

# HOUSE BILL 573

M4

(11r1634)

## ENROLLED BILL

— *Environmental Matters/Education, Health, and Environmental Affairs* —

Introduced by **Delegates Hubbard, Bobo, and Clagett, and Delegates Braveboy, Frush, Pena-Melnyk, ~~and Wood~~ Wood, and Glenn**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Fertilizer Use Act of 2011**

3 FOR the purpose of ~~altering~~ establishing certain ~~specialty fertilizer~~ labeling  
4 requirements for specialty fertilizer used on certain turf; removing the  
5 exemption for certain contractors, salespersons, employees, and other agents of  
6 certain contractors from a certain prohibition; exempting certain organic  
7 fertilizer sold to certain professional fertilizer applicators from a certain  
8 prohibition; requiring the Department of Agriculture, in consultation with the  
9 University of Maryland, to establish a professional fertilizer applicator  
10 certification program in accordance with certain requirements; requiring the  
11 Department to publish and maintain a certain list; requiring the Department,  
12 in consultation with the University of Maryland, to develop a certain public  
13 education program; requiring the University of Maryland to identify certain  
14 laboratories; requiring the University of Maryland to revise certain guidelines

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber/conference committee amendments.*



1 in accordance with a certain schedule; providing the Department with exclusive  
 2 authority to establish certain standards; prohibiting a local government entity  
 3 from adopting certain laws, regulations, rules, or ordinances; establishing  
 4 certain maximum limits for nitrogen and phosphorus in certain ~~specialty~~  
 5 fertilizer under certain circumstances; prohibiting a person from selling ~~at retail~~  
 6 ~~certain specialty~~ certain fertilizer; prohibiting a person from applying certain  
 7 fertilizer to certain surfaces under certain circumstances; authorizing a person  
 8 to apply certain fertilizer under certain circumstances; establishing certain  
 9 penalties for certain violations; authorizing a county or municipality to enforce  
 10 certain provisions of law; authorizing the Department to adopt certain  
 11 regulations; requiring the Department to adopt certain regulations on or before  
 12 a certain date; prohibiting a professional fertilizer applicator from applying  
 13 certain fertilizer without first obtaining a certain certification; prohibiting a  
 14 professional fertilizer applicator from using or applying certain fertilizer under  
 15 certain circumstances; providing for delayed effective dates for certain  
 16 provisions of this Act; defining certain terms; making certain technical changes;  
 17 and generally relating to the use of fertilizer in the State.

18 BY repealing and reenacting, with amendments,  
 19 Article – Agriculture  
 20 Section 6–201, 6–210(d) and (e), 6–219(a) and (b), 6–222(a) and (b), 8–801, and  
 21 8–803.4  
 22 Annotated Code of Maryland  
 23 (2007 Replacement Volume and 2010 Supplement)

24 BY repealing  
 25 Article – Agriculture  
 26 Section 8–803.5  
 27 Annotated Code of Maryland  
 28 (2007 Replacement Volume and 2010 Supplement)

29 BY adding to  
 30 Article – Agriculture  
 31 Section 6–223, 6–224, ~~6–225, 6–226, 6–227, and 6–228~~ 8–803.5, 8–803.6,  
 32 8–803.7, 8–803.8, and 8–803.9  
 33 Annotated Code of Maryland  
 34 (2007 Replacement Volume and 2010 Supplement)

35 ~~BY repealing~~  
 36 ~~Article – Agriculture~~  
 37 ~~Section 8–803.5~~  
 38 ~~Annotated Code of Maryland~~  
 39 ~~(2007 Replacement Volume and 2010 Supplement)~~

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

1 **Article – Agriculture**

2 6–201.

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

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

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

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

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

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

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

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

18 ~~(f) “COMMERCIAL FARM” MEANS A FARM THAT PERFORMS ACTIVITIES~~  
19 ~~RELATED TO THE PRODUCTION AND SALE OF AGRICULTURAL COMMODITIES,~~  
20 ~~INCLUDING ROW CROPS, FRUITS, VEGETABLES, HORTICULTURE, AND~~  
21 ~~SILVACULTURE.~~

22 ~~[(f)] (g)~~ “Commercial fertilizer” means any substance containing a  
23 recognized plant nutrient used for its plant nutrient content and designed for use or  
24 claimed to have value in promoting plant growth, except unmanipulated animal and  
25 vegetable manure, marl, lime, wood ashes, and gypsum.

26 ~~[(g)] (h)~~ “Custom–mix” means commercial fertilizer mixed on specific  
27 request of a purchaser according to a formula furnished by him.

28 ~~[(h)] (i)~~ “Distribute” means to import, manufacture, produce, compound,  
29 mix, blend, barter, sell, offer for sale, consign, furnish, provide, or otherwise supply  
30 commercial fertilizer or soil conditioners as part of a commercial enterprise.

31 (i) “ENHANCED EFFICIENCY FERTILIZER” MEANS A FERTILIZER  
32 PRODUCT THAT INCREASES PLANT UPTAKE AND DECREASES THE POTENTIAL OF

1 NUTRIENT LOSS TO THE ENVIRONMENT, INCLUDING GASEOUS LOSS, LEACHING,  
 2 OR RUNOFF, WHEN COMPARED TO AN APPROPRIATE REFERENCE FERTILIZER  
 3 PRODUCT.

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

6 [(j)] (K) “Grade” means the percentage of total nitrogen (N), available  
 7 ~~phosphoric acid ( $H_3PO_4$ )~~ PHOSPHATE ( $P_2O_5$ ), and soluble potash ( $K_2O$ ) stated in  
 8 whole numbers in the same terms, order, and percentages as in the “guaranteed  
 9 analysis”. In the case of any “specialty fertilizer” or “mixed-to-order fertilizer”  
 10 guarantees may be stated in decimal fractions of whole numbers.

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

13 (1) Total nitrogen (N), available ~~phosphoric acid ( $H_3PO_4$ )~~ PHOSPHATE  
 14 ( $P_2O_5$ ), soluble potash ( $K_2O$ );

15 (2) For unacidulated mineral phosphatic materials and basic slag,  
 16 both total and available ~~phosphoric acid~~ PHOSPHATE and the degree of fineness;

17 (3) For bone, tankage, and other organic phosphatic materials, total  
 18 ~~phosphoric acid~~ PHOSPHATE;

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

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

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

25 ~~(n) “IMPERVIOUS SURFACE” MEANS ANY STRUCTURE, SURFACE, OR~~  
 26 ~~IMPROVEMENT THAT REDUCES OR PREVENTS ABSORPTION OF STORMWATER~~  
 27 ~~INTO LAND, AND INCLUDES POROUS PAVING, PAVER BLOCKS, GRAVEL,~~  
 28 ~~CRUSHED STONE, DECKS, PATIOS, ELEVATED STRUCTURES, AND OTHER~~  
 29 ~~SIMILAR STRUCTURES, SURFACES, OR IMPROVEMENTS.~~

30 [(m)] ~~(o)~~ (N) “Label” means the display of all written, printed, or graphic  
 31 matter on the immediate container or a statement accompanying a commercial  
 32 fertilizer or soil conditioner.

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

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

8           [(p)] ~~(R)~~ **(Q)** “Low phosphorous fertilizer” means fertilizer:

9                   (1)   Containing not more than 5% of available ~~phosphoric acid (H<sub>3</sub>PO<sub>4</sub>)~~  
 10 **PHOSPHATE (P<sub>2</sub>O<sub>5</sub>)**; and

11                   (2)   That has an application rate not to exceed 0.25 pound of available  
 12 ~~phosphoric acid (H<sub>3</sub>PO<sub>4</sub>)~~ **PHOSPHATE (P<sub>2</sub>O<sub>5</sub>)**/1,000 square feet/application and 0.5  
 13 pound of available ~~phosphoric acid (H<sub>3</sub>PO<sub>4</sub>)~~ **PHOSPHATE (P<sub>2</sub>O<sub>5</sub>)**/1,000 square  
 14 feet/year.

