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Lawn care products face ban in NJ

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The Record

STAFF WRITER

Lawns may turn more brittle and yellow, but lakes, bays and marshes could become a lot cleaner under a bill making its way through Trenton that would ban many lawn care products on the shelf today.

Called the most comprehensive and prohibitive legislation of its kind in the nation by supporters and opponents alike, the bill calls for a sea change in the way New Jerseyans apply fertilizer to their lawns. The bill comes out of a package of legislation intended to restore Barnegat Bay, heavily polluted by fertilizer runoff, but its impact would be statewide.

The most contentious part of the bill limits the amount and type of nitrogen in fertilizer to a level that can't be met by any of the products currently offered by the world's largest lawn care retailer.

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on the market would need to change," said Chris Wible, director of environmental stewardship for Scotts Miracle-Gro Company, which is lobbying against certain provisions in the bill.

The bill also bans phosphorus to maintain lawns, a move that has already been made by many lawn care companies. It would also ban anyone from applying fertilizer to turf:

* Between Nov. 15 and March 1 or at any time when the ground is frozen.

* Within 10 feet of any body of water.

* During or just before a heavy rainfall.

In addition, landscapers and others who apply fertilizer professionally would have to be trained and certified through a new program at Rutgers.

"The industry knows that this poisons the environment and they should do something about it," said Assemblyman John McKeon, D-Essex, head of the Assembly environment

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committee and a sponsor of the bill.

Hearings this month?

Legislators have spent more than a year crafting the bill with input from the Department of Environmental Protection, environmentalists and lawn care companies. After a six-hour hearing in August, it was approved by state Senate and Assembly environment committees. It landed in the Senate Budget and Appropriations Committee, where its economic impact will likely be examined at a hearing as early as this month.

Both sides expect a fierce debate with large companies like Scotts and TruGreen, the nation's largest lawn care service provider with 75,000 customers in New Jersey, leading the opposition. Smaller businesses also want to see the bill changed.

"What you need is legislation that is reasonable while still keeping us in business," said Bill Phillips, owner of Green-A-Lawn, which has serviced parts of Bergen and Passaic counties for 42 years.



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Nutrients from fertilizer help weeds and algae grow excessively in water, sapping oxygen and killing off fish and other aquatic life — a condition called eutrophication.

Nowhere is the problem greater than Barnegat Bay, which has one of the highest levels of nutrients in the nation according to the National Oceanic and Atmospheric Administration. The bay suffers from frequent algae blooms and declines in clams and bay scallops were caused primarily by nitrogen from surface runoff, according to a 2007 Rutgers study. Lawn care executives say only 2 percent of the bay's nitrogen is from fertilizer.

"The bay is the canary in the coal mine for the rest of the state," said Doug O'Malley of Environment New Jersey, an advocacy group. "Look at any lake near residential development and that lake is probably in trouble."

North Jersey has its own problems with fertilizer runoff. The Greenwood Lake Commission spent \$150,000 to buy a weed

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harvester to remove invasive milfoil that had grown exponentially in part from fertilizer pollution. Likewise, \$30,000 was spent last year to treat Pompton Lake with a herbicide that attacks its milfoil problem.

Largest source of runoff

Nitrogen and phosphorus come from several sources including septic tanks, sewers, animal waste and dead plant life. Fertilizer from commercial farms, which are exempt from the new regulations, is also a problem, scientists say. But lawns remain the largest source of fertilizer runoff in a state dominated by suburban single-family houses.

"With lawns, you are closer to pavement and other hard surfaces so the runoff can move a lot faster into ditches and water bodies," said Meiyin Wu, an associate professor of biology at Montclair State University. "It's one of the top sources for eutrophication."

The bill calls for no more than three-quarters of a pound of water-soluble nitrogen per 1,000 square feet and at least 30 percent slow-release nitrogen to limit its impact in a

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water body. A trade group says lawn care companies can meet either nitrogen standard, but not both in the same product. "The bill has moved away from science and reasoning," said Nancy Sadlon of the New Jersey Green Industry Council, which represents landscapers, arborists and other businesses.

Wible said that the proposed standards would actually hurt waterways, arguing that robust lawns help prevent heavy runoff.

"If we remove the nitrogen [standards], it remains the most comprehensive and restrictive bill, and the most protective of water quality," Wible said.

Seeking to scale back

Executives at SavaLawn, a lawn care company with five New Jersey offices, said they support many parts of the bill, including

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certification and some nutrient standards. But other measures, they say, have to be scaled back.

The company uses at least 30 percent slow-release nitrogen except in the fall when soil temperatures dip below 50 degrees and more nitrogen is needed. They also service lawns well after Nov. 15 when, they say, the ground is far from frozen.

"The legislation is disregarding science and going on emotion," said Rich Anda, a vice president with the company. "It's going to make people feel better, but it's not going to change much in terms of the environment."

Likewise, Scotts wants to move the fertilizer ban date to at least Dec. 1 from the proposed Nov. 15, arguing that grass is still growing in late November.

Phillips, of Green-A-Lawn, said he has no problem with most of the bill including the nitrogen standards, which his business doesn't exceed. But he thinks the ban on phosphorus goes too far.

"It's understandable that phosphorus is not used in some places like near lakes or the shore, but [a ban] is not needed for the entire state," Phillips said. "There's no reason we can't use it here."

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