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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)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution)
 - Miscellaneous ... **Misc**
- (**ajr** = Assembly Joint Resolution)
(**sjr** = Senate Joint Resolution)



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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/>

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Revised January 1, 2007

5. AGRICULTURAL RESOURCE MANAGEMENT

Pesticides

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Agrichemical spills and cleanup

Animal feed

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Soil and water resource management

Farmland preservation

Drainage districts

Plant protection

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Weather modification controls

The Agricultural Resource Management Division (ARM Division) works to ensure the wise and harmonious use of Wisconsin's land, water and plant resources. The division:

- Safeguards the food chain, and the resources that support it.
- Regulates pesticides and agrichemicals to protect public health and the environment.
- Works to prevent and clean up agrichemical spills.
- Helps landowners and local governments to conserve Wisconsin's productive land and water resources.
- Helps preserve farmland threatened by unplanned development and sprawl.
- Helps prevent pollution of surface water and groundwater resources.
- Works to control serious pests that threaten Wisconsin crops, forests and plant communities.

PESTICIDES

The ARM Division enforces Wisconsin's pesticide laws. Persons who sell or use pesticides must comply with strict legal safeguards. Pesticide regulation protects human health and the environment, including surface and groundwater, and helps ensure that food and agricultural products are safe.

Pesticides Covered

The ARM Division regulates all kinds of pesticides and pesticide uses, including:

- Agricultural pesticides.
- Industrial and commercial pesticides.
- Residential and household pesticides.

Pesticide Product Registration

The U.S. Environmental Protection Agency (EPA) registers pesticides. Pesticides must be registered for specific uses, and must be used according to federally approved label directions. The ARM division provides information that may be relevant to EPA registration decisions.

State law may impose additional restrictions. In certain limited cases, DATCP may authorize a special local pesticide uses not authorized by the EPA registration if the special local use is necessary to address a local pest threat or emergency. The ARM Division consults with EPA on special local use authorizations.

Pesticide Licenses

The ARM Division licenses:

- Pesticide manufacturers and labelers.
- Restricted-use pesticide dealers.
- Pesticide application businesses.
- Individuals who apply pesticides as commercial applicators for hire.
- Veterinary clinics that apply pesticides.

Pesticide Applicator Certification

The ARM Division certifies individual pesticide applicators for competence. Certification is required for all commercial applicators, and for farmers and other individuals who use "restricted use" pesticides. The ARM Division certifies applicators in appropriate categories, depending on the types of applications they perform. Applicators must pass a certification test.

Pesticide Sales, Handling and Use

The ARM Division adopts and enforces pesticide rules. DATCP has comprehensive rules addressing:

- Pesticide sales and distribution.
- Proper handling and use of pesticides.
- Storing, mixing and loading pesticides to prevent pesticide spills.
- Specialized pesticide applications such as aerial, lawn care, fumigation and chemigation applications.
- Worker protection.
- Notice of pesticide applications.
- Collection and proper disposal of pesticide containers and unwanted products.

Under state law, persons applying pesticides at K-12 schools must be certified applicators. Schools must use certified applicators and post notices of application. Many schools have, with DATCP help, implemented integrated pest management programs to minimize risks of pesticide exposure.

Pesticides in Groundwater

The ARM division regulates pesticides, such as atrazine, that have been found in groundwater. Regulation must maintain compliance with groundwater standards established by the Department of Natural Resources. Rules may restrict application rates, regulate application methods, and prohibit use in certain areas. DATCP's atrazine rules are the strongest in the nation, and prohibit atrazine use on approximately 1.2 million acres.

Compliance Monitoring

The ARM Division:

- Reviews pesticide information from EPA and other sources.
- Compiles and analyzes groundwater monitoring data and other information to detect possible environmental contamination.
- Investigates pesticide misuse incidents. Investigators collect evidence, including environmental samples for lab analysis where appropriate.
- Receives and handles complaints related to pesticides and pesticide use.
- Inspects pesticide storage, distribution and sales facilities. Investigators collect product and environmental samples for lab analysis, where appropriate.
- Monitors pesticide handling and use practices.
- Monitors pesticide sales and labeling, to prevent sales of illegal or mislabeled products.

Enforcement

If necessary, the ARM Division may:

- Deny licenses or permits, or issue them on a conditional basis.
- Ask the DATCP Secretary to suspend, revoke or impose conditions on licenses or permits.
- Issue holding orders to prohibit the sale or movement of suspect pesticides, pending further analysis or investigation.
- Petition the DATCP Secretary to issue orders to individual companies. Orders may prohibit improper practices, impose license conditions and require corrective practices. DATCP may issue orders on an emergency basis, if necessary, to protect public health and the environment.

- 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.
- Issue warning notices for less serious violations.

Training and Information

The ARM division provides training and information to promote safe use of pesticides. The division:

- Provides training and education programs related to pesticide worker protection and endangered species protection, school integrated pest management and other matters.
- Cooperates with the University of Wisconsin Extension and others to develop training and certification programs for pesticide applicators.
- Recommends pest management and pesticide use practices that minimize health and environmental risks.
- Provides public information related to pesticides.

GROUNDWATER AND SURFACE WATER PROTECTION

The ARM division regulates agrichemical contamination of groundwater, subject to the state groundwater law (Wisconsin Statutes chapter 160). The division:

- Regulates pesticides, such as aldicarb and atrazine, which have contaminated groundwater. Current atrazine rules are the strongest in the nation, and prohibit atrazine use on approximately 1.2 million acres.
- Conducts statewide and localized groundwater monitoring programs.
- Regulates pesticide mixing and loading, agrichemical bulk storage, nutrient applications and other activities that may cause groundwater contamination.
- Works to prevent and clean up agrichemical spills.

AGRICHEMICAL SPILLS AND CLEANUP

Pesticide and fertilizer spills may threaten public health and the environment. The ARM Division works to prevent and clean up spills, including spills from leaking storage tanks. The division also works with farmers and local officials to collect and dispose of unused chemicals and chemical containers.

Bulk Storage Facilities

DATCP led the nation in establishing construction and spill containment standards for pesticide and fertilizer bulk storage facilities. The ARM Division inspects facilities for compliance with those standards.

Mixing and Loading Sites

When DATCP investigation found serious groundwater contamination at pesticide mixing and loading sites, DATCP led the nation in establishing spill containment standards for those sites. The ARM Division investigates violations of those preventive standards.

Spill Investigation and Cleanup

The ARM Division:

- Inspects pesticide and fertilizer bulk storage facilities, and pesticide mixing and loading sites, to detect possible spills.
- Tests soil, groundwater and surface water samples, as necessary.
- Investigates spills and supervises cleanups.
- May petition the DATCP Secretary to issue cleanup orders against responsible parties who fail to clean up voluntarily.
- Coordinates with the Department of Natural Resources, as necessary.
- Addresses lingering contamination from past pesticide use, such as lead arsenate in old orchards.

Cleanup Cost Reimbursement

The ARM Division may reimburse part of the spill cleanup cost.

- To qualify, a responsible party must comply with cleanup standards.
- DATCP rules spell out reimbursement standards and procedures.
- Pesticide and fertilizer fees provide reimbursement funding.

Agricultural “Clean Sweep” Programs

The ARM Division awards grants to local governments to establish urban and agricultural “clean sweep” programs. “Clean sweeps” collect and safely dispose of unused chemicals that could otherwise threaten the environment. DATCP-sponsored “clean sweeps” have collected over 2 million pounds of unwanted pesticides and chemicals to date.

“Environmental Partners” Program

The ARM division has launched a voluntary “environmental partners” program, with the agricultural industry, to encourage voluntary steps to prevent environmental contamination from agricultural storage, mixing and loading operations.

Compliance Monitoring

The ARM Division:

- Investigates reported spills of agricultural chemicals.
- Inspects storage, mixing and loading facilities.
- Checks for spills, and for proper spill prevention.
- Tests soil, groundwater and surface water samples, as necessary.
- Investigates the nature, scope and environmental effect of spills.
- Prescribes spill cleanup requirements.
- Checks for adequate spill cleanup.
- Evaluates cleanup reimbursement claims with the help of an Agricultural Chemical Cleanup Advisory Council.
- Pays qualified reimbursement claims.
- Audits cleanup expenditures, as necessary.

Enforcement

If necessary, the ARM Division may:

- Petition the DATCP Secretary for orders prohibiting law violations, or directing responsible parties to clean up spills.
- Petition the DATCP Secretary to suspend, revoke, or impose conditions on a law violator's license.
- 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.
- Deny unwarranted reimbursement claims.
- Issue warning notices for less serious violations.

