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105TH CONGRESS
2D SESSION

H. R. 4235

To authorize appropriations for the National Oceanic and Atmospheric Administration to conduct research, monitoring, education, and management activities for the prevention, reduction, and control of harmful algal blooms, including blooms of Pfiesteria piscicida and other aquatic toxins, hypoxia, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 16, 1998

Mr. JOHN (for himself, Mr. BALDACCI, Mr. GILCHREST, Mr. CARDIN, Mr. ETHERIDGE, and Mr. TAUZIN) introduced the following bill; which was referred to the Committee on Science, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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A BILL

To authorize appropriations for the National Oceanic and Atmospheric Administration to conduct research, monitoring, education, and management activities for the prevention, reduction, and control of harmful algal blooms, including blooms of Pfiesteria piscicida and other aquatic toxins, hypoxia, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Harmful Algal Bloom and Hypoxia Research and Control Act of 1998''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) the recent outbreak of the harmful microbe Pfiesteria piscicida in the coastal waters of the United States is one example of potentially harmful algal blooms composed of naturally occurring species that reproduce explosively and that are increasing in frequency and intensity in the Nation's coastal waters;

(2) other recent occurrences of harmful algal blooms include red tides in the Gulf of Mexico and the Southeast; brown tides in New York and Texas; ciguatera fish poisoning in Hawaii, Florida, Puerto Rico, and the U.S. Virgin Islands; and shellfish poisonings in the Gulf of Maine, the Pacific Northwest, and the Gulf of Alaska;

(3) in recent years, harmful algal blooms have resulted in massive fish kills, the deaths of numerous endangered West Indian manatees, beach and shellfish bed closures, threats to public health and safety, and concern among the public about the safety of seafood;

(4) according to scientists, the factors causing or contributing to harmful algal blooms may include excessive nutrients in coastal waters, other forms of pollution, the transfer of harmful species through ship ballast water, and ocean currents;

(5) harmful algal blooms have been responsible for an estimated $1,000,000,000 in economic losses during the past decade;

(6) harmful algal blooms and blooms of non-toxic algal species can also lead directly to other damaging marine conditions such as hypoxia (reduced oxygen concentrations), which are harmful or fatal to fish, shellfish, and benthic organisms;

(7) according to the National Oceanic and Atmospheric Administration in the Department of Commerce, 53 percent of U.S. estuaries experience hypoxia for at least part of the year and a 7,000 square mile area in the Gulf of Mexico off Louisiana and Texas suffers from hypoxia, creating a massive ''dead zone'' during much of the year where little or no marine life exists;

(8) according to scientists, the primary factor known to cause hypoxia is excessive nutrient loading into coastal waters;

(9) there is a strong need to identify more workable and effective actions to reduce nutrient loadings to coastal waters;

(10) the National Oceanic and Atmospheric Administration, through its ongoing research, education, grant, and coastal resource management programs, possesses a full range of capabilities necessary to support a near and long-term comprehensive effort to prevent, reduce, and control harmful algal blooms and hypoxia;

(11) funding for the research and related programs of the National Oceanic and Atmospheric Administration will aid in improving the Nation's understanding and capabilities for addressing the human and environmental costs associated with harmful algal blooms and hypoxia; and

(12) other Federal agencies such as the Environmental Protection Agency, the Department of Agriculture, and the National Science Foundation, along with the States, Indian tribes, and local governments, conduct important work related to the prevention, reduction, and control of harmful algal blooms and hypoxia.

SEC. 3. ACTION PLAN.

(a) ESTABLISHMENT OF INTER-AGENCY TASK FORCE.—The President, through the Committee on Environment and Natural Resources of the National Science and Technology Council, shall establish an Inter-Agency Task Force on Harmful Algal Blooms and Hypoxia (hereinafter referred to as the ''Task Force''). The Task Force shall consist of representatives from—

(1) the Department of Commerce (who shall serve as Chairman of the Task Force);

(2) the Environmental Protection Agency;

(3) the Department of Agriculture;

(4) the Department of the Interior;

(5) the Department of the Navy;

(6) the Department of Health and Human Services;

(7) the National Science Foundation;

(8) the National Aeronautics and Space Administration;

(9) the Office of Science and Technology Policy;

(10) the Council on Environmental Quality; and

(11) such other Federal agencies as the President considers appropriate.

(b) ACTION PLAN ON HARMFUL ALGAL BLOOMS.—(1) Not later than 12 months after the date of enactment of this Act, the Task Force, in consultation with the coast-

al States, Indian tribes, and local governments, industry, academic institutions, and non-governmental organizations with expertise in coastal zone management, shall develop an action plan providing for a comprehensive, coordinated, and timely Federal response to harmful algal blooms.

(2) The action plan shall—

(A) consist of actions that each Federal department or agency represented on the Task Force shall take to prevent, reduce, manage, mitigate, and control harmful algal blooms and their environmental and public health impacts;

(B) prevent unnecessary duplication of effort among Federal agencies and departments with respect to the actions in subparagraph (A); and

(C) provide for Federal cooperation and coordination with and assistance to the coastal States, Indian tribes, and local governments in the prevention, reduction, management, mitigation, and control of harmful algal blooms and their environmental and public health impacts.

