
HOUSE BILL 1489

State of Washington

62nd Legislature

2011 Regular Session

By Representatives Billig, Morris, Frockt, Carlyle, Crouse, Ryu, Finn, Jinkins, Fitzgibbon, Tharinger, Rolfes, Liiias, Moscoso, Stanford, Dunshee, Pettigrew, Ladenburg, Ormsby, Van De Wege, Moeller, Hunt, Pedersen, Maxwell, Roberts, Reykdal, Kagi, Darneille, Clibborn, Jacks, and Kenney

Read first time 01/24/11. Referred to Committee on Environment.

1 AN ACT Relating to protecting water quality through restrictions on
2 fertilizer containing phosphorus; 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 fertilizer contributes to phosphorus loading. Limits on
10 fertilizer containing phosphorus can significantly reduce the discharge
11 of phosphorus into the state's ground and surface waters;

12 (c) Fertilizer containing no or very low amounts of phosphorus is
13 readily available and maintaining established turf in a healthy and
14 green condition is not dependent upon the addition of phosphorus
15 fertilizer; 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 fertilizer has not
19 been accomplished.

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

8 (3) "Fertilizer" has the same meaning as the term "commercial
9 fertilizer" as defined in RCW 15.54.270. However, the term
10 "fertilizer" does not include the following:

11 (a) Materials including, but not limited to, substances containing
12 phosphorus derived solely from natural organic sources;

13 (b) Manipulated animal or vegetable manure; and

14 (c) Compost biosolids, or products derived from compost biosolids,
15 that are regulated under chapter 70.95 or 70.95J RCW or rules adopted
16 under those chapters.

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

20 (5) "Turf" means land, including residential property and publicly
21 owned land, that is planted in closely mowed, managed grass. However,
22 "turf" does not include pasture, land used to grow grass for sod, or
23 any other land used for agricultural production or a residential
24 vegetable or flower garden.

25 NEW SECTION. **Sec. 3.** (1) Except as otherwise provided in section
26 4 of this act, after January 1, 2013, a person may not apply fertilizer
27 that is labeled as containing phosphorus.

28 (2) A person may not apply fertilizer containing phosphorus,
29 manipulated animal or vegetable manure, or biosolids product to turf
30 when the ground is frozen.

31 (3)(a) No person may intentionally apply fertilizer containing
32 phosphorus, manipulated animal or vegetable manure, or biosolid product
33 to an impervious surface.

34 (b) If a person accidentally applies fertilizer containing
35 phosphorus, manipulated animal or vegetable manure, or biosolid product

1 to an impervious surface, he or she must immediately contain the
2 applied material and either:

- 3 (i) Legally apply the material to another legal site; or
- 4 (ii) Return the material to the original container or another
5 appropriate container.

6 NEW SECTION. **Sec. 4.** Section 3(1) of this act does not apply in
7 the following instances:

8 (1) The application of fertilizer for the purpose of establishing
9 grass, using either seed or sod, during the growing season in which
10 grass is established;

11 (2) The application of fertilizer for agricultural uses or
12 residential and public flower and vegetable garden uses; or

13 (3) The application of fertilizer to an area if the soil in the
14 area is deficient in phosphorus. The phosphorus deficiency must be
15 demonstrated through laboratory test results, or other turf specialist
16 certification, performed within the three years previous to the
17 application that indicates the level of available phosphorus in the
18 soil to be insufficient to support healthy turf growth. In addition,
19 the test results or certification, and the application rate, must be
20 consistent with standards set by the best available science in
21 consultation with the Washington State University extension service.

22 NEW SECTION. **Sec. 5.** (1) Except as otherwise provided in this
23 section, no person may sell at retail fertilizer that is labeled as
24 containing phosphorus.

25 (2) The retail sale of fertilizer that is labeled as containing
26 phosphorus is allowed if the purchaser indicates that the fertilizer is
27 intended for the following purposes:

28 (a) The establishment of grass, using either seed or sod, during
29 the growing season in which the purchaser began establishing the grass;

30 (b) Application to an area if the soil in the area is deficient in
31 phosphorus, as shown by a soil test performed no more than thirty-six
32 months before the application by a laboratory that is certified by the
33 department to conduct tests for soil phosphorus; or

34 (c) Application to pasture, land used to grow grass for sod, or any
35 other land used for agricultural production.

1 NEW SECTION. **Sec. 6.** No person who sells fertilizer at retail may
2 display fertilizer that is labeled as containing phosphorus. A person
3 who sells fertilizer at retail may post a sign advising customers that
4 fertilizer containing phosphorus is available upon request for uses
5 permitted by section 5 of this act.

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

--- END ---