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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2009-10

(session year)

Senate

(Assembly, Senate or Joint)

Committee on Environment...

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 ... 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: Stefanie Rose (LRB) (September 2013)

Senate

Record of Committee Proceedings

Committee on Environment

Senate Bill 5

Relating to: restrictions on the use and sale of fertilizer containing phosphorus and other turf fertilizer and providing a penalty.

By Senators Miller, Cowles, Erpenbach, Hansen, Holperin, Hopper, Jauch, Kreitlow, A. Lasee, Lehman, Olsen, Risser, Sullivan, Wirch, Lassa and Carpenter; cosponsored by Representatives Black, Bies, Ballweg, Benedict, Berceau, Clark, Dexter, Hebl, Hilgenberg, Hintz, Hixson, Hraychuck, Hubler, Jorgensen, Knodl, Mason, Molepske Jr., Mursau, Parisi, Pasch, Pocan, Pope-Roberts, Richards, Roys, Sherman, Smith, Soletski, Tauchen, Van Roy, Wood and Spanbauer.

January 15, 2009 Referred to Committee on Environment.

February 11, 2009 **PUBLIC HEARING HELD**

Present: (5) Senators Miller, Jauch, Wirch, Kedzie and Olsen.

Absent: (0) None.

Appearances For

- Mark Miller, Monona — Senator, 16th Senate District
- Spencer Black, Madison — Representative, 77th Assembly District
- Garey Bies, Sister Bay — Representative, 1st Assembly District
- Chris Wible, Marysville — The Scotts Miracle Grow Company
- Greg Farnham, Juneau — Lake Sinissippi Improvement District
- George Meyer, Madison — Wisconsin Wildlife Federation
- Tamara Jackson, Madison — Wisconsin Association of Lakes
- Shelby Giguere, Sturgeon Bay — Door County
- Brett Hulsey, Madison — Dane County Board
- Dustin Grant, Oxford — Wisconsin Conservation Congress
- Richard Wedepohl, Madison — North American Lake Management Society
- Lori Grant, Madison — River Alliance of Wisconsin
- John Alberts, Oconomowoc — Lac du Flambeau Band of Chippewa/St. Croix Band of Chippewa

Appearances Against

- Steve Barston, Janesville — Blain Supply Inc.

Appearances for Information Only

- Tim Asplund, Madison — DNR

- Lori Bowman, Madison — DATCP
- George Klaetsch, Madison — Wisconsin Agribusiness Council

Registrations For

- Tim Carpenter, Milwaukee — Senator, 3rd Senate District
- Sybil Brakken, Cable — Cable Lake Association
- Jim Brakken, Cable — Bayfield County Lakes Forum
- Monica Groves Batiza, Madison — Wisconsin Counties Association
- Shahla Werner, Madison — Sierra Club
- Jim Connors, Madison — Sierra Club
- Mickey Biel, Madison — Dane County
- Michael Serpe, Sturgeon Bay — Door County
- Jennifer Giegerich, Madison — Wisconsin League of Conservation Voters
- Brad Boycks, Madison — Wisconsin Builders Association
- Amber Meyer Smith, Madison — Clean Wisconsin
- Julian Zelazny, Madison — Wisconsin Land & Water Conservation Association
- Doug Johnson, Evansville — Midwest Hardware Association
- Caryl Terrell, Madison — League of Womens Voters

Registrations Against

- None.

Registrations for Information Only

- None.

March 10, 2009

EXECUTIVE SESSION HELD

Present: (5) Senators Miller, Jauch, Wirch, Kedzie and Olsen.

Absent: (0) None.

Moved by Senator Jauch, seconded by Senator Olsen that **Senate Amendment 1** be recommended for adoption.

Ayes: (5) Senators Miller, Jauch, Wirch, Kedzie and Olsen.

Noes: (0) None.

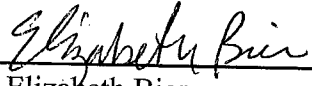
ADOPTION OF SENATE AMENDMENT 1 RECOMMENDED,
Ayes 5, Noes 0

Moved by Senator Miller, seconded by Senator Jauch that **Senate Bill 5** be recommended for passage as amended.

Ayes: (5) Senators Miller, Jauch, Wirch, Kedzie and Olsen.

Noes: (0) None.

PASSAGE AS AMENDED RECOMMENDED, Ayes 5, Noes 0



Elizabeth Bier
Committee Clerk

Vote Record Committee on Environment

Date: 3/10/09

Moved by: Jauch

Seconded by: Olsen

AB _____ SB 5 Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt 7
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt _____
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

- Be recommended for:
- Passage Adoption Confirmation Concurrence Indefinite Postponement
 - Introduction Rejection Tabling Nonconcurrence

Committee Member	Aye	No	Absent	Not Voting
Senator Mark Miller, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Robert Jauch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Robert Wirch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Neal Kedzie	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Luther Olsen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>5</u>	<u>0</u>	_____	_____

Motion Carried Motion Failed

Vote Record Committee on Environment

Date: 3/10/09

Moved by: Miller

Seconded by: Jauch

AB _____ SB 5 _____ Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt 1 _____
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt _____
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:
 Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

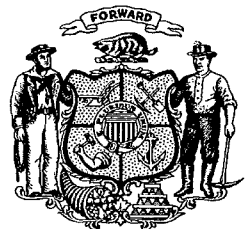
<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator Mark Miller, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Robert Jauch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Robert Wirch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Neal Kedzie	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Luther Olsen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: 5 _____ _____ _____

Motion Carried Motion Failed



WISCONSIN STATE LEGISLATURE



2009 SENATE BILL 5

January 15, 2009 – Introduced by Senators MILLER, COWLES, ERPENBACH, HANSEN, HOLPERIN, HOPPER, JAUCH, KREITLOW, A. LASEE, LEHMAN, OLSEN, RISSER, SULLIVAN, WIRCH and LASSA, cosponsored by Representatives BLACK, BIES, BALLWEG, BENEDICT, BERCEAU, CLARK, DEXTER, HEBL, HILGENBERG, HINTZ, HIXSON, HRAYCHUCK, HUBLER, JORGENSEN, KNODL, MASON, MOLEPSKE, MURSAU, PARISI, PASCH, POCAN, POPE-ROBERTS, RICHARDS, ROYS, SHERMAN, SMITH, SOLETSKI, TAUCHEN, VAN ROY, WOOD and SPANBAUER. Referred to Committee on Environment.

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 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 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 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, manure that is mechanically dried, ground, or pelletized, and finished sewage sludge product to turf when the ground is frozen. The bill also prohibits the intentional 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 bill 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 bill prohibits a retailer from displaying turf fertilizer that contains phosphorus, but

SENATE BILL 5

authorizes a retailer to post a sign stating that turf fertilizer containing 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), 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. *-add DARC definition*

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. *-or available 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.

20 2. Paragraph (a) does not apply to a person who applies fertilizer to an area if
21 the soil in the area is deficient in phosphorus, as shown by a soil test performed no

SENATE BILL 5

1 more than 36 months before the application by a laboratory ~~that is certified by the~~
 2 ~~department to conduct tests for soil phosphorus.~~

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

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

10 (3) RESTRICTION ON SALE. No person may sell at retail turf fertilizer that is
 11 labeled as containing phosphorus, ^{or available phosphate} except that a person may sell at retail turf
 12 fertilizer that is labeled as containing phosphorus ^{or available phosphate} for any of the following purposes:

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

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

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

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



Our Mission:

"To educate and provide opportunities for people of diverse interests to work together to improve the environmental, recreational, cultural, and economic resources of the Rock River Basin"

January 22, 200

Senator Mark Miller, Chairman
Senate Committee on the Environment
Room 317 East
State Capitol
P.O. Box 7882
Madison, WI 53707-7882

RE: SB 5 - Phosphorus Fertilizer Restrictions

Dear Senator Miller, and Members of the Senate Committee on the Environment,

The Rock River Coalition is in full support of a Bill to restrict the statewide unnecessary use of phosphorus fertilizers for turf grass. The Rock River itself is impaired with excess phosphorus, and restricting the use of additional unneeded fertilizer on lawns in our basin is part of a larger strategy to improve the water quality in our basin's rivers and lakes.

