

2017–2019

# Biennial Report

Wisconsin Department of  
Agriculture, Trade and  
Consumer Protection



October 2019



# Contents

<b>INTRODUCTION</b>	<b>3</b>
<i>Boards and Councils</i>	4
<i>Office of the Secretary</i>	4
<i>Wisconsin Agricultural Statistics Service</i>	5
<b>DIVISIONS</b>	
<i>Agricultural Development</i>	7
<i>Agricultural Resource Management</i>	16
<i>Animal Health</i>	25
<i>Food and Recreational Safety</i>	30
<i>Management Services</i>	34
<i>Trade and Consumer Protection</i>	38
<b>APPENDIX—BUDGET AND STAFFING</b>	<b>43</b>

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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) partners with all the citizens of Wisconsin to grow the economy by promoting quality food, healthy plants and animals, sound use of land and water resources, and a fair marketplace.

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 reaches nearly every business in the state. The department licenses approximately 125,000 individuals and businesses.

The department's first aim is to listen well, communicate effectively, and help producers, consumers and businesses solve problems. If needed, DATCP does have substantial enforcement authority. The department may conduct 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

DATCP 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 scheduled 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<sup>2</sup>, 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>3</sup> The Secretary administers the department with the assistance of an appointed Deputy Secretary, Assistant Deputy Secretary, and administrators for the department's six divisions:

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

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

The Secretary has ultimate responsibility for:

- Managing DATCP staff, programs, budget and operations
- Managing DATCP external relations, including relations with the Legislature and Governor
- Developing budget, policy and legislative initiatives

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<sup>1</sup> [https://datcp.wi.gov/Pages/About\\_Us/ATCPBoard.aspx](https://datcp.wi.gov/Pages/About_Us/ATCPBoard.aspx)

<sup>2</sup> [https://datcp.wi.gov/Pages/About\\_Us/VeterinaryExaminingBoard.aspx](https://datcp.wi.gov/Pages/About_Us/VeterinaryExaminingBoard.aspx)

<sup>3</sup> [https://datcp.wi.gov/Pages/About\\_Us/Leadership.aspx](https://datcp.wi.gov/Pages/About_Us/Leadership.aspx)

- 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 assists with drafting administrative rules
- 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 communications staff and policy advisors.

### **Wisconsin Agricultural Statistics Service**

The Wisconsin Agricultural Statistics Service<sup>4</sup> (WASS) is a partnership between the National Agricultural Statistics Service and the department. WASS staff consists of two federal employees: a state statistician and a coordinator from the National Association of State Departments of Agriculture (NASDA). The coordinator is responsible for training and supervising the NASDA enumerators and overseeing the data collection in the state. 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 issues. The statistics service:

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

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

Data on Wisconsin agriculture is available in the annual Wisconsin Agricultural Statistics Bulletin and other publications.<sup>5</sup>

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[www.nass.usda.gov/Statistics\\_by\\_State/Wisconsin/Publications/Annual\\_Statistical\\_Bulletin/index.php](http://www.nass.usda.gov/Statistics_by_State/Wisconsin/Publications/Annual_Statistical_Bulletin/index.php)



# Divisions

## Agricultural Development

The Division of Agricultural Development (DAD) is dedicated to growing Wisconsin agriculture. The division provides financial assistance, logistics support and consultation to businesses 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 two bureaus:

- Bureau of Agriculture and Farm Center
  - Wisconsin Farm Center
  - Wisconsin Agriculture and Food Center
- Bureau of International Agribusiness

## Bureau of Agriculture and Farm Center

### *Wisconsin Farm Center*

The Wisconsin Farm Center<sup>6</sup> serves the state's farmers and agribusinesses in sustaining and growing Wisconsin's agricultural economy and rural communities by providing free and confidential services. The center partners with industry groups, universities and other agricultural business stakeholders. The core programs are:

- Financial Planning: Consultants help Wisconsin farmers deal with their critical economic, business and social needs. Services include assisting with cash flow and enterprise analysis, completing farm feasibility analysis, debt analysis and restructuring, creating a business plan, or help seeking off-farm employment.
- Farm Succession: Consultants provide assistance for all aspects of farm succession including business plans, viable entry and exit strategies, and support during the transfer process and identifying options.
- Conflict Mediation and Arbitration: Consultants connect farmers to mediators who provide services for farmer disputes ranging from credit issues to environmental concerns to family conflicts. Mediation involves a neutral individual who helps facilitate negotiation and understanding between the conflicting parties.

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<sup>6</sup> [https://datcp.wi.gov/Pages/Growing\\_WI/FarmCenterOverview.aspx](https://datcp.wi.gov/Pages/Growing_WI/FarmCenterOverview.aspx)

- Counseling: This program identifies low or no-cost counseling for farmers and their families including a voucher program that can be used to access mental health services.
- Herd-based Diagnostics: This program is administered in cooperation with the Wisconsin Public Service Commission (PSC), which funds the costs of the staff and program expenses. Consultants address stray voltage problems that can adversely affect cattle and milk production on dairy farms. Under the program, a PSC staffer and the utility evaluates individual stray voltage problems and recommends possible solutions. As part of a whole farm evaluation, the program offers related herd health diagnostic services.
- Organics, Livestock Grazing and Specialty Crops: Specialists provide information and technical assistance to organic growers, grazers, and processors to address questions and provide business planning resources.

### *Wisconsin Agriculture and Food Center*

The Wisconsin Agriculture and Food Center<sup>7</sup> supports the growth and success of local and regional food systems through business and rural development programs and services. The center provides information, resources, and connections for businesses and organizations to reduce or remove barriers in supply chains for obtaining local crops for processing and getting value-added products into markets. The core programs are:

- Something Special from Wisconsin<sup>TM8</sup>: This is a trademarked program through which participating businesses can apply to use the Something Special *from Wisconsin*<sup>TM</sup> logo if at least 50 percent of the value of their product or service is attributable to Wisconsin ingredients, production, or processing activities. The annual fee is based upon a company's gross annual sales from the prior business year.
- Alice in Dairyland<sup>9</sup>: "Alice" is one of the most recognized Wisconsin branded spokesperson. 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.
- County and District Fairs<sup>10</sup>: Annually more than three million people attend Wisconsin's 75 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 and

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<sup>7</sup> [https://datcp.wi.gov/Pages/Growing\\_WI/FoodAndAgCenterOverview.aspx](https://datcp.wi.gov/Pages/Growing_WI/FoodAndAgCenterOverview.aspx)

<sup>8</sup> <https://datcpservices.wisconsin.gov/ssfw/index.jsp>

<sup>9</sup> [https://datcp.wi.gov/Pages/Growing\\_WI/AliceInDairyland.aspx](https://datcp.wi.gov/Pages/Growing_WI/AliceInDairyland.aspx)

<sup>10</sup> [https://datcp.wi.gov/Pages/Growing\\_WI/FairsAndShows.aspx](https://datcp.wi.gov/Pages/Growing_WI/FairsAndShows.aspx)

exhibits. This program helps educate fairgoers about Wisconsin agriculture.

- Market Orders and Boards<sup>11</sup>: Seven agricultural commodities have market orders that manage market research and development, industrial research, or educational and promotional programs. Producer elected marketing boards operate independently within the scope of their legal authority with operational guidance and election oversight by DATCP.
- Wisconsin Foods and Specialty Crop Market Development: Staff develop and expand 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 and retailers. Staff provide industry stakeholders with market development assistance, research, technical seminars, and one-on-one business development consultation.
- Farm to School (F2S)<sup>12</sup>: DATCP supports farmers by providing supply chain and technical support to increase the use of local foods in schools and institutions. Staff engages with multiple F2S stakeholders and programs that combine local or regional procurement efforts, nutrition and agriculture education, training and engagement activities, in order to provide the broadest benefits to both students and farmers. The division administrator serves on the F2S Council, and staff provide council support.
- Buy Local, Buy Wisconsin Grants<sup>13</sup>: This is a competitive grant program to strengthen Wisconsin's agricultural and food industries by mitigating barriers in local food channels, increasing efficiencies in processing, marketing, and distributing local food in markets including stores, schools, and institutions.
- Specialty Crop Block Grants<sup>14</sup>: DAD staff administer and oversee projects for this federal grant to increase the competitiveness of Wisconsin specialty crops in domestic and foreign markets. The three-year grant program funds crop production research, grower education, and market development projects.
- Dairy Processor Grants<sup>15</sup>: Having achieved an annual milk production of 30 billion pounds in 2016, the emphasis of this grant program is to foster innovation, improve profitability and sustain the long-term viability of Wisconsin's dairy processing facilities. The grant can be used to address

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<sup>11</sup> [https://datcp.wi.gov/Pages/About\\_Us/MarketingBoards.aspx](https://datcp.wi.gov/Pages/About_Us/MarketingBoards.aspx)

<sup>12</sup> [https://datcp.wi.gov/Pages/Growing\\_WI/FarmToSchool.aspx](https://datcp.wi.gov/Pages/Growing_WI/FarmToSchool.aspx)

<sup>13</sup> [https://datcp.wi.gov/Pages/Growing\\_WI/BuyLocalBuyWisconsin.aspx](https://datcp.wi.gov/Pages/Growing_WI/BuyLocalBuyWisconsin.aspx)

<sup>14</sup> [https://datcp.wi.gov/Pages/Growing\\_WI/SpecialtyCrops.aspx](https://datcp.wi.gov/Pages/Growing_WI/SpecialtyCrops.aspx)

<sup>15</sup> [https://datcp.wi.gov/Pages/Growing\\_WI/DairyDevelopment.aspx](https://datcp.wi.gov/Pages/Growing_WI/DairyDevelopment.aspx)

a wide range of business needs including food safety, staff training, or facility modernization. Eligible applicants must operate a licensed dairy processing plant engaged in pasteurizing, processing, or manufacturing milk or dairy products that is, or will be, located in Wisconsin.

