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*Testimony before the Senate Committee on Agriculture, Revenue and Financial Institutions
State Senator André Jacque
March 11, 2020*

Chairman Marklein and Committee Members,

Thank you for holding this hearing on Senate Bill 451 / Assembly Bill 511 which will remove a barrier to making the environmental and agricultural best practice of manure composting more economically viable for Wisconsin farmers.

Wisconsin agriculture is pursuing a number of initiatives when it comes to tackling manure storage and handling to reduce runoff. One of the more promising approaches for a dairy farm to reduce pressure for excessive spreading is to compost their manure. In talking to experts who work with farmers to address the financial and logistical hurdles, it became clear that Wisconsin farms looking to make this environmentally friendly change face an additional regulatory obstacle to gaining market access to sell the valuable organic compounds produced through the composting process that have been shown to create a profit center in other states. These discussions directly followed from conversations I initiated with the owner and manure composting experts at the Christoph farm in Kewaunee County during the Save the Bay event in 2018.

Current law requires a fertilizer distributed in Wisconsin to be guaranteed to contain a combined weight of nitrogen, phosphorous, and potassium that is at least 24 percent of the total weight of the fertilizer unless DATCP promulgates a rule exempting the fertilizer or DATCP grants a permit authorizing the distribution of the fertilizer as a nonagricultural or special-use fertilizer.

These requirements currently make organic products of composting unsaleable in Wisconsin. SB 451 / AB 511 make a number of reasonable changes to these requirements that apply to fertilizers and soil or plant additives that are derived from converting manure into compost and compost byproducts, thereby removing an obstacle to the economic viability of manure composting in Wisconsin that is not present elsewhere.

Marketing manure can be a beneficial, low-risk way for livestock producers to manage animal waste on their farms while incorporating a value-added product into their overall business plan. The opportunity to sell a waste product and recoup an economic benefit while reducing potential environmental liability is a much sought-after outcome this legislation will help to create.

This legislation is supported by the Wisconsin Farm Bureau Federation, Wisconsin Corn Growers Association and the Dairy Business Association, and Assembly Bill 511 passed the Assembly Committee on Agriculture by a unanimous bi-partisan 13-0 vote and the full Assembly by unanimous voice vote.

Thank you for your consideration of Senate Bill 451 and Assembly Bill 511.

From: **Lawrence Mayhew** lawrencemayhew26@icloud.com
Subject: Paul Deckard of Diamond t Ag
Date: May 31, 2018 at 2:15 PM
To: Andre.jacque@gmail.com
Cc: Paul Deckard pauld@dt-cal.com



To the Honorable André Jacque;

Paul Deckard asked me to send you a brief explanation about our relationship to regenerative agriculture.

I met Paul about 14 years ago when we were both working for the same company. Paul was the staff dairy nutritionist and I was the senior product developer. It was there that we learned the principles for helping soils and livestock to express their natural abilities to obtain nutrients through biological activity and naturally acquired immunity to diseases; i.e. a non-toxic approach to agriculture.

It soon became obvious that we had the same goal of changing the American norm of unhealthy people. We both realized that the problems with Americans' health starts in the soils that create the food we eat; unhealthy soils lead to unhealthy plants that need toxic intervention to survive, which leads to unhealthy people trying to manage their diseases with more chemical intervention. We have succeeded in breaking that vicious cycle for many farmers by applying common sense and respecting the bio-geochemical cycles of nature. In order to mimic nature, one must first understand that the concept of "feeding" highly soluble fertilizer inputs is not part of nature's cycles. Instead, insoluble natural substances are compatible with the biochemistry and the physical structure of the materials that are part of the Earth's cycles. However, insoluble inputs are not allowed in Wisconsin unless they pass the Supplementary Review (ATCP 40.46), which for all intents and purposes, is an onerous and highly subjective process that appears to protect the soluble fertilizer industry.

