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Details: Informational Hearing (April 5, 2007)

(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**

Value Added Dairy Initiative UPDATE AND ACCOMPLISHMENTS

In 2004, the Wisconsin Department of Agriculture Trade and Consumer Protection, working with state, federal and private partners, developed the Value Added Dairy Initiative (VADI) to help restore and reinvigorate its transitioning dairy sector.

VADI's comprehensive strategy focuses on adding value through:

- (1) modernization of dairy farms to improve efficiencies and enhance milk quality;
- (2) improved supply chain management and innovative industry partnerships; and
- (3) increased production of higher valued specialty dairy products.

Federal funding for VADI, secured in 2004, 2005 and 2006 by Senator Herb Kohl and Rep. Dave Obey, has been instrumental in Wisconsin's efforts to grow America's Dairyland. Additional funding is being sought for 2007 and 2008 to continue progress toward the initiative's goals (see page 2).

As we near the end of VADI's third year, this and other partnership efforts to Grow Wisconsin's Dairy industry are being rewarded:

- Milk production has increased from 22 billion pounds in 2003 to an estimated 23.3 billion pounds in 2006.
- VADI has assisted 17 new processing plants to open and 13 to expand. These plants have made \$75 million in reinvestments in Wisconsin's dairy industry.
- Specialty cheese production increased 7 percent in 2005 and three varieties increased by more than 10 percent: Specialty Cheddar (up 43%), Asiago (up 24%), Hispanic types (up 15%).
- Dairy businesses around the state have invested more than \$500 million to modernize their operations since 2004.

VADI has been instrumental in these advances by:

- **Helping Producers Modernize** - Since 2004 over 800 farmers have received modernization assistance, including 185 who received more than \$827,000 in grants to implement modernization projects. Over 10,000 dairy farmers have been contacted by VADI partners on modernization issues through one-on-one meetings, workshops and conferences.
- **Adding Value to Dairy Processing** - 57 large and small processors and dairy development projects have received more than \$1.3 million in grants, plus one-on-one technical assistance, for projects to stimulate innovation, add value or cut costs.
- **Growing Specialty Dairy/Cheese Businesses** - Since 2004 the non-profit DBIC has helped more than 150 specialty dairy clients by providing access to specialized technical assistance and its world class consulting team. DBIC has helped clients start new businesses, develop 40+ new products and access new markets. Through workshops and training It has coordinated more than 100 projects to help the industry obtain market exposure and identify new customers.

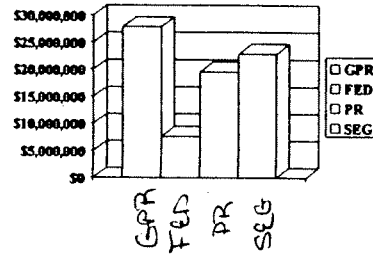




2007-09 EXECUTIVE BUDGET

DEPARTMENT OF
AGRICULTURE, TRADE AND
CONSUMER PROTECTION

TOTAL BUDGET BY FUND TYPE



DATCP TOTAL BUDGET

FUND TYPE	TOTAL	%
GPR	\$ 27,854,200	36%
FED	\$ 7,627,700	10%
PR	\$ 19,634,700	25%
SEG	\$ 22,929,100	29%
TOTAL	\$ 78,045,700	100%

DAIRY PLANT INVESTMENT TAX CREDIT

- Income tax credit of 10% of expenses for dairy investment in new plant, equipment and information technology. Limited to \$200,000 per facility. Effective from January 1, 2007 to December 31, 2014.

	WATER QUALITY; MANURE MANAGEMENT
	<ul style="list-style-type: none"> ■ Increased funding to the Soil & Water Resource Management grant program to reduce nonpoint water pollution through increased nutrient management planning and other pollution abatement practices. ■ \$12M over the biennium from the Environmental Fund - \$5M in year 1 and \$7M in year 2.

	AG CHEM CAPITAL IMPROVEMENTS
	<ul style="list-style-type: none"> ■ Authorize grants for pollution prevention of \$250,000/year from the Agricultural Chemical Cleanup Fund. The cost-sharing grants would be awarded to help industry prevent site contamination through capital improvements. ■ Increase the maximum ACCP award from a lifetime maximum of \$400,000 to a combined reimbursement and pollution prevention maximum of \$500,000.

	WATER QUALITY; MANURE MANAGEMENT
	<ul style="list-style-type: none"> ■ Additional bond revenue of \$7M for SWRM cost-share grants. ■ Establishment of a web-based Manure Management Advisory (mapping) System. \$75,000 in year 1, \$40,000 in year 2, and \$40,000 ongoing, from the Agrichemical Management Fund.

	CLEAN SWEEP
	<ul style="list-style-type: none"> ■ Increased funding to expand current grant program to meet demand. An additional \$289,600/year authorized from the Recycling fund.

	CONSUMER PROTECTION
	<ul style="list-style-type: none"> ■ The Consumer Protection Program stays at DATCP. ■ Ongoing funding for the Office of Privacy Protection is provided. \$245,900/year is authorized to continue 3 positions - 50% of the funding coming from DFI; 50% coming from OCI.

	ANIMAL HEALTH PROGRAM
	<ul style="list-style-type: none"> ■ One-time transfer of revenues from the Agricultural Chemical Cleanup Fund to the Animal Health Inspection, Testing and Enforcement program revenue appropriation of \$125,000/year to help offset the projected cash deficit.

*Also Openena
Bull to
Raise fees
here...*

** Still isn't enough to
cover what they need.*

	FOOD SAFETY INSPECTION
	<ul style="list-style-type: none"> ■ One-time transfer of revenues from the Agricultural Chemical Cleanup Fund to the Food Inspection program revenue appropriation of \$250,000 in year 1 and \$100,000 in year 2 to help offset the projected cash deficit.

	STATUTORY LANGUAGE CHANGES

	Farmland Preservation
	<ul style="list-style-type: none"> ■ Advance some of the recommendations from the Working Lands Initiative.

	Agriculture, Trade and Consumer Protection Related Items – Other Agencies
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	Nursery & Quarantine Laws
	<ul style="list-style-type: none"> ■ To strengthen DATCP's ability to address EAB there is an increase in penalties for violating Wisconsin's nursery and quarantine laws. The penalty is increased from \$200 to \$1,000 for the first offense and up to \$5,000 for subsequent offenses.

	ENERGY INDEPENDENCE Department of Commerce
	<ul style="list-style-type: none"> ■ Establishment of the Wisconsin Energy Independence renewable fuel and energy grant and loan program. \$30M from the Recycling Fund over the biennium. Includes grants totaling \$5M to position Wisconsin to be home to the nation's first cellulosic ethanol production facility.

	<p>ENERGY INDEPENDENCE Department of Commerce</p>
	<ul style="list-style-type: none"> ■ Creation of the Wisconsin Venture Center to accelerate emerging industries in Wisconsin by linking entrepreneurs with willing capital investors with at least \$1 million per year funding.

