

PETITION ARTICLE: FERTILIZERS

Petitioner: Patrick Otton 617-244-2761 p_otton@yahoo.com

ARTICLE:

To see if the Town will vote to authorize and ask the Select Board to petition the Great and General Court of the Commonwealth of Massachusetts for special legislation, the text of which is set forth, prohibiting the application of fertilizer in the Town of Harwich except for the purposes of commercial agriculture and the residential use of organic fertilizer with low nitrogen and phosphorus for the use in growing fruits and vegetables that is allowable under the USDA National Organic Program organic standards (OMRI listed).

(please see attached further Article)

Explanation:

This Home Rule petition asks the state legislature to allow the Town of Harwich to establish its own fertilizer regulations. Beacon Hill does not have the seashore, ponds, embayments and estuaries. These are all endangered by human sourced pollution of nitrogen and phosphorous from fertilizers. Harwich's 22 ponds and 11+ miles of coastline are the life and assets for all residents, property owners, visitors and businesses in Harwich. It is the reason we live here and they need to be protected and cared for.

(please see attached further Explanation)

ARTICLE

Authorize special act to enable Harwich to regulate the application of fertilizers

To see if the Town will vote to authorize and ask the Select Board to petition the Great and General Court of the Commonwealth of Massachusetts for special legislation, the text of which is set forth below, prohibiting the application of fertilizer in the Town of Harwich except for the purposes of commercial agriculture and the residential use of organic fertilizer with low nitrogen and phosphorus for the use in growing fruits and vegetables that is allowable under the USDA National Organic Program organic standards (OMRI listed), and to authorize the General Court, with the approval of the Select Board, to make changes of form to the text thereto as may be necessary or advisable in order to accomplish the intent and public purpose of this legislation in order to secure passage, as follows:

An Act prohibiting the application of fertilizer used in the Town of Harwich except for the purposes of commercial agricultural and the residential use of organic fertilizer with low nitrogen and phosphorus for the use in growing fruits and vegetables that is allowable under the USDA National Organic Program organic standards (OMRI listed).

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

Section 1. There is sound scientific evidence to conclude that nitrogen and phosphorus in fertilizers are contaminants that negatively affect fresh and salt waters when present in excessive amounts. These excessive amounts of nitrogen and phosphorus contribute to undesirable algae and aquatic plant growth within all Harwich water bodies. This undesirable algae and aquatic plant growth has an adverse effect on public health through the degradation of waters used for drinking water, shell fishing, and recreational swimming and boating.

Section 2. It is necessary to prohibit the application of fertilizer that contains phosphorus and nitrogen so as to improve the water quality of the Town of Harwich. The soils of Harwich are unique insofar as Harwich has significant amounts of coarse, sandy soils that are subject to rapid water infiltration, percolation and leaching of nutrients, and such unique local conditions require that Harwich prohibit the application of nitrogen and phosphorus added to soils through the application of fertilizers. This Act should help Harwich to achieve compliance with the Total Maximum Daily Loads (TMDL) prescribed by the Commonwealth of Massachusetts for nitrogen and phosphorus in its waters.

Section 3. Notwithstanding any General or Special law to the contrary, including but not limited to any General or Special law conferring exclusive authority upon the Department of Agriculture to regulate and control the application of fertilizers elsewhere in the Commonwealth, the application of fertilizer containing nitrogen or phosphorus, or any other pollutants in the Town of Harwich is prohibited, except for the purposes of commercial agricultural and the residential use of organic fertilizer with low nitrogen and phosphorus for the use in growing fruits and vegetables that is allowable under the USDA National Organic Program organic standards (OMRI listed).

Section 4. This act shall take effect upon passage.
Or to take any other action related thereto. (Select Board)

(Simple Majority Vote Required)

PROPOSED MOTION

I move this article be accepted and adopted as printed in the warrant and that the Select Board be authorized to approve the final language of the Special Legislation.

SUMMARY

Water is what brings people here and makes us want to stay in this special place of ours. Water is our most valuable environmental resource and our most valuable economic asset. It directly or indirectly affects every resident, property owner, visitor, and business in Harwich. Harwich has 22 ponds/lakes and 11 miles of coastline, water is our lifeblood and it is our responsibility to keep it healthy and protect what we love. Yes, please move forward to regulate fertilizers. Supporting the preparation of a Home Rule Petition an act addressing clean and healthy waters will protect Harwich's environment, wildlife, residents, visitors, pets, economy and property values before all is lost.

SB: Recommendation to be made at Town Meeting

FC: Recommendation to be made at Town Meeting

Authorize special act to enable Harwich to regulate the application of fertilizers
(Background Information/Justification)

Why do you live on Cape Cod? The seashore? The ponds? The woodlands? The embayments? The estuaries? All of these are under sever threat of degradation and loss due to the impact of human development. Speaking only of water quality, human behavior degrades water in three principal causes: septic systems, fertilizers, and run-off.

Nitrogen harms all salt water ecosystems and life. Phosphorous harms all fresh water ecosystems and life. Given our sandy soil, a permeable sand bar, above a sole-source aquifer for which we rely for our drinking water, these elements quickly permeate and spread throughout the Cape.

The number one source of nitrogen pollution and phosphorus pollution are septic systems.

Fix: Sewering Cost: \$4,000,000,000.00 (Billion) Time: 50 years

The number two source of nitrogen, phosphorous and potassium pollution are chemical fertilizers.

Fix: Stop applying chemical fertilizers Cost: \$0.00 (Nothing) Time: Today, Immediate

The third source of water contamination is run-off from rolling down-hill waterfront landscaped lots and roadways.

Fix: Stop applying chemical fertilizers, build roadway catch basins Cost: tbd Time: on-going

Both Nantucket and Orleans have successfully passed via town meetings to ask the MA legislature for Home rule on regulating fertilizers. Yes, this is a ‘hot’ topic, pros & cons, questions on how to implement, how to enforce, how to educate, what alternatives are available, etc. etc. Orleans has lead the way, done the hard work and it is all summarized on the Orleans’ town web page.

see: <https://www.town.orleans.ma.us/1109/Fertilizer-Home-Rule-Petition-2022>

The native and natural ecology of Cape Cod long ago figured out how to thrive and grow with our sandy soil and intermittent rains. Both the seashore and the ponds thrived with life. However today with our current landscaping habits and practices we are endangering the environment we live in. Nitrogen and phosphorous pollution on Cape Cod is negatively affecting our fresh water ponds and seashore – those very resources for which we live and visit the Cape.

Beacon Hill is not on Cape Cod. Given our local conditions and risks to our environment the Town of Harwich should be able to establish its own fertilizer regulations. This petition will ask the state legislature to allow Harwich to establish its own fertilizer regulations rather than Beacon Hill. Until permission from the MA legislature is given there will be no change in the current landscaping practices.

In 2021 Harwich had to rescind an earlier fertilizer regulation made that year by the Board of Health. Please, lets move forward to regulate fertilizers, making it a little easier to live on Cape Cod, to appreciate what we have before it is all lost. Cape Cod is a seasonal tourist based economy, what will it look like with further cyanobacteria algae blooms, loss of eelgrass, loss of shellfish, etc.? Cape Cod is not an urban environment. Trying to make it so is destroying the very essence of why we choose to live on Cape Cod.

Water is what brings people here and makes us want to stay in this special place of ours. Water is our most valuable environmental resource and economic asset. It directly or indirectly affects every resident, property owner, visitor, and business in Harwich. Harwich has 22 ponds/lakes and 11+ miles of coastline. Water is our lifeblood and it is our responsibility to keep it healthy and protect what we love.