



2009 ASSEMBLY BILL 3

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

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 94.643 of the statutes is created to read:

5 **94.643 Restrictions on the use and sale of fertilizer containing**
6 **phosphorus. (1) DEFINITIONS.** In this section:

7 (a) “Fertilizer” has the meaning given in s. 94.64 (1) (e), except that “fertilizer”
8 does not include manipulated animal or vegetable manure or finished sewage sludge
9 product.

10 (ag) “Finished sewage sludge product” has the meaning given in s. 94.64 (1)
11 (fm).

ASSEMBLY BILL 3**SECTION 1**

1 (ar) “Manipulated” means ground; pelletized; mechanically dried; packaged;
2 supplemented with substances, including plant nutrients, that do not contain
3 phosphorus; or otherwise treated in a manner designed to facilitate sale or
4 distribution as a fertilizer or soil or plant additive.

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
10 intentionally apply to turf fertilizer that is labeled as containing phosphorus or
11 available phosphate.

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

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

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

20 (d) No person may intentionally apply turf fertilizer, manipulated animal or
21 vegetable manure, or finished sewage sludge product to an impervious surface. A
22 person who accidentally applies turf fertilizer, manipulated animal or vegetable
23 manure, or finished sewage sludge product to an impervious surface shall
24 immediately remove it.

