

SENATE BILL 487

M4

1r1442
CF HB 573

By: Senators Middleton and ~~Frosh~~, Frosh, Young, Conway, Pinsky, Simonaire, Benson, Rosapepe, Ferguson, Montgomery, and Jennings

Introduced and read first time: February 4, 2011

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 28, 2011

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
15 in accordance with a certain schedule; providing the Department with exclusive
16 authority to establish certain standards; prohibiting a local government entity
17 from adopting certain laws, regulations, rules, or ordinances; establishing
18 certain maximum limits for nitrogen and phosphorus in certain ~~specialty~~
19 fertilizer under certain circumstances; prohibiting a person from selling ~~at retail~~
20 ~~certain specialty~~ certain fertilizer; prohibiting a person from applying certain
21 fertilizer to certain surfaces under certain circumstances; authorizing a person
22 to apply certain fertilizer under certain circumstances; establishing certain
23 penalties for certain violations; authorizing a county or municipality to enforce
24 certain provisions of law; authorizing the Department to adopt certain

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.



1 regulations; requiring the Department to adopt certain regulations on or before
 2 a certain date; prohibiting a professional fertilizer applicator from applying
 3 certain fertilizer without first obtaining a certain certification; prohibiting a
 4 professional fertilizer applicator from using or applying certain fertilizer under
 5 certain circumstances; providing for delayed effective dates for certain
 6 provisions of this Act; defining certain terms; making certain technical changes;
 7 and generally relating to the use of fertilizer in the State.

8 BY repealing and reenacting, with amendments,

9 Article – Agriculture

10 Section 6–201, 6–210(d) and (e), 6–219(a) and (b), 6–222(a) and (b), 8–801, and
 11 8–803.4

12 Annotated Code of Maryland

13 (2007 Replacement Volume and 2010 Supplement)

14 BY repealing

15 Article – Agriculture

16 Section 8–803.5

17 Annotated Code of Maryland

18 (2007 Replacement Volume and 2010 Supplement)

19 BY adding to

20 Article – Agriculture

21 Section 6–223, 6–224, ~~6–225, 6–226, 6–227, and 6–228~~ 8–803.5, 8–803.6,
 22 8–803.7, 8–803.8, and 8–803.9

23 Annotated Code of Maryland

24 (2007 Replacement Volume and 2010 Supplement)

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

27 **Article – Agriculture**

28 6–201.

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

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

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

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

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

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

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

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

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

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

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

22 **(I) “ENHANCED EFFICIENCY FERTILIZER” MEANS A FERTILIZER**
23 **PRODUCT THAT INCREASES PLANT UPTAKE AND DECREASES THE POTENTIAL OF**
24 **NUTRIENT LOSS TO THE ENVIRONMENT, INCLUDING GASEOUS LOSS, LEACHING,**
25 **OR RUNOFF, WHEN COMPARED TO AN APPROPRIATE REFERENCE FERTILIZER**
26 **PRODUCT.**

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

29 **[(j)] (K)** “Grade” means the percentage of total nitrogen (N), available
30 ~~phosphoric acid (H₃PO₄)~~ **PHOSPHATE (P₂O₅)**, and soluble potash (K₂O) stated in
31 whole numbers in the same terms, order, and percentages as in the “guaranteed
32 analysis”. In the case of any “specialty fertilizer” or “mixed-to-order fertilizer”
33 guarantees may be stated in decimal fractions of whole numbers.

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

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

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

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

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

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

11 [(l)] (M) "Gypsum" means any product that consists chiefly of calcium
12 sulfate intended for use for agricultural purposes.

13 ~~(N) "IMPERVIOUS SURFACE" MEANS ANY STRUCTURE, SURFACE, OR~~
14 ~~IMPROVEMENT THAT REDUCES OR PREVENTS ABSORPTION OF STORMWATER~~
15 ~~INTO LAND, AND INCLUDES POROUS PAVING, PAVER BLOCKS, GRAVEL,~~
16 ~~CRUSHED STONE, DECKS, PATIOS, ELEVATED STRUCTURES, AND OTHER~~
17 ~~SIMILAR STRUCTURES, SURFACES, OR IMPROVEMENTS.~~

18 [(m)] ~~(O)~~ (N) "Label" means the display of all written, printed, or graphic
19 matter on the immediate container or a statement accompanying a commercial
20 fertilizer or soil conditioner.

