

[Third Reprint]

ASSEMBLY, No. 2290

STATE OF NEW JERSEY
214th LEGISLATURE

INTRODUCED FEBRUARY 18, 2010

Sponsored by:

Assemblyman JOHN F. MCKEON

District 27 (Essex)

Assemblyman REED GUSCIORA

District 15 (Mercer)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Co-Sponsored by:

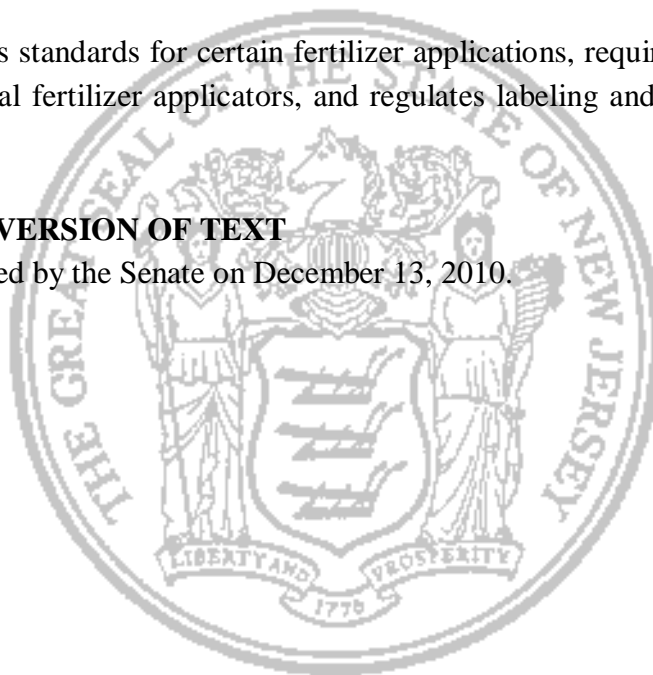
**Assemblymen Diegnan, Rumpf, Assemblywomen Gove, Wagner,
Assemblymen Holzappel, Wolfe, P. Barnes, III, Assemblywoman Jasey,
Assemblyman Rudder, Senators B.Smith, Beck, Kyrillos, Ciesla, Connors,
Van Drew, Stack, Weinberg, Bateman and S.Kean**

SYNOPSIS

Establishes standards for certain fertilizer applications, requires certification of professional fertilizer applicators, and regulates labeling and sale of certain fertilizers.

CURRENT VERSION OF TEXT

As amended by the Senate on December 13, 2010.



(Sponsorship Updated As Of: 12/14/2010)

1 AN ACT ³[reducing nutrient pollution and maintaining healthy
2 soils] concerning the application, sale, and use of fertilizer³ ,
3 amending and supplementing P.L.1970, c.66, and supplementing
4 ¹[P.L.1975, c.251 (C.4:24-39 et seq.) and] ¹Title 58 of the
5 Revised Statutes.

6
7 **BE IT ENACTED** by the Senate and General Assembly of the State
8 of New Jersey:

9
10 1. (New section) As used in sections 1 through ³[8] ³9³ of this
11 act:

12 “Commercial farm” means the same as that term is defined
13 pursuant to section 3 of P.L.1983, c.31 (C.4:1C-3).

14 “Department” means the Department of Environmental
15 Protection.

16 “Fertilizer” means a fertilizer material, mixed fertilizer or any
17 other substance containing one or more recognized plant nutrients,
18 which is used for its plant nutrient content, designed for use or
19 claimed to have value in promoting plant growth, and sold, offered
20 for sale, or intended for sale; except that it shall not include
21 unmanipulated animal or vegetable manures, agricultural liming
22 materials, wood ashes, or processed sewage wastewater solids.

23 “Impervious surface” means any structure, surface, or
24 improvement that reduces or prevents absorption of stormwater into
25 land, and includes porous paving, paver blocks, gravel, crushed
26 stone, decks, patios, elevated structures, and other similar
27 structures, surfaces, or improvements.

28 “Local health agency” means the same as that term is defined
29 pursuant to section 3 of P.L.1975, c.329 (C.26:3A2-3).

30 ¹“Manipulated animal or vegetable manure” means manure that
31 is ground, pelletized, mechanically dried, or otherwise treated to
32 assist with the use of manure as a fertilizer.¹

33 “Person” means any individual, corporation, company,
34 partnership, firm, association, political subdivision, or government
35 entity.

