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INTRODUCTION OF THE AQUATIC INVASIVE SPECIES RESEARCH ACT

HON. VERNON J. EHLERS

of michigan

in the house of representatives

Wednesday, April 13, 2005

Mr. EHLERS. Mr. Speaker, I am pleased to introduce today a bill that is a critical component in our efforts to combat aquatic invasive species--the Aquatic Invasive Species Research Act. This legislation is similar to legislation that was reported out of the House Science Committee in the 108th Congress. It creates a comprehensive research program that supports federal, state and local efforts to prevent invasive species from ever entering our waterways, as well as detection, control and eradication efforts once they are here. It complements a bill introduced today by Mr. Gilchrest in the House and Senators Collins and Levin in the Senate to reauthorize the National Invasive Species Act. This legislation is a critical component in our battle against these harmful and extremely damaging pests.

In undertaking this effort, I have found that many people wonder-- ``What is an invasive species? Why it is so crucial to keep them out of United States?'' It is important that we understand these questions so that we can appreciate the scope of the threat that invasive species pose to our economy and environment.

The introduction of non-native species is not new to the United States. People have brought non-native plants and animals into the United States, both intentionally and unintentionally, for a variety of reasons, since the New World was discovered. Some examples include the introduction of nutria (which is a rodent similar to a muskrat) by trappers to bolster the domestic fur industry, and the introduction of the purple loosestrife plant to add rich color to gardens. Both nutria and purple loosestrife are now serious threats to wetlands. Non-native species may also be introduced unintentionally, such as through species hitching rides in ships, crates, planes, or soil coming into the United States. For example, zebra mussels, first discovered in Lake St. Clair near Detroit in the late 1980s, came into the Great Lakes through ballast water from ships.

Not all species brought into the country are harmful to local economies, people and/or the environment. In fact, most non-native species do not survive because the environment does not meet their biological needs. In many cases, however, the new species will find favorable conditions (such as a lack of natural enemies or an

environment that fosters propagation) that allow it to survive and thrive in a new ecosystem.

Only a small fraction of these non-native species become an ``invasive species''--defined as a species that is both non-native to the ecosystem and whose introduction causes or may cause economic or environmental harm or harm to human health. However, this small fraction can cause enormous damage, both to our economy and our environment.

The economic damage includes the cost of control, damage to property values, health costs and other factors. Just one species can cost government and private citizens billions of dollars. For example, zebra mussels have cost the various entities in the Great Lakes basin an estimated \$3 billion during the past 10 years for cleaning water intake pipes, purchasing filtration equipment, and so forth. Sea lamprey control measures in the Great Lakes cost approximately \$10 million to \$15 million annually; and, on top of these expenses, there is the cost of lost fisheries due to this invader. In fact, invasive species now are second only to habitat loss as threats to endangered species.

Given the enormous economic and environmental impacts these invaders cause, two clear goals emerge: First, we need to focus more resources and energy into dealing with this problem at all levels of government; second, our best strategy for dealing with invasive species is to focus these resources to prevent them from ever entering the United States. Spending millions of dollars to prevent species introductions will save billions of dollars in control, eradication and restoration efforts once the species become established. In fact, one theme is central to both Mr. Gilchrest's bill and this legislation. It is an old adage, but one worth following--``An ounce of prevention is worth a pound of cure.''

To successfully carry out this strategy, we need careful, concerted management of this problem, supported by research at every step. For example, we know that we must do more to regulate the pathways by which these invaders enter the United States (ships, aquaculture, etc.), which is an important component of Mr. Gilchrest's legislation. However, research must inform us as to which of these pathways pose the greatest threat and which techniques used to manage each pathway are effective. This legislation would help develop this understanding through the ecological and pathway surveys conducted under the bill. In fact, research underlies every management decision aimed at detecting, preventing, controlling and eradicating invasive species; educating citizens and stakeholders; and ensuring that resources are optimally deployed to increase the effectiveness of government programs. These items are also reflected in the legislation, which I will now describe in more detail.

The bill is divided into six main parts. The first three parts outline an ecological and pathway research program, combining surveys and experimentation, to be established by the National Oceanic and Atmospheric Administration, the Smithsonian Environmental Research Center and the United States Geological Survey. This program is focused on understanding what invasive species are present in our waterways, which pathways they use to enter our waterways, how they establish themselves once they are here and whether or not invasions are getting better or worse based on decisions to regulate pathways. In carrying out this program, the three principal agencies will develop standardized protocols for carrying out the ecological and pathway surveys that are called for under the legislation. In addition, they

will coordinate their efforts to establish longterm surveys sites so we have strong baseline information. This program also includes an important grant program so that academic researchers and state agencies can carry out the surveys at diverse sites distributed geographically around the country. This will give federal, state and local managers a more holistic view of the rates and patterns of invasions of aquatic invasive species into the United States. Lastly, the principal agencies will coordinate their efforts and pull all of this information together and analyze it to help determine whether or not decisions to manage these pathways are effective. This will inform policymakers as to which pathways pose the greatest threat and whether or not they need to change the way these pathways are managed.

