ASSEMBLY BILL No. 300

Introduced by Assembly Member Alejo
(Coauthor: Assembly Member Mark Stone)
(Coauthor: Senator Monning)

February 12, 2015

An act to add Chapter 10 (commencing with Section 31420) to Division 21 of the Public Resources Code, relating to coastal wildlife protection.

LEGISLATIVE COUNSEL'S DIGEST

AB 300, as introduced, Alejo. Safe Water and Wildlife Protection Act of 2015.

Existing law establishes the State Coastal Conservancy, and prescribes the membership, and functions and duties of the conservancy with respect to preservation of coastal resources in the state.

This bill would enact the Safe Water and Wildlife Protection Act of 2015, which would require the conservancy to establish and coordinate the Algal Bloom Task Force, in consultation with the Secretary of the Natural Resources Agency, and would prescribe the composition and functions and duties of the task force. The bill would require the task force to review the risks and negative impacts of toxic blooms and microcystin pollution and to submit a summary of its findings and recommendations to the secretary by January 1, 2017. The act would authorize the conservancy, the Department of Fish and Wildlife, the Wildlife Conservation Board, and the State Water Resources Control Board to enter into contracts and provide grants from specified bond funds available under the Water Quality, Supply, and Infrastructure Improvement Act of 2014 for applied research, projects, and programs,

recommended by the task force, aimed at preventing or sustainably mitigating toxic blooms of cyanotoxins and microcystin pollution in the waters of the state.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) Toxic blooms of cyanobacteria in the waters of the state, including, but not limited to, coastal lakes, estuaries, rivers and streams, wetlands, and inland lakes and reservoirs, represent a threat to human health, endangered wildlife, and recreational activities.

(b) Cyanobacteria are widespread bacteria that are capable of forming toxic blooms and super-blooms in the waters of the state.

(c) Degradation of watersheds, nutrient loading, increased water diversions, and climate change have been linked to the global expansion of cyanobacterial blooms, with high toxin production noted regularly in lakes, rivers, and other waters of the state.

(d) The state's waters are especially prone to toxic cyanobacterial blooms due to our warm climate, numerous water diversions, and stressed waterways.

(e) Cyanobacteria produce toxic microcystins and other toxins. Due to their high toxicity, microcystins are a regulated pollutant under federal law. Other cyanobacterial toxins, such as antitoxin-a, are also present in California's waters, but, at present, little is known about these toxins.

(f) Microcystin and other cyanotoxins are poisonous to humans, pets, livestock, birds, and other wildlife via ingestion, inhalation, or skin exposure. A single dose of microcystin can cause prolonged toxicity by cycling repeatedly between the liver and intestines.

(g) Blooms of microcystins and other toxic cyanobacteria are occurring in waters throughout California, and are threatening our water supply and health. Areas with recurrent and worsening microcystin pollution include the Klamath and Sacramento Rivers, the Sacramento and San Joaquin Rivers (from the Sacramento Delta to San Francisco Bay), and Clear Lake. Pinto Lake, Copco Lake, Iron Gate Reservoir, and three segments of the Klamath

River have been listed as impaired due to cyanobacteria. Bird deaths attributed to microcystins have also been reported from the Salton Sea.

(h) The Pinto Lake watershed is being evaluated for total maximum daily load (TMDL) regulation for microcystin, and is recognized as a state and national cyanobacteria "hotspot," and was considered for remediation as an Environmental Protection Agency "superfund" site.

(i) California's southern sea otters, a state and federally listed threatened species, have died from microcystin poisoning. The source of sea otter exposure appears to be microcystin-contaminated freshwater runoff or mussels, or both, or clams or crabs that concentrate microcystin after being exposed to contaminated freshwater runoff.

(j) Sea otters and humans eat some of the same marine foods that can concentrate microcystin in body tissues; hence, food safety is a concern for public health. Freshwater and marine fish and shellfish have not been routinely tested for cyanotoxins in California and limited diagnostic testing is available.

(k) A "One Health" approach, that considers human, animal, and environmental health, is appropriate to assess impacts and develop comprehensive strategies to prevent microcystin pollution in the waters of the state. This represents a multidisciplinary approach that considers linkages between human, animal, and environmental health.

(*l*) The state needs a coordinated multiagency effort to develop actions and projects that will prevent or mitigate toxic blooms and associated toxin pollution.

SEC. 2. Chapter 10 (commencing with Section 31420) is added to Division 21 of the Public Resources Code, to read:

Chapter 10. Safe Water and Wildlife Protection Act of 2015

31420. This chapter shall be known, and may be cited, as the Safe Water and Wildlife Protection Act of 2015.

31421. For purposes of this chapter, the following terms have the following meanings:

(a) "One-health approach" means a method of assessment that considers the linked impacts of toxic algal blooms on humans, animals, the ecosystem, and water quality.

(b) "Task Force" means the Algal Bloom Task Force created pursuant to Section 31422.

(c) "Waters of the state" means any surface water in the state including, but not limited to, coastal lakes, lagoons and estuaries, rivers, streams, inland lakes and reservoirs, and wetlands.

31422. The conservancy shall establish and coordinate the Algal Bloom Task Force, comprised of a representative of each of the State Department of Public Health, the Department of Fish and Wildlife, the State Water Resources Control Board, and other relevant agency representatives, to be determined by the executive officer of the conservancy in consultation with the Secretary of the Natural Resources Agency.

31423. The functions and duties of the task force include all of the following:

(a) Assess and prioritize the actions and research necessary to develop measures that prevent or sustainably mitigate toxic algal blooms in the waters of the state. The assessment shall apply a one-health approach that considers the linked impacts of toxic algal blooms and cyanotoxins on human and animal health, as well as in the context of ecosystem health and water quality.

(b) Solicit and review proposals from universities, local governments, and nonprofit organizations for applied research, projects, and programs that contribute to development of strategies or implementation of activities that prevent or sustainably mitigate toxic blooms of cyanotoxins and microcystin pollution in the waters of the state.

(c) Provide funding recommendations to the executive officer of the conservancy and to the Department of Fish and Wildlife, the Wildlife Conservation Board, and the State Water Resources Control Board for those proposals for applied research, projects, and programs, described in subdivision (b), that the task force determines will contribute to the development of prevention strategies and sustainable mitigation actions to address toxic blooms of cyanotoxins and microcystin pollution in waters of the state.

(d) Review the risks and negative impacts of toxic algae blooms and microcystin pollution on humans, wildlife, fisheries, and

aquatic ecosystems, and develop recommendations for prevention and long-term mitigation. The task force shall submit a summary of its findings based on the review, including its recommendations to the Secretary of the Natural Resources Agency on or before January 1, 2017. The recommendations shall provide guidance on what type of programs or state resources will be required to prevent damaging toxic algal blooms and microcystin pollution in the waters of the state over time.

(e) Organize meetings and workshops of experts and stakeholders as needed to implement this section.

31424. The conservancy, the Department of Fish and Wildlife, the Wildlife Conservation Board, and the State Water Resources Control Board, or any of them, may enter into contracts and provide grants from funds available pursuant to Section 79730 of the Water Code for applied research, projects, and programs recommended by the task force pursuant to subdivision (c) of Section 31423.

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