



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](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 40.08 and 40.10

## 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 § 40.24 and 40.26

## 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](mailto:datcpfert@wisconsin.gov)

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