	<p>ENERGY INDEPENDENCE Tax Credits</p>
	<ul style="list-style-type: none"> ■ Angel investment tax credits - \$5M/biennium. ■ Early stage seed investment tax credits - \$5M/biennium.

	<p>ENERGY INDEPENDENCE Tax Credits</p>
	<ul style="list-style-type: none"> ■ Encourage increased use of renewable fuel by providing \$2M over the biennium in tax credits to assist businesses to meet the costs of installing renewable fuel pumps and related structures. This applies to pumps dispensing E85 or at least 20 percent Biodiesel.

	<p>ENERGY INDEPENDENCE Discovery Farms</p>
	<ul style="list-style-type: none"> ■ Research and development of anaerobic digesters at farms participating in Discovery Farms. \$250,000 one-time funding from the Recycling Fund. (Act 141)

	<p>FREIGHT RAILROAD PRESERVATION PROGRAM</p>
	<p>Department of Transportation</p> <ul style="list-style-type: none"> ■ Include \$22 million in new bonding for the freight railroad preservation program.

	<p>FUEL FOR KIDS</p>
	<ul style="list-style-type: none"> ■ Encourage more school districts to implement school breakfast programs and improve Wisconsin's last place state ranking in school breakfast participation. ■ Triple total funding for the programs and provide a 50 percent increase in the state's reimbursement rate for school breakfasts.

	<p>FUEL FOR KIDS</p>
	<ul style="list-style-type: none"> ■ Increase the state reimbursement rate for school transportation costs related to students traveling more than 12 miles.





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Half

Wisconsin Department of
Agriculture, Trade and Consumer Protection

A Summary

This document will introduce you to the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP), one of the most important agencies in state government. It will help you understand DATCP's many programs, and how they work together to serve all the people of Wisconsin. It will also provide you with useful reference material, such as addresses, phone numbers and license information. For more information, go to <http://datcp.state.wi.us/>

CONTENTS

	<u>Page</u>
1. Introduction	2
2. Food Safety	6
3. Trade & Consumer Protection	12
4. Animal Health	24
5. Agricultural Resource Management	31
6. Agricultural Development	48
7. Management Services	54
8. Office of the Secretary	58
9. Related Boards & Councils	62
10. DATCP Rules	65
11. DATCP Licenses & Permits	68
12. DATCP Locations	73
13. DATCP Organization Chart	75

Revised January 1, 2007

1. INTRODUCTION

Mission
Authority
Services
Laws
Organization
Staff
Budget
History

MISSION

The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) has an important mission. DATCP works for all the people of Wisconsin to assure:

- Safe, wholesome food.
- Consumer protection and fair business practices.
- Healthy people, animals and plants.
- A clean environment.
- Strong agriculture and commerce.

AUTHORITY

DATCP is primarily a regulatory agency, but it also provides many other services. DATCP has jurisdiction over nearly every kind of business. It can adopt rules that have the force of law. It also licenses over 100,000 individuals and businesses (see *Section 11*).

DATCP's first aim is to listen well, communicate effectively, and help people work together to solve problems. DATCP seeks voluntary solutions, but it can use its enforcement authority if that becomes necessary. DATCP 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 district attorney or the Department of Justice, DATCP may also prosecute law violations in court.

SERVICES

DATCP offers many services including consumer and business information, complaint handling, agricultural development and marketing services, farm assistance and more. It is easy to contact us:

- Consumer Hotline (toll free): **1-800-422-7128**
- Telemarketing “No Call List” Signup: **1-866-966-2255**
- Farm Hotline (toll free): **1-800-942-2474**
- Web Site: **<http://datcp.state.wi.us/>**
- TDD Phone: **608-224-5058**

DATCP also provides personal “grass roots” service throughout the state. See *Section 12* for the address, telephone and FAX number of a DATCP office near you:

- Regional offices in Milwaukee, Green Bay, Eau Claire and Madison.
- Commodity inspection offices in Stevens Point and at the Port of Superior.
- Department field staff posted throughout the state.

LAWS

DATCP administers many laws. Most of them are found in chapters 88 to 100, 126 and 136 of the Wisconsin Statutes. DATCP has adopted rules to implement these laws (see *Section 10*). DATCP rules are found in the Wisconsin Administrative Code, chapters ATCP 1 to ATCP 162. DATCP rules have the full force and effect of law.

ORGANIZATION

The DATCP Board, a 9-member board of private citizens, establishes DATCP policy. The DATCP Board is like a board of directors. The Governor (with Senate approval) appoints Board members for staggered 6-year terms. The Board meets on a monthly basis to review major policy issues and approve DATCP rules. Board meetings are announced and open to the public.

The DATCP Secretary runs the department, subject to Board direction. The Governor appoints the Secretary (with Senate approval). The Secretary appoints administrators to run DATCP’s six divisions:

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

The Office of the Secretary includes the Secretary, the Deputy Secretary and the Executive Assistant. It also includes the following:

- Office of Legal Counsel.
- Budget Director
- Office of Policy and Communications
- Legislative Liaison.
- Wisconsin Agricultural Statistics Service (a state-federal cooperative service).
- DATCP Administrative Law Judge.

STAFF

DATCP has a diverse and highly qualified professional staff that includes inspectors, investigators, consumer specialists, attorneys, business and marketing professionals, computer and information specialists, accountants, auditors, statisticians, economists, public health sanitarians, veterinarians, engineers, land use specialists, hydrogeologists, chemists, agronomists, entomologists, biologists, and science professionals.

Staff efficiency has allowed DATCP to handle growing responsibilities with fewer people. *Today, DATCP has a total of about 550 employees, compared to nearly 800 in 1980 (a 31% reduction).* Yet, DATCP administers far more programs today than it did in 1980. About 1/3 of DATCP's current employees are located outside of Madison.

BUDGET

DATCP has an annual budget of about \$74 million (not counting bonding authority for conservation grants). DATCP distributes about \$17 million of this total as grants to local governments, organizations and individuals. DATCP's budget is funded from a variety of sources, including:

- \$27 million in general state tax dollars.
- \$40 million in license and user fees.
- \$ 7 million in federal grants.

