



Date: 6/4/2018

To: PA House Agriculture and Rural Affairs Committee

From: James M. Skillen on behalf of The Lawn & Horticultural Products Work Group

Subject: SB 792 Amending Title 3 (Agriculture)

The Lawn and Horticultural Products Work Group (LHPWG) on behalf of its members is Pleased to share our concerns about some of the proposed changes to Title 3 to the members of the Pennsylvania House Agriculture and Rural Affairs Committee. There are several proposed changes that concern our members

Statement of Interest

The LHPWG, operating under the auspices of Ignite Solutions, which is part of the Household & Commercial Products Association (HCPA), HCPA provides a unified voice for companies engaged in the unique market of lawn and horticultural products. LHPWG member companies manufacture more than 75 percent of domestically produced conventional specialty fertilizers utilized in the United States; including consumer household, lawn and garden, golf courses and other professional turf and lawn care. These specialty fertilizer products are licensed; registered and sold to consumers and professional applicators in all 50 states. Our members rely on years of their own and independent scientific research to guide their product formulations and product decisions. Our members have a vested interest in any new terms, definitions or legislation passed by Pennsylvania that will impact the industry.

Specific Comments:

1) "§ 6803. DEFINITIONS.

THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

"ENHANCED EFFICIENCY." RELATING TO A FERTILIZER PRODUCT WITH CHARACTERISTICS THAT ALLOW INCREASED PLANT NUTRIENT UPTAKE AND REDUCED POTENTIAL OF NUTRIENT LOSSES TO THE ENVIRONMENT, SUCH AS GASEOUS LOSSES, LEACHING OR RUNOFF, WHEN COMPARED TO AN APPROPRIATE REFERENCE PRODUCT **AS DETERMINED BY THE DEPARTMENT BY PUBLISHING A NOTICE IN THE PENNSYLVANIA BULLETIN.**" (emphasis added).

Comment:

The United States Department of Agriculture (USDA) relies upon the Association of American Plant Food Control Officials (AAPFCO) to identify Enhanced Efficiency Fertilizers (EEFs) in their Official Publication. AAPFCO publishes OFFICIAL TERMS, OFFICIAL FERTILIZER DEFINITIONS for NITROGEN PRODUCTS (N), for PHOSPHATE PRODUCTS (P₂O₅), for POTASH PRODUCTS (K₂O), for CALCIUM PRODUCTS (Ca), for SULFUR PRODUCTS (S), for MICRONUTRIENT PRODUCTS (B, Co, Fe, Mn, Mo & Zn) and for BENEFICIAL SUBSTANCES or COMPOUNDS. Enhanced Efficiency Fertilizer products are identified by footnote(s) in the publication. These lists are revised every year and are now available online. The Pennsylvania Department of Agriculture (PDA) should rely upon AAPFCO's published EEF determinations. This will avoid potential conflicts between a list produced by PDA and the AAPFCO list. We suggest the following language:

"... **AS DETERMINED BY THE OFFICIAL PUBLICATION OF THE ASSOCIATION OF AMERICAN PLANT FOOD CONTROL OFFICIALS (AAPFCO)**" (emphasis added).

2) "§ 6813. TURF FERTILIZER COMPONENTS.

"...(C) **ADDITIONAL REQUIREMENTS.--THE DEPARTMENT, THROUGH REGULATION, MAY ESTABLISH ADDITIONAL REQUIREMENTS FOR TURF FERTILIZER**" (emphasis added).

Comment:

We believe "§ 6813. TURF FERTILIZER COMPONENTS (C)" of the proposed legislation is problematic and should be deleted. The fertilizer use limitations in the proposed legislation state: (NO MORE THAN 0.9 POUNDS OF TOTAL NITROGEN PER 1,000 SQUARE FEET) and (CONSIST OF AT LEAST 20% ENHANCED EFFICIENCY NITROGEN OF THE TOTAL NITROGEN). If the Pennsylvania Department of Agriculture (PDA) can add additional restrictions or limitations to the nitrogen (or other nutrient) content of turf fertilizers the restrictions or limitations will reside in two different locations. Specialty fertilizer manufacturers will have to monitor the Pennsylvania statutes as well as the Pennsylvania Bulletin. The turf fertilizer nutrient limitations should be established via legislation or via regulations; not both. This proposal could result in the statute legislating the nitrogen content and the Pennsylvania Department of Agriculture regulating the phosphate content, application rate or some other area of the label. We would prefer to be governed by one entity, either solely by the statute or solely by regulation.

3) "§ 6813. TURF FERTILIZER COMPONENTS.

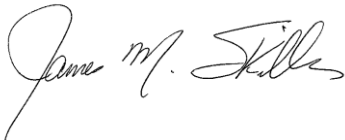
(K) EXEMPTION.-- THE REQUIREMENTS OF SUBSECTION (H) AND OF THIS SECTION SHALL NOT APPLY TO FERTILIZER LABELED FOR AQUATIC SETTINGS, GROWING MEDIA, INDOOR USE OR POTTED PLANTS."

Comment:

We believe that specialty fertilizer products produced for use in Greenhouses and or Hydroponic systems will be included under the § 6813. (K) EXEMPTION. However, to provide clarity, we suggest the following language:

(K) EXEMPTION.-- THE REQUIREMENTS OF SUBSECTION (H) AND OF THIS SECTION SHALL NOT APPLY TO FERTILIZER LABELED FOR AQUATIC SETTINGS, **HYDROPONIC SYSTEMS**, GROWING MEDIA, **GREENHOUSES**, INDOOR USE OR POTTED PLANTS. (emphasis added.)

We appreciate the opportunity to share our concerns with you and would be happy to provide any additional information you require. The LHPWG serves as a resource for all nutrient use concerns from specialty fertilizer products.



James M. Skillen on behalf of the LHPWG

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