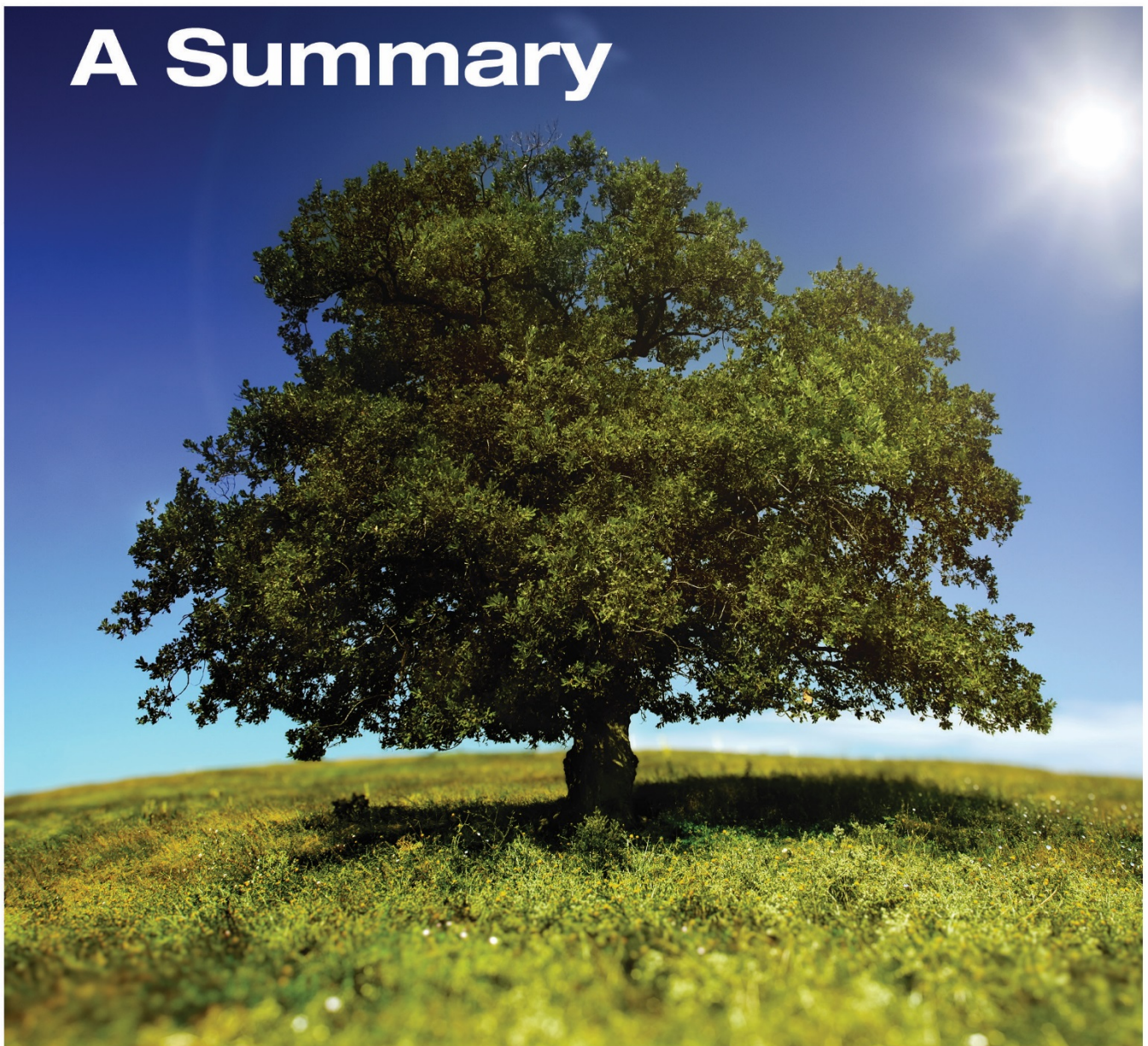




Wisconsin Department of Agriculture,
Trade and Consumer Protection

A Summary



This summary 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 datcp.wi.gov.

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1) Introduction

The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP or department) partners with all the citizens of Wisconsin to grow the economy by promoting quality food, healthy plants and animals, sound use of land and water resources, and a fair marketplace.

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

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

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

In one way or another, the department reaches nearly every business in the state. The department licenses approximately 125,000 individuals and businesses.

The department's first aim is to listen well, communicate effectively, and help producers, consumers and businesses solve problems. If needed, DATCP does have substantial enforcement authority. The department may conduct hearings and investigations, perform inspections, issue subpoenas, collect and analyze samples, issue compliance orders, and suspend or revoke licenses. In cooperation with a local district attorney or the Wisconsin Department of Justice, the department may also prosecute law violations in court.

Boards and Councils

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

Many other boards and councils are attached to the department, including the Wisconsin Veterinary Examining Board,² transferred in the 2015-17 budget from the Department of Safety and Professional Services. The department appoints various citizen advisory committees to advise the department on major policy issues. These include standing advisory committees as well as temporary advisory committees related to specific issues.

Wisconsin Agricultural Statistics Service

The Wisconsin Agricultural Statistics Service³ (WASS) is a partnership between the National Agricultural Statistics Service and the department. WASS staff consists of two federal employees: a state statistician and a coordinator from the National Association of State Departments of Agriculture (NASDA). The coordinator is responsible for training and supervising the NASDA enumerators and overseeing the data collection in the state. The state department funds an additional 1.8 FTE WASS positions and provides general support. WASS is located in the department's Madison office.

¹ datcp.wi.gov/About/Board_Members/Board_Meeting_Agendas_and_Reports/index.aspx

² datcp.wi.gov/Pages/About_Us/VeterinaryExaminingBoard.aspx

³ www.nass.usda.gov/Statistics_by_State/Wisconsin/

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

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

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

⁴ www.nass.usda.gov/Statistics_by_State/Wisconsin/Publications/Annual_Statistical_Bulletin/index.php

2) Secretary's Office

Secretary, deputy and assistant deputy secretary

Legal counsel

Budget and policy

Communications

Legislative liaison

Agricultural statistics service

The Secretary's Office includes the DATCP Secretary, the Deputy Secretary, the Assistant Deputy Secretary, and the following staff support functions:

- Legal Counsel
- Budget and policy
- Communications
- Legislative liaison

Secretary, Deputy and Assistant Deputy

The Secretary runs the department, with policy direction from the DATCP Board. State law vests all of DATCP'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, Assistant Deputy Secretary, Chief Legal Counsel, Communications Director, Legislative Liaison 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.
- Issuing DATCP orders. For some types of orders, this authority is delegated to division administrators or designated staff.
- Issuing final decisions in administrative contested cases such as license suspensions. The Secretary normally issues a final decision after reviewing a proposed decision prepared by an impartial administrative law judge housed in the Department of Administration, Division of Hearings and Appeals.

The DATCP Secretary appoints the Deputy Secretary and Assistant Deputy Secretary. 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 Assistant Deputy Secretary performs executive duties prescribed by the Secretary. Support staff assist the Secretary, Deputy Secretary and Assistant Deputy Secretary.

Legal Counsel

The Office of Legal Counsel coordinates DATCP's complex and wide-ranging legal operations. It provides legal services to the DATCP Secretary and divisions, the DATCP Board, the Land and Water Conservation Board and the Livestock Facility Siting Review 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.
- Assists district attorneys and Department of Justice attorneys in court cases, or represents DATCP in court. DATCP handles about 100 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 legal support related to DATCP investigative and enforcement operations.
- Provides legal and compliance training for DATCP staff.
- Coordinates DATCP case-tracking and case management functions.
- Provides information related to DATCP's statutory mission, structure and programs.

Budget and Policy

The Office of Budget and Policy coordinates DATCP budget development, and provides policy and program analysis for the DATCP Secretary and divisions. The office:

- Coordinates development of DATCP's biennial budget request.
- Works with the Department of Administration, the Legislative Fiscal Bureau, the DATCP Bureau of Finance and others to develop and implement DATCP budgets.
- Monitors budget legislation and policy issues.
- Analyzes budget, program and policy issues, and makes recommendations to the DATCP Secretary.
- Coordinates federal relations, and tracks federal legislation related to DATCP programs.
- Approves DATCP fiscal estimates related to proposed legislation and rules.
- Performs special projects for the DATCP Secretary, and helps coordinate issues that cross division or agency lines.

Communications

DATCP communications staff provide public information services related to DATCP programs and issues. Services include:

- News releases, news media liaison, and response to news inquiries.
- Message development and communications planning.
- Website content.
- Information materials and publications related to DATCP programs.
- Special projects as needed.

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.

3) Food and Recreational Safety

Milk and dairy products

Food processing and distribution

Retail food establishments

Meat and poultry inspection

Food emergencies

Food advertising and labeling

Food monitoring and hazard control

Laboratory certification

Food grading

Lodging establishments

Pools and water attractions

Campgrounds and recreational / educational camps

Complaints and investigations

Enforcement

Coordination

The Food and Recreational Safety Division works to ensure a safe, wholesome and secure food supply, and the safe operation of lodging establishments, pools and water attractions, campgrounds, and recreational / educational camps. The division enforces Wisconsin's food, lodging, and recreation laws. The division licenses and inspects nearly 24,000 food, lodging, and recreation establishments, issues and oversees more than 6,000 personal licenses (e.g. bulk milk weigher and sampler, lab analysts), and supervises local health department inspection of retail food establishments, including restaurants, lodging and recreational businesses in 55 city, county, or multi-unit jurisdictions.

