24th Senate District



## PATRICK TESTIN STATE SENATOR

DATE:	April 3rd, 2025
RE:	Testimony on Senate Bill 164
TO:	The Senate Committee on Agriculture and Revenue
FROM:	Senator Patrick Testin

Thank you members of the committee for accepting my testimony on Senate Bill 164.

Wisconsin is the nation's third largest potato-producing state. In 2024, Wisconsin's total planted potato acreage was valued at \$320 million. Wisconsin is also a top-5 seed potato producing state, with over 9,600 acres of seed potatoes certified in 2024 and valued at \$75 million annually.

Since 1913, the Wisconsin Seed Potato Certification Program (WSPCP) has been a national leader in inspecting and certifying Wisconsin seed potatoes. The key objective of the program is to maintain clean, varietally-pure, pathogen-free tissue culture of potatoes in vital support of the potato industry in Wisconsin and across the U.S.

To protect the viability of Wisconsin's commercial potato industry and the availability of clean, pathogen-free seed in Wisconsin, current law requires any person that plants five or more acres of potatoes to plant certified seed potatoes.

During the 2023 growing season, a couple of bad actors planted seed potatoes in violation of Wisconsin's seed potato laws and the penalties and authority available under current law to deter these actions were not effective. The planting of these potentially harmful seed potatoes in close proximity to Wisconsin's valuable seed potato acres not only put that current seed crop at risk, but also posed a risk for future commercial acres potentially impacting the availability of clean, viable seed for future growing seasons.

As such, we are proposing SB164, which will provide DATCP with additional enforcement authority and penalties for violations of Wisconsin's current seed potato laws. This legislation is modeled after Wisconsin's late blight statute, which was similarly updated in 2017 has worked very well to help control and prevent the spread of late blight in Wisconsin's commercial potato crops.

I ask for your support and am happy to take any questions.





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STATE REPRESENTATIVE • 72<sup>ND</sup> ASSEMBLY DISTRICT

P.O. Box 8952 Madison, WI 53708-8952 Rep.Krug@legis.wi.gov

TO:	Members, Senate Committee on Agriculture and Revenue
FROM:	Rep. Scott Krug
RE:	SB 164; use of certified seed potatoes in planting potatoes and providing a penalty
DATE:	April 3 <sup>rd</sup> , 2025

Wisconsin stands as the nation's third-largest potato producer, with over 65,225 acres planted in 2024, yielding 26.04 million cwt and generating \$320 million in economic value. As a top-5 seed potato-producing state, Wisconsin certified over 9,600 acres of seed potatoes valued at \$75 million annually, supported by the Wisconsin Seed Potato Certification Program (WSPCP), a national leader in ensuring disease-free, high-quality seed potatoes for Wisconsin and the U.S since 1913.

Maintaining clean, pathogen-free seed is vital for the potato industry. Current law mandates certified seed potato use for plantings of five or more acres, with limited waivers issued by the Department of Agriculture, Trade and Consumer Protection (DATCP). However, recent violations by bad actors jeopardized the integrity of Wisconsin's seed potato industry, revealing weaknesses in enforcement mechanisms and penalties.

Senate Bill 164 strengthens existing law by enhancing DATCP's enforcement authority, increasing penalties, and allowing targeted mitigation efforts. This legislation is modeled after Wisconsin's successful late blight statute and developed in collaboration with DATCP, the Wisconsin Potato & Vegetable Growers Association, and industry stakeholders.

Key provisions include:

- DATCP authority to impose geographic planting restrictions on waived seed potatoes.
- Mandatory destruction of noncompliant acreage at the grower's expense if ordered by DATCP.
- Substantially increased penalties of up to \$5,000 per acre per violation, ensuring stronger deterrence.

Protecting Wisconsin's potato industry is essential for our agricultural economy and national food security. I urge your support for Senate Bill 164 to safeguard our seed potato supply and maintain Wisconsin's leadership in potato production.



State of Wisconsin Governor Tony Evers

**Department of Agriculture, Trade and Consumer Protection** Secretary Randy Romanski

# **RE:** Senate Bill 164 Relating to: Use of certified seed potatoes in planting potatoes and providing a penalty

### April 3, 2025

Chairman Testin and members of the Senate Committee on Agriculture and Revenue:

Thank you for the opportunity to provide information about Senate Bill 164 related to use of certified seed potatoes in planting potatoes and providing a penalty. My name is Tim Anderson, and I am Administrator of the Division of Agricultural Resource Management at DATCP.

