

CHAPTER 42
HB 393 – FINAL VERSION

13Mar2013... 0561h

2013 SESSION

13-0249
06/04

HOUSE BILL **393**

AN ACT relative to effluent limitations with regard to nitrogen and phosphorus.

SPONSORS: Rep. Schroadter, Rock 17; Rep. Suzanne Smith, Graf 8; Sen. Stiles, Dist 24

COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill limits the nitrogen and phosphorus content of fertilizers sold at retail and intended for use on turf.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through.~~]
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 42
HB 393 – FINAL VERSION

13Mar2013... 0561h

13-0249
06/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to effluent limitations with regard to nitrogen and phosphorus.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 42:1 Statement of Purpose. Nutrients, specifically nitrogen and phosphorus, are essential for
2 the growth of plants. An overabundance of nutrients causes pollution in waterways. In
3 New Hampshire, more than half of the nitrogen pollution to Great Bay can be traced back to urban
4 and suburban nonpoint sources, including fertilizer runoff. Similarly, phosphorus entering lakes and
5 ponds causes harmful algal blooms and reduces water clarity. Minimizing excess turf fertilization
6 will achieve measurable reductions in nitrogen runoff while maintaining healthy lawns, and will give
7 the Environmental Protection Agency reasonable assurance that it can reduce restrictions upon our
8 communities' wastewater treatment plants and relieve taxpayer burdens.

9 42:2 New Paragraph; Fertilizers; Definitions. Amend RSA 431:3 by inserting after paragraph
10 VI the following new paragraph:

11 VI-a. "Enhanced efficiency fertilizer" means lawn fertilizer products with characteristics
12 that allow increased plant uptake and reduce potential of nutrient losses to the environment when
13 compared to an appropriate reference product.

14 42:3 New Paragraphs; Fertilizers; Definitions. Amend RSA 431:3 by inserting after paragraph
15 XIV the following new paragraphs:

16 XIV-a. "Natural inorganic fertilizer" means a mineral nutrient source that exists in or is
17 produced by nature and may be altered from its original state only by physical manipulation.

18 XIV-b. "Natural organic turf fertilizer" means materials derived from either plant or animal
19 products containing one or more elements other than carbon, hydrogen, and oxygen which are
20 essential for plant growth. These materials may be subject to biological degradation processes under
21 normal conditions of aging, rainfall, sun-curing, air drying, composting, rotting, enzymatic, or
22 anaerobic/aerobic bacterial action, or any combination of these. These materials shall not be mixed
23 with synthetic materials or changed in any physical or chemical manner from their initial state
24 except by manipulations such as drying, cooking, chopping, grinding, shredding, hydrolysis, or
25 pelleting. These products may be supplemented with natural inorganic fertilizers not containing
26 phosphorus.

27 42:4 New Paragraph; Fertilizers; Definitions. Amend RSA 431:3 by inserting after paragraph
28 XXI the following new paragraph:

29 XXII. "Turf" or "lawn" means non-agricultural land planted in closely mowed, managed

CHAPTER 42
HB 393 – FINAL VERSION
- Page 2 -

1 grasses except golf courses, parks, athletic fields, and sod farms.

2 42:5 New Sections; Nitrogen Content of Fertilizer; Phosphorus Content of Fertilizer; Existing
3 Inventories; Preemption of Local Regulation. Amend RSA 431 by inserting after section 4 the
4 following new sections:

5 431:4-a Nitrogen Content of Fertilizer.

6 I. No turf fertilizer sold at retail shall exceed 0.7 pounds per 1,000 square feet of soluble
7 nitrogen per application when applied according to the instructions on the label.

8 II. No turf fertilizer sold at retail shall exceed 0.9 pounds per 1,000 square feet of total
9 nitrogen per application when applied according to the instructions on the label.

10 III. No turf fertilizer shall exceed an annual application of 3.25 pounds per 1,000 square feet
11 of total nitrogen when applied according to the instructions on the label.

12 IV. No enhanced efficiency fertilizer shall exceed a single application rate of 2.5 lbs. per
13 1,000 square feet of total nitrogen and an annual application rate of 3.25 pounds per 1,000 square
14 feet of total nitrogen nor release at greater than 0.7 pounds per 1,000 square feet per month when
15 applied according to the instructions on the label.

16 431:4-b Phosphorus Content of Fertilizer.

17 I. No fertilizer sold at retail that is intended for use on turf shall exceed a content level of
18 0.67% available phosphate unless specifically labeled for establishing new lawns, for repairing a
19 lawn, for seeding, or for use when a soil test indicates a phosphorus deficiency.

20 II. No fertilizer sold at retail that is intended for use on newly established or repaired lawns,
21 or for lawns testing deficient in phosphorus shall exceed an application rate of one pound per 1,000
22 square feet annually of available phosphate.

23 III. No natural organic turf fertilizer shall exceed a per application rate of one pound of
24 available phosphate per 1,000 square feet when applied according to the instructions on the label.

25 431:4-c Existing Inventories. No provision of RSA 431:4-a or RSA 431:4-b shall restrict the
26 continued sale by retailers of any fertilizer from any existing inventories in stock on December 31,
27 2013.

28 431:4-d Preemption of Local Regulation. Except as otherwise specifically provided in this
29 subdivision, no ordinance or regulation of local government, including but not limited to, an action by
30 a local governmental agency or department, a county board of commissioners or a city council, or a
31 local regulation adopted by the use of an initiative measure, may prohibit or in any way attempt to
32 regulate any matter relating to the registration, sale, formulation, or transportation of fertilizer.

33 42:6 Effective Date. This act shall take effect January 1, 2014.

34 Approved: June 4, 2013

35 Effective Date: January 1, 2014