



Navigating the Sea of Phosphorus Fertilizer Regulations

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As you may know, a statewide ban on phosphorus fertilizer goes into effect on April Fools' Day 2010. Insert your punch line here. In essence, the ban prohibits the application of phosphorus to turfgrass areas of any size with these four exceptions.

1. Applications of phosphorus fertilizer can be made to turfgrass during the first growing season.
2. Applications of phosphorus fertilizer can be made if a soil test demonstrates a need for the nutrient.
3. Applications of phosphorus fertilizer from manure of biosolids-based products (organic products) are allowed regardless of soil test levels.
4. Agricultural applications (sod production)

First violations are not to exceed \$50, and subsequent violations will be between \$200 and \$500. As with previous turfgrass fertilizer regulations, it is not clear how this law will be enforced. However, the law restricts the display and therefore sale of the fertilizers which is expected to decrease the availability of phosphorus-containing fertilizers.

This ban makes every golf course superintendent in the state subject to at least two different laws regarding

phosphorus use (NR-151, and the state ban). In Madison, golf course superintendents fall under four different bans; the other two include ordinances from the City of Madison and also Dane County. These rules, laws, and ordinances often conflict with each other in small but significant ways. Furthermore, it is unclear which of the regulations take precedent. I've spoken with a state official who says state statutes (i.e. the statewide ban) always take precedent over administrative rules (i.e. NR-151). He later called me back and retracted his use of "always". Representatives at the DNR have said that their rule will take precedent over other because it is more restrictive. It is my understanding that local ordinances will take precedent over the state ban.

In any case, it is safe to say that the true hierarchy of these regulations is elusive; but the simple solution to avoid any potential fines or negative press would be to **follow the NR-151 technical standard**, which is indeed the most restrictive of the regulations regarding phosphorus use. I've outlined some of the differences among the phosphorus regulations regarding phosphorus use in Table 1 below. 🌱

Table 1. Summary of various phosphorus bans in Wisconsin.

Regulation Characteristics	NR-151	Statewide Ban	Dane County*	City of Madison
Area Requirement	5+ acres	No	No	No
Exemption for phosphorus applications during establishment season	No**	Yes	Yes	Yes
Requires soil or tissue testing for applying a phosphorus fertilizer to established turf	Yes	Yes	Yes	Yes
Exemption for organic phosphorus fertilizers***	No	Yes	Yes	No
Soil test method	Mehlich-3 or Bray-1	Any	State-certified lab	State-certified lab
Restricts retail sale and/or display	No	Yes	Yes	Yes
Prohibition of fertilizer (including nitrogen) application to frozen soil or impervious surfaces	Yes	Yes	Yes	No

* In my experience, all other county or municipal phosphorus bans are identical to the Dane County ordinance.

** NR-151 allows for such an exemption in special circumstances.

*** My understanding is that Milorganite is exempt under all regulations in Wisconsin, although this is not in the text of any of the phosphorus bans.