

TITLE VI—HARMFUL ALGAL BLOOMS AND HYPOXIA

Harmful Algal
Bloom and
Hypoxia
Research and
Control Act of
1998.
16 USC 1451
note.

SEC. 601. SHORT TITLE.

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

SEC. 602. FINDINGS.

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note.

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 United States Virgin Islands; and shellfish poisonings in the Gulf of Maine, the Pacific Northwest, and the Gulf of Alaska;

(3) in certain cases, harmful algal blooms have resulted in 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 some 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 may 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 may lead 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 United States 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;

(8) according to some scientists, a factor believed to cause hypoxia is excessive nutrient loading into coastal waters;

(9) there is a 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.

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SEC. 603. ASSESSMENTS.

(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 the following 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 Food and Drug Administration;
- (10) the Office of Science and Technology Policy;
- (11) the Council on Environmental Quality; and
- (12) such other Federal agencies as the President considers appropriate.

(b) ASSESSMENT OF HARMFUL ALGAL BLOOMS.—

Deadline.

(1) Not later than 12 months after the date of the enactment of this title, the Task Force, in cooperation with the coastal States, Indian tribes, and local governments, industry (including agricultural organizations), academic institutions, and non-governmental organizations with expertise in coastal zone management, shall complete and submit to the Congress an assessment which examines the ecological and economic consequences of harmful algal blooms, alternatives for reducing, mitigating, and controlling harmful algal blooms, and the social and economic costs and benefits of such alternatives.

(2) The assessment shall—

(A) identify alternatives for preventing unnecessary duplication of effort among Federal agencies and departments with respect to harmful algal blooms; and

(B) 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) ASSESSMENT OF HYPOXIA.—

Deadline.

(1) Not later than 12 months after the date of the enactment of this title, the Task Force, in cooperation with the States, Indian tribes, local governments, industry, agricultural, academic institutions, and non-governmental organizations with expertise in watershed and coastal zone management, shall complete and submit to the Congress an assessment which

examines the ecological and economic consequences of hypoxia in United States coastal waters, alternatives for reducing, mitigating, and controlling hypoxia, and the social and economic costs and benefits of such alternatives.

(2) The assessment shall—

(A) establish needs, priorities, and guidelines for a peer-reviewed, inter-agency research program on the causes, characteristics, and impacts of hypoxia;

(B) identify alternatives for preventing unnecessary duplication of effort among Federal agencies and departments with respect to hypoxia; and

(C) 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.

(e) **DISESTABLISHMENT OF TASK FORCE.**—The President may disestablish the Task Force after submission of the plan in section 604(d).

SEC. 604. NORTHERN GULF OF MEXICO HYPOXIA.

(a) **ASSESSMENT REPORT.**—Not later than May 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 economic 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, in conjunction with the chief executive officers of the States, 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. Such plan shall include incentive-based partnership approaches. The plan shall also include the social and economic costs and benefits of the measures for reducing, mitigating, and controlling hypoxia. 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. 605. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce for research, education, and monitoring activities related to the prevention, reduction, and control of harmful algal blooms and hypoxia, \$15,000,000 for fiscal year 1999, \$18,250,000 for fiscal year 2000, and \$19,000,000 for fiscal year 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—

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(1) \$1,500,000 for fiscal year 1999, \$1,500,000 for fiscal year 2000, and \$2,000,000 for fiscal year 2001 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) \$4,000,000 for fiscal year 1999, \$5,500,000 for fiscal year 2000, and \$5,500,000 for fiscal year 2001 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) \$1,000,000 for fiscal year 1999, \$2,000,000 for fiscal year 2000, and \$2,000,000 for fiscal year 2001 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 for each of the fiscal years 1999, 2000, and 2001 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) \$3,000,000 for fiscal year 1999, \$3,750,000 for fiscal year 2000, and \$4,000,000 for fiscal year 2001 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.

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SEC. 606. PROTECTION OF STATES' RIGHTS.

(a) Nothing in this title shall be interpreted to adversely affect existing State regulatory or enforcement power which has been granted to any State through the Clean Water Act or Coastal Zone Management Act of 1972.

(b) Nothing in this title shall be interpreted to expand the regulatory or enforcement power of the Federal Government which has been delegated to any State through the Clean Water Act or Coastal Zone Management Act of 1972.

Approved November 13, 1998.

LEGISLATIVE HISTORY—H.R. 2204 (S. 1259):

HOUSE REPORTS: No. 105-236 (Comm. on Transportation and Infrastructure).

SENATE REPORTS: No. 105-246 accompanying S. 1259 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD:

Vol. 143 (1997): Oct. 21, considered and passed House.

Vol. 144 (1998): Oct. 12, considered and passed Senate, amended, in lieu of S. 1259.

Oct. 15, House concurred in Senate amendment with an amendment.

Oct. 21, Senate concurred in House amendment.

