



LINAP Fertilizer Management Workgroup Questionnaire Response Summary

Fertilizer Regulations

Improperly applied fertilizer can harm water quality. New York State, Nassau County and Suffolk County have passed fertilizer regulations to protect water quality.

Summary of Findings

- The group was split on whether regulations have been effective in Nassau County.
- Reasons cited as to why regulations have been ineffective in Nassau County:
 - Lack of enforcement
 - Lack of adequate education and communication
 - Regulations are of little value
 - Lack of monitoring the compliance and or effectiveness of the regulations
 - Regulations are unenforceable
 - Fertilizer is available for sale year round
 - Uniform law regulated by the state is needed
 - Prohibiting fertilizer in the winter months has a limited effect
- The majority of the group believes that regulations in Suffolk County have been ineffective.
- Reasons cited as to why regulations have been ineffective in Suffolk County:
 - Lack of enforcement
 - Lack of education and communication
 - Lack of monitoring the compliance and or effectiveness of the regulations
 - Regulations are of little value
 - Regulations are unenforceable
 - Fertilizer is available for sale year round
 - A uniform law regulated by the state is needed

- Prohibiting fertilizer in the winter months has a limited effect
- The group was split on whether the time frame for restricting fertilizer application is appropriate.
- Suggested time frames for restricting fertilizer applications:
 - Weather patterns need to be considered when developing time frames
 - Time frames should be based on plant and soil science
 - Applications should be administered only when plants are growing
 - Time frames should be Industry dependent
 - May 1st to July 1st/September 1st to October 15th
 - March 15th to November 1st
 - April 1st to December 1st
 - Fall Only
 - Shorter time frame
 - Fall restriction should be earlier
 - Nassau County should be the same as Suffolk County
 - Applications should be earlier in Spring for Golf Courses
 - Current time frame is good
- The majority of respondents do not believe that the educational component of the regulations has been effective.
- Suggestions given by respondents for improving the educational component of existing regulations.
 - Improve education to homeowners
 - Enforce retailers' labeling requirements
 - Additional labeling is needed
 - The effectiveness of the educational component needs to be measured
 - More funding is needed for information distribution
 - Outreach is needed for unlicensed professionals
 - Education is needed on the values of a non-turf garden
 - Municipal properties where turf can be reduced need to be identified and linked to an educational component
 - More soil health education is needed
 - Require continued education for landscapers
 - Require licensing of landscapers
 - A uniform message is needed for end-users
 - Pollution surcharge should be implemented
- The majority of respondents do not believe that regulations are too restrictive.
- Reasons why regulations are too restrictive (*identified by those respondents who believe regulations are too restrictive*):
 - Mandatory education requirements at point of sale are too restrictive
 - Guidelines should be uniformly applied equally across Long Island

- Restrictions are not based on science.
- The group was split on whether they believe regulations need to be more restrictive.
- Suggestions on how current regulations can be made more restrictive:
 - An additional controlled release nitrogen or water non-soluble fertilizer mandate would be preferable to a regulatory solution
 - Limit the total pounds applied
 - Limit application rates
 - Limit sale dates not application dates
 - Formulation and package size needs to be regulated
 - Severe restrictions are needed for applications near water's edge
 - Buffers need to be required for turf
 - Higher fines are needed
 - Impose pollution surcharge
 - Better enforcement
 - Uniform guidelines
 - Regulations should vary by Industry
 - Higher fines should be imposed
- The majority of respondents believe there is a role for incentives to reduce fertilizer use.

