This is a general overview of the Draft Fertilizer Law. We address the key elements with turf fertilizer that the Chesapeake Bay Commission proposed to lower the nutrient load to our water systems. This draft proposal delivers a holistic approach that can effectively combine the Chesapeake Bay Commission’s previous key turf fertilizer proposals with our current Fertilizer Act for comprehensive and enforceable legislation.

1. **Fertilizer applicator licensing and certification will regulate the professional (commercial and public) applicator of fertilizer. (Will mirror the pesticide licensing and certification program)**
   - Businesses with employees who apply any fertilizers professionally will acquire and maintain a business license. This includes agronomic, ornamental, turf and aerial commercial applications of fertilizer.
   - Fertilizer applicators who apply any fertilizers professionally will acquire and maintain a fertilizer category certification or be trained as a technician under the certified applicator.
   - The same will be required for public entities and public employees that apply any fertilizers to public property.

2. **Fertilizer application businesses will be required to:**
   - Employ at least one person at all times who is a certified fertilizer applicator.
   - Ensure that non-certified fertilizer technicians have been trained by a certified fertilizer applicator from the same business operation prior to making any fertilizer applications.
   - Maintain specific training records for fertilizer technicians.
   - Display on every vehicle involved in fertilizer application the license number assigned by the Department.
   - Maintain specific fertilizer application records.
   - Renew Fertilizer Business License annually on December 31 along with Pesticide Business License.

3. **Certified commercial or public fertilizer applicators will be required to:**
   - Take and pass a fertilizer category exam. (same fee as pesticide category exams) The exam will cover record keeping requirements, proper calibration, best practices for applications, environmental responsibility, and technical fertilizer terms.
   - Acquire 2 continuing education fertilizer category credits every 3 years. (2 hours of training every 3 years)
   - Maintain fertilizer application records for 3 years.
Current and valid pesticide applicators will be grandfathered and issued fertilizer category certification. Fertilizer certification will be valid until each person’s pesticide core credits are due or 3 years from issuance of certification if no associated pesticide license.

4. **Labels of fertilizer products will include language to ensure best practices for the application of fertilizer are achievable by end user. Manufacturers/Guarantors must provide Directions for Use and specific user information to ensure the following:**
   - Fertilizer is not applied near water, storm drains or drainage ditches.
   - Fertilizer is not applied to impervious surfaces or it must be removed from impervious surfaces.
   - Nitrogen fertilizer is not used for the purpose of melting snow or ice. (Specific areas involving public safety, such as airports, are exempt) (small package fertilizer, under 15 pounds, are exempt from restriction language)

5. **Prohibited Acts-Intended to ensure all applicators (professional and private) of fertilizers are responsible for the proper use of the fertilizer**
   - May not apply or use the fertilizer in a manner that differs from its labeling. (directions for use, labeling restrictions for applications near water or on impervious surfaces)
   - May not operate fertilizer application equipment in a faulty, careless or negligent manner
   - May not dispose, discard or store fertilizer product in a manner that is inconsistent with its label
   - May not apply any nitrogen based fertilizer or material for the purposes of melting snow or ice. (Specific areas involving public safety, such as airports, are exempt)

6. **Restrictions or requirements for the application rates and use of fertilizer for all applicators (commercial and private)**
   - Any fertilizer applied to an impervious surface must be removed from the impervious surface
   - Commercial Fertilizer containing nitrogen or phosphorus may not be applied when ground is frozen to a depth of 2 inches or is snow covered.
   - Non-aquatic fertilizer may not be applied within 10 feet of the top of a bank of any waterway except if applied using a drop spreader, rotary spreader with deflector or other listed targeted application technology.
   - Fertilizer use and application rates established shall be those designated by the Department of Agriculture in consultation with the Pennsylvania State University or other Department recognized University or College. This includes turf and agricultural applications of fertilizer.

7. **Homeowner and Private Agricultural Applicator Education - outreach to educate the public on proper use, handling and storage of fertilizers**
   - The Department through consultation with Pennsylvania State University and industry representatives will undertake the homeowner and private agricultural education program.

8. **Preemption; Exclusion of local laws and regulations**
   - No ordinance or regulation of any local agency, political subdivision or home rule municipality may prohibit or regulate registration, packaging, labeling, sale, transportation, distribution, use and application of fertilizer in conflict with the PA Fertilizer Act.
9. Fertilizer certification program and homeowner outreach funded through the licensing of fertilizer manufacturers, licensing of fertilizer application businesses, product registration, and tonnage reporting fees.

- License for manufacturers/guarantors of fertilizers will increase to $50.00 annually (previously $25.00)
- Specialty fertilizer registration fee will increase to $100.00 per product annually (previously $25.00)
- Inspection fees paid by guarantors of fertilizer based on the tonnage reported will increase to $0.17 per ton annually (previously $0.15 per ton)
- License for fertilizer application business will be established at $100.00. No individual certified applicator fee will be established.

Holistic and comprehensive language in this draft version will achieve better water quality through educating all fertilizer users, creating a professional certification program for accountability, and restricting or prohibiting irresponsible fertilizer applications by all fertilizer users.