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

**Fertilizer License andPermits**

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
New Soil or Plant Additive License Application  
October 1, 2022 to September 30, 2023 (Section 94.65, Wis. Stats. and ch. ATCP 40.20, Wis. Adm. Code)

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PERMIT CONTACT – “REQUIRED” This person will receive the company’s annual soil or plant additive permit listing update that is required to be completed upon license renewal

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IF CHANGE IN COMPANY NAME OR OWNERSHIP: LIST PREVIOUS BUSINESS NAME

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, 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 this license, you are required to submit a permit application and product label for all soil or plant additive products you plan to distribute in Wisconsin. A separate permit application is required for each product.

LICENSE FEE:

In-State and Out-of-State Manufacturers or Distributors $25.00

COMPLETE ONE FORM FOR EACH WISCONSIN PREMISES (SITE) WHERE YOU WILL DO BUSINESS

Does the Wisconsin site manufacture soil or plant additives? Yes ☐ No ☐

A license may not be transferred to another person or site.

SITE ADDRESS IN WISCONSIN CITY ZIP

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 E-MAIL ADDRESS

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. and ch. ATCP 40.28 Wis. Admin Code)

Required information:
- A complete and legible product label that complies with all applicable provisions of Wisconsin’s Soil or Plant Additives laws and rules.
- 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.
- A nonrefundable $100 permit fee, paid by check or money order in American dollars to the Department of Agriculture, Trade and Consumer Protection, is required for each product brand name and formulation.
- A valid and current Wisconsin Soil or Plant Additive License, or a completed Wisconsin Soil or Plant Additive License Application and license fee.
- Possession of scientific evidence that supports all product performance statements or claims, including statements in testimonials (submission is not requested as part of this application, but may be required at any future point by the Department).
- No permit is required of a person who distributes a soil or plant additive for which a permit has been issued to a permit holder, if the person: distributes the soil or plant additive under the name of the permit holder and in the original container packaged and labeled by the permit holder; and makes no content or performance claim other than the written claim of the permit holder.
- A permit is not required if the product is labeled according to the organic crop production requirements of ch. ATCP 40.28(1)(b).

This application is for: (Use a separate form for additional products, one form for each product.)

PRODUCT NAME: 

NAME OF MANUFACTURER (If other than applicant)

ADDRESS

CITY

STATE

ZIP

REQUIRED to indicate the method of analysis for each guaranteed active ingredient in the soil or plant additive. Shall be one of the following:
- 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).]
- Other method (approved by department):

For humic substances, indicate one of the following:
- Appendix B, Chapter ATCP 40
- 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.

A nonrefundable fee of $100.00 is required for each product name and formulation. A permit may not be transferred to another person.

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.)