



**Statutes and Regulations on Fertilizers in the Northeastern States**  
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## Connecticut

Statutes	Regulations	Numerical Limits	Exceptions and Exclusions	Municipal or County Ordinances	Notes
<p>Connecticut Fertilizer Law of 2008, Connecticut General Statutes 427a § 22-111a through -111x (as amended by Public Act 09-229)</p> <ul style="list-style-type: none"> <li>• This law essentially houses all responsibility for registering, labeling, inspecting and generally regulating all fertilizers, intended for farm and nonfarm use, with the CT Dept. of Agriculture and its Commissioner.</li> <li>• § 22-111s now states that any and all municipal ordinances that regulate “the registration, packaging, labeling, sale, storage, distribution, use or application of a fertilizer” are superseded and thus of no force.</li> <li>• § 22-111w states that bulk fertilizers must be stored in a way that minimizes their exposure to the environment, and that fertilizers must be applied according to “best management practices” and regulations by the Commissioner.</li> </ul>	<ul style="list-style-type: none"> <li>• None found</li> </ul>	<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• Prohibited</li> </ul>	<ul style="list-style-type: none"> <li>• This statute must be repealed if fertilizers are to be regulated on a municipal or watershed level.</li> <li>• Although the newly amended law encourages fertilizer applicants to use BMPs, the statute never defines what BMPs, and there isn’t any guidance on DOA’s website regarding what these BMPs might be either. There seems to be a clear opportunity for DEP to work with DOA to establish some guidelines and BMPs, especially for residential lawns.</li> <li>• Public education through organizations such as the Northeast Organic Farming Association (NOFA)’s Organic Landcare Committee is likely to be important.</li> </ul>

## Maine

Statutes	Regulations	Numerical Limits	Exceptions and Exclusions	Municipal or County Ordinances	Notes
<p>Maine Revised Statutes 38 § 419:</p> <ul style="list-style-type: none"> <li>Prohibits the retail sale of any fertilizer containing phosphorus unless the retailer posts signage indicating that the product is not suitable for use on non-agricultural land/turf unless soil tests show phosphorus deficiency or the fertilizer is being used to establish a new lawn.</li> <li>States where the signs must be positioned in relation to the product.</li> </ul> <p>Maine Commercial Fertilizer Law 7 § 741 through § 751.</p> <ul style="list-style-type: none"> <li>This law essentially houses all responsibility for registering, labeling, inspecting and generally regulating all commercial fertilizers, with the Maine Dept. of Agriculture, Food and Rural Resources and its Commissioner.</li> </ul>	<ul style="list-style-type: none"> <li>None found.</li> </ul>	<ul style="list-style-type: none"> <li>None if signs are posted</li> <li>0% phosphorus if no signs are posted.</li> </ul>	<ul style="list-style-type: none"> <li>Non-retail fertilizer distributors</li> </ul>	<ul style="list-style-type: none"> <li>None known.</li> </ul>	<ul style="list-style-type: none"> <li>This law was passed in conjunction with a vigorous public education effort (Smart Lakes program, ThinkBlue) to reduce residential fertilizer use.</li> <li>In state government, only the Commissioner of Agriculture is empowered to adopt standards for commercial fertilizer ingredients (Maine Revised Statutes 7 § 748).</li> </ul>

## Massachusetts

Statutes	Regulations	Numerical Limits	Exceptions and Exclusions	Municipal or County Ordinances	Notes
<p>General Laws of Massachusetts 128 § 64 through 83.</p> <ul style="list-style-type: none"> <li>This law essentially houses all responsibility for registering, labeling, inspecting and generally regulating all commercial fertilizers, with the Mass. Dept. of Agricultural Resources and its Commissioner.</li> </ul>	<p>Code of Massachusetts Regulations 330 § 15</p> <ul style="list-style-type: none"> <li>§ 15.03 (4) regulates the labeling of fertilizer as “slow release.” The product can only be labeled as “slow release” for nitrogen if the slow release components make up at least 15% of the total quantity of nitrogen guaranteed.</li> </ul>	<ul style="list-style-type: none"> <li>None.</li> </ul>	<ul style="list-style-type: none"> <li>None.</li> </ul>	<ul style="list-style-type: none"> <li>None known.</li> </ul>	<ul style="list-style-type: none"> <li>Because there is no legal limit on nutrients in fertilizers, most of the efforts to curb fertilizer runoff are likely through education groups like Greenscapes and university extensions.</li> </ul>

