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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**Memo published:** March 22, 2021

**Contact:** Rachel Letzing, Deputy Director

**2021 Senate Bill 113**

**Senate Amendment 1**

### 2021 SENATE BILL 113

Senate Bill 113 includes changes to certain requirements for distribution, analysis, and labeling fertilizer that is produced by converting manure into compost (“composted fertilizer”).

Under current law, fertilizer generally may not be distributed without a label containing the grade<sup>1</sup> and guaranteed analysis<sup>2</sup> of the fertilizer. [s. 94.64 (2) (a) 3. and 4., Stats.]

Senate Bill 113 provides that the label of composted fertilizer is not required to contain a grade and a guaranteed analysis for each plant nutrient in the product. However, the bill provides that if the label of a composted fertilizer makes representations about the amount of plant nutrients or beneficial substances in the product, then the truthfulness of those representations must be substantiated by a typical analysis<sup>3</sup> or other scientifically validated analytical method.

### SENATE AMENDMENT 1

Senate Amendment 1 removes these provisions in the bill, and creates new provisions regarding labeling and analysis requirements for composted fertilizer. Specifically, under the amendment, if the label of composted fertilizer includes a typical analysis of the plant nutrients in the product, the label is not required to include a grade or guaranteed analysis for a plant nutrient.

The amendment further provides that if the truthfulness of a representation made by a label about the amount of plant nutrients or beneficial substances contained in the composted fertilizer is substantiated by a typical analysis or other scientifically validated analytical method, those representations are not required to be substantiated by a guaranteed analysis.

### BILL HISTORY

Senator Jacque offered Senate Amendment 1 on March 8, 2021. On March 18, 2021, the Senate Committee on Natural Resources and Energy recommended adoption of the amendment, and passage of the bill, as amended, on votes of Ayes, 5; Noes, 0.

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<sup>1</sup> “Grade” means the percentage guarantee of total nitrogen, available phosphorus or available phosphate, and soluble potassium or soluble potash, stated in that order. [s. 94.64 (1) (g), Stats.]

<sup>2</sup> “Guaranteed analysis” means the percentage of specified plant nutrients guaranteed or claimed to be present. [s. 94.64 (1) (h), Stats.]

<sup>3</sup> The bill defines “typical analysis” as an analysis of contents that is based on the average amount of substances contained in the product. [See SECTION 10 of the bill, creating s. 94.65 (1) (fm), Stats.]