

HOUSE BILL 573

M4

11r1634
CF SB 487

By: **Delegates Hubbard, Braveboy, Frush, Pena–Melnik, and Wood**

Introduced and read first time: February 9, 2011

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Fertilizer Use Act of 2011**

3 FOR the purpose of altering certain specialty fertilizer labeling requirements;
4 removing the exemption for certain contractors, salespersons, employees, and
5 other agents of certain contractors from a certain prohibition; requiring the
6 Department of Agriculture, in consultation with the University of Maryland, to
7 establish a professional fertilizer applicator certification program in accordance
8 with certain requirements; requiring the Department to publish and maintain a
9 certain list; requiring the Department, in consultation with the University of
10 Maryland, to develop a certain public education program; requiring the
11 University of Maryland to identify certain laboratories; requiring the University
12 of Maryland to revise certain guidelines in accordance with a certain schedule;
13 providing the Department with exclusive authority to establish certain
14 standards; prohibiting a local government entity from adopting certain laws,
15 regulations, rules, or ordinances; establishing certain maximum limits for
16 nitrogen and phosphorus in certain specialty fertilizer under certain
17 circumstances; prohibiting a person from selling at retail certain specialty
18 fertilizer; prohibiting a person from applying certain fertilizer to certain
19 surfaces under certain circumstances; authorizing a person to apply certain
20 fertilizer under certain circumstances; establishing certain penalties for certain
21 violations; authorizing a county or municipality to enforce certain provisions of
22 law; authorizing the Department to adopt certain regulations; requiring the
23 Department to adopt certain regulations on or before a certain date; prohibiting
24 a professional fertilizer applicator from applying certain fertilizer without first
25 obtaining a certain certification; prohibiting a professional fertilizer applicator
26 from using or applying certain fertilizer under certain circumstances; providing
27 for delayed effective dates for certain provisions of this Act; defining certain
28 terms; and generally relating to the use of fertilizer in the State.

29 BY repealing and reenacting, with amendments,
30 Article – Agriculture

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 6–201, 6–210(d), 6–222(a)
2 Annotated Code of Maryland
3 (2007 Replacement Volume and 2010 Supplement)

4 BY adding to
5 Article – Agriculture
6 Section 6–223, 6–224, 6–225, 6–226, 6–227, and 6–228
7 Annotated Code of Maryland
8 (2007 Replacement Volume and 2010 Supplement)

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
10 MARYLAND, That the Laws of Maryland read as follows:

11 **Article – Agriculture**

12 6–201.

13 (a) In this subtitle the following words have the meanings indicated.

14 (b) A commercial fertilizer is “adulterated” if:

15 (1) Any poisonous, deleterious, or nonnutritive ingredient is added in
16 sufficient amount to render it injurious to the health of plants, humans, or animal life
17 or injurious to the environment;

18 (2) A valuable constituent is omitted or abstracted wholly or partially
19 from it or any less valuable substance is substituted for it; or

20 (3) Its composition or quality falls below or differs from that which it
21 is purported or is represented to contain by its labeling.

22 (c) “Brand” means the term, design, trademark, or other specific designation
23 under which a commercial fertilizer or soil conditioner is distributed in the State.

24 (d) “Bulk fertilizer” means any commercial fertilizer distributed in a
25 nonpackaged form.

26 (e) “Buyer’s mixture” means commercial fertilizer mixed on specific request
27 of a purchaser according to a formula furnished by him.

28 **(F) “COMMERCIAL FARM” MEANS A FARM THAT PERFORMS ACTIVITIES**
29 **RELATED TO THE PRODUCTION AND SALE OF AGRICULTURAL COMMODITIES,**
30 **INCLUDING ROW CROPS, FRUITS, VEGETABLES, HORTICULTURE, AND**
31 **SILVACULTURE.**

32 **[(f) (G) “Commercial fertilizer” means any substance containing a**
33 **recognized plant nutrient used for its plant nutrient content and designed for use or**

1 claimed to have value in promoting plant growth, except unmanipulated animal and
2 vegetable manure, marl, lime, wood ashes, and gypsum.

3 **[(g)] (H)** “Custom–mix” means commercial fertilizer mixed on specific
4 request of a purchaser according to a formula furnished by him.

