

SENATE BILL 487

M4

(11r1442)

ENROLLED BILL

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

Introduced by ~~Senators Middleton and Frosh~~, **Frosh, Young, Conway, Pinsky, Simonaire, Benson, Rosapepe, Ferguson, Montgomery, and Jennings**

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.

President.

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

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

37 **Article – Agriculture**

38 6–201.

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

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

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

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

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

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

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

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

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

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

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

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

28 (i) “ENHANCED EFFICIENCY FERTILIZER” MEANS A FERTILIZER
29 PRODUCT THAT INCREASES PLANT UPTAKE AND DECREASES THE POTENTIAL OF
30 NUTRIENT LOSS TO THE ENVIRONMENT, INCLUDING GASEOUS LOSS, LEACHING,
31 OR RUNOFF, WHEN COMPARED TO AN APPROPRIATE REFERENCE FERTILIZER
32 PRODUCT.

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

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

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

8 (1) Total nitrogen (N), available ~~phosphoric acid (H_3PO_4)~~ **PHOSPHATE**
9 **(P_2O_5)**, soluble potash (K_2O);

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

12 (3) For bone, tankage, and other organic phosphatic materials, total
13 ~~phosphoric acid~~ **PHOSPHATE**;

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

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

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

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

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

28 [(n)] ~~(p)~~ (O) “Labeling” means all written, printed, or graphic matter on or
29 accompanying any commercial fertilizer or soil conditioner, or the contents of any
30 advertisement, brochure, poster or television or radio announcement used in
31 promoting the sale of a commercial fertilizer or soil conditioner.

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

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

5 (1) Containing not more than 5% of available ~~phosphoric acid (H_3PO_4)~~
6 **PHOSPHATE (P_2O_5)**; and

7 (2) That has an application rate not to exceed 0.25 pound of available
8 ~~phosphoric acid (H_3PO_4)~~ **PHOSPHATE (P_2O_5)**/1,000 square feet/application and 0.5
9 pound of available ~~phosphoric acid (H_3PO_4)~~ **PHOSPHATE (P_2O_5)**/1,000 square
10 feet/year.

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

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

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

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

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

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

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

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

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

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

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

7 (I) SYNTHETIC MATERIALS; OR

8 (II) MATERIALS THAT ARE CHANGED IN ANY PHYSICAL OR
 9 CHEMICAL MANNER FROM THEIR INITIAL STATE, EXCEPT BY PHYSICAL
 10 MANIPULATION, INCLUDING DRYING, COOKING, CHOPPING, GRINDING,
 11 SHREDDING, OR PELLETING.

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

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

18 (2) “ORGANIC FERTILIZER” INCLUDES A FERTILIZER PRODUCT
 19 THAT CONTAINS:

20 (I) SYNTHETIC MATERIALS; OR

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

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

24 (Y) (1) “PROFESSIONAL FERTILIZER APPLICATOR” ~~MEANS ANY~~
 25 ~~PERSON WHO:~~

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

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

29 ~~(2) “PROFESSIONAL FERTILIZER APPLICATOR” INCLUDES THE~~
 30 ~~OWNER OR MANAGER OF PROPERTY, OR AN EMPLOYEE OF A GOVERNMENT~~

1 ~~ENTITY WHO APPLIES FERTILIZER WITHIN THE SCOPE OF EMPLOYMENT HAS~~
2 ~~THE MEANING STATED IN § 8-801 OF THIS ARTICLE.~~

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

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

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

8 (1) DELAYS ITS AVAILABILITY FOR PLANT UPTAKE AND USE
9 AFTER APPLICATION; OR

10 (2) EXTENDS ITS AVAILABILITY TO THE PLANT SIGNIFICANTLY
11 LONGER THAN A REFERENCE “RAPIDLY AVAILABLE NUTRIENT” SUCH AS
12 AMMONIUM NITRATE OR UREA, AMMONIUM PHOSPHATE, OR POTASSIUM
13 CHLORIDE.

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

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

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

18 (iii) Increasing the productivity of plants;

19 (iv) Improving the quality of crops; or

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

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

25 (DD) “SOIL TEST” MEANS A TECHNICAL ANALYSIS OF SOIL CONDUCTED
26 BY A LABORATORY USING STANDARDS RECOMMENDED BY THE UNIVERSITY OF
27 MARYLAND.