ANIMAL FEED

The ARM Division regulates Wisconsin's large feed industry to:

- Protect livestock and pets.
- Protect the human food chain and human health.
- Prevent deceptive sales practices.

Contaminated feed can also contaminate the human food chain. Feed regulation is important for consumers and the livestock industry, as shown by recent "mad cow" outbreaks in the United States and other countries. The ARM Division coordinates feed programs (including medicated feed programs) with Food Safety and Animal Health Divisions, and with the U.S. Food and Drug Administration.

Commercial Feed Licensing

The ARM Division currently licenses about 1,300 commercial feed and pet food companies. Each year, these companies distribute about 3.5 million tons of feed in Wisconsin. That includes nearly 3 million tons of feed for Wisconsin's multibillion dollar livestock and poultry industry, as well as 345,000 tons of pet food.

Commercial Feed Labeling

A commercial feed must be properly labeled so animal owners can make informed feeding decisions. Feed labels must contain nutritional and ingredient information. There are special requirements for feeds containing drugs. The ARM Division samples and analyzes commercial feed for compliance with label claims.

Adulteration and Misbranding

Commercial feed may not be adulterated or misbranded. The ARM Division may act to prevent the sale of adulterated or misbranded feed.

"Toxic Response" Incidents

The ARM Division works with other divisions to investigate unexplained animal deaths or illnesses. The division investigates these incidents on a high priority basis, to prevent further harm to animals or humans. The division checks for pesticides, feed adulterants and other substances that may harm animals or humans.

Compliance and Enforcement

The ARM Division may:

- Inspect and test commercial feed.
- Audit commercial feed operations, and inspect manufacturing facilities.
- Investigate feed adulteration or misbranding.
- Prohibit the sale or movement of adulterated or misbranded feed.
- Deny licenses, or issue them on a conditional basis.
- Petition the DATCP Secretary to suspend, revoke or impose conditions on existing licenses.
- 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.

FERTILIZER AND RELATED PRODUCTS

The ARM Division works to prevent fraudulent sales of fertilizer, liming materials, and soil and plant additives.

Fertilizer

Manufactured commercial fertilizers must contain minimum guaranteed amounts of plant nutrients (there are some exceptions). The ARM Division inspects, samples and tests commercial fertilizer to ensure that nutrient contents live up to label claims.

Manufacturers and distributors must be licensed. The division may issue permits for specialty fertilizers that have low nutrient levels. Based on recommendations from the Fertilizer Research Council (see *Section 9*), the department uses some fertilizer license fees to support fertilizer and water quality research.

Soil and Plant Additives

The ARM Division regulates soil and plant additives, such as microbiological products, that are sold to promote plant growth. The ARM Division licenses manufacturers and distributors, and issues permits for individual products. The ARM division reviews label claims, and may require a seller to substantiate claims by scientific evidence.

Liming Materials

Liming materials promote soil fertility by neutralizing excessive soil acidity. Liming materials must be accurately labeled with a "neutralizing index" that indicates effectiveness. The ARM division checks liming materials for false labeling.

Compliance and Enforcement

The ARM Division may:

- Inspect, sample and analyze fertilizer and related products.
- Require substantiation of label claims.
- 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 holding orders to halt the sale of suspect fertilizer, liming materials, or soil or plant additives, pending further investigation.
- 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.

LAND AND WATER RESOURCE MANAGEMENT

The ARM Division administers Wisconsin's land and water resource management program under Wisconsin Statutes chapter 92. This program is designed to conserve the state's land and water resources, reduce soil erosion and manure runoff, and enhance water quality. The ARM Division administers this program in cooperation with:

- Wisconsin counties.
- The Wisconsin Land and Water Conservation Board (LWCB).
- The Wisconsin Department of Natural Resources (DNR).
- The U. S. Department of Agriculture (Natural Resource Conservation Service and Farm Services Agency).

Program Elements

The land and water resource management program includes the following elements:

- ***Conservation Standards.*** DATCP has adopted farm conservation standards to implement nonpoint water pollution standards set by DNR (see Wisconsin Administrative Code chapter ATCP 50). These include standards for:
 - Soil erosion.
 - Manure storage facilities.
 - Clean water diversions.
 - Nutrient management.
 - Manure management.
- ***Staff Funding and Technical Support to Counties.*** DATCP funds county conservation staff and provides technical support to counties.
- ***Cost-Share Funding.*** DATCP and DNR provide cost-share funding to counties. Counties use cost-share funds to help farmers pay for needed farm conservation practices. DATCP coordinates funding allocations with DNR.
- ***Resource protection.*** Counties monitor soil erosion and manure runoff, develop county land and water resource management plans, and help farmers implement conservation practices.
- ***Farmland preservation compliance.*** Farmers claiming tax credits under the state farmland preservation program (see below) must comply with soil and water conservation standards. Counties adopt farm standards (consistent with state standards) and monitor compliance.
- ***Nutrient management.*** Counties help farmers implement nutrient management plans to preserve water quality. DATCP rules spell out nutrient management standards.

- **County ordinances.** County and local governments may adopt ordinances regulating farm conservation practices. DATCP sets some ordinance standards, and has published general ordinance guidelines to assist county and local governments.
- **Soil and water professionals.** DATCP sets standards for agricultural engineering practitioners, nutrient management planners, and soil testing laboratories. DATCP certifies agricultural engineering practitioners and soil testing laboratories.

The Role of the Counties

Counties play a key role in Wisconsin's soil and water resource management program. A county program must include:

- A county land and water resource management plan. The county must evaluate soil erosion and water quality problems, set water quality objectives, identify needed conservation practices, set priorities, and take action to achieve key goals.
- A program to apply for, receive, distribute and account for soil and water resource management grants.

Grant Awards

DATCP distributes about \$13 million each year to county land conservation committees, including about \$9 million in staff funding and over \$4 million in cost-share grant funds. DNR also provides cost-share funding under its nonpoint source pollution abatement program.

Each year, DATCP and DNR award county grants according to a joint allocation plan reviewed by the Land and Water Conservation Board (LWCB). DATCP awards grants based on county grant applications. DATCP provides a basic level of funding for every county, with additional funding based on variable factors. DATCP and the counties must use state tax dollars responsibly to achieve key soil and water conservation goals.

The Conservation Reserve Enhancement (CREP) program provides additional cost-share funding for natural habitat and water quality protection. DATCP administers this program with the U.S. Department of Agriculture. DATCP provides funding to counties to acquire conservation easements from landowners. The current program offers up to \$40 million in state bond revenue funding to match up to \$200 million in federal funding.

Program Standards

DATCP has adopted rules for the soil and water resource management program, including:

- Farm conservation standards.
- Minimum standards for county programs.
- Standards and procedures for awarding grants to counties.
- Standards and procedures for awarding cost-share grants to landowners.
- Design and construction standards for cost-shared practices.
- Standards and procedures for certifying agricultural engineering practitioners, nutrient managers and soil testing laboratories.
- Standards for county and local ordinances.
- Fiscal and accounting standards.

Training and Technical Assistance

The ARM division provides training and technical assistance to county staff. The division also works with counties to provide engineering and other technical assistance to farmers.

Review and Audit

The ARM division reviews county soil and water programs, and establishes fiscal, accounting and audit standards for use of grant funds.

Information

The ARM Division collects, organizes and distributes information related to soil and water resource management.

LIVESTOCK FACILITY SITING

The ARM Division administers Wisconsin's Livestock Facility Siting Law (Wisconsin Statutes s. 93.90). The Livestock Facility Siting Law establishes a general statewide framework for local approval of new or expanded livestock facilities. DATCP has adopted rules (Wis. Adm. Code ch. ATCP 51) to implement the law.

The law generally prohibits local governments from requiring permits for livestock facilities under 500 "animal units" (there are limited exceptions). Local governments may require permits for livestock facilities over 500 "animal units" (but are not required to do so). To obtain a permit, a livestock operator must complete an application form prescribed by ATCP 51. The form is designed to document compliance with uniform siting standards, including standards for building setbacks, odor and air emissions, manure and nutrient management, waste storage facilities and runoff management.

A local government must take prompt action on the application. If the application contains the required information, the local government *must approve* the livestock facility unless it finds, based on other clear and convincing evidence in the local record, that the facility fails to meet the ATCP 51 standards. A local decision may be appealed to the state Livestock Facility Siting Review Board (see *Section 9*).

FARMLAND PRESERVATION

Wisconsin's farmland preservation law is designed to:

- Promote sound land use planning.
- Protect agricultural lands and open spaces.
- Provide tax relief for farmers.