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

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

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

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

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

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

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

1            [(r)] ~~(u)~~ (S) “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)~~ (T) “Mixed-to-order” means commercial fertilizer mixed on a specific  
 5 request of a purchaser according to a formula furnished by him.

6            (U) (1) “NATURAL ORGANIC FERTILIZER” MEANS A FERTILIZER  
 7 PRODUCT THAT IS DERIVED FROM EITHER A PLANT OR ANIMAL PRODUCT  
 8 CONTAINING CARBON, AND ONE OR MORE ELEMENTS, OTHER THAN HYDROGEN  
 9 OR OXYGEN THAT ARE ESSENTIAL FOR PLANT GROWTH.

10            (2) “NATURAL ORGANIC FERTILIZER” DOES NOT INCLUDE A  
 11 FERTILIZER PRODUCT THAT CONTAINS:

12                    (I) SYNTHETIC MATERIALS; OR

13                    (II) MATERIALS THAT ARE CHANGED IN ANY PHYSICAL OR  
 14 CHEMICAL MANNER FROM THEIR INITIAL STATE, EXCEPT BY PHYSICAL  
 15 MANIPULATION, INCLUDING DRYING, COOKING, CHOPPING, GRINDING,  
 16 SHREDDING, OR PELLETING.

17            [(t)] ~~(w)~~ (V) “Official sample” means any sample of fertilizer or soil conditioner  
 18 taken and designated as “official” by the Secretary.

19            (W) (1) “ORGANIC FERTILIZER” MEANS A FERTILIZER PRODUCT THAT  
 20 IS DERIVED FROM EITHER A PLANT OR ANIMAL PRODUCT CONTAINING CARBON  
 21 AND ONE OR MORE ELEMENTS, OTHER THAN HYDROGEN OR OXYGEN THAT ARE  
 22 ESSENTIAL FOR PLANT GROWTH.

23            (2) “ORGANIC FERTILIZER” INCLUDES A FERTILIZER PRODUCT  
 24 THAT CONTAINS:

25                    (I) SYNTHETIC MATERIALS; OR

26                    (II) MATERIALS THAT ARE CHANGED IN A PHYSICAL OR  
 27 CHEMICAL MANNER FROM THEIR INITIAL STATE.

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

29            (Y) (1) “PROFESSIONAL FERTILIZER APPLICATOR” ~~MEANS ANY~~  
 30 PERSON WHO:

1 ~~(I) IS CERTIFIED TO APPLY FERTILIZER IN ACCORDANCE~~  
 2 ~~WITH § 6-226 OF THIS SUBTITLE; AND~~

3 ~~(II) APPLIES FERTILIZER FOR HIRE.~~

4 ~~(2) “PROFESSIONAL FERTILIZER APPLICATOR” INCLUDES THE~~  
 5 ~~OWNER OR MANAGER OF PROPERTY, OR AN EMPLOYEE OF A GOVERNMENT~~  
 6 ~~ENTITY WHO APPLIES FERTILIZER WITHIN THE SCOPE OF EMPLOYMENT HAS~~  
 7 ~~THE MEANING STATED IN § 8-801 OF THIS ARTICLE.~~

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

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

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

13 (1) DELAYS ITS AVAILABILITY FOR PLANT UPTAKE AND USE  
 14 AFTER APPLICATION; OR

15 (2) EXTENDS ITS AVAILABILITY TO THE PLANT SIGNIFICANTLY  
 16 LONGER THAN A REFERENCE “RAPIDLY AVAILABLE NUTRIENT” SUCH AS  
 17 AMMONIUM NITRATE OR UREA, AMMONIUM PHOSPHATE, OR POTASSIUM  
 18 CHLORIDE.

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

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

22 (ii) Promoting or stimulating the growth of plants;

23 (iii) Increasing the productivity of plants;

24 (iv) Improving the quality of crops; or

25 (v) Producing any chemical or physical change in the soil,  
 26 except a commercial fertilizer, unmanipulated animal and vegetable manures,  
 27 agricultural liming material, and gypsum.

28 (2) “Soil conditioner” includes but is not limited to materials such as  
 29 compost, peat, vermiculite, or perlite, that are incorporated into the soil.

1 (DD) "SOIL TEST" MEANS A TECHNICAL ANALYSIS OF SOIL CONDUCTED  
 2 BY A LABORATORY USING STANDARDS RECOMMENDED BY THE UNIVERSITY OF  
 3 MARYLAND.

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

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

9 (GG) "TURF" MEANS LAND, INCLUDING RESIDENTIAL PROPERTY AND  
 10 PUBLICLY OWNED LAND THAT IS PLANTED IN MOWED, MANAGED GRASS, EXCEPT  
 11 LAND THAT IS USED IN THE SALE AND PRODUCTION OF SOD, AS DEFINED IN §  
 12 9-101 OF THIS ARTICLE.

13 (HH) "WATER-SOLUBLE NITROGEN" MEANS NITROGEN THAT IS READILY  
 14 SOLUBLE IN WATER.

15 ~~(H) "WATERS OF THE STATE" HAS THE MEANING STATED IN § 5-101 OF~~  
 16 ~~THE ENVIRONMENT ARTICLE.~~

17 6-210.

18 (d) (1) ~~A~~ EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS  
 19 SUBSECTION, A specialty fertilizer shall be labeled to contain ALL INFORMATION  
 20 REQUIRED BY SUBSECTION (A) OF THIS SECTION.

21 (2) A SPECIALTY FERTILIZER USED ON TURF SHALL BE LABELED  
 22 TO CONTAIN [all]:

23 (I) ALL OF THE information required by subsection (a) of this  
 24 section;

25 (II) THE PERCENTAGE OF TOTAL NITROGEN, INCLUDING  
 26 THE PERCENTAGE OF OTHER WATER SOLUBLE NITROGEN AND WATER  
 27 INSOLUBLE NITROGEN;

28 (III) THE PERCENTAGE OF AVAILABLE PHOSPHATE;

29 (IV) THE PERCENTAGE OF SOLUBLE POTASH; AND

30 (V) 1. THE FOLLOWING STATEMENT: "DO NOT APPLY  
 31 NEAR WATER, STORM DRAINS OR DRAINAGE DITCHES. DO NOT APPLY IF HEAVY



1 RAIN IS EXPECTED. APPLY THIS PRODUCT ONLY TO YOUR LAWN, AND SWEEP  
 2 ANY PRODUCT THAT LANDS ON THE DRIVEWAY, SIDEWALK, OR STREET BACK  
 3 ONTO YOUR LAWN.”; ~~AND OR~~

4 ~~(VI)~~ 2. THE ENVIRONMENTAL HAZARD STATEMENT  
 5 RECOMMENDED BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY FOR  
 6 THAT PRODUCT.

7 ~~(2)~~ (3) THE INFORMATION REQUIRED UNDER ~~PARAGRAPH (1)~~  
 8 PARAGRAPHS (1) AND (2) OF THIS SUBSECTION SHALL BE PRINTED in a legible  
 9 and conspicuous manner on at least one side of the container[. If], OR IF it does not  
 10 appear on the face or display side of the container, it shall appear on the upper third of  
 11 the side used.

12 (e) (1) Except as provided in paragraph (2) of this subsection, on or after  
 13 April 1, 2011, a lawn fertilizer with an available [phosphoric acid (H<sub>3</sub>PO<sub>4</sub>)]  
 14 PHOSPHATE (P<sub>2</sub>O<sub>5</sub>) content greater than 5%:

15 (i) May not be labeled for use on established lawns or grass;

16 (ii) May not be labeled with spreader settings; and

17 (iii) Shall be marked with the words “NOT FOR USE ON  
 18 ESTABLISHED LAWNS OR GRASS” in at least a three-quarter inch font and in a  
 19 legible and conspicuous manner on the front side of the container.

