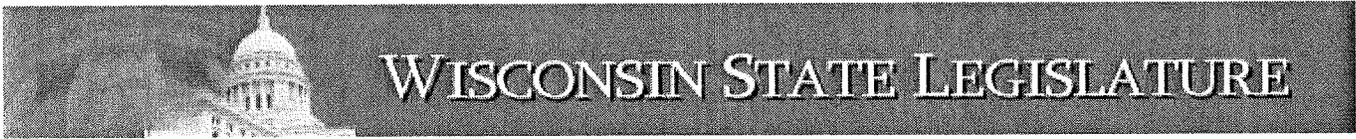
Since 2001, Congress has had four opportunities to pass comprehensive invasive species legislation that would have set national standards for ballast water discharge. Each time, it has failed – it's as simple as that. Repeated calls from the Great Lakes states have fallen on deaf ears across the United States. Despite this year's new Congress and a committee chair that has pledged to address the problem of ballast water, experience shows that resistance to federal protection from ballast water discharge has typically come from outside of the Great Lakes region. Putting all of our eggs in Congress's basket now is asking for those eggs to hatch into new invaders.

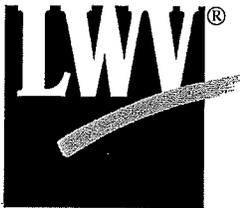
### **Wisconsin Should Act Decisively Now**

The Great Lakes states have clear authority to protect their aquatic resources from harm and to regulate discharges of water contaminated with biological pollution. Moreover, states like Wisconsin have an obligation to their citizens to do so - an obligation that Wisconsin has taken seriously since its founding. SB 119 and its companion bill AB 86 are not only a sensible approach to protecting the environment and economy of the entire state, but is the only way the state of Wisconsin can fulfill its conservation obligations.

Rest assured, Wisconsin does not stand alone in this effort. As we reported in the Alliance's most recent newsletter, Minnesota and New York have ballast water control legislation pending, while other states are poised to introduce similar measures. Michigan has a law on the books, and I can assure you that the citizens and conservation community of the Great Lakes is ready to stand behind the states' rights to protect their waters from harm. I encourage the state of Wisconsin to exercise that right decisively and act now.

Thank you for your time and I'm happy to answer any questions you may have.





**LEAGUE OF WOMEN VOTERS®  
OF WISCONSIN, INC.**

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May 23, 2007

To: Senate Environment and Natural Resources Committee

Re: Support SB 119 Great Lakes Ballast Water Bill

Thank you for the opportunity to speak in support of SB 119, relating to ballast water management, making an appropriation, and providing a penalty. In an effort to protect the Great Lakes ecosystem, the League of Women Voters of Wisconsin has joined with other Leagues in the Lake Michigan League of Women Voters, whose purposes are to promote political responsibility through informed and active participation of citizens in government and to act on selected governmental issues affecting the Lake Michigan watershed.

Aquatic invasive species are threatening America's waters, wildlife and economy. Invasive species cause about \$200 million in ecological and economic losses each year. Not only has the zebra mussel invaded Lake Michigan and many of our state lakes but the viral hemorrhagic septicemia or VHS which causes anemia and hemorrhaging has now infected fish in Lake Winnebago.

Lake Michigan League of Women Voters, environmental groups, scientists, sportsmen, boating equipment manufacturers, state agencies and the media agree that something needs to be done now. Since Congress has not passed comprehensive legislation to fight the introduction and spread of aquatic invasive species, now is the time for our Wisconsin state legislators to act. We need to protect Lake Michigan and our state lakes.

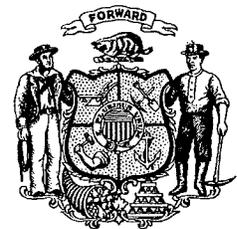
Invasive species are one of the worst threats to native biodiversity, inflicting damage to ecosystems, and to our local economies. They can push native species to extinction and harm a wide variety of industries, including fisheries and water supplies. Damages from, and control measures for, aquatic invaders cost this country tens of billions of dollars each year. In addition, the invasive species can ruin Wisconsin's tourism and sports- fishing, a huge economic loss.

