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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ...  
PUBLIC HEARING - COMMITTEE RECORDS

2007-08

(session year)

Senate

(Assembly, Senate or Joint)

Committee on ... Environment and Natural  
Resources (SC-ENR)

**COMMITTEE NOTICES ...**

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

**INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL**

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... **HR ... bills and resolutions** (w/Record of Comm. Proceedings)
  - (**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)
  - (**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

\* Contents organized for archiving by: Mike Barman (LRB) (~~August~~ 2012)

June-2014



August 27, 2007

The Honorable Mark Miller  
Chair, Senate Committee on Environment and Natural Resources  
Wisconsin State Senate  
Room 409 South  
State Capitol  
Madison, WI 53707-7882

*Re: SB-197 - Relating to: restrictions on the use and sale of fertilizer containing phosphorus and other lawn fertilizer and providing a penalty.*

Dear Senator Miller:

This letter is written for the purpose of submitting comments to be included in the Senate Committee on Environment and Natural Resources' hearing on Senate Bill 197 on Tuesday, August 28<sup>th</sup> at 10 am. Thank you for the opportunity to offer these written remarks to the committee.

Scotts has the largest and most comprehensive consumer based, do-it-yourself focused Lawn and Garden Research and Development (R&D) program in the world. Established in 1941, Scotts R&D covers the disciplines of agronomy, horticulture, entomology, plant breeding, formulation, process development, packaging, and applicator development with state of the art facilities. The lawn and garden products we produce are some of the most tested and well-understood consumer products on the market.

The focal point of our research efforts has always been on continuous product improvement and innovation. We strive to optimize products for a) consumer performance (meet consumer needs and expectations), b) economics, and c) environmental factors (healthy benefits of turf: reduced run-off and soil erosion, while reducing off-target application and impact). As such, today's products are significantly different than those of 30 or more years ago. Current nitrogen rates in one product application have been reduced by over 25% versus similar products from the 1960s and early 70s. Phosphorus application rates, the subject of your legislation, have been reduced in excess of 70% using new technology and delivery methods.

Scotts consumer research and market share data (when considering all 50 states) shows only half of all households apply lawn fertilizers. Of those that do treat their lawn, 84% use one or two

applications a year. The data shows less than four percent of homeowners apply four applications per year. Wisconsin sales data confirms your state as typical of national usage data. Simply put, it is unlikely that excessive amounts of phosphorus are being added to the waterways based on the frequency of fertilizer applications by homeowners and the low phosphorus content in these products.

Generally, university best management practices for turf grass are based on highly managed turf (golf courses, sports fields and lawn care serviced home lawns) that receive multiple nutrient applications throughout the year. **This means that typical Wisconsin homeowners using fertilizer are applying phosphorus at application rates that are well below (50 to 70% below) best management practices as stated by universities.** High nutrient management terms do not apply to the typical homeowner who only applies fertilizer one or two times per year.

Scotts shares your concerns about water quality and the impact that phosphorus originating in fertilizers may play in this situation. For several years, Scotts has had a focused environmental stewardship program that has concentrated on protecting our nation's waterways by ensuring that our products are environmentally responsible and that our customers apply our products in an environmentally responsible manner.

We understand it is imperative to identify actions that will create positive results, are able to be used by typical homeowners and promote good stewardship. Positive steps that will enhance sound environmental management and reduce the level of phosphorus being used by consumers could include:

- 1) Eliminating the use of non-turf analysis products (the 12-12-12 and 10-10-10 products). These are commonly identified as "all purpose lawn and garden", but are almost exclusively used on lawns. These products deliver more phosphorus in one application than all other DIY products in a combined annual lawn maintenance program. Lawn products developed by Scotts R&D define optimal nutrient levels for turf establishment and maintenance to deliver the benefits (reduced run-off and soil erosion) of a healthy lawn.
- 2) Offering tools to reduce off-target application of fertilizers to hard surfaces which is the primary means of unintended nutrient flow by a typical homeowner. Scotts' EdgeGuard Broadcast Spreader was designed specifically to help consumers keep fertilizer off hard surfaces to assist in this goal.
- 3) Continually communicating to the public about good environmental stewardship whether by selecting the right product, using it at the right time of year or following directions on the label.

We have learned through our partnerships at the state and local level that properly educated consumers are the best allies in protecting and enhancing our environment. As a result, we have looked for innovative ways to give our customers the tools to best

understand how to care for their lawns. Through labeling initiatives advising consumers of good environmental practices, to print and radio spots reinforcing these messages, to over 3,000,000 brochures on best management practices handed out with the help of Keep America Beautiful, Scotts knows the importance of educating consumers.

Scotts continues to focus on these issues, and we would very much like to work with your state as we have done in the New York City Watershed and in the Chesapeake Bay area. Enclosed is a copy of a Memo of Understanding that we entered into with various Chesapeake Bay stakeholders so you can better understand how serious we are on these issues.

It has also come to our attention that, during the discussion of Senate Bill 197, state preemption for fertilizer applications is also being considered. Scotts would support this amendment being included in this legislation. Regulating these types of products in this fashion will ensure that guidelines are science based, consistent and enforceable.

While we appreciate your efforts through this pending legislation to address increased phosphorus within Wisconsin's waterways, we would respectfully ask you to consider information from all sectors about the importance of phosphorus in healthy lawns and how this contributes to a healthy environment. Based on our experience in other states, consumer education is the strongest avenue to changing behaviors and improving the quality of our waterways and environment.

We would also appreciate the opportunity to sit down with you and other members of the committee to further discuss our ideas about this legislation. Our office will be in contact to arrange these meetings at your convenience.

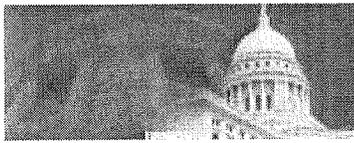
If I can be of any assistance or if you have any questions about this letter, please don't hesitate to contact me at (937) 578-5492. I look forward to meeting with you soon.

Sincerely,

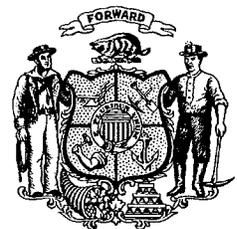
Ann K. Aquillo  
Manager, Government and Community Affairs

Cc: Senate Committee on Environment and Natural Resources

Enclosure: Chesapeake Bay Program Memorandum of Understanding (2007)



# WISCONSIN STATE LEGISLATURE





## **MIDWEST HARDWARE ASSOCIATION**

*Serving Hardware Retailers in Illinois and Wisconsin Since 1896*

MEMO

TO: Members of the Senate Committee on Environment and Natural Resources  
FROM: Douglas Johnson, General Counsel  
DATE: August 27, 2007  
RE: SB 197 Lawn Fertilizer Sales (Phosphorus)

**We support statewide consistency only if future regulation of the use, sale and display of fertilizer is under the authority of the WDATCP.** There are local ordinances that have recently passed in Wisconsin that only create a patchwork approach for fertilizers. Local fertilizer and use restrictions are unnecessary and burdensome to commerce and to the strength of Wisconsin's agricultural industry. We strongly believe that the Department of Agriculture, Trade and Consumer Protection should have authority over how fertilizers are regulated.

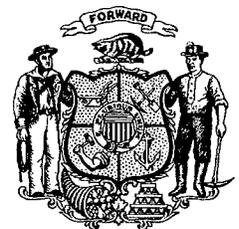
We suggest an amendment that generally prohibits political subdivisions from regulating fertilizers, but would allow a political subdivision to regulate fertilizer use on property it owns; zone areas with respect to fertilizer manufacturing, distribution, and disposal; and implement any regulation of fertilizers that the political subdivision is required by federal or state law to implement.

This amendment will create statewide consistency and improve the existing ability of the WDATCP in the regulation of fertilizer and ensure that fertilizer regulations in the state are science based and consistent.

**We oppose the *Restriction on Display* because:**

- Some products labeled for use on lawns, also may be labeled for use on trees, shrubs, flowers, vegetable gardens, etc. The restriction would not permit manufacturers to register, label, package, and distribute products labeled for multiple sites (which is very common) and important for consumers to know.
- This restriction will limit consumer choice by limiting the availability of products otherwise available regionally and nationally.
- The proposed language holds retailers in violation if they display lawn fertilizers containing phosphorus even though it is legal for a merchant to sell the product to any customer upon request.

- Store and floor space is critical to retailers. Customers should be able to know what choices they have. Most stores have very limited amounts of storage area for pallets of lawn fertilizer which is out of the customer's sight but is still readily accessible to the merchant or clerk to obtain for the customer.



August 27, 2007

State Senator Mark Miller  
Room 409 South  
State Capitol  
P.O. Box 7882  
Madison WI 53707-7882

Dear Senator Miller:

I am writing to you in support of SB197... a bill to ban the sale and use of lawn fertilizer containing phosphorus. Using phosphorus free lawn fertilizer is a simple and proven way in which everyone can contribute to better water quality state wide.

For many years, I have been active as an advocate for the protection of the waters of Wisconsin. In pursuit of that advocacy, I have undertaken an active role in both local and state lake organizations, pursued numerous opportunities for habitat protection training and utilized these tools to educate citizens and property owners on the important and valuable role that our natural resources play in making Wisconsin so great.

