



State of Wisconsin
Governor Scott Walker

Department of Agriculture, Trade and Consumer Protection
Ben Brancel, Secretary

October 15, 2011

The Honorable Scott Walker
The Honorable Members of the Wisconsin State Legislature

I am pleased to share with you this copy of the Wisconsin Department of Agriculture, Trade and Consumer Protection biennial report for the 2009–2011 biennium.

The report is an overview of the department's diverse mission, which includes agriculture, animal health, food safety, consumer protection, farmland preservation, and soil conservation. Details on these programs are available from our website, at datcp.wi.gov.

Sincerely,

A handwritten signature in cursive script that reads "Ben Brancel".

Ben Brancel
Secretary

Agriculture generates \$59 billion for Wisconsin

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2009–2011

Biennial Report

Wisconsin Department of
Agriculture, Trade and
Consumer Protection



October 2011

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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 world wide web, detailed supplemental information is now available at any time.

We encourage readers to consult the department's website at datcp.wi.gov for more information on specific programs.

Introduction

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

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

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

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

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

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

The department's first aim is to listen well, communicate effectively, and help producers, consumers and businesses solve problems. But DATCP also has sub-

stantial enforcement authority should that be necessary. 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

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

Many other boards and councils are attached to the department. 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.² The Secretary administers the department with the assistance of an appointed deputy secretary, executive assistant, and administrators for the department's six divisions:

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

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

¹ datcp.wi.gov/About/Board_of_Directors/

² datcp.wi.gov/About/Secretary/

The Secretary has ultimate responsibility for:

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

The Deputy Secretary exercises all powers and authority of the Secretary when the Secretary is absent, and performs other duties prescribed by the Secretary. The Executive Assistant performs executive duties prescribed by the Secretary.

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

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

The Office of the Secretary also includes communications staff; the federal policy advisor; food and agricultural security staff; the bioenergy policy advisor; and the budget director.

Wisconsin Agricultural Statistics Service

The Wisconsin Agricultural Statistics Service³ (WASS) is a partnership between the National Agricultural Statistics Service and the department. The majority of WASS staff are federal employees. The department funds 3.0 FTE WASS positions and provides general support. WASS is located in the department's Madison office.

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

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

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

³ www.nass.usda.gov/wi/

⁴ www.nass.usda.gov/Statistics_by_State/Wisconsin/Publications/

Programs

Agricultural Development

The Division of Agricultural Development⁵ is dedicated to growing Wisconsin agriculture. Production agriculture, food processing, and related businesses contribute \$59 billion each year to the state's economy, and the division helps develop, expand, diversify, and support those businesses. In addition, the division provides financial assistance to county fairs, the World Dairy Expo, and the Agriculture in the Classroom program.

The division is organized into three bureaus:

- Agricultural Business and Sector Development
- Farm and Rural Services
- Agricultural Market Development

Agricultural Business and Sector Development Bureau

The Agricultural Business and Sector Development Bureau supports the creation and growth of agricultural businesses. The bureau partners with industry groups, the university, and others. Four programs are noteworthy for this report:

- *Agricultural Development and Diversification Grant Program.* Annual, competitive grants to promote new value-added products and technologies; develop markets; and support research, and feasibility studies.
- *Dairy Business Initiative.* Technical and financial assistance for specialty dairy and cheese production including modernization and diversification; process improvements; and new products. The initiative is funded by a U.S. Department of Agriculture grant which also enables DATCP to partner with the Dairy Business Innovation Center, Inc., a private non-profit that provides highly specialized consulting expertise.
- *Grazing and Organic Initiative.* Technical assistance to the grazing and organic agriculture sectors, in coordination with the Organic Advisory Council and the Grazing Lands Conservation Initiative.
- *Specialty Meat Initiative.* Marketing and technical assistance for small and medium-sized meat processors, focusing on the heritage and quality of Wisconsin meats.