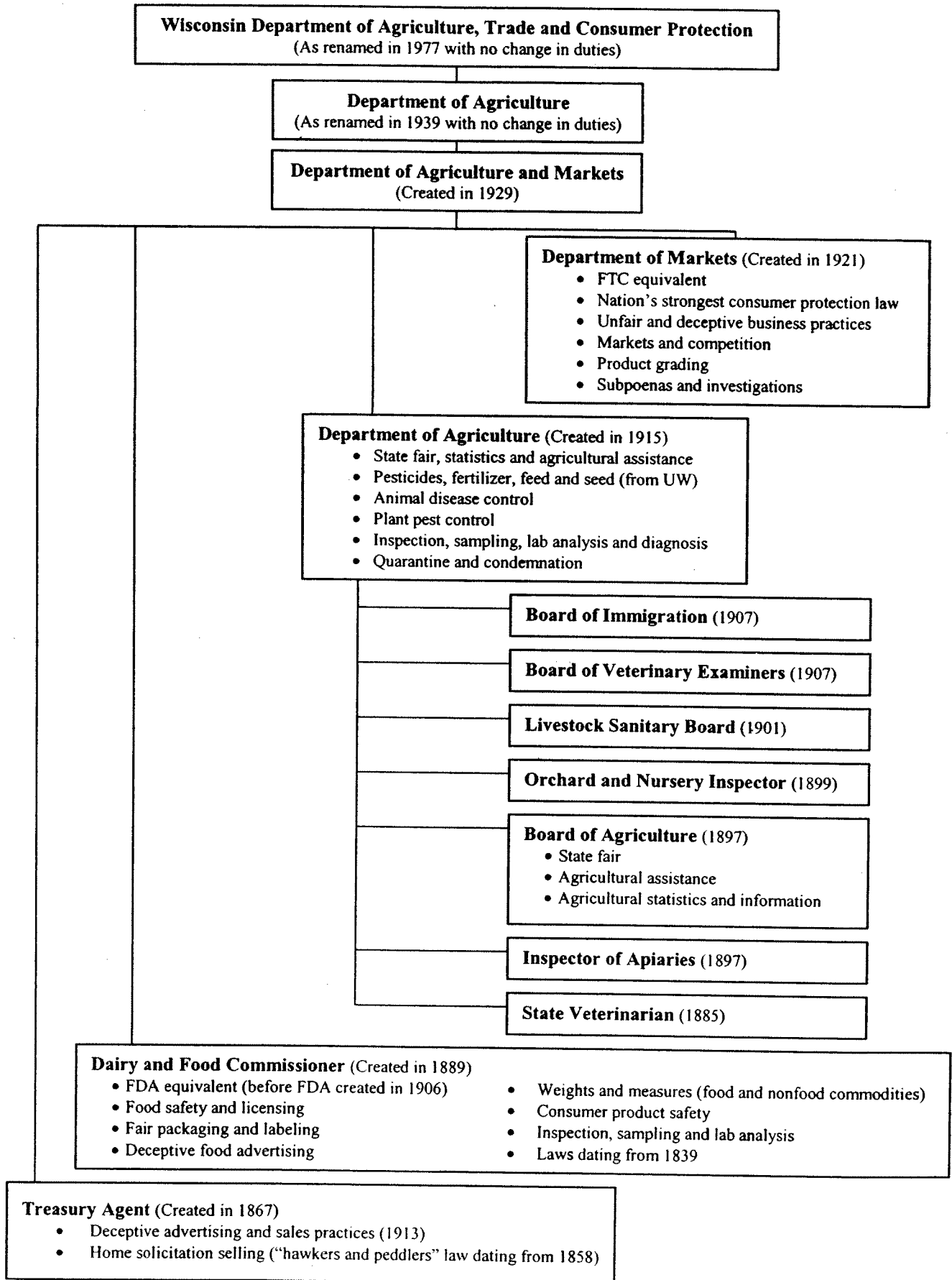
HISTORY

DATCP has deep roots in 3 worlds:

- The world of agriculture and the land.
- The world of business and commerce.
- The world of consumers.

DATCP's history reflects the growing interplay between these worlds. The Wisconsin Legislature, reacting to that interplay over more than 150 years, has created the department as it exists today. DATCP's "family tree" is shown below:

DATCP FAMILY TREE



2. FOOD SAFETY

Milk and dairy products
Food processing and distribution
Food stores
Meat inspection
Food emergencies
Food advertising and labeling
Food monitoring and hazard control
Public health lab certification
Food grading
Food complaints and investigations
Enforcement
Coordination

The Food Safety Division works to ensure a safe and wholesome food supply. The division enforces Wisconsin's food safety and labeling laws. The division licenses and inspects over 30,000 food establishments, and supervises local government inspection of others.

The Food Safety Division regulates the entire food chain, from the farmer to the consumer. That permits a comprehensive approach to food safety issues affecting producers, processors, distributors, retailers and consumers.

MILK AND DAIRY PRODUCTS

The Food Safety Division regulates Wisconsin's \$20 billion dairy industry, one of the most important industries in the state. The division works to ensure that Wisconsin dairy products are safe and wholesome. Regulation protects consumer health, promotes consumer confidence, and makes it possible for Wisconsin to sell its famous dairy products in interstate commerce.

Dairy Production and Processing

The Food Safety Division licenses and inspects the following dairy operations:

- Dairy farms.
- Dairy plants.
- Milk haulers and distributors.

Dairy Product Testing

The dairy industry constantly tests milk and dairy products for safety and quality. Test results can affect the prices that dairy plants pay farmers. The Food Safety Division establishes test standards and monitors compliance. The division certifies testing laboratories and licenses the following individuals:

- Bulk milk weighers and samplers (milk haulers).
- Milk and cream testers (lab analysts).
- Buttermakers and cheesemakers.

Dairy Product Safety

The Food Safety Division:

- Monitors dairy industry testing for bacteria, drug residues and other potential contaminants in milk and dairy products.
- Checks pasteurization equipment and procedures. Effective pasteurization is critical for the safety of milk and dairy products.
- Monitors dairy plant operations to keep adulterated milk out of the food supply. In 2005, Wisconsin dairy plants dumped nearly 10 million pounds of milk contaminated with animal drug residues. This amount, though seemingly large, represents less than 1/10 of one percent of all the milk produced in Wisconsin in 2005.

Dairy Product Grading and Labeling

The Food Safety Division regulates dairy product grading and labeling (including rBST labeling), to ensure that buyers get what they pay for.

Grade A Milk

The Food Safety Division audits dairy farms and dairy plants shipping Grade A milk, and certifies that they comply with Grade A standards required under the Interstate Pasteurized Milk Ordinance (PMO). Wisconsin must comply with the PMO in order to ship milk and fluid milk products in interstate commerce.

FOOD PROCESSING AND DISTRIBUTION

Wisconsin has one of the nation's largest food processing industries. The Food Safety Division licenses and inspects over 2,000 food processing and storage facilities including:

- Canning factories.
- Frozen food processing plants.
- Fish processing plants.
- Egg processing and packing plants.
- Wholesale bakeries and confectioneries.
- Breweries.
- Soft drink and water bottling plants.
- Other plants that process or package food or beverages.
- Food warehouses.

FOOD STORES

Unsafe retail food practices can cause serious outbreaks of food-borne illness. To protect consumers, the Food Safety Division licenses and inspects retail food stores including grocery stores, delicatessens, bakeries, confectioneries and ice cream shops.

The division works closely with the Department of Health and Family Services (DHFS), which licenses restaurants. The 2 agencies have adopted uniform rules for all retail establishments, based on the federal model food code. They also coordinate licensing and inspection to avoid duplication.

Currently, 34 cities and counties license and inspect retail food stores as agents for DATCP and 49 cities and counties license and inspect restaurants as agents for DHFS. DATCP and DHFS train, assist, evaluate and set standards for these local programs. The agencies keep local agents abreast of food safety issues, and work to ensure consistent application of food safety laws.

