



Turf Fertilizer Regulations Professional Lawn and Landscape Businesses

New Turf Fertilizer Regulations

Beginning April 1, 2010, fertilizer that is labeled as containing phosphorus or available phosphate cannot be applied to lawns or turf in Wisconsin unless the fertilizer application qualifies under certain exemptions.

Background

The law was signed by Governor Doyle in April 2009 and the bill, 2009 Wisconsin Act 9 modified Chapter 94, Wisconsin Statutes. The intent of the law is to provide protection to Wisconsin's lakes, rivers, streams and other water resources from phosphorus run-off.

Affected Parties

The new law that restricts the use, sale and display of turf fertilizer labeled as containing phosphorus or available phosphate, will affect professional lawn and landscape companies as well as a number of other groups including:

- Homeowners
- Golf course superintendents and other sports-turf managers
- Municipalities, local governments
- Fertilizer retailers including garden centers, hardware stores, home improvement centers and discount stores.

Specific Regulatory Language

Chapter 94, Wisconsin Statutes, Plant Industry (<http://www.legis.state.wi.us/statutes/stat0094.pdf>) The specific changes are found in Ch. 94.643.

Definitions

- Turf: land including residential property, golf courses or publicly owned land that is planted in closely mowed, managed grass. Boulevards, grassed areas in office complexes and rights of way are included in this definition. Turf does not include pasture, land used to grow grass for sod, or any

other land used for agricultural production or restoration of prairies.

- Fertilizer: The turf fertilizer restrictions define fertilizer as found in Ch. 94.64 (1)(e), Wisconsin Statutes except that "fertilizer" within the turf fertilizer restrictions does not include manipulated animal or vegetable manure or finished sewage sludge product.

"Fertilizer" means any substance, containing one or more plant nutrients, which is used for its plant nutrient content and which is designed for use or claimed to have value in promoting plant growth, except unmanipulated animal or vegetable manures, marl, liming material, sewage sludge other than finished sewage sludge products, and wood ashes. "Fertilizer" includes fertilizer materials, mixed fertilizers, custom mixed fertilizers, nonagricultural fertilizers and all other fertilizers or mixtures of fertilizers, regardless of type or form.

- Manipulated animal manure is animal manure that is ground, pelletized, mechanically dried, composted, packaged, supplemented with substances including plant nutrients that do not contain phosphorus, or the manure is treated in a manner designed to facilitate the sale or distribution as a fertilizer or soil or plant additive.
- Vegetable manure: excess vegetables or vegetable waste from processing or a vegetable crop that has been plowed under.
- Finished sewage sludge product: The following definition is taken from ch. 96.94(1)(fm). "Finished sewage sludge product" means a product consisting in whole or in part of sewage sludge that is distributed to the public and that is disinfected by means of composting, pasteurization, wet air oxidation, heat treatment or other means.

- Impervious surfaces: hard surface areas such as sidewalks, driveways, athletic courts, concrete or asphalt pads or parking lots.

Use Restrictions

Under the new law, turf fertilizer that is labeled as containing phosphorus or available phosphate cannot be applied to residential properties, golf courses, or publicly owned land that is planted in closely mowed or managed grass. There are some exceptions to this.

Exceptions

- Fertilizer that is labeled as containing phosphorus or available phosphate can be used for new lawns (seed or sod) during the growing season in which the grass is established.
- Fertilizer that is labeled as containing phosphorus or available phosphate can be used if the soil is an area is deficient in phosphorus, as shown by a soil test performed no more 36 months (three years) before the fertilizer is applied. The soil test must be performed by a soil testing laboratory.
- Fertilizer that is labeled as containing phosphorus or available phosphate can be applied to pastures, land used to grow grass for sod or any other land used for agricultural production.

Other Use Restrictions

Frozen Ground:

- No one may apply fertilizer, manipulated animal or vegetable manure, or finished sewage sludge product to turf when the ground is frozen.
- Ground is generally considered unfrozen when you can dig down six to eight inches. Snow is not a good indicator. Depending on winter weather conditions, the ground under the snow could be frozen or unfrozen.

Impervious Surfaces:

- No one may apply, no matter if the application is intentional or accidental, turf fertilizer (it doesn't matter if it contains phosphorus or not), manipulated animal or vegetable manure or finished sewage sludge product, to an impervious surface (sidewalks, driveways, parking lots).

- Any of the products previously listed that do fall or come into contact with an impervious surface must be removed immediately.
- This means sweeping up granules and disposing of them in the trash or adding them back into a bag of fertilizer, sweeping them into the grass or using a leaf blower to blow them into the grass.
- Do not hose the granules into the street or storm drains but granules can be hosed into the grass.
- This also means that turf fertilizer cannot be applied to icy or snow-covered sidewalks or driveways as a substitute for ice-melting products.

Restrictions on Sale and Display

When professional lawn, landscape or turf management companies purchase turf fertilizer, this law sets restrictions on the sale and display of turf fertilizers that are labeled as containing phosphorus or available phosphate.

Penalties

Any one who violates restrictions on the use of fertilizer containing phosphorus or available phosphate may be required to pay a penalty of not more than \$50 for a first violation and not less than \$200 nor more than \$500 for a second or subsequent violation.

For more information on the turf fertilizer law, see the specific sections listed above or contact Charlene Khazae [Charlene.khazae@wisconsin.gov], fertilizer program manager, 608-224-4541.



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