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Testimony before the Senate Committee on Agriculture and Revenue

Senator André Jacque

April 3, 2025

Thank you, Mr. Chairman and colleagues on the Senate Committee on Agriculture and Revenue.

Wisconsin agriculture is pursuing a number of best practices and 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.

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. Senate Bill 78 makes 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. This initiative is identical to 2021 SB 113/AB 229, which passed both the Senate Natural Resources & Energy Committee and Assembly Agriculture Committee unanimously, and the Senate floor on a voice vote. Unfortunately, while the bill passed the Senate last session, it was not taken up by the full Assembly - although during the 2019-'20 session, essentially identical legislation was passed by the Assembly Agriculture Committee on a unanimous vote and passed the full Assembly on a voice vote, while the full Senate did not take up the bill.

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.

Thank you for your consideration of Senate Bill 78. I'm happy to take any questions.



State of Wisconsin
Governor Tony Evers

Department of Agriculture, Trade and Consumer Protection
Secretary Randy Romanski

Re: Senate Bill 78 Relating to: Distribution and labeling of fertilizers and soil or plant additives produced from manure

April 3, 2025

Chairman Testin and members of the Senate Committee on Agriculture and Revenue:

Thank you for the opportunity to provide information about Senate Bill 78 related to the distribution and labeling of fertilizers and soil or plant additives produced from manure. My name is Tim Anderson, and I am Administrator of the Division of Agricultural Resource Management at DATCP. I will briefly describe our department's work relative to fertilizers and soil or plant additives, and how SB 78 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 SB 78, 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.

Lastly, SB 78 would create a new definition for “beneficial substance”. Currently, DATCP relies on terms and definitions that are consistent with those as published within the Association of American Plant Food Control Officials (AAPFCO) Official Publication. Currently, AAPFCO [Official Publication No. 71, 2018] defines “beneficial substance” as, “.. any substance or compound other than primary, secondary, and micro plant nutrients that can be demonstrated by scientific research to be beneficial to one or more species of plants when applied exogenously. [Official 2007]”.

A number of companies are currently licensed and permitted to distribute these products (fertilizer and/or soil and plant additives) into or within 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 allowing me to provide information on SB 78. I am happy to answer any questions committee members may have.

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April 3, 2025

Senate Committee on Agriculture and Tourism

Testimony in support of Senate Bill 78, the distribution and labeling of fertilizers and soil or plant additives produced from manure

Chairman Testin and members of the Committee,

Thank you for holding this hearing today. I am appearing today to express Dairy Business Association's support for the proposed changes to the requirements that apply to fertilizers and soil/plant additives that are produced from converting manure into compost or vermicompost and their derivatives, as outlined in Senate Bill 78. These changes promote sustainable agricultural practices while reducing environmental impacts.

First, the bill allows for the distribution of fertilizers with a combined weight of nitrogen, phosphorus, and potassium that is less than 24 percent of the total weight of the fertilizer. This change is significant as it acknowledges that not all fertilizers need to meet the current requirement of having at least 24 percent of these nutrients. This flexibility will enable farmers and fertilizer producers to use and distribute fertilizers that are specifically formulated for different types of crops, soils, and growing conditions, which will result in more efficient and targeted use of nutrients, reduced runoff, and minimized environmental impacts.

Second, the bill exempts fertilizers produced from converting manure into compost from being required to contain a minimum amount of certain plant nutrients. This change recognizes that compost and vermicompost are valuable organic fertilizers that provide a wide range of beneficial substances to plants, beyond just the traditional macronutrients. This exemption will foster innovation in fertilizer production and allow for the use of diverse nutrient sources, promoting circular economy practices and reducing dependence on synthetic fertilizers.

Third, the bill eliminates the requirement for controlled experimental field tests to substantiate the efficacy and usefulness of soil or plant additives produced from converting manure into compost. This change recognizes that compost and vermicompost are well-established and proven soil amendments with a long history of safe and effective use in agriculture. Eliminating redundant field-testing requirements will streamline the approval process for these products, reduce administrative burdens, and encourage the use of sustainable soil management practices.

Lastly, the bill allows for the truthfulness of statements on permit applications or labels of soil or plant additives to be substantiated by a typical analysis. This change acknowledges that typical analysis methods are scientifically validated and widely used in the fertilizer industry to accurately determine the nutrient content of organic fertilizers. This will provide flexibility to

fertilizer producers in labeling their products, while still ensuring transparency and accountability in product labeling.

In conclusion, the changes proposed in SB 78 will promote sustainable agriculture, reduce environmental impact, foster innovation in fertilizer production and streamline the regulatory process. I urge the committee to forward this bill on to the full Senate for consideration. SB 78 will benefit of our farmers, our environment, and our communities.

Sincerely,

Chad Zuleger
Director of Government Affairs
Dairy Business Association