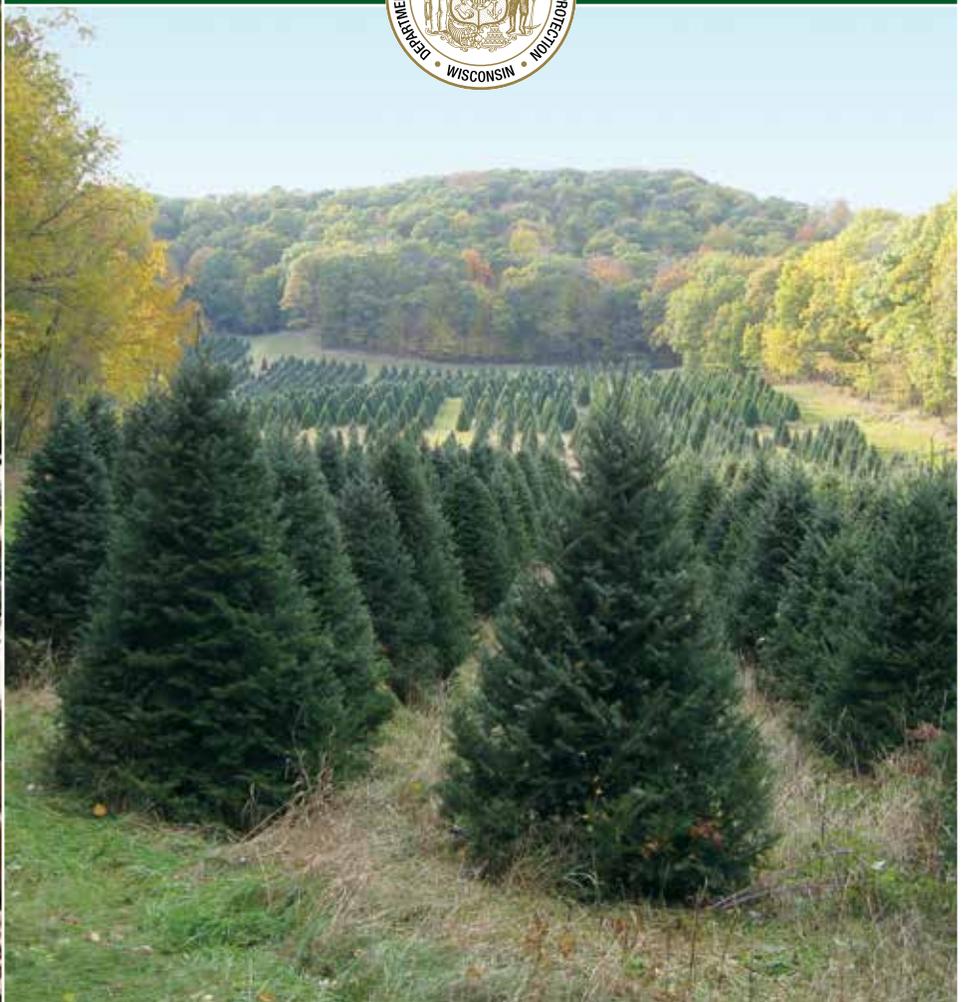




Wisconsin Nursery License

Growing, Buying, and Selling Plants





The History of Nursery Licensing

In 1899, the Wisconsin state legislature created the office of State Orchard and Nursery Inspector. This position was created to monitor for San Jose scale, a major orchard and nursery pest introduced from China to California in 1870.

As early as 1911, the legislature required that all nursery growers and dealers obtain certification to sell nursery stock. All plants had to be inspected and found free of injurious pests and diseases. The certification charge to growers was \$5 for less than one acre, \$10 for more than one acre, and \$5 for dealers. That would be nearly \$100 and \$200 in current dollars!

Why does Wisconsin license?

