

SENATE No. 468

The Commonwealth of Massachusetts

PRESENTED BY:

Julian Cyr

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 prohibiting the application of fertilizer used in the town of Nantucket except for farming purposes.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Julian Cyr

Cape and Islands

Dylan A. Fernandes

Barnstable, Dukes and Nantucket

SENATE No. 468

By Mr. Cyr, a petition (accompanied by bill, Senate, No. 468) of Julian Cyr and Dylan A. Fernandes (by vote of the town) for legislation to prohibit the application of fertilizer used in the town of Nantucket except for farming purposes. Environment and Natural Resources. [Local approval received]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 3101 OF 2021-2022.]

The Commonwealth of Massachusetts

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

An Act prohibiting the application of fertilizer used in the town of Nantucket except for farming purposes.

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

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

7 SECTION 2. It is necessary to prohibit the application of fertilizer that contains nitrogen
8 and phosphorus so as to improve the water quality of the Town of Nantucket. The soils of
9 Nantucket are unique insofar as Nantucket has significant amounts of coarse, sandy soils that are

10 subject to rapid water infiltration, percolation and leaching of nutrients, and such unique local
11 conditions require that Nantucket prohibit the application of nitrogen and phosphorus added to
12 soils through the application of fertilizers. This Act should help Nantucket to achieve compliance
13 with the Total Maximum Daily Loads (TMDL) prescribed by the Commonwealth of
14 Massachusetts for nitrogen and phosphorus in its waters.

15 SECTION 3. Notwithstanding any general or special law to the contrary, including but
16 not limited to any general or special law conferring exclusive authority upon the Department of
17 Agriculture to regulate and control the application of fertilizers elsewhere in the Commonwealth,
18 the application of fertilizer containing nitrogen or phosphorus, or any other pollutants in the
19 Town of Nantucket, is hereby prohibited.

20 SECTION 4. This act shall take effect upon passage.