

# **Proposed Harmful Algal Bloom Legislation in New York State**

**AN ACT to amend the state environmental conservation law  
and the state finance law**

**Jacob Welch, President**

**Douglas Merrill, Vice President**

**Finger Lakes Regional Watershed Alliance**



A photograph of a lake with green, algae-filled water. In the background, there is a stone wall, a blue house with a porch, and several trees. The text "What to do about HABs?" is overlaid in the center.

What to do about HABs?





# Worldview

Search for places or enter coordinates



1

Layers Events Data

## REFERENCE

- ☐ Place Labels  
Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community
- ☐ Coastlines / Borders / Roads  
© OpenStreetMap contributors
- ☒ Coastlines  
© OpenStreetMap contributors

## BASE LAYERS

- ☐ Corrected Reflectance (True Color)  
NOAA-21 / VIIRS
- ☐ Corrected Reflectance (True Color)  
NOAA-20 / VIIRS
- ☐ Corrected Reflectance (True Color)  
Suomi NPP / VIIRS
- ☐ Corrected Reflectance (True Color)  
Aqua / MODIS
- ☒ Corrected Reflectance (True Color)  
Terra / MODIS **v6.1 STD**

+ Add Layers

☒ Group Similar Layers

Start Comparison

10 km

5 mi

42.6600°, -77.3134° EPSG:4326

2024 SEP 15

1 DAY



024

SEP 2024



OCT 2024

DAY



# Confirmed Blooms by Lake

Lake	2024	2023	2022	2021
Otisco	15	6	7	2
Cayuga	120+	117	88	89
Hemlock	2	2	2	5
Canadice	1	1	1	0
Keuka	9	9	16	12
Honeoye	44	44	33	
Canandaigua	237	77	32	
Skaneateles	145	19	9	
Seneca	325	54	49	
Owasco	60*	72	26	

# STATE OF NEW YORK

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5150

2025-2026 Regular Sessions

## IN ASSEMBLY

February 12, 2025

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Introduced by M. of A. KELLES, GONZALEZ-ROJAS, McMAHON, BURDICK, SHIMSKY, OTIS, SHRESTHA, ROSENTHAL, SLATER -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law and the state finance law, in relation to enacting the "harmful algal bloom monitoring and prevention act"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:



# STATE OF NEW YORK

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1833

2025-2026 Regular Sessions

## IN SENATE

January 14, 2025

Rachel May



# STATE OF NEW YORK

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5150

2025-2026 Regular Sessions

## IN ASSEMBLY

February 12, 2025

Anna Kelles



**Section 1. Short title.** This act shall be known and may be cited as the "harmful algal bloom monitoring and prevention act".

**§ 2. Legislative findings and declarations.** The legislature finds that the state of New York has a responsibility to maintain the health and safety of its abundant clean water resources, upon which the residents of New York state, as well as its many visitors, rely on for drinking, agriculture, tourism, recreation, and their livelihoods. Because the waters of the state are under threat by harmful algal blooms (HABS), which are known to be toxic and even fatal to humans, pets, and wildlife, the state has a responsibility to provide coordinated, statewide monitoring, evaluation, prevention and mitigation, going beyond waterbody-specific data collection and isolated mitigation efforts. While the causes of HABS are complex and varied, with a coordinated and standardized approach to monitoring and evaluation, patterns can more readily be identified to isolate the combination of relevant causes specific to different bodies of water across the state and determine the most effective targeted interventions. To address this threat, the state must develop and maintain a comprehensive state clearinghouse to bring together existing and new available statewide cross-sectional and longitudinal data and information on HABS, potential and known causes, best practice interventions, expertise, and funding resources. This data and subsequent report will enable the state to effectively and efficiently administer a central grant program supporting data-driven best practices in prevention and mitigation of harmful algal blooms.



# Legislative Finding 1

“The legislature finds that the state of New York has a responsibility to maintain the health and safety of its abundant clean water resources, upon which the residents of New York state, as well as its many visitor, rely on for drinking, agriculture, tourism, recreation, and their livelihoods.”



