

# Fertilizer Use Act of 2011

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Nutrient Management Program

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# A Little History...



# Maryland Nutrient Management Program

- Began in 1993
- Voluntary plans for farmers to manage amount, timing, & placement of fertilizer

# 1996-1997: *Phytheria* outbreaks on Maryland's Eastern Shore



# 1998 Water Quality Improvement Act

- Mandated Nutrient Management Plans for Farmers
- Regulated Commercial Fertilizer Applications on Non-agricultural Land

# Urban NM Laws—Then

- Commercially managed landscapes & turf
  - Non-agricultural land fertilized (10 acres or more)
  - All State property (not in ag production)
- Take soil tests
- Follow University of MD recommendations
- Keep records
- Certification not required

# Chesapeake Bay Phosphorus Reduction Act of 2009

- Reduced phosphate content of turf fertilizer to  $\leq 5\%$
- Manufacturers required to report amount of phosphorus sold in MD

# Fast Forward to 2013...



# Fertilizer Use Act of 2011

- Covers **everyone** who fertilizes non-agricultural turf
- Nitrogen and phosphorus are regulated
- State Chemist oversees manufacturers and retailers
- NM Program regulates fertilizer applicators
  - Professionals and homeowners

# Professional Fertilizer Applicators

- Everyone who applies for hire or as part of their job
- Certification & licensing required
  - Effective October 1, 2013, professionals must be certified, or work under the direct supervision of someone who is

# Professionals & Homeowners

- Must use UM recommendations
- Restrictions on soluble and total nitrogen
  - $\leq 0.7$  lbs. of soluble nitrogen per application
  - $\leq 0.9$  lbs of total nitrogen per application
  - Homeowners must use  $\geq 20\%$  slow release nitrogen
- Except enhanced efficiency fertilizer



# Timing Restrictions

- No application of nitrogen or phosphorus before March 1 or after November 15, except:
  - From November 16 through December 1, *professionals only* may apply  $\frac{1}{2}$  lb soluble nitrogen per 1000 sq ft
- No application when ground is frozen
- Potassium, lime & other nutrients are not regulated

# Application Setbacks

- No application of nitrogen or phosphorus within 15 feet of water
- Setback reduced to 10 feet if applied using a drop spreader, rotary spreader with deflector shield, or targeted spray

# Enhanced Efficiency Fertilizer

- Release rate  $\leq 0.7$  lbs/ 1000 sq. ft. nitrogen per month
- Apply  $\leq 80\%$  of annual recommended nitrogen rate
- Apply  $\leq 2.5$  lbs per 1000 sq. ft. nitrogen annually
- Homeowners & professionals may use it

# Phosphorus and Turf

- Established turf requires very little phosphorus
- Adequate soil phosphorus is critical for new seeding

- Primary path of phosphorus loss is erosion, not leaching
  - Healthy turf excels at preventing erosion
  - Stabilize disturbed ground (such as with construction) as quickly as possible
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# Soil Testing

- Phosphorus allowed unless indicated by a soil test
- Exception: soil tests for phosphorous not required when **seeding** if the ground has been disturbed by construction or tillage

# Other Provisions

- No application to hard surfaces; sweep or blow back into the lawn
- Civil penalties up to \$1000-\$2000 per violation for professionals only
- Only MDA may regulate fertilizer use
- Counties or municipalities may enforce homeowner regulations

# Manufacturers

Effective October 1, 2013, turf fertilizer may not contain phosphorus except:

- Starter fertilizer
- Organic fertilizer
- Specifically labeled for “providing nutrients to specific soils and target vegetation...in accordance with a soil test....”

# Organic Turf Fertilizer

- No more than 5% phosphate
- Apply  $\leq 0.25$  pounds/1000 sq ft/application
  - $\leq 0.5$  pounds/1000 sq ft/year
- Only for use by professionals
- Only for use when phosphorus level is low or medium

# Nitrogen

- Turf fertilizer may provide  $\leq 0.7$  lbs/1000 sq ft of **soluble** nitrogen per application
  - Supply  $\leq 0.9$  lbs/1000 sq ft **total** nitrogen
- Except “enhanced efficiency fertilizer”

# Manufacturers

## Additional Labeling Requirements:

- Total nitrogen
- Water insoluble nitrogen
- Other water soluble nitrogen
- Environmental advisory
- May not be labeled for use as a de-icer

MDA State Chemist will enforce

Homeowners are limited by the type of fertilizer available to them.

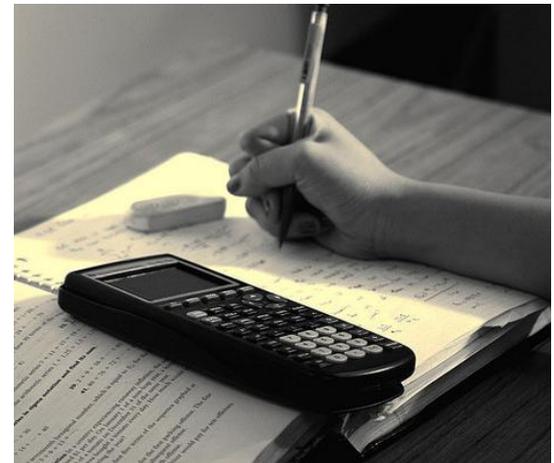
# Training Program

Topics prescribed by law:

- Use & calibration of application equipment
- Hazards & environmental impact of applying fertilizer
- Related state & federal laws, rules, and regulations
- Correct interpretation of fertilizer labeling
- University of Maryland recommendations

# Training Program

- Training manual on MDA website
- Test is required
- 2 hours continuing ed required annually



# Results to Date

- Over 18 exams given
- About 500 people are certified
- Passing rate of about 85%

# Reporting

- Beginning in 2015, professional fertilizer applicators must file annual report of nitrogen and phosphorus applied
- Data will be reported by county

# Implications for Local Government

- Contracting for lawn services
  - Avoid contract language that violates NM law and regulations
  - Specify work done by certified professionals
- Outreach & education
- Materials available through UM Extension and Soil Conservation District
- Local government may enforce state regulations regarding homeowners

# Nutrient Management Program

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