

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1926/P1dn
RCT:jld:pg

March 19, 2007

Andrew Nowlan:

This is a preliminary version of the proposal to limit the use and sale of fertilizer containing phosphorus.

The draft refers to "fertilizer that is labeled as containing phosphorus" because, as I understand it, there can be a small amount of phosphorus in fertilizer that is labeled as having 0 percent phosphorus.

I reviewed the Dane County ordinance, but this draft differs from that ordinance in several respects. The Dane County ordinance does all of the following:

1. Prohibits the application of lawn fertilizer when the ground is frozen.
2. Prohibits the application of fertilizer to impervious surfaces.
3. Prohibits sellers from displaying lawn fertilizer containing phosphorus. (It allows sellers to post signs stating that such fertilizer is available upon request for the authorized uses.)
4. Requires sellers to post signs explaining the ordinance and the effects of phosphorus on the county's waters.

Please let me know if you want to add any of those provisions to this draft. I can provide a copy of the ordinance if you wish.

It is not clear to me what responsibility this proposal places on a business when a customer wants to buy lawn fertilizer containing phosphorus. Must a seller ask what the purpose is? Should the seller have some other responsibility? The draft should clarify this.

The penalties are a modified version of the penalties in current s. 94.64 (12) (a). Please let me know if you would prefer different penalties.

I included a delayed effective date for the proposal. Please let me know if you would prefer a different effective date.

Please contact me with any questions or redraft instructions.

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