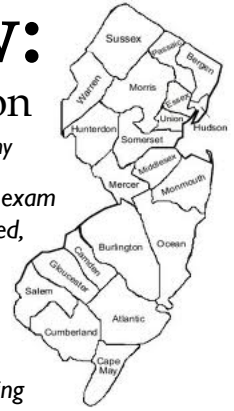


# The New Jersey Fertilizer Law:

## Update on Certification, Enforcement, Penalties and Preemption

Dr. Jim Murphy



The Professional Fertilizer Applicator Certification and Training (ProFACT) program was developed by the New Jersey Agricultural Experiment Station at Rutgers University, in consultation with the Department of Environmental Protection, in response to the New Jersey Act, P.L. 2010, c. 112 (<http://www.njleg.state.nj.us/2010/Bills/PL10/112.PDF>). This law addresses the application, sale, and use of fertilizer for both professional and retail applications to turf.

The ProFACT program is an internet based certification program (<http://profact.rutgers.edu>) that provides professional fertilizer applicators with training and education in five subject areas as outlined by the law: i) proper use and calibration of fertilizer equipment; ii) correct interpretation of fertilizer labeling; iii) best management practices for nutrient management in turf; iv) hazards of excess nutrients to the State's water bodies; and v) applicable laws, rules, and regulations.

Approximately 3,000 professionals have registered with the ProFACT program as of 22 May 2012 and more than 1,400 of those professionals have become certified and more than 700 have registered as trained fertilizer applicators.

A **"professional fertilizer applicator"** is any individual who applies fertilizer for hire, including any employee of a government entity who applies fertilizer within the scope of employment. No professional fertilizer applicator may apply fertilizer to turf without first obtaining a fertilizer application certification, or training if applying fertilizer under the direct supervision of a certified professional fertilizer applicator.

**Certified Fertilizer Applicators (CFAs)** are those professionals responsible for decision-making regarding fertilizer application and use. Professionals must have received

training and pass an exam to become certified, which can currently be done through an online program (<http://profact.rutgers.edu>). Training for CFAs is more extensive than for trained fertilizer applicators.

**Trained Fertilizer Applicators (TFAs)** are professionals that may apply fertilizer under the direct supervision of a CFA. Direct supervision means that the CFA provides the TFA with written instructions regarding the fertilize application and maintains immediate voice communication (radio or mobile phone). Trained fertilizer applicators must be trained but do not need to take an exam.

Continued on page 17

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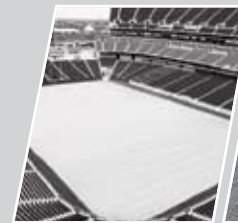
wrote **Dann Daly**, Park Maintenance Supervisor,  
**Parks & Recr. Dept.**, North Smithfield, RI

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# The New Jersey Fertilizer Law:

## Update on Certification, Enforcement, Penalties and Preemption

Continued from page 15

More details on the certification and training program are available on the "instructions" page at <http://ProFACT.rutgers.edu/Pages/instructions.aspx>.

The law requires Rutgers NJAES to publish a list of professional fertilizer applicators on its internet website. The listings will be enhanced for sorting in the future and currently provide names in alphabetical (last name) order. Links to the lists are provided below.

Certified Fertilizer Applicators:

<http://ProFACT.rutgers.edu/Pages/Certified-Applicators.aspx>

Trained Fertilizer Applicators:

<http://profact.rutgers.edu/Pages/Trained-Applicators-List.aspx>

For general inquiries about the certification and training program, contact the ProFACT administration team at:

**Email:** [profact@aesop.rutgers.edu](mailto:profact@aesop.rutgers.edu)

**Mailing Address:**

**ProFACT**

Department of Plant Biology and Pathology  
Rutgers, The State University of New Jersey  
59 Dudley Road  
New Brunswick, NJ 08901-8520

**Phone:** 848-932-6373

### Enforcement of the Law

As more people become aware of this new law, the issue of enforcement is an increasingly common question.

This law may be enforced by any municipality, county, local soil conservation district or local health agency. A local soil conservation district may institute a civil action for injunctive relief in Superior Court to enforce this law and to prohibit and prevent a violation of this law and the court may proceed in the action in a summary manner.

Thus, enforcement will occur at the local government level using the prohibitions, restrictions and penalties established by the law. You should direct your inquiries or requests for enforcement to local officials in municipal and county government or local soil conservation districts (<http://www.state.nj.us/agriculture/divisions/anr/nrc/conservdistricts.html>).

### Violations and Penalties

Any professional fertilizer applicator who violates the New Jersey Fertilizer Law is subject to a civil penalty of \$500 for the first offense and up to \$1,000 for the second and each subsequent offense, to be collected in a civil action by a summary proceeding under the "Penalty Enforcement Law of 1999," P.L. 1999, c.274 (C.2A:58-10 et seq.).

If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate and distinct offense. The Superior Court and the municipal court shall have jurisdiction to enforce the provisions of the "Penalty Enforcement Law of 1999".

### Preemption

The provisions of the law preempt any ordinance or resolution of a municipality, county or local health agency concerning the application of fertilizer to turf, except that municipalities are allowed to establish penalties for persons other than a professional fertilizer applicator or person who sells retail fertilizer (in other works, homeowners that use fertilizers). Yes, there are restrictions on homeowner use of fertilizers as well that can result in penalties from a local government.

Any person, other than a professional fertilizer applicator or person who sells fertilizer at retail, who violates this act, or any rule or regulation adopted pursuant thereto, may be subject to a penalty, as established by municipal ordinance, to be collected in a civil action by a summary proceeding under the "Penalty Enforcement Law of 1999," P.L. 1999, c.274 (C.2A:58-10 et seq.). The municipal court shall have jurisdiction to enforce the provisions of the "Penalty Enforcement Law of 1999".

Dr. Jim Murphy is Extension Specialist in Turfgrass Management, Rutgers University; and SFMANJ Advisor

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