Essentially, what I have outlined above regarding insoluble agronomic products is the basis of organic agricultural inputs, which up until recently were outlawed in Wisconsin because Wisconsin law requires a minimum of 24% soluble nutrients in a product before it can be called a fertilizer (Wisconsin Statutes 94.64(3m)(a), Administrative code ATCP 40.12 Fertilizer permits). As ATCP 40 refers to the Official Publication of the Association of American Plant Food Control Officials (AAPFCO) as the basis for its rules, and as Wisconsin was imposing its laws on businesses selling organic inputs, in 2004 I was sent by the Organic Trade Association as their liaison to AAPFCO to establish national rules for fertilizer regulations that would allow organic inputs. As a member of AAPFCO, the State of Wisconsin had no other choice except to comply with AAPFCO model rules, but they made sure that it is illegal to sell organic inputs to anyone other than an USDA National Organic Program certified operation and no promotional claims are allowed (ATCP 40.28 (1)(b)).

Highly soluble fertilizer inputs are responsible for environmental pollution and breeding out plants' ability to ward off stresses. Reducing highly soluble fertilizers is a step in the right direction, but it is not enough. For example, humic substances are ideally suited for increasing fertilizer efficiency, reducing fertilizer inputs, but they have a history as being outlawed in this state. The only "loop hole" to using them is that they comply with the 7 CFR 205 federal code for organic production.

If we are going to make Wisconsin great again, we have to widen the fertilizer laws in Wisconsin to allow other natural inputs in addition to organic inputs without onerous restrictions.

Thank you for your consideration,

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State of Wisconsin
Governor Tony Evers

Department of Agriculture, Trade and Consumer Protection

March 11, 2020

Re: SB 451: distribution and labeling of fertilizers and soil or plant additives produced from manure

Chairman Marklein, and members of the Senate Committee on Agriculture, Revenue and Financial Institutions, thank you for the opportunity to provide information about Senate Bill 451 related to the distribution and labeling of fertilizers and soil or plant additives produced from manure. My name is Bradford Steine, and I am the Legislative Liaison at the Department of Agriculture, Trade and Consumer Protection (DATCP). With me today is Lori Bowman, who is the Director of the Agrichemical Management Bureau at DATCP. I will briefly describe the work DATCP does with regards to fertilizer, and how SB 451 might impact regulations.

Currently in Wisconsin these products can be permitted via a one-time cost of \$25 per product, but are required to have a minimum grade and guaranteed analysis on the label of the product. Further, truthfulness of claims on these products have to be backed with scientific evidence to ensure all consumers – from the local farmer, to the local lawn care expert, or gardener – are getting what they pay for. Nationally, states have similar regulations for fertilizer labels in order to facilitate interstate commerce.

Under SB 451, fertilizer and soil or plant additives derived from converting manure into compost or vermicompost and their derivatives would no longer be required to obtain a fertilizer permit, or provide a label grade and guaranteed analysis. Further, distributors would be allowed to justify claims about the performance of their products using a newly defined “typical analysis” instead of the scientific justification applicable to other fertilizers. This will create a different set of rules for certain fertilizer distributors in Wisconsin, and DATCP believes uniformity in labeling is important for all fertilizer.

DATCP’s regulations are designed to ensure farmers know what they’re getting when they buy fertilizer. Without scientifically justified information being provided on the labels of these products, it will be difficult for farmers to measure what is being applied to their land. If the product has a lower nutrient content than advertised, it could result in lower crop yields. Alternatively, if the product has a higher nutrient content than advertised, it could have a negative impact on water quality. As a result, farmers using nutrient management plans would either be required to analyze the product at their own cost, or they would have to avoid using these products altogether. DATCP Nutrient Management Plans allow farmers to budget, supply, and conserve nutrients for plant production while minimizing the risk of agricultural nonpoint source pollution of surface and groundwater resources. Approximately 1/3 of Wisconsin cropland is under a nutrient management plan.

A number of companies are currently licensed and permitted to distribute these products in Wisconsin. These companies have been able to comply with the licensing and permitting process, label the products with current minimum grade and guaranteed analysis and substantiate the claims that they have made about their products. Current regulations ensure that manufacturers have a level playing field for marketing their products and consumers have the confidence in knowing that product claims are substantiated with scientific evidence.

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Thank you again for allowing me to provide information on SB 451. Lori and I would be happy to answer any questions committee members may have.