



News & Views

A Monthly Publication Dedicated to the Feed, Seed, Grain and Farm Supply Industries of Wisconsin

Somebody Asked ■

Q.: I heard the state passed a law which says I can't sell lawn fertilizer that contains phosphorus. Is this true?

A.: Yes, a new law which restricts, but does not ban, the use, sale and display of turf fertilizer labeled as containing phosphorus or available phosphate goes into effect on April 1, 2010. This type of fertilizer cannot be applied to lawns or turf in Wisconsin except in certain cases.

Those exceptions are as follows:

- Fertilizer that is labeled as containing phosphorus or available phosphate can be used for new lawns (seed or sod) during the growing season in which the grass is established.
- Fertilizer that is labeled as containing phosphorus or available phosphate can be used if the soil is in an area that is deficient in phosphorus, as shown by a soil test performed no more than 36 months before the fertilizer is applied. The soil test must be done by a soil testing laboratory.
- Fertilizer that is labeled as containing phosphorus or available phosphate can be applied to pastures, land used to grow grass for sod or any other land used for agricultural production.
- This restriction also does not apply to manipulated animal or vegetable manure or finished sewage sludge product (Milorganite).

With these exemptions stated, the impact on most members will be the display restrictions imposed by the law. **Anyone who sells fertilizer at retail may not display turf fertilizer that is labeled as containing phosphorus or available phosphate.** In other words, keep it off your sales floor. Any one who violates regulations on the sale or display of fertilizer containing phosphorus or available phosphate may be required to pay a penalty of not more than \$50 for a first violation and not less

than \$200 nor more than \$500 for a second or subsequent violation.

However, a fertilizer retailer may post a sign advising customers that turf fertilizer containing phosphorus or available phosphate is available upon request for uses listed above (such as, establishing grass or that a lab test shows phosphorus deficiencies in the lawn or the product will be used for agricultural production.)

The law also contains other restrictions on lawn or turf fertilizers that may not have as direct an impact as the display restriction, but of which you should be aware. These include restrictions related to application of turf fertilizers on frozen ground as follows:

- No one may apply any turf fertilizer no matter if it contains phosphorus or not), manipulated animal or vegetable manure, or finished sewage sludge product to turf when the ground is frozen.
- Ground is generally considered unfrozen when you can dig down six to eight inches. Snow is not a good indicator. Depending on winter weather conditions, the ground under the snow could be frozen or unfrozen.

And as related to application on impervious surfaces:

- No one may apply, no matter if the application is intentional or accidental, turf fertilizer (it doesn't matter if it contains phosphorus or not), manipulated animal or vegetable manure or finished sewage sludge product, to an impervious surface (sidewalks, driveways, parking lots).
- Any of the products previously listed that do fall or come into contact with an impervious surface must be removed immediately.

Source : Wisconsin DATCP

Feed Buyers Mission ■

The Wisconsin Department of Agriculture Trade and Consumer Protection's (DATCP) Division of Agricultural Development has put together a Livestock Feed and Ingredients Buyer's Mission which will be held in Madison. The event is also co-sponsored by the Iowa Department of Economic Development and the Food Export Association of the Midwest.

This mission will provide feed manufacturers and ingredient suppliers the opportunity to meet directly with buyers from Mexico, Guatemala, Peru, and Panama. These buyers are interested in the following products:

- Livestock feed ingredients,
- DDG's,
- Whey,
- Vitamins and minerals,
- Silage inoculants,
- Milk replacers,
- Pre-mixes, and
- Pet food and aquaculture products

The dates in Madison are June 7 and 8, 2010, at the Concourse Hotel. There will be a second round of meetings held on June 9 and 10, 2010, at the World Pork Expo Grounds in Des Moines, IA.

Space is limited and meetings will be scheduled by appointment, so early registration is encouraged. There is a \$100 registration fee to be able to meet with any or all of the buyers for those registrations submitted prior to April 28. Registration for participation in the mission ends on May 26. In addition, DATCP will be providing a Trade Event Preparation service to those vendors registered for the event. This will include one-on-one, over the phone consulting regarding pricing, shipping and dealing with international buyers at no additional charge.

