

# Natural Resources

## AB 3 – Phosphorus Ban

Rep. Black

### Summary of Bill *as amended*

**Assembly Bill 3-** bans the sale of fertilizer containing phosphorus. The bill does not apply to agricultural production and allows for exemptions, including new lawns and lawns where a soil test shows the area is low in phosphorus. The bill also prohibits a store from displaying fertilizer with phosphorus but does allow a retailer to post a sign stating that fertilizer containing phosphorus is available upon request.

Any person who violates the provisions in AB 3 may be subject to a \$50 fine for the first violation and no less than \$200 or more than \$500 for subsequent violations.

A Legislative Council memo was prepared on AB 3.

**Assembly Amendment 1-** generally prohibits anyone from intentionally applying fertilizer that is labeled as containing phosphorus. AA 1 also prohibits anyone from intentionally selling fertilizer that is labeled as containing phosphorus if the person selling knows the purchaser is using the fertilizer for a purpose other than allowed by legislation. [AA1 to AB 3 adopted 14-1] (Rep. Hebl voted nay)

**Assembly Amendment 2-** changed the day the act would take effect from one year after publication to a year and half after publication.

AA 2 was offered by Representative Gunderson. [AA 2 to AB 3 failed 8-7] (Rep. Steinbrink voted yea)

A Legislative Council amendment memo was prepared on AB 3

### Fiscal Effect:

No fiscal estimate was prepared or required for AB 3

### Supporters Message:

Phosphorus in fertilizer spread on lawns and golf courses can directly contribute to algae and weed growth in lakes, rivers and streams through runoff. It is argued that one pound of phosphorus in runoff can cause 500 pounds of algae and weed growth thus deteriorating the water quality. AB 3 will protect ground and surface waters.

Studies have shown that most soil in the state is not phosphorus deficient, therefore there is really no harm in eliminating phosphorus, only a benefit to the state's waters.

### Opponents Message:

Not all retailers have the space to store phosphorus fertilizer in a separate location.

Enforcement of the bill may be time consuming and difficult.

### Key Supporters:

Representative Spencer Black (author); Rep. Gary Bies (author 2007-2009 session); Sen. Mark Miller (author); Dane County; Wisconsin Association of Lakes; WI Land & Water Conservation Assoc.; WI Wildlife Federation; Sierra Club; Clean WI; League of Women Voters of Wisconsin; Midwest Food Processors Association; Milwaukee Metropolitan Sewerage District; Wisconsin Alliance of Cities; Wisconsin Builders Association; Wisconsin Counties Association; Wisconsin League of Conservation Voters; Wisconsin Nurses Association.

### Key Opponents:

Blain Supply; Alliance of WI Retailers registered against the bill on the GAB web site.

### Committee Vote:

On February 17, 2009, the committee recommended passage of AB3, as amended, on a vote of Ayes 15 Noes 0.