5 **[(h)] (I)** “Distribute” means to import, manufacture, produce, compound,
6 mix, blend, barter, sell, offer for sale, consign, furnish, provide, or otherwise supply
7 commercial fertilizer or soil conditioners as part of a commercial enterprise.

8 **[(i)] (J)** “Fertilizer material” means a commercial fertilizer containing a
9 recognized plant nutrient, which is used primarily for its plant nutrient content.

10 **[(j)] (K)** “Grade” means the percentage of total nitrogen (N), available
11 phosphoric acid (H_3PO_4), and soluble potash (K_2O) stated in whole numbers in the
12 same terms, order, and percentages as in the “guaranteed analysis”. In the case of any
13 “specialty fertilizer” or “mixed–to–order fertilizer” guarantees may be stated in
14 decimal fractions of whole numbers.

15 **[(k)] (L)** “Guaranteed analysis” means the minimum percentage of plant
16 nutrient claimed as follows:

17 (1) Total nitrogen (N), available phosphoric acid (H_3PO_4), soluble
18 potash (K_2O);

19 (2) For unacidulated mineral phosphatic materials and basic slag,
20 both total and available phosphoric acid and the degree of fineness;

21 (3) For bone, tankage, and other organic phosphatic materials, total
22 phosphoric acid;

23 (4) Additional plant nutrients, when claimed, shall be expressed in
24 elemental form; and

25 (5) Potential basicity or acidity may be expressed in terms of calcium
26 carbonate equivalent in multiples of 100 pounds per ton.

27 **[(l)] (M)** “Gypsum” means any product that consists chiefly of calcium
28 sulfate intended for use for agricultural purposes.

29 **(N) “IMPERVIOUS SURFACE” MEANS ANY STRUCTURE, SURFACE, OR**
30 **IMPROVEMENT THAT REDUCES OR PREVENTS ABSORPTION OF STORMWATER**
31 **INTO LAND, AND INCLUDES POROUS PAVING, PAVER BLOCKS, GRAVEL,**
32 **CRUSHED STONE, DECKS, PATIOS, ELEVATED STRUCTURES, AND OTHER**
33 **SIMILAR STRUCTURES, SURFACES, OR IMPROVEMENTS.**

1 **[(m)] (O)** “Label” means the display of all written, printed, or graphic matter
2 on the immediate container or a statement accompanying a commercial fertilizer or
3 soil conditioner.

4 **[(n)] (P)** “Labeling” means all written, printed, or graphic matter on or
5 accompanying any commercial fertilizer or soil conditioner, or the contents of any
6 advertisement, brochure, poster or television or radio announcement used in
7 promoting the sale of a commercial fertilizer or soil conditioner.

8 **[(o)] (Q)** “Lot” means a definite quantity of commercial fertilizer or soil
9 conditioner, identified by name, grade, or code designation as certified by the
10 Secretary.

11 **[(p)] (R)** “Low phosphorous fertilizer” means fertilizer:

12 (1) Containing not more than 5% of available phosphoric acid (H_3PO_4);
13 and

14 (2) That has an application rate not to exceed 0.25 pound of available
15 phosphoric acid (H_3PO_4)/1,000 square feet/application and 0.5 pound of available
16 phosphoric acid (H_3PO_4)/1,000 square feet/year.

17 **[(q)] (S)** A commercial fertilizer or soil conditioner is “misbranded”, if:

18 (1) Its labeling is false or misleading in any particular;

19 (2) It is distributed under the name of another product;

20 (3) It is not labeled as required in § 6–210 of this subtitle and in rules
21 and regulations prescribed under this subtitle;

22 (4) A fertilizer purports to be or is represented as a commercial
23 fertilizer or if it purports to contain or is represented as containing a fertilizer
24 material, unless the fertilizer material conforms to any definition of identity,
25 prescribed by departmental rules and regulations which give due regard to commonly
26 accepted definitions, such as those issued by the Association of American Plant Food
27 Control Officials, Inc.; or

28 (5) Any word, statement, or other information, required to appear on
29 the label or labeling, is not placed on it prominently and conspicuously as compared
30 with other words, statements, designs, or devices in the labeling, and it is not in terms
31 that render it likely to be read and understood by the ordinary individual under
32 customary conditions of purchase and use.

