MICHIGAN

Carl Levin
UNITED STATES SENATOR

FOR IMMEDIATE RELEASE
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Levin Introduces Bipartisan Bills to Combat Invasive Species in Great Lakes

WASHINGTON—Sen. Carl Levin, D-Mich., today introduced two bipartisan bills aimed at protecting U.S. waters from the threats posed by aquatic invasive species. The National Aquatic Invasive Species Act and the Asian Carp Prevention and Control Act would help combat these harmful species that damage U.S. aquatic ecosystems and natural resources.

"Invasive species wreak havoc on our waterways and cost us billions each year," said Levin, who is a co-chair of the Senate Great Lakes Task Force. "Because it has proven immeasurably difficult to fight invasive species once they have entered our waters, these bills are focused on preventative measures that will tackle the problem at the source."

Details of the two bills follow:

The National Aquatic Invasive Species Act would reauthorize and strengthen the National Invasive Species Act of 1996 to protect U.S. waters by preventing new introductions of aquatic invasive species. The legislation, which Levin is sponsoring along with Sen. Susan Collins, R-Maine, would regulate ballast discharge from commercial vessels; prevent invasive species introductions from other pathways; support state management plans; screen live aquatic organisms entering the United States for the first time in trade; authorize rapid response funds; create education and outreach programs; conduct research on invasion pathways, and prevention and control technologies; authorize funds for state and regional grants; and strengthen specific prevention efforts in the Great Lakes. A summary of the bill can be found **here**.

"What is so important about the National Aquatic Invasive Species Act is that it to takes a comprehensive approach toward the problem of aquatic invasive species rather than just focusing on species after they are established and a nuisance," Levin said. "The bill deals with the prevention of new introductions of species, the screening of live aquatic organisms imported into the country, the rapid response to new invasions before they become established, and the research to implement the provisions of this bill."

The Asian Carp Prevention and Control Act, which Levin is sponsoring with Sen. George Voinovich, R-Ohio, and Sen. Russell Feingold, D-Wisc., would list three species of Asian carp – the bighead, black and silver carp – as injurious wildlife under the Lacey Act. By doing so, Congress would prevent the intentional introduction of these species into the

Great Lakes by prohibiting the interstate transportation or importation of live Asian carp without a permit. Congress passed the original Lacey Act in 1900 and the Lacey Act Amendments in 1981, which make it unlawful to import, export, transport, buy or sell fish, wildlife and plants taken or possessed in violation of federal, state or tribal law. This legislation would not interfere with existing state regulations of Asian carp, and permits to transport or purchase live Asian carp could be issued for scientific, medical or educational purposes.

In addition to Levin, Voinovich and Feingold, other cosponsors of the Asian Carp Prevention and Control Act include Sens. Debbie Stabenow, D-Mich., Norm Coleman, R-Minn., Sherrod Brown, D-Ohio, Barack Obama, D-Ill., and Richard Durbin, D-Ill.

Aquatic invasive species threaten biodiversity nationwide, especially in the Great Lakes. The leading pathway for these aquatic invaders is maritime commerce. In the late 1980s, zebra mussels were released in the Great Lakes after crossing the Atlantic Ocean in the ballast tanks of ships from the Mediterranean. Zebra mussels created such a problem for the Great Lakes that Congress passed legislation in 1990 and 1996 requiring ballast water management for ships entering the Great Lakes, which has reduced, but not eliminated, the threat of new aquatic invasions.

Invasive species are also an economic drain. Estimates of the annual economic damage caused nationwide by invasive species range as high as $137 billion. Because the Great Lakes fisheries are valued at $4 billion annually, preventing invasions into the Great Lakes from ballast water, hulls or the system of canals connecting the Great Lakes to the Mississippi River and Atlantic Ocean is critical. Once an exotic species establishes itself, it is almost impossible to eradicate and usually difficult to prevent from moving throughout the nation.

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Summary of the National Aquatic Invasive Species Act of 2007 (NAISA)

This act reauthorizes and amends the **Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (NANPCA)**, as amended by the **National Invasive Species Act of 1996 (NISA)**.