## New Hampshire

Statutes	Regulations	Numerical Limits	Exceptions and Exclusions	Municipal or County Ordinances	Notes
<p>New Hampshire Revised Statutes Title 40, 431 § 1 through 21.</p> <ul style="list-style-type: none"> <li>This law essentially houses all responsibility for registering, labeling, inspecting and generally regulating all commercial fertilizers with the NH Dept. of Agriculture, Markets and Food and its Commissioner.</li> </ul> <p>Shoreland Protection Act, NH Revised Statutes Title 50, 483-B § 1 – 20.</p> <ul style="list-style-type: none"> <li>§ 4 defines the protected shoreline as the land within 250ft of the reference line of a water of the state.</li> <li>This section also forbids the application of any fertilizer within 25ft of the reference line and forbids application of high nutrient fertilizers in the buffer zone (Low P and slow-release N blends are allowed between 25 and 250 ft).</li> </ul>	<p>NH Code of Regulations, Agr 1103</p> <ul style="list-style-type: none"> <li>1103.01 regulates the labeling of nitrogen in fertilizer. If an amount of nitrogen is designated as organic on the label, then 60% or more of that nitrogen must be slow-release/ water insoluble and not as coated urea.</li> <li>1103.02 regulates the labeling of fertilizer as “slow release.” The product can only be labeled as “slow release” for a nutrient if the slow release components make up at least 15% of the total quantity of guaranteed for that nutrient.(cont.)</li> </ul>	<ul style="list-style-type: none"> <li>None outside of the protected shoreline.</li> <li>All fertilizer banned within 25 ft of a water of the state.</li> <li>P content restricted to 2% by weight and N content must be 60% or more slow release 25 – 250ft of a water of the state.</li> </ul>	<ul style="list-style-type: none"> <li>None.</li> </ul>	<ul style="list-style-type: none"> <li>None found.</li> </ul>	<ul style="list-style-type: none"> <li>The state Shoreland Protection Act is an interesting alternative to having coastal counties pass their own fertilizer ordinances regarding fertilizer use near bodies of water (see Appendix A).</li> <li>Interesting that NHDES and NHDAMF have different definitions of what constitutes “slow release” meaning that even if a product is labeled slow release, it may not actually be legally useable in the protected shoreline zone.</li> </ul>

	<p>NH Code of Regulations, Env 1402.14</p> <ul style="list-style-type: none"><li>• Defines low phosphorus and slow release nitrogen for the purposes of the Shoreland Protection Act. “Low P” is 2% or less P by weight, “slow release” means that 50% or more of nitrogen components are slow release.</li></ul>				
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## New Jersey

