

2013–2015

# Biennial Report

Wisconsin Department of  
Agriculture, Trade and  
Consumer Protection



October 2015

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This is the biennial report of the Wisconsin Department of Agriculture, Trade and Consumer Protection. It is an overview of the department's organization, programs, and budget.

Section 15.04 of the Wisconsin statutes directs departments and independent agencies to submit biennial reports to the Governor and Legislature. These reports address the operations and goals of the departments and agencies. In the past, biennial reports were one of the few comprehensive sources of information on state administrative agencies. With the advent of the internet, detailed supplemental information is now available at any time.

We encourage readers to consult the department's website at [datcp.wi.gov](http://datcp.wi.gov) for more information on specific programs.

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# Introduction

The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP or department) has a broad mission. The department works in support of:

- The safety and quality of food.
- Consumer protection.
- Fair business practices for the buyer and the seller.
- Efficient use of agricultural resources in a quality environment.
- Healthy animals and plants.
- The vitality of Wisconsin agriculture and commerce.

The department is primarily a regulatory agency, although it also provides many non-regulatory services. The department is the state-level equivalent of six federal agencies:

- Food and Drug Administration (food safety and labeling).
- Federal Trade Commission (unfair and deceptive business practices).
- Consumer Product Safety Commission (consumer product safety).
- Department of Agriculture (meat inspection, animal and plant health, agricultural marketing, and land and water resources).
- Environmental Protection Agency (pesticides and groundwater).
- Department of Commerce (weights and measures, trade, and commerce).

The department administers laws that the Legislature has enacted and assigned to the department. Most of these laws are found in chapters 88 to 100, 127, 134, 136, and 707 of the Wisconsin Statutes. Under authority granted by the Legislature, the department has adopted rules to implement these laws. Department rules are published under chapters ATCP 1 to ATCP 162 of the Wisconsin administrative code.

In one way or another, the department's jurisdiction extends to nearly every business in the state. The department has broad authority to make rules that have the force of law. The department also licenses approximately 100,000 individuals and businesses.

The department's first aim is to listen well, communicate effectively, and help producers, consumers and businesses solve problems. But DATCP also has substantial enforcement authority should that be necessary. The department may con-

duct hearings and investigations, perform inspections, issue subpoenas, collect and analyze samples, issue compliance orders, and suspend or revoke licenses. In cooperation with a local district attorney or the Department of Justice, the department may also prosecute law violations in court.

## **Boards and Councils**

The Wisconsin Department of Agriculture, Trade and Consumer Protection is a Wisconsin administrative agency. The department is overseen by a nine-member citizen board of private citizens.<sup>1</sup> The board establishes department policy at monthly meetings and approves all department rules. Board members are appointed by the Governor and confirmed by the Senate for six-year terms.

Many other boards and councils are attached to the department, including the Wisconsin Veterinary Examining Board, transferred in the 2015-17 budget from the Department of Safety and Professional Services. The department appoints various citizen advisory committees to advise the department on major policy issues. These include standing advisory committees as well as temporary advisory committees related to specific issues.

## **Office of the Secretary**

The department is headed by a Secretary, who is appointed by the Governor and confirmed by the Senate.<sup>2</sup> The Secretary administers the department with the assistance of an appointed deputy secretary, deputy assistant secretary, and administrators for the department's six divisions:

- Agricultural Development
- Animal Health
- Agricultural Resource Management
- Food Safety
- Management Services
- Trade and Consumer Protection

The Secretary also appoints the chief counsel, the legislative liaison, and a communications officer.

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<sup>1</sup> [datcp.wi.gov/About/Board\\_Members/Board\\_Meeting\\_Agendas\\_and\\_Reports/index.aspx](http://datcp.wi.gov/About/Board_Members/Board_Meeting_Agendas_and_Reports/index.aspx)

<sup>2</sup> [datcp.wi.gov/About/Secretary/](http://datcp.wi.gov/About/Secretary/)

The Secretary has ultimate responsibility for:

- Managing DATCP staff, programs, budget and operations.
- Appointing the deputy secretary, the assistant deputy secretary, and the division administrators to serve at the pleasure of the Secretary.
- Managing DATCP external relations, including relations with the Legislature and Governor.
- Developing budget, policy and legislative initiatives, subject to DATCP Board approval.
- Adopting, amending and repealing rules, with DATCP Board approval.
- Issuing orders and “contested case” decisions.

The deputy secretary exercises all powers and authority of the Secretary when the Secretary is absent, and performs other duties prescribed by the Secretary. The assistant deputy secretary performs executive duties prescribed by the Secretary.

The Office of Legal Counsel coordinates the department’s legal operations, and provides in-house legal services to the department, the Secretary, and the DATCP Board. The Office of Legal Counsel:

- Coordinates DATCP rulemaking and drafts administrative rules.
- Develops and drafts proposed legislation.
- Provides legal support for DATCP programs, including regulatory and enforcement support.
- Provides legal advice and interpretations.
- Litigates administrative cases.
- Assists district attorneys and the Department of Justice in court actions affecting DATCP, and represents DATCP in court as necessary.
- Coordinates case tracking and case management.
- Provides legal advice and assistance to the DATCP Board, the Wisconsin Land and Water Conservation Board, and other attached boards and councils.

The Office of the Secretary also includes a legislative liaison, communications staff, and policy advisors.

## Wisconsin Agricultural Statistics Service

The Wisconsin Agricultural Statistics Service<sup>3</sup> (WASS) is a partnership between the National Agricultural Statistics Service and the department. WASS staff consists of two federal employees (state statistician and NASDA coordinator). The department funds 1.8 FTE WASS positions and provides general support. WASS is located in the department's Madison office.

WASS develops statistics on agricultural production and provides statistical analyses on a broad range of agricultural and non-agricultural issues. The statistics service:

- Estimates Wisconsin agricultural production, inventories, and prices.
- Publishes state and federal agricultural statistics.
- Coordinates statistical services with the U.S. Department of Agriculture.
- Conducts special statistical surveys and analyses.

Data on Wisconsin agriculture is available in the annual Wisconsin Agricultural Statistics Bulletin and other publications.<sup>4</sup>

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<sup>3</sup> [www.nass.usda.gov/Statistics\\_by\\_State/Wisconsin/](http://www.nass.usda.gov/Statistics_by_State/Wisconsin/)

<sup>4</sup> [www.nass.usda.gov/Statistics\\_by\\_State/Wisconsin/Search/index.php](http://www.nass.usda.gov/Statistics_by_State/Wisconsin/Search/index.php)

# Programs

## Agricultural Development

The Division of Agricultural Development<sup>5</sup> is dedicated to growing Wisconsin agriculture. The division provides financial assistance and logistics to businesses through 22 programs in an effort to promote success on the farm, through local and regional markets, to the national and international marketplaces.

The division is organized into three centers and one management team:

- Wisconsin Farm Center
- Wisconsin Agriculture and Food Center
- Wisconsin International Agribusiness Center
- Communication, Outreach and Operations

### *Wisconsin Farm Center*

The Wisconsin Farm Center provides needed information and support to farmers and their families in order to help producers grow this sector of our agricultural economy. The Center partners with industry groups, the university, and other stakeholders in agricultural businesses. The core of our programs are:

- Agricultural Economic Development: Consultants help all types of Wisconsin farmers deal with the critical economic, business and social needs of farm families. Some of the services the Farm Center provides are financial and business consultation, farm succession planning, conflict mediation, production challenges, and other assistance aimed at helping farmers and their families.
- Organics, Livestock Grazing and Specialty Crops: This program provides information and technical assistance to organic growers and processors. In addition, this program works to strengthen farm support services and processing capacity, along with a host of other services.
- Minority Farmers Outreach: This program provides outreach and risk management assistance to beginning and minority farmers to increase their sustainability and profitability. The program emphasizes working with Hmong fresh market producers and Hmong ginseng growers, but assists all minority farmers facing production or marketing challenges and opportunities.