Section 1: Short title; Table of Contents
Section 2: Findings
Section 3: Definitions

TITLE I – PREVENTION OF INTRODUCTION OF AQUATIC INVASIVE SPECIES IN WATERS OF THE UNITED STATES BY VESSELS

Section 101: Prevention of Introduction of Aquatic Invasive Species in Waters of the United States by Vessels

Building on the current mandatory National Ballast Water Management Program, the bill sets requirements applicable to all ships (coastal and transoceanic) operating in waters of the United States and a timeframe for compliance. In particular, it would require all vessels that ply U.S. waters, with limited exceptions, to undertake ballast management/treatment practices to minimize the risk of new introductions of aquatic invasive species in U.S. waters by any aspect of ship operations.

Requirements on Vessels Operating in Waters of the United States

Every ship operating in waters of the United States must have an Aquatic Invasive Species Management Plan, carry out Best Management Practices (including practices to reduce hull fouling), document ballast operations and management activities, and comply with applicable ballast water treatment requirements.

Ballast Water Requirements

Until the end of 2011, all existing ships entering a U.S. port must conduct ballast water

exchange and any other management practices included in regulations unless the safety of the vessel is at stake. Exceptions include vessels operating entirely within the exclusive economic zone and existing vessels that operate entirely within an enclosed aquatic ecosystem.

Beginning in 2012, all vessels entering a US port shall conduct ballast water treatment so that ballast water discharged contains less than 1 living organism that is larger than 50 micrometers in dimension per 10 cubic meters of water and less than 1 living organism that is smaller than 50 micrometers per 10 milliliters of water. The Coast Guard in concurrence with the Environmental Protection Agency (EPA) may set an alternative standard that is as protective. If the Coast Guard and EPA determine that technology to meet this standard does not exist, the Coast Guard and EPA shall require the use of treatment systems that meet or exceed the best performance available at that time, provided that the technology meets the standard adopted by the International Maritime Organization.

Approved ballast treatment technologies shall be environmentally sound. Permits to use technology are valid for the lesser of 10 years or the life of the treatment system and may be renewed if the treatment system remains in compliance with applicable standards. The Coast Guard will monitor treatment system operation and effectiveness. Permits are revocable if the performance is seriously deficient relative to expectations.

Certification Procedures

The Coast Guard and EPA shall develop protocols measuring ballast treatment performance, and approving ballast water and other treatment systems to certify effectiveness, occupational safety, environmental soundness, and its minimum lifespan. Approval of a system shall be qualified, as needed, based on voyage pattern, vessel class, and other properties that may limit system performance. Certification must include ship-based testing.

Experimental Treatment Approval

The Coast Guard shall issue and implement procedures for approving experimental ballast water treatment methods on a ship-by-ship basis, largely mirroring the Coast Guard's existing Shipboard Treatment Evaluation Program (STEP). Experimental treatment approvals are valid for the lesser of 10 years or the life of the treatment system and also may be renewed. Ship owners must agree to gather information regarding the operational and biological effectiveness of the treatment system.

Great Lakes Program

Current regulations would stay in place, but within 18 months of enactment, the U.S. Coast Guard must review and revise the Great Lakes ballast water management. Ships reporting no ballast on board or "NOBOBs" will be required to conduct saltwater flushing. Before 2011, ships may use treatment systems meeting the prevailing IMO standard in lieu of

ballast water exchange.

Section 102: Armed Services Whole Vessel Management Program

The Armed Services Whole Vessel Management Program is amended to minimize the risk of introductions of aquatic invasive species by towed vessels. This program shall not affect the current ballast program in place for Department of Defense vessels.

TITLE II – PREVENTION OF INTRODUCTION OF AQUATIC INVASIVE SPECIES IN WATERS OF THE UNITED STATES BY OTHER PATHWAYS

Section 201: Priority Pathway Management Program

The Aquatic Nuisance Species (ANS) Task Force will conduct pathway analysis in order to identify the highest risk pathways for introduction of aquatic invasive species into US waters and to implement management strategies to reduce these introductions.

