

Bureau of Agrichemical Management



2020 Annual Report

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Bureau of Agrichemical Management

Overview

The Bureau of Agrichemical Management (ACM) administers Wisconsin's regulatory and enforcement programs associated with commercial animal feeds, fertilizers, pesticides, and other plant production and pest control materials used in agricultural, urban, and industrial settings. The bureau is part of the Division of Agricultural Resource Management.

In March 2020, the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP), along with all other state agencies, were directed to work from home due to COVID-19. ACM adapted quickly to working in a telecommuting model and made adjustments for COVID-19 restrictions. This annual report highlights the pandemic response-related projects and routine regulatory, environmental, and enforcement work. The report also provides a financial overview, program statistics, and enforcement and compliance actions.

Mission

Protect human health and the environment, promote agriculture and assure a fair marketplace by mitigating risks and preserving the benefits of regulated products.

Financials

ACM's financial information includes the state fiscal year (FY) 2020 from July 1, 2019 through June 30, 2020. Federal grants operate October 1, 2019 through September 30, 2020. This report covers those portions of the federal grants that occurred during the state fiscal year. The Department of Natural Resources' (DNR) environmental fund supports the Clean Sweep Program grants to local governments (\$750,000 annually), and the revenue and expenses for these grants are not included in this section.

The primary sources of revenue for ACM are industry fees for licenses, permits, registrations, and tonnage under the feed, fertilizer, soil and plant additive, lime, and pesticide programs. In addition, a federal grant provides some funding to cover annual pesticide program expenses. ACM recognizes these important partnerships with industry and the federal government and works hard to maximize the use of this funding for the benefit of the industry, consumers, and the environment.

Agrichemical Management Fund

The ACM fund is the primary source of funding for the regulatory, investigative, and enforcement aspects of ACM. This includes staff, supplies and services, and the laboratory. Table 1 shows the ACM fund balance sheet resulting from industry fee revenue and ACM expenditures. Expenditures for "other programs" includes ACM support for Division of Animal Health Inspectors and Discovery Farms. Revenue continued to decrease in FY 2020, compared to historic revenue amounts, as a result of implementing RevEx (more info on page 5) fee changes.

In addition to industry fees, ACM programs are supported by a federal grant from the U.S. Environmental Protection Agency (EPA). The EPA pesticide grant is used for implementing, investigating, and enforcing pesticide use laws and regulations. In FY 2020, the EPA grant was \$586,027.

Table 1: FY20 ACM Fund Balance Sheet

	Revenue		Expenditures	Ending Balance
Opening Balance	\$13,111,922	ACM Programs	(\$6,672,364)	
Revenue Total	\$7,815,928	Other Programs	(\$863,253)	
Total	\$20,927,850	Total	(\$7,535,617)	\$13,392,233

Agricultural Chemical Cleanup Program Fund

The Agricultural Chemical Cleanup Program (ACCP) fund is used to make reimbursement payments for agricultural chemical spill cleanups. Table 2 shows the money collected and deposited into the ACCP fund from industry surcharges. Revenue amounts continue to decrease, as there are currently no surcharges being collected in FY 2020 due to the surcharge holiday. As a result, there were little to no revenue funds collected in 2020 as the program used the existing cash balance to fund reimbursement payments, as shown in Table 2. Per current state statutes, the surcharge holiday will continue until the fund balance drops below \$1,500,000.

Table 2: FY20 ACCP Fund

	Revenue	Expenditures	Total
Opening Balance	\$6,454,381		
Total Revenue	\$109,355		
Reimbursements		(\$1,350,649)	
Other		(\$0)	
Closing Balance			\$5,213,087

Revenue Collected for Other Agencies and Programs

The ACM fund is statutorily required to support several programs that are not part of ACM. Table 3 shows non-ACM programs that are supported by fees paid into the ACM fund.

Table 3: FY20 ACM Fund Expenditures for Non-ACM Programs

Non-ACM Program	Amount
DATCP Division of Animal Health	(\$519,553)
UW Discovery Farms	(\$249,800)
DATCP Ag in the Classroom	(\$93,900)
Total	(\$863,253)

ACM is directed by statute to collect fees for several other agencies and distribute the funds to them each year. Table 4 shows the fee revenue collected on behalf of, and transferred to, other agencies and non-ACM programs.

ACM Program	Revenue
DNR Environmental Fund	\$1,611,778
UW Fertilizer Research Council	\$316,343
UW Nutrient Management Program	\$180,161
UW Lime Research Program	\$8,109
DATCP Weights and Measures	\$158,361
Total	\$2,274,752

Direction for the Coming Year

To help minimize large annual surpluses and ongoing fund balances in the ACM and ACCP funds, ACM worked with industry stakeholders to complete the revenue and expenditure (RevEx) project to ensure future fee levels and revenues are appropriate and properly aligned with bureau expenses. The project, completed in FY 2019, resulted in statutory changes that adjusted fees and surcharges. The initial changes to the fees and surcharges took effect in 2018 and has continued since. As expected, revenue has dropped in multiple accounts. The ACCP fund balance will continue to diminish over time, as the surcharge holiday will continue until the fund balance is sufficiently lowered through reimbursements to restart the surcharges. The ACM fund balance will build more slowly in the future as a result of these fee changes.