33 **(T)** “**MANIPULATED ANIMAL OR VEGETABLE MANURE**” MEANS MANURE
34 **THAT IS GROUND, PELLETIZED, MECHANICALLY DRIED, OR OTHERWISE**
35 **TREATED TO ASSIST WITH THE USE OF MANURE AS A FERTILIZER.**

1 **[(r)] (U)** “Mixed fertilizer” means a commercial fertilizer containing any
2 combination, blend, or mixture of fertilizer materials designed for use or claimed to
3 have value in promoting plant growth.

4 **[(s)] (V)** “Mixed-to-order” means commercial fertilizer mixed on a specific
5 request of a purchaser according to a formula furnished by him.

6 **[(t)] (W)** “Official sample” means any sample of fertilizer or soil conditioner
7 taken and designated as “official” by the Secretary.

8 **[(u)] (X)** “Percent” or “percentage” means percentage by weight.

9 **(Y) (1)** **“PROFESSIONAL FERTILIZER APPLICATOR” MEANS ANY**
10 **PERSON WHO:**

11 **(I) IS CERTIFIED TO APPLY FERTILIZER IN ACCORDANCE**
12 **WITH § 6-226 OF THIS SUBTITLE; AND**

13 **(II) APPLIES FERTILIZER FOR HIRE.**

14 **(2) “PROFESSIONAL FERTILIZER APPLICATOR” INCLUDES THE**
15 **OWNER OR MANAGER OF PROPERTY, OR AN EMPLOYEE OF A GOVERNMENT**
16 **ENTITY WHO APPLIES FERTILIZER WITHIN THE SCOPE OF EMPLOYMENT.**

17 **[(v)] (Z)** “Registrant” means any person who registers a commercial
18 fertilizer or soil conditioner pursuant to the provisions of this subtitle.

19 **[(w)] (AA)** “Retail establishment” has the meaning stated in § 5-401 of the
20 Economic Development Article.

21 **(BB) “SLOW RELEASE NITROGEN” MEANS NITROGEN IN A FORM THAT:**

22 **(1) DELAYS ITS AVAILABILITY FOR PLANT UPTAKE AND USE**
23 **AFTER APPLICATION; OR**

24 **(2) EXTENDS ITS AVAILABILITY TO THE PLANT SIGNIFICANTLY**
25 **LONGER THAN A REFERENCE “RAPIDLY AVAILABLE NUTRIENT” SUCH AS**
26 **AMMONIUM NITRATE OR UREA, AMMONIUM PHOSPHATE, OR POTASSIUM**
27 **CHLORIDE.**

28 **[(x)] (CC)** (1) “Soil conditioner” means any substance or mixture of
29 substances intended for sale, offered for sale, or sold for:

30 (i) Manurial, soil enriching, or soil corrective purposes;

- 1 (ii) Promoting or stimulating the growth of plants;
- 2 (iii) Increasing the productivity of plants;
- 3 (iv) Improving the quality of crops; or
- 4 (v) Producing any chemical or physical change in the soil,
5 except a commercial fertilizer, unmanipulated animal and vegetable manures,
6 agricultural liming material, and gypsum.

7 (2) "Soil conditioner" includes but is not limited to materials such as
8 compost, peat, vermiculite, or perlite, that are incorporated into the soil.

9 (DD) "SOIL TEST" MEANS A TECHNICAL ANALYSIS OF SOIL CONDUCTED
10 BY A LABORATORY USING STANDARDS RECOMMENDED BY THE UNIVERSITY OF
11 MARYLAND.

12 [(y)] (EE) "Specialty fertilizer" means a commercial fertilizer distributed
13 primarily for nonfarm use, such as home gardens, lawns, shrubbery, flowers, golf
14 courses, municipal parks, cemeteries, greenhouses, and nurseries, and may include
15 commercial fertilizers used for any research or experimental purpose.

16 [(z)] (FF) "Ton" means a net weight of two thousand pounds avoirdupois.

17 (GG) "TURF" MEANS LAND, INCLUDING RESIDENTIAL PROPERTY AND
18 PUBLICLY OWNED LAND THAT IS PLANTED IN MOWED, MANAGED GRASS, EXCEPT
19 LAND THAT IS USED IN THE SALE AND PRODUCTION OF SOD, AS DEFINED IN §
20 9-101 OF THIS ARTICLE.

21 (HH) "WATER-SOLUBLE NITROGEN" MEANS NITROGEN THAT IS READILY
22 SOLUBLE IN WATER.

