

Department of Legislative Services  
Maryland General Assembly  
2005 Session

FISCAL AND POLICY NOTE

House Bill 710

(Chairman, Environmental Matters Committee)  
(By Request – Departmental – Environment)

Environmental Matters

Education, Health, and Environmental  
Affairs

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Environment - Ballast Water Management

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This departmental bill repeals the provisions of State law relating to ballast water management.

The bill takes effect July 1, 2005.

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Fiscal Summary

**State Effect:** The bill would not materially affect State finances or operations. The Governor's proposed FY 2006 budget does not include any funding for the ballast water management program.

**Local Effect:** None.

**Small Business Effect:** The Maryland Department of the Environment (MDE) has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

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Analysis

**Current Law:** Ballast water is water and matter taken aboard a vessel to control or maintain trim, draft, stability, or stresses of the vessel, without regard to the manner in which it is carried. Except for specified vessels, all vessels carrying ballast water that enter State waters and discharge ballast water into State waters are required to abide by

federal guidelines (for international vessels) or State guidelines (for all other vessels) on exchanging ballast water. This does not apply to vessels that discharge ballast water at the location where the ballast water originated.

All vessel operators are required to file ballast water control forms with MDE and the National Ballast Water Information Clearinghouse of the Smithsonian Environmental Research Center. Failure to file this form is a misdemeanor punishable by up to a \$500 fine. Falsifying a ballast water control form or deliberately failing to file such a form is punishable by up to a year in prison and a fine of up to \$5,000.

**Background:** In response to concerns regarding the impact of ballast water discharge on native aquatic ecosystems, in 2000 the General Assembly passed legislation (Chapter 473) requiring all vessels to file ballast water management control forms with MDE and the National Ballast Water Information Clearing Center of the Smithsonian Environmental Research Center. Prior to 2004, the U.S. Coast Guard, under federal regulations, required only international vessels to report their ballast water management activities. Revised federal regulations, effective August 13, 2004, require all vessels traveling in U.S. waters to file ballast water control forms with the National Ballast Water Information Clearinghouse. According to MDE, the repeal of the Maryland law and regulations relating to ballast water management, which are now duplicative of the revised federal regulations, will reduce the reporting burden on shippers.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland Department of the Environment, U.S. Coast Guard, Department of Legislative Services

**Fiscal Note History:** First Reader - February 28, 2005  
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