36 “Professional fertilizer applicator” means any individual who
37 applies fertilizer for hire, including any employee of a government
38 entity who applies fertilizer within the scope of employment.

39 ¹“Slow release nitrogen” means nitrogen in a form that is
40 released over time that is not water soluble.¹

41 “Soil test” means a technical analysis of soil conducted by a
42 laboratory authorized by the New Jersey Agricultural Experiment

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AEN committee amendments adopted September 13, 2010.

²Assembly floor amendments adopted November 22, 2010.

³Senate floor amendments adopted December 13, 2010.

1 Station at Rutgers, the State University, pursuant to section ³[5] 6³
2 of this act.

3 “Turf” means land, including residential property ²[, golf
4 courses,]² and ²[publically] publicly² owned land, that is planted
5 in closely mowed, managed grass, except ²golf courses or² land
6 used in the operation of a commercial farm.

7 “Waterbody” means a surface water feature, such as a lake, river,
8 stream, creek, pond, lagoon, bay or estuary.

9 “Water-soluble nitrogen” means nitrogen in a water-soluble form
10 that does not have slow or controlled release properties.

11

12 ³[2. (New section) a. No person shall:

13 (1) apply fertilizer to turf when a heavy rainfall, as shall be
14 defined by the Office of the New Jersey State Climatologist at
15 Rutgers, the State University, is occurring or predicted or when
16 soils are saturated and a potential for fertilizer movement off-site
17 exists;

18 (2) apply any fertilizer intended for use on turf to an impervious
19 surface, and any fertilizer inadvertently applied to an impervious
20 surface shall be swept or blown back onto the target surface or
21 returned to either its original or another appropriate container for
22 reuse;

23 (3) apply fertilizer ²[containing phosphorus or nitrogen to turf
24 within ¹[25] 10¹ feet of any waterbody, except that where a drop
25 spreader, rotary spreader with a deflector or targeted spray liquid is
26 used for fertilizer application, the buffer may be reduced to ¹[10]
27 five¹ feet; except that nothing in this ¹[subsection] paragraph¹ shall
28 apply to the application of fertilizer to turf within a golf course] to
29 turf in an amount that is more than an annual total of 3.2 pounds of
30 total nitrogen per 1,000 square feet, except as provided otherwise in
31 subsection b. of this section² ;

32 (4) apply fertilizer containing ²: (a) nitrogen that is less than 20
33 percent slow release, (b)² nitrogen to turf at a rate of more than
34 ²[0.75] 0.7 pounds of water-soluble nitrogen per 1,000 square feet
35 per application, or (c) nitrogen to turf at a rate of more than 0.9²
36 pounds of ¹[water-soluble] total¹ nitrogen per 1,000 square feet
37 ²[at any one time] per application² ¹[based on the soluble fraction
38 of fertilizer] , except as provided otherwise in subsection b. of this
39 section¹; or

40 (5) apply fertilizer containing phosphorus or nitrogen to turf
41 before March 1st or after November 15th in any calendar year, or at
42 any time when the ground is frozen ², except as provided otherwise
43 in paragraph (3) of subsection b. of this section² .

44 b. ¹No professional fertilizer applicator shall:

45 (1) apply fertilizer containing nitrogen to turf at a rate of (a)
46 more than 0.7 pounds of water-soluble nitrogen per 1,000 square

1 feet per application, and (b) more than one pound of total nitrogen
2 per 1,000 square feet per application; ²[or]²

3 (2) apply fertilizer to turf in an amount that is more than an
4 annual total of 4.25 pounds of ²total² nitrogen per 1,000 square
5 feet²; or

6 (3) apply fertilizer containing phosphorus or nitrogen to turf
7 before March 1st or after December 1st in any calendar year, or at
8 any time when the ground is frozen² .

9 c.¹ ²(1)² No professional fertilizer applicator may apply
10 fertilizer to turf without first obtaining a fertilizer application
11 certification, or training if applying fertilizer under the direct
12 supervision of a certified professional fertilizer applicator, pursuant
13 to section 3 of this act.