Section 202: Screening Process for Planned Importations of Live Aquatic Organisms

The USGS, APHIS, and Smithsonian Environmental Research Center shall develop a catalog of aquatic species that have a documented history of being in trade. Beginning 3 years after enactment, anyone trying to import a live aquatic species not in trade, as documented by the catalog, must obtain a permit to import the species. The National Invasive Species Council will develop screening guidelines for federal agencies to use to determine if the U.S. should permit the importation of a live organism, and if so, whether the U.S. should condition the importation of the species. Federal agencies that currently have authority over the importation of an aquatic species will be in charge of screening that species though any agency may opt to give its screening authority to the Fish and Wildlife Service. The bill authorizes grant funding to help states perform their own screening processes in addition to the federal process.

TITLE III - EARLY DETECTION; RAPID RESPONSE; CONTROL AND OUTREACH

Section 301: Early Detection

The National Invasive Species Council will develop a set of sampling protocols, a geographic plan, and a budget to support a national system of ecological surveys for rapid detection of aquatic invasive species. This national system will establish clear lines of communication and help identify pathways causing distribution of newly-detected aquatic invasive species.

Section 302: Rapid Response

The bill establishes a Rapid Response Fund to provide grants to states and regions to implement approved rapid response contingency strategies. The ANS Task Force will develop model state and regional rapid response contingency strategies to aid states and regions in the development of contingency strategies. The National Invasive Species Council, within 12 months of enactment, would establish a Federal Rapid Response Team to: (1) implement eradication and control responses on federal land; (2) assist, if requested, in implementing rapid response measures on non-federal land; and, (3) provide training to state, tribal, and regional rapid responders.

Section 303: Dispersal Barriers

This bill expands the existing dispersal barrier program. The Army Corps of Engineers would complete construction and upgrades of the Chicago Ship and Sanitary Canal Dispersal Barriers, operate the barriers, and conduct a feasibility study on the full range of options to prevent spread of invasive species through the canal. The Fish and Wildlife Service would establish a monitoring program to track invasive species moving through interbasin and intrabasin waterways, asses the efficacy of dispersal barriers and other measures in preventing this spread, identify waterways suitable for dispersal barrier projects, and analyze the range of options available to prevent spread in the Lake Champlain Canal and the Upper Mississippi River.

Section 304: Environmental Soundness

The EPA will promulgate regulations to evaluate treatment methods to ensure no adverse effects on human health, public safety, or the environment result from their use.

Section 305: Information, Education and Outreach

The legislation expands on education initiatives under existing law by including new public and industry outreach programs. The Task Force, Sea Grant and the National Park Service would develop programs to address the spread of aquatic invasive species by recreational boats. The Task Force will maintain a website to inform the public on screening, monitoring and control efforts. In addition, the Task Force would carry out activities to inform and promote voluntary cooperation and regulatory compliance.

TITLE IV – AQUATIC INVASIVE SPECIES RESEARCH

Sections 401 – 404: Research

Research priorities form an integral component of this bill. Key research programs include:

- The development and implementation of ecological surveys at various sites and

invasion surveys to assess the rates and patterns of introductions of nonindigenous aquatic species in U.S aquatic ecosystems and to track the establishment of these species;

- The execution of standardized, field-based pathway surveys to monitor high-risk pathways by which nonindigenous aquatic species may be introduced into aquatic ecosystems (including ballast discharge) and to determine practices that contribute to the introduction of these species;
- The development and maintenance of a central, national pathways and ecological survey database of information collected under the Act, and the coordination of this database with other relevant previously established databases;
- The utilization of US Geological Survey field stations to perform collaborative experimental research to identify the relationship between the introduction and establishment of nonindigenous aquatic species, including organism concentration and any ambient conditions necessary for those species to survive and strive;
- Establishment of a research, development, and demonstration program to develop a wide set of environmentally sound methods and treatment tools for detecting, preventing, controlling and eradicating aquatic invasive species, including interbasin dispersal barriers and ballast water treatment technologies;
- Research to support the implementation of pathway standards;
- Encouragement of Graduate studies in taxonomy and systematics.

TITLE V - COORDINATION

Section 501: Program Coordination

The ANS Task Force membership will add the Directors of USGS, Secretary of the Department of State, and the Smithsonian. The content of State Aquatic Invasive Species Management Plans would expand to include rapid response, aquatic plant control, screening and early detection strategies, and Federal funds are made available for the development of State Management Plans.

Section 502: International Coordination

The Secretary of State would initiate negotiations with Canada to task the International Joint Commission with a review of policies to protect the Great Lakes, and with Mexico for the US-Mexican border region.