21 [(n)] ~~(P)~~ (O) "Labeling" means all written, printed, or graphic matter on or
22 accompanying any commercial fertilizer or soil conditioner, or the contents of any
23 advertisement, brochure, poster or television or radio announcement used in
24 promoting the sale of a commercial fertilizer or soil conditioner.

25 [(o)] ~~(Q)~~ (P) "Lot" means a definite quantity of commercial fertilizer or soil
26 conditioner, identified by name, grade, or code designation as certified by the
27 Secretary.

28 [(p)] ~~(R)~~ (Q) "Low phosphorous fertilizer" means fertilizer:

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

31 (2) That has an application rate not to exceed 0.25 pound of available
32 ~~phosphoric acid (H_3PO_4)~~ **PHOSPHATE (P_2O_5)**/1,000 square feet/application and 0.5

1 pound of available ~~phosphoric acid (H_3PO_4)~~ PHOSPHATE (P_2O_5)/1,000 square
 2 feet/year.

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

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

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

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

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

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

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

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

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

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

31 **(2)** “NATURAL ORGANIC FERTILIZER” DOES NOT INCLUDE A
 32 FERTILIZER PRODUCT THAT CONTAINS:

33 **(I)** SYNTHETIC MATERIALS; OR

1 **(II) MATERIALS THAT ARE CHANGED IN ANY PHYSICAL OR**
 2 **CHEMICAL MANNER FROM THEIR INITIAL STATE, EXCEPT BY PHYSICAL**
 3 **MANIPULATION, INCLUDING DRYING, COOKING, CHOPPING, GRINDING,**
 4 **SHREDDING, OR PELLETING.**

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

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

11 **(2) “ORGANIC FERTILIZER” INCLUDES A FERTILIZER PRODUCT**
 12 **THAT CONTAINS:**

13 **(I) SYNTHETIC MATERIALS; OR**

14 **(II) MATERIALS THAT ARE CHANGED IN A PHYSICAL OR**
 15 **CHEMICAL MANNER FROM THEIR INITIAL STATE.**

16 **[(u)] (x)** “Percent” or “percentage” means percentage by weight.

17 **(y) (1) “PROFESSIONAL FERTILIZER APPLICATOR” MEANS ANY**
 18 **PERSON WHO:**

19 **~~(i) IS CERTIFIED TO APPLY FERTILIZER IN ACCORDANCE~~**
 20 **~~WITH § 6-226 OF THIS SUBTITLE; AND~~**

21 **~~(ii) APPLIES FERTILIZER FOR HIRE.~~**

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

26 **[(v)] (z)** “Registrant” means any person who registers a commercial
 27 fertilizer or soil conditioner pursuant to the provisions of this subtitle.

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

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

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

3 **(2) EXTENDS ITS AVAILABILITY TO THE PLANT SIGNIFICANTLY**
4 **LONGER THAN A REFERENCE “RAPIDLY AVAILABLE NUTRIENT” SUCH AS**
5 **AMMONIUM NITRATE OR UREA, AMMONIUM PHOSPHATE, OR POTASSIUM**
6 **CHLORIDE.**

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

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

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

11 (iii) Increasing the productivity of plants;

12 (iv) Improving the quality of crops; or

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

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

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

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

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

26 **(GG) “TURF” MEANS LAND, INCLUDING RESIDENTIAL PROPERTY AND**
27 **PUBLICLY OWNED LAND THAT IS PLANTED IN MOWED, MANAGED GRASS, EXCEPT**
28 **LAND THAT IS USED IN THE SALE AND PRODUCTION OF SOD, AS DEFINED IN §**
29 **9–101 OF THIS ARTICLE.**

30 **(HH) “WATER–SOLUBLE NITROGEN” MEANS NITROGEN THAT IS READILY**
31 **SOLUBLE IN WATER.**

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

3 6-210.

