

## State of Misconsin 2019 - 2020 LEGISLATURE

LRBa1421/1 KP:klm

## SENATE AMENDMENT 1, TO ASSEMBLY BILL 753

March 16, 2020 - Offered by Senator JACQUE.

1	At the locations indicated, amend the bill as follows:
<b>2</b>	1. Page 1, line 4: on page 1, line 2 of the material inserted by assembly
3	amendment 3, delete "of fertilizer" and substitute "and labeling of fertilizers and soil
4	or plant additives produced from manure".
5	<b>2.</b> Page 3, line 8: before the material inserted by assembly amendment 2 and
6	assembly amendment 3, after that line insert:
7	"Section 5c. 94.64 (1) (a) of the statutes is renumbered 94.64 (1) (ar).
8	<b>SECTION 5d.</b> 94.64 (1) (ag) of the statutes is created to read:
9	94.64 (1) (ag) "Beneficial substance" means a substance other than a plant
10	nutrient that improves the nourishment of cultivated plants or improves the
11	physical, chemical, or biological properties of soil.
12	<b>SECTION 5e.</b> 94.64 (1) (u) of the statutes is created to read:

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1	94.64 (1) (u) "Vermicompost" means a mixture of composted materials and
2	worm castings produced from a composting process that uses earthworms.
3	<b>SECTION 5f.</b> 94.64 (2) (f) of the statutes is created to read:
4	94.64 (2) (f) Notwithstanding pars. (a) 3. and 4., (b) 5. and 6., and (e), all of the
5	following apply to a label or written or printed invoice or statement pertaining to a
6	fertilizer produced from converting unmanipulated animal or vegetable manure into
7	compost or vermicompost and their derivatives:
8	1. The label, invoice, or statement is not required to contain a grade or
9	guaranteed analysis for a plant nutrient.
10	2. The label, invoice, or statement may make representations about the amount
11	of plant nutrients contained in the fertilizer if the truthfulness of the representations
12	is substantiated by a typical analysis, as defined in s. 94.65 (1) (fm), or other
13	scientifically validated analytical method.
14	3. The label, invoice, or statement may make representations about the amount
15	of beneficial substances contained in the fertilizer if the truthfulness of the
16	representations is substantiated by a typical analysis, as defined in s. 94.65 $\left(1\right)$ (fm),
17	or other scientifically validated analytical method.
18	<b>SECTION 5g.</b> 94.64 (3m) (a) (intro.) of the statutes is amended to read:
19	94.64 (3m) (a) (intro.) No person may distribute mixed fertilizer in which the
20	sum of the guarantees for nitrogen, available phosphate, and soluble potash totals
21	less than 24 percent unless <u>any of the following applies</u> :
22	<b>SECTION 5h.</b> 94.64 (3m) (a) 1. of the statutes is amended to read:
23	94.64 (3m) (a) 1. The mixed fertilizer is exempted from this requirement by
24	department rule <del>; or</del> <u>under sub. (9) (g).</u>
25	<b>SECTION 51.</b> 94.64 (3m) (a) 3. of the statutes is created to read:

1	94.64 (3m) (a) 3. The mixed fertilizer is produced from converting
2	unmanipulated animal or vegetable manure into compost or vermicompost and their
3	derivatives.".
4	<b>3.</b> Page 3, line 8: before the material inserted by assembly amendment 2 and
5	after the material inserted by assembly amendment 3, after that line insert:
6	<b>"SECTION 50.</b> 94.64 (9) (c) of the statutes is amended to read:
7	94.64 (9) (c) Governing methods of sampling, testing, examining and analyzing
8	fertilizer, except that no rule under this paragraph may exclude the use of typical
9	analysis, as defined in s. 94.65 (1) (fm), or other scientifically validated analytical
10	methods for substantiating the truthfulness of representations made under sub. (2)
11	<u>(f) 2. or 3</u> .
12	<b>SECTION 5q.</b> 94.65 (1) (bm) of the statutes is created to read:
13	94.65 (1) (bm) "Compost-based soil or plant additive" means a soil or plant
14	additive that is produced from converting unmanipulated animal or vegetable
15	manure into compost or vermicompost, as defined in s. 94.64 (1) (u), and their
16	derivatives.
17	<b>SECTION 5s.</b> 94.65 (1) (fm) of the statutes is created to read:
18	94.65 (1) (fm) "Typical analysis" means an analysis of contents that is based
19	on the average amount of substances contained.
20	<b>SECTION 5u.</b> 94.65 (4) (a) (intro.) of the statutes is amended to read:
21	94.65 (4) (a) (intro.) As a condition to the issuance of a permit or amended
22	permit under sub. (3), the department <u>, subject to sub. (5m)</u> , may require that the
23	applicant substantiate, by scientific evidence:
24	<b>SECTION 5w.</b> 94.65 (4) (b) of the statutes is amended to read:

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1	94.65 (4) (b) The Subject to sub. (5m) (a), the department may require that the
2	substantiation under par. (a) 1. include replicable results of controlled experimental
3	studies using the soil or plant additive, the names and qualifications of the
4	researchers performing the studies and a complete description of the conditions and
5	procedures of the studies.

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**SECTION 5y.** 94.65 (5m) of the statutes is created to read:

94.65 (5m) COMPOST-BASED SOIL OR PLANT ADDITIVES. (a) The department may
not require that the substantiation under sub. (4) (a) and (b) related to a
compost-based soil or plant additive include a controlled experimental field test.

10 (b) If the truthfulness of a statement on a proposed soil or plant additive label 11 or in a permit or amended permit application is substantiated by a typical analysis 12 and the proposed soil or plant additive is a compost-based soil or plant additive, the 13 department may not require the truthfulness of the statement to be substantiated 14 by a guaranteed analysis.

(c) Notwithstanding sub. (5) (f), if a compost-based soil or plant additive is
labeled with a typical analysis of its contents, the compost-based soil or plant
additive is not required to be labeled with a guaranteed analysis of its contents.".

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(END)