



House Office Building, 9 South
Lansing, Michigan 48909
Phone: 517/373-6466

ADD NON-NITROGEN FERTILIZERS TO GROUNDWATER PROTECTION PROGRAM, EXTEND SUNSET

House Bill 5163

Sponsor: Rep. Mike Pumford

**Committee: Agriculture and Resource
Management**

Complete to 5-10-00

A SUMMARY OF HOUSE BILL 5163 AS INTRODUCED 12-7-99

Currently, Part 87 (Groundwater and Freshwater Protection) of the Natural Resources and Environmental Protection Act (NREPA) requires the director of the Department of Agriculture to develop “groundwater stewardship practices” (defined in the act to mean “any of a set of voluntary practices adopted by the commission of agriculture [under the act] and designed to protect groundwater from contamination by pesticides and fertilizers”) for approval by “the commissioner of agriculture” (now the Commission of Agriculture), and upon their approval, promote the implementation of these groundwater stewardship practices. The bill would amend the act to apply this part of the act to all fertilizers, not just nitrogen fertilizers, and to extend the current November 22, 2000 sunset on groundwater protection fees to December 31, 2010. The proposed changes are described in more detail below.

Voluntary on-site evaluation system. Among other things, the director of the MDA is required to develop “a voluntary on-site evaluation system for pesticide or nitrogen fertilizer use” designed to do all of the following:

- provide persons with the ability both to voluntarily determine the relative groundwater impact potential posed by their use of pesticides and nitrogen fertilizers and to determine the degree to which operations are in accord with groundwater stewardship practices and applicable groundwater protection rules;
- prioritize operational changes at the site level intended to protect groundwater; and
- guide persons to appropriate technical and educational materials.

The bill would delete the reference to “nitrogen,” so that the required voluntary on-site evaluation system would be for “pesticide or fertilizer use,” and the evaluation system would help people determine the relative groundwater impact potential posed by their use of “pesticides and fertilizers.”

House Bill 5163 (5-10-00)

Groundwater protection fees. Part 87 of the NREPA also requires, until November 22, 2000, that in addition to the pesticide registration fees required under the pesticide control part of the act (Part 83) or the fertilizer registration fees required under the fertilizer part (Part 85) of the act, persons who have registered pesticides or fertilizers also pay an annual “groundwater protection fee.”

The annual fee for “specialty pesticide groundwater protection” is \$100; the annual fee for all other pesticides is .75 percent of the wholesale value of the previous registration year’s product sales for use in Michigan, with a minimum fee of \$150. There are late fees of \$100 for each pesticide if the pesticide registration is a renewal registration and the minimum groundwater protection fee is received by the Department of Agriculture after June 30.

Persons required to pay a specialty fertilizer or soil conditioner registration fee also must pay an additional \$100 groundwater protection fee for each brand and product name of each grade registered. All other fertilizer manufacturers or distributors licensed under Part 85 of the act must pay an additional groundwater protection fee of 1.5 cents for each percent of nitrogen in the fertilizer for each ton of fertilizer sold.

This section of the act is scheduled to sunset on November 22, 2000. The bill would extend the sunset to December 31, 2010.

MCL 324.8707 et al.

Analyst: S. Ekstrom

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.