# Legislative Finding 2

The legislature also finds that: “...the waters of the state are under threat from harmful algal blooms (HABs), which are known to be toxic and even fatal to humans, pets, and wildlife...”

Therefore, the bill declares that the state has four responsibilities (broad objectives) pertaining to HABs that are to be met by this legislation



# Declaration 1: The State of New York has a responsibility to:

“...provide coordinated, statewide monitoring, evaluation, prevention and mitigation [of HABs outbreaks], going beyond waterbody-specific data collection and isolated mitigation efforts.”



# Declaration 2: The State of New York has a responsibility to

“...isolate the combination of relevant causes [of HABs outbreaks] specific to different bodies of water across the state and determine the most effective targeted interventions.”



Declaration 3: The State of New York has a responsibility to develop and maintain:

“...a comprehensive state clearinghouse to bring together existing and new available statewide cross-sectional and longitudinal data and information on HABS, potential and known causes, best practice interventions, expertise, and funding resources.”



# Declaration 4: The State of New York has a responsibility to

“...effectively and efficiently administer a central grant program supporting data-driven best practices in prevention and mitigation of harmful algal blooms.”



# Summary of Finds and Declarations

Finding 1: The state is responsible for healthy and safe water

Finding 2: The state's water is under threat from HABs

Therefore, the bill declares that to fulfill its responsibility to maintain healthy and safe NYS waters from the threat of HABs, the state has four objectives:

- Create and administer a comprehensive, statewide response to HABs
- Isolate the relevant combinations of causes of HABs
- Create and maintain a central clearinghouse of data, information and best practices
- Create and fund a centralized grant program



# **The bill proposes to add § 15-0519 to the state Environmental Conservation Law**

The “Harmful algal bloom monitoring and prevention program”

# **The bill proposes to add § 99-ss to the state Finance Law**

The “Harmful algal bloom monitoring and prevention fund”



# The Harmful Algal Bloom Monitoring and Prevention Program

There are five specific provisions to the Program that require state action to be directed by the Commissioner of the Department of Environmental Conservation (DEC)



# Provision 1: A comprehensive statewide data collection consolidation and analysis report

2. Comprehensive statewide data collection consolidation and analysis; report. a. The commissioner shall develop a program to further the comprehensive and consistent collection, consolidation, analysis and meta-analysis of statewide data relating to the monitoring, evaluation, prevention, and mitigation of harmful algal bloom outbreaks. The commissioner shall provide guidelines for the submission of existing and historical harmful algal bloom monitoring, evaluation, mitigation, and prevention data and strategies from relevant institutions, organizations, and individuals with experience in peer-reviewed research, grant-making, or other like activities in the area of water quality relating to the monitoring, evaluation, prevention, and mitigation of harmful algal bloom outbreaks, including but not limited to research programs, clinics, labs, and project management.

b. The data collected, consolidated, and analyzed shall consist of elements including but not limited to longitudinal data on the incidence of harmful algal blooms, contextual factors thought to be associated with the incidence of harmful algal blooms such as water temperature, turbidity, flow rate, salinity, nutrient levels for phosphorus and nitrogen, acidity (pH), dissolved oxygen levels, monitoring and evaluation of waters of the state that do not contain harmful algal blooms, and results of harmful algal bloom interventions in New York state.

c. The data collected, consolidated, and analyzed shall meet a standard that is consistent with the practices and expertise of institutions, organizations, or individuals with experience in peer-reviewed research, grantmaking, or other like activities in the area of water quality relating to the monitoring, evaluation, prevention, and mitigation of harmful algal bloom outbreaks, including but not limited to research programs, clinics, labs, and project management.

