

## **New Legislation Restricts Phosphorus Fertilizer Applications on Turf**

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Beginning **January 1, 2012**, the [Michigan Fertilizer Law](#) restricts phosphorus fertilizer applications on residential and commercial lawns, including athletic fields and golf courses statewide. This includes applications by both homeowners and commercial applicators.

Phosphorus is a naturally occurring essential nutrient for plant and animal growth. It is also a primary water quality concern in Michigan. When excess phosphorus is applied on land, it may run into nearby lakes, rivers and streams. This runoff can lead to increased algae and aquatic plant growth which can have negative effects on water quality, fisheries, recreation, and property values. By restricting unnecessary phosphorus applications, the phosphorus law will help maintain and protect Michigan's vast water resources.

There's been interest in statewide phosphorus fertilizer restrictions in Michigan since 2003. About a decade ago, several local municipalities became concerned with reducing non-point sources of pollution and under federal mandate to improve water quality in Michigan watersheds. To help resolve this issue, a number of local ordinances were passed that regulated the non-agricultural use and application of fertilizers. Commercial applicator and homeowner phosphorus use were the focus of the ordinances, with some charging businesses and per truck licensing fees. This made it difficult for businesses operating in multiple jurisdictions to stay updated when new ordinances were going into effect each year.

The phosphorus law provides statewide uniformity and guidance for local government, homeowners, and industry. Local fertilizer ordinances are now preempted; however existing ordinances in place before December 16, 2010 were grandfathered. A list of grandfathered local ordinances is available at [www.michigan.gov/mda-fertilizer](http://www.michigan.gov/mda-fertilizer).

Michigan is not the first state to develop legislation to address nutrient pollution through regulating the non-agricultural use of nitrogen and phosphorus fertilizers. Minnesota led the way with legislation in 2002 and an update in 2004, and now there are a total of 10 states with legislation on the books. The Midwest states with phosphorus turf fertilizer restrictions in place are: Illinois, Michigan, Minnesota, and Wisconsin.

The general rule in [Public Act 299 of 2010](#) (Act 299) is no phosphorus fertilizer on residential or commercial lawns, unless it meets an exemption. The sale of phosphorus fertilizers in the marketplace is not impacted. Phosphorus applications for agriculture, gardens, trees, and shrubs are exempted; the other exemptions are identified below.

## Highlights of Act 299:

- Starting January 1, 2012, a person shall not apply any fertilizer with available phosphate ( $P_2O_5$ ) to turf. Available phosphate ( $P_2O_5$ ) may be applied at specified rates\* under the following instances:
  - When a soil test or plant tissue test indicates phosphorus is needed;
  - For new turf establishment using seed or sod;
  - A finished sewage sludge (biosolid), organic manure or a manipulated manure (like compost). The application rate is limited to 0.25 pounds of phosphorus per 1,000 square feet.
  - On golf courses whose manager(s) have completed a MDARD approved training program. At this time, the Michigan Turfgrass Environmental Stewardship Program is the only approved program.

\* These application rates are available at [www.BePhosphorusSmart.msu.edu](http://www.BePhosphorusSmart.msu.edu)

- Local phosphorus fertilizer ordinances in existence before December 16, 2010 are grandfathered.
- Fertilizer cannot be applied to frozen soil or soil saturated with water.
- Any fertilizer released onto a hard surface, such as a sidewalk or driveway must be cleaned up promptly.
- Maintain at least a 15' application buffer from surface water (lake, river, stream)
  - If a spreader guard, deflector shield, or drop spreader is used, then maintain at least a 3' buffer
  - If a continuous natural vegetative buffer separates the turf and surface water, then maintain at least a 10' buffer from the water.
- The other phosphorus provisions in Act 299 include new definitions, \$50 civil fines, and outreach information.

In September 2011, [Senate Bill 648](#) was introduced and proposes three amendments to the phosphorus language in the Michigan Fertilizer Law. The amendments would:

- Add a definition for natural fertilizer, which includes products like bone and feather meal to the low phosphorous application exemption laid out in Act 299
- Change the term “treated sewage sludge” to “biosolids” for consistency within the Natural Resources Environmental Protection Act and its rules.
- Change the low phosphorus application rate from phosphorus (P) to available phosphate ( $P_2O_5$ ) for consistency with the rest of the section, which will also result in a 56% phosphorus application rate reduction.

MDARD has developed a homeowner brochure that you are welcome to print and share with your customers. For a copy of the brochure and more information on the new phosphorus restrictions, please visit [www.michigan.gov/mda-fertilizer](http://www.michigan.gov/mda-fertilizer) or [www.BePhosphorusSmart.msu.edu](http://www.BePhosphorusSmart.msu.edu).