

Pennsylvania's Fertilizer Act was passed in 1956 and has not been substantially modernized since. Without updates to establish best practices, application rates, and professional certification, Pennsylvania waters are at risk of nutrient runoff from urban and suburban areas. Currently, homeowners investing in lawn care services have no way to know if the employees applying fertilizer to their yards are properly trained, and the Department of Agriculture has no authority to investigate irresponsible or illegal applications. Pennsylvania does not and has not received any credit towards the state's Chesapeake Bay Phase 3 Watershed Implementation Plan (Phase 3 WIP) for the current Fertilizer Act. Various states in the Chesapeake Bay watershed have passed urban fertilizer laws to achieve and receive credit for reductions in fertilizer applications in urban and suburban areas. Pennsylvania is seeking a Commonwealth-wide solution for cleaner waters while promoting innovation through technology and product development.

Senator Gene Yaw introduced SB 915 with cosponsors Sens. Vogel, Schwank, and Killion. This bill was developed through an extensive stakeholder engagement process including Pennsylvania-based scientists and research institutions, industry, the Fertilizer Advisory Board, local government stakeholders, the EPA, and advocates, all with the goal of lowering nutrient loads to Pennsylvania waters. For the first time in Pennsylvania's history, this bill creates a professional certification program for accountability and restricts or prohibits irresponsible fertilizer applications by all users.

This bill seeks to level the playing field so everyone, not just farmers, can decrease nutrient runoff and be part of the solution for cleaner Pennsylvania waters. Once passed and implemented, the Fertilizer Bill is identified as a solution for achieving necessary credit in Pennsylvania's Phase 3 WIP. The bill will:

- 1. Establish best practices for use of fertilizer.** Best practices describe when and where fertilizer can be applied to maximize effectiveness. For lawn fertilizer, application rates for total nitrogen would be established and phosphorus application would be prohibited, except under approved conditions.
- 2. Create a certification program for commercial and public applicators of fertilizer.** All commercial or public fertilizer applications in categories of agronomic, fruit, vegetable, ornamental, lawn and turf, right-of-way, parks and schools, or aerial applications would be held to program certification standards including licensing, training, record-keeping, and continuing education. Current certified pesticide applicators who have passed applicable pesticide exams would receive a fertilizer applicator certification without additional testing. The bill would license all businesses applying fertilizer.
- 3. Promote homeowner and private agricultural fertilizer education through public outreach.** Education on the proper use, handling, and storage of fertilizers would be supported by the Department through consultation with the Pennsylvania State University and industry representatives.
- 4. Enhance required labeling of all fertilizer products.** Labels would include directions for use, best practices, and prohibited uses to ensure applicators are responsible for the proper use, storage, and disposal of fertilizer.
- 5. Provide for the preemption of local laws and regulations.** It would be prohibited for a local agency, homeowner association, or political subdivision to develop ordinances or rules related to fertilizer registration, packaging, labeling, sale, transportation, distribution, use, or application of fertilizer to conflict with or be more stringent than the PA Fertilizer Act.
- 6. Re-establish enhanced reporting requirements.** The intended use of fertilizer would be reported to the Department (agricultural, non-agricultural, other). This provision is critical for receiving WIP credit.
- 7. Provide a broad-based increase of fees while repealing the separate classification for small package fees for inspections.** Manufacturing/Guarantor license and product registration fees were last increased in 1984. The tonnage and inspection fee was increased by \$0.02 per ton in 2001. The bill also repeals the current \$25 inspection fee for small package fertilizer. Future proposed fee increases would be reviewed at a public meeting to ensure that revenue generated by fees would support no more than the certification program, public education and outreach, and costs to run the program.