



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 5368 (Substitute S-2 as reported)
Sponsor: Representative Terry Brown
House Committee: Great Lakes and Environment
Senate Committee: Natural Resources and Environmental Affairs

CONTENT

The bill would amend Part 85 (Fertilizers) of the Natural Resources and Environmental Protection Act to do the following:

- Prohibit the use of fertilizer containing available phosphate, beginning January 1, 2011, except to correct a phosphorus deficiency or establish new turf grass, or by trained staff at a golf course, and require the Director of the Michigan Department of Agriculture (MDA) to approve a training program.
- Allow the application of a finished sewage sludge product, organic manure, or manipulated manure, subject to certain conditions.
- Establish regulations for the application of any fertilizer near water, as well as the cleaning of a fertilizer spreader.
- Require a person who released fertilizer on an impervious surface to take certain actions, and prohibit the application of fertilizer on frozen or saturated soil.
- Allow the MDA, in consultation with interested parties, to approve consumer information regarding the use of fertilizer and the management of phosphorus, and make the information available to the public.
- Provide that the preemption of local fertilizer ordinances under Part 85 would not apply to an ordinance in effect on the bill's effective date that regulated or prohibited the application to turf of fertilizer containing available phosphate.

A person who violated or attempted to violate the phosphate fertilizer ban, or the ban on releasing the fertilizer on an impervious surface or soil that was frozen or saturated with water, would be responsible for a State civil infraction and could be ordered to pay a civil fine of up to \$1,000 for each violation or attempted violation. The maximum fine would be \$50, however, if both of the following applied:

- The violation or attempted violation occurred on a single-family residential parcel or any other parcel or contiguous parcels with a maximum total of four acres of turf.
- The violation was committed by the property owner or lessee, a member of his or her family, or a person who resided on the property.

MCL 324.8501 et al.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would require the MDA Director, or his or her designee, to approve a training program that would adequately address best management practices as they relate to the use of turf fertilizers containing phosphates. The bill also would require the Department to post the regulations on turf fertilizers on its website, and publicize the regulations appropriately. These requirements would likely result in some additional administrative

costs to the MDA. It is likely that these costs would be minimal, however, as the Department is frequently required to make these types of notices.

It is unclear how much revenue would be collected from the proposed fines, as it would directly depend on how many people were found responsible for violating the law. State civil infraction fine revenue benefits public libraries.

Date Completed: 11-10-10

Fiscal Analyst: Josh Sefton