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

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

9 (I) ALL OF THE information required by subsection (a) of this
 10 section;

11 (II) THE PERCENTAGE OF TOTAL NITROGEN, INCLUDING
 12 THE PERCENTAGE OF OTHER WATER SOLUBLE NITROGEN AND WATER
 13 INSOLUBLE NITROGEN;

14 (III) THE PERCENTAGE OF AVAILABLE PHOSPHATE;

15 (IV) THE PERCENTAGE OF SOLUBLE POTASH; AND

16 (V) 1. THE FOLLOWING STATEMENT: "DO NOT APPLY
 17 NEAR WATER, STORM DRAINS OR DRAINAGE DITCHES. DO NOT APPLY IF HEAVY
 18 RAIN IS EXPECTED. APPLY THIS PRODUCT ONLY TO YOUR LAWN, AND SWEEP
 19 ANY PRODUCT THAT LANDS ON THE DRIVEWAY, SIDEWALK, OR STREET BACK
 20 ONTO YOUR LAWN."; ~~AND OR~~

21 ~~(VI)~~ 2. THE ENVIRONMENTAL HAZARD STATEMENT
 22 RECOMMENDED BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY FOR
 23 THAT PRODUCT.

24 ~~(2)~~ (3) THE INFORMATION REQUIRED UNDER ~~PARAGRAPH (1)~~
 25 PARAGRAPHS (1) AND (2) OF THIS SUBSECTION SHALL BE PRINTED in a legible
 26 and conspicuous manner on at least one side of the container[. If], OR IF it does not
 27 appear on the face or display side of the container, it shall appear on the upper third of
 28 the side used.

29 (e) (1) Except as provided in paragraph (2) of this subsection, on or after
 30 April 1, 2011, a lawn fertilizer with an available [phosphoric acid (H₃PO₄)]
 31 PHOSPHATE (P₂O₅) content greater than 5%:

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

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 ITS INTERNET WEB SITE.~~

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

24 ~~6-224.~~

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;~~

31 ~~(3) SOIL TESTING;~~

1 ~~(4) PROPER INTERPRETATION OF FERTILIZER LABEL~~
2 ~~INSTRUCTIONS; AND~~

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

5 ~~(B) THE UNIVERSITY OF MARYLAND SHALL IDENTIFY LABORATORIES~~
6 ~~THAT:~~

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

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

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

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

15 ~~6-225. 6-223.~~

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

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

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

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

28 Article - Agriculture

29 ~~6-226. 6-224.~~

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

3 (1) ~~CONTAIN MORE THAN 0.7 POUNDS OF WATER SOLUBLE~~
4 ~~NITROGEN AND NO MORE 0.9 POUNDS OF TOTAL NITROGEN, AT LEAST 20% OF~~
5 ~~WHICH SHALL CONSIST OF SLOW RELEASE NITROGEN IF TOTAL NITROGEN IS IN~~
6 ~~EXCESS OF 0.5 POUNDS PER 1,000 SQUARE FEET WHEN APPLIED IN~~
7 ~~ACCORDANCE WITH THE INSTRUCTIONS ON THE CONTAINER RESULT IN AN~~
8 APPLICATION OF MORE THAN 0.7 POUNDS PER 1,000 SQUARE FEET OF
9 WATER-SOLUBLE NITROGEN AND NO MORE THAN 0.9 POUNDS PER 1,000
10 SQUARE FEET OF TOTAL NITROGEN, AT LEAST 20% OF WHICH SHALL CONSIST
11 OF SLOW-RELEASE NITROGEN, WHEN APPLIED IN ACCORDANCE WITH THE
12 INSTRUCTIONS ON THE CONTAINER;

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

14 (I) FOR ORGANIC AND NATURAL ORGANIC FERTILIZER
15 SOLD TO A PROFESSIONAL FERTILIZER APPLICATOR; AND

16 (II) WHEN SPECIFICALLY LABELED FOR THE FOLLOWING
17 PURPOSES:

18 ~~(H)~~ 1. PROVIDING NUTRIENTS TO SPECIFIC SOILS AND
19 TARGET VEGETATION AS DETERMINED TO BE NECESSARY ~~PURSUANT TO~~ IN
20 ACCORDANCE WITH A SOIL TEST THAT WAS:

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

23 ~~2.~~ B. PERFORMED NO MORE THAN 3 YEARS BEFORE
24 THE APPLICATION;

25 ~~(H)~~ 2. ESTABLISHING VEGETATION FOR THE FIRST
26 TIME, SUCH AS AFTER LAND DISTURBANCE, PROVIDED THE APPLICATION IS
27 CONDUCTED IN ACCORDANCE WITH THE RECOMMENDED APPLICATION RATES
28 ESTABLISHED BY THE STATE; OR

29 ~~(H)~~ 3. REESTABLISHING OR REPAIRING A TURF AREA;
30 AND

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

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

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

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

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

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

11 **(1) CONTAINS MORE THAN 0.7 POUNDS OF WATER SOLUBLE**
12 **NITROGEN OR MORE THAN 0.9 POUNDS OF TOTAL NITROGEN PER 1,000 SQUARE**
13 **FEET, AT LEAST 20% OF WHICH SHALL CONSIST OF SLOW RELEASE NITROGEN IF**
14 **TOTAL NITROGEN EXCEEDS 0.5 POUNDS WHEN APPLIED IN ACCORDANCE WITH**
15 **THE INSTRUCTIONS ON THE CONTAINER AND IS INTENDED FOR USE ON TURF**
16 **RESULTS IN AN APPLICATION OF MORE THAN 0.7 POUNDS PER 1,000 SQUARE**
17 **FEET OF WATER-SOLUBLE NITROGEN AND NO MORE THAN 0.9 POUNDS PER**
18 **1,000 SQUARE FEET OF TOTAL NITROGEN, AT LEAST 20% OF WHICH SHALL**
19 **CONSIST OF SLOW-RELEASE NITROGEN, WHEN APPLIED IN ACCORDANCE WITH**
20 **THE INSTRUCTIONS ON THE CONTAINER; AND**

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

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

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

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

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

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

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

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

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

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

15 ~~6-227.~~

16 ~~(A) IN THIS SECTION, "FERTILIZER" MEANS COMMERCIAL FERTILIZER~~
 17 ~~AND SPECIALTY FERTILIZER.~~

18 ~~(B) (1) THIS SECTION APPLIES TO A PERSON WHO APPLIES~~
 19 ~~FERTILIZER TO:~~

20 ~~(i) PROPERTY THAT IS NOT USED FOR AGRICULTURAL~~
 21 ~~PURPOSES; OR~~

22 ~~(ii) STATE PROPERTY THAT IS NOT USED FOR~~
 23 ~~AGRICULTURAL PURPOSES.~~

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

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

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

29 ~~(2) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION,~~
 30 ~~APPLY FERTILIZER CONTAINING PHOSPHORUS OR NITROGEN TO TURF;~~

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

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

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

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

12 ~~(3) THE ESTABLISHMENT OF SETBACKS FOR FERTILIZER~~
13 ~~APPLICATION UNDER THIS SUBSECTION DOES NOT PRECLUDE THE~~
14 ~~ESTABLISHMENT OR APPLICABILITY OF, OR COMPLIANCE WITH, ANY OTHER~~
15 ~~ENVIRONMENTAL STANDARDS ESTABLISHED UNDER ANY OTHER STATE OR~~
16 ~~FEDERAL LAW, RULE, OR REGULATION.~~

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

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

24 ~~(II) IS ESTABLISHING VEGETATION FOR THE FIRST TIME,~~
25 ~~SUCH AS AFTER LAND DISTURBANCE, PROVIDED THE APPLICATION COMPLIES~~
26 ~~WITH THE RECOMMENDATIONS ESTABLISHED BY THE UNIVERSITY OF~~
27 ~~MARYLAND; OR~~

