



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2011 Assembly Bill 165

**Assembly Substitute
Amendment 1**

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Current Law

Current law generally prohibits a person from intentionally applying fertilizer that is labeled as containing phosphorus or available phosphate except to establish grass during the first growing season or to an area that is deficient in phosphorus based upon a soil test performed no more than 36 months before the application.

Current law also prohibits any person from selling at retail turf fertilizer that is labeled as containing phosphorus or available phosphate if the person knows that the purchaser intends to use the fertilizer for a purpose other than one of the following authorized purposes:

- Establishing grass during the first growing season.
- Application to an area that is deficient in phosphorus based upon a soil test performed no more than 36 months before the application.
- Application to pasture land used to grow grass for sod, or any other land used for agricultural production.

Any person who sells fertilizer at retail is also prohibited from displaying turf fertilizer that is labeled as containing phosphorus or available phosphate. However, a person who sells fertilizer at retail may post a sign advising customers that turf fertilizer containing phosphorus or available phosphate is available upon request for the uses permitted under the law.

Assembly Bill 165

Assembly Bill 165 eliminates the prohibition on the retail display of turf fertilizer that contains phosphorus, and requires a retailer who sells fertilizer that contains phosphorus to post a sign describing the general prohibition against applying fertilizer that contains phosphorus to turf and the exceptions to the prohibition.

Assembly Substitute Amendment 1

Assembly Substitute Amendment 1 creates an exception to the prohibition on the retail display of turf fertilizer that contains phosphorus or available phosphate. Under the exception, a retailer is allowed to display turf fertilizer that is labeled for use in establishing grass if the retailer displays that turf fertilizer next to grass seed and posts a sign in a prominent location where that turf fertilizer is displayed that states:

Phosphorus run-off poses a threat to water quality. When used properly, starter fertilizer containing phosphorus can help new lawns achieve strong roots. For those reasons, the application of fertilizer containing phosphorus to turf is prohibited by state law except for the following purposes:

1. For establishing grass, using seed or sod, during the growing season in which a person began establishing the grass.
2. For application to an area if the soil in the area is deficient in phosphorus, as shown by a soil test performed no more than 36 months before the application by a laboratory.

Legislative History

Assembly Substitute Amendment 1 was offered by Representative Knilans on September 26, 2011. On September 28, 2011, the Assembly Committee on Natural Resources recommended adoption of Assembly Substitute Amendment 1 on a vote of Ayes, 13; Noes, 2, and recommended passage of the bill, as amended, on a vote of Ayes, 11; Noes, 4.

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