

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 332

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 8501 and 8512b (MCL 324.8501 and 324.8512b),
section 8501 as amended and section 8512b as added by 2010 PA 299.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8501. As used in this part:

2 (a) "Adulterated product" means a product that contains any
3 deleterious or harmful substance in sufficient amount to render it
4 injurious to beneficial plant life, animals, humans, aquatic life,
5 soil, or water when applied in accordance with directions for use
6 on the label, or if adequate warning statements or directions for
7 use that may be necessary to protect plant life, animals, humans,
8 aquatic life, soil, or water are not shown on the label.

1 (b) "Agricultural use" means that term as defined in section
2 36101.

3 (c) "Aquifer" means a geologic formation, group of formations,
4 or part of a formation capable of yielding a significant amount of
5 groundwater to wells or springs.

6 (d) "Aquifer sensitivity" means a hydrogeologic function
7 representing the inherent abilities of materials surrounding the
8 aquifer to attenuate the movement of nitrogen fertilizers into that
9 aquifer.

10 (e) "Aquifer sensitivity region" means an area in which
11 aquifer sensitivity estimations are sufficiently uniform to warrant
12 their classification as a unit.

13 **(F) "BIOSOLIDS" MEANS A PRODUCT CONSISTING IN WHOLE OR IN PART**
14 **OF SEWAGE SLUDGE THAT IS DISTRIBUTED TO THE PUBLIC AND THAT IS**
15 **DISINFECTED BY MEANS OF COMPOSTING, PASTEURIZATION, WET AIR**
16 **OXIDATION, HEAT TREATMENT, OR OTHER MEANS.**

17 (G) ~~(f)~~—"Brand or product name" means a term, design, or
18 trademark used in connection with 1 or more grades of fertilizer.

19 (H) ~~(g)~~—"Bulk fertilizer" means fertilizer distributed in a
20 nonpackaged form.

21 (I) ~~(h)~~—"Custom blend" means a fertilizer blended according to
22 specifications provided to a blender in a soil test nutrient
23 recommendation or blended as specifically requested by the consumer
24 prior to blending.

25 (J) ~~(i)~~—"Department" means the department of agriculture **AND**
26 **RURAL DEVELOPMENT.**

27 (K) ~~(j)~~—"Director" means the director of the department or his

1 or her designee.

2 (I) ~~(k)~~—"Distribute" means to import, consign, sell, barter,
3 offer for sale, solicit orders for sale, or otherwise supply
4 fertilizer for sale or use in this state.

5 (M) ~~(l)~~—"Distributor" means any person who distributes
6 fertilizer for sale or use in this state.

7 (N) ~~(m)~~—"Fertilizer" means a substance containing 1 or more
8 recognized plant nutrients, which substance is used for its plant
9 nutrient content and which is designed for use, or claimed to have
10 value, in promoting plant growth. Fertilizer does not include
11 unmanipulated animal and vegetable manures, marl, lime, limestone,
12 wood ashes, and other materials exempted by rules promulgated under
13 this part.

14 (O) ~~(n)~~—"Fertilizer material" means a fertilizer to which 1 or
15 more of the following apply:

16 (i) Contains not more than 1 of the following as primary
17 nutrients:

18 (A) Total nitrogen (N).

19 (B) Available phosphate (P_2O_5).

20 (C) Soluble potash (K_2O).

21 (ii) Has 85% or more of its plant nutrient content present in
22 the form of a single chemical compound.

23 (iii) Is derived from a plant or animal residue or by-product or
24 natural material deposit that has been processed in such a way that
25 its content of plant nutrients has not been materially changed
26 except by purification and concentration.

27 ~~(e) "Finished sewage sludge product" means a product~~

1 ~~consisting in whole or in part of sewage sludge that is distributed~~
2 ~~to the public and that is disinfected by means of composting,~~
3 ~~pasteurization, wet air oxidation, heat treatment, or other means.~~

4 (p) "Fund" means the fertilizer control fund created under
5 section 8514.