14 ²(2) No person, other than a certified professional fertilizer
15 applicator or a person trained and under the direct supervision of a
16 certified professional fertilizer applicator, may apply fertilizer to a
17 golf course.²

18 ¹[c. No] d. Except as provided otherwise in subsection e. of
19 this section, no¹ person may apply fertilizer containing phosphorus
20 unless the person:

21 (1) determines that the fertilizer is necessary for the specific
22 soils and target vegetation pursuant to a soil test performed no more
23 than three years before the application, and pursuant to the
24 associated annual fertilizer recommendation issued by the New
25 Jersey Agricultural Experiment Station at Rutgers, the State
26 University;

27 (2) is establishing vegetation for the first time, such as after land
28 disturbance, provided the application is in accordance with the
29 standards and requirements established under the "Soil Erosion and
30 Sediment Control Act," P.L.1975, c.251 (C.4:24-39 et seq.) and the
31 rules and regulations adopted pursuant thereto;

32 (3) is reestablishing or repairing a turf area; or

33 (4) is delivering liquid or granular fertilizer under the soil
34 surface, directly to the feeder roots.

35 ¹e. A person may apply fertilizer containing phosphorus to turf
36 if the fertilizer consists of manipulated animal or vegetable manure,
37 includes no more than 0.25 pounds of phosphorus per 1,000 square
38 feet when applied pursuant to the instructions on the container, and
39 otherwise complies with the provisions of this act.¹

40 ²f. (1) Except as provided otherwise in paragraph (3) of this
41 subsection, no person shall apply fertilizer containing phosphorus
42 or nitrogen to turf within 25 feet of any waterbody, except that
43 where a drop spreader, rotary spreader with a deflector or targeted
44 spray liquid is used for fertilizer application, the buffer may be
45 reduced to 10 feet.

46 (2) The establishment of buffers for fertilizer application
47 pursuant to paragraph (1) of this subsection shall not preclude the

1 establishment or applicability of, or compliance with, any other
2 environmental standards established pursuant to any other State or
3 federal law, rule or regulation.

4 (3) A professional fertilizer applicator may apply a rescue
5 treatment to turf in a buffer area, established pursuant to paragraph
6 (1) of this subsection.

7 As used in this paragraph, “rescue treatment” means a fertilizer
8 application, consistent with the nitrogen content applied by a
9 professional fertilizer applicator pursuant to paragraph (1) of
10 subsection b. of this section, applied no more than once a year to an
11 area between 10 and 25 feet of a waterbody.²]³

12

13 ³2. (New section) a. No person shall:

14 (1) apply fertilizer to turf when a heavy rainfall, as shall be
15 defined by the Office of the New Jersey State Climatologist at
16 Rutgers, the State University, is occurring or predicted or when
17 soils are saturated and a potential for fertilizer movement off-site
18 exists;

19 (2) apply any fertilizer intended for use on turf to an impervious
20 surface, and any fertilizer inadvertently applied to an impervious
21 surface shall be swept or blown back onto the target surface or
22 returned to either its original or another appropriate container for
23 reuse; or

24 (3) apply fertilizer containing phosphorus or nitrogen to turf
25 before March 1st or after November 15th in any calendar year, or at
26 any time when the ground is frozen, except as provided otherwise in
27 subsection b. of this section.

28 b. No professional fertilizer applicator shall apply fertilizer
29 containing phosphorus or nitrogen to turf before March 1st or after
30 December 1st in any calendar year, or at any time when the ground
31 is frozen.³

32

33 ³3. (New section) a. In addition to the requirements set forth in
34 section 2 of this act, no person, other than a professional fertilizer
35 applicator, shall:

36 (1) apply fertilizer to turf in an amount that is more than an
37 annual total of 3.2 pounds of total nitrogen per 1,000 square feet,
38 except as provided otherwise in subsection b. of this section; or

39 (2) apply fertilizer containing: (a) nitrogen that is less than 20
40 percent slow release; (b) nitrogen to turf at a rate of more than 0.7
41 pounds of water-soluble nitrogen per 1,000 square feet per
42 application; or (c) nitrogen to turf at a rate of more than 0.9 pounds
43 of total nitrogen per 1,000 square feet per application, except as
44 provided otherwise in subsection b. of this section.

45 b. No professional fertilizer applicator shall:

46 (1) apply fertilizer containing nitrogen to turf at a rate of (a)
47 more than 0.7 pounds of water-soluble nitrogen per 1,000 square

