



Chesapeake Bay Commission

Main Provisions of a Maryland Lawn Fertilizer Bill

SB 487 & HB 573

April 7, 2011

PURPOSE: This bill is about water quality. In Maryland, roughly 14 percent of the nitrogen (N) and 8 percent of the phosphorus (P) pollution to the Bay can be traced back to urban and suburban nonpoint sources, predominantly fertilizer runoff. SB 487 and HB 573 will minimize excess turf fertilization while maintaining healthy lawns in order to prevent runoff. Watershed-wide, acreage maintained in lawns now exceeds corn (i.e. turf is now our "largest crop") and is fast approaching all row crops combined. Thus, what we do to minimize runoff from lawns increasingly matters. This bill will deliver measureable reductions to both N and P that can be counted with reasonable assurance towards Maryland's achievement of its TMDL under the federal Clean Water Act. Similar legislation has been offered by Chesapeake Bay Commission members in Virginia and will be introduced shortly in Pennsylvania. It has also been shared with Delaware and West Virginia.

FOCUS: The bill would amend Maryland's Commercial Fertilizer law under the Agriculture Article. None of its provisions apply to fertilizer used in agricultural production. The bill applies to turf care at locations such as private residences, businesses, golf courses, cemeteries, public properties, and others.

MAJOR PROVISIONS: The bill is science-based and addresses both content and behavioral changes at the residential and commercial scale. It affects do-it-yourself, golf course and commercial applicators.

1. Content and Labeling Restrictions

- Fertilizer sold at retail and intended for use on turf shall:
- Contain no more than 0.7 lbs of water-soluble N and no more than 0.9 lbs of total N per 1,000 square feet of application. At least 20% of the N shall be slow release N.
- Contain no P, except when specifically labeled for:
 - Providing nutrients as determined by a soil test
 - Establishing vegetation
 - Repairing turf
 - Except*
 - A natural organic or organic product containing phosphorus may be sold to commercial applicators for use on soils that test medium or low for phosphorus. In 2013 commercial applicators may only apply natural organics and organics that meet the low phosphorus standard.
- Restrictions apply to processed sewage solids.
- No fertilizer product may be labeled for use as a de-icer.
- Labels must contain the following statement:

"Do not apply near water, storm drains or drainage ditches. Do not apply if heavy rain is expected. Apply this product only to your lawn and sweep any product that lands on the driveway, sidewalk, or street, back onto your lawn."

Use Restrictions:

- No fertilizer application to frozen ground or impervious surfaces.
- No Do-It-Yourself (DIY) or commercial application of lawn fertilizer before March 1 or after November 15. Commercial applicators may apply from November 16 to December 1 using *only* water soluble N (no slow release) at the reduced rate of 0.5 lbs/1000 square feet or less.
- No application within 15 feet of water body/or within 10 feet if using a drop spreader, rotary spreader with deflector or targeted spray liquid.
- Lawn fertilizer with phosphorous cannot be used unless the fertilizer is applied to new lawns, to repair or reestablish a lawn or if needed pursuant to a soil test.
- N and P content in fertilizer applied by consumers is limited per the labeling restriction.
- N and P content in fertilizer applied by professional applicators is similarly limited, except slow release requirement does not apply.
- Commercial applicators can continue to apply natural organic or organic products containing phosphorus but beginning in 2013 each application may not exceed .25 lbs P/1000 square feet with an annual maximum of 0.5 lbs P/1000 square feet. These products may never be applied where soils test at "optimum to excessive" levels of P.
- Enhanced efficiency controlled release products can be applied at a rate not to exceed 2.5 lbs per application with a 0.7 lbs N/1000 square feet monthly release rate. Application must be discontinued from November 15 - March 1 of each calendar year.

- **Professional Fertilizer Applicators (anyone who applies fertilizer for hire):**
- Professional applicators must be certified by MDA, trained by a certification program approved by MDA or be applying under the direct supervision of a certified professional fertilizer applicator.
- MDA must keep a list of certified professional fertilizer applicators and publish list on MDA website.
- A certification program must be developed within one year of enactment of the bill.

- **Public education:**
- MDA, with UMD must develop and disseminate consumer information and best practices for lawn fertilizer application within one year of enactment of the bill.
- UMD must identify laboratories suitable for soil testing.

Pre-emption:

The bill prohibits local regulation of fertilizer.

ESTIMATED POLLUTION REDUCTIONS:

The proposed legislation and enforcement in Maryland would result in approximately:

- 3% reduction from 2009 of the phosphorus load from all sources combined which equates to
- 15% reduction of urban phosphorus runoff compared to 2009 urban loads which equates to
- 20% of the phosphorus reduction MD needs to achieve its statewide TMDL.

The possible nitrogen reductions are still being calculated but are expected to be less than phosphorus.

REGIONWIDE NOTE: The above provisions are similar to legislation enacted in New Jersey (P.L.2010, c.112) and will be introduced in Pennsylvania shortly. Early in 2011, Virginia has adopted complementary P provisions and committed its Departments of Agriculture and Conservation and Recreation, under the Commission's advisement, to study N restrictions for possible legislative adoption during the 2012 General Assembly session. Action in Pennsylvania is expected during the 2011 session.