- Organic Cost Share Certification Reimbursement<sup>16</sup>: Staff administer reimbursement processing and reporting for this federal rebate program providing funds to certified organic applicants. The reimbursement amount is a formula based on applicant's own costs paid for organic certification.
- Cultivated Ginseng<sup>17</sup>: Staff register licensed growers and dealers throughout Wisconsin and the U.S. which also compiles the value and acreage of Wisconsin Ginseng and its impact on our Wisconsin economy.

## **Bureau of International Agribusiness**

### *Wisconsin International Agribusiness Center*

The Wisconsin International Agribusiness Center<sup>18</sup> 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. Staff use client feedback, global trends, market, and export data to establish criteria for identifying target markets and activities. Services include:

- Technical Expertise: Staff provide one-on-one in-depth consultations with companies to identify opportunities and evaluate export readiness as well as establish a strategic plan to successfully export. Staff host educational workshops and trainings to help companies understand the mechanics of the export process and to learn about available resources.
- Economic Development: Facilitating access to new markets, staff provide market research and other information (retail tours) for companies to understand market potential and identify strategies to engage customers. Staff research and travel to trade shows with companies, providing support including introductions to buyers.
- Partnerships: In collaboration with external and internal stakeholders, staff bring international buyers to Wisconsin and introduce them to companies. The buyers typically experience farm and plant tours to learn about our products and build relationships with Wisconsin companies. Staff also represent Wisconsin at domestic and international events through membership organizations which we belong that provide access to

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<sup>16</sup> <https://datcp.wi.gov/Pages/Organic-Certification-Cost-Share-Program.aspx>

<sup>17</sup> [https://datcp.wi.gov/Pages/Licenses\\_Permits/GinsengRegistration.aspx](https://datcp.wi.gov/Pages/Licenses_Permits/GinsengRegistration.aspx)

<sup>18</sup> [https://datcp.wi.gov/Pages/Growing\\_WI/InternationalAgribusiness.aspx](https://datcp.wi.gov/Pages/Growing_WI/InternationalAgribusiness.aspx)

participate in programing and travel funding for staff and Wisconsin companies. Examples include: U.S. Livestock and Genetics Exports, Food Export Association, U.S. Hardwood Association, and U.S. Dairy Export Council.

- Grants: The center applies for state and federal grants to assist in market development and aids to increase exports of Wisconsin goods including:
  - Federal grant: USDA FAS Emerging Market Program (EMP), identified ginseng as an emerging market to provide support and reduce trade barriers of Ginseng growers.
  - State grants: Wisconsin Economic Development Corporation (WEDC) State Trade and Export Promotion (STEP) supports global trade ventures with targeted foreign markets.
- Certificates of Free Sale<sup>19</sup>: Certificates are required in certain countries or for certain commodities, certifying that the specified imported goods are normally and freely sold in the exporting country's open markets and are approved for export.

## **2017–2019 Accomplishments**

### *Wisconsin Farm Center*

The Wisconsin Farm Center mission, simply stated, is to help farmers. In the 2017-2019 biennium, consultants participated in 35 events connecting directly with stakeholders to promote Farm Center services. Core accomplishments of the Farm Center include:

- Financial Planning: Farm Center staff fielded 5,924 calls resulting in 215 opened cases. Of these cases, 65% were related to financial planning.
- Farm Succession: Of the 5,924 calls to the Farm Center, 35% were related to transition and/or estate planning.
- Conflict Mediation and Arbitration: This program managed 41 new cases, with 46 cases opened and 44 cases closed by the end of June 2019. Two cases remain open going into the 2020 biennium. USDA FSA grants received during this reporting period to support this program amounted to \$392,500.
- Counseling: Just over 200 counseling vouchers were issued to farmers and farm families during the biennium with almost 40% redeemed for a dollar value exceeding \$7,000.

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<sup>19</sup> [https://datcp.wi.gov/Pages/Growing\\_WI/ExportingDocuments.aspx](https://datcp.wi.gov/Pages/Growing_WI/ExportingDocuments.aspx)

- Herd-based Diagnostics: The program was partially staffed during the biennium. Twenty-two clients were assisted with herd health services consultations. Issues veterinarians commonly addressed on the farm included: low production, death losses, high somatic cell counts, and high prevalence of clinical mastitis, lameness, infertility, calf losses/disease, and behavioral issues.
- Organics, Livestock Grazing, and Specialty Crops: Staff participated in or implemented 30 events to connect with stakeholders and gather information on the latest developments in technology that can impact organics, livestock grazing, and specialty crops farmers.

### *Wisconsin Agriculture and Food Center*

The Wisconsin Agriculture and Food Center staff developed strong inter-agency partnerships to provide a full array of services to the food and agriculture industry, including business planning, financial planning and technical assistance. Staff participated in and implemented 368 meetings, conferences and events to help food businesses initiate ideas, connect to local foods, scale up production and increase profitability. Program accomplishments include:

- Something Special from Wisconsin™ (SSfW): This program focused on increased social media presence via Facebook and Twitter, and a larger presence at food shows such as increased participation in the Midwest Foodservice Expo from 22 exhibit tables in 2014 to our own pavilion of 32 companies in 2018. A SSfW Holiday Market debuted in December 2018 with great success. This event will return as a two-day event in 2019 with a 50% increase in exhibitor numbers over 2018. Exhibitors must be SSfW members to exhibit at this event.
- Alice in Dairyland: Combined, 70th Alice Crystal Siemers-Peterman, and 71st Alice Kaitlyn Riley gave 673 event speeches, 261 TV interviews, 719 radio interviews, 170 print interviews and posted 1,587 social media messages and blogs. Also, under the Dairy Farmers of Wisconsin Student Education program, they presented to and interacted with 6,550 students. Abigail Martin was selected as the 72nd Alice starting her term in June 2019.
- County and District Fairs: This program assisted 75 county and district fairs in Wisconsin with the cooperation of the Wisconsin Association of Fairs. In each year, \$431,400 in financial aid was paid to county and district fairs to assist in paying premiums to exhibitors.
- Market Orders and Boards: Oversight of seven marketing orders (cherries, cranberries, corn, milk, soybeans, ginseng, and potatoes) occurred during the period. Commodity sale assessments were used to pay \$206,700 during the biennium to support meeting administration and election oversight.

- Specialty Crop Market Development: This program participated in 45 events, programs and stakeholder meetings. Highlights included two sets of field days highlighting specialty crop production in northern Wisconsin – Bayfield and Ashland on fruit production. Over 20 people attended the field day that toured three (3) different farms that grew cherries, raspberries, apples, pears and strawberries.
- Farm to School (F2S): During the 2017-2019 biennium, Farm to school gained momentum in the state. Highlights include: \$9.2 million purchased from Wisconsin farmers, \$1.8 million grant dollars brought to Wisconsin for F2S and Early Care Education (ECE) programming, 295,134 participants in the Great Apple Crunch purchasing from 65+ orchards, AmeriCorps members provided 3,500 hours of lessons, 171 farms and orchards participating in F2S programming, 470 gardens at K-12 and ECE sites, 517 F2S/ECE programs serving more than half of school children, and 30 newsletters to over 1,900 F2S/ECE practitioners. DATCP launched the first ever, local ingredient chili lunch event, similar to the Great Apple Crunch where schools and early childhood care centers all served chili made with local ingredients on the same day.
- Buy Local, Buy Wisconsin Grants: This state-funded competitive grant program received 42 applications in 2018 and 2019, requesting over \$1,550,000. Fifteen grants were awarded in the biennium for a total of \$400,000 with each award averaging \$26,600.
- Specialty Crop Block Grant: In the 2017-2019 biennium, two competitive processes were held for the grant. DATCP received 65 applications requesting just under \$5 million awarding 34 grants and distributed a total of \$2,395,636 for an average of approximately \$65,000 per grant.
- Dairy Processor Grants: In 2018 and 2019, 28 applications were received, requesting over \$1,000,000 in funding. Nineteen grants were awarded and \$400,000 distributed for an average of \$21,000 per project.
- Organic Cost Share Certification Reimbursement: In 2017-2019, there were 2,229 applicants for this federal rebate program receiving a total of \$1,915,967 for an average amount of \$859 per application.
- Cultivated Ginseng: During this biennium, this program worked closely with U.S. Fish and Wildlife and USDA. Animal Health and Plant Inspection Service in the export of almost one million pounds of Wisconsin ginseng.

