

**TESTIMONY OF STEVE WILLIAMS, DIRECTOR, U.S. FISH AND WILDLIFE SERVICE,
DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE COMMITTEE ON RESOURCES,
SUBCOMMITTEE ON FISHERIES, WILDLIFE AND OCEANS, REGARDING H.R. 5395 AND
H.R. 5396, TO AMEND THE NON-INDIGENOUS AQUATIC NUISANCE PREVENTION AND
CONTROL ACT OF 1990**

November 14, 2002

Good morning, Mr. Chairman and Members of the Subcommittee. I am Steve Williams, Director of the U.S. Fish and Wildlife Service (Service) and a co-chair of the Aquatic Nuisance Species Task Force (ANS Task Force). Thank you for inviting the Department of the Interior (Department) to comment on H.R. 5396, the National Aquatic Invasive Species Act, and H.R. 5395, the National Aquatic Invasive Species Research Act. Working primarily through the Service and the U.S. Geological Survey (USGS), the Department has a long history of aggressively working on issues related to aquatic invasive species.

There is no question that the introduction and establishment of aquatic invasive species have significantly impacted our natural areas. We have only to look at a history of invasions from the sea lamprey to the zebra mussel to the snakehead fish this summer to understand the broad scope of the problem. The United States continues to see a number of aquatic species crossing our borders, and we expect this trend to continue. The Department supports the overall direction of these two bills and is encouraged by the leadership and foresight shown by Congress to address this difficult issue. However, the Department offers to work with the Subcommittee on specific program details. We also note that new spending authorized by these bills is not currently included in the President's Budget and, as such, must be considered within existing resources and priorities.

We agree with the continued focus on partnerships and cooperative efforts to address this nationally significant problem. One of the purposes of the original bill, the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, was to encourage Federal and State agencies to work with partners to enhance our collective efforts. We believe that the partnerships and cooperative entities established through the ANS Task Force and the National Invasive Species Council (Council) have been instrumental in making significant progress to prevent and control aquatic invasive species.

We note that H.R. 5396 would give statutory recognition to the Council, which the Secretary co-chairs along with the Secretaries of Agriculture and Commerce. We endorse this provision, and believe that this statutory recognition will assist the Council in providing coordination and policy guidance for federal invasive species programs. We also support inclusion of research agencies, such as the USGS and the Smithsonian Institution, as participants in the Task Force to encourage strong links between research and the management of non-indigenous aquatic species.

The ANS Task Force, authorized by the original Act, is meeting this week in Hawaii with regional people from all the islands and some of the territories (including Guam) to discuss the special vulnerability of island ecosystems to aquatic invasive species. Over the last 12 years, the Task Force has held meetings throughout the country to better understand regional invasive species issues, increase awareness, and enhance coordination efforts with local and regional entities.

The Task Force has been successful in establishing additional Regional Aquatic Nuisance Species Panels, bringing together governmental and private entities to coordinate aquatic invasive species activities at a

regional level. The 1990 Act authorized the Great Lakes Panel, and the National Invasive Species Act of 1996 (NISA) authorized the establishment of a Western Regional Panel. NISA also recommended that the ANS Task Force establish additional panels. Three additional panels have been established since 1997 - the Gulf of Mexico Panel in 1999, the Northeast ANS Panel in 2001, and the Mississippi River Basin Panel should be approved by the ANS Task Force soon. The ANS Task Force is also encouraging the establishment of a Mid-Atlantic Panel. The ANS Task Force is proud of many of the accomplishments made over the last decade including enhancement of regional coordination on aquatic invasive species issues. While invasive aquatic species continue to be a significant threat to our natural resources, we believe our efforts to prevent and control aquatic invasive species have resulted in fewer species introduced and reduced impacts from those that have become established.

H.R. 5396

Let me begin by saying that, while we have some concerns with the bill, we support reauthorization and want to work with you and your staff regarding the details. As these two bills are very comprehensive, we will limit our comments today to several general areas. However, one specific concern we have are the proposed deadlines required by H.R. 5396. We hope to have the opportunity to work with you and your staff to ensure that the deadlines are manageable while still ensuring that we continue to deal aggressively with these issues.