1 feet per application, and (b) more than one pound of total nitrogen
2 per 1,000 square feet per application; or
3 (2) apply fertilizer to turf in an amount that is more than an
4 annual total of 4.25 pounds of total nitrogen per 1,000 square feet.
5 c. (1) No professional fertilizer applicator may apply fertilizer
6 to turf without first obtaining a fertilizer application certification, or
7 training if applying fertilizer under the direct supervision of a
8 certified professional fertilizer applicator, pursuant to section 4 of
9 this act.
10 (2) No person, other than a certified professional fertilizer
11 applicator or a person trained and under the direct supervision of a
12 certified professional fertilizer applicator, may apply fertilizer to a
13 golf course.
14 d. Except as provided otherwise in subsection e. of this section,
15 no person may apply fertilizer containing phosphorus unless the
16 person:
17 (1) determines that the fertilizer is necessary for the specific
18 soils and target vegetation pursuant to a soil test performed no more
19 than three years before the application, and pursuant to the
20 associated annual fertilizer recommendation issued by the New
21 Jersey Agricultural Experiment Station at Rutgers, the State
22 University;
23 (2) is establishing vegetation for the first time, such as after land
24 disturbance, provided the application is in accordance with the
25 standards and requirements established under the "Soil Erosion and
26 Sediment Control Act," P.L.1975, c.251 (C.4:24-39 et seq.), and the
27 rules and regulations adopted pursuant thereto;
28 (3) is reestablishing or repairing a turf area; or
29 (4) is delivering liquid or granular fertilizer under the soil
30 surface directly to the feeder roots.
31 e. A person may apply fertilizer containing phosphorus to turf
32 if the fertilizer consists of manipulated animal or vegetable manure,
33 includes no more than 0.25 pounds of phosphorus per 1,000 square
34 feet when applied pursuant to the instructions on the container, and
35 otherwise complies with the provisions of this act.
36 f. (1) Except as provided otherwise in paragraph (3) of this
37 subsection, no person shall apply fertilizer containing phosphorus
38 or nitrogen to turf within 25 feet of any waterbody, except that
39 where a drop spreader, rotary spreader with a deflector or targeted
40 spray liquid is used for fertilizer application, the buffer may be
41 reduced to 10 feet.
42 (2) The establishment of buffers for fertilizer application
43 pursuant to paragraph (1) of this subsection shall not preclude the
44 establishment or applicability of, or compliance with, any other
45 environmental standards established pursuant to any other State or
46 federal law, rule or regulation.

1 (3) A professional fertilizer applicator may apply a rescue
2 treatment to turf in a buffer area established pursuant to paragraph
3 (1) of this subsection.

4 As used in this paragraph, “rescue treatment” means a fertilizer
5 application, consistent with the nitrogen content applied by a
6 professional fertilizer applicator pursuant to paragraph (1) of
7 subsection b. of this section, applied no more than once a year to an
8 area between 10 and 25 feet of a waterbody.

9 g. No person may apply fertilizer to turf exceeding the nitrogen
10 standards set forth in subsections a. and b. of this section, unless the
11 person is establishing vegetation for the first time, such as after land
12 disturbance, provided the fertilizer application is in accordance with
13 the standards and requirements established under the “Soil Erosion
14 and Sediment Control Act,” P.L.1975, c.251 (C.4:24-39 et seq.),
15 and the rules and regulations adopted pursuant thereto.³

16
17 ³[3.]⁴ (New section) a. The New Jersey Agricultural
18 Experiment Station at Rutgers, the State University, shall, in
19 consultation with the Department of Environmental Protection,
20 establish a fertilizer application certification program. The
21 certification program shall provide professional fertilizer
22 applicators with training and education in at least the following
23 subject areas:

24 (1) the proper use and calibration of fertilizer application
25 equipment;

26 (2) the hazards involved in, and the environmental impact of,
27 applying fertilizer, including nutrient pollution to the State’s
28 waterbodies;

29 (3) all applicable State and federal laws, rules and regulations;

30 (4) the correct interpretation of fertilizer labeling information;
31 and

32 (5) the best management practices developed by the ¹New
33 ¹Jersey¹ Agricultural Experiment Station for nutrient management in
34 turf.

35 b. In establishing a fertilizer application certification program,
36 the ¹New Jersey¹ Agricultural Experiment Station may:

37 (1) charge reasonable fees, including, but not limited to, an
38 annual re-certification fee, to cover costs associated with the
39 certification program;

40 (2) require continuing education ¹or training¹ for certified
41 professional fertilizer applicators;

42 (3) designate one or more qualified organizations to train
43 ¹[and] ¹certify¹, and recertify¹ professional fertilizer applicators
44 and provide that a designated organization may charge fees to cover
45 reasonable costs associated with the certification training and
46 education; and

1 (4) recognize the training program of any person employing
2 professional fertilizer applicators **'[as meeting] if it meets'** the
3 certification **'and recertification'** training and education standards
4 established by the program pursuant to this section.