Covid-19 Response

ACM regularly seeks continuous improvement projects to streamline processes and better serve others. Impacts from the Covid-19 pandemic accelerated many of those projects as employees quickly pivoted to telecommuting in 2020. ACM addressed the logistics of moving equipment for over 40 staff and the challenge of paper-based processes.

The ACM bureau had been moving documents from shared network storage locations to a SharePoint platform for the last few years as part of a large-scale optimization project. SharePoint serves as document storage while also providing some automation features such as workflows that route documents or alerts to send email or text reminders to staff. ACM was able to use SharePoint to move to paperless routing for many tasks and set up shared libraries used across divisions to quickly address needs of both ACM's programs and other programs within the agency.

Some SharePoint projects in 2020 were entirely based on the pandemic response, such as:

- Emergency response group – This is an agency-wide group of staff trained in emergency response. A collaborative site was created to allow members of the group to update each other quickly and efficiently, while retaining all documents and a list of pandemic-related issues in one location for easy access.
- Food Security Initiative Grants – ACM staff were able to support the Division of Agricultural Development (DAD) by quickly developing a site to manage \$25 million in

food security initiative grants. The site allowed DAD staff to track the largest grant project ever managed by the agency, with applications, grant reviews, and grant management completed by an entirely paperless process.

SharePoint solutions already developed prior to 2020 proved vital in the ability to move quickly to telecommuting as an emergency response, such as:

- E-fleet – Drivers of state vehicles formerly submitted paper documentation regarding mileage that was then entered into a Department of Administration (DOA) application. The division improved this to a paperless process with automated reminders, electronic approvals, and data entry completion by the drivers themselves in 2019, eliminating the need for anyone to process mailed mileage logs.
- Timesheets – ACM staff collect timesheet data for an Environmental Protection Agency (EPA) grant. Formerly, this was also a heavily paper-driven process, requiring an office assistant to re-enter data that was approved via a lengthy email process. Also deployed in 2019, this solution eliminates paper, automates reminders, and allows for electronic approvals by management.
- Program-specific solutions – A number of ACM programs have started to use SharePoint to develop forms for both internal and external use. These forms collect data immediately, eliminating paper submissions that require data-entry into other systems, generally a database. Clean Sweep grants, landscape registry complaints, and dealer records inspections all have some content using SharePoint solutions.

Strategic Plan

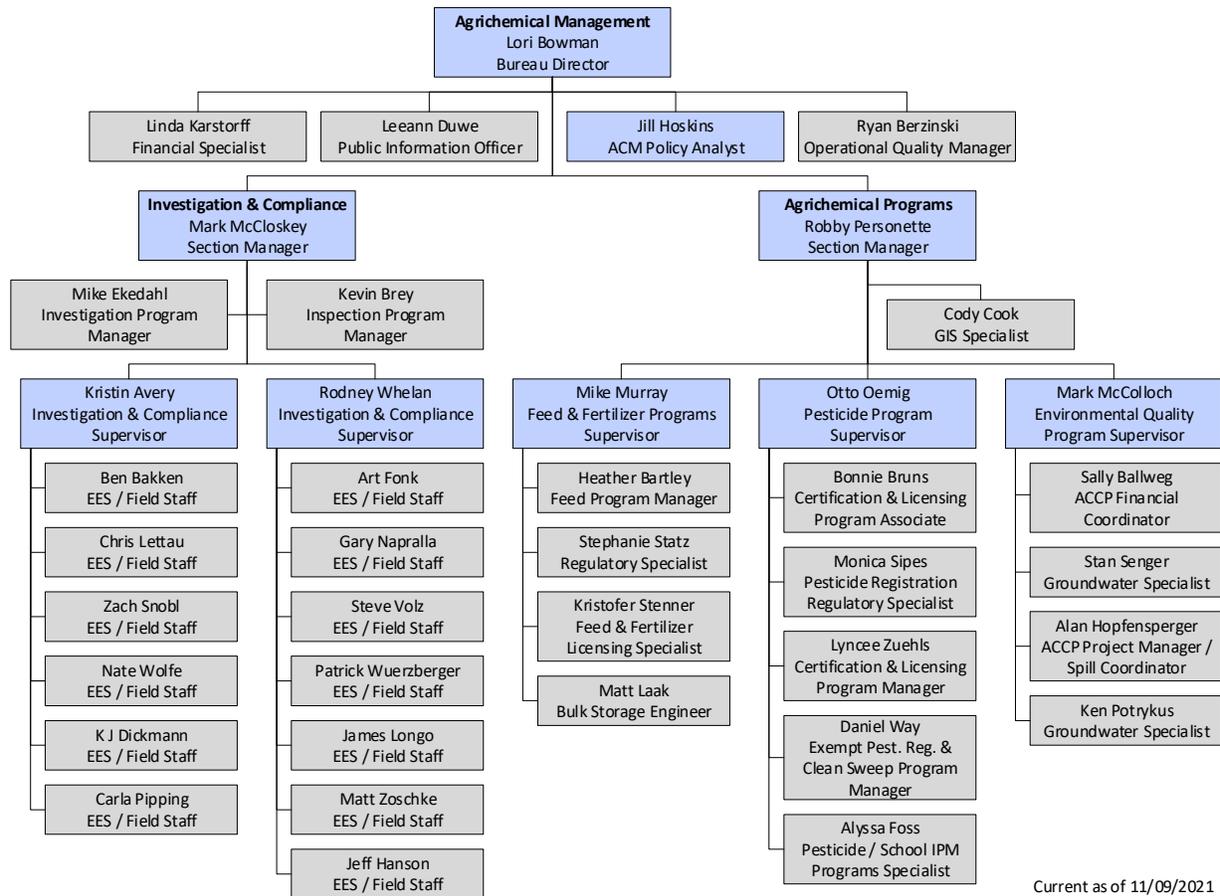
In 2015, the ACM management team undertook a planning process to identify strategic goals and objectives to guide and focus the bureau's activities over the following five years. As a result of the 2015 planning process, ACM adopted three strategic goals. All bureau staff, programs, sections, and management use the annual work planning process to align their work activities to meet these goals, which include:

- Operational excellence: ACM will enhance operational functions through effective programs, efficient use of resources, expanded use of technology, and process improvements.
- Stakeholder collaboration: ACM will increase collaboration with internal staff, partners, and external stakeholders to maintain credibility and enhance program success.
- Workforce and employee development: ACM will recruit, invest in, develop, and manage its workforce to ensure skilled, adaptable employees who can lead critical programs and who have opportunities to grow professionally.

Progress has been made in each of these areas throughout 2020. The development of a new strategic plan began in November of 2020 to identify strategic goals and objectives to guide and focus ACMS's activities over the next three to five years. Planning activities included a core team of managers, plus a bureau-wide team of 14 managers and staff. Meetings will continue into 2021 to draft and finalize the next strategic plan cycle.

Organization Chart

ACM is separated into two sections: Agrichemical Programs, and Investigation and Compliance. Each of these sections has its own units, and each unit manages multiple programs. An overview of each section, and highlights from FY20 are provided in the remainder of this report.



Current as of 11/09/2021



Agrichemical Programs Section

The agrichemical programs section consists of the following units:

- Environmental quality
- Feed, fertilizer, and containment
- Pesticides

Each unit is led by a supervisor and contains multiple programs. Program supervisors run specific programs along with licensing or grant management staff, depending on the program.

Environmental Quality Unit

The environmental quality unit includes the following program areas:

- Surface and groundwater monitoring
- Agricultural chemical cleanup
- Pesticide product restrictions

Surface and Groundwater Monitoring Programs

These program areas perform routine monitoring for pesticides and nitrate to evaluate the occurrence of agrichemicals in surface and groundwater. This includes the following monitoring programs:

- Targeted
- Field-edge
- Surface Water
- Exceedance Well
- Groundwater Restrictions

More information about each program and reports are available at

https://datcp.wi.gov/Pages/Programs_Services/SurfaceGroundwaterMonitoring.aspx.

	2016	2017	2018	2019	2020
Groundwater	576	276	294	290	209
Surface water	86	88	140	105	69

2020 Highlight

Multi-Agency Review of Groundwater Quality Standards

In 2020, staff continued to work with the DNR for the tenth cycle of new groundwater standards under NR 140. Under the law, DNR is responsible for creating new standards within NR 140. When DATCP detects pesticides in groundwater samples, the data is shared with DNR and the Wisconsin Department of Health Services (DHS) so that new standards can be considered.

Program staff published the following pesticide fact sheets under consideration for the tenth cycle review of groundwater standards:

- Clothianidin
- Dacthal, Dacthal MTP, Dacthal TPA
- Glyphosate, Glyphosate AMPA
- Imidacloprid
- Isoxaflutole, Isoxaflutole DKN, Isoxaflutole BA
- Neonicotinoids
- Sulfentrazone
- Thiamethoxam
- Thiencarbazone-methyl

The fact sheets are available to view at

https://datcp.wi.gov/Pages/Programs_Services/GroundwaterStdsPesticides.aspx.

