

**SENATE SUBSTITUTE AMENDMENT 1,
TO 2007 SENATE BILL 197**

December 3, 2007 – Offered by Senator MILLER.

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 substitute amendment 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 substitute amendment authorizes the use of fertilizer that contains phosphorus to establish grass during the first growing season. The substitute amendment 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 substitute amendment 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 substitute amendment also prohibits the 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 substitute amendment 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 substitute amendment prohibits a retailer from displaying turf fertilizer that contains phosphorus, but authorizes a retailer to post a sign stating that turf fertilizer containing phosphorus is available upon request for the purposes for which the substitute amendment 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.

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

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

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

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

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

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

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

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