23 (II) "WATERS OF THE STATE" HAS THE MEANING STATED IN § 5-101 OF
24 THE ENVIRONMENT ARTICLE.

25 6-210.

26 (d) (1) A specialty fertilizer shall be labeled to contain [all]:

27 (I) ALL OF THE information required by subsection (a) of this
28 section;

29 (II) THE PERCENTAGE OF TOTAL NITROGEN, INCLUDING
30 THE PERCENTAGE OF OTHER WATER SOLUBLE NITROGEN AND WATER
31 INSOLUBLE NITROGEN;

1 (III) THE PERCENTAGE OF AVAILABLE PHOSPHATE;

2 (IV) THE PERCENTAGE OF SOLUBLE POTASH;

3 (V) THE FOLLOWING STATEMENT: “DO NOT APPLY NEAR
4 WATER, STORM DRAINS OR DRAINAGE DITCHES. DO NOT APPLY IF HEAVY RAIN
5 IS EXPECTED. APPLY THIS PRODUCT ONLY TO YOUR LAWN, AND SWEEP ANY
6 PRODUCT THAT LANDS ON THE DRIVEWAY, SIDEWALK, OR STREET BACK ONTO
7 YOUR LAWN.”; AND

8 (VI) THE ENVIRONMENTAL HAZARD STATEMENT
9 RECOMMENDED BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY FOR
10 THAT PRODUCT.

11 (2) THE INFORMATION REQUIRED UNDER PARAGRAPH (1) OF
12 THIS SUBSECTION SHALL BE PRINTED in a legible and conspicuous manner on at
13 least one side of the container [. If], OR IF it does not appear on the face or display
14 side of the container, it shall appear on the upper third of the side used.

15 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
16 read as follows:

17 **Article – Agriculture**

18 6–222.

19 (a) [(1) Except as provided in paragraph (2) of this subsection, on or after
20 April 1, 2011, a] A person may not sell or distribute for use or sale at a retail
21 establishment in the State any fertilizer intended for use on established lawns or
22 grass unless it is low phosphorous fertilizer.

23 [(2) This subsection does not apply to:

24 (i) A landscaping contractor who is licensed under Title 8 of the
25 Business Regulation Article; or

26 (ii) A salesperson, employee, or other agent of a landscaping
27 contractor who is licensed under Title 8 of the Business Regulation Article.]

28 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
29 read as follows:

30 **Article – Agriculture**

1 **6-223.**

2 (A) (1) THE DEPARTMENT SHALL, IN CONSULTATION WITH THE
3 UNIVERSITY OF MARYLAND, ESTABLISH A PROGRAM TO CERTIFY
4 PROFESSIONAL FERTILIZER APPLICATORS.

5 (2) THE CERTIFICATION PROGRAM SHALL PROVIDE
6 PROFESSIONAL FERTILIZER APPLICATORS WITH TRAINING AND EDUCATION IN
7 THE FOLLOWING SUBJECT AREAS:

8 (I) THE PROPER USE AND CALIBRATION OF FERTILIZER
9 APPLICATION EQUIPMENT;

10 (II) THE HAZARDS INVOLVED IN, AND THE ENVIRONMENTAL
11 IMPACT OF, APPLYING FERTILIZER, INCLUDING NUTRIENT POLLUTION TO THE
12 WATERS OF THE STATE;

13 (III) ALL APPLICABLE STATE AND FEDERAL LAWS, RULES,
14 AND REGULATIONS;

15 (IV) THE CORRECT INTERPRETATION OF FERTILIZER
16 LABELING INFORMATION; AND

17 (V) THE RECOMMENDATIONS DEVELOPED BY THE
18 UNIVERSITY OF MARYLAND FOR NUTRIENT MANAGEMENT ON TURF, INCLUDING
19 THE APPROPRIATE TIME TO:

20 1. APPLY FERTILIZER WHEN RAIN IS FORECAST; AND

21 2. APPLY FERTILIZER WHEN SOILS ARE WET AND
22 THE POTENTIAL FOR FERTILIZER MOVEMENT OFF-SITE EXISTS.