The Food and Recreational Safety Division regulates the entire food chain, from the agricultural producer 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 and Recreational Safety Division regulates Wisconsin's \$40 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 and international commerce.

Dairy Production and Processing

The Food and Recreational Safety Division licenses, regulates and inspects the following dairy operations to ensure compliance with food safety standards:

- Dairy farms (just under 8,000 Grade A farms and about 1,400 Grade B 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 also affect the prices that dairy plants pay farmers. The Food and Recreational Safety Division establishes required minimum test standards and frequencies, and monitors compliance. The division certifies testing laboratories and licenses the following individuals to sample and test milk or dairy products:

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

Dairy Product Safety

The Food and Recreational 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 other dairy products.
- Monitors dairy plant operations to keep adulterated milk out of the food supply. All milk that is found to contain antibiotic residues is dumped. The amount of milk discarded is consistently less than 1/1000 of one percent of all the milk produced in Wisconsin.

Grade A Milk and Fluid Milk Products

Milk and other fluid milk products like sour cream and yogurt must comply with national Grade A standards contained in the Pasteurized Milk Ordinance (PMO). The PMO is published by the U.S. Food and Drug Administration (FDA) and sets the standards for Grade A milk and milk products moving between states. Wisconsin must enforce regulations at least as stringent as the PMO in order to ship milk and fluid milk products in interstate commerce. Products distributed for fluid consumption must:

- Be produced by Grade A dairy farms and Grade A dairy plants.
- Be pasteurized prior to sale or distribution, to destroy harmful pathogens.
- Comply with other Grade A requirements.

Wisconsin has just under 8,000 Grade A dairy farms and about 1,400 Grade B dairy farms.

Grade A farms account for 99% of all Wisconsin milk production. Under the PMO, DATCP must inspect Grade A farms between one and four times a year, even if the milk from those farms is used to produce non-fluid products, such as cheese. Grade B farms are inspected annually. Grade B standards are slightly less stringent than Grade A standards.

Cheese and Other Non-Fluid Dairy Products

The vast majority of Wisconsin's milk production is used to make cheese. Most Wisconsin cheese is made from Grade A milk, but cheese may also be made from Grade B milk.

Dairy Product Grading and Labeling

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

Food Processing and Distribution

Wisconsin has one of the nation's largest food processing industries. The Food and Recreational Safety Division licenses, regulates and inspects over 3,000 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

The Food and Recreational Safety Division inspects these facilities in accordance with national standards for regulatory programs.

Retail Food Establishments

Unsafe practices at retail food establishments, including restaurants, can cause serious food-borne disease outbreaks. To protect consumers, the Food and Recreational Safety Division licenses, regulates and inspects retail food establishments, including restaurants, convenience stores, grocery stores, delicatessens, bakeries, confectionaries and ice cream shops.

The division enforces the Wisconsin Food Code, which is based on the federal model food code, for all retail food establishments.

Currently, local health departments in 55 cities, counties, and multi-government consortia license and inspect retail food establishments as agents for DATCP. DATCP sets standards for local programs, trains and assists local staff, and evaluates local health department agent performance.

DATCP keeps local health department agents abreast of food safety issues and works to ensure consistent application of food safety laws. The agency also works closely with local health department agents on food safety emergencies.

Meat and Poultry Inspection

The Food and Recreational 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 unsafe or unwholesome meat and poultry products, out of the food supply.

Wisconsin’s meat inspection program must operate in a manner “at least equal to” the federal meat and poultry inspection program administered by the U. S. Department of Agriculture (USDA). The Food and Recreational 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 and Recreational Safety Division performs the following meat and poultry inspection functions:

- Inspects domesticated and most captive game animals and carcasses before and after slaughter
- Inspects slaughtering and processing plants for sanitation and adherence to the Sanitation Standard Operating Procedure

- Reviews hazard analysis and critical control point (HACCP) plans, and monitors a meat establishment's implementation of their HACCP system
- Investigates law violations, including sales of unwholesome or misbranded meat
- Monitors businesses that handle dead or diseased animals
- Samples and tests meat and poultry products

Since 2013, certain state-inspected meat establishments are able to sell designated meat products at wholesale in interstate commerce. Previously, only federally-inspected establishments could sell across state lines). The new cooperative interstate shipment (CIS) program has opened new markets to small Wisconsin meat establishments. Currently, 13 meat establishments in Wisconsin are part of the CIS program, representing nearly half of the 27 establishments across the four participating CIS states.

Food Emergencies

The Food and Recreational Safety Division responds to food emergencies, including food-borne disease outbreaks and toxic feed contamination incidents:

- The division coordinates food recalls and other emergency responses. The division works with consumers, affected companies, the FDA, the USDA, state and local health departments, the news media and others.
- The division helps investigate animal disease outbreaks and toxic response incidents, in which contamination of feed for animals entering the human food chain may pose a threat to public health.

Food Advertising and Labeling

As part of its inspection activities, the Food and Recreational Safety Division reviews food labels, and investigates deceptive food advertising and labeling. The division checks to ensure the presence of:

- Accurate product identification
- Proper health and nutritional labeling
- Truthful food advertising and labeling

Food Monitoring and Hazard Control

- The Food and Recreational 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.

Laboratory Certification

The Food and Recreational 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

Food grading provides a common descriptive language to ensure that buyers of food get what they pay for. The Food and Recreational Safety Division audits industry grading of commodities such as cheese, butter and eggs. The division licenses butter and cheese graders, and verifies the uniformity of their grading practices during audits. Maple syrup grade standards are published in DATCP rules applicable to maple syrup producers.

Lodging Establishments

The Food and Recreational Safety Division protects health and safety of guests by inspecting lodging businesses for safe drinking water, fire safety provisions, carbon monoxide detection, garbage disposal methods, methods for proper waste water disposal, standards for general cleanliness, and slip and fall preventions. The division works with industry partners and maintains a strong, consistent inspection program.

Pools and Water Attractions

The Food and Recreational Safety Division protects pool and water attraction patrons' health and safety regardless of the location or type of pool or water attraction. Division inspections verify that rules are followed in relation to design, water treatment systems, water testing and quality, supervision, lifeguard staffing, certifications, rules for usage, rescue equipment and first aid, responses to biological contamination and injuries, and documentation of the operation.

Campgrounds and Recreational / Educational Camps

The Food and Recreational Safety Division protects campers in all these situations by inspecting for basic health and safety protections that include: safe drinking water, proper wastewater disposal, adequate toilet facilities within a reasonable distance, sufficient garbage disposal, and adequate setback distances to prevent fires.

In its inspections, the Food and Recreational Safety Division ensures a minimum standard of health and safety exists during the operation of the camps by checking safe drinking water, health and medical treatment, health and medical documentation, high risk activity safety (e.g. archery, rock climbing), food safety standards, safe sleeping quarters, fire safety protections, carbon monoxide detection, and waterfront safety.

Complaints and Investigations

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

Enforcement

On-Site Action

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

- Stop the sale, distribution, or shipment of suspect food, pending examination.
- Condemn unwholesome or contaminated food.
- Suspend restaurant, lodging, pool and water attraction, campground, recreational / educational camp, or slaughter operations.
- Prohibit the use of unsanitary equipment or facilities.

Other Action

The Food and Recreational Safety Division may also:

- Deny a license application, or issue a conditional license.
- Petition the Secretary to suspend, revoke or impose conditions on an existing license.
- Prosecute law violations in court, with a county district attorney or the Wisconsin 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 and Recreational Safety Division coordinates its programs with the following agencies:

- U.S. Food and Drug Administration for food and dairy
- U.S. Department of Agriculture for meat licensing inspection
- Wisconsin Department of Health Services for injuries and water- or food-borne disease epidemics
- Local health department agent programs

4) Trade and Consumer Protection

Unfair and deceptive business practices

Identity theft and privacy protection

Consumer product safety

Weights and measures

Hazardous liquid storage tanks and motor fuel quality

Environmental regulation of consumer products

Agricultural producer security

Commodity grading

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

- Regulates unfair and deceptive business practices by rule. DATCP rules protect millions of Wisconsin consumers every day. They also protect honest businesses against unfair competition. Rules have the force of law.
- Handles more than 100,000 new consumer complaints and inquiries each year.
- Returns, on average, \$5 million-10 million to consumers annually, and works with the Wisconsin Department of Justice and district attorneys to prosecute serious law violators.
- Administers Wisconsin's hugely popular telemarketing "do not call" law. The registry currently includes 4.5 million Wisconsin residential and cell phones.
- Educates consumers on best practices to combat and avoid identity theft offers recovery services to identity theft victims through its identity theft assistance program; and works to ensure free and fair competition.
- Regulates hazardous consumer products.
- Standardizes commercial weights and measures, and fights weights and measures fraud.
- Administers Wisconsin's fuel quality laws-testing more than 6,000 fuel samples annually to ensure gasoline, diesel, kerosene, aviation and other fuels meet standards.
- Administers Wisconsin's petroleum and hazardous material storage tank laws.
- Enforces environmental regulations related to consumer products.
- Protects agricultural producers against catastrophic defaults by grain dealers, grain warehouse keepers, milk contractors and vegetable contractors.
- Regulates warehouses that store goods for consumers and other businesses.
- Administers the state's Unfair Sales Act, which prohibit selling below cost.
- Promotes fair business practices by administering price discrimination laws in the dairy and soda water industries.
- Provides inspection and grading services for grain, fruits, and vegetables (including good agricultural practices/good handling practices) to facilitate commodity marketing.

