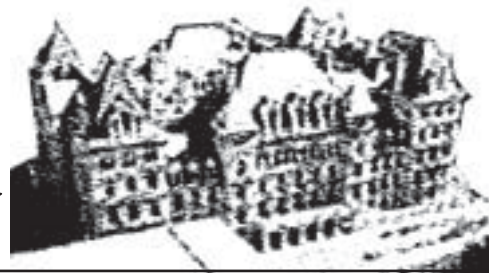


Turfgrass Advocacy

2009



New York State Turfgrass Association • March 11, 2009

Background

County governments are beginning to pass local laws regulating the sale and application of fertilizers with the belief that application of them is harmful to the environment. Specifically, the belief is that restricting fertilizer use will improve the quality of drinking water. This theory has no basis in science and has been proven to be incorrect. In fact, these local regulations may do more harm than good. Suffolk County has passed a law (Resolution No. 2117-2007) and regulations are being considered in Westchester County. These local regulations do not recognize the professional expertise of the industry and are impractical to enforce.

Assemblyman Koon and Senator Young have introduced legislation (A6039/S2475) that amends Agriculture and Markets Law by adding a new Section 145-a that would prohibit county governments from adopting any regulations on fertilizer that are different from or in addition to any such requirement under Article 10. This includes any requirement governing production, use, advertising, sale, distribution, storage, transportation, formulation, packaging, labeling, certification, registration, application, importation or disposal of fertilizer. The bill voids any local legislation.

NYSTA PERSPECTIVE

Properly applied, fertilizer is of no threat to the environment and, in residential settings, promotes fuller thicker lawns, thus preventing run-off. A Pennsylvania State University study showed thick lawns slow the velocity of run-off and allow water to infiltrate the ground 15 times greater than a patchy, weed-infested lawn. An average lawn allows a run-off rate of about a half-gallon of water per minute during peak rainfall, as opposed to a rate of 7.5 gallons per minute from a lawn that is thinly seeded and bare. Research has also shown that the amount of phosphorous in run-off from lawns without phosphorous fertilizer was significantly higher than from lawns fertilized with phosphorous - the exact opposite of the intended effect of these local regulations.

Allowing for local regulations will create a patchwork of differing fertilizer application requirements from municipality to municipality that will make it very difficult - and costly - for applicators to achieve compliance. This will drive landscapers and fertilizer applicators out of business while driving the cost of fertilizer applications up, placing an undue share of the burden on the consumer.

Additionally, the local governments considering these regulations often do not have the scientific or environmental expertise to create and enforce local fertilizer regulations, nor have they considered the cost of the program, which very likely could cause local tax increases.

This legislation, therefore, provides pre-emptive responsibility for the regulation of the application of fertilizer to the one state agency with the expertise required to do so - the New York State Department of Agriculture and Markets.

RECOMMENDATION

Ask the legislature to support legislation A6039/S2475 providing "pre-emption" to the state for fertilizer application and use through the New York State Department of Agriculture and Markets.