



# SCOTT KRUG

STATE REPRESENTATIVE • 72<sup>nd</sup> ASSEMBLY DISTRICT

(608) 266-0215  
FAX: (608) 282-3672  
District: (715) 459-2267  
Toll-Free: (888) 529-0072

P.O. Box 8952  
Madison, WI 53708-8952  
Rep.Krug@legis.wi.gov

TO: Assembly Committee on Agriculture  
FROM: Rep. Scott Krug  
RE: 2021 ASSEMBLY BILL 229  
DATE: February 1, 2022

I write today to thank the committee and Chair Rep. Tauchen for holding this hearing on AB 229, and to express my support for the bill.

Manure storage and disposal is a challenge in agriculture. The age-old use of manure in agriculture is, of course, to fertilize the fields that produce crops. Today we make extensive use of commercially-produced fertilizer for this purpose.

The composting of manure before it is applied to cropland, can help reduce problems from raw manure polluting groundwater and creating nutrient runoff into surface water.

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. This legislation is expected to help create an opportunity to sell a waste product and recoup an economic benefit while reducing potential environmental liability.

Current law contains some requirements for commercial fertilizers. 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.

AB 229 would 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 a barrier to the economic viability of manure composting in Wisconsin that is not present in other states.

***MORE***

AB 229 would make several changes to current law, which are explained in the LRB analysis. The changes would relax rules in current law that are fairly easy to comply with when dealing with a manufactured fertilizer but which could cause difficulties when labelling and marketing a natural product such as composted manure.

AB 229 would also preclude DATCP from requiring a controlled experimental field test to substantiate the efficacy and usefulness of a soil or plant additive produced from converting manure into compost. Under current law, DATCP may require such a field test when using a manufactured fertilizer

AB 229 would also adjust a current law requirement that the label of a soil or plant additive must make a guarantee about the minimum amount of the substances that it contains. The bill would instead allow labels on composted manure products to be substantiated by a typical analysis.

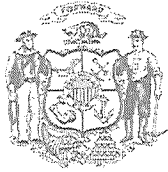
AB 229 is supported by the Wisconsin Corn Grower and the Wisconsin Farm Bureau Federation. A companion bill, SB 113, is also supported by these groups and is also supported by the Dairy Business Association.

Last session, this legislation was recommended for passage by this committee on a vote of 13-0 and was passed by the Assembly on a voice vote. The Senate was not able to concur. This session, the companion to AB 229 (again, SB 113) has been recommended by the Senate Committee on Natural Resources and Energy on a vote of 5-0, and SB 113 was passed by the Senate in March of 2021 on a voice vote.

The Senate did amend SB 113 with SA1, which makes a change to part of the labelling language that was requested by DATCP. A summary of the amendment is available from LRB. We will draft an identical amendment to AB 229.

Finally, there is a fiscal note on AB 229. The expected fiscal effect is described as “minimal.”

I conclude by asking for your support for AB 229. Thank you for your attention to this matter.



ANDRÉ JACQUE

STATE SENATOR • 1<sup>ST</sup> SENATE DISTRICT

Phone: (608) 266-3512

Fax: (608) 282-3541

Sen.Jacque@legis.wi.gov

State Capitol - P.O. Box 7882

Madison, WI 53707-7882

*Testimony before the Assembly Committee on Agriculture  
State Senator André Jacque  
February 1, 2022*

Chairman Tauchen and Committee Members,

Thank you for holding this hearing on Assembly Bill 229, 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 Dennis Christoph farm in Kewaunee County during the Save the Bay initiative 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. AB 229 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. I appreciate the engagement of DATCP in addressing this issue as well. Last session this legislation passed this Assembly committee by a unanimous bi-partisan 13-0 vote and the full Assembly by unanimous voice vote. This session it passed the Senate on a unanimous voice vote after passing the Senate Committee on Natural Resources and Energy unanimously.

Thank you for your consideration of Assembly Bill 229.



State of Wisconsin  
Governor Tony Evers

## Department of Agriculture, Trade and Consumer Protection

February 1, 2022

### **Re: distribution of a fertilizer derived from converting manure into compost and compost byproducts**

Chairman Tauchen, and members of the Assembly Committee on Agriculture, thank you for the opportunity to provide information about Assembly Bill 229 (AB 229) related to the distribution and labeling of fertilizers and soil or plant additives derived from converting manure into compost and compost byproducts. My name is Bradford Steine, and I am the Legislative Liaison at DATCP. I will briefly describe our department's work relative to fertilizers and soil or plant additives, and how AB 229 might impact regulations.