Fertilizer Regulations Questionnaire Answers & Analysis

Questions 1-4: Effectiveness of county regulations

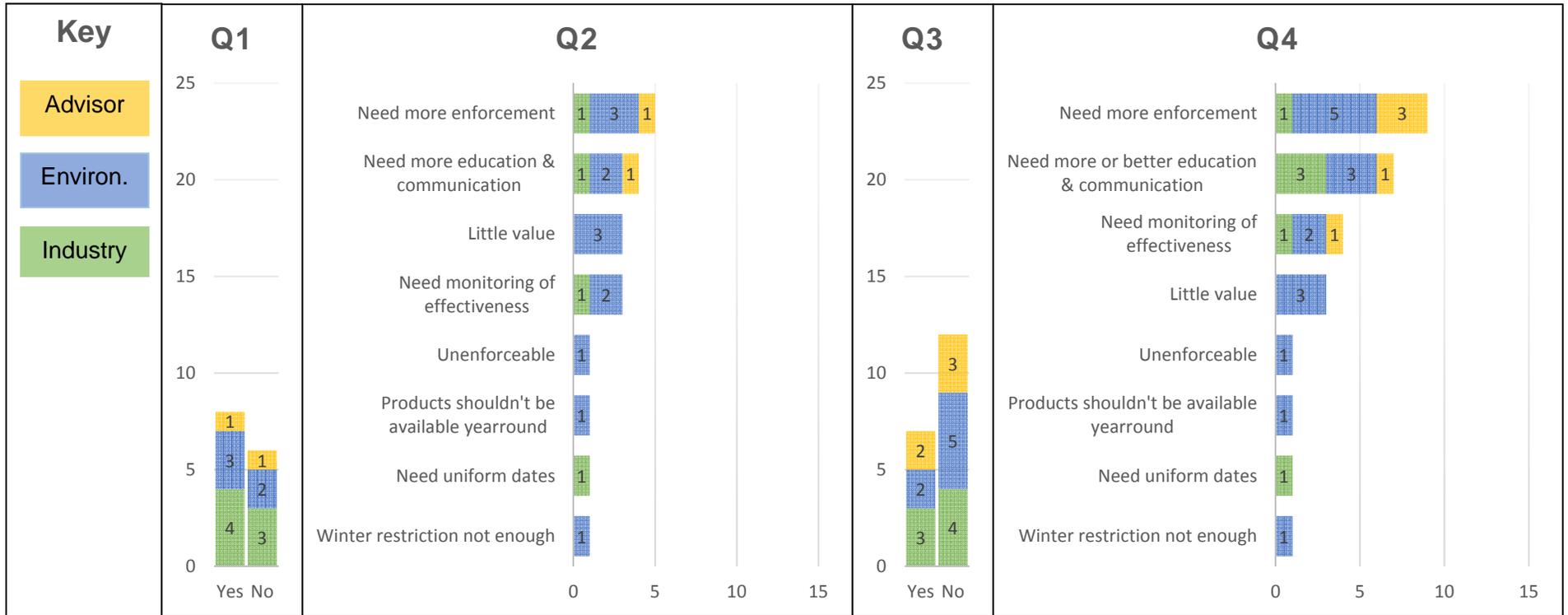
Affiliation	Q1 (Do you believe the regulations have been effective in Nassau County?)	Q2 (If no, why are the Nassau County fertilizer regulations ineffective?)	Q3 (Do you believe the regulations have been effective in Suffolk County?)	Q4 (If no, why are the Suffolk County regulations ineffective?)
Advisor 1			No	There have not been any studies or materials released about the compliance or effectiveness of these regulations.
Advisor 2		(Did not respond, since we work predominantly with Suffolk County)	No	There has been limited enforcement, homeowners are not aware of the law, posting that is supposed to happen in large retailers is not occurring.
Advisor 3	Yes		No	No enforcement means nobody cares. Laws and regulations are only as good as the enforcement behind them.
Advisor 4		N/A. However, please note that several Suffolk County fertilizer regulations are missing from the above tables including: Retail signage requirement, turf management course requirement, ban on fertilizer applications within twenty (20) feet of any regulated surface water, except that this restriction shall not apply where a continuous natural vegetative buffer, at least ten (10) feet wide, separates a turf area and regulated surface water. http://legis.suffolkcountyny.gov/resos2008/i1894-08.htm	Yes	Fertilizers sales in Suffolk County are clearly declining. Please see Suffolk County Nitrogen Fertilizer Reduction Initiative 2013-2014 Annual Report produced by Suffolk County Department of Economic Development & Planning in 2016 (available upon request)
Advisor 5	No	Not totally ineffective, but certainly needs to be increased by enforcement and education.	Yes	Somewhat, but more education and closer enforcement needs to be available
Environ. 1	No	Prohibiting fertilizer use during winter only eliminates a small portion of the problem. Also, there is little or no enforcement.	No	Prohibiting fertilizer use during winter only eliminates a small portion of the problem. Also, there is ZERO enforcement.