Our organizations' members and supporters urge you to support SB 119, a bill that will reduce the introduction and spread of aquatic invaders by enacting standards for ballast water discharge of oceangoing vessels that use a port in this state.

Thank you.



# WISCONSIN STATE LEGISLATURE



BRUCE GROULX  
K & K INTEGRATED LOGISTICS  
Green Bay, Wisconsin & Marinette, Wisconsin

Testimony on Senate Bill 119 before the Wisconsin Senate Committee on Environment and Natural Resources. Wednesday May 23, 2007

Mr. Chairman and members of the committee, Good Morning! My name is Bruce Groulx and I thank you for the opportunity to speak to you today about our concerns regarding SB 119 (Ballast Water, reporting, treatment and penalties). I am the Director of Operations, and General Counsel for KK Integrated Logistics.

I am here today on behalf of our President, Mr. Tom Kuber to testify in opposition to this legislation. Don't get us wrong, as our company does indeed support the concept of dealing with the Aquatic Nuisance Species problem. However, we are opposed to the proposed legislation because this issue must be dealt with at the federal level- not the state level.

KK Integrated Logistics is a company that is over thirty years old, and has port operations based Marinette Wisconsin, two in Green Bay Wisconsin, and one in Menominee Michigan. Those four port operations also feed warehouses that we have in Oconto Wisconsin, Manitowoc Wisconsin, and Marinette Wisconsin. Much of our business is running a paper pulp terminal in the Green Bay and Menominee locations, as well as pig iron, lumber, aggregate, and contract cargo. We directly employ approximately 200 people with mid to upper level incomes. We are a proud company providing jobs in a very tough economy!

Our business, and many other businesses in the area are dependent on bringing in massive tonnage of paper pulp products on both domestic and ocean going ships at a very competitive price, and ships provide that. We really could not be successful if we had to move our cargos any other way. Neither could the paper mills, foundries, and manufacturers that we service.

Because we have a facility in Menominee Michigan and experienced what happened there, I am especially concerned about the proposed legislation for Wisconsin. Recently, the State of Michigan enacted Public Act 33, which is all most identical to SB 119. I cannot begin to tell you the amount of uncertainty that this new law in Michigan has created for our company, the ships that service our

facilities, and the Wisconsin paper mills, foundries, and other manufacturers for who depend on us shipping product for them.

Our Menominee Michigan facility had many customers, shippers, and our own employees very concerned about whether they would be able to ship into Menominee this year. Had it not been for the one year moratorium on Michigan's law in 2007, it is frightening to think of the devastating effect this could have had on not only our business, but those Paper Mills and other large employers that we service. At least we were able to offer them a Wisconsin alternative this year.

Furthermore, we believe that Wisconsin, like Michigan sets a dangerous precedent for other states whose economies, are inextricably linked to worldwide trade via the Seaway Great Lakes transportation system. Regulating on a state-by-state basis continues to create regulatory inconsistencies and makes it difficult for companies like ours to utilize our low cost transportation system for our customers, and the ultimate consumers.

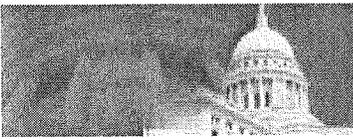
Our company cannot simply create a modal transportation shift to rail or the highways, as the transportation cost increase would make us and our customers totally uncompetitive in the global marketplace.

Again, let me state that we are all very concerned about these Aquatic Nuisance Species. A big reason that I choose to live in Marinette is the marvelous fishery that is available literally in my back yard. It is a resource that I personally cherish. But having each state create their own rules and regulations that may not even solve the problem, and creates other problems for the economy of our state, only sends the wrong message to our customers- and lets not forget, ships are not responsible for every specie, not even one third from most estimates. How do we stop the others from coming in?

