



Research & Strategic Partnerships

Mark D Sytsma, Ph.D.

Associate Vice President for Research

Mail Code RSP

503-725-2213 tel

Post Office Box 751

503-725-8170 fax

Portland, OR 97207-0751

sytsmam@pdx.edu

March 12, 2015

House Committee on Agriculture & Natural Resources
900 Court St. NE, S- 411
Salem, Oregon 97301

Subject: HB 2207 Testimony

Chair Witt and members of the committee:

For the record, my name is Mark Sytsma. I am a professor of Environmental Science and Management at Portland State University and I chair the Task Force on Shipping Transport of Aquatic Invasive Species. Representative Witt served on the task force in the past and Representative McKeown is serving on the current task force, so they are familiar with task force activities. I've provided a fact sheet on the task force that describes its charge and the membership. The task force includes a diverse set of stakeholders from industry, environmental NGOs, and government agencies, including our neighboring states of Washington and California and the US Coast Guard, and pursues solutions for management of invasive species introduction associated with commercial vessels to lower the risk of invasive species introduction to Oregon waters. The primary focus of the 2014 task force was to evaluate current DEQ ballast water program efforts and emerging issues in order to make recommendations to the 2015 Legislature. A copy of the report to the legislature is available at the web link on the fact sheet that I have provided for your information.

The task force tries to operate on consensus whenever possible and I am pleased to report that there is unanimous support HB 2207 with the -2 amendments. The bill will strengthen the ability of the state to prevent establishment of aquatic invasive species by requiring better husbandry of ballast tanks that are "empty" but still contain residual water and sediment and will help fund rapid response to new invasions through the deposit of fines into the Invasive Species Control Account to be used for emergency response to newly discovered species that threaten to damage the economy and ecology of the state. The Control Account was established in 2009 with a one-time allocation of funds that are insufficient to rapidly respond to a significant invasive species emergency in Oregon, and there is no revenue source identified to replenish the account following disbursement of funds. The Task Force acknowledged the importance of the Control Account for the state's ability to respond to a new, damaging species introduction and believe that the ballast management violation penalties would be an appropriate source of revenue for the account, without incentivizing enforcement actions by the ballast water program and DEQ.

Thank you for the opportunity to testify on HB 2207. I would be happy to try to answer any questions from the committee.

Sincerely,

A handwritten signature in black ink that reads 'Mark D. Sytsma'.

Mark D. Sytsma
Chair, Shipping Transport of Aquatic Invasive Species Task Force
Professor of Environmental Science and Management

Shipping Transport of Aquatic Invasive Species Task Force

Background

Recognizing the continued potential economic and ecological threats from aquatic invasive species, the 2013 Oregon Legislature passed SB 116, reestablishing the task force charged with studying and making recommendations for preventing the shipping-related introduction of aquatic invasive species.

In addition to investigating emerging issues and opportunities to promote ballast water management regulatory consistency among West Coast states, the task force will consider other shipping-related risks, such as biofouling, that could transport aquatic invasive species into Oregon waterways. Previous reports from this task force are available from the website listed below.

Task force organization

DEQ's director appoints members to the Task Force to achieve equitable representation from the maritime industry, environmental and academic communities, relevant federal agencies and the states of Washington and California. Appointed task force members for 2013-14 are:

- Jas Adams, OR Dept. of Justice
- Jeff Bachman, ODEQ (WQ/OCE)
- Rick Boatner, ODFW
- Ralph Breitenstein, Hatfield Marine Science Center
- Nicole Dobroski, California State Lands Commission (alt: Chris Scianni)
- Robyn Draheim, USFWS
- Michelle Hollis, Port of Portland
- Frank Holmes, Western States Petroleum Association
- Ross McDonald, Sause Bros.
- Hans Meere, EGT LLC
- Amanda Hanson, Lower Columbia River Estuary Partnership
- Michael Pearson, USCG
- Allen Pleus, Washington Department of Fish and Wildlife (alt: Gary Gertsen)
- Mark Sytsma, Portland State University
- Kate Mickelson, Columbia River Steamship Operators Association
- Brett VandenHeuvel, Columbia Riverkeepers
- Dick Vander Schaaf, The Nature Conservancy
- Rian Hooff, ODEQ (ex-officio)

In addition, the Oregon Senate President and Speaker of the Oregon House of Representatives appoint two members from the Oregon Legislature to serve in an advisory capacity to the task force. The 2013/14 legislative advisors are:

- Sen. Arnie Roblan (Dist. 5)
- Rep. Caddy McKeown (Dist. 9)

Objectives and responsibilities

SB 116 (2013) directs the Shipping Transport of Aquatic Invasive Species Task Force to study and make recommendations on:

- combating the introduction of aquatic non-indigenous species associated with shipping-related transport into Oregon waters;
- funding mechanisms to support and maintain prevention efforts;
- developing potential changes to ballast water regulations that may address: shipping industry compliance, treatment technology advances, water quality discharge standards, compatibility with other pertinent laws, and new techniques or regulations that may reduce the risk of aquatic invasive species invasions; and

The task force completed a report on its findings and recommendations to the Oregon Legislature in May 2014. The report is available at the web link listed below.

Information and meeting schedule

DEQ anticipates bimonthly meetings of the task force beginning in autumn 2013. For more information about this task force, visit the DEQ Web link:

www.deq.state.or.us/lq/cu/emergency/staistaskforce.htm

Alternative formats

Alternative formats of this document can be made available. Contact DEQ's Office of Communications & Outreach, Portland, at (503) 229-5696 or call toll-free in Oregon at 1-800-452-4011, ext. 5696.



State of Oregon
Department of
Environmental
Quality

Land Quality Division
Emergency Response
Program
811 SW Sixth Ave.,
Portland, OR 97204

Contact: Rian Hooff
(503) 229-6865
www.deq.state.or.us

Last Updated: 01/27/15
By: Rian Hooff
08-LQ-068



Oregon

Kate Brown, Governor



March 12, 2015

Rep. Brad Witt, Chair
House Committee on Agriculture and Natural Resources
Oregon State Capitol
Salem, OR 97301

RE: Relating to House Bill 2207, ballast water penalties and the Invasive Species Control Account.

Invasive species are a subset of exotic, non-native organisms that cause irreversible environmental harm to natural resources of Oregon and are a source of significant economic costs to businesses and citizens of the State. In the U.S., invasive species cause \$120 billion in damages annually, and worldwide they are the second leading cause of native species extinctions, responsible for disrupting ecosystem functioning and decreasing natural resource productivity.

During the 2001 Oregon Legislative session, the Oregon Invasive Species Council (OISC) was created in ORS 570.750 – 570.810 to fulfill the mission of “protecting Oregon’s economy and natural resources by conducting a coordinated and thorough effort to keep invasive species out of Oregon...” The OISC is comprised of 17 representatives, seven of which represent state natural resource agencies and the remainder are appointed members representing a variety of key stakeholders from industry, NGO, and research interests.

To help carry out the mission of the OISC, our group administers the State’s Invasive Species Control Account (see attached OARS 609-010-0100). In short, **the purpose of the Control Account is to have the financial means to respond rapidly to new, damaging invasions to our State.** Administrative Rule 609, Division 10, outlines the process of determining eligibility and expediting funds to state and local agencies, contractors, and others for the purposes of emergency response to invasive species. Most recently, money from the Control Account was used by Oregon Department of Agriculture to support eradication of Japanese beetle, an important turf grass pest with severe consequences to the grass seed industry, near the Portland airport.

The Invasive Species Account lacks a revenue source for costs involved with a rapid response to a new invasive emergency. The Account was initially funded by a one-time allocation from the Oregon Parks and Recreation Department OHV fund. No other income

has since occurred. The current balance of the Account is roughly \$330,000, which could be quickly depleted on an invasive species control project. Once this money is allocated to an invasive species project, there are no means to replenish the funds.

HB 2207, by allocating fines from violations of the State's ballast water laws, could conceivably provide \$25,000 to \$75,000 per year to the Invasive Species Control Account, which could then be used to combat invasive species emergencies threatening any terrestrial, aquatic or marine ecosystem in the state.

There is consensus among the 17 OISC members that passage of a bill, such as Section 6 of HB 2207, would empower the member agencies of the OISC to respond rapidly and appropriately via the Invasive Species Control Account, thus helping to preserve our State's economy and environment from the very real threat of invasive species.

We respectfully thank members of the House Committee on Agriculture and Natural Resources for their deliberation on HB 2207, and we offer our technical expertise on any invasive species issue as a service to the Committee.

Sincerely,

Wyatt Williams, PhD
2015 Chair, OISC

Invasive Species Specialist
Oregon Department of Forestry
Salem, OR

Sam Chan, PhD
2015 Vice-Chair, OISC

Assistant Professor
Oregon State University Sea Grant