

 **07hr_ab0701_AC-Ag_pt01**



Details:

(FORM UPDATED: 07/12/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2007-08

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on ... Agriculture (AC-Ag)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**
- Record of Comm. Proceedings ... **RCP**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt**
- Clearinghouse Rules ... **CRule**
- Hearing Records ... bills and resolutions
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

Vote Record Committee on Agriculture

Date: 1/24/08

Moved by: M. Williams

Seconded by: Nerison

AB 701 SB _____ Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt (1) LRB 0112311

A/S Amdt _____ to A/S Amdt _____

A/S Sub Amdt _____

A/S Amdt _____ to A/S Sub Amdt _____

A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

- Be recommended for:
- Passage Adoption Confirmation Concurrence Indefinite Postponement
 - Introduction Rejection Tabling Nonconcurrence

Committee Member	Aye	No	Absent	Not Voting
Representative Alvin Ott, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Lee Nerison	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative John Murtha	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Jeffrey Mursau	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Mary Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Gary Tauchen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Barbara Gronemus	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Representative Amy Sue Vruwink	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Louis Molepske	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Phil Garthwaite	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Andy Jorgensen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>10</u>	<u>0</u>	<u>1</u>	<u> </u>

Motion Carried Motion Failed

Vote Record Committee on Agriculture

Date: 1/24/08

Moved by: Garthwaite

Seconded by: Jorgensen

AB 701

SB _____

Clearinghouse Rule _____

AJR _____

SJR _____

Appointment _____

AR _____

SR _____

Other _____

A/S Amdt (1) LRBa112311

A/S Amdt _____ to A/S Amdt _____

A/S Sub Amdt _____

A/S Amdt _____ to A/S Sub Amdt _____

A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:

- Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

Committee Member

	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Representative Alvin Ott, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Lee Nerison	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Representative Gary Tauchen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Representative Andy Jorgensen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>10</u>	<u>0</u>	<u>1</u>	<u> </u>

Motion Carried

Motion Failed

Vote Record Committee on Agriculture

Date: 1/21/08

Moved by: M. Williams Seconded by: Nerison

AB 701 SB _____ Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt _____
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt _____
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:
 Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Representative Alvin Ott, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Lee Nerison	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Representative Andy Jorgensen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>10</u>	<u>0</u>	<u>1</u>	<u> </u>

Motion Carried

Motion Failed





Wisconsin Federation of Cooperatives

131 West Wilson Street, Suite 400 • Madison, WI 53703-3269
Phone 608.258.4400 • Fax 608.258.4407 • www.wfcmac.coop

January 23, 2008

Representative Al Ott, Chairman
Assembly Committee on Agriculture
Room 323 North, State Capitol
P.O. Box 8953
Madison, WI 53708

Dear Chairman Ott,

The Wisconsin Federation of Cooperatives (WFC) is the statewide trade association representing Wisconsin's cooperative businesses. Our state is home to more than 800 cooperative businesses, including our very important dairy cooperatives, and together these cooperatives are owned by more than 2.9 million Wisconsin citizens. Over 85% of the milk produced in Wisconsin is shipped through and or processed by cooperatives and it is our member dairy cooperatives who add the value to the milk produced on the over 14,000 dairy farms in Wisconsin.

The patrons and management of dairy cooperatives in Wisconsin are among those who benefit from food safety programs administered by the Department of Agriculture Trade and Consumer Protection (DATCP). The proposed food and dairy fees contained in ATCP 60,69,70,71,75,77,80,81,82, and 85 concern our dairy cooperative members because they and their producer owner will be the ones who will pay for the proposed fee increases.

WFC supports you and your efforts to streamline the food safety functions of state government by introducing AB 701. If any savings can be found, producers, cooperatives and the citizens of Wisconsin will benefit. If the food safety programs at DATCP and the Department of Health and Family Services (DHFS) are consolidated, WFC would like to see the consolidated program housed at DATCP which has served our dairy members well through out the years.

Sincerely,

A handwritten signature in black ink that reads 'David Ward'.

David Ward
WFC Dairy Director

A handwritten signature in black ink that reads 'John T. Manske'.

John Manske
WFC Director of Government Relations





State of Wisconsin
Department of Health and Family Services

Jim Doyle, Governor
Kevin R. Hayden, Secretary

January 24, 2008

TO: Assembly Committee on Agriculture
FROM: Chuck Warzecha, DHFS Director of the Bureau of Environmental and Occupational Health
RE: Assembly Bill 701

Good morning Representative Ott and committee members, thank you for this opportunity to testify for information only and answer questions related to AB 701. My name is Chuck Warzecha and I am the Director of the Bureau of Environmental and Occupational Health at DHFS. As you are aware, DHFS shares responsibility for food safety in Wisconsin with the Department of Agriculture Trade and Consumer Protection.