5 c. The **'[Department of Environmental Protection] New Jersey**
6 **Agricultural Experiment Station**¹ shall conduct examinations to
7 certify that an applicant possesses sufficient knowledge of the State
8 and federal laws, rules and regulations, standards and requirements
9 applicable to the use and application of fertilizer. No person may
10 take the certification examination until the **'[department] New**
11 **Jersey Agricultural Experiment Station**¹ determines that the
12 applicant has obtained the education and training established by the
13 fertilizer application certification program pursuant to this section.

14 d. An application for certification shall be made in a manner
15 and on such forms as may be prescribed by the **'[department] New**
16 **Jersey Agricultural Experiment Station**¹. The filing of an
17 application shall be accompanied by an application fee that shall
18 cover the costs of processing the application and developing and
19 conducting the examination.

20 e. The **'New Jersey'** Agricultural Experiment Station shall, in
21 consultation with the department, establish a training program for
22 those professional fertilizer applicators who will apply fertilizer
23 only under the direct supervision of a certified professional
24 fertilizer applicator. The **'New Jersey'** Agricultural Experiment
25 Station shall establish minimum standards and criteria for a training
26 program conducted pursuant to this subsection. In establishing the
27 training program, the **'New Jersey'** Agricultural Experiment Station
28 may:

29 (1) charge reasonable fees to cover **'[the]'** costs associated with
30 the training program;

31 (2) require continuing education or training for professional
32 fertilizer applicators who apply fertilizer only under the direct
33 supervision of a certified professional fertilizer applicator;

34 (3) designate one or more qualified organizations to train
35 professional fertilizer applicators who will apply fertilizer only
36 under the direct supervision of a professional fertilizer applicator
37 certified pursuant to this section and provide that a designated
38 organization may charge fees to cover reasonable costs associated
39 with the training process; and

40 (4) recognize the training program of any person employing
41 professional fertilizer applicators **'[as meeting] if it meets'** the
42 training requirements established by the **'New Jersey'** Agricultural
43 Experiment Station pursuant to this subsection.

44 **'f. The New Jersey Agricultural Experiment Station shall**
45 **publish and maintain a list of all certified professional fertilizer**
46 **applicators and make the list available on its Internet website.**¹

1 ³[4.] 5.³ (New section) a. ³[²(1)²]³ Any professional fertilizer
2 applicator who violates this act, or any rule or regulation adopted
3 pursuant thereto, shall be subject to a civil penalty of ²[up to
4 \$2,500] \$500² for the first offense and up to ²[\$5,000] \$1,000² for
5 the second and each subsequent offense, to be collected in a civil
6 action by a summary proceeding under the "Penalty Enforcement
7 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). If the
8 violation is of a continuing nature, each day during which it
9 continues shall constitute an additional, separate and distinct
10 offense. ²The Superior Court and the municipal court shall have
11 jurisdiction to enforce the provisions of the "Penalty Enforcement
12 Law of 1999" pursuant to this subsection.

13 ³[(2)²] In addition to the imposition of a civil penalty, the
14 Department of Environmental Protection may ²:

15 (a)² suspend or revoke the certification of any professional
16 fertilizer applicator who violates this act ²; or

17 (b) impose a civil administrative penalty of not more than
18 \$1,000 for each violation, and each day during which each violation
19 continues shall constitute an additional, separate, and distinct
20 offense. No civil administrative penalty shall be imposed until after
21 the person has been notified by certified mail or personal service.
22 The notice shall include: a reference to the section of the act, rule,
23 regulation, order, or permit violated; a concise statement of the
24 facts alleged to constitute a violation; a statement of the amount of
25 the civil administrative penalties to be imposed; and a statement of
26 the person's right to a hearing. The person shall have 20 days from
27 receipt of the notice within which to deliver to the commissioner a
28 written request for a hearing. Subsequent to the hearing and upon
29 finding that a violation has occurred, the commissioner may issue a
30 final order or civil administrative penalty after imposing the amount
31 of the fine specified in the notice. If no hearing is requested, the
32 notice shall become a final order or a final civil administrative
33 penalty upon the expiration of the 20-day period. Payment of the
34 penalty is due when a final order is issued or when the notice
35 becomes a final order or a final civil administrative penalty. The
36 authority to levy a civil administrative penalty is in addition to all
37 other enforcement provisions in this section, and the payment of a
38 civil administrative penalty shall not be deemed to affect the
39 availability of any other enforcement provision in connection with
40 the violation for which the penalty is levied. A civil administrative
41 penalty imposed under this subparagraph may be compromised by
42 the commissioner upon the posting of a performance bond by the
43 violator, or upon terms and conditions the commissioner may
44 establish by rule or regulation² .]³