### *Wisconsin International Agribusiness Center*

The Wisconsin International Agribusiness Center (WIAC) facilitates international export of Wisconsin agricultural products. Center staff participated in numerous international events, coordinated international delegations, and implemented and attended multiple outreach events.

Direct results of WIAC's services during the 2017-2019 biennium include:

- Technical Expertise: 281 companies received export development services over the biennium.
- Economic Development:
  - Wisconsin companies receiving WIAC services reported \$52.2 million in export sales.
  - Wisconsin companies reported an anticipated increase of \$44.3 million in export sales within 12 months of date reported.
  - Additional economic activity: Per USDA's Economic Research Service: \$1 million on agricultural exports creates or retains 8.4 jobs and \$1.3 million in additional domestic economic activity. This creates \$67.6 million in additional economic activity.
- Partnerships: In addition to increased sales, our consultants helped Wisconsin companies access federal funding to defray international marketing expenditures.

The Center collaborated with the Dairy Farmers of Wisconsin, University of Wisconsin Center for Dairy Research, and the Wisconsin Cheese Makers Association for the "Wisconsin Initiative for Dairy Exports." As part of this initiative, the center:

- Organized a cheese export seminar in early summer to educate cheese companies.
- Hosted 11 buyers from Mexico, Guatemala, Colombia, Chile, and the United Arab Emirates (UAE).
- Toured six cheese plants.
- Scheduled one-on-one meetings with buyers.

Results of this dairy export initiative within six months of the event included:

- Over \$440,000 in export sales.
- On-going purchases with buyers.
- Wisconsin cheese promotions in Lulu Hypermarkets in UAE, Qatar, Kuwait, with three companies with repeat sales.



- Grants: Federal and state grants received in support of economic development activities include:
  - Administration of USDA FAS grant for EMP (ginseng) valued at \$45,290.
  - Management of WEDC STEP grants in biennium of \$183,092, participating in trade shows, trade missions, and reverse buyer missions to build exports to foreign markets.
- Certificates of Free Sale (CoF): The team provided 83 CoF in 2017, and 111 Cof in 2018.

### **2019–2021 Goals**

- Secure additional funding to support resources, activities and programs that benefit Wisconsin agriculture.
- Collaborate with partners and stakeholders to develop new relationships which build and promote agricultural economic development.
- Promote and develop relationships with supply chain resources to improve and expand markets for Wisconsin agricultural products.
- Assist with agricultural business startup and growth, focusing on profitability and financial sustainability resulting in job creation and community support.
- Foster advisory, leadership, and collaborative relationships between agricultural organizations, government and education to promote industry growth and resiliency.
- Learn about technology and consumer trends to provide resources to educate Wisconsin growers, processors and consumers.
- Assist agricultural businesses by helping new to export and current exporting companies increase the number of markets sold to and amount of products exported through training, inbound buyer missions, trade show assistance, trade missions and increased grant funding resources.
- Increase overall membership and member participation in economic development and marketing-driven activities, including tradeshow, social media, sponsorships and the Alice in Dairyland Something Special *from* Wisconsin™ holiday campaign.

- Increase industry support for "Alice" program by recruiting more sponsors, program participants and applicants to increase exposure to consumer audiences and to broaden the reach of the "Alice" message supporting Wisconsin agriculture.

## **Agricultural Resource Management**

The Division of Agricultural Resource Management 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<sup>20</sup> is responsible for a wide-range of program areas from farmland preservation to livestock facility siting and statewide soil and water conservation efforts. 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 and landowner cost-sharing, offering technical assistance, and developing statewide standards.

- Soil and Water Resource Management Grants (SWRM): In order to access state soil and water resource management funds for conservation staff, support and grants to landowners for conservation practice installation, counties must have department-approved land and water resource management plans. The bureau manages state grant funds in coordination with the Department of Natural Resources and the Land and Water Conservation Board.
- Producer-Led Watershed Grants: This program supports producer-led projects that encourage farmers to voluntarily take steps to prevent and reduce runoff from farm fields.
- Nutrient Management: The bureau supports implementation of nutrient management plans statewide. Nutrient management staff provide training to county staff, private agronomists, and farmers regarding the

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<sup>20</sup> [datcp.wi.gov/Pages/Programs\\_Services/LWCOverview.aspx](http://datcp.wi.gov/Pages/Programs_Services/LWCOverview.aspx)

development of nutrient management plans and related conservation practices to reduce nonpoint pollution discharges.

- Conservation Engineering: Conservation engineers and technicians provide engineering technical assistance to county conservation staff in the form of plan review, training, design, and construction inspection of conservation practices. These services support the SWRM grants program and farmers and landowners by getting conservation on the ground.
- Farmland Preservation: The bureau administers the state farmland preservation program and reviews farmland preservation plans and farmland preservation zoning ordinances for certification. The bureau designates agricultural enterprise areas and enters into farmland preservation agreements to protect farmland and ensure soil and water conservation.
- Conservation Reserve Enhancement Program: The bureau implements the Conservation Reserve Enhancement Program, in cooperation with the U.S. Department of Agriculture and the counties. The department enters into 15 year agreements or perpetual easements that establish conservation practices along eligible water bodies to reduce agricultural runoff, protect the soil and improve water quality.
- Livestock Facility Siting: The bureau administers the statewide standards for siting of livestock facilities.
- Agricultural Impact Statements: The bureau drafts reports by analyzing agricultural impacts of road construction, energy, and other public projects on farmland.
- Drainage Districts: The bureau oversees drainage districts statewide and provides county drainage boards with plan review and approval.
- Boards: The bureau facilitates and supports the Land and Water Conservation Board, which makes recommendations regarding land and water resource management plans and the allocation of state funds to implement the nonpoint pollution control program. Additionally, the bureau supports the Livestock Facility Siting Review Board which reviews appeals of local decisions involving permit applications for new and expanded livestock facilities.

### *Plant Industry Bureau*

The Plant Industry Bureau<sup>21</sup> works to control pests, diseases and exotic species, which threaten Wisconsin's crops, forests, plant communities, and honeybees. Current high priority pests include gypsy moth, asian long horned beetle and

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<sup>21</sup> [datcp.wi.gov/Pages/Publications/PlantIndustry.aspx](http://datcp.wi.gov/Pages/Publications/PlantIndustry.aspx)

thousand cankers disease, all of which threaten forests and urban trees. The bureau conducts field surveys, imposes quarantines, and applies treatments as needed. The bureau also manages and implements the newly created Industrial Hemp Program.

- **Industrial Hemp:** The 2014 Farm Bill created a hemp pilot research program to be operated by state departments of agriculture or institutions of higher education, in states that have authorizing legislation. Wisconsin 2017 Act 100 provided that authorizing legislation in Wisconsin. DATCP wrote an emergency rule, ATCP 22, and began issuing licenses for the growing and processing of industrial hemp in April 2018. The department operates a significant regulatory program, requiring background checks and the sampling and analysis of every hemp field and variety in the state to document the Tetrahydrocannabinol (THC) content. A legal crop cannot contain >0.3% THC.
- **Safeguarding Trade:** 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.
- **Pest Surveys:** 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. Pest survey data collected by the bureau keeps interstate and international markets open to Wisconsin agricultural products.

### *Agrichemical Management Bureau*

The Agrichemical Management Bureau<sup>22</sup> regulates agrichemicals to protect human health, property, and the environment. The bureau regulates agrichemical 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.

- **Storage Standards:** 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 commercial animal feed, fertilizer, pesticides, soil and plant additives, and agricultural lime products are correctly labeled and free from adulteration.
- **Licensing:** The bureau licenses manufacturers and distributors of the regulated products listed above, as well as licensing commercial pesticide

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<sup>22</sup> [datcp.wi.gov/Pages/Programs\\_Services/ACMOverview.aspx](http://datcp.wi.gov/Pages/Programs_Services/ACMOverview.aspx)

application businesses. The bureau also licenses and certifies pesticide applicators, including a required applicator examination.

- Inspection: 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.
- Clean Sweep: 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.