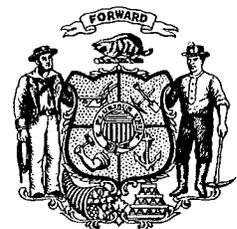
Instead, I would like to say today that we should all work together in putting pressure on our federal lawmakers in Washington to take care of this once and for all. We need one national set of rules and regulations, as our ships do not stop at state borders. Just like trucks, our shipping system needs to be open from state to state.

Thank You

D



# WISCONSIN STATE LEGISLATURE





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Superior, WI 54880

715-392-4734  
715-394-6926 Fax  
chsinc.com

TO: Members, Senate Committee on Environment and Natural Resources  
FROM: Lance Helgeson, Terminal Manager, Cenex-Harvest States  
DATE: May 23, 2007  
RE: Opposition to Senate Bill 119

I am writing to express my opposition to Senate Bill 119, which aims to establish a state permitting and management process for the purpose of regulating the ballast water of ocean going vessels that visit Wisconsin ports.

Cenex-Harvest States (CHS) operates a grain elevator in Superior, Wisconsin. Grain arrives at the elevator from the Great Plains by truck and rail. Grain is loaded onto ocean going vessels to destinations throughout the world. On average, CHS loads 51 ocean going vessels per year. We employ 52 at our Superior facility.

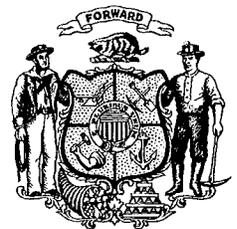
It is of great concern that I noted in the "Fiscal Estimate" to SB 119 that according to the Wisconsin Department of Administration a minimum of 75% of the vessels that currently use the Port of Superior would opt to use the Port of Duluth should SB 119 pass. This would mean a loss of 38 vessels for CHS-Superior. This would have a devastating impact on our operations.

I realize that aquatic invasive species are a problem and that something needs to be done, utilizing proven science to address this issue. Senate Bill 119 is not the answer. If passed, SB 119 will put Wisconsin industries and port communities at a competitive disadvantage and do nothing to address the issue of aquatic invasive species. What is needed, in order to effectively stop the introduction and spread of aquatic invasive species and protect Wisconsin industries and jobs, is legislation at the federal level that applies to all oceangoing vessels visiting Great Lakes and/or tidewater ports.

I appreciate the opportunity to express my opposition to SB 119. For additional information or if you have any questions, please do not hesitate to contact me at 715.392.4734.



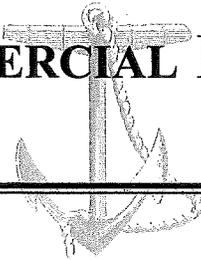
# WISCONSIN STATE LEGISLATURE



# WISCONSIN COMMERCIAL PORTS ASSOCIATION

2561 S. Broadway, Green Bay WI 54304

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Dean R. Haen  
President  
Port of Green Bay

Bill Handlos  
Vice-President  
Port of Manitowoc

Eric Reinelt  
Secretary/Treasurer  
Port of Milwaukee

Port of LaCrosse

Port of Marinette

Port of Duluth/Superior

Port of Washburn

Port of Sturgeon Bay

Port of Northport

Port of Bayfield

Port of Prairie Du Chien

Port of Sheboygan

## Testimony of Dean Haen

### **Port Manager, Port of Green Bay & President, WI Commercial Ports Association Senate Bill 119 Committee Hearing - May 23, 2007**

Good afternoon. I am Dean Haen Port Manager for the Port of Green Bay and President of the Wisconsin Commercial Ports Association (WCPA). WCPA is a trade association representing the commercial ports of WI, their terminal operators and associated marine transportation businesses. Wisconsin has ports in Bayfield, Washburn, Ashland, Washington Island, Sturgeon Bay and Port Washington. Wisconsin has diversified cargo ports in Marinette, Manitowoc and Sheboygan. And Wisconsin has gateway ports in Superior, LaCrosse, Prairie Du Chien, Green Bay and Milwaukee.

