

# The New Phosphorus Fertilizer Law:

What does it say and what can you do to help?

*Lynn Markham*

*UW-Extension Center for Land Use Education*

*Charlene Khazae*

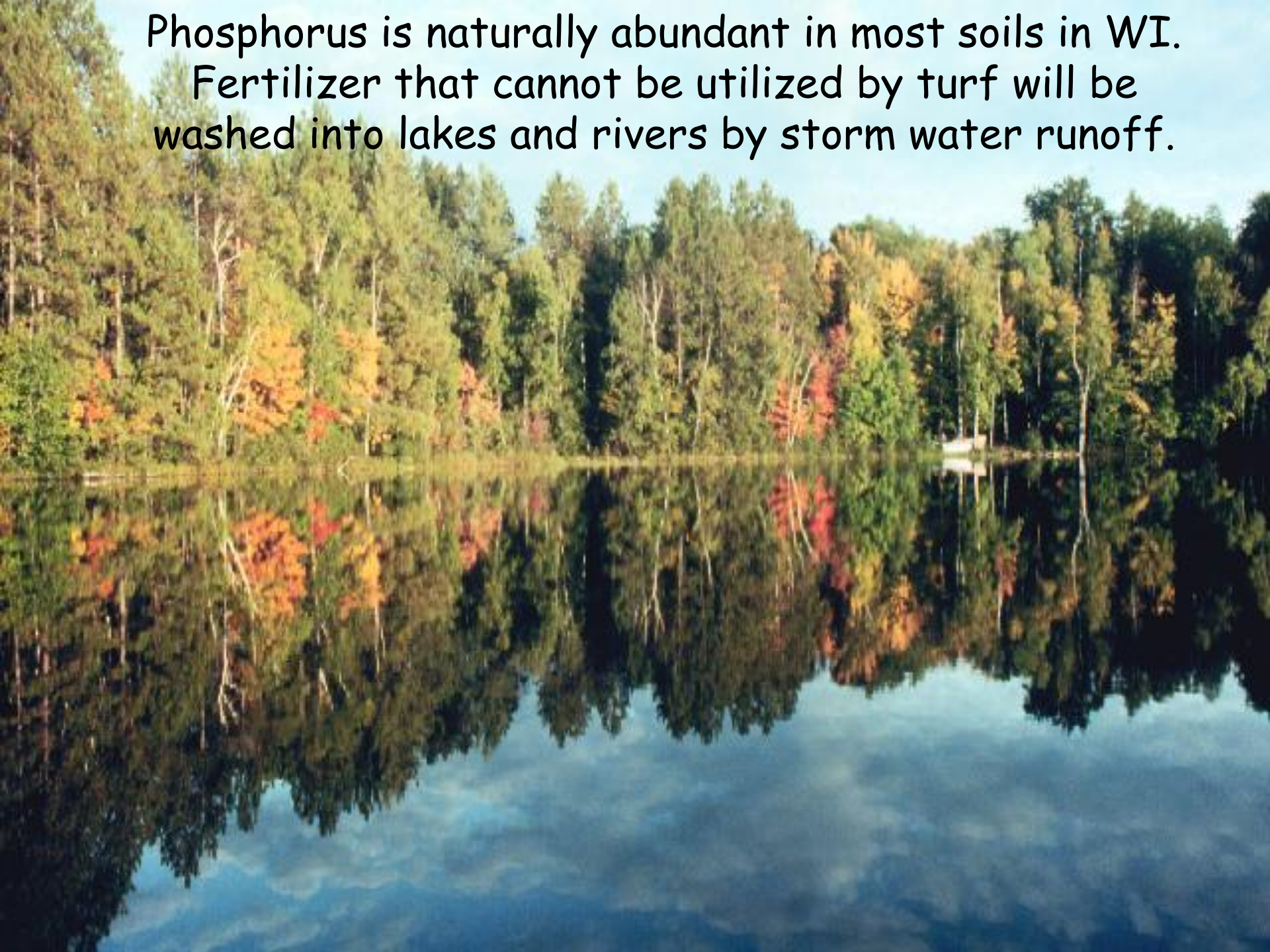
*Department of Agriculture, Trade and Consumer Protection*



# Our path for this session

- Why this law?
- The basics, nuances and exceptions in this law
- How you can help

Phosphorus is naturally abundant in most soils in WI.  
Fertilizer that cannot be utilized by turf will be washed into lakes and rivers by storm water runoff.

