

A-Engrossed
House Bill 3093

Ordered by the House April 9
Including House Amendments dated April 9

Sponsored by COMMITTEE ON WATER (at the request of Representative Ken Helm)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Directs Department of Environmental Quality to study harmful algal blooms and provide results of study in report to interim committees of Legislative Assembly no later than September 15, 2022.]

[Sunsets January 2, 2023.]

Directs Oregon Health Authority, in coordination with Department of Environmental Quality, to develop and implement strategy for monitoring and responding to freshwater harmful algal blooms. Directs authority, in consultation with department, to establish technical advisory committee.

Appropriates moneys from General Fund to authority for creation of harmful algal blooms coordinator position within authority.

Appropriates moneys from General Fund to department for creation of new position within department.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to harmful algal blooms; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. The Oregon Health Authority, in coordination with the Department of Environmental Quality, shall develop and implement the following strategy for monitoring and responding to harmful algal blooms in freshwater environments:

(1) Develop and implement strategies for maintaining clear lines of communication between the State Department of Agriculture, the State Forestry Department and other state, local, federal or tribal government water management or water quality agencies or other organizations that monitor water quality.

(2) Identify the roles and responsibilities related to freshwater harmful algal blooms of state and local agencies that monitor water quality.

(3) Develop enhanced protocols, based on analysis of water quality samples and other data, for issuing public health advisory alerts to the general public and stakeholders affected by the occurrence of freshwater harmful algal blooms.

(4) Develop a web-based portal that allows users to access information and data related to freshwater harmful algal blooms.

(5) Support studies on the risk of harm to water bodies and public health from freshwater harmful algal blooms, including the long-term and short-term effects of wildfire on freshwater harmful algal bloom risk.

(6) Develop and implement an increasingly proactive monitoring program that prioritizes monitoring in water bodies that are:

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

- 1 (a) Sources of drinking water;
- 2 (b) Used by the public for recreation; and
- 3 (c) Used for agricultural uses.

4 (7) Support education and outreach related to freshwater harmful algal blooms for the
5 public, local governments, tribal governments and other organizations involved in mitigating
6 freshwater harmful algal blooms.

7 (8) Support the collection and evaluation of data and development of management strat-
8 egies by the Department of Environmental Quality as described in section 2 of this 2021 Act.

9 **SECTION 2.** The Department of Environmental Quality, in consultation with the Oregon
10 Health Authority, shall:

11 (1) Collect and analyze water quality samples or other samples or information, including:

- 12 (a) Remote sensing data;
- 13 (b) Nutrient levels;
- 14 (c) Weather data;
- 15 (d) Cyanotoxin samples collected by water suppliers susceptible to harmful algal blooms
16 or release of cyanotoxins; and
- 17 (e) Cyanotoxin samples from water bodies used for public recreation.

18 (2)(a) Evaluate the data collected under this section or section 1 of this 2021 Act to pri-
19 oritize areas where management actions may minimize impacts of freshwater harmful algal
20 blooms; and

21 (b) Consistent with the department's existing authority, and where appropriate, develop
22 watershed management plans or other appropriate management strategies to reduce the se-
23 verity, frequency or duration of freshwater harmful algal blooms.

24 **SECTION 3.** (1) The Oregon Health Authority, in consultation with the Department of
25 Environmental Quality, shall establish a technical advisory committee to:

26 (a) Aid and advise the authority and the department in the development and implemen-
27 tation of the freshwater harmful algal bloom monitoring and response strategy described in
28 section 1 of this 2021 Act;

29 (b) Review progress made by the authority and the department in implementing the
30 freshwater harmful algal bloom monitoring and response strategy; and

31 (c) Identify and recommend to the authority and the department areas where further
32 resources or evaluation are needed to monitor or respond to freshwater harmful algal
33 blooms.

34 (2) The Director of the Oregon Health Authority, after consultation with the Director of
35 the Department of Environmental Quality, shall appoint members to the technical advisory
36 committee from among the following groups:

- 37 (a) Individuals with expertise in freshwater harmful algal blooms;
- 38 (b) Representatives of the State Department of Agriculture, the State Forestry Depart-
39 ment and other state, local, federal or tribal government water management or water quality
40 agencies;
- 41 (c) Stakeholders affected by freshwater harmful algal blooms; and
- 42 (d) Members of disadvantaged or underserved communities affected by freshwater
43 harmful algal blooms.

44 (3) The technical advisory committee shall meet at least once every calendar year.

45 **SECTION 4.** The Department of Environmental Quality shall create, fill and utilize one

1 position within the department to analyze water quality samples and satellite information to
2 develop management strategies described in section 2 of this 2021 Act.

3 **SECTION 5.** The Oregon Health Authority shall create, fill and utilize the position of
4 harmful algal blooms coordinator within the authority to coordinate the authority's harmful
5 algal bloom monitoring and response activities with the State Department of Agriculture, the
6 State Forestry Department and other state, local, federal and tribal water management or
7 water quality agencies, provide outreach to stakeholders and ensure that stakeholders have
8 the plans, tools and training needed to respond to cyanobacterial harmful algal blooms.

9 **SECTION 6.** In addition to and not in lieu of any other appropriation, there is appropri-
10 ated to the Department of Environmental Quality, for the biennium beginning July 1, 2021,
11 out of the General Fund, the amount of \$232,645 for the purpose of carrying out the pro-
12 visions of section 4 of this 2021 Act.

13 **SECTION 7.** In addition to and not in lieu of any other appropriation, there is appropri-
14 ated to the Oregon Health Authority, for the biennium beginning July 1, 2021, out of the
15 General Fund, the amount of \$260,189 for the purpose of carrying out the provisions of sec-
16 tion 5 of this 2021 Act.

17 **SECTION 8.** This 2021 Act takes effect on the 91st day after the date on which the 2021
18 regular session of the Eighty-first Legislative Assembly adjourns sine die.

19