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

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

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

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

4 ~~(I) IN AN AMOUNT THAT IS INCONSISTENT WITH THE~~
5 ~~ANNUAL RECOMMENDED RATE ESTABLISHED BY THE UNIVERSITY OF~~
6 ~~MARYLAND; AND~~

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

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

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

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

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

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

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

18 ~~6-228.~~

19 ~~(A) IN THIS SECTION, "FERTILIZER" MEANS COMMERCIAL FERTILIZER~~
20 ~~AND SPECIALTY FERTILIZER.~~

21 ~~(B) (1) THIS SECTION APPLIES TO A PROFESSIONAL FERTILIZER~~
22 ~~APPLICATOR WHO APPLIES FERTILIZER TO:~~

23 ~~(I) PROPERTY THAT IS NOT USED FOR AGRICULTURAL~~
24 ~~PURPOSES; OR~~

25 ~~(II) STATE PROPERTY THAT IS NOT USED FOR~~
26 ~~AGRICULTURAL PURPOSES.~~

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

~~(C) A PROFESSIONAL FERTILIZER APPLICATOR MAY NOT 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 § 6-223 OF THIS SUBTITLE.~~

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

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

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

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

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

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

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

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

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

~~8-801.~~

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

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

(c) “COMMERCIAL FARM” MEANS A FARM THAT PERFORMS ACTIVITIES RELATED TO THE PRODUCTION AND SALE OF AGRICULTURAL COMMODITIES,

1 INCLUDING ROW CROPS, FRUITS, VEGETABLES, HORTICULTURE, AND
2 SILVACULTURE.

3 (D) “ENHANCED EFFICIENCY FERTILIZER” HAS THE MEANING STATED
4 IN § 6-201 OF THIS ARTICLE.

5 (E) “IMPERVIOUS SURFACE” MEANS ANY STRUCTURE, SURFACE, OR
6 IMPROVEMENT THAT REDUCES OR PREVENTS ABSORPTION OF STORMWATER
7 INTO LAND, AND INCLUDES POROUS PAVING, PAVER BLOCKS, GRAVEL,
8 CRUSHED STONE, DECKS, PATIOS, ELEVATED STRUCTURES, AND OTHER
9 SIMILAR STRUCTURES, SURFACES, OR IMPROVEMENTS.

10 (F) “NATURAL ORGANIC FERTILIZER” HAS THE MEANING STATED IN §
11 6-201 OF THIS ARTICLE.

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

17 (H) “ORGANIC FERTILIZER” HAS THE MEANING STATED IN § 6-201 OF
18 THIS ARTICLE.

19 (I) (1) “PROFESSIONAL FERTILIZER APPLICATOR” MEANS ANY
20 PERSON WHO:

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

23 (II) APPLIES FERTILIZER FOR HIRE.

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

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

28 (1) DELAYS ITS AVAILABILITY FOR PLANT UPTAKE AND USE
29 AFTER APPLICATION; OR

30 (2) EXTENDS ITS AVAILABILITY TO THE PLANT SIGNIFICANTLY
31 LONGER THAN A REFERENCE “RAPIDLY AVAILABLE NUTRIENT” SUCH AS
32 AMMONIUM NITRATE OR UREA, AMMONIUM PHOSPHATE, OR POTASSIUM
33 CHLORIDE.

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

3 **(I) PROPERTY THAT IS NOT USED FOR AGRICULTURAL**
4 **PURPOSES; AND**

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 PROFESSIONAL FERTILIZER APPLICATOR MAY NOT:**

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

14 **(2) APPLY FERTILIZER INTENDED FOR USE ON TURF ON AN**
15 **IMPERVIOUS SURFACE.**

16 **(D) (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:**

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

21 **(II) ANY TIME THE GROUND IS FROZEN; OR**

22 **(III) IN AN AMOUNT THAT IS INCONSISTENT WITH THE**
23 **ANNUAL RECOMMENDED RATE ESTABLISHED BY THE UNIVERSITY OF**
24 **MARYLAND.**

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

29 **(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
30 **SUBSECTION, A PROFESSIONAL FERTILIZER APPLICATOR MAY NOT APPLY**
31 **FERTILIZER CONTAINING PHOSPHORUS OR NITROGEN TO TURF THAT IS WITHIN**
32 **15 FEET OF WATERS OF THE STATE.**

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

5 (3) THE ESTABLISHMENT OF SETBACKS FOR FERTILIZER
6 APPLICATION UNDER THIS SUBSECTION DOES NOT PRECLUDE THE
7 ESTABLISHMENT OR APPLICABILITY OF, OR COMPLIANCE WITH, ANY OTHER
8 ENVIRONMENTAL STANDARDS ESTABLISHED UNDER ANY OTHER STATE OR
9 FEDERAL LAW, RULE, OR REGULATION.