The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP), is entrusted by the legislature to license nursery growers, dealers and Christmas tree growers under state law (Wis. Stat. § 94.10 and Wis. Admin. Code § ATCP 21). DATCP licenses primarily to manage and monitor pests and diseases, and to ensure that healthy nursery stock is being sold. Having a listing

of all growers and dealers and their sources allows for efficient tracking and interception of harmful pests or diseases.

Who needs a Nursery license?

Anyone selling more than \$250 annually in nursery stock or Christmas trees needs to be licensed. Nursery stock is defined by state law (Wis. Stat. § 94.10) as plants and plant parts that can be reproduced and grown, excluding seeds, sod, cranberry cuttings, annuals, and evergreen trees grown for eventual harvest and sale as Christmas trees. Christmas trees growers are licensed separately under this statute.

What are the benefits of being licensed?

It is a goal of the Nursery Program to be grower-friendly. In addition to surveying for regulated pests, we hope to be a resource for any pest or disease issues you may encounter. After your nursery is licensed, you will receive regular inspections of your nursery stock. This inspection will take place every one to three years. During the inspection, the inspector will look for regulated pests and diseases and provide

a report of general pests and diseases found during the inspection. Inspectors can provide additional information on management of pests and cultural problems, when requested.

For growers who send stock out of Wisconsin or out of a quarantine, we can assist with complying with the regulatory requirements of the receiving state/country. Call us before planning to ship (a year before, if possible) to ensure that all the regulatory issues are attended to.

What does the license fee pay for?

Your annual license fee pays for inspectors and management of the nursery program. These fees, when collected, go into a special fund set aside for these purposes.

How do I get licensed?

Apply online at <https://mydatcp.wi.gov>

For a paper application, email datcpnursery@wisconsin.gov or call (608) 224-4574.

Types of Nursery Licenses



Nursery Dealer

A nursery dealer is a person who buys nursery stock from a wholesaler or distributor and re-sells the nursery stock. The nursery stock is usually sold that year and is not split, propagated, planted in the ground, or changed from the way it was purchased. A nursery dealer could include garden centers, landscape contractors, perennial installers, tree “spaders,” or brokers. Nursery stock sales could include bulbs, trees, fruit trees, rhizomes, shrubs, perennial herbs, perennials, aquatic plants, and native grasses. Only one dealer license is needed to cover all nursery stock sales locations. You do not need a nursery license to grow or sell any amount of annuals, fruits, vegetables, most herbs, or cut flowers.

Nursery Grower

A nursery grower is a person who grows, plants, splits or propagates nursery stock (herbaceous and/or woody perennial stock) which is capable of over-wintering in Wisconsin. This stock can be from seeds, seedlings, or adult plant material. The nursery stock is usually held at the grower’s location for at least a year. A nursery grower is usually someone who has growing fields, but it can also include applicants who grow plants in greenhouses or in containers. You do not need a nursery license to grow or sell any amount of annuals, fruits, vegetables, most herbs, or cut flowers.

Christmas Tree Grower

A Christmas tree grower is a person who grows and maintains evergreen trees for eventual sale as Christmas trees.

How much does a license cost?

License fees are based on gross annual sales for nursery growers and Christmas tree growers. Nursery dealer license fees are based on gross annual purchases of perennial/nursery stock. If your sales do not exceed \$250 per year, a license is not required. You can apply for one of these licenses or any combination of them. Some people find they need all three.

TABLE 1 NURSERY DEALER LICENSE FEES Gross annual PURCHASES of nursery stock for re-sale	
If gross annual sales of Nursery Stock do not exceed \$250, No License is issued.	
PURCHASES	FEE
\$5,000 or less	\$30
\$5,001 to \$20,000	\$50
\$20,001 to \$100,000	\$100
\$100,001 to \$200,000	\$150
\$200,001 to \$500,000	\$200
\$500,001 to \$2,000,000	\$300
\$2,000,001 to \$3,000,000	\$400
>= \$3,000,001	.0005 X Annual Purchases

