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Nutrient Inactivants The Issue in New York State

9/12/2025

The Problem:

- Nutrient Inactivation is an important lake management tool
- Binds phosphorus in a permanent bond
- Not a silver bullet
- Not for every lake and situation
- Not available for use in NYS !!!

Is Nutrient Inactivation Used Elsewhere?

- **In use around the world and around U.S.**

New Hampshire

May 2024 treatment of Lake Kanasatka (371 acre lake) through a cyanobacteria mitigation fund created by the State of New Hampshire and administered by the New Hampshire Department of Environmental Services.

<https://www.des.nh.gov/news-and-media/blog/treatment-tackle-cyanobacteria-lake-kanasatka-shows-promise>

New Jersey

October 2024 treatment of Lake Hopatcong (2,500 acre lake) funded by the New Jersey Department of Environmental Protection.

<https://www.lakehopatcongfoundation.org/news/alum-treatment>

Vermont

1986 treatment of Lake Morey (550 acre lake) funded by the Vermont Department of Environmental Conservation. After decades of improved water quality, a follow up study determined that another treatment was needed in 2024. In June 2024 the Vermont Department of Environmental Conservation funded a second treatment.

<https://www.uvm.edu/seagrant/news/lake-morey-water-quality-improves-after-alum-treatment-june-2024>

Is Nutrient Inactivation Used Elsewhere?

Massachusetts

Numerous lakes in Massachusetts, including at least 10 on Cape Cod, have been treated. Lake Massapoag (353 acre lake) is one of the latest lakes to be scheduled for an alum treatment, which was approved by the Sharon Conservation Commission, Massachusetts Department of Environmental Protection and Massachusetts Wildlife's National Heritage Endangered Species Program, and is scheduled to take place in June 2025.

<https://www.townofsharon.net/home/news/alum-treatment-for-lake-massapoag-planned-between-june-2-and-18>

Maine

Togus Pond (648 acre lake) was treated in April 2024. The Maine Department of Environmental Protection has been overseeing nutrient inactivant treatments in Maine lakes since 1978.

<https://www.newscentermaine.com/article/tech/science/environment/pond-in-augusta-maine-uses-chemical-treatment-to-prevent-algae-blooms/97-db4bde36-2aa7-4d28-a11d-9bd53b8e32a9>

These are just a few local examples

Is Nutrient Inactivation Used Elsewhere?

- **Endorsed by NALMS in a position paper**
- **Science on dosing, safe use, etc. is well established over decades**
- **Used in NYS as early as 1987**

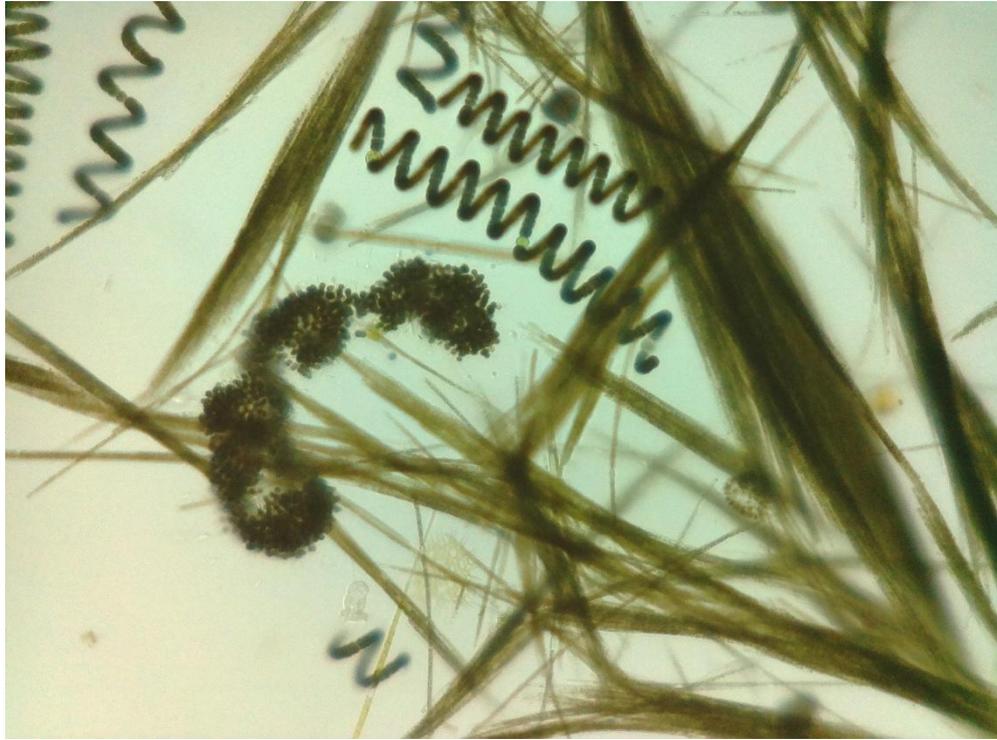
The Catch 22 in New York State

- NYS ECL defines substances that kill or retard growth as Pesticides**
- By binding phosphorus, DEC has decided that Nutrient Inactivants indirectly retard growth of blue green algae, and therefore are a pesticide**
- Aquatic pesticides require NYS DEC permits**
- DEC can only issue pesticide permits for pesticides registered by U.S. EPA**

The Catch 22 in New York State

- **EPA registers pesticides under FIFRA**
- **EPA believes that nutrient inactivants do not come under FIFRA**
- **For Federal permits EPA regulates nutrient inactivants under Pollutant Discharge Elimination System permits (SPDES is NYS equivalent)**

Lets “help” DEC solve this



High phosphorus levels are one of the known causes of Harmful Algal Blooms

Legislation (A4514A, S5936A)

- **Adds Nutrient Inactivants to the list of exclusions under ECL pesticide regulations**
- **Specifies mechanism to regulate Nutrient Inactivants under SPDES permitting**
- **Any other requirements such as wetlands permits would still apply**

Can NYS DEC Do This?

- **DEC knows how to approve Alum use**
 - **Irondequoit Bay 1987**
 - **Kinderhook Lake 2001**
 - **Alum Pilots in Mohegan, Peach, Honeoye 2019 – 2023**
- **DEC has done so using Freshwater Wetlands Permits and SPDES permits**

How Can You Help?

- **Support Letters**
- **Lake association resolutions of support**
- **Get your Assembly and Senate Reps to support and co-sponsor the legislation**
- **Priority: to get it passed out of the Assembly Environmental Conservation Committee**
- **Copy me on any actions or support letters**

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Thank you!