Under the law, farmers can get income tax credits if their land is zoned for exclusive agricultural use (or covered by a farmland preservation agreement). Zoning is designed to prevent unplanned urban "sprawl" in agricultural areas. Qualifying ordinances must be consistent with county land use plans. The ARM Division administers the farmland preservation program in cooperation with:

- County and local governments.
- The Wisconsin Department of Revenue.
- The Wisconsin Land and Water Conservation Board (LWCB).

County Plans

A county must adopt an agricultural preservation plan in order for farmers in that county to claim tax credits.

- The LWCB must certify the county plan. The ARM Division reviews plans for certification by the LWCB.
- A certified plan must identify "agricultural preservation areas." Farmers in those areas may claim tax credits if their land is zoned for exclusive agricultural use (or covered by a farmland preservation agreement).

Zoning Ordinances

A county, town or municipality may adopt a zoning ordinance that designates "exclusive agricultural use districts." Farmers in those districts may obtain tax credits. Zoning protects against "sprawl" development and "public nuisance" lawsuits that may impair agricultural operations.

- In order for farmers to obtain tax credits, the LWCB must certify the zoning ordinance. The ARM Division reviews ordinances for certification by the LWCB.

- A certified ordinance must be consistent with the county agricultural preservation plan (also certified by the LWCB).
- In “exclusive agricultural use districts,” land must be restricted to agricultural and related uses. Residential and commercial uses are restricted.
- Land may be rezoned out of exclusive agricultural use districts for certain reasons, subject to certain requirements.

Farmland Preservation Agreements

In areas that have no exclusive agricultural zoning ordinance, farmers may qualify for tax credits by entering into a farmland preservation agreement that restricts land to agricultural use. DATCP executes these agreements with landowners for terms of 10 to 25 years. DATCP or the LWCB may release land from an agreement for certain reasons, subject to certain tax credit payback requirements.

Land and Water Conservation Standards

In order to qualify for farmland preservation tax credits, farmers must comply with county land and water conservation standards that are consistent with state standards.

- The LWCB must approve county standards. The ARM Division reviews standards for approval by the LWCB.
- Counties must monitor compliance with conservation standards.
- A county may issue a notice of noncompliance to a farmer who refuses to comply. A farmer who receives a notice of noncompliance is not eligible for tax credits. A county may withdraw a notice if the farmer complies.
- DATCP awards grants to help counties carry out their responsibilities.

Administering the Program

The ARM Division:

- Reviews county agricultural preservation plans for certification by the LWCB.
- Reviews exclusive agricultural zoning ordinances for certification by the LWCB.
- Executes farmland preservation agreements with qualifying landowners.
- Coordinates the farmland preservation program with the Department of Revenue, which administers the tax credit portion of the program.
- Helps counties administer soil and water conservation standards.
- Defends the state’s farmland preservation interest against competing claims in mortgage foreclosure and other legal proceedings.

DRAINAGE DISTRICTS

Drainage districts are special purpose districts, like school or sewer districts, formed for the purpose of draining land. There are about 195 drainage districts that control the flow of water in large areas of the state (mainly in central and eastern Wisconsin). These districts affect agriculture, land use, land values and development. They also affect wetlands, flood control, water quality, and wildlife habitat.

Drainage districts affect private property rights, as well as shared public resources. Districts cross individual property lines, and have the power to assess landowners for the cost of constructing and maintaining drainage ditches. Drainage districts often play a key role in resolving conflicts over the use of land and water.

Landowners may petition a circuit court to create a drainage district. A county drainage board operates all of the drainage districts that the courts have created in that county. DATCP provides statewide supervision to ensure that county drainage boards operate the districts according to state law. DATCP rules address:

- Drainage board authority and responsibilities.
- Landowner rights and responsibilities.
- Establishing district drains and corridors.
- Assessing costs to landowners.
- Constructing, inspecting and maintaining district drains and corridors.
- Resolving drainage conflicts.
- Keeping adequate drainage district records.

The ARM Division:

- Reviews drainage district specifications, and keeps legal and engineering records related to drainage districts.
- Reviews drainage operations for compliance with state law.
- Provides engineering and technical assistance to drainage boards.
- Reviews and approves major construction in drainage districts.
- Helps resolve drainage conflicts.
- Enforces state laws related to drainage districts, as necessary.
- Offers grants to help county drainage boards update drainage district specifications and operations.

PLANT PROTECTION

The ARM Division works to control serious plant pests, diseases and exotic species that threaten Wisconsin's crops, forests and plant communities. The division also works to control honeybee diseases and pests.

Plant Pest Surveys

The ARM Division conducts field surveys to monitor:

- Plant disease and pest outbreaks.
- Pest population levels and trends.
- New diseases and exotic pests, such as Emerald Ash Borer.

Pest Information

The ARM Division:

- Compiles and analyzes pest data, including data from the cooperative national pest data bank.
- Publishes pest survey data, population forecasts, and related information. This information promotes sound pest management decisions that benefit producers and the environment.
- Provides pest control information in cooperation with the University of Wisconsin-Extension and others.

Pest Outbreaks

The ARM Division:

- Investigates serious pest outbreaks, such as potato late blight and gypsy moth.
- Uses quarantine and treatment programs, as necessary, to control major pests such as gypsy moth.
- Coordinates action with the U.S. Department of Agriculture, the Department of Natural Resources, the University of Wisconsin and others.

Pest Movement

The ARM Division:

- Enforces import controls to keep out destructive pests like gypsy moths, Emerald Ash Borer, Asian longhorn beetles, pine shoot beetles, sudden oak death, hemlock woolly adelgid and Africanized bees.
- Enforces bans against the intentional import or release of destructive pests. The ARM division may approve controlled imports for research and other purposes.

Export Certification

The ARM Division inspects bee colonies, nursery stock and agricultural crops, upon request, to certify that they are free of diseases and destructive pests. Certification facilitates the interstate and international movement of Wisconsin agricultural commodities. The ARM Division charges a fee to cover its costs.

Biotechnology

The ARM Division may review proposed releases of genetically engineered organisms to identify potential environmental hazards (see Wisconsin Statutes s. 146.60). If the organism is a pesticide or potential pest, a permit is required. The ARM Division coordinates its review with the appropriate federal agencies.

Agricultural Seed

The ARM Division regulates sales of agricultural and vegetable seed to ensure that seed is viable, accurately labeled, and reasonably free of harmful weed seeds. The division licenses seed labelers, and inspects for compliance with seed labeling, viability and purity standards.

Nursery Growers and Dealers

The ARM Division licenses nursery growers and dealers. The division inspects nursery stock to protect consumers and control serious plant pests.

Cultivated Ginseng

The ARM Division registers growers and dealers of cultivated ginseng, and certifies cultivated ginseng for export. Regulation helps stop the illegal export of wild ginseng, an endangered species.

Inspection and Enforcement

The ARM Division may:

- Inspect plants, honeybee colonies, agricultural seed and other commodities.
- Collect and analyze samples.
- Deny licenses or permits, or issue them on a conditional basis.
- Petition the DATCP Secretary to suspend, revoke or impose conditions on licenses or permits.
- Issue quarantine orders, abatement orders and holding orders.
- Carry out pest control programs.

- 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.

AGRICULTURAL AND ENVIRONMENTAL IMPACT ASSESSMENTS

The ARM Division:

- Prepares agricultural impact statements for public projects such as highways, landfills, transmission lines and pipelines. The division evaluates potential harm to agriculture, and recommends ways to minimize harm.
- Prepares environmental assessments on DATCP actions that may have a significant effect on the environment. The division prepares full-scale environmental impact statements on actions that have major environmental effects.

WEATHER MODIFICATION CONTROLS

The ARM Division is authorized to regulate weather modification activities. A person engaged in weather modification activities must obtain a license from the division. The person must also obtain a permit for each weather modification operation. The division has never issued a license or permit under this program, and devotes no resources to it.

6. AGRICULTURAL DEVELOPMENT

Agricultural Business Development
International Agribusiness Center
Market Wisconsin
Marketing Orders and Agreements
Farm Center
Rural Electric Power Services
Market News

The Agricultural Development Division works to grow Wisconsin agriculture and related commerce. Wisconsin's \$51.5 billion agriculture and food sector accounts for over 20 percent of Wisconsin's entire economy.

AGRICULTURAL BUSINESS DEVELOPMENT

The division works to develop, grow and diversify Wisconsin agriculture, food and related businesses. Among other things, the division:

- Promotes value-added development and diversification to ensure a healthy and sustainable future for Wisconsin agriculture.
- Promotes product and process innovation, so that Wisconsin agriculture and food businesses can compete effectively and take advantage of new consumer markets.
- Promotes Wisconsin's emerging bio-economy.
- Assists growth and development in key sectors such as dairy, livestock, aquaculture, and grazing and organics.
- Coordinates technical assistance, especially to small- and medium-sized businesses.