28 [(y)] (EE) “Specialty fertilizer” means a commercial fertilizer distributed
29 primarily for nonfarm use, such as home gardens, lawns, shrubbery, flowers, golf
30 courses, municipal parks, cemeteries, greenhouses, and nurseries, and may include
31 commercial fertilizers used for any research or experimental purpose.

1 [(z)] (FF) “Ton” means a net weight of two thousand pounds avoirdupois.

2 (GG) “TURF” MEANS LAND, INCLUDING RESIDENTIAL PROPERTY AND
3 PUBLICLY OWNED LAND THAT IS PLANTED IN MOWED, MANAGED GRASS, EXCEPT
4 LAND THAT IS USED IN THE SALE AND PRODUCTION OF SOD, AS DEFINED IN §
5 9–101 OF THIS ARTICLE.

6 (HH) “WATER–SOLUBLE NITROGEN” MEANS NITROGEN THAT IS READILY
7 SOLUBLE IN WATER.

8 ~~(H) “WATERS OF THE STATE” HAS THE MEANING STATED IN § 5–101 OF~~
9 ~~THE ENVIRONMENT ARTICLE.~~

10 6–210.

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

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

16 (I) ALL OF THE information required by subsection (a) of this
17 section;

18 (II) THE PERCENTAGE OF TOTAL NITROGEN, INCLUDING
19 THE PERCENTAGE OF OTHER WATER SOLUBLE NITROGEN AND WATER
20 INSOLUBLE NITROGEN;

21 (III) THE PERCENTAGE OF AVAILABLE PHOSPHATE;

22 (IV) THE PERCENTAGE OF SOLUBLE POTASH; AND

23 (V) 1. THE FOLLOWING STATEMENT: “DO NOT APPLY
24 NEAR WATER, STORM DRAINS OR DRAINAGE DITCHES. DO NOT APPLY IF HEAVY
25 RAIN IS EXPECTED. APPLY THIS PRODUCT ONLY TO YOUR LAWN, AND SWEEP
26 ANY PRODUCT THAT LANDS ON THE DRIVEWAY, SIDEWALK, OR STREET BACK
27 ONTO YOUR LAWN.”; ~~AND OR~~

28 ~~(VI)~~ 2. THE ENVIRONMENTAL HAZARD STATEMENT
29 RECOMMENDED BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY FOR
30 THAT PRODUCT.

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

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

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

6 **(2) THIS SUBSECTION DOES NOT APPLY TO ORGANIC OR NATURAL**
7 **ORGANIC FERTILIZER THAT IS SOLD TO A PROFESSIONAL FERTILIZER**
8 **APPLICATOR.**

9 (b) (1) On or before April 1, 2011, a manufacturer of lawn fertilizer whose
10 products are sold in the State shall reduce by 50% from 2006 levels the amount of
11 available [phosphoric acid (H₃PO₄)] PHOSPHATE (P₂O₅) resulting from the
12 application of its lawn care products within the State.

13 (2) The amount of available [phosphoric acid (H₃PO₄)] PHOSPHATE
14 (P₂O₅) resulting from the application within the State of lawn care products sold or
15 distributed by a manufacturer may not exceed an average of 1.5% available
16 [phosphoric acid (H₃PO₄)] PHOSPHATE (P₂O₅) if, prior to April 1, 2010, the
17 manufacturer did not sell or distribute fertilizer in the State intended for use on
18 established lawns or grass.

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

21 **Article – Agriculture**

22 ~~6-223.~~

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

4 ~~(HH) 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 ITS INTERNET WEB-SITE.~~

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

3 ~~6-224.~~

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) PARTICIPATE IN THE NORTH AMERICAN PROFICIENCY~~
18 ~~TESTING PROGRAM OF THE SOIL SCIENCE SOCIETY OF AMERICA;~~

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

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

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

25 ~~6-225. 6-223.~~

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

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

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

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

9 Article – Agriculture

10 ~~6-226.~~ 6-224.