On November 6, 2020, DHS presented the 11th cycle of groundwater standard proposals to the DNR and DATCP. Program staff will prepare fact sheets for the following pesticide compounds being considered for the cycle 11 review of groundwater standards:

- Metalaxyl
- Chlorantraniliprole
- Flumetsulam
- Fomesafen
- Hexazinone
- Saflufenacil

Program staff will continue to assist the DNR with technical advice and data support for rulemaking efforts under cycles 10 and 11. The status of the combined agencies efforts to draft new standards under NR 140 can be found at <https://dnr.wi.gov/topic/Groundwater/NR140.html>.

Agricultural Chemical Cleanup Program

The Agricultural Chemical Cleanup Program (ACCP) helps cleanup pesticide and fertilizer spills to prevent them from contaminating groundwater, and reimburses for eligible cleanup costs. ACCP works with the person responsible for the spill and consultants they hire to ensure cleanups are completed in accordance with environmental regulations and in a cost effective and timely manner.

The environmental quality unit spill coordinator responds to an average of 40 spill responses each year. The spill coordinator also works closely with DNR on spill response investigations.

ACCP reimburses for a portion of eligible cleanup costs. The discharge site maximum is \$650,000 for eligible costs incurred on or after July 1, 2017. The Agricultural Chemical Cleanup Council, a six-member advisory council composed of farmers and members of the regulated community, review and make recommendations to the department regarding reimbursements.

Table 6: Number of Cases Managed					
	2016	2017	2018	2019	2020
ACCP					
Applications received	32	22	22	34	23
Open cases	138	127	122	124	124
Long-term cases – new	3	4	6	7	8
Long-term cases – closed	15	15	11	5	14
Long-term cases – total closed	591	606	617	622	636
Spill Cases					
New	43	26	39	39	32
Closed – same year	17	4	30	33	24
Closed each year – total	39	32	50	41	32
Total closed cases	1,163	1,195	1,245	1,286	1,318

Pesticide Product Restrictions Program

The program has the authority to place increased restrictions on the use of certain pesticide products. Pesticides like DDT, endrin, chlordane, and dinoseb, and metals like cadmium are prohibited pesticides in the state. Restrictions can also include limits on certain products for specific uses (like bat control), or restrict application methods or timing, or specify other management practices for specific pesticides. The authority also allows increased restrictions on uses of aldicarb and atrazine, two pesticides known to have caused groundwater contamination through past use. Monitoring efforts include groundwater monitoring programs and collection of samples, as well as marketplace inspections and pesticide use observation inspections.

Feed, Fertilizer, and Containment Unit

The feed, fertilizer, and containment unit includes the following programs:

- Feed
- Fertilizer
- Containment

Feed Program

The Feed Program provides the following services:

- **Licensing and tonnage reporting:** The program annually licenses about 1,500 commercial feed and pet food companies. Each year, these feed companies distribute over 6 million tons of feed in Wisconsin, which includes feed for Wisconsin's livestock and poultry industry, as well as pet food. Feed licensees must report and pay inspection fees on each ton of feed distributed during the previous calendar year.
- **Certificates of free sale:** The program issues around 300 certificates of free sale annually to companies exporting feeds and feed ingredients. Companies submit an application, fee, and label of the feed they want to export and are issued a certificate of free sale. The certificate of free sale confirms that the company is licensed and legally able to sell in Wisconsin the feed or feed ingredient being exported.
- **Inspections and sampling:** The program routinely inspects feed mills for compliance with good manufacturing practices, and collects samples to ensure the nutrients in the feeds are present at the levels guaranteed on the label. Approximately 70 to 90 inspections are completed annually. Feed program staff collect 300-600 feed samples each year and send the samples to DATCP's laboratory for analysis.

Table 7: Feed Program Data

	2016	2017	2018	2019	2020
Licenses issued	1,338	1,429	1,544	1,586	1,534
Tonnage reported	5,128,364	7,588,124	7,156,846	5,859,213	6,015,438
Certificates of free sale issued	354	439	243	226	328
Surveillance samples collected	552	617	577	576	298
Inspections					
Commercial Feed	102	60	64	92	85
FDA BSE & MFL*	6	6	6	0	0

*These contracted inspections were discontinued.

2020 Highlight

Feed Tonnage Project

For the feed compliance assistance project, program staff met with commercial feed industry members to develop a better understanding of how the industry reports commercial feed. A survey, and other feedback, revealed few people felt they understood the tonnage reporting concept and requirements for Wisconsin. For reference, Wisconsin's 2018-19 biennial budget included statutory changes to the annual commercial feed tonnage and inspection fee reporting requirements. The consensus in industry meetings confirmed that confusion in all facets of reporting existed.