Dairy Development

Wisconsin's dairy industry contributes over \$20 billion to the state economy, but faces strong competitive challenges. The division provides technical assistance to producers and processors looking for ways to add value and increase profitability. It also administers Wisconsin's Value-Added Dairy Initiative, a multi-year federally funded program, to promote profitability, growth and innovation in Wisconsin's dairy industry. Under this program, the division:

- *Provides dairy farm modernization grants.* Farm modernization will be critical for Wisconsin dairy competitiveness.
- *Provides dairy business innovation grants.* Grants promote value-added innovation, process improvements and new product development.

- *Collaborates with the non-profit Dairy Business Innovation Center.* The Center provides technical assistance to farmers and dairy businesses, to help them develop and market specialty cheeses and other value-added products.
- *Provides one-on-one assistance to farmers and dairy businesses seeking ways to improve their profitability or to start new businesses or products.* Since 2004, the division has assisted with the start-up of 17 new dairy processing plants and the expansion of an additional 13.

Bio-Industry Development

The division is working with other partners to promote Wisconsin bio-industry development. During the past year, the division has:

- Helped complete an inter-agency study of Wisconsin's bio-industry development potential and competitive advantages.
- Administered a \$1 million Bio-Industry Opportunity Grant Program to assist development of bio-energy, bio-fuels and bio-products.
- Implemented an alternative fuels program to increase E-85 fuel distribution.
- Worked to promote bio-industry development collaboration among Midwestern states.

Agricultural Business Development Technical Assistance

The division provides technical assistance to agricultural entrepreneurs who want to start a value-added business or develop innovative processes or products. The division partners with the University of Wisconsin-Extension in supporting the Agricultural Innovation Center, which trains extension agents and other business counselors to assist agricultural entrepreneurs. The division also supports the Badger AgVest program, which is designed to facilitate private investment in innovative agricultural enterprises.

Agricultural Development and Diversification Grants

The division awards agricultural development and diversification grants (ADD grants) to agricultural producers, businesses and organizations. ADD grants fund market research and development, new product research and development, and feasibility studies related to new technologies and practices. In fiscal year 2005-06, the division awarded 16 grants totaling \$355,500.

Grazing and Organics Development

The division facilitates development of Wisconsin's grazing and organics sectors, in consultation with industry advisory groups. Managed grazing offers a low-cost, environmentally sound approach to dairy and livestock production. In FY 2005-06, the division distributed \$718,729 in federal grant funds to 27 grant recipients for grazing education and development projects. The division is exploring ways to link graziers with specialty cheesemakers.

The division provides information and technical assistance to organic growers and processors. Among other things, the division is working to strengthen organic veterinary services and organic processing capacity.

Aquaculture

The division coordinates aquaculture development efforts with the Wisconsin Aquaculture Industry Advisory Council, the UW-Extension, UW-Stevens Point, the Northern Aquaculture Demonstration Facility, and the department's Animal Health Division.

INTERNATIONAL AGRIBUSINESS CENTER

The division operates an International Agribusiness Center to facilitate international marketing of Wisconsin agricultural products. The International Agribusiness Center:

- Identifies Wisconsin agricultural market development opportunities around the world.
- Provides international market development support, coordination and technical expertise.
- Arranges trade missions, trade shows and other marketing opportunities.
- Works with foreign governments to facilitate agricultural development initiatives.
- Hosts foreign buyers, government officials and trade delegations.
- Coordinates and helps sponsor international events, such as World Dairy Expo, to showcase Wisconsin agricultural products.
- Provides export consultation to small- and medium-sized agribusinesses.
- Provides marketing seminars and other training.
- Publishes information about international agricultural market development.

MARKET WISCONSIN

The division works to develop national, regional and local markets for Wisconsin agricultural products. Programs include:

- *Something Special from Wisconsin*,TM a logo and marketing program to promote Wisconsin products.

- *SavorWisconsin*, an on-line promotional directory showcasing producers and retailers of Wisconsin agricultural products.
- *Buy Local, Buy Wisconsin*, a program to promote local and regional sales of Wisconsin products, and keep food dollars in local communities.
- *Alice in Dairyland*. Each year, a new “Alice” is chosen to promote Wisconsin agriculture, and educate children and the public about the importance of agriculture.
- *County and District Fairs*. The division assists county and district fairs, in cooperation with the Wisconsin Association of Fairs. The division registers fair judges, distributes state aids, and supervises the use of state aids for premium awards. The division also works with the State Fair Park Board (attached to the Department of Tourism) to display and promote agriculture at the Wisconsin State Fair.
- *Marketing Orders and Agreements (see below)*.

MARKETING ORDERS AND AGREEMENTS

Marketing Orders

DATCP may adopt marketing orders for Wisconsin agricultural commodities, with the approval of commodity producers. Marketing orders may be used to finance market development, research and educational programs. Currently, there are marketing orders for milk, corn, soybeans, cranberries, cherries, ginseng, mint and potatoes.

DATCP adopts a marketing order as an administrative rule. Affected producers must approve the marketing order in a referendum. A marketing order imposes assessments on agricultural producers and handlers. Affected producers elect a marketing board, which spends assessment revenues for the purposes specified in the marketing order. The division regulates marketing board activities, to ensure that they comply with the law and the marketing order.

The division administers the marketing order program. Among other things, the division:

- Helps commodity groups develop marketing orders.
- Conducts hearings and referendums on marketing order proposals.
- Adopts approved marketing orders.
- Holds marketing board elections.
- Regulates marketing board operations.
- Provides requested administrative services, at cost.
- Helps marketing boards collect overdue assessments.

Marketing Agreements

DATCP may enter into marketing agreements with producers and handlers of an agricultural commodity. A marketing agreement, unlike a marketing order, applies only to individual producers who consent to the agreement. A marketing agreement may:

- Establish grading and labeling standards.
- Prohibit unfair trade practices.
- Create standards of commodity identity.

The parties to a marketing agreement pay no assessments (except fees to cover DATCP costs). There is currently only one marketing agreement, for potatoes.

FARM CENTER

The division operates a Farm Center to provide needed information and support to farmers and their families. The Farm Center helps beginning and transitioning farmers, and helps address critical economic and social needs of farm families. The Farm Center provides the following services, in cooperation with university, government and private partners:

- Farm Center Hotline (1-800-942-2474). The hotline offers crisis assistance, referrals and information.
- Information and services to beginning and transitioning farmers:
 - Beginning farmer information and networking support.
 - Entry-exit data base to facilitate purchases and sales of Wisconsin farms.
 - Transition teams to assist in entry-exit transitions.
 - Technical assistance and outreach.
 - Job training information for displaced farmers.
- Counseling, outreach and information on issues of direct concern to farmers, including financial, legal, tax, health care and retirement information.
- Wisconsin farm mediation and arbitration program, including the training and deployment of volunteer farm credit advisors and mediators.
- Referrals to other state and local services.
- Special farm assistance projects (e.g., drought relief) as necessary.

RURAL ELECTRIC POWER SERVICES

The division administers a Rural Electric Power Services program in cooperation with the Wisconsin Public Service Commission. The program addresses stray voltage problems that can adversely affect cattle and milk production on dairy farms. Under the program, a stray voltage analysis team evaluates individual stray voltage problems and recommends possible solutions.

As part of a farm evaluation, the program offers related herd health diagnostic services. Veterinarians provide herd and livestock diagnostics, milking and dairy equipment diagnostics, and feed and nutritional value diagnostics. The veterinarians work closely with local farm service providers to furnish other information and services.

MARKET NEWS

The division partners with the U. S. Department of Agriculture (USDA) to collect and report current market information for dairy products, potatoes, poultry, livestock, grain and hay. Market News is a recognized objective source for validated market information, including prices, supply and demand, and market trends.

The Market News program covers slaughter and feeder cattle markets. It is one of the few programs in the nation to provide regular market reports on dairy replacement cattle. Market News also covers distillers' grains, a by-product of Wisconsin's growing ethanol industry.

Reliable market information helps buyers and sellers, and promotes efficient agricultural production and marketing. In cooperation with the USDA, Market News operates an automated system that receives over 7,100 calls per month. Reports are disseminated to all 35 daily newspapers in Wisconsin and other broadcast media.