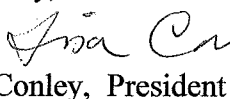
Controlling phosphorus runoff from our watershed is one of the most important things we can do to control excess algae and to keep our area lakes and rivers healthy. Since local soils are naturally high in phosphorus, the application of additional unnecessary phosphorus in lawn fertilizers does not benefit our lawns, and can cause big problems for the lakes. When soils are saturated with phosphorus, it runs off into our lakes and streams where 1 lb. of phosphorus can generate 500 lbs of algae.

Because the storm sewers and roadside ditches in our local communities feed into our lakes and rivers, this ban is important throughout our communities, not just for waterfront property.

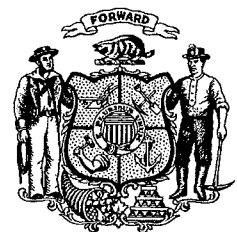
A number of communities in the Rock River Basin have passed ordinances restricting phosphorus in lawn fertilizers, creating a patchwork of protection for local waters. Because people may buy their fertilizer outside of the community where it is spread; local ordinances cannot give the same level of protection that a statewide ordinance would provide.

While we know that this is not the only source of phosphorus that needs addressing, it is an important, very low cost step, to help meet water quality goals in our phosphorus challenged watershed.

Sincerely,


Lisa Conley, President

Lconley101@gmail.com





DANE COUNTY

Kathleen M. Falk
County Executive

For Immediate Release

DATE: January 27, 2009

Contact: Joshua Wescott, Office of the County Executive (608) 267-8823 or cell (608) 669-5606

County Executive Falk Statement: Legislature Considers Statewide Phosphorus Ban

Dane County Executive Kathleen Falk issued the following statement regarding a public hearing to be held Wednesday before the Assembly Committee on Natural Resources. A hearing will be held on legislation similar to a Dane County ordinance that took effect January 1, 2005 - - the first countywide ordinance in Wisconsin that limited the sale of fertilizers containing phosphorus.

(Madison)...“As County Executive of the first county in Wisconsin to pass a ban on unnecessary phosphorus in lawn fertilizer, I commend the state legislature’s attention to this important step we can take to improve the health of our lakes. A statewide policy like Dane County’s would also ensure consistency across Wisconsin for consumers, retailers and suppliers.

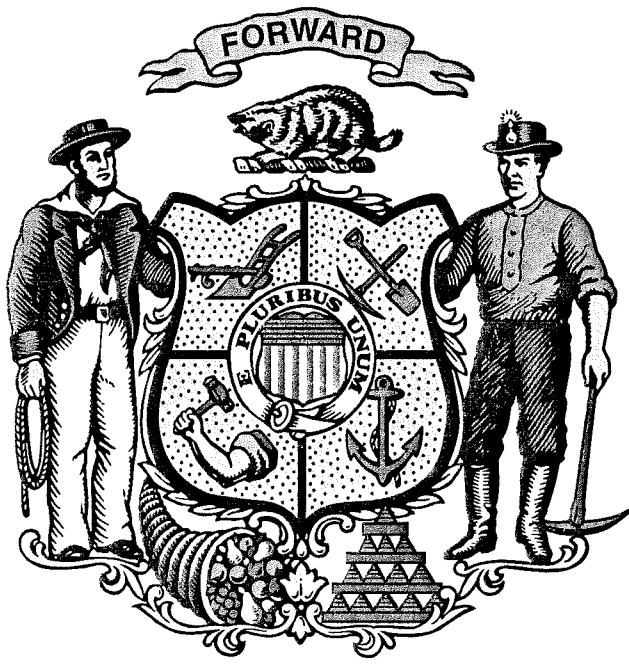
Since Dane County’s ban took effect four years ago, retailers and homeowners have worked fabulously together to reduce the amount of phosphorus that goes into our lakes, and thereby the excessive algae growth linked to too much phosphorus. Their shared goal of having healthier lakes ensures families will be able to enjoy these natural treasures for generations to come.

I thank Representative Spencer Black and Senator Mark Miller for their leadership on this issue and look forward to continued joint efforts between local and state government to protect and improve the quality of our lakes.”

Dane County’s ordinance is similar to the legislation, SB5 and AB3 introduced in the State Senate and Assembly.

Dane County Supervisor Brett Hulsey, Chair of the County’s Lakes and Watershed Commission will testify at Wednesday’s hearing.

#





Stephanie Pizzoferrato
Manager, Government Affairs

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Marysville, OH 43041

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Fax: 937.644.7579

Cell: 937.219.4682

e-mail: stephanie.pizzoferrato@scotts.com

Established in 1868, Marysville, OH



Chris Wible
Director
Environmental Stewardship

14111 Scottslawn Road
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Tel: 937.644.7012

Fax: 937.644.7227

Cell: 937.243.2396

e-mail: chirs.wible@scotts.com

Established in 1868, Marysville, OH

THE **Scotts Miracle-Gro**
COMPANY

January 27, 2009

AB 3

Lawn products and practices
for better water quality



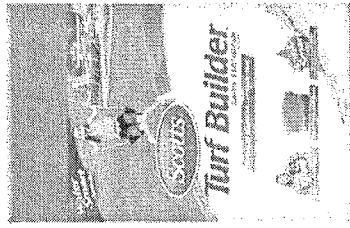
Established in 1868, Marysville, OH

Lawns & Gardens Are Part of Nature

and a key component of healthy, urban ecosystems

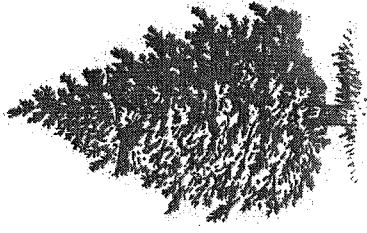


EMERGING RESEARCH: Lawns are the best plants for homeowners to grow to remove greenhouse gases



A 5M bag of Turf Builder has a CO₂ footprint of 22 pounds

Results in a healthy lawn AND removes up to 100 pounds of CO₂ from the atmosphere.



A pine tree takes over 10 years to fix 84 pounds of CO₂

Every year a healthy home lawn captures twice the amount of CO₂ a tree captures in 10 years.

2009 Assembly Bill 3

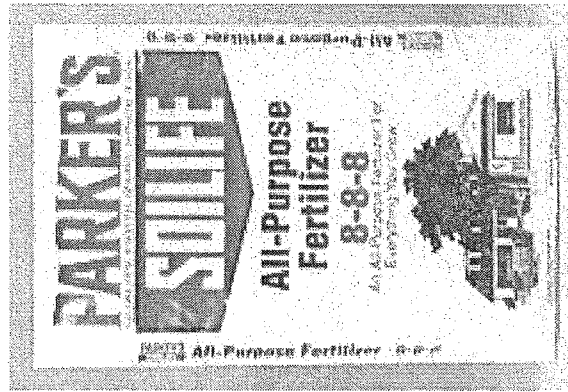
Recognizes benefits of turf and importance of low/no phosphorus products for water quality— minor amendments are needed to achieve full benefits for water quality

Two areas of concern with current language:

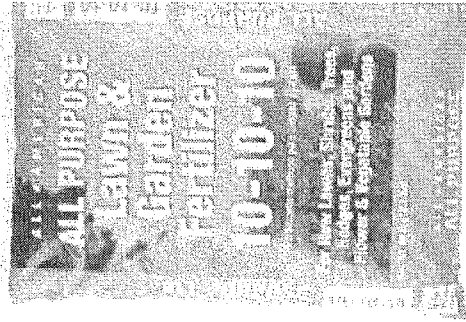
- 1) **“No person may apply a turf fertilizer that is labeled as containing phosphorus”**
 - Bill exempts certain product types (single ingredient) but not others with same or lower phosphorus
- 2) **“No person who sells fertilizer at retail may display turf fertilizer that is labeled as containing phosphorus”**
 - Does not exempt Starter fertilizer
 - used for seeding, one-time use

**Largest lawn use of Phosphorus is from
“All-Purpose” Lawn & Garden Products (1:1:1 ratio)**

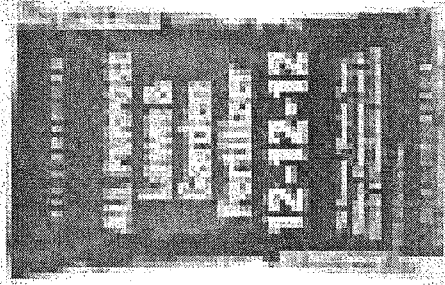
- “All-Purpose” products account for over 60% of phosphorus use
- 85% of users report use on lawns rather than gardens
- 2009 AB 3 eliminates these products from the state



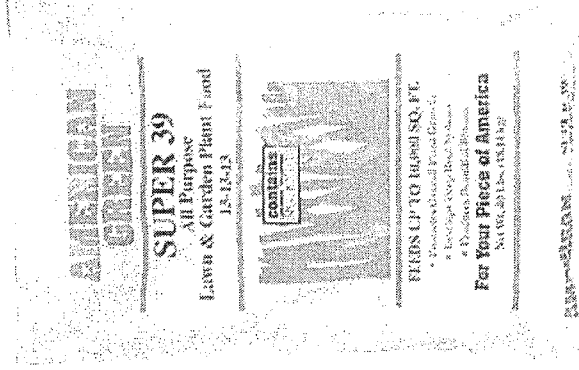
Phosphorus Content 8%



10%

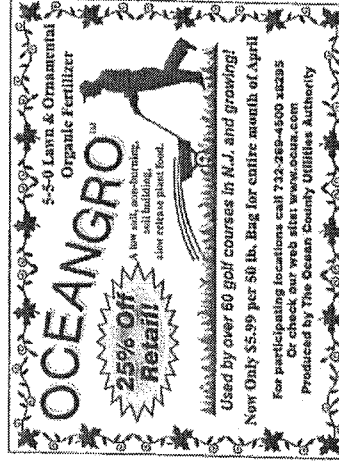
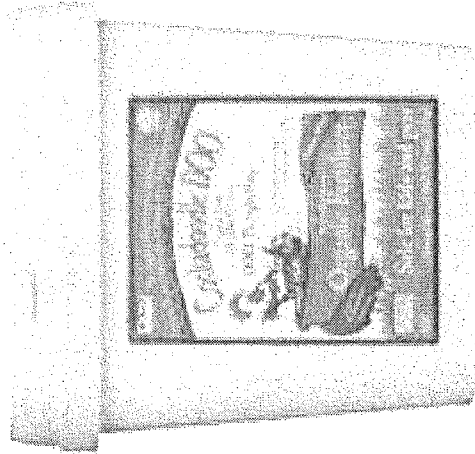


12%



13%

**AB 3 Exempts Manipulated Animal or Vegetable
Manure or Finished Sewage Sludge
(low phosphorus content products)**



Chicken Manure

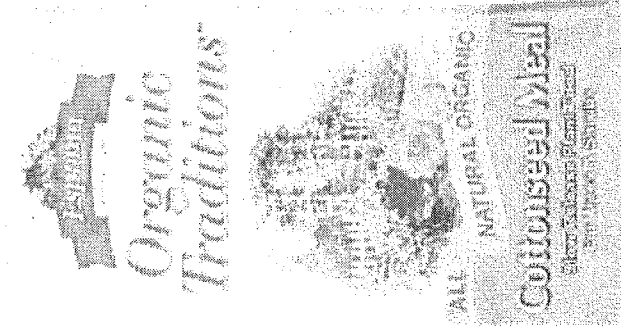
Phosphorus
Content

2-3 %

Biosolids

2-5 %

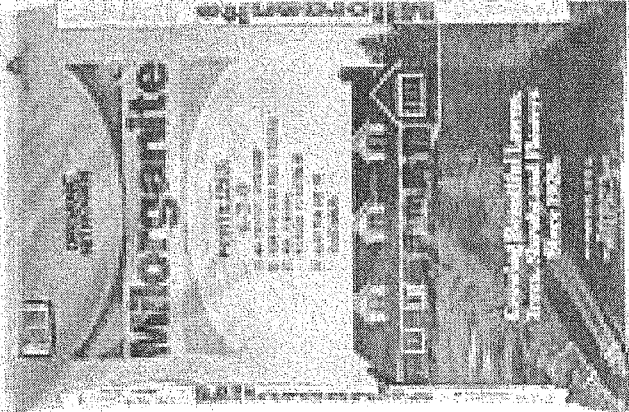
Other products combine multiple nutrient sources and formulate to very low levels of phosphorus
 Contain low levels of phosphorus – lower than single ingredient products



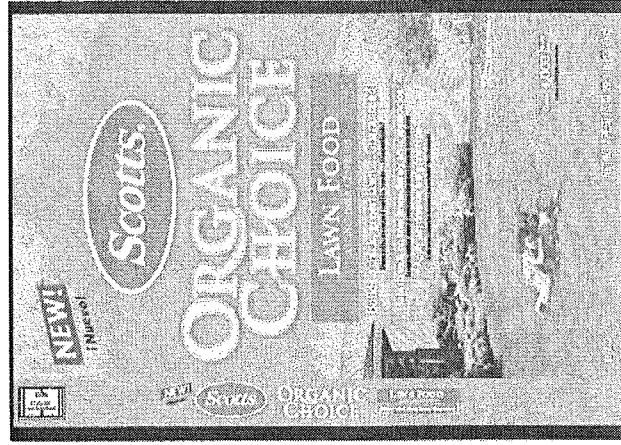
(?)



(?)



(Exempt)



(?)

Phosphorus Content 2%

1%

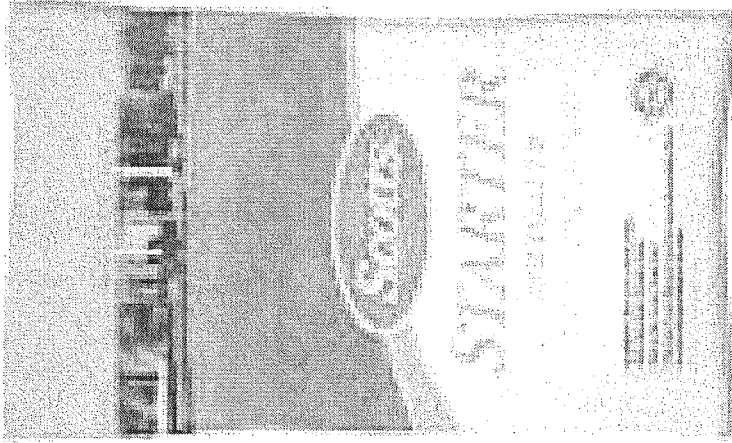
2%

Suggested language enables animal based, vegetable based, low phosphorus, and hybrid product innovations to continue without excluding specific technologies

