HOUSE DOCKET, NO. 1534 FILED ON: 1/18/2023

HOUSE . . . . . No. 874

The Commonwealth of Massachusetts

PRESENTED BY:

Sarah K. Peake

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act regulating the application of fertilizer used in the town of Orleans.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Sarah K. Peake	*4th Barnstable*	*1/18/2023*
Julian Cyr	*Cape and Islands*	*6/21/2023*

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HOUSE . . . . . No. 874

By Representative Peake of Provincetown, a petition (accompanied by bill, House, No. 874) of Sarah K. Peake (by vote of the town) relative to regulating the application of fertilizer used in the town of Orleans. Environment and Natural Resources. [Local Approval Received.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act regulating the application of fertilizer used in the town of Orleans.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. There is sound scientific evidence to conclude that nitrogen and phosphorus in fertilizers are contaminants that negatively affect fresh and salt waters when present in excessive amounts. These excessive amounts of nitrogen and phosphorus contribute to undesirable algae and aquatic plant growth within all Orleans water bodies. This undesirable algae and aquatic plant growth has an adverse effect on public health through the degradation of waters used for drinking water, shell fishing, and recreational swimming and boating.

SECTION 2. It is necessary to prohibit the application of fertilizer that contains phosphorus and nitrogen so as to improve the water quality of the Town of Orleans. The soils of Orleans are unique insofar as Orleans has significant amounts of coarse, sandy soils that are subject to rapid water infiltration, percolation and leaching of nutrients, and such unique local conditions require that Orleans prohibit the application of nitrogen and phosphorus added to soils through the application of fertilizers. This act should help Orleans to achieve compliance with

the Total Maximum Daily Loads (TMDL) prescribed by the Commonwealth of Massachusetts for nitrogen and phosphorus in its waters.

SECTION 3. Notwithstanding any general or special law to the contrary, including but not limited to any general or special law conferring exclusive authority upon the Department of Agriculture to regulate and control the application of fertilizers elsewhere in the Commonwealth, the application of fertilizer containing nitrogen or phosphorus, or any other pollutants in the town of Orleans is prohibited, except for the purposes of commercial agricultural and the residential use of certified organic fertilizer with low nitrogen and phosphorus for the use in growing fruits and vegetables that is allowable under the USDA National Organic Program organic standards (OMRI listed).

SECTION 4. This act shall take effect upon passage.