The Food Safety and Recreational Licensing Program in DHFS coordinates the licensing and inspection of restaurants, food vending machines, lodging facilities, swimming pools and water slides, recreational education camps, and tattoo and body piercing establishments. We also inspect school food service facilities under an agreement with the Department of Public Instruction. In total we license roughly 33,000 facilities. Food service related facilities comprise approximately two thirds of this total.

DHFS manages this program through the use of 22 sanitarian inspectors spread across our five regional offices, and almost 50 agent local health departments. Our sanitarians are cross-trained to inspect each facility type in their areas.

DHFS supports efforts to improve efficiency and to minimize the financial strain on our industry partners. To this end we have worked with our colleagues at DATCP to eliminate overlap and redundancy in our programs. It is now rare that both a DATCP inspector and a DHFS inspector will inspect the same facilities. Our staff work closely to address policy issues and to create guidance. We now have a uniform food code guiding each of our programs. The two agencies have also developed a uniform evaluation tool for our agent health department partners.

We have looked at the issue of consolidation jointly with DATCP in the past. Some of the challenges we have identified include:

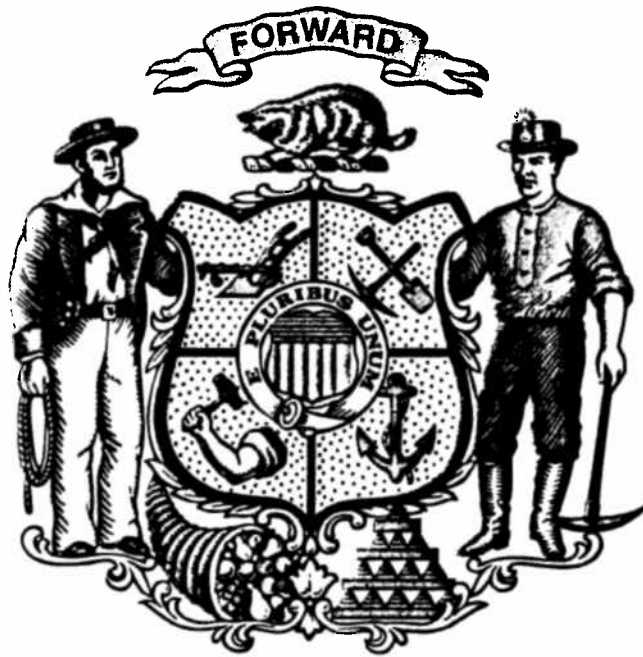
- Our food safety program does not stand alone. The infrastructure for our Food Safety and Recreational Licensing Program is supported by each facility type we regulate. Separating food safety from this program would reduce efficiency for the remaining programs.
- Many hotels, resorts, and campgrounds also have restaurants. Recreational education camps also have food service facilities. If one agency did all food

inspections while another did lodging we would be returning to the days of multiple inspectors visiting the same facilities.

- DHFS has a comprehensive contracting process with local health departments for a great number of programs in addition to Food Safety and Recreational Licensing. Agent health departments would still have to coordinate with multiple agencies.
- We currently do not have the funding or staff necessary in existing budgets to allocate to this task.

In summary, we plan to continue to work with our colleagues at DATCP to increase efficiency where we find it. If this bill moves forward, we caution that any increases in efficiency that may be found by one program not create increased inefficiency for other industry groups.

Thank you again for this opportunity to share the Department's perspective on AB 701. I am happy to answer any questions you may have.



January 24, 2008

TO: Members of the Assembly Agriculture Committee

FROM: Jeff Lyon, Director, Governmental Relations

RE: Support for AB 701 – Food Safety Study

The Wisconsin Farm Bureau is pleased to provide testimony in support of AB 701. The WFBF is always interested in finding efficiencies were possible within state government. It is our understanding the intent of the bill is to have the study cover not only food safety but dairy farm and dairy plant inspection and licensing. There are many issues that DATCP and DHFS will have to address in the study and I would like to mention a few of the issues and our concerns.

In 2005 when dairy licensing and inspection fees went to hearing; WFBF had the opportunity to participate in several meetings with the department and other stakeholders to come up with solutions before going to hearing. Unfortunately an agreement could not be reached.

In the end we agreed to support an increase in the Grade A procurement fee, however we were strongly opposed to the department's plan to eliminate the public hearing process and go to an annual fee adjustment. The potential loss of public and legislative oversight is a concern when the agency with the authority to spend collected fees has control over fee increases.

While the department attempted to create a system to avoid future fee lapses by the Legislature, it's was our opinion the provision would send a signal to the Legislature to cut remaining GPR funding and let industry pay for the entire program through fees – even then the fund could still be raided.

