



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 Department of Agriculture, Trade
and Consumer Protection
Division of Agricultural Resource Management
Bureau of Agrichemical Management
Phone: (608) 224-4537
DATCPFert@wisconsin.gov

OFFICE USE ONLY

License Number:

Date Issued:

25900 700SE 1150073000 4600000 73000

\$

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)

LEGAL BUSINESS NAME & ADDRESS			MAILING ADDRESS (IF DIFFERENT FROM LEGAL ADDRESS)		
LEGAL BUSINESS NAME			C/O		
CONTACT NAME			CONTACT NAME		
STREET ADDRESS		PO BOX	STREET ADDRESS		PO BOX
CITY	STATE	ZIP	CITY	STATE	ZIP
DOING BUSINESS AS NAME (DBA)			CONTACT E-MAIL ADDRESS		
COMPANY WEBSITE ADDRESS			FEDERAL EMPLOYER I.D. # (FEIN) (OPTIONAL)		
PERMIT CONTACT – *REQUIRED* <i>This person will receive the company's annual soil or plant additive permit listing update that is required to be completed upon license renewal</i>					
STREET ADDRESS		PO BOX	CITY	STATE	ZIP
IF CHANGE IN COMPANY NAME OR OWNERSHIP: LIST PREVIOUS BUSINESS NAME					
CHECK ONE: Partnership <input type="checkbox"/> Cooperative <input type="checkbox"/> Corporation <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> LLC <input type="checkbox"/>					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:					
<ol style="list-style-type: none"> 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 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					<u>\$25.00</u>
COMPLETE ONE FORM FOR EACH WISCONSIN PREMISES (SITE) WHERE YOU WILL DO BUSINESS					
Does the Wisconsin site manufacture soil or plant additives? Yes <input type="checkbox"/> No <input type="checkbox"/>					
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



Wisconsin Department of Agriculture, Trade
and Consumer Protection
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Phone: (608) 224-4537
DATCPFert@wisconsin.gov

OFFICE USE ONLY

25900 700SE 1150073000 4600000 73000 \$

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).

LEGAL BUSINESS NAME	BRAND NAME (IF DIFFERENT FROM LEGAL BUSINESS NAME)		
ADDRESS	CITY	STATE	ZIP
DOING BUSINESS AS NAME (DBA)	WEBSITE ADDRESS		
Amended permit: Yes / No (circle one)			
<i>*Required if a permitted product has a change to the active ingredient contents or the recommended amount or frequency of application</i>			

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

PRODUCT NAME:	Product is derived from waste or by-products (Circle one) Yes No		
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.

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

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.)