6 (q) "Grade" means the percentage guarantee of total nitrogen
7 (N), available phosphate (P_2O_5), and soluble potash (K_2O), of a
8 fertilizer. Grade shall be stated in the same order given in this
9 subdivision. Indication of grade does not apply to peat or peat
10 moss or soil conditioners.

11 (r) "Groundwater" means underground water within the zone of
12 saturation.

13 (s) "Groundwater stewardship practices" means any of a set of
14 voluntary practices adopted by the commission of agriculture **AND**
15 **RURAL DEVELOPMENT** pursuant to part 87, designed to protect
16 groundwater from contamination by fertilizers.

17 (t) "Guaranteed analysis" means the minimum percentage of each
18 plant nutrient guaranteed or claimed to be present.

19 (u) "Impervious surface" means a paved highway, street,
20 sidewalk, parking lot, driveway, or other outdoor structure that
21 prevents infiltration of water into the soil.

22 (v) "Label" means any written, printed, or graphic matter on
23 or attached to packaged fertilizer or used to identify fertilizer
24 distributed in bulk or held in bulk storage.

25 (w) "Labeling" means all labels and other written, printed,
26 electronic, or graphic matter upon or accompanying any fertilizer
27 at any time, and includes advertising, sales literature, brochures,

1 posters, and internet, television, and radio announcements used in
2 promoting the sale of that fertilizer.

3 (x) "Licensee" means the person who receives a license to
4 manufacture or distribute fertilizers under this part.

5 (y) "Lot" means an identifiable quantity of fertilizer that
6 can be sampled officially according to methods adopted under
7 section 8510, that is contained in a single vehicle, or that is
8 delivered under a single invoice.

9 (z) "Manipulated manure" means animal or vegetable manure that
10 is ground, pelletized, mechanically dried, packaged, supplemented
11 with plant nutrients or other substances other than phosphorus, or
12 otherwise treated in a manner to assist with the sale or
13 distribution of the manure as a fertilizer or soil or plant
14 additive.

15 (aa) "Manufacture" means to process, granulate, compound,
16 produce, mix, blend, or alter the composition of fertilizer or
17 fertilizer materials.

18 ~~—— (bb) "Organic manure" means manure derived solely from living~~
19 ~~organisms without manipulation.~~

20 **(BB) "NATURAL ORGANIC FERTILIZER" MEANS MATERIALS DERIVED FROM**
21 **EITHER PLANT OR ANIMAL PRODUCTS CONTAINING 1 OR MORE ELEMENTS OTHER**
22 **THAN CARBON, HYDROGEN, OR OXYGEN, THAT ARE ESSENTIAL FOR PLANT**
23 **GROWTH. THESE MATERIALS MAY BE SUBJECT TO BIOLOGICAL DEGRADATION**
24 **PROCESSES UNDER NORMAL CONDITIONS OF AGING, RAINFALL, SUN-CURING,**
25 **AIR DRYING, COMPOSTING, ROTTING, ENZYMATIC, OR ANAEROBIC OR AEROBIC**
26 **BACTERIAL ACTION, OR ANY COMBINATION OF THESE. THESE MATERIALS**
27 **SHALL NOT BE MIXED WITH SYNTHETIC MATERIALS OR CHANGED IN ANY**

1 PHYSICAL OR CHEMICAL MANNER FROM THEIR INITIAL STATE EXCEPT BY
2 MANIPULATIONS SUCH AS DRYING, COOKING, CHOPPING, GRINDING,
3 SHREDDING, HYDROLYSIS, OR PELLETING.

4 (cc) "Sewage sludge" means sewage sludge generated in the
5 treatment of domestic sewage, other than only septage or industrial
6 waste.