⁵ datcp.wi.gov/Programs/Agricultural_Development/

Farm and Rural Services Bureau

The Farm and Rural Services Bureau supports Wisconsin farmers with business planning and other services. The bureau's public face is the Wisconsin Farm Center, which provides personalized services, including information and referrals. It includes a hotline where farmers in need can obtain assistance. Notable programs for this report are the following:

- *Farm Mediation and Farmer Assistance Program.* Information and technical assistance for farmers, including financial analysis, legal information, mediation, and job counseling. The program is supported by volunteer farm advisors and mediators who mediate debtor-creditor conflicts and a variety of contract issues.
- *Beginning and Transitioning Farmer Program.* Technical and business planning assistance for beginning farmers and established farms transitioning to new ownership. The program works with other organizations to coordinate regional and statewide workshops.
- *Rural Electric Power Services Program.* Assistance for farmers and rural electric power distributors on power line and herd health problems. The program works in cooperation with the Wisconsin Public Service Commission and provides staff assistance to the Rural Energy Management Council.
- *Outreach to Underserved Farmers.* Bureau staff work with underserved minority, women, and beginning farmers to provide risk management education and access to resources.

Agricultural Market Development Bureau

The Agricultural Market Development Bureau supports Wisconsin agricultural businesses in developing and reaching markets, including local, state, national, and international markets. The bureau's programs are coordinated to provide the greatest support for Wisconsin agricultural businesses, marketing development, and international marketing opportunities. Notable programs include:

- *International Trade Team.* Connecting Wisconsin agricultural products to marketing opportunities around the world, notably in China, Japan, and Mexico.
- *Buy Local, Buy Wisconsin.* Technical and financial support for local foods businesses and promotion of distribution and processing networks. The program connects consumers, food producers, distributors, retailers, and public institutions.
- *Something Special from Wisconsin.* A trademarking program through which participating businesses can identify their Wisconsin products on

product labels and promotional materials. Includes a variety of trade shows and special events.

- *SavorWisconsin.com*. An on-line resource for businesses and consumers to find suppliers of local agricultural products.
- *Farm-to-School program*. A federally-funded program to bring locally-grown foods to schools and to create partnerships among farmers, schools, and their communities.
- *Alice in Dairyland*. The spokesperson for Wisconsin agriculture, who promotes agricultural products to audiences of all ages. Each year, Alice generates more than \$1 million in unpaid media coverage on television, radio, and in print.

2009–2011 Accomplishments

The Dairy Business Initiative received \$3.4 million in federal funds to assist Wisconsin's dairy industry to innovate and grow. Since the initiative's launch in 2004 DATCP's private non-profit partner, the Dairy Business Innovation Center, has assisted more than 175 clients by providing access to specialized technical assistance; has coordinated more than 125 projects to increase market share for Wisconsin dairy products and has assisted in the creation of 68 new specialty dairy and cheese products. Specialty Cheese Production totals 552 million pounds, double the amount produced 10 years ago, and accounts for 21 percent of the state's total cheese production.

Three million in federal and state dollars funded 67 education, technical assistance and research grants to help farmers expand and improve the use of managed intensive grazing as an alternative to conventional dairy and beef practices.

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

The Wisconsin International Trade Team provided technical assistance, led trade missions, hosted buyer delegations and helped Wisconsin companies access federal funds for trade promotion. Wisconsin companies reported that their participation in these International Trade team programs led to almost \$100 million in increased sales and the addition of more than 60 jobs during 2009-11.

Two hundred farmers a year received direct technical assistance from the Wisconsin Farm Center, including business planning help, financial viability analysis, dispute mediation, farm ownership entry, exit and transition strategies, and veterinary assistance for herd health issues such as stray voltage, nutrition, and milk quality.