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<sup>5</sup> [http://datcp.wi.gov/Programs/Agricultural\\_Development/index.aspx](http://datcp.wi.gov/Programs/Agricultural_Development/index.aspx)



- **Rural Electric Power Services**: This program is administered in cooperation with the Wisconsin Public Service Commission. Consultants address stray voltage problems that can adversely affect cattle and milk production on dairy farms. Under the program, a stray voltage analysis team evaluates individual stray voltage problems and recommends possible solutions. As part of a whole farm evaluation, the program offers related herd health diagnostic services. Veterinarians provide herd and livestock diagnostics, milking and dairy equipment diagnostics, and feed and nutritional value diagnostics, among other services.
- **Mediation and Arbitration**: This program provides mediation services for farmer disputes ranging from credit issues to environmental concerns to farm family conflicts. Mediation involves a neutral individual who helps facilitate negotiation and understanding between conflicting parties. Confidentiality is upheld throughout the mediation process.

### *Wisconsin Agriculture and Food Center*

The Wisconsin Agriculture and Food Center supports the growth and success of local and regional food systems through business, farm and rural development programs and services. The core of our programs are:

- **Business Development**: This program provides the information, resources, and connections that beginning and emerging businesses require for success, such as technical assistance and referrals to agricultural entrepreneurs, consultation to agricultural clients on business improvements, assistance on exploring market and product opportunities for sector growth, and support to agricultural development statewide.
- **Organic and Specialty Crop Market Development**: This program develops and expands market share for local products within Wisconsin and the U.S. by engaging with a broad network of stakeholders, including food production companies, agricultural associations, food processors, distributors, wholesalers, retailers, etc. Additionally, this program provides industry stakeholders with market development assistance, research, technical seminars, and one-on-one business development consultation, among other methods.
- **Wisconsin Farm to School**: This program helps support the 255 Farm to School Programs in Wisconsin. Comprehensive farm to school programs combine local or regional procurement efforts, nutrition and agriculture education, and student engagement activities, such as school gardening, in order to provide the broadest benefits to both students and farmers across Wisconsin. This program also works with farmers, food distributors, and processors to identify and reduce impediments to increasing the amount of Wisconsin-grown and produced foods served in Wisconsin institutions, including schools.

- AmeriCorps Farm to School: This program provides an innovative approach to decreasing childhood obesity by promoting healthy eating habits in students K-12, and increasing access to local foods in schools. The program identifies and addresses hurdles facing local food procurement in school districts, including distribution, processing, and pricing, while building relationships and supporting Wisconsin farmers.
- Something Special from Wisconsin™: This is a trademarking program through which participating businesses can apply to use the Something Special from Wisconsin™ logo if at least 50 percent of the value of the product or service is attributable to Wisconsin ingredients, production or processing activities. The annual fee is based upon a company's gross annual sales.

### *Wisconsin International Agribusiness Center*

The Wisconsin International Agribusiness Center identifies export opportunities around the world for Wisconsin's agricultural companies and producers. The economic development consultants provide technical expertise and market development initiatives to aid the growth of Wisconsin agriculture through increased exports and the development of trade-enhancing partnerships. The Center uses client feedback, global trends, market and export data to establish criteria for identifying target markets and activities.

- Alice in Dairyland: "Alice" is perhaps one of the most recognizable spokespersons of Wisconsin agriculture. She travels throughout the state to promote Wisconsin products to audiences of all ages, educating the media, youth and civic groups about the many facets of the state's agricultural industry.
- Fairs: Annually more than three million people attend Wisconsin's 76 county and district fairs. DATCP works in partnership with the Wisconsin Association of Fairs to improve exhibits and to better showcase agriculture by improving signage, buildings, exhibits, landscaping and other miscellaneous items. This program also helps educate fairgoers about Wisconsin agriculture.
- Dairy 30X20 Grant: The goal of this grant is to improve the long-term viability of Wisconsin's dairy industry through services to achieve an annual milk production of 30 billion pounds by 2020 to meet the growing demand of the marketplace. This program provides assistance to dairy farmers, without regard to size or type, focusing on creating long-term, sustainable operations.
- Specialty Crop Block Grant: This grant provides federal funds to increase the competitiveness of Wisconsin specialty crops. The Specialty Crop Block Grant is a three-year grant program. Currently, 2013 grants are under way with all projects started and many starting to see results.

In addition, the Grow Wisconsin Dairy 30x20 Initiative has provided nearly \$390,000 to 83 producers to aid in farm investment planning, farm transfers and dairy profit teams.

About 22% of Wisconsin dairy farmers use managed grazing to provide the bulk of their forage needs. Managed grazing is a low cost means of producing milk and reduces the need for infrastructure investment. A grazing grant program, supported by \$810,480 in federal and state dollars, funded 45 education, technical assistance and research grants to help farmers expand and improve the use of managed intensive grazing for those farmers interested in converting to a pasture-based system for dairy and beef production.

The Buy Local, Buy Wisconsin grant and technical assistance programs, the Something Special from Wisconsin branding program, and the SavorWisconsin.com website showcased and supported Wisconsin's locally grown food industry, including: creating an award winning Wisconsin Local Food Marketing Guide; organizing local foods workshops that served 400 participants; providing hands-on technical assistance for more than 30 producers; creating an on-line resource that connected 40,000 consumers each month to 1,800 producers and 200 farmers' markets; and facilitating more than 425 companies use of the Something Special branding program.

The Wisconsin International Trade Team provided technical assistance, led trade missions, hosted buyer delegations, and helped Wisconsin companies access federal funds for trade promotion. Wisconsin companies reported that their participation in these international trade programs led to nearly \$150 million in increased sales and the addition of more than 170 jobs during 2013-15.

One hundred seventy-five farmers received direct, one-on-one technical assistance from Wisconsin Farm Center staff over the biennium, including business planning help, financial viability analyses, dispute mediation, farm ownership entry, exit and transition strategies, and veterinary assistance for herd health issues such as stray voltage, nutrition, and milk quality.

- Organic Certification Reimbursement: This federal rebate program provides funds to qualified applicants. The amount of reimbursement is a formula based on how much applicants have paid for the organic certification.

### *2013–2015 Accomplishments*

#### *Wisconsin Farm Center*

The Farm Center mission, simply stated, is to help farmers. In the 2013-2015 biennium, the Wisconsin Farm Center provided needed information and support to

farmers and their families in order to help producers grown our agricultural economy. The core of our accomplishments are:

- Agricultural Economic Development: During the 2013-2015 biennium, 161 cases were for financial planning, 154 cases were for transition and estate planning, and 6 cases were for beginning farmers. Consultants participated in 98 events where they connected with stakeholders. Currently, Farm Center has 118 active cases. Financial, transition, and estate planning account for about 46% of Farm Center's active cases. An estimated 81% of clients followed or are following our recommendations.
- Organics, Livestock Grazing and Specialty Crops: This program provided technical assistance to 115 clients, along with consultants of other services, and managed 31 Grazing Lands Conservation Initiative grants. Also, this program participated in 13 events to connect with stakeholders and gather more information on the latest developments in technology that can impact organics, livestock grazing and specialty crops farmers.
- Minority Farmers Outreach: During the 2013-2015 biennium, this program worked with 51 Hmong ginseng farms, offered 14 Hmong farmers mini summits, organized nine workshops in risk management tools and nine workshops in safe food handling skills.
- Rural Electric Power Services: Consultants provided 23 technical assistance services in power quality and other electrical-related services. Also, 48 clients were assisted with consultations under our herd health services. During the herd based diagnostic services, issues the veterinarians commonly addresses on the farm were: 40% for low production, death losses, and higher than desired health problems, 40% for high somatic cell counts and high prevalence of clinical mastitis, and 20% for lameness, infertility calf losses/disease and behavioral issues (failure to enter parlor, kicking, etc.)
- Mediation and Arbitration: This program managed 29 new cases in FY 2014, 22 cases carried forward from FY 2013, 51 total cases open during FY 2014, 34 cases closed in FY 2014, and 17 cases carried forward to FY 2015.