MEAT INSPECTION

The Food Safety Division enforces Wisconsin's meat and poultry inspection laws. The division works to ensure that meat is safe, wholesome and free of disease. The division enforces meat labeling requirements, and works to keep diseased animals and inedible products out of the food supply.

Wisconsin's meat inspection program must be equal to the federal program administered by the U. S. Department of Agriculture (USDA). The Food Safety Division regulates meat establishments and related businesses including:

- Slaughter and processing plants (except those inspected by USDA).
- Rendering plants.
- Animal food processing plants.
- Dead animal collectors.
- Businesses that buy, sell or transport meat.

The Food Safety Division:

- Inspects animals and carcasses before and after slaughter (this includes most captive game animals, as well as domesticated food animals).
- Inspects slaughtering and processing plants.
- Reviews *hazard analysis and critical control point* (HACCP) plans, and monitors compliance with the plans.
- Investigates law violations, including sales of unwholesome or misbranded meat.
- Monitors businesses that handle dead or diseased animals.
- Samples and tests meat and meat products.

FOOD EMERGENCIES

The Food Safety Division:

- Responds to food-borne disease outbreaks, toxic contamination of food, and other food-related emergencies.
- Coordinates food recalls and other emergency responses. The division works with consumers, affected companies, the U.S. Food and Drug Administration (FDA), state and local health departments, the news media and others.
- Helps investigate animal disease outbreaks and “toxic response” incidents that may pose a threat to the human food chain.

FOOD ADVERTISING AND LABELING

The Food Safety Division reviews food labels, and investigates deceptive food advertising and labeling. The division checks to ensure:

- Accurate product identification.
- Proper health and nutritional labeling.
- Truthful label claims.

FOOD MONITORING AND HAZARD CONTROL

The Food Safety Division works with the food industry to ensure that food is safe and wholesome. The division:

- Helps food businesses design effective *hazard analysis and critical control point* (HACCP) systems.
- Establishes specific hazard control standards, where necessary.
- Checks performance of food safety systems.

- Samples and tests food samples, to identify possible health threats and labeling violations.
- Tests suspect food and facilities.

PUBLIC HEALTH LAB CERTIFICATION

The Food Safety Division certifies laboratories that test milk, food or water for compliance with public health standards prescribed by federal, state or local laws. The division spells out certification standards by rule.

FOOD GRADING

The Food Safety Division audits industry grading of commodities such as cheese, butter and eggs to ensure that buyers get what they pay for. The division licenses butter and cheese graders, and establishes uniform grading standards.

FOOD COMPLAINTS AND INVESTIGATIONS

The Food Safety Division investigates complaints related to food-borne illness, food sanitation, food adulteration, and food advertising and labeling. The division also performs in-depth investigations of food law violations.

ENFORCEMENT

If necessary, the Food Safety Division may take on-site action to:

- Stop the sale of suspect food, pending examination.
- Condemn unwholesome or contaminated food.
- Suspend slaughter operations.
- Prohibit the use of unsanitary equipment or facilities.

The Food Safety Division may also:

- Deny a food license application, or issue a conditional license.
- Petition the DATCP Secretary to suspend, revoke or impose conditions on an existing license.
- Prosecute food law violations in court (with a county district attorney or the Department of Justice). The division may seek criminal penalties, civil forfeitures or injunctions against law violators.
- Issue warning notices for less serious violations.

COORDINATION

The Food Safety Division coordinates its programs with the following agencies:

- U.S. Food and Drug Administration (food and dairy).
- U.S. Department of Agriculture (meat inspection).
- The National Conference on Interstate Milk Shipments.
- Wisconsin Department of Health and Family Services (food-borne disease epidemics, hotel and restaurant inspection).
- County and local health departments.

3. TRADE AND CONSUMER PROTECTION

Unfair and deceptive business practices

Privacy protection

Weights and measures fraud

Consumer product safety

Environmental regulation of consumer products

Agricultural producer security

Commodity grading

DATCP is Wisconsin's primary consumer protection agency, and it has broad authority to regulate business practices. The Trade and Consumer Protection Division:

- Handles about 180,000 new consumer complaints and inquiries each year.
- Provides consumers and businesses with the information they need. DATCP distributes 200,000 consumer protection publications each year, as well as popular website information such as "Consumer Protection Law at Your Fingertips."
- Returns \$10-15 million to consumers each year.
- Regulates unfair and deceptive business practices to protect *millions* of Wisconsin consumers *every day*.
- Administers Wisconsin's Telemarketing "No Call" List (1.1 million Wisconsin households have registered).
- Works to prevent identity theft and protect data privacy.
- Works to ensure free and fair competition.
- Standardizes commercial weights and measures, and fights weights and measures fraud.
- Regulates hazardous consumer products.
- Enforces environmental regulations related to consumer products.
- Protects agricultural producers against catastrophic defaults by grain dealers, grain warehouse keepers, milk contractors and vegetable contractors.
- Grades and certifies grain, fruits and vegetables to facilitate commodity marketing.

UNFAIR AND DECEPTIVE BUSINESS PRACTICES

Key Consumer Protection Laws

The Trade and Consumer Protection Division enforces powerful consumer protection laws, including laws prohibiting *fraudulent representations* and *unfair business practices*.

- The Fraudulent Representations Law (Wisconsin Statutes section 100.18) broadly prohibits advertising or sales claims that are “untrue, deceptive or misleading.”
- The Unfair Business Practices Law (Wisconsin Statutes section 100.20) is even more sweeping. Modeled after the Federal Trade Commission Act, it authorizes DATCP to prohibit “unfair” business practices (and prescribe fair practices) by rule or order. This is one of the strongest state consumer protection laws in the nation.

These overlapping laws apply to almost every business in the state. Together, they provide the foundation for the state’s general consumer protection program. Because they are so broad, they overlap and support many other DATCP programs (including food safety and labeling).

Consumer Protection Rules

DATCP consumer protection rules have the full force and effect of law, and protect millions of Wisconsin consumers every day. DATCP rules address a wide variety of consumer protection issues including:

- Telemarketing (ATCP 127). This includes the popular telemarketing “No Call” rule, as well as rules to prevent telemarketing scams.
- Landlord-Tenant Practices (ATCP 134)
- Telecommunications and Cable Television Services (ATCP 123)
- Mail and E-Mail Solicitations (ATCP 127)
- Itinerant Sales (ATCP 127)
- Motor Vehicle Repair (ATCP 132)
- Home Improvement Practices (ATCP 110)
- Fair Packaging and Labeling (ATCP 90). This rule applies to all packaged consumer commodities, including food and beverages.
- Price Comparison Advertising (ATCP 124)
- Work Recruitment Schemes (ATCP 116)
- Mobile Home Parks (ATCP 125)
- Pyramid Schemes (ATCP 122)
- Referral Selling Plans (ATCP 121)
- Coupon Sales Promotions (ATCP 131)
- Gasoline Advertising (ATCP 113)
- Freezer Meat and Food Service Plans (ATCP 109)
- Basement Waterproofing Practices (ATCP 128)
- Environmental Labeling of Products (ATCP 137)
- Dairy Product Advertising and Labeling (ATCP 83, with Food Safety)
- Art Fraud (ATCP 117)
- Academic Fraud (ATCP 128)
- *Price Gouging in Emergencies (ATCP 106, in progress)*
- *Credit Report Security Freezes (ATCP 112, in progress)*