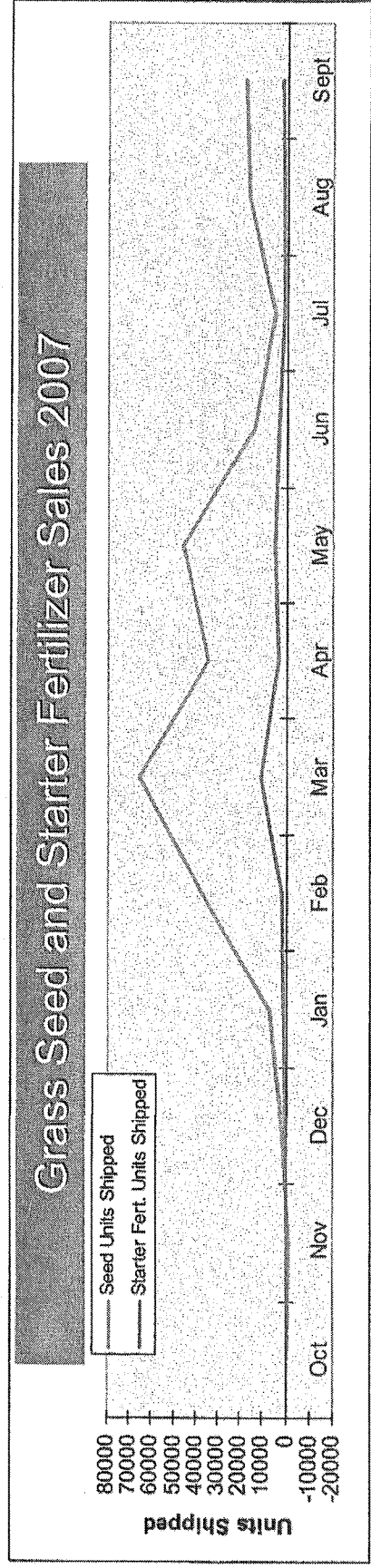
Suggested text:

(a) “Fertilizer” has the meaning given in s.94.64 (1) (e), except that “fertilizer” does not include manipulated animal or vegetable based, or finished sewage sludge based, or products with lower phosphorus.

Grass Seed & Starter Fertilizer



- For use when seeding, one-time use.
- Starter accounts for 5% of fertilizer sale in WI
- Sales remained flat in areas with P-bans that exempt display of Starter fertilizer
- Display bans are not feasible for retailers
- ❖ Space constraints, staff resources, etc.

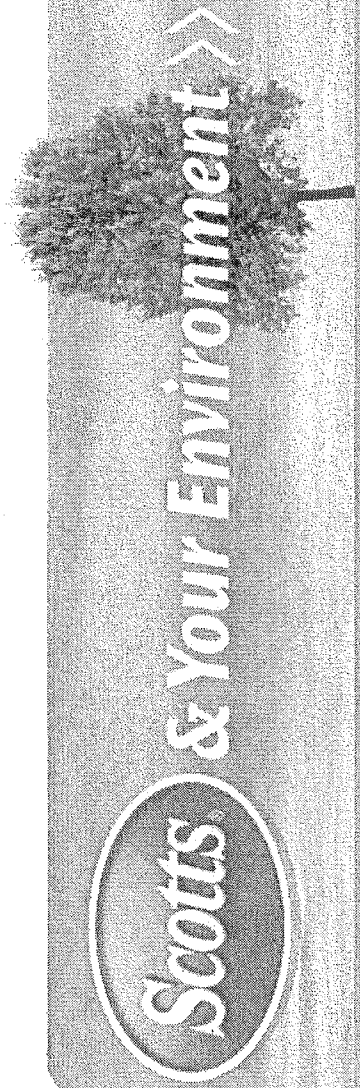


Display exemption for “Starter” fertilizers

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

New Definition (Adopted by AAPFCO in 2007):
Starter Fertilizer: a fertilizer formulated for a one-time application at planting or near that time to encourage root growth and enhance the initial establishment.

Lawns, Lakes and Best Management Practices



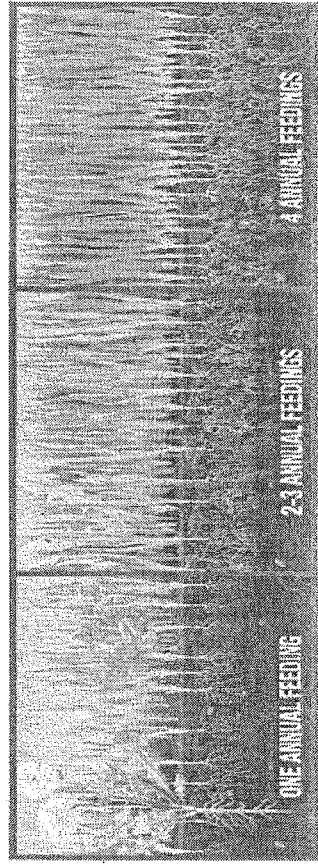
We care.
Scott's® products are designed with care to grow thicker, greener lawns.

Because green is good.
A healthy lawn cleans the air, produces oxygen and prevents runoff and soil erosion.

You can make a difference.
Help keep our water resources clean. Apply this product only to your lawn, and sweep any product that lands in the driveway, sidewalk or street back on to your lawn.

Tips for Lawn-care Success

- **Feed regularly for your best lawn.** Regular feedings of Scott's® Turf Builder® will help build a lawn you and your family can enjoy. Scott's Turf Builder provides the nutrients your lawn needs to look its weed-free best and withstand the stresses of heat, drought and family activity.
- **Mow your lawn high.** Mowing high allows the grass to develop a deep root system & helps your lawn use water more effectively.
- **Leave the grass clippings on your lawn.** This recycles the plant nutrients back into the soil.
- **Conserve water.** Your lawn will begin to wilt when water is needed. As much as possible, take advantage of nature's sprinkler and rely on the rain to water your lawn.

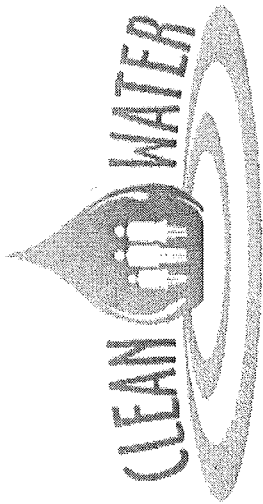


Products + Practices = Environmental Benefits

HEALTHY LAWNS & CLEAN WATER:

You Can Make a Difference.

A healthy lawn prevents erosion, filters pollution, recharges groundwater, and cools our environment. Feeding your lawn with fertilizer keeps lawns healthy, but fertilization must be done properly to prevent potential harm to our waterways. Over fertilization can harm grass, and pollute water.



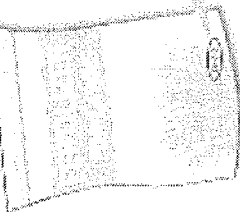
It's Up to You New Jersey

THERE ARE TWO WAYS YOU CAN HELP PROTECT NEW JERSEY'S WATERWAYS AND KEEP YOUR LAWNS HEALTHY:

1. Select a low or no phosphorus fertilizer designed for lawns.
2. Apply it to your lawn properly.

FOLLOW THESE LAWN CARE BEST PRACTICES TO DO YOUR PART TO IMPROVE THE QUALITY OF NEW JERSEY'S WATER:

1. Choose a low or no phosphorus fertilizer. Check the second number on the package formula, 28-0-3, for example, means no phosphate.

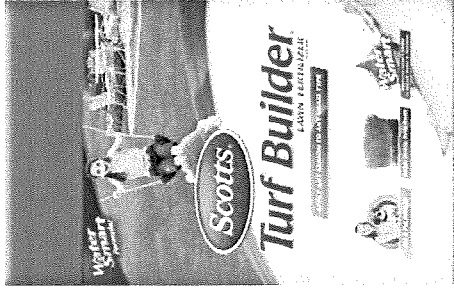


Bags of lawn fertilizer have 3 numbers on them (Example 26-0-3). Find the phosphorus percent by looking at the middle number. A "zero in the middle" means no phosphorus; a 2 or 3 in the middle means low phosphorus.