Ballast Water

We believe that substantial progress has been made regarding the management of ballast water, however, much remains to be done. Through NISA, Congress required that the Coast Guard develop voluntary guidelines for ballast water management, and that those guidelines be made mandatory if the industry did not comply with the guidelines or did not adequately report on compliance. In 1996, as required by NISA, the ANS Task Force provided the Coast Guard with a report outlining the criteria for determining the adequacy and effectiveness of the voluntary guidelines. The Coast Guard utilized the input from the ANS Task Force and submitted their report to Congress on the Voluntary Guidelines for Ballast Water Management, which outlined a process to transition to a mandatory program. The Department supports the Coast Guard's ongoing efforts to transition from the voluntary national program to a mandatory program, as well as efforts to establish a standard to serve as the benchmark for ballast water management options, and we urge a continuation and emphasis for research on ballast water management to assure that the resulting standards are effective and environmentally sound.

Pathways

While ballast water has been acknowledged as one of the leading vectors of introduction, we are encouraged to see that additional emphasis is being placed on other aquatic pathways. Some of these other pathways include bait fish, pet trade for use in aquariums, horticulture and live food. This additional emphasis will encourage the development of management actions, which may minimize the threats from new aquatic invasive species that have the potential to impact our fish and wildlife populations and associated habitats. We support interagency priority pathway research and management efforts to identify high risk pathways and develop management strategies to address them. In developing its strategic plan last year, the ANS Task Force also identified the management of pathways by which invasive species are introduced as a vital action to prevent future establishment of aquatic invasive species. A number of the actions called for in this bill are similar to those included in the "Prevention" section of the Council's National Invasive Species Management Plan (Plan).

Screening of Planned Importations

The Department has recognized the need for the development of a screening process for planned importations of live aquatic organisms. Having the opportunity to evaluate new non-native species that are proposed to be brought into the United States is an invaluable tool to ensure that we are proactive in preventing the introduction of new aquatic invasive species into United States waters. An example of the need for such a tool is the discovery this summer of a population of snakehead fish in a pond in Maryland.

Snakehead fish are an aquatic invasive species that are sold live for food or as aquarium pets. Snakeheads are top predators that multiply quickly and have several special features that enhance their ability to survive in wild. In addition to the population found in Maryland, another population was found a year ago in Florida. After the discovery in Florida during the summer of 2001, the Service and the USGS initiated a risk assessment to gather scientific information to determine the injurious nature, and potential impacts, of snakeheads. Data from this risk assessment indicated that the snakeheads were indeed detrimental and the Service began the process of listing snakeheads as injurious wildlife. That process was recently completed when a final rule was published on October 4, 2002. That rule makes it illegal under the Lacey Act to import into the United States or transport across State lines all members of the Channidae family, including the 28 currently recognized species and any species that may be classified under the Channidae family in the future.

While the Injurious Wildlife provisions of the Lacey Act give the Service the ability to evaluate and list species as injurious, the nature of the law makes our efforts more reactive than proactive. The screening process outlined in the proposed legislation is an example of a more proactive and effective approach to preventing introductions of aquatic invasive species.

Having recognized the need for improved screening, the Council's Plan, which I previously mentioned, also calls for working with key stakeholders to develop and test a screening process for intentionally-introduced species. Preliminary work to develop this system has begun in conjunction with the ANS Task Force. We also recommend the development of risk assessment methods to evaluate the potential threat of species that have not yet been introduced. This will be critical in making our screening efforts effective. The Department, the Council, and the ANS Task Force would like to work with the Subcommittee to consider whether the specifics of this proposal should be revised during the legislative process.

We are concerned about the provisions in section 105 (b) that delegate sole authority to screen species for use in aquaculture to the U.S. Department of Agriculture. Because of the risk to fish and wildlife, we believe that the Service should also have a role in this type of screening.

In addition to evaluating potentially invasive species through the screening process, the Service would also be responsible for enforcement of the resulting regulations. Currently, the Service has 94 uniformed Wildlife Inspectors at 32 staffed ports. In 2001, there were 119,581 shipments that were imported or exported through the United States. Of those, 26,279, or 22 percent, were physically inspected. The added workload associated with developing the guidelines and regulations, conducting the evaluations, and ensuring effective compliance will be substantial. Given the comprehensive nature of this provision, it will be necessary to work cooperatively with other agencies who may also have responsibility for aquatic invasive species. We embrace the opportunity to work with these other agencies to develop an effective and efficient screening process that is protective of both the human and natural environment.

