

while in American waters, are required to close their heads when within three miles of certain water *intake cribs*, but no such requirement is imposed in Canadian waters even though, in many instances, the intake cribs are located virtually on the international boundary line. Moreover, we believe that Canadian, as well as overseas flag vessels anywhere on the Great Lakes, should be subject to the same regulations and controls as our own vessels. Therefore, we urge that, before any regulations or requirements are placed in force by the United States on the Great Lakes, assurances be obtained from Canada that essentially similar regulations will be made applicable to Canadian waters.

REGULATIONS SHOULD COVER GARBAGE AND REFUSE DISPOSAL

Fourth: With respect to the promulgation of federal regulations, they should include, in addition to the treatment of overboard waste discharges, garbage and refuse disposal. Such regulations should be uniform throughout the Great Lakes and should preempt the field. We recognize that the Water Pollution Control Act places primary responsibility for preventing and controlling water pollution in the states, but this is because of the vast concern over cities and shore-based industry. Vessels calling at a multitude of ports cannot possibly comply with growing plethora of local regulations and requirements. The need for uniformity is the fundamental cornerstone upon which the maritime law of the United States and the exclusive admiralty jurisdiction of the Federal Courts are based.

CONTROL OF BALLAST WATER DISCHARGES ON GREAT LAKES NOT NECESSARY

In regulating vessels there may be good reason to control the discharge of ballast water from vessels inbound to the Great Lakes from foreign ports outside the North American continent, but we see no necessity for regulating the discharge of ballast water from Great Lakes vessels. Typical Great Lakes cargo vessels employ no dual service ballast tanks, the water ballast spaces being devoted entirely to ballasting purposes. Since these vessels operate exclusively with the Great Lakes, the possibility of contamination occurring from ballast water discharges is minimal.

On the Great Lakes the ballasting of a vessel is intricately connected with the carrying of cargo, particularly the self-unloading type vessel which is equipped with a large conveyor boom on deck. Any restrictions or curtailments on the right to take on or discharge ballast water could jeopardize the safety of the vessel. Anyone promulgating regulations in this area must be extremely knowledgeable concerning marine safety. Presumably with the enforcement of all applicable pollution regulations, it should make no difference within the Great Lakes themselves whether or not a vessel discharges or takes on ballast water, provided it does not have dual service ballast tanks.

This, then, is the four-point program we propose, namely:

1. An accelerated program looking toward the development of practical, low-cost waste treatment systems suitable for shipboard installation. Systems developed through the program should be type accepted by the Department of Transportation and certified as meeting applicable water quality standards before installation on any vessel;
2. Vessels equipped with type accepted waste treatment systems should be immune from all state and local laws regulating pollution;
3. Federal regulations governing vessel overboard waste discharges should be made effective on the Great Lakes only after assurances have been obtained from Canada that substantially similar regulations will be made applicable to Canadian waters; and
4. Uniform federal regulations should be promulgated governing treatment of overboard waste discharges, garbage and refuse disposal. These regulations should be based upon practical technological considerations indicated by the development program and have reasonable compliance schedules.

The program we propose is, of course, intended to be limited to commercial vessels. We express no view concerning pleasure craft other than to say that perhaps they might be more susceptible to state regulation or, at least, cooperative federal-state regulation. For this reason, we believe pleasure craft should be treated separately.