The following questions were raised through the survey and other feedback:

- What is the difference between custom-mixed feed, floor-stock feed, branded feed, and mill-formulated feed?
- Is grain bank grain (customer-owned/producer-owned grain) reportable?
- What is the requirement for reporting whole grains versus processed grains?
- How do I know if my supplier that is a wholesaler/jobber/broker reported the tonnage if the invoice does not indicate whether or not the tonnage was reported? This scenario involves licensing of wholesaler/jobber/broker firms that may not have needed a license in the past.
- How do I report my feeds by category when the reports I run are summarizing distributions by the complete feed that was distributed?
- What if my firm identifies online transaction distributions and I cannot determine the destination from the information available?

Staff processing license renewals and tonnage reports observed procedural issues with commercial feed tonnage reporting that resulted in these follow-ups with licensees:

- Firms do not always remember to sum all fees due for both the tonnage report and the license renewal, together when paying with one check for the cumulative total of fees.
- Firms do not always remember to complete Schedule A of the tonnage report (reverse side, or page 2 of the 2018 and 2019 reporting form).

As a result, the following were developed: frequently asked questions supported by a decision flowchart, an updated tonnage reporting form and written instructions for completing the

tonnage reporting form. In addition, staff conducted webinars that were recorded and are available on the DATCP YouTube channel for the industry to reference. Moving forward, program staff will continue to conduct an annual tonnage webinar in advance of the annual reporting deadline to review the requirements with licensees, and be available to answer questions by phone and email on a case-by-case basis.

Fertilizer Program

The Fertilizer Program provides the following services:

- **License:** The program issues about 800 fertilizer, 200 soil and plant additive, and 100 lime licenses annually. Fertilizer, soil and plant additive, and lime licenses are annual and not transferable. A license is required for each business location and each mobile unit used for manufacturing or distributing fertilizer, soil and plant additive, or lime.
- **Tonnage:** The program collects tonnage reports and fees for about 1.7 million tons of fertilizer, 100,000 tons of soil and plant additive, and 700,000 tons of lime distributed in Wisconsin annually. Each product has a tonnage reporting requirement that involves the reporting of tons of fertilizer distributed and submitting inspection fees and surcharges collected.
- **Permits:** The program has approximately 3,976 fertilizer products permitted, with about 500 permitted annually. Permits are issued for fertilizers less than 24% total NPK (nitrogen, phosphorus, and potassium) and all soil and plant additive products. For soil and plant additives there are about 1,623 products permitted, with about 200 products permitted annually.
- **Sampling:** The program collects samples to ensure the fertilizer meets the label guarantees and economic value. Staff collect about 300-400 samples each year and send the samples to DATCP's laboratory for analysis. Samples are typically collected in the spring prior to crop planting. Due to the Covid-19 pandemic, staff were unable to collect surveillance samples in 2020.

Table 8: Fertilizer Program Data					
	2016	2017	2018	2019	2020
Fertilizer					
Samples collected	280	293	306	288	0*
Licenses issued	801	811	751	796	694
Total permits issued	2,399	2,869	3,344	3,701	3,976
Permits issued – new	661	582	536	360	235
Tonnage reported	1,916,597	1,754,777	1,849,184	1,674,881	1,738,155
Soil and plant additive					
Licenses issued	197	208	201	220	214
Total permits issued	762	941	1,165	1,380	1,623
Permits issued – new	268	174	269	210	221
Tonnage reported	198,751	98,864	155,176	111,124	77,940
Lime					
Licenses issued	98	100	90	97	72
Tonnage reported	1,046,402	947,773	684,550	635,756	721,320

Containment Program

The Containment Program regulates the storage and handling of bulk fertilizer, pesticide, and non-bulk pesticide, to protect against groundwater contamination resulting from both chronic and acute fertilizers and pesticides spillage at storage and handling facilities.

Staff review the design and construction of such facilities, conduct ongoing inspection of such facilities, as well as investigations into facilities that are not complying with the fundamental environmental protection sections of the various rules and statutes. Containment structure construction observations are performed by conservation engineering staff in the Bureau of Land and Water Resources.

Table 9: Containment Program Data					
	2016	2017	2018	2019	2020
Inspections					
Full	8	11	9	2	3
Small/chemigation	88	103	115	117	120
Mix/load	18	17	23	20	8
Sump test	55	58	64	72	63
Cases: Containment Plan Sets					
Reviewed	53	34	20	19	35
Projects	28	17	13	9	19

Pesticides Unit

The pesticides unit includes the following services and programs. More information about these are included in the following sections.

- Applicator licensing and certification
- Inspections and product registration
- Community programs

Applicator Licensing and Certification

Licensing:

- **Commercial pesticide business location:** Businesses that make pesticide applications on a for-hire basis must obtain a pesticide business license and must employ individuals who are licensed as an individual commercial applicator.
- **Restricted use dealers and distributors:** A restricted use pesticide (RUP) license is required of any business that sells or distributes RUPs, either into the state or within the state.
- **Individual commercial applicator:** Anyone applying any pesticides on a for-hire basis must have a license.

