

Hearing Report
House Resources Subcommittee on Fisheries Conservation, Wildlife and Oceans
and
House Science Subcommittee on Environment, Technology and Standards

Joint Hearing on

H.R. 5395 & 5396:
Reauthorization of the Nonindigenous Aquatic Nuisance Prevention and Control Act

Thursday, November 14, 2002

Witness List:

Panel I

Timothy R.E. Keeney, NOAA Deputy Assistant Secretary for Oceans and Atmosphere
Steven A. Williams, Director, U.S. Fish and Wildlife Service
Captain Brown, U.S. Coast Guard
Dr. Gregory M. Ruiz, Smithsonian Environmental Research Center

Panel II

Dr. Gabriela Chavarria, Policy Director for Wildlife Management, National Wildlife Federation
Ms. Allegra Cangelosi, Senior Policy Analyst, Northeast-Midwest Institute
Dr. Roger Mann, Professor, Virginia Institute of Marine Science
Dr. Phyllis Windle, Senior Scientist, Union of Concerned Scientists

Members in Attendance: Rep. Wayne Gilchrest,(R-MD); Rep. Vernon Ehlers,(R-MI); Rep. Judy Biggert,(R-IL); Rep. Gil Gutknecht,(R-MN); Del. Robert Underwood, (D-Guam)

Opening Statements:

Chairman Gilchrest highlighted three main areas in his opening remarks, including the need for increased research into alternatives to ballast water exchange as well as setting a time frame for exploring other science-based alternatives. Chairman Gilchrest also cited the need to move on this issue responsibly and speedily. He assured everyone that the Committees would be seeking to push the bills through early, in the first one hundred days, of the 108th Congress.

Delegate Underwood focused his remarks on the need to support local control measures, especially the expansion of the brown tree snake control program on the island of Guam.

Chairman Ehlers used his time to address the continuing need for prevention in addition to control. In addition, Chairman Ehlers mentioned the need for the Administration to make the issue of invasives a priority by actively engaging in the passage and implementation of this legislation. Finally, Chairman Ehlers stated his commitment to pushing this legislation through in the 108th Congress.

Representative Biggert addressed her concerns over the dispersal barrier in the Great Lakes Region citing the current threat posed by the Asian Carp.

Questions & Responses:

- **Question (Chairman Gilchrest)** - How will the legislation affect the following: 1) the status of zebra mussel prevention, 2) the natural dispersal barrier program, 3) compliance with ballast water exchange? *Allowed for responses later in time.*

- **Question (Del. Underwood)** - Do you think voluntary standards have allowed the shipping industry to string out the compliance process?

- **Response (NOAA)** - A recent report demonstrated the scope of the problem with ballast water exchange. We believe that a mandatory program for ballast water exchange is necessary.

- **Question (Chairman Gilchrest)** - Considering that invasives explode on the scene rather quickly and rather randomly, what do you need to prevent this or combat this? Time, resources, what?

- **Response (Smithsonian)** - Funding appears to be the biggest impediment given that not all of the authorized money was later appropriated.

- **Response (NOAA)** A final standard as a discharge rate rather than a percentage rate is a priority. We have Congressional leadership. Resources are always a challenge given the amount of competing interests.

- **Question (Chairman Gilchrest)** - Have we ever successfully eradicated a species?

- **Response (NOAA)** - I am not aware of any examples.

- **Question (Chairman Ehlers)** - Why do you believe the legislation is overly proscriptive? Apparently proscription is necessary as the job hasn't been done so far. We need to know if the Coast Guard does not want this responsibility or if they need more resources to handle this responsibility.

- **Response (Coast Guard)** - The Coast Guard does indeed hear the Committee's frustration with the current status, but would like to assure the Chairman that we are indeed trying to comply quickly as well as correctly.

- **Question (Chairman Ehlers)** - When will the Coast Guard introduce specific time lines on the implementation of ballast water management standards disregarding the passage of this

legislation?

- **Response (Coast Guard)** - We are hoping to have the standards out in 2004, although the exact implementation date of those standards remains unknown. The ballast water management protocol, technology protocol, and penalty provisions should be available in 2003.

- **Question (Rep. Biggert)** - Tell me about the who sits on the Regional Panels.

- **Response (NOAA)** - The panels are broad-based with representatives from states, tribes, and various other stakeholders. We are currently looking at creating a Mid-Atlantic Panel. The Great Lakes Regional Panel is doing a great job at the present.

- **Question (Rep. Biggert)** - Will the bills allow these panels to work together more effectively?

- **Response (NOAA)** - Yes, the legislation will assist these efforts.

- **Question (Chairman Gilchrest)** - Should a 0% discharge rate be the goal for ballast water standards?

- **Response (NOAA)** - No, NOAA is in favor of a size standard for the final standard. A 90% kill rate as an interim standard is alright, but our focus is on the final standard.

- **Response (Coast Guard)** - A 0% discharge standard would be very difficult.

- **Question (Chairman Ehlers)** - NOAA thinks the interim standard is okay?

- **Response (NOAA)** - It's helpful.

- **Question (Chairman Ehlers)** - Are the Task Force and the Council working well? Are they aware of the problems presented with the Asian Carp?

- **Response (NOAA)** - The Task Force is working well and is currently aware of the problems. At the next Task Force meeting they will be looking at other control measures. Control measures in Lake Champlain are not necessary.

- **Question (Chairman Ehlers)** - Can we stop the carp?

- **Response (NOAA)** - We cannot tell you in confidence that we can stop the carp, but we are certainly making every effort.