

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 203

(Senators Middleton and Guzzone)

Education, Health, and Environmental Affairs

Environment and Transportation

Agriculture - Nutrient Management - Fertilizer Use on Turf

This bill modifies certain limitations on the application of fertilizers containing nitrogen and/or phosphorus on turf by professional fertilizer applicators.

Fiscal Summary

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

Local Effect: None.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: The bill removes a requirement under the Fertilizer Use Act of 2011 that nitrogen applied to turf (at a specified allowable application rate), by a professional fertilizer applicator, during the period from November 16 through December 1 of each calendar year, be “water-soluble.” (“Turf” means land, including residential property and publicly owned land that is planted in grass, but not including land used in the sale and production of sod or for other agricultural purposes.)

The bill also removes a requirement that organic or natural organic fertilizer containing phosphorus that is applied to turf by a professional fertilizer applicator under specified allowable conditions be a “low phosphorus fertilizer.” (“Low phosphorus fertilizer” is a fertilizer that (1) contains not more than 5% of available phosphate and (2) has an application rate that does not exceed 0.25 pounds of available phosphate per 1,000 square feet, per application, and 0.5 pounds of available phosphate per 1,000 square feet, per year.)

Current Law: Pursuant to the Fertilizer Use Act of 2011, professional fertilizer applicators may apply fertilizer containing nitrogen or phosphorous (subject to specified allowable application rates and other conditions) to turf only between March 1 and November 15, with the exception that, from November 16 through December 1, professional fertilizer applicators may apply *water-soluble* nitrogen to turf, at a more restrictive application rate – no more than 0.5 pounds per 1,000 square feet – than is allowed from March 1 to November 15. Between March 1 and November 15, fertilizer containing nitrogen may be applied to turf at an application rate of no more than 0.7 pounds per 1,000 square feet of water-soluble nitrogen and no more than 0.9 pounds per 1,000 square feet of total nitrogen. Application limitations applicable to enhanced efficiency fertilizers are also specified under the Act.

A professional fertilizer applicator may apply fertilizer containing phosphorus to turf only in limited circumstances, including if (1) the fertilizer is an organic or natural organic fertilizer; (2) the fertilizer is a low-phosphorus fertilizer; (3) a soil test performed no more than three years before the fertilizer application indicates a low or medium level of phosphorous; and (4) the fertilizer is applied at a rate recommended by the University of Maryland.

Background: The Fertilizer Use Act of 2011 (Chapters 484 and 485) made various changes to State law related to the nitrogen and phosphorus content of, and application of, fertilizers used on turf. It has served as a component of the State’s strategy to reach the State’s targets for reduction of nitrogen, phosphorus, and sediment loading under the Chesapeake Bay Total Maximum Daily Load (TMDL) established by the U.S. Environmental Protection Agency (EPA) in December 2010. The TMDL sets the maximum amount of nutrient (nitrogen and phosphorus) and sediment pollution that the bay can receive and still attain water quality standards. It also identifies specific pollution reduction requirements; all reduction measures must be in place by calendar 2025, with measures in place to achieve at least 60% of pollution reductions by calendar 2017.

As part of the Chesapeake Bay TMDL, the bay jurisdictions (Delaware, District of Columbia, Maryland, New York, Pennsylvania, Virginia, and West Virginia) must develop watershed implementation plans (WIPs) that identify the measures being put in place to reduce pollution and restore the bay. WIPs are submitted to EPA for review and evaluation and (1) identify pollution load reductions to be achieved by various source sectors and in different geographic areas and (2) help to provide “reasonable assurance” that sources of pollution will be cleaned up, which is a basic requirement of all TMDLs. In calendar 2010, each bay jurisdiction submitted a Phase I WIP that details how the jurisdiction plans to achieve its pollution reduction goals under the TMDL. In calendar 2012, the bay jurisdictions submitted Phase II WIPs that establish more detailed strategies to achieve the TMDL on a geographically smaller scale. The Fertilizer Use Act of 2011 is included

among Maryland's strategies in its Phase II WIP. A Phase III WIP, which must be submitted to EPA by February 8, 2019, will ensure that all practices are in place by calendar 2025 so that restoration goals can be met.

Small Business Effect: Because the bill expands applicators' discretion to determine what fertilizers they use, the bill may have a meaningful economic impact on small business applicators and/or small business producers and suppliers of fertilizers used by the applicators.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): University System of Maryland; Maryland Department of Agriculture; Maryland Department of the Environment; Chesapeake Bay Commission; Department of Legislative Services

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