7. MANAGEMENT SERVICES

Finance

Information technology services

Human resources

Laboratory Services

Administrative services

The Division of Management Services provides staff services to the department. Staff services include:

FINANCE

Budget

The Management Services Division does all of the following, in cooperation with the DATCP Secretary's Office, Budget Director and the line divisions:

- Prepares DATCP's biennial budget request.
- Monitors program operating budgets.
- Coordinates budget operations with the State Budget Office and the Legislative Fiscal Bureau.
- Proposes budget reductions, lapses and reallocations as necessary to meet annual and biennial budgets.
- Reviews DATCP fiscal estimates related to proposed legislation and administrative rules, and coordinates legislative fiscal estimates with the Department of Administration.

Accounting

The Management Services Division provides the following services, in cooperation with DATCP's Budget Director and line divisions:

- Processes DATCP financial transactions.
- Establishes and maintains financial systems, including internal controls and accounting records.
- Manages the receipt and expenditure of all funds, including federal funds.
- Monitors expenditures and account balances.
- Prepares annual financial reports and quarterly reports of accounts receivable.
- Pre-audits payment vouchers (and post-audits division payments where delegated).
- Coordinates accounting operations with the Office of the State Controller and the Office of the State Treasurer.

Purchasing

The Management Services Division:

- Helps divisions procure goods and services according to state procurement rules. The division coordinates purchasing with the Department of Administration and others.
- Processes procurement transactions.
- Prepares bid requests, administers bid process, reviews bids and provides information.
- Prepares and reviews contracts (with divisions and Office of Legal Counsel).
- Coordinates DATCP purchasing card program.

INFORMATION TECHNOLOGY SERVICES

DATCP runs on information. The Management Services Division provides information technology services to meet program needs in an electronic age. These services include:

- Computer systems, hardware, software, networking, applications development, implementation and support.
- Web and GIS development services and support.
- Telecommunications services.
- Managing DATCP documents, records, data and forms.
- Mailing, shipping, receiving and printing services.
- Art and computer graphics development services and support.

The division works with program managers and the Department of Administration to:

- Identify and analyze information technology needs.
- Plan and coordinate the use of information technology.
- Procure, develop, install and maintain appropriate information technology infrastructure and applications.
- Provide essential training and support.
- Make cost-effective use of information technology to achieve key program objectives.
- Ensure the security, integrity, accessibility and orderly management of public information and records.
- Comply with legal requirements related to public records management.
- Develop, update and maintain the DATCP website.
- Provide information technology support for DATCP business planning and operations.
- Coordinate information technology and data sharing with the Department of Administration and cooperating external partners.

HUMAN RESOURCES

The Management Services Division provides human resource services to the department. This includes services related to:

Staffing

- Employee recruitment.
- Civil service examination and hiring.
- Analyzing workforce demographics and staffing needs.
- Developing and implementing affirmative action plans.

Classification and Compensation

- Evaluate employee classification and compensation.
- Develop and revise class specifications.
- Implement state pay plan changes.
- Ensure compliance with Fair Labor Standards Act.

Payroll

- Process DATCP payroll transactions (including employee deductions, leave accounting, fringe benefits, worker compensation claims and unemployment compensation claims).
- Prepare payroll and tax reports (to the Department of Administration, the Department of Revenue and the U.S. Internal Revenue Service).
- Process insurance premium payments and reports (to the Department of Employee Trust Funds and insurance carriers).

Employment Relations

- Ensure compliance with equal rights and other employment laws.
- Administer collective bargaining agreements.
- Participate in collective bargaining.
- Administer personnel policies.
- Provide employee assistance and informal complaint resolution.
- Advise on employee discipline.
- Handle personnel cases and contract grievances.

Training

- Assess training needs.
- Plan and coordinate department-wide employee training.
- Provide human resource training.
- Assess training effectiveness.

Risk Management

- Gather information about health and safety hazards.
- Assist emergency response planning and coordination.
- Identify and analyze hazards and trends.
- Promote a safe work environment for DATCP staff and the public.

Performance Evaluation

- Ensure that managers evaluate staff performance.
- Assist in developing performance standards.
- Counsel managers on performance evaluation issues.

LABORATORY SERVICES

The Management Services Division provides laboratory services in support of DATCP programs. Lab services include:

- Chemical, microbiological, physical and biological testing.
- Surveillance testing of food, meat, dairy, animal feed, fertilizer and other commodities. Testing detects harmful adulterants and fraudulent label claims.
- Testing related to pesticide misuse, groundwater contamination, food safety, toy and product hazards, toxic response incidents, agrichemical spills, public health emergency response and other investigations.

ADMINISTRATIVE SERVICES

The Management Services Division provides a variety of support services, including:

- Facilities management and long-term facilities planning (in cooperation with the Department of Administration and others).
- Geographic Information Systems (GIS).
- Livestock Premises Registration System. The division administers this system in cooperation with the Animal Health and Food Safety divisions, the United States Department of Agriculture, and the Wisconsin Livestock Identification Consortium (a non-profit entity representing livestock groups).

8. OFFICE OF THE SECRETARY

Secretary, deputy and executive assistant

Office of legal counsel

Office of policy and communications

Budget director

Legislative liaison

Agricultural statistics service

Administrative law judge

The Secretary's Office includes the DATCP Secretary, Deputy Secretary, Executive Assistant and staff. It also includes the following:

- Office of Legal Counsel
- Budget Director
- Office of Policy and Communications
- Legislative Liaison
- Wisconsin Agricultural Statistics Service
- DATCP Administrative Law Judge

SECRETARY, DEPUTY AND EXECUTIVE ASSISTANT

The DATCP Secretary administers the department, with policy direction from the DATCP Board. State law vests all of the department's administrative powers in the Secretary. The Secretary is appointed by the Governor and confirmed by the Senate, and serves at the pleasure of the Governor. The Secretary is responsible for:

- Managing DATCP staff, programs and operations.
- Appointing the Deputy Secretary, Executive Assistant and division administrators. These appointees serve outside the classified civil service, at the pleasure of the Secretary.
- Representing DATCP in its relations with other persons and entities, including the Legislature and the Governor.
- Preparing DATCP Board agendas and submitting policy issues to the Board.
- Preparing and submitting biennial budget requests, with DATCP Board approval.
- Adopting, amending and repealing rules, with the approval of the DATCP Board. Rulemaking proceedings must comply with Wis. Stats. ch. 227.
- Issuing formal orders on behalf of the department. In some cases, this authority is delegated to division administrators or designated staff.
- Issuing final decisions in administrative "contested cases" such as license suspensions. DATCP's administrative law judge holds administrative trials and drafts proposed decisions for the Secretary or designee. Contested case proceedings must comply with Wis. Stats. ch. 227 and Wis. Adm. Code ch. ATCP 1.

The DATCP Secretary appoints the Deputy Secretary and Executive Assistant. The Deputy Secretary exercises all of the 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.

OFFICE OF LEGAL COUNSEL

The Office of Legal Counsel coordinates DATCP's wide-ranging legal operations, and provides legal services to the department, the Secretary, the DATCP Board and the Land and Water Conservation Board. The Office of Legal Counsel:

- Guides the development of DATCP regulatory and enforcement policies.
- Provides legal advice and interpretations related to DATCP programs, including regulatory and enforcement activities.
- Coordinates DATCP rulemaking activities, and drafts administrative rules.
- Prepares and reviews legislation related to DATCP programs, and supports DATCP legislative initiatives.
- Litigates license suspensions, special orders, administrative appeals and other trial-type "contested cases" brought before DATCP's administrative law judge. DATCP typically handles 50 to 100 new "contested cases" each year.
- Assists district attorneys and Department of Justice attorneys in court cases (or represents DATCP in court). DATCP is typically involved in 75 to 150 new court cases each year.
- Represents DATCP in litigation before other administrative agencies such as the Wisconsin Department of Workforce Development and the Wisconsin Employment Relations Commission.
- Helps develop and review DATCP policies and procedures.
- Negotiates legal issues and drafts legal documents, as necessary.
- Provides investigative and enforcement support for DATCP programs.
- Provides legal and compliance training for DATCP staff.
- Coordinates the department's case-tracking and case management functions.
- Provides legal advice and assistance to the DATCP Secretary, the DATCP Board and the Wisconsin Land and Water Conservation Board.
- Provides information related to DATCP mission, structure and programs, as determined by state law.

OFFICE OF POLICY AND COMMUNICATIONS

The Office of Policy and Communications provides the following policy and communications services to DATCP:

- Public information services. Public information officers work with line divisions and the Secretary's Office to facilitate public communications related to DATCP programs and issues.