23 (B) IN ESTABLISHING THE CERTIFICATION PROGRAM, THE
24 DEPARTMENT MAY:

25 (1) CHARGE REASONABLE FEES, INCLUDING AN ANNUAL
26 RECERTIFICATION FEE, TO COVER COSTS ASSOCIATED WITH THE
27 CERTIFICATION PROGRAM;

28 (2) REQUIRE CONTINUING EDUCATION OR TRAINING FOR
29 PROFESSIONAL FERTILIZER APPLICATORS;

30 (3) DESIGNATE ONE OR MORE ENTITIES TO TRAIN, CERTIFY, AND
31 RECERTIFY PROFESSIONAL FERTILIZER APPLICATORS, WHICH MAY CHARGE

1 FEES TO COVER THE REASONABLE COSTS ASSOCIATED WITH THE
2 CERTIFICATION TRAINING AND EDUCATION; AND

3 (4) RECOGNIZE THE TRAINING PROGRAM OF AN ENTITY
4 EMPLOYING PROFESSIONAL FERTILIZER APPLICATORS IF THE PROGRAM MEETS
5 THE CERTIFICATION AND RECERTIFICATION TRAINING AND EDUCATION
6 STANDARDS ESTABLISHED BY THE DEPARTMENT UNDER THIS SECTION.

7 (C) THE DEPARTMENT SHALL PUBLISH AND MAINTAIN A LIST OF ALL
8 CERTIFIED PROFESSIONAL FERTILIZER APPLICATORS AND MAKE THE LIST
9 AVAILABLE ON ITS INTERNET WEB SITE.

10 (D) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS
11 SECTION.

12 6-224.

13 (A) THE DEPARTMENT, IN CONSULTATION WITH THE UNIVERSITY OF
14 MARYLAND, SHALL DEVELOP A PROGRAM OF PUBLIC EDUCATION THAT SHALL
15 INCLUDE:

16 (1) THE DISSEMINATION OF INFORMATION REGARDING
17 NUTRIENT POLLUTION;

18 (2) BEST MANAGEMENT PRACTICES FOR FERTILIZER USE;

19 (3) SOIL TESTING;

20 (4) PROPER INTERPRETATION OF FERTILIZER LABEL
21 INSTRUCTIONS; AND

22 (5) THE PROPER USE AND CALIBRATION OF FERTILIZER
23 APPLICATION EQUIPMENT.

24 (B) THE UNIVERSITY OF MARYLAND SHALL IDENTIFY LABORATORIES
25 THAT:

26 (1) PARTICIPATE IN THE NORTH AMERICAN PROFICIENCY
27 TESTING PROGRAM OF THE SOIL SCIENCE SOCIETY OF AMERICA;

28 (2) FOLLOW THE RECOMMENDED SOIL TESTING PROCEDURES
29 FOR THE NORTHEASTERN UNITED STATES; AND

1 **(3) PROVIDE A FINAL REPORT TO THE REQUESTOR WITH THE**
2 **RESULTS OF THE SOIL TEST.**

3 **(C) THE UNIVERSITY OF MARYLAND SHALL REVISE ITS FERTILIZER**
4 **TURF GUIDELINES EVERY 3 YEARS.**

5 **6-225.**

6 **(A) EXCEPT FOR ENFORCEMENT, THE DEPARTMENT HAS THE**
7 **EXCLUSIVE AUTHORITY TO ESTABLISH STANDARDS REGULATING FERTILIZER**
8 **AND ITS APPLICATION TO TURF.**

9 **(B) A LOCAL GOVERNMENT ENTITY MAY NOT ADOPT LAWS,**
10 **REGULATIONS, RULES, ORDINANCES, OR STANDARDS REGULATING FERTILIZER**
11 **AND ITS APPLICATION TO TURF.**

12 SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland
13 read as follows:

14 Article – Agriculture

15 **6-226.**

16 **(A) ANY SPECIALTY FERTILIZER LABELED FOR USE ON TURF MAY NOT:**

17 **(1) CONTAIN MORE THAN 0.7 POUNDS OF WATER-SOLUBLE**
18 **NITROGEN AND NO MORE 0.9 POUNDS OF TOTAL NITROGEN, AT LEAST 20% OF**
19 **WHICH SHALL CONSIST OF SLOW RELEASE NITROGEN IF TOTAL NITROGEN IS IN**
20 **EXCESS OF 0.5 POUNDS PER 1,000 SQUARE FEET WHEN APPLIED IN**
21 **ACCORDANCE WITH THE INSTRUCTIONS ON THE CONTAINER;**

