

SSB 6289 - S AMD 103  
By Senator Pridemore

ADOPTED 02/12/2010

1 Strike everything after the enacting clause and insert the  
2 following:

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

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

7 (b) Lawn fertilizers contribute to phosphorus loading. Limits on  
8 turf fertilizer containing phosphorus can significantly reduce the  
9 discharge of phosphorus into the state's ground and surface waters;

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

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

18 (2) It is the intent of the legislature that this chapter  
19 significantly limit the use of fertilizers containing the plant  
20 nutrient phosphorus.

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

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

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

25 (3)(a) "Fertilizer" includes any substance containing one or more  
26 recognized plant nutrients, and that is either used for its plant  
27 nutrient content or is designated for use or claimed to have value in  
28 promoting plant growth, or both. "Fertilizer" includes gypsum and  
29 manipulated animal and vegetable manures.

1 (b) "Fertilizer" does not include:

2 (i) Unmanipulated animal and vegetable material, organic waste-  
3 derived materials, and other products exempted by the department by  
4 rule;

5 (ii) Calcium carbonate (lime) and anhydrous ammonia;

6 (iii) Materials including, but not limited to, compost biosolids,  
7 municipal sewage sludge, or slow release fertilizer used in compliance  
8 with best practices developed by the Washington State University  
9 extension service, or products derived therefrom, that are regulated  
10 under chapter 70.95 or 70.95J RCW or rules adopted under those  
11 chapters; and

12 (iv) Materials using waste manure from confined animal feeding  
13 operations as the primary feedstock and manufactured as a biotic  
14 fertilizer in a manner that balances the pH of the material and reduces  
15 the leaching of phosphorus.

16 (4) "Impervious surface" means a highway, street, sidewalk, parking  
17 lot, driveway, or other artificial surface that prevents infiltration  
18 of water into the soil.

19 (5) "Turf" means noncrop land planted in closely mowed, managed  
20 grasses on residential property. Turf does not include managed  
21 pasture, hayland, hay, turf grown on turf farms, home or commercial  
22 vegetable production, horticultural beds, flower beds, general  
23 landscaping, or any other form of agricultural production.

24 NEW SECTION. **Sec. 3.** (1) Except as provided in subsection (2) of  
25 this section, after January 1, 2012, a person may not apply to turf a  
26 fertilizer containing the plant nutrient phosphorus.

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

28 (a) Applying a solid fertilizer containing less than 0.67 percent  
29 phosphate by weight or a liquid fertilizer applied at a rate not  
30 greater than 0.3 pounds of phosphate per one thousand square feet of  
31 turf;

32 (b) Laboratory test results or other certifications by a turf  
33 specialist performed within the three years previous to the application  
34 indicates that the level of available phosphorus in the soils is  
35 insufficient to support healthy turf growth. The level of phosphorous  
36 needed to support healthy turf and the agronomic application rate must  
37 be determined by Washington State University; or

1 (c) The property owner or an agent of the property owner is first  
2 establishing turf via seed or sod procedures and only during the first  
3 growing season.

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

6 (b) This section does not apply to the application of turf  
7 fertilizer for golf courses.

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

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

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

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

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

**ADOPTED 02/12/2010**

1        On page 1, line 2 of the title, after "fertilizers;" strike the  
2 remainder of the title and insert "and adding a new chapter to Title 90  
3 RCW."

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