

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

Senate Bill 70 (Chair, Education, Health, and Environmental Affairs
Committee)(By Request - Departmental - Agriculture)
Education, Health, and Environmental Affairs Environmental Matters

Agriculture - Fertilizer - Labeling and Restrictions on Use and Sale

This departmental bill makes changes to definitions under the Maryland Commercial Fertilizer Law and clarifies provisions enacted under the Fertilizer Use Act of 2011 (Chapters 484 and 485) regarding types and amounts of nitrogen resulting from the application of fertilizer to turf.

Fiscal Summary

State Effect: None. The bill does not directly affect State finances or operations.

Local Effect: None.

Small Business Effect: The Maryland Department of Agriculture (MDA) has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Bill Summary:

Definition Changes

Under the definition of “guaranteed analysis,” “minimum percentage of plant nutrients claimed” is changed to “nominal percentage of plant nutrients claimed.”

An “organic fertilizer” containing synthetic materials must contain no more than 50% synthetic materials and more than half the sum of the guaranteed primary nutrient percentages must be derived from organic materials.

“Soil conditioner” regulated under the Maryland Commercial Fertilizer Law is defined to include soil conditioner that is *distributed*, in addition to soil conditioner intended for sale and offered for sale.

Clarification of Nitrogen Restrictions

Restrictions on the types and amounts of nitrogen that can be applied through specialty fertilizer (except enhanced-efficiency fertilizer) to turf, which are applicable both to the application of fertilizer by persons other than professional fertilizer applicators and the content, labeling, and sale of the fertilizer, are clarified. The clarified restrictions state that application of specialty fertilizer to turf cannot result in application of more than 0.7 pounds per 1,000 square feet of water-soluble nitrogen or more than 0.9 pounds per 1,000 square feet of total nitrogen, at least 20% of which must consist of slow-release nitrogen.

Restrictions on nitrogen resulting from the application of enhanced-efficiency fertilizer to turf that are applicable to the content and labeling of the fertilizer are clarified to indicate that the restrictions are applicable to application of the fertilizer “in accordance with the instructions on the container.”

Current Law:

Definitions

“Guaranteed analysis” means the minimum percentage of plant nutrient claimed, in accordance with specified standards, and must be included on fertilizer labeling.

“Organic fertilizer,” which is not subject to restrictions on phosphorus content of fertilizer used on turf if sold to a professional fertilizer applicator, includes a fertilizer product that contains synthetic materials.

“Soil conditioner” is any substance or mixture of substances intended for sale, offered for sale, or sold for various specified purposes.

Nitrogen Restrictions

With the exception of enhanced-efficiency fertilizer, application of specialty fertilizer labeled for use on turf, when applied in accordance with the instructions on the container,

cannot result in an application of (1) more than 0.7 pounds per 1,000 square feet of water-soluble nitrogen and (2) no more than 0.9 pounds per 1,000 square feet of total nitrogen, at least 20% of which must consist of slow-release nitrogen. This applies to the content, labeling, and sale of the fertilizer.

A person other than a professional fertilizer applicator cannot apply fertilizer other than enhanced-efficiency fertilizer to turf if it contains nitrogen that is less than 20% slow release and cannot apply nitrogen to turf (1) at an application rate of more than 0.7 pounds per 1,000 square feet of water-soluble nitrogen and (2) at an application rate that is more than 0.9 pounds per 1,000 square feet of total nitrogen.

Separate restrictions apply to enhanced-efficiency fertilizer labeled for use on, and applied to, turf.

“Specialty fertilizer” is a commercial fertilizer distributed primarily for nonfarm use.

“Enhanced efficiency fertilizer” is a fertilizer product that increases plant uptake and decreases the potential of nutrient loss to the environment when compared to an appropriate reference fertilizer product.

Background: MDA indicates that the changes to the definitions of “guaranteed analysis” and “organic fertilizer” are intended to make the Maryland definitions consistent with uniform standards established through the Association of American Plant Food Control Officials. The modification to the definition of “soil conditioner” reflects MDA’s current practice of registering products that are transferred from commercial processors to commercial farms where no sale actually occurs.

The Fertilizer Use Act of 2011, among other things, established restrictions on the allowable nitrogen application than can result from fertilizer application to turf that took effect October 1, 2013. The bill’s clarifying changes are intended to address confusion about the current drafting of those provisions.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of Agriculture; Baltimore City; Kent, Montgomery, and Worcester counties; Town of Leonardtown; Maryland Green Industry Council, Inc.; Department of Legislative Services

Fiscal Note History: First Reader - January 9, 2014
ns/lgc

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Maryland Commercial Fertilizer Law

BILL NUMBER: SB 70

PREPARED BY: Department of Agriculture

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.