

August 17, 2007

FOR IMMEDIATE RELEASE

MUCC Wins Major Ballast Water Lawsuit

MUCC applauds the decision of U.S. District Court Judge Feikens to uphold the State Ballast Water Law.

"This is a major victory in protecting the Great Lakes from further destruction by invasive species," said Dennis Muchmore, Executive Director of Michigan United Conservation Clubs. "MUCC fought for the passage of the State Ballast Water Law and will continue to fight for its implementation. Judge Feikens wisely understands the need to protect the Great Lakes from invasive species."

The shipping industry (Fednav, Ltd, Canadian Forest Navigation Co., Ltd, Nicholson Terminal and Dock Co, The Shipping Federation of Canada, The American Great Lakes Ports Association, The United States Great Lakes Shipping Association, Baffin Investments, LTD. And Canfornav, Inc.) had filed suit against the state of Michigan stating that the law, which regulates the discharge of ballast into the state's water, was a violation of both the State and Federal Constitution. MUCC, along with National Wildlife Federation, Alliance for the Great Lakes and Natural Resources Defense Council, Inc., was a party to the lawsuit, arguing for upholding the law as vital to protecting the Great Lakes from future destruction by invasive species.

In dismissing all claims, Judge Feikens ruled that Michigan's law did not violate the Commerce Clause of the United States Constitution, and that Federal law did not take away the ability of the state to enact the Ballast Water Statute. In fact, Judge Feikens opined the National Invasive Species Act foresaw a partnership between the Federal and State government to resolve the problems associated with invasive species.

MUCC has been a leader in the fight against the discharge of ballast into the Great Lakes. Every eight months a new invasive species is entering the Great Lakes primarily from the discharge of ocean-going vessels. Invasive species are destroying the Great Lakes ecosystem and placing a significant burden on Michigan's economy. Invasive species have cost residents and businesses more than \$10 billion during the past decade.

The latest invasive species causing havoc in the Great Lakes is Viral Hemorrhagic Septicemia (VHS) which is a lethal virus that causes internal bleeding in walleye, perch, muskies and other cool water fish. It has been found in Lakes Huron, Michigan and Erie, in Lake St. Clair and Budd Lake, an inland lake in Clare County.

To fight the further spread of VHS, anglers and boaters are being told to dry out their boats and to bleach and dry other their live wells.

"Our anglers and boaters have willingly taken steps to stop the spread of invasive species, yet the shipping industry, the largest culprit in this mess, seeks delays and lawsuits," said Muchmore. "Hopefully this decision will force the shipping industry to take the step

necessary to protect the Great Lakes by treating their ballast water."