(c) ACTION PLAN ON HYPOXIA.—(1) Not later than 12 months after the date of enactment of this Act, the Task Force, in consultation with the States, Indian tribes, local governments, industry, agricultural, academic insti-

tutions, and non-governmental organizations with expertise in watershed and coastal zone management, shall develop an action plan providing for a comprehensive, coordinated, and timely Federal response to hypoxia in U.S. coastal waters.

(2) The action plan shall—

(A) establish needs, priorities, and guidelines for a peer-reviewed, interagency research program on the causes, characteristics, and impacts of hypoxia, and on actions that can be taken to prevent, reduce, manage, mitigate, and control hypoxia;

(B) identify actions that each Federal department or agency represented on the Task Force shall take to prevent, reduce, manage, mitigate, and control hypoxia and its environmental impacts;

(C) prevent unnecessary duplication of effort among Federal agencies and departments with respect to the research and actions in subparagraphs (A) and (B); and

(D) provide for Federal cooperation and coordination with and assistance to the States, Indian tribes, and local governments in the prevention, reduction, management, mitigation, and control of hypoxia and its environmental impacts.

(d) ANNUAL REPORTS.— Beginning 12 months after the date the action plans in subsections (b) and (c) are published, the Task Force shall submit 3 annual reports to the Congress and the President which—

(1) describe the progress of the departments and agencies represented on the Task Force in implementing the actions contained in the action plans;

(2) assess the effectiveness of the action plans to that date in preventing, reducing, managing, mitigating, and controlling harmful algal blooms and hypoxia;

(3) describe any changes to an action plan made or proposed to improve the effectiveness of such plan; and

(4) contain any other information the Task Force may wish to include.

(e) DISESTABLISHMENT OF TASK FORCE.—The President may disestablish the Task Force after submission of the third report in subsection (d).

SEC. 4. NORTHERN GULF OF MEXICO HYPOXIA.

(a) ASSESSMENT REPORT.—Not later than March 30, 1999, the Task Force shall complete and submit to Congress and the President an integrated assessment of hypoxia in the northern Gulf of Mexico that examines: the distribution, dynamics, and causes; ecological and eco-

nomic consequences; sources and loads of nutrients transported by the Mississippi River to the Gulf of Mexico; effects of reducing nutrient loads; methods for reducing nutrient loads; and the social and economic costs and benefits of such methods.

(b) SUBMISSION OF A PLAN.—No later than March 30, 2000, the President shall develop and submit to Congress a plan, based on the integrated assessment submitted under subsection (a), for reducing, mitigating, and controlling hypoxia in the northern Gulf of Mexico. In developing such plan, the President shall consult with State, Indian tribe, and local governments, academic, agricultural, industry, and environmental groups and representatives. At least 90 days before the President submits such plan to the Congress, a summary of the proposed plan shall be published in the Federal Register for a public comment period of not less than 60 days.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce for research, education, and management activities related to the prevention, reduction, and control of harmful algal blooms and hypoxia, $25,500,000 in each of fiscal years 1999, 2000, and 2001, to remain available until expended. The Secretary shall consult with the States on a regular basis regarding the development

and implementation of the activities authorized under this section. Of such amounts for each fiscal year—

(1) $5,000,000 may be used to enable the National Oceanic and Atmospheric Administration to carry out research and assessment activities, including procurement of necessary research equipment, at research laboratories of the National Ocean Service and the National Marine Fisheries Service;

(2) $7,000,000 may be used to carry out the Ecology and Oceanography of Harmful Algal Blooms (ECOHAB) project under the Coastal Ocean Program established under section 201(c) of Public Law 102–567;

(3) $3,000,000 may be used by the National Ocean Service of the National Oceanic and Atmospheric Administration to carry out a peer-reviewed research project on management measures that can be taken to prevent, reduce, control, and mitigate harmful algal blooms;

(4) $5,500,000 may be used to carry out Federal and State annual monitoring and analysis activities for harmful algal blooms administered by the National Ocean Service of the National Oceanic and Atmospheric Administration; and

(5) $5,000,000 may be used for activities related to research and monitoring on hypoxia by the National Ocean Service and the Office of Oceanic and Atmospheric Research of the National Oceanic and Atmospheric Administration.

SEC. 6. AMENDMENT TO NATIONAL SEA GRANT COLLEGE PROGRAM ACT.

Section 212(a) of the National Sea Grant College Program Act (33 U.S.C. 1131(a)) is amended by striking paragraph (2)(C) and inserting the following:

''(C) up to $3,000,000 may be made available for competitive grants for university research, education, training, and advisory services on Pfiesteria piscicida and other harmful algal blooms.''.

SEC. 7. AMENDMENT TO THE COASTAL ZONE MANAGEMENT ACT.

Section 318(a) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1464(a)) is amended—

(1) by striking ''and'' at the end of paragraph (1)(C);

(2) by striking the period at the end of paragraph (2)(C) and inserting ''; and''; and

(3) by adding at the end thereof the following:

''(3) up to $2,000,000 for fiscal years 1999 and 2000 for technical assistance under section 310 to

support State implementation and analysis of the effectiveness of measures to prevent, reduce, mitigate, or control harmful algal blooms and hypoxia.''.

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