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

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

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

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

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

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

24 (II) THE ANNUAL TOTAL APPLICATION RATE OF AN
25 ENHANCED EFFICIENCY FERTILIZER MAY NOT EXCEED 80% OF THE ANNUAL
26 RECOMMENDED RATE FOR TOTAL NITROGEN ESTABLISHED BY THE UNIVERSITY
27 OF MARYLAND.

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

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

1 **(2) A PROFESSIONAL FERTILIZER APPLICATOR MAY APPLY**
2 **ORGANIC OR NATURAL ORGANIC FERTILIZER CONTAINING PHOSPHORUS TO**
3 **TURF WHEN:**

4 **(i) 1. A SOIL TEST PERFORMED NO MORE THAN 3 YEARS**
5 **BEFORE THE FERTILIZER APPLICATION INDICATES A LOW OR MEDIUM LEVEL OF**
6 **PHOSPHORUS; AND**

7 **2. THE FERTILIZER IS APPLIED AT A RATE**
8 **RECOMMENDED BY THE UNIVERSITY OF MARYLAND; OR**

9 **(ii) 1. BEGINNING JULY 1, 2013, A SOIL TEST**
10 **PERFORMED NO MORE THAN 3 YEARS BEFORE THE FERTILIZER APPLICATION**
11 **INDICATES A LOW OR MEDIUM LEVEL OF PHOSPHORUS; AND**

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

16 **(3) PARAGRAPH (2) OF THIS SUBSECTION DOES NOT AUTHORIZE**
17 **A PROFESSIONAL FERTILIZER APPLICATOR TO APPLY FERTILIZER CONTAINING**
18 **PHOSPHORUS WHEN A SOIL TEST INDICATES AN OPTIMUM OR EXCESSIVE LEVEL**
19 **OF PHOSPHORUS.**

20 **(4) A PROFESSIONAL FERTILIZER APPLICATOR MAY APPLY**
21 **FERTILIZER TO TURF CONTAINING PHOSPHORUS IF THE PROFESSIONAL**
22 **FERTILIZER APPLICATOR:**

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

28 **(ii) IS ESTABLISHING VEGETATION FOR THE FIRST TIME,**
29 **SUCH AS AFTER LAND DISTURBANCE, PROVIDED THE APPLICATION COMPLIES**
30 **WITH THE RECOMMENDATIONS ESTABLISHED BY THE UNIVERSITY OF**
31 **MARYLAND; OR**

32 **(iii) IS REESTABLISHING OR REPAIRING A TURF AREA.**

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

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

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

11 **(3) Each day a violation occurs under this section is a separate**
12 **violation.**

13 **(4) The total penalties imposed on a person for violations of this**
14 **section that result from the same set of facts and circumstances may not exceed**
15 **\$10,000.**

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

18 **(1) The willfulness of the violation, the extent to which the existence of**
19 **the violation was known to the violator but uncorrected by the violator, and the extent**
20 **to which the violator exercised reasonable care;**

21 **(2) Any actual harm to human health or to the environment including**
22 **injury to or impairment of the use of the waters of the State or the natural resources of**
23 **the State;**

24 **(3) The cost of control;**

25 **(4) The nature and degree of injury to or interference with general**
26 **welfare, health, and property;**

27 **(5) The extent to which the location of the violation, including location**
28 **near areas of human population, creates the potential for harm to the environment or**
29 **to human health or safety; and**

