

ESSB 6289 - H COMM AMD

By Committee on Agriculture & Natural Resources

NOT CONSIDERED 03/11/2010

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that:

4 (a) Phosphorus loading of surface waters can stimulate the growth
5 of weeds and algae and that this growth can have adverse environmental,
6 health, and aesthetic effects;

7 (b) Lawn fertilizers contribute to phosphorus loading. Limits on
8 turf fertilizer containing phosphorus can significantly reduce the
9 discharge of phosphorus into the state's ground and surface waters;

10 (c) Turf fertilizers containing no or very low amounts of
11 phosphorus are readily available and maintaining established turf in a
12 healthy and green condition is not dependent upon the addition of
13 phosphorus fertilizers; and

14 (d) While significant reductions of phosphorus from laundry
15 detergent and dishwashing detergent have been achieved, similar
16 progress in reducing phosphorus contributions from turf fertilizer has
17 not been accomplished.

18 (2) It is the intent of the legislature that this chapter
19 significantly limit the use of fertilizers containing the plant
20 nutrient phosphorus.

21 NEW SECTION. **Sec. 2.** The definitions in this section apply
22 throughout this chapter unless the context clearly requires otherwise.

23 (1) "Department" means the department of ecology.

24 (2) "Director" means the director of the department of ecology.

25 (3)(a) "Fertilizer" includes any substance containing one or more
26 recognized plant nutrients, and that is either used for its plant
27 nutrient content or is designated for use or claimed to have value in
28 promoting plant growth, or both. "Fertilizer" includes gypsum and
29 manipulated animal and vegetable manures.

1 (b) "Fertilizer" does not include:

2 (i) Unmanipulated animal and vegetable material, organic waste-
3 derived materials, substances containing phosphorus derived solely from
4 natural organic sources, and other products exempted by the department
5 by rule;

6 (ii) Calcium carbonate (lime) and anhydrous ammonia;

7 (iii) Materials including, but not limited to, compost biosolids,
8 municipal sewage sludge, or slow release fertilizer used in compliance
9 with best practices developed by the Washington State University
10 extension service, or products derived therefrom, that are regulated
11 under chapter 70.95 or 70.95J RCW or rules adopted under those
12 chapters; and

13 (iv) Materials using waste manure from confined animal feeding
14 operations as the primary feedstock and manufactured as a biotic
15 fertilizer in a manner that balances the pH of the material and reduces
16 the leaching of phosphorus.

17 (4) "Impervious surface" means a highway, street, sidewalk, parking
18 lot, driveway, or other artificial surface that prevents infiltration
19 of water into the soil.

20 (5) "Turf" means noncrop land planted in closely mowed, managed
21 grasses on residential property. Turf does not include managed
22 pasture, hayland, hay, turf grown on turf farms, home or commercial
23 vegetable production, horticultural beds, flower beds, general
24 landscaping, or any other form of agricultural production.

25 NEW SECTION. **Sec. 3.** (1) Except as provided in subsection (2) of
26 this section, after January 1, 2012, a person may not apply to turf a
27 fertilizer containing the plant nutrient phosphorus.

28 (2) Subsection (1) of this section does not apply when:

29 (a) Applying a solid fertilizer containing less than 0.67 percent
30 phosphate by weight or a liquid fertilizer applied at a rate not
31 greater than 0.3 pounds of phosphate per one thousand square feet of
32 turf;

33 (b) Laboratory test results or other certifications by a turf
34 specialist performed within the three years previous to the application
35 indicates that the level of available phosphorus in the soils is
36 insufficient to support healthy turf growth. The level of phosphorous

1 needed to support healthy turf and the agronomic application rate must
2 be determined by Washington State University; or

3 (c) The property owner or an agent of the property owner is first
4 establishing turf via seed or sod procedures and only during the first
5 growing season.

6 (3)(a) This section does not apply to the application of turf
7 fertilizer for agricultural uses.

8 (b) This section does not apply to the application of turf
9 fertilizer for golf courses.

10 NEW SECTION. **Sec. 4.** A person may not apply a fertilizer to an
11 impervious surface. Fertilizer released on an impervious surface must
12 be immediately contained and either legally applied to turf or another
13 legal site or returned to the original container or another appropriate
14 container.

15 NEW SECTION. **Sec. 5.** (1) The department may issue a notice of
16 corrective action to a person in violation of section 3 or 4 of this
17 act.

18 (2) A city or county may adopt an ordinance providing for
19 enforcement of the requirements of sections 3 and 4 of this act. A
20 city or county adopting an ordinance has jurisdiction concurrent with
21 the department to enforce this section.

22 NEW SECTION. **Sec. 6.** The department may produce consumer
23 information on the application restrictions under section 3 of this act
24 and on recommended best practices for turf fertilizer and other
25 residential landscaping uses. The consumer information must be
26 produced in consultation with the Washington State University extension
27 service, fertilizer industry representatives, lakes health
28 organizations, and other interested parties. The consumer information
29 must be in a format and of a content suitable for posting and
30 distribution at retail points of sale of fertilizer that contains
31 phosphorus for use on turf.

32 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act constitute
33 a new chapter in Title 90 RCW."

1 Correct the title.

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