



To: Manufacturers and distributors of fertilizers and soil or plant additive products

A company must be licensed to manufacture or distribute fertilizers and related soil or plant additives products in Wisconsin. Permits may also be required for the products that a company manufactures or distributes. Fertilizer and soil or plant additive license and permit information is provided in this document. The application forms for licensing your company and those needed to receive a permit to distribute products are available on our website <https://datcp.wi.gov>.

Review the requirements in the state law and rule, as you are responsible for having the correct license, permits, and labeling for fertilizers and related products. The pertinent laws and rules for fertilizer and soil or plant additives products are:

Wis. Stat. § 94.64 <http://docs.legis.wisconsin.gov/statutes/statutes/94/64>

Wis. Stat. § 94.65 <http://docs.legis.wisconsin.gov/statutes/statutes/94/65>

Wis. Admin. Code § ATCP 40 http://docs.legis.wisconsin.gov/code/admin_code/atcp/020/40

Fertilizer License and Permits

If the product contains plant nutrients, as defined in Wis. Stat. § 94.64 (1)(p), the product is a fertilizer (Wis. Stat. § 94.64 (1)(e)). The company needs a license to manufacture or distribute fertilizer, and a separate license is required for each business location and mobile unit at which fertilizer is manufactured.

Complete the new fertilizer license application for the legal entity that will be manufacturing or distributing the fertilizer.

Labels for all products that the company plans to manufacture and distribute into Wisconsin shall be submitted to the department. Fertilizer labels must be in compliance with Wis. Admin. Code § ATCP 40.08 and 40.10.

Permits are required for all fertilizer products that have a combined guarantee of primary plant nutrients that is less than 24% N P K (N+P+K < 24%). Permits are not required for fertilizer products that are equal to or greater than 24% N+P+K, nor are permits required for products derived from one defined ingredient.

- Nonagricultural fertilizers are for **nonfarm** use, including home gardens, lawns, shrubbery, flowers, golf courses, parks, cemeteries, greenhouses, nurseries, etc. (Wis. Stat. § 94.64(1)(Lm))
- Special agricultural-use fertilizers are those that are designed to remedy nutrient deficiencies unique to certain agricultural crops or areas, generally secondary and/or micronutrients. (Wis. Stat. § 94.64(1)(q))

Fertilizer license (expires September 30): \$30.00

Tonnage (reporting July 1-June 30): \$0.62/ton

Fertilizer permit: \$25.00 per product

Label compliant with Wis. Admin. Code § ATCP 42.08 and 42.10

Soil or Plant Additive License and Permits

A soil or plant additive is any substance intended to be applied to seeds, soil, or plants, and designed for use or claimed to have value in promoting or sustaining plant growth; improving crop yield or quality; promoting or sustaining the fertility of the soil; or favorably modifying the soil's structural, physical, or biological properties. Please see Wis. Admin. Code § ATCP 40.02 (41) for a list of exemptions.

Each soil or plant additive product is required to have a permit for sale or distribution in the state. The product permit application requests the method of analysis for each active ingredient. The soil or plant additive product label must be in compliance with Wis. Admin. Code § ATCP 40.24 and 40.26.

Soil or plant additive license (expire September 30): \$25.00

Tonnage (reporting July 1-June 30): \$0.45/ton

Soil or plant additive permit: \$100.00 per product

Label compliant with Wis. Admin. Code § 42.24 and 42.26

General Information

License:

- Is valid until September 30.
- Is not transferable between persons (companies or individuals) or locations. If your company has any changes in company name, location, or ownership for any reason in the next year, you must contact the department.
- You must renew your license annually.

Permits: Remain active for the life of the company and product unless the ownership of the company, the product's active ingredient contents, or recommended amount or frequency of application changes.

Tonnage fees: A tonnage fee is collected annually on soil or plant additives distributed. It is important you keep appropriate distribution records. Fertilizer-additive combination tonnage must be reported on **both** the fertilizer tonnage report and the soil or plant additive tonnage report. Tonnage reports are confidential.

Organic crop production exemption: An application for this type of exemption can be submitted for a fertilizer and/or soil or plant additive labeled solely for organic crop production, and must meet **all** qualifications listed in Wis. Admin Code § ATCP 40.12 (2)(d)(1-5).