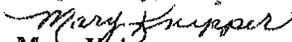
You will hear testimony from many sources regarding the importance of enacting this bill, all of which is based on sound science, and the experience of those who have been involved in the passage of similar ordinances.

The Town of Delavan enacted a phosphorus fertilizer ban in February of 2003...those who worked for the passage of this ordinance knew that the protection and preservation of Delavan Lake could not be left to policy makers alone, but that the time was right to pass the baton of stewardship to all who lived in or visited our community. Following Delavan's lead, several other Walworth County municipalities enacted similar ordinances to protect their community lakes. Since that time, retailers and lawn care companies have proudly joined in this effort. Enactment of SB197 is one step in addressing a major source of Wisconsin's number one water quality problem....polluted runoff into our lakes, rivers and streams.

*A spokesperson for the Wisconsin Association of Lakes (WAL) put it so well....using phosphorus free lawn fertilizer is a common sense, simple, and cost effective way to reduce the amount of nutrients entering our waterways. Many lake groups, local governments, counties and citizens are calling for a statewide initiative. A statewide policy would save local governments the duplicative costs of developing independent ordinances, and ensure consistency for consumers, retailers and suppliers.*

In passing SB197, we will be making the statement that Wisconsin cares about its waters, and that each and every community has declared itself a protector of a valuable natural resource.

Respectfully,

  
Mary Knipper

- Director, Wisconsin Association of Lakes
- Vice President, Walworth County Lakes Association
- Director, Delavan Lake Improvement Association

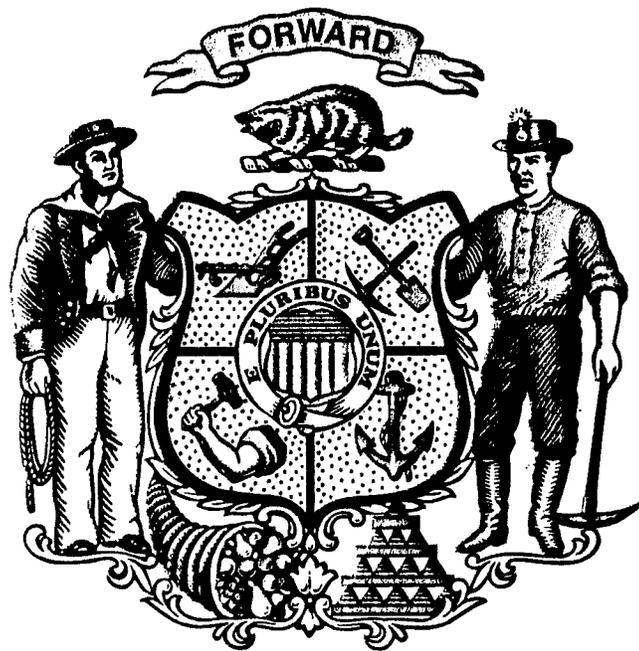


**MARY KNIPPER**  
Senior Clinical Research Associate  
Consultant

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2320 Lake Shore Drive  
Delavan, WI 53115

Phone/Fax: (262) 728-6662  
*knipper@pensys.com*





**TAINTER/MENOMNIN  
LAKE IMPROVEMENT  
ASSOCIATION, INC.**

People uniting to protect our resources

P.O. Box 185  
Menomonie, WI 54751

August 27, 2007

To whom it may concern:

We are writing this letter to give our full support to Senate Bill 197.

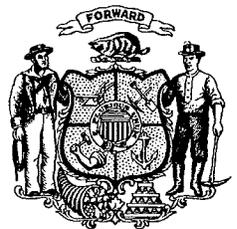
The Tainter/Menomnin Lake Improvement Association, Inc. strives to improve water quality, enhance wildlife and education. Senate Bill 197 would greatly assist in helping us achieve these goals. Phosphorous is one of the main pollutants that affect our lakes. The majority of soils in the watershed have a natural inheritance of high phosphorous levels, consequently, we recommend that no additional phosphorous is necessary to maintain turf, unless a soil test indicates a need for phosphorous or the establishment of a new turf seeding.

Soil erosion and stream bank erosion are the largest source of how phosphorous enters water bodies. By limiting and managing fertilizer properly and by applying soil conservation practices, water quality can greatly be benefited.

Therefore we fully support having phosphorous free fertilizer for lawns and support Senate Bill 197.



# WISCONSIN STATE LEGISLATURE





**Town and Country Resource Conservation & Development, Inc.**  
*Committed to conserving the natural resources and enhancing the economy of southeastern Wisconsin*

August 27, 2007

To: Wisconsin State Senate Committee on Environmental and Natural Resources

RE: SB 197: Restriction of lawn fertilizer containing phosphorus

On behalf of the Town and Country Resource Conservation and Development Council, I thank this committee and the sponsors of this bill for bringing this important issue to hearing today. Our organization is dedicated to helping keep farmers on the land, to bringing fresh local food to our tables, to clean water, and a healthy economy in SE Wisconsin.

**I want to express our wholehearted support for SB 197 - to eliminate unnecessary phosphorus application to our lawns and turf grass in this state.**

As part of our Water Team, I have been working with communities in Waukesha County to pass phosphorus restriction ordinances, including the City and Town of Oconomowoc, Village of Lac La Belle, and the City and Town of Delafield. Our soils have tested rich with phosphorus. Adding more does nothing for the health of our lawns, and it hurts our lakes.

These local ordinances demonstrate the wishes of our communities to control phosphorus runoff, and each community has spent time considering these ordinances, and paid their attorney to draft them. However, because residents may buy fertilizer in a different community, this patchwork of ordinances will not have nearly the same benefit as a statewide law. Rivers and lakes and their watersheds do not reflect municipal boundaries, and someone else's actions – upstream and downstream are all part keeping our waters healthy.

Study after study has emphasized that controlling phosphorus runoff into our waters and controlling phosphorus buildup in our watersheds is a key to the future health of our lakes and streams.

- Farmers are asked to do their part with nutrient management planning and manure runoff controls.
- Builders are asked to control runoff from construction sites.
- Sewage treatment plants have to meet phosphorus effluent limits.

This bill will not solve all our phosphorus runoff problems, but it is an important contribution, along with these other efforts.

Today you have the opportunity to act on a bill that is truly a win-win. Limiting the sale and application of unnecessary phosphorus in lawn fertilizers will help protect our lakes and rivers at a very low cost. Garden centers will still sell fertilizer – just a different formulation, lawns will still be green, and hopefully our lakes will be bluer. We ask your support to expedite SB 197, and to see this bill become law as soon as possible.

Thank you for the opportunity to testify today.

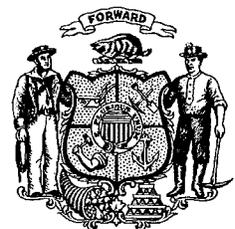
Lisa Conley, Past President and Board member  
Town and Country RC&D

[www.townandcountryrcd.org](http://www.townandcountryrcd.org)

Town and Country RC&D Inc. 333 E. Washington Street Suite 3500 Box 2003 West Bend, WI 53097



# WISCONSIN STATE LEGISLATURE



Senator Mark Miller  
Senate committee on Environment and Natural Resources  
Room 409 South  
State Capitol  
PO Box 7882  
Madison WI 53707-7882

August 27,2007

Dear Senator Miller and Senate Committee on Environment and Natural Resources

I am sorry I am unable to attend your hearing on Senate Bill 197 but have the following comments.

My name is Dr. Byron Shaw. I am an Emeritus Prof of Water resources. I taught Soil and Water Resource courses At UW Stevens Point and conducted research and Extension Education Programs Throughout Wisconsin for over 32 years. Much of my professional career and work since retirement has focused on water quality issues in Wisconsin. I am very pleased that you are considering regulating the use of phosphorus containing lawn fertilizer in Wisconsin.

Excessive phosphorus in runoff has been recognized for over 40 years as the main cause of weed and algae problems in lakes and streams nationwide, yet little has been done to regulate the use of chemicals and fertilizers containing this nutrient. Use of phosphorus containing fertilizers by homeowners and other lawn managers is not only impacting water quality it is wasting valuable resources and costing people a lot of money.

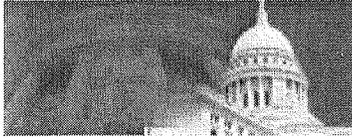
I commend you for proposing this legislation, which I see as well designed and beneficial to the State of Wisconsin.

Passage of this legislation should also help send a message to Agriculture that all sources of phosphorus are being seriously considered so that the Agricultural industry will not feel efforts to reduce nutrient loading by them is in absence of any effort to reduce inputs from lawns.

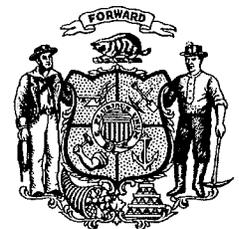
Most lawn and farm soils throughout Wisconsin are already grossly overloaded with phosphorus due to a lack of effective education and regulation of this nutrient. This legislation will at least help stop this buildup on lawn areas and begin to reverse water quality degradation originating in urban areas.