Wisconsin is the number three potato producing state in the country based on acres planted, with annual planting around 68,000 acres and production valued at over \$430,000,000, annually according to 2023 WASS data. Wisconsin is also part of the State National Harmonization Program for seed potatoes which specifies minimum phytosanitary standards to enhance uniformity and quality in seed potatoes shipped between states. Recently, there has been an increase in virus load in the certified seed potato production system which is a threat to the potato industry.

Currently, Wisconsin law says a person who plants five or more acres of potatoes in a year may only use seed potatoes that are certified by the College of Agricultural and Life Sciences at UW-Madison or equivalent, unless a waiver has been granted by DATCP. Any person who violates the certification requirement is subject to a \$150 penalty plus \$150 for each acre planted in violation. They must also allow DATCP inspection and must retain records regarding the planted seed potatoes or face a maximum penalty of up to \$200 if they violate the record keeping requirement.

If enacted, this bill would allow DATCP to include additional restrictions to waivers such as clear geographic limitations, if appropriate, on where a person may plant waived seed potatoes which could help mitigate risk and protect the potato industry in WI and other potato producing states.

There is currently no defined or enforceable remedy for violating a DATCP waiver authorizing the planting of uncertified seed potatoes. In the past, if a DATCP waiver was violated, resulting in increased risk to seed potato producers in the area there was no mechanism, beyond a financial penalty, to address the violation; provisions in this bill remedy this. The bill provides additional authority to DATCP to order the person to remove and destroy any potatoes in violation of the law or take action to coordinate the removal and destruction of the potatoes in violation. The department would incur expenses associated with staff time spent investigating and documenting violations.

#### Wisconsin - America's Dairyland

2811 Agriculture Drive • PO Box 8911 • Madison, WI 53708-8911 • Wisconsin.gov An equal opportunity employer The potato industry has stated that the current monetary penalties are insufficient to deter people from planting uncertified seed potatoes and the industry advocates for increasing penalty amounts. This bill would significantly increase the monetary penalty for violations and may act as a deterrent to planting uncertified seed potatoes, thus mitigating risk to the industry.

Overall, adding a remedy to waiver violation, adding a provision to allow destruction of crops planted in violation, and increasing penalty amounts to deter the planting of uncertified seed potatoes are all viewed by industry as risk mitigation tools to protect the industry from uncertified and potentially high virus seed potatoes. DATCP views this proposed legislation to be protective of the Wisconsin Potato Industry as a whole.

We would like to thank the bills authors, the WI Potato and Vegetable Growers Association and the WI Seed Potato Improvement Association Board of Directors for seeking DATCP's input on this proposal.

Thank you for the opportunity to provide information on SB164 I would be happy to answer any questions committee members may have.



## **Testimony on 2026 Senate Bill 164**

Senate Committee on Agriculture and Revenue April 3<sup>rd</sup>, 2025

Thank you, Chair Testin and Committee Members for the opportunity to testify on 2025 Senate Bill 164. On behalf of the Wisconsin Farm Bureau Federation, we would like to express our support for this important legislation and appreciate the bill's authors, Senator Testin and Representative Krug, as well as those in co-sponsorship, for your willingness to work with agriculture industry stakeholders to address this issue.

This legislation provides essential protections for Wisconsin's potato farmers. Our state is a global leader in potato production, generating over 1.6 million tons annually and ranking third in the nation. Seed potatoes are not only a vital input for our own state's farmers, but also a key component of national and international supply chains. Ensuring their health, traceability, and integrity is critical to maintaining both the quality and reputation of Wisconsin-grown potatoes.

Senate Bill 164 takes a practical and proactive approach by providing the Department of Agriculture, Trade and Consumer Protection (DATCP) with clear authority to investigate and contain potential threats to certified seed potato crops. Whether through disease, mislabeling, or other biosecurity risks, the consequences of unchecked problems in seed stock could jeopardize an entire season's harvest—not just for one grower, but for the broader industry. This legislation helps safeguard a high-value commodity while promoting accountability and best practices across the supply chain.

Moreover, this bill provides certainty for growers who make significant investments in seed quality and crop health. By enabling swift action when issues arise, SB 164 supports a fair marketplace for producers and ensures Wisconsin's seed potato certification program continues to be a gold standard. We urge the committee to support this commonsense legislation that protects farmers, maintains export relationships, and strengthens the long-term resilience of one of Wisconsin's most successful agricultural sectors.