



Wisconsin
Department of Agriculture, Trade and Consumer Protection
Division of Agricultural Resource Management
Bureau of Agrichemical Management

**Fertilizer
Program
Information**

To: Manufacturers and distributors of fertilizers and soil or plant additive products

A company must be licensed to manufacture or distribute fertilizers and related soil or plant additives products in Wisconsin. Permits may also be required for the products that a company manufactures or distributes. Fertilizer and soil or plant additive license and permit information is provided in this document. The application forms for licensing your company and those needed to receive a permit to distribute products are available on our website <https://datcp.wi.gov>.

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. The pertinent laws and rules for fertilizer and soil or plant additives products are:

Wis. Stat. § 94.64 <http://docs.legis.wisconsin.gov/statutes/statutes/94/64>

Wis. Stat. § 94.65 <http://docs.legis.wisconsin.gov/statutes/statutes/94/65>

Wis. Admin. Code § ATCP 40 http://docs.legis.wisconsin.gov/code/admin_code/atcp/020/40

Fertilizer License and Permits

If the product contains plant nutrients, as defined in Wis. Stat. § 94.64 (1)(p), the product is a fertilizer (Wis. Stat. § 94.64 (1)(e)). The company needs a license to manufacture or distribute fertilizer, and a separate license is required for each business location and 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 and distribute into Wisconsin shall be submitted to the department. Fertilizer labels must be 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 ($N+P+K < 24\%$). Permits are not required for fertilizer products that are equal to or greater than 24% N+P+K, nor are permits required for products derived from one defined ingredient.

- Nonagricultural fertilizers are for **nonfarm** use, including home gardens, lawns, shrubbery, flowers, golf courses, parks, cemeteries, greenhouses, nurseries, etc. (Wis. Stat. § 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. Stat. § 94.64(1)(q))

Fertilizer license (expires September 30): \$30.00

Tonnage (reporting July 1-June 30): \$0.62/ton

Fertilizer permit: \$25.00 per product

Label compliant with Wis. Admin. Code § ATCP 42.08 and 42.10

Soil or Plant Additive License and 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 product label must be in compliance with Wis. Admin. Code § ATCP 40.24 and 40.26.

Soil or plant additive license (expire September 30): \$25.00

Tonnage (reporting July 1-June 30): \$0.45/ton

Soil or plant additive permit: \$100.00 per product

Label compliant with Wis. Admin. Code § 42.24 and 42.26

General Information

Licenses:

- Are valid until September 30.
- 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.
- You must renew your license annually.

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.

Tonnage fees: A tonnage fee is collected annually on soil or plant additives distributed. It is important you 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.

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).

Note: Products which have soil or plant additive ingredients or claims, and 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** the fertilizer and soil or plant additive license, permit, labeling, and tonnage requirements.

Contact

Call: (608) 224-4537

Email: datcpfert@wisconsin.gov

Website: <http://datcp.wi.gov>



Wisconsin Dept. of Agriculture, Trade and Consumer Protection
 Division of Agricultural Resource Management
 Bureau of Agrichemical Management
 Phone: (608) 224-4537
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OFFICE USE ONLY	
License Number	
Date Issued	
25900 700SE 1150073000 4600000 70000	\$
25700 700SE 1150073000 4885000 70000	\$

New Fertilizer License Application

October 1, 2022 to September 30, 2023

(Section 94.64, Wis. Stats. and section ATCP 40.04, Wis. Admin. Code)

LEGAL BUSINESS NAME & CORPORATE ADDRESS			MAILING ADDRESS (IF DIFFERENT FROM CORPORATE ADDRESS)		
LEGAL BUSINESS NAME			C/O		
CONTACT NAME			CONTACT NAME		
CORPORATE STREET ADDRESS			STREET ADDRESS		PO BOX
CITY	STATE	ZIP	CITY	STATE	ZIP
DOING BUSINESS AS NAME			FEDERAL EMPLOYER I.D. # (FEIN) (OPTIONAL)		

CHECK ONE: Partnership Cooperative Corporation Sole Proprietor LLC PREVIOUS FERTILIZER LICENSE # (IF KNOWN) **30-**

LICENSE REQUIREMENTS
 An annual license is required to manufacture or distribute fertilizer in this state, except no license is required of persons distributing:

- Fertilizer materials to a licensed manufacturer for further manufacturing;
- Packaged fertilizer in the original container that is labeled, and permitted if required, by the licensed manufacturer or distributor;
- Bulk fertilizer obtained for resale purposes from a licensed manufacturer or distributor, not mixed or blended except to combine identically labeled lots received from the same licensee, and properly invoiced using label information furnished by the licensee

Distributors Only
 If you are only distributing in Wisconsin and do not meet an exemption listed above (1, 2 or 3), only **one** fee for all Wisconsin sites is required.
Note: Licenses are non-transferable. Additional manufacturing plants or mobile units may not begin operating during the license year without obtaining an additional license and payment of an additional fee, as outlined below.

