

## Calendar No. 248

105TH CONGRESS }  
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SENATE

{ REPORT  
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### PFIESTERIA RESEARCH ACT OF 1997

NOVEMBER 4, 1997.—Ordered to be printed

Mr. CHAFEE, from the Committee on Environment and Public Works, submitted the following

### REPORT

[To accompany S. 1219]

The Committee on Environment and Public Works, to which was referred the bill (S. 1219), a bill to require the establishment of a research and grant program for the eradication or control of *Pfiesteria piscicida* and other aquatic toxins, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill do pass.

#### BACKGROUND

*Pfiesteria piscicida* is a naturally occurring water-borne microbe that has been linked to serious health and environmental effects. *Pfiesteria* is one of 4,000 species of phytoplankton, organisms that convert the sun's energy into food. It is a relative of the single-celled organisms that cause red tides. *Pfiesteria* can assume more than 24 different life forms, from a cyst that settles into river sediments, to a plant, to a fierce predator that injects poison into its prey.

The first *Pfiesteria* outbreak occurred in North Carolina estuaries during the late 1980s. The most recent outbreak of *Pfiesteria* has occurred in the tributaries leading into the Chesapeake Bay region. Since late July 1997, thousands of fish have died in tributaries of the Chesapeake Bay.

There also is great concern over the potential effects of the microbe on human health. Medical researchers have linked the toxin to memory loss and other neurological problems in persons exposed to *Pfiesteria*-afflicted waters. Other problems, such as severe skin rashes, also have been linked to *Pfiesteria*.

Pfiesteria has been around for thousands of years, but conditions recently have caused it to emerge in its predatory form. The cause of Pfiesteria outbreaks remains uncertain. Many researchers have linked the parasite to excessive levels of nutrients, such as nitrogen and phosphorous, in water.

#### CONGRESSIONAL ACTIVITY

On September 25, 1997, Senator Faircloth introduced S. 1219, the Pfiesteria Research Act of 1997. The cosponsors of the legislation include Senators Mikulski, Sarbanes, Warner, Robb, and Shelby. On October 29, the committee met to consider S. 1219, which was ordered reported by voice vote. During the business meeting, the committee adopted an amendment offered by Senator Chafee.

#### SUMMARY OF S. 1219

As amended and approved by the Committee on Environment and Public Works, the bill authorizes the Environmental Protection Agency (EPA), the National Marine Fisheries Service, the National Institute of Environmental Health Services, the Centers for Disease Control, and the Department of Agriculture to establish a research program for the eradication or control of Pfiesteria. S. 1219 directs these Federal agencies to make grants to universities and other entities in affected States for the eradication and control of Pfiesteria.

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1. Short title*

Section 1 designates the bill as the "Pfiesteria Research Act of 1997".

##### *Section 2. Pfiesteria and other aquatic toxins research and grant program*

Section 2 authorizes EPA and other Federal agencies to establish a Pfiesteria research program and to make grants to colleges and universities for Pfiesteria research.

Subsection (a)(1) authorizes the EPA, the National Marine Fisheries Service, the National Institute of Environmental Health Sciences, the Centers for Disease Control and Prevention, and the Department of Agriculture to establish a research program for the eradication or control of Pfiesteria and other aquatic toxins.

Subsection (a)(2) directs the aforementioned agencies to make grants to colleges and other entities in affected States for the elimination or control of Pfiesteria.

Subsection (b) authorizes \$5,000,000 for each of fiscal years 1998 and 1999 for the Pfiesteria research program and for making grants to colleges, universities and other entities.

#### REGULATORY IMPACT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee makes the following evaluation of the regulatory impact of the reported bill. The reported bill will have no regulatory impact. This bill will not have any effect on the personal privacy of individuals.

## MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104-4), the committee makes the following evaluation of the Federal mandates contained in the reported bill.

S. 1219 imposes no Federal intergovernmental unfunded mandates on State, local, or tribal governments. All of its governmental directives are imposed on Federal agencies.

The bill does not directly impose any Federal mandates on the private sector.

## HEARINGS

No hearings were held on the bill.

## ROLLCALL VOTES

Section 7(b) of rule XXVI of the Standing Rules of the Senate and the rules of the Committee on Environment and Public Works require that any rollcall votes taken during consideration of legislation be noted in the report on that legislation.

During the consideration of S. 1219 at the full committee business meeting on October 29, 1997, the bill was ordered reported with an amendment. No rollcall votes occurred during the committee's consideration of S. 1219.

## COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. That statement follows:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, October 31, 1997.*

Hon. JOHN H. CHAFEE,  
*Chairman, Committee on Environment and Public Works,*  
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the cost estimate for S. 1219, the Pfiesteria Research Act of 1997.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Gary Brown and Kim Cawley.

Sincerely,

JUNE O'NEILL, *Director.*

## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

Summary: S. 1219 would authorize appropriations totalling \$5 million for each of fiscal years 1998 and 1999 to a number of federal agencies to establish a research program for the eradication or control of *Pfiesteria piscicida* and other aquatic toxins, and to make grants to colleges, universities, and other entities in affected states for this purpose. *Pfiesteria piscicida* is a single-celled marine organism that has been implicated as a cause of fish kills.

CBO estimates that implementing S. 1219 would result in discretionary spending of \$10 million over the 1998–2000 period, assuming appropriation of the authorized amounts. To date, \$3 million has been appropriated for 1998. S. 1219 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. S. 1219 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not impose any costs on state, local, or tribal governments.

**Estimated cost to the Federal Government:** For the purposes of this estimate, CBO assumes that all amounts authorized in S. 1219 would be appropriated and that outlays would follow the historical spending patterns of similar programs. The estimated budgetary impact of S. 1219 is shown in the following table. The costs of this legislation fall within budget functions 300 (natural resources and environment), 350 (agriculture), and 550 (health).

[By Fiscal Year, in Millions of Dollars]

|  | 1998 | 1999 | 2000 | 2001 | 2002 |
|--|------|------|------|------|------|
| ESA spending under current law:        |      |      |      |      |      |
| Budget authority <sup>1</sup> .....    | 3    | 0    | 0    | 0    | 0    |
| Estimated outlays .....                | 1    | 1    | 1    | 0    | 0    |
| Proposed changes:                      |      |      |      |      |      |
| Authorization level <sup>1</sup> ..... | 2    | 5    | 0    | 0    | 0    |
| Estimated outlays .....                | 1    | 3    | 3    | 0    | 0    |
| ESA spending under S. 1219:            |      |      |      |      |      |
| Authorization level <sup>1</sup> ..... | 2    | 5    | 0    | 0    | 0    |
| Estimated outlays .....                | 2    | 4    | 4    | 0    | 0    |

<sup>1</sup>The 1998 level is the amount appropriated for that year. (No funds were appropriated for Pfiesteria research in 1997.)

**Pay-as-you-go considerations:** None.

**Intergovernmental and private-sector impact:** S. 1219 contains no intergovernmental or private-sector mandates as defined in UMRA and would not impose any costs on State, local, or tribal governments. Public colleges and universities in states affected by aquatic toxins would be eligible for research grants from funds authorized by the bill.

Estimate prepared by: Gary Brown and Kim Cawley.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

#### CHANGES IN EXISTING LAW

Section 12 of rule XXVI of the Standing Rules of the Senate requires publication of any changes in existing law made by the reported bill. This bill does not change existing law.