Statutes	Regulations	Numerical Limits	Exceptions and Exclusions	Municipal or County Ordinances	Notes
<p>New Jersey Commercial Fertilizer and Soil Conditioner Act of 1970 4:9-15.1 through 4:9-15.45.</p> <ul style="list-style-type: none"> <li>This law essentially houses all responsibility for registering, labeling, inspecting and generally regulating all commercial fertilizers with the NJ Dept. of Agriculture and its Commissioner.</li> <li>4:9-15.8a (Requirements for Specialty Fertilizers) was modified in 2011 through lawmaking to limit nutrient content in turf fertilizer (see numerical limits).</li> <li>The same section prohibits development and sale of turf fertilizer containing phosphorus unless it is specifically labeled for use in special cases (see exceptions).</li> </ul>	<ul style="list-style-type: none"> <li>New Jersey Administrative Code §2:69-1.5 regulates the labeling of a fertilizer as “slow release.” If a “slow release” claim is made, the label must show what percentage of N is water insoluble.</li> <li>§2:69-1.6 establishes a list of proven materials that are allowed to be included in a fertilizer formulation as “slow release” or water-insoluble N.</li> </ul>	<ul style="list-style-type: none"> <li><b>P:</b> No P in turf fertilizer (minus exceptions). P application through use of manure and compost based fertilizers may not exceed 0.25lbs P per 1000ft<sup>2</sup> treated when applied according to the label.</li> <li><b>N:</b> No turf fertilizer formulation may provide more than 0.9 lbs of total N per 1000ft<sup>2</sup> treated when applied according to label. No turf fertilizer may provide more than 0.7 lbs of water soluble N per 1000ft<sup>2</sup> treated when applied according to label. 20% of total N must be slow release (non-water soluble).</li> </ul>	<ul style="list-style-type: none"> <li>All agricultural fertilizer production, sales and use is excluded.</li> <li>Golf courses are excluded.</li> <li>Commercial turf farms are excluded.</li> <li>All turf is excluded the P ban when a new lawn is being established, when damaged lawn is being repaired or reseeded, when application is sub-surface or when soil test indicates that more P is necessary for lawn growth.</li> <li>The restrictions related to</li> </ul>	<ul style="list-style-type: none"> <li>Pre-empted (however, local govts may set fees for violation of the state law by DIY applicators)</li> </ul>	<ul style="list-style-type: none"> <li>The only state examined with a mandatory fertilizer application certification program for commercial applicants.</li> </ul>

<ul style="list-style-type: none"> <li>• The 2011 lawmaking also modified NJ Waters and Water Supply laws to prohibit certain actions related to the application of turf fertilizer (58:10A-61 through 58:10A-69). It establishes a maximum application rate for both DIY and professional applicators, establishes buffers where fertilization is prohibited around water bodies, and prohibits application of fertilizer when a heavy rainfall, as defined by the Office of the NJ State Climatologist, is predicted, when the soil is saturated, outside of the growing season or on an impervious surface.</li> <li>• 58:10A-64 establishes a state fertilizer application certification program, to be designed by the Ag. Station and DEP.</li> </ul>		<p>No DIY applicator may apply more than 3.2 lbs of total N per 1000ft<sup>2</sup> annually. No commercial applicator may apply more than 4.25 lbs of total N per 1000ft<sup>2</sup> annually.</p> <ul style="list-style-type: none"> <li>• No fertilizer use on impervious surfaces.</li> <li>• No fertilizer use between November 15 and March 1.</li> <li>• No fertilizer use within 25 ft of a water of the state unless using a drop spreader, rotary spreader with deflector or targeted liquid application, in which case the buffer is reduced to 10ft.</li> <li>• No fertilizer use on saturated soils, during or before heavy rainfall.</li> </ul>	<p>formulation and sale of fertilizer do not apply to fertilizers made of manure, compost or processed wastewater solids.</p> <ul style="list-style-type: none"> <li>• Although there is a limit on the amount of P allowed to be applied through application of manure and compost, it is higher than the amount allowed through other fertilizer.</li> </ul>		
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## New York