Other Consumer Protection Laws

The Trade and Consumer Protection Division enforces other consumer protection laws including:

- Telemarketing “No Call” List (Wisconsin Statutes section 100.52)
- “Negative Option” Sales (Wisconsin Statutes section 100.195)
- Credit Report “Security Freezes” (Wisconsin Statutes section 100.54)
- Prize and Sweepstake Promotions (Wisconsin Statutes section 100.171)
- Mail-Order Sales (Wisconsin Statutes section 100.174)
- Telecommunications (Wisconsin Statutes sections 100.207 and 100.208)
- Cable TV Subscriber Rights (Wisconsin Statutes section 100.209)
- Pay-Per-Call Services (Wisconsin Statutes section 196.208)
- Drug Advertising (Wisconsin Statutes section 100.182)
- Food Advertising (Wisconsin Statutes section 100.183, with Food Safety)
- Timeshare Memberships (Wisconsin Statutes chapter 707)
- Ticket Refunds (Wisconsin Statutes section 100.173)
- Substantiation of Energy Savings or Safety Claims (Wisconsin Statutes section 100.21)
- Fitness Centers and Weight Reduction Centers (Wisconsin Statutes sections 100.77 and 100.78)
- Buyers Clubs (Wisconsin Statutes chapter 136)
- Self-Service Storage Facilities (Wisconsin Statutes section 704.90)
- Public Storage Warehouses (Wisconsin Statutes chapter 99)
- Dating Service Contracts (Wisconsin Statutes section 100.175)
- Motor Vehicle Rustproofing Warranties (Wisconsin Statutes section 100.205)
- Car Rentals and Collision Damage Waivers (Wisconsin Statutes sections 344.574 to 344.579, and Wisconsin Administrative Code chapter ATCP 118)
- Trading Stamps (Wisconsin Statutes section 100.15)
- Selling with Pretense of Prize (Wisconsin Statutes section 100.16)
- Guessing Contests (Wisconsin Statutes section 100.17)
- Prepaid Maintenance Liens (Wisconsin Statutes section 779.85)

Business Practices and Competition

The Trade and Consumer Protection Division regulates unfair competition and monopoly practices in business. For example, the division administers the following laws and rules:

- Unfair Business Practices and Methods of Competition (Wisconsin Statutes section 100.20)
- Sales Below Cost (Wisconsin Statutes section 100.30 and Wisconsin Administrative Code chapter ATCP 105).
- Drug Price Discrimination (Wisconsin Statutes section 100.31).

- Dairy Trade Practices (Wisconsin Statutes section 100.201 and Wisconsin Administrative Code chapter ATCP 103).
- Milk Procurement and Price Discrimination (Wisconsin Statutes section 100.22 and Wisconsin Administrative Code chapter ATCP 100).
- Vegetable Procurement (Wisconsin Statutes section 100.235 and Wisconsin Administrative Code chapter ATCP 101).
- Price Discrimination by Motor Fuel, Soft Drink and Beer Wholesalers (Wisconsin Administrative Code chapter ATCP 102).
- Food and Fuel Distribution Practices (Wisconsin Statutes section 100.19).
- Music Royalty Collections (Wisconsin Statutes section 100.206).

Complaint Handling

The Trade and Consumer Protection Division:

- Operates Wisconsin's Consumer Information Hotline (1-800-422-7128) and Telemarketing "No Call List" (1-866-966-2255).
- Handles about 180,000 new consumer complaints and inquires each year. The division handles complaints from its offices in Milwaukee, Green Bay, Eau Claire and Madison.
- Returns \$10-15 million to consumers each year.
- Helps resolve consumer disputes by providing information to consumers and businesses.
- Reviews complaints for law violations.
- Maintains Wisconsin's consumer protection database.

Information and Education

The Trade and Consumer Protection Division:

- Provides businesses with information they need to comply with the law.
- Empowers injured consumers by informing them of their rights and remedies. Under many DATCP rules, consumers who lose money may sue the violator directly in court, and may recover double damages, costs and attorney fees.
- Works with trade associations, consumer groups, local officials and others to identify and resolve consumer problems.
- Gathers and publishes information to prevent unfair business practices and consumer fraud.

Investigations

The Trade and Consumer Protection Division:

- Conducts in-depth investigations of consumer frauds and other law violations.
- Conducts market studies to identify and resolve consumer problems.

- Conducts inspections, issues subpoenas, holds investigative hearings, performs financial audits, collects and analyzes evidence, and performs other tasks in support of its investigations.

Enforcement

If necessary, the Trade and Consumer Protection Division may:

- Prosecute law violations in court (in cooperation with district attorneys or the Department of Justice). The division may seek criminal penalties, civil forfeitures, injunctions or court-ordered restitution.
- Petition the DATCP Secretary to issue orders against individual companies. Orders may prohibit unfair practices. DATCP may prosecute companies that violate these orders, and there are private remedies for consumers.
- Obtain formal assurances of compliance.
- Issue warning notices for less serious violations.

Security

The following entities must file performance bonds or security with DATCP to back their promises to consumers:

- Public storage warehouses (Wisconsin Statutes chapter 99)
- Fitness centers and weight loss centers (Wisconsin Statutes section 100.177)
- Future service plans, or buyers clubs (Wisconsin Statutes chapter 136)
- Dating services (Wisconsin Statutes section 100.175)

Private Remedies

- If a consumer loses money because of a DATCP rule violation, the consumer may sue the violator for *double damages, costs and attorney fees*. This applies to rules issued under the Unfair Business Practices Law (see above).
- If a consumer loses money because of a violation of the Fraudulent Representations Law (see above), the consumer may sue the violator for damages, costs and attorney fees (double damages if the defendant has violated a prior court injunction).
- Private remedies are also available under other consumer protection laws, including telecommunications services, timeshare sales, buyers clubs, prize notices, mail order sales, dating services, fitness centers, motor vehicle rustproofing warranties and self-service storage facilities.

PRIVACY PROTECTION

The Wisconsin Office of Privacy Protection is a joint effort between DATCP and the Department of Financial Institutions. The Office was created in 2006 to address the growing problem of identity theft. In 2005, identity theft cost Wisconsin consumers and businesses an estimated \$950 million (\$55 million to consumers and \$895 million to businesses). This does not include the effects of ruined credit ratings, which can linger for years.