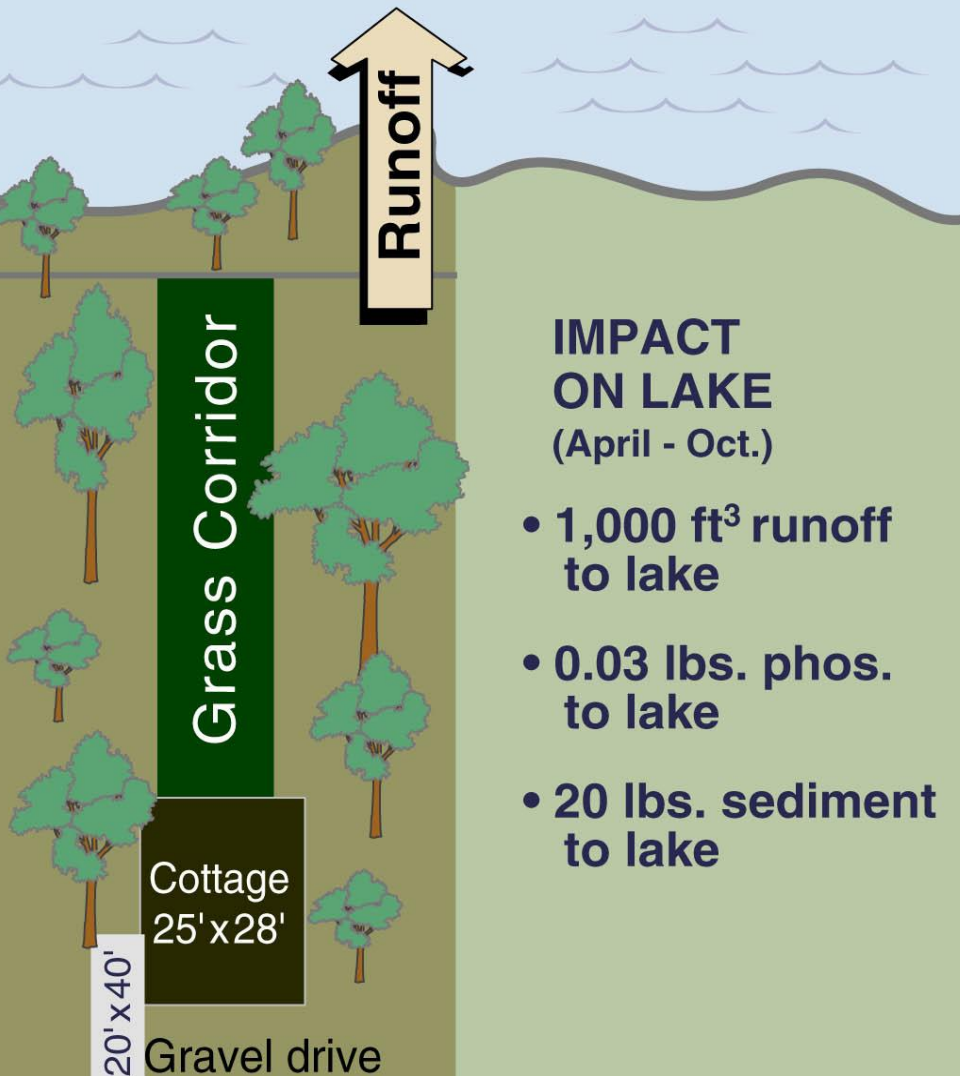


One pound of phosphorus can result in up to 500 pounds of algae growth



Following fertilizer bag instructions may lead to adding 50 lbs of P to a half-acre lot each year