20 (2) This subsection does not apply to seed starter fertilizer for use on  
 21 newly established lawns or turf.

22 6-219.

23 (a) To determine the commercial value to be applied in subsection (b) of this  
 24 section, the Secretary shall determine and publish annually the values per pound of  
 25 nitrogen, available [phosphoric acid] PHOSPHATE, soluble potash and other plant  
 26 nutrients in commercial fertilizers in the State as determined by the Secretary.

27 (b) If an official analysis of a lot shows that a commercial fertilizer is  
 28 deficient in a guaranteed primary plant nutrient, that is nitrogen, available  
 29 [phosphoric acid] PHOSPHATE, and soluble potash, beyond the investigational  
 30 allowance as established by rule or regulation, the Secretary shall assess against the  
 31 registrant a penalty of three times the commercial value of the deficiency in the lot  
 32 analyzed if the deficiency is confirmed in a hearing before him.

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

1

## Article – Agriculture

2 6–222.

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

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

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

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

12 **(2) THIS SUBSECTION DOES NOT APPLY TO ORGANIC OR NATURAL**  
 13 **ORGANIC FERTILIZER THAT IS SOLD TO A PROFESSIONAL FERTILIZER**  
 14 **APPLICATOR.**

15 (b) (1) On or before April 1, 2011, a manufacturer of lawn fertilizer whose  
 16 products are sold in the State shall reduce by 50% from 2006 levels the amount of  
 17 available [phosphoric acid (H<sub>3</sub>PO<sub>4</sub>)] PHOSPHATE (P<sub>2</sub>O<sub>5</sub>) resulting from the  
 18 application of its lawn care products within the State.

19 (2) The amount of available [phosphoric acid (H<sub>3</sub>PO<sub>4</sub>)] PHOSPHATE  
 20 (P<sub>2</sub>O<sub>5</sub>) resulting from the application within the State of lawn care products sold or  
 21 distributed by a manufacturer may not exceed an average of 1.5% available  
 22 [phosphoric acid (H<sub>3</sub>PO<sub>4</sub>)] PHOSPHATE (P<sub>2</sub>O<sub>5</sub>) if, prior to April 1, 2010, the  
 23 manufacturer did not sell or distribute fertilizer in the State intended for use on  
 24 established lawns or grass.

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

27

## Article – Agriculture

28 ~~6–223.~~

29 ~~(A) (1) THE DEPARTMENT SHALL, IN CONSULTATION WITH THE~~  
 30 ~~UNIVERSITY OF MARYLAND, ESTABLISH A PROGRAM TO CERTIFY~~  
 31 ~~PROFESSIONAL FERTILIZER APPLICATORS.~~

1           ~~(2) THE CERTIFICATION PROGRAM SHALL PROVIDE~~  
2 ~~PROFESSIONAL FERTILIZER APPLICATORS WITH TRAINING AND EDUCATION IN~~  
3 ~~THE FOLLOWING SUBJECT AREAS:~~

4           ~~(I) THE PROPER USE AND CALIBRATION OF FERTILIZER~~  
5 ~~APPLICATION EQUIPMENT;~~

6           ~~(II) THE HAZARDS INVOLVED IN, AND THE ENVIRONMENTAL~~  
7 ~~IMPACT OF, APPLYING FERTILIZER, INCLUDING NUTRIENT POLLUTION TO THE~~  
8 ~~WATERS OF THE STATE;~~

9           ~~(III) ALL APPLICABLE STATE AND FEDERAL LAWS, RULES,~~  
10 ~~AND REGULATIONS;~~

11           ~~(IV) THE CORRECT INTERPRETATION OF FERTILIZER~~  
12 ~~LABELING INFORMATION; AND~~

13           ~~(V) THE RECOMMENDATIONS DEVELOPED BY THE~~  
14 ~~UNIVERSITY OF MARYLAND FOR NUTRIENT MANAGEMENT ON TURF, INCLUDING~~  
15 ~~THE APPROPRIATE TIME TO:~~

16           ~~1. APPLY FERTILIZER WHEN RAIN IS FORECAST; AND~~

17           ~~2. APPLY FERTILIZER WHEN SOILS ARE WET AND~~  
18 ~~THE POTENTIAL FOR FERTILIZER MOVEMENT OFF SITE EXISTS.~~

19           ~~(B) IN ESTABLISHING THE CERTIFICATION PROGRAM, THE~~  
20 ~~DEPARTMENT MAY:~~

21           ~~(1) CHARGE REASONABLE FEES, INCLUDING AN ANNUAL~~  
22 ~~RECERTIFICATION FEE, TO COVER COSTS ASSOCIATED WITH THE~~  
23 ~~CERTIFICATION PROGRAM;~~

24           ~~(2) REQUIRE CONTINUING EDUCATION OR TRAINING FOR~~  
25 ~~PROFESSIONAL FERTILIZER APPLICATORS;~~

26           ~~(3) DESIGNATE ONE OR MORE ENTITIES TO TRAIN, CERTIFY, AND~~  
27 ~~RECERTIFY PROFESSIONAL FERTILIZER APPLICATORS, WHICH MAY CHARGE~~  
28 ~~FEES TO COVER THE REASONABLE COSTS ASSOCIATED WITH THE~~  
29 ~~CERTIFICATION TRAINING AND EDUCATION; AND~~

30           ~~(4) RECOGNIZE THE TRAINING PROGRAM OF AN ENTITY~~  
31 ~~EMPLOYING PROFESSIONAL FERTILIZER APPLICATORS IF THE PROGRAM MEETS~~

1 ~~THE CERTIFICATION AND RECERTIFICATION TRAINING AND EDUCATION~~  
2 ~~STANDARDS ESTABLISHED BY THE DEPARTMENT UNDER THIS SECTION.~~

3 ~~(C) THE DEPARTMENT SHALL PUBLISH AND MAINTAIN A LIST OF ALL~~  
4 ~~CERTIFIED PROFESSIONAL FERTILIZER APPLICATORS AND MAKE THE LIST~~  
5 ~~AVAILABLE ON ITS INTERNET WEB SITE.~~

6 ~~(D) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS~~  
7 ~~SECTION.~~

8 ~~6-224.~~

9 ~~(A) THE DEPARTMENT, IN CONSULTATION WITH THE UNIVERSITY OF~~  
10 ~~MARYLAND, SHALL DEVELOP A PROGRAM OF PUBLIC EDUCATION THAT SHALL~~  
11 ~~INCLUDE:~~

12 ~~(1) THE DISSEMINATION OF INFORMATION REGARDING~~  
13 ~~NUTRIENT POLLUTION;~~

14 ~~(2) BEST MANAGEMENT PRACTICES FOR FERTILIZER USE;~~

15 ~~(3) SOIL TESTING;~~

16 ~~(4) PROPER INTERPRETATION OF FERTILIZER LABEL~~  
17 ~~INSTRUCTIONS; AND~~

18 ~~(5) THE PROPER USE AND CALIBRATION OF FERTILIZER~~  
19 ~~APPLICATION EQUIPMENT.~~

20 ~~(B) THE UNIVERSITY OF MARYLAND SHALL IDENTIFY LABORATORIES~~  
21 ~~THAT:~~

22 ~~(1) PARTICIPATE IN THE NORTH AMERICAN PROFICIENCY~~  
23 ~~TESTING PROGRAM OF THE SOIL SCIENCE SOCIETY OF AMERICA;~~

24 ~~(2) FOLLOW THE RECOMMENDED SOIL TESTING PROCEDURES~~  
25 ~~FOR THE NORTHEASTERN UNITED STATES; AND~~

26 ~~(3) PROVIDE A FINAL REPORT TO THE REQUESTOR WITH THE~~  
27 ~~RESULTS OF THE SOIL TEST.~~

28 ~~(C) THE UNIVERSITY OF MARYLAND SHALL REVISE ITS FERTILIZER~~  
29 ~~TURF GUIDELINES EVERY 3 YEARS.~~

1 ~~6-225.~~

2 6-223.

