



May 26, 2009

# Memorandum of Support

S. 3780 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.

For more information: Peter Bauer, Executive Director, 518.668.9700 x304

This legislation amends the environmental conservation law and the agriculture and markets law to limit the sale of phosphorus based products for household cleaning and lawn fertilizers. The impact of the widespread use of these products is that they contribute to water pollution across New York. In this action, New York follows successful legislative efforts of the state of Minnesota, which passed similar legislation in 2005, and Maine, which started its law on January 1, 2008, and Wisconsin, which just passed similar legislation in April 2009. Local laws banning phosphorus in household cleaning products and lawn fertilizers have passed a number of counties in Michigan, Florida, and Illinois, among other states such as Washington, Maryland, and Vermont. In New York, Westchester County recently passed a phosphorus product sale ban in order to protect the water quality of its public drinking water supply reservoirs and the Long Island Sound. Studies of the Minnesota law found 97% compliance in retail establishments and no higher costs and found an overall decrease in phosphorus loading to state waters.

This legislation prohibits the sale or distribution of household cleaning products used in dishwashers that contain 0.5% by weight of a phosphorus compound, a reduction from 8.7%, and to prohibit the use of such products in residential and commercial establishments as of July 1, 2010. High phosphorus household cleaning detergents often include as much as 9% phosphorus and are often responsible for between 9 – 34% of the total phosphorus in municipal sewage and water treatment plants. The legislation bans the sale of fertilizers that contains 0.67% by weight of phosphorus. It has been estimated that fertilizers are responsible for 50% of the total phosphorus in stormwater runoff. Phosphorus loading continues to negatively impact Lake George.

Lake George Water Quality Suffers from High Levels of Phosphorus Loading; Lawn Fertilizers and Household Cleaning Materials are Sources of Pollution

The issue of phosphorus loading into Lake George has long been identified as a major long-term problem facing the lake. The 2001, the Lake George Park Commission published a report “Total Phosphorus Budget Analysis for the Lake George Watershed” by Sterns & Wheler, which concluded that “The majority of phosphorus loading is from surface water runoff, with a disproportionate amount of runoff derived from developed area round the lake as compared to undeveloped (forested and agricultural) areas. Although developed areas only account for 5

percent of the land area in the watershed, they produce 43 percent of all the phosphorus that enters the lake as surface runoff. In all, the developed area account for almost 37 percent of all of the phosphorus that flows into the lake.” The report also calculated that Lake George is receiving 300% of the amount of phosphorus that it can naturally process.

Lake George is buffered somewhat as compared with other lakes across New York as its watershed is 95% forested. The undeveloped natural forest systems around Lake George load phosphorus to the lake. This happens as leaves and twigs that fall into the lake decay and as sediment is carried to the lake as part of the natural stream bed load, among other ways. A healthy Lake George needs phosphorus to function. Excess phosphorus causes water pollution as natural aging processes are accelerated.

The Sterns & Wheler report stated that undeveloped areas around Lake George, which includes 95% of the entire watershed (some 141,500 acres), produces as much phosphorus as the developed 5% of the watershed (some 7,500 acres). Just 5% of the watershed around Lake George is developed with houses, roads, parking lots, barns, stores, parks, sewers, yards, and a whole lot more, whereas, 95% is still relatively wild, either in private forest lands, a backyard forest, or as part of the state’s Forest Preserve. **Hence, the developed areas deliver phosphorus to the Lake George at a ratio of 15-1 when compared with natural forest areas. This is consistent with research around the U.S. that compares developed areas with non-developed areas.** Use of household cleaning detergents and fertilizers are part of the overall phosphorus loading problem.

### The Problem of Phosphorus Rich Waters

As mentioned above, Lake George receives 300% more phosphorus than it can process naturally. What happens to phosphorus-rich waters? They steadily lose water clarity as transparency in the water is lost as microscopic algal life is stimulated. They stimulate greater plant growth, which in turn creates more decayed matter on the lake bottom thus changing the aquatic system as this matter accumulates. Phosphorus rich waters are also very hospitable to invasive aquatic species, such as Eurasian Watermilfoil (EWM), which require high levels of nutrients. High phosphorus rates are also a human health issue as this can make water not safe to drink. High levels of phosphorus also contribute to creation each summer of a “dead zone” on Lake George where oxygen levels are depleted due to high nutrient levels making large parts of the lake unable to support fish life. Lake George has been experiencing a slow, steady decline in water quality. Land use changes and poor land use practices on just 5% of the land area around the lake have changed the lake’s water quality.

### Lake George: Critical Economic Engine of Warren County and Beyond

Legislation to control phosphorus pollution from household cleaning products and lawn fertilizers is critical to help manage and reduce water pollution across New York. Lake George is enormously important to the local economy. In many ways Lake George is the engine of the Warren County economy. The high property values, robust tourism season, sport fishing and boating industries, among others, all require clean water. Many other lakes throughout upstate New York are vital to the local economies from Cayuga Lake to Peach Lake to Cazenovia Lake.

## **The FUND for Lake George**

The FUND for Lake George is a not-for-profit, privately funded organization dedicated to the protection of Lake George. Formed in 1980, the FUND takes a science-based approach to the protection of Lake George water quality and the overall health of the Lake George watershed. The Fund pursues this mission through grants to fund long-term scientific research on the lake, launching new initiatives, advocacy for new protections, and partnerships with other organizations and local governments. The FUND is the sponsor of the Lake George Waterkeeper, among other programs on Lake George. The FUND for Lake George is managed by a Board of Trustees and maintains an office in Lake George. See [www.fundforlakegeorge.org](http://www.fundforlakegeorge.org).

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