### *Wisconsin Agriculture and Food Center*

Wisconsin Agriculture and Food Center staff have developed strong inter-agency partnerships to provide a full array of state services to the food and agriculture industry, including business planning, financial planning, and technical assistance. Our accomplishments include:

- Business Development: Currently, this program has created 35 business plans for clients, including 15 plans for start-up businesses. Moreover, this program created a business strategy seminar series archive on DATCP's website with recorded workshops on practical strategies for testing

business ideas in the marketplace. Entrepreneurs can watch and hear examples of other local food business startups, and gain knowledge in the principles of lean business strategies.

- Organic and Specialty Crop Market Development: This new program provided technical assistance to 42 clients in FY 2014-15. Also, this program participated in seven national events to network with industry stakeholders and learn more about this market.
- Wisconsin Farm to School: During the 2013-2015 biennium, this program created more than 15 Farm to School resources and released 41 Farm to School newsletters to about 1,760 subscribers. Also, technical assistance was provided to 193 program participants, 13 school trainings were presented on local food procurement, and 24 Farm to School events were attended. Overall, during this biennium, schools purchased \$9.7 million from local producers.
- AmeriCorps Farm to School: This program has grown from 13 host sites in 2013 to 16 host sites with 30 AmeriCorps members. Since 2013, members have introduced a total of 587 new local foods, connecting approximately 146 farms to 100 schools serving over 18,000 students in Wisconsin. The CESA purchasing host site additionally works with between 50 and 60 districts on direct procurement into schools.
- Something Special from Wisconsin™: Currently, this program has gained 100 new members for a total of 489 active members. The average member annual sales increase was 10%. Also, the membership retention was 95%, and the member self-renewal online was 98%.

#### *Wisconsin International Agribusiness Center*

The Wisconsin International Agribusiness Center (WIAC) worked to facilitate international export of Wisconsin agricultural products. Consultants participated in 18 international events, coordinated 12 international delegations, managed 18 outreach events, and helped export products to more than 145 countries.

Also, direct results of WIAC's services during the 2013-2015 biennium include:

- Additional economic activity: \$63.7 million in 2014-2015, \$26 million in 2013-2014.
- Anticipated increase in export sales generated by Wisconsin companies: \$53 million in 2014-2015, \$15.3 million in 2013-2014.
- Export sales generated by Wisconsin companies: \$49 million in 2015-2014, \$20 million in 2013-2014.
- Companies receiving export development services from WIAC staff: 289 in 2015-2014, 324 in 2014-2013.

- WIAC staff's interactions with companies: 800 in 2015-2014, 874 in 2014-2013.

Moreover, the 2014 value of agricultural exports is a record for Wisconsin and an increase of 13.6% when compared to the same time period in 2013. State businesses exported \$23.4 billion worth of goods in 2014, an increase of 1% over 2013. Wisconsin ranked 12th overall in agricultural exports for the first six months of 2015, up one spot from 2014. Wisconsin leads the nation in exports of whey, cranberries, bovine genetics, canned corn, and ginseng roots.

In April 2015, Secretary Ben Brancel led a group of 34 Wisconsin-based agribusinesses, farmers, and media to our sister state, Heilongjiang Province, in China. The goals of the mission were to create business opportunities for Wisconsin, facilitate trade opportunities, and raise awareness of Wisconsin's global leadership in agriculture. The Wisconsin Pavilion at the China World Dairy Expo and Summit provided our companies with the opportunity to meet with more than 125 foreign buyers. As a result, more than \$5 million in export sales over the next two years is anticipated. Besides the trade show, the China/U.S. Dairy Forum allowed Wisconsin farmers and agriculturalists to demonstrate our dairy expertise. The trade mission's third segment included government-to-government meetings during which Secretary Brancel, along with USDA officials, discussed barriers affecting trade between Wisconsin and China. The mission strengthened our ties to this important export market and provided direct support to Wisconsin agricultural companies looking to expand their international exports.

### *Communication, Outreach and Operations*

The Communications, Outreach and Operations team promoted Wisconsin agriculture through the state and managed outreach programs. The core of our accomplishments are:

- Alice in Dairyland: Combined, Alice 66<sup>th</sup>, Kristin Olson, and Alice 67<sup>th</sup>, Zoey Brooks gave 454 event speeches. They gave 132 TV interviews, 362 radio interviews, and 270 print interviews. They posted 768 Facebook messages, 777 Twitter messages, and 359 blog messages. Also, under the Wisconsin Milk Marketing Board Student Education program, they presented to 854 classes and interacted with 19,743 students.
- Fairs: This program assisted 76 county and district fairs, in cooperation with the Wisconsin Association of Fairs. Currently, a total of 4,436 fair judges are registered. In each year, a premium aid of \$406,400 was made available to county and district fairs.
- Dairy 30X20 Grant: This program provides two types of grants: producer grants and processor grants. In 2013-2014, producer grants received 71 applications, awarded 43 grants, and distributed a total of

\$200,000 for an average award of \$4,650 per grant. In 2014-2015, producer grants received 58 applications, awarded 39 grants, and distributed a total of \$187,117 for an average award of \$4,800 per grant. For the processor grants, this program received 23 applications, awarded 7 grants, and distributed a total of \$200,000 for an average of \$28,500.

- Specialty Crop Block Grant: This three-year program, with 2013 grant projects currently under way, received 47 applications, awarded 18 grants, and distributed a total of \$1,303,000 for an average of \$72,400 per grant.
- Organic Certification Reimbursement: This program is a federal rebate program. In 2013-2014, there was no program due to the Farm Bill being delayed in Congress. In 2014-2015, the total money distributed was \$588,482 to 513 applicants for an average amount of \$867 per application.

#### *2015–2017 Goals*

- Assist agricultural business sales by helping companies become export ready and by providing technical assistance in international market development.
- Assist with agricultural business startup and expansion, focused on profitability and financial sustainability resulting in job creation.
- Focus dairy development efforts to support the growth and profitability of existing dairy farms with the goal of maintaining and increasing the overall milk supply.
- Promote, foster, and develop supply chain components to build and expand regional local food clusters, resulting in an increase in sales and infrastructure investment.
- Show a measurable shift in participating Farm to School program children’s attitude toward healthful foods and a measurable shift in participating schools towards a healthier school food environment.
- Increase participation by members in program economic development and marketing-driven activities, such as tradeshow, social media activities, sponsorships and the Alice in Dairyland Something Special *from Wisconsin*<sup>™</sup> holiday campaign.
- Increase producer and consumer knowledge to support the growth of the industry.

- Foster advisory, leadership, and collaborative relationships between various agriculture sector organizations and institutions of government and education to promote industry growth.
- Help Wisconsin farmers get the information they need to make decisions which result in an increased percentage of farmers continuing to farm, an increased percentage of farmers who successfully transfer their business, and improved knowledge of risk management tools by minority farmers.

## **Agricultural Resource Management**

The Division of Agricultural Resource Management<sup>6</sup> is responsible for farmland preservation, soil and water conservation, plant industry, and agrichemical management. It is organized into three bureaus:

- Land and Water Resources
- Plant Industry
- Agrichemical Management

### *Land and Water Resources Bureau*

The Land and Water Resources Bureau is responsible for the farmland preservation program, agricultural enterprise areas, livestock facility siting, drainage district program, agricultural impact statement development, and soil and water conservation statewide. While some of these areas are managed locally by counties and local governments—who have staff dedicated to those functions—the bureau plays an important role in overseeing and supporting local administration of these programs by providing funding for county conservation staff, landowner cost-sharing, farmer training, and farmland preservation planning. Counties must have department-approved land and water resource management (LWRM) plans to receive certain grants. Since the bureau does not directly administer farmland preservation, livestock siting, drainage districts, or soil and water conservation programs locally, the bureau develops statewide standards and reviews the programs put in place by local governments and county drainage boards. The bureau reviews farmland preservation plans and exclusive agricultural zoning ordinances for certification by the department, and land and water resource management plans for approval. The bureau designates agricultural enterprise areas and enters into farmland preservation agreements to protect farmland and encourage agricultural economic development. The bureau also implements the Conservation Reserve Enhancement Program, in cooperation with the U.S. Department of Agriculture and counties.

