

**Nitrogen Stabilizer Guidance 12/28/15****Introduction**

Over recent years, the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) has received several inquiries on whether or not a nitrogen stabilizer containing product is subject to the licensure/permitting/registration requirements.

This document will provide guidance on determining if a nitrogen stabilizer product may or may not need to be licensed/permitted/registered with (DATCP).

**Current Requirements**

The Environmental Protection Agency (EPA) has developed guidance in determining when a nitrogen stabilizer product(s) is subject to the requirements set forth within FIFRA, and when these products are excluded from the FIFRA registration requirement (see [Nitrogen Stabilizer Products that Must Be Registered under FIFRA](#)).

**Pesticide Registration**

In the event that DATCP discovers a nitrogen stabilizer product that makes pesticidal claim(s) [per FIFRA, and Wis. Stats. Chapter 94], and the product is not labeled as a registered pesticide product, DATCP (Pesticide Registration Program Manager) will notify the EPA Region 5 Project Officer, and forward all information related to that product to the EPA Region 5 Enforcement Group.

If a non-registered pesticide product is referred to the EPA, the Pesticide Registration Program Manager will provide quarterly updates to the Fertilizer Program Manager, regarding the status of their referral(s). On an annual basis, the Pesticide Registration Program Manager will update the DATCP – EPA Project Officer regarding any product referrals, and offer to provide to the EPA Project Officer any additional copies of all referred materials.

**Fertilizer/Soil and Plant Additives**

Although a nitrogen stabilizer may not be subject to the federal registration requirements (FIFRA), these products may need a Wisconsin fertilizer and/or soil and plant additive permit, and the company may need a fertilizer and/or soil or plant additive license. An example of when a nitrogen stabilizer product would need a license/permit is if these products make claims that are similar to those (claims) made by other fertilizer/soil and plant additive products (e.g., Less than 24 NPK value associated with the product; Improves soil health, etc.).

In the event that DATCP staff receives a fertilizer/soil and plant additive license/permit application for a nitrogen stabilizer product, staff will review the product information to determine if the product needs a fertilizer/soil and plant additive license/permit. Additionally, staff will perform a cursory overview of the label to determine if the product is making any pesticidal claims. In the event that pesticidal claims are suspected, staff will notify the Pesticide Registration Program Manager for further disposition.

If a license/permit is issued for a product that is referred to the EPA for pesticidal claims, and the EPA deems that pesticide registration of that product is required; further action by DATCP will be taken on the fertilizer/soil and plant additive license/permit.