
HOUSE BILL 3147

State of Washington

60th Legislature

2008 Regular Session

By Representatives Upthegrove, Takko, Blake, Green, Williams, Kelley, Wood, and Ormsby

Read first time 01/23/08. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to protecting lake water quality by reducing
2 phosphorus from lawn fertilizers; and adding a new chapter to Title 90
3 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

6 (a) Phosphorus loading of surface waters can stimulate the growth
7 of weeds and algae, and that such growth can have adverse
8 environmental, health, and aesthetic effects;

9 (b) Lawn fertilizers contribute to phosphorus loading, and limits
10 on turf fertilizer containing phosphorus can significantly reduce the
11 discharge of phosphorus into the state's ground and surface waters;

12 (c) Turf fertilizers containing no or very low phosphorus are
13 readily available and maintaining established turf in a healthy and
14 green condition is not dependent on the addition of phosphorus
15 fertilizers; and

16 (d) While significant reductions of phosphorus from laundry
17 detergent and dishwashing detergent have been achieved, similar
18 progress in reducing phosphorus contributions from turf fertilizer has
19 not been accomplished.

1 (2) The legislature intends by this act to significantly limit the
2 use of fertilizers containing the plant nutrient phosphorus.

3 NEW SECTION. **Sec. 2.** The definitions in this section apply
4 throughout this chapter unless the context clearly requires otherwise.

5 (1) "Department" means the department of ecology.

6 (2) "Director" means the director of the department of ecology.

7 (3) "Impervious surface" means a highway, street, sidewalk, parking
8 lot, driveway, or other artificial surface that prevents infiltration
9 of water into the soil.

10 (4) "Turf" means noncrop land planted in closely mowed, managed
11 grasses including, but not limited to, residential and commercial
12 residential property, private golf courses, and property owned by
13 federal, state, or local units of government, including parks,
14 recreation areas, and public golf courses. Turf does not include
15 managed pasture, hayland, hay, turf grown on turf farms, home or
16 commercial vegetable production, or any other form of agricultural
17 production.

18 NEW SECTION. **Sec. 3.** (1) Except as provided in subsection (2) of
19 this section, after January 1, 2010, a person may not apply to turf a
20 fertilizer containing the plant nutrient phosphorus.

21 (2) Subsection (1) of this section does not apply when:

22 (a) Applying a solid fertilizer containing less than 0.67 percent
23 phosphate (P_2O_5) by weight or a liquid fertilizer applied at a rate not
24 greater than 0.3 pounds of phosphate (P_2O_5) per one thousand square feet
25 of turf;

26 (b) Laboratory test results or other certification by a turf
27 specialist is performed within the three years previous to the
28 application indicates that the level of available phosphorus in the
29 soil is insufficient to support healthy turf growth, and the test
30 results or certification, and the application rate, are consistent with
31 standards approved by the department in consultation with the
32 Washington State University extension service;

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

1 (d) The fertilizer containing the plant nutrient phosphorus is
2 applied to a golf course consistent with golf course application
3 standards adopted by the department, and a report following each
4 growing season is provided to the department.

5 (3) This section does not apply to the application of turf
6 fertilizer for agricultural uses.

7 NEW SECTION. **Sec. 4.** A person may not apply a fertilizer to an
8 impervious surface. Fertilizer released on an impervious surface must
9 be immediately contained and either legally applied to turf or any
10 other legal site or returned to the original or other appropriate
11 container.

12 NEW SECTION. **Sec. 5.** (1) The department may issue a notice of
13 corrective action to a person in violation of section 3 or 4 of this
14 act.

15 (2) A city or county may adopt an ordinance providing for
16 enforcement of the requirements of sections 3 and 4 of this act. A
17 city or county adopting an ordinance has jurisdiction concurrent with
18 the department to enforce this section.

19 NEW SECTION. **Sec. 6.** The department shall produce consumer
20 information on the application restrictions under section 3 of this
21 act, and on recommended best practices for turf fertilizer and other
22 residential landscaping uses. The information shall be produced in
23 consultation with the Washington State University extension service,
24 fertilizer industry representatives, lakes health organizations, and
25 other interested parties. The information must be in a format and of
26 a content suitable for posting and distribution at retail points of
27 sale of fertilizer that contains phosphorus and is for use on turf.

28 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act constitute
29 a new chapter in Title 90 RCW.

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