26-0-3

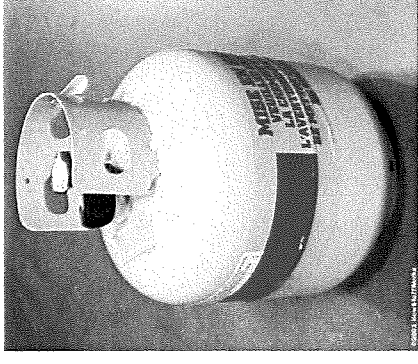
2. Choose a fertilizer designed for lawns. If the product does not say "Lawn" on the label or list a spreader setting or a spreader type, it should not be used on home lawns. Avoid use of "All-Purposes" type fertilizer products on your lawn.
3. Read and follow fertilizer label directions. Apply fertilizer at the correct spreader setting shown on the bag. Over fertilization can harm your lawn and the environment.
4. Use a drop spreader or a rotary spreader with a deflector shield to keep fertilizer on the lawn. Keep fertilizer off walks, driveways, and roadways where it can be washed into storm sewers.
5. Mow your lawn at a high or the highest mower setting and leave the grass clippings on your lawn. Mowing high allows the grass to develop a deep root system that retains and uses water more efficiently. Returning clippings to the lawn recycles nutrients and moisture back into the soil.
6. Fertilize in the spring after the first lawn cutting and once again in the fall between Labor Day and Halloween. Only apply fertilizer when your grass is growing enough to be mowed. Fall is the best time to fertilize your lawn, for a healthier, greener lawn next spring.
7. Following application, return any unused product to the original bag for future use.

Which weekend activity is better for the environment?



A 5M bag of Turf builder
has a carbon equivalent of
6 pounds.

Results in a healthy lawn AND
removes up to 100 pounds of
CO₂ from the atmosphere.



A BBQ propane tank has
a carbon equivalent of
6 pounds.

Results in great food BUT
adds up to 24 pounds of
CO₂ into the atmosphere.

2009 ASSEMBLY BILL 3

*SMG Amendment

January 16, 2009 – Introduced by Representatives BLACK, BIES, JORGENSEN, ROYS, TAUCHEN, CLARK, HEBL, HRAYCHUCK, MURSAU, PARISI, BERCEAU, POCAN, POPE-ROBERTS, KNODL, BENEDICT, DEXTER, HILGENBERG, WOOD, HINTZ, MASON, MOLEPSKE, VAN ROY, HIXSON, RICHARDS, SHERMAN, SMITH, HUBLER, SOLETSKI, PASCH, BALLWEG, LOTHIAN and SPANBAUER, cosponsored by Senators MILLER, COWLES, HOLPERIN, KREITLOW, LEHMAN, HANSEN, A. LASEE, JAUCH, HOPPER, RISSER, SULLIVAN, WIRCH, OLSEN, ERPENBACH and LASSA. 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 turf 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 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 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, manure that is mechanically dried, ground, or pelletized, and finished sewage sludge product to turf when the ground is frozen. The bill also prohibits the intentional 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 bill 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 bill prohibits a retailer from displaying turf fertilizer that contains phosphorus, but

ASSEMBLY BILL 3

authorizes a retailer to post a sign stating that turf fertilizer containing 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), except that "fertilizer"

5 does not include manipulated animal or vegetable manure based or finished sewage sludge

6 based product, or products with lower phosphorus.

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 (c) "Starter Fertilizer" means a fertilizer formulated for a one-time application at planting or near that time to encourage root growth and enhance initial establishment.

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.

20 2. Paragraph (a) does not apply to a person who applies fertilizer to an area if

21 the soil in the area is deficient in phosphorus, as shown by a soil test performed no

ASSEMBLY BILL 3

1 more than 36 months before the application by a laboratory that is certified by the
2 department to conduct tests for soil phosphorus.

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

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

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

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

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

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

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

ASSEMBLY BILL 3 SECTION 1

1 **(5) PENALTY.** Any person who violates this section may be required to forfeit not
2 more than \$50 for a first violation and not less than \$200 nor more than \$500 for a
3 2nd or subsequent violation.

4 **SECTION 2. Effective date.**

5 **(1)** This act takes effect on the first day of the 12th month beginning after
6 publication.

7 **(END)**



Corporate Fact Sheet

Overview

The Scotts Miracle-Gro Company is the world's largest marketer of branded consumer products for lawn and garden care, with products for professional horticulture as well. With the most recognizable brands in industry, ScottsMiracle-Gro products are No. 1 in every major category in which they compete. ScottsMiracle-Gro is a leader with its product innovation, leading advertising and operational excellence in an industry with more than \$8 billion in retail sales of lawn and garden products globally.

The Company also operates Scotts LawnService, the second-largest residential lawn service business in the United States. Scotts LawnService provides lawn, tree and shrub care, as well as exterior pest control services to over 550,000 homeowners from 80 company-owned locations and 80 independent franchises.

In Europe, the Company's brands include Weedol®, Pathclear®, Evergreen®, Levington®, Miracle-Gro®, Fertiligene® and Substral®. ScottsMiracle-Gro reach extended into lifestyle products with Smith & Hawken, a leading brand of garden-inspired products and Morning Song, a leading brand in the wild bird food category.

Products

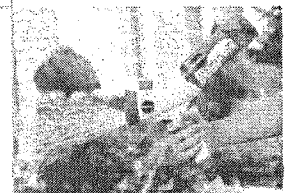
Through continuous product innovation, ScottsMiracle-Gro has made a major impact in the global consumer lawn and garden market with its top brands and variety of products.

Top Brands:

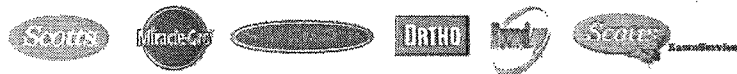
- Scotts®
- Miracle-Gro®
- Ortho®
- Scotts LawnService®
- Morning Song®
- Smith & Hawken®
- Osmocote®
- Hyponex®
- Roundup®
- Supersoil®
- Whitney Farms®

Product Categories:

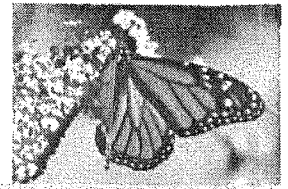
- Lawn Fertilizers
- Weed, Insect & Disease Controls
- Soils
- Mulches & Decorative Cover
- Plant Food
- Grass Seed
- Spreaders
- Outdoor Living
- Wild Bird Food



Miracle-Gro® LiquaFeed® was the largest product launch in the Company's history.



*Note: Roundup, Roundup Design, Roundup Extended Control and Design, and FastJet are trademarks of Monsanto Technology LLC. The Scotts Company LLC is the exclusive sales and marketing agent for Roundup Brand Lawns & Garden Products



Corporate Social Responsibility

- The Company recycles 3.2 billion pounds of organic material annually in the production of its growing media products.
- Working with environmental stakeholders in the Chesapeake Bay area, ScottsMiracle-Gro has reduced the phosphorous content of its fertilizers by 50 percent.
- Reflecting its commitment to the environment and continuous product and packaging design improvements, the entire line of Scotts-brand lawn care products – both conventional and organic selections – features zero or low-phosphorus formulations.
- The Company has continually lowered emissions from its manufacturing facilities, improved packaging to reduce risk of spilled products by 75 percent and developed innovative application devices to simplify product usage.
- ScottsMiracle-Gro has met with environmental groups, water advocates and state, local and federal regulatory and governmental agencies across the United States to address environmental issues.
- Through its Consumer Helplines and Web-based question submission program, the Company answers approximately 1.3 million lawn, garden and product inquiries annually.

Community Initiatives

National Garden – Washington, D.C.: ScottsMiracle-Gro is a founding sponsor of the National Garden in Washington, D.C.

Keep America Beautiful: The ScottsMiracle-Gro and Keep America Beautiful partnership focuses on creating awareness of the benefits of community green spaces, including a national homeowner education program on environmental stewardship, and creating community gardens and green spaces across the country.