d. The department shall annually publish and update a list of vetted best practice strategies for harmful algal bloom monitoring, evaluation, prevention, and mitigation, which shall be differentiated by region or water body with unique confirmed causal pathways for the related harmful algal bloom outbreak trends. Such strategies shall be supported by findings of the harmful algal bloom database created pursuant to subdivision three of this section, as well as external evaluation, including but not limited to strategies approved by the federal environmental protection agency, certification that such strategies meet or exceed the American National Standards for health effects of drinking water treatment chemicals (NSF/ANSI/CAN-60), or testing for efficacy by center of excellence in healthy water solutions. The department shall publish such list and

findings supporting the strategies on such list on the department's website.

e. No later than five years after the effective date of this section, the commissioner, in consultation with the commissioner of agriculture and markets, shall prepare a report providing comprehensive analysis and meta-analysis of the data collected pursuant to this section, including findings and recommendations for establishing, maintaining, and improving upon a coordinated system of monitoring, evaluation, prevention, and mitigation of harmful algal bloom outbreaks across New York state. The department shall:

i. update the report at least once every five years after the initial completion of the report;

ii. make the report publicly available on the department's website;

iii. hold at least six regional public comment hearings on the draft report and subsequent updates to the report, including three meetings in the upstate region and three meetings in the downstate region, and shall allow at least one hundred twenty days for the submission of public comment;

iv. provide meaningful opportunities for public comment from all segments of the populations that live near, or are reliant upon for drinking, recreation, or economic activity, the waters of the state included in the report;

v. seek out input from institutions or organizations with relevant expertise, citizen scientists, and labs testing water quality in relation to harmful algal blooms;

vi. identify the magnitude of harmful algal blooms across the state and make recommendations on regulatory measures and other state or local actions to monitor, evaluate, prevent, or mitigate harmful algal blooms, including existing opportunities for coordination of federal, state, municipal, and non-governmental organizations;

vii. identify best practices, technology, and available federal, state, municipal, or private funding for and existing efforts in monitoring, evaluating, preventing, and mitigating harmful algal blooms; and

viii. identify the current need in specific bodies of water for the establishment of programs or organizations to further the monitoring, evaluation, prevention, and mitigation of harmful algal blooms, and the costs therefor.



# Provisions of the Harmful Algal Bloom Monitoring and Prevention Program require the creation of:

**A comprehensive statewide data collection consolidation and analysis report**

**The Commissioner [of DEC] will develop a program...**

- capable of mounting a comprehensive, statewide response to the threat of HABs,
- by collecting and analyzing all the important data and information available on HABs, that was
- discovered and generated by scientifically-competent, reliable and credentialed individuals and entities,
- and to make all data and information that is collected and analyzed available on a centralized and publically accessible website,
- allowing what is learned to be published in a very thorough and comprehensive report in five years time, and every five years thereafter.



