

3225 MAIN STREET • P.O. BOX 226
BARNSTABLE, MASSACHUSETTS 02630



CAPE COD
COMMISSION

(508) 362-3828 • Fax (508) 362-3136 • www.capecodcommission.org

MEMORANDUM

TO: Government Regulations Standing Committee of the Assembly of Delegates
Assembly of Delegates

FROM: Cape Cod Commission Staff (via email)

DATE: September 17, 2013

SUBJECT: Overview of Draft Potential Fertilizer Regulations (Attached)

The regulations have been drafted as template Board of Health regulations, which may be adopted at a public hearing of any particular town's Board of Health.

The regulations seek to control excess nutrient loading to water resources, specifically phosphorus and nitrogen, associated with the application of fertilizers to turf (compost, grass clippings and lime are not considered fertilizers for purposes of the regulations).

The regulations contain a two-tiered system of application standards. A uniform standard has been developed for non-certified applicators, which provides specific time of year and quantity limits on application, among other things. Non-certified applicators must also obtain permission from the town's conservation commission to apply fertilizer within the 100 foot buffer zone to water-bodies.

The regulation also contains application standards for certified applicators. Certified applicators must comply with UMass' turf best management practices (BMP). The BMP is flexible, and represents a holistic approach to turf fertility. Certified applicators warrant different treatment than non-certified applicators. Certification presumes that an applicator is knowledgeable enough to apply fertilizer in different situations, where different application standards might apply in different situations, without the requirement of meeting less flexible, specific standards that non-certified applicators must meet.

Agricultural uses, including cranberry growers, are exempt from the regulations.

Any person may seek certification from Barnstable County Extension. Applications for certification will be submitted with a payment of \$25.00 for three year certification,

accompanied by documentation from Extension that the applicant is proficient in the BMP. Extension will administer proficiency assessments and education regarding the BMP, with administrative assistance from the Cape Cod Commission. Certain landscape professionals and municipalities are presumed to be proficient in the BMP, and need not undertake a proficiency assessment to become certified applicators. Only one certification is required per company/municipality.

The respective town's Board of Health is the enforcement authority in the regulations, which contain several enforcement mechanisms.