## *2017 - 2019 Accomplishments*

### *Land and Water Resources Bureau*

- Improved Planning and Reporting: In the last biennium, the department worked with counties and the Land and Water Conservation Board to improve work planning and reporting, which are fundamental to documenting county activities and progress implementing state priorities. Counties must submit annual work plans and reports, in a standardized format, to be eligible for annual grants through the soil and water resource management program. By working with counties, work plans now include a more comprehensive description of planned activities related to livestock, cropland and other focus areas, as well as more detailed benchmarks to mark performance. The Land and Water Conservation Board made use of these enhanced planning tools to strengthen its review of county land and water resource management plans. To receive a favorable recommendation, counties must now answer written questions about plan implementation, future direction, outreach, and submit recent work plans and reports to document accomplishments. During the Biennium, counties prepared and submitted 29 Land and Water Resource Management Plans to the Land and Water Conservation Board for approval.
- Conservation Staff Funding: For calendar years 2018 and 2019, the department allocated a total of \$17.83 million to pay for conservation staff in 72 counties, \$10.12 million in grants for counties to provide landowners cost-sharing for conservation practices, and over \$1.64 million to cooperators to provide farmer training, conservation professional training, and to support activities to implement nutrient management. In 2017, the top three cost-shared practices were nutrient management plans, grassed waterways, and streambank and shoreline protection. The top three

conservation practices, by funding amount, in 2017 were nutrient management, manure storage and grassed waterways, and in 2018 were nutrient management plans, streambank and shoreline protection, and grassed waterways. The department makes timely payments to counties and cooperators within 30 days of reimbursement request receipt.

- Producer-Led Watershed Protection Grants: The Producer-Led Watershed Protection Grant Program began in 2016 through a Governor-led budget initiative. In the first two rounds of funding the department had \$250,000 available, distributing \$242,550 to 14 groups in 2016 and \$197,065 to 11 groups in 2017. In the 2018-19 biennium there was \$750,000 available in funding; 19 groups were awarded a total of \$558,246 in 2018 and \$750,000 in 2019. The maximum award per group was raised from \$20,000 to \$40,000 in 2018. In 2016 and 2017 (based on producer-led group reports), there were 15 field days held, with over 1,400+ attendees, 10,276 hours of county staff time utilized, and 1,843,162 acres of watershed coverage between all groups. There are now 28 active producer-led groups that have been funded through the DATCP program across the state.
  
- Nutrient Management: Through the efforts of department nutrient management specialists, county staff, and cooperator groups, 1,816 farmers wrote their own nutrient management plans in 2017 on 532,400 acres, accounting for 24% of all nutrient management plans on 6% of Wisconsin's total cropland acres. In the same year, 5,911 farmers hired 89 agronomists to assist them with nutrient management planning on 2,824,394 acres. Agronomists produced 76% of the total plans, covering 31% of total cropland acres. In 2017, 3,356,794 acres, or 37%, of Wisconsin's cropland are covered by an approved nutrient management plan. In 2018, 1,998 farmers wrote their own plans on 615,765 acres accounting for 24% of all nutrient management plans. This was a 9% increase in farmers from 2017. Also in 2018, 6,222 farmers hired 316 agronomists to assist them with nutrient management planning on 2,735,712 acres. The total nutrient management planning reported by Wisconsin farmers in 2018 was 8,220 nutrient management plans on 3.3 million acres, or 36.6% of Wisconsin's 9 million cropland acres.

In the 2015-17 biennium, the department revised ATCP 50 to reflect a new NRCS 590 Nutrient Management Standard for farms, to update the cost-share rate to implement the nutrient management practice standard, and to adjust other provisions related to nutrient management planning. The revised ATCP 50 took effect on February 1, 2018.

- Technical Assistance: The department has ten conservation engineering field staff who provide counties, farmers and others with engineering technical assistance to install conservation practices such as manure storages, waste transfer systems, streambank and shoreline protection, cropland erosion control and other engineered practices. Annually, the

conservation engineering staff provided nearly 1,200 support services, which in the fiscal year 2018 translated into the following activities: 121 designs of conservation practices, 260 reviews of designs, 225 approvals of designs, 95 construction approvals, 86 inspections of installed practices, and 392 project consultations (including site assessments, surveys, and training). The department also has a State Soil and Water Conservation Engineer that oversees the DATCP Conservation Engineering Practitioner Certification program. This program certifies approximately 125 DATCP and county conservation staff in order for them to be able to design, install and approve conservation practices.

- Demonstration Farm Network: Late in the 2017 fiscal year, the department entered into a three-year cooperative agreement for a total of \$350,000 with the USDA Natural Resources Conservation Service, working with Peninsula Pride Farms to establish a Door-Kewaunee Demonstration Farm Network. The goal of the network is to test how well specific conservation practices work to achieve conservation goals and to demonstrate these practices to area farmers, agronomy professionals, and the general public. Conservation goals include reducing erosion and sedimentation, controlling phosphorus runoff, increasing organic matter, and improving soil health on working farms. In 2018, the project received an increase in funding of \$300,000 and an additional two years to the agreement. All of the farms are interested in “planting green” in 2019 meaning no-till planting directly into living cover crops. The weather brought a very wet fall, which led to difficulties with equipment in the field and potential management changes that need to be made for next year. A few of the demonstration farms are looking into dewatering systems to incorporate into their manure management to decrease the volume of manure and increasing the flexibility of spreading times. Lastly, on two of the farms, the Discovery Farms Program installed surface water monitoring and the farms are excited to see the results. Monitoring will allow the project to quantify benefits of conservation practices being installed on cropland.
- Farmland Preservation: During the biennium, the department certified 34 county farmland preservation plans and amendments. The department awarded \$113,397.44 in planning grants to assist counties with farmland preservation planning efforts. During the same period, the department certified 45 farmland preservation zoning ordinances. Through participation in the farmland preservation program, over 13,000 farmland owners have been able to collect approximately \$16.2 million per year in farmland preservation income tax credits paid by the Wisconsin Department of Revenue. In return for the tax credits, these claimants maintain compliance with state soil and water conservation standards on 2.4 million acres of Wisconsin farmland.
- Agricultural Enterprise Areas: The department designated three new Agricultural Enterprise Areas (AEAs) and modified one existing AEA

during the biennium. Following the 2019 AEA designation, there will be 40 AEAs statewide, covering over 1,388,667 acres in portions of 27 counties and 112 towns, as well as the Bad River Reservation. Since 2009, the bureau has recorded 725 farmland preservation agreements covering 157,972.43 total acres.

- Conservation Reserve Enhancement Program (CREP): The department issued 1,657 incentive and cost share payments that awarded \$3,979,773 in CREP grants to landowners. With the assistance of County Land Conservation departments and local USDA offices, these funds established 998 CREP agreements and 17 CREP perpetual easements, which established conservation practices on 12,835 acres. Of these, 615 agreements were expired 15 year agreements that reenrolled into a new 15 year agreement.
- Siting Livestock Facilities: As of August 2019, 30 counties, 101 towns, and nine cities and villages (Berlin, Fitchburg, Germantown, New Glarus, Richfield, Rochester, Bloomfield, Fox Crossing, and Bristol) adopted siting ordinances. In 2019, the department hosted 12 public hearings on a proposed rule revision prepared in 2016-2019 based on input from stakeholder listening sessions and with the advice of the expert technical committee.
- Reviewing Agricultural Impacts: During the 2017-19 biennium, staff in the Agricultural Impact Statement program reviewed 91 public projects affecting farmland. They published fifteen agricultural impact statements and addendums covering potential impacts to 5,151 acres of farmland. Staff also monitored the construction impacts to agricultural lands for two large electric transmission line projects, the North Appleton to Morgan 345/138 kV project between Appleton and Oconto Falls affecting about 863 acres of farmland and the Badger Coulee 345 kV project between Dane County and the La Crosse area affecting about 695 acres of farmland.

### *Plant Industry Bureau*

- Industrial Hemp: The department licensed 242 hemp growers and 99 hemp processors in 2018. Total acreage planted in 2018 was approximately 1,850. 2019 showed a 500% increase in the number of license applications received for the industrial hemp program. 1,322 grower licenses and 628 processor licenses were issued in 2019, the second year of program operation. Total acreage planted in 2019 is at least 5,000. DATCP collected and analyzed 295 samples in 2018 and anticipates collecting approximately 2,000 samples in 2019.
- Gypsy Moth: The department treated 76,288 acres for gypsy moth at 35 sites in 14 counties in 2018 and 154,508 acres at 51 sites in 19 counties in 2017. Trapping surveys in 51 counties in 2018 showed a 30% decrease in male moth catches (76,403) compared to 2017 (108,008). Severe weather



in 2018—including a cold winter and a cool, wet spring—were factors resulting in the lower male population. 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. A total of 50 counties are quarantined for gypsy moth, and no additional counties were quarantined during the biennium.

- Safeguarding Trade: The phytosanitary certification program is a cooperative program with USDA 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. Plant Industry Bureau staff processed 13,288 phytosanitary applications in 2018, an increase of 28% over the 10,362 processed in 2017, following a general increasing trend over the previous biennium. The value of the exports increased; the certificates expedited the export of over \$1.2 billion in plants and plant products over the biennium. Demand for phytosanitary permits has increased due to continued large volume exports of wood products, grain, distillers dried grain, and gluten meal. The value of Wisconsin's wood products, including logs and lumber, accounted for over 47% of all certificates issued in 2017 and 38% 2018; soybean grain and corn grain accounted for 27% of exports in 2017 and 52% in 2018. China was the destination for most of the certificates issued, followed by Southeast Asia (Indonesia, Malaysia, Philippines, Thailand). The upward trend in exports and increasing demand for phytosanitary certificates is expected to continue.
- Licensing and Inspections: The department licensed 620 nursery growers and 1,146 nursery dealers in 2018, a slight decrease over the 635 growers and 1,154 dealers that were licensed in 2017. The department licensed 365 Christmas tree growers annually in 2017 and 2018. This represents a small decline from the previous biennium. During the biennium, staff inspected approximately 53% of nursery grower fields, 30% of nursery dealer sites, and an estimated 81% of licensed Christmas tree producers' fields. The department also licensed 743 seed labelers annually during the biennium. Staff inspected 25%, and sampled 16% of seed labelers annually during this period.

