



2017

Bureau of Agrichemical Management Annual Report



July 2018



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Bureau Highlights

The Agrichemical Management (ACM) Bureau 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.

During 2017, the Bureau's high priority work included implementing its strategic plan and the revenue and expenditure (RevEx) project, expanding the monitoring well network, undertaking a pet food sampling project and revising the landscape registration in addition to its routine regulatory, environmental and enforcement work. These projects are highlighted, among others, in this annual report. The report also provides a financial overview, program statistics, and enforcement and compliance actions.

Financial Overview

This financial overview covers the state fiscal year 2016-2017, which ran from July 1, 2016 through June 30, 2017. Federal grants run on a different cycle (October 1, 2016 through September 30, 2017) than the state fiscal year; 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 Clean Sweep grants to local governments (\$750,000 annually) and the revenue and expenditures for these grants are not included in any of the five tables found below.

The primary sources of revenue for the ACM Bureau are industry fees for licenses, permits, registrations and tonnage under the feed, fertilizer, soil and plant additive (SPA), lime, and pesticide programs. In addition, federal grants provide some funding to cover annual program expenses. The ACM Bureau 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 (ACM Fund)

The ACM Fund is the primary source of funding for all the regulatory, investigative and enforcement aspects of the ACM Bureau, including staff, supplies and services, and the regulatory laboratory. Table 1 shows the ACM Fund balance sheet resulting from industry fee revenue and ACM Bureau expenditures.

Table 1: ACM Fund Balance Sheet, FY 17

	Revenue	Expenses	Total
Opening Balance	\$8,493,717		
Revenue Total	\$8,913,643		
Available Funds	\$17,407,360		
Expenditures			
ACM Program		\$6,070,525	
Other Programs		\$711,600	
Expenditures Total		\$6,782,125	
FY 17 Ending Balance			\$10,625,235

Financial Highlights

REVENUES

\$8,913,643 – ACM Fund
 \$666,077 – Grants
 \$2,309,945 – ACCP Fund

EXPENSES

\$6,070,525 – ACM Programs
 \$711,600 – Other Programs
 \$572,171 – ACCP Fund
 \$1,000,000 – ACCP Lapse

In addition to industry fees, the ACM Bureau programs are also supported by federal grants from the United States Environmental Protection Agency (EPA) and the United States Food and Drug Administration (FDA). The EPA pesticide grant is the largest grant and is for implementing, investigating and enforcing federal pesticide use laws and regulations. Our cooperative efforts with FDA provide funds for inspecting certain establishments producing higher risk medicated

feed and allow for monitoring the affected industries, including feed manufacturers, ingredient transporters and ruminant animal feeders. Table 2 is a summary of the total grant revenues collected to operate the programs within the ACM Bureau.

Table 2: Grant Revenue, FY 17

Source	Revenue
EPA Pesticide Grant	\$621,950
FDA Medicated Feed Grant	\$44,127
Total	\$666,077

Agricultural Chemical Cleanup Program Fund (ACCP Fund)

The ACCP Fund is used to make reimbursement payments for agricultural chemical spill cleanups. Table 3 shows the money collected and deposited into the ACCP Fund from industry surcharges. As can be seen in Table 3, the fund balance is growing as revenues continue to outpace expenditures.

Table 3: ACCP Fund, FY 17

	Revenue	Expenditures	Total
Opening Balance	\$5,567,445		
Total Revenue	\$2,309,945		
Reimbursements		\$572,171	
Other		\$1,000,000	
Closing Balance			\$6,305,219

Revenue Collected for Other Agencies and Programs

The ACM Fund is statutorily required to support several programs that are not part of the ACM Bureau. Table 4 shows non-ACM Bureau programs that are supported by fees paid into the ACM Fund.

Table 4: ACM Fund Expenditures for Non-ACM Programs, FY 17

Non-ACM Program	Amount
Animal Health Division	\$367,900
Discovery Farms	\$249,800
Ag in the Classroom	\$93,900
Total FY16-17 Non-ACM Program Expenditures	\$711,600

The ACM Bureau is also directed by statute to collect fees for several other agencies and distribute the funds to them each year. Table 5 shows the fee revenue collected on behalf of – and transferred to – other agencies.

Table 5: Non-ACM Program Revenue, FY 17

Program	Revenue
DNR – Environmental Fund	\$1,591,922
UW – Fertilizer Research Council	\$327,676
UW – Nutrient Management Program	\$187,364
UW – Lime	\$12,990
DATCP – Weights and Measures	\$150,838

Direction for the Coming Year

As shown in Table 1, the ACM Fund’s annual revenues continued to exceed expenditures. Several consecutive years of revenue surpluses have resulted in a large fund balance. To help minimize large annual surpluses and ongoing fund balances in the future, the Bureau undertook its RevEx project to comprehensively review and adjust revenues and expenditures to ensure in the future fee levels and revenues are appropriate and properly aligned with Bureau expenditures. During 2017, the RevEx recommendations were included in the biennial budget. More information about RevEx is provided later in this report.

