## Interstate Harmful Algal Bloom Regulations and Guidance Matrix

Prepared by NEIWPCC in cooperation with the States of Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont. Last Updated July 2014. For more information, contact Dan Peckham, NEIWPCC.

	СТ	MA	ME	NH	NY	RI	VT
Regulations	Statutory Authority: Connecticut General Statutes outlines enforcement authority under Chapter 98, Municipal Powers. Section 7-148: - power to "control and operate" recreation places, public beaches and beach facilities - power to "regulate and prohibit swimming or bathing in the public or exposed places within the municipality'  CT Public Health Code does not include a pertinent regulation specific for lakes and ponds, however, section 19-13-B34 may apply to impoundments.  Information below is from "Guidance to Local Health Departments For Blue–Green Algae Blooms in Recreational Freshwaters" (June 2014) - linked under Information Source(s): Web Access.	Statutory Authority: Massachusetts General Law 111. section 122: Regulations relative to nuisances: examinations - power of local boards of health to take action against nuisances (including HABs) Massachusetts General Law 11, section 5S: Public bathing waters- describes roles and responsibilities of bathing beach operation	Title 38, Chapter 3, Article 4A: Section 465-A 1B does not specifically mention HABs but does state: Class GPA (only water quality class for lakes) waters shall have a stable or decreasing trophic state, subject only to natural fluctuations and shall be free of culturally induced algal blooms which impair their use and enjoyment. DEP Rules (66-996 Chapter 581: 6B) define algal blooms as "planktonic growth of algae which causes Secchi disk transparency to be less than 2.0 m."	cyanobacteria. However, if cyanobacteria is found, an advisory sign must be posted. Still researching the state statutes to determine if	odor-producing, toxic and other deleterious substances allows	None	Guidance Document Only: http://healthvermont.gov/enviro/bg_algae/docun nts/BGA_guide.pdf
Regulations Comments:  - Type: Guidance, binding regulation, etc.  - Purpose of the regulatory framework (e.g., alerting the public, assuring compliance)  - Comments on how state reached the values, and how values were moved through the rulemaking process	- Guidance Document - Comprehensive document includes public alert and action value components, with less of a focus on watershed management/assuring compliance - VT processes and procedures were mirrored closely in the development of the CT approach	Document Document	State program and volunteers in the Maine Volunteer Lake Monitioring Program monitor algal blooms using Secchi disk. Maine does not have any monitoring specific to HABs; when DEP staff are asked about HABs, our standard answer pertains to general conditions (blooms, risk of contracting Girardia) rather than HABs (e.g., don't swallow water, some species irritate skin - shower after swimming, relate personal perspective that if it were my child and I couldn't see more than 6-7 feet into the water, I wouldn't want them swimming in the water because I might not be able to find them if they had an accident). Preliminary screening data indicate that toxic blooms are not a prevalent issue in Maine, but the state wants to be prepared for future bloom situations because changes in frequency and duration of precipitation events coupled with an extended growing season due to early ice-off and later ice-on, might change the types of blooms that occur in the state.	Services has the authority to close a beach of lake. DES does NOT have that authority.  - Purpose: Notify public if cyanobacteria are found	- No specific regulations for HABs, but WQS may be interpreted	Type: Guidance, non-binding Purpose: Alerting the public Comments: Guidance has not undertaken the rule- making process. Guidance was developed based on MA studies/policy, which are based on WHO guidelines.	- Type: Guidance
Indicators Monitored	Visual scums Cell counts	Visual scums or mats Cell counts Toxin levels of lysed cells (Microcystic-LR)	Until 2014, Secchi Transparency only, we will use indicators recommended by Region 1 for the Regional project this summer.	Visual bloom Cell count Percent of the total cell count in an algae sample being identified as cyanobacteria.	Visual Evidence consistent with BGA (spilled paint, pea soup, green streaks) BG chlorophyll a, total chlorophyll a Microcystis-LR, Anatoxin-a Ancillary information (bloom increasing, unsampled denser shoreline blooms, etc.)	Visual scum/mat Cyanobacteria cell count Microcystin concentration	Visual Monitoring Cell Counts Species ID Toxins

	No volunteering monitoring program actively managed by the state, but	From 2009-2013, using CDC funding, MDPH	We request that volunteers notify Maine DEP	DES conducts routine sampling at freshwater	DEC posts information about the programs and how the program	Surveillance Program by Rhode Island Department of	16 VTDEC Long Term monitoring sites visited bi-