22 **(2) CONTAIN PHOSPHORUS, EXCEPT WHEN SPECIFICALLY**
23 **LABELED FOR THE FOLLOWING PURPOSES:**

24 **(i) PROVIDING NUTRIENTS TO SPECIFIC SOILS AND**
25 **TARGET VEGETATION AS DETERMINED TO BE NECESSARY PURSUANT TO A SOIL**
26 **TEST THAT WAS:**

27 1. **CONDUCTED BY A LABORATORY IDENTIFIED**
28 **UNDER § 6-224 OF THIS SUBTITLE; AND**

29 2. **PERFORMED NO MORE THAN 3 YEARS BEFORE**
30 **THE APPLICATION;**

1 (II) ESTABLISHING VEGETATION FOR THE FIRST TIME,
2 SUCH AS AFTER LAND DISTURBANCE, PROVIDED THE APPLICATION IS
3 CONDUCTED IN ACCORDANCE WITH THE RECOMMENDED APPLICATION RATES
4 ESTABLISHED BY THE STATE; OR

5 (III) REESTABLISHING OR REPAIRING A TURF AREA; AND

6 (3) BE LABELED FOR USE AS A DE-ICER.

7 (B) A PERSON MAY NOT OFFER TO SELL AT RETAIL SPECIALTY
8 FERTILIZER THAT:

9 (1) CONTAINS MORE THAN 0.7 POUNDS OF WATER-SOLUBLE
10 NITROGEN OR MORE THAN 0.9 POUNDS OF TOTAL NITROGEN PER 1,000 SQUARE
11 FEET, AT LEAST 20% OF WHICH SHALL CONSIST OF SLOW RELEASE NITROGEN IF
12 TOTAL NITROGEN EXCEEDS 0.5 POUNDS WHEN APPLIED IN ACCORDANCE WITH
13 THE INSTRUCTIONS ON THE CONTAINER AND IS INTENDED FOR USE ON TURF;
14 AND

15 (2) CONTAINS PHOSPHORUS AND IS INTENDED FOR USE ON TURF
16 UNLESS THE INTENDED USE OF THE FERTILIZER IS:

17 (I) FOR APPLICATION TO SPECIFIC SOILS AND TURF AS
18 DETERMINED TO BE NECESSARY PURSUANT TO A SOIL TEST CONDUCTED BY A
19 LABORATORY IDENTIFIED IN § 6-224 OF THIS SUBTITLE AND PERFORMED NO
20 MORE THAN 3 YEARS BEFORE THE APPLICATION, PROVIDED THE APPLICATION
21 COMPLIES WITH RECOMMENDED APPLICATION RATES ESTABLISHED BY THE
22 UNIVERSITY OF MARYLAND;

23 (II) FOR THE ESTABLISHMENT OF TURF FOR THE FIRST
24 TIME, SUCH AS AFTER LAND DISTURBANCE, PROVIDED THE APPLICATION
25 COMPLIES WITH RECOMMENDED APPLICATION RATES ESTABLISHED BY THE
26 UNIVERSITY OF MARYLAND; OR

27 (III) FOR THE REESTABLISHMENT OR REPAIR OF A TURF
28 AREA.

29 (C) A PERSON MAY NOT OFFER TO SELL AT RETAIL A COMMERCIAL OR
30 SPECIALTY FERTILIZER PRODUCT FOR USE AS A DE-ICER.

31 **6-227.**

32 (A) IN THIS SECTION, "FERTILIZER" MEANS COMMERCIAL FERTILIZER
33 AND SPECIALTY FERTILIZER.

1 **(B) (1) THIS SECTION APPLIES TO A PERSON WHO APPLIES**
2 **FERTILIZER TO:**

3 **(I) PROPERTY THAT IS NOT USED FOR AGRICULTURAL**
4 **PURPOSES; OR**

5 **(II) STATE PROPERTY THAT IS NOT USED FOR**
6 **AGRICULTURAL PURPOSES.**

7 **(2) THIS SECTION DOES NOT APPLY TO THE APPLICATION OF**
8 **FERTILIZER ON COMMERCIAL FARMS.**

9 **(C) A PERSON MAY NOT:**

10 **(1) APPLY FERTILIZER INTENDED FOR USE ON TURF TO AN**
11 **IMPERVIOUS SURFACE; AND**

12 **(2) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION,**
13 **APPLY FERTILIZER CONTAINING PHOSPHORUS OR NITROGEN TO TURF:**

