

AN ACT Relating to limiting the phosphorus content in lawn fertilizer; and amending RCW 70.95L.005 and 70.95L.020. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Sec. 1. RCW 15.54 section ??? and 1998 c 36 s 1 are each amended to read as follows: The legislature hereby finds and declares that: (1) Phosphorus loading of surface waters can stimulate the growth of weeds and algae, and that such growth can have adverse environmental, health, and aesthetic effects; (2) Lawn fertilizers contribute to phosphorus loading, and that a limit on lawn fertilizer containing phosphorus can significantly reduce the discharge of phosphorus into the state's surface and ground waters; (3) Lawn fertilizers containing no or very low phosphorus are readily available and maintenance of healthy and green lawns is not dependant on phosphorus concentrations in fertilizers; ((and)) (4) Phosphorus limits on lawn fertilizer can significantly reduce non-point sources of phosphorus from the water of the State; (5) While significant reductions of phosphorus from laundry detergent and dishwashing detergent have been accomplished or passed by the legislature, similar progress in reducing phosphorus contributions from lawn fertilizer has not been achieved. It is therefore the intent of the legislature to impose a statewide limit on the phosphorus content of lawn fertilizer.

Sec. 2. RCW 70.95L.020 and 1993 c 118 s 3 are each amended to read as follows:

(1) (a) After July 1, 2008, a person may not apply a fertilizer containing significant amounts of the plant nutrient phosphorus to turf statewide, except under conditions listed in paragraph (b). 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 include managed pasture, hayland, hay, turf grown on turf farms, home or commercial vegetable production, or any other form of agricultural production.

(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 (Soil phosphorus is essential for the successful early establishment of vegetables, flowers and lawn grasses. For that reason, "starter" fertilizers, relatively high in phosphorus, are often used to ensure adequate phosphorus levels at the time of planting). Once plants become established and there exists sufficient soil phosphorus reserves to sustain healthy growth, additional phosphorus fertilization is usually unnecessary;

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 phosphorus fertilizer authorized under paragraph (b) must not exceed rates recommended and monitored by enforced by local units of government under their existing authority. Violation of these provisions in either of these sections is a petty misdemeanor.

(2)(a) After July 1, 2008, and until the dates specified in (b) of this subsection, a person or company may not sell or distribute for sale a lawn fertilizer that contains greater than 0.67% phosphate (P₂O₅) content by weight and liquid products applied at rates no greater than 0.3 pounds phosphate (P₂O₅) per 1,000 square feet unless it is for a new lawn, or a soil or tissue test shows a phosphorus need (based on currently implemented Minnesota legislation).

(3) This section does not apply to the sale or distribution of lawn fertilizer for agricultural uses.

(4) Fertilizer application to impervious surface; prohibition. (a) A person may not apply a fertilizer to an impervious surface. Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or any other legal site or returned to the original or other appropriate container. (b) For the purposes of this section, "impervious surface" means a highway, street, sidewalk, parking lot, driveway, or other material that prevents infiltration of water into the soil.

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