



July 21, 2004

The Honorable John McCain
Chairman, Committee on Commerce,
Science and Transportation
United States Senate
Washington, DC 20510-6125

Dear Mr. Chairman:

This letter provides the views of the Department of Commerce (Department) on S. 2488, the "Marine Debris Research and Reduction Act". The Department supports the intent of S. 2488, which would elevate the importance of marine debris to a national level.

The National Oceanic and Atmospheric Administration's (NOAA) current efforts to reduce marine debris include large-scale mapping and removal of debris most harmful to living marine resources; using oceanographic and remote sensing to identify and locate marine debris; establishing a process to catalog and maintain a web-based inventory of marine debris; and conducting necessary research to improve each of these activities. NOAA's Office of Oceanic and Atmospheric Research has been working with other NOAA components, industry, and academia to develop cost-effective techniques to map marine debris using satellite data and directed aircraft searches. The international and interagency coordination and funding of remediation and education activities called for in the bill address areas for improvement in the current programs.

NOAA has the Federal management responsibility for marine resources in waters of the United States under such statutes as the Magnuson-Stevens Fishery Conservation and Management Act, the Endangered Species Act, the Marine Mammal Protection Act, the Coral Reef Conservation Act and the National Marine Sanctuaries Act, among others. It also has the scientific expertise for evaluating impacts of debris to marine resources and habitats, debris source evaluation and monitoring and debris removal and habitat restoration. NOAA has applied this expertise over the last several years as lead in an interagency effort to remove several hundred tons of marine debris in the Northwestern Hawaiian Islands. Last summer, a team of NOAA scientists partnered with State, industry, and academic researchers used a combination of high-tech instruments, new techniques, and aircraft, to search for marine debris along the coast of Alaska. We appreciate the Committee's interest in strengthening these ongoing efforts.

The Department has several recommendations to make this bill more effective.

NOAA is concerned that the bill as written, could imply the need to set up programs that are unnecessarily duplicative of existing marine debris related activities both within NOAA under authorities provided in the Coastal Zone Management Act, National Marine Sanctuaries Act, and the Coral Reef Conservation Act as well as activities of other Federal agencies such as the Environmental Protection Agency's programs under the Clean Water Act, the Shore Protection Act, and the Marine Plastic Pollution, Research and Control Act. In order to avoid potential confusion and duplicative efforts, we suggest that the Committee make clear that the intent of this bill is to enhance and strengthen the existing NOAA activities through a focused program that will work in coordination with other Federal and non-Federal entities and not to unnecessarily duplicate current efforts.

The Department recommends including incentive programs or other measures in the Act to encourage fishermen and other mariners to retrieve and return lost gear and other marine debris to shoreside recycling facilities. Current activities are conducted in partnership with other Federal agencies such as the U.S. Fish and Wildlife Service and the U.S. Coast Guard, and in an enclosure we have provided recommendations that will better capture these partnerships.

The Department would like to ensure that the authorization level is consistent with the funding requested in the FY 2005 President's Budget. Additional, specific recommendations on bill language are enclosed.

The Office of Management and Budget has advised that there is no objection to the transmittal of this letter from the standpoint of the Administration's program.

Sincerely,



Jane T. Dana
Acting General Counsel

Enclosure

cc: The Honorable Ernest F. Hollings
Ranking Member

**Specific Recommendations of the Department of Commerce (Department)
Regarding the “Marine Debris Research and Reduction Act” (S. 2488)**

Section 2:

Section 2(a)(4): The Department suggests removing “and navigation safety” at the end of this section as it is redundant of the contents of section 2(a)(5).

Section 2(a)(5): The Department suggests adding “and economic loss of commercially harvested species due to ‘ghost fishing’ by derelict fishing gear” to the end of this section.

Section 3:

Section 3(b)(2)(A): Regarding gear marking methods used to enhance the tracking and identification of lost gear, the Department believes consideration should be given to methods of marking that could also enhance retrieval of this gear.

Section 3(b)(2)(B): The Department suggests adding “and adequate disposal receptacles at all ports” at the end of this section.

Section 3(b)(3), Line 20: The comma after “fishing” should be removed, so that it reads “including the fishing gear manufacturers,”.

Section 3(c)(4): This section lists the eligibility criteria for applying for grants to accomplish the purposes of the Act. The Department is concerned that the section would not permit Federal agencies to submit grant applications. The Department recommends that this section be rewritten as follows:

“(4) ELIGIBILITY- Any natural resource management authority of a *Federal*, State, or other government authority whose activities directly or indirectly affect research or regulation of marine debris, and any educational or nongovernmental institutions with demonstrated expertise in a field related to marine debris, are eligible to submit to the Under Secretary a marine debris proposal under the grant program. *Grants with Federal recipients shall be made under such regulations as the Under Secretary may establish in Section 3(c)(5).*”

Section 3(c)(7): The Department suggests that the last sentence of this section read, “Each report shall include all information required by the Under Secretary for evaluating the progress of the project, success in meeting its stated goals, and impact on the marine debris problem.”

Section 5:

Section 5: While we agree with the goal of section 5, to promote coordination, we recommend deletion of such a statutory requirement, as it would be unnecessary. We would be happy to discuss with you or your staff how NOAA currently coordinates with other Federal agencies on marine debris research and reduction activities and plans for the future.

Section 5(b): If, however, section 5 is not deleted, subsection 5(b) should be amended to include the U.S. Fish and Wildlife Service (USFWS) as a member of the Interagency Committee. The USFWS has authority over some marine animals (e.g., manatees and walrus.) In addition, the Department of State should be added to the Interagency Committee, as international efforts must be a top priority to successfully reducing marine debris.

Section 5(d)(2): If section 5 is not deleted, the Department recommends that the report contain recommendations on the important international component of the marine debris issue.

Section 9:

Section 9: The Department believes that authorizations may need to be made beyond FY 2005. The research and other programs in this bill will take more than one year to complete. In addition, we request that all authorizations in this bill be consistent with the FY 2005 President's Budget.