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

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

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

3 **[8-803.5.**

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

6 **8-803.5.**

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

9 **(B) (1) THIS SECTION APPLIES TO A PERSON WHO APPLIES**
10 **FERTILIZER TO:**

11 **(I) PROPERTY THAT IS NOT USED FOR AGRICULTURAL**
12 **PURPOSES; OR**

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

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

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

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

20 **(2) APPLY FERTILIZER CONTAINING PHOSPHORUS OR NITROGEN**
21 **TO TURF:**

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

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

25 **(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
26 **SUBSECTION, A PERSON MAY NOT APPLY FERTILIZER CONTAINING**
27 **PHOSPHORUS OR NITROGEN TO TURF THAT IS WITHIN 15 FEET OF WATERS OF**
28 **THE STATE.**

29 **(2) WHEN A DROP SPREADER, ROTARY SPREADER WITH A**
30 **DEFLECTOR, OR TARGETED SPRAY LIQUID IS USED FOR FERTILIZER**

1 APPLICATION, THE SETBACK REQUIRED UNDER PARAGRAPH (1) OF THIS
2 SUBSECTION MAY BE REDUCED TO 10 FEET.

3 (3) THE ESTABLISHMENT OF SETBACKS FOR FERTILIZER
4 APPLICATION UNDER THIS SUBSECTION DOES NOT PRECLUDE THE
5 ESTABLISHMENT OR APPLICABILITY OF, OR COMPLIANCE WITH, ANY OTHER
6 ENVIRONMENTAL STANDARDS ESTABLISHED UNDER ANY OTHER STATE OR
7 FEDERAL LAW, RULE, OR REGULATION.

8 (E) EXCEPT AS PROVIDED IN SUBSECTIONS (C) AND (D) OF THIS
9 SECTION:

10 (1) A PERSON MAY APPLY FERTILIZER TO TURF CONTAINING
11 PHOSPHORUS IF THE PERSON:

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

17 (II) IS ESTABLISHING VEGETATION FOR THE FIRST TIME,
18 SUCH AS AFTER LAND DISTURBANCE, PROVIDED THE APPLICATION COMPLIES
19 WITH THE RECOMMENDATIONS ESTABLISHED BY THE UNIVERSITY OF
20 MARYLAND; OR

21 (III) IS REESTABLISHING OR REPAIRING A TURF AREA; AND

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

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

31 (I) APPLY FERTILIZER TO TURF:

32 1. IN AN AMOUNT THAT IS INCONSISTENT WITH THE
33 ANNUAL RECOMMENDED RATE ESTABLISHED BY THE UNIVERSITY OF
34 MARYLAND; AND

1 **2. THAT CONTAINS NITROGEN THAT IS LESS THAN**
2 **20% SLOW RELEASE;**

3 **(II) APPLY NITROGEN TO TURF:**

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

6 **2. AT AN APPLICATION RATE THAT IS MORE THAN**
7 **0.9 POUNDS PER 1,000 SQUARE FEET OF TOTAL NITROGEN; AND**

8 **(III) APPLY FERTILIZER TO A GOLF COURSE.**

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

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

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

15 **(II) THE ANNUAL TOTAL APPLICATION RATE OF AN**
16 **ENHANCED EFFICIENCY FERTILIZER MAY NOT EXCEED 80% OF THE ANNUAL**
17 **RECOMMENDATION RATE ESTABLISHED BY THE UNIVERSITY OF MARYLAND.**

18 **(III) ENHANCED EFFICIENCY FERTILIZERS MAY NOT BE**
19 **APPLIED AFTER NOVEMBER 15 OR BEFORE MARCH 1 OF EACH CALENDAR**
20 **YEAR.**

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

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

24 **SECTION 6. AND BE IT FURTHER ENACTED, That the Laws of Maryland**
25 **read as follows:**

26 **Article – Agriculture**

27 **8-803.6.**

1 **(A) (1) THE DEPARTMENT SHALL, IN CONSULTATION WITH THE**
2 **UNIVERSITY OF MARYLAND, ESTABLISH A PROGRAM TO CERTIFY**
3 **PROFESSIONAL FERTILIZER APPLICATORS.**