Unfair and Deceptive Business Practices

Key Laws

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

- The Fraudulent Representations Law (Wisconsin Statutes section 100.18) prohibits advertising or sales claims that are “untrue, deceptive or misleading.”
- The Unfair Business Practices Law (Wisconsin Statutes section 100.20) authorizes DATCP to prohibit unfair business practices (and prescribe fair practices) by rule or order.

These overlapping laws apply to almost every business in the state. Together, they provide the foundation for the state’s general consumer protection program and supports 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) including the popular telemarketing “do not call” rule, as well as rules to prevent telemarketing scams.
- Landlord-tenant practices (ATCP 134)
- Electronic communications services (ATCP 123). This rule regulates subscription and billing practices related to telecommunications, video, cable, satellite, and internet access services.
- 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, with the Food and Recreation Safety Division). This rule applies to all packaged consumer commodities, including food and beverages.
- Price comparison advertising (ATCP 124)
- Work recruitment schemes (ATCP 116)
- Manufactured housing communities (ATCP 125)
- Pyramid schemes (ATCP 122)
- Referral selling plans (ATCP 121)
- Price gouging in emergencies (ATCP 106)
- Credit report security freezes (ATCP 112)
- Coupon sales promotions (ATCP 131)
- Gasoline advertising (ATCP 113)
- Freezer meat and food service plans (ATCP 109, with the Food and Recreational Safety Division)
- Basement waterproofing practices (ATCP 128)
- Environmental labeling of products (ATCP 137)
- Dairy product advertising and labeling (ATCP 83, with the Food and Recreational Safety Division)
- Art Fraud (ATCP 117)
- Academic fraud (ATCP 128)

Other Consumer Protection Laws

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

- Telemarketing “do not call” (Wisconsin Statutes section 100.52)
- “Negative option” sales (Wisconsin Statutes section 100.195)
- Credit report “security freezes” (Wisconsin Statutes sections 100.54 & 100.545)
- 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)
- Video programming service 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 the Food and Recreational Safety Division)
- 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 100.177 and 100.178)
- 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)
- Unsolicited checks used as sales devices (Wisconsin Statutes section 100.315)
- Solicitation of a fee for providing a public record (Wisconsin Statutes section 100.313)
- Residential contractors (Wisconsin Statutes section 100.65)

Business Practices and Competition

The Trade and Consumer Protection Division regulates unfair business practices and methods of competition that harm consumers and honest businesses. 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).
- Handles more than 100,000 new consumer complaints and inquires each year.
- Returns, on average, \$5 million-10 million to consumers annually.
- 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 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.
- Monitors and reports industry compliance with applicable laws.

Investigations

The Trade and Consumer Protection Division:

- Conducts in-depth investigations of consumer fraud 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 Wisconsin 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, Wisconsin Statutes section 100.20, Stats.
- If a consumer loses money because of a violation of the Fraudulent Representations Law, Wisconsin Statutes section 100.18, 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 laws related to telecommunications services, timeshare sales, buyers clubs, prize notices, mail order sales, dating services, fitness centers, motor vehicle rustproofing warranties, and self-service storage facilities.

Identity Theft and Privacy Protection

The identity theft assistance program in the Bureau of Consumer Protection was created in 2006 to address the growing problem of identity theft. In 2016, there were over 15 million cases of identity theft in the United States; the bureau received more than 430 formal identity theft complaints. (In 2015, identity theft complaints peaked at over 820 complaints, more than 80% of which dealt with tax identity theft.) On average identity theft is estimated to cost consumers more than \$1,000 in losses; and \$7.35 million in organizational (business) costs per data breach. However, the effects of ruined credit ratings can linger for years.

The identity theft assistance program has multiple goals:

- To inform the public about identity theft, and help the public protect against it. The program has created a website at privacy.wi.gov, and has published fact sheets and other information related to identity theft.
- To help federal, state and local law enforcement agencies with victim assistance in recovering from the actions of identity thieves.
- 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.

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).
- Child's containers containing bisphenol (Wisconsin Statutes section 100.335).

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 ATCP Secretary to ban consumer products that present an unreasonable risk of injury or an imminent hazard to the public. Affected businesses may demand a hearing.
- Petition the ATCP 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 Wisconsin Department of Justice). The division may seek criminal penalties or injunctions against law violators.
- Issue warning notices for less serious violations.

Weights and Measures

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. Businesses and agricultural producers also depend on fair weights and measures.

Weights and Measures Laws

The Trade and Consumer Protection Division enforces the following laws and rules:

- Weights and measures (Wisconsin Statutes Chapter 98)
- Fair packaging and labeling (ATCP 90, with the Food and Recreational Safety Division). This rule applies to all packaged consumer commodities, including food and beverages.
- Selling commodities by weight, measure or count (ATCP 91)
- Weights and measures (ATCP 92)

Weights and Measures Standards

The Trade and Consumer Protection Division is responsible for keeping 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, and annually tests and certifies the accuracy of over 14,000 weights and measures standards. Inspectors and businesses use these certified standards to check commercial scales and measuring devices statewide.

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 about 60,000 devices each year.
- Checks price scanners in grocery stores and other retail stores. The division checks about 59,000 items each year for price accuracy.
- Inspects packaged commodities to ensure that labels comply, and that declared weights and measures are accurate. The division inspects over 100,000 packages each year.
- Conducts in-depth investigations of weights and measures fraud.
- Provides weights and measures inspection services to all Wisconsin towns and over 100 Wisconsin municipalities. The division also trains and assists approximately 30 municipalities that have their own weights and measures programs.

Licensing and Certification

The Trade and Consumer Protection Division:

- Registers approximately 2,500 vehicle scales.
- Licenses approximately 190 service companies and registers about 800 service company technicians.
- Licenses approximately 1,300 LP gas meters.
- Licenses approximately 1,200 vehicle tank 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 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 Wisconsin Department of Justice. The division may seek criminal penalties, civil forfeitures or injunctions against law violators.
- Obtain 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

Hazardous Liquid Storage Tanks and Motor Fuel Quality

The Trade and Consumer Protection Division enforces hazardous liquid, including petroleum products (storage tank systems) to ensure tanks meet environmental and fire safety requirements. The division also samples and tests petroleum fuels to protect the safety of citizens and the environment.

Storage Tanks and Fuel Quality Laws

The Trade and Consumer Protection Division enforces the following laws and rules:

- Petroleum products and dangerous substances (Wisconsin Statutes Chapter 168).
- Petroleum and other fuel products (ATCP 94).
- Flammable, combustible and hazardous liquids (ATCP 93).
- Gasoline advertising (ATCP 113).

Fuel Quality Laboratory

The Trade and Consumer Protection Division is responsible for ensuring liquid petroleum fuel products received and sold in Wisconsin meet American Society for Testing and Materials (ASTM) fuel specifications. Inspectors send about 6,000 samples annually to the division's fuel quality laboratory for testing; and the lab conducts approximately 20,000 ASTM tests annually on these samples to ensure that the product the samples represent meets ASTM fuel specifications.

The division's fuel quality lab is co-located with the weights and measures metrology laboratory in Madison, and follows strict quality standards and procedures to ensure the integrity of test results.

Storage Tank and Fuel Quality Inspection

The Trade and Consumer Protection Division annually:

- Inspects approximately 7,700 facilities with regulated storage tank systems.
- Conducts over 31,000 fuel quality field screening tests.
- Collects and send about 6,000 samples from at all petroleum terminals and retail fueling facilities to the division's fuel quality lab for ASTM fuel specification testing.
- Conducts in-depth investigations of storage tank and fuel quality noncompliance.
- Provides training and oversight to about 35 local programs that act as agents of DATCP inspecting storage tank facilities.
- Provides training and oversight for about 200 tank specialty firms and over hundreds of certified tank technicians.

Licensing and Certification

The Trade and Consumer Protection Division:

- Permits approximately 12,168 underground storage tanks at 3,891 facilities annually.
- Registers most above ground and underground hazardous liquid storage tanks in Wisconsin.
- Registers and certifies over 200 specialty tank firms and about 950 tank technicians.
- Regulates certifications of fuel facility operators.

Storage Tank and Fuel Quality Enforcement

If necessary, the Trade and Consumer Protection Division may:

- Issue on-site orders prohibiting the use of noncompliant storage tank systems.
- Issue on-site orders prohibiting the sale of fuel that does not meet ASTM fuel standards.
- Petition the 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 Wisconsin Department of Justice. The division may seek criminal penalties, civil forfeitures or injunctions against law violators.
- Obtain assurances of compliance.
- Issue warning notices for less serious violations.

Coordination

The Trade and Consumer Protection Division coordinates its storage tank and fuel quality programs 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 U.S. Environmental Protection Agency (EPA)
- Wisconsin local governments

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).

Compliance Monitoring

The Trade and Consumer Protection Division:

- Inspects and tests consumer products for compliance with applicable laws.

- Handles and investigates complaints.

Enforcement

If necessary, the Trade and Consumer Protection Division may:

- Prosecute law violations in court in cooperation with county district attorneys or the Wisconsin 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. 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, recordkeeping, 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 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 Wisconsin 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 agricultural commodities, including grain, fruits and vegetables. The division provides this service, at cost, to commodity 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 Duluth-Superior.
- Inspects fruits and vegetables from its office in 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.
- Certifies compliance with safe produce handling standards.
- Cooperates with the U.S. Department of Agriculture.

