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For Further Information:
Tim Eichenberg (Ocean Conservancy) 415/979-0900x12
Deb Self (Baykeeper) 510/882-1882 (c)
Deborah Sivas (Stanford Law Clinic) 650/269-2489
Melissa Powers (PEAC) 503/998-5245

Environmental Groups Press EPA in Court for Federal Regulations on Ballast Water

San Francisco – Oral arguments were heard in the Ninth Circuit Federal Court of Appeals in a case challenging US Environmental Protection Agency (EPA) regulations exempting the discharge of vessel ballast water containing invasive species from regulation under the Clean Water Act. The case involved EPA’s appeal of an order by the federal District Court to adopt new regulations to restrict invasive species pollution from ballast water by September 2008. EPA appealed to the Ninth Circuit in hopes of reversing that decision.

Invasive or non-native species negatively affect our economy, environment, and human health. Experts estimate that invasive species cost Americans approximately \$137 billion annually in loss of agriculture, fisheries, forestry and infrastructure maintenance. Invasive species are also the major contributor to the decline of nearly half of the endangered species in the US.

Over two-thirds of recent invasive, non-native species introductions in marine and coastal areas are likely due to ships, and ballast water transport and discharge is the most universal and ubiquitous delivery system. The San Francisco Bay-Delta is the most invaded aquatic ecosystem in North America, and may be the most invaded estuary in the world. One new non-native species is established in San Francisco Bay every 14 weeks.

According to Tim Eichenberg, Pacific Region Director of Ocean Conservancy, “Each day 10,000 species are transported throughout the world in ballast water. EPA’s exemption of ballast water from the Clean Water Act has resulted in tremendous costs to the economy, the environment and to public health. We petitioned EPA 8 years ago. It’s high time EPA fulfilled its responsibilities and got to work.”

"Every day EPA drags its feet is another day the Bay is under attack by destructive organisms that will forever alter the Bay’s integrity. This is not the only instance in which EPA has complained to the courts that it shouldn’t have to regulate pollution as required



Pollution hotline: 1-800 KEEP BAY
www.baykeeper.org

785 Market Street, Suite 850
San Francisco, CA 94103
Tel (415) 856-0444
Fax (415) 856-0443

by federal law. We're hopeful the courts will give EPA the motivation it needs to fulfill its long overdue duties," said Deb Self, Executive Director of Baykeeper.

The series of lawsuits was brought by Northwest Environmental Advocates, Baykeeper, and Ocean Conservancy, and the Environmental Law Clinic at Stanford Law School and Pacific Environmental Advocacy Center (PEAC) at Lewis and Clark Law School represent the three organizations.

Founded in 1989, Baykeeper is a nonprofit organization dedicated to protecting the water quality of the San Francisco Bay for the benefit of the fish, wildlife and human communities who depend on it. Baykeeper uses advocacy, science and the courts to hold polluters accountable and ensure that our clean water laws are enforced.

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