



80th OREGON LEGISLATIVE ASSEMBLY
HARMFUL ALGAL BLOOMS (HABS) WORK GROUP

HARMFUL ALGAL BLOOMS (HABS) WORK GROUP RECOMMENDATIONS

The Harmful Algal Blooms (HABS) Work Group was formed just prior to the end of the 2019 Session to take an in-depth look at the issue and to develop recommendations for potential legislation related to cyanoHABs for consideration in the 2020 and/or 2021 Session. The Work Group created three sub-groups (Treatment Technology, Monitoring and Prediction, and Response and Mitigation), which met independently and reported back to the full work group on September 19th and made final recommendations on November 5th. A total of 14 full work group and subcommittee meetings were held between June and November of 2019.

SUMMARY

The HABS Work Group recommends the following for session legislation in 2020:

1. Comprehensive list of existing programs
2. Creation of expert advisory council
3. Funding for additional equipment, seasonal staff, and supplies
4. Funds for outreach coordinator to small utilities

The HABS Work Group also identified nine longer-term recommendations for the 2021 session.

RECOMMENDATION #1: COMPREHENSIVE LIST OF EXISTING PROGRAMS

This effort would include evaluation and development of a comprehensive list of all existing federal, state, local, and stakeholder programs that play a role in preventing, monitoring, and addressing exposure to cyanoHABs in Oregon, with the following objectives:

- Identifying gaps;
- Identifying areas of potential collaboration;
- Identifying key deficiencies;
- Identifying relevant agencies, current/past programs, and funding/research needs;
- Conducting a literature review of Oregon-based academic research;
- Outlining a set of effective strategies related to cyanoHABs for consideration during the 2021 Session; and,
- Identifying best practices among agencies and utilities.

There were two options considered to facilitate this effort:

- Option 1 A funding request during the 2020 Session to contract with a consulting service. Benefits of this approach would be an unbiased approach to data and information collection and recommendations.

Option 2 Designate the Legislative Policy and Research Office (LPRO) as “consultant services,” in addition to overall project manager. Benefits of this approach would be cost reduction for legislative funding asks during the 2020 Session and a streamlined process for project management and communication with expert policy panel (see Recommendation #2 below).

RECOMMENDATION #2: CREATION OF EXPERT ADVISORY COUNCIL

Based on the existing HABs Work Group, an advisory council would be formalized in legislation and would include key agencies and representation related to cyanoHABs. The council could be set to sunset in December 2022, with an option for legislators to extend into the future.

The council would meet monthly during the first year to facilitate project management with LPRO or consultant staff (see options 1 and 2 above), and report back to the Legislative Assembly on actions for the 2021 Session. The primary focus of the council would be to identify funding gaps and needed improvements for existing agency programs. In the following years, the council would meet at least quarterly, or more often at its discretion, with the objectives of reviewing state and local program effectiveness, community needs related to water treatment, overall outreach and education efforts, and recommendations for changes as needed.

The council should include the following representation by invitation from the sponsoring committee (e.g., House Committee on Water):

- Oregon Health Authority
- Drinking Water
- Wastewater
- Agriculture
- Research/Academia
- Forestry
- Environmental interests
- Others to be determined

The Legislative Assembly would determine the best agency for oversight and housing of the Council, including either the Oregon Health Authority (OHA) or the Department of Environmental Quality (DEQ).

RECOMMENDATION #3: FUNDING FOR ADDITIONAL EQUIPMENT, SEASONAL STAFF, AND SUPPLIES

DEQ’s current capacity to analyze samples for cyanotoxins is fully occupied in meeting the requirements of the OHA rules for public water facilities. If those facilities exceed intake or distribution public health benchmarks, DEQ could exceed its capacity to analyze samples. An additional instrument would ensure DEQ could cover that work and, when not being used to

process drinking water samples, could be used to analyze samples for cyanoHABs recreational contact evaluations. The new instrument would also serve as backup for processing drinking water samples in case the existing instrument broke down.

DEQ also requests an additional 1.0 FTE of seasonal staff to assist with instrument operations and sample collection during peak periods. Finally, additional funds will be necessary to cover the cost of supplies and services (S&S) needed to provide for the full cost of the work.

RECOMMENDATION #4: FUNDS FOR OUTREACH COORDINATOR TO SMALL UTILITIES

A coordinator could provide outreach to smaller utilities, as well as to those utilities that depend on a vulnerable water body, ensuring that they have the tools and training to respond to cyanoHABs, including response plans for the 60 water suppliers already identified by DEQ and OHA as vulnerable. This position could also possibly broaden the scope of outreach on water-related emergencies beyond algal blooms and could serve in a permanent capacity in that regard.

LONG-TERM RECOMMENDATIONS FOR 2021

- Create a clearinghouse of cyanoHABs-related data and public outreach materials; key contacts and agencies; aquatic, animal, and human health impacts; response plans; incident mapping; public notification templates; and other information. Materials would be available on the Internet to the public. The clearinghouse would also allow the ability to provide provisional data for ongoing predictive assessments.
- Address funding needs for key programs identified through the comprehensive analysis of programs (Recommendation #1) that address cyanoHABs. Prioritize programs that promote grassroots public outreach and communications (such as soil and water conservation districts) and that prevent conditions that lead to the formation of cyanoHABs.
- Create and/or update a comprehensive set of communication and educational tools, literature, graphics, and other materials for professional and public use to promote the prevention of exposure to cyanoHABs.
- Develop enhanced communication strategies: coordinate cyanoHABs monitoring responses, establish clear lines of communication with monitoring partners, and identify roles and responsibilities of state and local partners.
- Provide more general education on cyanoHABs for the public, including the factors that contribute to the development of cyanoHABs and the health risks to the public.
- Develop a system based on public health vulnerabilities to standardize the state's approach and response to cyanoHABs in water bodies, to ensure a consistent/transparent approach for responding to cyanoHABs in different water bodies and document the risks considered in making those decisions.

- Develop stronger partnerships to help with cyanoHABs response, monitoring, and communication efforts, including leveraging local partners to assist with sample collection and advisory postings and creating efficiencies for state and local partners on an issue that affects communities.
- Collect more monitoring data to identify unique factors that contribute to the development of cyanoHABs, which can be used to tailor appropriate mitigation plans for individual water bodies.
- Identify additional resources to replace federal funding used currently by OHA.

This document has been prepared by the Legislative Policy and Research Office (LPRO) for the Harmful Algal Blooms (HABs) Work Group. LPRO provides centralized, professional, and nonpartisan research, issue analysis, and committee management services for the Legislative Assembly.