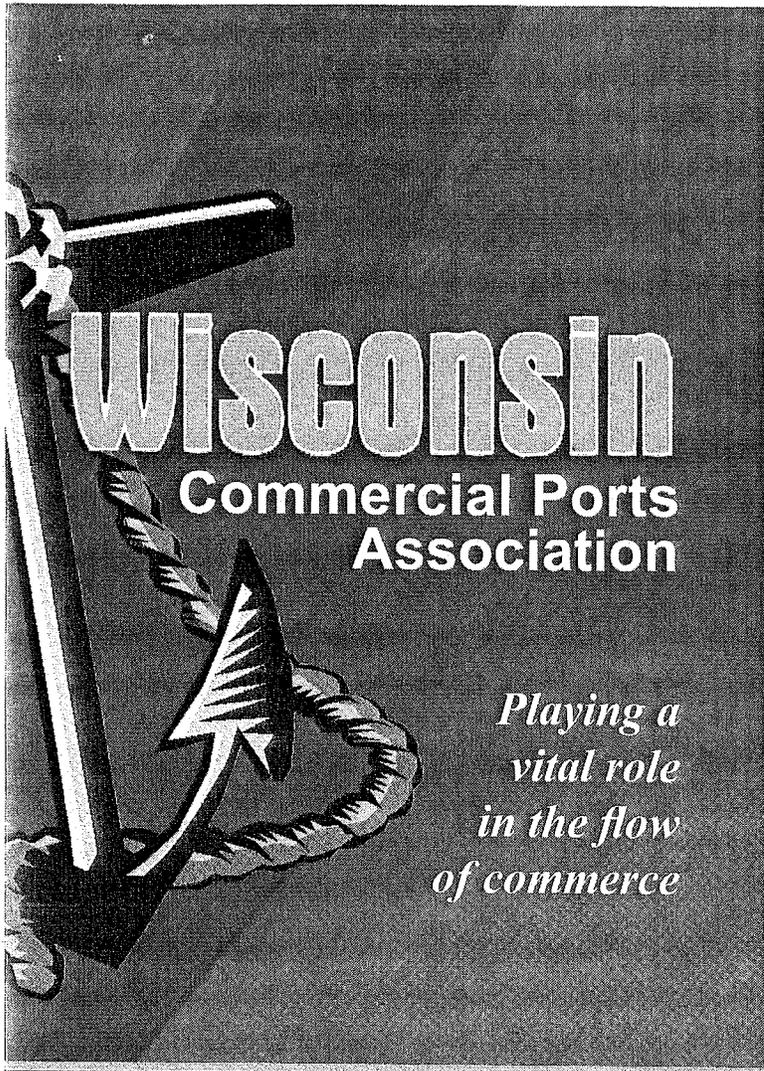
The first explorers to this territory that eventually became the State of Wisconsin arrived here by water. Waterborne transportation was so important to the development of the badger state that the image of a sailor appears on Wisconsin's Great Seal. Today, waterborne transportation continues to be a critical engine that drives our economy and is one of the very important transportation modes used by Wisconsin industries to compete in the global marketplace.

Today, Wisconsin has 14 commercial ports located along Lake Superior, Lake Michigan and the Mississippi River. Wisconsin's three borders allow our manufacturers the competitive advantages of access to world markets. The ports of Wisconsin transport over 44 million metric tons of cargo annually. The cargo consists of coal, grain, cement, steel, iron ore, liquid asphalt, limestone, pig iron, salt, fuel oil, wood pulp, and many other important commodities that are valued at over \$7 billion annually. Wisconsin's Ports support over 11,300 jobs and annually generate over \$1.3 billion in economic output and nearly \$377 million in personal income from wages, salaries and proprietor incomes.

Wisconsin ports are a critical link in our state's transportation system and serve as multi-modal distribution centers linking waterborne vessels with an extensive network of highways and railroads. Waterborne transportation provides Wisconsin manufacturers a cost-effective way to receive raw materials from suppliers and to ship high valued finished goods to customers. The commodities moved by water are essential to our economy and are used by our state's power plants, paper mills, manufacturers, farmers, government, and by each of us as individual consumers.

