

FIRST REGULAR SESSION

HOUSE BILL NO. 914

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BERKSTRESSER, HOLAND, WRIGHT, HOSMER,
CHAMPION, KREIDER (Co-sponsors), KELLY (144), LONG, ROBERTS, MARSH, MILLER AND LEGAN.

Read 1st time March 1, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

0654L.021

AN ACT

To amend chapter 266, RSMo, by adding thereto nine new sections relating to the use of fertilizers containing phosphorus in certain counties, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 266, RSMo, is amended by adding thereto nine new sections, to be
2 known as sections 266.270, 266.272, 266.274, 266.276, 266.278, 266.280, 266.282, 266.284 and
3 266.286, to read as follows:

266.270. As used in sections 266.270 to 266.286, the following terms shall mean:

2 **(1) "Affected county", any county of the first classification without a charter form**
3 **of government which has a population of more than two hundred thousand inhabitants,**
4 **or any county of the third classification without a township form of government which has**
5 **a population of at least eight thousand five hundred but not more than nine thousand, at**
6 **least eleven thousand eight hundred but not more than twelve thousand, at least nineteen**
7 **thousand but not more than nineteen thousand one hundred, at least twenty-three**
8 **thousand seven hundred but not more than twenty-four thousand, at least twenty-five**
9 **thousand but not more than twenty-six thousand, at least twenty-seven thousand five**
10 **hundred but not more than twenty-seven thousand six hundred, or at least thirty-two**
11 **thousand but not more than thirty-three thousand inhabitants;**

12 **(2) "Commercial fertilizer applicator", a person who applies fertilizer for**
13 **remuneration to turf;**

14 **(3) "Essential plant nutrient", any element recognized as being directly required**
15 **by any plant to complete its life cycle;**

16 **(4) "Fertilizer", any organic or inorganic material of natural or synthetic origin**

17 that is added to soil, soil mixtures or solution to supplement nutrients and is claimed to
18 contain one or more essential plant nutrients. Fertilizer does not include unmanipulated
19 animal and vegetable manure and agricultural liming materials used to reduce soil acidity;

20 (5) "Impervious surface", material that prevents infiltration of water into the soil,
21 including but not limited to driveways, highways, streets, parking lots and sidewalks;

22 (6) "Person", any individual, partnership, association, fiduciary, corporation or
23 any other organized group of persons whether incorporated or not;

24 (7) "Turf", land planted in closely mown, managed grasses, including but not
25 limited to residential and commercial residential property, private golf courses and
26 property owned by federal, state and political subdivisions, including sod farms, parks,
27 recreation areas and public golf courses.

266.272. 1. No person shall apply fertilizers containing more than three percent by
2 weight of plant food phosphate (P205) to turf in any affected county unless:

3 (1) A soil test analyzed within the last three years by a laboratory certified by the
4 University of Missouri extension service indicates that the levels of available phosphate in
5 the soil is insufficient to support health turf growth; or

6 (2) The property owner or an agent of the property owner is first establishing turf
7 through seed or sod procedures, and only during the first growing season.

8 2. Fertilizers containing over three percent phosphate (P205) shall not be applied
9 to turf for turf maintenance or for the establishment of seeded or sod turf at rates that
10 exceed those recommended by the University of Missouri extension service in the affected
11 counties.

12 3. In no event shall fertilizer recommendations for turf exceed three times the
13 plant's annual nutrient need for phosphorus in any affected county.

266.274. 1. No person shall apply fertilizer containing phosphorus to turf covered
2 with snow or when the ground is frozen in any affected county.

3 2. Any person who applies phosphorus to an impervious surface shall be fined a
4 minimum of fifty dollars per violation. Any fertilizer containing phosphorus applied to an
5 impervious surface shall be immediately contained and legally applied to turf or any other
6 legal site, or returned to the original or other appropriate container.

266.276. Any person who applies fertilizer containing phosphorus to turf within
2 fifty feet of lakes and permanent flowing streams in any affected county shall be fined a
3 minimum of fifty dollars.

266.278. 1. On or before January 1, 2003, commercial fertilizer applicators shall
2 be certified by the fertilizer control services of the agricultural experiment state of the
3 University of Missouri. The manager of fertilizer control services shall provide proper

4 training regarding fertilizer application procedures to turf as outlined by the University
5 of Missouri extension service and the United States Department of Agriculture Natural
6 Resources Conservation Service as part of the certification process.

7 2. To ensure compliance with this section, the manager of fertilizer control services
8 shall employ the necessary employees in affected counties to monitor compliance with this
9 section and provide training for commercial fertilizer applicators. Informational material
10 shall be made available in each county extension office in the affected counties.

11 3. Any person who applies commercial fertilizer without a certification for fertilizer
12 application by fertilizer control services of the agricultural experiment station shall be
13 fined a minimum of one hundred dollars.

266.280. 1. Agricultural enterprises maintained for agricultural purposes only are
2 exempt from the provisions of sections 266.270 to 266.286. Any person applying fertilizer
3 to pastures or hayfields shall be exempt from the licensing requirements established in
4 sections 266.270 to 266.286, unless such person applies fertilizer to turf.

5 2. Golf courses are commercial enterprises and are deemed fertilizer applicators
6 for purposes of sections 266.270 to 266.286. Golf courses shall employ a person certified
7 by fertilizer control services of the agricultural experiment station as a certified fertilizer
8 applicator who shall be responsible for proper soil testing and lawful application of
9 fertilizer.

266.282. The University of Missouri extension service and the United States
2 Department of Agriculture Natural Resources Conservation Service shall determine the
3 best management practices for applying fertilizers containing phosphorus to turf in any
4 affected county.

266.284. 1. Any person offering for sale a fertilizer containing the plant food
2 phosphorus in any affected county shall:

3 (1) Conspicuously post consumer information pertaining to the lawful sale,
4 prohibited uses and recommended best management practices for application of fertilizers
5 containing the plant food phosphorus in the urban landscape; and

6 (2) Provide free printed consumer information, as described in subdivision (1) of
7 this section, to persons purchasing fertilizer containing the plant food phosphorus.

8 2. The director of the Missouri agricultural experiment station in Columbia, in
9 consultation with the University of Missouri extension service, the United States
10 Department of Agriculture Natural Resources Conservation Service, fertilizer industry
11 representatives and other interested or affected parties, shall produce free consumer
12 information in a format and of a content suitable for posting and distribution in any
13 affected county at retail points of sale for fertilizer containing the plant food phosphorus.

14 **Such information shall also be made available in each county extension office in the**
15 **affected counties.**

16 **3. The director of the Missouri agricultural experiment station in Columbia shall**
17 **be responsible for implementation of a training program for retailers relating to the proper**
18 **posting and distribution of such printed consumer information.**

19 **4. On or before January 1, 2002, the printed consumer information shall be**
20 **available for posting and distribution at retail points of sale in affected counties.**

21 **5. Any retail seller of fertilizer containing the plant food phosphorus in an affected**
22 **county who violates the provisions of subsection 1 of this section shall be fined a minimum**
23 **of fifty dollars.**

266.286. The provisions of sections 266.270 to 266.286 shall expire on December 31,
2 **2008.**