Affiliation	Q1 cont'd (Nassau Co. regs effective)	Q2 cont'd (why not)	Q3 cont'd (Suffolk Co. regs effective)	Q4 cont'd (why not)
Environ. 2	No	Along with Suffolk, this was a good first step 10 years ago -- yeah--- please note that the industry opposed both county measures. Answering the question ---It depends on the user--- generally though all of these are unenforceable, and of limited and lesser value if the products themselves are high leaching. I think these window should all be harmonized and narrowed vastly to May and June, and maybe September only--- and if new plantings are being undertaken--- the reason for limited effectiveness presently is products are on sale all year round-- the applications are regulated. It might be more instructive to look at the growing use and sales of N are the real barometer of effectiveness. The education component of the program is nonexistent-- and could never match the power of the industry advertisements, and its sales forces. It's harder to buy Sudephed than it is to pollute groundwater and surface water.	No	Same as above.
Environ. 3	Yes	But probably minimal change.	No	Suffolk or State application timing regs are probably not widely known by homeowners and therefore, not implemented appropriately. There is also no enforcement of the education related requirements that apply to retailers (residential lawn care fertilizer products).
Environ. 4	No	Some success can be attributed to the regulation. I would guess that enough lawn care professionals have complied in the law to cause a reduction in the use of N. A reduction is better than an increase. However, there is still outreach to be done by the regulating agency. There is a large component of ESL individuals working in Nassau that may not be aware of the regulations. We come across several unregistered, uncertified pesticide applicators, both English speaking or ESL, that claim ignorance of the State regulation. The applicators are subject to penalties, but we also offer guidance to come into compliance with pesticide regs. I am unsure of who and if the regulations are being enforced. I have had no feedback from either the regulated or the regulating body. We get phones calls regarding the fertilizer regulations, which we re-direct the questions to CCE or SC Consumer Affairs.	No	Same answer as above. I feel there should be resource sharing between the agencies in regulation efforts. For example many of the same companies apply fertilizer pesticide combination products. If another agency while in the field sees a company violating pesticides laws, I would appreciate the phone call to alert my agency of the violator so I could conduct an inspection. I don't know if DEC ECO's alert the Counties if they see a company applying fertilizer during the restricted months. If there were shared communication between the agencies, I would participate in the exchange of information.

Affiliation	Q1 cont'd (Nassau Co. regs effective)	Q2 cont'd (why not)	Q3 cont'd (Suffolk Co. regs effective)	Q4 cont'd (why not)
Environ. 5	Yes	Provides some useful temporal bounds to fertilizer applications. However, the regulations do not address the overall rate or frequency of applications. As a result, it's of limited value.	Yes	Provides some useful temporal bounds to fertilizer applications. However, the regulations do not address the overall rate or frequency of applications. As a result, it's of limited value.
Environ. 6	No	I have no way to judge. Is there any evidence that the regulations are being followed? How many violations have been enforced?	No	Same answer.
Environ. 7	Yes		Yes	Laws have made an impact, but are difficult to enforce.
Environ. 8		don't know		
Industry 1	Yes		No	I think the regulations have been helpful in making people aware of the need to fertile properly. Both NYS and Suffolk County law require signage at the point of sale for retailers. These multiple messages can be overwhelming to consumers and can cause confusion on how and if people should be maintaining healthy plants.
Industry 2	Yes		Yes	
Industry 3	No	The County has been extremely lax in enforcement, communication and educational outreach.	No	Although Suffolk County has been consistent and aggressive with educational outreach to the professional, the County has been lax in educational outreach to; home owners, Big Box stores, Hardware stores (heck, Stop and Shop sells fertilizer out of season). Anecdotaly, I believe awareness and compliance amongst HO is very week.
Industry 4	Yes		Yes	
Industry 5			No	We do not believe home owners or retailers of fertilizer are aware of these regulations.
Industry 6	Yes	Golf courses throughout Long Island have made a concerted effort restricting fertilizer use in the months it is not allowed to be applied. We have promoted and emphasized this at association meetings.	Yes	See above

Affiliation	Q1 cont'd (Nassau Co. regs effective)	Q2 cont'd (why not)	Q3 cont'd (Suffolk Co. regs effective)	Q4 cont'd (why not)
Industry 7	No	Idea or reason for is OK, effective date is not. We should have one, uniform law regulated by the state starting Dec. 1st through April 1st.	No	Idea or reason for is OK, effective date is not. We should have one, uniform law regulated by the state starting Dec. 1st through April 1st.