Proactive Surveillance/ Sampling (DEP, DPH, Citizen) - Note inicator being sampled for each method	consultants and individual lake groups can conduct their own as desired.  State swimming beaches are monitored by DEEP staff (weekly).  Further efforts ongoing with EPA R1 (Monitoring and Analysis Focus Team).	conducted weekly monitoring at 5 locations with known history of blooms (MDPH) during the summer months. Tested for cyanobacteria count & ID, Microcystin, and water quality parameters (including pH, Turbidity, DD, Temp). That ceased after the CDC funding ended.	when algal blooms decrease Secchi transparencies below 2.0 meters.	beaches - the goal is to inspect each beach in the program three times between Memorial Day and Labor Day. Not all freshwater beaches sampled by the DES program are accessible to the general public.	hat collect blue-green algae data: Citizens in lake communities that have a lake association may be able to participate in the Citizen Statewide Lake Assessment Program (CSLAP, http://www.dec.ny.gov/chemical/81576.html); information about what data is collected is available on DEC's website http://www.dec.ny.gov/chemical/81849.html,- appx 120 lakes sampled 8x per summer for open water blooms and as needed when shoreline blooms observed.  DEC monitoring conducted on other lakes; bloom samples collected when blooms observed	Environmental Management, as funding and manpowe allows	weekly (cell counts, visual, toxins when bloom present) 70 Lake Champlain Committee volunteer sites (visual) 14 VDH monitoring sites ( visual, cell count, toxins)
Sampling Methods  - Note indicator being sampled for each method	Sampling for cell counts, visual observations. (secchi depth) Sampling at the Shoreline - Sampler should be using waders and long sleeved rubber gloves - Clearly mark sampling containers with required information (site #, date, time, etc.) - Wade to an approximate depth of three feet - Invert sample bottle(s) to collect a sample at approximately 18 inches below the surface - Decant water for required air space and/or pour into additional containers (if necessary), cap bottles - Visual observations — look to see if bottom is visible, if a scum on water's surface is present - Fill out chain of custody, including visual observations - Store samples in a cooler with ice until delivery to lab(s) - Sampling the Shoreline from a Dock, Wall, or Boat - Sampler should be using long sleeved rubber gloves - Clearly mark sampling containers with required information (site #, date, time, etc.) - Choose a location that is approximately three feet deep (if possible) - Lean over to collect sample (if possible), or use a pole sampling device to collect sample - Invert sample bottle(s) to collect a sample at approximately 18 inches below the surface - Decant water for required air space and/or pour into additional containers (if necessary), cap bottles - Visual observations — look to see if bottom is visible, if a scum on water's surface is present - Use a Secchi disk with calibrated line to determine transparency and total depth - Fill out chain of custody, including visual observations - Store samples in a cooler with ice until delivery to lab(s) - Logistical Issues - Long holding times may result in higher counts.	- MDPH has a written sampling protocol Samples must be collected at 1 meter depth, six inches below the surface Hip waders and gloves are used Depth is fixed but lateral location is not. Sampling site is chosen based on bloom appearance and access to water to target worst case scenario for human exposure Samples must be placed on ice and analyzed for cell count and identification within 24 hours of collection.  If a cell count sample exceeds 50,000 cells/mL, toxin testing of lysed cells should be done to ensure that guideline of 14 ppb is not exceeded. The lysing should consist of three freeze and thaw cycles.	State program and volunteers in the Maine to Volunteer Lake Monitioring Program monitor algal blooms using Secchi disk. Maine does not have any monitoring specific to HABs.	The goal of the freshwater beach program is to inspect each beach in the program three times over between Memorial Day and Labor Day.	Citizen Statewide Lake Assessment Program (CSLAP, http://www.dec.ny.gov/chemical/81576.html); information about what data is collected is available on DEC's website http://www.dec.ny.gov/chemical/81849.html - appx 120 lakes sampled 8x per summer for open water blooms and as needed when shoreline blooms observed.  Full sampling procedures listed here: http://www.dec.ny.gov/docs/water pdf/cslapsampro.pdf	At public access point (screening samples) or area of complaint (response samples), a single grab sample is collected for analysis of cyanobacteria cell count and microcystin concentration. If a bloom is noted in anothe area of the waterbody, a second grab sample can be collected from the bloom for cyanobacteria cell count and microcystin concentration	See QAPP for detail. Beach area whole water samples collected near surface at 1-2 feet in depth.
