



RIVERKEEPER.

July 21, 2009

Assemblyman Robert Sweeney
Environmental Conservation Chair
New York State Assembly
LOB Room 625
Albany, NY 12248

Re: Assembly Bill 8914, An Act to Amend the Environmental Conservation Law and the Agriculture and Markets Law, in relation to phosphorus in household cleansing products and lawn fertilizer

Dear Assemblyman Sweeney:

We write in support of NYS Assembly Bill 8914 – An Act to amend the Environmental Conservation Law and the Agriculture and Markets Law in relation to phosphorus in household cleaning products and lawn fertilizer. As an environmental organization dedicated to protecting the Hudson River and the New York City Watershed, Riverkeeper has a demonstrated interest in state laws that may enhance or impair water quality. Limiting the sale and application of phosphorus fertilizers can enhance surface water quality in freshwater ecosystems. However, we also believe Assembly Bill 8914 can go further by incorporating more extensive educational measures.

As you know, phosphorus is the primary nutrient for algae in the New York City Watershed, which means that algal production is dependent on the amount of phosphorus that is available. Through the process of algal decomposition in eutrophic waters, not only is dissolved oxygen depleted, but organic carbon is released into the water column. Dissolved carbon reacts with chlorine during the disinfection process to create carcinogenic byproducts, the concentrations of which are federally regulated. Exceeding EPA's maximum contaminant levels for these disinfection products can require surface drinking water supplies to be filtered, at great expense to the ratepayers.

The 2,000-square-mile New York City Watershed supplies unfiltered drinking water to half the state's population. Ninety percent of that drinking water comes from the Catskill and Delaware watersheds, for which New York City currently has a filtration avoidance determination (FAD) from EPA. In order to maintain the FAD, it is critical to protect these resources from phosphorus impairment.

Westchester County holds the Kensico Reservoir – the terminal reservoir for the unfiltered Catskill Watershed, which supplies up to 40 percent of the water demand for New York City and upstate consumers. The Kensico receives most of its water from the Catskill Aqueduct, but it also receives runoff and stream flow from its own watershed basin. It is critically important that non-point sources of phosphorus – such as lawn

fertilizers – be controlled in the watershed to prevent eutrophication of this unfiltered drinking water supply.

The Kensico Reservoir is just one example of the potential impacts of phosphorus on New York drinking water supplies. The enormous volume of phosphorus fertilizers applied in the Watershed and the stressed conditions of its reservoirs warrant an aggressive stance to control the distribution, management and application of these products. The need for a regulatory approach is particularly acute in densely developed communities where fertilizers are applied not for agricultural production but in the cosmetic ritual of creating sometimes vast monoculture lawns which are themselves detrimental to water quality because they displace the natural vegetated buffers that assimilate nutrients and enhance aquatic health.

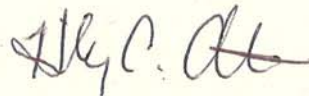
Westchester County recently adopted a local law adding a new Article XXVI to Chapter 863 of the Laws of Westchester County establishing regulations for lawn fertilizer application and sale within the County of Westchester. The law requires that anyone who provides lawn or turf services that is applying for a license to engage in home improvement must complete a turf management course. The law also requires the County of Westchester to engage in a public education campaign addressing non-point source pollution, which would specifically address the impacts of phosphorus on water quality. Assembly Bill 8914's only provision regarding education on phosphorus requires individuals who violate the law to be provided with a notice and some educational materials. We encourage the Assembly to consider including educational requirements in its legislation that are similar to those adopted in Westchester County.

Riverkeeper strongly supports NYS Assembly Bill 8914. Restricting phosphorus in household cleaning products and lawn fertilizer will significantly enhance the protection of unfiltered drinking water supplies and the aquatic health of all of New York State's surface waters.

Sincerely,



Craig Michaels
Watershed Program Director



Hilary Atkin
Watershed Program Legal Intern