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## Fact Sheet: The Fertilizer Use Act of 2011

### Introduction

On May 19, 2011, Governor Martin O'Malley signed the *Fertilizer Use Act of 2011*, an environmental law designed to reduce the amount of nutrients washing into the Chesapeake Bay from lawns, golf courses, parks, recreation areas and other non-agricultural sources. The law limits the amount of phosphorus contained in lawn fertilizer products sold to the public, establishes a training, certification and licensing program for people who are hired to apply fertilizer to non-agricultural landscapes, limits fertilizer amounts applied to turf, and requires the implementation of a homeowner education program about best management practices to be followed when using fertilizers.

According to the Chesapeake Bay Commission, about 14 percent of the nitrogen and 8 percent of the phosphorus entering the Bay can be traced to non-agricultural urban and suburban sources—mainly lawns. While certain restrictions on fertilizer use and application have been in place for farmers since 2001, only limited restrictions apply to commercial lawn care applicators and no restrictions currently apply to homeowners. Involving urban and suburban stakeholders in the Chesapeake Bay cleanup effort is essential if Maryland is to meet tough new nutrient reduction goals established by the U.S. Environmental Protection Agency and outlined in its Watershed Implementation Plan for reducing the total daily maximum load (TMDL) of pollutants entering the Bay by 2020.

The *Fertilizer Use Act of 2011* will be implemented in phases over the next two years by the Maryland Department of Agriculture (MDA) and the University of Maryland (UMD). The law will be fully implemented by October 1, 2013. Following are its key features.

### For Fertilizer Manufacturers and Retailers

The *Fertilizer Use Act of 2011* contains new content requirements and labeling instructions for all lawn fertilizer products sold in Maryland. These changes are designed to help homeowners maintain healthy lawns without applying unnecessary amounts of certain nutrients. *Specifically, the new law:*

- Restricts phosphorus amounts in lawn fertilizer with certain exceptions established for specially labeled starter fertilizer and organic fertilizer products;
- Decreases the total amount of nitrogen that may be applied to turf and specifies that 20 percent is to be applied in a slow release form;
- Prohibits labeling a fertilizer product as a de-icer; and
- Requires fertilizer products to contain the following statement:  
“Do not apply near water, storm drains or drainage ditches. Do not apply if heavy rain is expected. Apply this product only to your lawn and sweep any product that lands on the driveway, sidewalk, or street, back onto your lawn.”

### Enforcement

The State Chemist Section of the Maryland Department of Agriculture has enforcement authority.

## **For Homeowners**

Homeowners and do-it-yourselfers will be required to follow University of Maryland guidelines when fertilizing lawns, gardens and landscape areas. These guidelines will be promoted through a public education program that will include information on best management practices to follow when using fertilizers, soil testing information, and how to read and follow a fertilizer label. The following provisions of the law apply to homeowners and do-it-yourselfers:

- Prohibits using lawn fertilizer on impervious surfaces;
- Prohibits using fertilizer:
  - Between November 15 and March 1*
  - When the ground is frozen*
  - Within 10 to 15 feet of waterways, depending on the method of application;*
- Restricts the amount of phosphorus applied to turf, with allowances when soil tests indicate low or medium phosphorus levels or when the homeowner is establishing a new lawn or repairing or reestablishing a lawn;
- Establishes maximum application rates for total nitrogen and water soluble nitrogen; and
- Establishes maximum application rates for enhanced efficiency controlled-release products.

### ***Enforcement***

A county, municipality or MDA may enforce these requirements for homeowners.

## **For Professional Fertilizer Applicators**

The law requires MDA—with technical guidance from the University of Maryland—to establish a training, certification and licensing program for professionals hired to apply fertilizer to lawns as well as individuals who manage turf at golf courses, public parks, airports, athletic fields, businesses, cemeteries and other non-agricultural properties. The goal of this effort is to educate commercial applicators and turf managers on proper application techniques, establish uniform standards for applying fertilizers, ensure adequate knowledge of fertilizer products, and foster overall improved nutrient management in the urban and suburban landscape.

In addition, MDA is required to publish a list of certified professional fertilizer applicators for the public. The following provisions apply:

- Individuals and companies hired to apply fertilizers must be certified by MDA or work under the direct supervision of an individual who is certified;
- Prohibits professionals from applying lawn fertilizer to impervious surfaces;
- Prohibits professionals from applying fertilizer:
  - Between November 15 and March 1 (A limited amount of soluble nitrogen may be applied between November 16 and December 1)*
  - Within 10 to 15 feet of a waterway*
  - When the ground is frozen*
  - In an amount that is inconsistent with UMD standards.*
- Establishes maximum application rates for nitrogen, water soluble nitrogen and enhanced efficiency controlled release fertilizer;
- Establishes application guidelines for natural organic or organic products containing phosphorus.

### ***Enforcement***

Violators are subject to civil penalties of up to \$1,000 for the first violation and \$2,000 for each subsequent violation. The Maryland Department of Agriculture has enforcement authority.