Statutes	Regulations	Numerical Limits	Exceptions and Exclusions	Municipal or County Ordinances	Notes
<p>New York Agriculture and Markets Law 10-143 through 10-146G.</p> <ul style="list-style-type: none"> <li>This law essentially houses all responsibility for registering, labeling, inspecting and generally regulating all commercial fertilizers with the NY Dept. of Agriculture and Markets and its Commissioner.</li> <li>Section 10-146G is a part of the Household Detergent and Nutrient Runoff Law of 2010. It requires retailers who sell fertilizers with phosphorus content of more than 0.67% by weight to display high phosphorus fertilizer separately from P-free fertilizer and to post signs stating the restrictions on use of P-fertilizers (see below). Effective Jan 1, 2012.</li> </ul>	<ul style="list-style-type: none"> <li>New York Codes, Rules and Regulations, Title 1, 3D § 153.</li> <li>§ 153.3 regulates the labeling of fertilizer as “slow release.” The product can only be labeled as “slow release” for nitrogen if the slow release components make up at least 15% of the total quantity of guaranteed for nitrogen.</li> <li>It also states that when an amount of nitrogen is designated as organic on the label, then 60% or more of that nitrogen must be slow-release/ water insoluble.</li> </ul>	<ul style="list-style-type: none"> <li>No fertilizer use on impervious surfaces.</li> <li>No fertilizer use between December 1 and April 1.</li> <li>No fertilizer use within 20 ft of a water of the state absent a vegetated buffer.</li> <li>Zero fertilizer containing phosphorus on turf minus exceptions.</li> </ul>	<ul style="list-style-type: none"> <li>Agricultural turf and all other agricultural fertilizer applications are broadly excluded.</li> <li>All turf is excluded from the 2012 P ban when a soil test indicates that more P is necessary for lawn growth.</li> <li>All turf is excluded from the 2012 P ban during its first growing season.</li> </ul>	<ul style="list-style-type: none"> <li>Westchester Co., Nassau Co., and Suffolk Co.</li> <li>Local ordinances were partially superseded by the state law. For example, when banning use of fertilizer outside of the growing season, each county defined the growing season differently. Now the state law defines it the same for all of NY.</li> <li>If an existing county ordinance is stricter than the state law, the</li> </ul>	<ul style="list-style-type: none"> <li>The first state in the region to pass a law banning or restricting nutrients in turf fertilizer. State Law was in part motivated by the counties which passed ordinances to protect local waters from over-fertilization.</li> </ul>

<p>New York Environmental Conservation Law 17-2101-2105</p> <ul style="list-style-type: none"> <li>• Another part of the Household Detergent and Nutrient Runoff Law of 2010. It bans the use of turf fertilizer containing phosphorus with certain exclusions as of January 1, 2012. It also places procedural requirements on any local government seeking to pass a more stringent fertilizer ordinance after January 1, 2011.</li> </ul> <p>New York Environmental Conservation Law 71-2507</p> <ul style="list-style-type: none"> <li>• This law relates to the protection of tidal wetlands. If the Commissioner of NYS DEC determines that fertilizer runoff is a polluting agent to tidal wetlands, he or she will confer with other appropriate public officials to limit the use of fertilizer.</li> </ul>				<p>more restrictive components are still considered in effect.</p> <ul style="list-style-type: none"> <li>• The New York State's 2010 law does <b>not</b> prohibit local governments from passing ordinances more stringent than the 2010 law in the future. However, if such a law is passed after January 1, 2011, the local government must justify to DEC why the more stringent ordinance is ready due to local water quality conditions.</li> </ul>	
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## Rhode Island

Statutes	Regulations	Numerical Limits	Exceptions and Exclusions	Municipal or County Ordinances	Notes
<p>Rhode Island Commercial Fertilizer Law, General Law of Rhode Island 2 § 7-2-1 through § 7-2-20.</p> <ul style="list-style-type: none"> <li>This law essentially houses all responsibility for registering, labeling, inspecting and generally regulating all commercial fertilizers with the RI Department of Environmental Manager and its Director.</li> </ul>	<ul style="list-style-type: none"> <li>“Rules and Regulations Related to Fertilizers,” § 3 regulates the labeling of fertilizer as “slow release.”</li> <li>When a label advertizes the presence of slow release nitrogen, it must also identify the amount of insoluble nitrogen in the product.</li> <li>A product with less than 15% of total nitrogen as insoluble nitrogen may not be labeled as “slow release.”</li> <li>It also states that when an amount of nitrogen is designated as organic on the label, then 60% or more of that nitrogen must be slow-release/ water insoluble.</li> </ul>	<ul style="list-style-type: none"> <li>None.</li> </ul>	<ul style="list-style-type: none"> <li>None.</li> </ul>	<ul style="list-style-type: none"> <li>None found.</li> </ul>	<ul style="list-style-type: none"> <li>The only state where the environmental agency (Dept. of Environmental Management) has oversight of state agriculture regulations in addition to the more traditional “air/water/waste” responsibilities.</li> </ul>