The Office of Privacy Protection has multiple goals:

- *To inform the public about identity theft, and help them protect against it.* The office has created a website at *privacy.wi.gov*, and has published fact sheets and other information related to identity theft. The office has handled over 250 complaints to date, most of which were successfully resolved.
- *To assist federal, state and local law enforcement agencies investigate and prosecute identity thieves.* The office has investigated a number of cases for prosecution.
- *To help businesses combat identity theft, and properly protect personal consumer data that they have in their possession.*
- *To provide information and assistance to policymakers working on identity theft and data privacy issues.*

WEIGHTS AND MEASURES FRAUD

The Trade and Consumer Protection Division enforces state weights and measures laws to ensure that buyers get what they pay for. The division tests commercial scales, gasoline pumps, price scanners and measuring devices, and enforces fair packaging and labeling requirements. Honest weights and measures are important, because consumers spend half their net income on products sold by weight or measure. Enforcement saves the average family an estimated \$500 per year. Businesses and agricultural producers also depend on fair weights and measures.

Weights and Measures Standards

The Trade and Consumer Protection Division keeps Wisconsin's official weights and measures standards. All commercial weights and measures are compared to these standards, to ensure that weights and measures are uniform throughout Wisconsin and the nation.

The division's metrology laboratory is certified by the National Institute of Standards and Technology. The laboratory annually tests and certifies the accuracy of nearly 9,000 "test" weights and measures. Inspectors and businesses use these certified "test" weights and measures to check commercial scales and measuring devices.

Weights and Measures Inspection

The Trade and Consumer Protection Division:

- Tests commercial scales, gasoline pumps, petroleum bulk tank meters, LP gas meters, price scanners, and other measuring devices for accuracy. The division inspects over 63,000 devices each year. Nearly 10 percent of the inspected devices are inaccurate.
- Checks price scanners in grocery stores, department stores and other sales outlets.
- Inspects packaged commodities to ensure that labels comply, and that declared weights and measures are accurate. The division inspects test lots representing over 127,000 packages each year.
- Conducts in-depth investigations of weights and measures fraud.
- Provides weights and measures inspection services to 102 Wisconsin municipalities and all Wisconsin townships. The division also trains and assists 31 municipalities that have their own programs.

Licensing and Certification

The Trade and Consumer Protection Division:

- Registers approximately 2,200 vehicle scales.
- Licenses about 200 service companies and registers about 800 service company technicians.
- Licenses approximately 1,500 LP meters.

Weights and Measures Enforcement

If necessary, the Trade and Consumer Protection Division may:

- Issue on-site orders prohibiting the use of inaccurate weighing and measuring devices.
- Issue on-site orders prohibiting the sale of short weight or mislabeled commodities.
- Petition the DATCP Secretary to issue orders against individual businesses. Orders may prohibit unfair practices and prescribe fair practices.
- Prosecute law violations in court (in cooperation with county district attorneys or the Department of Justice). The division may seek criminal penalties, civil forfeitures or injunctions against law violators.
- Obtain formal assurances of compliance.
- Issue warning notices for less serious violations.

Coordination

The Trade and Consumer Protection Division coordinates its weights and measures program with other agencies including:

- The U.S. Department of Commerce (National Institute of Standards and Technology).
- The National Conference on Weights and Measures (state and local governments outside Wisconsin).
- The Federal Trade Commission (FTC).
- The Federal Food and Drug Administration (FDA).
- The U.S. Environmental Protection Agency (EPA).
- The U.S. Department of Agriculture (USDA).
- Wisconsin local governments.

CONSUMER PRODUCT SAFETY

Applicable Laws

The Trade and Consumer Protection Division enforces Wisconsin's consumer product safety laws, including:

- Hazardous Substances (Wisconsin Statutes section 100.37 and Wisconsin Administrative Code chapter ATCP 139).
- Consumer Product Safety (Wisconsin Statutes section 100.42 and Wisconsin Administrative Code chapter ATCP 139).
- Flammable Fabrics (Wisconsin Statutes section 100.41).
- Poison Prevention Packaging (Wisconsin Statutes section 100.43).
- Farm Equipment Safety Standards (Wisconsin Statutes section 100.47).

Safety Investigations

The Trade and Consumer Protection Division:

- Investigates consumer complaints related to hazardous household products and toys.
- Cooperates with the U.S. Consumer Product Safety Commission (CPSC).
- Collects and analyzes injury data from many sources, including CPSC, state and local health officials, hospitals, police and fire departments, coroners and news media.
- Conducts in-depth investigations (often with CPSC). Many investigations have led to nationwide compliance actions.
- Conducts inspections, issues subpoenas, holds investigative hearings, and uses other investigative tools in support of its investigations.
- Inspects, samples and tests suspect products.
- Helps CPSC investigate the effectiveness of national product recalls.

Information and Education

The Trade and Consumer Protection Division provides public information related to consumer product safety issues. Information helps consumers and affected businesses avoid product safety hazards. In many cases, public information also prompts the removal of dangerous or life threatening products.

Enforcement

If necessary, the Trade and Consumer Protection Division may:

- Ask the DATCP Secretary to ban consumer products that present an unreasonable risk of injury or an imminent hazard to the public. An affected business may demand a hearing.
- Petition the DATCP Secretary for orders requiring the modification, relabeling or recall of consumer products that present a substantial hazard or risk of injury. An affected business may demand a hearing.
- Prosecute violations in court (in cooperation with county district attorneys or the Department of Justice). The division may seek criminal penalties or injunctions against law violators.
- Issue warning notices for less serious violations.

ENVIRONMENTAL REGULATION OF CONSUMER PRODUCTS

Applicable Laws

The Trade and Consumer Protection Division enforces environmental regulations related to consumer products, including:

- Phosphorus Detergents (Wisconsin Statutes section 100.28).
- Toxics in Packaging (Wisconsin Statutes section 100.285).
- Sale of Nonrecyclable Materials (Wisconsin Statutes section 100.29).
- Environmental Labeling of Products (Wisconsin Statutes section 100.295 and Wisconsin Administrative Code chapter ATCP 137).
- Plastic Containers; Recycled Content (Wisconsin Statutes section 100.297 and Wisconsin Administrative Code chapter ATCP 137).
- Plastic Containers; Labeling to Facilitate Recycling (Wisconsin Statutes section 100.33 Wisconsin Administrative Code chapter ATCP 137).

- Ozone-Depleting Refrigerants (Wisconsin Statutes section 100.45 and Wisconsin Administrative Code chapter ATCP 136).
- Products Containing Ozone-Depleting Substances (Wisconsin Statutes section 100.50).
- Mercury in Batteries (Wisconsin Statutes section 100.27).
- Energy Savings or Safety Claims (Wisconsin Statutes section 100.21).
- Consumer Products; Energy Efficiency Standards (Wisconsin Statutes section 100.46).

Licensing and Certification

The Trade and Consumer Protection Division:

- Registers approximately 3,500 businesses (including motor vehicle repair shops, fleet maintenance operations and trucking businesses) to prevent the release of ozone-depleting refrigerants from mobile air conditioners.
- Establishes technician training standards, approves technician training courses, and ensures that all service technicians in Wisconsin have completed approved training courses.
- Certifies equipment used to recover and recycle ozone-depleting refrigerants, based on recognized industry standards.

