To: Manufacturers and Distributors of Fertilizers and Related Products

Dear Applicant:

In order to manufacture or distribute fertilizers and related products, such as soil or plant additives, the company must be licensed to do so in the state of Wisconsin. The products that the company wishes to manufacture or distribute in the state may also require permits. Fertilizer and soil or plant additive license and permit information is provided in this letter. The application forms for licensing your company and those needed to receive a permit to distribute products are enclosed with this letter and available on our website for download. Go to datcp.wi.gov and type “Commercial Fertilizer Dealers” in the search bar.

The pertinent laws and rules for fertilizer and related products are found online at the links below, or you can request that a printed copy be sent. Please 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.

Wisconsin Stat. § 94.64  http://docs.legis.wisconsin.gov/statutes/statutes/94/64
Wisconsin Stat. § 94.65  http://docs.legis.wisconsin.gov/statutes/statutes/94/65
Wisconsin Administrative Code § ATCP 40 http://docs.legis.wisconsin.gov/code/admin_code/atcp/020/40

**Fertilizer License & Permits**

If the product contains plant nutrients, as defined in Wis. Stats. § 94.64 (1) (p), the product is a fertilizer (Wis. Stats. § 94.64 (1) (e)). The company will need to have a license to manufacture or distribute fertilizer, and a separate license is required for each business location /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/ distribute into Wisconsin should be submitted to the department. Ensure that the fertilizer labels are 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 < 24%). Permits are not required for fertilizer products that are equal to or greater than 24% N+P+K as well as products derived from one defined ingredient. Exemptions are listed in Wis. Admin. Code § ATCP 40.12 (2) (a) (b) or (c). When submitting a permit application for each fertilizer product, be sure to indicate the type of permit.

- **Nonagricultural** fertilizers are for **nonfarm** use, including use for home gardens, lawns, shrubbery, flowers, golf courses, parks, cemeteries, greenhouses, nurseries, etc. (Wis. Stats. § 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. Stats. § 94.64(1)(q))
Soil or Plant Additive License & 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 label must be in compliance with Wis. Admin. Code § ATCP 40.24 and 40.26, and should be sent electronically to DATCPFert@wisconsin.gov. If label revisions cannot be made to be compliant with Wisconsin regulations, the company must submit a written label format exemption request.

Please note: Products, which have soil or plant additive ingredients or claims, in addition to 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 fertilizer and soil or plant additive license, permit, labeling and tonnage requirements.

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).

Tonnage Fees - A tonnage fee of $0.62 per ton is collected annually on fertilizers distributed and $0.45 per ton is collected annually on soil or plant additives distributed, so it is important to 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.

A license is valid for up to one year, licenses are 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. Licenses are renewed annually, while 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.

✓ **Fertilizer License** - $30.00 – expires September 30 - $0.62/ton (reporting July 1-June 30)
  ✓ Fertilizer permit - $25.00 fee per product
  ✓ Label compliant with Wis. Admin. Code § ATCP 42.08 and 42.10

✓ **Soil or Plant Additive License** - $25.00 - expires September 30 - $0.45/ton (reporting July 1-June 30)
  ✓ Soil or Plant Additive Permit - $100.00 fee per product
  ✓ Label compliant with Wis. Admin. Code § 42.24 and 42.26

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<tbody>
<tr>
<td>DANIELLE KELLER</td>
<td>(608) 224-4537</td>
</tr>
<tr>
<td>ANDREW DAL SANTO  - Unit Supervisor</td>
<td>(608) 224-4541</td>
</tr>
<tr>
<td>EMAIL ADDRESS</td>
<td><a href="mailto:DATCPFert@wisconsin.gov">DATCPFert@wisconsin.gov</a></td>
</tr>
<tr>
<td>WEB ADDRESS</td>
<td><a href="http://datcp.wisconsin.gov">http://datcp.wisconsin.gov</a></td>
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Application for Permit to Distribute Nonagricultural or Special-Use Fertilizer
(Section 94.64(3m), Wis. Stats., and section ATCP 40.12, Wis. Admin. Code)

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.)

<table>
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<th>Brand Name</th>
<th>Grade</th>
<th>Fertilizer Product Type</th>
<th>Special Agricultural Use</th>
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Is this product derived from waste or by-products?  ☐ Yes  ☐ No

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

NAME (print or type)  TITLE

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 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.).