TABLE 2 NURSERY GROWER LICENSE FEES Gross annual SALES of nursery stock you produced	
If gross annual sales of Nursery Stock do not exceed \$250, No License is issued.	
SALES	FEE
\$251 to \$5,000	\$40
\$5,001 to \$20,000	\$75
\$20,001 to \$100,000	\$125
\$100,001 to \$200,000	\$200
\$200,001 to \$500,000	\$350
\$500,001 to \$2,000,000	\$600
>= \$2,000,001	\$1,200

TABLE 3 CHRISTMAS TREE GROWER LICENSE FEES Gross annual SALES of Christmas trees you produced	
If gross annual Christmas tree sales do not exceed \$250, No License is issued.	
SALES	FEE
\$251 to \$5,000	\$20
\$5,001 to \$20,000	\$55
\$20,001 to \$100,000	\$90
\$100,001 to \$200,000	\$150
\$200,001 to \$500,000	\$250
\$500,001 to \$2,000,000	\$450
>= \$2,000,001	\$900

Certification of Plant Material

Nurseries wanting to send stock out-of-state or out of the country may need to send certification that the stock is free of certain pests or diseases (plant health certificates or phytosanitary certificates). You can get information about these certificates by calling DATCP at (608) 224-4596 or email datcpphyto@wisconsin.gov

You can also review the plant laws and regulations for each state at www.nationalplantboard.org.

Other Licenses or Certification a Nursery May Need

Seed labeler: Any person or business who labels agricultural, turf, vegetable, or native seed offered for sale. For more information call DATCP at (608) 224-4596.

Pesticide dealer: If you sell restricted use pesticides. For more information call DATCP at (608) 224-4548.

Pesticide applicator: If you apply or your operators apply restricted use pesticides. For more information call DATCP at (608) 224-4548.

Resources

Nursery License Information

Department of Agriculture, Trade and Consumer Protection (DATCP) – Nursery and Christmas tree licensing
(608) 224-4574
(608) 235-7861
https://datcp.wi.gov/pages/programs_services/nurseryandchristmastreelicensing.aspx

Tax Information

Wisconsin Department of Revenue - Sellers Permit
(608) 266-2776
<https://revenue.wi.gov>

Horticulture Information

UW-Madison Division of Extension
<https://extension.wisc.edu>

Wisconsin Master Gardeners
<https://wimastergardener.org>

UW-Madison Extension Plant Disease Diagnostics Clinic
(608) 262-2863
<https://pddc.wisc.edu>

UW-Madison Extension Insect Diagnostic Lab
<https://insectlab.russell.wisc.edu>

Pesticide Applicator Training and Certification

University of Wisconsin – Training
(608) 262-7588
<https://fyi.extension.wisc.edu/pat>

DATCP – Certification
(608) 224-4551
<https://datcp.wi.gov/plants/pesticides/licenses/index.aspx>

University or Technical Horticulture Schools

UW-Madison
<https://horticulture.wisc.edu>

UW-Platteville
<https://www.uwplatt.edu/program/environmental-horticulture>

UW-River Falls
<https://www.uwrf.edu/pes/horticulture>

Gateway Technical College
www.gtc.edu

Milwaukee Area Technical College
<http://matc.edu>

Grower Associations

Wisconsin Nursery and Landscape Association (WNLA)
<https://wnla.net>

Commercial Flower Growers of Wisconsin (CFGW)
<https://www.cfgw.org>

Wisconsin Christmas Tree Producers Association (WCTPA)
(608) 742-8663
<https://christmastrees-wi.org>

Wisconsin Landscape Contractors Association
<https://wisconsinlandscape.org>

Wisconsin Sod Producers Association
(262) 895-6820

AmericanHort
<https://americanhort.org>



Wisconsin Department of Agriculture, Trade and Consumer Protection

Division of Agricultural Resource Management
Bureau of Plant Industry
2811 Agriculture Drive, Madison, WI 53708-8911
608-224-4500 <https://datcp.wi.gov>