COMPLETE ONE FORM FOR EACH WISCONSIN SITE. If all sites are outside Wisconsin, use one form to show headquarters (e.g. Main Office).
WISCONSIN SITE INFORMATION: Physical site location inside Wisconsin for this license, if different from above mailing address:

SITE ADDRESS IN WISCONSIN	CITY	STATE	ZIP
WISCONSIN COUNTY	DATE BUSINESS ESTABLISHED AT THIS SITE		

Will there be fertilizers and/or fertilizer materials at this site? Yes No **You must answer this question.**

TYPE OF OPERATION IN WISCONSIN (If this site is located in Wisconsin, **check all that apply**) (See reverse side for explanation)

MD <input type="checkbox"/> Manufacturer: Dry Fertilizer	AA <input type="checkbox"/> Anhydrous Ammonia	LC <input type="checkbox"/> Lawn Care	OF <input type="checkbox"/> Main Office
ML <input type="checkbox"/> Manufacturer: Liquid Fertilizer	DB <input type="checkbox"/> Dry Blend	NA <input type="checkbox"/> Nonagricultural	SB <input type="checkbox"/> Branch
D <input type="checkbox"/> Distributor/Sales	LB <input type="checkbox"/> Liquid Blend	PI <input type="checkbox"/> Pesticide Impregnation	WA <input type="checkbox"/> Warehouse

FERTILIZER LICENSE FEE

A. In-State Manufacturers or Distributors:
 Wisconsin site with fertilizer manufacturing or mixing/blending activity, including mobile unit(s): **\$30.00**

B. Out-of-State Manufacturers or Distributors
\$30.00

C. ACCP surcharges based on ACCP fund balance on May 1
 - Each location and each mobile unit that the applicant uses to manufacture fertilizer in Wisconsin, \$20
 - Applicant distributes, but does not manufacture, fertilizer in Wisconsin, \$20
 - Each business location and each mobile unit that the applicant uses to distribute bulk fertilizer in Wisconsin, \$25

ACCP Fees waived for 2022-2023

Note: Distributors Only
 If you are only distributing in this state, and do not meet an exemption (see License Requirements above), then you pay only **one** fee for all Wisconsin sites.

Total due for this site: (A or B + C if applicable) \$ _____

I certify that all information on this application is 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 ()
DATE	E-MAIL ADDRESS

On the front of this Fertilizer License Application, complete the "Type of Operation" section by checking all activities which apply to your Wisconsin site. Listed below is an explanation of each type of operation:

MD – Manufacturer Dry Fertilizer:	Manufacturer of fertilizer ingredients or producer of fertilizer in which each granule contains the same chemical analysis.
ML – Manufacturer Liquid Fertilizer:	Manufacturing of ammoniated phosphates, including 10-34-0, in Wisconsin. (Includes "Anhydrous Converter".)
D – Distributor/Sales:	Distribute or sell fertilizer with YOUR company label BUT manufactured by another company.
AA – Anhydrous Ammonia:	Storage & distribution of anhydrous ammonia.
DB – Dry Blend:	Blender of dry ingredients as part of business.
LB – Liquid Blend:	Blender of liquid fertilizers, including dilution by lawn care firm.
LC – Lawn Care:	Lawn care firm or lawn care service, along with other fertilizer activities. (Also see: Liquid Blend.)
NA – Nonagricultural:	Labeler of fertilizers for nonagricultural uses such as lawn and garden, indoor plants, nursery, etc.
PI – Pesticide Impregnation:	Pesticide impregnation of fertilizers, either liquid or dry, and either custom or packaged (weed & feed, etc).



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OFFICE USE ONLY

Permit No.

Amt Received \$

25900 700SE 1150073000 4600000 70100

Application for Permit to Distribute Nonagricultural or Special-Use Fertilizer

(Section 94.64(3m), Wis. Stats., and section ATCP 40.12, Wis. Admin. Code)

LEGAL BUSINESS NAME (APPLICANT)		BRAND NAME (IF DIFFERENT THAN LEGAL BUSINESS NAME)	
STREET ADDRESS		PO BOX	CITY STATE ZIP
WI Fertilizer License No.	30-	TELEPHONE ()	FAX ()
To receive permit electronically enter email here:			
Website Address:			

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.**)

Product Name:	Grade:	Fertilizer Product Type: (Circle one)	Special Agricultural Use
NAME OF MANUFACTURER (if other than labeler)			Nonagricultural
STREET ADDRESS	PO BOX	CITY	STATE ZIP

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

Is this product derived from waste or by-products? 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.**
- Proposed labeling, including any advertising or promotional materials that make content or performance claims not included on the product label. The text of any non-print communication media making such claims must be printed and 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 express and implied performance claims.
- This fertilizer product and its labeling comply with ch. ATCP 40, Wis. Adm. Code.

SIGNATURE OF AUTHORIZED REPRESENTATIVE: (REQUIRED)	DATE
NAME (print)	TITLE
E-MAIL ADDRESS	PHONE NUMBER

A nonrefundable fee of \$25.00 is required for each product name and formulation. A permit may not be transferred to another person.

Make \$25 check payable to: Wisconsin Department of Agriculture, Trade and Consumer Protection (WDATCP)

Mail form, labeling material 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.).