

Update: Phosphorus-Free Fertilizer Law

HISTORY

In 1998 when the DEP first began a campaign to limit the use of phosphorus in lawn fertilizers because of the water quality problems phosphorus causes in lakes and streams, less than 5% of Maine retail stores carried phosphorus-free (P-free) lawn products and only 3,200 pounds of P-free product were sold in Maine. By 1999 with the outreach efforts of DEP, P-free sales increased to 56,445 lbs, and by 2001 it increased to more than 135,000 lbs. Even with continued efforts to promote P-free, sales leveled off. In January 2008, the Maine Legislature passed a law requiring all retailers to post a sign discouraging the use of phosphorus lawn products unless reseeding or starting a new lawn.

FINDINGS

High compliance with requirement to post a sign at the point of sale

In June 2008 a statewide survey of 87 stores (23% of the 386 stores selling fertilizer) showed that 87% of the surveyed stores had posted the required sign. All those found out of compliance were handed signs and all agreed to post them.

Phosphorus-free lawn fertilizer is readily available

In the June survey, P-free lawn fertilizer was found in 97% of stores. P-free lawn fertilizer in pesticide blends was found in 77% of stores. Organic P-free lawn fertilizer, although offered by several manufacturers, was found only in 3% of stores.

The law has reduced phosphorus lawn fertilizer use

Distributors and retailers have been reluctant to release their fertilizer numbers despite calls and letters asking for the information. So currently this information is anecdotal based on the surveys that all retailers, with the exception of one chain, carried at least one type of P-free fertilizer and some stores are no longer carrying any phosphorus fertilizer with the exception of starter fertilizers. One chain has given us their numbers; Home Depot sold 142 tons of P-free and 11 tons of starter fertilizer (with phosphorus).

Distributors and Retailers supportive of the law

DEP's outreach to the distributors seems to have had the greatest impact on what is available for consumers to buy, and therefore on the reduction in use of phosphorus fertilizer.

Generally the distributors are quite supportive of the approach Maine has taken. They appreciate that Maine has not banned phosphorus fertilizer but instead is requiring signs. The large retailers, Home Depot and Wal-Mart, are carrying all P-free products with the exception of Scotts Starter fertilizer. Both stores expressed support for the way the State has proceeded with the legislation and feel that it is not an inconvenience to them. Aubuchon and some True Value stores do not plan to carry phosphorus lawn products except starters in 2009. Lowes, the other large retailer in the State, has more

variety in the product that they offer. The only complaints we have heard are a few from the organic retailers who have fewer P-free products.

Consumers supportive of the law

Based on interviews with retail store staff, customers are supportive of the law. The major consumer questions have concerned the use of phosphorus on gardens (which is ok) and would the P- free product be as effective in greening lawns as the other products (generally yes, if other good management practices are followed – mow high and leave clippings).

The law has not increased consumer cost

In a comparison of similar lawn fertilizer products in two neighboring states, the cost of P-free lawn fertilizer was found to be the same as lawn fertilizer which contain maintenance levels of phosphorus.

GETTING THE WORD OUT

To get the word out on the new law, in fall and early winter 2007, DEP sent 2 letters regarding the upcoming law to a mailing list of 391 retailers and 10 distributors. Draft signs were enclosed and we asked for feedback on the design. We tested several designs with homeowners as well as retailers to see what would resonate best. We conferred with the Dept. of Agriculture, Cooperative Extension, and officers at the Congress of Lake Associations as we developed materials. In February 2008, we mailed another letter explaining the new law, the required signs with plastic protective sleeves, and tip sheets to the retailers and distributors.

To inform homeowners, we sent out 2 press releases, one in the spring and another in the summer, as well as 3 *In Our Backyard* columns that DEP distributes to local papers over the spring and summer.

NEXT STEPS

- Mail sign and explanatory letter to distributors and retailers again in Spring 09.
- Continue personal outreach to distributors.
- Continue personal outreach to stores; check compliance and information on ordering and requests for P-free products by customers in Spring 09.
- Collaborate with Board of Pesticides Control (YardScaping) and Cooperative Extension to use their agents and Master Gardeners to encourage P-Free.
- Look at options for press coverage on changes in fertilizer practices next spring and summer.