5) Animal Health

Monitoring disease threats

Animal imports and movement

Animal identification

Disease testing, reporting and certification

Disease vaccination

Disease investigations

Emergency disease response

Quarantine and condemnation

Disease indemnities

Licensing and registration

Animal welfare and rabies control

Livestock brands

Compliance monitoring

Enforcement

The Animal Health Division works to protect animal and human health, and to control serious animal diseases, many of which also threaten humans. The division:

- Monitors animal disease threats, including diseases like tuberculosis, avian influenza, bovine spongiform encephalopathy (BSE) disease, foot-and-mouth disease, chronic wasting disease (CWD), Johne's disease, brucellosis, pseudorabies and others.
- Regulates Wisconsin's multibillion dollar livestock and poultry industry to protect it from devastating diseases.
- Investigates and takes action to control serious animal diseases. Many of these diseases can also affect humans and wild animals.
- Works with the Wisconsin Department of Natural Resources (DNR) to control diseases that may affect both wild and domestic animals.
- Works with the Wisconsin Department of Health Services (DHS) to control diseases that may affect animals and humans.
- Regulates the import and movement of animals to prevent the spread of disease.
- Facilitates sales of disease-free Wisconsin livestock and poultry by managing various animal disease programs.
- Responds to animal disease emergencies and biosecurity threats.
- Licenses animal markets, dealers and truckers.
- Licenses farm-raised deer herds and fish.
- Registers over 60,000 livestock premises.
- Registers livestock branding.
- Regulates dog sellers and facilities.
- Promotes humane treatment of animals.
- Provides annual humane officer training and routinely conducts rabies training.
- Works to prevent misrepresentation of animals, including 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, including certificates of veterinary inspection required for moving animals; the livestock and poultry industry; the United States Department of Agriculture (USDA); animal health researchers; and its own field staff; to ensure Wisconsin animal health is maintained.
- 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 Department of Health Services and other DATCP Divisions on animal diseases that may also affect humans.
- Works with the Wisconsin Veterinary Diagnostic Laboratories (WVDL). The WVDL tests samples taken from animals to determine whether there is disease present in that animal and provides test results to the division. The division acts on notification of a positive test result for certain diseases. The Secretary sits on a 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.

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 imported animals. An accredited veterinarian in the state of origin must sign the certificate. Imported animals must be properly identified.
- Certain animals, including fish going to certain destinations, may not be imported without a permit. Some may not be imported at all, because they are known carriers of highly contagious diseases.
- Animals must meet import requirements. Import requirements vary, depending on species and 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 the 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. By knowing an animal's test status, you can minimize exposure of susceptible animals. You may be liable if you sell an infected or exposed animal as if it were healthy.

Animal Identification

The Animal Health Division requires proper identification of imported animals, and of 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 certificates of veterinary inspection (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.

Certificates of Veterinary Inspection (CVI)

Accredited private veterinarians issue CVIs, also known as health certificates, to certify the health status of animals for interstate shipment and other purposes. The Animal Health Division sets standards for CVIs. In cooperation with USDA, the division accredits and certifies private veterinarians to 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. 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 by rule standards 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 ARM and the Division of Food and Recreational Safety 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 with federal, state and local agencies in responding to emergency disease events. The division also coordinates emergency responses with private veterinarians and affected industries.

Quarantine and Condemnation

For some diseases the Animal Health Division:

- Quarantines diseased or suspect animals, as appropriate.
- Condemns and orders the destruction of diseased animals, as appropriate.
- Supervises the transportation, slaughter and disposal of diseased animals.
- Supervises the cleanup of diseased premises.

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.

Licensing and Registration

General

The Animal Health Division licenses or registers all of the following:

- Animal markets
- Animal dealers
- Animal truckers
- Fish farms
- Farm-raised deer herds, including hunting ranches and herds participating in the CWD herd status program.
- Premises where livestock are kept.
- Animal control facilities, animal shelters, dog breeders, dog breeding facilities, dog dealers, and out-of-state dog dealers that operate in this state.

Licensing and registration helps to:

- Protect animal and human health.
- Document animal movements that can assist in tracing animals rapidly to eradicate disease or prevent its spread.
- Prevent misrepresentation of animals, including sales of diseased animals.
- Promote humane treatment of animals.
- Promote effective disease response and control.
-

Animal Markets

Licensed 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 or illegal practices related to animals and animal movement.

Animal Dealers

Licensed animal dealers must:

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

Animal Truckers

Licensed animal truckers must:

- Ensure proper animal identification.
- Keep records of animal shipments.
- Refrain from cruel or illegal practices related to animals and animal movement.

Farm-Raised Deer Herds

Persons registered to keep farm-raised deer must:

- Maintain proper facilities and herd records.
- Have fences approved by the Wisconsin Department of Natural Resources, if the herd includes white-tailed deer.
- Test for chronic wasting disease. Since there is no test available for live deer, herd owners must test deer that die or are sent to slaughter.
- Enroll in the CWD herd status program and meet other requirements to sell or move farm-raised deer.

Fish Farms

Registered fish farm operators must:

- Provide fish health certificates for fish movement, when required.
- Keep records showing fish transactions.

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.

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

Dog Sellers and Dog Facilities

Licensed dog sellers must:

- Keep records of transactions and health documentation.
- Provide certificates of veterinary inspection when selling dogs.
- Provide humane care and treatment of dogs.
- Maintain appropriate and adequate facilities for dogs.

Animal Welfare and Rabies Control

The Animal Health Division:

- Trains and certifies local humane officers.
- Helps local authorities enforce animal cruelty laws, by providing 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, dog sellers and dog facilities, and other animal operations licensed by the division.
- Investigates other animal operations as necessary for disease control and law enforcement purposes.
- Reviews certificates of veterinary inspection 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 legal violations.

Enforcement

The Animal Health Division may:

- Deny licenses or permits, or issue them on a conditional basis.
- Petition the 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 Wisconsin Department of Justice. The division may seek criminal penalties, civil forfeitures or injunctions against law violators.
- Issue warning notices for less serious violations.

6) Agricultural Resource Management

Pesticides

Groundwater and surface water protection

Agrichemical spills and cleanup

Animal feed

Fertilizer and related products

Land and water resource management

Livestock facility siting

Farmland preservation

Drainage districts

Plant protection

Ag and environmental impact assessments

Weather modification controls

The Agricultural Resource Management Division (ARM) 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 other agrichemicals to protect public health and the environment.
- Works to prevent and clean up agrichemical spills.
- Helps landowners and local governments conserve Wisconsin's productive land and water resources.
- Establishes standards for certain local regulations, including livestock facility siting ordinances.
- 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 division provides information to the EPA that may be relevant to registration decisions.

State law may impose additional restrictions. In certain limited cases, DATCP may authorize a special local pesticide use not authorized by the EPA registration if that use is necessary to address a unique 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.

Each year the ARM Division licenses approximately 1,300 pesticide and manufacturers who list approximately 13,000 pesticide products; 450 restricted-use pesticide dealers; 2500 pesticide application businesses; and 8,500 individual commercial pesticide applicators.

Pesticide Applicator Certification

The ARM Division certifies individual pesticide applicators for competence. Certification is required for commercial applicators who apply pesticides of any kind, and for farmers and other individuals who use restricted use pesticides, those that can be used only by licensed applicators. The ARM Division certifies applicators in appropriate categories, depending on the types of applications they perform. Applicators must pass a certification test. Pesticide applicator certification is good for five years.

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.
- Groundwater and surface water protection.
- 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 and must post notices of application. Many schools have, with DATCP help, implemented integrated pest management programs to minimize risks of pesticide exposure.

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 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 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 Wisconsin 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. 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.
- Conducts surveillance monitoring to detect groundwater contamination and trends.
- Conducts in-depth investigations to identify contamination sources.
- 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, it 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 Secretary to issue 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 events collect about 2.5 million pounds of unwanted household and agricultural pesticides, as well as unwanted prescription drugs, annually.

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 Secretary for orders prohibiting law violations, or directing responsible parties to clean up spills.
- Petition the Secretary to suspend, revoke, or impose conditions on a violator's license.
- Prosecute law violators in court in cooperation with county district attorneys or the Wisconsin 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 the health of human beings, livestock and pets, as evidenced by national concerns over bovine spongiform encephalopathy, drug resistance and pet food recalls. The ARM Division coordinates feed regulations (including medicated feeds) with the Food and Recreational 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 5.1 million tons of livestock feed and pet food in Wisconsin.

Commercial Feed Labeling

Commercial feeds must be properly labeled so that animal owners can make informed decisions. Feed labels must contain nutritional and ingredient information. There are special requirements for medicated feeds which contain 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 Secretary to suspend, revoke or impose conditions on existing licenses.
- Prosecute violations in court in cooperation with county district attorneys or the Wisconsin 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 with some exceptions. State law also limits nutrient content in some cases for example, state law restricts the sale of lawn fertilizer containing phosphates, to prevent contamination of surface water. The ARM Division inspects, samples and tests commercial fertilizer to ensure that nutrient contents comply with state laws and product labels.

Fertilizer manufacturers and distributors must be licensed. The ARM Division may also issue permits for manufacture and distribution of specialty fertilizers that have low nutrient levels. Based on recommendations from the Fertilizer Research Council (see Section 9), the division uses some fertilizer license fees to award grants for 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 sellers to substantiate claims with scientific evidence.

Liming Materials

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

Licensing

The ARM Division currently licenses about 1,100 manufacturers and distributors of fertilizer and related products. License holders distribute about 3 million tons of fertilizer and related products each year.

Labeling

Fertilizer and related products must be properly labeled to help buyers make informed purchase and use decisions. The ARM Division evaluates product labels, inspects manufacturing facilities, and tests product samples to ensure that products live up to advertising and label claims.