Indicator Action Limits/Levels (Advisories, Closures, Acute and Chronic)	Visual Rank Category 2 (or blue-green algae cells >20k/ml and < 100k): Notify CT DPH, CT DEEP, Increase regular visual surveillance until conditions change.  Visual Rank Category 3, or blue-green algae cells > 100k/ml: POSTED BEACH CLOSURE: if public has beach access, alert water users that a blue-green algae bloom is present.	ensure that guideline of 14 ppb (microcystin) is not exceeded) if cell count exceeds 50,000	No official guidance for closures/advisories, but DEP Rules (06-096 Chapter 581: 6B) define algal blooms as "planktonic growth of algae which causes Secchi disk transparency to be less than 2.0 m."	Beach Advisories issued when a bloom exists, with a cyanobacteria cell count exceeding 70,000 cells/mit. OR >50% of the bloom is a cyanobacteria.  A Lake WARNING is issued when a lake has no beach or the bloom covers area away from the beach. Action values the same as a beach advisory.  Beach closures not issued.	"Suspicious" blooms = visual evidence consistent with BGA (spilled paint, pea soup, green streaks)  "Confirmed" blooms = sample showing BG chlorophyll a > 30 ug/l or total chlorophyll a > 50 with dominance by BGA species; beach closure from DOH or OPR; chlorophyll > 20 with ancillary information  "Confirmed with high toxins" = microcystis-LR > 20 ug/l or anatoxin-a levels > 4 ug/l; open water MC-LR > 10 and ancillary information (bloom increasing, unsampled denser shoreline blooms, etc.)  DOH and OPR: Advisory: bloom outside swimming area; Closure: bloom within swimming area; Closure: bloom within swimming area regulated beach but no evidence of bloom at beach, or if beach has reopened and some indication that bloom may return. Recommended:	if any of the following guidelines are met, then a recreational health advisory is issued:  1. A scum or mat of cyanobacteria.  2. Cyano cell count >70K cells/mL.  3. Microcystin concentration >14ug/L.	Recommendation: VISUAL Post Beach at Category 2 Close Beach at Category 3  Cell Count Close Beach >4000 potential producer cells/mL  Toxins Close >6 ug/L microcystin or >10ug/L anatoxin
Sources Referenced	WHO (Toxic Cyanobacteria in Water: A guide to their public health consequences, monitoring and management)  YTDOH (Cyanobacteria (Blue-green Algae) Guidance for Vermont Communities.)  USEPA (Exposure Factors Handbook)  Oberholster PJ, B. A. (Microcystis aeruginosa: source of toxic microcystins in drinking water.)  Bress, D., & Stone, W. (Addressing Public Health Risks for Cyanobacteria in Recreational Freshwaters: The Oregon and Vermont Framework.)	See pages 7-11 of the document linked below under Information Source(s): Web Access.  WHO, USEPA, VT, CA, OR, and Australia were all key sources.	N/A	wнo	Guidance thresholds, based on literature review and analysis of other state's criteria, are used to categorize the alage bloom data received.	WHO. 1999. Toxic Cyanobacteria in Water: A guide to their public health consequences, monitoring and management. http://www.who.int/water_sanitation_health/resourcesquality/toxcyanbegin.pdf	Appendix G- Community Guidance Document - WHO, CDC, Scottish Executive Health Department, Providence of Quebec