45 b. Any person, other than a professional fertilizer applicator or
46 person who sells fertilizer at retail, who violates this act, or any rule
47 or regulation adopted pursuant thereto, ³[shall] may³ be subject to

1 a ³[civil]³ penalty ³[of up to \$250 for the first offense and up to
2 \$500 for the second and each subsequent offense] , as established
3 by municipal ordinance³ , to be collected in a civil action by a
4 summary proceeding under the ²"Penalty Enforcement Law of
5 1999,"² P.L.1999, c.274 ²(C.2A:58-10 et seq.)² . ³[If the violation
6 is of a continuing nature, each day during which it continues shall
7 constitute an additional, separate and distinct offense.]³ ²The
8 municipal court shall have jurisdiction to enforce the provisions of
9 the "Penalty Enforcement Law of 1999" in connection with this
10 subsection.²

11 c. ³[The department or] (1) This act, and the rules and
12 regulations adopted pursuant thereto, may be enforced by any
13 municipality, county, local soil conservation district or local health
14 agency.

15 (2) A³ local soil conservation district may institute a civil action
16 for injunctive relief in Superior Court to enforce this act and to
17 prohibit and prevent a violation of this act, or any rule or regulation
18 adopted pursuant thereto, and the court may proceed in the action in
19 a summary manner.

20 ²[d. The ¹[Superior Court, and the]¹ municipal court ¹[for
21 violations processed under subsection b. of this section,]¹ shall
22 have jurisdiction to enforce the provisions of the "Penalty
23 Enforcement Law of 1999" in connection with this act.]²

24
25 ³[5.] 6.³ (New section) a. The New Jersey Agricultural
26 Experiment Station ¹[,]¹ shall, in consultation with the Department
27 of Environmental Protection, develop a program of public education
28 which shall include but need not be limited to the dissemination of
29 information regarding nutrient pollution, best management practices
30 for fertilizer use, soil testing, proper interpretation of fertilizer label
31 instructions, and the proper use and calibration of fertilizer
32 application equipment. ¹The New Jersey Agricultural Experiment
33 Station shall ³[; (1)]³ provide informational posters to retailers for
34 display, and ³[(2)]³ make any information and literature developed
35 pursuant to this subsection available online on its Internet website.¹

36 b. The ¹New Jersey¹ Agricultural Experiment Station shall
37 identify laboratories which participate in the North American
38 Proficiency Testing Program of the Soil Science Society of
39 America, follow the recommended soil testing procedures for the
40 northeastern United States, are authorized to conduct soil tests to
41 determine the level of nutrients required for turf, and provide a final
42 report to the requestor with the results of the soil test that is
43 consistent with the best management practices established by the
44 ¹New Jersey¹ Agricultural Experiment Station.

1 ³[6.] 7.³ (New section) ¹[The] ²[a. Except as provided in
2 subsection b. of this section, the¹] The² provisions of this act, and
3 the rules and regulations adopted pursuant thereto, shall preempt
4 any ordinance or resolution of a municipality, county or local health
5 agency concerning the application of fertilizer to turf ³.except as
6 authorized pursuant to subsection b. of section 5 of this act³ .

7 ²[¹b. A municipality, county or local health agency may adopt
8 an ordinance or resolution prohibiting the application of fertilizer
9 containing phosphorus or nitrogen to turf up to 25 feet of any
10 waterbody, except that where a drop spreader, rotary spreader with
11 a deflector or targeted spray liquid is used for fertilizer application,
12 the buffer may be reduced to up to 10 feet.¹]²

13
14 ³[7.] 8.³ (New section) Sections 1 through ³[8] 9³ of this act
15 shall not apply to the application of fertilizer to commercial farms.

16
17 ³[8.] 9.³ (New section) ³[a. Within one year after the date of
18 enactment of this act, the] The³ Department of Environmental
19 Protection, in consultation with the Department of Agriculture,
20 ¹[shall] may¹ adopt, pursuant to the “Administrative Procedure
21 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), ¹[any]¹ rules and
22 regulations ¹[necessary]¹ to implement sections 1 through 8 of this
23 act.