- Program and policy analysis, including analysis of key state and federal policy issues.
- Federal relations.
- Economic analysis.
- Homeland security and emergency response coordination, including planning and coordination related to food safety, disease control, and agricultural and bio-security. This includes coordination with Wisconsin Emergency Management and other partners.
- Special projects as needed.

BUDGET DIRECTOR

The Budget Director coordinates DATCP budget development and policy, and provides planning and analytical support for other projects as appropriate. The Budget Director:

- Coordinates DATCP biennial budget initiatives. Works with the Department of Administration, the Legislative Fiscal Bureau and others to implement DATCP and statewide budgets.
- Analyzes DATCP policy, priorities and resource allocations, and makes budget recommendations to the DATCP Secretary. These may include budget reductions, lapses and reallocations.
- Analyzes legislation and policy initiatives for budget implications. Approves fiscal estimates for DATCP legislation and administrative rules.
- Identifies federal funding opportunities.
- Serves as DATCP liaison for all budget-related issues.
- Performs special projects for DATCP Secretary.

LEGISLATIVE LIAISON

The Secretary's Office coordinates communications with the Legislature and the Governor's Office. The legislative liaison monitors legislative developments, and coordinates legislative communications and initiatives. The legislative liaison also coordinates routine legislative inquiries and responses.

WISCONSIN AGRICULTURAL STATISTICS SERVICE

The Wisconsin Agricultural Statistics Service (WASS) is part of the United States Department of Agriculture, but is housed in DATCP and operates as a cooperative state-federal program. WASS develops key statistical information and provides statistical analysis on a broad range of agricultural and non-agricultural issues. Among other things, WASS:

- Develops statistical estimates of Wisconsin agricultural production, inventories and prices. These statistics have an important impact on agricultural markets and business

decisions.

- Publishes state and federal agricultural statistics and conducts a census of agriculture.
- Coordinates statistical services with the U.S. Department of Agriculture.
- Conducts special statistical surveys and analyses, and provides statistical consultation related to agriculture, trade and consumer protection issues. This includes services to the department, the University of Wisconsin, the state extension service and other agricultural organizations.

ADMINISTRATIVE LAW JUDGE

DATCP's administrative law judge presides over license suspensions and other administrative "contested cases." A person adversely affected by a DATCP order may demand a hearing. A "contested case" is similar to a court trial. The administrative law judge answers directly to the DATCP Secretary, and presides on behalf of the Secretary. The Secretary normally issues a final decision after reviewing the administrative law judge's proposed decision. A person adversely affected by the Secretary's final decision may appeal that decision to circuit court. DATCP typically handles about 50 to 100 new "contested cases" each year.

9. RELATED BOARDS AND COUNCILS

Statutory boards and councils attached to DATCP

Advisory councils appointed by DATCP

DATCP membership on boards and councils

STATUTORY BOARDS AND COUNCILS ATTACHED TO DATCP

- ***The Land and Water Conservation Board (LWCB)*** is a statutory board that is attached to DATCP for administrative purposes. The LWCB has important program responsibilities related to land and water conservation, nonpoint source pollution and farmland preservation. The LWCB advises DATCP on some matters, and has independent policy authority on others. DATCP's Agricultural Resource Management Division coordinates LWCB meetings. The DATCP Secretary (or designee) is a voting member of the LWCB.
- ***The Livestock Facility Siting Review Board*** is a statutory board that is attached to DATCP for administrative purposes. The Siting Review Board hears appeals of local government decisions granting or denying permits for new or expanded livestock facilities, pursuant to the livestock facility siting law (s. 93.50, Stats.). DATCP's Agricultural Resource Management Division coordinates Siting Board meetings. DATCP's administrative law judge assists the Board in preparing case decisions.
- ***The Agricultural Producer Security Council*** is a statutory council that advises DATCP on the administration of the agricultural producer security program under ch. 126, Stats. This program helps protect agricultural producers against catastrophic defaults by grain dealers, grain warehouse keepers, milk contractors and vegetable contractors. DATCP's Trade and Consumer Protection Division coordinates council meetings.
- ***The Fertilizer Research Council*** is a statutory advisory council attached to DATCP. The council advises DATCP and the University of Wisconsin on the use of fertilizer research fees collected from licensed fertilizer companies. DATCP's Agricultural Resource Management Division coordinates council meetings, in cooperation with the UW. The DATCP Secretary (or designee) is a voting member of the council.

ADVISORY COUNCILS APPOINTED BY DATCP

DATCP may appoint advisory councils to advise on matters within DATCP's jurisdiction. The DATCP Secretary may appoint "ad hoc" advisory councils to advise on specific issues. The Secretary may also appoint "standing" advisory councils with DATCP Board approval. "Standing" advisory councils continue for a longer term, with rotating membership approved by the DATCP Board. As of January 1, 2007, DATCP had approximately 5 "ad hoc" advisory councils and 5 "standing" advisory councils

DATCP MEMBERSHIP ON BOARDS AND COUNCILS

DATCP is represented on the following statutory boards and councils that are attached to other agencies:

- ***Veterinary Diagnostic Laboratory Board***, attached to the University of Wisconsin under Wisconsin Statutes section 15.915(1). *DATCP Secretary or designee.*
- ***Groundwater Coordinating Council***, attached to the Department of Natural Resources under Wisconsin Statutes section 15.347(13). *DATCP Secretary or designee.*
- ***Laboratory of Hygiene Board***, attached to the University of Wisconsin under Wisconsin Statutes section 15.915(2). *DATCP Secretary or designee.*
- ***Land Information Board***, attached to the Department of Administration under Wisconsin Statutes section 15.105(16). *DATCP Secretary or designee.*
- ***Invasive Species Council***, attached to the Department of Natural Resources under ss. 15.347(18) and 23.22, Stats. *DATCP Secretary or designee.*
- ***Kickapoo Reserve Management Board***, attached to the Department of Tourism under ss. 15.445(2) and 41.41, Stats. *DATCP Secretary or designee (non-voting member).*
- ***Rural Economic Development Board***, attached to the Department of Commerce under Wisconsin Statutes section 15.155(4). *DATCP Secretary or designee.*
- ***State Fair Park Board***, attached to the Department of Tourism under Wisconsin Statutes section 15.445(4). *DATCP Secretary or designee.*
- ***Waste Facility Siting Board***, attached to the Department of Administration under Wisconsin Statutes section 15.105(12). *DATCP Secretary or designee.*

- **Wisconsin Conservation Corps Board**, attached to the Department of Workforce Development under Wisconsin Statutes section 15.225(2). *DATCP Secretary or designee serves as nonvoting liaison representative.*
- **Wisconsin Land Council**, attached to the Department of Administration under Wisconsin Statutes section 15.107(16). *DATCP Secretary or designee.*

10. DATCP RULES

General

Animal health

Agricultural resource management

Food safety

Trade and consumer protection

Agricultural development

DATCP rules are contained in chapters ATCP 1 to 162 of the Wisconsin Administrative Code. These rules have the full force and effect of law. Current rules include:

GENERAL

- ATCP 1 Administrative Orders and Contested Cases
- ATCP 3 Environmental Impact Statements and Assessments

ANIMAL HEALTH

- ATCP 10 Animal Diseases and Movement
- ATCP 12 Animal Markets, Dealers and Truckers
- ATCP 13 Local Rabies Control Programs
- ATCP 14 Livestock Branding
- ATCP 15 Humane Officer Training and Certification
- ATCP 17 Livestock Premises Registration

AGRICULTURAL RESOURCE MANAGEMENT

- ATCP 20 Agricultural and Vegetable Seeds
- ATCP 21 Plant Inspection and Pest Control
- ATCP 29 Pesticide Use and Control
- ATCP 30 Pesticide Product Restrictions
- ATCP 31 Groundwater Protection Program
- ATCP 33 Fertilizer and Pesticide Bulk Storage
- ATCP 34 Chemical and Container Collection ("Clean Sweep") Program
- ATCP 35 Agricultural Chemical Cleanup (Spill Cleanup) Program
- ATCP 40 Fertilizer and Related Products
- ATCP 41 Liming Materials
- ATCP 42 Commercial Feed
- ATCP 48 Drainage Districts
- ATCP 50 Soil and Water Resource Management
- ATCP 51 Livestock Facility Siting
- ATCP 54 Weather Modification