New York Botanical Garden: In 2004, ScottsMiracle-Gro became the official sponsor of Home Gardening at The New York Botanical Garden, which includes educational programs for consumers.

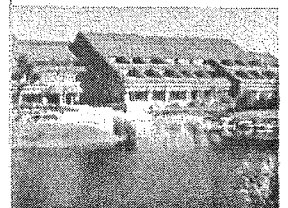
Miracle-Gro® Capital Scholars Program: The Miracle-Gro® Capital Scholars program in Columbus, Ohio, is aimed at enhancing the educational opportunities for a group of approximately 50 students in inner-city Columbus, and guarantees them a paid college education.

Farms for City Kids: This program provides children from urban areas a chance to experience nature on a farm setting in Vermont.

ScottsMiracle-Gro Community Garden Academy and Grant Program: The ScottsMiracle-Gro Community Garden Academy is a comprehensive series of courses designed to provide community gardeners with the skills and resources needed to successfully implement and sustain a community garden and is offered through the Franklin Park Conservatory in Columbus, Ohio.

Garden Writers Association – Plant a Row for the Hungry Program: ScottsMiracle-Gro is the lead active supporter of the Garden Writers Association's Plant a Row for the Hungry Program, which encourages individual gardeners throughout the United States to plant an extra row of produce in their garden and share the harvest with a local food pantry or shelter.

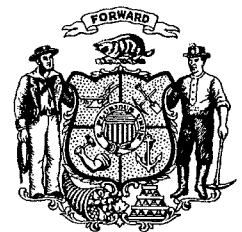
Scioto Mile Riverfront Park: ScottsMiracle-Gro is a major sponsor of this important part of urban renewal in downtown Columbus, Ohio. The Park is a mile-long system of bike and pedestrian paths, urban streets, new riverfront park spaces and activities along the Scioto River.

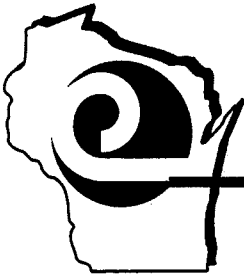


In 2005, Forbes Magazine listed ScottsMiracle-Gro as one of the 400 Best Big Companies in America



WISCONSIN STATE LEGISLATURE





Wisconsin Land and Water Conservation Association, Inc.

702 East Johnson Street · Madison, Wisconsin 53703-1533

Phone: (608) 441-2677 · Fax: (608) 441-2676 · Web site: www.wlwca.org

28 January 2009

Chairman Mark Miller
Senate Committee on Environment
Room 317 East
State Capitol
P.O. Box 7882
Madison, WI 53707-7882

Re: Support for SB 5, a Bill to Prohibit the Use of Phosphorus-Containing Lawn Fertilizers

Dear Chairman Miller,

Thank you for this opportunity to comment on SB 5. We are grateful for the opportunity to communicate with the Committee on Environment on a bill of such great significance.

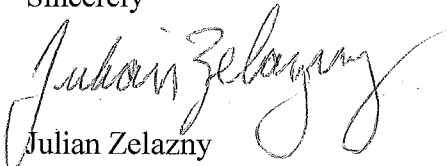
WLWCA is a membership organization that represents elected county board supervisors serving on their county Land Conservation Committee. In 2006 and 2008, by overwhelming majorities, WLWCA members voted in favor of a resolution calling upon the Wisconsin Legislature and Governor to pass a law prohibiting the sale and use of phosphorus-containing lawn fertilizers.

As you know there are many sources of the excess phosphorus that is responsible for the algae blooms and weed mats that harm our lakes and degrade our environment. The agriculture sector is surely responsible for its share. However phosphorus runoff from agricultural land is already regulated and farmers are working hard to do what they can to reduce pollution. It is time for the developed urban and suburban lands to have their turn.

County conservation departments have been leaders in the effort to reduce phosphorus pollution in our waters. We thank you for your sponsorship of the bill and urge your colleagues on the Committee on Environment to vote in favor of a meaningful and effective bill to prohibit most use and sale of phosphorus-containing lawn fertilizer.

I would be pleased to work with you on this issue. Please don't hesitate to call.

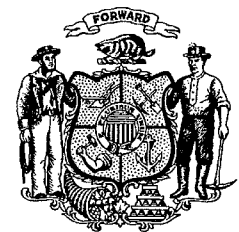
Sincerely



Julian Zelazny
Executive Director



WISCONSIN STATE LEGISLATURE



TOWN & COUNTRY

Resource Conservation
& Development, Inc.

134 West Rockwell Street, Jefferson, WI 53549, Phone: 920-674-3171, www.townandcountryrcd.org

Senator Mark Miller
Room 317 East
State Capitol
P.O. Box 7882
Madison, WI 53707-7882

February 4, 2009

RE: SB 5 - Phosphorus Fertilizer Restrictions

Dear Senator Miller, and Members of the Senate Committee on the Environment,

On Behalf of the Town and Country RC&D, I ask your support for AB 3 - a bill that would restrict phosphorus in lawn fertilizer.

Controlling phosphorus runoff from our watershed is one of the most important things we can do to control excess algae and to keep our area lakes and rivers healthy. Since local soils are naturally high in phosphorus, the application of additional unnecessary phosphorus in lawn fertilizers does not benefit our lawns, and can cause big problems for the lakes. When soils are saturated with phosphorus, it runs off into our lakes and streams where 1 lb. can generate 500 lbs of algae.

A number of communities in our area have passed ordinances restricting phosphorus in lawn fertilizers, creating a patchwork of protection for local waters. Because people may buy their fertilizer outside of the community where it is spread, local ordinances cannot give the same level of protection that a statewide ordinance would provide.

While we know that this is not the only source of phosphorus that needs addressing, it is an important, very low cost step, to help meet water quality goals in our 13 county area of SE Wisconsin, that includes: Columbia, Dane, Dodge, Green Lake, Jefferson, Kenosha, Milwaukee, Ozaukee, Racine, Rock, Walworth, Washington, and Waukesha Counties.

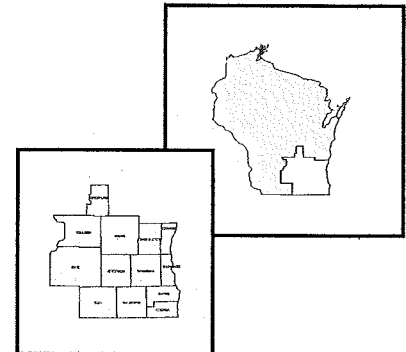
Thanks for you attention, we hope you will support this bill, and forward it to the full Senate for consideration.

