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*Testimony before the Senate Committee on Natural Resources and Energy
State Senator André Jacque
March 11, 2021*

Chairman Cowles and Committee Members,

Thank you for holding this hearing and the opportunity to submit testimony in support of Senate Bill 113 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 113 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 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. Last session, this legislation passed the Assembly Committee on Agriculture by a unanimous bi-partisan 13-0 vote and the full Assembly by unanimous voice vote on its last session day, but was able to be concurred in by the full State Senate.

In addition, we have worked with DATCP on the drafting and introduction of Senate Amendment 1, which clarifies that if a grade/guaranteed analysis is not used, then a typical analysis must be used. This eliminates the possibility that a product could be marketed without including information on the nutrient content.

Thank you for your consideration of Senate Bill 113.



State of Wisconsin
Governor Tony Evers

Department of Agriculture, Trade and Consumer Protection

March 11, 2021

Re: Distribution of a fertilizer derived from converting manure into compost and compost byproducts

Chairman Cowles, and members of the Senate Committee on Natural Resources and Energy, thank you for the opportunity to provide information about Senate Bill 113 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 Lori Bowman, and I am the Director of the Agrichemical Management Bureau at DATCP. I will briefly describe our department's work relative to fertilizers and soil or plant additives, and how SB-113 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-113, 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.

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 allowing me to provide information on SB-113. I am happy to answer any questions committee members may have.

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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 5x10⁶ CFU/ml
 Bacillus pumilus 3x10⁶ CFU/ml
 Bacillus firmus 1x10⁶ 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 5x10⁶ 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.

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Super Compost LLC
 3510 Compost Drive, Compost, WI 03510
 608-351-3513

Net Weight - 10 lb



Diamond t Ag ®

The Gift™

Microbial Enzyme Cofactors

This trace and ultra-trace element input is intended to be used to support the plant/soil microbiome as part of environmentally-sound programs for plant nutrition that include crop rotations, cover cropping, no-till, reduced-till, mulching, natural minerals, and compost application.

Vermicompost Extract from Worm Castings Feedstock

Directions for Use:

Apply as a foliar at 1 pint per acre.

Typical Geochemical Analysis (µg kg⁻¹)

Ag 4.5	Eu 21	Na 106,925	Sr 8,174
Al 801,411	Gd 136	Nd 812	S 4,456,402
As 754	Ga 550	Ni 2,878	Sb 96
Au 67	Ge 15	Nb 20	Sn 66
Ba 6,311	Hf 23	Os 15	Ta 41
Be 378	Hg 15	Pd 15	Te 19
Bi 105	Ho 72	P 42,461	Tb 252
B 4,942	In 110	Pr 109	Tl 2
Br 193	I 11	Rb 58	Th 214
Cd 57	Ir 0.61	Re 0.65	Tm 11
Ca 533,567	Fe 3,173,369	Rh 67	Ti 6,643
Ce 827	K 5,198,490	Ru 13	W 21
Cs 0.75	La 218	Sm 87	U 58
Cl 4.10	Lu 17	Sc 565	V 708
Cr 1,328	Pb 135	Se 349	Yb 76
Co 3,340	Mg 269,753	Si 529,431	Y 331
Cu 1,674	Mn 9,735		Zn 6,395
Dy 110	Mo 415		Zr 59
Er 53			

Net Contents:

Manufactured by:
 Diamond t AG LLC
 PO Box 613
 Reedsburg, Wisconsin 53959
 Telephone: (608) 279-3521