

Recordkeeping

There are no recordkeeping requirements with this law. Retailers do not have to keep sales records of those who purchase turf fertilizer.

Exceptions

This law does not apply to fertilizers that are intended for other use such as agriculture, pastures, home gardens for flowers and vegetables, trees and shrubs, or for use on land used to grow grass for sod.

The law does not apply to products that are made from finished sewage sludge, animal manure or vegetable manure.

Penalties

Any one who violates regulations on the sale or display of fertilizer containing phosphorus or available phosphate may be required to pay a penalty of not more than \$50 for a first violation and not less than \$200 nor more than \$500 for a second or subsequent violation.

If a customer indicates a need for turf fertilizer with available phosphate and purchases this type of fertilizer, retailers are not responsible for any subsequent misuse by a customer.

Specific Regulation

The new regulation is found in Chapter 94, Wisconsin Statutes. The specific changes are found in Ch. 94.643. Go to legis.state.wi.us/statutes/stat0094.pdf for a 34 page copy of the law.

Further Details

For more information or for questions on the turf fertilizer law, contact Charlene Khazae, fertilizer program manager, 608-224-4541 or email charlene.khazae@wisconsin.gov.



Wisconsin Department of
Agriculture, Trade and
Consumer Protection
2811 Agriculture Drive
PO Box 8911
Madison WI 53708-8911
608-224-4500
<http://datcp.state.wi.us>
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FERTILIZER RETAILERS Restrictions on Sale, Use and Display of Turf Fertilizer



Wisconsin Department of Agriculture,
Trade and Consumer Protection

On April 1, 2010, new state regulations take effect that restrict the use, sale and display of turf fertilizer that is labeled as containing phosphorus or available phosphate. This type of fertilizer cannot be applied to lawns or turf in Wisconsin except in certain cases.

Businesses that sell lawn or turf fertilizer need to comply with the new regulations. This includes garden centers, hardware stores, home improvement centers, farm supply stores and other discount stores. Retailers will need to follow new requirements for sales and product displays.

Other law requirements will impact groups that use turf fertilizer including professional lawn and landscape businesses and homeowners.

Background

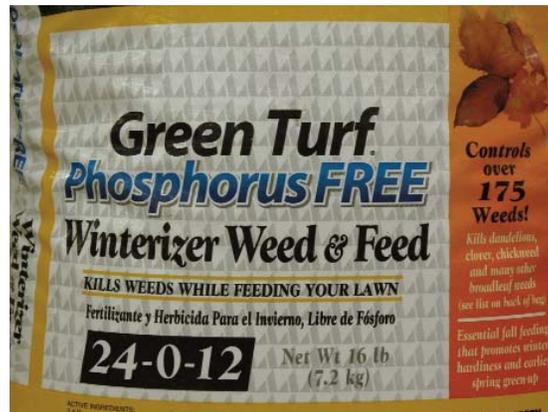
Phosphorus is an essential plant nutrient and a common ingredient in many fertilizers. Plants only absorb the amount of phosphorus they can use so extra phosphorus can wash into lakes, rivers and streams which can lead to algae blooms and declining water quality. The law's intent is to provide protection to our water resources from phosphorus run-off.

Product Labels

Fertilizer labels carry a series of three numbers that indicate the amount of nitrogen (N), phosphate (P) and potash (K) in the package also referred to as N-P-K.

In the picture, the product contains 24 percent nitrogen, 0 percent phosphate and 12 percent potash.

Fertilizers that also contain pesticides, sometimes called "weed and feed" products, will also carry the three numbers for nitrogen, phosphate and potash.



Retail Sales Restrictions

No one may sell turf fertilizer at retail that is labeled as containing phosphorus or available phosphate unless the seller knows that the purchaser intends to use the fertilizer for one of the following:

- The purchaser is establishing grass either by seed or sod, and the fertilizer is purchased during the same growing season as when the new grass or sod is established.
- The purchaser is applying the fertilizer to an area that is deficient in phosphorus as shown by a soil test performed by a laboratory no more than 36 months before the application.

Retail Display Restrictions

Anyone who sells fertilizer at retail may not display turf fertilizer that is labeled as containing phosphorus or available phosphate. (Finished sewage sludge products and composted manure are exempt from the display restriction even if they are labeled as containing some level of phosphorus.)

For turf fertilizer, retailer may post a sign advising customers that turf fertilizer containing phosphorus or available phosphate is available upon request for uses listed previously such as establishing grass or a lab test shows phosphorus deficiencies in the lawn.