Currently in Wisconsin, these fertilizer 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 product label*. 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 AB 229, 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 grade and guaranteed analysis on a product label. 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 these product distributors in Wisconsin, and DATCP believes uniformity in labeling is important for all of these products. We have provided examples of product labels meeting current labeling requirements as well as an example product label using the proposed typical analysis that was provided to the department. These examples are being provided to highlight the potential differences in product labels that consumers, whether farmers or homeowners, would encounter for these products in the marketplace.

DATCP's regulations are designed to ensure farmers know what they are getting when they buy fertilizer and soil or plant additive products. The bill allows for these fertilizer products to be marketed without disclosing the nutrient content, if there are no claims being made about the product. In addition, without scientifically justified information being provided on the labels of these compost and vermicompost derived products, it will be difficult for farmers to properly credit the nutrients being applied to their cropland to meet crop need while ensuring they are not overapplying nitrogen and phosphorus that would have the potential to runoff to surface waters or leach to groundwater. To meet state nutrient management requirements, farmers would need to analyze the product at their own cost to ensure they are not over or under-applying the product to their cropland. We have discussed this concern with the bill author, and appreciate the amendment passed in the Senate to address the department's concern.

*Wisconsin - America's Dairyland*

2811 Agriculture Drive • PO Box 8911 • Madison, WI 53708-8911 • [Wisconsin.gov](http://Wisconsin.gov)

An equal opportunity employer

A number of companies are currently licensed and permitted to distribute these products in Wisconsin. These companies have been able to comply with the current 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.

Thank you again for the opportunity to submit written comments on AB 229.

# Super Compost

Super Compost is a premium compost blend of Cow Manure and Pure Earthworm Castings. This blend is an excellent source of microbial food to promote soil fertility and plant health.

### Active Ingredients

Bacillus subtilis ..... 5x10<sup>6</sup> CFU/ml  
 Bacillus pumilus ..... 3x10<sup>6</sup> CFU/ml  
 Bacillus fimus ..... 1x10<sup>6</sup> CFU/ml

### Inert Ingredients

Compost medium

**For professional, home, and garden use.**

### Use Directions

**Gardens:**

Apply 1 cup of Super Compost around each plant. Work Super Compost into the top 2 inches of soil. Water area until the ground is saturated. Reapply every 3 weeks during the growing season.

**Potting Plants:**

Fill pot with Super Compost and place plant directly in the pot. Gently firm the Super Compost around the base of the plant and water until the pot is saturated.

**\*\*Company specific warranty statement\*\***

Manufactured and Guaranteed by:  
 Super Compost LLC  
 3510 Compost Drive, Compost, WI 03510  
 608-351-3513

**Net Weight - 10 lb**

# Super Compost 1-1-1

Super Compost is a premium compost blend of Cow Manure and Pure Earthworm Castings. This blend is an excellent source of microbial food to promote soil fertility and plant health.

### Guaranteed Analysis

#### Plant Nutrients

Total Nitrogen (N) ..... 1.00%  
 Available Phosphate (P2O5) ..... 1.00%  
 Soluble Potash (K2O) ..... 1.00%

Plant Nutrients derived from: Cow Manure Compost, Earthworm Castings.

#### Soil or Plant Additive Active Ingredients

Bacillus subtilis ..... 5x10<sup>6</sup> CFU/ml

**For professional, home, and garden use.**

### Use Directions

**Gardens:**

Apply 1 cup of Super Compost around each plant. Work Super Compost into the top 2 inches of soil. Water area until the ground is saturated. Reapply every 3 weeks during the growing season.

**Potting Plants:**

Fill pot with Super Compost and place plant directly in the pot. Gently firm the Super Compost around the base of the plant and water until the pot is saturated.

**\*\*Company specific warranty statement\*\***

Manufactured and Guaranteed by:  
 Super Compost LLC  
 3510 Compost Drive, Compost, WI 03510  
 608-351-3513

**Net Weight - 10 lb**



Diamond t

**DIA T  
Microbia**

This trace and ultra-trace to support the environmentally-sound include crop rotations, mulching, natural r

Vermicompost Extra

**Dir**  
Apply as :

### Typical Geoc

Ag 4.5	Eu 21
Al 801,411	Gd 136
As 754	Ga 550
Au 67	Ge 15
Ba 6,311	Hf 23
Be 378	Hg 15
Bi 105	Ho 72
B 4,942	In 110
Br 193	I 11
Cd 57	Ir 0.61
Ca 533,567	Fe 3,173
Ce 827	K 5,198
Cs 0.75	La 218
Cl 4.10	Lu 17
Cr 1,328	Pb 135
Co 3,340	Mg 269,7
Cu 1,674	Mn 9,735
Dy 110	Mo 415
Er 53	

I  
M  
Di  
Reedsb  
Teleph