

2007 ASSEMBLY BILL 396

June 14, 2007 – Introduced by Representatives BIES, BALLWEG, BERCEAU, BLACK, BOYLE, HUBLER, JORGENSEN, LOTHIAN, MOLEPSKE, RICHARDS, SHERMAN, SMITH, TAUCHEN and VAN ROY, cosponsored by Senators MILLER, COWLES, HANSEN, JAUCH, A. LASEE, LEHMAN, RISSER, SULLIVAN and BRESKE. Referred to Committee on Natural Resources.

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 lawn 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 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 to turf when the ground is frozen. The bill also prohibits the application of lawn fertilizer to an impervious surface and requires a person who spills lawn fertilizer onto an impervious surface to immediately remove the fertilizer.

This bill prohibits the retail sale of lawn 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 lawn fertilizer that contains phosphorus, but authorizes a retailer to post a sign stating that lawn fertilizer containing

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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).

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

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

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

14 2. Paragraph (a) does not apply to a person who applies fertilizer to an area if
15 the soil in the area is deficient in phosphorus, as shown by a soil test performed, no
16 more than 36 months before the application, by a laboratory that is certified by the
17 department to conduct tests for soil phosphorus.

18 (c) No person may apply fertilizer to turf when the ground is frozen.

19 (d) No person may intentionally apply lawn fertilizer to an impervious surface.

20 A person who accidentally applies lawn fertilizer to an impervious surface shall
21 immediately remove the fertilizer.

