

Government Relations

The 2009 Maryland General Assembly adjourned April 13th, 2009 after hearing several bills pertaining to our industry. This is the first year of many, I believe, where we will be facing increased scrutiny for pesticide and fertilizer applications. Your continued support in facing the challenges to our industry is greatly appreciated. If you would like to read about the bills discussed below, please follow this link, or type it into your web browser if you have a paper copy of this article. <http://www.mlis.state.md.us/>

Chesapeake Bay Phosphorous Reduction Act of 2009

The first bill directly affecting our industry was the Chesapeake Bay Phosphorous Reduction Act of 2009 (HB 609 and SB 553). This was passed by the State House of Representatives and the State Senate by April 6th, 2009. It was supported by the Maryland Association of Green Industries, which includes golf courses, farmers, landscapers, horticulturists, arborists, etc. This bill (now law) was designed to reduce the runoff of phosphoric acid into the Chesapeake Bay. It limits the quantity of H₃PO₄ that you can use per season, and how much distributors can sell. This bill affects distributors more than end users. There are several major points to focus on in this bill for superintendents.

The first is this applies to commercial fertilizers. In section 6-201, paragraph f, the law states as follows:

“Commercial fertilizer” means any substance containing a recognized plant nutrient used for its plant nutrient content and designed for use or claimed to have value in promoting plant growth, except unmanipulated animal and vegetable manure, marl, lime, wood ashes, and gypsum.

“Unmanipulated” means manure that has nothing added to it, such as Perdue’s PPM, which is a 4-2-3. A manure product that has been boosted with other elements to change its ratio, such as an organic 7-1-5, would be affected by this law.

The second is in paragraph p, line 1, stating that low phosphorous fertilizer means:

Containing not more than 5% of available phosphoric acid (H₃PO₄)

Distributors will have to label fertilizers as to the percent H₃PO₅ they contain, in addition to the P₂O₅ required by law for N-P-K labeling. For instance, the P₂O₅ may be 5% or 10%, but the fertilizer may only have 50% of that P₂O₅ as available H₃PO₄. Additionally, the labels will limit the application rates of H₃PO₄ to ½ lb per 1000 sq. ft. per year.

The third point for this bill is any fertilizer labeled above 5% of H₃PO₄ would be labeled as “Not for use on established lawns or grass”, and it cannot be labeled with spreader settings.

The fourth point is the start date for the reduction act, which is on April 1st, 2011.

This bill may cause problems in our industry, especially in the use of organic materials, because it is virtually impossible to remove phosphorous from organic fertilizers. Take the time to look at the law and see if there are any problems your facility may have. I contacted Senator Lenett, who sponsored this bill, and he is planning on meeting with me over the next several months. This is a great opportunity to show him our environmental work, because he heads up many environmental laws (such as the Release Reporting bill!)

Seed Law

Another bill which passed is Senate Bill 91, a change to the seed law requested by the industry. It applies to cool season turfgrasses only, and covers the following items:

A “Sell by” date is now required on the label of cool season turfgrasses, similar to those dates on food products. This will provide additional information to consumers and will assist retailers in managing their inventories.

The valid test date period for cool season turfgrasses has changed from nine months to 15 months. Research has shown that these types of grasses retain viability for longer periods of time.

This legislation brings Md.’s Seed Law into harmony with the Federal Seed Act and the Association of American Seed Control Officials’ “Recommended Uniform State Seed Law”, or RUSSL.

These changes take effect on October 1st, 2009. Special thanks to Tom Walsh for giving us the heads up on this law!

Agriculture – Fertilizers and Pesticides – Release Reporting

The “dreaded” Agriculture – Fertilizers and Pesticides – Release Reporting (SB 917 and HB 929) failed to pass this year, but may rear their ugly heads again. Thanks to all the members who gave information and opinions about this bill, which was tremendously helpful in stopping it. Special thanks to Jon Shields, who testified with along with numerous others against HB 929. As always, our lobbyist “American Joe” (Joe Miedusiewski) was a strong shoulder to lean on as he and I testified against SB 917. Chava McKeel, the head of Government Relations for the GCSAA was a tremendous help in our preparation for the hearing. Without these good people helping us, we would be up the creek without a paddle (which would certainly ruin our kayaking event on June 9th!)

Thanks to everyone for all their help with the government relations work. Your input and dedication to our industry and the environment is unquestionable. By speaking out to our lawmakers, we make sure they know how we are truly stewards of the environment.