SENATE DOCKET, NO. 2466 FILED ON: 2/8/2023

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*

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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:

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 Nantucket 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 nitrogen and phosphorus so as to improve the water quality of the Town of Nantucket. The soils of Nantucket are unique insofar as Nantucket 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 Nantucket prohibit the application of nitrogen and phosphorus added to soils through the application of fertilizers. This Act should help Nantucket 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 Nantucket, is hereby prohibited.

SECTION 4. This act shall take effect upon passage.