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 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 Wisconsin 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
- County land and water resource management plans

Every county must have a land and water resource management plan in order to qualify for state funding. DATCP reviews and approves county plans at regular intervals, in consultation with the LWCB. Counties with approved plans are eligible for staffing grants and conservation cost-share funding from DATCP.
- Staff funding and technical support to counties

DATCP partially 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.
- Farmland preservation and conservation compliance

Farmers claiming tax credits under the state farmland preservation program must comply with state soil and water conservation standards, including nutrient management standards. Counties monitor compliance.

- **Nutrient management**
DATCP rules spell out nutrient management standards for farms. DATCP funding supports county cost-share funding, training and technical assistance to help farmers develop nutrient management plans. DATCP also funds some University of Wisconsin and UW-Extension research, training and technical assistance related to nutrient management on farms.
- **Local ordinances**
County and local governments may regulate conservation practices on farms, within limits specified by state law. DATCP rules spell out standards for local ordinances, including manure storage, shoreland management, and livestock facility siting. DATCP helps local governments comply with applicable state standards.
- **Soil and water professional services**
DATCP sets standards for and certifies agricultural engineering practitioners, nutrient management planners, and soil testing laboratories.
- **Producer led watershed protection grants**
DATCP awards grants to projects that focus on preventing and reducing runoff from farm fields and that work to increase farm participating these voluntary efforts. Each application must come from a group of at least 5 farmers in the same watershed, collaborating with conservation agencies, institutions, or nonprofit organizations. The department administers the program through ATCP 52.

The Role of the Counties

Counties play a key role in Wisconsin's soil and water resource management program

- Each county must have a land and water resource management plan, to qualify for state funding. The plan must evaluate soil erosion and water quality problems, set water quality objectives, identify needed conservation practices, set priorities, spell out plans to implement state standards, and take action to achieve key goals.
- Each county must have a conservation program to apply for, receive, distribute and account for state funds.
- County and local ordinances, if any, must comply with applicable state standards including DATCP rules.

Grant Awards

DATCP distributes land and water conservation grants to counties. Grants pay for county conservation staff, as well as county cost-share grants to farmers. 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, and makes additional awards based on county plans and state conservation priorities. Counties use cost-share funds to help farmers implement land and water conservation practices, including nutrient management practices.

Conservation Easements (CREP)

The Conservation Reserve Enhancement (CREP) program provides additional cost-share funding and incentives for natural habitat and water quality protection. DATCP administers this program in cooperation with the U.S. Department of Agriculture and participating counties. Under CREP, eligible landowners receive state and federal payments to protect land under 15-year conservation agreements or permanent conservation easements.

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 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 prohibits local governments from requiring permits for livestock facilities under 500 animal units there are limited exceptions. An animal unit is a standard based on weight. For example a calf is .20 animal unit, but a milk cow is 1.4 animal units. 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 each permit 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 ATCP 51 standards. A local decision may be appealed to the state Livestock Facility Siting Review Board (see Section 9).

Farmland Preservation

The goal of the farmland preservation program is to:

- Save critical farmland resources.
- Promote sound land use planning and development.
- Encourage agricultural investment.
- Promote soil and water conservation.

- Minimize land use conflicts.
- Help farms stay economically viable.

The Farmland Preservation Law

Under the new farmland preservation (FP) law, farmers may claim income tax credits if their land is all of the following:

- Targeted for preservation in a certified county FP plan.
- Covered by a certified FP zoning ordinance (county or local) or by an individual FP agreement (new agreements now available only in agricultural enterprise areas).
- Complies with state soil and water conservation standards.

County Farmland Preservation Plans

DATCP may certify a county FP plan that meets applicable standards. DATCP may also provide planning grants to counties. Counties must update their plans according to a statutory timetable fast-growing counties must update first. A certified county plan must identify FP areas, where farmers may be eligible for tax credits. The FP plan must be consistent with the county comprehensive plan.

Farmland Preservation Zoning Ordinances

A county, town or municipality may adopt an FP zoning ordinance. Farmers covered by FP zoning ordinance may claim tax credits if the ordinance is certified by DATCP. DATCP may certify the ordinance if it meets minimum FP zoning standards and is consistent with the county’s certified FP plan. FP zoning standards restrict non-farm development in FP zoning districts, but allow some compatible development ordinances may be more restrictive than FP standards, but not less restrictive.

Farmland Preservation Agreements

Farmers may also claim FP tax credits if their land is covered by an individual FP agreement between the farmer and DATCP tax credits are higher if the land is also covered by a certified FP zoning ordinance. FP agreements run with the land, and are binding on subsequent owners. Under the new law, FP agreements run for 15 years and are offered only in agricultural enterprise areas.

Conservation Compliance

Farmers claiming FP tax credits must comply with land and water conservation standards, including nutrient management standards. Counties monitor compliance.

Agricultural Enterprise Areas

DATCP may designate “agricultural enterprise areas” (AEAs) in response to local petitions. An AEA must be within FP area designated in the county FP plan. Farmers within a designated AEA may enter into individual FP agreements with DATCP, and may claim tax credits under those agreements.

An AEA petition must be signed by at least 5 affected farmers, the affected county, and affected local governments. The petition must show how the proposed AEA will promote agriculture. DATCP may designate AEAs totaling up to two million acres.

Administration

The ARM Division does all of the following, in consultation with the Office of Legal Counsel:

- Reviews county FP plans, and recommends certification by the DATCP Secretary.
- Reviews county, town and municipal FP zoning ordinances, and recommends certification by the DATCP Secretary.
- Enters into voluntary FP agreements with farmers in agricultural enterprise areas.

- Coordinates FP conservation compliance with county land conservation officials: works with counties, local governments, the Department of Revenue, landowners and others to implement the FP program. Provides information, interpretations, model ordinances, standard documents and technical assistance on a wide range of issues
- Promulgates ATCP 49, administrative rules for the Farmland Preservation program.

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 (ATCP 51, Wis. Adm. Code) 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.

Plant Protection

The ARM Division works to control serious plant pests, diseases and exotic species that threaten Wisconsin's crops, forests and plant communities. This includes serious plant pests and diseases such as emerald ash borer, gypsy moth and potato late blight. 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 non-native, such as emerald ash borer.

Pest Information

The ARM Division:

- Compiles and analyzes pest data, including data from the National Cooperative Agricultural Pest Survey.
- 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 infestations and outbreaks of serious pests and diseases such as emerald ash borer, gypsy moth and potato late blight.
- Uses quarantine and treatment programs, as necessary, to control major pests.
- Coordinates action with the U.S. Department of Agriculture, the Wisconsin Department of Natural Resources, the University of Wisconsin, local governments, affected industries and others.

Pest Movement

The ARM Division:

- Enforces import controls to help keep destructive pests out of Wisconsin.
- Restricts movement of host materials within the state, as appropriate.
- 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.

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, nursery dealers and Christmas tree growers. The division inspects nursery stock to protect consumers and control serious plant pests.

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.

Industrial Hemp

The ARM Division:

- Licenses industrial hemp growers and processors in a one-time process to participate in this research pilot program.
- Registers growers and processors each year that they intend to participate in the program.
- Samples and tests each field and variety grown to assure that it does not contain more than 0.03 percent THC.
- Issues fit-for-commerce certificates that allow industrial hemp to enter the marketplace.

Agricultural and Environmental Impact Assessments

The ARM Division:

Prepares agricultural impact statements for projects such as highways, landfills, transmission lines and pipelines that may involve eminent domain. 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.

7) Agricultural Development

Wisconsin Farm Center

Wisconsin Agriculture and Food Center

Wisconsin International Agribusiness Center

Communications, Outreach and Operations

The Division of Agricultural Development (DAD) is dedicated to growing Wisconsin agriculture. The division provides consultation and support to farmers and agribusinesses to help them seize opportunities and overcome challenges across all sectors of Wisconsin agriculture.

Wisconsin Farm Center

The Wisconsin Farm Center (WFC) provides guidance to farm families on farm finances, farm succession planning, farm business structure and many other issues common in today's agriculture. The WFC partners with the University of Wisconsin-Extension and industry stakeholders to support all types of Wisconsin farms and agribusinesses. The core WFC programs are:

Agricultural Economic Development

Consultants provide confidential assistance to Wisconsin farmers dealing with critical economic and business management issues through financial and business consultation, farm succession planning, conflict mediation, production analysis, and other support programs.

Organics, Livestock Grazing and Specialty Crops

The WFC provides information and technical assistance to organic and non-organic growers and processors of multiple crops and products. In addition, this program works to strengthen farm support services and processing capacity, along with a host of other services.

Minority Farmers Outreach

The WFC provides outreach and risk management assistance to beginning and minority farmers in an effort to provide a pathway to success. The program emphasizes working with Hmong fresh market producers and Hmong ginseng growers, but assists all minority farmers facing production or marketing challenges and opportunities.

Veteran Farmer Assistance and Outreach Program

The Veteran Farmer Assistance and Outreach Program, a joint initiative between DATCP and the Wisconsin Department of Veterans Affairs, connects military veterans to careers in agriculture. The program offers information to returning and experienced veterans about local, state and federal resources, public and technical schools, and resources for veterans with disabilities and financial difficulties. Farming veterans can affix a logo to veteran-grown agricultural products, a branding initiative in partnership with Something Special from Wisconsin.

Mediation and Arbitration

This program provides mediation services for farmer disputes ranging from credit issues to environmental concerns to farm family conflicts. Mediation involves a neutral individual who helps facilitate negotiation and understanding between conflicting parties. Confidentiality is upheld throughout the mediation process.