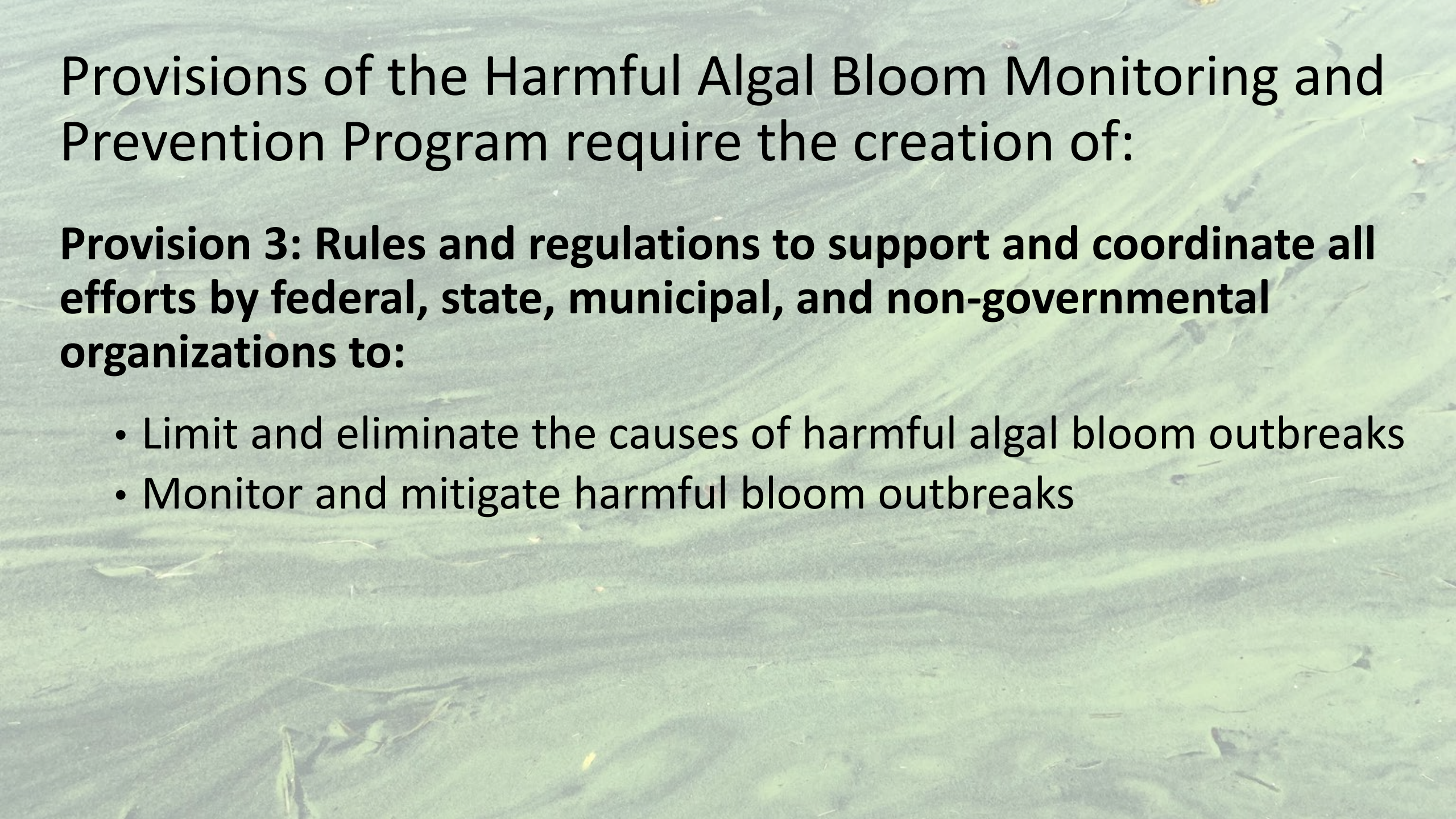
# Provisions of the Harmful Algal Bloom Monitoring and Prevention Program require the creation of:

## **Provision 2: A harmful algal bloom database**

“The commissioner shall establish and maintain a website providing public access to a harmful algal bloom database...” [to] “support the coordination of efforts across the state to monitor, evaluate, prevent, and mitigate harmful algal blooms...” It shall include, but not limited to:

- Geolocation of outbreaks and efforts to monitor, evaluate, prevent and mitigate them
- Existing research, analysis and reports on HABs in state waters
- Known or developing best practice strategies
- Available sources of funding, including federal, state, municipal, and/or private funding, grants, or other monies
- Information on institutions with expertise in peer-reviewed grant-making and research in the area of water quality and/or HABs



The background of the slide is a photograph of a body of water covered in a thick, green algal bloom. The algae appears as a dense, textured layer on the water's surface, with some darker patches visible underneath. The overall tone is a muted green with some brownish-yellow highlights.

Provisions of the Harmful Algal Bloom Monitoring and Prevention Program require the creation of:

**Provision 3: Rules and regulations to support and coordinate all efforts by federal, state, municipal, and non-governmental organizations to:**

- Limit and eliminate the causes of harmful algal bloom outbreaks
- Monitor and mitigate harmful bloom outbreaks



# Provisions of the Harmful Algal Bloom Monitoring and Prevention Program require:

## **Provision 4: Program Development**

“The commissioner shall establish and support new and existing programs and organizations relevant to the health of waters of the state that have not implemented strategies to monitor, evaluate, prevent, or mitigate harmful algal bloom outbreaks.”



