

**SENATE . . . . . No. 2046**

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The Commonwealth of Massachusetts

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**In the Year Two Thousand Eleven**  
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An Act relative to the powers of the Department of Agricultural Resources.

*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. Section 2 of Chapter 128 of the General Laws, as appearing in the 2006  
2 Official Edition, is hereby amended by adding, after subsection (j), the following new  
3 subsection:-

4           (k) maintain exclusive authority to regulate and enforce the registration and application of  
5 plant nutrients put on or in soil to improve the quality or quantity of plant growth, including but  
6 not limited to fertilizer, manure, and micronutrients in the Commonwealth; provided however,  
7 that 1) Any rule, regulation, ordinance or bylaw relative to nutrient management and fertilizer  
8 guidelines of a city or town in existence prior to July 1, 2011 shall remain enforceable by that  
9 city or town; 2) Any rule, regulation, ordinance or bylaw relative to nutrient management and  
10 fertilizer guidelines specific to sewerage sludge, of a city or town in existence within six months  
11 of the effective date of this act, shall remain enforceable by that city or town; and 3) the  
12 department shall work in conjunction with the University of Massachusetts Amherst Extension to  
13 ensure any such regulations of the department are consistent with the program’s published  
14 information, educational materials and other public outreach programs relative to nutrient

15 management and fertilizer guidelines; provided further, that subject to appropriation, the  
16 Department may establish regulations pursuant to this paragraph which shall be developed in  
17 consultation with the University of Massachusetts Amherst Extension.