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GOVERNOR

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LEMANU P. MAUGA
LIEUTENANT GOVERNOR

EXECUTIVE ORDER NO. 005-20

**AN ORDER TO TEMPORARILY BAN THE IMPORTATION OF FERTILIZER IN
AMERICAN SAMOA AND THE ESTABLISHMENT OF THE NUTRIENT
MANAGEMENT COMMITTEE TO DEVELOP GUIDELINES AND POLICIES FOR
FERTILIZER USE AND MANAGEMENT IN THE TERRITORY**

Section 1. Authority

This executive order is issued under the authority granted to the Governor in Article IV, Sections 6 and 7 of the Revised Constitution of American Samoa, and Section 4.0111 of the American Samoa Code Annotated.

Section 2. Preamble

WHEREAS, our lands are considered precious and our island is blessed with rich and fertile soil; and

WHEREAS, fertilizer usage on farms is meant to supplement nutrients that may otherwise be deficient in soil and help maximize crop yield and quality; and

WHEREAS, adequate levels of nutrients are essential for healthy and productive crop growth; and

WHEREAS, excessive use and misuse of fertilizers has an impact on public health and the environment, especially through the introduction of excess nutrients, particularly nitrogen and phosphorus, into groundwater and surface water; and

WHEREAS, increased nitrogen levels in groundwater can lead to the introduction of the nitrate form of nitrogen, which is particularly harmful to infants and young children; and

WHEREAS, increased nitrogen and phosphorous levels in surface water can lead to nutrient enrichment, resulting in the excessive growth of many aquatic organisms, often with disastrous consequences; and

WHEREAS, algal blooms are typically a result of excessive nutrients and leads to a reduction of oxygen supply in the water, ultimately resulting in fish kills; and

WHEREAS, overfertilizing with nitrogen can reduce crop quality and lead to increased susceptibility to plant diseases and insect attack; and

WHEREAS, several streams and ocean shorelines are listed as impaired waterbodies for nitrogen and phosphorous; and

WHEREAS, the American Samoa Government recognizes that the importation and application of fertilizer on agricultural farms have gone unregulated thus necessitating the need for government to develop and implement guidance and policies to properly regulate the importation and use of fertilizers in the Territory; and

WHEREAS, the preservation of traditional forms of farming knowledge and practices have proven to be efficient and sustainable and must be encouraged to prevent and/or minimize the use of fertilizers, pesticides and other chemicals;

NOW THEREFORE, I, **LOLO MATALASI MOLIGA**, Governor of American Samoa, by virtue of the authority vested in me by the Revised Constitution of American Samoa and Territorial statutes passed pursuant thereto, hereby execute this order.

Section 3. Fertilizer Ban

In accordance with ASCA § 27.1033(a)(8), all forms of agricultural fertilizers are declared an unauthorized good for the period of July 1, 2020 to December 1, 2020 unless extended by further Executive Order. Accordingly, importation of fertilizers shall be suspended during this time. This action is being taken to allow for research on the impact to the environment and proper regulations to be put in place to adequately address any adverse affects of these fertilizers.

Section 4. Establishment of the Nutrient Management Committee

There is established the Nutrient Management Committee (NMC), which shall be chaired by the Director of the Department of Agriculture (DOA) and co-chaired by the Executive Director of the American Samoa Environmental Protection Agency (AS-EPA). Members of the NMC are heads of the Department of Health (DOH), American Samoa Community College (ASCC) – CNR Extension, Department of Treasury – AS Customs, Office of Samoan Affairs, and the Office of the Attorney General.

Section 5. Duties of the NMC

The NMC duties and responsibilities are as follow:

1. Develop a nutrient management plan for agricultural farming in American Samoa;
2. Conduct island wide soil nutrient study and survey;
3. Propose new laws to regulate importation, storage, use and application of fertilizers in the Territory;
4. Promote traditional forms of farming practices;

5. Educate and provide training opportunities to local farmers and the business community on nutrient management plan;
6. Develop and implement a pre-approval process to review imported fertilizers before it leaves its country of origin;
7. Engage with our local federal partners (USDA – NRCS and Soil and Water District) for technical assistance;
8. The committee shall meet at least bi-monthly to fulfill its aforementioned duties and responsibilities;

Section 6. Effective Date

This Executive Order shall take effect immediately upon signing and shall remain in effect until further order of the Governor.

Dated: June 13, 2020

Lolo M. Moliga

LOLO M. MOLIGA
Governor of American Samoa