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<sup>6</sup> [datcp.wi.gov/Programs/Agricultural\\_Resource\\_Management/](http://datcp.wi.gov/Programs/Agricultural_Resource_Management/)



The bureau supports implementation of nutrient management and other conservation practices through its nutrient management and engineering staff located statewide. Nutrient management staff provide training and guidance to county staff, private agronomists, and farmers regarding the development of nutrient management plans and related conservation practices to reduce nonpoint pollution discharges.

Local programs are supplemented by financial and technical assistance to landowners and county land conservation committees and departments. The bureau manages those state funds together with the Department of Natural Resources.

The bureau is also responsible for: 1) administration of statewide standards for siting of livestock facilities; 2) analyzing agricultural impacts of road construction, energy, and other public projects on farmland; and 3) managing the statewide drainage district program. Located throughout the state, bureau engineers and technicians provide design services, training, and plan review for landowners and others.

Two boards play a role in the bureau's programs. The Land and Water Conservation Board performs an advisory function, making recommendations regarding LWRM plans and the allocation of state funds to implement the nonpoint pollution control program. The Livestock Facility Siting Review Board reviews appeals of local decisions involving permit applications for new and expanded livestock facilities.

### *Plant Industry Bureau*

The Plant Industry Bureau works to control pests, diseases and exotic species, which threaten Wisconsin's crops, forests, plant communities, and honeybees. Two current high priority pests are gypsy moth and emerald ash borer (EAB), both of which threaten forests and urban trees. The bureau conducts field surveys, imposes quarantines, and applies treatments as needed.

Industry needs to move its products within the state, across state lines, and internationally. To facilitate such trade, the bureau inspects products and certifies them free of diseases and pests. Important products include bee colonies, lumber, nursery stock, and agricultural crops. The bureau also licenses and inspects plant-related businesses, including nursery growers and dealers, Christmas tree growers, and seed labelers.

Finally, the bureau conducts regular pest surveys across the state to evaluate pest pressure on various crops. The bureau publishes a weekly pest survey bulletin to the agricultural community during the growing season.

### *Agrichemical Management Bureau*

The Agrichemical Management Bureau regulates agrichemicals to protect human health, property, and the environment. The bureau regulates chemical storage, handling, use, and disposal. The bureau also directs clean-up of pesticide and fertilizer spills. It administers the Agricultural Chemical Cleanup Program, which partially reimburses individuals and businesses for the costs of cleanup.

Safe storage is important for agrichemicals. The bureau sets standards for the bulk storage of pesticides and fertilizer to support that goal. The bureau also works to ensure that animal feed, fertilizer, pesticides, soil and plant additives, and agricultural lime products are correctly labeled and free from adulteration.

One of the bureau's tools is licensing. The bureau licenses manufacturers and distributors of the regulated products listed above, as well as licensing commercial pesticide application businesses. The bureau also licenses and certifies pesticide applicators, including a required applicator examination.

The bureau is also responsible for carrying out inspections, investigations, and enforcement activities related to its programs. This includes investigation of groundwater contamination by pesticides and fertilizer; complaints of damage or harm to persons, property, or the environment resulting from pesticide misuse or suspected problems with commercial feed or fertilizer products; and toxic response incidents involving livestock.

Finally, the bureau's clean sweep program provides funding and technical support to local governments for the collection and disposal of waste pesticides and household hazardous wastes, including unwanted prescription drugs.

### *2013-2015 Accomplishments*

In 2014, the department completed a significant revision of ATCP 50 to implement DNR farm runoff standards adopted in 2011, update conservation compliance requirements for the farmland preservation program, modify the grants program to better support implementation of farm practices, and make other improvements in programs covered by the rule.

The department has nine field staff who provide counties, farmers and others with technical assistance to install manure storage, waste transfer systems, streambank and shoreline protection, erosion control, and other engineered practices. Annually DATCP field staff provide over 1,150 support services, which in fiscal year 2015 translated into the following activities: 125 designs of conservation practices, 211 review of designs, 253 approval of designs, 79 construction approvals, 81 inspections of installed practices, and 406 project consultations (including site assessments, surveys, and training).

The livestock facility siting law continues to provide a predictable process for securing a siting permit based on compliance with state requirements. As of February 2014, 24 counties, 61 towns, two cities (Berlin and Fitchburg), and two villages (Germantown and Richfield) adopted siting ordinances. During the same period, counties issued over 80% of the 112 permits, with Jefferson, Manitowoc, Shawano, Trempealeau, and Walworth Counties as the primary permit issuers. In 2015, DATCP received advice from a technical expert committee to complete a required four-year review of state standards in the siting rule.

For calendar years 2014 and 2015, the department allocated \$17.76 million to pay for conservation staff in 72 counties, \$11.49 million in grants for counties to provide landowners cost-sharing for conservation practices, and over \$1.4 million to cooperators to provide farmer training, conservation professional training, and support activities to implement nutrient management. In FY 2015, DATCP made these timely payments within 30 days of reimbursement request receipt: \$4.96 million in payments for 1,118 cost-share project reimbursement requests; and \$8.88 million in payments for 107 staffing grant reimbursement requests.

The department continued to work with the Land and Water Conservation Board to implement enhanced accountability measures for 10-year LWRM plan approvals and five-year extensions of plans originally approved for five years. The department worked with DNR to implement planning components that support development of LWRM plans that meet the nine key element requirements under the federal Clean Water Act Section 319.

Through the efforts of department nutrient management specialists, county staff, and cooperator groups, 1,339 farmers wrote their own nutrient management plans (NMPs) in 2014 on 359,387 acres, accounting for 22% of all NMPs on four percent of Wisconsin's total cropland acres. In the same year, 4,714 farmers hired 282 agronomists to assist them with nutrient management planning on 2,224,350 acres. Agronomists produced 78% of the total plans, covering 24% of total cropland acres.

During the 2013-15 biennium, staff in the Agricultural Impact Statement program reviewed 173 public projects affecting farmland. They published 14 agricultural impact statements and one addendum covering potential impacts to 2,242 acres of farmland. The two largest projects were the North Appleton to Morgan 345/138 kV transmission line project between Appleton and Oconto Falls affecting about 863 acres of farmland, and the Badger-Coulee 345 kV transmission line project between Middleton and the Briggs Road Substation near Holmen, affecting about 695 acres of farmland.

During the biennium, ATCP 49 went into effect. This is the first rule to govern the farmland preservation program. The rule provides clarity to certain aspects of the program, including farmland preservation planning, farmland preservation zoning, and farmland preservation agreements. During 2013-15, the department certified 17 new county farmland preservation plans and awarded \$701,878 in the third and fourth rounds of planning grants to 32 counties scheduled for plan certi-

fications. Sixty-eight farmland preservation ordinances were also certified during this same period.

The department designated six new Agricultural Enterprise Areas (AEAs) and modified two existing AEAs during the biennium. Following the 2015 AEA designations, there will be 31 AEAs statewide, covering nearly 1,000,000 acres in portions of 23 counties and 92 towns, as well as the Bad River Reservation. A statutory change in 2014 increased the state's authority to designate up to 2,000,000 acres as AEAs. Since the law changed in 2009, the bureau has recorded 495 farmland preservation agreements covering 105,483 total acres. Due to the above programs, over 14,000 farmland owners have been able to collect approximately \$18.3 million per year in farmland preservation income tax credits paid by Wisconsin Department of Revenue. In return for the tax credits, these claimants ensure compliance with conservation standards on 2,600,000 acres of Wisconsin farmland.

The department also awarded \$510,246 in Conservation Reserve Enhancement Program (CREP) grants to landowners for cost sharing installation of CREP conservation practices, and incentive payments for enrollment of 155 new CREP agreements and three new CREP easements on 1,721 acres.

