November 3, 2017

Planners and CAFO permitted farms:

A question that has come to my attention recently relates to the issue of changes or additions to Cornell nutrient management guidelines and whether they take effect immediately upon posting or publication, and by extension become “law” for regulated farms upon issuance. I had not heard this question until the last few months, but it seems to be circulating in the field and I want to clarify the issue. For some time, I have had the understanding that the land grant guidelines were subject to the same general rules that govern the CAFO permit, and by extension, NRCS standards: whatever is in place on the date the permit takes effect is locked in until the next permit is issued unless DEC implements a permit modification. That way, planners and farmers can use the permit period to voluntarily work toward adoption of any revised/updated standards to get ready for the next permit, but are not obligated to adopt right away. At my request, Sara Latessa at DEC reached out to DEC legal staff and it has been confirmed that my understanding stated above is correct.

Karl Czymmek