

Fertilizer group protests EPA's actions in Florida

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WASHINGTON — Coming soon to a river and stream — or farm field — near you?

Officials from The Fertilizer Institute say that numeric nutrient criteria for nitrogen and phosphorus that will go into effect in Florida in 15 months are not out of reason for other states.

"EPA has been very up front about the fact that it wants to expand this. It's happening now in Florida. As he said, it's coming soon to a state near you," said Kathy Mathers, TFI vice president of public affairs.

Herz was referencing remarks made by TFI President Ford West at the Fertilizer Outlook and Technology Conference in Savannah, Ga.

In 15 months, numeric nutrient criteria regarding nitrogen and phosphorus limits will go into effect in Florida.

The criteria are the result of a lawsuit filed against the U.S. Environmental Protection Agency over implementation of the Clean Water Act. The lawsuit was filed in 2008 by the Florida Wildlife

Federation. That lawsuit resulted in a finding that nutrient pollution standards were necessary for Florida.

A consent decree required U.S. EPA to adopt numeric nutrient standards by November 2010.

The Fertilizer Institute said that the new standards could cost the state's agriculture industry more than a billion dollars annually.

"There are estimates that range from hundreds of millions to over a billion dollars a year on ag producers," said Bill Herz, TFI vice president of scientific programs.

"Retention and storage systems will have to be built to contain the nutrients. Agriculture is going to bear a lot of the cost of this. It won't come right away, necessarily, because they will look at the nonpoint sources after they deal with the point sources."

The ag industry isn't the only one that will be affected.

"EPA has dramatically underestimated the cost of meeting these standards. They are not assuming advanced wat-

er treatment in most cases. Wastewater treatment facilities, pulp and paper facilities, fertilizer manufacturers are saying it will take advanced treatment technologies to get to these numbers," Herz said.

He added that TFI has doubts about the methodology used to develop the standards.

"They promulgated very low nitrogen and phosphorus standards. They did it using statistical paradigms, not actual measurements of the biological or ecological health of the waterways. They set standards based on where the water body was in terms of being in one of those five regions," he said.

Herz said that the diversity of the state calls for more extensive study.

"Florida is incredibly diverse, geographically and ecologically. You can have two streams in the same region that have the same criteria that can be quite different in terms of the nutrients," he said. "EPA set up the situation that a certain percentage, simply by the laws of statistics, will be designated as impaired when, in fact, that water body is not impaired."

EPA and the environmental groups claim that large amounts of nutrients have contributed to a number of problems in Florida's waterways.

"Anyone who has seen the green sludge coating Florida's waters has experienced the consequences of excess nutrient pollution. This is a

problem that harms Florida's economy and way of life," said Gwen Keyes Fleming, EPA's regional administrator.

In his remarks at the conference, West urged EPA to reconsider.

"This rule has an enormous cost and little benefit and we are urging EPA to reconsider this action," he said.

Herz said that TFI has heard "rumblings" that Kansas could be targeted next by environmental groups for a similar lawsuit and other states in the Gulf of Mexico basin, including those along the Mississippi River, could be affected by another development.

"The larger issue hanging over the entire Gulf is a request for proposals to various consultants by the EPA to develop a (Total Maximum Daily Load) for the entire Gulf of Mexico region. That would set quantitative limits of discharge of nitrogen and phosphorus for all states that empty into the Gulf of Mexico basin," he said.

He added that another concern exists in the U.S. EPA taking over the state's efforts to develop a similar rule. The federal rule would replace criteria being developed by the Florida Department of Environmental Protection.

In a news release, TFI called the rule "precedent setting and of national significance."

"It marks the first time the EPA has attempted to displace a state's efforts to manage nutrients by establishing federal criteria," said TFI in the release.

"We don't believe that the EPA, in any case, should take this authority away from the state," Herz said.