3 (A) EXCEPT FOR ENFORCEMENT PROVIDED UNDER § 8-803.5(G) OF  
 4 THIS ARTICLE, THE DEPARTMENT HAS THE EXCLUSIVE AUTHORITY TO  
 5 ESTABLISH STANDARDS REGULATING FERTILIZER AND ITS APPLICATION TO  
 6 TURF.

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

10 (C) SUBSECTIONS (A) AND (B) OF THIS SECTION DO NOT EXEMPT A  
 11 PERSON FROM COMPLYING WITH ANY PROVISION OF, OR ANY REGULATION  
 12 ADOPTED IN ACCORDANCE WITH, THE ENVIRONMENT ARTICLE.

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

15 Article - Agriculture

16 ~~6-226.~~ 6-224.

17 (A) ~~ANY~~ EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,  
 18 ANY SPECIALTY FERTILIZER LABELED FOR USE ON TURF MAY NOT:

19 (1) ~~CONTAIN MORE THAN 0.7 POUNDS OF WATER SOLUBLE~~  
 20 ~~NITROGEN AND NO MORE 0.9 POUNDS OF TOTAL NITROGEN, AT LEAST 20% OF~~  
 21 ~~WHICH SHALL CONSIST OF SLOW RELEASE NITROGEN IF TOTAL NITROGEN IS IN~~  
 22 ~~EXCESS OF 0.5 POUNDS PER 1,000 SQUARE FEET WHEN APPLIED IN~~  
 23 ~~ACCORDANCE WITH THE INSTRUCTIONS ON THE CONTAINER~~ RESULT IN AN  
 24 APPLICATION OF MORE THAN 0.7 POUNDS PER 1,000 SQUARE FEET OF  
 25 WATER-SOLUBLE NITROGEN AND NO MORE THAN 0.9 POUNDS PER 1,000  
 26 SQUARE FEET OF TOTAL NITROGEN, AT LEAST 20% OF WHICH SHALL CONSIST  
 27 OF SLOW-RELEASE NITROGEN, WHEN APPLIED IN ACCORDANCE WITH THE  
 28 INSTRUCTIONS ON THE CONTAINER;

29 (2) CONTAIN PHOSPHORUS, EXCEPT ~~WHEN:~~

30 (I) FOR ORGANIC AND NATURAL ORGANIC FERTILIZER  
 31 SOLD TO A PROFESSIONAL FERTILIZER APPLICATOR; ~~AND OR~~

1                    (II) WHEN SPECIFICALLY LABELED FOR THE FOLLOWING  
 2 PURPOSES:

3                    ~~(I)~~ 1. PROVIDING NUTRIENTS TO SPECIFIC SOILS AND  
 4 TARGET VEGETATION AS DETERMINED TO BE NECESSARY ~~PURSUANT TO IN~~  
 5 ACCORDANCE WITH A SOIL TEST THAT WAS:

6                    ~~1. A.~~ CONDUCTED BY A LABORATORY IDENTIFIED  
 7 UNDER § ~~6-224~~ 8-803.7 OF THIS ~~SUBTITLE~~ ARTICLE; AND

8                    ~~2. B.~~ PERFORMED NO MORE THAN 3 YEARS BEFORE  
 9 THE APPLICATION;

10                    ~~(II)~~ 2. ESTABLISHING VEGETATION FOR THE FIRST  
 11 TIME, SUCH AS AFTER LAND DISTURBANCE, PROVIDED THE APPLICATION IS  
 12 CONDUCTED IN ACCORDANCE WITH THE RECOMMENDED APPLICATION RATES  
 13 ESTABLISHED BY THE STATE; OR

14                    ~~(III)~~ 3. REESTABLISHING OR REPAIRING A TURF AREA;  
 15 AND

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

17                    (B) AN ENHANCED-EFFICIENCY FERTILIZER LABELED FOR USE ON  
 18 TURF MAY NOT:

19                    (1) RESULT IN AN ANNUAL APPLICATION OF MORE THAN 2.5  
 20 POUNDS PER 1,000 SQUARE FEET OF TOTAL NITROGEN;

21                    (2) RESULT IN AN APPLICATION OF MORE THAN 80% OF THE  
 22 ANNUAL RECOMMENDED RATE FOR TOTAL NITROGEN ESTABLISHED BY THE  
 23 UNIVERSITY OF MARYLAND; OR

24                    (3) HAVE A RELEASE RATE OF MORE THAN 0.7 POUNDS PER 1,000  
 25 SQUARE FEET OF TOTAL NITROGEN PER MONTH.

26                    ~~(B)~~ (C) ~~A~~ EXCEPT AS PROVIDED IN SUBSECTIONS (D) AND (E) OF THIS  
 27 SECTION, A PERSON MAY NOT OFFER TO SELL ~~AT RETAIL~~ SPECIALTY  
 28 FERTILIZER FOR USE ON TURF THAT:

29                    (1) ~~CONTAINS MORE THAN 0.7 POUNDS OF WATER SOLUBLE~~  
 30 ~~NITROGEN OR MORE THAN 0.9 POUNDS OF TOTAL NITROGEN PER 1,000 SQUARE~~  
 31 ~~FEET, AT LEAST 20% OF WHICH SHALL CONSIST OF SLOW RELEASE NITROGEN IF~~  
 32 ~~TOTAL NITROGEN EXCEEDS 0.5 POUNDS WHEN APPLIED IN ACCORDANCE WITH~~

~~THE INSTRUCTIONS ON THE CONTAINER AND IS INTENDED FOR USE ON TURF~~  
**RESULTS IN AN APPLICATION OF 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, AT LEAST 20% OF WHICH SHALL**  
**CONSIST OF SLOW-RELEASE NITROGEN, WHEN APPLIED IN ACCORDANCE WITH**  
**THE INSTRUCTIONS ON THE CONTAINER; AND**

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

(i) FOR APPLICATION TO SPECIFIC SOILS AND TURF AS  
 DETERMINED TO BE NECESSARY PURSUANT TO A SOIL TEST CONDUCTED BY A  
 LABORATORY IDENTIFIED IN ~~§ 6-224 OF THIS SUBTITLE~~ **8-803.7 OF THIS**  
**ARTICLE** AND PERFORMED NO MORE THAN 3 YEARS BEFORE THE APPLICATION,  
 PROVIDED THE APPLICATION COMPLIES WITH RECOMMENDED APPLICATION  
 RATES ESTABLISHED BY THE UNIVERSITY OF MARYLAND;

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

(iii) FOR THE REESTABLISHMENT OR REPAIR OF A TURF  
 AREA.

