
**Agriculture & Natural Resources
Committee**

ESSB 6289

Brief Description: Protecting lake water quality by reducing phosphorus from lawn fertilizers.

Sponsors: Senate Committee on Environment, Water & Energy (originally sponsored by Senators Pridemore, Brandland, Marr, Rockefeller, Brown, Kohl-Welles and Kline).

Brief Summary of Engrossed Substitute Bill

- Prohibits the application of a fertilizer containing phosphorus to turf after January 1, 2012, with exceptions.
- Authorizes the Department of Ecology to issue a notice of corrective action for violations.

Hearing Date: 2/18/10

Staff: Jaclyn Ford (786-7339).

Background:

Phosphorous is a naturally occurring element that stimulates plant growth. When introduced into freshwater, phosphorous promotes growth of weeds and algae and can degrade water quality.

The sale of laundry detergent that contains 0.5 percent or more phosphorous by weight is prohibited. Since July 1, 2008, dishwashing detergent that contains 0.5 percent or more phosphorus by weight in counties located east of the crest of the Cascade Mountains where the population is less than 600,000 but greater than 390,000 is prohibited. Beginning July 1, 2010, the restriction on the sale of dishwashing detergent that contains more than 0.5 percent or more phosphorous by weight is effective statewide.

The sale and distribution of detergents for commercial and industrial uses are exempt from the phosphorus limitation.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill:

After January 1, 2012, a person may not apply a fertilizer containing phosphorus to turf.

Exceptions include:

- applying a solid fertilizer containing less than 0.67 percent phosphate by weight or a liquid fertilizer applied at a rate not greater than 0.3 pounds of phosphate per 1,000 square feet of turf;
- when test results or other certifications indicate that the level of available phosphorus in the soils is insufficient to support healthy turf growth. The level of phosphorous needed to support healthy turf and the agronomic application rate must be determined by Washington State University;
- new lawns during the first growing season;
- application of turf fertilizer for agricultural uses; and
- application of turf fertilizer for golf courses.

A person may not apply a fertilizer to an impervious surface. If fertilizer is released on an impervious surface, it must be immediately contained and either legally applied to turf or returned to the original or other appropriate container.

The Department of Ecology (DOE) may issue a notice of corrective action if a person is in violation of these provisions. A city or county may adopt an ordinance providing for enforcement of these provisions, as a city or county adopting an ordinance has concurrent jurisdiction.

The DOE, in consultation with Washington State University Extension Service, fertilizer industry representatives, lakes health organizations, and other interested parties, may produce consumer information on application restrictions and on recommended best practices for turf fertilizer and other residential landscaping uses. This information will be distributed at retail points of sale of fertilizer that contains phosphorus and is used on turf.

Definitions for "fertilizer," "impervious surface," and "turf" are added.

Appropriation: None.

Fiscal Note: Available on original bill. Requested on engrossed second substitute on February 15, 2010.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.