Provisions of the Harmful Algal Bloom Monitoring and Prevention Program require the creation of:

**Provision 5: A harmful algal bloom grant program**

Funding shall be available to “municipalities, intermunicipal organizations, community-based nonprofits, or academic institutions for the deployment of harmful algal bloom monitoring, evaluation, prevention, and mitigation strategies and best practices.”



# Provisions of the Harmful Algal Bloom Monitoring and Prevention Program require the creation of:

## **Provision 5: A harmful algal bloom grant program**

First preference shall be given to applicants who “propose strategies that incorporate principles of least harm and greatest safety to applicators, the public, and the environment, and utilize passive or non-chemical physical controls, including by not limited to:”

- Aeration
- Hydrologic manipulations
- Mechanical mixing
- Reservoir drawdown or desiccation
- Surface skimming
- Ultrasound
- Other emerging technologies



# Provisions of the Harmful Algal Bloom Monitoring and Prevention Program require the creation of:

## **Provision 5: A harmful algal bloom grant program**

“Second preference shall be given to applicants who demonstrate expertise with previous experience treating water bodies in the United States larger than one thousand acres, with proven success using accepted strategies...” such as:

- Products that produce cyanotoxin reduction
- Technologies with emergency application situations
- Products that are modular and used preventatively
- Products that are quick, easy and safe
- Products that float on the water surface
- Products that are distributed autonomously after a localized application
- Products that are time-released and apply prolonged oxidative stress to cyanobacteria
- Products manufactured in the US



# The Harmful Algal Bloom Monitoring and Prevention Program

SUMMARY of the Five Provisions: The bill requires the state to create:

- A comprehensive statewide data collection consolidation and analysis report
- A centralized HABs database website that is publically available
- Rules and regulations to support and coordinate all efforts
- Programs to address HABs in waterbodies where programs do not exist
- A harmful algal bloom grant program



# The Harmful Algal Bloom Monitoring and Prevention Fund (§99-ss to the State Finance Law)

“Moneys of the fund shall be available to the commissioner of environmental conservation for the harmful algal bloom monitoring and prevention program established pursuant to §15-0519 of the environmental conservation law.”



# Timeline

- This act shall take effect one year after it shall have become a law.
- Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.



# What Can We Do?

- Contact constituents/members with information about the bill
- Write letters to local representatives
- Pass local municipal resolutions
- Write Op/Ed pieces for the local papers
- Use social media posts
- Contact the Governor's office



# FINGER LAKES REGIONAL WATERSHED ALLIANCE

March 19, 2025

Hon. Jeff Gallahan  
70 Elizabeth Blackwell Street  
Geneva, NY 14456

**Subject:** Your support is urgently needed for Harmful Algal Bloom Legislation (A5150)

The Finger Lakes Regional Watershed Alliance (FLRWA), a coalition representing public associations for all 11 Finger Lakes and their watersheds, urges the prompt passage of this legislation to enhance monitoring and remediation of harmful algal blooms (HABs) in New York State.

The NYS Department of Environmental Conservation estimates that lakes and rivers in the Finger Lakes region supply drinking water to over 2 million residents. In October of 2024, both the city of Auburn and the Town of Owasco detected low levels of toxins from HABs-related cyanobacteria had passed through their filtration systems and entered drinking water supplies. HABs pose an unacceptable risk to human health.

The **Harmful Algal Bloom Monitoring and Prevention Act** is a long overdue, common sense, and science-based response to the substantial threats HABs pose to public health and New York's lake-based economies. To combat HABs effectively, the state must establish a centralized and comprehensive clearinghouse of scientific data, research on contributing factors, and evidence-based best practices—along with a consistent funding mechanism to support research and mitigation efforts.