14 **(I) BEFORE MARCH 1 OR AFTER NOVEMBER 15 OF ANY**
15 **CALENDAR YEAR; OR**

16 **(II) AT ANY TIME WHEN THE GROUND IS FROZEN.**

17 **(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
18 **SUBSECTION, A PERSON MAY NOT APPLY FERTILIZER CONTAINING**
19 **PHOSPHORUS OR NITROGEN TO TURF THAT IS WITHIN 15 FEET OF WATERS OF**
20 **THE STATE.**

21 **(2) WHERE A DROP SPREADER, ROTARY SPREADER WITH A**
22 **DEFLECTOR, OR TARGETED SPRAY LIQUID IS USED FOR FERTILIZER**
23 **APPLICATION, THE SETBACK REQUIRED UNDER PARAGRAPH (1) OF THIS**
24 **SUBSECTION MAY BE REDUCED TO 10 FEET.**

25 **(3) THE ESTABLISHMENT OF SETBACKS FOR FERTILIZER**
26 **APPLICATION UNDER THIS SUBSECTION DOES NOT PRECLUDE THE**
27 **ESTABLISHMENT OR APPLICABILITY OF, OR COMPLIANCE WITH, ANY OTHER**
28 **ENVIRONMENTAL STANDARDS ESTABLISHED UNDER ANY OTHER STATE OR**
29 **FEDERAL LAW, RULE, OR REGULATION.**

30 **(E) (1) A PERSON MAY APPLY FERTILIZER TO TURF CONTAINING**
31 **PHOSPHORUS IF THE PERSON:**

1 **(I) DETERMINES THAT THE FERTILIZER IS NECESSARY FOR**
2 **THE SPECIFIC SOILS AND TARGET VEGETATION IN ACCORDANCE WITH A SOIL**
3 **TEST PERFORMED NO MORE THAN 3 YEARS BEFORE THE FERTILIZER**
4 **APPLICATION, PROVIDED THE APPLICATION COMPLIES WITH THE**
5 **RECOMMENDATIONS ESTABLISHED BY THE UNIVERSITY OF MARYLAND;**

6 **(II) IS ESTABLISHING VEGETATION FOR THE FIRST TIME,**
7 **SUCH AS AFTER LAND DISTURBANCE, PROVIDED THE APPLICATION COMPLIES**
8 **WITH THE RECOMMENDATIONS ESTABLISHED BY THE UNIVERSITY OF**
9 **MARYLAND; OR**

10 **(III) IS REESTABLISHING OR REPAIRING A TURF AREA.**

11 **(2) A PERSON MAY APPLY FERTILIZER TO TURF IN EXCESS OF**
12 **THE NITROGEN REQUIREMENTS IN § 6-226 OF THIS SUBTITLE, IF THE PERSON**
13 **IS ESTABLISHING VEGETATION FOR THE FIRST TIME, SUCH AS AFTER LAND**
14 **DISTURBANCE, PROVIDED THE APPLICATION COMPLIES WITH THE**
15 **RECOMMENDATIONS OF THE UNIVERSITY OF MARYLAND.**

16 **(F) IN ADDITION TO THE REQUIREMENTS SET FORTH IN THIS SECTION,**
17 **A PERSON, OTHER THAN A PROFESSIONAL FERTILIZER APPLICATOR, MAY NOT:**

18 **(1) APPLY FERTILIZER TO TURF:**

19 **(I) IN AN AMOUNT THAT IS INCONSISTENT WITH THE**
20 **ANNUAL RECOMMENDED RATE ESTABLISHED BY THE UNIVERSITY OF**
21 **MARYLAND; AND**