In fact, shipping generates the least amount of emissions pollution, consumes the least amount of fuel per ton mile, causes the least number of industry-related accidents and is responsible for less urban congestion, noise or social disruption. During a time of rising truck and rail rates and a shortage of rail cars, waterborne transportation keeps Wisconsin's economy competitive and moving forward.

The shipping industry fully realizes the need to eliminate the introduction of invasive species. It is estimated that 30% of the introduction of invasive species has come from the shipping industry and the remaining 70% has been introduced by aqua farming, the aquarium business and other vectors of introduction. All possible vectors of introduction need to be addressed across the country. The shipping industry supports federal legislation to regulate interstate and international commerce. Wisconsin legislation will only hurt Wisconsin. Regulation by individual states will result in a patchwork of differing regulations. The only viable solution to this problem is federal legislation to create an even playing field for all States of the U.S. Thank you.

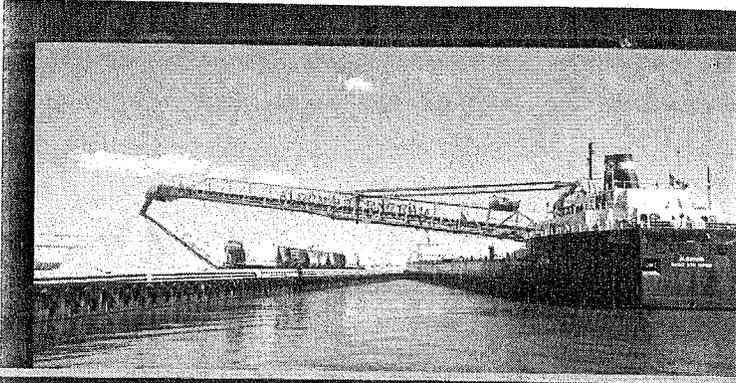


# Wisconsin

Commercial Ports  
Association

*Playing a  
vital role  
in the flow  
of commerce*





*Investment in Wisconsin's ports and associated transportation infrastructure is vital to the future growth of the state's economy*

### *About Wisconsin's commercial ports*

Wisconsin's ports are an economic lifeline that provides an important transportation alternative that is simply not available to the manufacturers, shippers and suppliers in many states. Wisconsin is home to 14 commercial ports that are fortunate enough to be surrounded on three sides by two commercially navigable waterway systems – the Mississippi River and the Great Lakes/St. Lawrence Seaway – providing access to world markets. Wisconsin's ports serve as hubs of economic activity for manufacturing, cargo handling, shipbuilding, transportation logistics, commercial fishing, passenger ferry service and recreational centers.

### *The impact of Wisconsin's commercial ports*

Wisconsin's commercial ports support more than 11,000 jobs with an economic impact of \$1.3 billion. The ports account for nearly \$277 million in personal income from wages, salaries and proprietor income.

The commercial ports are critical to Wisconsin's transportation system and serve as multi-modal links for moving cargo throughout the state and region. Shipping is the safest and most environmentally-friendly means of transporting cargo. Fuel consumption and emissions are substantially reduced when cargo is transported by ship rather than rail or truck.

*Each year, more than 44 million metric tons of cargo is transported through Wisconsin's ports, including:*

- Coal
- Iron Ore
- Salt
- Grain
- Liquid Asphalt
- Fuel Oil
- Cement
- Limestone
- Wood Pulp
- Steel
- Pig Iron
- Other Commodities

### *Why are Wisconsin's ports important?*

- A strong waterborne transportation network is the most economical and environmentally-friendly mode of transportation for bulk commodities.
- Waterborne transportation of goods has a significant positive impact on road and rail congestion.
- A strong multi-modal transportation network boosts competition by allowing Wisconsin industries to market and ship products worldwide.
- Wisconsin's shipbuilding has been identified as a cluster industry that is important to the region's economy and Wisconsin's future.
- A strong waterborne transportation network that reaches world markets creates and maintains jobs by encouraging businesses to expand or locate in port cities.