4 **(2) THE CERTIFICATION PROGRAM SHALL PROVIDE**
5 **PROFESSIONAL FERTILIZER APPLICATORS WITH TRAINING AND EDUCATION IN**
6 **THE FOLLOWING SUBJECT AREAS:**

7 **(I) THE PROPER USE AND CALIBRATION OF FERTILIZER**
8 **APPLICATION EQUIPMENT;**

9 **(II) THE HAZARDS INVOLVED IN, AND THE ENVIRONMENTAL**
10 **IMPACT OF, APPLYING FERTILIZER, INCLUDING NUTRIENT POLLUTION TO THE**
11 **WATERS OF THE STATE;**

12 **(III) ALL APPLICABLE STATE AND FEDERAL LAWS, RULES,**
13 **AND REGULATIONS;**

14 **(IV) THE CORRECT INTERPRETATION OF FERTILIZER**
15 **LABELING INFORMATION; AND**

16 **(V) THE RECOMMENDATIONS DEVELOPED BY THE**
17 **UNIVERSITY OF MARYLAND FOR NUTRIENT MANAGEMENT ON TURF, INCLUDING**
18 **THE APPROPRIATE TIME TO:**

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

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

22 **(B) IN ESTABLISHING THE CERTIFICATION PROGRAM, THE**
23 **DEPARTMENT MAY:**

24 **(1) CHARGE REASONABLE FEES, INCLUDING AN ANNUAL**
25 **RECERTIFICATION FEE, TO COVER COSTS ASSOCIATED WITH THE**
26 **CERTIFICATION PROGRAM;**

27 **(2) REQUIRE CONTINUING EDUCATION OR TRAINING FOR**
28 **PROFESSIONAL FERTILIZER APPLICATORS;**

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

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

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

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

10 **8-803.7.**

11 **(A) THE DEPARTMENT, IN CONSULTATION WITH THE UNIVERSITY OF**
12 **MARYLAND, SHALL DEVELOP A PROGRAM OF PUBLIC EDUCATION THAT SHALL**
13 **INCLUDE:**

14 **(1) THE DISSEMINATION OF INFORMATION REGARDING**
15 **NUTRIENT POLLUTION;**

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

17 **(3) SOIL TESTING;**

18 **(4) PROPER INTERPRETATION OF FERTILIZER LABEL**
19 **INSTRUCTIONS; AND**

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

22 **(B) THE UNIVERSITY OF MARYLAND SHALL IDENTIFY LABORATORIES**
23 **THAT:**

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

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

28 **(C) THE UNIVERSITY OF MARYLAND SHALL REVIEW ITS FERTILIZER**
29 **TURF GUIDELINES EVERY 3 YEARS AND REVISE THE GUIDELINES AS**
30 **NECESSARY, WITH CONSIDERATION OF PLANT NUTRIENT REQUIREMENTS AND**

1 ESTABLISHED STATE GOALS TO PROTECT WATER QUALITY IN THE WATERS OF
 2 THE STATE.

3 8-803.8.

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

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

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

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

16 Article - Agriculture

17 8-803.9.

18 THE DEPARTMENT MAY ADOPT REGULATIONS FOR AGRICULTURAL
 19 RESEARCH, EDUCATION, AND DEMONSTRATION EXEMPTIONS TO THIS SUBTITLE.

20 SECTION ~~5~~ 8. AND BE IT FURTHER ENACTED, That, on or before October
 21 1, 2013, the Department of Agriculture shall adopt regulations to require the annual
 22 reporting of the sale of commercial fertilizer and specialty fertilizer at retail by the
 23 following sectors:

- 24 (1) lawn and turf;
- 25 (2) golf course and athletic fields;
- 26 (3) gardening; and
- 27 (4) greenhouses and nurseries.

28 SECTION ~~6~~ 9. AND BE IT FURTHER ENACTED, That, Sections ~~2~~ and 4 and
 29 5 of this Act shall take effect October 1, 2013.

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

1 SECTION ~~8~~ 11. AND BE IT FURTHER ENACTED, That, except as provided in
2 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.