**RESOLUTION #2025-023**

**A RESOLUTION URGING SUPPORT FOR LEGISLATION TO MONITOR AND PREVENT  
HARMFUL ALGAL BLOOMS (HABs) IN NEW YORK STATE WATERWAYS**

**WHEREAS**, Canandaigua Lake is the community's most important natural asset and an essential part of its culture and identity; and

**WHEREAS**, the City of Canandaigua is responsible for providing clean and safe drinking water from Canandaigua Lake for 40,000 upstate residents; including all residents of the City of Canandaigua with Canandaigua Lake ultimately serving as the potable water source for 70,000 residents; and

**WHEREAS**, Canandaigua Lake provides is a vital part of the community's economy from tourism and recreational use; and

**WHEREAS**, Canandaigua Lake is under serious threat by frequent and increasingly severe blooms of cyanobacteria, known as Harmful Algal Blooms (HABs); and

**WHEREAS**, these blooms produce and release into the water column a collection of neurotoxins and liver toxins that are hazardous to the health and lives of humans, pets and wildlife; and

**WHEREAS**, Canandaigua Lake, as a natural body of water, is owned by the State of New York which is therefore responsible for the health and safety of this natural resource; and

**WHEREAS**, two identical bills have been introduced in the current legislative session (2024/2025) in the State Assembly (A5150) and State Senate (S1833) by the title: The Harmful Algal Bloom Monitoring and Prevention Act;

**NOW, THEREFORE, BE IT RESOLVED**, that City Council urges its elected state representatives, Senator Pamela Helming and Assemblymember Jeff Gallahan, to support this important legislation aimed at mounting a comprehensive and statewide effort to address the serious threat posed by Harmful Algal Blooms (HABs).

**ADOPTED** this 31<sup>st</sup> day of March, 2025.

**ATTEST:**



## Lobbying

In general, no organization may qualify for section 501(c)(3) status if a substantial part of its activities is attempting to influence legislation (commonly known as **lobbying**). A 501(c)(3) organization may engage in some lobbying, but too much lobbying activity risks loss of tax-exempt status.

**Legislation** includes action by Congress, any state legislature, any local council, or similar governing body, with respect to acts, bills, resolutions, or similar items (such as legislative confirmation of appointive office), or by the public in referendum, ballot initiative, constitutional amendment, or similar procedure. It does not include actions by executive, judicial, or administrative bodies.

An organization will be regarded as attempting to influence legislation if it contacts, or urges the public to contact, members or employees of a legislative body for the purpose of proposing, supporting, or opposing legislation, or if the organization advocates the adoption or rejection of legislation.

Organizations may, however, involve themselves in issues of public policy without the activity being considered as lobbying. For example, organizations may conduct educational meetings, prepare and distribute educational materials, or otherwise consider public policy issues in an educational manner without jeopardizing their tax-exempt status.



# Measuring lobbying activity: Expenditure test

Organizations other than [churches](#) and [private foundations](#) may elect the expenditure test under section 501(h) as an alternative method for measuring lobbying activity. Under the expenditure test, the extent of an organization's lobbying activity will not jeopardize its tax-exempt status, provided its expenditures, related to such activity, do not normally exceed an amount specified in section 4911. This limit is generally based upon the size of the organization and may not exceed \$1,000,000, as indicated in the table below.

If the amount of exempt purpose expenditures is:	Lobbying nontaxable amount is:
$\leq \$500,000$	20% of the exempt purpose expenditures
$> \$500,000$ but $\leq \$1,000,000$	\$100,000 plus 15% of the excess of exempt purpose expenditures over \$500,000
$> \$1,000,000$ but $\leq \$1,500,000$	\$175,000 plus 10% of the excess of exempt purpose expenditures over \$1,000,000
$> \$1,500,000$ but $\leq \$17,000,000$	\$225,000 plus 5% of the exempt purpose expenditures over \$1,500,000
$> \$17,000,000$	\$1,000,000



# **The Harmful Algal Bloom Monitoring and Prevention Act**

**AN ACT to amend the state environmental conservation law  
and the state finance law**

Senate Bill S1833

Assembly Bill A5150

Primary Sponsor Rachel May

Primary Sponsor Anna Kelles

**Comments or Questions?**