

**Department of Planning and Budget
2011 Fiscal Impact Statement**

1. Bill Number: SB1055

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: Stuart

3. Committee: Agriculture, Conservation and Natural Resources

4. Title: Fertilizer and deicing agents; regulation of application; report.

5. Summary: This bill defines “lawn fertilizer,” “lawn maintenance fertilizer,” “manipulated manure,” and “Turf” for the purposes of Chapter 36 of Title 3.2, Code of Virginia. The bill requires the Board of Agriculture and Consumer Services (the Board) to adopt regulations requiring public sector applicators of fertilizers to nonagricultural lands to become trained in nutrient management practices. Beginning on January 1, 2013, lawn maintenance fertilizer containing phosphorus and deicing agents containing forms of nitrogen or phosphorus may not be offered for sale, distribution, or use in Virginia. The bill extends the frequency of the report due to the Commissioner of the Virginia Department of Agriculture and Consumer Services (VDACS) on all sale and application of commercial fertilizer from a monthly basis, to an annual basis. In addition, the bill increases the fee for late submission of the report from \$35, to \$250. The bill requires that a directional statement be affixed to all bags of turf fertilizer. Finally, the bill contains enactment clauses that (i) require VDACS to provide a report concerning the use of slowly-available nitrogen in fertilizer material to the legislative committees with subject matter jurisdiction over agriculture and the environment, and (ii) allow retailers to sell any stock of prohibited fertilizer or deicer that is in existing inventories at the time the restrictions become effective.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary.

8. Fiscal Implications: VDACS does not anticipate that this bill will result in a significant fiscal impact on the agency.

The bill establishes a new requirement that all contactor-applicator and licensees applying commercial fertilizer for nonagricultural use submit an annual report that states the content and usage of fertilizers. Currently, only persons distributing or selling commercial fertilizer to nonlicensees are required to submit reports. The bill extends the frequency of the report filing for both parties to once a year. In addition, the bill changes the fee for late submission of a report from the current fee of \$35 (currently, per month), to \$250 (proposed, annual). According to § 3.2-3617, Code of Virginia, all fees collected are to be deposited in the

agency's nongeneral Feed, Lime, Fertilizer, and Animal Remedies Fund, managed by VDACS. Overall, any impact on fee revenue generated or lost due to changes to fees included in this bill is indeterminate.

This bill has no impact on the Department of Conservation and Recreation.

9. Specific Agency or Political Subdivisions Affected: Department of Agriculture and Consumer Services, Department of Conservation and Recreation, the Chesapeake Bay Commission, any state agencies, municipal corporations, or governmental agencies who apply any regulated product to nonagricultural lands.

10. Technical Amendment Necessary: No.

11. Other Comments: HB1831 also addresses regulation of application of fertilizer and deicing agents.

Date: February 4, 2011

c: Secretary of Agriculture and Forestry