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

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

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

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

26 (II) WHEN SPECIFICALLY LABELED FOR THE FOLLOWING
27 PURPOSES:

28 ~~(1)~~ 1. PROVIDING NUTRIENTS TO SPECIFIC SOILS AND
29 TARGET VEGETATION AS DETERMINED TO BE NECESSARY ~~PURSUANT TO~~ IN
30 ACCORDANCE WITH A SOIL TEST THAT WAS:

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

1 ~~2.~~ **B. PERFORMED NO MORE THAN 3 YEARS BEFORE**
2 **THE APPLICATION;**

3 ~~(H)~~ **2. ESTABLISHING VEGETATION FOR THE FIRST**
4 **TIME, SUCH AS AFTER LAND DISTURBANCE, PROVIDED THE APPLICATION IS**
5 **CONDUCTED IN ACCORDANCE WITH THE RECOMMENDED APPLICATION RATES**
6 **ESTABLISHED BY THE STATE; OR**

7 ~~(H)~~ **3. REESTABLISHING OR REPAIRING A TURF AREA;**
8 **AND**

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

10 **(B) AN ENHANCED-EFFICIENCY FERTILIZER LABELED FOR USE ON**
11 **TURF MAY NOT:**

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

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

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

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

22 ~~(1) CONTAINS MORE THAN 0.7 POUNDS OF WATER SOLUBLE~~
23 ~~NITROGEN OR MORE THAN 0.9 POUNDS OF TOTAL NITROGEN PER 1,000 SQUARE~~
24 ~~FEET, AT LEAST 20% OF WHICH SHALL CONSIST OF SLOW RELEASE NITROGEN IF~~
25 ~~TOTAL NITROGEN EXCEEDS 0.5 POUNDS WHEN APPLIED IN ACCORDANCE WITH~~
26 ~~THE INSTRUCTIONS ON THE CONTAINER AND IS INTENDED FOR USE ON TURF~~
27 **RESULTS IN AN APPLICATION OF MORE THAN 0.7 POUNDS PER 1,000 SQUARE**
28 **FEET OF WATER-SOLUBLE NITROGEN AND NO MORE THAN 0.9 POUNDS PER**
29 **1,000 SQUARE FEET OF TOTAL NITROGEN, AT LEAST 20% OF WHICH SHALL**
30 **CONSIST OF SLOW-RELEASE NITROGEN, WHEN APPLIED IN ACCORDANCE WITH**
31 **THE INSTRUCTIONS ON THE CONTAINER; AND**

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

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

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

11 (III) FOR THE REESTABLISHMENT OR REPAIR OF A TURF
12 AREA.

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

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

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

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

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

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

27 ~~6-227.~~

28 ~~(A) IN THIS SECTION, "FERTILIZER" MEANS COMMERCIAL FERTILIZER~~
29 ~~AND SPECIALTY FERTILIZER.~~

30 ~~(B) (1) THIS SECTION APPLIES TO A PERSON WHO APPLIES~~
31 ~~FERTILIZER TO:~~

1 ~~(I) PROPERTY THAT IS NOT USED FOR AGRICULTURAL~~
2 ~~PURPOSES; OR~~

3 ~~(H) STATE PROPERTY THAT IS NOT USED FOR~~
4 ~~AGRICULTURAL PURPOSES.~~

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

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

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

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

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

14 ~~(H) AT ANY TIME WHEN THE GROUND IS FROZEN.~~

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

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

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

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

30 ~~(I) DETERMINES THAT THE FERTILIZER IS NECESSARY FOR~~
31 ~~THE SPECIFIC SOILS AND TARGET VEGETATION IN ACCORDANCE WITH A SOIL~~
32 ~~TEST PERFORMED NO MORE THAN 3 YEARS BEFORE THE FERTILIZER~~

1 ~~APPLICATION, PROVIDED THE APPLICATION COMPLIES WITH THE~~
2 ~~RECOMMENDATIONS ESTABLISHED BY THE UNIVERSITY OF MARYLAND;~~

3 ~~(H) IS ESTABLISHING VEGETATION FOR THE FIRST TIME,~~
4 ~~SUCH AS AFTER LAND DISTURBANCE, PROVIDED THE APPLICATION COMPLIES~~
5 ~~WITH THE RECOMMENDATIONS ESTABLISHED BY THE UNIVERSITY OF~~
6 ~~MARYLAND; OR~~

7 ~~(HH) IS REESTABLISHING OR REPAIRING A TURF AREA.~~

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

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

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

16 ~~(I) IN AN AMOUNT THAT IS INCONSISTENT WITH THE~~
17 ~~ANNUAL RECOMMENDED RATE ESTABLISHED BY THE UNIVERSITY OF~~
18 ~~MARYLAND; AND~~