#### *Agrichemical Management Bureau*

- Safe Storage and Handling: Annually, the Agrichemical Management Bureau issued around 13,000 pesticide applicator, fertilizer, soil/plant additive, lime, feed, and pesticide manufacturing licenses. The bureau also annually registered over 13,000 pesticide products, certified approximately 6,000 pesticide applicators (for a total of nearly 30,000 certified applicators), investigated about 130 pesticide, feed and fertilizer complaints, and took over 170 enforcement actions.

- **Clean Sweep:** The Clean Sweep Program awarded \$750,000 each year of the biennium in grants to local governments. The grants resulted in collection of 2.6 million pounds of waste in 2017 and 2.6 million pounds in 2018. 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.
- **Agrichemical Clean Up:** The bureau also managed about 130 remediation cases at agrichemical facilities each year and reimbursed about \$570,000 in clean-up costs to responsible parties in 2017 and \$760,000 in 2018. The bureau also provided oversight on about 26 agrichemical spills in 2017 and 39 in 2018.
- The 2017-19 state budget contained changes to Wisconsin's pesticide, fertilizer and feed licensing fees and structures. These changes resulted from the RevEx Project, the ACM Bureau's effort to align the bureau's revenues and expenditures to be more fair, efficient and effective. Staff provided significant outreach to the pesticide, feed and fertilizer industries and licensees on the law changes affecting them prior to the changes taking effect. Full implementation of the revenue changes was completed in 2019.

### *2019–2021 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.
- License and register industrial hemp growers and processors to meet the demand of Wisconsin hemp producers and processors. Sample and analyze hemp fields to document legal crops and issue fit for commerce certificates to allow the hemp to move to processing. Update rules as required by state and federal legislation and guidelines.
- Survey and control for plant pests and diseases to ensure the health and profitability of the crop, forestry, and nursery sectors of the economy.
- 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 is responsible for the prevention, diagnosis, and control of animal disease. The goal is to protect animal and human health and to prevent losses to livestock and animal industries. The division employs several tools to achieve this goal, including animal health and disease programs, animal disease response, and proactive education. The division also supports the Veterinary Examining Board (VEB).

The division manages several animal health and disease programs.<sup>23</sup> The division licenses animal markets, animal dealers, animal truckers, feedlots, deer farms and fish farms to assist with disease control and animal traceability.<sup>24</sup> These entities are required to keep records of livestock movement, including official identification of animals.<sup>25</sup> The division requires that a certificate of veterinary inspection (CVI) accompany all animals imported into the state.<sup>26</sup> The division manages disease certification programs, which make it easier for owners to sell and move animals intra- and interstate.<sup>27</sup> The division also manages a dog sellers program, which establishes minimum facility and care requirements.<sup>28</sup>

The division is responsible for animal disease response. When a disease of concern is identified, the division implements quarantines and conducts epidemiological investigations to trace the disease to its location of origin and to other potentially infected premises. The division administers the livestock premises registration program through a contract with the Wisconsin Livestock Identification Consortium, which significantly enhances the division's ability to respond rapidly to a disease outbreak.<sup>29</sup> The ability to trace animal movements

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<sup>23</sup> [datcp.wi.gov/Pages/Programs\\_Services/Programs.aspx](http://datcp.wi.gov/Pages/Programs_Services/Programs.aspx)

<sup>24</sup> [datcp.wi.gov/Pages/Licenses\\_Permits/Animals.aspx](http://datcp.wi.gov/Pages/Licenses_Permits/Animals.aspx)

<sup>25</sup> [datcp.wi.gov/Pages/Programs\\_Services/OfficialID.aspx](http://datcp.wi.gov/Pages/Programs_Services/OfficialID.aspx)

<sup>26</sup> [datcp.wi.gov/Pages/Programs\\_Services/AnimalMovement.aspx](http://datcp.wi.gov/Pages/Programs_Services/AnimalMovement.aspx)

<sup>27</sup> [datcp.wi.gov/Pages/Programs\\_Services/DiseaseStatusCertification.aspx](http://datcp.wi.gov/Pages/Programs_Services/DiseaseStatusCertification.aspx)

<sup>28</sup> [datcp.wi.gov/Pages/Programs\\_Services/DogBreedersSellersLaw.aspx](http://datcp.wi.gov/Pages/Programs_Services/DogBreedersSellersLaw.aspx)

<sup>29</sup> [datcp.wi.gov/Pages/Programs\\_Services/PremisesRegistration.aspx](http://datcp.wi.gov/Pages/Programs_Services/PremisesRegistration.aspx)

rapidly is essential to containing and eradicating disease threats and protecting export markets for animals and animal products.

Another component of the division’s mission is to provide education and guidance to the public and affected industries. The division’s veterinary program managers frequently meet with private veterinarians, members of animal industries, and local units of government to discuss program changes, diseases of concern, and disease reporting. The division provides CWD sampler certification training,<sup>30</sup> humane officer training, and rabies control trainings.<sup>31</sup> The division also provides expertise and guidance as needed regarding the humane handling of animals.

The division also provides support to the Veterinary Examining Board (VEB), which was transferred to the agency and division from the Department of Safety and Professional Services.<sup>32</sup> The division provides support for licensing of veterinarians, certification of veterinary technicians, veterinary complaint investigation, disciplinary monitoring, administrative rule proposals, and communications and outreach with industry.

## *2017-2019 Accomplishments*

### *Safeguarding Animal Health*

- **Bovine Tuberculosis (TB):** In September 2018, TB was identified in a cow from a farm with over 2,000 cattle. TB is a disease that causes illness, coughing, and eventual death. Humans can contract TB by drinking raw milk produced by infected cattle or by inhaling infective droplets generated by breathing or coughing. TB has a prolonged course and symptoms take months to years to appear.

The division immediately issued a quarantine of the infected premises and began an investigation. In accordance with direction from the United States Department of Agriculture, the division began a test and removal protocol of the infected herd, rather than a full depopulation. The division conducted four whole herd tests through the end of the biennium; herd testing will be ongoing every two months in the following biennium.

The division also conducted trace investigations of potentially exposed animals that had previously moved to other premises. The division traced 322 cases in Wisconsin, issued 30 additional quarantines, and conducted additional herd testing. The division also notified the United States Department of Agriculture of 264 cases traced to other states. Trace activities will also be ongoing in the following biennium.

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<sup>30</sup> [https://datcp.wi.gov/Pages/Programs\\_Services/FRDHerdStatusPrograms.aspx](https://datcp.wi.gov/Pages/Programs_Services/FRDHerdStatusPrograms.aspx)

<sup>31</sup> [datcp.wi.gov/Pages/Programs\\_Services/ProfessionalTraining.aspx](https://datcp.wi.gov/Pages/Programs_Services/ProfessionalTraining.aspx)

<sup>32</sup> [datcp.wi.gov/Pages/About\\_Us/VeterinaryExaminingBoard.aspx](https://datcp.wi.gov/Pages/About_Us/VeterinaryExaminingBoard.aspx)

- Chronic Wasting Disease (CWD): The division responded to cases of CWD in ten farm-raised deer herds over the biennium. Six of the herds were depopulated and the other four herds continue to operate under strict quarantine regulations. CWD is a transmissible neurological disease of deer, elk, moose, and reindeer that produces small lesions in the brain of an infected animal. The disease is characterized by loss of body condition, behavioral abnormalities, and is always fatal. The division is working to prevent CWD from entering farm-raised deer facilities in Wisconsin.
- Canine Brucellosis: The division responded to a report of canine brucellosis in a group of dogs imported into Wisconsin from South Korea. Canine brucellosis is highly contagious between dogs and is also contagious to people. The investigation and control measures took several months and resulted in the issuance of approximately 30 quarantines of both shelter facilities and individually owned dogs.
- Aquaculture, 2017 Act 21: In 2017, the legislature directed the agency and the Department of Natural Resources (DNR) to work with private fish farmers to address concerns regarding the use of fish from private farms for stocking public waters. Identified issues included fish farm registration classifications, fish health testing requirements, and movement of fish from Viral Hemorrhagic Septicemia positive waters, among other concerns. The division participated in nine meetings with DNR and industry to successfully resolve each of these issues.
- Low Pathogenic Avian Influenza (LPAI): In March 2017, LPAI H5N2 was diagnosed at a premises with six barns and a total of 77,720 turkeys. LPAI has the potential to mutate to Highly Pathogenic Avian Influenza (HPAI), which is an extremely infectious disease that is fatal to birds and can spread rapidly from flock to flock. The division worked quickly to conduct the first controlled marketing, rather than depopulation, of poultry in Wisconsin. Several states and countries restricted the import of Wisconsin poultry and poultry products until the division's monitoring and testing completed in the fall of 2017.
- Senecavirus A (SVA) & Foot and Mouth Disease (FMD): During the biennium, the division responded to cases of SVA lesions in 1,821 pigs in 741 loads. SVA lesions are indistinguishable from lesions caused by FMD and therefore require prompt testing and diagnosis to ensure that FMD is not present. FMD is a highly contagious viral disease that infects cows, pigs, sheep, goats, and deer and can survive in contaminated materials and the environment for several months. A single detection of FMD could stop both interstate commerce and international trade. FMD remains endemic in two-thirds of the world but is not found in the US, Canada, or Mexico.
- Eastern Equine Encephalitis (EEE) & West Nile Virus (WNV): The division responded to 24 cases of EEE and WNV in calendar year 2017 and 5 cases in calendar year 2018. The division reports all cases to the

Department of Health Services, as both diseases can be transmitted to humans through mosquitos. Almost all equine cases occur in unvaccinated or under-vaccinated animals. There is no approved vaccine for humans.