Wisconsin Agriculture and Food Center

The Wisconsin Agriculture and Food Center (WAFC) supports the growth and success of local and regional food systems through business, farm and rural development programs and services. Core WAFC programs are:

Business Development

This program provides the information, resources, and connections that beginning and emerging businesses require for success, such as technical assistance and referrals to agricultural entrepreneurs, consultation to agricultural clients on business improvements, assistance on exploring market and product opportunities for sector growth, and support to agricultural development statewide.

Buy Local, Buy Wisconsin (BLBW) Grants

The goal of this competitive grant program is to strengthen Wisconsin's local and regional agriculture and food industries.

Dairy Processor Grants

This grant program is intended to foster innovation, improve profitability and sustain the long-term viability of Wisconsin's dairy processing facilities. The Grow Wisconsin Dairy Processor Grant is customizable for each processor and can be used to hire consultants to address a wide range of business needs including food safety, staff training, and modernization. Eligible applicants must operate a licensed dairy processing plant in Wisconsin, engaged in pasteurizing, processing or manufacturing milk or dairy products.

Organic and Specialty Crop Market Development

This program helps develop and expand market share for local products within Wisconsin and the U.S. by engaging with a broad network of stakeholders, including food production companies, agricultural associations, food processors, distributors, wholesalers, retailers, etc. Additionally, this program provides industry stakeholders with market development assistance, research, technical seminars, and one-on-one business development consultation, among other methods.

Wisconsin Farm to School

This program supports the 255 farm to school programs in Wisconsin. Comprehensive farm to school programs combine local or regional procurement efforts, nutrition and agriculture education, and student engagement activities to provide the broadest benefits to both students and farmers across Wisconsin. This program also works with farmers, food distributors, and processors to identify and reduce impediments to increasing the amount of Wisconsin-grown foods served in Wisconsin institutions, including schools.

Specialty Crop Block Grants

Non-profit organizations, producer organizations, government agencies, universities and other agricultural groups apply for USDA Specialty Crop Block Grant Program funds. DATCP administers these funds and seeks applicants that will enhance the competitiveness of Wisconsin's specialty crop industries in domestic and foreign markets.

Wisconsin International Agribusiness Center

Using its global network, the Wisconsin International Agribusiness Center (WIAC) identifies export opportunities for Wisconsin's agricultural companies and producers. WIAC economic development consultants provide technical expertise and market development initiatives to aid the growth of Wisconsin agriculture through increased exports and the development of trade-enhancing partnerships. The WIAC uses client feedback, global trends and market and export data to establish criteria for identifying target markets and activities.

Beginning Exporter Services

WIAC consultants offer:

- Evaluation of export potential.
- Guidance on the mechanics of the export process.
- Discussions on available resources and potential strategies for new or expanding markets.
- Export seminars
- Educational workshops that cover a wide range of topics from exporter basics to detailed sessions on trade regulations, tariffs and insurance, to market characteristics.

Intermediate Exporter Services

WIAC consultants offer:

- Assistance learning the nuances of doing business in other countries.
- Strategies to reach customers in other countries.
- Market overview studies and analysis.
- Evaluating and identifying market potential for products.
- Accessing customized in-market research to help businesses decide if certain markets are appropriate for their products and how products compare with the competition.

Advanced Exporter Services

WIAC offers buyers' missions for:

- One-on-one meetings with potential buyers to help businesses build relationships with key industry players and interact with buyers without the investment of travel abroad.
- Trade missions across the globe.
- An opportunity to develop first-hand market knowledge through coordinated individual and group programs.
- The means to schedule one-on-one meetings for trade mission participants with qualified buyers and government officials

Communications and Outreach

Alice in Dairyland

Alice in Dairyland is perhaps one of the most recognizable spokespersons for Wisconsin agriculture. She travels throughout the state to promote Wisconsin products to audiences of all ages, educating media, youth and civic groups about the many facets of the state's agricultural industry.

County and District Fairs

Annually more than 3 million people attend Wisconsin's 76 county and district fairs. DAD works in partnership with the Wisconsin Association of Fairs to improve exhibits and to better showcase agriculture by improving signage, buildings, exhibits, landscaping and other miscellaneous items. This program also helps educate fairgoers about Wisconsin agriculture.

Marketing Orders

DATCP may adopt marketing orders for Wisconsin agricultural commodities, with the approval of commodity producers. Under a marketing order, commodity producers pay assessments to fund market development, research and educational programs. Currently, there are marketing orders for milk, corn, soybeans, potatoes, ginseng, cherries and cranberries.

Producers vote to approve marketing orders and elect marketing boards. Elected marketing boards collect and administer marketing order assessments. DATCP administers marketing order referenda and elections, and

helps marketing boards perform their obligations under the marketing orders. DATCP monitors marketing board operations to ensure that they comply with state law.

Something Special *from* Wisconsin™

This is a trademarking program through which participating businesses can apply to use the Something Special *from* Wisconsin™ logo if at least 50 percent of the value of the product or service is attributable to Wisconsin ingredients, production or processing activities. The annual fee is based on a company's gross annual sales.

8) Management Services

Finance

Information technology services

Administration

Laboratory services

The Division of Management Services provides a wide variety of staff services to the department.

Finance

Budget

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

- Prepares DATCP's biennial budget request.
- Monitors program operating budgets.
- Coordinates budget operations with the Department of Administration and the Legislative Fiscal Bureau.
- Consults on budget reductions, lapses and reallocations needed to meet annual and biennial budget requirements.
- 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 divisions:

- Processes DATCP's 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 financial reports, including Generally Accepted Accounting Principles (GAAP) reports, gifts and grants reports, and fiscal year-end reports.
- 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 the bid process, reviews bids and provides information.
- Reviews contracts, with divisions and the Office of Legal Counsel.
- Coordinates the DATCP purchasing card program.

Information Technology Services

The Management Services Division provides information technology services to meet program needs. These services include:

- Computer systems, hardware, software, networking, maintenance and support.
- Server administration and security
- Database management.
- Applications development, maintenance and support.
- Website design, management and support.
- Quality assurance, business analysis and project management
- Geographic information systems (GIS) development, services and support.
- Telecommunications services, including new technology development and support.

The Division works with program managers and division administrators to:

- Identify and analyze business needs and information technology options.
- Plan and coordinate information technology systems to address business needs.
- 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 and privacy protection.
- Develop, update and maintain the MyDATCP website, which provides online licensing and other services.
- Coordinate information technology and data sharing with the Department of Administration and cooperating external partners.

Administration

Emergency Services

The division:

- Conducts training and exercises with local emergency managers, agricultural officials, university representatives, and industry participants to test plans addressing agriculture related emergencies.
- Develops plans for prevention, preparation, response, and recovery to natural and man-made disasters and emergencies.
- Coordinates emergency planning and response with federal, state and local agencies.

Health and Safety

The division:

- Gathers information about health and safety hazards.
- Assists emergency response planning and coordination.
- Identifies and analyzes hazards and trends.
- Promotes a safe work environment for DATCP staff and the public.

General Administration and Facilities Management

The division:

- Develops and reviews DATCP policies and procedures.
- Coordinates and oversees division and agency memorandum of understanding (MOU) documents affecting division and agency services.
- Works with other state agencies on the state's Privacy Council to identify and define consistent privacy practices and policies among state agencies.
- Provides facilities management and planning services, in cooperation with the Department of Administration and others.

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.

10) 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 Secretary or designee is a voting member of the LWCB. DATCP's Agricultural Resource Management Division coordinates LWCB meetings. The LWCB:

- Reviews county land and water conservation plans, and recommends approval or rejection to DATCP.
- Advises DATCP and DNR on proposed land and water conservation funding allocations to counties.
- Exercises advisory or approval authority related to a variety of other land and water conservation activities and standards.

The Livestock Facility Siting Review Board is a statutory board that is attached to DATCP for administrative purposes. The siting 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.

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 Secretary or designee is a voting member of the council.

The Veterinary Examining Board is a statutory board attached to DATCP. The Veterinary Examining Board defines professional standards and regulatory policies for veterinarians and veterinary technicians. The board determines the education and experience required for obtaining credentials, develops and evaluates credentialing examinations, and establishes and enforces standards of professional conduct. The members of the Veterinary Examining Board are appointed by the Governor and confirmed by the Legislature to serve 4-year terms. The Board consists of 5 licensed veterinarians, 1 veterinarian technician and 2 public members.

The Farm to School Advisory Council is a statutory council attached to DATCP. Council members serve as ambassadors for farm to school efforts across the state; help the Farm to School Leadership Group and Steering Committee prioritize statewide farm to school goals and programming; and advise future state-level policy and strategy related to farm to school.

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 temporary advisory councils, or standing permanent advisory councils. The DATCP Board must approve the creation and rotating membership of standing advisory councils. In some cases, the statutes require DATCP to appoint an advisory council to advise DATCP on a specified program or issue.

As of November 1, 2017, DATCP had the following standing advisory councils:

- Aquaculture Industry Advisory Council
- Organic Advisory Council
- Agricultural Chemical Cleanup Advisory Council

DATCP Membership on Boards and Councils

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

Groundwater Coordinating Council, attached to the Department of Natural Resources under Wisconsin Statutes section 15.347(13). Secretary or designee.

Invasive Species Council, attached to the Department of Natural Resources under ss. 15.347(18) and 23.22, Stats. Secretary or designee.

Laboratory of Hygiene Board, attached to the University of Wisconsin under Wisconsin Statutes section 15.915(2). Secretary or designee.

State Fair Park Board, attached to the Department of Tourism under Wisconsin Statutes section 15.445(4). Secretary or designee.

Veterinary Diagnostic Laboratory Board, attached to the University of Wisconsin under Wisconsin Statutes section 15.915(1). Secretary or designee.