*Wisconsin's commercial ports support more than 11,000 jobs with an economic impact of \$1.3 billion.*



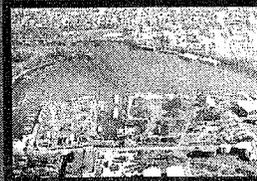
# Wisconsin Commercial Ports Association

*Playing a Vital Role in the Flow of Commerce*



## Gateway Ports

- Green Bay
- La Crosse
- Milwaukee
- Prairie du Chien
- Superior/Duluth



La Crosse

## Diversified Cargo Ports

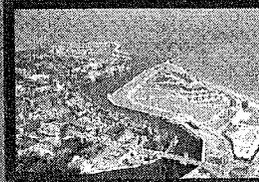
- Manitowoc
- Marinette/Menominee
- Sheboygan



Duluth-Superior

## Limited Cargo Ports

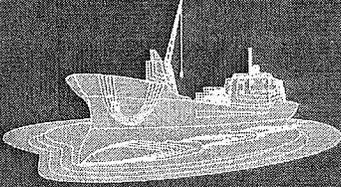
- Ashland
- Bayland
- Port Washington
- Sturgeon Bay
- Washburn
- Washington Island



Sheboygan

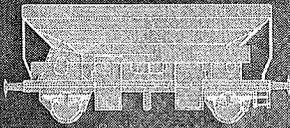
## Waterborne Transportation vs. Rail and Trucking

Shipping is more economical and friendlier to the environment than rail or truck transportation. It takes 180 rail cars or 692 trucks to carry the same load as just one cargo ship. Less fuel is used in shipping and there are fewer emissions.



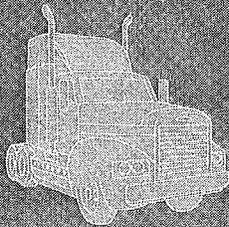
### Waterborne Transportation

NUMBER OF CARRIERS TO HAUL 18,000 TONS	1 Coal Vessel
FUEL CONSUMPTION IN GALLONS	7,116 Gallons
TONS OF CARGO PER CARRIER	18,000 Tons
EMISSIONS IN TONS	1 Ton of Emissions



### Jumbo Rail Car

NUMBER OF CARRIERS TO HAUL 18,000 TONS	180 Rail Cars
FUEL CONSUMPTION IN GALLONS	36,360 Gallons
TONS OF CARGO PER CARRIER	100 Tons
EMISSIONS IN TONS	11 Tons of Emissions



### Trucking

NUMBER OF CARRIERS TO HAUL 18,000 TONS	692 Trucks
FUEL CONSUMPTION IN GALLONS	110,700 Gallons
TONS OF CARGO PER CARRIER	26 Tons
EMISSIONS IN TONS	16 Tons of Emissions

Moving people and goods by water has history as old and treasured as Wisconsin itself. From the moment Native Americans and French settlers arrived at Lake Superior's Chequamegon Bay, these early inhabitants and explorers recognized our waterways' vast potential. Today, water transportation continues to serve as the most efficient method for moving bulk commodities -- and plays a vital role in the transport of heavy machinery, steel, bagged and canned cargo and other goods.

Wisconsin's commercial ports are major economic hubs -- generating thousands of family-supporting jobs -- while playing an increasingly important role in the state's tourism industry and adding greatly to Wisconsin's high quality of life.

This brochure highlights the important role and function of Wisconsin's port facilities and will help potential shippers better understand the unique capabilities and advantages of water transportation.

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### Wisconsin Commercial Ports Association contacts:

#### WCPA President

Dean Haen, Port Manager  
Port of Green Bay  
haen\_dr@co.brown.wi.us  
(920) 492-4953

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For more information about  
Wisconsin Commercial Ports Association visit:

[www.wcpa-ports.org](http://www.wcpa-ports.org)

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