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**STATEMENT**
**OF**
**REPRESENTATIVE BRIAN P. BILBRAY**
**BEFORE THE**
**SUBCOMMITTEE ON WATER RESOURCES AND ENVIRONMENT**
**HOUSE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE**
**UNITED STATES HOUSE OF REPRESENTATIVES**

**HEARING: "REAUTHORIZATION OF THE BEACHES ENVIRONMENTAL ASSESSMENT AND COASTAL HEALTH ACT"**

**July 12, 2007**

Chairwoman Johnson, Ranking Member Baker and Members of the Committee, thank you for the opportunity to join in the discussion on reauthorization issues concerning the Beaches Environmental Assessment and Coastal Health (BEACH) Act (Public Law 106-284). This was legislation Congressman Pallone and I were proud to author in the 106th Congress. The legislation was passed with overwhelming bipartisan support and was signed into law by President Clinton.

The leadership of the House Transportation and Infrastructure Committee should be commended for their efforts to reauthorization of the BEACH Act. Under your leadership, a bill to reauthorize the BEACH Act that was authored by Congressman Bishop passed this Committee in the 109th Congress and then subsequently passed on the House floor.

President Theodore Roosevelt once said, "The nation behaves well if it treats the natural resources as assets which it must turn over to the next generation increased, and not impaired, in value." These words have resonated strongly with me, as a lifelong outdoorsman, former lifeguard, and through my career in elected office. This statement is as applicable today as it was when he said it more than one hundred years ago. We have an obligation to preserve and enhance our natural resources so that our children and grandchildren have the opportunity to enjoy the same quality of life we do today.

For this reason, the BEACH Act becoming law was a tremendous achievement for our nation. Growing up along the coast in San Diego, I saw how harmful bacteria and pathogens in the water can affect the health of both children and adults alike. Without basic standards for water quality evaluation, the health of our coastal waters and those that enjoy it would be threatened.

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The successful implementation of the BEACH Act throughout the past seven years has led to significant improvements in public health according to a report released by the Environmental Protection Agency (EPA) last October. Key findings I wanted to highlight to the Committee included:

- States have significantly improved their assessment and monitoring of beaches; the number of monitored beaches has increased from about 1,000 in 1997 to more than 3,500 out of approximately 6,000 beaches, as identified to EPA by the states for the 2004 swimming season.

- EPA has strengthened water quality standards throughout all the coastal recreation waters in the United States; the number of coastal and Great Lakes states with up-to-date water quality criteria has increased from 11 in 2000 to 35 in 2004.

- EPA has improved public access to data on beach advisories and closings by improving its electronic system for beach data collection and delivery systems; the system is known as "eBeaches." The public can view the beach information at http://oaspub.epa.gov/beacon/beacon_national_page.main.

- EPA is working to improve pollution control efforts that reduce potential adverse health effects at beaches. EPA's Strategic Plan and recent National Water Program Guidance describe these actions to coordinate assessment of problems affecting beaches and to reduce pollution.

- EPA is conducting research to develop new or revised water quality criteria and more rapid methods for assessing water quality at beaches so that results can be made available in hours rather than days. Quicker tests will allow beach managers to make faster decisions about the safety of beach waters and thus help reduce the risk of illness among beachgoers.*

While the progress we have made is impressive the BEACH Act can be improved to be even more effective in protecting public health, by incorporating new developments in the science behind water quality testing. Since 1986, the EPA has tested pathogens in the water through culture testing. Unfortunately, this antiquated method which is still in use today can take upwards of seventy-two hours to yield results. Conversely, new advances in molecular testing show tremendous promise, both in rapidly identifying potential pathogens in coastal waters, and in reducing the amount of time required to provide test results to appropriate public health officers.

Molecular testing has been shown to identify bacteria in only four hours, rather than seventy-two. Additionally, culture methods cannot differentiate between non-human and human organisms without additional testing. As a result, many beaches are closed unnecessarily and for too long due to detection of organisms that do not pose a threat to

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* Environmental Protection Agency, Implementing the BEACH Act of 2000, Report for Congress, October 2006, Available at: http://www.epa.gov/waterscience/beaches/report/full-rtc.pdf.

humans. Unlike culture methods, molecular tests can be designed to have unique specificity only for bacteria that are associated with human illness. This specificity is due to the molecular test's ability to recognize species specific bacterial DNA, a feature that prevents "false-positive" detection of irrelevant organisms.

In the past Congress, several of our House colleagues undertook efforts to reauthorize the BEACH Act. This renewed commitment underscores the importance of this legislation. I look forward to working with my colleagues and with this Committee, to ensure the reauthorization of the BEACH Act, so that the significant strides we have made to date can be sustained and enhanced.

To this end, I introduced H.R. 909, the Safe Water Improvement and Modernization (SWIM) Act of 2007. This legislation will reauthorize the programs in the BEACH Act until 2012 as well as authorize the EPA to complete a two-year study of the full capabilities of molecular testing. It is my hope that this study will open the door to quicker and more efficient testing times which will better protect the health and well being of those that want to enjoy our recreational waters.

Again, thank you for the opportunity to discuss the landmark BEACH legislation, and how we might continue to work together to build on its successes. I look forward to working with this Committee, and would be pleased to address any questions you may have.