22 **(II) THAT CONTAINS NITROGEN THAT IS LESS THAN 20%**
23 **SLOW RELEASE IF TOTAL NITROGEN EXCEEDS 0.5 POUNDS;**

24 **(2) APPLY NITROGEN TO TURF:**

25 **(I) AT A RATE OF MORE THAN 0.7 POUNDS OF**
26 **WATER-SOLUBLE NITROGEN PER 1,000 SQUARE FEET PER APPLICATION; AND**

27 **(II) AT A RATE THAT IS MORE THAN 0.9 POUNDS OF TOTAL**
28 **NITROGEN PER 1,000 SQUARE FEET PER APPLICATION; AND**

29 **(3) APPLY FERTILIZER TO A GOLF COURSE.**

30 **(G) A COUNTY OR MUNICIPALITY MAY ENFORCE THIS SUBSECTION.**

1 **(H) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS**
2 **SECTION.**

3 **6-228.**

4 **(A) IN THIS SECTION, "FERTILIZER" MEANS COMMERCIAL FERTILIZER**
5 **AND SPECIALTY FERTILIZER.**

6 **(B) (1) THIS SECTION APPLIES TO A PROFESSIONAL FERTILIZER**
7 **APPLICATOR WHO APPLIES FERTILIZER TO:**

8 **(I) PROPERTY THAT IS NOT USED FOR AGRICULTURAL**
9 **PURPOSES; OR**

10 **(II) STATE PROPERTY THAT IS NOT USED FOR**
11 **AGRICULTURAL PURPOSES.**

12 **(2) THIS SECTION DOES NOT APPLY TO THE APPLICATION OF**
13 **FERTILIZER ON COMMERCIAL FARMS.**

14 **(C) A PROFESSIONAL FERTILIZER APPLICATOR MAY NOT APPLY**
15 **FERTILIZER TO TURF WITHOUT FIRST OBTAINING A FERTILIZER APPLICATION**
16 **CERTIFICATION, UNLESS THE PERSON IS UNDER THE DIRECT SUPERVISION OF A**
17 **CERTIFIED PROFESSIONAL FERTILIZER APPLICATOR, IN ACCORDANCE WITH §**
18 **6-223 OF THIS SUBTITLE.**

19 **(D) A PROFESSIONAL FERTILIZER APPLICATOR MAY NOT:**

20 **(1) APPLY FERTILIZER TO TURF IN AN AMOUNT THAT IS**
21 **INCONSISTENT WITH THE ANNUAL RECOMMENDED RATE ESTABLISHED BY THE**
22 **UNIVERSITY OF MARYLAND; AND**

23 **(2) APPLY NITROGEN TO TURF:**

24 **(I) AT A RATE OF MORE THAN 0.7 POUNDS OF**
25 **WATER-SOLUBLE NITROGEN PER 1,000 SQUARE FEET PER APPLICATION; AND**

26 **(II) AT A RATE THAT IS MORE THAN 0.9 POUNDS OF TOTAL**
27 **NITROGEN PER 1,000 SQUARE FEET PER APPLICATION.**

28 **(E) (1) A PROFESSIONAL FERTILIZER APPLICATOR WHO VIOLATES**
29 **THIS SECTION, OR ANY REGULATION ADOPTED UNDER THIS SECTION, IS**
30 **SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$1,000 FOR THE FIRST OFFENSE**

1 AND NOT EXCEEDING \$2,000 FOR A SECOND OR SUBSEQUENT OFFENSE, TO BE
2 COLLECTED IN A CIVIL ACTION BY A SUMMARY PROCEEDING.

3 (2) EACH DAY ON WHICH A VIOLATION OCCURS IS A SEPARATE
4 VIOLATION UNDER THIS SUBSECTION.

5 (3) A COUNTY OR MUNICIPALITY MAY ENFORCE THIS
6 SUBSECTION.

7 (F) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS
8 SECTION.

9 SECTION 5. AND BE IT FURTHER ENACTED, That, on or before October 1,
10 2013, the Department of Agriculture shall adopt regulations to require the annual
11 reporting of the sale of commercial fertilizer and specialty fertilizer at retail by the
12 following sectors:

- 13 (1) lawn and turf;
- 14 (2) golf course and athletic fields;
- 15 (3) gardening; and
- 16 (4) greenhouses and nurseries.

17 SECTION 6. AND BE IT FURTHER ENACTED, That, Sections 2 and 4 of this
18 Act shall take effect October 1, 2013.

19 SECTION 7. AND BE IT FURTHER ENACTED, That, Section 3 of this Act
20 shall take effect October 1, 2012.

21 SECTION 8. AND BE IT FURTHER ENACTED, That, except as provided in
22 Sections 6 and 7 of this Act, this Act shall take effect October 1, 2011.