Compliance Monitoring

The Trade and Consumer Protection Division:

- Inspects and tests consumer products for compliance with applicable laws.
- Handles and investigates complaints.
- Inspects motor vehicle repair and salvage operations for proper recovery and recycling ozone-depleting refrigerants.

Enforcement

If necessary, the Trade and Consumer Protection Division may:

- Deny registrations, or issue them on a conditional basis.
- Petition the DATCP Secretary to suspend, revoke or impose conditions on existing registrations.
- Prosecute law violations in court (in cooperation with county district attorneys or the Department of Justice). The division may seek civil forfeitures or, in some cases, criminal penalties.
- Issue warning notices for less serious violations.

AGRICULTURAL PRODUCER SECURITY

The Trade and Consumer Protection Division administers Wisconsin's Agricultural Producer Security program (see Wisconsin Statutes chapter 126). This program helps protect agricultural producers against catastrophic financial defaults by contractors including grain dealers, grain warehouse keepers, milk contractors and vegetable contractors.

Contractors must be licensed and, in most cases, must contribute to the agricultural producer security fund ("fund"). In some cases, fund participation is voluntary. If a contributing contractor defaults on payments to producers, the fund may partially compensate those producers. Fund contributions are based on the contractor's business volume, financial condition and practices. Contractors pay less if they are in good financial condition and avoid high-risk practices.

Some contractors must file security in addition to, or in lieu of, fund contributions. If the contractor defaults, DATCP may use the security to pay a portion of the producer claims. Security requirements are based on the contractor's business volume, financial condition and practices.

Program Administration

The Trade and Consumer Protection Division:

- Licenses contractors.
- Reviews contractor financial statements to determine fund eligibility, fund contributions and security requirements. Financial statements are confidential.
- Collects fund contributions and administers the fund.
- Collects and holds security, and monitors the adequacy of security.
- Inspects and monitors contractor compliance with licensing, record keeping, inventory, disclosure and other requirements.
- Conducts in-depth audits, as necessary, to determine whether financial statements and records accurately reflect financial condition.
- Conducts in-depth investigations of suspected fraud and law violations.

Recovery Proceedings

If a contractor fails to pay producers, DATCP may:

- Identify potential claimants, audit their claims, and determine the amount owed to each claimant.
- Pay valid producer claims from the fund, or from security, to the extent provided by law.
- Take legal action against the contractor to reimburse the fund.

Enforcement

If necessary, the Trade and Consumer Protection Division may:

- Deny contractor licenses, or issue licenses on a conditional basis.
- Petition the DATCP Secretary for orders requiring contractors to remedy violations of law. DATCP may issue summary orders, without prior notice or hearing, if necessary to prevent imminent harm. The contractor may request a follow-up hearing on a summary order.
- Prosecute law violators in court (in cooperation with county district attorneys or the Department of Justice). The division may seek criminal penalties, civil forfeitures or injunctions against law violators.
- Issue warning notices for less serious violations.

Private Remedy

If DATCP allows a producer's claim against a contractor, the producer may sue the contractor to recover the allowed amount, less any amount paid by DATCP. The producer may also recover court costs and attorney fees from the contractor. This remedy does not limit any other remedies available to the producer.

COMMODITY GRADING

The Trade and Consumer Protection Division inspects, grades and certifies grain, fruits and vegetables. The division provides this service, at cost, to buyers or sellers who request it. Grading promotes fair transactions between buyers and sellers, and is often required under interstate and international sales contracts. The division:

- Inspects grain shipments at the port of Superior.
- Inspects fruits and vegetables from its offices in Antigo and Stevens Point, and at other locations throughout the state.
- Certifies the grade, weight, condition, size, quantity and quality of inspected commodities.
- Applies uniform grading procedures and standards.
- Cooperates with the U.S. Department of Agriculture.

4. ANIMAL HEALTH

Monitoring disease threats

Licensing and registration

Animal imports and movement

Animal identification

Disease testing, reporting and certification

Disease vaccination

Disease investigations

Emergency disease response

Quarantine and condemnation

Disease indemnities

Animal welfare and rabies control

Livestock brands

Compliance monitoring

Enforcement

The Animal Health Division works to protect animal and human health, and to prevent the spread of serious diseases. Among other things, the division:

- Monitors animal health and disease threats. This includes threats like avian influenza, foot-and-mouth disease, chronic wasting disease, tuberculosis, “mad cow” disease, Johne’s disease, brucellosis, pseudorabies and others.
- Regulates Wisconsin’s multi-billion dollar livestock and poultry industry to protect it from devastating diseases.
- Responds to animal disease emergencies and bio-security threats.
- Licenses animal markets, animal dealers and animal truckers.
- Registers livestock premises (over 60,000 to date).
- Licenses farm-raised deer herds and fish farms. The division also works with the Department of Natural Resources (DNR) to control diseases that may affect wild and domestic animals.
- Investigates, and takes action to control, serious animal diseases. Many of these diseases can also affect humans and wild animals.
- Regulates the import and movement of animals to prevent the spread of disease.
- Facilitates sales of disease-free Wisconsin livestock and poultry.
- Promotes humane treatment of animals.
- Works to prevent fraud, including fraudulent sales of diseased animals.

MONITORING DISEASE THREATS

The Animal Health Division monitors animal health and disease threats. The division:

- Reviews animal health information from veterinarians, the livestock and poultry industry, the United States Department of Agriculture (USDA), animal health researchers, its own field staff and others.
- Works with DNR to monitor the health of Wisconsin's wild animal populations. Some diseases can spread from wild to domestic animals, and vice versa.
- Works with the Wisconsin Division of Health and DATCP's Food Safety Division on animal diseases that may also affect humans.
- Works with the Wisconsin Veterinary Diagnostic Laboratories, now operated by the University of Wisconsin. The DATCP Secretary sits on a laboratory oversight board that oversees laboratory operations. The laboratories perform over 1.5 million tests annually, and provide health data to DATCP, veterinarians, and the livestock and poultry industry.

LICENSING AND REGISTRATION

The Animal Health Division licenses or registers the following entities:

- Animal markets.
- Animal dealers.
- Animal truckers.
- Fish farms.
- Farm-raised deer herds and hunting preserves. Since January 1, 2003, this has included captive white-tail herds (previously licensed by DNR).
- Livestock premises (farms and other premises where livestock are kept)

Licensing and registration helps to:

- Protect animal and human health.
- Document animal movements that can spread disease.
- Prevent fraudulent practices, including fraudulent sales of diseased animals.
- Promote humane treatment of animals.
- Promote effective disease response.

Animal Markets

Animal market operators must:

- Properly construct and maintain animal markets to prevent disease.
- Ensure proper animal identification.
- Keep records of animal transactions.
- Refrain from cruel, illegal or fraudulent practices related to animals.

Animal Dealers

Animal dealers must:

- Ensure proper animal identification.
- Keep records of animal transactions.
- Refrain from cruel, illegal or fraudulent practices related to animals.

