

## **State Watercraft Inspection and Decontamination Programs**

## **Legislative and Regulatory Update**

**May 2024** (*Revised June 2024*)

"Building Consensus in the West" was an initiative of the Western Regional Panel on Aquatic Nuisance Species (WRP) that ran from 2011 - 2019. The goal of the WRP initiative was to develop a multi-state vision for watercraft inspection and decontamination (WID) programs. The National Sea Grant Law Center was an active participant in this initiative, providing legal research support and leading efforts to develop a <u>Model Legal Framework for State Watercraft Inspection and Decontamination Programs</u>.

To assist policy-makers in identifying commonalties, differences, and gaps among states, the Law Center periodically reviewed each state's WID laws and regulations to see how each state's program compared to the authorities set forth in the model legal framework. This companion report, "From Theory to Practice: A Comparison of State Watercraft Inspection and Decontamination Programs to the Model Legal Framework," was last updated and published in December 2018.

In 2020, the WRP released updated recommendations for the Quagga and Zebra Mussel Action Plan for Western U.S. Waters. The following strategy was identified by WRP members as a priority to prevent further spread of invasive mussels in the West.

A.3 States should maintain, increase, and/or establish authorities for mandatory WID through the passage of laws and regulations to fill gaps per the Model Legal Framework (NSGLC and AFWA, 2019) and associated Building Consensus agreements, operational procedures, protocols, and standards (WRP, 2019).

In May 2024, the Law Center reviewed legislative and regulatory activity in each of the 50 states to assess progress related to this strategy since December 2018. Aquatic Invasive Species (AIS) prevention, and the trailered watercraft pathway in particular, continues to be an active area of state policy making, at both the legislative and regulatory level. Between January 2019 and May 2024, 14 states enacted legislation or regulations to adopt new or amend existing WID requirements (see Appendix for details). Many of these actions demonstrate progress towards state alignment with the model legal framework.

WID laws range along a continuum from simple prohibitions on the transport of aquatic plants on watercraft, trailers, and vehicles to mandatory WID protocols carried out by trained personnel. Other common WID laws prohibit the launch of watercraft with attached plants or animals, require watercraft to be cleaned and drained upon removal from a water, or impose specific drying times. Several states fund or operate voluntary courtesy boat inspection programs to increase compliance with legal requirements.

Today, 34 states have adopted at least one law that addresses the trailered watercraft pathway. Overall, the majority of the activity since January 2019 was focused on the adoption of drain plug removal requirements. This focus may be influenced by a July 2016 resolution of the Western Association of Fish and Wildlife Agencies encouraging standardized regulations requiring watercraft operators to remove all drainage plugs and visible plant material from the watercraft and trailer when leaving waters.

The legislative and regulatory provisions enacted by the 15 states since January 2019 can be grouped into 4 broad categories: funding, inspections, law enforcement stops, and drain plugs.

- *Funding*: In 2019, the Connecticut Legislature passed legislation requiring vessel operators to purchase an AIS stamp to generate revenue for the "Connecticut Lakes, Rivers and Ponds Preservation Account." This account provides funding for research and educational activities through a competitive grant process, including the Candlewood Lake Launch Stewards (<u>source</u>). In 2024, the Idaho Legislature authorized the allocation of up to 20% of revenue in the state's invasive species fund to local entities to operate WID stations.
- *Inspections:* New York passed legislation in 2021 authorizing AIS inspection stations at Adirondack Park. In 2020, the South Dakota Department of Game, Fish and Parks repealed a regulatory provision stating that watercraft are subject to inspection and cleaning/decontamination orders. However, the agency's statutory authority to conduct inspections and require decontamination remains.
- Law Enforcement Stops: Three states amended their WID laws to address failures to comply with inspection requirements or stop at WID stations. In 2021, Colorado passed legislation establishing that the refusal to stop at a watercraft inspection station is a violation of the law. In 2022, the Washington Department of Fish and Wildlife added a regulatory provision classifying the failure to stop at a mandatory check station as a gross misdemeanor. In 2022, Wyoming passed legislation imposing mandatory AIS checks for individuals who a law enforcement officer determines failed to have a conveyance inspected as required by law.
- **Drain Plugs**: Eight states passed legislation or promulgated regulations that require the removal of drain plugs and the draining of water from bilges, livewells, ballast tanks, and similar compartments when leaving a waterbody and during transport. These states are: Arkansas, Idaho, Maine, Montana, Oregon, Pennsylvania, Utah, and Virginia. In 2024, the Nebraska Games & Parks Commission initiated a rulemaking to adopt a drain plug requirement, but as of the date of publication final regulations have not been published. A total of 21 states now have drain plug removal requirements (Fig. 1), a significant increase from 2016 when just 5 states—Arizona, Kansas, New Mexico, North Dakota, and South Dakota—required such action. To view an animation of the timeline of state adoption of drain plug laws from 2010 2024, click on this link.

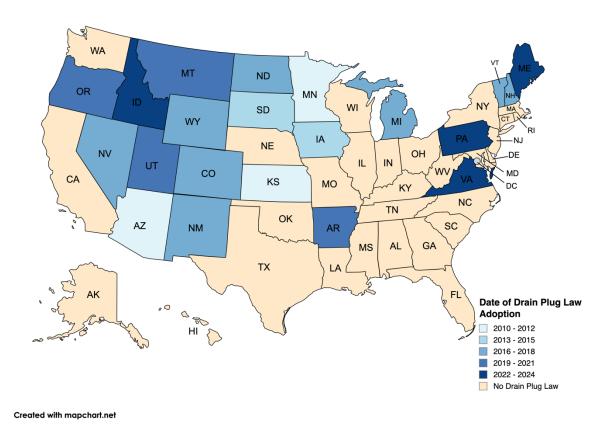


Fig. 1. Map of states that have enacted drain plug laws categorized by date of adoption.

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