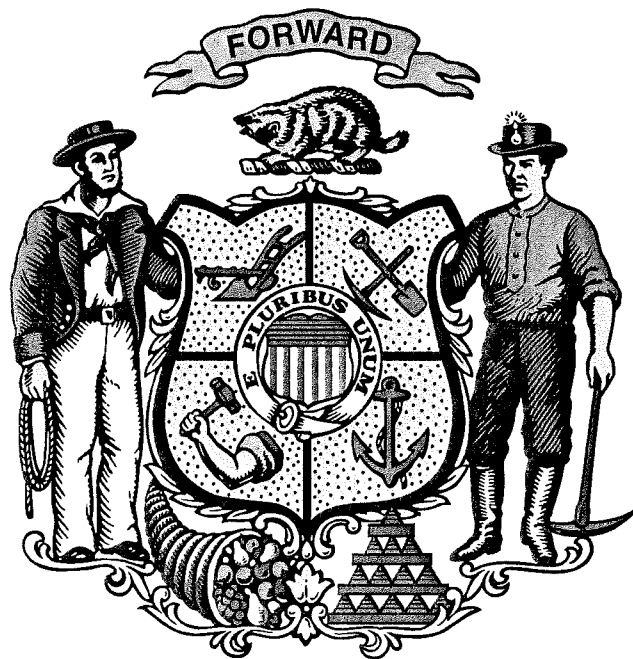
Sincerely,

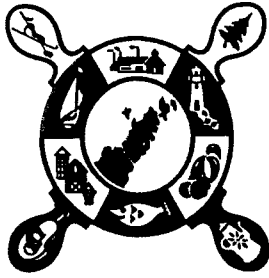


Diane Herman, President

Serving Columbia, Dane, Dodge, Green Lake, Jefferson, Kenosha, Milwaukee,
Ozaukee, Racine, Rock, Walworth, Washington, and Waukesha Counties
And all or part of the following river basins: Fox (III) River, Rock River, Milwaukee River, Root – Pike River,
Sheboygan River, Sugar – Pecontonica River, Lower Wisconsin River, and Upper Fox River Basins







COUNTY OF DOOR

County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235

Michael J. Serpe
County Administrator
(920) 746-2303
mserpe@co.door.wi.us

February 4, 2009

Senator Mark Miller
Chairman, Committee on Environment
Room 317 East, State Capitol
P.O. Box 7882
Madison, WI 53707-7882

Honorable Senator Miller,

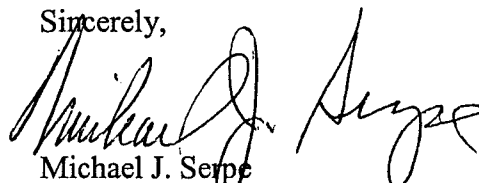
Reference is made to Senate Bill 5 relating to restrictions on the use and sale of lawn fertilizer containing phosphorus.

Senate Bill 5 represents similar legislation that was introduced in 2007. The 2007 effort bore no fruit. As it did in 2007, the County of Door supports the reasonable and workable requirements of the SB 5. Restrictions on the sale of lawn fertilizer containing phosphorus for use on lawns where soil tests indicated the nutrient phosphorus is not required is a tool which will help protect and improve the quality of the waters of Door County. In November of 2006 the Door County Board of Supervisors adopted a resolution expressing their official support of such legislation (attached).

Both public and private beaches in Door County have been rendered almost unusable due to the accumulation of excessive water weeds and algae which are in part a result of excessive nutrients in the waters surrounding and within Door County. It is not suggested that phosphorus in lawn fertilizer is *the* sole cause of this situation of excessive nutrients; but it is a part of the cause and this legislation can be part of the solution.

I thank you and the many other sponsors of SB 5 for their continued efforts to protect our important water resources. On behalf of Door County I encourage the Committee on Environment to vote to send SB 5 forward to the full Senate for their consideration with a recommendation of adoption.

Sincerely,


Michael J. Serpe
Administrator, County of Door

cc: William Schuster, County Conservationist



DOOR COUNTY

Resolution No. 2006-86

RESOLUTION SUPPORTING STATE BAN ON SALE AND USE OF LAWN FERTILIZERS THAT CONTAIN PHOSPHORUS

TO THE DOOR COUNTY BOARD OF SUPERVISORS:

ROLL CALL Board Members	Aye	Nay	Exc.
ANDERSON	X		
ALISTAD	X		
BRANN	X		
DeWITT	X		
FISHER	X		
FONTAINE	X		
FOREST	X		
GOETTELMAN	X		
GULLEY	X		
HAINES		X	
JEANQUART	X		
LIEBE	X		
MOELLER	X		
MOST	X		
MULLIKEN	X		
RUNKQUIST	X		
RYAN	X		
SAVARD		X	
Virlee	X		
WIEGAND	X		
ZIPPERER	X		
	19	2	

BOARD ACTION

Vote Required: Majority vote of a quorum

Motion to Approve: Adopted Deleted

1st Mulliken Deleted

2nd Goetzelman Deleted

Yes: 19 No: 2 Exc: _____

Reviewed by: _____ Corp. Counsel

Reviewed by: _____ Administrator

FISCAL IMPACT: No fiscal implication with the adoption of this resolution.

sms

Certification:

I, Nancy A. Bemmann, Clerk of Door County, hereby certify that the above is a true and correct copy of a resolution that was adopted on the 29 day of November, 2006 by the Door County Board of Supervisors.

Nancy A. Bemmann
Nancy A. Bemmann
County Clerk, Door County

1 WHEREAS, It is vital for the State of Wisconsin to protect the quality of its
2 groundwater and surface water, including all of its lakes, rivers, streams, and the
3 adjacent Great Lakes; and

4
5 WHEREAS, The application of commercial fertilizer on parks, residential
6 properties, and other non-agricultural areas causes excess phosphorus runoff into
7 Wisconsin's lakes, rivers, and streams; and

8
9 WHEREAS, Runoff from a lawn can carry up to eight times more phosphorus
10 than runoff from a similarly-sized wooded area; and

11
12 WHEREAS, A single pound of phosphorus in runoff can cause up to 500
13 pounds of algae growth, and the accelerated growth of weeds and algae causes a
14 deterioration in water quality; and

15
16 WHEREAS, The Lake Michigan and Green Bay beaches and shoreline in Door
17 County and other counties have been plagued with algae washing ashore; and

18
19 WHEREAS, Door County has over 250 miles of shoreline in addition to inland
20 lakes where the introduction of excess phosphorus can adversely affect water
21 quality; and

22
23 WHEREAS, Elimination of phosphorus from lawn fertilizer will reduce the
24 presence of algae in Wisconsin's waters and help to improve water quality; and

25
26 WHEREAS, Reliance on local ordinances to ban the sale and use of lawn
27 fertilizers that contain phosphorus will be ineffective in addressing this matter of
28 statewide concern because landowners can purchase and import products from
29 outside of the municipality; and

30
31 WHEREAS, That the statewide ban on phosphorus lawn fertilizer sales would
32 be in effect unless a soil test shows that phosphorus is necessary or the fertilizer is
33 intended for newly-established turf and lawns during their first growing season.

34
35 **NOW, THEREFORE BE IT RESOLVED** That the Door County Board of
36 Supervisors support the adoption of a statewide ban prohibiting the sale and use of
37 lawn fertilizers containing phosphorus that will preempt and eliminate the need for
38 local ordinances; and

39
40 **BE IT FURTHER RESOLVED** That the County Clerk is directed to send a copy
41 of this resolution to Governor Jim Doyle; Wisconsin Department of Natural Resources
42 Secretary Scott Hassett; Wisconsin Department of Agriculture, Trade, and Consumer
43 Protection Secretary Rod Nilsestuen; Wisconsin Senator Alan Lasee; Wisconsin
44 Representative Garey Bies; Wisconsin Senator Majority Leader Senator Judith
45 Robson; and Wisconsin State Assembly Majority Leader Representative Jeff
46 Fitzgerald.

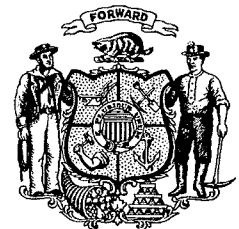
SUBMITTED BY:
Land Conservation Committee

Bob Ryan Bob Ryan, Chairman
Cletus Fontaine Cletus Fontaine
Bill Goetteiman Bill Goetteiman
Hugh Mulliken Hugh Mulliken

Marc Savard Marc Savard
Richard Virlee Richard Virlee
Steve Sullivan Steve Sullivan



WISCONSIN STATE LEGISLATURE



To: Senate Natural Resources Committee

Fr: Steve Boston, Buyer for Agricultural Products
Blain's Farm and Fleet
Scott Stenger for the Alliance of Wisconsin Retailers, 608-287-0403

Re: Senate Bill 5

Date: February 5, 2009

As a Member of the Alliance of Wisconsin Retailers, Blain's Farm and Fleet would like to raise a few concerns we have with Senate Bill 5 and request the Committee amend the bill to address these concerns to make it workable for Wisconsin retailers who sell turf fertilizer.

