



SENATOR CHARLIE ALBERTSON

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North Carolina Senate
525 Legislative Office Building
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The Honorable John Kerry
United States Senate
304 Russell Bldg.
Third Floor
Washington D.C. 20510

April 18, 2007

Dear Senator Kerry:

As the Chairman of the Agriculture, Environment, and Natural Resources Committee of the North Carolina Senate, I would first like to commend your effort to increase awareness of environmental issues in the United States. While I am confident that the heroic stories you herald in your new book, "This Moment on Earth," are intended to do nothing but good, I fear that one story in particular will be very damaging to the hog farmers of North Carolina, our efforts to improve water quality, and our state as a whole. The story I am referring to is one that you have discussed repeatedly on your book tour.

Your comments on programs such as "This Week with George Stephanopoulos," NBC's "Today" show, and "The Daily Show with Jon Stewart" have been irresponsible and misleading. Failing to mention the time period in which Mr. Dove experienced harmful algal blooms effects on the health of both fish and humans (the late 1980's) could cause an unnecessary sense of panic in residents of and visitors to coastal North Carolina. On television, you have stated that hog farms "dump waste" into rivers and streams. In fact, hog farms in our state have a zero discharge policy, so that no waste is allowed to enter our waterways. Furthermore, sprayfield application is done in such a way that ponding should not occur to allow for runoff into waterways. In your book and on your book tour, you stated that hog farms are causing atrocious harmful algal blooms. Mr. Dove's story is one that greatly concerns me, but it should be represented with respect to the time period in which it occurred. We have not had a *pfisteria* bloom in our waters in eight years. If you choose to discuss Mr. Dove's story, those events should be attributed to all of the contributing factors.

Hog farms were not and are not the sole cause of any harmful algal bloom that has occurred. Other sources of nutrients include failing septic systems, commercial landscaping, crop production, sewer system overflows, waste water treatment plants, and home garden application of fertilizer. Excess nutrients from these sources create

conditions in coastal waters that are conducive to over-growth of harmful algae, such as *pfiesteria*. All of these causes of water pollution in the Neuse River have been and are still aggressively being addressed by the North Carolina Department of Natural Resources outstanding programs.

We are continuing to take strides to improve the environmental standards for the hog industry and our entire state. On April 18, 2007, our senate passed a bill I sponsored that will create a fund to be used for North Carolina hog farmers wishing to upgrade their waste management systems. These upgrades will place new waste management technology that meets strict environmental performance standards on hog farms throughout our state. I am proud of the progress that my state has made over the past two decades in addressing nutrient loading problems in the Neuse River Basin (North Carolina Department of Natural Resources, attached.) It is offensive that none of this progress was reflected in your book and was not represented by your comments made on your book tour. As you move forward promoting your book, I urge you to consider the attached facts so that the causes of the Neuse River's nutrient loading are correctly represented by you. I would also urge your publisher to edit the misleading statements in "This Moment on Earth" so that future prints properly represent the facts.

Sincerely,



Senator Charles W. Albertson
North Carolina
General Assembly

cc: Perseus Book Group, Public Affairs
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North Carolina's Water Quality Improvement Efforts, 1987-2007

source: North Carolina Department of Natural Resources

1. The leading cause of algal blooms in the Neuse River, such as the one that affected commercial fishermen Rick Dove and his son, is nutrient loading.
2. Nutrient loading comes from a variety of sources including:
 - a. failing septic systems
 - b. commercial landscaping
 - c. crop production
 - d. animal feeding operations
 - e. sewer system overflows
 - f. waste water treatment plant discharge
 - g. animal waste (domesticated and otherwise)
 - h. home garden application of fertilizer.
3. Excess nutrients from the sources listed above arrive in the Neuse River and other waterways via stormwater. Stormwater has the added disadvantage of carrying soil from construction and stream banks eroded by stormwater movement.
4. Actions since 1987, the time of Mr. Dove's pfiesteria experience that have decreased nutrient loading in the Neuse:
 - a. In 1988, the Environmental Management Commission classified the entire Neuse River Basin as Nutrient Sensitive Waters. This classification provides extra protection from the overloading of nutrients. Phosphorus was found to be the primary pollutant being addressed under regulatory tools with this classification.
 - b. In the late 1990's, the General Assembly adopted recommendations from a Scientific Advisory Panel to reduce nitrogen loading to the estuary by 30%. A Total daily maximum load allocation for nitrogen was put in place in response to address the excess chlorophyll-a (algae) in the estuary.
 - c. The Nutrient Sensitive Waters Strategy for the Neuse is a set of rules developed to keep the total daily maximum load that was set. In them, a goal of 30% reduction in nitrogen from early 1990's levels was mandated for every controllable and quantifiable source in the river basin.
 - d. In 1996, the NC General Assembly established the Clean Water Management Trust Fund. Not only were we the first state to establish a trust fund for protecting and restoring state waters, but we remain the only state with a comprehensive trust fund of this kind. This fund has invested \$711.5 million in 945 water quality projects across the state, and has leveraged \$1.1 billion in funding from other sources.
 - e. In 1996, the General Assembly approved a state permitting program for all Animal Feeding Operations with 250 head or more to manage nutrients from these facilities. This program is currently in its second five-year cycle. Each farm is required to have a nutrient management plan specific to that facility that must be written and certified by a technical specialist. The facility operator must be certified with Division of Water Quality and Division of Soil and Water, which inspect the facility annually.

f. In 1997, the Neuse Rules were adopted and in August 1998 they became effective. Full implementation was required by 2003.