
HOUSE BILL 1636

State of Washington

61st Legislature

2009 Regular Session

By Representatives Chase, Upthegrove, Dickerson, Pedersen, Rolfes, Nelson, and Ormsby

Read first time 01/26/09. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to protecting lake water quality by reducing
2 phosphorus from lawn fertilizers; and adding a new chapter to Title 90
3 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

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

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

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

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

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

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

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

8 (3) "Impervious surface" means a highway, street, sidewalk, parking
9 lot, driveway, or other artificial surface that prevents infiltration
10 of water into the soil.

11 (4) "Turf" means noncrop land planted in closely mowed, managed
12 grasses on residential property. Turf does not include managed
13 pasture, hayland, hay, turf grown on turf farms, home or commercial
14 vegetable production, horticultural beds, flower beds, general
15 landscaping, or any other form of agricultural production.

16 NEW SECTION. **Sec. 3.** (1) Except as provided in subsection (2) of
17 this section, after January 1, 2011, a person may not apply to turf a
18 fertilizer containing the plant nutrient phosphorus.

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

20 (a) Applying a solid fertilizer containing less than 0.67 percent
21 phosphate by weight or a liquid fertilizer applied at a rate not
22 greater than 0.3 pounds of phosphate per one thousand square feet of
23 turf;

24 (b) Laboratory test results or other certification by a turf
25 specialist is performed within the three years previous to the
26 application indicates that the level of available phosphorus in the
27 soil is insufficient to support healthy turf growth, and the test
28 results or certification, and the application rate, are consistent with
29 standards approved by the department in consultation with the
30 Washington State University extension service;

31 (c) The property owner or an agent of the property owner is first
32 establishing turf via seed or sod procedures and only during the first
33 growing season; or

34 (d) The fertilizer containing the plant nutrient phosphorus is
35 applied to a golf course consistent with golf course application
36 standards adopted by the department.

1 (3) This section does not apply to the application of turf
2 fertilizer for agricultural uses.

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

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

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

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

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

--- END ---