

At a regular meeting of the Muskegon County Board of Commissioners, held in the City of Muskegon Heights, County of Muskegon on May 8, 2007, 3:30 PM in the Louis A. McMurray Conference & Transportation Center.

PRESENT: Aley, Buzzell, Collins, Derezinski, Engle, Gill, McMurray, Mahoney, Scolnik, Snider, Wade

ABSENT: None

**RESOLUTION RECOGNIZING THE UNREASONABLE ADVERSE EFFECTS
ON THE ENVIRONMENT AND PUBLIC HEALTH CAUSED BY
THE SALE AND USAGE OF FERTILIZER CONTAINING PHOSPHORUS**

The following preamble and resolution was offered by Commissioner Scolnik and supported by Commissioner Snider:

WHEREAS, the Muskegon County Board of Commissioners believe an ordinance is required to restrict the sale and usage of fertilizer containing phosphorus within Muskegon County; and

WHEREAS, such an ordinance regulating the sale of fertilizer containing phosphorus may be enacted pursuant to Section 8517(3) of Act 451 of 1994, as amended, where unreasonable adverse effects on the environment and public health will exist, but such ordinance may not be enforced until approved by the Commission of Agriculture, in accordance with Section 8517(4) of Act 451 of 1994; and

WHEREAS, Section 8517(5) of Act 451 of 1994 allows a local unit of government to identify unreasonable adverse effects on the environment and public health by resolution to be submitted to the Michigan Department of Agriculture; and

WHEREAS, the continued sale and usage of fertilizer containing phosphorus has the following effects on the environment and the health of those populations using the lakes and waterways in Muskegon County, as stated by the Mona Lake Watershed Management Plan:

- (a) Excessive use of fertilizer containing phosphorus affects water quality.
- (b) Phosphorus in Muskegon County's lakes and waterways results in excessive algae growth.

- (c) Phosphorus pollution leads to nuisance and invasive plant species displacing the native vegetation, affecting the biota and wildlife dependent on the system; and

WHEREAS, the sale of fertilizer containing phosphorus also has the following effects, as stated by the Dr. Alan Steinman, Director of the Annis Water Resources Institute at Grand Valley State University:

- (a) As more phosphorus is added to the lakes and rivers in Muskegon County, algae and plants grow rapidly, resulting in noxious algal blooms.
- (b) Urban run-off from fertilizer contributes to the excessive phosphorus in the water, leading to algal blooms and decreased water quality.
- (c) Many of the soils in west Michigan are already saturated with phosphorus, making the application of fertilizer containing phosphorus unnecessary; and

WHEREAS, the nutrient phosphorus has devastating effects on the water quality of lakes, rivers and streams, as shown by the document Phosphorus in Lawns, Landscapes, and Lakes: An Informative Guide on Phosphorus:

- (a) Run-off from areas fertilized with phosphorus is carried in lakes and streams through storm sewers.
- (b) Phosphorus is the main nutrient causing eutrophication of lakes.
- (c) Lakes and rivers are sensitive to the addition of phosphorus, meaning that even small amounts of phosphorus in runoff can cause water quality problems; and

WHEREAS, these adverse effects on both the environment and the public health are unreasonable; and

WHEREAS, reducing the amount of phosphorus in Muskegon County's lakes and waterways will result in cleaner lakes and a better quality of life for residents and tourists within Muskegon County; and

WHEREAS, further information and evidence regarding these unreasonable adverse effects would be presented by expert testimony from Grand Valley State University, Mona Lake Watershed Council and others at a hearing held by the Commission of Agriculture on this issue; and

WHEREAS, an ordinance regulating the sale of lawn fertilizer containing phosphorus is desirable to reduce its use and prevent these unreasonable adverse effects.

NOW, THEREFORE, BE IT RESOLVED that the Muskegon County Board of Commissioners hereby recognizes the unreasonable adverse effects on the environment and public health caused by the sale and usage of fertilizer containing phosphorus.

BE IT FURTHER RESOLVED that the Muskegon County Board of Commissioners request that a Public Hearing be held, by the Commission of Agriculture, to hear testimony and review the studies submitted with this Resolution and that County of Muskegon be authorized to prohibit the sale of fertilizer containing phosphorus in the County

AYES: All

NAYS: None

RESOLUTION DECLARED ADOPTED.

Karen D. Buie, County Clerk

I hereby certify that the following constitutes a true and complete copy of a resolution adopted by the Muskegon County Board of Commissioners at a regular meeting held on May 8, 2007, and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267 of the Public Acts of Michigan of 1967.

Karen D. Buie, County Clerk