

Heal the Bay.

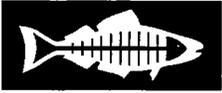
Hello, my name is Dr. Mark Gold, President of the Los Angeles environmental group, Heal the Bay. Thank you for the opportunity to testify on the BEACH Act amendment legislation. I have spent over twenty years working on beach water quality issues. As background, I was a co-author of the 1995 Santa Monica Bay epidemiology study on swimmers in runoff contaminated waters, a participant in EPA's Experts scientific workshop on critical needs for the development of new or revised recreational water quality criteria, helped author California's beach water quality standards, monitoring and notification law, helped create the California Clean Beach Initiative which has allocated over \$100 million to clean up the state's most polluted beaches, and I created Heal the Bay's Beach Report Card which provides weekly grades for nearly 500 California beaches on an "A" to "F" basis based on fecal bacteria densities.

Heal the Bay strongly support Representative Pallone's bill, HR 2537, because it provides a substantial and necessary funding increase to the program. To date, only \$62 million over seven years has been made available for this program and the results have been predictable: far too many heavily visited beaches are not monitored or monitored infrequently and inadequately. Also, in many states, the public is ill informed about water quality at their favorite beach. A day at the beach should not make you sick, but inadequate monitoring and poor public notification can lead to millions of swimmers unknowingly exposed to unacceptable health risks. In addition, Heal the Bay has the following recommendations:

- EPA's 2002 monitoring and assessment performance criteria were generic, advisory in nature, and they were only guidance. Please amend the bill as follows: EPA shall develop a baseline beach monitoring and public notification program that shall be used to determine eligibility of states for BEACH Act grant funding. The program shall include criteria for which beaches must be monitored based on visitorship and proximity to potential pollution source, minimum monitoring frequency, sample collection requirements, analytical methods, beach closure requirements for sewage spills, and public notification requirements. If a state does not utilize a program that meets or exceeds the baseline program, then they are not eligible for Beach Act funds.

This amendment is critical to insure that monitoring results between states and even counties are comparable. For example, currently one can not compare water quality in Florida, New Jersey, Hawaii or California because the programs are all so different. Using a metric of number of beach closures or postings to compare counties and states only provides meaningful information if monitoring programs are comparable. Eligibility criteria are commonly used in Federal grant programs to ensure high quality projects, and the same incentive for effective and protective monitoring and public notification programs should occur for BEACH act funding.

As you know, the recreational waters criteria development requirement for pathogens and pathogen indicators was not met by EPA. As a nation, we are still relying on criteria based on epidemiology studies completed in the 1970s. Many studies have been completed subsequent to EPA criteria development and some extraordinary studies are going on as I speak. Please require EPA to look at the results of all pertinent studies completed since 1985, for criteria



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development. Also, please require the EPA to protect swimmers in fresh water and marine waters equally – a major shortcoming in the current criteria. And the most sensitive population of swimmers, children, must be protected under the new criteria. Also, if the EPA should choose to eliminate an indicator for criteria use – like E. coli in fresh water, then the agency must provide scientific substantiation for eliminating the criterion. Finally, criteria development must take into account different sources of pathogens. In the past, the EPA has focused on sewage sources in temperate waters. The new criteria must take into account differences between temperate, subtropical and tropical waters, and sewage, urban runoff, and non-point source runoff (confined animal feedlots, agriculture and septic systems) sources. All of these recommendations are in the recently released Experts Report.

In conclusion, despite my strong recommendations on improvements necessary to strengthen the Beach Act, I want to thank EPA for their efforts on the experts workshop and their unbelievable cooperation in providing funding for a health effects study in Avalon on Catalina Island that will start at the end of the month. Congress has a great opportunity to turn a good law into an effective law that will protect the health of hundreds of millions of swimmers every year. Thank you for the opportunity to speak.