# 1940s development

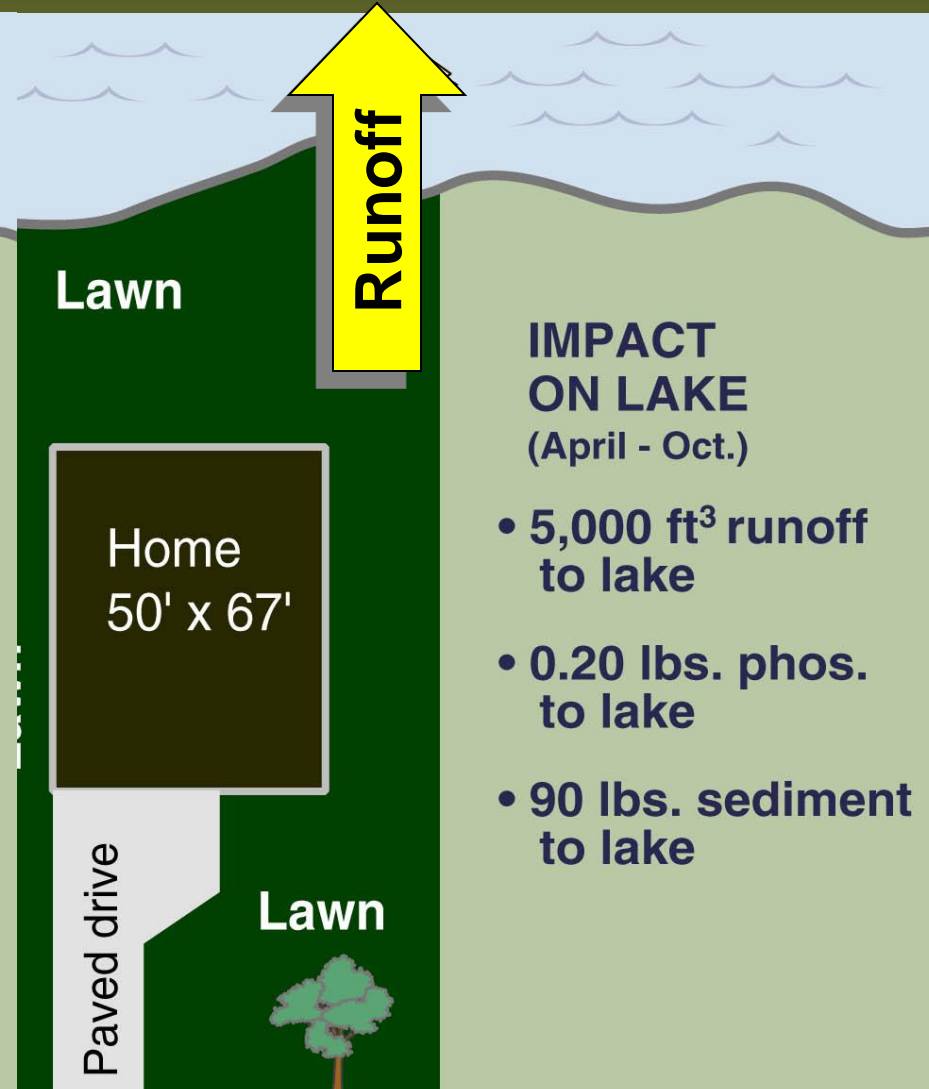


## IMPACT ON LAKE (April - Oct.)

- 1,000 ft<sup>3</sup> runoff to lake
- 0.03 lbs. phos. to lake
- 20 lbs. sediment to lake

7% impervious

# Urban type development



## IMPACT ON LAKE (April - Oct.)

- 5,000 ft<sup>3</sup> runoff to lake
- 0.20 lbs. phos. to lake
- 90 lbs. sediment to lake

20% impervious  
7X more P washed into lake

# How effective are P-free fertilizer laws?

MN passed a metro area law in 2002, and a similar statewide law in 2004.

MN study found a 12-16% reduction of P in runoff from areas where P-free fertilizer was used.

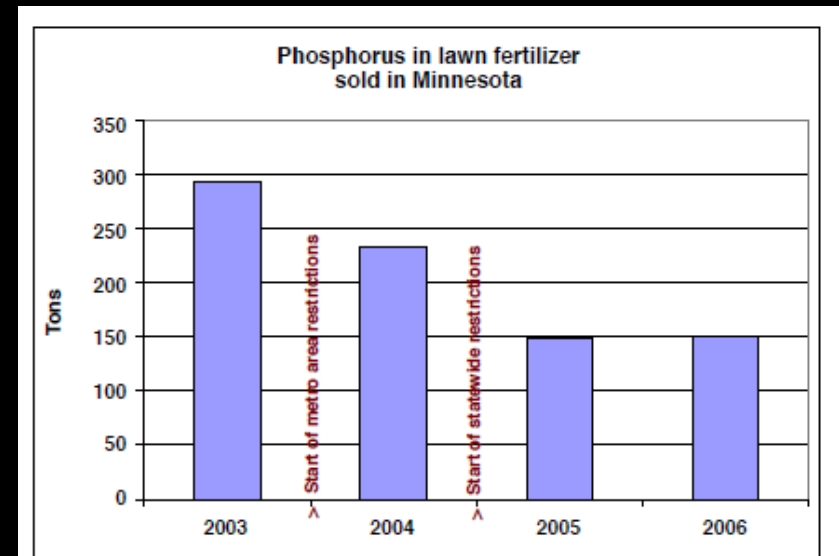


Figure 4. Tons of Phosphorus Sold as Lawn Fertilizer in Minnesota, 2003 to 2006 (from Report to the Minnesota State Legislature: Effectiveness of the Minnesota Phosphorus Lawn Fertilizer Law).

When you're fertilizing the lawn, remember you're not just fertilizing the lawn.





