

January 28, 2014

The Honorable Elder Vogel, Chair  
Senate Agriculture and Rural Affairs Committee  
Senate Box 203047  
Room: 362 Main Capitol  
Harrisburg, PA 17120-3047

Dear Senator Vogel:

We understand that the Senate Agriculture and Rural Affairs Committee is scheduled to meet “off the floor” on Tuesday February 4 to consider SB 1149, the lawn fertilizer bill. PLNA has grave concerns with SB 1149 and must oppose the bill in its current form.

We have two major concerns: First, the bill as written would provide no environmental or water quality benefit to the Chesapeake Bay, and actually may have a detrimental impact on Bay water quality. And second, the bill would impose real costs on the lawn care industry for no environmental benefit.

A major cause of our concern is the conclusions reached by EPA’s panel of experts in the recent report published by EPA’s Chesapeake Bay Program in March 2013. The report *CBP Approved Final Report of the Expert Panel to Define Removal Rates for Urban Nutrient Management* (Expert Panel Report or EPR) is a game changer. For the first time, the EPA has acknowledged in writing that the science shows that *healthy lawns equal a healthy Bay*. We have enclosed a copy of the EPR for your review.

Lawns have so long been an environmental scapegoat that EPA has taken as a given that lawns are bad for the environment. This attitude is so pervasive that it has influenced policymakers at EPA to develop policy and regulations that are simply wrong, not based on scientific evidence and that do more to harm the environment than improve it.

Now, based on scientific data, the EPR concludes that a “dense vegetative cover of turf grass” results in *less* pollution and *less* runoff from lawns. Thin sickly turf grass increases runoff and increases pollution from lawns (page 29).

The lawn fertilizer laws that have been pushed by EPA and passed by states surrounding Pennsylvania, especially New Jersey and Maryland, are a product of the thinking at EPA that lawns are inherently bad. These laws are based on the assumption that lawns are generally over-fertilized and that reducing fertilization will improve water quality.

On the contrary, the scientific research cited in EPA’s Expert Panel Report (EPR) shows that lawns in the Chesapeake Bay watershed are *under-fertilized*, on the

whole, by as much as 77% (page 34). Reducing fertilization further could do more harm to the Bay than good.

The report recommends consulting an extension agent or other lawn care professional for guidance on proper lawn care and fertilization. Rather than restricting fertilizer use among professionals, whose job it is to produce a “dense vegetative cover of turf grass,” the EPA and the Chesapeake Bay Program should be seeking ways to encourage lawn care and responsible fertilizer use among the under-fertilized lawns in the Bay watershed.

Professionals have an economic incentive to produce a dense vegetative cover of turf grass sought by their customers with a minimum amount of fertilizer application. According to the EPR, only 4.5% of the lawns in the Chesapeake Bay watershed are cared for by professionals (page 34).

The EPR also points out that professional lawn care companies apply fertilizer in four to five smaller doses over the season, which is an environmentally better way to apply fertilizers and consistent with EPR recommendations. Do-it-yourself homeowners tend to only apply fertilizer an average of only 1.7 times per season (page 35).

Further, the voluntary efforts of the industry have led to a reduction in phosphorus use on lawns in Pennsylvania between 2006 and 2010 of 82% (page 16). It is very likely that more recent data will show further phosphorus reductions since 2010, as the lawn fertilizer industry continues to phase out phosphorus in bagged lawn fertilizers sold to the public.

In addition to these broad concerns, we also have the following more specific comments on the bill:

- The data in the EPA Expert Panel Report reveals that most lawns in the Chesapeake Bay watershed are currently under-fertilized to achieve a dense healthy covering of turf grass and 50% receive no fertilization at all (page 34).
- The bill may actually increase pollution flowing to the Chesapeake Bay from turf grass by reducing the fertilizer application rates for those who do fertilize their lawns. According to the EPR, lawns cared for by do-it-yourselfers receive, on average, 1.7 fertilizer applications per season. According to Penn State Extension, four applications at the rates in the draft bill are optimal for dense healthy turf grass.
- Increasing the number of lawns in the watershed that receive care and fertilizer would improve the overall turf grass cover in the watershed, reducing nutrient runoff and pollution from thin, sickly lawns.
- The bill imposes another regulatory burden on small lawn care businesses for no apparent benefit. According the EPR, only 4.5% of the lawns in the Chesapeake Bay watershed are fertilized by professionals. Professionals are producing lawns with a dense cover of turf grass, which the EPR says is the key to reduced nutrient runoff. Professionals have economic incentives to not over-apply fertilizer due to costs. They apply only as much as they need to achieve the dense healthy covering of turf grass that will protect water quality in the Bay.
- The bill will also increase the costs of professional lawn care companies by requiring more applications of fertilizer at reduced rates in one season to achieve optimal results.
- More regulation of small business translates to increased costs. If you increase the number of visits a lawn care company must make that also increases the annual lawn care cost. Those

increased annual costs could discourage current homeowners from using a professional service thereby reducing the amount of dense lawns and increasing nutrient runoff and pollution from thin, sickly lawns.

- The bill thwarts development of better slow-release fertilizer technology that can lead even better turf development with less chance for nutrient runoff by arbitrarily limiting the total nitrogen that can be in a fertilizer application.
- The bill unnecessarily constrains the use of organic fertilizers on lawns by limiting the phosphorus which naturally occurs in these products and cannot be cost-effectively removed.
- When soil tests reveal a need for phosphorus, the application rates specified in the bill may contravene the scientific data obtained in the soil test.
- The dates when fertilizer must be applied at reduced rates in late fall and early spring are arbitrary and are not practical for turf management in the south central and south eastern parts of Pennsylvania, especially turf that is subject to heavy use, such as school athletic fields that are used in early spring and well into the fall.
- The specific application rates in the bill are unenforceable. In addition, the bill relies on certification and enforcement by the Pennsylvania Department of Agriculture, a department whose staff has been reduced over the past several budget cycles, but provides no additional resources to do so. The Department staff resources to carry out its existing program responsibilities under the Plant Pest Act are stretched to the breaking point.
- The proposal by EPA to give credit in Pennsylvania's Watershed Implementation Plan for reduced levels of turf grass fertilizer sales is exactly backwards. The EPA's own Expert Panel Report data shows that lawns in the watershed are currently under-fertilized for optimal nutrient retention.

In conclusion, PLNA is urging the Committee to step back and consider the data that is in EPA's Expert Panel Report. Let's not let EPA push Pennsylvania into making decisions on regulating turf grass fertilizer that may actually harm the Bay rather than improving it.

Thank you for your consideration of our concerns.

Sincerely,



Paul Kimicata, President  
Kimicata Brothers, Inc.  
Chairman, PLNA Board of Directors



Daniel J. Eichenlaub, President  
Eichenlaub, Inc.  
Chairman, PLNA Government Relations Committee

c: Members of the Senate Agriculture and Rural Affairs Committee w/enclosure