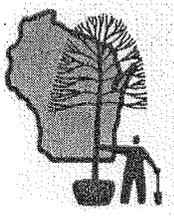
Sincerely

Byron Shaw  
Emeritus Prof Water Resources



# WISCONSIN STATE LEGISLATURE





**Wisconsin Green Industry Federation**

August 27, 2007

**To: Senate Environment & Natural Resources Committee Members**

**Re: SB 197 Restrictions on the use and sale of fertilizer containing phosphorus and other lawn fertilizer.**

We are happy to work with you to create a bill that will have the desired effect and will have support of the consumers, retailers, fertilizer manufacturers and distributors, landscape professionals, lake and watershed organizations, and others. We offer the following suggested amendments germane to the bill, which will create statewide consistency and improve the existing ability of the WDATCP in the regulation of fertilizer:

**Amendment #1**

In 1993 Wisconsin passed the Pesticide Preemption Law due to a patchwork of ordinances around the state that were creating not only an enforcement nightmare, but also created a problem with landowners/farmers whose property crossed more than one county, town or village that might have all had different restrictions. The law has been working very well without any adverse impact to Wisconsin's natural resources or to the health and safety of its citizens. Our groundwater protection law, and now the nonpoint source pollution law have provided for a comprehensive approach that is regulated by the DNR and DATCP at the state level.

Suggested amendment # 1 will accomplish the same goal; to ensure that fertilizer regulations in the state are science based and consistent. There are local ordinances that have recently passed in Wisconsin that not only create a patchwork approach for fertilizers, but may attempt to regulate weed and feed products that are registered and regulated as pesticides. This clear violation of the Pesticide Preemption Law further demonstrates the need to implement fertilizer preemption to clarify this issue.

Local fertilizer and use restrictions are unnecessary and burdensome to commerce and to the strength of Wisconsin's agricultural industry. We strongly believe that the Department of Agriculture, Trade and Consumer Protection should have the authority of how fertilizers are regulated.

This amendment generally prohibits political subdivisions from regulating fertilizers. The bill allows a political subdivision to regulate fertilizer use on property it owns; zone areas with respect to fertilizer manufacturing, distribution, and disposal; and implement any regulation of fertilizers that the political subdivision is required by federal law or state law to implement. SECTION 2. 94.643 of the statutes is created to read:

94.643 Fertilizer; local regulation. (1) This section is an enactment of statewide concern for the purpose of providing uniform regulation of fertilizers.

2) In this section:

a) "Fertilizer" has the meaning given in s. 94.64 (1) (e).

b) "Political subdivision" means a city, village, town, or county.

3) (a) Except as provided in par. (b), a political subdivision may not prohibit the use of or otherwise regulate fertilizers.

(b) A political subdivision may enact an ordinance that does any of the following:

1. Regulates fertilizer use on property in which the political subdivision has a fee simple ownership interest.

2. Zones areas with respect to fertilizer manufacturing, distribution, and disposal.

3. Implements any regulation of fertilizers that the political subdivision is required by federal law or state law to implement.

(4) (a) No later than the first day of the 3rd month beginning after the effective date of this paragraph .... [revisor inserts date], a political subdivision shall provide the department with a copy of any ordinance that is authorized under sub. (3) and that is enacted before the effective date of this paragraph .... [revisor inserts date].

(b) A political subdivision may not enact an ordinance that is authorized under sub. (3) until it consults with the department. If a political subdivision enacts an ordinance that is authorized under sub. (3), it shall provide the department with a copy of the ordinance no later than 60 days after enactment.

## **Amendment #2**

Option 1: Delete (4) *Restriction on Display*. Some products labeled for use on lawns, also may be labeled for use on trees, shrubs, flowers, vegetable gardens, etc. This restriction would present problems for manufacturers who register, label, package, and distribute products labeled for multiple sites, which is very common. This would cause manufactures financial hardship, and retailers with limited products to offer customers, let alone display.

Current language holds retailers in violation if they display lawn fertilizers containing phosphorus, although it is legal for a merchant to sell the product to any customer upon request. A large part of marketing products to the public is having the product on display, and this would severely limit the ability to market a perfectly legal product. In addition many stores have very limited amounts of storage area for pallets of lawn fertilizer which is out of the customer's sight, or could be readily accessible to the merchant or clerk to obtain for the customer. This also puts the retailer in the position of being a violator subject to the penalties noted.

Option 2: Amend as follows: ~~(4) RESTRICTION ON DISPLAY. No person who sells fertilizer at retail may display lawn fertilizer that is labeled as containing phosphorus.~~ A person who sells fertilizer at retail ~~may~~ must post a sign advising customers that lawn fertilizer containing phosphorus is available ~~upon request~~ for uses permitted by sub. (2) (b).

Merchants in Wisconsin are already required to have lawn signs and pesticide information sheets available free of charge to retail consumers at the point of sale of pesticide products. ATCP 29.41(3) (a) Wis. Admin Code. Posting of this additional sign at the point of sale of phosphorus-containing lawn fertilizers would insure that the public is notified of the restrictions on the use of phosphorus-containing fertilizers.

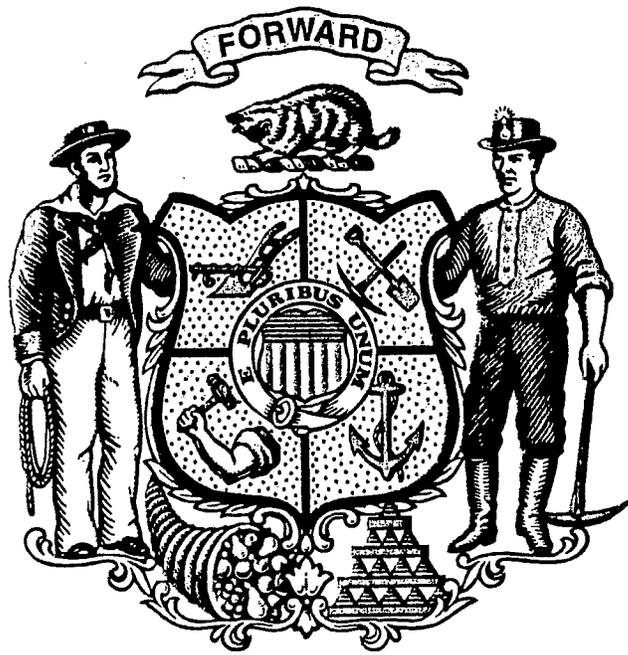
Thank you for allowing us to provide comments on this bill. We hope we can work with you in this endeavor.

Sincerely,

The Wisconsin Green Industry Federation

A handwritten signature in black ink, appearing to read "Brian Swingle". The signature is fluid and cursive, with a large initial "B" and "S".

Brian Swingle  
Executive director



**Veterinary Nutritional Consulting**  
**William G. Olson D.V.M, PhD**  
**Diplomate, American College of Veterinary Nutrition**

E6395 836<sup>th</sup> Ave.  
Colfax, WI 54730

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Phone 715-962-2325

e-mail [olsonlb@charter.net](mailto:olsonlb@charter.net)

August 27, 2007

To whom it may concern:

I am writing this letter to give my full support to Senate Bill 197.

I retired from the College of Veterinary Medicine at the University of Minnesota in 2001 after 25 years of teaching research and outreach activities in the area of clinical nutrition. In 1972, I received my PhD from the U of Wisconsin, in Dairy Science, studying with Dr. Neil Jorgensen and Dr. Hector DeLuca. In my years at the University of Minnesota, Calcium Phosphorus and Vitamin D metabolism and metabolic diseases associated with these and other minerals were a principle area of interest and research. These minerals come mostly from farm grown grains and forages. In the past decade, the dairy industry has greatly reduced the amount of phosphorus in dairy cow rations and I am aware of the soil nutrient management plans. Dr. Satter (deceased) and associates of the Dairy Science Department and the USDA Forage Research Center were leaders in getting the Phosphorus in dairy rations reduced from .45-.5% or more down to less than .4%. In Minnesota, the ban on P in lawn fertilizers has been in existence for many years.

Currently, I am a member and board member of the Tainter Menomin Lake improvement Association, and have been taking lake samples for the last 3 years for the DNR lake monitoring project. I am fully aware of the sources of Phosphorus that get into our waterways. Erosion of river banks and soil runoff from farm land are the biggest sources unless there our strict conservation methods in place. Property owners along our waterways are also a significant source, if they do not follow the buffer zone guide lines and/or they apply fertilizer containing Phosphorus to their turf.

Another source of Phosphorus not yet attended to is the use of dish washer soaps that contain Phosphates.

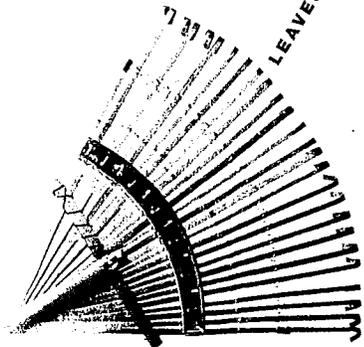
# Anything that enters a storm drain goes directly to a local lake or river.

It does not go to a waste water treatment facility.