Questions 1-4: Analysis



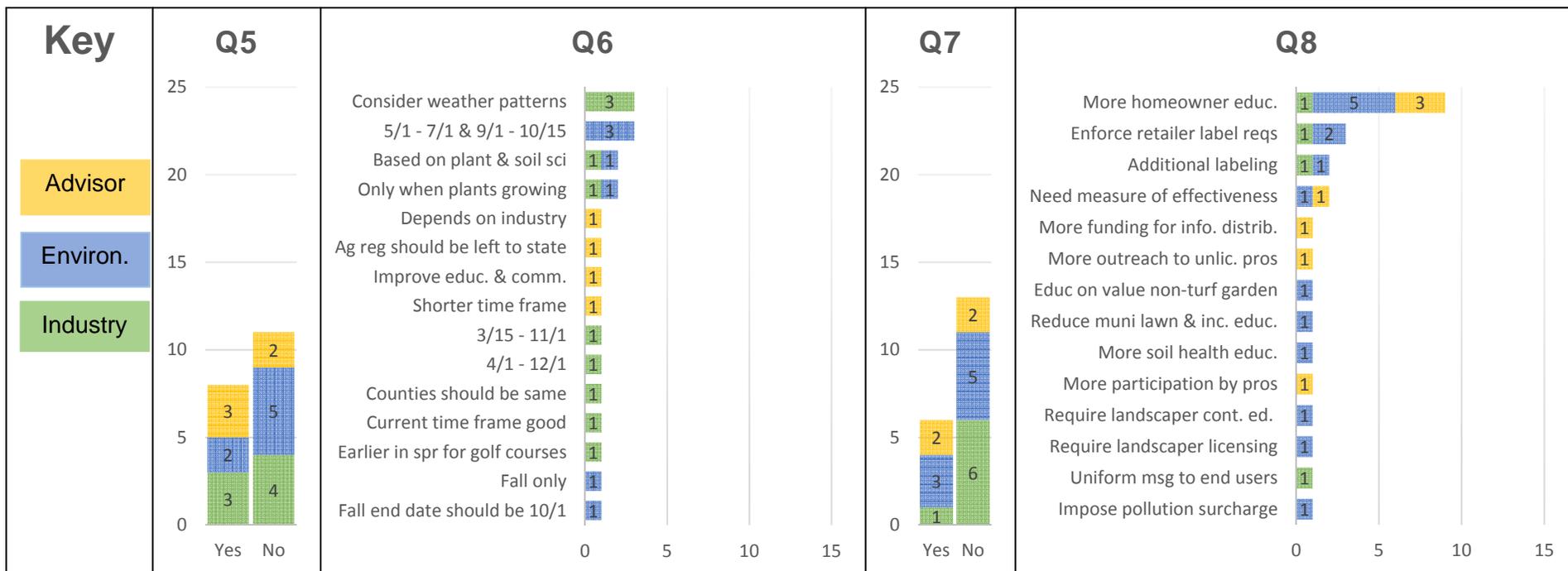
Questions 5-8: Timing and education

Affiliation	Q5 (Do you believe the timeframe for restricting fertilizer application is appropriate?)	Q6 (If no, what is an appropriate timeframe to restrict fertilizer application?)	Q7 (Do you believe the educational component of the regulations has been effective?)	Q8 (If no, what suggestions do you have for improving the educational component of the existing regulations?)
Advisor 1	No	This is extremely dependent on the industry. For agriculture there are no county level regulations and these regulations should continue to be left to the state and federal government. For homeowners there needs to be some level of guidance regarding appropriate fertilizing time to maintain a healthy lawn, which has environmental benefits. These restrictions for homeowners should not undermine the healthiness of lawns.	No	There have not been any studies or materials released about the compliance or effectiveness of these regulations.
Advisor 2	Yes		No	There has been limited enforcement, homeowners are not aware of the law, posting that is supposed to happen in large retailers is not occurring.
Advisor 3	Yes		No	No enforcement means nobody cares. Laws and regulations are only as good as the enforcement behind them.
Advisor 4	Yes		Yes	Fertilizers sales in Suffolk County are clearly declining. Please see Suffolk County Nitrogen Fertilizer Reduction Initiative 2013-2014 Annual Report produced by Suffolk County Department of Economic Development & Planning in 2016 (available upon request)
Advisor 5	No	I feel there should be less available time for the introduction of the fertilizers into the soil.	Yes	Somewhat, but more education and closer enforcement needs to be available
Environ. 1	No	It should be longer and include mid-summer. Fertilizer should only be allowed when grass is growing well, e.g. May 1-July 1 and September 1-October 15.	No	Prohibiting fertilizer use during winter only eliminates a small portion of the problem. Also, there is ZERO enforcement.
Environ. 2	No	May June--- Sept 1 to Oct 15--- that's it-- and when establishing new plantings -- for all ornamental purposes-- this may be too permissive.	No	Same as above.
Environ. 3	No	What is the rationale for the current timing? New Eng end date is Oct 1. Fall restriction should be earlier to avoid any potential frost and loss of microbial activity. Also should evaluate fall application only.	No	Suffolk or State application timing regs are probably not widely known by homeowners and therefore, not implemented appropriately. There is also no enforcement of the education related requirements that apply to retailers (residential lawn care fertilizer products).

Affiliation	Q5 cont'd (timeframe appropriate)	Q6 cont'd (what timeframe appropriate)	Q7 cont'd (education effective)	Q8 cont'd (improving educational component)
