Fertilizer Use Act of 2011

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A Little History...
Maryland Nutrient Management Program

- Began in 1993
- Voluntary plans for farmers to manage amount, timing, & placement of fertilizer
1996-1997: *Physteria* outbreaks on Maryland’s Eastern Shore
1998 Water Quality Improvement Act

• Mandated Nutrient Management Plans for Farmers

• Regulated Commercial Fertilizer Applications on Non-agricultural Land
Urban NM Laws

- Commercially managed landscapes & turf
  - Non-agricultural land fertilized (10 acres or more)
  - All State property (not in ag production)
- Take soil tests
- Follow University of MD recommendations
- Keep records
- Certification not required
Chesapeake Bay Phosphorus Reduction Act

- Reduced phosphate content of turf fertilizer to $\leq 5\%$
- Manufacturers required to report amount of phosphorus sold in MD
Fast Forward to 2013...
Fertilizer Use Act of 2011

• Who is covered:
  - Everyone who fertilizes non-agricultural turf
    • Professionals
    • Homeowners

• Nitrogen and phosphorus applications to turf are regulated
Two Parts

• Manufacturers and retailers
• Applicators
  ▫ Professionals
  ▫ Homeowners
Professional Fertilizer Applicators

- Anyone who applies for hire or as part of their job
- Certification & licensing is required
  - Effective October 1, 2013, professionals must be certified, or work under the direct supervision of someone who is
Both Professionals & Homeowners

- Must use UM recommendations
- Restrictions on soluble and total nitrogen
  - ≤ .7 lbs. of soluble nitrogen per application
  - ≤ .9 lbs of total nitrogen per application
  - Homeowners must use 20% slow release nitrogen
- Except enhanced efficiency fertilizer
Timing Restrictions

- No application of nitrogen or phosphorus before March 1 or after November 16, except:
  - Between November 15 & December 1, *professionals only* may apply $\frac{1}{2}$ pound of soluble nitrogen per 1000 sq ft
- No application when ground is frozen
- Potassium, lime & other nutrients are not regulated
Application Setbacks

- No application of nitrogen or phosphorus within 15 feet of water
- Setback reduced to 10 feet if applied using a drop spreader, rotary spreader with deflector shield, or targeted spray
Enhanced Efficiency Fertilizer

- May be used by homeowners & professionals
- Release rate $\leq 0.7 \text{ lbs/1000 sq. ft. nitrogen per month}$
- Apply $\leq 80\%$ of annual recommended rate for nitrogen
- Apply $\leq 2.5 \text{ lbs per 1000 sq. ft. nitrogen annually}$
Phosphorus and Turf

- Established turf requires very little phosphorus
- Adequate soil phosphorus is critical for new seeding
• Primary path of phosphorus loss is erosion, not leaching
• Healthy turf excels at preventing erosion
• Stabilize disturbed ground (such as with construction) as quickly as possible
Soil Testing

• Phosphorus not allowed unless indicated by a soil test
• Exception: soil tests for phosphorous not required when seeding if the ground has been disturbed by construction or tillage
Other Provisions

- No application to hard surfaces; sweep or blow back into the lawn
- Civil penalties up to $1000-$2000 per violation for professionals only
- Only MDA may regulate fertilizer use
- Counties or municipalities may enforce homeowner regulations
Effective October 1, 2013, turf fertilizer may not contain phosphorus except:

- Starter fertilizer
- Organic fertilizer
- Specifically labeled for “providing nutrients to specific soils and target vegetation...in accordance with a soil test....”
Organic Turf Fertilizer

- May not contain more than 5% phosphate
- May not have phosphorus application rate greater than 0.25 pounds/1000 sq ft/application or total greater than 0.5 pounds/1000 sq ft/year
- Only for use by professionals
- May only be used when phosphorus level is low or medium
Nitrogen

- Turf fertilizer may not provide more than 0.7 lbs/1000 sq ft of *soluble* nitrogen per application
- May not provide more than 0.9 lbs/1000 sq ft *total* nitrogen
- Except “enhanced efficiency fertilizer”
Manufacturers

Additional Labeling Requirements:
- Total nitrogen
- Other water soluble nitrogen
- Water insoluble nitrogen
- Environmental advisory
- May not be labeled for use as a de-icer

MDA State Chemist will enforce
Homeowners are limited by the type of fertilizer available to them.
Training Program

Topics prescribed by law:
• Use & calibration of application equipment
• Hazards & environmental impact of applying fertilizer
• Related state & federal laws, rules, and regulations
• Correct interpretation of fertilizer labeling
• University of Maryland recommendations
Training Program

• Training manual on MDA website
• Test is required
• 2 hours continuing ed required annually
Results to Date

- Over 17 exams given
- 85% passing rate
- About 450 people are certified
Reporting

- Beginning in 2015, professional fertilizer applicators must file annual report of nitrogen and phosphorus applied
- Data will be reported by county
Opportunities for Counties & Municipalities

- Contracts
- Outreach & Education
- Materials available thru UM Extension and Soil Conservation
- Enforcement – Local government may enforce state regulations on homeowners
Nutrient Management Program

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