2011–2013 Goals

- Re-align services, adapting to changing economic conditions, the needs of the individuals and businesses we serve, and changes in federal and state policies and finances.
- Assist agricultural business sales by helping companies become export ready and by providing technical assistance in international market development.
- Assist with agricultural business startup and expansion, with a focus on profitability and financial sustainability resulting in job creation.
- Facilitate expanded paths to farm ownership through: financial advising, farm transfer assistance, the dairy grazer apprenticeship program, and assistance to underserved and minority farmers.
- Focus dairy development efforts to support the continued operation of existing dairy farms with the goal of maintaining and increasing the overall milk supply.
- Provide technical assistance services for growers and processors and increased services related to food safety, working with regulatory divisions of DATCP and educational outreach through University of Wisconsin Extension.
- Promote, foster and develop supply chain components to build and expand regional local food clusters, expanding the number of growers, aggregators, processors, distributors and institutional buyers.
- Build capacity, expertise and systems to administer investment tax credits related to beginning farmer, farm assets, dairy and food processing, and woody biomass.

Agricultural Resource Management

The Division of Agricultural Resource Management⁶ is responsible for farmland preservation; soil and water conservation; plant industry; and agrichemical management. It is organized into three bureaus:

- Land and Water Resources
- Plant Industry
- Agrichemical Management

Land and Water Resources Bureau

The Land and Water Resources Bureau is responsible for the Working Lands initiative (farmland preservation, agricultural enterprise areas, and purchase of agricultural conservation easements) and soil and water conservation statewide. While both 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. The bureau does not directly administer farmland preservation or soil and water conservation programs locally. Instead, the bureau develops statewide standards, and reviews the programs put in place by local governments. The bureau reviews agricultural preservation plans; land and water resource management plans; and exclusive agricultural zoning ordinances, for certification by the department, and land and water resource management plans for approval. The bureau designates agricultural enterprise areas and provides grants for local purchases of agricultural conservation easements, for protecting farmland.

The bureau supports implementation of nutrient management and other conservation practices through its water quality and engineering staff located statewide. The bureau also implements the Conservation Reserve Enhancement Program, in working with the U.S. Department of Agriculture and counties.

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

The bureau is also responsible for: (a) administration of statewide standards for siting of livestock facilities; (b) analyzing impacts of road construction and other public projects on farmland; and (c) managing the statewide drainage district program. Located throughout the state, bureau engineers and technicians provide design services, training, and plan review for landowners and others. They also assist the Department of Natural Resources in review of engineering plans as part of the permitting process for concentrated animal feeding operations.

⁶ datcp.wi.gov/Programs/Agricultural_Resource_Management/

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

Plant Industry Bureau

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

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

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

Agrichemical Management Bureau

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

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

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

The bureau is also responsible for carrying out inspections, investigations, and enforcement activities related to its programs. This includes investigation of

groundwater contamination by pesticides and fertilizer; complaints of damage or harm to persons, property, or the environment resulting from pesticide misuse or suspected problems with commercial feed or fertilizer products; and toxic response incidents involving livestock.

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

2009-2011 Accomplishments

The livestock facility siting law continues to provide a predictable process for securing a siting permit based on compliance with state requirements. Local governments are still adopting local ordinances requiring siting permits, increasing to 70 from 38, while the number of livestock facility siting permits has doubled in two years from 38 to 78. While no applicant has been denied a permit, many applicants have modified permit applications and plans to meet the requirements of the state standards.

For 2010 and 2011, the department allocated \$18.6 million to pay for conservation staff in 72 counties, nearly \$9 million in grants for counties to provide landowners cost-sharing for conservation practices, and nearly \$1.0 million to educational institutions to provide farmer training and support other activities to implement nutrient management. As a result of these efforts, 1.8 million acres of Wisconsin's cropland is now covered by a nutrient management plan, up over 30% since the previous biennium.

As a result of engineering assistance provided by DATCP staff, who in two years have completed over 80 engineering plan reviews, applicants for concentrated animal feeding operations permits have experienced faster turnaround time for receipt of Department of Natural Resources approvals of their submissions, than they received previously.

