



## 2019-20 New York State YMCA

### Youth And Government

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FOR HEALTHY LIVING  
FOR SOCIAL RESPONSIBILITY

Committee Assignment: Assembly Freedom 3

Bill #:AF-20

**Sponsors:** Maria Bideiwy, Bianca Koether, Julia Mourikis, and Eduarda Costa

#### **An Act To:**

Amend §146-G of the Agriculture and Markets Law to tax phosphorus fertilizers and use the revenue to fund state composting programs

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

#### **Purpose:**

The purpose of this bill is to tax producers of fertilizers with phosphorus 15% and use the funds for state composting programs.

#### **Summary of Provisions:**

Section 1:

Producers: A producer is someone who creates goods or services, in the case, creates fertilizers

Retailer: a person or business that sells goods to the public in relatively small quantities for use or consumption rather than for resale.

Consumer: a person who purchases goods and services for personal use.

State: territory considered as an organized political community under one government, in this case, the New York State Government.

Fertilizer: a chemical or natural substance added to soil or land to increase its fertility, but also has many negatives regarding the effects of its use.

Lawn or non-agricultural turf: means any non-crop land area that is covered by any grass species. Lawn or non-agricultural turf does not mean flower or vegetable gardens, pasture, hayland, trees, shrubs, turf grown on turf farms, or any form of agricultural product

Phosphorus Fertilizer: mineral and organic substances that contain phosphorus and that are used for improving the nutrition of plants. Phosphorus fertilizers are the only means for replenishing phosphorus in soil.

Runoff: the draining away of water (or substances carried in it, like phosphorus) from the surface of an area of land, a building or structure, etc.

Composting: A mixture of decayed or decaying organic matter used to fertilize soil. Compost is usually made by gathering plant material, such as leaves, grass clippings, and vegetable peels, into a pile or bin and letting it decompose as a result of the action of aerobic bacteria, fungi, and other organisms.

Commercial Fertilizer: a substance containing one or more recognized plant nutrients and that is used for its plant nutrient content or that is designated for use or claimed to have value in promoting plant growth

Section 2:

§146-G. Retail Sale

~~Any retailer who sells or offers for sale to~~ producer who creates for retailers and consumers specialty fertilizer in which the available phosphate (P205) content is greater than 0.67 percent, shall:

(a) display such phosphorus-containing specialty fertilizer separately from non-



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43 phosphorus specialty fertilizer; and

44 (b) post in the location where phosphorus-containing specialty fertilizer is  
45 displayed a clearly visible sign which is at least eight and one-half inches by eleven  
46 inches in size and states that:

47 "Phosphorus runoff poses a threat to water quality. Therefore, under New York  
48 law, phosphorus-containing fertilizer may only be applied to lawn or non-  
49 agricultural turf when:

50 (1) A soil test indicates that additional phosphorus is needed for growth of that  
51 lawn or non-agricultural turf; or

52 (2) The fertilizer is used for newly established lawn or non-agricultural turf during  
53 the first growing season."

54 (c) be taxed in the amount of 15%. The revenue collected from the tax will be  
55 directed to state composting programs.

56 **Justification:** Phosphorus fertilizers should be regulated due to the many negative  
57 impacts they have on our environment, our people, and our lives. Most  
58 polyphosphate fertilizers will have 40 to 60 percent of the phosphorus remaining in  
59 the orthophosphate form. This means that about 40 to 60 percent of the waste will  
60 be included in the runoff, which carries phosphorus from the land to streams and  
61 lakes. Phosphorus in runoff can pollute surface waters and cause excessive algal  
62 and plant growth. When algal blooms exhaust the supply of phosphorus, they die  
63 and start to decompose. During decomposition, dissolved oxygen is removed from  
64 the water by micro-organisms that break down the organic material. Algal blooms  
65 can have negative effects on aquatic ecosystems as well as harm human and  
66 livestock health. Blue-green algae contain toxins that can affect the liver and  
67 nervous system. Livestock and wildlife have died from consuming water containing  
68 toxins from blue-green algae. Algae blooms can plug water pumps and impair water  
69 delivery as well as produce algal scums that smell and look bad.

70 **Fiscal Implications:** A tax of 15% would be placed on all phosphorus fertilizers at  
71 the producing level, which would mean that creators of phosphorus, corporations,  
72 would be taxed. The average bag of phosphorus fertilizer costs about \$15, raising  
73 the price to create it by \$2.25, and thus raising the price at the consumer level by  
74 5%. The money would be collected at both the producing and consuming levels,  
75 and invested in state composting programs.

76 **Environmental Implications:** Our water supplies will increase in quality, due to  
77 the lack of chemical contamination from fertilizers in our agricultural systems. The  
78 money collected will allow for composting programs, which have been proven to  
79 enrich soil and provide for livestock in a sustainable manner. Food waste will now  
80 be saved for composting programs, providing for a more sustainable use of waste.

81 **Effective Date:** This bill will go into effect on January 1st, 2021

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