

Congress of the United States
Washington, DC 20510

February 25, 2011

The Honorable Thomas J. Vilsack
Secretary of Agriculture
Washington, DC 20250

Dear Mr. Secretary,

We are writing today to express our concerns regarding the National Resource Conservation Service (NRCS) proposed Code 590 Nutrient Management Standard. We fully support efforts to improve environmental stewardship and promote responsible nutrient management, however, we believe that adjustments need to be made to the proposed Code 590 Standard in order to achieve environmental goals while allowing farmers to dispose of their nutrient waste in a reasonable fashion.

The proposed Code 590 Standard would impose a ban on applying nutrients to frozen ground during the winter months. We do not believe that a calendar-based ban is a viable approach to nutrient management. We believe that relying on science and risk-based assessments, rather than one-size-fits-all regulations, presents a better approach to nutrient management. Risk-based tools, such as the phosphorous index, allow for smart application of nutrients at opportune times.

In New York State, a winter spreading ban would require producers to have manure storage capacity for up to five months. For the average farm in New York, building this storage capacity is estimated to cost \$250,000. Furthermore, we are concerned that a winter spreading ban could increase incidences of environmental contamination in the spring and summer months, as the same amount of nutrients would be applied to the same land base, but in a significantly reduced time window. It is our understanding that producers who wish to enroll in nutrient management programs and other conservation practices with NRCS will have to comply with the proposed Code 590 Standard, thus proposing such a stringent minimal practice requirement could discourage producers from engaging in other important conservation efforts.

To be successful, nutrient management standards and best management practices must account for the unique climate, seasonality, and topography inherent to each state. We encourage you to revise the proposed Code 590 Standard to incorporate the science and risk-based methodologies that New York State's Agricultural Environmental Management and Concentrated Animal Feeding Operation Programs have used so successfully. Changes must be made to the proposed Code 590 Standard to provide a realistic approach to nutrient management in farm communities in New York, and across the United States. We thank you for your attention

to this important matter and look forward to working with you to promote responsible nutrient management and improve the tools available to producers.

Sincerely,



Kirsten E. Gillibrand
United States Senator



Bill Owens
United States Congressman