Bloom Classification System	Category 1: Visible material is not likely cyanobacteria or water is generally clear. Category 2: Cyanobacteria present in low numbers. There are visible small accumulations but water is generally clear. Category 3: Cyanobacteria present in high numbers. Scums may or may not be present. Water is discolored throughout. Large areas affected. Color assists to rule out sediment and other algae.	Advisory: Avoid contact with water if visible scum or mat, ≥14 μg/L microcystin-LR, or ≥70,000 cells/mL for cyanobacteria cell counts.	Secchi transparency < 2.0 meters due to algal growth is defined as a nusiance algal bloom.	Public Health Advisory: Avoid contact with water	"Suspicious" blooms = visual evidence consistent with BGA (spilled paint, pea soup, green streaks) "Confirmed" blooms = sample showing BG chlorophyll a > 30 ug/l or total chlorophyll a > 50 with dominance by BGA species; beach closure from DOH or OPR; chlorophyll > 20 with ancillary information "Confirmed with high toxins" = microcystis-LR > 20 ug/l or anatoxin-a levels > 4 ug/l; open water MG-LR > 10 and ancillary information (bloom increasing, unsampled denser shoreline blooms, etc.)  DOH and OPR: Advisory may be issued if DEC reports BGA near regulated beach but no evidence of bloom at beach, or if beach has reopened and some indication that bloom may return	None	VISUAL Category 1: Little or no Blue-Green algae present-clear water Category 2: Blue-Green algae present, but less than 'bloom levels' Category 3: Blue-Green algae bloom in progress
Labs Used	EcoAnalysts, Inc. Green Water Laboratories Northeast Laboratories, Inc. PhycoTech, Inc. State University of New York	Northeast Labs Greenwater Lab	We used State University of New York and University of New Hampshire for the screening study. We've used a semi-quantitative kit in our own lab since.		CSLAP: NYS Federation of Lake Associations, sent to SUNY - Syracuse, ESF  Non-CSLAP: SUNY - Syracuse, ESF  DOH: NYS DOH Office, Albany	GreenWater Laboratory, Palatka, FL	Vermont Public Health Lab
Reporting Protocol	By Phone: DPH: 860-509-7758 DEEP: 860-424-3020 By Email: algalbloomsCT@ct.gov, deep.algalblooms@ct.gov	Reports requested via phone to MDPH.  MDPH asks local health dept or individual reporting the bloom to email photos of the bloom before samplers are deployed.	To report a bloom, contact the DEP Lakes Staff at 207-287-3901.	"If you suspect a cyanobacteria bloom is occurring at your lake or pond, please call DES immediately at 603-419-0918 (cyanobacteria hotline) or beaches@des.nh.gov  You may also collect a sample in a clean container (plastic or glass jar) and bring it to DES to identify."	DEC: Online: Citizens not assoicated with a lake association/CSLAP may submit information about potential blooms using DEC's online form (http://www.dec.ny.gow/docs/water-pdf/algaereportform.pdf) and limited sampling may be authorized under authority of DEC.  By Phone: Contact regional DEC office or DEC HAB coordinators.  DOH/OPR: blooms observed by beach managers reported by DOH/OPR HAB coordinators in Albany  All data reported to any agency shared amongst all agency HAB coordinators	Email or call: Brian Zalewsky or Jane Sawyers at RIDEM	Call 800-439-8550 or 802-863-7220, or email AHS.VDHBlueGreenAlgae@state.vt.us.