For more information and to register for the mission please contact:

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Treated Seed Disposal ■

We recently became aware of a troubling situation which the WASA membership can hopefully help in avoiding a reoccurrence. A homeowner wrote to DATCP staff asking about the "colored" corn he had been given to use in his home corn stove. The problem was that bags of the "colored" corn had been stored outside and deer had gotten into the bags. "Was this anything to worry about?"

Upon further investigation, staff learned this was indeed treated seed corn that had been given to the homeowner to burn in their indoor corn stove. We won't even address the issue of the deer eating the seed. Nor will we discuss the environmental issues regarding low temperature burning involved. This was pesticide treated seed, which brings up regulatory questions regarding proper disposal of pesticides, which is our focus.

A word of caution to members selling treated seed; burning in a corn stove is **NOT** the proper disposal method for out-of-date treated seed. If you have a question regarding proper disposal methods, please check with your seed supplier to discuss proper methods.

Various Updates■

- It looks like the bill which reworks DATCP's Producer Security Program and effectively raises the threshold for audited financial statements from grain dealers and warehouse operators is moving forward. The bill passed the state Senate on a voice vote. In the state Assembly, it has been referred to the Rules Committee after passing out of the Agriculture Committee. We have been informed by those more knowledgeable about the process than us; they still expect the bill to be passed by the Assembly and sent to the Governor for signing on March 25. Obviously there are no guarantees ever in this business, but we are working to help push the bill along. And we'll keep you informed as more information becomes available.

- **J**ust in case you missed it, there is another indirect vitamin litigation settlement pending. You may have already received solicitations from attorneys or others to prepare your filings in the case for you. Please be aware of a couple points going forward. First, this is a significant, but much smaller, proposed award for commercial entities compared to the earlier settlement (about \$12M). Secondly, there is wide variance in the fees being charged by advisors. Choose wisely. For more information, go to www.indirectvitaminssettlement.com

Frozen Road Declaration■

The Wisconsin Department of Transportation (WisDOT) ended the "Frozen Road Declaration" earlier this month.

This declaration applied to all highways on the State Trunk Highway System statewide, other than the Interstate highway system (except that portion of I-39 from the I-90/94 interchange, near Portage, to the north) and any state trunk highways where special weight restrictions have been imposed.

- Current road conditions and long-range weather forecasts for above normal temperatures means that the subsurface below state highways will be thawing and heavier loads of specific commodities can no longer be allowed on these highways.

In addition, Class II road restrictions also became effective March 4, 2010, on all state highways south of US Highway 8, as well as some posted road restrictions on Class II highways. These include:

- Non-divisible overweight permits cannot be used on Class II Roadways,
- divisible overweight permits cannot be used on any state highway, and
- accordingly, until further notice from WisDOT, sealed containers of DDGs for export must be transported at legal weights (80,000 lbs. max.).

Additional information on the frozen road declaration and seasonal weight restrictions is available on the WisDOT web site at:

www.dot.wisconsin.gov/travel/truck/weightrestrictions.htm

Eldon Roesler Scholarships■

It's time for the Eldon Roesler Scholarships again. The criteria for consideration for the scholarships will remain the same and are as follows:

- be a Wisconsin resident,
- have completed one year of study at a Wisconsin university, college or vocational/technical college in an agricultural discipline or in another discipline with the stated intent of pursuing a career in an agriculture-related field,
- have a minimum of a 2.75 cumulative grade point average on a scale of 4.0, and
 - can demonstrate in written form qualities of leadership, academic ability and financial need.

What do you need to do? Just copy both sides of the enclosed form and leave it on your counter and/or mention it to any employees or customers who may have an eligible child. If an applicant is awarded a scholarship that received their application from you, the resulting good will and potential positive publicity can't do you any harm. And all you have to do is have the applications on your counter or mention it to your employees. Not a bad deal.

WASA Directory Update■

Earlier this month, all members were sent an information update request for the association's annual directory. We are requesting you verify and update the information we currently have as needed. The directory is only as valuable as the information in it and we depend upon you for that. If any staff change positions or mailing addresses change, it may delay your company from receiving the newsletter or other vital information. WASA wants to provide you with the best possible service and to help us do that, we ask that you keep us updated of changes at your business.

Looking Down the Road■

**June 9-10 4 State Dairy Nutrition and Management Conference
Dubuque, IA**