19 ~~(H) THAT CONTAINS NITROGEN THAT IS LESS THAN 20%~~
20 ~~SLOW RELEASE IF TOTAL NITROGEN EXCEEDS 0.5 POUNDS;~~

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

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

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

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

27 ~~(G) A COUNTY OR MUNICIPALITY MAY ENFORCE THIS SUBSECTION.~~

28 ~~(H) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS~~
29 ~~SECTION.~~

30 ~~6-228.~~

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

3 ~~(B) (1) THIS SECTION APPLIES TO A PROFESSIONAL FERTILIZER~~
4 ~~APPLICATOR WHO APPLIES FERTILIZER TO:~~

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

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

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

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

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

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

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

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

23 ~~(II) AT A RATE THAT IS MORE THAN 0.9 POUNDS OF TOTAL~~
24 ~~NITROGEN PER 1,000 SQUARE FEET PER APPLICATION.~~

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

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

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

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

5 8-801.

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

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

9 (c) “COMMERCIAL FARM” MEANS A FARM THAT PERFORMS ACTIVITIES
10 RELATED TO THE PRODUCTION AND SALE OF AGRICULTURAL COMMODITIES,
11 INCLUDING ROW CROPS, FRUITS, VEGETABLES, HORTICULTURE, AND
12 SILVACULTURE.

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

15 (e) “IMPERVIOUS SURFACE” MEANS ANY STRUCTURE, SURFACE, OR
16 IMPROVEMENT THAT REDUCES OR PREVENTS ABSORPTION OF STORMWATER
17 INTO LAND, AND INCLUDES POROUS PAVING, PAVER BLOCKS, GRAVEL,
18 CRUSHED STONE, DECKS, PATIOS, ELEVATED STRUCTURES, AND OTHER
19 SIMILAR STRUCTURES, SURFACES, OR IMPROVEMENTS.

20 (f) “NATURAL ORGANIC FERTILIZER” HAS THE MEANING STATED IN §
21 6-201 OF THIS ARTICLE.

22 [(c)] (g) “Nutrient management plan” means a plan prepared under this
23 subtitle by a certified nutrient management consultant to manage the amount,
24 placement, timing, and application of animal waste, commercial fertilizer, sludge, or
25 other plant nutrients to prevent pollution by transport of bioavailable nutrients and to
26 maintain productivity.

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

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

31 (I) IS CERTIFIED TO APPLY FERTILIZER IN ACCORDANCE
32 WITH § 8-803.4 OF THIS SUBTITLE; AND

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

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

5 **(J) “SLOW-RELEASE NITROGEN” MEANS NITROGEN IN A FORM THAT:**

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

8 **(2) EXTENDS ITS AVAILABILITY TO THE PLANT SIGNIFICANTLY**
9 **LONGER THAN A REFERENCE “RAPIDLY AVAILABLE NUTRIENT” SUCH AS**
10 **AMMONIUM NITRATE OR UREA, AMMONIUM PHOSPHATE, OR POTASSIUM**
11 **CHLORIDE.**

12 **(K) “SOIL TEST” MEANS A TECHNICAL ANALYSIS OF SOIL CONDUCTED**
13 **BY A LABORATORY USING STANDARDS RECOMMENDED BY THE UNIVERSITY OF**
14 **MARYLAND.**

15 **(L) “TURF” MEANS LAND, INCLUDING RESIDENTIAL PROPERTY AND**
16 **PUBLICLY OWNED LAND THAT IS PLANTED IN GRASS, EXCEPT LAND THAT IS**
17 **USED IN THE SALE AND PRODUCTION OF SOD, AS DEFINED IN § 9-101 OF THIS**
18 **ARTICLE.**

19 **(M) “WATER-SOLUBLE NITROGEN” MEANS NITROGEN THAT IS READILY**
20 **SOLUBLE IN WATER.**

21 **(N) “WATERS OF THE STATE” HAS THE MEANING STATED IN § 5-101 OF**
22 **THE ENVIRONMENT ARTICLE.**

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

25 **Article – Agriculture**

26 8-803.4.

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

29 **(1) That is performed by:**

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

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

2 (2) To:

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

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

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

9 **(A) IN THIS SECTION, "FERTILIZER" MEANS A COMMERCIAL FERTILIZER**
10 **AND SPECIALTY FERTILIZER.**

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

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

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

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

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

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

24 **(2) APPLY FERTILIZER INTENDED FOR USE ON TURF ON AN**
25 **IMPERVIOUS SURFACE.**

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

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

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

2 (III) IN AN AMOUNT THAT IS INCONSISTENT WITH THE
3 ANNUAL RECOMMENDED RATE ESTABLISHED BY THE UNIVERSITY OF
4 MARYLAND.