Environ. 4	No	Not sure what the science points to, and how much fertilization was actually being conducted in the winter months. Long Island has a long growing season. But feel the emphasis should be directed at Best Management Practices. Soil testing, site location, plant selection, alternative grasses or turf, soil temperature, soil type, better lawn maintenance practices, should be primary considerations in fertilization programs.	No	Same answer as above. I feel there should be resource sharing between the agencies in regulation efforts. For example many of the same companies apply fertilizer pesticide combination products. If another agency while in the field sees a company violating pesticides laws, I would appreciate the phone call to alert my agency of the violator so I could conduct an inspection. I don't know if DEC ECO's alert the Counties if they see a company applying fertilizer during the restricted months. If there were shared communication between the agencies, I would participate in the exchange of information.
Environ. 5	Yes		Yes	Provides some useful temporal bounds to fertilizer applications. However, the regulations do not address the overall rate or frequency of applications. As a result, it's of limited value.
Environ. 6	Yes		No	Same answer.
Environ. 7	No	Applications in summer for non-essential uses (i.e. residential/commercial landscapes) should be limited/eliminated (i.e. when grass is dormant).	Yes	Laws have made an impact, but are difficult to enforce.
Environ. 8				
Industry 1	Yes	Plants should be fed when they are growing. Weather patterns shift and limiting the time frame to fertilize even more could reduce land managers ability to maintain healthy plants.	No	I think the regs have been helpful in making people aware of the need to fertile properly. Both NYS and Suffolk Co law require signage at point of sale for retailers. These multiple messages can be overwhelming to consumers & can cause confusion on how and if people should be maintaining healthy plants
Industry 2	No	November 1 through March 15	Yes	
Industry 3	No	Yes, I believe Suffolk and Nassau's timeframes are appropriate although it would be best if they were the same. But changing weather patterns may necessitate changes in the future.	No	Although Suffolk Co has been consistent and aggressive with educational outreach to the professional, the County has been lax in educational outreach to; home owners, Big Box stores, hardware stores (heck, Stop and Shop sells fertilizer out of season). Anecdotally, I believe awareness and compliance amongst HO is very weak.
Industry 4	Yes		Yes	
Industry 5	Yes		No	We do not believe home owners or retailers of fertilizer are aware of these regulations.

Affiliation	Q5 cont'd (timeframe appropriate)	Q6 cont'd (what timeframe appropriate)	Q7 cont'd (education effective)	Q8 cont'd (improving educational component)
Industry 6	No	The Nov 15 time frame is acceptable on golf courses. However, the restriction on golf courses until Apr 1 often times is challenging if there is a mild March. Golfers immediately want to play golf when the ground thaws and without some nutrient load as play begins, turf can become easily stressed and set back early in the season creating a whole host of other challenges. Soil temperature monitoring would be a better guideline in the spring.	Yes	See above
Industry 7	No	Generally in favor of time frame based on weather conditions, not calendar driven. For example, we do not think fertilizer should be applied to frozen ground, but just because it's Nov 1st, doesn't mean the ground is frozen. Guidelines should not be so rigid and allow for the use of the 4R's and Best Management Practices. If calendar driven for this region, Dec 1st through Apr 1st.	No	Idea or reason for is OK, effective date is not. We should have one, uniform law regulated by the state starting Dec. 1st through April 1st.