State ANS Plans

The State ANS Management Plan provisions have been very successful and we are happy to see that the program is continued. The ANS Task Force developed guidelines to help States develop ANS plans, and made those guidelines available to the States in 2000. As outlined in the bill, the ANS Task Force will update and enhance those guidelines to address additional components related to early detection and rapid response, aquatic plant control and screening of planned importations. We look forward to continuing collaborative work with the States on their efforts to more effectively address invasive species issues. The ANS Task Force provides us with an excellent venue to pursue these collaborative partnerships. In fact, the ANS Task Force and its Regional Panels have encouraged the continued development of State and Interstate ANS Management Plans. There are currently 9 State and Interstate Plans approved by the ANS Task Force and a number of other States are in the process of developing plans. The Service provided cost-share grants to 11 States and tribes to implement those approved plans. Four additional States, Massachusetts, Maine, Montana and Alaska, submitted their plans to the ANS Task Force and the plans are expected to be approved at the meeting in Hawaii.

Cooperative control/management plans

The ANS Task Force also has a long history of developing and implementing cooperative control and management plans. For example, plans for brown tree snake and Eurasian ruffe were developed in the mid-1990s, and the ANS Task Force is currently developing management/control plans for the Chinese mitten crab and *Caulerpa taxifolia*, a marine algae. The objectives of these plans are to outline strategies and actions to control or manage aquatic invasive species. These plans are developed and implemented cooperatively by Federal, State and regional entities where appropriate. At the Task Force meeting in Hawaii, the ANS Task Force is taking action to approve, for public review, an Asian Swamp Eel Management Plan and a Green Crab Management Plan. The Department recognizes the importance of the Brown Tree Snake Control Program, but we believe that the Council -- which is given responsibility for brown tree snake control under H.R. 5396 -- is better equipped to provide general policy guidance, not implementation of specific control plans.

Early Detection and Monitoring

We support the objectives addressed in Section 106. An early detection network based on the best available science is key to reducing the impacts of invasive aquatic species.

Education and Outreach

Education and outreach continue to be critical elements to the success of invasive species prevention and control. Within the Department, the Service has been actively working for many years on a 100th Meridian Initiative to stop the westward spread of zebra mussels and other aquatic invasive species. The bill proposes to enhance these efforts through increased and targeted outreach and education efforts. The ANS Task Force and the Service have established a new public awareness campaign known as Stop Aquatic Hitchhikers! that targets aquatic recreation users and promotes voluntary guidelines to ensure that aquatic invasive species are not spread through recreational activities. Stop Aquatic Hitchhikers! compliments the 100th Meridian Initiative and was designed to unify the conservation community to inform recreation users about the issue and encourage them to become part of the solution to prevent the spread of aquatic invasive species.

The National Park Service also provides information to millions of visitors every year regarding

conservation of natural and cultural resources. The Act, as amended, recognizes the vital role that the National Park Service has in education and outreach on resource conservation and, more specifically, during the commemoration of the Lewis and Clark Bicentennial Expedition. Invasive Species education and information, integrated within ongoing educational efforts, will provide critical context to increase understanding of the impacts of invasive species on natural resources.

Again, we applaud the legislation's multi-agency approach to education and outreach as there are already significant efforts to coordinate the dissemination of information. One example is the National Biological Information Infrastructure (NBII), an extensive information network already in wide public use, can be utilized as a means to facilitate public access to survey, monitoring, and risk assessment information.

H.R. 5395

Research

We are encouraged by the increased emphasis on research and monitoring efforts in the bill. In its strategic planning effort, the Task Force determined that additional actions were needed and restructured its committees to better address these problems. Key areas addressed in the legislation, including pathways, ballast water management, early detection and monitoring and control, can only be successful if they are based on sound research.

We recognize the need for methods for rapid assessment of newly detected aquatic species, and recommend that adequate resources for conducting such assessments be included as an integral component of coordinated planning for rapid responses. We recommend that particular attention be given to expanding and coordinating existing databases, such as the USGS's National Non-indigenous Aquatic Species Database, which provides basic scientific information for addressing invasive species threats. Finally, we recommend that the legislation ensure better coordination among the agencies and organizations that collect and store invasive aquatic species information, and we offer our assistance to the Subcommittee in this regard.

Conclusion

In closing, I want to thank you for providing the Department with an opportunity to comment on this legislation. As I stated earlier, we would be happy to work with you and your staff programmatic and other technical issues.

Mr. Chairman, this concludes my prepared remarks. I am happy to respond to any questions you or the other Committee members may have.

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