FOOD SAFETY

ATCP 55	Meat and Meat Food Products
ATCP 57	Inedible Meat and Poultry Products
ATCP 60	Dairy Farms
ATCP 69	Buttermakers and Cheesemakers
ATCP 70	Food Processing Plants
ATCP 71	Food Warehouses
ATCP 74	Retail Food Establishments; Local Government Regulation
ATCP 75	Retail Food Establishments
ATCP 77	Laboratory Certification
ATCP 80	Dairy Plants
ATCP 81	Cheese Grading, Packaging and Labeling
ATCP 82	Milk Haulers
ATCP 83	Dairy Product Advertising and Labeling
ATCP 85	Butter Grading and Labeling
ATCP 88	Egg Grading, Handling and Labeling

TRADE AND CONSUMER PROTECTION

ATCP 90	Fair Packaging and Labeling
ATCP 91	Selling Commodities by Weight, Measure or Count
ATCP 92	Weighing and Measuring Devices
ATCP 97	Public Warehouse Keepers
ATCP 99	Grain Warehouse Keepers and Grain Dealers
ATCP 100	Milk Contractors
ATCP 101	Vegetable Contractors
ATCP 102	Price Discrimination and Related Practices
ATCP 103	Dairy Trade Practices
ATCP 104	Leaf Tobacco, Buying and Selling
ATCP 105	Sales Below Cost
ATCP 109	Freezer Meat and Food Service Plans
ATCP 110	Home Improvement Practices
ATCP 111	Basement Waterproofing Practices
ATCP 113	Gasoline Advertising
ATCP 114	Real Estate Advertising; Advance Fees
ATCP 116	Work Recruitment Schemes
ATCP 117	Art Prints and Multiple Art; Sales Practices
ATCP 118	Car Rentals; Notice of Renter Liability
ATCP 121	Referral Selling Plans
ATCP 122	Chain Distributor Schemes
ATCP 123	Telecommunications and Cable TV Services
ATCP 124	Price Comparison Advertising
ATCP 125	Mobile Home Parks

- ATCP 127 Direct Marketing, including:
- Telemarketing
 - Telemarketing “No Call” List
 - Mail and E-Mail Solicitations
 - Itinerant Sales
- ATCP 128 Academic Materials; Unfair Trade Practices
- ATCP 131 Coupon Sales Promotions
- ATCP 132 Motor Vehicle Repair
- ATCP 134 Residential Rental Practices
- ATCP 136 Mobile Air Conditioners; Reclaiming or Recycling Refrigerant
- ATCP 137 Environmental Labeling of Products
- ATCP 139 Consumer Product Safety

AGRICULTURAL DEVELOPMENT

- ATCP 140 Agricultural Marketing Orders, Marketing Agreements
and Marketing Boards
- ATCP 141 Cherry Marketing Order
- ATCP 142 Cranberry Marketing Order
- ATCP 143 Corn Marketing Order
- ATCP 144 Milk Marketing Order
- ATCP 145 Soybean Marketing Order
- ATCP 147 Mint Marketing Order
- ATCP 148 Ginseng Marketing Order
- ATCP 149 Potato Marketing Order
- ATCP 151 Potato Marketing Agreement
- ATCP 155 Vegetable Grading Procedures and Grade Standards
- ATCP 156 Certified Seed Potatoes
- ATCP 157 Honey and Maple Syrup
- ATCP 159 Wisconsin Grain Grades
- ATCP 160 County and District Fairs
- ATCP 161 Agricultural Development and Market Promotion
- ATCP 162 Farm Mediation and Arbitration Program

11. DATCP LICENSES AND PERMITS

DATCP issues the following licenses, permits and certificates:

License Or Permit Title	Division	Fees (Subject to Change)
Animal Dealer License	AH	\$115 annual license.
Animal Food Processor License	FS	\$200 annual/\$25 one-time inspection.
Animal Import Permit (Certain Animals)	AH	No fee.
Animal Manure Import Permit	AH	No fee.
Animal Market License	AH	\$225 annually (5 or more sales). \$115 annually (fewer than 5 sales). \$150 annually (equine market).
Animal Transport Vehicle (Animal Dealers, Markets and Truckers)	AH	\$10 annually for each vehicle.
Animal Trucker License	AH	\$30 annual license.
Animal Vaccines; Permit to Use or Distribute	AH	No fee.
Animals Diseased; Permit to Move	AH	No fee.
Apiary Inspection Certificate; Interstate Movement	ARM	\$50 flat fee.
Bulk Milk Tanker; Grade A Permit	FS	No fee.
Bulk Milk Tanker; License to Operate	FS	\$36 license fee. \$36 reinspection fee (if required).
Butter Grader License	FS	\$60 for 2-year license.
Buttermaker License	FS	\$60 for 2-year license.
Cattle and Bison; Import Permit	AH	No fee. Testing at owner's expense.
Cattle; Brucellosis Free Herd Certificate	AH	No fee. Testing at owner's expense.
Cattle/Goats; Johne's Disease Herd Classification	AH	No fee. Testing at owner's expense.
Cattle; Brucellosis-Free Herd Certification	AH	No fee. Testing at owner's expense.
Cattle; Johne's Disease Vaccination Approval	AH	No fee.
Cattle; Tuberculosis-Free Herd Certificate	AH	No fee. Testing at owner's expense.
Cheese Grader License	FS	\$60 for 2-year license.
Cheese Logo (Wisconsin); Permit to Use	FS	No fee.
Cheesemaker License	FS	\$60 for 2-year license.
Christmas Tree Grower License	ARM	\$20 to \$900 annually, based on sales.
Dairy Farm; Grade A Permit	FS	No fee.

Dairy Farm; Milk Producer License	FS	\$24 annual fee paid by dairy plant. Reinspection fees, if any, paid by dairy plant.
Dairy Plant License	FS	See ATCP 80.04, Wis. Adm. Code.
Dairy Plant; Grade A Permit	FS	See ATCP 80.06, Wis. Adm. Code.
Dating Service	TCP	No license required, but \$25,000 bond required.
Dead Animal Collector License	FS	\$100 annually.
Dead Animal Products; Permit to Move	FS	No fee.
Dead Animals; Transport Vehicle Permit	FS	No fee.
Dead Animals; Truck Transfer Station Permit	FS	One-time inspection fee of \$25.00.
Deer and Elk (Farm-Raised); TB Qualified Herd Certification	AH	No fee.
Deer and Elk (Farm-Raised); Hunting Preserve Registration Certificate	AH	\$150 for 10-year certificate.
Deer and Elk (Farm-Raised); Brucellosis Monitored Herd	AH	No fee.
Deer and Elk (Farm-Raised); Brucellosis Free Herd	AH	No fee.
Deer and Elk (Farm-Raised); CWD Herd Status Program	AH	No fee.
Deer and Elk (Farm-Raised); Herd Registration	AH	\$50 or \$100 annually.
Deer and Elk (Farm-Raised); TB Accredited Free Certification	AH	No fee.
Deer and Elk (Farm-Raised); TB Monitored Herd Certification	AH	No fee.
Deer and Elk; Import Permit	AH	No fee.
Deer and Elk; TB-Free Herd Certificate	AH	No fee.
Equine Quarantine Station; Permit	AH	No fee.
Fairs; County or District Fair Judge Registration	AD	No fee.
Feed License	ARM	\$25 basic annual fee. \$25 annual fee for each additional location. 25 cent fee per ton of product sold.
Feedlot Permit; Approved Import Feedlot	AH	\$75 annually.
Fertilizer License (Manufacture or Sale)	ARM	See ss. 94.64(3r), (4) and (5), Wis. Stats.
Fertilizer; Nonagriculture and Special Use	ARM	\$25 each permit. Permit valid until product label changes or permit revoked.
Fish Farm Registration	AH	\$25 annually (type 1) \$50 annually (type 2)
Fish Import Permit	AH	\$50 annually.