The department treated 146,477 acres for gypsy moth at 66 sites in 25 counties in 2013 and 165,944 acres at 58 sites in 18 counties in 2014. Trapping surveys in 51 counties in 2013 revealed a 50% increase in male moth catches (353,134) compared to a 173,588 male moth catch in 2012. An extended flight period, significant female caterpillar mortality, and delayed larval development were all factors resulting in the large male population. Results for 2014, however, showed a 63% decrease in male moths to 92,786. The large decrease was attributed to a cold winter and abnormally wet spring. The rate of spread was below the target rate during the biennium, indicating that the annual treatments are successfully achieving the goal of slowing the spread of the gypsy moth. Two additional counties were quarantined during the biennium - Taylor and Iowa - for a total of 50 counties.

EAB continues to be a threat to the state's 834 million ash trees. EAB has been found in 127 communities since its first detection in 2008. In 2013, there were 48 new detections of EAB in Wisconsin, followed by 51 additional detections in 2014. These detections resulted in 24 additional counties being quarantined during the biennium. A total of 39 Wisconsin counties have been quarantined for EAB since 2008.

Plant Industry Bureau staff issued 8,714 phytosanitary certificates in 2014, which was an increase of five percent over the 8,245 issued in 2013. These certificates expedited the export of over \$849,060,803 in plants and plant products. The phytosanitary certification program is a cooperative program with the U.S. Department of Agriculture and other states that certifies that shipments of plants and plant products are free of regulated pests. The certificates are required to allow products to move into international or interstate commerce. Demand for phyto-

sanitary permits has increased over the biennium due to continued large volume exports of wood products, grain, distillers dried grain, and gluten meal. The value of Wisconsin's log and lumber accounted for over 32% of all certificates issued in 2013 and 2014; soybean grain and corn grain were also major exports. This trend in exports and demand for phytosanitary certificates is expected to continue.

The department licensed approximately 629 nursery growers, 1,070 nursery dealers, and 395 Christmas tree growers annually in 2013 and 2014. This total of 2,094 licenses represents a less-than-one percent decline from the previous report. During the biennium, staff inspected approximately 55% of nursery growers, 45% of nursery dealers, and an estimated 50% of licensed Christmas tree producers. The department also licensed 725, inspected 27% and sampled between 12% and 14% of seed labelers annually during the biennium.

The Clean Sweep Program awarded \$750,000 each year in grants to local governments. The grants resulted in collection of 2.5 million pounds of waste in 2013 and 2.4 million pounds in 2014. These grants served 50,000 to 70,000 citizens of the state in providing services to properly collect and dispose of agricultural chemicals and household hazardous waste, which included unwanted prescription drugs.

The Agrichemical Management Bureau continued to issue around 13,000 pesticide applicator, fertilizer, soil/plant additive, lime, feed, and pesticide manufacturing licenses annually. The bureau also annually registered over 12,500 pesticide products, certified approximately 6,000 pesticide applicators (for a total of nearly 32,000 certified applicators), investigated over 105 pesticide, feed and fertilizer complaints, and took over 175 enforcement actions.

The bureau also continued to manage about 140 remediation cases at agrichemical facilities and reimbursed about \$1-1.5 million in clean-up costs to responsible parties each year. The bureau also provided oversight on about 50 agrichemical spills each year.

### *2015–2017 Goals*

- Maintain and protect Wisconsin's agricultural land base and assure the continued growth of agribusiness by expanding the number and scope of Agricultural Enterprise Areas, by completing the modernization of the Farmland Preservation Program, and by assuring conservation compliance by program participants.
- Maintain critical financial and technical support for county conservation staff, and for the education and support mechanisms to assist farmers in developing and implementing nutrient management plans.
- Survey and control for plant pests and diseases to ensure the health and profitability of the crop, forestry, and nursery sectors of the economy.

- Finalize and publish the state’s first pollinator protection plan.
- Work with state and federal partners to develop effective strategies to increase engagement of the public in the early detection of exotic plant pests to minimize their economic, ecological, and social impacts on Wisconsin.
- Improve environmental, public health, and livestock protection in Wisconsin, while allowing for the efficacious and wise use of fertilizer, pesticides, and other agrichemical products.
- Evaluate efficiency measures and potentially use technology to streamline internal processes and more efficiently deliver services to the public, our partners, and our regulated industries.

## Animal Health

The Division of Animal Health<sup>7</sup> is responsible for the prevention, diagnosis, and control of animal disease. The goal is to prevent losses to the livestock industry and protect human health. The division relies on several tools, including disease surveillance, record keeping requirements, quarantines, and controls on movements of animals within the state and across state lines.

Currently Wisconsin is considered a disease-free state for many major diseases. To protect Wisconsin’s industry and maintain a healthy livestock population, the division requires that a Certificate of Veterinary Inspection (CVI) accompany all animals imported into this state. A CVI will contain the official identification of the animals being moved, attest to the general health of the animal, and may require that disease testing be completed prior to import.

The division manages many disease programs, such as brucellosis herd certification for bovine, swine, farm-raised deer, and goats; tuberculosis herd certification for bovine, farm-raised deer, and goats; pseudorabies herd certification for swine; brucella ovis-free flock certification for sheep; the Chronic Wasting Disease (CWD) herd status program for farm-raised deer; and Johne’s disease certification for bovine and goats. These herd certifications make it easier for owners to sell and move their animals intra- and interstate.

In addition, the division works closely with other agencies, the public, and industry on diseases relating to fish, equine, rabies in all animals, and scrapie in sheep and goats.

The division’s field veterinarians routinely meet with private and public veterinarians and members of the slaughter industry statewide to discuss program changes, diseases of concern, and foreign animal disease reporting protocol.

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<sup>7</sup> [datcp.wi.gov/Programs/Animal\\_Health/](http://datcp.wi.gov/Programs/Animal_Health/)

The division administers the livestock premises registration program, which significantly increases the division's ability to respond rapidly to a disease incident. The division also licenses animal markets, animal dealers and animal truckers, feedlots, deer farms and fish farms to assist with disease control and animal traceability. These entities are required to keep records of livestock movement, including official identification of animals.

The ability to trace the movements of diseased and exposed animals is essential to disease control. Epidemiological investigations are completed to determine exposure and trace movement to and from a premises where a disease of concern has been identified. These investigations enable the division to trace disease to its origin and to other potentially infected premises to effectively contain the disease. The ability to rapidly and completely trace the movements of animals, and therefore disease, is essential to contain and eradicate disease threats. This maintains the export market for animals and animal products.

A large component of the division's mission is to provide education and guidance to the public and affected industries. Animal Health provides annual humane officer training, routinely conducts rabies training, and provides expertise and guidance on situations where the humane handling of animals is in question. Additionally, staff routinely present information regarding division programs at the request of industry or local units of government.

The division is in charge of emergency response for all animal diseases as they may arise. The division manages various animal programs to maintain export markets for Wisconsin livestock and their associated products.

Finally, the division is responsible for the Dog Sellers Program which establishes minimum facilities and care requirements for licensed entities. Entities are required to license if they operate as dog breeders, dog dealers, animal control facilities, or animal shelters that sell or care for at least 25 dogs.

### *2013-2015 Accomplishments*

- The division has responded to numerous potential disease threats over the previous two years. Since October 2014, the DAH responded to:
  - Highly Pathogenic Avian Influenza (HPAI) was diagnosed on 10 premises in Wisconsin. This led to the depopulation of almost 2 million poultry and the destruction of 42 thousand fertilized eggs. HPAI is an extremely infectious disease that is fatal to birds. Once established, the disease can spread rapidly from flock to flock. Staff had to work fast, as several countries banned the import of Wisconsin poultry until monitoring and testing for the disease was completed. According to the

USDA, the HPAI incident that occurred in the spring of 2015 was the worst animal health event in the nation's history.

