

SHB 1489 - H AMD 40

By Representative Morris

ADOPTED 02/28/2011

1 Beginning on page 6, line 17, strike all of sections 3 through 6
2 and insert the following:

3 "NEW SECTION. **Sec. 3.** A new section is added to chapter 15.54 RCW
4 to read as follows:

5 (1) A person may not:

6 (a) Except as otherwise provided in this section, apply turf
7 fertilizer that is labeled as containing phosphorus to turf;

8 (b) Apply turf fertilizer labeled as containing phosphorus to turf
9 when the ground is frozen;

10 (c) Intentionally apply turf fertilizer labeled as containing
11 phosphorus to an impervious surface;

12 (d) Except as otherwise provided in this section, sell turf
13 fertilizer that is labeled as containing phosphorus; or

14 (e) Display turf fertilizer that is labeled as containing
15 phosphorus in a retail store unless the turf fertilizer is also clearly
16 labeled for a use permitted by this section.

17 (2) The prohibitions in this section on the application, sale, and
18 retail display of turf fertilizer that is labeled as containing
19 phosphorus, other than the prohibitions in subsection (1)(b) and (c) of
20 this section, do not apply in the following instances:

21 (a) Application for the purpose of establishing grass or repairing
22 damaged grass, using either seeds or sod, during the growing season in
23 which the grass is established;

24 (b) Application to an area if the soil in the area is deficient in
25 plant available phosphorus, as shown by a soil test performed no more
26 than thirty-six months before the application; or

27 (c) Application to pasture, interior house plants, flower and
28 vegetable gardens located on either public or private property, land
29 used to grow grass for sod, or any land used for agricultural or
30 silvicultural production.

1 (3)(a) Nothing in this section:

2 (i) Limits the ability of a city or county to adopt a local
3 ordinance regarding the application or sale of turf fertilizer that is
4 labeled as containing phosphorus that is more restrictive than the
5 provisions of this section;

6 (ii) Requires the enforcement or monitoring of compliance with this
7 section by local governments; or

8 (iii) Requires local governments to participate in the
9 administration of this section, including the verification of soil
10 tests under subsection (2)(b) of this section.

11 (b) A city or county may not adopt a local ordinance regarding the
12 application or sale of turf fertilizer that is labeled as containing
13 phosphorus that is less restrictive than this section."

14 Renumber the remaining sections consecutively, correct any internal
15 references accordingly, and correct the title.

16 On page 7, line 27, after "violations of" strike "sections 3, 5,
17 and 6" and insert "section 3"

18 On page 8, line 18, after "violations of" strike "sections 3, 5,
19 and 6" and insert "section 3"

EFFECT: Consolidates the substantive portions of the bill into one section and adds language expressly allowing a local government to adopt more restrictive ordinances.

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