Certification:

- **Commercial and private applicator:** Individuals who commercially apply pesticides and anyone who applies restricted use pesticides must be certified by passing a written examination.
- **Reciprocal:** For individuals who are properly certified in their state of residence and apply pesticides in Wisconsin.
- **30-day trainee registration (temporary certification):** Allows an individual to make pesticide applications for-hire while under the direct supervision of an applicator who is certified and licensed.
- **Temporary Certification Exams:** In 2020, the program developed a temporary certification program in collaboration with the UW Pesticide Applicator Training program to meet the industry needs for certification while complying with Covid-19 restrictions that prohibited in-person testing.

Table 10: Pesticide Applicator Licenses and Certifications					
	2016	2017	2018	2019	2020
Licenses Issued					
Pesticide business location	2,338	2,385	2,381	2,408	2,381
Individual commercial applicator	8,799	8,887	9,239	8,339	8,142
Reciprocal	-	-	506	-	459
Restricted use dealer	429	445	449	420	397
Certifications Conducted					
Commercial exams passed	3,932	4,118	5,616	4,150	1,453
Did not pass exam	992	data not available	data not available	1,982	441
Temporary commercial applicator certifications (UW PAT online exam) passed*	-	-	-	-	1,523
Total commercial certified applicators**	17,800	18,953	19,883	20,500	18,200
Private exams passed	3,057	2,083	2,675	1,689	1,491
Did not pass exam	12	data not available	data not available	19	0
Total private certified applicators**	12,420	12,352	11,789	12,415	11,042

*These exams began in 2020.

***Applicators can have more than one certification.

2020 Highlight

Online Commercial and Private Pesticide Applicator Certification

The pesticide applicator certification program made major adjustments in 2020 due to Covid-19. Due to public health restrictions, DATCP could no longer hold in-person exams and needed to move to an online testing model. In April, the program began using an online exam hosted by the UW Pesticide Applicator Training program. Applicators who passed the online test received temporary certification until October 31, 2020. In December, the UW switched its online exam platform to include both commercial and private applicator testing.

The temporary certification credentials obtained from passing the online exam were ultimately extended to December 31, 2021. Individuals with certifications that expired in 2020, initially had their certifications extended to October 31, 2020, and then a second round extended their expiration dates to December 31, 2021.

Program staff continually made adjustments to meet the public health needs of the pandemic, while also ensuring applicators did not have a lapse in their certification. This information was also communicated through news releases, DATCP's website, emails to stakeholder and licensees, and on social media.

The program identifying the long-term need for remote and online certification testing options began to evaluate vendors and options that could be developed for the program. By late 2020, the program had developed options, which were presented to the agency leadership for consideration. In 2021, the program has developed and implemented remote and online testing options for the program.

Product Registration

Pesticide product registration:

- **Pesticide manufacturer and labeler licensing:** Pesticide products distributed, sold, or used in Wisconsin must be registered with both EPA and DATCP. Companies that manufacture or label pesticide products must also be licensed with DATCP to sell or distribute their products in Wisconsin, regardless of whether the company is located in Wisconsin or manufactures pesticides here. The program licenses approximately 1,400 companies annually.
- **Pesticide product listing:** The Pesticide manufacturer and labeler licensee must report the pesticide products they are listing for distribution in the states. There are two types of pesticide products, based on Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) classifications, Section 3 and 25b (minimum risk) products. Wisconsin charges a fee to list FIFRA Section 3 products (those products regulated by the EPA) on the state registry. Listing of these products ensures they are properly registered by the EPA. Wisconsin also requires that 25b products, which are exempt from EPA registration, are listed but no fees are assessed. There are over 13,000 pesticide products listed for distribution each year.
- **Special registrations and use authorizations:** Pesticide products are registered and labeled for specific uses and must be used according to label directions. The program does have the ability to register products for use in Wisconsin to meet specific needs, such as Federal Section 18 emergency exemptions, Wisconsin emergency use permits, and special local need registrations. DATCP also receives requests to conduct experimental research with pesticides in Wisconsin.

Table 11: Product Registrations

	2016	2017	2018	2019	2020
Manufacturers and labelers	1,411	1,437	1,438	1,445	1,544
Pesticide products	13,298	13,355	12,753	12,558	14,095
24(c) special local need (new)	6	2	9	3	3
Section 18 emergency exemption	0	1	1	1	1
Experimental use permits	1	0	6	4	0

Inspections

Inspections:

- **Storage, transport, and sale of pesticides:** The storage, transport and sale of pesticides are monitored through inspections and pesticide use observations.
- **Pesticide handling, records, disposal, and spills:** Pesticide handling, disposal, and spills are monitored through inspections, as well as some functions of the ACCP and containment programs.
- **Agricultural Worker Protection Standard (WPS):** An EPA regulation, adopted in whole in Wisconsin law that requires employers that use pesticides in raising agricultural crops on farms, forests, nurseries, or in enclosed spaces, to protect agricultural workers and pesticide handlers from illness or injury from pesticide use. Wisconsin's WPS inspections are part of the annual cooperative agreement between DATCP and the EPA. ACM performs approximately 40 WPS inspections each year.
- **Private applicator records:** Inspections of individuals who purchase and/or apply RUPs to determine whether applicable recordkeeping requirements are being followed. Environmental enforcement staff provide training offered by the University of Wisconsin's (UW) pesticide applicator training program.