- Scrapie in 380 game sheep. Scrapie, a fatal neurodegenerative disease, is a Transmissible Spongiform Encephalopathy (TSE) that affects sheep and goats, and animal disease control specialists and producers are working jointly towards its eradication in the United States in accordance with the federal code of federal regulations and uniform methods and rules.
  - Tuberculosis (TB) investigations in more than 1,500 cattle. The United States Tuberculosis eradication program has been in place for almost 100 years. Today, most of states in the U.S. are accredited free of Bovine Tuberculosis; however, every year an average of eight newly-infected herds are identified in the United States.
  - Chronic Wasting Disease (CWD) was discovered on two farm-raised deer keeper premises. Additionally, Wisconsin received traces from positive herds in Ohio and Pennsylvania. CWD is a transmissible neurological disease of deer and elk that produces small lesions in brains of infected animals. It is characterized by loss of body condition, behavioral abnormalities and death. CWD is classified as a TSE and is similar to mad cow disease in cattle and scrapie in sheep. The Division of Animal Health is working to eradicate CWD from all captive deer herds in Wisconsin.
- The division regulates the import and movement of animals to prevent the spread of disease. In 2014, 358,804 animals were imported into Wisconsin accompanied by 12,429 certificates of veterinary inspection (CVIs) (multiple animals can be recorded on one CVI). Also, 350,016 bovine were exported out of Wisconsin accompanied by 9,679 CVIs.
  - The division licensed and monitored 121 animal markets, 308 animal dealers, 451 animal truckers, 518 farm-raised deer herds, 259 farm-raised deer herds that participate in the CWD herd status program, 68 hunting preserves, 3,000 fish farms, and 403 dog sellers and dog facility operators.

### *2015-2017 Goals*

- The division will continue to efficiently safeguard animal health and the animal agriculture industry. Animal disease is the most important factor that could stop the export of agricultural products. By continuing to provide education and outreach to the livestock indus-



try through inspections, meetings, and other services, the division will strive to keep Wisconsin free of disease and prepared to respond in the event of a disease outbreak.

- The division will continue to foster relationships with industry, other state and local government units, and the affected public to ensure that the division is prepared to face any disease emergencies that may arise.
- The division will continuously improve our ability to rapidly detect, control and eradicate animal diseases affecting animal and public health.
- The division will continue to work collaboratively, strengthen relationships, and build partnerships among all stakeholders in animal health.
- The division will continue to analyze our resources and operation procedures to address future needs.
- The division will continue to provide awareness for staff and stakeholders on appropriate handling of animals and continue to be a resource for guidance and education on humane care for all animals.

## **Food Safety**

The Division of Food Safety<sup>8</sup> is the state's primary food regulatory division. It is responsible for the safety and wholesomeness of the state's food supply, from production through processing, packaging, distribution, and retail sale. The division also protects consumers from fraud and misbranding of food products.

The division administers several programs, including food inspection, dairy inspection, Grade A milk certification, and meat and poultry inspection. The division operates a program for grading cheese, butter, and eggs. The division also evaluates and certifies the private laboratories that perform microbiological and drug residue analyses on food, milk, or water. The division, in collaboration with the department's Bureau of Laboratory Services, samples and analyzes foods to ensure food safety and protect consumers.

In addition, beginning July 1, 2016, restaurant and vending machine license oversight programs will be transferred to the Division of Food Safety from the Department of Health Services, giving the division direct food safety oversight from farm to fork.

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<sup>8</sup> [datcp.wi.gov/Programs/Food\\_Safety/](http://datcp.wi.gov/Programs/Food_Safety/)

### *Food Safety and Inspection Bureau*

The division has two bureaus. The Bureau of Food Safety and Inspection licenses and inspects just over 10,000 dairy farms and nearly 9,000 other dairy-related businesses, such as dairy plants and bulk milk tankers. The bureau also licenses over 9,000 other food businesses, such as food processors, grocery stores, and warehouses.

Laboratory analyses serve an important function in ensuring the safety of food, dairy products, and water supplies throughout the state. The bureau certifies food, dairy, and water laboratories and the analysts working in these laboratories.

The bureau also works with local governments to protect food safety. Forty-eight cities, counties, and multi-agency consortia license and inspect retail food stores as agents for the bureau. These “local agents” must comply with state statutes and the Wisconsin administrative code.

### *Meat Safety and Inspection Bureau*

The Bureau of Meat Safety and Inspection administers Wisconsin's meat inspection program, which covers about 280 licensed meat establishments, 50 custom-exempt meat slaughter or processing operations, and 20 mobile slaughter or processing operations. Wisconsin's program is the largest state-run meat inspection program in the nation and meets all U.S. Department of Agriculture (USDA) requirements for state programs.

Wisconsin also participates in the USDA Cooperative Interstate Shipment program, which allows selected and approved state-inspected establishments to ship their products across state lines. Nine state-inspected establishments have entered this program and are expanding their market areas.

### *2013–2015 Accomplishments*

- Participated in trace-back, epidemiology, public outreach, and impact mitigation associated with foodborne illness outbreaks linked to soft cheeses, tuna, unpasteurized milk, caramel apples, and cilantro.
- Became the first state food safety regulatory program to gain full compliance with the U.S. Food and Drug Administration's Manufactured Food Regulatory Program Standards. This achievement positions the state's program well in a national integrated food safety system.
- Collaborated with industry in the expansion of the Cooperative Interstate Shipment program from one meat establishment to nine.
- Revised rules governing the production, processing and sale of eggs to provide a general "one stop" resource for egg handlers and processors and,

in concert with statutory changes, decrease the licensing burden on certain egg handlers.

- Improved the speed and consistency of information provided to potential food business operators by creating two specialized licensing food scientist positions to handle this important responsibility.
- Adopted a learning management system to consistently create training curricula for food safety regulators, and monitor progress toward curriculum completion.
- Implemented the USDA Public Health Information System, which incorporates state meat and poultry inspection data into federal data and risk-management systems, thereby enhancing the risk- and results-based nature of meat establishment inspections.

### *2015–2017 Goals*

The Division of Food Safety’s main goals are to ensure that the state has a safe and healthy food supply by:

- Providing education, consultation, and regulation to food businesses to assist them in producing safe, high quality food.
- Responding to consumer concerns and information needs.
- Advocating for the food safety needs of the public.
- When the transfer of restaurant and recreational license programs from the Department of Health Services to DATCP takes effect on July 1, 2016, the division will have direct regulatory oversight of food safety from farm to fork, with the addition of restaurants and vending machine programs.
- The division will also begin oversight of lodging establishments, campgrounds and recreational/educational camps, and pools and water parks. The division’s mission will be to protect public health through safe food, lodging, and recreation.

The division aims to carry out its public health mission by:

- Continuing efforts to integrate restaurant and recreational license oversight programs into ongoing division work.

- Providing consistent and efficient one-stop service to local public health programs who are acting as the division's agents in overseeing retail food, lodging, camp/campground, and water park / pool businesses.
- Increasing inspection efficiency as a result of the transfer of Department of Health Services staff to the division, by decreasing the average travel time associated with inspections, and adopting electronic inspection data capture and management technology.
- Continuing to support growth of the Cooperative Interstate Shipment program so that state-inspected meat establishments can develop new markets for their products across state lines.

## **Management Services**

The Division of Management Services provides administrative support to the department. The division's four bureaus include finance, human resources, information technology, and the DATCP laboratory. The division is also responsible for agency-wide services including food and agricultural security, workplace safety, geographic information services, records management, graphic design, facilities design, mailing, printing, and fleet.

### *Bureau of Finance*

The Bureau of Finance has overall responsibility for department finances. The bureau prepares the department's biennial budget request in conjunction with the Secretary's Office and other divisions. The bureau prepares formal operating budgets for divisions and works with divisions to monitor those budgets over the course of the year.

The bureau handles procurement and contracting for the agency, working with department legal counsel and managing the purchasing card system. The bureau maintains the department's accounting and financial system, and processes financial transactions, in coordination with the Department of Administration and the state Treasurer. Other responsibilities of the bureau are mailroom operations and department fleet management.

