

National Aquatic Invasive Species Act of 2005 (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 \(NISA\)](#).

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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

The legislation would strengthen the mandatory National Ballast Water Management Program for all ships operating in waters of the United States by establishing minimum requirements for all ships (coastal and transoceanic) and a timeframe for compliance, and directing the USCG to review and strengthen the Great Lakes ballast management program.

Requirements for all Vessels Operating in Waters of the United States

The bill requires any ship operating in waters of the United States to have on board an Aquatic Invasive Species Management Plan, carry out Best Management Practices (including practices to reduce hull fouling), and document ballast operations and management activities. All vessels also must comply with ballast water management requirements and regulations. Vessels operating entirely within the exclusive economic zone shall be exempt from near-term ballast water exchange requirements until 2011 when ballast water treatment requirements apply. Existing vessels that operate entirely within an enclosed aquatic ecosystem shall be exempt from all ballast water management requirements, but all new such vessels must comply.

Ballast Water Management Standards

This legislation would require that within 24 months of enactment existing transoceanic ships discharging ballast water in U.S. waters must first undertake either Ballast Water Exchange (BWE) or Ballast Water Treatment (BWT) to meet performance standards issued by the U.S. Coast Guard in concurrence with the Environmental Protection Agency (EPA). The BWE option will be available to existing ships only, and expires in 2011 at the latest. The bill would require all new ships, and existing ships after the BWE option expires, to undertake BWT. The performance requirement for BWE shall be a demonstrated 95% volumetric purge of ballast water in the high seas. The performance standard for BWT shall be treatment to levels that are environmentally protective, as identified by the regulating agencies. If environmentally protective is not achievable, the standard will be to the best performing treatment technology for a particular class of vessel. However, it must achieve a 99% reduction in viable near-coastal plankton for existing vessels and 99.9% reduction in viable near-coastal plankton for new vessels. The bill would also require the U.S. Coast Guard to periodically review and revise, in concurrence with EPA, the ballast water management regulations, including the list of best performing technologies. This provision would also make the BWT treatment requirements

more stringent as treatment technologies improve, until technology that eliminates the risk of introductions of nonindigenous aquatic organisms through ballast water is achieved. Each requirement will also be subject to environmental soundness criteria.

Certification Procedures

The Coast Guard and EPA would develop certification and approval protocols for ballast water treatment systems to certify the effectiveness of the treatment system, its occupational safety and environmental soundness, and its minimum lifespan. Approval of a system would be qualified based on voyage pattern, duration, and other characteristics that may limit system performance. The approval is 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, or if the useful life of the vessel is less than 10 years upon application for renewal. The Coast Guard would monitor treatment system operation and effectiveness. Approvals are revocable if they performance is seriously deficient relative to expectations.

Experimental Treatment Approval

This bill would set procedures for approving experimental ballast water treatment methods, largely mirroring the Coast Guard's existing Shipboard Treatment Evaluation Program (STEP). Experimental treatment approvals will be valid for the lesser of 10 years or the life of the treatment system, and also may be renewed if the treatment system is in compliance with applicable standards or if the useful life of the vessel is less than 10 years upon application for renewal. Ship owners that receive such an approval must agree to gather information regarding the operational and biological effectiveness of the treatment system. Approvals are revocable, as described above.

Design Features and Treatment Systems for New Vessels

Vessels that enter service on, or after January 1, 2008, must have design features and ballast water treatment systems that comply with the bill's ballast water management requirements. .

Great Lakes Program

Within 18 months of enactment, the U.S. Coast Guard, in concurrence with EPA, must review and revise the Great Lakes ballast water management regulations with the goal of ensuring the maximum practicable protection of the ecosystem from aquatic invasive species introduced by vessels, including vessels in the unballasted condition. Great Lakes regulations remain in effect until replaced by a national ballast water management program that is at least as comprehensive as the Great Lakes Program.

International Cooperation

The bill would foster improved international cooperation by supporting Coast Guard efforts to consult with the governments of Canada, Mexico, and other appropriate countries in developing guidelines and promulgating regulations to prevent unintentional introduction and spread of nonindigenous species. The bill would encourage the Coast Guard to enter into negotiations with foreign governments to develop and implement an effective international program for preventing unintentional introductions.