The department began a program to designate agricultural enterprise areas and now has 17 areas either approved or proposed for designation, covering 340,000 acres. In these designated areas, farmers have applied for farmland preservation agreements that will bring 22,000 acres into compliance with conservation standards. The bureau has certified 21 new county farmland preservation plans and local zoning ordinances, entered into 95 new and modified farmland preservation agreements, awarded \$550,000 in conservation reserve enhancement program grants to enroll 230 agreements and easements on 2,150 acres, and awarded \$380,000 for farmland preservation planning grants to 14 counties.

The department treated 221,000 acres for gypsy moth at 92 sites in 20 counties in 2010 and over 254,000 acres at 82 sites in 22 counties in 2011. Trapping surveys in 48 counties in 2010 revealed similar gypsy moth population levels as in 2009. Preliminary survey results for 2011 reveal an increasing population. Trapping

survey data show that the annual treatments are successfully achieving the goal of slowing the spread of the gypsy moth. In the spring of 2011, the department added Jackson County and Price County to the list of areas quarantined for gypsy moth.

Plant Industry Bureau staff issued 8,290 phytosanitary certificates in 2010, which was an increase of 12% over 2009. These certificates expedited the export of over \$795,546,054 in plants and plant products, \$306,453,450 of which originated in Wisconsin. The phytosanitary certification program is a cooperative program with the U.S. Department of Agriculture and with other states that certifies that shipments of plants and plant products are free of regulated pests. The certificates are required to allow products to move into international or interstate commerce. Demand for phytosanitary permits has increased substantially over the biennium due to increased exports of grain, distillers dried grain, and gluten meal. The trend in exports and demand for phytosanitary certificates is expected to continue and for 2011 we are on track to issue an estimated of 7,600 certificates.

The department licensed 700 nursery growers, 1100 nursery dealers, and approximately 440 Christmas tree growers annually, between 2009 and 2011. During the biennium, staff inspected approximately 45% of nursery growers, 40% of nursery dealers and an estimated 60% of licensed Christmas tree producers. No new exotic pests were detected on Wisconsin nursery stock.

The Clean Sweep Program awarded \$750,000 each year in grants to local governments. The grants resulted in collection of 2.2 million pounds of waste in 2009 and 960,000 pounds in 2010. These grants served 32,000 to 43,000 citizens of the state in providing services to properly collect and dispose of agricultural chemicals and household hazardous waste, which included unwanted prescription drugs.

The Agrichemical Management Bureau continues to issue over 13,000 pesticide applicator, fertilizer, soil/plant additive, lime, feed and pesticide manufacturing licenses annually. The bureau also annually registered over 11,000 pesticide products, certified approximately 5,000 pesticide applicators (for a total of nearly 26,000 certified applicators), investigated about 170 to 190 pesticide, feed and fertilizer complaints and took about 190 enforcement actions.

The bureau also continued to manage about 200 remediation cases at agrichemical facilities and reimbursed about \$2 million in clean-up costs to responsible parties each year. The bureau also provided oversight on about 50 agrichemical spills each year.

2011–2013 Goals

- Maintain and protect the Wisconsin’s agricultural land base and assure the continued growth of agribusiness by expanding the number and scope of Agricultural Enterprise Areas, by completing the modernization of the Farmland Preservation Program, and by assuring conservation compliance by program participants.

- Maintain critical financial and technical support for county conservation staff and for the education and support mechanisms to assist farmers in developing and implementing nutrient management plans.
- Survey and control for plant pests and diseases to ensure the health and profitability of the crop, forestry and nursery sectors of the economy.
- 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, pesticide 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 Health⁷ is responsible for the prevention, diagnosis, and control of animal disease. The goal is to prevent losses to the livestock industry and protect human health. The division relies on several tools, including disease surveillance, vaccination programs, field investigations, quarantines, and controls on transportation of animals within the state and across state lines.