Table 12: Number of Inspections Conducted

	2016	2017	2018	2019	2020
Commercial applicator	55	58	62	60	62
Restricted Use Dealer record	46	44	50	85	68
Pesticide use observations	94	90	70	103	126
Private applicator	27	32	46	51	45
Producer establishment (federal)	14	14	11	11	8
Marketplace	236	313	258	11 (federal only)	4 (federal only)
Worker protection	35	43	41	50	48

Community Programs

- **Landscape pesticide registry:** Allows Wisconsin residents to receive a notification before lawn care and landscape companies apply pesticides to neighboring property.
- **Clean Sweep Program:** Provides grants to municipalities, counties, tribes, and regional planning commissions to help them create and operate local programs for the collection and disposal of agricultural pesticides, farm chemical waste, household hazardous waste (HHW), and unwanted prescription drugs. Funding for these grants is \$750,000 annually from the DNR's environmental fund. In addition, the program provides limited funding each year to support very small quantity generator (VSQG) waste disposal.

	2016	2017	2018	2019	2020
Landscape pesticide registry					
Addresses registered	6,408	5,300	4,521	4,264	4,454
Warning notices issued	39	33	27	30	27
Clean Sweep					
HHW (lbs)	2,149,615	2,166,369	2,199,403	2,094,291	3,290,963
Ag and ag business (lbs)	126,120	140,925	127,960	119,242	82,435
Prescription drugs (lbs)	43,625	38,513	37,483	41,395	27,023
VSQG (lbs)	198,075	310,416	311,659	247,402	233,956



Investigation and Compliance Section

The Investigation and Compliance Section performs investigations related to the feed, fertilizer, and pesticide programs. These cases can involve product distribution, storage, use, disposal or environmental contamination.

Staffing

The section consists of 15 environmental enforcement specialists, two supervisors, and a section manager:

- Environmental enforcement specialists complete inspections and investigational fieldwork that supports the work of the Agrichemical Programs Section.
- Two environmental enforcement specialist staff are classified as advanced and serve as the investigation program manager, and the inspection program manager.
- The two supervisors and section manager conduct and oversee activities associated with inspections and investigations for ACM program areas.

Impacts of COVID-19

In 2020, the pandemic greatly affected operations and how staff performed their work. The directive to only perform essential tasks beginning in late March 2020 had a major impact on investigation and compliance activities. Responding to pesticide use and commercial feed complaints was considered essential work and was generally not impacted by pandemic-related restrictions.

Due to public health restrictions, the section suspended its annual fertilizer sample collection assignments, which normally occur from late March through May. As a result, the section was able to complete the following activities:

- Reviewed and updated the compliance tools utilized in the bureau for identifying violations and enforcement actions.
- Assisted the Licensing and Certification program by reviewing all certification category training manuals and providing feedback for areas of improvement
- Created a new inspection activity called a pesticide business license check. These checks were done for commercial firms that were not licensed as commercial pesticide application businesses, yet the business indicated by way of advertising or some other means that it offered the services of making commercial pesticide applications for its customers. Staff completed 50 of these inspections.

As part of the section's response to the pandemic, staff called currently licensed commercial pesticide application firms and commercial animal feed license holders to inquire of any questions or concerns pertaining to Covid-19, and impacts on their operations in relation to compliance with DATCP rules.

Staff assured commercial firms that DATCP would remain available as a resource to them during the pandemic, even though staff presence by way of unannounced in-field visits was temporarily suspended. About 1,380 commercial pesticide application firms and 268 animal feed manufacturing firms were contacted.

Program Activities

In 2020, the section conducted a total of 122 investigations, with the following types of cases: 115 pesticide, 3 animal feed, 3 containment and 1 fertilizer.

