



# NJGIC News Update

JANUARY 6, 2011

NEW JERSEY GREEN INDUSTRY COUNCIL

NJ Green Industry  
Council  
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**NJGIC  
Announces the  
signing of the  
NJ Fertilizer  
Pre-emption  
Bill by Governor  
Christie!**

**Date  
Restrictions  
Effective  
Immediately!**

**Other parts to  
be effective in 1  
or 2 years.**

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## NJ Governor Signs NJ Fertilizer Pre-Emption Legislature:

**January 5, 2011 – New Jersey’s Fertilizer Pre-Emption Bill (A. 2290) was signed by the Governor Christie** at 11 am Skippers Cove Beach Club, Waretown, NJ. Also in attendance for the signing was DEP Commissioner Bob Martin. This bill is the result of over 2 years of negotiations with Barnegat Bay activists and seven other NJ environmental groups, legislators, academic representatives, manufacturers and NJGIC representing the professionals of the state.

NJGIC Executive Director Nancy Sadlon released the following statement today regarding Governor Chris Christie signing A-2290 which establishes standards for certain fertilizer applications, requires certification of professional fertilizer applicators, and regulates labeling and sale of certain fertilizers:

*PRESS RELEASE: “NJGIC believes that A-2290 will protect water quality while allowing lawncare, turf grass and golf professionals to perform their duties in an environmentally friendly manner. A-2290 will create a strong statewide standard for fertilizer applications that will be applied uniformly, instead of the current patchwork of municipal ordinances which have regulated applicators. This will serve our state’s residents well as no matter where they reside they will have one fertilizer standard.*

*We would also like to thank the sponsors and other stakeholders for putting a lot of time and effort into A-2290, we are pleased that many science based recommendations have been included in the bill. NJGIC believes that while this was a strenuous process requiring compromises, the final bill establishes reasonable guidelines for fertilization and was successful due to everyone’s efforts.”*

### Elements of the newly signed Fertilizer Pre-Emption Law!

- Establish one State Fertilizer Standard - Pre-Emption of local municipal ordinances.
- Requires Professionals to be certified:
- Limits Fertilizer Applications Dates: 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.
- Establish Buffers from all water bodies: 25 feet from all water bodies, reduced to 10 feet with proper deflector equipment and an allowed rescue treatment annually.

## Elements of the newly signed Fertilizer Pre-Emption Law! (Continued)

- Ban all phosphorus use: No phosphorus can be used unless soil test proves phosphorus application needed or after soil disturbance when reestablishing turf surfaces;
- Restricts amount of nitrogen (N) allowed in products and application amounts:
  - Professionals: Maximum 0.7 soluble nitrogen per 1000 sq. ft., 1.0 N total per application, 4.25 N total annual applications.
  - Consumer content: Maximum 0.7 soluble nitrogen per/ 1000 sq. ft., 0.9 N total per/application, 3.2 N total annual application, minimum 20% slow release content.
- Set Fines for noncompliance: \$500 fine for non compliance 1<sup>st</sup> offense, \$1000 2<sup>nd</sup> offense for professional applicators. No fines for consumers.
- Stipulates fertilizer bag label language: Follows AAPCO standard for turf fertilizer label to avoid the issue of a NJ only turf fertilizer label.
- Sets sell through dates for existing inventory: Allows 2 years after the enactment of the law for enforcement of the new content law requirements (Section 11).
- Exempts organic fertilizers by definition of manipulated manure.

### When will the bill 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 –all are to be effective immediately.
- **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.

### Where can you get more details?

- Visit NJGIC's website: <http://njgic.org>
  - Find and review NJ Fertilizer Pre-emption Bills (A. 2290 / S. A.2554)
- Chronological listing of NJGIC Nutrient Management initiatives .
- Visit the New Jersey Legislature web site:
  - <http://www.njleg.state.nj.us/bills/BillsByNumber> - another source to see the entire bill
  - [http://www.njleg.state.nj.us/media/live\\_audio](http://www.njleg.state.nj.us/media/live_audio) - hear live testimony from various committee meetings.