



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2009 Wisconsin Act 9
[2009 Assembly Bill 3]

**Restrictions on the Use and Sale of
Fertilizer Containing Phosphorus
and Other Turf Fertilizer**

Restrictions on Use

Act 9 generally prohibits any person from intentionally applying to turf fertilizer that is labeled as containing phosphorus or available phosphate. The Act authorizes the application of fertilizer that is labeled as containing phosphorus or available phosphate to establish grass during the first growing season and to an area deficient in phosphorus based upon a soil test performed no more than 36 months before the application. The Act also prohibits any person from applying fertilizer, manipulated animal or vegetable manure, or finished sewage sludge product, as defined in the Act, to turf when the ground is frozen or intentionally applying any of these materials to an impervious surface.

Requirement for Retail Sale

Act 9 generally prohibits any person from selling at retail turf fertilizer that is labeled as containing phosphorus or available phosphate if the person knows that the purchaser intends to use the fertilizer for a purpose other than one of the following authorized purposes in the Act:

- Establishing grass during the first growing season.
- Application to an area that is deficient in phosphorus based upon a soil test performed no more than 36 months before the application.
- Application to land used for agricultural production.

Restriction on Retail Display

Act 9 prohibits any person who sells fertilizer at retail from displaying turf fertilizer that is labeled as containing phosphorus or available phosphate. The Act authorizes a person who sells

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

fertilizer at retail to post a sign advising customers that turf fertilizer containing phosphorus is available upon request for the uses permitted under the Act.

Penalty

Act 9 establishes that any person who violates its provisions may be required to forfeit not more than \$50 for the first violation and not less than \$200 nor more than \$500 for a second or subsequent violation.

Effective Date: Act 9 takes effect on April 1, 2010.

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