Do you know you live on waterfront property? You do if there is a storm drain nearby! Storm drains carry runoff water directly to lakes and rivers. Whatever washes off your yard and street runs directly into these waters. That includes lawn fertilizer, grass clippings, pet waste, and tree leaves and seeds—all sources of phosphorus, the plant nutrient that turns lakes and rivers green with algae.

Keep your runoff clean!

Keep our lakes and rivers clean!



## REMOVE LEAVES FROM THE STREET

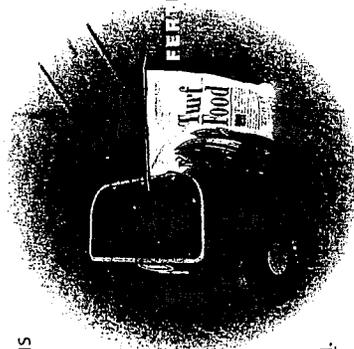
- Rake leaves, seeds and grass clippings out of the street and gutter.
- Compost on site, bag for collection, or take to community compost program.

## PREVENT EROSION

- Phosphorus attaches to soil. Keep soil from washing into the street.

## FERTILIZE THE LAWN, NOT THE LAKES AND RIVERS

- Choose a zero-phosphorus fertilizer. Many lawns have adequate soil phosphorus and will remain healthy without adding more.
- If you think your lawn needs phosphorus, test your soil first. For information call INFO-U at 612-624-2200, message 468 or visit [soiltest.coafes.umn.edu](http://soiltest.coafes.umn.edu).



- Sweep spilled fertilizer off paved surfaces.
- Remember, compost and manure contain phosphorus too.

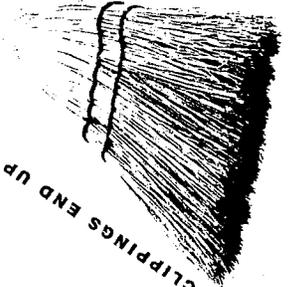
## CLEAN UP AFTER PETS

- Scoop the poop. Pet waste contains phosphorus as well as harmful bacteria.
- Don't feed the geese.



## KEEP THE PAVEMENT CLEAN

- Sweep up grass clippings, soil, fertilizer, sand and salt from driveways, sidewalks, and streets.



ANIMAL WASTE AND GRASS CLIPPINGS END UP IN THE STORM SEWER.

# You may be fertilizing more than your grass.

The storm drain in your street is a link to our lakes and rivers. The choices you make when caring for your lawn directly affect water quality.

A common cause of lake and river pollution is phosphorus runoff. In response to this, Minnesota has a law restricting the use of phosphorus lawn fertilizer. Although phosphorus is important for grass growth, many lawns have adequate soil phosphorus and do not need further phosphorus fertilization. If you suspect your lawn is in need of phosphorus, soil test first to make sure before using a phosphorus lawn fertilizer.

Phosphorus turns lakes and rivers green. Phosphorus stimulates the growth of algae in lakes and rivers. This crowds out other water plants and reduces oxygen available to fish. The result is unattractive, foul-smelling water that is bad for fish, wildlife, and humans.

**Nitrogen, not phosphorus, greens up grass.** Phosphorus-free lawn fertilizer still contains nitrogen, the plant nutrient that greens up grass.

To keep our lakes and rivers healthy, we need to manage phosphorus carefully. Read on to learn how you can reduce phosphorus runoff from lawn fertilizers and other sources!

## Minnesota Phosphorus Lawn Fertilizer Law – January 1, 2005

Fertilizers containing phosphorus cannot be used on lawns in Minnesota unless the following exceptions apply:

- A new lawn is being established by seeding or laying sod.
- Soil testing shows need for phosphorus fertilization.
- Fertilizer is being applied to a golf course by trained staff.

For soil testing information, contact the University of Minnesota Soil Test Lab at 612-625-3101 or visit them at their [soiltest.coafes.umn.edu](http://soiltest.coafes.umn.edu) website.

### Look for the middle number!

A string of three numbers on a fertilizer bag shows its analysis – the middle number being phosphate (phosphorus) content. A “zero in the middle” means phosphorus-free fertilizer.

More information on the law is available at the Minnesota Department of Agriculture website [www.mda.state.mn.us](http://www.mda.state.mn.us); click on “Water & Land” then on “Lawn Care & Water Quality.”

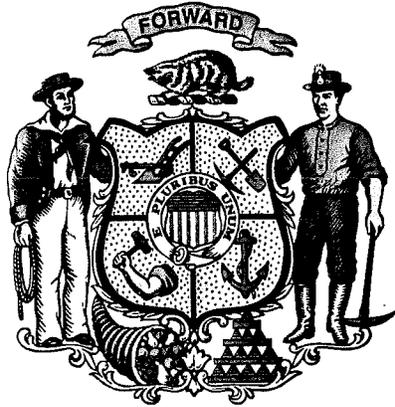


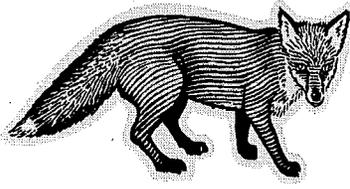
# GREEN UP YOUR LAWN NOT YOUR LAKES AND RIVERS



MINNESOTA WATER  
LET'S KEEP IT CLEAN

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## SOUTHEAST FOX RIVER PARTNERSHIP

August 27, 2007

Wisconsin State Legislators

SB 197  
folder

Our group, the Southeast Fox River Partnership, is a coalition of citizens and business interests from all parts of the Fox River basin. We were formed in 1998 and our mission has been to protect, restore and enhance the natural resources of the Fox River basin.

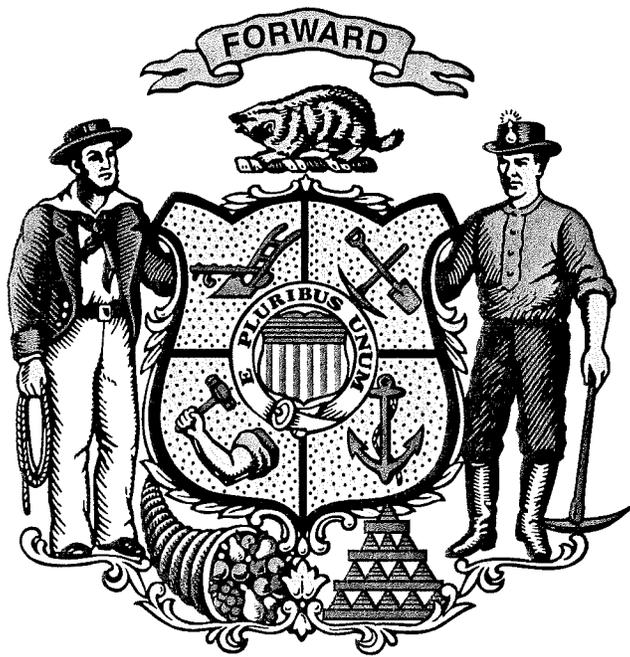
We have been discussing the issue of phosphorus fertilizers for several years and indeed had publicly voted to support a state wide restriction in a form similar to that which was passed in Minnesota. In the spring of this year we supported and helped sponsor the Southeast Wisconsin Student Summit- Focus on Phosphorus to discuss the use of lawn fertilizers as well as other non-point pollution issues.

After the Student Summit, the Partnership revisited the phosphorus issue and determined the best approach would be to support a statewide ban and a vote was taken to support that position. I am sure that there have been people that have discussed both sides of the issue with you so I will not go into the details. I will tell you that after a long hard look at the issue, our group supports the legislation as proposed, because it is one of the simplest ways to protect our lakes, rivers and streams, and that a State wide ban will save countless lake communities the expense of creating, passing and trying to enforce a local ordinance.

Many years ago legislators took the bold step of banning phosphates in detergents. Today, we still have clean clothes but the foam on our lakes caused by the phosphates is gone. If that bold step is taken again, our lawns will still be green and future generations will be thanking us for improved water quality. We thank you for your interest in this issue and we ask your support for legislation to improve and protect the water quality in our state, now and for generations to come.

Thank you,

Charles R. Shong, Chairman – Southeast Wisconsin Fox River Partnership



Senator Mark Miller  
Senate committee on Environment and Natural Resources  
Room 409 South  
State Capitol  
PO Box 7882  
Madison WI 53707-7882

August 27,2007

Dear Senator Miller and Senate Committee on Environment and Natural Resources

I am sorry I am unable to attend your hearing on Senate Bill 197 but have the following comments.

My name is Dr. Byron Shaw. I am an Emeritus Prof of Water resources. I taught Soil and Water Resource courses At UW Stevens Point and conducted research and Extension Education Programs Throughout Wisconsin for over 32 years. Much of my professional career and work since retirement has focused on water quality issues in Wisconsin. I am very pleased that you are considering regulating the use of phosphorus containing lawn fertilizer in Wisconsin.

Excessive phosphorus in runoff has been recognized for over 40 years as the main cause of weed and algae problems in lakes and streams nationwide, yet little has been done to regulate the use of chemicals and fertilizers containing this nutrient. Use of phosphorus containing fertilizers by homeowners and other lawn managers is not only impacting water quality it is wasting valuable resources and costing people a lot of money.