**(D) A PERSON MAY OFFER TO SELL AN ORGANIC OR NATURAL ORGANIC**  
**FERTILIZER CONTAINING PHOSPHORUS TO A PROFESSIONAL FERTILIZER**  
**APPLICATOR.**

**(E) A PERSON MAY NOT OFFER TO SELL ENHANCED-EFFICIENCY**  
**FERTILIZER FOR USE ON TURF THAT:**

**(1) RESULTS IN AN ANNUAL APPLICATION OF MORE THAN 2.5**  
**POUNDS PER 1,000 SQUARE FEET OF TOTAL NITROGEN;**

**(2) RESULTS IN AN APPLICATION OF MORE THAN 80% OF THE**  
**ANNUAL RECOMMENDED RATE FOR TOTAL NITROGEN ESTABLISHED BY THE**  
**UNIVERSITY OF MARYLAND; OR**

**(3) HAS A RELEASE RATE OF MORE THAN 0.7 POUNDS PER 1,000**  
**SQUARE FEET OF TOTAL NITROGEN PER MONTH.**

~~(E)~~ **(F) A PERSON MAY NOT OFFER TO SELL AT RETAIL A**  
**COMMERCIAL OR SPECIALTY FERTILIZER PRODUCT FOR USE AS A DE-ICER.**

1 ~~6-227.~~

2 ~~(A) IN THIS SECTION, "FERTILIZER" MEANS COMMERCIAL FERTILIZER~~  
3 ~~AND SPECIALTY FERTILIZER.~~

4 ~~(B) (1) THIS SECTION APPLIES TO A PERSON WHO APPLIES~~  
5 ~~FERTILIZER TO:~~

6 ~~(I) PROPERTY THAT IS NOT USED FOR AGRICULTURAL~~  
7 ~~PURPOSES; OR~~

8 ~~(II) STATE PROPERTY THAT IS NOT USED FOR~~  
9 ~~AGRICULTURAL PURPOSES.~~

10 ~~(2) THIS SECTION DOES NOT APPLY TO THE APPLICATION OF~~  
11 ~~FERTILIZER ON COMMERCIAL FARMS.~~

12 ~~(C) A PERSON MAY NOT:~~

13 ~~(1) APPLY FERTILIZER INTENDED FOR USE ON TURF TO AN~~  
14 ~~IMPERVIOUS SURFACE; AND~~

15 ~~(2) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION,~~  
16 ~~APPLY FERTILIZER CONTAINING PHOSPHORUS OR NITROGEN TO TURF:~~

17 ~~(I) BEFORE MARCH 1 OR AFTER NOVEMBER 15 OF ANY~~  
18 ~~CALENDAR YEAR; OR~~

19 ~~(II) AT ANY TIME WHEN THE GROUND IS FROZEN.~~

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

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

28 ~~(3) THE ESTABLISHMENT OF SETBACKS FOR FERTILIZER~~  
29 ~~APPLICATION UNDER THIS SUBSECTION DOES NOT PRECLUDE THE~~  
30 ~~ESTABLISHMENT OR APPLICABILITY OF, OR COMPLIANCE WITH, ANY OTHER~~



1 ~~ENVIRONMENTAL STANDARDS ESTABLISHED UNDER ANY OTHER STATE OR~~  
2 ~~FEDERAL LAW, RULE, OR REGULATION.~~

3 ~~(E) (1) A PERSON MAY APPLY FERTILIZER TO TURF CONTAINING~~  
4 ~~PHOSPHORUS IF THE PERSON:~~

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

10 ~~(II) IS ESTABLISHING VEGETATION FOR THE FIRST TIME,~~  
11 ~~SUCH AS AFTER LAND DISTURBANCE, PROVIDED THE APPLICATION COMPLIES~~  
12 ~~WITH THE RECOMMENDATIONS ESTABLISHED BY THE UNIVERSITY OF~~  
13 ~~MARYLAND; OR~~

14 ~~(III) IS REESTABLISHING OR REPAIRING A TURF AREA.~~

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

20 ~~(F) IN ADDITION TO THE REQUIREMENTS SET FORTH IN THIS SECTION,~~  
21 ~~A PERSON, OTHER THAN A PROFESSIONAL FERTILIZER APPLICATOR, MAY NOT:~~

22 ~~(1) APPLY FERTILIZER TO TURF:~~

23 ~~(I) IN AN AMOUNT THAT IS INCONSISTENT WITH THE~~  
24 ~~ANNUAL RECOMMENDED RATE ESTABLISHED BY THE UNIVERSITY OF~~  
25 ~~MARYLAND; AND~~

26 ~~(II) THAT CONTAINS NITROGEN THAT IS LESS THAN 20%~~  
27 ~~SLOW RELEASE IF TOTAL NITROGEN EXCEEDS 0.5 POUNDS;~~

28 ~~(2) APPLY NITROGEN TO TURF:~~

29 ~~(I) AT A RATE OF MORE THAN 0.7 POUNDS OF~~  
30 ~~WATER SOLUBLE NITROGEN PER 1,000 SQUARE FEET PER APPLICATION; AND~~

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

1           ~~(3) APPLY FERTILIZER TO A GOLF COURSE.~~

2           ~~(C) A COUNTY OR MUNICIPALITY MAY ENFORCE THIS SUBSECTION.~~

3           ~~(H) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS~~  
4 ~~SECTION.~~

5 ~~6-228.~~

6           ~~(A) IN THIS SECTION, "FERTILIZER" MEANS COMMERCIAL FERTILIZER~~  
7 ~~AND SPECIALTY FERTILIZER.~~

8           ~~(B) (1) THIS SECTION APPLIES TO A PROFESSIONAL FERTILIZER~~  
9 ~~APPLICATOR WHO APPLIES FERTILIZER TO:~~

10                   ~~(I) PROPERTY THAT IS NOT USED FOR AGRICULTURAL~~  
11 ~~PURPOSES; OR~~

12                   ~~(H) STATE PROPERTY THAT IS NOT USED FOR~~  
13 ~~AGRICULTURAL PURPOSES.~~

14           ~~(2) THIS SECTION DOES NOT APPLY TO THE APPLICATION OF~~  
15 ~~FERTILIZER ON COMMERCIAL FARMS.~~

16           ~~(C) A PROFESSIONAL FERTILIZER APPLICATOR MAY NOT APPLY~~  
17 ~~FERTILIZER TO TURF WITHOUT FIRST OBTAINING A FERTILIZER APPLICATION~~  
18 ~~CERTIFICATION, UNLESS THE PERSON IS UNDER THE DIRECT SUPERVISION OF A~~  
19 ~~CERTIFIED PROFESSIONAL FERTILIZER APPLICATOR, IN ACCORDANCE WITH §~~  
20 ~~6-223 OF THIS SUBTITLE.~~

21           ~~(D) A PROFESSIONAL FERTILIZER APPLICATOR MAY NOT:~~

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

25                   ~~(2) APPLY NITROGEN TO TURF:~~

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

28                           ~~(H) AT A RATE THAT IS MORE THAN 0.9 POUNDS OF TOTAL~~  
29 ~~NITROGEN PER 1,000 SQUARE FEET PER APPLICATION.~~

1 ~~(E) (1) A PROFESSIONAL FERTILIZER APPLICATOR WHO VIOLATES~~  
2 ~~THIS SECTION, OR ANY REGULATION ADOPTED UNDER THIS SECTION, IS~~  
3 ~~SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$1,000 FOR THE FIRST OFFENSE~~  
4 ~~AND NOT EXCEEDING \$2,000 FOR A SECOND OR SUBSEQUENT OFFENSE, TO BE~~  
5 ~~COLLECTED IN A CIVIL ACTION BY A SUMMARY PROCEEDING.~~

6 ~~(2) EACH DAY ON WHICH A VIOLATION OCCURS IS A SEPARATE~~  
7 ~~VIOLATION UNDER THIS SUBSECTION.~~

8 ~~(3) A COUNTY OR MUNICIPALITY MAY ENFORCE THIS~~  
9 ~~SUBSECTION.~~

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

12 8-801.

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

14 (b) “Certified nutrient management consultant” means an individual  
15 certified by the Department to prepare a nutrient management plan.

16 (c) “COMMERCIAL FARM” MEANS A FARM THAT PERFORMS ACTIVITIES  
17 RELATED TO THE PRODUCTION AND SALE OF AGRICULTURAL COMMODITIES,  
18 INCLUDING ROW CROPS, FRUITS, VEGETABLES, HORTICULTURE, AND  
19 SILVACULTURE.

20 (d) “ENHANCED EFFICIENCY FERTILIZER” HAS THE MEANING STATED  
21 IN § 6-201 OF THIS ARTICLE.

22 (e) “IMPERVIOUS SURFACE” MEANS ANY STRUCTURE, SURFACE, OR  
23 IMPROVEMENT THAT REDUCES OR PREVENTS ABSORPTION OF STORMWATER  
24 INTO LAND, AND INCLUDES POROUS PAVING, PAVER BLOCKS, GRAVEL,  
25 CRUSHED STONE, DECKS, PATIOS, ELEVATED STRUCTURES, AND OTHER  
26 SIMILAR STRUCTURES, SURFACES, OR IMPROVEMENTS.