Table 14: Minor Enforcement by Program

	2016	2017	2018	2019	2020
Marketplace unregistered products found	23	15	20	19	1
Worker protection written and verbal warnings	20	26	28	32	23

Table 15: Enforcement Cases by Program

	2016	2017	2018	2019	2020
Pesticide	129	107	112	124	115
Groundwater investigations	1	0	2	1	0
Toxic response	0	0	0	0	0
Remediation	1	4	5	5	0
License/certification	5	6	1	5	0
Feed	3	7	3	1	3
Fertilizer	0	3	0	6	1
Containment	1	5	3	5	3
Worker protection	2	0	2	1	0
Cases with documented violations	86	103	85	101	84
Percent violation rate	61%	78%	66%	68%	69%

Violations may result in enforcement actions ranging from verbal warnings to a court action with civil or criminal penalties depending on the statutory authorities in specific program areas. All civil or criminal cases conducted by the section are prosecuted by the district attorney's (DA) office in the county where the alleged violation(s) occurred. A majority of the formal enforcement actions are conducted by the section through stipulated settlements, with court documents being prepared by the section. The number and type of enforcement actions taken during 2020 are shown in the chart below.

Table 16: Enforcement Action Taken	2020
Verbal warning	181
Warning notice – investigator	172
Warning notice – office	33
Administrative order	0
Compliance conferences	69
Civil forfeiture action submitted to DA	69
Criminal action submitted to DA	0
Referred to EPA	0
Total	524

In 2020, 102 cases were delivered to county district attorney offices for prosecution. These cases include investigations from previous years. DATCP assigns the highest response priority to complaints involving alleged human exposure to pesticides and commercial feed complaints involving impacts to human food supply species. In 2020, the section investigated 34 complaints involving alleged pesticide drift, with 29 of the complaints involving agricultural applications and 5 involving non-agricultural applications.

Direction for the Coming Year

In 2021, the section will continue to implement operational practices that are a result of Covid-19 impacts. Staff will continue to:

- Follow public health restrictions.
- Evaluate and monitor the use of pesticide products in agricultural and non-agricultural settings.

All program specialists within ACM continue to play a role in training opportunities to section staff. The program specialists are essential to the ongoing professional development and training of staff. The provided training opportunities are significant, as about half of the staff have less than six years of experience. ACM also provided training for the all of the environmental enforcement specialist staff. This included job shadowing opportunities with more experienced staff and other bureau staff also remains a priority, and serves as an extremely valuable training platform and a team building exercise.

Enforcement Cases

Below are some of the enforcement cases the section managed in 2020.

Atrazine Use in a Prohibition Area

DATCP initiated an investigation after an inspection revealed atrazine use within an atrazine prohibition area. The defendant met with DATCP to discuss the substantiated violations of using atrazine, as well as mixing and loading atrazine within the prohibition area for three years. They agreed to a stipulated settlement, which included a civil forfeiture of \$2,073.50.

Unlicensed and Uncertified Pesticide Applicators

The following are several examples of cases where DATCP discovered noncompliance with pesticide applicator rules:

- A complaint alleged that a pesticide applicator failed to post landscape warning signs at a Waukesha County residential property. DATCP conducted an investigation, which revealed the business employed multiple unlicensed and uncertified applicators. The defendant met with DATCP to discuss the substantiated violations and agreed to a stipulated settlement, which included a civil forfeiture of \$3,000.
- A targeted inspection was conducted to determine whether businesses with an expired pesticide business license had ceased or continued operations. DATCP found a Dane County firm that was still in business. DATCP conducted an investigation, which revealed the sole proprietor had operated without proper certification and licensure. The

defendant met with DATCP to discuss the substantiated violations and agreed to a stipulated settlement, which included a civil forfeiture of \$2,500.

- DATCP initiated a follow-up inspection regarding a complaint against a Vilas County firm from 2019. It was revealed that the business employed multiple unlicensed and uncertified applicators. Due to the owner's failure to provide true and accurate information during the 2019 investigation, an additional charge of obstruction was added. The defendant met with DATCP to discuss the substantiated violations and agreed to a stipulated settlement, which included a civil forfeiture of \$3,000.
- During a routine pesticide use observation inspection, DATCP discovered that an Indiana firm had directed multiple unlicensed and uncertified applicators to apply pesticides along railroad rights-of-way throughout Wisconsin in 2019 and 2020. The defendant met with DATCP to discuss the substantiated violations and agreed to a stipulated settlement, which included a civil forfeiture of \$2,000.

Compliance Data

	2016	2017	2018	2019	2020
Aerial – Airplane	4	3	3	6	3
Aerial – Helicopter	1	2	1	3	3
Greenhouse – Nursery	1	1	0	0	0
Ground Application-Ag	39	29	40	42	31
Improper Disposal	1	1	0	1	1
Other Non-Ag	7	1	8	13	3
Poor Operating Practices	2	0	0	4	42
Right-of-Way	3	2	6	5	3
Structural	24	11	9	7	4
Turf & Ornamental	56	44	27	43	25
Vandalism	0	0	0	0	0
Total	138	94	94	124	115



Wisconsin Department of Agriculture, Trade and Consumer Protection
 Division of Agricultural Resource Management
 Bureau of Agrichemical Management
 P-DARM400 (10/2021)