

# STATE OF NEW YORK

4568

2019-2020 Regular Sessions

## IN ASSEMBLY

February 4, 2019

Introduced by M. of A. ENGLEBRIGHT, THIELE, D'URSO, COLTON, WEPRIN, RAMOS, L. ROSENTHAL, ABINANTI, GOTTFRIED, GLICK -- Multi-Sponsored by -- M. of A. GALEF -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to the sale or use of nitrogen fertilizer

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The environmental conservation law is amended by adding a  
2 new section 17-2104 to read as follows:

3 § 17-2104. Sale or use of nitrogen fertilizer restricted.

4 1. For the purposes of this section, "low nitrogen fertilizer" shall  
5 mean fertilizer containing not more than twelve percent nitrogen by  
6 weight, of which at least half must be water insoluble nitrogen, common-  
7 ly referred to as slow release nitrogen.

8 2. No person shall apply or authorize any person by way of service  
9 contract or other arrangement to apply in Nassau or Suffolk county any  
10 fertilizer on lawn or non-agricultural turf, other than low nitrogen  
11 fertilizer.

12 3. Beginning December thirty-first, two thousand twenty-one, retailers  
13 in Nassau and/or Suffolk county shall sell or offer for sale only low  
14 nitrogen fertilizer.

15 4. Nothing in this title shall impair or supersede the authority of  
16 the commissioner of agriculture and markets pursuant to articles ten and  
17 twenty-five-AA of the agriculture and markets law.

18 § 2. No later than June 1, 2022, the department of environmental  
19 conservation shall prepare a report to the governor and legislature  
20 regarding expanding the sales and use prohibition on high nitrogen  
21 fertilizer in other areas of the state.

22 § 3. This act shall take effect December 31, 2021; provided, however,  
23 that persons may continue to use non-conforming nitrogen fertilizer on  
24 lawn and non-agricultural turf after December 31, 2021 if such fertiliz-  
25 er was purchased prior to such effective date.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

LBD07671-01-9