- Emergency Response Preparation: The division developed an African Swine Fever (ASF) response plan and tested it along with a Wisconsin movement control plan in a workshop and tabletop exercise with partner agencies and industry. ASF is a highly contagious swine disease with a high mortality rate, no vaccine, and no treatment. When detected, ASF devastates swine economies and shuts down trade routes. The United States began response preparations after an outbreak in China in August 2018, which spread rapidly through Asia in the months following.

The division also tested a Highly Pathogenic Avian Influenza (HPAI) plan in a tabletop exercise with the Wisconsin Veterinary Diagnostic Lab, partner agencies, and industry. An outbreak of HPAI could restrict or stop the export of Wisconsin poultry products.

- Animal Movement: The division regulates the import and movement of animals to prevent the spread of disease. In calendar year 2018, 600,573 animals were imported into Wisconsin accompanied by 14,862 Certificates of Veterinary Inspection (CVIs), as multiple animals can be recorded on one CVI. In addition, 483,751 cattle were exported out of the state accompanied by 11,539 CVIs.
- Licensing and Monitoring: In calendar year 2018, the division licensed and monitored 62 animal markets, 244 animal dealers, 319 animal truckers, 7 feedlots, 377 farm-raised deer herds, 145 herds enrolled in the CWD herd status program, 69 farm-raised deer hunting ranches, 2,660 fish farms, and 402 dog sellers and dog facility operators.
- Compliance Actions: The division took actions regarding non-compliant licensed entities and entities operating without a license. Over the biennium, the division took higher compliance actions, beyond a warning notice or reinspection, on 59 licensed entities. Of these, the division and entities reached agreement in 42 stipulated agreements, the division ordered conditions to six licenses, and the division referred 11 cases to the District Attorney for prosecution.
- Premises Registration: The division worked with the Wisconsin Livestock Identification Consortium (WLIC) to notify over 60,000 premises of the need to re-register for the upcoming three-year period. During disease outbreaks, premises registration enables the division to quickly identify premises with at-risk species and notify owners of the disease threat.
- Administrative Rule Review: The division routinely reviews administrative rules to eliminate unnecessary or out-of-date requirements,

fulfill new or adjusted federal requirements, and address issues that arise. Over the biennium, the division managed five rule proposals regarding animal diseases and movement, animal markets, dealers and truckers, livestock premises registration, and dog sellers and dog facility operators.

These rules included the final promulgation of a rule requested by the swine industry, which requires testing of swine for Porcine Reproductive and Respiratory Syndrome and Porcine Endemic Diarrhea Virus (PRRS/PEDv) prior to import or intrastate movement. PRRS outbreaks have cost the nation-wide swine industry over \$640 million annually. Since 2013, PEDv has killed approximately ten million pigs and spread to most states.

- Veterinary Examining Board (VEB): In support of the VEB, the division took on the licensing and certification of 6,329 veterinarians and veterinary technicians. The division also took on responsibilities for the investigation and monitoring of veterinary complaints, of which the division received 91 in calendar year 2018. Over the biennium, the division managed three rule proposals in support of the VEB.

### *2019-2021 Goals*

- Disease Management: Continuously improve our ability for rapid detection, control and eradication of animal diseases affecting animal and public health.
- Collaboration with Industry and Animal Health Partners: Improve collaboration, strengthen relationships and build partnerships among all stakeholders in Animal Health.
- Technological and Operational Excellence: Analyze our resources and operation procedures to address needs with an eye to the future.
- Employee Development: Support all staff in attaining levels of professional effectiveness through an investment in providing the right training, tools, and creating opportunities for leadership.
- Animal Welfare: Provide continuous 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 and Recreational Safety

The Division of Food and Recreational Safety<sup>33</sup> protects Wisconsin's food supply from farm to table through oversight of food production, processing, distribution and retail sale. In addition, it protects consumers from fraud and misbranding of food products. The division also ensures the safe operation of lodging establishments (hotels, bed-and-breakfast operations, and tourist rooming houses), pools and water attractions, campgrounds, and recreational/educational camps.

The division administers several programs, including the Grade A dairy program, manufactured food inspection, produce safety, retail food establishment inspection, 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 chemical (including drug residue) analyses on food, milk, or water. In collaboration with the department's Bureau of Laboratory Services, the division samples and analyzes foods to ensure food safety and protect consumers. The division is divided into two bureaus: the Bureau of Food and Recreational Businesses, and the Bureau of Meat and Poultry Businesses.

### *Food and Recreational Businesses Bureau*

The Bureau of Food and Recreational Businesses licenses and inspects approximately 8,000 dairy farms and nearly 9,000 other dairy-related businesses and personnel, such as dairy plants, receiving/transfer stations, bulk milk weigher-samplers, and bulk milk tankers. The bureau also licenses about 12,000 other food, lodging, and recreational businesses, such as food processing plants; grocery stores, convenience stores, and other retail food establishments; food warehouses; restaurants; hotels, tourist rooming houses, and bed and breakfast businesses; pools and water attractions; campgrounds; and recreational/educational camps.

Laboratory analyses serve an important function in ensuring the safety of food, dairy products, and water supplies throughout Wisconsin. 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. Local health departments in 57 cities, counties, and multi-jurisdiction consortia license and inspect restaurants and other retail food establishments, lodging facilities, pools

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<sup>33</sup> [datcp.wi.gov/Pages/Programs\\_Services/FoodSafetyBusinessInformation.aspx](http://datcp.wi.gov/Pages/Programs_Services/FoodSafetyBusinessInformation.aspx)  
[datcp.wi.gov/Pages/Programs\\_Services/recreationalfacilities.aspx](http://datcp.wi.gov/Pages/Programs_Services/recreationalfacilities.aspx)



and water attractions, campgrounds, and recreational/educational camps as agents for the bureau. These “local agents” must comply with state statutes and the Wisconsin administrative code.

### *Meat and Poultry Businesses Bureau*

The Bureau of Meat and Poultry Businesses administers Wisconsin's meat inspection program, which covers about 250 licensed meat establishments and about 55 custom-exempt meat slaughter or processing operations, of which 18 perform mobile slaughter or processing. Wisconsin's program is the largest state-run meat inspection program in the nation and meets all USDA requirements for state programs.

Wisconsin also participates in the USDA Cooperative Interstate Shipment (CIS) program, which allows selected and approved state-inspected establishments to ship certain products wholesale across state lines. Seventeen state-inspected establishments have entered this program and are expanding their market areas. In terms of establishment numbers, Wisconsin's CIS is the largest in the nation.

### *2017–2019 Accomplishments*

- Increased the resources of the Rapid Response Team to improve ongoing trace-back, epidemiology, public outreach, and impact mitigation associated with foodborne illness outbreaks. Moved to a grant-funded program which has allowed for the recent addition of an Emergency Response Coordinator.
- Expanded outreach activities and began inspections in the Produce Safety Regulatory Program under a cooperative agreement with the U.S. Food and Drug Administration (FDA) that encourages the safe production, harvest, packing, and storage of fresh fruits and vegetables in compliance with new FDA regulatory requirements. Improving produce safety will protect public health by reducing the incidence of foodborne illness associated with these foods. The expected outcome of this work is a program that educates produce businesses in best practices for minimizing the contamination of fresh fruits and vegetables with pathogenic microorganisms. On Farm Readiness Reviews (OFRR) have been underway and the first produce farm inspections began in the summer of 2019.
- Conducted nearly 1,200 inspections of manufactured food (food processing plant, food warehouse) businesses in the most recent fiscal year. Conducted three Preventive Controls inspections in 2018 and eight Preventive Controls inspections in 2019. Preventive Controls inspections implement federal rules mandated by the 2011 Food Safety Modernization Act (FSMA). Most firms are now subject to compliance under FSMA.