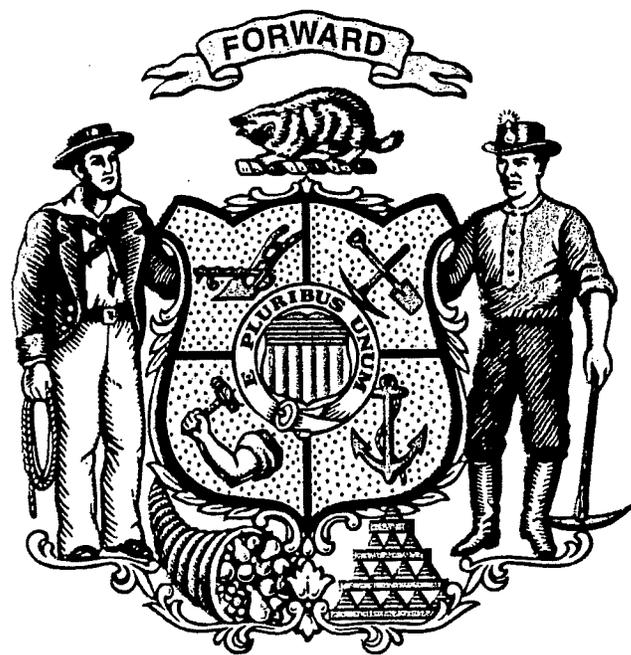
I commend you for proposing this legislation, which I see as well designed and beneficial to the State of Wisconsin.

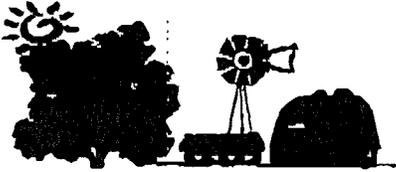
Passage of this legislation should also help send a message to Agriculture that all sources of phosphorus are being seriously considered so that the Agricultural industry will not feel efforts to reduce nutrient loading by them is in absence of any effort to reduce inputs from lawns.

Most lawn and farm soils throughout Wisconsin are already grossly overloaded with phosphorus due to a lack of effective education and regulation of this nutrient. This legislation will at least help stop this buildup on lawn areas and begin to reverse water quality degradation originating in urban areas.

Sincerely

Byron Shaw  
Emeritus Prof Water Resources



**St. Croix County Land and Water Conservation Department**

1960 8th Avenue, Suite 141 · Baldwin, WI 54002

Phone: 715-684-2874 · Fax: 715-684-2666

[www.co.saint-croix.wi.us](http://www.co.saint-croix.wi.us)

Senator Mark Miller  
Chair Senate Natural Resources Committee  
Room 409 South  
State Capitol  
P.O. Box 7882  
Madison, WI 53707-7882

**SUBJECT:** Phosphorus Lawn Fertilizer ban bill (SB 197)

Dear Senator Miller:

Lakes, rivers and streams are valued and important to the citizens of Wisconsin. Beyond the economic value, these resources are connected to family values. They are places where families make memories; boating, fishing, swimming and peaceful retreats, to name a few. Ask many Wisconsin citizens where their best summer memories are and their answer will be "The Lake!"

Unfortunately our enjoyment of the lakes and streams we love is being affected by phosphorus runoff from fertilizers applied to lawns. Excess phosphorus applied to lawns cannot be used by the grass and washes away in stormwater. Recent data estimates phosphorus levels in residential Wisconsin lawns to be 5 times the amount needed by a healthy lawn. One pound of phosphorus entering our lakes, rivers or streams can cause 500 pounds of algae growth. This algae is now getting caught in our boat props, washing up on our shorelines and decreasing the quality of our lakes and rivers for both people and wildlife.

The St. Croix County Land & Water Conservation Department Staff and Committee Members are in support of the Phosphorus Lawn Fertilizer ban bill (SB 197). Research finds using phosphorus free lawn fertilizer is a common sense, simple, and cost effective way to reduce the amount of nutrients entering our waterways.

Protecting Wisconsin's high quality waters should be a high priority for Wisconsin's Legislators. We encourage your support of the Phosphorus Lawn Fertilizer ban bill (SB 197).

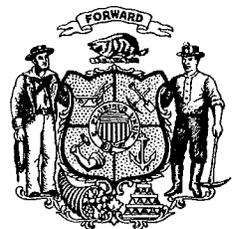
Sincerely,

Robert Heise

*Director of the Land & Water Conservation Department*



# WISCONSIN STATE LEGISLATURE





# Wisconsin Association of Lakes

A nonprofit group of citizens, organizations, and businesses working for clean, safe, healthy lakes for everyone.

4513 Vernon Boulevard, Suite 101 • Madison, WI 53705-4964  
608-661-4313 • 800-542-5253 (in WI) • 608-661-4314 fax  
wal@wisconsinlakes.org • www.wisconsinlakes.org

## MEMORANDUM

**TO:** Senate Committee on Environment and Natural Resources

**FROM:** William P. O'Connor (608.255.7277)  
Wisconsin Association of Lakes

**DATE:** August 28, 2007

**RE:** Senate Bill 197  
Regulation of Phosphorous Lawn Fertilizer

The Wisconsin Association of Lakes (WAL) urges you to support Senate Bill 197. I want to personally thank the members of this Committee who have joined the bi-partisan group of Senators and Assembly Representatives supporting this bill and the Assembly companion, AB-396, introduced by Representative Bies.

This proposal addresses a significant form of pollution affecting inland waters. The ancient Greeks called Phosphorous (P) the "light bearer" after Venus, the morning star. Its remarkable chemical properties have amazed high school chemistry students for generations. It gives the firefly her light. With Nitrogen and Potassium, Phosphorus is a major plant nutrient, listed second in the rating system used on fertilizer labels.

This legislation aims to limit the use of fertilizers containing Phosphorous and compounds of that element to applications where it is needed. The bill should be viewed in the context of the broader problem of runoff pollution. Nothing threatens the water quality and the recreational and economic value of Wisconsin's public waters more than the quiet avalanche of nutrients and other pollution that reach our surface waters through rainwater runoff. Among the consequences is the excessive growth of nuisance aquatic plants, including algae and invasives like Eurasian water milfoil. The slow degradation of aquatic habitat that results is gradually diminishing the vast public water resource that is at the foundation of Wisconsin's economy.

Control of runoff pollution is very challenging. It requires changes in agricultural practices to limit runoff of soil, manure, fertilizers and other pollutants. We appreciate the leadership the Legislature has shown in ensuring that funding levels for this critical but unglamorous work is increased in the biennial budget. Runoff control also requires urban dwellers to devote more resources to the control of stormwater, most of which is simply dumped into receiving waters.

One could scarcely exaggerate the scope of concerted actions that will be necessary to protect the quality of the State's waters from the slow deterioration from runoff pollution. But removing phosphates and related Phosphorous compounds from lawn fertilizers isn't like that. It's not expensive. It's not burdensome on property owners or business owners. It doesn't require you to choose between green lawns and blue lakes. It is a practical step to cleaner water that can be taken without going *anybody's* ox.

Our sister state, Minnesota -- a state with *only 10,000 lakes* and not ear as good fishing -- recently reported on its experience since phosphorous lawn fertilizers were regulated there in 2002. Among key findings in the state's 2007 report<sup>1</sup> were these:

1. P-free lawn fertilizer is widely available in the State's retail stores.
2. P-free fertilizer comprised 82% of lawn fertilizer used in 2006
3. Phosphorous applied through lawn fertilizer decreased 48% between 2003 and 2006.
4. The law created a "teachable moment" for yard care and water quality education.

This bill won't stop the avalanche of runoff pollution. But it will help people to better understand that important dynamic of water quality degradation. Senate Bill 197 takes a sensible approach to reducing phosphorous pollution of lakes and streams. It permits the use of P-containing fertilizers for agricultural use (including sod farms), to establish new lawns, for gardening or in areas (and I am told these are rare) with phosphorous deficient soils. It does not establish an administratively burdensome permit system. It generally requires lawn fertilizer mixes that include Phosphorus to be stored off display floors.

We have been in touch with the Milwaukee Metropolitan Sewerage district, which recycles biosolids from its waste treatment operations to produce Milorganite. WAL would support an amendment to the bill to exempt these products from regulation under the bill.

On behalf of lake management organizations around Wisconsin and the multitudes of residents and visitors who treasure our lakes and streams, the Wisconsin Association of Lakes urges you to take prompt executive action on this bill. We hope that the spring of 2008 will find Wisconsin homeowners applying P-free fertilizer to keep lawns green but not contribute to turning our lakes that color.

Tamara Jackson, WAL's Director of Communications is with me this morning. Tami has been tracking this issue around the state and will address the numerous local county and local initiatives to address this problem. Although these local ordinances and resolutions (including an ordinance adopted by the City of Oconomowoc last week) are encouraging, WAL believes that Phosphorous lawn fertilizers should be regulated consistently statewide.

---

<sup>1</sup> Minnesota Department of Agriculture, Report to the Minnesota Legislature: Expectations of the Minnesota Phosphorus Lawn Fertilizer Law, March 15, 2007.



# Wisconsin Association of Lakes

A nonprofit group of citizens, organizations, and businesses working for clean, safe, healthy lakes for everyone.