Details of Senate Bill 5:

- Prohibits the retail sale of turf fertilizer containing phosphorus unless the fertilizer is used for land for agricultural production, the prohibition does not apply to the use of manure that is mechanically dried, ground, or pelletized, or to a finished sewage sludge product or turf fertilizer with phosphorus can be used to establish grass until the first growing season or it can be used if a soil test shows the soil in the area is deficient in phosphorus.
- Prohibits retailers from displaying turf fertilizer that contains phosphorus.
- Allows retailers to post a sign stating that turf fertilizer containing phosphorus is available upon request for the purposes outlined in the bill.
- Fines for violation: \$50 for a first violation and \$200 to \$500 for a second or subsequent violation.

Concerns:

1. The terms "turf fertilizer" and "fertilizer" are used interchangeably in the bill. This is a problem because without the word "turf" included, the bill could be applied to any fertilizer product whether it is garden fertilizer, plant food, enriched potting soil or any other soil enhancement of any kind that contains phosphorus.
2. The cost for retailers to comply with the provisions of the bill is significant as it would require an employee to accompany the customer to the stockroom to get a bag of turf fertilizer for every transaction of turf fertilizer with phosphorus. While it may not seem like a burden to the retailer, on any given Spring Saturday Blains will sell hundreds of bags of turf fertilizer permitted under the bill. The additional work for our staff will add to our costs which we will likely pass on to the customer.

We would suggest an amendment to the bill to require point of sale signage clearly identifying the restrictions of use for turf fertilizer with phosphorus.

We understand the desire to move quickly on this bill and urge the committee to amend the bill to make it more workable for Wisconsin's retailers who sell turf fertilizer. Blain's Farm and Fleet has store locations in the following Wisconsin cities: Madison, Verona, Janesville, Baraboo, La Crosse, Chippewa Falls, Rice Lake, Watertown, Waukesha, Oak Creek, Monroe, Dodgeville, Platteville and Sturtevant.

18C.60 PHOSPHOROUS TURF FERTILIZER USE RESTRICTIONS.

Subdivision 1. **Definition.** For the purpose of this section, "turf" means noncrop land planted in closely mowed, managed grasses including, but not limited to, residential and commercial residential property, private golf courses, and property owned by federal, state, or local units of government, including parks, recreation areas, and public golf courses. Turf does not mean pasture, hayland, hay, turf grown on turf farms, or any other form of agricultural production.

Subd. 2. **Phosphorus use restrictions.** (a) A person may not apply a fertilizer containing the plant nutrient phosphorus to turf statewide, except under conditions listed in paragraph (b).

(b) Paragraph (a) does not apply when:

(1) a tissue, soil, or other test by a laboratory or method approved by the commissioner and performed within the last three years indicates that the level of available phosphorus in the soil is insufficient to support healthy turf growth;

(2) the property owner or an agent of the property owner is first establishing turf via seed or sod procedures, and only during the first growing season; or

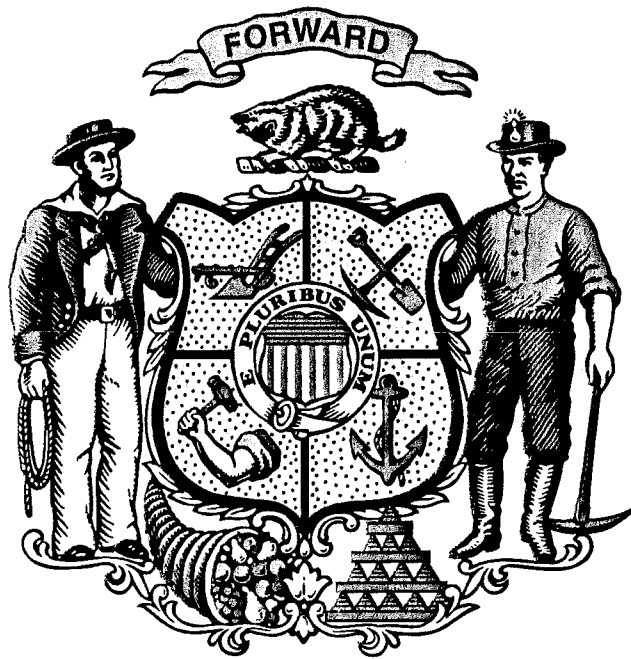
(3) the fertilizer containing the plant food phosphorus is used on a golf course under the direction of a person licensed, certified, or approved by an organization with an ongoing training program approved by the commissioner.

(c) Applications of phosphorous fertilizer authorized under paragraph (b) must not exceed rates recommended by the University of Minnesota and approved by the commissioner.

Subd. 3. **Consumer information.** The commissioner, in consultation with the University of Minnesota Extension Service, fertilizer industry representatives, lakes groups, and other interested or affected parties, must produce consumer information on use restrictions and recommended best practices for lawn fertilizer containing phosphorus, and on best management practices for other residential sources of phosphorus in the urban landscape. The information must be in a format and of a content suitable for posting and distribution at retail points of sale of fertilizer that contains phosphorus and is for use on turf.

Subd. 4. **Research evaluation; report.** The commissioner, in cooperation with the University of Minnesota and the University of Minnesota Extension Service, and, after consultation with representatives of the fertilizer industry, lakes groups, and other interested or affected parties, shall evaluate research needs and encourage targeted research opportunities to investigate the effects of phosphorous fertilization of turf on urban stormwater quality. The commissioner must evaluate the effectiveness of the restrictions on phosphorous fertilizers under this section and report to the legislature by January 15, 2007.

History: *2002 c 345 s 4; 2004 c 179 s 1; 2005 c 10 art 1 s 12*



To: Senate Natural Resources Committee

Fr: Steve Boston, Buyer for Agricultural Products
Blain's Farm and Fleet
Scott Stenger for the Alliance of Wisconsin Retailers, 608-287-0403

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- Prohibits the retail sale of turf fertilizer containing phosphorus unless the fertilizer is used for land for agricultural production, the prohibition does not apply to the use of manure that is mechanically dried, ground, or pelletized, or to a finished sewage sludge product or turf fertilizer with phosphorus can be used to establish grass until the first growing season or it can be used if a soil test shows the soil in the area is deficient in phosphorus.
- Prohibits retailers from displaying turf fertilizer that contains phosphorus.
- Allows retailers to post a sign stating that turf fertilizer containing phosphorus is available upon request for the purposes outlined in the bill.
- Fines for violation: \$50 for a first violation and \$200 to \$500 for a second or subsequent violation.

Concerns:

1. The terms "turf fertilizer" and "fertilizer" are used interchangeably in the bill. This is a problem because without the word "turf" included, the bill could be applied to any fertilizer product whether it is garden fertilizer, plant food, enriched potting soil or any other soil enhancement of any kind that contains phosphorus.
2. The cost for retailers to comply with the provisions of the bill is significant as it would require an employee to accompany the customer to the stockroom to get a bag of turf fertilizer for every transaction of turf fertilizer with phosphorus. While it may not seem like a burden to the retailer, on any given Spring Saturday Blains will sell hundreds of bags of turf fertilizer permitted under the bill. The additional work for our staff will add to our costs which we will likely pass on to the customer.

We would suggest an amendment to the bill to require point of sale signage clearly identifying the restrictions of use for turf fertilizer with phosphorus.

We understand the desire to move quickly on this bill and urge the committee to amend the bill to make it more workable for Wisconsin's retailers who sell turf fertilizer. Blain's Farm and Fleet has store locations in the following Wisconsin cities: Madison, Verona, Janesville, Baraboo, La Crosse, Chippewa Falls, Rice Lake, Watertown, Waukesha, Oak Creek, Monroe, Dodgeville, Platteville and Sturtevant.



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