Farm Bureau believes the cost of dairy and food license fees should be shared by the general public and affected businesses since both benefit from the service being provided by DATCP and DHFS. A greater share of funding should come through GPR. In 1991 license fees accounted for about 40 percent of program costs. By the 1995-97 budget that figure had increased to 50 percent. In 2005 that figure was up to 60 percent.

In 2007 dairy inspection and licensing were once again up for rulemaking. This time, in addition to increasing fees on industry, \$350,000 was taken from the Agricultural Chemical Cleanup Program during the budget process.

Other issues over the last few years include conflicts between retail food and the dairy processing industry with respect to one subsidizing the other and the quality of service received by licensees in relationship what is being paid in fees and licenses.

Clearly something needs to be done, and we applaud you Mr. Chairman for introducing this bill. The WFBF would appreciate the opportunity to participate in any study committee of stakeholders. Thanks again for the opportunity to provide comments.

Jeff Lyon
Director, Government Relations
Wisconsin Farm Bureau
608.828.5713
jlyon.fbcenter@wfbf.com





Al Ott

State Representative • 3rd Assembly District

AB 701
Food Safety Program Consolidation Study
Assembly Committee on Agriculture
January 24, 2008

Thank you for the opportunity to testify on Assembly Bill 701 (AB 701), which calls for a study of the consolidation of the state's two food safety programs.

Under current law, the Department of Agriculture, Trade and Consumer Protection (DATCP) administers the majority of the state's food safety program, and regulates the entire food chain, from farm to consumer (with the exception of restaurants). The Department's responsibilities include oversight of food labeling, dairy product manufacturing and handling, food processing and retail food establishments (i.e. grocery stores). This includes licensing and inspection of retail food establishments, dairy farms, dairy plants and dairy handlers. Thirty-seven local health departments around the state are contracted to license and inspect 5,300 of the state's 9,600 retail food establishments. DATCP's food safety program is funded by a combination of GPR dollars (43%) and fee revenue (57%).

The Department of Health and Family Services (DHFS) administers a food safety and recreational licensing program, which licenses and inspects approximately 22,600 restaurants and food service facilities (i.e. caterers and vendors). The program also licenses and inspects public swimming pools, bed and breakfasts, recreational and educational camps, campgrounds, hotels, motels and tourist rooming houses, and tattoo and body piercing establishments. Approximately 65% (14,700) of restaurants regulated by DHFS are – by contract – licensed and inspected by local health departments on behalf of the Department. This program is 100% fee funded.

AB 701 requires DATCP and DHFS to cooperatively prepare and submit a plan to the Legislature for the consolidation of their respective their food safety programs into a single, comprehensive food safety program. The plan must identify efficiencies and outline any expected savings that may result from consolidation. The agencies must report the plan to the Legislature within one year.

This bill will provide useful information to the Legislature on the viability – from both a fiscal and policy perspective – of merging the state's two food safety programs.

As a final note, a similar study provision was included in the Assembly version of the state budget, but was removed during conference committee deliberations. Considering the testimony this Committee heard two weeks ago regarding the potential fee increases under the DATCP food safety program and the general sentiment that greater efficiencies be found, I felt that this was an appropriate time to once again bring this study concept forward.

Thank you for your time. I would be happy to take questions from the committee at this time.





AFT-Wisconsin
A Union of Professionals

Date ?

My name is Gary Steffen, and I am president of the Wisconsin Science Professionals which represents both the Food Scientist and Health Sanitarians. I am here today to for information only as it relates to requiring DATCP and DHFS to prepare a plan to consolidate their food safety programs into one food safety program.

WSP is in favor of whatever program allows these state employees to perform their jobs with the least cost and highest efficiency. We hope that any study that looks into consolidation of the programs, analyzes the current programs successes and failures. We have serious reservations about a recent trend within DHFS to push the administration of food inspection programs onto counties and municipalities. As the agencies investigate consolidation and cost saving measures, we hope that they will analyze the local agent program within DHFS which has not been evaluated for potential oversight and health risks.

Over the years some counties and municipalities have taken over the supervision of food inspections within their jurisdictions from DHFS, the county run programs have often been referred to as the local agent program. In 1983 the Legislative Audit Bureau performed an audit of the local agent program, which at the time was limited in scope. This audit found that there was no uniformity of inspections and continuity of training in programs. In recent years, DHFS has been aggressively pushing the local agent program onto counties, despite the red flags raised by the audit bureau. DHFS has done little to address the concerns raised by the audit bureau while it has pursued an expansion of the program. There has been no further review of the food inspection program since the 1983 audit.

It is our hope that consolidation of the two food inspection programs will not lead to further expansion of the local agent program, but rather provide a much needed opportunity to review protocol and procedures used within both agencies to ensure public health first and foremost as well as cost savings and efficiencies. Even if a county assumes responsibility for food inspections, the state is still very much liable for any deaths or illness that occur in groceries, eating establishments and other facilities that are inspected by the county.