7 (dd) "Turf" means land, including residential, commercial, or
8 industrial property, golf courses, or publicly owned land, that is
9 planted in closely mowed, managed grass, except land used in the
10 operation of a commercial farm.

11 Sec. 8512b. (1) ~~Beginning January 1, 2012, except~~ **EXCEPT** as
12 provided in subsection (2), (3), (4), or (5), a person shall not
13 apply to turf a fertilizer labeled as containing the plant nutrient
14 available phosphate (P_2O_5).

15 (2) If a tissue, soil, or other test performed within the
16 preceding 3 years by a laboratory experienced in conducting tests
17 for phosphorus that adhere to recognized national standards
18 indicates that the level of available phosphate (P_2O_5) in the soil
19 is deficient to support healthy turf grass growth or establishment,
20 a person may apply fertilizer to the turf at an application rate
21 for available phosphate not exceeding that necessary to correct the
22 deficiency.

23 (3) If new turf is being established using seed or sod, it is
24 the first growing season for the turf grass at the site, and a test
25 described in subsection (2) has not been performed, a person may
26 apply fertilizer to the turf at an application rate for available
27 phosphate (P_2O_5) not exceeding the standard rate for new turf grass

1 establishment, which shall be specified by the director after
2 consultation with the Michigan state university extension.

3 (4) A person may apply ~~a finished sewage sludge product, an~~
4 ~~organic manure,~~ **BIOSOLIDS, A NATURAL ORGANIC FERTILIZER**, or a
5 manipulated manure to turf at a rate of not more than 0.25 pounds
6 of phosphorus per 1,000 square feet at any 1 time.

7 (5) In addition, a person may apply fertilizer labeled as
8 containing the plant nutrient available phosphate (P_2O_5) to a golf
9 course if 1 or more of the following apply:

10 (a) The golf course has been certified by an organization as a
11 result of the golf course's staff having successfully completed a
12 training program approved by the director. The director shall
13 approve a training program if it is a continuing program,
14 adequately addresses best management practices for use of turf
15 fertilizer containing available phosphate, and requires trainees to
16 demonstrate successful implementation of those best management
17 practices.

18 (b) If a tissue, soil, or other test performed within the
19 preceding 3 years by a laboratory experienced in conducting tests
20 for phosphorus that adhere to recognized national standards
21 indicates that the level of available phosphate in the soil is
22 deficient to support healthy golf course turf grass growth or
23 establishment, the golf course may apply fertilizer at an
24 application rate for available phosphate not exceeding that
25 necessary to correct the deficiency.

26 (c) If new turf is being established using seed or sod, it is
27 the first growing season for the turf grass at the site, and a test

1 described in subdivision (b) has not been performed, a golf course
2 may apply fertilizer to the turf at an application rate for
3 available phosphate (P_2O_5) not exceeding the rate necessary for new
4 golf course turf grass establishment.

5 (6) A person shall not apply fertilizer to turf ~~less than~~
6 **WITHIN** 15 feet ~~from~~**OF** any surface water, unless 1 or more of the
7 following apply:

8 (a) A continuous natural vegetative buffer at least 10 feet
9 wide separates the turf from the surface water.

10 (b) A spreader guard, deflector shield, or drop spreader is
11 used when applying the fertilizer, and the fertilizer is not
12 applied ~~less than~~**WITHIN** 3 feet ~~from~~**OF** the surface water.

13 (7) A person shall not clean a fertilizer spreader that is
14 used to apply fertilizer to turf in a manner that allows wash water
15 from the spreader to discharge directly into waters of this state,
16 including, but not limited to, a drain under the drain code of
17 1956, 1956 PA 40, MCL 280.1 to 280.630.

18 (8) The department shall post information concerning the
19 requirements of subsections (1) to (5) on its website and publicize
20 the availability of that information by whatever means the
21 department determines to be appropriate.

22 Enacting section 1. This amendatory act takes effect upon the
23 expiration of 90 days after the date it is enacted into law.