Questions 5–8: Analysis



Questions 9-13: Restrictiveness and incentives

Affiliation	Q9 (Do you believe the regulations are too restrictive?)	Q10 (If yes, why are the regulations too restrictive?)	Q11 (Do you believe the regulations need to be more restrictive?)	Q12 (If no, how can the current regulations be made more restrictive?)	Q13 (Is there a role for incentives to reduce fertilizer use?)
Advisor 1		I cannot answer this yes/no question because the restrictions vary by industries and level of government.		I cannot answer this yes/no question because the restrictions vary by industries and level of government.	Yes
Advisor 2	No		No		Yes
Advisor 3	No		Yes	Higher Fines - \$250 is less than a parking ticket in some municipalities	Yes
Advisor 4	No		Yes	We do not believe regulations are too restrictive. An additional CRN (or water non-soluble) mandate would be a preferable regulatory solution.	Yes
Advisor 5	No		Yes	Check the above questions!	Yes
Environ. 1	No	They restrict almost nothing and are never enforced!	Yes	FYI this ? should probably say "IF YES" The laws should limit the lbs of N that can be applied in addition to the time of year and the time of year should be shortened to only when turf is growing vigorously (spring and early fall). Regulations should also more severely restrict application near the water's edge and require buffers for all turf.	Yes
Environ. 2	No		Yes	Formulation mix, slow and quick release--- coupled with max N rate per 1000 square feet should be as little as possible maybe .5lb rather than 1 lb --- with application windows and watering restrictions all needed to be better aligned and managed. the pollution surcharge should correspond higher or lower to the most problematic polluting products	Yes

Affiliation	Q9 cont'd (too restrictive)	Q10 cont'd (if yes, why)	Q11 cont'd (more restrictive)	Q12 cont'd (if no, how)	Q13 cont'd (incentives)
Environ. 3	No		Yes	Consider regulations that address formulations and package size as easiest way to reduce loadings. Smaller packages may reduce the syndrome of just spreading the whole big bag because homeowners don't want to store it. Fall restriction should be earlier to avoid any potential frost and loss of microbial activity. Also should evaluate fall application only.	Yes
Environ. 4	No		Yes		Yes
Environ. 5	No		No	The regulations provide a good backstop. Social marketing is needed to change behaviors.	Yes
Environ. 6	No		No		Yes
Environ. 7	No		Yes	Nitrogen should be limited to in or around 1lb/1,000 sq ft. properties where the use of fertilizer is non-essential. Summer applications should be limited, and water-soluble nitrogen should be eliminated/limited.	Yes
Environ. 8	No				Yes
Industry 1	Yes	The mandatory education requirements at the point of sale are too restrictive and present logistical challenges. Many of the messages are already incorporated into product formulations and product instructions. More effective communication tools are available today.	No		No
Industry 2	Yes	Guidelines should be applied equally across Long Island. Right now you have three different laws covering one island.	No	Limit the sale of fertilizer rather than application of fertilizer at the consumer level to the time frame of the law with an additional week on either side. This is to facilitate starting applications on April 1 and also any returns after Nov. 1/Nov.15/Dec 1	Yes
Industry 3	No		No		Yes

Affiliation	Q9 cont'd (too restrictive)	Q10 cont'd (if yes, why)	Q11 cont'd (more restrictive)	Q12 cont'd (if no, how)	Q13 cont'd (incentives)
Industry 4	Yes	they should all follow state regulations with the Dec. 1 time limit	No		No
Industry 5	No		No		Yes
Industry 6	No		No		Yes
Industry 7	Yes	See answer to number 6 – restrictions are not based on science. Application restrictions are based on a calendar that can vary greatly year to year.	No	We believe the question is worded incorrectly. We do not think regulations should be more restrictive.	No

Questions 9-13: Analysis

