

Date of Hearing: March 28, 2023

ASSEMBLY COMMITTEE ON WATER, PARKS, AND WILDLIFE

Rebecca Bauer-Kahan, Chair

AB 655 (Petrie-Norris) – As Amended February 23, 2023

**SUBJECT:** Fish and wildlife: aquatic invasive species: *Caulerpa*

**SUMMARY:** Prohibits a person from selling, possessing, importing, transporting, transferring, releasing alive in the state, or giving away without consideration all salt water algae of the genus *Caulerpa*, except possession for bona fide scientific research.

**EXISTING LAW:**

- 1) Prohibits a person from selling, possessing, importing, transporting, transferring, releasing alive in the state, or giving away without consideration the salt water algae of the following *Caulerpa* species: *taxifolia*, *cupressoides*, *mexicana*, *sertularioides*, *floridana*, *ashmeadii*, *racemosa*, *verticillata*, and *scapelliformis* (FGC § 2300).
- 2) Authorizes a person to possess *Caulerpa* species for bona fide scientific research, as determined by DFW, upon authorization (FGC § 2300).
- 3) Subjects any person who violates these provisions to a civil penalty of not less than five hundred dollars (\$500) and not more than ten thousand dollars (\$10,000) for each violation, in addition to any other penalty provided by law (FGC § 2300).

**FISCAL EFFECT:** Unknown. This bill is keyed fiscal.

**COMMENTS:**

- 1) **Purpose of this bill.** This bill seeks to expand the prohibitions related to specific species of *Caulerpa* to all *Caulerpa* species. According to the author, “Without a total ban, other infestations of *Caulerpa* are all but guaranteed to continue; all it takes is a single piece of algae to find its way into the ocean. This bill will work to protect our coastal ecosystems and native seagrasses from this serious invasive genus of algae.”
- 2) **Background.** *Caulerpa* is a genus of salt water algae mostly found in tropical regions; however, its distribution may also extend to temperate locations. Diversity is highest in the Caribbean and the Indo-Malay region, as well as in southern Australia, where a majority of *Caulerpa* species are endemic. According to AlgaeBase, there are 105 identified species of *Caulerpa*.<sup>1</sup> There are no *Caulerpa* species native to California. *Caulerpa* species pose a substantial threat to marine ecosystems in California, particularly to the extensive eelgrass meadows and other sea floor environments that make coastal waters such a rich and productive environment.

The genus is typically found in shallow intertidal zones and can reach up to depths of 100 meters. They are known to be able to adapt and thrive in different environmental conditions, which contributes to their potential for becoming invasive species. Some of their traits

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<sup>1</sup> <https://www.algaebase.org/browse/taxonomy/#8295>

include having a high tolerance for a wide range of temperatures, capacity for asexual reproduction, fast growth rate, as well as the capacity for nutrient intake from sediments.<sup>2</sup> *Caulerpa* is one of the most sought after algae for marine aquariums and it is possible to spread the algae through materials discarded from aquariums.

*Existing prohibitions.* In 2001, the Legislature enacted prohibitions on nine specific species of *Caulerpa*. At that time, *Caulerpa taxifolia* was causing issues in the marine ecosystem of southern California. Other species were included in the bill because of the difficulty in distinguishing among the included species. Following a multi-year, multi-million dollar eradication effort, *Caulerpa taxifolia* was eliminated from near Carlsbad and from Huntington Harbor in Orange County.

There have been some enforcement cases relating to the *Caulerpa* prohibition. There were two cases filed in Los Angeles County in 2006 and 2007. The District Attorney declined to prosecute these cases, which were identified by the U.S. Department of Agriculture. There were also cases filed in Los Angeles County in 2008, 2012, and 2016; and one case in Orange County in 2012. In the 2016 case, the subject plead guilty and was issued a \$2,400 fine. The outcome of the other cases is not known at this time. There is currently an open investigation regarding *Caulerpa* in Los Angeles County.

San Diego also has adopted an ordinance banning the possession, sale, and transport of the entire genus of *Caulerpa* within city limits. The Federal Noxious Weed Act (1999) and the Federal Plant Protection Act (2000) prohibit the import, interstate sale (including Internet sale), and transport of the Mediterranean strain (i.e., aquarium strain) of *Caulerpa taxifolia*.

*Recent issues.* While specific *Caulerpa* species are no longer allowed to be sold in California, other species are still available for sale. Since 2001, the availability of online sources of these species has greatly expanded. Since 2001, the entire genus of *Caulerpa* has been considered an environmental threat given its desirability for aquaria use and its extreme potential to become invasive in environments to which it is not native. *Caulerpa prolifera*, which was not previously considered a species of concern in California, is now being sold for aquaria and became part of an outbreak in Newport Bay in March 2021.<sup>3</sup>

- 3) **Arguments in support.** A coalition of environmental and ocean-focused organizations writes in support, stating that “[w]ithout a total ban, other infestations of *Caulerpa* are all but guaranteed to continue; all it takes is a single piece of algae to find its way into the ocean. Moreover, while *Caulerpa* is a popular alga in the salt-water aquarium hobby, there are several alternatives. This bill will work to protect our coastal ecosystems and native seagrasses from this serious invasive genus of algae.”
- 4) **Related legislation.** AB 1334 (Harman), Chapter 338, Statutes of 2001, established the prohibitions relating to specific species of *Caulerpa*.

#### **REGISTERED SUPPORT / OPPOSITION:**

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<sup>2</sup> <https://www.fisheries.noaa.gov/west-coast/habitat-conservation/caulerpa-species-west-coast>

<sup>3</sup> <https://wildlife.ca.gov/Conservation/Invasives/Species/Caulerpa>

**Support**

Audubon California  
California Coastal Protection Network  
California Coastkeeper Alliance  
Coachella Valley Waterkeeper  
Humboldt Baykeeper  
Huntington Beach Wetlands Conservancy  
Inland Empire Waterkeeper  
Los Angeles Waterkeeper  
Marine Taxonomic Services, Ltd.  
Monterey Waterkeeper  
Orange County Coastkeeper  
Russian Riverkeeper  
San Diego Coastkeeper  
Santa Barbara Channelkeeper  
Sierra Club California  
Surfrider Foundation  
The Otter Project

**Opposition**

None on file

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