

U.S. Department of
Homeland Security
**United States
Coast Guard**



Fact Sheet

Date: Jun. 14, 2004

Contact: Mr. Bivan R. Patnaik
(202) 267-1744

NEW BALLAST WATER REPORTING REGULATIONS

In a final rule published in the Federal Register on June 14, 2004, the Coast Guard, under the authority of the Nonindigenous Aquatic Nuisance Prevention and Control Act and the National Invasive Species Act, established penalty provisions for vessels equipped with ballast water tanks who are bound for ports or places within the United States that fail to submit a ballast water management (BWM) reporting form. Penalty provisions are also established for vessels bound for the Great Lakes or portions of the Hudson River that violate the mandatory ballast water management requirements and these regulations widen the reporting and recordkeeping requirements of vessels subject to the regulations.

The Coast Guard expects to achieve two objectives with these regulations:

- First, penalty provisions are clearly spelled out in both subparts C and D of 33 CFR Part 151 where violators of either the mandatory management requirements (for vessels bound for the Great Lakes or portions of the Hudson River) or the mandatory reporting and recordkeeping provisions (for all vessels bound for ports or places within the United States) would be liable for a civil penalty of up to \$27,500 for each violation, with each day of a continuing violation constituting a separate violation. A person who knowingly violates either provision will be guilty of a class C felony.
- The second change would increase the number of vessels subject to the reporting and recordkeeping provisions of subpart D. This expansion of the reporting population was done in order to generate more data that will allow for a more thorough understanding of ballast water delivery and management practices and how these relate to invasions of non-indigenous species (NIS) from vessels' ballast water on both a national and regional basis. This information will provide a clearer picture of the realities of BWM and NIS invasions over time and lead to a more effective and efficient program.

This final rule can be found at: <http://dms.dot.gov>. In this web site, proceed to simple search, and under docket number, enter 13147.

###