Waste Facility Siting Board, attached to the Department of Administration under Wisconsin Statutes section 15.105(12). Secretary or designee.

11) DATCP Rules

General

Animal health

Agricultural resource management

Food, Lodging, and Recreation Safety

Trade and consumer protection

Marketing

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 16	Dog Sellers and Dog Facility Operators
ATCP 17	Livestock Premises Registration
Agricultural Resource Management	
ATCP 20	Seed Labeling and Sale
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	Clean Sweep Program
ATCP 35	Agricultural Chemical Cleanup Program
ATCP 40	Fertilizer and Related Products
ATCP 41	Liming Materials
ATCP 42	Commercial Feed
ATCP 48	Drainage Districts
ATCP 49	Farmland Preservation
ATCP 50	Soil and Water Resource Management
ATCP 51	Livestock Facility Siting
ATCP 52	Producer Led Watershed Protection Grants

ATCP 54	Weather Modification
Food Safety	
ATCP 55	Meat and Meat Food Products
ATCP 57	Inedible Animal By-Products
ATCP 65	Milk and Milk Products
ATCP 69	Buttermakers and Cheesemakers
ATCP 70	Food Processing Plants
ATCP 71	Food Warehouses and Milk Distributors
ATCP 72	Hotels, Motels, and Tourist Rooming Houses
ATCP 73	Bed and Breakfast Establishments
ATCP 74	Local Agents and Regulation
ATCP 75	Retail Food Establishments
ATCP 76	Safety, Maintenance, and Operation of Public Pools and Water Attractions
ATCP 77	Laboratory Certification
ATCP 78	Recreational and Educational Camps
ATCP 79	Campgrounds
ATCP 81	Cheese Grading, Packaging and Labeling
ATCP 82	Bulk Milk Collection, Sampling, and Transportation
ATCP 83	Dairy Product Advertising and Labeling
ATCP 85	Butter Grading and Labeling
ATCP 87	Honey and Maple Syrup
ATCP 88	Eggs
Trade and Consumer Protection	
ATCP 90	Fair Packaging and Labeling
ATCP 91	Selling Commodities by Weight, Measure or Count
ATCP 92	Weighing and Measures
ATCP 93	Flammable, Combustible and Hazardous Liquids
ATCP 94	Petroleum and Other Liquid Fuel Products
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 105	Sales Below Cost
ATCP 106	Price Gouging During An Emergency
ATCP 109	Freezer Meat and Food Service Plans
ATCP 110	Home Improvement Practices
ATCP 112	Credit Report Security Freezes
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; Customer Notices
ATCP 121	Referral Selling Plans
ATCP 122	Chain Distributor Schemes
ATCP 123	Electronic Communications Services
ATCP 124	Price Comparison Advertising
ATCP 125	Manufactured Home Communities – Fair Trade Practices
ATCP 127	Direct Marketing, including:
	o Telemarketing
	o Telemarketing “No Call” List
	o Mail and E-Mail Solicitations
	o Itinerant Sales
ATCP 128	Academic Material 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 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 159	Wisconsin Grain Grades
ATCP 160	County and District Fairs
ATCP 161	Agricultural Development and Market Promotion
ATCP 162	Farm Mediation and Arbitration Program
ATCP 163	Dairy Manufacturing Facility Investment Credit
ATCP 164	Meat Processing Facility Investment Credit
ATCP 165	Food Processing Plant And Food Warehouse Investment Credit
ATCP 166	Woody Biomass Harvesting And Processing Credit

12) DATCP Licenses and Permits

DATCP issues the following licenses, permits and certificates:

License or Permit	Division	Fees Subject to Change)
Animal Control Facility or Shelter	AH	
Animal Dealer License	AH	\$220 annual license
Animal Food Processor License	FS	\$200 annual/\$25 one-time inspection
Animal Import Permit (Certain Animals)	AH	No fee
Animal Market License	AH	\$420 annually (Class A) \$220 annually (Class B) \$280 annually (Class E) equine
Animal Transport Vehicle (Animal Dealers, Markets and Truckers)	AH	\$20 annually per vehicle
Animal Trucker License	AH	\$60 annual license
Animals Diseased; Permit to Move	AH	No fee
Apiary Inspection Certificate; Interstate Movement	ARM	\$50 per certificate
Bulk Milk Tanker; Grade A Permit	FS	No fee
Bulk Milk Tanker; License to Operate	FS	\$45 annual license
Butter Grader License	FS	\$75 for 2-year license
Buttermaker License	FS	\$75 for 2-year license
Cattle and Bison; Import Permit	AH	No fee Testing at owner's expense.
Cattle; Brucellosis-Free Herd Certification	AH	\$50 annually Testing at owner's expense.
Cattle/Goats; Johne's Disease Herd Classification	AH	No fee Testing at owner's expense.
Cattle; Johne's Disease Vaccination Approval	AH	No fee
Cattle; Tuberculosis-Free Herd Certificate	AH	\$100 for 2 years. Testing at owner's expense.
Cheese Grader License	FS	\$75 for 2 year license
Cheese Logo (Wisconsin); Permit to Use	FS	No fee
Cheesemaker License	FS	\$75 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	\$30 annual fee paid by dairy plant

Dairy Plant License	FS	See ATCP 80.04, Wis. Adm. Code. An operator who procures milk from producers must also hold a milk contractor license.
Dairy Plant; Grade A Permit	FS	See ATCP 80.06, Wis. Adm. Code
Dating Service	TCP	No license, but performance bond required
Dead Animals; Carcass Dealer Registration	FS	No fee
Dead Animal Collector License	FS	\$100 annually for each location
Dead Animals; Transport Vehicle Permit	FS	No fee
Deer (Farm-Raised); Brucellosis Cert.	AH	\$150 for 3 years. Testing at owner's expense.
Deer (Farm-Raised); CWD Herd Status Program	AH	No fee. Testing at owner's expense.
Deer (Farm-Raised);	AH	\$85-325 depending on herd size and movement
Deer (Farm-Raised); Hunting Ranch Registration Certificate	AH	\$500 for 10-year certificate
Deer (Farm-Raised); Import Permit	AH	No fee
Deer (Farm-Raised); TB Cert	AH	\$150 for 3 years. Testing at owner's expense.
Dog Breeders/Dealers/Sellers	AH	\$250-\$1,000 annually depending on number of dogs sold
Dog Dealer; Out-of-State	AH	150% of \$250-\$1,000 annually depending on number of dogs sold
Equine Quarantine Station; Permit	AH	\$100 basic fee plus \$100 for each equine permit
Fairs; County or District Fair Judge Registration	AD	No fee
Feed (Commercial); License to Distribute	ARM	See ss. 94.72 (6) Manufacture or Distribute (license fee and annual "tonnage fees)
Feedlot (Approved Import Feedlot); Permit	AH	\$140 annual fee
Fertilizer; License to Manufacture or Distribute	ARM	See ss. 94.64(3r), (4) and (5), Wis. Stats.
Fertilizer Product < 24% NPK; Permit	ARM	\$25 per permitted product. Permit for non-Ag or special Ag use only. Permit is valid until product label changes or permit is suspended.
Fish Farm Registration	AH	\$37.50-\$300 depending on type and # of farms
Fish Import Permit	AH	\$90 for each import permit
Fitness Center	TCP	No license, but performance bond required

Food Marketing Permit (temporary permit for non-conforming label)	FS	No fee
Food or Farm Product Grader; License	FS	\$25 per 2-year license (no licenses currently in effect)
Food Processing Plant License (Wholesale)	FS	See ATCP 70.03, Wis. Adm. Code. A processor who procures vegetables from producers must also hold a vegetable contractor license
Food Retail License	FS	See ATCP 75 (subch. II), Wis. Adm. Code. Weights and measures fees may also apply (see ATCP 92.12, Wis. Adm. Code)
Food Retail Inspection; Agent County	FS	See ATCP 75 (subch. III), Wis. or Municipality Adm. Code
Food Warehouse License	FS	See ATCP 71.02, Wis. Adm. Code
Fur Farm	FS	Registration required (s. 97.44, Stats.), no fee
Future Service Plan (Buyers Club)	TCP	No license, but performance bond required
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	\$50 annually. Testing at owner's expense.
Goats; Tuberculosis-Free Herd Certificate	AH	\$50 annually. Testing at owner's expense.
Grain Dealer License	TCP	See ch. 126, Wis. Stats., and ch. ATCP 99, Wis. Adm. Code, for license fee, security and insurance requirements.
Grain Warehouse Keeper License	TCP	See ch. 126, Wis. Stats., and ch. ATCP 99, Wis. Adm. Code, for license fee, security and insurance requirements.
Grease Processor License	FS	\$200 annual fee.
Humane Officer Certification	AH	\$25 for initial certification and \$25 for re certification.
Laboratory Analyst Certification (Dairy, Food and Water Labs)	FS	See ATCP 77.06, Wis. Adm. Code.
Laboratory Certification (Dairy, Food and Water Labs)	FS	See ATCP 77.06, Wis. Adm. Code.
Laboratory; Milk Screening Test Approval	FS	See ATCP 77.23, Wis. Adm. Code.
Landspreading Permit; Soils Containing Spilled Agrichemicals	ARM	No fee
Liming Materials; Approval to Sell by Volume	ARM	No fee.
Liming Materials; License to Sell	ARM	\$10 annual license fee plus "tonnage" fee of .0125 per ton.