The ability to trace the past movements of diseased animals is essential to disease control. Tracebacks allow the division to alert owners of the herd from which an animal originated. The division administers the livestock premises identification program, which significantly increases the division's ability to trace animal movements. The division also licenses animal markets, animal dealers and animal truckers to assist with disease control and animal traceability. These entities are required to keep records of livestock movement, including official identification of animals.

The division registers farm-raised deer keepers and fish farms to assist with disease control and to protect the health of farmed animals and wildlife. The division also manages the National Poultry Improvement Plan, which requires diseases testing when moving or selling poultry to protect public and animal health. This program includes surveillance for avian influenza.

The division manages a Johne's disease control program which provides education and testing resources to help control this potentially economically devastating disease to cattle and goats. The division manages swine programs to maintain ex-

⁷ datcp.wi.gov/Programs/Animal_Health/

port markets for the swine industry. The division is in charge of emergency response for all animal diseases, as they may arise.

Finally, the division is responsible for the Dog Sellers Program which includes licensing of dog breeders, dog dealers, animal control facilities, and animal shelters that sell or care for at least 25 dogs. The division is also responsible for training humane officers and assisting local governments in the enforcement of laws for the humane treatment of animals.

2009–2011 Accomplishments

- The division successfully developed and implemented the dog sellers program.
- The division has inspected nearly all licensed or registered entities over this time period, to educate the licensed entities on all requirements and to insure compliance to protect the livestock industry.
- The division has completed tuberculosis testing of over 11,000 head of cattle in 12 herds, in response to exposure from infected herds in other states. All Wisconsin herds were negative for tuberculosis. Wisconsin remains free of tuberculosis and Wisconsin livestock export markets are open.
- The division has over 65,000 livestock premises registered in the state, which will assist with a disease emergency response and protect the health of the \$34 billion livestock industry.
- Due in large part to division fish health rules and movement requirements, viral hemorrhagic disease of fish—previously detected in natural waters of the state—has not been detected on any fish farms in Wisconsin.

2011–2013 Goals

- The division will continue to efficiently safeguard animal health and the animal agriculture industry. Animal disease is the most important factor that could stop the export of agricultural products. By continuing to provide education and outreach to the livestock industry through inspections, meetings, and other services, the division will strive to keep Wisconsin free of disease and prepared to respond in the event of a disease outbreak.
- The division will also continue to implement the Dog Sellers Program to insure that all dogs are maintained in adequate housing and provided proper nutrition, health, socialization, and sanitation, to protect the dog and the consumer.

- The division will continue to work nationally to expand the use of electronic forms and health certificates and identification of livestock. The division will continue to develop on-line licensing and registration.

Food Safety

The Division of Food Safety⁸ is the state's primary food regulatory division. It is responsible for the safety and wholesomeness of the state's food supply, from production through processing, packaging, distribution, and retail sale. The division also protects consumers from fraud and misbranding of food products.

The division administers several programs, including food inspection; dairy inspection; Grade A milk certification; and meat and poultry inspection. The division maintains the grading system for cheese, butter, and eggs. The division also evaluates and certifies the private laboratories that perform microbiological and drug residue analyses on food, milk, or water. The division samples and analyzes foods and reviews product labels to ensure food safety and protect consumers.

Food Safety and Inspection Bureau

The division has two bureaus. The Bureau of Food Safety and Inspection licenses and inspects more than 12,056 dairy farms and 4,186 other dairy-related businesses, such as dairy plants and bulk milk tankers. The bureau also licenses 6,168 other food businesses, such as food processors, grocery stores, and warehouses.

The bureau works with local governments to protect food safety. Since 2008, the number of cities and counties that license and inspect retail food stores as agents for the department increased from 39 to 42. These "local agents" must comply with department rules and the Wisconsin administrative code.