27 (f) “NATURAL ORGANIC FERTILIZER” HAS THE MEANING STATED IN §  
28 6-201 OF THIS ARTICLE.

29 [(c)] (G) “Nutrient management plan” means a plan prepared under this  
30 subtitle by a certified nutrient management consultant to manage the amount,  
31 placement, timing, and application of animal waste, commercial fertilizer, sludge, or  
32 other plant nutrients to prevent pollution by transport of bioavailable nutrients and to  
33 maintain productivity.

1           **(H) “ORGANIC FERTILIZER” HAS THE MEANING STATED IN § 6–201 OF**  
2 **THIS ARTICLE.**

3           **(I) (1) “PROFESSIONAL FERTILIZER APPLICATOR” MEANS ANY**  
4 **PERSON WHO:**

5                           **(I) IS CERTIFIED TO APPLY FERTILIZER IN ACCORDANCE**  
6 **WITH § 8–803.4 OF THIS SUBTITLE; AND**

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

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

11           **(J) “SLOW–RELEASE NITROGEN” MEANS NITROGEN IN A FORM THAT:**

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

14                           **(2) EXTENDS ITS AVAILABILITY TO THE PLANT SIGNIFICANTLY**  
15 **LONGER THAN A REFERENCE “RAPIDLY AVAILABLE NUTRIENT” SUCH AS**  
16 **AMMONIUM NITRATE OR UREA, AMMONIUM PHOSPHATE, OR POTASSIUM**  
17 **CHLORIDE.**

18           **(K) “SOIL TEST” MEANS A TECHNICAL ANALYSIS OF SOIL CONDUCTED**  
19 **BY A LABORATORY USING STANDARDS RECOMMENDED BY THE UNIVERSITY OF**  
20 **MARYLAND.**

21           **(L) “TURF” MEANS LAND, INCLUDING RESIDENTIAL PROPERTY AND**  
22 **PUBLICLY OWNED LAND THAT IS PLANTED IN GRASS, EXCEPT LAND THAT IS**  
23 **USED IN THE SALE AND PRODUCTION OF SOD, AS DEFINED IN § 9–101 OF THIS**  
24 **ARTICLE.**

25           **(M) “WATER–SOLUBLE NITROGEN” MEANS NITROGEN THAT IS READILY**  
26 **SOLUBLE IN WATER.**

27           **(N) “WATERS OF THE STATE” HAS THE MEANING STATED IN § 5–101 OF**  
28 **THE ENVIRONMENT ARTICLE.**

29           SECTION 5. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
30 read as follows:

Article – Agriculture

8–803.4.

[(a) This section applies to an application of commercial fertilizer, as defined in § 6–201 of this article:

(1) That is performed by:

(i) A person who applies commercial fertilizer for hire; or

(ii) An employee of the owner or manager of the property; and

(2) To:

(i) Ten acres or more annually, whether one or multiple parcels, of property that is not used for agricultural purposes; or

(ii) State property that is not used for agricultural purposes.

(b) A person may apply commercial fertilizer only if the person applies the commercial fertilizer in a manner that is consistent with the recommendations of the University of Maryland Cooperative Extension Service.]

**(A) IN THIS SECTION, “FERTILIZER” MEANS A COMMERCIAL FERTILIZER AND SPECIALTY FERTILIZER.**

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

**(I) PROPERTY THAT IS NOT USED FOR AGRICULTURAL PURPOSES; ~~AND~~ OR**

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

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

**(C) A PROFESSIONAL FERTILIZER APPLICATOR MAY NOT:**

**(1) APPLY FERTILIZER TO TURF WITHOUT FIRST OBTAINING A FERTILIZER APPLICATION CERTIFICATION, UNLESS THE PERSON IS UNDER THE DIRECT SUPERVISION OF A CERTIFIED PROFESSIONAL FERTILIZER APPLICATOR, IN ACCORDANCE WITH § 8–803.6 OF THIS SUBTITLE; OR**

1           (2) APPLY FERTILIZER INTENDED FOR USE ON TURF ON AN  
2 IMPERVIOUS SURFACE.

3           (D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS  
4 SUBSECTION, A PROFESSIONAL FERTILIZER APPLICATOR MAY NOT APPLY  
5 FERTILIZER CONTAINING PHOSPHORUS OR NITROGEN TO TURF:

6                   (I) BEFORE MARCH 1 OR AFTER NOVEMBER 15 OF ANY  
7 CALENDAR YEAR;

8                   (II) ANY TIME THE GROUND IS FROZEN; OR

9                   (III) IN AN AMOUNT THAT IS INCONSISTENT WITH THE  
10 ANNUAL RECOMMENDED RATE ESTABLISHED BY THE UNIVERSITY OF  
11 MARYLAND.

12           (2) FROM NOVEMBER ~~15~~ 16 THROUGH DECEMBER 1 OF EACH  
13 CALENDAR YEAR, A PROFESSIONAL FERTILIZER APPLICATOR MAY APPLY  
14 WATER-SOLUBLE NITROGEN TO TURF AT AN APPLICATION RATE OF NO MORE  
15 THAN 0.5 POUNDS PER 1,000 SQUARE FEET OF WATER-SOLUBLE NITROGEN.

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

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

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

29           (F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS  
30 SUBSECTION, A PROFESSIONAL FERTILIZER APPLICATOR MAY NOT APPLY  
31 FERTILIZER CONTAINING NITROGEN TO TURF:

32                   (I) AT AN APPLICATION RATE OF MORE THAN 0.7 POUNDS  
33 PER 1,000 FEET OF WATER-SOLUBLE NITROGEN; AND

1                    (II) AT AN APPLICATION RATE OF MORE THAN 0.9 POUNDS  
 2 PER 1,000 SQUARE FEET OF TOTAL NITROGEN.

3                    (2) (I) SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF THIS  
 4 PARAGRAPH, A PROFESSIONAL FERTILIZER APPLICATOR MAY APPLY AN  
 5 ENHANCED EFFICIENCY FERTILIZER:

6                    1. AT AN ANNUAL APPLICATION RATE OF NO MORE  
 7 THAN 2.5 POUNDS PER 1,000 SQUARE FEET OF NITROGEN; AND

8                    2. THAT HAS A RELEASE RATE OF NO MORE THAN 0.7  
 9 POUNDS PER 1,000 SQUARE FEET OF TOTAL NITROGEN PER MONTH.

10                   (II) THE ANNUAL TOTAL APPLICATION RATE OF AN  
 11 ENHANCED EFFICIENCY FERTILIZER MAY NOT EXCEED 80% OF THE ANNUAL  
 12 RECOMMENDED RATE FOR TOTAL NITROGEN ESTABLISHED BY THE UNIVERSITY  
 13 OF MARYLAND.

14                   (III) AN ENHANCED EFFICIENCY FERTILIZER MAY NOT BE  
 15 APPLIED AFTER NOVEMBER 15 OR BEFORE MARCH 1 OF EACH CALENDAR  
 16 YEAR.

17                   (G) (1) EXCEPT AS PROVIDED IN ~~PARAGRAPH (2)~~ PARAGRAPHS (2),  
 18 AND (4), ~~AND (5)~~ OF THIS SUBSECTION, A PROFESSIONAL FERTILIZER  
 19 APPLICATOR MAY NOT APPLY FERTILIZER CONTAINING PHOSPHORUS TO TURF.