## Vermont

Statutes	Regulations	Numerical Limits	Exceptions and Exclusions	Municipal or County Ordinances	Notes
<p>An act relating to the application of P fertilizer to non-ag. turf, 2011 Vermont Annotated Statutes, Sec. 1. 10 § 1266b</p> <ul style="list-style-type: none"> <li>• § 1266b (a) defines relevant terms including compost, nitrogen fertilizer, phosphorus fertilizer, slow-release nitrogen, water-soluble nitrogen, turf, and manipulated manure.</li> <li>• § 1266b (b) describes fertilizer application restrictions related to phosphorus.</li> <li>• 1266b (c) describes fertilizer application restrictions related to nitrogen.</li> <li>• 1266b (d) describes fertilizer application restrictions related to impervious surfaces and adjacent to waters of the state.</li> <li>• 1266b (e) describes requirements for retail fertilizer displays.</li> </ul>	<ul style="list-style-type: none"> <li>• None found.</li> </ul>	<ul style="list-style-type: none"> <li>• No fertilizer use on impervious surfaces.</li> <li>• No fertilizer use on turf between October 15 and April 1 or any other time when ground is frozen.</li> <li>• No fertilizer use on turf within 25 ft of a water of the state.</li> <li>• No use of turf fertilizer containing &gt;0.67% P by weight.</li> <li>• No use of turf fertilizer containing &lt; 15% slow-release (insoluble) N.</li> </ul>	<ul style="list-style-type: none"> <li>• Agricultural turf and all other agricultural fertilizer applications are broadly excluded.</li> <li>• All turf is excluded from the 2012 P ban when a soil test indicates that more P is necessary for lawn growth.</li> <li>• All turf is excluded from the P ban during its first growing season.</li> <li>• Golf courses are excluded from the numeric limits, but face a new nutrient management</li> </ul>	<ul style="list-style-type: none"> <li>• None found.</li> </ul>	<ul style="list-style-type: none"> <li>• Of all the laws that address nitrogen and require some use of slow release, Vermont's is the simplest, containing only a minimum % SRN, but no required application rates.</li> </ul>

<ul style="list-style-type: none"> <li>• 1266b (f) describes violations and penalties. Vermont Annotated Statutes, Sec. 2. 6 § 381</li> <li>• Requires golf courses obtaining state permits to submit a nutrient management plan related to turf fertilization to the Dept. of Agriculture, Food and Markets, effective January 1, 2012.</li> </ul>			<p>plan requirement.</p> <ul style="list-style-type: none"> <li>• Compost and manipulated manures are excluded from the P requirement. However, wastewater solids are not included in either definition and are thus not excluded.</li> </ul>		
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## Summary:

	<b>CT</b>	<b>ME</b>	<b>MA</b>	<b>NH</b>	<b>NJ</b>	<b>NY</b>	<b>RI</b>	<b>VT</b>
Fertilizer registration, labeling, inspection, and regulation handled through state Agriculture Agency?	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X*</b>	<b>X</b>
Statewide numeric limit on phosphorus content of turf fertilizer?					<b>X</b>	<b>X</b>		<b>X</b>
Statewide numeric limit on nitrogen content of turf fertilizer?					<b>X</b>			<b>X</b>
Has a statewide fertilizer application certification program?					<b>X</b>			
State law regulating use of non-agricultural fertilizer near a water of the state?				<b>X</b>	<b>X</b>	<b>X</b>		<b>X</b>
State law regulating the posting of signs in fertilizer retail establishments?		<b>X</b>			<b>X**</b>	<b>X</b>		<b>X</b>
Regulations regarding the labeling of slow-release nitrogen fertilizer?			<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	
Municipal or County Ordinances regulating fertilizer sales or use enacted?					<b>X</b>	<b>X</b>		
Municipal or County Ordinances regulating fertilizer sales or use prohibited?	<b>X</b>							

\* Rhode Island does not have an agency of agriculture, rather a division of agriculture within the Department of Environmental Management.

\*\* The New Jersey law states that the New Jersey Agricultural Experiment Station shall provide informational posters for retailers to display next to turf fertilizer displays. It does not, however, explicitly require retailers to use the posters.