24 ³[b. This act, and the rules and regulations adopted pursuant
25 thereto, ¹[shall] may¹ be enforced by the Department of
26 Environmental Protection, ¹[and may be enforced by a] or any
27 municipality, county, ¹ local soil conservation district or local
28 health agency.]³

29
30 ³[9.] 10.³ (New section) Any specialty fertilizer labeled for use
31 on turf and intended for use by consumers shall:

32 a. Contain no more than ²[0.75] 0.7 pounds of water-soluble
33 nitrogen ³[or] and no³ more than 0.9² pounds of ¹[water-soluble]
34 total¹ nitrogen ¹at least ²[30] 20² percent of which shall consist of
35 slow release nitrogen¹ per 1,000 square feet when applied pursuant
36 to the instructions on the container; and

37 b. Contain no phosphorus, except when specifically labeled for
38 the following purposes:

39 (1) providing nutrients to specific soils and target vegetation as
40 determined to be necessary pursuant to a soil test conducted by a
41 laboratory ¹[authorized] identified¹ pursuant to ¹[section 7]
42 subsection b. of section ³[5] 6³ of P.L. , c. (C.) (pending
43 before the Legislature as this bill) and performed no more than
44 three years before the application, and pursuant to the associated
45 annual fertilizer recommendation issued by the New Jersey
46 Agricultural Experiment Station at Rutgers, the State University;

1 (2) establishing vegetation for the first time, such as after land
2 disturbance, provided the application is in accordance with the
3 standards and requirements established under the “Soil Erosion and
4 Sediment Control Act,” P.L.1975, c.251 (C.4:24-39 et seq.) and the
5 rules and regulations adopted pursuant thereto;

6 (3) reestablishing or repairing a turf area; or

7 (4) delivering liquid or granular fertilizer under the soil surface,
8 directly to the feeder roots.

9 c. Nothing in this section shall apply to fertilizer derived from
10 processed sewage wastewater solids ¹or manipulated animal or
11 vegetable manure¹.

12 d. As used in this section:

13 “Consumer” means an individual who buys fertilizer for personal
14 or household use and not for business purposes.

15 ¹“Manipulated animal or vegetable manure” means manure that
16 is ground, pelletized, mechanically dried, or otherwise treated to
17 assist with the use of manure as a fertilizer.

18 “Slow release nitrogen” means nitrogen in a form that is released
19 over time that is not water soluble.¹

20 “Turf” means land, including residential property, that is planted
21 in closely mowed, managed grass, except land used in the operation
22 of a commercial farm as that term is defined pursuant to section 3
23 of P.L.1983, c.31 (C.4:1C-3).

24 ¹“Water-soluble nitrogen” means nitrogen in a water-soluble
25 form that does not have slow or controlled release properties.¹

26 ²“Water-soluble nitrogen” means nitrogen in a water-soluble
27 form that does not have slow or controlled release properties.²

28
29 ³[10.] 11.³ (New section) a. No person may sell at retail
30 specialty fertilizer which contains more than ²[0.75] 0.7 pounds of
31 water-soluble nitrogen or more than 0.9² pounds of ¹[water-
32 soluble] total¹ nitrogen per 1,000 square feet ¹at least ²[30] 20²
33 percent of which shall consist of slow release nitrogen when applied
34 pursuant to the instructions on the container¹ and is intended for use
35 on turf by consumers.

36 b. No person may sell at retail specialty fertilizer which
37 contains phosphorus and is intended for use on turf by consumers
38 unless the intended use of the fertilizer is:

39 (1) for application to specific soils and turf as determined to be
40 necessary pursuant to a soil test conducted by a laboratory
41 ¹[authorized] identified¹ pursuant to ¹[section 7] subsection b. of
42 section ³[5]³ of P.L. , c. (C.) (pending before the
43 Legislature as this bill) and performed no more than three years
44 before the application, and pursuant to the associated annual
45 fertilizer recommendation issued by the New Jersey Agricultural
46 Experiment Station at Rutgers, the State University;

1 (2) for the establishment of turf for the first time, such as after
2 land disturbance, provided the application is in accordance with the
3 standards and requirements established under the "Soil Erosion and
4 Sediment Control Act," P.L.1975, c.251 (C.4:24-39 et seq.), and the
5 rules and regulations adopted pursuant thereto; or

6 (3) for the reestablishment or repair of a turf area.

7 c. Nothing in this section shall apply to fertilizers derived from
8 processed sewage wastewater solids ¹or manipulated animal or
9 vegetable manure¹.

