
NEW YORK CITY ZEBRA MUSSEL MONITORING ACT

OCTOBER 15 (legislative day, SEPTEMBER 19), 1991.—Ordered to be printed

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

REPORT

[To accompany S. 36]

The Committee on Environment and Public Works, to which was referred the bill (S. 36) entitled the "New York City Zebra Mussel Monitoring Act of 1991," having considered the same, reports favorably thereon with amendments and recommends that the bill (as amended) do pass.

SUMMARY OF S. 36

S. 36 was introduced by Senator Moynihan on January 14, 1991, and subsequently cosponsored by Senators D'Amato and Glenn.

The United States Corps of Engineers, in consultation with the EPA, and the City of New York, will develop a prevention monitoring program for zebra mussels in the New York City water supply system, develop removal technologies applicable to the New York City water supply system, and provide technical assistance to New York City on alternative design and maintenance practices for the system in the event of mussel infestation.

There is authorized to the Secretary of the Army \$2 million for each of fiscal years 1991, 1992, 1993, 1994, and 1995, to be matched with a 25 percent non-Federal cost share.

BACKGROUND AND NEED FOR THE LEGISLATION

On May 19, 1991, a commercial fisherman fishing for sturgeon in the Hudson River discovered zebra mussels attached to a freshwater clam shell in the vicinity of the Rip Van Winkle Bridge near Catskill, New York.

This sighting is significant in that it is the first confirmed discovery of the zebra mussel in the United States outside the Great Lakes drainage basin.

New York City receives 95 percent of its water from its Croton, Delaware, and Catskill reservoir system which are within 50 miles of Catskill, New York. The system is in reasonably good condition, but the stress that zebra mussel infestation might produce could seriously jeopardize public water supplies for those living in the New York City area.

Testimony received at the hearing indicated that zebra mussels will enter the New York City water supply system.

BACKGROUND ON ZEBRA MUSSLS

The zebra mussel, *Dreissena polymorpha* (Pallas 1771), is native to temperate freshwater habitats of the Black, Caspian, and Azov Seas in Southern Asia. Canals built during the late 18th century allowed this species to expand its range dramatically. It took less than a century for this organism to spread over much of Europe—by the 1830s, zebra mussels had reached the British Isles. Zebra mussels created difficulties for the water supplies in Hamburg (1886) and Rotterdam (1887). In 1895, Berlin's waterworks was closed for 27 days due to fouling of the water by thousands of decaying mussels. In 1921, a hydroelectric plant in northern Germany closed because a 1.5 meter thickness of mussels severely restricted water flow.

The zebra mussel is believed to have arrived in North America in the ballast water of a European freighter in the summer of 1986, and escaped as larvae in discharged ballast water into Lake St. Clair or the St. Clair River. It is uncertain whether this invasion resulted from several different ships' ballast discharge or from a single event. This species was first recognized in the western basin of Lake Erie in July 1988. Some believe this problem did not arise earlier because European harbors were generally so polluted that zebra mussels could not survive there. However, recent efforts to achieve cleaner harbors in Europe have permitted zebra mussels to survive in these waters, and thus be available to transport in ballast waters.

Zebra mussels are now well established throughout the entire Great Lakes, and have been reported downstream in the St. Lawrence River. There is great concern that the zebra mussel could spread through waterways across much of the United States. This movement could occur in three ways—transport of larvae downstream or downwind by water currents, transport by human activity such as adult mussels attached to vessel hulls or in engine housings, and transport by waterfowl or other wildlife. Especially of concern are multitude of pleasure boaters which can inadvertently spread the mussel by carrying adults or their larvae attached to boats or in engine housings and other places where water collects. Due to the migratory habits of waterfowl, almost any lake in the country can be considered at risk of infestation.

HEARINGS

The Committee on Environment and Public Works, Subcommittee on Water Resources, Infrastructure, and Transportation conducted a field hearing on S. 36, in Catskill, New York on May 31, 1991.

The Committee received testimony from the U.S. Army Corps of Engineers, the Environmental Protection Agency, representatives from the New York State Sea Grant Program, the City of New York and other concerned and interested parties.

ROLLCALL VOTES

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

The Committee ordered the bill to be reported by a vote of 16-0. In support of the bill were Senators Burdick, Moynihan, Mitchell, Baucus, Lautenberg, Reid, Graham, Lieberman, Metzenbaum, Chafee, Simpson, Symms, Durenberger, Warner, Smith and Jeffords.

EVALUATION OF REGULATORY IMPACT

In accordance with section 11(b) of rule XXVI of Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact of the reported bill: The bill does not amend current law nor has any regulatory impact on any agency of the Federal Government.

COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires that each bill contain a statement of the cost of such bill prepared by the Congressional Budget Office. That report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 1, 1991.

HON. QUENTIN N. BURDICK,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for S. 36, the New York City Zebra Mussel Monitoring Act of 1991. Enactment of S. 36 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER,
Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 36.

2. Bill title: The New York Zebra Mussel Monitoring Act of 1991.
3. Bill status: As ordered reported by the Senate Committee on Environment and Public Works on July 31, 1991.
4. Bill purpose: S. 36 would require the Army Corps of Engineers (Corps) to establish a monitoring and technological development program to control Zebra Mussel infestation in the New York City water supply system. The bill would authorize the appropriation of \$2 million annually over the 1992 to 1995 period to carry out the program.
5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995	1996
Authorization level.....	2.0	2.0	2.0	2.0
Estimated outlays.....	1.8	2.0	2.0	2.0	0.2

The costs of this bill fall within budget function 300.

Basis of Estimate: CBO assumes that S. 36 will be enacted and that the full amounts authorized will be appropriated beginning in fiscal year 1992. Outlays have been estimated based on information from the Corps.

6. Pay-as-you-go considerations: The Budget Enforcement Act of 1990 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1995. CBO estimates that enactment of H.R. 1988 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

7. Estimated cost to State and local governments: S. 36 would require non-federal participants—specifically, the state of New York and New York City—in the monitoring program to contribute 25 percent of the cost of carrying out the program. Assuming that the full amounts authorized in the bill are appropriated and spent by the federal government, CBO estimates that non-federal interests would spend about \$2 million over the 1992 to 1995 period.

8. Estimate comparison: None.

9. Previous CBO estimate: None.

10. Estimate prepared by: Theresa Gullo.

11. Estimate approved by: C.G. Nuckols, for James L. Blum, 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 by the reported bill. The bill does not change existing law.