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## Anti-Pollution Bill Passes, But Weakened

By ANTHONY F. HALL

The use of Phosphorus, a nutrient that stimulates algae and weed growth in lakes and ponds, will be limited under state legislation that was passed by both the Assembly and the Senate last week.

The legislation, however, is less restrictive than an ordinance passed by the Town of Lake George banning the use of law fertilizers containing phosphorus, and weaker than a bill introduced in the state legislature last year.

As a consequence, lake protection groups are not entirely in agreement as to the merits of the bill.

“We applaud our legislature for this bold action,” said Walt Lender, executive director of the Lake George Association.

“What should have been a bold move was compromised because the legislature succumbed to the siren song of lobbyists,” said Don Rice, executive director of The Fund for Lake George.

In June, the Lake George Mirror reported that the original bill prohibiting the sale or distribution of almost all fertilizers containing phosphorus had been gutted by pressures from lobbyists for the agriculture, law products and law care industries.

The new bill bans the use of phosphorus-heavy fertilizers within 20 feet of a water body, or within ten feet of shore if a buffer is in place, rather than prohibiting the sale of the product outright.

“It’s not a very effective measure,” said Peter Bauer, the executive director of The Fund for Lake George. “Stormwater carries phosphorus to lakes from distances far greater than 20 feet.”

The bill also permits the use of phosphorus-based fertilizers within three feet of a water body if professional landscaping equipment, such as spreader guards, deflector shields or drop spreaders, is used.

Local governments have until January, 2011 to pass more stringent controls; after that date, they will require the permission of the Department of Environmental Conservation before taking action.

According to John Sheehan, a spokesman for the Adirondack Council, Lake George communities will have little difficulty winning DEC’s approval for new ordinances.

“There’s enough research to show that phosphorus damages the water quality of Lake George,” said Sheehan.

According to Sheehan, the Adirondack Council believes the current bill, while not ideal, is better than nothing.

“It’s the beginning of the discussion, not the end,” said Sheehan. “Regulating industry is always met with resistance, at least initially.”

Commented Emily DeBolt of the Lake George Association, “While clearly some compromises had to be made, such as the three-foot exception for spreader guards, this law is a huge step forward in protecting Lake George and other lakes in the state.”

The Lake George Association is actively urging Lake George area residents and visitors to contact Governor Paterson to express support for the bill.

“Not everyone is fortunate to have access to water as clean as Lake George, and because we want our water to stay that way, we are urging our community to contact the governor to support this bill,” said DeBolt.

Peter Bauer said The Fund for Lake George will urge the Lake George Park Commission to adopt regulations stronger than the state’s and ban the use of phosphorus-based fertilizers throughout the Lake George basin.