### *Bureau of Human Resources*

The Bureau of Human Resources helps department managers and staff with recruitment efforts, job analysis, payroll and benefits, training, and other human resource needs.

The bureau manages the state’s employee classification system and evaluates position or occupational compensation levels. The bureau evaluates overall employment trends, analyzes management and organizational needs, and helps develop long-term workforce plans.

The bureau develops and implements personnel policies, administers the state compensation plan, as well as collective bargaining agreements, and helps the department comply with state and federal employment laws. The bureau provides guidance on internal personnel matters and manages employee grievances, both assisted by department counsel as appropriate.

The bureau further provides support to employees through a variety of other programs: wellness and employee assistance programs, reasonable accommodations, assessing employee training needs, and providing department-wide training.

### *Bureau of Information Technology Services*

The Bureau of Information Technology Services is the department's network and computer services organization. The bureau manages the department's internal network by procuring hardware and software, installing equipment, and providing user support. The bureau also provides data communications services for the department's small satellite offices around the state. The bureau also manages the department's internet and intranet services, by which program areas communicate with the public and department staff. The bureau manages the department's databases, which are used by program staff in handling important data for department licensing, inspection, and related functions.

The bureau is also home to the department’s geographic information system (GIS), which support business areas across the department. Staff manages spatial data, creates maps, performs analyses, and develops web mapping applications. These GIS services support internal decision-making, workload management, and program development, as well as the business needs of external partners and customers. GIS products and applications help convey department information to the public. They also integrate data among state agencies during emergency events.

The bureau works closely with program staff, division management, and the Office of the Secretary. In particular, the bureau works with program areas to identify their business requirements that drive the implementation of information technology solutions that improve online access to DATCP public services and streamline the regulatory processes through advance automation.

### *Bureau of Laboratory Services*

The Bureau of Laboratory Services is the state’s official laboratory supporting DATCP’s regulatory programs. Testing is done in support of several statewide programs that pertain to animal feed, fertilizers, pesticide misuse, agricultural

chemical spills, agricultural chemical cleanup, protection of groundwater from agricultural chemicals, food safety, and enforcement of the Grade A Pasteurized Milk Ordinance.

The laboratory is Wisconsin's regulatory food testing lab supporting interstate shipment of Grade A products by the dairy industry and state inspection of meat plants. The laboratory is the state's emergency response food testing laboratory in chemical contamination or bacterial illness outbreak situations.

The laboratory provides testing to aid in the prevention of contamination of groundwater and surface water from agricultural chemicals and analyzes samples taken in support of the rapid response spills program. The laboratory also provides priority testing as an integral part of the agency's emergency response team.

### *2013–2015 Accomplishments*

- *Bureau of Finance.* Completed the 2015–17 biennial budget submittal and expanded the department's ability to accept online payments. The bureau was also actively involved in the preparation, configuration and implementation of the state's new PeopleSoft financial system for the department.
- *Bureau of Human Resources.* Updated and revised policies on Balanced Interview Panels and Overtime Administration; established university contacts at UW-Platteville and UW-Eau Claire for in-classroom recruitment presentations related to division programming to enhance outreach about State of Wisconsin and agency job opportunities; researched and coordinated implementation of an electronic, online interview scheduling software for use by divisions; and established a schedule for planning and conducting job hazard assessments for key programs identified by division.
- *Bureau of Laboratory Services.* With the completion of the new laboratory facility, laboratory staff made the transition of laboratory operations from the old facility to the new facility in early 2014. The laboratory incorporated a Six-Sigma initiative on improved laboratory records management into routine laboratory operations.
- *Bureau of Information Technology.* Developed a new enterprise-wide system for department licenses, permits, registrations, inspections, and compliance evaluations. Staff also unified agency data, including online self-service and payment access for customers. Programs that have been completed include:
  - *Division of Agriculture Development*
    - County and District Fair – Judge

- *Division of Animal Health*
  - Official Brands
  - Animal Dealer License
  - Animal Market License
  - Animals Trucker License
  - Import Feed Lot Permit
  - Dog Seller & Dog Facility Operator License
  - Dog Seller & Dog Facility Operator Complaint
  - General Animal Health Complaint
  - Farm-Raised Deer Keeper Registration
  - Hunting Preserve Certificate
  - Fish Farm Registration
  
- *Division of Trade and Consumer Protection*
  - Tank Specialty Firm Registration
  - Weights and Measures Practices Complaint
  - Consumer Protection Outreach Request
  - Consumer Complaints
    - Door to Door Complaint
    - General Consumer Complaint
    - Home Improvement Complaint
    - Identify Theft Complaint
    - Motor Vehicle Repair Complaint
    - Product Safety Complaint
    - Telecommunications Complaint
    - Telemarketing Do Not Call Complaint

### *2015–2017 Goals*

- *Bureau of Finance.* Continue implementation of the State’s new PeopleSoft financial system and review asset management processes and procedures; and review federal grant reporting in the new financial system and look at ways to improve grant match reporting.
  
- *Bureau of Human Resources.* Update agency transfer policy to identify options for managers and gain efficiency within the recruitment time-

line; perform comprehensive compensation analysis of agency job groups; support implementation of the STAR/PeopleSoft system for payroll and benefits, as well as the pending Talent Acquisition Management module; and assess feasibility of moving to electronic P-files for general HR information.

- *Bureau of Laboratory Services.* Implementation and training of key personnel on the Laboratory Information Management System (LIMS) upgrade; additional LIMS enhancements will be evaluated to improve the capabilities of the system to increase the entry and transfer of data for all users; and continue to provide testing services supporting department program needs.
- *Bureau of Information Technology Services.* Continue to develop enterprise-wide system for department licenses, permits, registrations, inspections, and compliance evaluations; and develop new approaches for analyzing and visualizing spatial data to support agency decision making.
- *Geographic Information System, Graphics and Facilities Design Staff.* Expand the ability of staff, external partners and the public to generate web based maps that integrate data across programs and agencies.

## Trade and Consumer Protection

The Division of Trade and Consumer Protection<sup>9</sup> works to ensure fair business practices in Wisconsin markets. The division administers consumer protection laws, maintains the state's official weights and measures system, conducts petroleum tank and fuel quality inspections, administers the producer security law, and inspects, certifies, and grades agricultural commodities.

### *Bureau of Consumer Protection*

The Department of Agriculture, Trade, and Consumer Protection is the State of Wisconsin's lead agency for consumer protection. The Bureau of Consumer Protection has broad statutory and rulemaking authority over transactions between businesses and consumers. These statutes and rules serve as a framework that allows legitimate businesses to flourish and provides consumers with confidence in the marketplace. Our highest priority is fighting fraudulent and deceptive practices that harm consumers and honest businesses.

The bureau administers Wisconsin's laws on deceptive advertising, consumer product safety, and fraud. The cornerstone of the state's general trade regulation

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<sup>9</sup> [datcp.wi.gov/Programs/Trade\\_and\\_Consumer\\_Protection/](http://datcp.wi.gov/Programs/Trade_and_Consumer_Protection/)



and consumer protection effort is the department's broad statutory authority to prohibit and enforce unfair trade practices by rule. One team of consumer protection investigators mediates complaints and tracks trends and emerging consumer issues, while a second team conducts in-depth investigations and works closely with the Department of Justice and district attorneys to prosecute the most serious violators.

The bureau provides extensive public information. It maintains a statewide consumer protection hotline to receive complaints and questions, issues regular media releases warning of emerging consumer frauds, maintains a website, and social media accounts, and offers brochures on specific consumer topics. Staff works closely with television, radio, and print media.

The bureau manages the popular do not call program, allowing consumers to reduce unwanted telemarketing calls. It also provides education and information on identity theft, facilitates business roundtables on best practices for safeguarding information, educates local law enforcement on victim assistance techniques, and provides one-on-one assistance to victims of identity theft.

The bureau regulates several specific commercial transactions, including apartment and manufactured home site rentals, automobile repair, door-to-door sales, safety of consumer products, and home improvements.