	Visit the site of a reported bloom.     If justifiable (Category 2), notify State Agencies	MDPH responds to all received reports of blooms (reports come from state environmental and local		Upon receiving notice of a suspected cyanobacteria bloom, DES will conduct a site	DEC: Follows up with all reports received for updates to the status of bloom: once visual evidence and/or lab results indicate BGA	A picture is requested and reviewed by RIDEM for evidence of cyano bloom. A qualitative sample for	Site Visit by: Town Health Officer, LCC volunteer, VDH Staff, VTDEC Staff. Provide guidance
Report Investigation	3) Continue regular field observations. (See example field observation form in Appendix.) 4) If conditions deteriorate to Category 3, post the site and the area. 5) When visual conditions improve, take a water sample for microscopic analysis. 6) Wait approximately one week and sample again. 7) A: If justifiable, terminate the posting; B: Otherwise wait approximately one more week and sample again. 8) Repeat step 7 until termination or the end of the summer recreational season.	health officials, parks staff, residents, and watershed associations):  - Asks local health dept or individual reporting the bloom to email photos of the bloom before samplers are deployed	DEP staff or VLMP staff will investigate extent and collect water samples for TP & Chl	visit.  The Beach Program will also immediately resample all beaches upon issuing an advisory.	bloom conditions have dissipated, waterbody removed from DEC noffication page  DOH/OPR: Blooms observed by beach managers reported by DOH/OPR HAB coordinators in Albany.  All data reported to any agency shared amongst all agency HAB coordinators	citizen complaints is collected and reviewed by RIDEM (Jane Sawyers) for potential exceedance of the cyano cell count. If it may exceed, the sample is sent for quantitative cell count and microcystin analysis.	document, signs and testing supplies if needed.
Report Investigation	3) Continue regular field observations. (See example field observation form in Appendix.) 4) If conditions deteriorate to Category 3, post the site and the area. 5) When visual conditions improve, take a water sample for microscopic analysis. 6) Wait approximately one week and sample again. 7) A: If justifiable, terminate the posting; B: Otherwise wait approximately one more week and sample again.	health officials, parks staff, residents, and watershed associations):  - Asks local health dept or individual reporting the bloom to email photos of the bloom before samplers are deployed  Advisory: Avoid contact with water if visible scum or mat, 214 µg/L microcystin-LR, or ≥70,000 cells/mL for cyanobacteria cell counts.  Once Avisory is posted: Weekly testing until avisory can be lifted, but follow-up testing more frequently than weekly may be suggested based on weather conditions.  Advisories may be lifted after two successive and representative sampling rounds one week apart demonstrate cell counts or toxin levels below those at which an advisory would be posted.	DEP staff or VLMP staff will investigate extent and collect water samples for TP & ChI analysis.  DEP staff are in contact with Department of Health and Human Services Center for Disease Control staff when specific questions/issues arise. The CDC has not engaged with DEP in moving to an Intervention Protocol due to lack of resources, although the	visit.  The Beach Program will also immediately resample all beaches upon issuing an advisory.  At any beach, an advisory is posted if a potential toxin-producing cyanobacterial scum is present at the beach and cell dominance is greater than 50 percent of the sample total cell count.  Once an advisory is posted: Follow up testing conducted until toxin-producing cyanobacterial scum is less than 50 percent	bloom conditions have dissipated, waterbody removed from DEC nofification page  DOH/OPR: Blooms observed by beach managers reported by DOH/OPR HAB coordinators in Albany.  All data reported to any agency shared amongst all agency HAB coordinators  DEC posts waterbodies with bloom notifications on its website. The number of new waterbodies with blooms are announced in the Division of Water's weekly listserv email (Making Waves).	citizen complaints is collected and reviewed by RIDEM (Jane Sawyers) for potential exceedance of the cyano cell count. If it may exceed, the sample is sent for	document, signs and testing supplies if needed.