Fitness Center	TCP	No license required, but \$25,000 performance bond required.
Food Marketing Permit; Temporary (non-conforming label)	FS	No fee.
Food or Farm Product Grader; License	FS	\$25 per 2-year license.
Food Processing Plant License (Wholesale)	FS	See ATCP 70.03, Wis. Adm. Code.
Food Retail License	FS	See ATCP 75.02, Wis. Adm. Code.
Food Retail Inspection; Agent City or County	FS	See ATCP 74.08, Wis. Adm. Code.
Food Warehouse License	FS	See ATCP 71.02, Wis. Adm. Code.
Future Service Plan (Buyers Club)	TCP	No license required. But operator must file \$25,000 performance bond.
Ginseng Grower and Dealer Registration	ARM	\$25 annually for dealers (not growers); \$15 fee for each certificate of origin.
Goats; Brucellosis-Free Herd Certificate	AH	No fee. Testing at owner's expense.
Goats; Tuberculosis-Free Herd Certificate	AH	No fee. Testing at owner's expense.
Grain Dealer License	TCP	See ss. 126.11 and 126.15, Wis. Stats.
Grain Warehouse Keeper License	TCP	See ss. 126.26 and 126.30, Wis. Stats.
Laboratory Analyst Certification (Dairy, Food and Water Labs)	FS	See ATCP 77.02, Wis. Adm. Code.
Laboratory Certification (Dairy, Food and Water Labs)	FS	See ATCP 77.02, Wis. Adm. Code.
Landspreading Permit; Soils Containing Spilled Agrichemicals	ARM	No fee.
Liming Materials; License to Sell	ARM	\$10 annual license fee; .0125 per ton inspection fee.
Liming Materials; Permit to Sell by Volume	ARM	No fee.
Livestock Brand Registration	AH	\$20 fee. \$10 renewal fee every 10 years.
Livestock; Permit to Move from Slaughter	AH	No fee.
LP Gas Meter Registration	TCP	\$25 (one time) fee per meter.
Meat Broker or Distributor Registration	FS	No fee.
Meat Establishment License	FS	\$200 annually (\$80 if engaged only in custom slaughter or processing).
Meat; Mobile Slaughter or Processing: Registration Certificate	FS	No fee.
Meat Products (Inedible); Handler Registration	FS	No fee.
Milk and Cream Tester License	FS	\$50 for 2-year license.; \$25 reinspection fee if needed.
Milk Contractor License	TCP	See ss. 126.41, 126.42 and 126.46, Wis. Stats.

Milk Distributor License	FS	\$60 annual license fee; \$25 reinspection fee if needed.
Milk Weigher and Sampler License	FS	\$48 for 2-year license; \$48 reinspection fee if required.
Mobile Air Conditioners; Repair or Service Business; Registration	TCP	\$120 annually per business location.
Mobile Air Conditioners; Technician Registration	TCP	No fee.
Nursery Dealer License	ARM	\$30 to \$400 annually based on sales.
Nursery Grower License	ARM	\$40 to \$1,200 annually based on sales, plus \$30 to \$400 based on purchases. Additional fee for Christmas tree sales (\$20 to \$900, based on sales).
Pesticide Applied by Vet Clinic; Permit	ARM	\$25 for 2-year permit.
Pesticide Applicator Certification; Commerical	ARM	See ATCP 29.26, Wis. Adm. Code.
Pesticide Applicator Certification; Private	ARM	See ATCP 29.27, Wis. Adm. Code.
Pesticide Commerical Application Business License	ARM	See ATCP 29.20, Wis. Adm. Code
Pesticide Commercial Applicator (Individual) License	ARM	See ATCP 29.25, Wis. Adm. Code.
Pesticide Dealer-Distributor License	ARM	See ATCP 29.15, Wis. Adm. Code.
Pesticide Emergency Use Permit	ARM	No fee.
Pesticide Experimental Use Permit	ARM	No fee.
Pesticide Manufacturer & Labeler License	ARM	See ATCP 29.11, Wis. Adm. Code.
Pesticide Special Local Need Registration	ARM	\$250.
Pesticide Special Use Permit	ARM	No fee.
Plant Health (Phyto Sanitary) Certificate	ARM	\$50 fee per certificate.
Plant Pest (or Biological Control Agent); Permit to Move or Release	ARM	No fee.
Poultry; Disease-Free Flock Certification (National Poultry Improvement)	AH	\$20 - \$200 per disease per year.
Poultry; Wisconsin Associate Flock Certification	AH	No fee. Testing at owner's expense.
Poultry; Wisconsin Tested Flock Certification	AH	No fee. Testing at owner's expense.
Public Warehouse Keeper License	TCP	\$90 - \$500 annually based on size. See ATCP 97.04, Wis. Adm. Code.
Pullorum Tester; Certification (National Poultry Improvement Plan)	AH	\$20 for 2-year certification.
Renderer (Meat or Grease Processor); License	FS	\$200 annual fee.
Seed Labeler License	ARM	\$25 to \$200 based on sales.
Sheep; Brucella Ovis-Free Certificate	AH	No fee. Testing at owner's expense.

Soil and Plant Additives; License to Sell	ARM	\$25 annually plus tonnage fees per s. 94.65(6), Wis. Stats.
Soil and Plant Additive; Product Permit	ARM	\$100 permit for each product. Permit valid until label is changed, or until DATCP suspends permit.
“Something Special From Wisconsin;” Permit to Use Logo	AD	Fee based on gross annual sales. See ATCP 161.24, Wis. Adm. Code.
Swine; Brucellosis-Free Herd Certificate	AH	No fee. Testing at owner’s expense.
Swine; Pseudorabies Vaccination Permit	AH	No fee.
Swine; Pseudorabies - Monitored Herd Certification	AH	No fee. Testing at owner’s expense.
Swine; Pseudorabies Qualified Negative Herd Certification	AH	No fee. Testing at owner’s expense.
Swine; Pseudorabies Qualified Negative Grow-Out Herd Certificate	AH	No fee. Testing at owner’s expense.
Time-Share Developer; Security	TCP	No fee or permit required, but developer must establish escrow account or file security with DATCP.
Telemarket Registration (“No Call” Program)	TCP	See ATCP 127 (subchapter V).
Vegetable Contractor License	TCP	See ss. 126.56 & 126.60, Wis. Stats.
Vehicle Scale Operator License	TCP	\$100 annual fee.
Veterinarian; Certification to Perform Official Disease Control Functions	AH	No fee.
Weather Modification License	ARM	\$100 for original license. \$20 for each annual renewal.
Weather Modification Project Permit	ARM	\$100 or 1 % of the cost of the project, whichever is greater.
Weighing and Measuring Devices; License to Install, Test or Service	TCP	\$250 annual fee. If for hire, there is an additional \$75 per satellite location. See s. 98.18(1h), Wis. Stats.
Weighing and Measuring Devices; Service Technician Registration	TCP	\$25 fee every 5 years.
Weight Reduction Center Security	TCP	No license required, but operator must file \$25,000 performance bond or security.

12. DATCP LOCATIONS

DATCP has offices at the following locations:

<u>Office</u>	<u>Address</u>	<u>Telephone</u>	<u>Fax</u>
Central Office	2811 Agriculture Drive P.O. Box 8911 Madison, WI 53708-8911	Office of the Secretary 608-224-5012	Office of the Secretary 608-224-5045
		Agricultural Development 608-224-5100	Agricultural Development 608-224-5110
		Agricultural Resource Management 608-224-4500	Agricultural Resource Management 608-224-4656
		Animal Health 608-224-4872	Animal Health 608-224-4871
		Food Safety 608-224-4700	Food Safety 608-224-4710
		Management Services 608-224-4764	Management Services 608-224-4737
		Trade and Consumer Protection 608-224-4949	Trade and Consumer Protection 608-224-4939
		Wisconsin Agricultural Statistics Service 608-224-4848	Wisconsin Agricultural Statistics Service 608-224-4855
Bureau of Lab Services	4702 University Ave. Madison, WI 53705 (shipping address) PO Box 7883 53707-7883 (mailing address)	608-266-2761	600-266-1560
Madison Regional Office	2811 Agriculture Drive 1st Floor P.O. Box 8911 Madison, WI 53708-8911	Food Safety Regional Office 608-224-4661	Food Safety Regional Office 608-224-4664

Eau Claire Regional Office	3610 Oakwood Hills Parkway Eau Claire, WI 54701-7754	Food Safety Regional Office 715-839-3844	Food Safety Regional Office 715-839-3867
		TCP Regional Office 715-839-3848	TCP Regional Office 715-839-1645
Green Bay Regional Office	200 N. Jefferson Street Suite 146-A Green Bay, WI 54301	Food Safety Regional Office 920-448-5120	Food Safety Regional Office 920-448-5124
		TCP Regional Office 920-448-5110	TCP Regional Office 920-448-5118
Milwaukee Regional Office	10930 W. Potter Road Suite C Milwaukee, WI 53226	TCP Regional Office 414-266-1231	TCP Regional Office 414-266-1235
Fruit and Vegetable Inspection Offices	807 5 th Avenue Antigo, WI 54409	Antigo Office 715-623-3930	Antigo Office N/A
	2915 Post Road Stevens Point, WI 54481	Stevens Point Office 715-345-5212	Stevens Point Office 715-345-5327
Grain Inspection Office	404 Tower Avenue P.O. Box 818 Superior, WI 54880	Superior Office 715-392-7850	Superior Office 715-392-7847

13. DATCP ORGANIZATION CHART

Department of Agriculture, Trade and Consumer Protection

January 1, 2007

