



Wisconsin Department of Agriculture,
Trade and Consumer Protection
Bureau of Agrichemical Management
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Order Number

22 - 752 - 01 - 26 - 01 - 01

YR INVEST MO DAY SEQ ORDER

Release of Order

HOLDING ORDER

- FEED (Wis. Stat. § 94.72(13)(b))
 FERTILIZER (Wis. Stat. § 94.64(11)(b))
 SOIL & PLANT ADDITIVE (S&PA) (Wis. Stat. § 94.65(10)(a))
 PESTICIDE (Wis. Stat. § 94.71(2))

STOP SALE ORDER

- FERTILIZER (Wis. Stat. § 94.64(11)(a))
 SEED (Wis. Stat. § 94.46(1))

Name of Person Holding the Product Ace Hardware - Gary Jankovich		Address 1302 State Road 47		City & State Woodruff, WI	Zip 54568
Name of Labeler (if different) Naturally Northwoods		Address		City & State Minocqua, WI	Zip 54548
Product	Container Size	No. of Containers	EPA Reg. No. or Lot No.	Product Location	
5 products; listed in email message sent 2/21/2022					

CONDITIONAL RELEASE:

- DATCP Authorized Disposal** (Feed, Pesticide or Seed) **Agreed Disposition** (Feed, Fertilizer or S&PA)

Order # _____ is released under the condition(s) that the product(s) identified above will be:

Products should be returned to distributor/supplier or disposed of according to label instructions. These pesticides are not registered with the Wisconsin Department of Agriculture, Trade and Consumer Protection by the manufacturer, Naturally Northwoods, and are not legal for sale or distribution in the United States as they are unregistered pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) administered by the US Environmental Protection Agency (US EPA).

If all conditions above are not met, the order remains in effect. Violation of an order is subject to penalty under Chapter 94, Wis. Stats. **When you have completed the condition(s) of the release, please notify the Department in writing at the mailing address or fax number listed at the top of this form.**

COMPLETE RELEASE:

Order # _____ is no longer in effect and all products identified in this order are released for the following reason(s):

RELEASE RECEIVED BY	RELEASE ISSUED BY
Name	Name Monica L. Sipes
Title	Title Pesticide Product Registrar
Date	Date February 21, 2022

Original – Office

Yellow – Investigator

Green – Dealer or Labeler

Blue – Dealer or Labeler

Feed – Under Wis. Stat. § 94.72(13)(b), the department may “temporarily” order withdrawn from distribution any lot of a feed product if the department has reasonable cause to believe that it is being distributed in this state in violation of this section by serving written notice on the owner or custodian. A temporary order prohibits the distribution, movement or disposition of the feed product for up to 60 days after the service of the notice without the prior approval of the department pending further inspection, sampling or laboratory examination. If the department determines that the feed product is not being distributed in violation of this section after the inspection, analysis or examination, it shall immediately withdraw the order and promptly notify the owner or custodian. If the department determines that the feed product is being distributed in violation of this section, the department may extend the order by serving written notice on the owner or custodian. An extended order prohibits the distribution, movement or disposition of the feed product without the prior approval of the department. An extended order remains in effect until the final disposition of the feed is agreed upon or the feed is otherwise disposed of as the department authorizes or directs. If the final disposition is not agreed upon within 30 days after the service of notice of the extended order, the feed product shall be disposed of as the department by notice in writing may authorize or direct. Any order under this paragraph has the effect of a special order under s. 93.18 and is subject to the right to a hearing before the department if a request is received within 10 days after the service of the notice.”

Fertilizer – Wis. Stat. § 94.64(11)(a) and (b) provide:

- (a) *Stop sale orders.* The department may issue and enforce a written or printed stop sale order to the owner or custodian of any lot or container of fertilizer distributed in violation of this section or of rules promulgated under this section. The order shall prohibit the sale or removal of the fertilizer, except as authorized by the department, until it has been brought into compliance with the law or until a plan for disposition is agreed upon with the department in writing. The stop sale order shall have the effect of a special order under s. 93.18 and shall be subject to judicial review if, within 10 days after service of the order, a request for a hearing is made to the department.
- (b) *Temporary holding orders.* A temporary holding order may be issued whenever the department has reason to believe any lot or container of fertilizer may not be in compliance with the law pending further evaluation or laboratory examination and analysis. A temporary holding order shall be effective for no more than 15 days but may be extended for an additional 15-day period as may reasonably be necessary to complete sampling, analysis and evaluation of the fertilizer and its labeling. The fertilizer shall be released prior to the expiration of such temporary period if found to be in compliance with the law. If found to be in violation of the law, the temporary holding order shall be extended by notice, in writing, to the owner or custodian and a stop sale order issued prohibiting the further movement or disposition of the fertilizer without consent of the department, subject to the right of hearing before the department if requested within 10 days after service of such notice and stop sale order.

Soil and Plant Additive – Wis. Stat. § 94.65(10)(a) provides:

- (a) *Temporary holding order.* 1. If the department has reasonable cause to believe that a soil or plant additive is being distributed in this state in violation of this section or of rules promulgated under this section, the department may serve a written order upon the owner or custodian of the soil or plant additive, temporarily prohibiting the distribution or movement of the product, pending further inspection, sampling or laboratory analysis. No person may distribute or move for any purpose the soil or plant additive described in the temporary holding order while the order is in effect unless the department has approved the distribution or movement.

2. The temporary holding order remains in effect for 60 days after the date of service, unless the order is terminated earlier by the department under subd. 3.

3. If the department determines that the distribution of the soil or plant additive does not violate this section or rules promulgated under this section, the department shall promptly terminate the temporary holding order by giving written notice to the owner or custodian.

Pesticides – Under Wis. Stat. § 94.71(2), “[i]f the department has reasonable cause to believe that any pesticide is in violation of ss. 94.67 to 94.71, it may deliver to the owner or custodian of the pesticide an order prohibiting the sale or movement of the pesticide until an analysis or examination has been completed. Such holding order shall not be effective for more than 60 days from the time of delivery thereof. The pesticide described in any holding order shall not be sold or moved for any purpose without the approval of the department. If the department, after analysis or examination, determines that the pesticide described in the order is not in violation of ss. 94.67 to 94.71, it shall promptly notify the owner or custodian of the pesticide and the notice shall terminate the holding order. If the analysis or examination shows that the pesticide is in violation of ss. 94.67 to 94.71, the owner or custodian of the pesticide shall be so notified. Upon receipt of notice the owner or custodian shall dispose of the pesticide only in a manner authorized by the department. The owner or custodian may within 10 days of receipt of notice petition for a hearing as provided in s. 93.18.”

Seed – Under Wis. Stat. § 94.46(1), “[t]he department may issue a written or printed ‘stop sale’ order to the owner or custodian of any lot of agricultural or vegetable seed not conforming with ss. 94.38 to 94.46, or rules thereunder. The order shall specify the sections of the law or rules violated and shall prohibit the sale or other disposition of the seed except as the department authorizes or directs. Unless the seed is brought into compliance with the law or rules and is released from the ‘stop sale’ order, or other disposition is agreed upon in writing within 30 days after service of the order, the seed shall be disposed of as the department by notice in writing may direct. This shall not preclude the voluntary signing of a disposal agreement without the issuance of a “stop sale” order. Any notice or order hereunder may be served personally or by mail and shall have the effect of a special order under s. 93.18 subject to review under ch. 227 if within 10 days after service of any notice or order, the owner or custodian files with the department a written request for a hearing. Final disposition of the seed shall be stayed during pendency of the hearing but the ‘stop sale’ order shall remain in effect.”