# LATEST ON FERTILIZER REGULATIONS

Restrictions on the Sale,  
Display, and Use of Fertilizer

Chapter 94.643 Wisconsin Statute



# DEFINITIONS

## ■ Fertilizer (Original)

“Fertilizer” means any substance, containing one or more plant nutrients, which is used for its plant nutrient content and which is designed for use or claimed to have value in promoting plant growth, except unmanipulated animal or vegetable manures, marl, liming material, sewage sludge or other finished sewage sludge products, and wood ashes.

# DEFINITIONS

## ■ Fertilizer (Original, continued)

“Fertilizer” includes fertilizer materials, mixed fertilizers, custom mixed fertilizers, nonagricultural fertilizers and all other fertilizers or mixtures of fertilizers regardless of type and form.

# DEFINITIONS

- Fertilizer (New)

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

# DEFINITIONS

- “Finished sewage sludge product” means a product consisting in whole or in part of sewage sludge that is distributed to the public and that is disinfected by means of composting, pasteurization, wet air oxidation, heat treatment or other means. (Same definition.)

# DEFINITIONS

- “Manipulated” means ground; pelletized; mechanically dried; packaged; supplemented with substances, including plant nutrients, that do not contain phosphorus; or otherwise treated in a manner designed to facilitate sale or distribution as a fertilizer or soil or plant additive. (New in statute but similar to the definition in code.)

# DEFINITIONS

- “Turf” means land, including residential property, golf courses, and publicly owned land, that is planted in closely mowed, managed grass, except that “turf” does not include pasture, land used to grow grass for sod, or any other land used for agricultural production.  
(New)





**RESTRICTIONS**

# [ RESTRICTIONS ON USE ]

- No person may intentionally apply to turf fertilizer that is labeled as containing phosphorus or available phosphate.



# RESTRICTIONS ON USE

(Continued)



- This restriction does not apply to a person who applies fertilizer in order to establish grass, using seed or sod, during the growing season in which the person began establishing the grass.

# RESTRICTIONS ON USE

(Continued)

- This restriction also does not apply to a person who applies fertilizer to an area if the soil in the area is deficient in phosphorus, as shown by a soil test performed no more than 36 months before the application by a laboratory.



# RESTRICTIONS ON USE

## (MISUSE)



- No person may apply fertilizer, manipulated animal or vegetable manure, or a finished sewage sludge product to turf when the ground is frozen. (Regardless of its nutrient content.)

# RESTRICTIONS ON USE (MISUSE)

- No person may intentionally apply turf fertilizer, manipulated animal or vegetable manure, or a finished sewage sludge product to an impervious surface. (Regardless of its nutrient content.)



# RESTRICTIONS ON USE (MISUSE)

- A person who accidentally applies turf fertilizer, manipulated animal or vegetable manure, or finished sewage sludge product to an impervious surface shall immediately remove it.





# RESTRICTIONS

ON THE SALE OF  
TURF FERTILIZER

# Restrictions on Sale



- No person may sell at retail turf fertilizer that is labeled as containing phosphorus or available phosphate if the person knows that the purchaser intends to use the fertilizer for a purpose other than one of the following:

# Restrictions on Sale

## Continued

- For establishing grass, using seed or sod, during the growing season in which the purchaser began establishing grass.
- For application to an area if the soil in the area is deficient in phosphorus, as shown by a soil test performed no more than 36 months before the application by a laboratory.
- For application to pasture, land used to grow grass for sod, or any other land used for agricultural production.





# Restrictions

On Display

# Restrictions on Display

- No person who sells fertilizer at retail may display turf fertilizer that is labeled as containing phosphorus or available phosphate.



# Restrictions on Display

## Continued



- 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.



PENALTY

Effective Date

# Penalty

- Any person who violates this section may be required to forfeit not more than \$50 for a first violation and not less than \$200 nor more than \$500 for a second or subsequent violation.



A decorative graphic consisting of a teal circle on the left side. A horizontal bar with a teal-to-white gradient is positioned across the middle of the circle. A dark brown left bracket is on the left side of the bar, and a teal right bracket is on the right side of the bar.

**EFFECTIVE DATE**

**APRIL 1, 2010**

# How can you help?

- Learn about the law
- Share what you've learned with
  - Neighbors
  - Your lake organization
  - Newspapers
  - Local fertilizer retailers
- Contact Char with questions or concerns

# MORE INFORMATION

Charlene Khazae  
Fertilizer Program

DATCP

2811 Agriculture Drive  
PO Box 8911

Madison, WI 53708-8911

(608) 224-4541 phone

(608) 224-4656 fax

[charlene.khazae@wisconsin.gov](mailto:charlene.khazae@wisconsin.gov)

<http://www.datcp.state.wi.us>