

Nitrogen Fertilizer Ordinance Comparison Chart

(Note: table contains heavily summarized information; please follow hyperlinks for full language of regulations.)

State Statute/Ordinance ¹	Setbacks	Black-Outs	Labelling & Retail	Application	Education
(Florida) ² Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes, 2010	<ul style="list-style-type: none"> • “Fertilizer free” and “low maintenance” zones 10’ of a of pond, stream, watercourse, lake, canal, wetland, or seawall • 3’ with drop/rotary spreader or targeted spray liquid 	<ul style="list-style-type: none"> • June 1 – September 30 (FLA seasonal rain) 	<ul style="list-style-type: none"> • Controlled by existing Rule 5E-1.003 standard (that applies to golf courses) • Rule has requirements for labeling ingredients and the construction of the label itself 	<ul style="list-style-type: none"> • Controlled by existing Rule 5E-1.003 standard (that applies to golf courses). • Rule has limits for maximum annual applications based upon region 	<ul style="list-style-type: none"> • Professional applicators required to take a 6-hour course • Non-professionals are encouraged to abide by <i>Florida Yards and Neighborhoods</i> program
(Florida) ³ Seminole County Fertilizer Ordinance (based upon Florida Model Ordinance)	<ul style="list-style-type: none"> • 15’ <i>from the top of the bank</i> of any surface water, seawall, or wetland 	<ul style="list-style-type: none"> • June 1 – September 30 (rain season) • Anytime there is a storm warning in effect 	<ul style="list-style-type: none"> • Rule 5E-1.003 	<ul style="list-style-type: none"> • Requires a soil test to identify a deficiency before application • Fertilizers must contain at least 50% slow release nitrogen (increasing to 65% in 3 years after implementation; 2020) • Grass clippings must be managed and kept away from the water body buffer zone and impervious surfaces 	<ul style="list-style-type: none"> • Professional applicators required to take a 6-hour course • Non-professionals are encouraged to abide by <i>Florida Yards and Neighborhoods</i> program

¹ Table focuses on state regulatory schemes with a brief addendum for Casco Bay municipalities that regulate or contemplate regulating fertilizer use. Draft 06/27/2019.

² Florida has been uniquely affected by high rates of ocean acidification and sustained algae blooms which led to the creation of the voluntary model ordinance.

³ Seminole County was required to comply with the Florida model ordinance as a term in their municipal NPDES permit as many waterbodies were found to be out of attainment of their applicable water quality standards.

<p>Maryland⁴ Commercial Fertilizer Law Title 6(2) § 6-201 – 224 & § 8-801 - 806</p> <p>(Administered and enforced by MD Secretary’s Office)</p>	<ul style="list-style-type: none"> • 15’ of a surface water of the state, public/tax ditch, or public drainage system • 10’ with drop/rotary spreader or targeted spray liquid 	<ul style="list-style-type: none"> • Nov. 15 – Mar 1 (or anytime ground is frozen) 	<ul style="list-style-type: none"> • Fertilizer containing nitrogen may not be labeled as “de-icer” • Product registration and label requirements include weight, brand, grade, and guaranteed analysis of its components (% of nitrogen, phosphorus and potash) 	<ul style="list-style-type: none"> • .7lbs/1,000ft² of water-soluble nitrogen per application or .9lbs/1,000ft² of total nitrogen • Ban on fertilizer containing phosphorous (with exceptions) 	<ul style="list-style-type: none"> • Department must establish, in coordination with University of Maryland, a program to certify professional applicators • Department must establish a public education program
<p>New⁵ Hampshire Shoreland Water Quality Protection Act NH Rev Stat § 483-B:9 & NH Rev Stat § 431</p>	<ul style="list-style-type: none"> • 25’ of reference line of any public water 		<ul style="list-style-type: none"> • State law preempts local control • Label requirements include weight, brand, grade, and guaranteed analysis of its components (% of nitrogen, phosphorus and potash) 	<ul style="list-style-type: none"> • Restricts amount of impervious surface per lot and other land use controls within the shoreland buffer zone • Only “slow” or “controlled” release fertilizers may be used beyond the 25’ setback within the shoreland buffer zone • Limit of .9lbs/1,000 ft² total nitrogen & limit of .7lbs/1,000 ft² soluble nitrogen • Annual cap of 3.25 pounds per 1,000 ft² of total nitrogen and limits for “enhanced efficiency” fertilizer applications 	

⁴ MD regulations are a primary response to dwindling commercial shellfish stocks in the greater Chesapeake Bay fishery

⁵ NH Shoreland Water Quality Protection Act enacted as a portion of a larger developmental regulatory framework designed to maintain property values and regulate sustainable residential expansion

<p>New Jersey⁶ Fertilizer Law A2290 & 4:9-15.10, 58:10A-61 - 68 (Administered by NJ DEP)</p>	<ul style="list-style-type: none"> • 25' of a waterbody • 10' where drop spreader, rotary spreader or targeted liquid is used. • One "rescue treatment" per year allowed inside the buffer zone by a professional 	<ul style="list-style-type: none"> • Nov. 15 – Mar. 1 (consumers) • Dec. 1 – Mar. 1 (professionals) 	<ul style="list-style-type: none"> • State-wide standards preempting local control • Label requirements include weight, brand, grade, and guaranteed analysis of its components (% of nitrogen, phosphorus and potash) • Fertilizer must have at least 20% of nitrogen in slow release form 	<ul style="list-style-type: none"> • Professionals- .7lbs/1,000 ft² soluble nitrogen & limit of 1lb/1,000 ft² total nitrogen per application • Limit of 4.25lbs. nitrogen/1,000 ft² for all applications in a year • Consumers- .7lbs/1,000 ft² soluble nitrogen & limit of .9lb/1,000 ft² total nitrogen per application • Limit of 3.2 lbs. nitrogen/1,000 ft² for all applications in a year or 4.25 lbs. per year for professionals • No Fertilizer application when wet weather is imminent or occurring and no application upon impervious surfaces 	<ul style="list-style-type: none"> • Professional applicators must be trained/certified • Professional applicator or supervision of professional applicator requires for golf course fertilizer application • Statute requires the creation of a public nutrient pollution education program
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Maine Local Ordinance Addendum

Ordinance	Setbacks	Black-Outs	Labelling & Retail	Application	Education
<p>Brunswick</p>	<ul style="list-style-type: none"> • 150' of a stream in zone 1 			<ul style="list-style-type: none"> • Nitrogen based fertilizer banned in zone 2 unless slow release formulation or organic compost • Applications of other formulations may be allowed via permit 	
<p>Harpwell</p>	<ul style="list-style-type: none"> • 25' of high tide mark • 25' – 250' curtailed use 			<ul style="list-style-type: none"> • Non water soluble fertilizer, compost, and composted manure allowed between 25' and 250' of high water mark 	

⁶ NJ fertilizer regulations motivated by water quality awareness campaigns and advocacy on the part of Barnegat Bay Partnership and other advocacy groups. <https://www.barnegatbaypartnership.org/>.