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%). 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 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 – Currently, 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. Combination fertilizer/soil or plant additive 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 and 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. These licenses are renewed annually, while permits remain active unless you change the product's label or formulation or fail to renew your license.

- **Fertilizer License** - $30.00 – expires September 30 - $0.62/ton (reporting July 1-June 30)
  - Products under 24% (N+P+K) need 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 with $27 minimum
  - All products require a 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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<tr>
<th>CONTACTS</th>
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<tbody>
<tr>
<td>MYRANDA LUOMA</td>
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<tr>
<td>EMAIL ADDRESS</td>
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<td>WEB ADDRESS</td>
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### New Soil or Plant Additive License Application

**for October 1, 2019 to September 30, 2020** (Section 94.65, Wis. Stats. and ch. ATCP 40.20, Wis. Adm. Code)

<table>
<thead>
<tr>
<th>LEGAL BUSINESS NAME &amp; ADDRESS</th>
<th>MAILING ADDRESS (IF DIFFERENT FROM LEGAL ADDRESS)</th>
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<tbody>
<tr>
<td>LEGAL BUSINESS NAME</td>
<td>C/O</td>
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<td>CONTACT NAME</td>
<td>CONTACT NAME</td>
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<td>STREET ADDRESS</td>
<td>PO BOX</td>
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<tr>
<td>CITY</td>
<td>STATE</td>
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<tr>
<td>DOING BUSINESS AS NAME</td>
<td>FEDERAL EMPLOYER I.D. # (FEIN) (OPTIONAL)</td>
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<tr>
<td>E-MAIL ADDRESS</td>
<td>WEBSITE ADDRESS</td>
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**IF DOING BUSINESS UNDER NEW NAME, LIST PREVIOUS BUSINESS NAME**

PREVIOUS SOIL OR PLANT ADDITIVE LICENSE # (IF KNOWN)

65-

**CHECK ONE:**

- Partnership
- Cooperative
- Corporation
- Sole Proprietor
- LLC

**STATE OF FORMATION**

**LICENSE REQUIREMENTS**

No person shall manufacture or distribute soil or plant additives in this state without an annual license from the Department and a soil or plant additive product permit issued by the Department for each product, except that no license is required of a person who only distributes a soil or plant additive for a license holder for which the Department has already issued a permit, provided the person:

1. Distributes the soil or plant additive under the name of the license holder and in the original container packaged and labeled by the license holder, and
2. Makes no content or performance claim for the soil or plant additive other than the written claim of the license holder.

**NOTE:** Before the department can issue a license to distribute a soil or plant additive, you are required to submit a list of all soil or plant additive products you plan to distribute in Wisconsin. The Department requires you to submit a label for each product and to submit a permit application and fees for each product for which a permit is required. There is a separate application for an exemption determination.

**LICENSE FEE:**

**In-State and Out-of-State Manufacturers or Distributors**

| TOTAL FEE | $25.00 |

List all WISCONSIN sites at which you will distribute or manufacture soil or plant additives.

<table>
<thead>
<tr>
<th>Name</th>
<th>Address, City, WI, Zip</th>
<th>WI County</th>
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<tbody>
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I hereby certify the above statements to be true and correct and I am authorized to sign this application. **Incomplete applications will delay the issuance of your license.**

**SIGNATURE**

**TITLE**

**NAME (PRINT)**

**TELEPHONE NUMBER**

**FAX NUMBER**

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

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

**Mail forms, labels and check to:** State of Wisconsin, DATCP, Box 93193, Milwaukee WI 53293-0193
Application for Permit to Distribute Soil or Plant Additive  
(Section 94.65(3), Wis. Stats.)

What is required to complete this application:

- A complete and legible copy of your product label in its final form, that complies with all applicable provisions of Wisconsin’s Soil or Plant Additives laws and rules (Section 94.65, Wis. Stats., and ch. ATCP 40, Wis. Adm. Code).
- 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 $100 permit fee, paid by check or money order in American dollars to the Department of Agriculture, Trade and Consumer Protection.
- A valid and current Wisconsin Soil or Plant Additive License, or enclosure of a Wisconsin Soil or Plant Additive License Application and the appropriate license fee.
- This completed application, 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).

