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To: bcullen2@comcast.net
Subject: WALPA: Lakes Day Wrap up

Hi Everyone,

We're back from Lakes Day in Olympia – always fast paced but always energizing!

First off – thank-you, thank-you, thank-you to all of you who came down. This effort would be nothing without you; this organization has only come this far because of people like you.

Now the wrap up.

The hearing for SB 6289 was in the Water, Energy and Environment committee at 10am. We had a lot of support, some testified some signed in their support. The groups behind our effort were quite varied, from large companies like Avista Utilities and Inland Paper Company to government agencies like DNR and DOE (yes, they signed in support!) to nonprofits like the Washington Environmental Council, Spokane Riverkeeper and WashPIRG. Excellent support that complimented our excellent sponsors in the senate!

We of course had our dissenters. A lobbyist representing the retailer's association and a lobbyist representing a fertilizer company came out with concerns. The retailers association was concerned that retailers wouldn't have access to the product or that smaller fertilizer/ag operations wouldn't have access to p-free lawn fertilizer. The lobbyist representing the fertilizer company was concerned that his client would not be exempted from the bill even though he is producing an organic product. There was one group that came out in full force against us, which was the Friends of Farms and Forest. They are a turf/fertilizer interest group and they come out against us every year. This was not unexpected. What was a little unexpected were some of the claims the opposition made. I'd like to take this e-mail and answer those claims just in case any of you find yourself in a position to respond.

"Difficult for retailers to access the product"

Eight other states have similar bans in place. The large fertilizer manufacturers are making and distributing this product in mass. Adding one more state shouldn't be a burden. As far as the small companies – smaller companies like Greenacres lyme and gypsum in the Spokane Area is a fertilizer company that has a no phosphorus fertilizer available and is said that this product is very popular because it's cheaper to make and effective.

"Lakes need to be addressed 1 by 1 and most lakes don't have a phosphorus problem"

It is proven over and over that phosphate is the limiting nutrient in freshwater systems and by letting excess phosphorus enter waterways we exacerbate water quality problems. In areas where development is occurring at a high rate we are seeing increased phosphorus in lakes and in turn seeing more and more problems. For a regional example – Snohomish County is seeing in increasing trends in phosphorus in 1/3 of their lakes (1/3 of the lakes not on the the 303(d) list)

As to lakes don't have a phosphorus problem: 42 lakes are currently category 5 on the 2008 EPA 303(d) list for total phosphorus. These are lakes that are considered impaired but do not have a TMDL completed or any remedial actions taken. 12 lakes are in cat 4A, which are considered impaired, but which have a TMDL completed and may have some remedial actions undertaken. 52 lakes are listed in category 2, described as "of concern," which may mean that there are not enough data or may be currently meeting standards but have not met them in the past. These are only the lakes that actually have been monitored.

"Phosphorus is actually coming from other sources like pet waste, septics, wildlife and decaying leaves"

Well...yes! That's right BUT these are all non-point sources and it's very hard to try and control these sources. However, taking phosphorus out of fertilizer is an easy way to reduce non-point source pollution, something every municipality has been dealing with. Two good studies that support this can be found here:

<http://www.informaworld.com/smpp/content~db=all~content=a913929531> and here:

<http://www.pca.state.mn.us/publications/stormwaterresearch-fertilizer.pdf>. Michigan has seen a decrease up to 28% in phosphorus in storm-water runoff thanks to the state ban in place.

"Phosphorus binds to soil and can't run off"

It does bind to soil when the soil needs it other wise the soil can experience "super saturation" and all the excess phosphorus can runoff.

"Soil tests cost \$200"

Simply not true. Maybe for large farm areas but a simple residential area can cost \$30. The Extension offices have lists to find labs that can do the soil tests for you.

"Having the DOE be the oversight agency of the bill versus Dept. of Ag."

Yes, it's true the Dept of Ag regulates all fertilizers but the DOE regulates water quality and WALPA was striving for consistency with previous bills such as the dish detergent. If we were to focus on a ban on sale, then yes, we would want to work with the Dept. of Agriculture.

"What does "respond quickly" to spilled impervious surface really mean and it's to vague of a requirement"

While the Friends of Farms and Forests agree with not applying fertilizer to impervious surface they had issues with the terminology that requires quick reaction to spills. Frankly, it's just smart practice. If you spill fertilizer you don't want to risk it being washed downstream with watering or a storm. It's like any other chemical spill; quick decisive action must be taken.

"Enforcement – neighbor tattling on neighbor"

The bill does say that DOE may enforce this bill and that local jurisdictions can put tougher requirements in place, however, it's not likely to happen. This bill is an education focused bill – focusing on homeowner and store owner education. While enforcement may occur, it is not likely but we need to leave that door open for flexibility.

"Home Owner Association Covenants"

Senator Fraser asked a question on whether home owner association covenants would sunset if this bill passed. This bill would only affect those covenants if phosphorus fertilizer was explicitly listed as a part of the HOA. I have never seen a covenant that explicitly asks that folks use fertilizer containing phosphorus so I'm going to hedge a guess that most HOA covenants would not be that specific and there are plenty of options for having nice green, healthy lawns under this bill.

That's the run down. Again, thanks to all of you who came out. It's always fun and the beer tastes that much better after a good long education day!

Cheers,
Beth

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