

## **Act No. 37 (H.26). Conservation and development; water quality; fertilizer**

This act regulates the application and retail display of fertilizer intended for commercial or residential use. The act prohibits the application to turf of fertilizer with a phosphate content of greater than 0.67 percent by weight, except when turf is deficient in phosphorus as shown by a soil test or when fertilizer is labeled as starter fertilizer intended for application to turf in the first season when grass is being established. The act also prohibits the application to turf of nitrogen fertilizer that has a nitrogen content of less than 15 percent slow-release nitrogen.

The act also prohibits the application of any fertilizer to an impervious surface, except for activities regulated under the accepted agricultural practices. Similarly, the act prohibits application of fertilizer to turf before April 1 or after October 15 in any calendar year. The act also prohibits the application of fertilizer to turf within 25 feet of a water of the state.

As defined in the act, "turf" is land planted in closely mowed grasses that is used for a commercial or residential purpose or that is publicly owned. "Turf" does not include land managed for agricultural production or private and public golf courses. However, the act requires the owner or operator of a golf course to submit to the agency of agriculture, food and markets a nutrient management plan for the use and application of fertilizer to grasses or other lands owned or controlled by the golf course. The golf course nutrient management plan shall ensure that the golf course applies fertilizer according to site-specific agronomic rates, which is the current standard that agricultural activities must meet.

In addition, the act requires a retailer who sells or offers for sale phosphorus fertilizer to consumers to display the nonphosphorus fertilizer separately from phosphorus fertilizer and to post in the retail location, if any, where phosphorus fertilizer is accessible to the consumer a clearly visible sign regarding the threat that phosphorus fertilizer poses to water quality and the fact that phosphorus fertilizer shall not be applied to lawn unless applied to new lawn or lawn deficient for phosphorus.

A person who knowingly or intentionally violates the requirements of the act shall be subject to a civil penalty of not more than \$500.00 per violation. The act would be enforceable in the judicial bureau by the agency of natural resources and the agency of agriculture, food and markets.

Multiple effective dates, beginning May 19, 2011