The fourth part of the bill contains two programs to develop, demonstrate and verify technologies to prevent, control and eradicate invasive species. The first is an Environmental Protection Agency grant program focused on developing, demonstrating and verifying environmentally sound technologies to control and eradicate aquatic invasive species. This research program will give federal, state and local managers more tools to combat invasive

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species that are also environmentally sound. The second is expansion both in terms of scope and funding of a National Oceanic and Atmospheric Administration and Fish and Wildlife Service program geared toward demonstrating technologies that prevent invasive species from being introduced by ships. This is the federal government's only program that is focused solely on helping develop viable technologies to treat ballast water. It has been woefully underfunded in the past and deserves more attention.

The fifth part of the bill focuses on setting up research to directly support the Coast Guard's efforts to set standards for the treatment of ships with respect to preventing them from introducing invasive species. Ships are a major pathway by which invasive species are unintentionally introduced; the ballast water discharged by ships is of particular concern. One of the key issues that has hampered efforts to deal with the threats that ships pose is the lack of standards for how ballast water must be treated when it is discharged. The Coast Guard has had a very difficult time developing these standards since the underlying law that support their efforts (the National Invasive Species Act) did not contain a research component to support their work. This legislation provides that missing piece.

Finally, the sixth and final part supports our ability to identify invaders once they arrive. Over the past couple of decades, the number of scientists working in systematics and taxonomy, expertise that is fundamental to identifying species, has decreased steadily. In order to address this problem, the legislation sets up a National Science Foundation program to give grants for academic research in systematics and taxonomy with the goal of maintaining U.S. expertise in these disciplines.

Taken together, both my bill and Mr. Gilchrest's bill represent an important step forward in our efforts to prevent invasive species from ever crossing our borders and combat them once they are arrive. New invaders are arriving in the United States each day, bringing with them even more burden on taxpayers and the environment. We simply cannot afford to wait any longer to deal with this problem, and so I urge all of my colleagues to support this legislation.

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INTRODUCTION OF THE NATIONAL INVASIVE SPECIES COUNCIL ACT

HON. VERNON J. EHLERS

of michigan

in the house of representatives

Wednesday, April 13, 2005

Mr. EHLERS. Mr. Speaker, today I am introducing legislation to codify the Executive Order that established the Invasive Species Council and gave the Council responsibility for coordinating all invasive species activities across the federal government (Executive Order #13112, issued in February 1999). Invasive species, such as the snakehead fish and zebra mussel, cause an enormous economic, ecological and human health toll on the United States every year. There are over 20 different federal agencies involved in prevention, eradication, control, monitoring, research and outreach efforts to deal with the threat of invasive species, and this Executive effort seeks to make these efforts more coordinated, effective and cost-efficient. Better management of invasive species efforts across federal agencies is critical to an effective response to this threat, and the Executive Order was the right first step. However, it is only the first step. Congress now needs to pass this legislation to give the Council more authority to effectively meet this threat.

Since its inception, the Council has made progress in achieving its mandate. In particular, in January 2001 the Council issued the National Management Plan to provide a general blueprint of goals and actions for federal agencies to better deal with invasive species. While this broad plan lacks detail in some areas, it helps focus the various federal efforts on common goals and coordinated actions. In addition, the Council established a federal advisory committee consisting of 32 members from a broad array of stakeholders. The advisory committee has met several times in order to provide guidance on the development of the National Management Plan and on federal agency actions regarding invasive species in general.

While the Council has had some success, its authority to coordinate the actions of federal agencies has been limited. The Government Accountability Office (GAO) has recognized this problem, reporting that agencies did not incorporate the components of the National Management Plan into their annual performance plans. In addition, the GAO

recommended that the Council study whether or not a lack of legislative authority has hampered its mission. Key agencies of the Council have already recognized this lack of authority as problematic and have supported codification of the Council in testimony before a November 2002 joint hearing of the House Resources and House Science Committees on aquatic invasive species.

The legislation I am introducing today essentially keeps the existing structure of the Council intact, while at the same time it addresses issues raised by the GAO by giving the Council a clear statutory mandate.

First, the legislation maintains the Executive Order's statement of administration policy that federal agencies should not undertake actions that may lead to the introduction or further spread of invasive species without careful consideration of the costs that the proposed action may cause. The legislation requires that the Council on Environmental Quality, in conjunction with the Council, issue guidelines for federal agencies to help them consider the consequences of any proposed action. The intent of this provision is to create a common set of guidelines by which all federal agencies can measure their actions, not to give individuals a private right of action against government agencies that take actions regarding invasive species.

Second, the legislation makes some modifications to the existing institutional structure of the Council. The membership of the Council will remain the same; however the legislation updates the membership, as described by the Executive Order, to reflect additional agencies that have been added since 1999. It also

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makes the Council an independent entity within the Executive Branch, to be chaired on a rotating basis by the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce. This is a change from the Executive Order, which called for the Council to be housed within the Department of the Interior and chaired by that agency. If the Council is to be a truly independent entity that can work with all federal agencies, this change is necessary.