4513 Vernon Boulevard, Suite 101 • Madison, WI 53705-4964

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wal@wisconsinlakes.org • www.wisconsinlakes.org

Senate Committee on Environment and Natural Resources  
Chair Sen. Mark Miller  
Room 409 South  
State Capitol  
P.O. Box 7882  
Madison, WI 53707-7882

Dear Senator Miller and Committee members,

Thank you for the opportunity to voice our support for SB 197.

Reducing and preventing phosphorus runoff is a top priority for lake management organizations. Even small amounts of phosphorus runoff can cause algae blooms and water quality decline, which are unpleasant for all of us who fish, boat, swim, and enjoy Wisconsin's lakes.

It takes 20 parts per million (ppm) of soil phosphorus to grow healthy turf; 25 parts per **billion** (a quantity 1000 times smaller) can promote excessive algae growth in lakes. Agricultural soils (see map *Soil Test P in Wisconsin agricultural soils*) in every Wisconsin county have at least 20 ppm of soil phosphorus; the average concentration is 53 ppm. Some counties have significantly higher concentrations, the highest being 160 ppm. Some estimate phosphorus levels in residential Wisconsin lawns have up to twice the amount of phosphorus (105 ppm) than the average farm field. The map (*Phosphorus in Wisconsin lawns*) summarizes results from Wisconsin studies of soil phosphorus levels in lawns.

It is easier to prevent phosphorus from entering our lakes than it is to manage the problems caused once excess phosphorus is in our lakes. It is more expensive and time-consuming to clean up a degraded lake than it is to keep it clean, safe, and healthy for everyone. 90% of Wisconsin's lakes are impaired or threatened by polluted runoff. Wisconsin's lake organizations invest private funds to help manage our public waters. Waterfront property owners are willing to do their part to prevent phosphorus from entering Wisconsin's lakes, but they need your help.

Many of our member lake organizations have been working to develop phosphorus free lawn fertilizer programs for their lakes or working with their town, village, or city governments to pass local phosphorus ordinances. Our members know using phosphorus free lawn fertilizer—unless a soil test confirms the nutrient is needed—is a common sense, simple, and cost effective way everyone can contribute to better water quality.

But local efforts—while widespread across the state—are not enough. Our members are calling for a statewide policy that would ensure consistency across the state for consumers, retailers, and suppliers. Although phosphorus fertilizer ordinances have passed in twenty-five cities, villages, and towns, without a consistent, statewide policy consumers may unknowingly violate local ordinances designed to protect local lakes by buying products in jurisdictions without similar ordinances.

Many counties would like to restrict the unnecessary use and sale of phosphorus lawn fertilizers, and strongly endorse a statewide approach based on Dane County's successful, existing model. To date, nine counties have passed resolutions to follow Dane County's lead on a statewide scale, with two more poised to pass resolutions this fall. Seven local governments and twenty-four statewide, regional, and local conservation groups have passed similar resolutions.

The map (*Support across Wisconsin*) highlights local activity related to phosphorus lawn fertilizer ban by county, and includes local groups working to pass resolutions, county resolutions, existing city, town, and village ordinances, and broad support for a statewide ban from responses to Conservation Congress questions at the April 2007 hearings.

As a statewide organization, we receive several calls a day thanking us for endorsing this bill and keeping our members informed about its progress.

This bill is one positive, easy step towards better management of phosphorus runoff and cleaner lakes for everyone. This bill simply makes the default choice for lawn fertilizer—phosphorus free fertilizer—the right choice for lakes.

Thank you for your continued leadership and support on this important issue.

Sincerely,

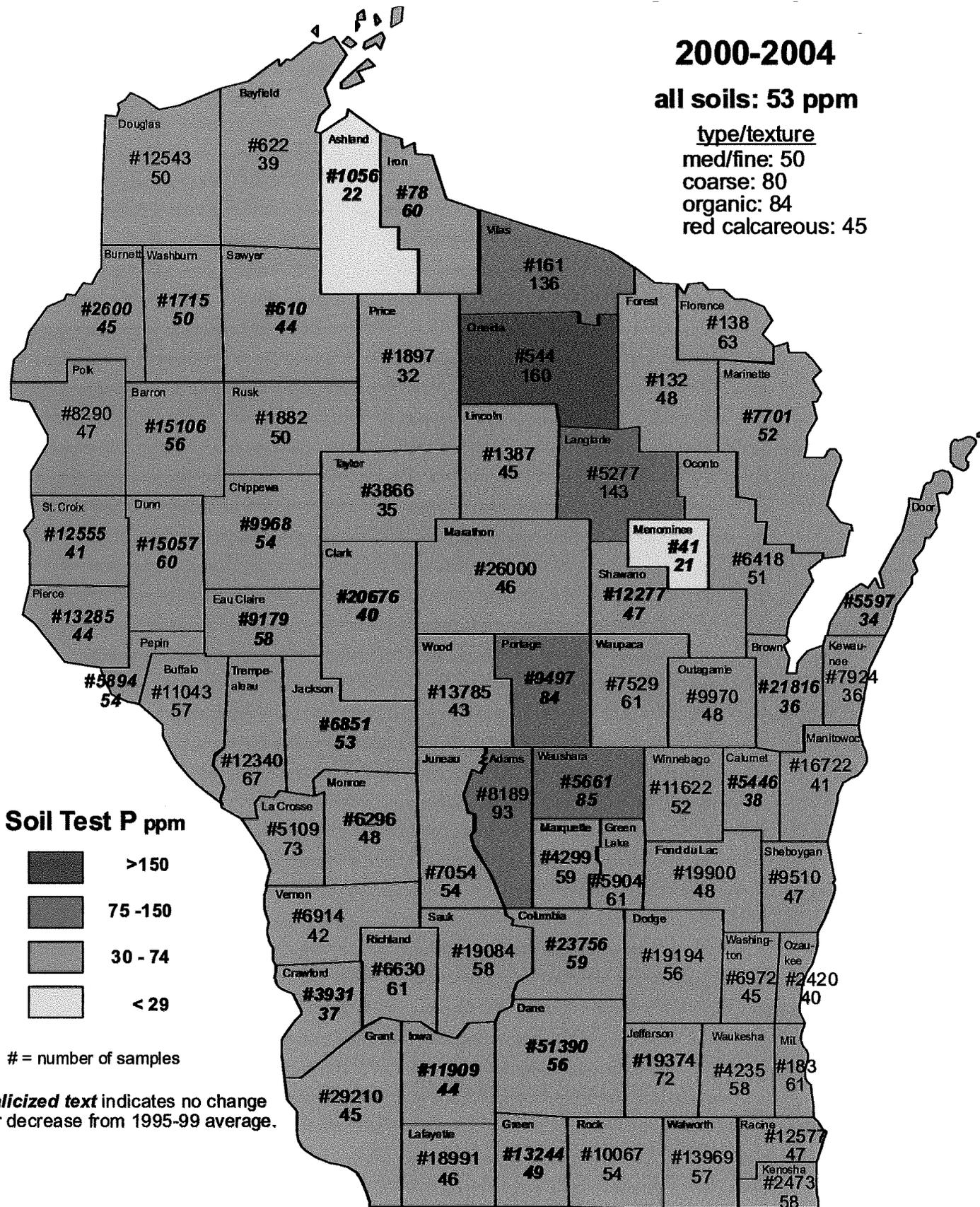
  
Tamara Jackson  
Wisconsin Association of Lakes  
Director of Communications

# Soil Test P in Wisconsin agricultural soils\*

2000-2004

all soils: 53 ppm

type/texture  
 med/fine: 50  
 coarse: 80  
 organic: 84  
 red calcareous: 45



\*Soil test data from over 4 million samples collected from Wisconsin farmland. Online at: <http://uwlab.soils.wisc.edu>



## **Support across Wisconsin**

(last updated August 27, 2007)

### **Counties that have a county-wide ordinance banning phosphorus in lawn fertilizers**

- Dane  
(Dane county is uniquely able to pass a ban at the county level because of the authority the legislature granted the Dane County Lakes and Watershed Commission)
- Polk (in shoreland areas only)

### **Counties, local governments, and groups that have passed a resolution supporting a statewide ban on phosphorus in lawn fertilizer (modeled after Dane County's existing ordinance)**

#### **Counties**

- Brown County
- Dodge County
- Door County
- Columbia County
- Eau Claire County
- Jefferson County
- Manitowoc County
- Oneida County
- Waupaca County

#### **Local Governments**

- Town of Westpoint (Columbia County)
- Village of Cambria (Columbia County)
- Town of Lewiston (Columbia County)
- Town of Lodi (Columbia County)
- Town of Sevastopol (Door County)
- Town of Lake Mills (Jefferson County)
- Town of Oakland (Jefferson County)

#### **Statewide and local groups**

- Wisconsin Association of Lakes (statewide)
- Wisconsin Land and Water Conservation Association (statewide)
- Lake Michigan Association of Land Conservation Committees (regional group)
- Great Lakes Non-Point Abatement Coalition (regional group)
- Rock River Coalition (regional group)
- Land Conservation Committee of Calumet County,
- Land Conservation Committee of Manitowoc County
- Lake Winnebago Land and Water Conservation Association

