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AGRICULTURE

SENATE FILE 2088

BY FRAISE

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the application of phosphoric fertilizers on  
2 turf and making penalties applicable.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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AGRICULTURE

SF 2088

TL5B 5585XS 81

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1 Section 1. NEW SECTION. 200.20A PHOSPHORIC FERTILIZERS.

2 A person, including but not limited to a commercial  
3 applicator, public applicator, or private applicator as  
4 regulated pursuant to chapter 206, shall apply a phosphoric  
5 fertilizer on turf in accordance with section 206.32A,  
6 including but not limited to a phosphoric fertilizer which is  
7 formulated as a plant growth regulator or soil conditioner.

8 Sec. 2. Section 206.2, Code 2005, is amended by adding the  
9 following new subsection:

10 NEW SUBSECTION. 29A. "Turf" means closely mowed, managed  
11 grass planted on noncrop land including but not limited to  
12 residential and commercial property, private golf courses, and  
13 property owned by federal, state, or local units of  
14 government, including but not limited to parks, recreation  
15 areas, and public golf courses. "Turf" does not mean pasture,  
16 hay land, hay, sod grown on sod farms, nursery land, or any  
17 other form of agricultural production on land associated with  
18 farming as defined in section 9H.1.

19 Sec. 3. NEW SECTION. 206.32A PHOSPHORIC FERTILIZERS.

20 A person, including but not limited to a commercial  
21 applicator, public applicator, or private applicator, shall  
22 apply a phosphoric fertilizer on turf only after performing a  
23 soil test on the turf in accordance with rules adopted by the  
24 department. The phosphoric fertilizer may be formulated as a  
25 plant growth regulator or soil conditioner regulated by the  
26 department under chapter 200 or a fertilizer-pesticide mixture  
27 regulated by the department under this chapter. Based on the  
28 results of the soil test, the person shall apply the  
29 phosphoric fertilizer in a manner, at rates, and at times in  
30 accordance with rules which shall be adopted by the  
31 department. The rules shall provide that the application of a  
32 phosphoric fertilizer achieves optimum turf health while, to  
33 every extent practical, the application reduces the effects  
34 from the application of phosphorus on waters of this state.

35 Sec. 4. IMPLEMENTATION OF ACT. Section 25B.2, subsection

1 3, shall not apply to this Act.

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EXPLANATION

3 This bill amends Iowa fertilizer law (Code chapter 200) and  
4 the pesticide Act of Iowa (Code chapter 206), which are  
5 administered and enforced by the department of agriculture and  
6 land stewardship. Generally, Code chapter 200 regulates the  
7 formulation, manufacture, and sale of fertilizers and soil  
8 conditioners, and Code chapter 206 regulates the formulation,  
9 manufacture, and sale of pesticides. Code chapter 206 also  
10 regulates the application of pesticides, including by  
11 commercial, public, and private applicators. Code chapter 206  
12 defines "pesticide" to include a growth regulator (e.g., a  
13 fertilizer). Generally, a commercial applicator is a person  
14 who applies a pesticide in exchange for payment and a public  
15 applicator is a person who applies a pesticide as an employee  
16 of a state agency, county, municipal corporation, or other  
17 governmental agency (see Code section 206.2). The term  
18 private applicator is not defined but presumably includes all  
19 other persons applying pesticides.

20 This bill regulates persons, including but not limited to  
21 commercial, public, and private applicators, who apply a  
22 phosphoric fertilizer which is formulated as a growth  
23 regulator, soil conditioner, or a fertilizer-pesticide mixture  
24 on turf. The bill defines "turf" as closely mowed, managed  
25 grass planted on noncrop land which includes residential and  
26 commercial property, private golf courses, and public parks  
27 and recreation areas. It does not include land associated  
28 with farming. The bill requires that a person perform a soil  
29 test on turf and, based on the results of the soil test, apply  
30 the phosphoric fertilizer in a manner, at rates and at times  
31 in accordance with rules which must be adopted by the  
32 department in order to achieve optimum turf health, while to  
33 every extent practical, reducing contamination of state  
34 waters.

35 Code section 206.22 provides that a person who violates a

1 provision of Code chapter 206 is guilty of a serious  
2 misdemeanor. A serious misdemeanor is punishable by  
3 confinement for no more than one year and a fine of at least  
4 \$250 but not more than \$1,500.

5 The bill may include a state mandate as defined in Code  
6 section 25B.3. The bill makes inapplicable Code section  
7 25B.2, subsection 3, which would relieve a political  
8 subdivision from complying with a state mandate if funding for  
9 the cost of the state mandate is not provided or specified.  
10 Therefore, political subdivisions are required to comply with  
11 any state mandate included in the bill.

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