Meat Safety and Inspection Bureau

The Bureau of Meat Safety and Inspection administers Wisconsin's state meat inspection program. The bureau licenses and inspects 270 meat establishments and 49 custom meat processors, and registers 257 meat and poultry wholesalers and 27 mobile slaughterers.

Wisconsin's Meat Inspection Program is the largest state meat inspection program in the United States. The state has applied for the new U.S. Department of Agriculture Cooperative Interstate Shipment Program which will allow our state-inspected meat and poultry products to be shipped out-of-state.

⁸ datcp.wi.gov/Programs/Food_Safety/

2009–2011 Accomplishments

- Assisted in trace back epidemiology, public outreach and impact mitigation associated with major food borne illness outbreaks linked to peanut products, sprouts, hazelnuts and raw (unpasteurized) milk.
- Hosted the U.S. Food and Drug Commissioner, Dr. Margaret Hamburg, on her visit to Wisconsin to learn first-hand about opportunities for federal-state integration in a national food safety system.
- Received yearly grants to conduct inspections on behalf of the Food and Drug Administration, and one-time grants to develop a prototype system for tracking the status of food firms targeted in terrorist attacks, and to develop a checklist for farmers and growers to use in evaluating the safety practices of produce-growing and packing firms.
- Conducted town-hall meetings with meat and poultry processors to obtain input on the Bureau of Meat Safety and Inspection services.
- Modernized rules under which food processing plants operate.

2011–2013 Goals

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

- Providing education, consultation, and regulation to food businesses to assist them in producing safe, high quality food.
- Responding to consumer concerns and information needs.
- Advocating for the food safety needs of the public.

Specifically, the Division aims to improve the quality and breadth of its service by:

- Providing accessible and easily understood information on licensing, fees, resources and regulations to new and existing food businesses that may be regulated by the Division.
- Meeting all federal food and meat regulatory standards needed for full integration of the Division in a national food safety regulatory system.
- Improving efficiency and effectiveness of food safety regulatory activities through enhanced staff training and innovative approaches to conducting risk-based inspections.
- Increasing inspection services to the meat and poultry industry required for the interstate shipment of state-inspected meat and poultry products .

- Implementing the new federal electronic Public Health Information System which will incorporate state meat and poultry inspection data into the federal data and risk-management systems within USDA.

Management Services

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

Bureau of Finance

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

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

Human Resources Bureau

The Human Resources Bureau helps department managers and staff with recruitment, training, and other human resource needs. The bureau manages the State's employee classification system and assists management staff in exam development and establishing compensation levels. The bureau is also responsible for development and implementation of personnel policies, administers collective bargaining agreements and the State Compensation Plan, and helps the department comply with state and federal employment laws. The bureau handles personnel cases and grievances, with assistance of department counsel.

The bureau provides support to employees, including administering the employee assistance program, providing reasonable accommodations, assessing employee training needs, and providing department-wide training.

The bureau evaluates overall employment trends; analyzes management and organizational needs; and helps develop long-term workforce plans. Finally, the bu-

reau handles the department's payroll, risk management and employee health and safety functions.

The department's policy of offering employees a choice in selecting their work schedules continued during the 2009–2011 biennium. Most employees have the opportunity to select work schedules that alter their starting and ending times. While data on the number of employees that are actively utilizing this policy is not available, many department employees have expressed an interest in exercising and maintaining this practice.

Bureau of Information Technology Services

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

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

Bureau of Laboratory Services

The Bureau of Laboratory Services is the State's official laboratory supporting DATCP's regulatory programs. Testing is done in support of several statewide programs that pertain to animal feed, fertilizers, pesticide misuse, agricultural chemical spills, agricultural chemical cleanup, protection of groundwater from agricultural chemicals, food safety, and enforcement of the Grade A Pasteurized Milk Ordinance.

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

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

Geographic Information System, Graphics, and Facilities Design

The division is home to the department's geographic information system (GIS), graphics, and facilities design programs, which support business areas across the department. Staff maintain the GIS infrastructure, manage spatial data, create maps, perform analyses, and develop web mapping applications. These GIS services support internal decision-making, workload management, and program development. GIS products and applications help convey department information to the public. They also integrate data among state agencies during emergency events.

