

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 748

(Senator Middleton)

Education, Health, and Environmental Affairs

Environmental Matters

Agriculture - Nutrient Management - Limiting Applicability

This bill clarifies that specified nutrient management provisions of the Agriculture Article apply only to State surface waters, the Chesapeake Bay and its tributaries, ponds, lakes, rivers, streams, public and tax ditches, and specified public drainage systems.

If the effective date of Section 4 and/or 5 of Chapters 484 and 485 of 2011 is amended, the bill's October 1, 2013 effective date is altered in a corresponding manner.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State finances.

Local Effect: The bill is not anticipated to materially affect local finances.

Small Business Effect: Meaningful.

Analysis

Current Law: The Fertilizer Use Act of 2011 (Chapters 484/485, SB 487/HB 573) made several changes primarily related to the nitrogen and phosphorus content of specialty fertilizers labeled/intended for use on turf, labeling of specialty fertilizers used on turf, and nonagricultural application of commercial and specialty fertilizer. In addition to establishing fertilizer content, labeling, and application requirements, and other provisions, the Act also requires the Maryland Department of Agriculture (MDA) to establish a certification program for professional fertilizer applicators as well as a public education program. Certain parts of the Act are in effect while others parts take effect October 1, 2013. Provisions of the Act that take effect October 1, 2013 address, among other things, certification of professional fertilizer applicators, fertilizer content and use, and the application of fertilizer to nonagricultural property.

In accordance with a provision of the Act that takes effect October 1, 2013, “waters of the State” are (1) both surface and underground waters within the boundaries of the State subject to its jurisdiction; (2) that portion of the Atlantic ocean within the boundaries of the State; (3) the Chesapeake Bay and its tributaries; (4) all ponds, lakes, rivers, streams, public ditches, tax ditches, and public drainage systems within the State, other than those designed and used to collect, convey, or dispose of sanitary sewage; and (5) the floodplain of free-flowing waters determined by the Maryland Department of the Environment on the basis of the 100-year flood frequency.

Under the Act, several provisions prohibit the application of fertilizer containing phosphorus or nitrogen to turf that is within 15 feet of waters of the State.

Background: The Fertilizer Use Act of 2011 seeks to protect the Chesapeake Bay from a variety of sources of urban pollution, including golf courses, athletic fields, businesses, and hundreds of thousands of suburban and urban lawns. According to MDA, lawn fertilizer accounts for approximately 44% of the fertilizer sold in Maryland. The Act was passed, in part, to help the State meet new nutrient reduction goals that were developed as part of a regional effort to comply with the federal Clean Water Act.

Small Business Effect: Because the bill effectively expands the area in which fertilizer may be applied, it has a meaningful impact on small businesses that apply fertilizer, such as golf courses and lawn care companies.

Additional Information

Prior Introductions: None.

Cross File: HB 561 (Delegate Hubbard, *et al.*) - Environmental Matters.

Information Source(s): Maryland Department of Agriculture, Maryland Department of the Environment, University System of Maryland, Department of Legislative Services

Fiscal Note History: First Reader - February 18, 2013
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