20                   (2) A PROFESSIONAL FERTILIZER APPLICATOR MAY APPLY  
 21 ORGANIC OR NATURAL ORGANIC FERTILIZER CONTAINING PHOSPHORUS TO  
 22 TURF WHEN:

23                   (I) 1. A SOIL TEST PERFORMED NO MORE THAN 3 YEARS  
 24 BEFORE THE FERTILIZER APPLICATION INDICATES A LOW OR MEDIUM LEVEL OF  
 25 PHOSPHORUS ~~DEFICIENCY~~; AND

26                   2. THE FERTILIZER IS APPLIED AT A RATE  
 27 RECOMMENDED BY THE UNIVERSITY OF MARYLAND; ~~OR AND~~

28                   (II) ~~1. A SOIL TEST INDICATES A LOW OR MEDIUM LEVEL~~  
 29 ~~OF PHOSPHORUS; AND~~

30                   ~~2. AN ORGANIC OR NATURAL ORGANIC FERTILIZER~~  
 31 ~~CONTAINING PHOSPHORUS IS APPLIED AT A RATE RECOMMENDED BY THE~~  
 32 ~~UNIVERSITY OF MARYLAND; OR~~

1                   ~~(H)~~ 1. BEGINNING ~~2015~~ *OCTOBER 1, 2013*, A SOIL TEST  
2 PERFORMED NO MORE THAN 3 YEARS BEFORE THE FERTILIZER APPLICATION  
3 INDICATES A LOW OR MEDIUM LEVEL OF PHOSPHORUS; AND

4                   2. A LOW PHOSPHORUS FERTILIZER, AS DEFINED  
5 UNDER § 6-201 OF THIS ARTICLE, THAT IS AN ORGANIC OR NATURAL ORGANIC  
6 FERTILIZER IS APPLIED AT A RATE RECOMMENDED BY THE UNIVERSITY OF  
7 MARYLAND.

8                   (3) PARAGRAPH (2) OF THIS SUBSECTION DOES NOT AUTHORIZE  
9 A PROFESSIONAL FERTILIZER APPLICATOR TO APPLY FERTILIZER CONTAINING  
10 PHOSPHORUS WHEN A SOIL TEST INDICATES AN OPTIMUM OR EXCESSIVE LEVEL  
11 OF PHOSPHORUS.

12                   (4) A PROFESSIONAL FERTILIZER APPLICATOR MAY APPLY  
13 FERTILIZER TO TURF CONTAINING PHOSPHORUS IF THE PROFESSIONAL  
14 FERTILIZER APPLICATOR:

15                   (i) DETERMINES THAT THE FERTILIZER IS NECESSARY FOR  
16 THE SPECIFIC SOILS AND TARGET VEGETATION IN ACCORDANCE WITH A SOIL  
17 TEST PERFORMED NO MORE THAN 3 YEARS BEFORE THE FERTILIZER  
18 APPLICATION, PROVIDED THE APPLICATION COMPLIES WITH THE  
19 RECOMMENDATIONS ESTABLISHED BY THE UNIVERSITY OF MARYLAND;

20                   (ii) IS ESTABLISHING VEGETATION FOR THE FIRST TIME,  
21 SUCH AS AFTER LAND DISTURBANCE, PROVIDED THE APPLICATION COMPLIES  
22 WITH THE RECOMMENDATIONS ESTABLISHED BY THE UNIVERSITY OF  
23 MARYLAND; OR

24                   (iii) IS REESTABLISHING OR REPAIRING A TURF AREA.

25                   ~~(5) A PROFESSIONAL FERTILIZER APPLICATOR MAY APPLY~~  
26 ~~FERTILIZER TO TURF IN EXCESS OF THE PHOSPHORUS REQUIREMENTS IN §~~  
27 ~~6-224 OF THIS ARTICLE, IF THE PROFESSIONAL FERTILIZER APPLICATOR IS~~  
28 ~~ESTABLISHING VEGETATION FOR THE FIRST TIME, SUCH AS AFTER LAND~~  
29 ~~DISTURBANCE, PROVIDED THE APPLICATION COMPLIES WITH THE~~  
30 ~~RECOMMENDATIONS OF THE UNIVERSITY OF MARYLAND.~~

31                   [(c)] (H) (1) A person who violates any provision of this section is subject  
32 to a civil penalty of not more than \$1,000 for a first violation.

33                   (2) A person who violates any provision of this section is subject to a  
34 civil penalty of not more than \$2,000 for each subsequent violation.



1           (3) Each day a violation occurs under this section is a separate  
2 violation.

3           (4) The total penalties imposed on a person for violations of this  
4 section that result from the same set of facts and circumstances may not exceed  
5 \$10,000.

6           **[(d)] (I)** The penalty imposed on a person under this section shall be  
7 assessed with consideration given to:

8           (1) The willfulness of the violation, the extent to which the existence of  
9 the violation was known to the violator but uncorrected by the violator, and the extent  
10 to which the violator exercised reasonable care;

11           (2) Any actual harm to human health or to the environment including  
12 injury to or impairment of the use of the waters of the State or the natural resources of  
13 the State;

14           (3) The cost of control;

15           (4) The nature and degree of injury to or interference with general  
16 welfare, health, and property;

17           (5) The extent to which the location of the violation, including location  
18 near areas of human population, creates the potential for harm to the environment or  
19 to human health or safety; and

20           (6) The extent to which the current violation is part of a recurrent  
21 pattern of the same or similar type of violation committed by the violator.

22           **[(e)] (J)** Penalties collected by the Secretary under this section shall be paid  
23 into the General Fund of the State.

24           **(K) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS**  
25 **SECTION.**

26 **[8-803.5.**

27           The Department may adopt regulations for agricultural research, education,  
28 and demonstration exemptions to this subtitle.]

29 **8-803.5.**

30           **(A) IN THIS SECTION, “FERTILIZER” MEANS COMMERCIAL FERTILIZER**  
31 **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) APPLY FERTILIZER CONTAINING PHOSPHORUS OR NITROGEN**  
13 **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) WHEN 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) EXCEPT AS PROVIDED IN SUBSECTIONS (C) AND (D) OF THIS**  
31 **SECTION.**

1 ~~(1)~~ ~~A, A PERSON MAY APPLY FERTILIZER TO TURF CONTAINING~~  
 2 ~~PHOSPHORUS IF THE PERSON:~~

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

8 ~~(II)~~ ~~(2)~~ ~~IS ESTABLISHING VEGETATION FOR THE FIRST~~  
 9 ~~TIME, SUCH AS AFTER LAND DISTURBANCE, PROVIDED THE APPLICATION~~  
 10 ~~COMPLIES WITH THE RECOMMENDATIONS ESTABLISHED BY THE UNIVERSITY~~  
 11 ~~OF MARYLAND; OR~~

12 ~~(III)~~ ~~(3)~~ ~~IS REESTABLISHING OR REPAIRING A TURF AREA;~~  
 13 ~~AND.~~

14 ~~(2)~~ ~~A PERSON MAY APPLY FERTILIZER TO TURF IN EXCESS OF~~  
 15 ~~THE NITROGEN PHOSPHORUS REQUIREMENTS IN § 6-224 OF THIS ARTICLE, IF~~  
 16 ~~THE PERSON IS ESTABLISHING VEGETATION FOR THE FIRST TIME, SUCH AS~~  
 17 ~~AFTER LAND DISTURBANCE, PROVIDED THE APPLICATION COMPLIES WITH THE~~  
 18 ~~RECOMMENDATIONS OF THE UNIVERSITY OF MARYLAND.~~

19 ~~(F)~~ ~~(1)~~ ~~EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS~~  
 20 ~~SUBSECTION AND IN ADDITION TO THE REQUIREMENTS SET FORTH IN THIS~~  
 21 ~~SECTION, A PERSON, OTHER THAN A PROFESSIONAL FERTILIZER APPLICATOR,~~  
 22 ~~MAY NOT:~~

23 ~~(i)~~ ~~APPLY FERTILIZER TO TURF:~~

24 ~~1.~~ ~~IN AN AMOUNT THAT IS INCONSISTENT WITH THE~~  
 25 ~~ANNUAL RECOMMENDED RATE ESTABLISHED BY THE UNIVERSITY OF~~  
 26 ~~MARYLAND; AND~~

27 ~~2.~~ ~~THAT CONTAINS NITROGEN THAT IS LESS THAN~~  
 28 ~~20% SLOW RELEASE;~~

29 ~~(ii)~~ ~~APPLY NITROGEN TO TURF:~~

30 ~~1.~~ ~~AT AN APPLICATION RATE OF MORE THAN 0.7~~  
 31 ~~POUNDS PER 1,000 SQUARE FEET OF WATER-SOLUBLE NITROGEN; AND~~

1                   2. AT AN APPLICATION RATE THAT IS MORE THAN  
2 0.9 POUNDS PER 1,000 SQUARE FEET OF TOTAL NITROGEN; AND

3                   (III) APPLY FERTILIZER TO A GOLF COURSE.