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

9 (E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
10 SUBSECTION, A PROFESSIONAL FERTILIZER APPLICATOR MAY NOT APPLY
11 FERTILIZER CONTAINING PHOSPHORUS OR NITROGEN TO TURF THAT IS WITHIN
12 15 FEET OF WATERS OF THE STATE.

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

17 (3) THE ESTABLISHMENT OF SETBACKS FOR FERTILIZER
18 APPLICATION UNDER THIS SUBSECTION DOES NOT PRECLUDE THE
19 ESTABLISHMENT OR APPLICABILITY OF, OR COMPLIANCE WITH, ANY OTHER
20 ENVIRONMENTAL STANDARDS ESTABLISHED UNDER ANY OTHER STATE OR
21 FEDERAL LAW, RULE, OR REGULATION.

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

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

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

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

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

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

3 **(II) THE ANNUAL TOTAL APPLICATION RATE OF AN**
4 **ENHANCED EFFICIENCY FERTILIZER MAY NOT EXCEED 80% OF THE ANNUAL**
5 **RECOMMENDED RATE FOR TOTAL NITROGEN ESTABLISHED BY THE UNIVERSITY**
6 **OF MARYLAND.**

7 **(III) AN ENHANCED EFFICIENCY FERTILIZER MAY NOT BE**
8 **APPLIED AFTER NOVEMBER 15 OR BEFORE MARCH 1 OF EACH CALENDAR**
9 **YEAR.**

10 **(G) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2), AND (4), AND (5)**
11 **OF THIS SUBSECTION, A PROFESSIONAL FERTILIZER APPLICATOR MAY NOT**
12 **APPLY FERTILIZER CONTAINING PHOSPHORUS TO TURF.**

13 **(2) A PROFESSIONAL FERTILIZER APPLICATOR MAY APPLY**
14 **ORGANIC OR NATURAL ORGANIC FERTILIZER CONTAINING PHOSPHORUS TO**
15 **TURF WHEN:**

16 **(I) 1. A SOIL TEST PERFORMED NO MORE THAN 3 YEARS**
17 **BEFORE THE FERTILIZER APPLICATION INDICATES A LOW OR MEDIUM LEVEL OF**
18 **PHOSPHORUS; AND**

19 **2. THE FERTILIZER IS APPLIED AT A RATE**
20 **RECOMMENDED BY THE UNIVERSITY OF MARYLAND; ~~OR~~ AND**

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

24 **2. A LOW PHOSPHORUS FERTILIZER, AS DEFINED**
25 **UNDER § 6-201 OF THIS ARTICLE, THAT IS AN ORGANIC OR NATURAL ORGANIC**
26 **FERTILIZER IS APPLIED AT A RATE RECOMMENDED BY THE UNIVERSITY OF**
27 **MARYLAND.**

28 **(3) PARAGRAPH (2) OF THIS SUBSECTION DOES NOT AUTHORIZE**
29 **A PROFESSIONAL FERTILIZER APPLICATOR TO APPLY FERTILIZER CONTAINING**
30 **PHOSPHORUS WHEN A SOIL TEST INDICATES AN OPTIMUM OR EXCESSIVE LEVEL**
31 **OF PHOSPHORUS.**

1 (4) A PROFESSIONAL FERTILIZER APPLICATOR MAY APPLY
2 FERTILIZER TO TURF CONTAINING PHOSPHORUS IF THE PROFESSIONAL
3 FERTILIZER APPLICATOR:

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

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

13 (III) IS REESTABLISHING OR REPAIRING A TURF AREA.

14 ~~(5) A PROFESSIONAL FERTILIZER APPLICATOR MAY APPLY~~
15 ~~FERTILIZER TO TURF IN EXCESS OF THE PHOSPHORUS REQUIREMENTS IN §~~
16 ~~6-224 OF THIS ARTICLE, IF THE PROFESSIONAL FERTILIZER APPLICATOR IS~~
17 ~~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 [(c)] (H) (1) A person who violates any provision of this section is subject
21 to a civil penalty of not more than \$1,000 for a first violation.

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

24 (3) Each day a violation occurs under this section is a separate
25 violation.

26 (4) The total penalties imposed on a person for violations of this
27 section that result from the same set of facts and circumstances may not exceed
28 \$10,000.