Note: Products which have soil or plant additive ingredients or claims, and plant nutrient ingredients or claims, are defined as "fertilizer-additive combination products" under Wis. Admin. Code § ATCP 40.02(3)(a) and are subject to both the fertilizer and soil or plant additive license, permit, labeling, and tonnage requirements.

Contact

Call (608) 224-4537 or (608) 224-4541

Email: datcpfert@wisconsin.gov

Website: <http://datcp.wi.gov>



Wisconsin Dept. of Agriculture, Trade and Consumer Protection
 Division of Agricultural Resource Management
 Bureau of Agrichemical Management
 Phone: (608) 224-4541
 Email: DATCPFERT@wisconsin.gov

OFFICE USE ONLY

Permit No.

Amt Received \$

25900 700SE 1150073000 4600000 70100

Application for Permit to Distribute Nonagricultural or Special-Use Fertilizer

(Section 94.64(3m), Wis. Stats., and section ATCP 40.12, Wis. Admin. Code)

LEGAL BUSINESS NAME (APPLICANT)		BRAND NAME (IF DIFFERENT THAN LEGAL BUSINESS NAME)		
STREET ADDRESS		PO BOX	CITY	STATE ZIP
WI Fertilizer License No.	30-	TELEPHONE ()	FAX ()	
To receive permit electronically enter email here:				
Website Address:				

This application is for the following product:

(For additional products, copy this form and complete for each **mixed fertilizer** containing **less than a total of 24% N + P + K.**)

Product Name :	Grade:	Fertilizer Product Type: (Circle one)	Special Agricultural Use
NAME OF MANUFACTURER (if other than labeler)		Nonagricultural	
STREET ADDRESS		PO BOX	CITY STATE ZIP

Is this product a pesticide/fertilizer combination product? Yes No If yes, is this product registered as a pesticide in Wisconsin? Yes No

Is this product derived from waste or by-products? Yes No

What is required to complete this application for each mixed fertilizer containing less than a total of 24% N + P + K:

- A complete and legible copy of your product label in its final form that complies with all applicable provisions of Wisconsin's Fertilizer laws and rules (Section 94.64, Wis. Stats., and Chapter ATCP 40, Wis. Adm. Code). **Permits are issued in the order in which the complete, legible and compliant labels are received, not the application form.**
- Copies of any printed advertising or informational materials used in connection with the sale of this product. If any non-print communication media are used that make additional performance claims, including testimonials, a printed copy of that material must also be submitted with this application.
- The **nonrefundable \$25 permit fee for each product**, paid by check or money order in United States dollars to the Department of Agriculture, Trade and Consumer Protection.
- A valid and current Wisconsin Fertilizer License, or enclosure of a Wisconsin Fertilizer License application and the appropriate license fee.
- This completed application (**one for each mixed fertilizer containing less than a total of 24% N + P + K**), including the certification below signed by an authorized representative of the applicant.
- Possession of scientific evidence that supports all product performance statements or claims, including statements in testimonials. (Submission of this information is not requested as part of this application, but may be required at any future point by the Department).

Applicant hereby certifies the following:

- When applied for its labeled purposes and according to its label directions, this fertilizer provides available nutrients in amounts that are efficacious and useful under Wisconsin conditions. Except as otherwise specifically disclosed on the product label, use according to label directions provides annual nutrient amounts that equal or exceed annual plant nutrient needs.
- The statements on this fertilizer label and in related advertising and promotional materials, are truthful. The applicant has relevant and reliable information to substantiate all product labeling, including any claim or guarantee related to product contents. The applicant has relevant scientific evidence to substantiate all label statements and all express and implied performance claims.
- This fertilizer product and its labeling comply with ch. ATCP 40, Wis. Adm. Code.

SIGNATURE OF AUTHORIZED REPRESENTATIVE: (REQUIRED)	DATE
NAME (print)	TITLE
E-MAIL ADDRESS	PHONE NUMBER

A nonrefundable fee of \$25.00 is required for each product name and formulation.

Make \$25 check payable to: Wisconsin Department of Agriculture, Trade and Consumer Protection (WDATCP)

Mail form, labeling material and check to: State of Wisconsin, DATCP, Box 93193, Milwaukee WI 53293-0193

Personal information you provide may be used for purposes other than that for which it was originally collected (sec. 15.04(1)(m), Wis. Stats.).