### *Bureau of Business Trade Practices*

The Bureau of Business Trade Practices promotes fair and open competition in the marketplace through the regulation of discriminatory sale practices. Specifically, the bureau administers the Unfair Sales Act, dairy trade regulations, soda-water regulations, and a public warehouse keeper security program.

The bureau administers the agricultural producer security program. Agricultural producers sell their products to dairy plants, grain elevators, and vegetable processing plants. Producers also store grain in warehouses. The producer security program provides a level of assurance that producers will be paid for their products and that their grain is safeguarded. To protect producers, the bureau monitors the financial condition and business practices of plants and warehouses. The bureau requires evidence of financial viability, including posting of bonds in some cases. The bureau manages the producer security fund, which provides additional protection for producers against default.

The bureau is also responsible for commodity grading and certification. In cooperation with the U.S. Department of Agriculture, the bureau operates programs for grading, inspection, weighing, and certification of grain, fruits, and vegetable products. These programs ensure accurate representation of product quality, condition, size, and compliance with grading standards and export requirements.

### *Bureau of Weights and Measures*

The Bureau of Weights and Measures maintains the state’s official weights and measures and petroleum inspection services. Through inspections and other regulatory services, the bureau ensures businesses operate in a fair marketplace and consumers receive the correct amount of product.

The bureau’s metrology laboratory helps private weights and measures companies correctly calibrate their equipment. The bureau performs inspections of a wide range of devices statewide, including gasoline pumps, scales, and store checkout scanners, to ensure accuracy for consumers and businesses.

The bureau also administers fuel quality standards, inspects and permits tank systems that contain petroleum and other hazardous and flammable liquids, and provides certification examinations and credentials for tank installers, inspectors, removers, testers and site assessors.

### *2013–2015 Accomplishments*

- The Bureau of Consumer Protection handled over 80,000 complaints and inquiries from consumers and businesses in 2014. Consumer Protection investigators responded to 98% of formal complaints within 14 days.
- The Bureau of Consumer Protection issued 993 warning letters, received 173 voluntary assurances, and collected over \$151,000 in civil forfeitures for violations of Wisconsin consumer laws in 2014. In addition, 2,428 businesses made adjustments for consumers as a result of the bureau’s mediation efforts.
- In January 2015, Wisconsin’s Do Not Call list had more than 4.4 million registrants. The Bureau of Consumer Protection issued 306 cease and desist letters to telemarketing violators in 2014.
- The Bureau of Weights and Measures completed the transfer of the petroleum inspection and fuel quality testing authority from the Department of Safety and Professional Services. Inspection and testing activities were integrated with the traditional weights and measures program, staff were cross-trained, and a new fuel quality testing laboratory was built. In addition, the Bureau maintained focus on the weights and measures regulatory programs that help ensure businesses operate and consumers purchase products in a fair and accurate marketplace.
- In 2014, Weights and Measures staff inspected about 50,000 devices, 158,000 packages, and 5,200 business locations to ensure a fair marketplace. Consumer confidence was 99.8% for retail scales, 99.5% for gas pumps, and 98.6% for price accuracy.

- In 2014, the Bureau of Consumer Protection distributed over 55,000 educational materials, in addition to having them available for download on the department website. Some of the most popular topics included: telemarketing (do not call), landlord-tenant rights and responsibilities, telecommunications, home improvement, and identity theft.
- The Bureau of Business Trade Practices successfully administered two large Agricultural Producer Security (APS) defaults involving Allens, Inc. and Liberty Milk Marketing Cooperative. In all, 45 producers received a total of \$7 million from the APS Trust Fund. More than \$6 million remains in the Fund.
- During the 2013-2015 biennium, the Bureau of Business Trade Practices resolved more than 800 case files involving 2,100 alleged violations of the Unfair Sales Act.
- In 2014, the Division of Trade and Consumer Protection returned over \$3.6 million to consumers, double the approximately \$1.5 million in general tax dollars spent on the program.

### *2015–2017 Goals*

- The goals of the Division of Trade and Consumer Protection are to ensure fair business practices in the marketplace for consumers and business, to educate and empower stakeholders through outreach and educational efforts, and to improve management and performance.
- The division will continue to review its administrative rules to ensure they are relevant to today's marketplace.
- The Bureau of Consumer Protection will focus on preventing and reducing fraudulent, unfair and deceptive practices in the marketplace and ensuring fair competition.
- The Business Trade Practices Bureau goals include protecting milk, grain, and vegetable producers from financial default by licensed operators; encouraging good business practices by licensees and producers; and improving productivity, accountability, and transparency by measuring performance.
- The Bureau of Weights and Measures plans to improve program efficiency and customer service; and increase compliance with storage tank, fuel quality, and weights and measures regulations through education and progressive enforcement.

## Appendix—Budget and Staffing

The Department of Agriculture, Trade and Consumer Protection has a complex budget for its size. Because the department administers a wide range of programs with diverse fund sources, the department has a relatively large number of appropriations and statutory funds.

In fiscal years 2013–14 and 2014–15, the department had overall expenditure and position authority as shown in Table 1.

**Table 1. Expenditure and position authority**

*Department of Agriculture, Trade and Consumer Protection expenditure and position authority by fiscal year and fund source, 2013–15 biennium. (Source: state budget system.)*

|      | 2013–14             |               | 2014–15             |               | 2014–15 Percentages |       |
|------|---------------------|---------------|---------------------|---------------|---------------------|-------|
|      | \$                  | FTE           | \$                  | FTE           | \$ %                | FTE % |
| GPR  | \$26,878,900        | 211.00        | \$26,488,800        | 211.0         | 28%                 | 34%   |
| PR   | 15,830,300          | 155.49        | 15,825,600          | 156.99        | 16%                 | 25%   |
| PR-S | 6,667,500           | 41.48         | 6,668,900           | 41.48         | 7%                  | 6%    |
| FED  | 14,605,300          | 86.62         | 14,554,200          | 85.12         | 15%                 | 14%   |
| SEG  | 33,385,500          | 131.30        | 32,527,700          | 131.30        | 34%                 | 21%   |
|      | <b>\$97,367,500</b> | <b>625.89</b> | <b>\$96,065,200</b> | <b>625.89</b> |                     |       |

Less than one third of the department’s expenditure authority and only 34% of its position authority is from GPR funding.

About 16% of the department’s budget is used for local assistance and aids to individuals and organizations; in other words, for grants to individuals, businesses, and local governments. The remainder is used for state operations, including salary and fringe benefits, rent, equipment, and supplies, as shown in Table 2.

**Table 2. Expenditure authority by use**

*Department of Agriculture, Trade and Consumer Protection expenditure authority for fiscal year 2014–15, by use. (Source: state budget system.)*

|                                     | 2014–15             | %   |
|-------------------------------------|---------------------|-----|
| State Operations                    | \$80,573,300        | 84% |
| Aids to Individuals & Organizations | 5,287,700           | 5%  |
| Local Assistance                    | 10,204,200          | 11% |
|                                     | <b>\$96,065,200</b> |     |

The department’s position authority is concentrated in the divisions of food safety, trade and consumer protection, and agricultural resource management, as shown in Table 3.

**Table 3. Position authority by program**

*Department of Agriculture, Trade and Consumer Protection position authority by program. (Source: state budget system.)*

|   | FTE           | %   |
|---|---------------|-----|
| Food Safety                               | 194.99        | 31% |
| Trade and Consumer Protection             | 148.65        | 24% |
| Agricultural Resource Management          | 105.05        | 17% |
| Management Services & Secretary’s Office  | 58.60         | 9%  |
| Animal Health                             | 46.00         | 7%  |
| Agricultural Development                  | 28.95         | 5%  |
| Management Services-Laboratory            | 25.0          | 4%  |
| Management Services-Federal Funds         | 15.65         | 2%  |
| Wisconsin Agricultural Statistics Service | 3.0           | 1%  |
|   | <b>625.89</b> |     |

Table 3 shows authorized full-time equivalent positions by division.

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Wisconsin Department of Agriculture, Trade and Consumer Protection

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