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

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

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

4 (3) The cost of control;

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

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

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

12 ~~[(e)]~~ (J) Penalties collected by the Secretary under this section shall be paid
13 into the General Fund of the State.

14 **(K) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS**
15 **SECTION.**

16 **[8-803.5.**

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

19 **8-803.5.**

20 **(A) IN THIS SECTION, "FERTILIZER" MEANS COMMERCIAL FERTILIZER**
21 **AND SPECIALTY FERTILIZER.**

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

24 **(I) PROPERTY THAT IS NOT USED FOR AGRICULTURAL**
25 **PURPOSES; OR**

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

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

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

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

3 (2) APPLY FERTILIZER CONTAINING PHOSPHORUS OR NITROGEN
4 TO TURF:

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

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

8 (D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
9 SUBSECTION, A PERSON MAY NOT APPLY FERTILIZER CONTAINING
10 PHOSPHORUS OR NITROGEN TO TURF THAT IS WITHIN 15 FEET OF WATERS OF
11 THE STATE.

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

16 (3) THE ESTABLISHMENT OF SETBACKS FOR FERTILIZER
17 APPLICATION UNDER THIS SUBSECTION DOES NOT PRECLUDE THE
18 ESTABLISHMENT OR APPLICABILITY OF, OR COMPLIANCE WITH, ANY OTHER
19 ENVIRONMENTAL STANDARDS ESTABLISHED UNDER ANY OTHER STATE OR
20 FEDERAL LAW, RULE, OR REGULATION.

21 (E) EXCEPT AS PROVIDED IN SUBSECTIONS (C) AND (D) OF THIS
22 SECTION:

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

25 ~~(1)~~ (1) DETERMINES THAT THE FERTILIZER IS
26 NECESSARY FOR THE SPECIFIC SOILS AND TARGET VEGETATION IN
27 ACCORDANCE WITH A SOIL TEST PERFORMED NO MORE THAN 3 YEARS BEFORE
28 THE FERTILIZER APPLICATION, PROVIDED THE APPLICATION COMPLIES WITH
29 THE RECOMMENDATIONS ESTABLISHED BY THE UNIVERSITY OF MARYLAND;

30 ~~(2)~~ (2) IS ESTABLISHING VEGETATION FOR THE FIRST
31 TIME, SUCH AS AFTER LAND DISTURBANCE, PROVIDED THE APPLICATION
32 COMPLIES WITH THE RECOMMENDATIONS ESTABLISHED BY THE UNIVERSITY
33 OF MARYLAND; OR

1 ~~(III)~~ (3) IS REESTABLISHING OR REPAIRING A TURF AREA;
2 AND.

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

8 (F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
9 SUBSECTION AND IN ADDITION TO THE REQUIREMENTS SET FORTH IN THIS
10 SECTION, A PERSON, OTHER THAN A PROFESSIONAL FERTILIZER APPLICATOR,
11 MAY NOT:

12 (I) APPLY FERTILIZER TO TURF:

13 1. IN AN AMOUNT THAT IS INCONSISTENT WITH THE
14 ANNUAL RECOMMENDED RATE ESTABLISHED BY THE UNIVERSITY OF
15 MARYLAND; AND

16 2. THAT CONTAINS NITROGEN THAT IS LESS THAN
17 20% SLOW RELEASE;

18 (II) APPLY NITROGEN TO TURF:

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

21 2. AT AN APPLICATION RATE THAT IS MORE THAN
22 0.9 POUNDS PER 1,000 SQUARE FEET OF TOTAL NITROGEN; AND

23 (III) APPLY FERTILIZER TO A GOLF COURSE.

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

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

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

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

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

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

8 (H) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS
9 SECTION.

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

12 Article – Agriculture

13 8-803.6.

14 (A) (1) THE DEPARTMENT SHALL, IN CONSULTATION WITH THE
15 UNIVERSITY OF MARYLAND, ESTABLISH A PROGRAM TO CERTIFY
16 PROFESSIONAL FERTILIZER APPLICATORS.