- Streamlined collaboration with FDA to avoid unnecessarily repetitive inspections, and thereby ensure effective use of state and federal resources. This collaboration has been codified with the signing of a Memorandum of Understanding with the FDA to promote the concept of mutual reliance between the two agencies.
- Continued full compliance and full implementation of the FDA's Manufactured Food Regulatory Program Standards (MFRPS). This achievement positions the state's program in a national integrated food safety system that promotes consistency of food safety standards and regulations nationwide.
- Continued moving towards conformance and implementation of the FDA's Voluntary Retail National Regulatory Program Standards (VRNRPS). These efforts seek to position the state's program in a national integrated food safety system that promotes consistency of retail food safety standards and regulations nationwide.
- Conducted over 12,000 dairy program inspections in the most recent fiscal year and maintained conformance with the FDA Grade A milk program requirements.
- Responsively evaluated industry requests for variances from existing regulatory requirements. In the most recent fiscal year, over 200 requests were reviewed and approved if they did not endanger public health.
- Continued to rapidly respond to complaints from the public about regulated businesses. On average, the division responds to over 500 such complaints per year.
- Collaborated with industry in the expansion of the CIS program from thirteen to seventeen meat establishments. There are seven establishments in the application process for participation in the CIS program, and these establishments should be on board by early 2020.
- Worked with the auxiliary meat industry businesses to assure there are viable and economically feasible outlets for inedible animal by-products.
- Continuously conduct at least 840 inspections each week at meat and poultry establishments producing products that will bear the Wisconsin mark of inspection on the label.
- Strengthened the three sections within the Bureau of Meat and Poultry Businesses to provide more specific outreach to bureau field staff and assist industry personnel in understanding the implementation of regulatory requirements.

## *2019–2021 Goals*

The Division of Food and Recreational Safety will protect public health through safe food, lodging, and recreation by:

- Providing education, consultation, and regulation to food, lodging, and recreational business operators to assist them in providing safe, high quality food and services.
- Responding to consumer concerns and information needs.
- Advocating for food and public health safety needs of the public.

The division will also strive to ensure that regulatory activities are carried out consistently across the state and nation. To that end, the division will continue to:

- Meet national standards for meat and poultry, manufactured food, and retail food regulatory programs.
- Participate in state – federal cooperative efforts to standardize public health measures and standards, e.g. National Conference on Interstate Milk Shipments (oversees Grade A dairy program and maintains the Pasteurized Milk Ordinance), Conference for Food Protection (maintains the FDA Model Food Code for retail food establishments).

The division will carry out its mission by:

- Improving management of electronic data needed to most effectively prepare for conducting risk-based inspections.
- Streamlining license application, approval, and renewal processes.
- Advocating for increased staffing necessary to perform ongoing public health work.
- Providing consistent and efficient one-stop service to local health department agent programs who oversee retail food, lodging, camp/campground, and water park pool businesses in metropolitan areas and the majority of counties in the state.
- Increasing inspection efficiency by adopting new inspection data management technology.
- Continuing to support growth of the CIS program so that state-inspected meat establishments can develop new markets for their products across state lines.

- Developing and delivering the education, outreach, and on-farm readiness review programs necessary to help produce farmers under the Produce Safety Regulatory Program.
- Establishing a Dairy Rules Advisory Committee in order to better communicate with all aspects of the regulated dairy industry.

## Management Services

The Division of Management Services (DMS) provides administrative support to the department. The division's three bureaus\* include finance, information technology, and laboratory services. The division is also responsible for agency-wide services including food and agricultural security, workplace health and safety, geographic information services, records management, mail and print services, department fleet management, general administration and facilities management. This includes developing and reviewing DATCP policies and procedures.

- The department's employee policies and procedures include an agency Alternative Work Schedule policy, (DATCP Policy #300), in accordance with s. 230.215(4):  
<http://datcp/dms/layouts/15/WopiFrame.aspx?sourcedoc=/dms/Shared%20Documents/Alternative%20Work%20Schedule.doc&action=default>

Policy #300 was reviewed for updates in late 2018. No significant updates were identified, but the department plans to update the policy this fiscal year. Individual divisions, bureaus or work units continue to have flexibility to evaluate operational needs to determine the parameters and options available to staff regarding alternative work schedules. This policy continues to be used and expanded in its use throughout the agency and many employees maintain alternative work schedules.

In addition to the Alternative Work Schedule policy, individual work units and their respective management teams are able to provide flexibility for occasional make-up time due to personal appointments (e.g., medical appointments, etc.).

In regards to part-time opportunities for permanent staff: due to reductions in agency GPR funding and the inability to obtain additional positions to meet operational work, it is difficult for the department to provide part-time work options to existing staff. This is an area that the department has not been able to offer as an option to staff in recent years.

### *Bureau of Finance*

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

The bureau handles procurement and contracting of services along with managing the purchasing card system for the agency. 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 include mailroom operations and department fleet management.

### *Bureau of Information Technology Services*

The Bureau of Information Technology Services is the department's technical services organization. The bureau manages the department's internal network and telecommunications 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 manages the department's application development, 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 manage spatial data, create maps, perform analyses, and develop 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 advanced 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 and fertilizer label guarantees, 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. In FY2019, testing industrial hemp samples to detect THC levels was also added to the bureau’s responsibilities.

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 and food safety related outbreak incidents throughout the state.

*\* In July 2018, the 8 FTEs in the Bureau of Human Resources were transferred to the Division of Personnel Management at the Department of Administration as part of the Human Resources Shared Services Initiative.*

### 2017–2019 Accomplishments

- *Bureau of Finance.* Completed the department’s 2017–19 biennial budget submittal; added online payment capability for commercial applicators and pesticide registrations; partnered with the Bureau of Human Resources to implement the State’s HCM system for the department.
- *Bureau of Information Technology.* Continued to develop a new enterprise-wide system, including MyDATCP online access, for department licenses, permits, registrations, exams, complaints, inspections, and compliance evaluations. The programs completed included:

DTCP	Consumer Securities	August 2017
DFRS	Milk Tester	August 2017
DFRS	Cream Tester	August 2017
DFRS	Cheese Maker	August 2017
DFRS	Butter Maker	August 2017
DFRS	Butter Grader	August 2017
DFRS	Cheese Grader	August 2017
DFRS	Makers, Testers and Graders MyDATCP	August 2017
OS	Veterinarian Examining Board MyDATCP	October 2017
DFRS	Lab	November 2017
DFRS	Lab Analysts	November 2017
DFRS	Lab/Lab Analysts MyDATCP	November 2017
DARM	Pesticide Manufacturer & Labeler	November 2017
DARM	Commercial Applicators	November 2017
DARM	Residential Applicators	November 2017

DARM	Commercial and Residential Applicators MyDATCP	September 2018
DFRS	Food Processing Plants	February 2018
DFRS	Food Processing Plants (MyDATCP)	February 2018
DFRS	Bulk Milk Weigher & Sampler	February 2018
DFRS	Bulk Milk Weigher & Sampler (MyDATCP)	February 2018
DARM	Industrial Hemp Grower License and Registration	March 2018
DARM	Industrial Hemp Processor License and Registration	March 2018
DARM	Industrial Hemp Grower License and Registration (MyDATCP)	March 2018
DARM	Industrial Hemp Processor License and Registration (MyDATCP)	March 2018
DARM	Christmas Tree Grower	April 2018
DARM	Christmas Tree Grower (MyDATCP)	April 2018
DARM	Nursery Dealer	April 2018
DARM	Nursery Grower	April 2018
DARM	Nursery Dealer & Grower (MyDATCP)	April 2018
DFRS	Food Inspection	December 2018
DFRS	Meat Establishments	April 2019
DFRS	Meat Establishments (MyDATCP)	April 2019
DFRS	Meat Distributor	April 2019
DFRS	Meat Distributor (MyDATCP)	April 2019
DFRS	Mobile Slaughter	April 2019
DFRS	Mobile Slaughter (MyDATCP)	April 2019
DFRS	Dead Animals	April 2019
DFRS	Dead Animals (MyDATCP)	April 2019
TCP	Telephone Solicitor (CRM)	June 2019
TCP	Telephone Solicitor (MyDATCP)	July 2019
TCP	Liquid Petroleum Gas Meter Operator	July 2019
TCP	Liquid Petroleum Gas Meter Operator (MyDATCP)	July 2019
TCP	Vehicle Tank Meter Operator	July 2019
TCP	Vehicle Tank Meter Operator (MyDATCP)	July 2019
DFRS	Bulk Milk Tanker	July 2019
DFRS	Bulk Milk Tanker (MyDATCP)	July 2019

In addition, the bureau successfully implemented new security and website availability software; upgraded the department’s enterprise and enterprise financial software, as well as its server and operating systems; and completed required server migrations to the Division of Enterprise Technology.