- Manitowoc County Lakes Association
- Rusk County Waters Alliance
- Sawyer County Lakes Forum
- Washburn County Lakes and Rivers Association
- Vilas County Lakes Association
- Lake Winnebago Association
- Bayfield County Lakes Forum (Bayfield County)
- Cedar Lake Sanitary District (Washington County)
- Lake Nancy Protective Association (Washburn County)
- Lake Ripley Management District (Jefferson County)
- Lake Sinissippi Improvement District (Dodge County)
- Beaver Dam Lake Improvement Association (Dodge County)
- Fox Lake Inland Lake Protection and Rehabilitation District (Dodge County)
- Green Lake Sanitary District (Green Lake County)
- Lake Puckaway Protection and Rehabilitation District (Green Lake County)
- Green Lake Association (Green Lake County)

**Cities/Villages/Towns that have passed phosphorus lawn fertilizer ordinances**

- City of Madison (Dane County)
- Village of Silver Lake (Kenosha County)
- Village of Lake Paddock (Kenosha County)
- Village of Pleasant Prairie (Kenosha County)
- Village of Twin Lakes (Kenosha County)
- Town of Randall (Kenosha County)
- City of Amery (Polk County)
- Town of Dover (Racine County)
- Town of Waterford (Racine County)
- Town of Burlington (Racine County)
- Town of Norway (Racine County)
- Village of Wind Point (Racine County)
- Crystal Lake Management District (Sheboygan County)
- City of Delafield (Waukesha County)
- Town of Delafield (Waukesha County)
- City of Pewaukee (Waukesha County)
- Village of Pewaukee (Waukesha County)
- Village of Lac La Belle (Waukesha County)
- Village of Twin Lakes (Waukesha County)
- Town of Oconomowoc (Waukesha County)
- Lake Beulah Management District (Waukesha County)
- Town of Delavan (Walworth County)
- City of Delavan (Walworth County)
- Town of La Grange (Walworth County)
- City of Elkhorn (Walworth County)

**Counties and groups considering passing resolutions to support a statewide ban on phosphorus in lawn fertilizer (modeled after Dane County's existing ordinance)**

- Barron County
- Burnett County
- Sawyer County
- Washburn County  
(resolution passed County AG and LCC Committee, resolution going to full County board at September meeting).
- Wisconsin Counties Association  
(resolution passed Land Use committee in July, acting on the resolution in October)

**Cities/Villages/Towns interested in passing phosphorus lawn fertilizer ordinances**

- Town of Rome (Adams County)
- Village of Greenville (Outagamie County)
- Town of Elkhart lake (Sheboygan County)
- Town of East Troy (Waukesha)
- City of Oconomowoc (Waukesha)
- Village of Nashotah (Waukesha)

**Groups/local governments in the process of developing resolutions in support the statewide initiative**

- Burnett County Lakes and Rivers Association
- Douglas County Lakes and Rivers Association
- Price county Lakes and Rivers Association
- Polk County Lakes and Rivers Association

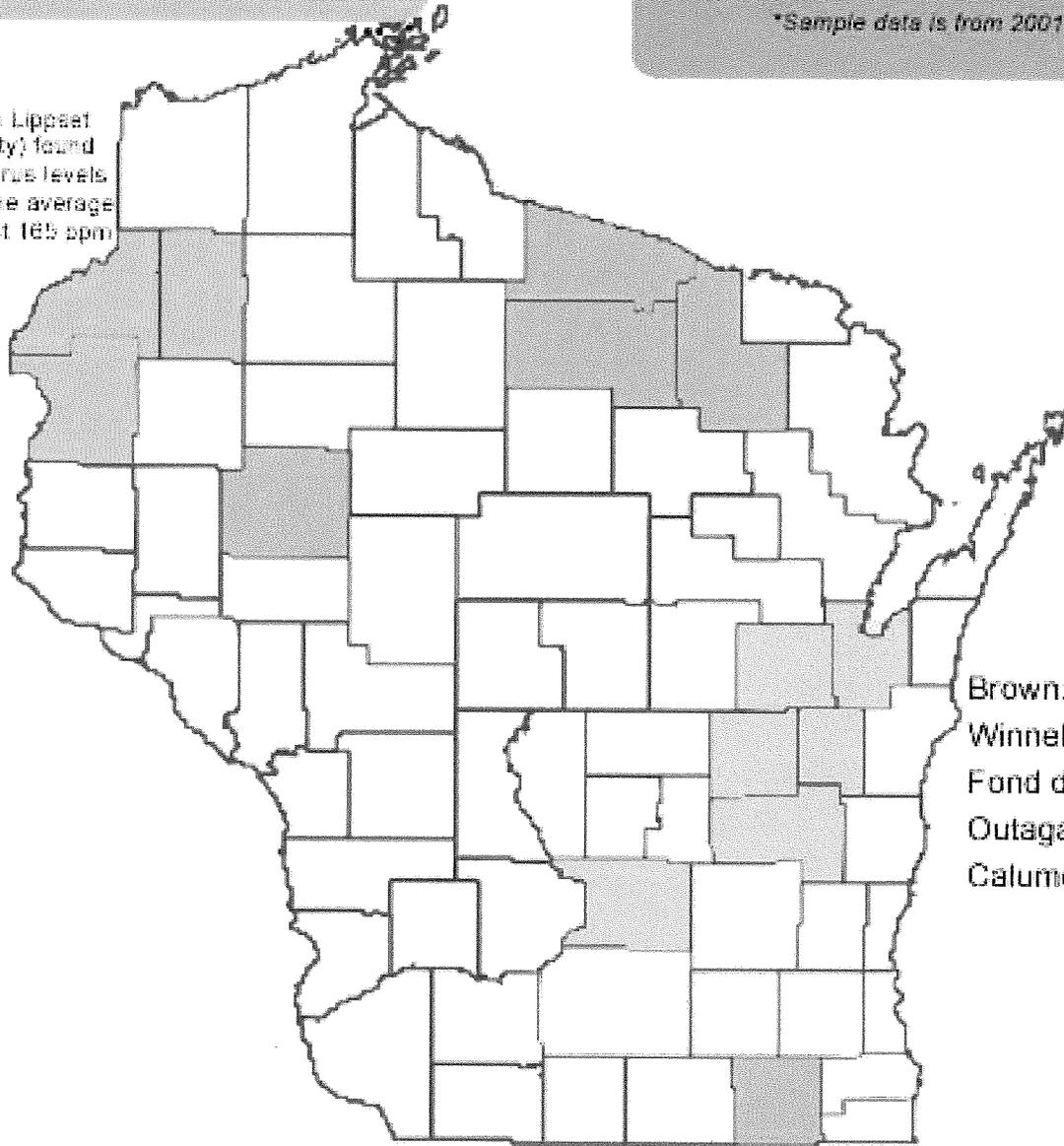
# Phosphorus in Wisconsin lawns

Many parts of Northwest Wisconsin have naturally high soil phosphorus levels because of glacial deposits. Applying phosphorus lawn fertilizers is unnecessary and increases already high soil phosphorus concentrations.

Northeast Wisconsin's soils commonly contain greater than 120 parts per million (ppm) soil phosphorus, far exceeding the 20 ppm that is adequate to sustain healthy turf grass. See map below for average lawn soil phosphorus levels in five Northeast Counties.\*

*\*Sample data is from 2001-2005 (UW-Lab)*

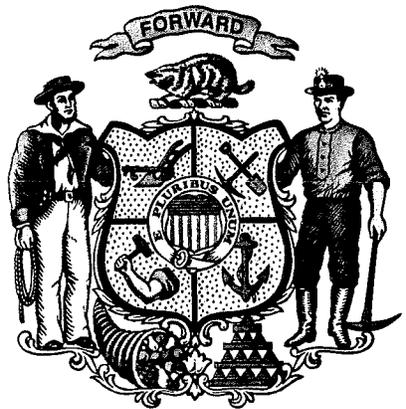
Recent samples on Lippert Lake (Burnett County) found excessive phosphorus levels in lakeshore soil. The average 77 ppm, the highest 165 ppm



Brown: 200 ppm  
Winnebago: 175 ppm  
Fond du Lac: 148 ppm  
Outagamie: 120 ppm  
Calumet: 114 ppm

Two USGS studies on Wisconsin lakes found lawns send more phosphorus to the lake (10-100 times more than wooded sites) and lawn fertilizer choice makes a difference (lawns using phosphorus fertilizer produced 50% more phosphorus runoff)

A sampling of Dane County lawn soils found an average soil phosphorus concentration of 54 ppm. Some lawns had up to 438 ppm.



Testimony on SB197 relating to phosphorus lawn fertilizers  
Prepared by: Paul D. Dearlove, Lake Ripley Management District  
August 28, 2007

Dear Senate Committee on Environment and Natural Resources:

I am writing on behalf of the Lake Ripley Management District, and as a professional lake and watershed manager, to express our unequivocal support for Senate Bill 197. We believe this measure would create consistent, reasonable and long-overdue protections related to the sale and use of phosphorus lawn fertilizers throughout Wisconsin.