4                   (2) (I) SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF THIS  
5 PARAGRAPH, A PERSON MAY APPLY AN ENHANCED EFFICIENCY FERTILIZER:

6                   1. AT AN ANNUAL APPLICATION RATE OF NO MORE  
7 THAN 2.5 POUNDS PER 1,000 SQUARE FEET OF NITROGEN; AND

8                   2. THAT HAS A RELEASE RATE OF NO MORE THAN 0.7  
9 POUNDS PER 1,000 SQUARE FEET OF NITROGEN PER MONTH.

10                   (II) THE ANNUAL TOTAL APPLICATION RATE OF AN  
11 ENHANCED EFFICIENCY FERTILIZER MAY NOT EXCEED 80% OF THE ANNUAL  
12 RECOMMENDATION RATE ESTABLISHED BY THE UNIVERSITY OF MARYLAND.

13                   (III) ENHANCED EFFICIENCY FERTILIZERS MAY NOT BE  
14 APPLIED AFTER NOVEMBER 15 OR BEFORE MARCH 1 OF EACH CALENDAR  
15 YEAR.

16                   (G) A COUNTY OR MUNICIPALITY MAY ENFORCE THIS SECTION.

17                   (H) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS  
18 SECTION.

19                   SECTION 6. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
20 read as follows:

21                   Article – Agriculture

22                   8-803.6.

23                   (A) (1) THE DEPARTMENT SHALL, IN CONSULTATION WITH THE  
24 UNIVERSITY OF MARYLAND, ESTABLISH A PROGRAM TO CERTIFY  
25 PROFESSIONAL FERTILIZER APPLICATORS.

26                   (2) THE CERTIFICATION PROGRAM SHALL PROVIDE  
27 PROFESSIONAL FERTILIZER APPLICATORS WITH TRAINING AND EDUCATION IN  
28 THE FOLLOWING SUBJECT AREAS:

29                   (I) THE PROPER USE AND CALIBRATION OF FERTILIZER  
30 APPLICATION EQUIPMENT;

1                   **(II) THE HAZARDS INVOLVED IN, AND THE ENVIRONMENTAL**  
2 **IMPACT OF, APPLYING FERTILIZER, INCLUDING NUTRIENT POLLUTION TO THE**  
3 **WATERS OF THE STATE;**

4                   **(III) ALL APPLICABLE STATE AND FEDERAL LAWS, RULES,**  
5 **AND REGULATIONS;**

6                   **(IV) THE CORRECT INTERPRETATION OF FERTILIZER**  
7 **LABELING INFORMATION; AND**

8                   **(V) THE RECOMMENDATIONS DEVELOPED BY THE**  
9 **UNIVERSITY OF MARYLAND FOR NUTRIENT MANAGEMENT ON TURF, INCLUDING**  
10 **THE APPROPRIATE TIME TO:**

11                           **1. APPLY FERTILIZER WHEN RAIN IS FORECAST; AND**

12                           **2. APPLY FERTILIZER WHEN SOILS ARE WET AND**  
13 **THE POTENTIAL FOR FERTILIZER MOVEMENT OFF-SITE EXISTS.**

14                   **(B) IN ESTABLISHING THE CERTIFICATION PROGRAM, THE**  
15 **DEPARTMENT MAY:**

16                           **(1) CHARGE REASONABLE FEES, INCLUDING AN ANNUAL**  
17 **RECERTIFICATION FEE, TO COVER COSTS ASSOCIATED WITH THE**  
18 **CERTIFICATION PROGRAM;**

19                           **(2) REQUIRE CONTINUING EDUCATION OR TRAINING FOR**  
20 **PROFESSIONAL FERTILIZER APPLICATORS;**

21                           **(3) DESIGNATE ONE OR MORE ENTITIES TO TRAIN, CERTIFY, AND**  
22 **RECERTIFY PROFESSIONAL FERTILIZER APPLICATORS, WHICH MAY CHARGE**  
23 **FEES TO COVER THE REASONABLE COSTS ASSOCIATED WITH THE**  
24 **CERTIFICATION TRAINING AND EDUCATION; AND**

25                           **(4) RECOGNIZE THE TRAINING PROGRAM OF AN ENTITY**  
26 **EMPLOYING PROFESSIONAL FERTILIZER APPLICATORS IF THE PROGRAM MEETS**  
27 **THE CERTIFICATION AND RECERTIFICATION TRAINING AND EDUCATION**  
28 **STANDARDS ESTABLISHED BY THE DEPARTMENT UNDER THIS SECTION.**

29                   **(C) THE DEPARTMENT SHALL PUBLISH AND MAINTAIN A LIST OF ALL**  
30 **CERTIFIED PROFESSIONAL FERTILIZER APPLICATORS AND MAKE THE LIST**  
31 **AVAILABLE ON THE DEPARTMENT'S INTERNET WEB SITE.**

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

3 **8-803.7.**

4           **(A) THE DEPARTMENT, IN CONSULTATION WITH THE UNIVERSITY OF**  
5 **MARYLAND, SHALL DEVELOP A PROGRAM OF PUBLIC EDUCATION THAT SHALL**  
6 **INCLUDE:**

7                   **(1) THE DISSEMINATION OF INFORMATION REGARDING**  
8 **NUTRIENT POLLUTION;**

9                   **(2) BEST MANAGEMENT PRACTICES FOR FERTILIZER USE;**

10                   **(3) SOIL TESTING;**

11                   **(4) PROPER INTERPRETATION OF FERTILIZER LABEL**  
12 **INSTRUCTIONS; AND**

13                   **(5) THE PROPER USE AND CALIBRATION OF FERTILIZER**  
14 **APPLICATION EQUIPMENT.**

15           **(B) THE UNIVERSITY OF MARYLAND SHALL IDENTIFY LABORATORIES**  
16 **THAT:**

17                   **(1) FOLLOW THE RECOMMENDED SOIL TESTING PROCEDURES**  
18 **FOR THE MID-ATLANTIC UNITED STATES; AND**

19                   **(2) PROVIDE A FINAL REPORT TO A REQUESTOR OF SOIL TESTING**  
20 **WITH THE RESULTS OF A SOIL TEST.**

21           **(C) THE UNIVERSITY OF MARYLAND SHALL REVIEW ITS FERTILIZER**  
22 **TURF GUIDELINES EVERY 3 YEARS AND REVISE THE GUIDELINES AS**  
23 **NECESSARY, WITH CONSIDERATION OF PLANT NUTRIENT REQUIREMENTS AND**  
24 **~~PROTECTION OF~~ ESTABLISHED STATE GOALS TO PROTECT WATER QUALITY IN**  
25 **THE WATERS OF THE STATE.**

26 **8-803.8.**

27           **(A) EXCEPT FOR ENFORCEMENT AS AUTHORIZED UNDER § 8-803.5(G)**  
28 **OF THIS SUBTITLE, THE DEPARTMENT HAS THE EXCLUSIVE AUTHORITY TO**  
29 **ESTABLISH STANDARDS REGULATING FERTILIZER AND ITS APPLICATION TO**  
30 **TURF.**