Third, the legislation retains the duties of the Council as described by the Executive Order (including development of an updated National Management Plan), but it adds some new duties in order to give the Council more tools to use in coordinating federal programs. In particular, the Council must submit an annual list of the top priorities in several different areas related to addressing the threat posed by invasive species. The legislation also specifically calls upon the Council to work with federal agencies during the budget development and submission process in order to ensure that budget priorities reflect the priorities of the National Management Plan. The legislation also calls on the Office of Management and Budget to develop a crosscut budget of all invasive species efforts in the federal government. This is a necessary tool for the Council to coordinate efforts among the various federal agencies.

Finally, the legislation retains the existing Invasive Species Advisory Council to serve as an important contributor to the ongoing dialogue between the federal government and stakeholders to ensure that the federal government acts in the most effective way.

This legislation will help further the federal government's efforts

to combat invasive species, and I urge all of my colleagues to cosponsor this important legislation.

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INTRODUCTION OF THE NATIONAL AQUATIC INVASIVE SPECIES ACT

HON. WAYNE T. GILCHREST

of maryland

in the house of representatives

Wednesday, April 13, 2005

Mr. GILCHREST. Mr. Speaker, I join my colleague, Representative Vernon Ehlers, in introducing a pair of bills that comprehensively address the growing problem of aquatic invasive species in the United States and its territories. These foreign invaders, from Sea Lamprey in the Great Lakes to Asian Carp in the Mississippi to Moon Jellies in the Gulf to Rappa Whelk in the Chesapeake Bay to Zebra Mussels across the U.S. and hundreds of other plants, fish, and invertebrates, cause significant economic and ecological damage throughout North America. In recent estimates, invasive species are demonstrated to cost the U.S. at least \$138 billion per year. Forty-two percent of the species on the federal threatened and endangered species lists are negatively impacted by invasive species. Once established, invasive species displace native species, impede municipal and industrial water systems, degrade ecosystems, reduce recreational and commercial fishing opportunities, and can cause public health problems.

Aquatic invasive species are a particular problem because they readily spread through interconnected waterways and are difficult to treat safely. Hundreds of exotic species arrive in U.S. waters every day through a variety of pathways such as ballast water, hull fouling, aquaculture and the seafood trade. Without effective federal policies to prevent and control these introductions, we willingly surrender our valuable resource assets to these invasive species.

The National Aquatic Invasive Species Act of 2005 (NAISA) will address these problems by: (1) Establishing a national mandatory ballast water management program, (2) Requiring ships to have an Invasive Species Management Plan that outlines ways to minimize transfers on a ``whole ship'' basis, (3) Creating a ballast water treatment technology certification program, and (4) Including incentives for ship owners to install experimental ballast treatment

technology.

NAISA would also prevent invasive species introductions from other pathways by: (1) Identifying and managing pathways that pose the highest risk of introducing invasive species, (2) Creating a screening process for planned importations of live aquatic organisms, (3) Supporting development and implementation of State Aquatic Invasive Species Management Plans, including early detection, screening and rapid response activities at state and regional levels, (4) Conducting ecological surveys for early detection of invasive species and analysis of invasion rates and patterns, (5) Making available federal funding and resources for rapid response to introductions of invasive species, (6) Preventing inter-basin transfer of organisms by increasing funding and resources for dispersal barrier projects and research, (7) Establishing environmental soundness criteria to ensure all prevention and control measures enacted do not further harm the environment, (8) Creating education and outreach programs to inform the public on preventing transfers of invasive species by proper cleaning of recreational boats, and proper disposal of nonnative organisms for home aquaria, (9) Conducting research on high-risk invasion pathways and alternative prevention and control technologies, and (10) Making available \$170 million in federal funds for aquatic invasive species prevention, control, and research.

Congress has addressed this issue in two past legislative initiatives: the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (NANPCA) and its reauthorization as the National Invasive Species Act of 1996 (NISA). Spurred by the growing concern over the zebra mussel invasion in the Great Lakes, NANPCA created a multi-agency task force, the Aquatic Nuisance Species Task Force, to address the issue of aquatic invaders and empowered the Coast Guard to develop guidelines for ballast water management for the Great Lakes. In 1996, Congress expanded the ballast water guidelines to a national voluntary program to be made mandatory if compliance is not sufficient.

While these laws made some progress, they have not yet solved the problem of aquatic invasive species introductions. For example, the national ballast water guidelines have seen low compliance. In addition, the only prevention option currently available to ships, ballast water exchange, has varying effectiveness that is difficult to measure, causes vessel safety concerns, and is not appropriate for coastal voyages. Development of new methods of combating transfers of organisms from ballast water has been slow due to the lack of a ballast water standard and low funding for development of new technology.

We need improvements in current law. Our bills have been carefully researched and subjected to broad stakeholder review, and we believe the public and industry stakeholders will support both. We are drastically underinvesting in research and efforts to prevent, control, and eradicate aquatic invasive species. We don't get a second chance to prevent an invasive organism from taking hold in our waters. Our bills would make the U.S. proactive in saving its citizens billions of public dollars by allowing us to stop future invasions while effectively controlling and eradicating current invaders.

I urge my colleagues to support the National Aquatic Invasive Species Act and comprehensive prevention, control, and eradication of invasive species in the U.S.