- *Bureau of Laboratory Services.* Completed a bureau reorganization to realign functions and create efficiencies. Created a Quality Assurance Unit and hired a Quality Assurance Officer. Completed training of key personnel on the laboratory’s new instrumentation software program. Researched, developed and implemented testing procedures for the detection of THC levels in industrial hemp samples; and completed testing of 300+ samples during the first year of the industrial hemp program. Completed a Continuous Improvement activity that saved the department more than \$60,000 in equipment costs.

### 2019–2021 Goals

- *Division.* Utilize continuous improvement practices to continue to streamline agency-wide processes; revamp the agency’s new employee

handbook and new employee orientation/training; update the department's emergency response and Continuity of Operations plans; and explore new training opportunities for agency staff.

- *Bureau of Finance.* Review and update financial policies and procedures based on changes to the State Procurement Manual and DOA processes; continue to enhance the department's ability to accept online payments from customers; and continue to explore how the department can utilize the State's PeopleSoft Finance system to enhance reporting capabilities.
- *Bureau of Information Technology Services.* Complete the agency's AMANDA Decommission Project – moving all current licensing programs out of AMANDA and into the department's enterprise-wide system; continue to develop the enterprise-wide system for all department licenses, permits, registrations, exams, complaints, inspections, and compliance evaluations housed in other legacy systems; work with internal and external stakeholders upgrade the MyDATCP public portal for online applications and payments; implement the State's VoIP system at DATCP; and complete the department's MS Access 2010 to 2016 conversion project.
- *Bureau of Laboratory Services.* Continue to improve the capabilities and depth of the bureau's Quality Assurance System; begin the process of adding industrial hemp testing to the scope of the bureau's ISO accreditation; assess staffing and equipment needs to continue to provide timely services in light of the dramatic increase in industrial hemp testing required in FY2020; and continue to look for opportunities for continuous improvements in our processes, as well as areas we can build depth and secure institutional knowledge within the bureau.

## **Trade and Consumer Protection**

The Division of Trade and Consumer Protection<sup>34</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 Business Trade Practices*

The Bureau of Business Trade Practices promotes fair and open competition in the marketplace through the regulation of discriminatory sale practices.

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<sup>34</sup> [https://datcp.wi.gov/Pages/About\\_Us/DTCPOverview.aspx](https://datcp.wi.gov/Pages/About_Us/DTCPOverview.aspx)



Specifically, the bureau administers the Unfair Sales Act, dairy trade regulations, soda-water regulations, and a public warehouse keeper security program.

The bureau's agricultural producer security program provides a level of assurance that producers will be paid for the products they sell and that grain held in storage is safeguarded. Anyone that purchases milk, grain, or vegetables (for processing) directly from farmers is required to obtain a license. The bureau monitors the financial condition and business practices of licensees by reviewing annual financial statements and conducting compliance reviews. In the event of a default, the bureau manages an indemnity fund that partially reimburses producers for their loss. In some cases, the bureau may require licensees post individual security in the form of a bond or letter of credit.

The bureau also provides commodity grading and certification services, including conducting Good Agricultural Practices/Good Handling Practices audits. 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 Consumer Protection*

DATCP is the state of Wisconsin's lead agency for consumer protection. The Bureau of Consumer Protection has 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. The bureau's 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 and consumer protection effort is the department's statutory authority to prohibit and enforce unfair trade practices by rule. Bureau investigators mediate complaints, tracks trends and emerging consumer issues, 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, works closely with local consumer protection advocacy organizations to alert vulnerable demographics of scams, 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 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.

### *2017–2019 Accomplishments*

- The Bureau of Business Trade Practices implemented a number of statutory and administrative rule changes to the Agricultural Producer Security Program.
- During the biennium, the Bureau of Business Trade Practices resolved more than 1,243 case files involving 3,717 alleged violations of the Unfair Sales Act and conducted 548 Agricultural Producer Security audits.
- In calendar year 2017, the Bureau of Consumer Protection handled over 35,000 complaints and inquiries from consumers and businesses. In calendar year 2018, the Bureau, handled over 36,000 complaints and inquiries from consumers and businesses. Consumer Protection also responded, on average, to formal complaints within four days in 2017 and within three days in 2018.
- The Bureau of Consumer Protection issued 576 warning letters and collected over \$2.69 million in consumer mediation, restitution and civil forfeitures for violations of Wisconsin consumer laws in calendar year 2017. The Bureau issued 497 warning letters and collected over \$4.6

million in consumer mediation, restitution and civil forfeitures for violations of Wisconsin consumer laws in calendar year 2018.

- As of January 2019, Wisconsin's Do Not Call list had more than 4.5 million unique numbers registered.
- The Bureau of Consumer Protection distributed over 59,000 (in calendar year 2017) and over 63,000 (in calendar year 2018) pieces of educational material, in addition to having them available for download on the department website. Some of the most popular topics included: scams targeting seniors, telemarketing (Do Not Call), landlord-tenant rights and responsibilities, telecommunications, home improvement, and identity theft.
- In calendar year 2018, Weights and Measures staff performed over 258,000 weights and measures inspections and inspected about 60,000 devices, 139,500 packages, and 6,580 business locations to ensure a fair marketplace. This is an increase of inspection activity over calendar year 2017 when Weights and Measures staff performed over 216,000 weights and measures inspections and inspected about 51,000 devices, 105,900 packages, and 5630 business locations. During the 2017-2018 calendar consumer confidence remained steady and was 99.7% for retail scales, 99.7% for gas pumps, 98.5% for package weight accuracy, and 98.7% for price accuracy.
- In calendar year 2018, Weights and Measures staff performed about 8,000 storage tank facility inspections of over 21,000 storage tanks to protect the environment. This is an increase in the number of facility inspections over calendar year 2017 when Weights and Measures staff performed over 6850 storage tank facility inspections on over 21,000 storage tanks.
- In calendar year 2018, Weights and Measures staff field screened over 9,000 fuel samples and the State Fuel Lab performed over 18,000 tests on 5,000+ fuel samples to ensure quality fuel for Wisconsin consumers. The number of fuel quality inspections remained steady over the 2017-2018 calendar years.
- The Bureau of Weights and Measures handled 377 complaints, issued 233 warning letters, and collected over \$300,000 in civil forfeitures, court fees, and assessments for violations of the Wisconsin Weights and Measures law in 2018. The prior year (2017) the Bureau of Weights and Measures handled 456 complaints, issued 192 warning letters and collected over \$268,000 in civil forfeitures, court fees, and assessments.

## *2019–2021 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 Business Trade Practices will continue to implement legislative and administrative code changes.
- The Bureau of Consumer Protection will focus on preventing and reducing fraudulent, unfair and deceptive practices in the marketplace and ensuring fair competition.
- The Bureau of Weights and Measures plans to continue 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

DATCP 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 2017-18 and 2018-19, the department had overall expenditure and position authority as shown in Table 1.

**Table 1. Expenditure and position authority**

*DATCP expenditure and position authority by fiscal year and fund source, 2017-19 biennium. (Source: state budget system.)*

	2017–18		2018–19		2018–19 Percentages	
	\$	FTE	\$	FTE	\$ %	FTE %
GPR	\$26,452,700	205.10	\$26,511,300	199.40	27%	32%
PR	18,702,000	176.97	18,576,200	175.73	19%	28%
PR-S	7,100,700	39.50	7,260,500	37.98	8%	6%
FED	10,551,900	84.78	10,556,900	83.78	11%	13%
SEG	33,108,400	130.40	33,464,500	130.40	35%	21%
	<b>\$95,915,700</b>	<b>636.75</b>	<b>\$96,369,400</b>	<b>627.29</b>		

Less than one third of the department’s expenditure authority and only 32% 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 2018-19, by use. (Source: state budget system.)*

	<b>2018-19</b>	<b>%</b>
State Operations	\$80,707,600	84%
Aids to Individuals & Organizations	5,537,700	6%
Local Assistance	10,124,100	10%
	<b>\$96,369,400</b>	

The department's position authority is concentrated in the Divisions of Food and Recreational Safety, Trade and Consumer Protection, and Agricultural Resource Management, as shown in Table 3. Table 3 shows authorized full-time equivalent positions by division.

**Table 3. Position authority by program**

*Department of Agriculture, Trade and Consumer Protection position authority by program. (Source: human resources authorized position report.)*

	<b>FTE</b>	<b>%</b>
Food & Recreational Safety*	227.00	37%
Trade and Consumer Protection**	138.89	22%
Agricultural Resource Management	97.90	16%
Management Services & Secretary's Office	65.00	10%
Animal Health	44.00	7%
Agricultural Development	25.50	4%
Management Services-Laboratory	27.00	4%
Wisconsin Agricultural Statistics Service	2.00	0%
	<b>627.29</b>	

\* On July 1, 2016, 35.0 FTE in restaurant, vending machine, lodging establishments, pool and water attractions, campgrounds and recreational/educational camp license programs were transferred to the department from the Department of Health Services.

\*\* On July 1, 2013, 36.0 FTE and responsibilities related to petroleum inspection and tank regulation were transferred to the department from the Department of Safety and Professional Services.

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