<table>
<thead>
<tr>
<th>LEGAL BUSINESS NAME</th>
<th>LABELER (APPLICANT) NAME (IF DIFFERENT FROM LEGAL BUSINESS NAME)</th>
</tr>
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<tbody>
<tr>
<td>ADDRESS</td>
<td>CITY</td>
</tr>
<tr>
<td></td>
<td>STATE ZIP</td>
</tr>
<tr>
<td>Ws. Soil or Plant</td>
<td>TELEPHONE NUMBER</td>
</tr>
<tr>
<td>Additive Lic. No.</td>
<td>FAX NUMBER</td>
</tr>
</tbody>
</table>

To receive permit electronically enter email here: __________________________
Website Address: __________________________________________________________

This application is for the following product: (For additional products, copy this form and complete one form for each product.)

<table>
<thead>
<tr>
<th>Brand Name:</th>
<th>Is this product derived from waste or by-products? (Circle one) Yes No</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAME OF MANUFACTURER (If other than labeler):</td>
<td>WI SOIL OR PLANT ADDITIVE LICENSE</td>
</tr>
<tr>
<td>ADDRESS</td>
<td>CITY</td>
</tr>
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</table>

REQUIRED: The method of analysis for each guaranteed active ingredient in the soil or plant additive shall be one of the following: (MUST INDICATE METHOD)

- AOAC Method; specify title or number __________________________ [A method contained in the “Official Methods of Analysis of AOAC International”, volume I, 17th edition as updated by the 2nd revision (2003).]
- For humic substances, indicate one - the method contained in Appendix B, Chapter ATCP 40 or other method (below).
- Other method (approved by department): __________________________________________________________

Applicant hereby certifies the following:

- This product is effective and useful for all labeled purposes when applied under Wisconsin conditions according to label directions.
- The statements on the product label, 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 express and implied performance claims.
- This product and its labeling comply with ch. ATCP 40, Wis. Adm. Code.

SIGNATURE OF QUALIFIED REPRESENTATIVE: (REQUIRED) ________________
DATE ________________

NAME (Print) ________________
TITLE ______________________

A nonrefundable fee of $100.00 is required for each product brand name and formulation.

Make $100 check payable to: Wisconsin Department of Agriculture, Trade and Consumer Protection
Mail form, labeling materials 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.).
Fertilizer or Soil or Plant Additive Exemption Determination
For Organic Crop Production
(Wis. Admin. Code §§ ATCP 40.12(2)(d) and 40.28(1)(b))

A fertilizer and/or soil and plant additive labeled solely for organic crop production can be given the permit exemption determination if ALL of the following apply:
1. The product qualifies, or all of its ingredients qualify, under 7 CFR 205 for use in organic crop production.
2. The product label discloses the listing or approval under subd. 1.
3. The product label conspicuously states that "This product is intended for use according to an approved organic system plan."
4. The manufacturer or distributor makes no performance claims for the product (verbal, printed or electronic).
5. The product label provides use directions, including use rates and methods of application.

You will receive a copy of this form with an exemption date from the agency when the product is determined to be in compliance with requirements. An exemption is "non-transferable" and remains in effect until substantial changes are made in the product formulation, label or advertising literature or because of a loss of company license.

This form is for the following product: (For additional products, copy this form and complete one form for each product.)

<table>
<thead>
<tr>
<th>Brand Name and Grade</th>
<th>Product Type: (circle one or both)</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Fertilizer Soil or Plant Additive</td>
</tr>
</tbody>
</table>

NAME OF MANUFACTURER (If other than labeler) | WI FERTILIZER LICENSE NUMBER | TELEPHONE

|                      | 30- | 65- |

Please submit the following along with this completed form:
1. A complete and legible copy of your product label in its final form, that complies with all applicable provisions of Wisconsin's Fertilizer and/or Soil or Plant Additive laws and rules (Sections 94.64, 94.65, Wis. Stats., and Chapter ATCP 40, Wis. Adm. Code).
2. 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, including testimonials, that material must also be submitted with this application.
3. A valid and current Wisconsin Fertilizer and/or Soil or Plant Additive license number (above) or enclosure of a Wisconsin Fertilizer and/or Soil or Plant Additive License application and the appropriate license fee.

NO FEE REQUIRED Mail form and label 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.).