I urge this committee to consider my comments in regards to AB 701 and do what is necessary to protect the public health of the citizens of Wisconsin. Thank you.



AB 701 ?

Wisconsin Department of Agriculture, Trade & Consumer Protection

Division of Food Safety

- ◆ Wisconsin's Primary Food Safety Agency
- ◆ Delivers Regulatory Public Health & Consumer Protection Services:
- ◆ Assists in Safeguarding Food Farm to Table
 - Production
 - Wholesale Processing
 - Storage
 - Transportation
 - Retail Processing & Sale

Food & Dairy: Safety & Inspection

- ◆ Inspection of dairy and non-meat food
 - Production 15,209 dairy farms
 - Processing 462 dairy plants
 - » 1,414 food processors
 - Transportation 3,584 bulk milk tankers
 - Storage 864 food warehouses
 - Retail Food 4,211 stores by DATCP
 - » 5,348 by Agents
 - Laboratory Evaluation 385 sites
 - Grading 376 sites

Meat Safety & Inspection

- ◆ Official Plants (meat intended for sale as human food) ~300 (*Most in Nation*)
 - Slaughter
 - Processing
- ◆ Custom Exempt Plants ~65
- ◆ Compliance investigation in commerce
- ◆ Animal Food Processors, Renderers, Dead Animal Collectors ~60

Sole Exception: Retail Food is Split

- ◆ DATCP licenses and inspects Retail Food Establishments
 - Groceries
 - Super Markets
 - Delis
- ◆ DHS licenses and inspects retail food service establishments
 - Restaurants primarily

Same Goal: Safe Food for Consumers

- ◆ Practically applied:
 - Minimize food safety risk
 - Maximize public health
- ◆ Operationally applied:
 - Education
 - Collaboration
 - Regulation

Different Funding

- ◆ DATCP food and dairy safety programs (including retail) are funded by a combination of GPR & PRO
 - Currently 43% GPR and 57% PRO
 - \$3,777,600 GPR and \$4,910,800 PRO
- ◆ DATCP's meat safety and inspection program receives 50% of its funding from the feds (USDA)
- ◆ DHS' retail food service regulatory program is funded completely by program revenue

Different Authorities - 1

- ◆ DATCP authority for the regulation of food, dairy and meat resides in
 - Chapter 97, Wis. Stats. – Food Regulation
 - Chapter 93, Wis. Stats. - DATCP
 - 15 Administrative rules governing food, meat and dairy
 - » Production,
 - » Processing,
 - » Distribution/Transportation
 - » Sale

Different Authorities – 2

- ◆ DHS authority for the regulation of retail food service resides in
 - Chapter 254, Wis. Stats. – Environmental Health
- ◆ 6 administrative rules governing
 - Restaurants
 - Hotels and motels
 - Bed and breakfast
 - Vending
 - Campgrounds
 - Institutional sanitation

The Local Agent Health Dept Factor

- ◆ Both agencies contract with qualified local health departments for the licensing and inspection of **retail businesses** within their jurisdictions *(done)*
 - DATCP has 37 local retail agent health depts
 - DHS has ≥ 50 local retail agent health depts

DATCP's 37 also are contracted w/
DHFS.

Previous Efforts to Collaborate - 1

- ◆ 1997 – Eliminated duplicative licensing and inspection of retail food businesses
 - State responsibility for retail business now generally based on “predominance of business”
 - Only DATCP licenses and inspects
 - » IF $>50\%$ business is related to retail food establishment activities
 - Only DHS licenses and inspects
 - » IF $> 50\%$ of business is food service

Previous Efforts to Collaborate – 2

- ◆ 1997 – Both agencies model their retail food requirements after the FDA Model Retail Food Code
- ◆ 1997 – Agencies began coordinating administrative rule development in the area of retail food
- ◆ 1997 – Agencies in cooperation with each other and local health dept agents established a rule interpretation committee to foster uniform application of retail-related food requirements
- ◆ 2007 – Agencies set up a system to coordinate and accept program evaluations of local retail agents performed by either DATCP or DHS

Previous Efforts to Consolidate

- ◆ 1994? – DHHS proposed consolidation at DHHS
- ◆ 2004 – DATCP proposed consolidation at DATCP
- ◆ 2007 – DATCP proposed strategic partnership

Opportunities and Obstacles

◆ Opportunities/Drivers

- Eliminate duplication or overlap in support and management infrastructure
- Provide single contact point and perspective for retail agents
- Bring greater clarity and focus to food safety issues and the food safety system

Opportunities and Obstacles

◆ Obstacles

- Creating efficiencies in one area may spawn inefficiencies in another
 - » Retail programs are not “stand alones”
- Temptation to “cherry pick” consolidation of only select food safety programs or services
- Loyal constituencies
- Differences in authorities
- Differences in funding source(s)