The inland lake protection and rehabilitation district I represent serves about 2,000 property owners in Jefferson County. We have struggled for 17 years to reverse the problems of the past and clean up Lake Ripley. Unfortunately, and despite our best efforts, our lake (like many others throughout the state) continues to suffer from the effects of polluted runoff and excess phosphorus loading: loss of water clarity, more frequent algal blooms, weed-choked swimming areas, negative fishery impacts, and local economies threatened by lost tourism and falling property values.

We know our lake, we are intimately familiar with its challenges, and we are well aware of the root causes of its most pressing and significant problems. The number one pollutant contributing to the bulk of our management expenses is phosphorus—a common (albeit often unnecessary) ingredient found in many lawn fertilizers. The runoff of lawn fertilizers into Lake Ripley may not be its only source of phosphorus pollution, or even its primary source, but it is part of the larger problem and one that can be easily and economically controlled.

We now face a golden opportunity to apply a model that is already working elsewhere, and for the simple purpose of safeguarding the health and quality of our waterways, their valued flora and fauna, and the regional economies they support and that would otherwise remain at risk. Phosphorus runoff is responsible for the degradation of the vast majority of Wisconsin's lakes and waterways, including Lake Ripley. It is an ingredient that was decisively banned from detergents decades ago because of its water quality impacts, and it is an ingredient that now needs to be removed from lawn fertilizers for the same reasons. Our clothes have not suffered as a consequent, and neither will our lawns. Our waterways, however, will reap the benefits for years to come.

Thank you.



# WISCONSIN STATE LEGISLATURE



SB 197  
File

Aug. 28, 2007

Good morning,

Thank you for the opportunity to speak with you today. My name is Tiffany Lyden and I am a Lake Specialist with the UW-Extension Lakes Program, located in the College of Natural Resources on the UW-Stevens Point campus. A major portion of my job is working with lake organizations and people all across the state on lake-related issues.

We have been educating people for a long time about phosphorus and lakes. Phosphorus is one of the many nutrients that algae and aquatic plants (weeds) need in order to grow, just as plants on land (things like garden plants, trees, and grass) need phosphorus. However, the fact is, for the majority of Wisconsin's lakes, phosphorus is the limiting nutrient. That means it's the ingredient in least supply relative to the others. So when additional phosphorus is added, it results in more plants and algae. This is well-documented, well-understood, basic lake science. It came out in the public forum in the 1970's when our nation was looking into banning phosphorus in laundry detergents. There were studies and experiments, one even where scientists took an hour-glass shaped lake and put a barrier in between and added phosphorus to one side. The side with the added phosphorus turned green with algae. The result is that today, the effects of phosphorus in lakes are now well understood, and in a lot of places, phosphorus is now banned in laundry detergents due to its negative effect on surface waters.

Here in Wisconsin we have a strong history of citizens getting involved with lakes. There are currently over 700 lake organizations in existence in our state. Most of these organizations have been formed voluntarily over the years by concerned citizens deciding they want to be actively engaged in understanding and managing the health and future of their lake.

I provide information to these groups and assist them with a variety of things. One of the concerns that I hear from a lot of these lake organizations is how frustrated they are with trying to manage a lake that has high levels of aquatic plants and algae. Some of these lake systems are so overgrown that it makes water recreation difficult. The abundance of aquatic plants and algae can be unsightly and when they decay their smell can be pretty unpleasant. Furthermore, decaying algae can use up important oxygen needed for other fish and aquatic life, which in some lakes can lead to fish die-offs. The problem, in most of these cases, is too much phosphorus.

Many of our lake organizations spend thousands of dollars each year trying to combat the results of excess phosphorus in a lake. They use mechanical harvesters, essentially floating lawn mowers, that cut the aquatic plants, often several times a summer. Mechanical harvesting operations can cost \$2-300 per acre. Other lake organizations will use chemicals that kill the aquatic plants or algae, but the phosphorus in the system will continuously provide fertilizer for new plants and algae.

But there are still a lot of lakes out there that aren't dealing with such situations. They may be at the other end of the spectrum without a lot of phosphorus now, but they are very concerned and are looking to protect their lake by minimizing the phosphorus

coming into the system. They have seen other degraded lakes and don't want that to happen.

Many lake organizations engage in studies to learn more about their lake. They learn that phosphorus can come from many sources within a watershed (which is the land that drains to the lake). They initiate projects to work with landowners, to educate people, and take on projects to benefit the lake. Many of them have worked with their local municipalities to implement no-phosphorus fertilizer ordinances, because they see it as an important and easy step to reduce unnecessary phosphorus, and keep it out of the lake.

With over 700 lake organizations and countless other individuals, we literally have thousands of volunteers taking care of public waters – our lakes. And they are doing so on their own time, usually spending their own money. Phosphorus is one of their biggest issues. Finding ways to reduce unnecessary phosphorus inputs into state waters can help people and organizations better protect and improve the water quality of the our state's lakes.

Thank you very much for your time.

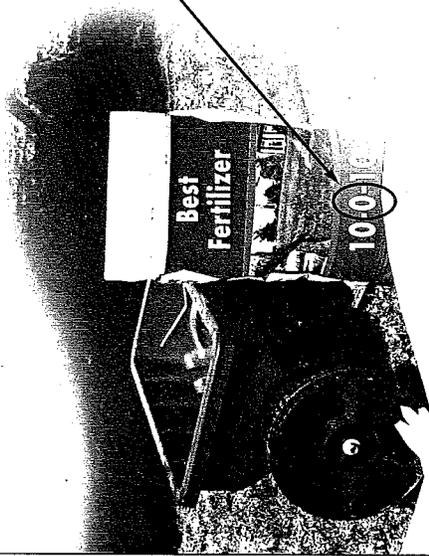
Submitted by:  
Tiffany Lyden  
Lake Specialist  
UW-Extension Lakes  
College of Natural Resources  
UW-Stevens Point  
800 Reserve St.  
Stevens Point, WI 54481  
715-295-8903  
tlyden@uwsp.edu

## Simple Step #1:

### Choose zero-phosphorus fertilizer

If you must fertilize, avoid fertilizers that contain phosphorus. Remember, it's phosphorus that accelerates algae growth in our lakes and rivers. Most lawns and gardens already contain adequate — and often excessive — amounts of phosphorus. Based on a study of 236 lawns sampled in Dane County, the average available soil phosphorus concentration was approximately four times higher than the amount needed to maintain a healthy lawn.<sup>3</sup> Consider this — one pound of phosphorus in runoff can result in 500 pounds of algae growth!<sup>3</sup>

Phosphorus is an essential nutrient for plants. However, when too much phosphorus makes its way into our lakes and streams it promotes the rapid growth of weeds and algae and decreases water clarity, often turning lakes green. Decaying algae also depletes oxygen in the water, so that fish can no longer thrive. Human activities contribute a great deal to the amount of phosphorus that enters a lake or stream.



Middle number indicates amount of phosphorus

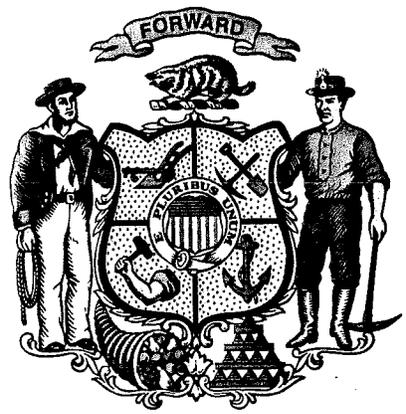
**WHEN YOU'RE FERTILIZING THE LAWN, REMEMBER, YOU'RE NOT JUST FERTILIZING THE LAWN.**

Photo courtesy of Washington State Department of Ecology, King County, and the cities of Bellevue, Seattle, and Tacoma.



If you follow the instructions on a bag of fertilizer containing phosphorus, you may be adding over 50 pounds of phosphorus to a half-acre lot each year.<sup>4</sup>

**Some communities have prohibited the use of phosphorus fertilizer around lakes and streams. Check local ordinances.**





# Wisconsin Merchants Federation

*"The Voice of Wisconsin Retailing"*

1 East Main Street, Suite 305  
Madison, Wisconsin 53703  
Telephone 608/257-3541  
Fax 608/257-8755  
E-mail wmf@wismerchants.com

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David K. Storey

**V.P./Operations**  
Mary C. Kaja

**To: Members of the Senate Environment and Natural Resources  
Committee**

**From: Chris Tackett, President & CEO**

**Date: August 28, 2007**

**Subject: WMF Support of SB 197 – Restrictions on Phosphorus Fertilizer**

We urge your support of SB 197 to establish statewide consistency for fertilizer regulations. Many of our members have stores in over 50 different local units of government. To comply with a "patchwork" of local regulations on the sale of fertilizer is becoming a nightmare for these retailers.

Statewide consistency would solve these problems for retailers while banning the use of phosphorus statewide.

While some may say there is conflicting science on phosphorus use there is no denying the "political science" of this issue. We accept that.

There should be one standard for fertilizer use and sale in Wisconsin. The Department of Agriculture, Trade and Consumer Protection has the expertise to craft and enforce statewide "consistent" regulations.

We urge your support for SB 197.

*- concerned about the display ban*