The graphics designer creates logos, displays, electronic forms, photographs, publications, and other materials for business areas and special projects, such as the Wisconsin State Fair and Farm Technology Days. Working with program specialists and public information officers, the graphics designer also helps ensure that materials intended for the public have a consistent look and feel within programs and across the department.

The facilities designer consults with department managers about space planning and utilization, including requirements, processes and standards. The facilities designer also coordinates logistics associated with moves and setup of remote offices, and promotes activities associated with the U.S. Green Building Council's Leadership in Energy and Environmental Design certification.

2009–2011 Accomplishments

- *Bureau of Finance.* Completed the 2011–13 biennial budget submittal, expanded the number of programs that can accept credit card payments, and began to implement PTAweb time distribution reporting.
- *Bureau of Human Resources.* Continues the internship program, with an emphasis on providing summer job opportunities for college students. Has also implemented a new training program for managers and supervisors.
- *Bureau of Laboratory Services.* Was awarded a five year grant from the U.S. Food and Drug Administration. The grant positioned the laboratory as one of a select group of state laboratories charged with providing standing emergency response food testing capacity for natural disasters or criminal activities.
- *Bureau of Information Technology.* Upgraded the department's web site to improve access to agency information. Upgraded the department's licensing system.
- *Geographic Information System Staff.* Developed several interactive web applications that allow the public to create maps associated with livestock siting ordinances, drainage districts, specialty meat producers, gypsy moth treatment areas, and nutrient management restrictions.

2011–2013 Goals

- *Bureau of Finance.* Continue to improve the federal grant report and grant matching process. Continue implementation of PTAweb time distribution.
- *Bureau of Human Resources.* Continue training program for managers and supervisors. Review and update health and safety plans. Help managers, supervisors and employees implement the 2011–2013 compensation plan, including developing new department policies as needed.
- *Bureau of Laboratory Services.* Plan for the transition of laboratory operations from the current facility to the new facility, which is slated for construction in the 2011–2013 biennium.
- *Bureau of Information Technology Services.* Develop a new enterprise-wide system for department licenses, permits, registrations, inspections, and compliance evaluations. Unify agency data storage, include online access for customers, enable use of handheld devices by field staff.
- *Geographic Information System Staff.* Incorporate geospatial technology and tools in the above enterprise-wide system. Expand the ability of staff and the public to generate maps that integrate data across programs.

Trade and Consumer Protection

The Division of Trade and Consumer Protection⁹ works to ensure fair dealing in Wisconsin markets. The division administers consumer protection laws; maintains the state’s official weights and measures system; administers the producer security law; and inspects, certifies, and grades agricultural commodities.

Bureau of Consumer Protection

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

The bureau administers Wisconsin’s laws on deceptive advertising, consumer product safety, and fraud. The cornerstone of the state’s general trade regulation and consumer protection effort is the department’s broad statutory authority to prohibit unfair trade practices by rule. The bureau implements and updates these

⁹ datcp.wi.gov/Programs/Trade_and_Consumer_Protection/

rules, in consultation with the department's legal counsel. A team of consumer specialists mediate complaints and track trends and emerging consumer issues; while a team of investigators conduct in-depth investigations and work closely with the Department of Justice and District Attorneys.

The bureau provides extensive public information. It maintains a statewide consumer protection hotline to receive complaints and questions; issues regular press releases warning of new consumer problems; maintains a website; and offers brochures on specific consumer topics. Staff works closely with television, radio, and print media. The bureau also manages the popular no-call program, allowing consumers to reduce unwanted telemarketing calls.

The bureau houses the Office of Privacy Protection, which provides education and information on identity theft; educates local law enforcement on victim assistance techniques; and provides one-on-one assistance to victims of identity theft.