17 (2) THE CERTIFICATION PROGRAM SHALL PROVIDE
18 PROFESSIONAL FERTILIZER APPLICATORS WITH TRAINING AND EDUCATION IN
19 THE FOLLOWING SUBJECT AREAS:

20 (I) THE PROPER USE AND CALIBRATION OF FERTILIZER
21 APPLICATION EQUIPMENT;

22 (II) THE HAZARDS INVOLVED IN, AND THE ENVIRONMENTAL
23 IMPACT OF, APPLYING FERTILIZER, INCLUDING NUTRIENT POLLUTION TO THE
24 WATERS OF THE STATE;

25 (III) ALL APPLICABLE STATE AND FEDERAL LAWS, RULES,
26 AND REGULATIONS;

27 (IV) THE CORRECT INTERPRETATION OF FERTILIZER
28 LABELING INFORMATION; AND

29 (V) THE RECOMMENDATIONS DEVELOPED BY THE
30 UNIVERSITY OF MARYLAND FOR NUTRIENT MANAGEMENT ON TURF, INCLUDING
31 THE APPROPRIATE TIME TO:

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

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

4 **(B) IN ESTABLISHING THE CERTIFICATION PROGRAM, THE**
5 **DEPARTMENT MAY:**

6 **(1) CHARGE REASONABLE FEES, INCLUDING AN ANNUAL**
7 **RECERTIFICATION FEE, TO COVER COSTS ASSOCIATED WITH THE**
8 **CERTIFICATION PROGRAM;**

9 **(2) REQUIRE CONTINUING EDUCATION OR TRAINING FOR**
10 **PROFESSIONAL FERTILIZER APPLICATORS;**

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

15 **(4) RECOGNIZE THE TRAINING PROGRAM OF AN ENTITY**
16 **EMPLOYING PROFESSIONAL FERTILIZER APPLICATORS IF THE PROGRAM MEETS**
17 **THE CERTIFICATION AND RECERTIFICATION TRAINING AND EDUCATION**
18 **STANDARDS ESTABLISHED BY THE DEPARTMENT UNDER THIS SECTION.**

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

22 **(D) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS**
23 **SECTION.**

24 **8-803.7.**

25 **(A) THE DEPARTMENT, IN CONSULTATION WITH THE UNIVERSITY OF**
26 **MARYLAND, SHALL DEVELOP A PROGRAM OF PUBLIC EDUCATION THAT SHALL**
27 **INCLUDE:**

28 **(1) THE DISSEMINATION OF INFORMATION REGARDING**
29 **NUTRIENT POLLUTION;**

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

1 **(3) SOIL TESTING;**

2 **(4) PROPER INTERPRETATION OF FERTILIZER LABEL**
3 **INSTRUCTIONS; AND**

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

6 **(B) THE UNIVERSITY OF MARYLAND SHALL IDENTIFY LABORATORIES**
7 **THAT:**

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

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

12 **(C) THE UNIVERSITY OF MARYLAND SHALL REVIEW ITS FERTILIZER**
13 **TURF GUIDELINES EVERY 3 YEARS AND REVISE THE GUIDELINES AS**
14 **NECESSARY, WITH CONSIDERATION OF PLANT NUTRIENT REQUIREMENTS AND**
15 **ESTABLISHED STATE GOALS TO PROTECT WATER QUALITY IN THE WATERS OF**
16 **THE STATE.**

17 **8-803.8.**

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

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

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

28 **SECTION 7. AND BE IT FURTHER ENACTED, That the Laws of Maryland**
29 **read as follows:**

30 **Article – Agriculture**

31 **8-803.9.**

1 **THE DEPARTMENT MAY ADOPT REGULATIONS FOR AGRICULTURAL**
 2 **RESEARCH, EDUCATION, AND DEMONSTRATION EXEMPTIONS TO THIS SUBTITLE.**

3 SECTION ~~5~~ 8. AND BE IT FURTHER ENACTED, That, on or before October
 4 1, 2013, the Department of Agriculture shall adopt regulations to require the annual
 5 reporting of the sale of commercial fertilizer and specialty fertilizer at retail by the
 6 following sectors:

- 7 (1) lawn and turf;
- 8 (2) golf course and athletic fields;
- 9 (3) gardening; and
- 10 (4) greenhouses and nurseries.

11 SECTION ~~6~~ 9. AND BE IT FURTHER ENACTED, That, Sections ~~2 and 4~~ and
 12 5 of this Act shall take effect October 1, 2013.

13 SECTION ~~7~~ 10. AND BE IT FURTHER ENACTED, That, ~~Section 3~~ Sections 3
 14 and 6 of this Act shall take effect October 1, 2012.

15 SECTION ~~8~~ 11. AND BE IT FURTHER ENACTED, That, except as provided in
 16 Sections ~~6 and 7~~ 9 and 10 of this Act, this Act shall take effect October 1, 2011.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.