



STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

JOHN D. CHERRY, JR.
LT. GOVERNOR

August 29, 2007

The Honorable Rod Blagojevich
Office of the Governor - Illinois
207 State House
Springfield, IL 62706

Dear Governor Blagojevich:

In 2003, Great Lakes governors joined together in identifying the goal of stopping the introduction and spread of non-native aquatic invasive species as one of our priorities for the Great Lakes. While we continue to push for federal enactment of legislation that will be uniformly protective of our waters and stem the ecological and economic harm we are incurring, I am writing to urge you and our fellow Great Lakes states' leaders to take action that will protect our magnificent shared water resources from new aquatic invasive species by regulating ballast water discharge from ocean-going ships under state law.

A recent federal court decision supported powerful state action to close an open pathway for invasive species into our Great Lakes. The court decision dismissed a lawsuit filed against the Michigan Department of Environmental Quality and the Michigan Attorney General, challenging Michigan's ballast water control legislation. I hope that each of the Great Lakes states will review and take full advantage of the court's decision by enacting their own regulations on ballast water discharges.

In 2005, I signed into law straightforward regulations that required ocean-going ships to obtain a permit for port operations starting January 1 of this year. Frustrated by the failure of the federal government to act in a timely manner, the legislation had near unanimous, bipartisan support. The permit requires those ships to either not discharge ballast water or to treat it with prophylactic technologies that are both effective and available to kill invasive species before discharge. Implementation of the permit program has gone smoothly. A collection of shipping and port interests sued the state this past spring to have the law declared invalid. On August 15, 2007, the federal district court found that the plaintiffs failed to state a claim that Michigan's law violated the due process, supremacy, or commerce clauses of the U.S. Constitution and dismissed the case.

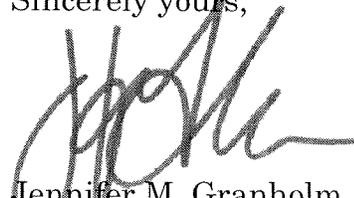
This decision is a tremendous victory for Michigan and for any state desiring to protect its waters from the massive harm caused by introductions of invasive species from foreign shipping via ballast water. You may be interested to know that in the first year of operation, 73 ships, representing 27 different companies, have now obtained a certificate of coverage under our general permit. The Michigan Department of Environmental Quality has incurred minimal cost for implementation of the permit, which requires a \$75 application fee.

While I am encouraged by the attention the issue is receiving in the Congress this year, effective congressional action to address aquatic invasive species and ballast water discharge is not assured. Meanwhile, aquatic invasive species have already caused untold damage to our Great Lakes ecosystem. You know that scientists have described the Great Lakes at a "tipping point" in large part due to the impact of aquatic invasive species. Without an effective federal response, I believe the states have a responsibility to act.

Again, I urge you to join Michigan in protecting the Great Lakes and closing an all-too-often used path taken by aquatic invasive species as they travel around the world and into our region in the ballast tanks of ocean-going ships. We should seize the opportunity for coordinated state regulation to prevent the economic and environmental damage that could be caused by the next species to arrive in ballast water.

If you need further information about Michigan's legislation, please feel free to have your state environmental director contact Michigan Department of Environmental Quality Director Steven Chester at 517-373-7917. Thank you for your attention and interest in this critically important issue.

Sincerely yours,



Jennifer M. Granholm
Governor