The bureau regulates several specific commercial transactions, including apartment and manufactured home site rentals; automobile repair; and home improvements. The bureau also regulates certain environmental issues such as packaging and controls on vehicle air conditioner repair, to minimize release of ozone-depleting chemicals.

Finally, the bureau maintains the state's official weights and measures. 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.

Bureau of Business Trade Practices

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

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

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

2009–2011 Accomplishments

- The Bureau of Consumer Protection handled approximately 161,135 complaints and inquiries from consumers and businesses in 2010.
- In June 2011, Wisconsin’s No Call list hit an all-time high of 2.3 million registrants. Cell phones made up approximately 52 percent of the list.
- In 2010, Weights and Measures staff inspected more than 42,000 devices, 149,000 packages, and 5,500 business locations.
- In 2010, the Bureau of Consumer Protection distributed over 37,000 educational materials, with more than 72,000 website visitors and 350,000 page hits.
- The Bureau of Business Trade Practices received and administered a \$25,000 Specialty Crop Block Grant to operate a cost-share program that encourages fruit and vegetable growers and processors to participate in the Good Agricultural Practices/Good Handling Practices certification program. Growers saved almost \$20,000 and participation in the program increased 45%.
- The Bureau of Business Trade Practices concluded four years of investigation and enforcement action against Bowers Feed and Grain, which resulted in a \$100,000 judgment against the company for failing to maintain adequate quantities of grain, failing to timely pay producers for grain, and failure to comply with administrative and court orders.

2011 – 2013 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 Bureau of Consumer Protection will focus on preventing and reducing fraudulent, unfair and deceptive practices in the marketplace and ensuring fair competition. The Business Trade Practices Bureau goals include protecting milk, grain, and vegetable producers from financial default by licensed operators; encouraging good business practices by licensees and producers; and improving productivity, accountability, and transparency by measuring performance.

Appendix—Budget and Staffing

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

In fiscal years 2009–10 and 2010–11, the department had overall expenditure and position authority as shown in Table 1.

Table 1. Expenditure and position authority

Department of Agriculture, Trade and Consumer Protection expenditure and position authority by fiscal year and fund source, 2009–11 biennium. (Source: State budget system.)

	2009–10		2010–11		2010–11 Percentages	
	\$	FTE	\$	FTE	\$ %	FTE %
GPR	\$27,141,300	204.5	\$28,397,200	204.5	28%	35%
PR	15,107,200	152.1	15,435,100	155.6	15%	27%
PR-S	6,359,200	41.5	6,363,700	41.5	6%	7%
FED	20,301,200	74.0	20,364,700	77.5	20%	13%
SEG	30,282,200	98.8	30,503,500	98.8	30%	17%
	\$99,191,100	570.8	\$101,064,200	577.8		

Less than one third of the department’s expenditure authority and only 35% of its position authority is from GPR.

About 22% 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 2010–11, by use. (Source: State budget system.)

	2010–11	%
State Operations	\$78,655,200	78%
Aids to Individuals & Organizations	11,510,500	11%
Local Assistance	10,898,500	11%
	\$101,064,200	

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

Table 3. Position authority by program

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

	FTE	%
Food Safety	192.0	33%
Trade and Consumer Protection	114.7	20%
Agricultural Resource Management	99.6	17%
Management Services & Secretary’s Office	60.1	10%
Animal Health	39.0	7%
Agricultural Development	27.5	5%
Management Services-Laboratory	26.0	4%
Management Services-Federal Funds	16.0	3%
Wisconsin Agricultural Statistics Service	3.0	1%
	577.8	

Table 3 shows authorized full-time equivalent positions. Some authorized positions are divided into two or more part-time positions, so the department's functional position count is generally around 600 positions. For budgetary reasons, the department—like other agencies—maintained a relatively high vacancy rate during the 2009–2011 biennium. The vacancy rate varied, but was generally over ten to fifteen percent during the biennium.

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