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 bill would direct the Aquatic Nuisance Species (ANS) Task Force to conduct pathway analysis in order to identify the highest risk pathways for introduction of aquatic invasive species into waters of the U.S., and to implement management strategies to reduce these introductions.

Section 202 Screening Process for Planned Importations of Live Aquatic Organisms

This legislation would direct the Invasive Species Council to develop a set of screening guidelines for federal agencies to use to determine if the U.S. should permit the planned importation of a live organism from outside the country, and if so, whether the U.S. should condition the importation of the species. Where there are gaps in federal authority for screening, the bill would give the Director of the Fish and Wildlife Service (FWS) to screen the organisms. The bill would authorize grant funding to help states perform their own screening processes in addition to the federal process. The bill would also develop a catalog of species in trade. The screening provision would only apply to species that do not have a documented history of being commercially imported in to the U.S. in the period from January 1990 to January 2002.

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

Section 301 Early Detection

The National Invasive Species Council in consultation with other agencies would 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 would establish a Rapid Response Fund to provide grants to states and regions to implement approved rapid response contingency strategies. The ANS Task Force would develop model state and regional rapid response contingency strategies to aid states and regions in the development of appropriate contingency strategies. The 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 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 would expand the existing dispersal barrier program. The Army Corps of Engineers would complete construction of the Chicago Ship and Sanitary Canal Dispersal Barrier, implement an operation plan for the barrier, 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, assess 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.

Section 304 Environmental Soundness

The EPA would promulgate regulations, within 12 months of enactment of the legislation, to evaluate treatment methods to ensure no adverse effects on human health, public safety, or the environment result from their use. The EPA would publish a list of approved treatment methods, along with any accompanying research and guidelines on the use of each method.

Section 306 Information, Education and Outreach

The legislation would expand 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 by members of the maritime, horticultural, aquarium, aquaculture, and pet trade industries.

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 thrive;

- 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, established under existing law, would expand to include the Directors of USGS, Secretary of the Department of State, and the Smithsonian. The National Invasive Species Council, in coordination and cooperation with the ANS Task Force, would establish regional panels. 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. The ANS Task Force would publish guidelines and issue grants to assist states in developing and implementing 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 2009.

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 1402

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 Director 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 (b)
- \$3,500,000 to FWS - Screening Regulations Sec 1105 (g)

Early Detection and Monitoring -- \$12 million

- \$1,000,000 to NOAA and \$1,000,000 to FWS (2004 – 2005) and \$5,000,000 to NOAA and \$5,000,000 to FWS (2006-2008) - Survey planning and implementation Sec 1106

Containment and Control

Dispersal Barriers -- \$12.75 million

- \$300,000 to Army Corps of Engineers - Operation and Maintenance of Chicago River Canal Dispersal Barrier Sec 1202 (j)(1)
- \$1,800,000 to Army Corps of Engineers - Complete construction of Dispersal Barrier Sec (j)(1)
- \$8,000,000 to Army Corps of Engineers - Construction of secondary long-service life barrier Sec 1202(j)(1)(C)(ii)
- \$500,000 to Army Corps of Engineers - Feasibility Study Sec 1202 (j)(1)(D)
- \$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 (\$500,000 to NOAA and \$500,000 to FWS) – Model State and Regional Rapid Response Contingency Strategies Sec 1211
- \$1,500,000 to NISC - Federal Rapid Response Teams Sec 1211 (e)

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)
- FY 2005 – 2006, \$500,000 to USCG for Sec 1111 (b)
- FY 2005, \$500,000 to USCG for Sec 1111 (c)

Systematics and Taxonomy

- \$2,500,000 to NSF for Sec 1112

TOTALS:

FY 2006 – \$155 million

FY 2007 – \$154.5 million

FY 2008 – \$162.5 million

FY 2009 – \$162 million

FY 2010 - \$162 million

TITLE VII – CONFORMING AMENDMENTS