Fertilizer Use Act of 2011

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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: *Physteria* 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 ½ 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
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 $\leq 0.7 \text{ lbs/1000 sq ft}$ of soluble nitrogen per application
  - Supply $\leq 0.9 \text{ lbs/1000 sq ft}$ 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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