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>
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<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>
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<tr>
<td>WEB ADDRESS</td>
<td><a href="http://datcp.wisconsin.gov">http://datcp.wisconsin.gov</a></td>
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New Soil or Plant Additive License Application
for October 1, 2020 to September 30, 2021 (Section 94.65, Wis. Stats. and ch. ATCP 40.20, Wis. Adm. Code)

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IF DOING BUSINESS UNDER NEW NAME, LIST PREVIOUS BUSINESS NAME

PENDING 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.

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<th>Name</th>
<th>Address, City, WI, Zip</th>
<th>WI County</th>
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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).

LEGAL BUSINESS NAME

LABELER (APPLICANT) NAME (IF DIFFERENT FROM LEGAL BUSINESS NAME)

ADDRESS

CITY

STATE

ZIP

Wis. Soil or Plant Additive Lic. No. 65-

TELEPHONE NUMBER

FAX NUMBER

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.)

Brand Name:

Is this product derived from waste or by-products? (Circle one) Yes  No

NAME OF MANUFACTURER (If other than labeler)

WI SOIL OR PLANT ADDITIVE LICENSE 65-

TELEPHONE

ADDRESS

CITY

STATE

ZIP

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, 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 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.).