Animal Truckers

Animal truckers must:

- Identify animal shipments and keep records.
- Refrain from cruel, illegal or fraudulent practices related to animals.

Farm-Raised Deer Herds

Persons keeping farm-raised deer must:

- Maintain proper facilities and herd records.
- Test for tuberculosis.
- Test for chronic wasting disease (farms must test in order to sell or move animals).
Since there is no test available for live deer, herd owners must test deer that die or are sent to slaughter.

Fish Farms

Fish farm operators must:

- Obtain an annual fish health certification.
- Keep records showing fish sources and shipping destinations.

Livestock Premises

Farmers and other persons who keep livestock in Wisconsin must register the premises where the livestock are kept (over 60,000 premises are registered so far). A unique national identification number is assigned to each registered premises. Premises registration provides location and contact information that may be critical in a disease emergency. It is also a key step toward the development of a comprehensive animal identification system that will allow more effecting tracing of animal sources and disease.

The Animal Health Division administers the premises registration program in cooperation with the Management Services Division, the Food Safety Division, the USDA and the Wisconsin Livestock Identification Consortium (a non-profit entity representing livestock groups).

ANIMAL IMPORTS AND MOVEMENT

The Animal Health Division regulates animal imports and movement to prevent the spread of disease:

- A certificate of veterinary inspection must accompany most animal imports. An accredited veterinarian must sign the certificate in the state of origin. Imported animals must be properly identified.
- Certain animals (including fish) may not be imported without a permit.
- Animals must meet import requirements. Import requirements vary, depending on animal species and import source. Import requirements may include disease testing. If animals originate from disease-free states or certified disease free herds, import requirements are typically less rigorous. DATCP establishes import requirements, often in consultation with USDA and other states.
- Some testing requirements apply to animals moved *within* this state. For example, farm-raised deer may not be moved within the state unless the source herd is monitored for chronic wasting disease and tuberculosis.
- Animals known to be infected with certain diseases may not be imported into Wisconsin, or moved within this state, unless the Animal Health Division permits movement for slaughter or other purposes.
- Animals shown at fairs and other public exhibitions must comply with animal health requirements.
- The Animal Health Division may order an owner to confine, destroy or remove an illegally imported animal.
- Cattle and goats are sold subject to a Johne's disease "implied warranty" unless the seller discloses the Johne's disease risk status of the source herd.

ANIMAL IDENTIFICATION

The Animal Health Division requires proper identification of imported animals, and animals handled by dealers, truckers or market operators. Accurate identification is critical for disease investigation and control. DATCP rules spell out specific identification standards and procedures for many animals.

DISEASE TESTING, REPORTING AND CERTIFICATION

Disease Test Methods

The Animal Health Division, in consultation with USDA, establishes official disease test methods to ensure that testing is reliable. The division uses these methods when investigating diseases, or when certifying that livestock herds are disease-free. Private veterinarians also use these methods when issuing health certificates, or when certifying disease information to the Animal Health Division.

Disease Testing and Surveillance

The Animal Health Division conducts testing programs for certain diseases. The division also reviews information received from private veterinarians, laboratories, slaughter plants and other sources.

Health Certificates

Accredited private veterinarians issue “certificates of veterinary inspection” to certify the health status of animals (for interstate shipment and other purposes). The Animal Health Division sets standards for health certificates. The division, in cooperation with USDA, accredits private veterinarians who perform official diagnostic tests or certify animals for interstate movement.

Disease Reporting

Veterinarians and diagnostic laboratories must notify the Animal Health Division whenever they find evidence of certain diseases. Some diseases must be reported on an emergency basis. The Animal Health Division sets reporting standards.

Certifying Herds and Flocks

The Animal Health Division certifies the disease-free (or disease risk) status of livestock herds and poultry flocks, at the request of herd or flock owners. Certification facilitates sales and exports. The Animal Health Division sets herd and flock certification standards, which vary by animal species and disease.

Wisconsin Disease-Free Status

USDA may assign disease ratings to states based on the prevalence of certain diseases in those states. It is easier to export livestock from disease-free states. Disease rating standards vary by animal species and disease.

The Animal Health Division works to keep Wisconsin disease-free. The division provides disease information to USDA, and works with USDA to control animal diseases in Wisconsin and throughout the nation.

DISEASE VACCINATION

The Animal Health Division regulates the use of certain disease vaccines so that:

- Vaccines are properly used for disease prevention.
- Vaccines do not create an unreasonable disease risk.
- Sellers do not misrepresent that animals are vaccinated.
- Vaccination does not impair disease identification or control.

DISEASE INVESTIGATIONS

The Animal Health Division investigates animal disease outbreaks to determine the nature, source and spread of the disease. Disease investigations may require extensive tracing of animal movements, and extensive diagnosis and testing of exposed animals.

The Animal Health Division works with other divisions to conduct high priority “toxic response” investigations. The divisions investigate unexplained animal deaths or illnesses that may be caused by disease or toxic exposure. The divisions work together to identify and remedy the problem, and to protect the food chain.

EMERGENCY DISEASE RESPONSE

The Animal Health Division coordinates emergency disease responses with federal, state and local agencies. The division also coordinates emergency responses with private veterinarians and affected industries.

QUARANTINE AND CONDEMNATION

The Animal Health Division:

- Quarantines diseased or suspect animals, as necessary.
- Condemns and orders the destruction of diseased animals, when necessary.
- Supervises the transportation, slaughter and disposal of diseased animals.

DISEASE INDEMNITIES

The Animal Health Division pays statutory indemnities to qualifying animal owners whose animals are condemned and destroyed to prevent the spread of disease.

ANIMAL WELFARE AND RABIES CONTROL

The Animal Health Division:

- Trains and certifies local humane officers.
- Helps local authorities enforce animal cruelty laws. The division provides veterinary medical consultation and other assistance.
- Certifies local rabies control programs, and helps local authorities administer dog licensing and rabies control laws.
- Works with humane societies and other organizations to improve the administration of animal welfare laws.

LIVESTOCK BRANDS

The Animal Health Division keeps a registry of livestock brands, to prevent duplication or misappropriation of brands.

COMPLIANCE MONITORING

The Animal Health Division:

- Conducts routine inspections of animal markets, animal dealers, animal truckers, deer farms, fish farms and other animal operations licensed by the division. The division inspects other operations as necessary for disease control and law enforcement.
- Reviews health certificates and other documents related to animal movement.
- Inspects, tests and diagnoses animals, as necessary.
- Conducts animal disease surveillance programs.
- Collects and reports information related to animal diseases.
- Conducts in-depth investigations of animal disease outbreaks and law violations.

ENFORCEMENT

The Animal Health Division may:

- Deny licenses or permits, or issue them on a conditional basis.
- Petition the DATCP Secretary to suspend, revoke or impose conditions on existing licenses or permits.
- Issue quarantine, removal and condemnation orders.
- Prosecute violations in court (in cooperation with county district attorneys or the Department of Justice). The division may seek criminal penalties, civil forfeitures or injunctions against law violators.
- Issue warning notices for less serious violations.

Cont.