

2009 SENATE BILL 5

January 15, 2009 – Introduced by Senators MILLER, COWLES, ERPENBACH, HANSEN, HOLPERIN, HOPPER, JAUCH, KREITLOW, A. LASEE, LEHMAN, OLSEN, RISSER, SULLIVAN, WIRCH and LASSA, cosponsored by Representatives BLACK, BIES, BALLWEG, BENEDICT, BERCEAU, CLARK, DEXTER, HEBL, HILGENBERG, HINTZ, HIXSON, HRAYCHUCK, HUBLER, JORGENSEN, KNODL, MASON, MOLEPSKE, MURSAU, PARISI, PASCH, POCAN, POPE-ROBERTS, RICHARDS, ROYS, SHERMAN, SMITH, SOLETSKI, TAUCHEN, VAN ROY, WOOD and SPANBAUER. Referred to Committee on Environment.

1 **AN ACT** *to create* 94.643 of the statutes; **relating to:** restrictions on the use and
2 sale of fertilizer containing phosphorus and other turf fertilizer and providing
3 a penalty.

Analysis by the Legislative Reference Bureau

This bill generally prohibits the application of fertilizer that contains phosphorus to lawns, golf courses, and other mowed grassy areas (turf). The prohibition does not apply to land used for agricultural production. The prohibition also does not apply to the use of manure that is mechanically dried, ground, or pelletized, or to a finished sewage sludge product. The bill authorizes the use of fertilizer that contains phosphorus to establish grass during the first growing season. The bill also authorizes the application of fertilizer containing phosphorus to an area if a soil test shows that the soil in the area is deficient in phosphorus. The bill prohibits the application of fertilizer, manure that is mechanically dried, ground, or pelletized, and finished sewage sludge product to turf when the ground is frozen. The bill also prohibits the intentional application of turf fertilizer, manure that is mechanically dried, ground, or pelletized, and finished sewage sludge product to an impervious surface and requires a person who spills any of these substances onto an impervious surface to immediately remove it.

This bill prohibits the retail sale of turf fertilizer containing phosphorus unless the fertilizer is sold for one of the purposes for which it is authorized to be used. The bill prohibits a retailer from displaying turf fertilizer that contains phosphorus, but

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authorizes a retailer to post a sign stating that turf fertilizer containing phosphorus is available upon request for the purposes for which the bill allows it to be used.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 94.643 of the statutes is created to read:

2 **94.643 Restrictions on the use and sale of fertilizer containing**
3 **phosphorus. (1) DEFINITIONS.** In this section:

4 (a) “Fertilizer” has the meaning given in s. 94.64 (1) (e), except that “fertilizer”
5 does not include manipulated animal or vegetable manure or finished sewage sludge
6 product.

7 (ag) “Finished sewage sludge product” has the meaning given in s. 94.64 (1)
8 (fm).

9 (ar) “Manipulated” means treated by mechanical drying, grinding, or
10 pelletizing.

11 (b) “Turf” means land, including residential property, golf courses, and publicly
12 owned land, that is planted in closely mowed, managed grass, except that “turf” does
13 not include pasture, land used to grow grass for sod, or any other land used for
14 agricultural production.

15 **(2) RESTRICTIONS ON USE.** (a) Except as provided in par. (b), no person may apply
16 to turf fertilizer that is labeled as containing phosphorus.

17 (b) 1. Paragraph (a) does not apply to a person who applies fertilizer in order
18 to establish grass, using seed or sod, during the growing season in which the person
19 began establishing the grass.

20 2. Paragraph (a) does not apply to a person who applies fertilizer to an area if
21 the soil in the area is deficient in phosphorus, as shown by a soil test performed no

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1 more than 36 months before the application by a laboratory that is certified by the
2 department to conduct tests for soil phosphorus.

3 (c) No person may apply fertilizer, manipulated animal or vegetable manure,
4 or finished sewage sludge product to turf when the ground is frozen.

5 (d) No person may intentionally apply turf fertilizer, manipulated animal or
6 vegetable manure, or finished sewage sludge product to an impervious surface. A
7 person who accidentally applies turf fertilizer, manipulated animal or vegetable
8 manure, or finished sewage sludge product to an impervious surface shall
9 immediately remove it.

10 **(3) RESTRICTION ON SALE.** No person may sell at retail turf fertilizer that is
11 labeled as containing phosphorus, except that a person may sell at retail turf
12 fertilizer that is labeled as containing phosphorus for any of the following purposes:

13 (a) For establishing grass, using seed or sod, during the growing season in
14 which the purchaser began establishing the grass.

15 (b) For application to an area if the soil in the area is deficient in phosphorus,
16 as shown by a soil test performed no more than 36 months before the application by
17 a laboratory that is certified by the department to conduct tests for soil phosphorus.

18 (c) For application to pasture, land used to grow grass for sod, or any other land
19 used for agricultural production.

20 **(4) RESTRICTION ON DISPLAY.** No person who sells fertilizer at retail may display
21 turf fertilizer that is labeled as containing phosphorus. A person who sells fertilizer
22 at retail may post a sign advising customers that turf fertilizer containing
23 phosphorus is available upon request for uses permitted by sub. (2) (b).

