

## Quick Facts: 2011 New Jersey Fertilizer Law, A2290

The New Jersey Fertilizer Law, A2290, was conceived to protect all New Jersey surface and ground waters from impairment by minimizing nitrogen and phosphorus loading that may be derived from lawn fertilizer. Generally, excess nitrogen is a threat to coastal water (estuaries) quality while excess phosphorus is a greater concern for fresh water quality. Both nutrients are also important for plant growth and health.

This law:

- establishes statewide fertilizer standards, pre-empting the multitude of local municipal ordinances.
- requires professional fertilizer applicators to undergo training and become certified.
- limits the time that fertilizer can be used: fertilizer may not be applied during the “blackout dates” of November 15<sup>th</sup> – March 1<sup>st</sup> for consumers, and December 1<sup>st</sup> – March 1<sup>st</sup> for professionals.
- prohibits fertilizer application during or just before heavy rainfall, onto an impervious surface, or onto frozen ground.
- restricts the amount of nitrogen used per application as well as the total for the year:
  - Professionals: can apply no more than 0.7 pound of water-soluble-nitrogen per 1000 sq. ft. per application, and the total nitrogen applied cannot exceed 1 pound of nitrogen per 1,000 sq. ft. per application. The annual total for all applications should not exceed 4.25 pounds nitrogen per 1,000 sq. ft.
  - Consumers: fertilizers products, when applied according to label directions, will apply no more than 0.7 pound water-soluble-nitrogen per 1000 sq. ft. per application, and the total nitrogen applied cannot exceed 0.9 pound of nitrogen per 1,000 sq. ft. per application. The annual total for all applications should not exceed 3.2 pounds of nitrogen per 1,000 sq. ft.
- restricts fertilizer content.
  - fertilizer sold as consumer / retail products must have at least 20% of its nitrogen content in slow-release form
  - fertilizers that contain phosphorous can not be applied to turf except when:
    - 1) a soil test, no more than three years old, indicates the need for phosphorus;

- 2) establishing turf and vegetation for the first time;
  - 3) repairing or re-establishing turf;
  - 4) applying liquid or granular fertilizer under the soil surface, directly to roots; or
  - 5) the fertilizer consists of manipulated animal or vegetable manure (organic sources). In this case, phosphorus can be included if no more than 0.25 pound of phosphorus per 1,000 sq. ft. is applied, when used according to instructions on the container.
- stipulates that fertilizer bag label language follows AAPCO standard for turf fertilizer label to avoid the issue of a NJ only turf fertilizer label.
  - establishes buffers. Fertilizer containing nitrogen or phosphorus can not be applied to turf within 25 feet of any waterbody, except where a drop spreader, rotary spreader with a deflector, or targeted spray liquid is used, then the buffer may be reduced to 10 feet. A professional applicator may apply one “rescue treatment” annually to turf in a buffer as per rules above.
  - sets fines for noncompliance: \$500 fine for the 1<sup>st</sup> offense and up to \$1000 for the 2<sup>nd</sup> and each subsequent offense for professional applicators. No fines for consumers.
  - exempts commercial farms and golf courses, except that no person, other than a certified professional fertilizer applicator or a person trained and supervised by the certified fertilizer applicator, may apply fertilizer to a golf course.

#### **When will specific parts of the law go into effect?**

- Effective Immediately: Sections 1: Definitions; Section 2: Prohibited fertilizer applications when: raining, on impervious surfaces, before March 1<sup>st</sup> or after December 1<sup>st</sup> or any time ground is frozen, and Section 9: Authorization for DEP in consultation with Department of Agriculture to adopt rules. Effective January 5, 2012 -One (1) year from date of signing, the bill will go into effect requiring: All professionals to be certified; Setting limits of nitrogen content to be used by consumers and professionals and banning the use of phosphorous without soil test.
- January 5, 2013 –Section 11 (label and content requirements) shall take effect two (2) years after the date of signing outlawing fertilizer products that do not meet the new content standards set by the law.