Livestock; Brand Registration	AH	\$20 initial certification fee. \$10 renewal fee every 10 years
Livestock; Permit to Move from Slaughter	AH	No fee
Livestock Premises Registration	AH	No fee
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.
Milk and Cream Tester License	FS	\$50 for 2-year license; \$25 reinspection fee if needed.
Milk Contractor License	TCP	See ch. 126, Wis. Stats., and ch. ATCP 100, Wis. Adm. Code, for license fee, security and insurance requirements
Milk Distributor License	FS	\$75 annual fee for each milk storage facility.
Milk Weigher and Sampler License	FS	\$60 for 2-year license.
Mobile Air Conditioners; Repair or Service Business; Registration	TCP	\$120 annual fee per business location.
Mobile Air Conditioners; Technician Registration	TCP	No fee.
Nursery Dealer License	ARM	s. 94.1 (3), Wis. Stats.
Nursery Grower License	ARM	s. 94.1 (2), Wis. Stats.
Pesticide Applicator Certification; Commercial	ARM	See ATCP 29.26, Wis. Adm. Code.
Pesticide Applicator Certification; Private	ARM	See ATCP 29.27, Wis. Adm. Code.
Pesticide Commercial Application Business License	ARM	s. 94.703 (3), Wis. Stats.
Pesticide Commercial Applicator (Individual) License	ARM	s. 94.704 (3), Wis. Stats.
Pesticide Dealer-Distributor License	ARM	s. 94.685, Wis. Stats.
Pesticide Emergency Use Permit	ARM	No fee
Pesticide Experimental Use Permit	ARM	No fee
Pesticide Manufacturer & Labeler License	ARM	s. 94.681 (2), (3), (4), (5) and (6), Wis. Stats.
Pesticide Special Local Need Registration	ARM	\$250.
Pesticide Special Use Permit	ARM	No fee.
Plant Health (Phyto Sanitary) Certificate	ARM	See ATCP 21.05(3), Wis. Adm. Code.

Plant Pest (or Biological Control Agent); Permit to Move or Release	ARM	No fee.
Poultry; Disease-Free Flock Certification (National Poultry Improvement Plan)	AH	\$40 - \$400 per disease per year based on flock type. Testing at owner's expense.
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.
Poultry; Certified Pullorum Tester (National Poultry Improvement Plan)	AH	\$25 every 5 years.
Public Warehouse Keeper License	TCP	\$90 - \$500 annually based on size. See ATCP 97.04 and 97.08, Wis. Adm. Code, for license fee and security requirements
Renderer License	FS	\$200 annual fee (plus \$25 inspection fee for initial license).
Seed Labeler License	ARM	\$25 to \$2,500 based on sales.
Sheep; Brucella Ovis-Free Certificate	AH	\$50 annually. Testing at owner's expense.
Soil and Plant Additives; License to Sell	ARM	See ATCP 40.20(4) and 40.22 (annual license fee and "tonnage" fees).
Soil and Plant Additive; Product Permit	ARM	\$100 permit for each product. Permit valid until label is changed or 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	\$50 annually. Testing at owner's expense.
Swine; Pseudorabies – Herd Certificate	AH	\$50 annually. Testing at owner's expense.
Swine; Pseudorabies Qualified Negative Certificate	AH	\$50 annually. Testing at owner's Grow-Out Herd expense.
Swine; Pseudorabies Vaccination Permit	AH	No fee. Testing at owner's expense.
Telephone Solicitors Registration	TCP	See ch. ATCP 127 (subchapter V), (Wisconsin "No Call" Program) Wis. Adm. Code.
Time-Share Seller; Security Requirement	TCP	No license, but seller must establish escrow account or file security with DATCP to protect deposits made by purchasers.
Vegetable Contractor License	TCP	See ch. 126, Wis. Stats., and ch. ATCP 101, Wis. Adm. Code, for license fee and security requirements.

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.
Weight Reduction Center; Security	TCP	No license required, but operator Requirement must file security with DATCP
Weights and Measures; Liquid Fuel	TCP	See ATCP 92.50, Wis. Adm. Code. Vehicle Tank Meter
Weights and Measures; LP Gas Meter License	TCP	See ATCP 92.43, Wis. Adm. Code.
Weights and Measures; Service Company License	TCP	See ATCP 92.20, Wis. Adm. Code.
Weights and Measures; Service Technician Registration	TCP	See ATCP 92.21, Wis. Adm. Code.
Weights and Measures; Vehicle or Livestock Scale Permit	TCP	See ATCP 92.30, Wis. Adm. Code.
Weights and Measures; Vehicle Scale Operator License	TCP	See ATCP 92.31, Wis. Adm. Code.

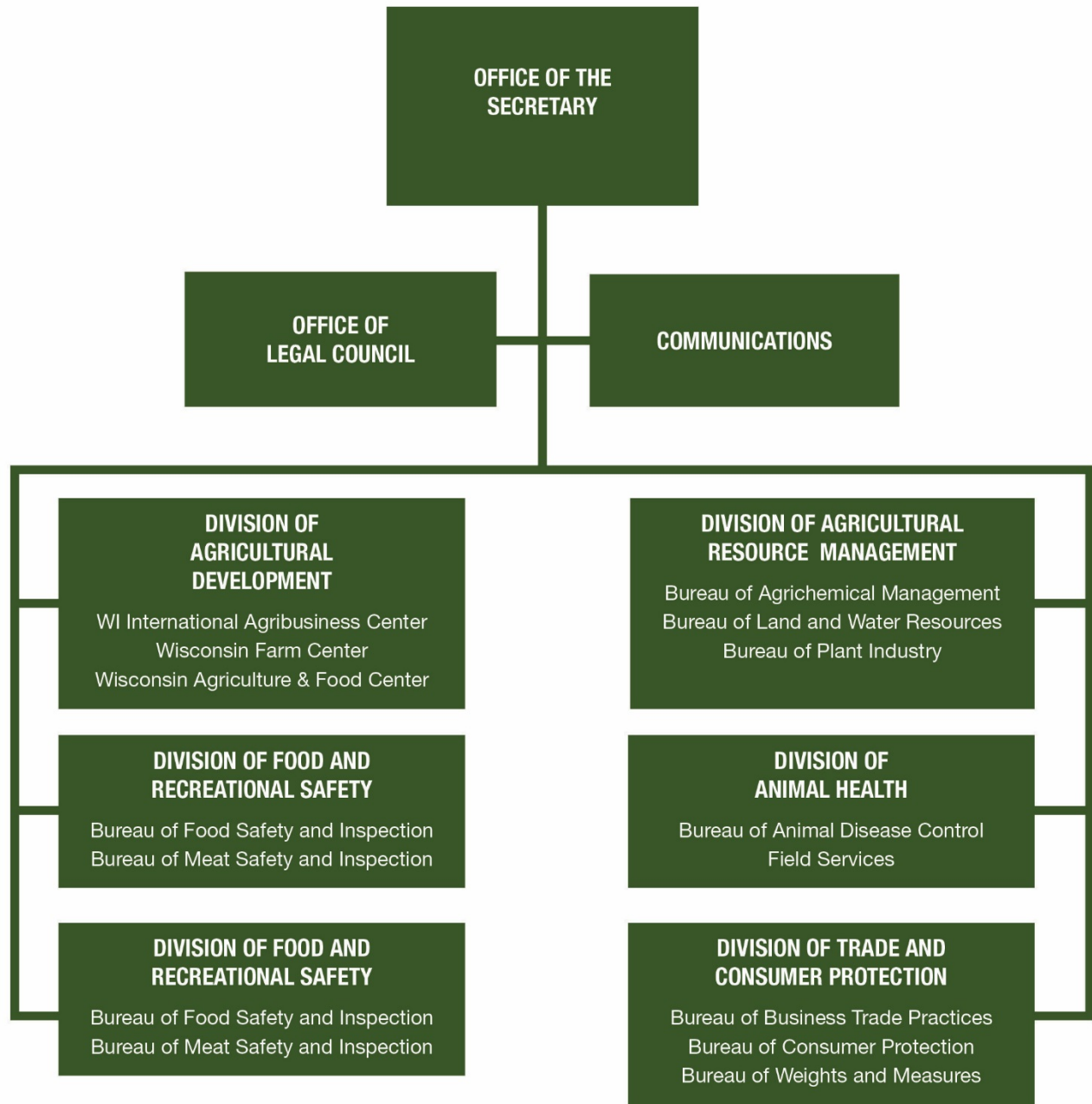
13) DATCP Locations

DATCP has offices at the following locations:

Office	Address	Telephone	Fax
Central Office	2811 Agriculture Drive P.O. Box 8911 Madison, WI 53708-8911	Office of the Secretary 608-224-5013	Office of the Secretary 608-224-5034
		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 608-224-4683	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	2601 Agriculture Drive PO Box 7883 Madison, WI 53707-7883	608-266-2761	
Eau Claire Office	718 W. Clairemont Avenue Eau Claire, WI 54701	Dairy Program Office (Phone Food Safety Central Office)	Dairy Program Office (FAX Food Safety Central Office)

Fruit and Vegetable Inspection Offices	807 5th 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 Superior, WI 54880	Superior Office 715-392-7850	Superior Office 715-392-7847
Weights & Measures Metrology Lab	3601 Galleon Run Madison, WI 53718	608-224-4910	608-224-4912

14) DATCP Organization Chart



ATTACHED BOARDS AND COUNCILS

Board of Agriculture, Trade and Consumer Protection
 Land and Water Conservation Board
 Livestock Facility Siting Review Board
 Agricultural Producer Security Council

Fertilizer Research Council
 Ag Education and Workforce Dev. Council
 Fertilizer Research Council
 Agricultural Chemical Cleanup Council

15) DATCP Family Tree