Terminating an Advisory	Health officials may justify lifting a blue-green algae bloom posting if observations meet either or both of the following two criteria:  Visual assessment remains at the Category 1 condition for at least two successive and representative observational rounds one week apart  - Cell count results of the water column indicate that blue-green algal cell abundance has markedly decreased over at least two successive and representative sampling rounds one week apart and is below 70,000 cells per ml.  As the situation requires, health officials may consider additional confirmation through microcystin testing of the water column. As is stated for the above, the water column should be below the threshold for at least two successive and representative sampling rounds one week apart. CT DPH suggests a toxin threshold of 15 ug/l microcystin.	Advisories may be lifted after two successive and representative sampling rounds one week apart demonstrate cell counts or toxin levels below those at which an advisory would be posted.  (Approach is similar to that of OR and Australia)		resample all beaches upon issuing an advisory. The sign will be removed from the area when further samples indicate the concentration of the cyanobacteria species is below 50 percent of a sample.	Resampled lakes- once visual evidence and/or lab results indicate BGA bloom conditions have dissipated, waterbody removed from DEC noffication page Unsampled lakes- original or follow up- waterbodies that have not had an update for >= 4 weeks will be removed from the list on the DEC web page due to lack of information All cases- DEC still advises the public to be aware of blooms because blooms can come and go.  DOH/OPR- beach reopened if bloom cleared and MC-LR < 10 (sampling not initiated until bloom has cleared)	with 2 samples at least 2 weeks apart meeting all of the	Visually clear and toxins less than 6 ug/L microcystin, 10ug/L anatoxin
Communications	Posting closure signs at swimming areas and advisory signs at other access points used for public recreation is the primary intervention.  Further interventions include:  - Notifying lake associations  - Posting information for public access via the internet or local newspapers via a press release, include information as to how the public can contact the CT DEEP for the most up-to-date information on the status of the blue-green algae bloom.  - In some communities it may also be important to notify local Veterinarians and Physicians and keep them updated on the status of the blue-green algae bloom.	For any Advisory, signage should be posted at (all) water body entry points and should include the following: date of the posting, contact information for the posting authority, language (to be provided or reviewed by MDPH) advising against contact with the water, and a recommendation that pets accidentally entering the water be rinsed.  Current advisories are listed on MDPH website.	None at this time (see above).	caption.gif  Beach Monitored and Safe Sign: http://des.nh.gov/organization/divisions/water/ wmb/beaches/graphics/monitored sign.gif  "DES will continue to monitor the water and	DEC posts waterbodies with bloom notifications on its website. The number of new waterbodies with blooms are announced in the Division of Water's weekly listserv email (Making Waves).  http://www.health.nv.gov/publications/2849/images/sign2.jpg  Similar signs available from DEC for posting at non-regulated sites (boat launches, common access points, etc.)  DOH/OPR regulated beaches posted with signs (and some county DOH press releases) when beaches closed; signs removed or changed to advisory when beach reopened	RIDEM and HEAL I II have annual meetings and communicate regularly by email during active blooms.	Web site (CyanoTracker(Map) (https://webmail.vdh.state.vf.us/vttracking/bluegre enalgae/d/) Annual Media Release Social Media
Information Source(s): Web Access	http://www.ct.gov/dph/lib/dph/environmental_health/pdf/guidance_to_lhd_for_blue-green_algaeblooms_in_rec_fresh_waters_june_2014.pdf	http://www.mass.gov/eohhs/docs/dph/environmental/exposure/protocol-cyanobacteria.pdf	http://www.maine.gov/dep/water/lakes/cynobacteria.htm	http://des.nh.gov/organization/divisions/water/ wmb/beaches/cyano_bacteria.htm	http://www.dec.ny.gov/chemical/77145.html	http://www.dem.ri.gov/programs/benviron/water/quality/surfwq/pdfs/cyano11.pdf	http://healthvermont.gov/enviro/bg_algae/docume_nts/BGA_guide.pdf
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