

# SENATE BILL REPORT

## SB 6228

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As of January 28, 2008

**Title:** An act relating to protecting lake water quality by reducing phosphorus from lawn fertilizers.

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

**Sponsors:** Senators Jacobsen and Kline.

**Brief History:**

**Committee Activity:** Water, Energy & Telecommunications: 1/25/08.

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### SENATE COMMITTEE ON WATER, ENERGY & TELECOMMUNICATIONS

**Staff:** Karen Epps (786-7424)

**Background:** The Water Pollution Control Act and the Surface Water Quality Standards require the Department of Ecology (Ecology) to establish criteria and programs necessary to protect lakes, rivers, and streams.

Phosphorus is a nutrient essential to both plant and animal life. Excess amounts of phosphorus in wastewater discharges can cause excessive aquatic plant growth in our streams and rivers. These plants can cause adverse water quality conditions by decreasing sunlight penetration, depleting dissolved oxygen during the night, and interfering with boating and other water uses.

**Summary of Bill:** After January 1, 2010, 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 tests show the soil is phosphorus deficient, as long as the test results are consistent with standards approved by the Department of Ecology (Ecology) in consultation with Washington State University Extension Service;
- new lawns during the first growing season; or
- application at a golf course that is consistent with golf course application standards adopted by the Ecology. A report following each growing season must be provided to Ecology.

This will not affect application of turf fertilizer for agricultural uses. Additionally, a person may not apply a fertilizer to an impervious surface. If fertilizer is released on an impervious

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surface, it must be immediately contained and either legally applied to turf or returned to the original or other appropriate container.

Ecology 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.

Ecology, in consultation with Washington State University Extension Services, fertilizer industry representatives, lakes health organizations, and other interested parties, must 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.

**Appropriation:** None.

**Fiscal Note:** Requested on January 17, 2008.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: Lakes are vital to the economy and environmental welfare of Washington State. In an effort to reduce pollutants that contribute to algae blooms and water quality deterioration, the use of lawn fertilizer that contains phosphorus should be strongly discouraged in the state. Phosphorus can stimulate the growth of weeds and algae. Many states have adopted fertilizer bans, including Maine, Minnesota, Wisconsin, and Florida. In Washington, local municipalities, including Whatcom County and Liberty Lake Water and Sewer District, have banned fertilizer containing phosphorus. Manufacturers have not had issues complying with these bans. Other states have outreach materials that would be good examples for Washington. Lawns do not need phosphorus to thrive.

CON: It is important to consider the amount of fertilizer put on lawns, not the percentage of phosphorus in the fertilizer. The bill does not seem to treat industries fairly since it requires golf courses to report on fertilizer use and exempts agriculture from the bill completely. There is little chance of phosphorus applied to golf courses contributing to significant phosphorus loading of surface waters. Many of the concerns addressed in this bill are already being addressed by the market. This bill does not really address the problem as it does not get to decomposing leaves and dog and geese droppings that are the real contributors of phosphorus to lakes.

OTHER: This bill would require resources that are not in the Governor's budget, as Ecology would be required to develop standards for fertilizer application to turf, develop standards for fertilizer application to golf courses, receive and manage annual reports from golf courses, and produce and distribute consumer education materials.

**Persons Testifying:** PRO: Beth Cullen, Washington State Lake Protection Association; BiJay Adams, Liberty Lakes Sewer and Water District; Rebecca Dugopolski, Rob Zisette, Herrera Environmental Consultants; Jonathan Morris, Friends of Cottage Lake.

CON: Paul Backman, Western Washington Golf Course Superintendents Association;  
Heather Hansen, Washington Friends of Farms and Forests.

OTHER: Eric Miltner, Washington State University.

Persons signed in, Unable to Testify & Submitted Written Testimony: OTHER: Melodie  
Selby, Department of Ecology.