

2010 NYS Law Restricts Use of Phosphorus-Containing Lawn Fertilizers

The **NYS Dishwasher Detergent and Nutrient Runoff Law** went into effect on August 14, 2010 after being signed by Governor Paterson on July 15, 2010. Through restrictions on dishwasher detergents and fertilizers that contain phosphorus, the law will reduce the quantity of phosphorus entering the State's waters.

Fertilizer Provisions

Beginning 1/1/12:

- Use of fertilizer containing phosphorus on non-agricultural lawns and turf is restricted. See box at right.
- Application of any fertilizer for non-farm use is prohibited between December 1st and April 1st.
- Application of any fertilizer within 20 feet of a water body or on paved surfaces is restricted.
- Retailers must display fertilizer that contains phosphorus separately from phosphorus-free fertilizer and must post signs notifying customers of the terms of the law.

Find the full text of the law, Frequently Asked Questions, and a downloadable sign for retail display on the NYS DEC web site at <http://www.dec.ny.gov/chemical/67239.html>.

Picking the Right Fertilizer

Fertilizer labels have three bold numbers. The number in the middle is the percentage of phosphorus in the product, e.g. 22-0-15. Use of products with 0 .67 or lower in the middle is not restricted. Products with a number higher than 0 .67 in the middle may only be used if a new lawn is being established or a soil test indicates that it is necessary.

Getting a Soil Test

The NYS DEC recommends that soil testing be done by a laboratory that routinely performs soil nutrient analysis testing. The results tend to be more accurate than home test kits and most soil nutrient analysis testing labs will also provide fertilizer application recommendations. Laboratories can be found by a web search or through the local County Cooperative Extension Office. The cost of such laboratory tests are generally in the \$10 to \$20 range (in 2010). Soil may also be tested using a test kit, but such tests tend to be less accurate, and do not come with fertilizer application recommendations.

IMPORTANT INFORMATION FOR PESTICIDE APPLICATORS AND COMMERCIAL PERMITTEES

- Commercial pesticide applicators, including those operating under lawn care contracts, and any other person using fertilizers, including homeowners, must comply, as of January 1, 2012, with the new restrictions.
- The new restrictions apply to use of fertilizer/pesticide combination products (commonly known as “weed and feeds”).
- Commercial permittees that sell fertilizer/pesticide combination products or fertilizers alone must comply with the new retailer signage requirements.
- Under the law, use of fertilizer that contains up to 0.67% phosphorus is not restricted. Fertilizer containing more than 0.67% phosphorus can only be used if a new lawn is being established or a soil test indicates that it is necessary.
- Any person purchasing fertilizer/pesticides combination products after January 1, 2012, should read the product label to ensure the product purchased contains 0.67% or less phosphorus.
- See the DEC website at <http://www.dec.ny.gov/chemical/298.html> and at the link above for more information on the requirements and what to look for when purchasing fertilizers.

The Environmental Impact of Phosphorus in Waterbodies

Phosphorus is carried to ponds, rivers, lakes and streams from lawn areas by stormwater runoff. Phosphorus in water has been linked to reductions in oxygen necessary for fish to breathe, algae that turn waterbodies green and algae and algae by-products that degrade drinking water.

Currently, over 70 waterbodies in New York State are impaired due to phosphorus including: portions of Lake Ontario, Lake Champlain, Onondaga Lake, New York City drinking water reservoirs and the Chesapeake Bay Watershed as well as many other smaller ponds and lakes statewide. “Impaired” means that use of the waterbody, such as for drinking water, fisheries or recreation, is negatively affected by a pollutant. Even when a waterbody has not been designated as impaired, it can have degraded water quality due to phosphorus.

The Economic Cost of Phosphorus

Phosphorus-impaired waters can negatively impact recreation and tourism activity, an important component of many local economies. Protecting drinking water from phosphorus’ effects can be costly.

Municipalities that are located within watersheds of impaired waters must meet regulatory limits on total phosphorus entering the water from all sources, especially stormwater runoff. Storm sewer system retrofits (improvements to the system) to remove phosphorus from stormwater can cost millions of dollars per system.

Why Target Lawn Fertilizer?

In the 1970’s NY banned phosphorus in most household cleaners including laundry detergents and hand dishwashing liquids. Of the remaining sources of phosphorus, lawn fertilizers contribute significant percentages of the phosphorus entering the State’s waters and are reasonably easy and inexpensive to control. Consider,

- Most soils in NYS already contain enough phosphorus to promote growth of healthy lawns.

- Lawn fertilizers contain up to 3% phosphorus and can account for up to 50% of the phosphorus in stormwater runoff from lawn areas.
- Keeping phosphorus out of stormwater can avoid some of the cost of adding phosphorus removal retrofits to storm sewer systems to meet phosphorus reduction requirements.
- Phosphorus-free formulations of lawn fertilizers are already available and are priced competitively to their phosphorus-bearing counterparts.

New York Is Not Alone

Minnesota, Maine, Wisconsin and Florida have adopted lawn fertilizer reduction programs. Several NYS counties and municipalities had enacted phosphorus restrictions prior to New York's statewide law. New Jersey is currently considering a similar law.

More Information

For more information about the Dishwasher Detergent and Nutrient Runoff Law, visit the NYS DEC website at <http://www.dec.ny.gov/chemical/67239.html>.