

**Department of Legislative Services**  
Maryland General Assembly  
2004 Session

**FISCAL AND POLICY NOTE**  
**Revised**

Senate Bill 675

(Senator Colburn)

Education, Health, and Environmental Affairs

Environmental Matters

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**Study of Nonnative Oyster Species - Findings of the National Academy of Sciences**

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This bill repeals the requirement that the study of the Suminoe oyster and other nonnative species must proceed *in accordance with* the findings of the National Academy of Sciences (NAS) review of the Suminoe oyster. Instead, the study must *be consistent with* the findings of the NAS review.

The bill takes effect June 1, 2004.

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**Fiscal Summary**

**State Effect:** None. The Department of Natural Resources (DNR) advises that it is conducting its research in a manner that will address the concerns identified in the NAS report.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Chapter 508 of 2002 requires DNR to authorize the study of the Suminoe oyster and other nonnative species by both private and public research institutions with expertise in the field. Proper biosecurity measures must be followed in order to minimize the risk of a *de facto* introduction of a nonnative species in Maryland waters. The study must proceed in accordance with the findings of the NAS review of the Suminoe oyster. DNR was required to submit an interim report to the Governor; the House Environmental Matters Committee; and the Senate Education, Health, and Environmental Affairs

Committee by December 1, 2002 on the status of ongoing research and findings, including findings to date of the NAS review. The final report is due by December 1, 2004.

**Background:** The native Chesapeake Bay oyster (*Crassostrea virginica*) plays a vital role in filtering pollutants out of bay water and providing habitat for other marine life. At one time, Maryland produced between 1 and 2 million bushels of oysters each year. In recent years, however, two deadly parasitic diseases, MSX and Dermo, have been responsible for low harvests. DNR advises that the 2004 season is expected to yield only about 15,000 bushels, an all-time low. The 2003 season set a record-low harvest of 53,000 bushels; the previous record-low harvest was 79,000 bushels in 1994. The last time the harvest was over 1 million bushels was in 1986.

In an effort to address the native oyster shortage, there has been a growing focus on the feasibility of cultivating a nonnative oyster population, specifically *Crassostrea ariakensis*, also known as the Suminoe or Asian oyster. This species looks and tastes like a native oyster and grows more quickly than its native counterpart; early experiments also suggest that it is much more resistant to MSX and Dermo. There is significant concern, though, regarding the unknown impact of this nonnative species on the bay ecosystem. NAS, in its February 2004 report regarding research it has been conducting on the Suminoe oyster, cautioned that as much as five years of additional research is needed to thoroughly evaluate the risks and benefits associated with various management options.

In October 2003, the Board of Public Works approved a request by the University of Maryland Center for Environmental Science to experiment with Asian oysters in three bay tributaries. In the absence of federal jurisdiction, Maryland and Virginia are voluntarily preparing an environmental impact statement (EIS) to address the environmental, social, and economic issues surrounding a potential introduction of a new oyster species into the bay. To date, DNR has committed more than \$1.6 million on 14 separate research projects to provide information necessary for the ecological risk assessment, which is a major component of EIS. The U.S. Congress has directed the U.S. Army Corps of Engineers to provide management and oversight of EIS; several other federal agencies will serve as cooperating agencies. A draft EIS is scheduled to be completed in January 2005. If an introduction of diploid (reproductive) *C. ariakensis* is approved, the first stage of the introduction plan could occur in the summer of 2005.

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### **Additional Information**

**Prior Introductions:** Identical legislation was introduced as SB 475/HB 820 of 2003. The Senate Education, Health, and Environmental Affairs Committee held a hearing on SB 475 but no further action was taken. HB 820 passed the House with amendments and

was referred to the Senate Education, Health, and Environmental Affairs Committee; no further action was taken.

**Cross File:** None.

**Information Source(s):** Department of Natural Resources, Department of Legislative Services

**Fiscal Note History:** First Reader - March 9, 2004  
mh/ljm Revised - Senate Third Reader - March 25, 2004

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