TITLE VI – AUTHORIZATION OF APPROPRIATIONS

Section 601: Authorization of Appropriations

Except as otherwise provided in this section, there are authorized to be appropriated such sums as are necessary to carry out this Act for each of fiscal years 2006 through 2010.

Task Force and Aquatic Nuisance Species Program -- $43 million

- $8,000,000 ($4,000,000 to FWS and $3,000,000 to NOAA) - Task Force Activities and $1,000,000 to NISC Sec 1202
- $30,000,000 to FWS - Grants for State Management Plans Sec 1204(b)
- $3,000,000 - Regional Panels of the ANS Task Force
- $1,000,000 to FWS to carry out screening under 1105(g)
- $1,000,000 to State Dept for coordination activities Sec 1403

Prevention of Introduction of Aquatic Invasive Species by Vessels -- $11.25 million

- $6,000,000 to USCG Sec 1101
- $2,500,000 to EPA Sec 1101
- $2,750,000 to Task Force ($1,500,000 to FWS and $1,250,000 to NOAA) Sec 1101

Prevention of Aquatic Invasive Species by Other Pathways -- $9.5 million

- $5,000,000 ($2,000,000 to NOAA and $3,000,000 to FWS) -Priority Pathway Management Program Sec 1210
- $1,000,000 to NISC - Screening Guidelines Sec 1105 (d)
- $3,500,000 to FWS - Screening Regulations Sec 1105 (e)

Early Detection and Monitoring -- $12 million
$1,000,000 to NOAA and $1,000,000 to FWS (2008 – 2009) and $5,000,000 to NOAA and $5,000,000 to FWS (2010-2012) - Survey planning and implementation Sec 1106

Containment and Control -- $2.15 million
$2,150,000 for FWS - Monitoring Program Sec 1202 (j)(2)

Rapid Response -- $27.5 million

- $25,000,000 to Secretary of Interior - Rapid Response Fund Sec 1211
- $1,000,000 – Model State and Regional Rapid Response Contingency Strategies Sec 1211
- $1,500,000 to NISC ($500,000 to NOAA and $1,000,000 to FWS) - Federal Rapid Response Teams Sec 1211 (f)

Environmental Soundness -- $0.6 million
$600,000 to EPA - Criteria for Improvement of Treatment Methods for Aquatic Invasive Species Sec 1202 (k)

Information, Education and Outreach -- $3.75 million

- $500,000 to NPS - Info and Ed program Sec 1202 (h)(2)(D)
- $750,000 to FWS - 100th Meridian Sec 1202 (h)(2)(C)
- $2,000,000 ($1,000,000 to FWS and $1,000,000 to NOAA) Task Force Activities Sec 1202 (h)
- $500,000 to NOAA – marina outreach program Sec 1202 (h)(2)(B)(ii)

Research

Ecological and Pathway Research and Analysis -- $27.15 million

- $17,000,000 to NOAA for sec 1107 and 1008 ($13,000,000 for 1107 (g)
- $4,000,000 to SERC for sec 1107 and 1108
- $4,500,000 to USGS for sec 1107 and 1108 ($500,000 for 1107 (j))
- $1,650,000 to GLERL for sec 1202 (i)

Dissemination

$500,000 to NISC Sec 1109

Technology Development, Demonstration and Verification -- $11 million

- $2,500,000 to EPA for Sec 1110 (a)
- $1,000,000 to Army Corps for Sec 1110 (b)
- $7,500,000 to NOAA for Sec 1104 and 1301 (e)

Vessel Pathway Standards Research -- $10.5 million

- $3,000,000 ($1,500,000 to EPA and $2,000,000 to USCG) for Sec 1111 (a)
- $500,000 to USCG for Sec 1111 (b) (2008-1010)
- $500,000 to USCG for Sec 1111 (c) (2008)

Systematics and Taxonomy

$2,500,000 to NSF for Sec 1112

TOTALS:

FY 2008 – $144.4 million
FY 2009 – $143.9 million
FY 2010 – $151.9 million
FY 2011 – $151.4 million
FY 2012 -- $151.4 million

TITLE VII—CONFORMING AMENDMENTS