10 d. As used in this section:

11 "Consumer" means a natural person who buys fertilizer for
12 personal or household use and not for business purposes.

13 ¹"Manipulated animal or vegetable manure" means manure that
14 is ground, pelletized, mechanically dried, or otherwise treated to
15 assist with the use of manure as a fertilizer.

16 "Slow release nitrogen" means nitrogen in a form that is released
17 over time that is not water soluble.¹

18 "Turf" means land, including residential property, that is planted
19 in closely mowed, managed grass, except land used in the operation
20 of a commercial farm as that term is defined pursuant to section 3
21 of P.L.1983, c.31 (C.4:1C-3).

22 ¹["Water-soluble nitrogen" means nitrogen in a water-soluble
23 form that does not have slow or controlled release properties.]¹

24 ²"Water-soluble nitrogen" means nitrogen in a water-soluble
25 form that does not have slow or controlled release properties.²

26

27 ³[11.] 12.³ Section 13 of P.L.1970, c.66 (C.4:9-15.13) is
28 amended to read as follows:

29 13. a. A specialty fertilizer must be labeled as provided in
30 section 10 of ¹[this act] P.L.1970, c.66 (C.4:9-15.10)¹, and
31 additional items may be required by regulation.

32 b. The container for a specialty fertilizer intended for use on
33 turf must include the following information in a readable and
34 conspicuous form and shall be considered the label:

35

36 Net Weight

37

38 ³[Brand Name

39 Grade

40 Guaranteed Analysis;

41 Total Nitrogen (N).....%

42% Ammoniacal Nitrogen

43% Nitrate Nitrogen

44% Water-Soluble Nitrogen or urea

45% Water Insoluble Nitrogen

46 Available Phosphoric Acid (P2O5).....%

47 Soluble Potash (K2O).....%

1 Additional Plant Nutrients as prescribed by regulation.
2 Potential Acidity or Basicity.....% or.....lbs.
3 Calcium Carbonate Equivalent per ton
4 Name and address of the licensee.】
5
6 Brand Name
7 Grade
8 Guaranteed Analysis:
9 Total Nitrogen (N).....%
10% Ammoniacal Nitrogen
11% Nitrate Nitrogen
12% Urea Nitrogen
13% Other Water Soluble Nitrogen
14% Water Insoluble Nitrogen
15 Available Phosphate (P2O5).....%
16 Soluble Potash (K2O).....%
17 Additional Plant Nutrients as prescribed by regulation.
18 Name and address of the licensee.³

19
20 c. ¹(1)¹ The container of a specialty fertilizer intended for use
21 on turf ¹【must】 that does not contain pesticides regulated pursuant
22 to the "Federal Insecticide, Fungicide, and Rodenticide Act," 7
23 U.S.C.s.136 et seq., shall¹ also contain the following summary of
24 best management practices for nutrient management in turf in a
25 readable and conspicuous form:

26 “Do not apply near water, storm drains or drainage ditches. Do
27 not apply if heavy rain is expected. Apply this product only to your
28 lawn, and sweep any product that lands on the driveway, sidewalk
29 or street back onto your lawn.”

30 ¹(2) A container of a specialty fertilizer intended for use on turf
31 that also contains a pesticide regulated pursuant to the "Federal
32 Insecticide, Fungicide, and Rodenticide Act," 7 U.S.C.s.136 et seq.
33 ^{3,3} shall include the environmental hazard statement recommended
34 by the United States Environmental Protection Agency for that
35 product.¹

36 d. As used in this section ¹【:

37 “Turf”】 , "turf"¹ means land, including residential property, that
38 is planted in closely mowed, managed grass, except land used in the
39 operation of a commercial farm as that term is defined pursuant to
40 section 3 of P.L.1983, c.31 (C.4:1C-3).

41 (cf: P.L.1970, c.66, s.13)

42
43 ³【12.】 ³ 13.³ ¹【This】 ²【Sections 9, 10 and 11 shall take effect on
44 January 1, 2012 and the remainder of this¹】 ³【This² act shall take
45 effect on the first day of the 13th month after the date of
46 enactment.】 Sections 1, 2, and 9 of this act shall take effect
47 immediately, section 11 shall take effect two years after the date of

1 enactment of this act, and the remainder of this act shall take effect
2 one year after the date of enactment, but the Commissioner of
3 Environmental Protection and the New Jersey Agricultural
4 Experiment Station may take such anticipatory action in advance
5 thereof as shall be necessary for the implementation of this act.³