

**Statement of  
The Honorable Eddie Bernice Johnson, Chairwoman  
Subcommittee on Water Resources and Environment  
Hearing On  
“Discharges Incidental to the  
Normal Operation of a Commercial Vessel”  
June 12, 2008**

Today, the Subcommittee meets to discuss the issue of discharges incidental to the normal operation of a commercial vessel, their potential impacts to water quality and the marine environment, and the appropriate regulatory mechanism to address these discharges.

This hearing is the continuation of the discussion that started during the Committee markup of the Clean Boating Act of 2008 – legislation that would address and reduce water pollution impacts from recreational boats more aggressively than exists today. During this markup, several members raised the issue of how best to address discharges from commercial vessels, not addressed in the Clean Boating Act. Today’s hearing will further explore this issue, so that we can have a better understanding of what types of discharges are covered by the term “incidental to the normal operation of a commercial vessel.”

What is evident from our efforts to put this hearing together is the scarcity of information on exactly what pollutants are discharged during the normal operation of a commercial vessel and their potential impact to the nation’s water quality and the marine environment. This is of concern, because we must fully understand the potential range of pollutants that are discharged from commercial vessels, and their likely ecological and water quality impacts, before we consider mechanisms to address such pollutants.

For example, as noted in today’s written testimony, from what the agency could pull together from existing reports, EPA identified 28 discharges incidental to the normal operation of a vessel – including petroleum-based products and other chemicals that can have a significant impact on water quality and the marine environment. Although many have tried to paint incidental discharges as harmless, such as stormwater runoff from ship decks, discharges incidental to the normal operation of a vessel can include substantial quantities of toxic or otherwise ecologically damaging pollutants, including the release of aquatic invasive species that this Subcommittee has followed for years.

I understand the debate on whether the existing authorities contained in section 402 of the Clean Water Act are the appropriate authorities to address discharges from vessels, and I am certain that this issue will be discussed today. However, for decades, the discharge of certain pollutants was not addressed by the Clean Water Act.

Today’s hearing gives us the opportunity to better understand the nature of pollutants that are discharged from vessels, and how we might address these pollutants in a national, environmentally sound, and uniform manner, including utilizing the Clean Water Act as the statutory vehicle.