Strategic Planning

From May through August 2015, the ACM Bureau management team undertook a planning process to identify strategic goals and objectives that will help guide and focus the Bureau's activities over the next three years. The strategic plan helps the Bureau use its limited financial and human resources in the most critical areas and on the most important tasks as it strives to meet its mission even more efficiently and effectively in the future.

As a result of the planning process, the ACM Bureau adopted three strategic goals. All staff, programs, sections, and management in the Bureau will use the annual work planning process to help align their work activities to meet these goals over the next three years. Progress was made towards each strategic goal in 2017. Several activities are highlighted later in this report. The goals are repeated here for reference.

Goal: Operational Excellence

The ACM Bureau staff will enhance its operational functions through effective programs, efficient use of resources, expanded use of technology, and process improvements.

♣ Policies and Procedures: With the information gleaned from the BAM-IT project, the Bureau has developed policy and procedure templates and continues to move forward in reviewing procedures to ensure the most effective, efficient use of staff's time and knowledge.

♣ Technology: Implement technology effectively in the office and the field by identifying and deploying the most appropriate tools for each function and providing adequate training on how to use them. The Bureau continues to work more in SharePoint and is creating several forward-facing sites that allow collaboration with other agencies or stakeholders. Several programs (Individual Commercial Applicator licenses and Pesticide Registration) have also moved into MS CRM and MyDATCP.

♣ Work Planning and Program Evaluations: Continue the work planning and program evaluation processes to identify and implement key program and process improvements. The Bureau's management team met in November 2017 to review work planning and added areas of emphasis to the work planning process. IT, Outreach, Legal and Bureau of Lab Services plans will be developed annually. Program staff will add program evaluation, rule revision and training to individual work plans.

Goal: Stakeholder Collaboration

The ACM Bureau will increase its collaboration with its internal staff, partners and external stakeholders to maintain credibility and enhance program success.

♣ Relevancy: Strengthen the relevancy of the ACM Bureau's programs and activities

♣ Communication: Enhance communication with internal and external stakeholders

♣ Collaboration: Identify new and enhance existing collaborative initiatives with industry and other partners. The Bureau continued to work extensively with industry in 2017 related to responding to information needs for RevEx recommendations in the biennial budget process. Following the signing of the budget bill, which included virtually all RevEx recommendations, the Bureau has provided outreach to industry on implementation of the budget changes.

Goal: Workforce and Employee Development

The ACM Bureau 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.



ACM BUREAU MISSION

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

- ♣ Organization: The Bureau completed a reorganization in 2017. Further details appear below in the Annual Report.
- ♣ Training: Identify training needs and pursue opportunities to enhance skills, improve knowledge and develop staff professionally. The Division of Agricultural Resource Management has added Training to our internal SharePoint site, expediting training request routing in response to staff requests. ACM staff continue to attend local and national training opportunities.
- ♣ Recruitment: Partner with human resources and use every available resource to identify, recruit and hire the most qualified people. In addition, the Bureau evaluates all vacant positions to determine if the position needs to be restructured to ensure current and future needs are met. Nearly all vacant positions were restructured before recruitment and hiring. In total 6 Positions were hired in 2017. Additionally, three staff were able to move into new positions within the Bureau.
- ♣ Retention: Foster a culture where it is expected and advantageous for employees to identify and pursue personal and professional growth and enrichment opportunities.

Results of the RevEx Project

The 2017-19 state budget contained changes to Wisconsin's pesticide, fertilizer and feed licensing fees and structure. These changes resulted from the RevEx Project, the ACM Bureau's effort to align the Bureau's revenues and expenditures to be more fair, efficient and effective. Major changes to the statutes are included below. More information is available online at https://datcp.wi.gov/Pages/Programs_Services/RevEx.aspx.

Agricultural Chemical Cleanup Program (ACCP)

- Fee holiday
 - No surcharge on pesticide products, pesticide & fertilizer license fees, or ACCP portion of fertilizer tonnage in 2018
 - In future, half surcharge will be charged if ACCP fund falls below \$1.5 million; full surcharge will be charged if fund falls below \$750,000, based on balance May 1 each year.
- Lifetime reimbursement level increased to \$650,000, for costs incurred after July 1, 2017
- Facilities built after July 2013 are now eligible for ACCP reimbursement.

Pesticide Product Registration

- Flat \$500/product beginning in 2018; fee no longer tied to sales or product type
- \$250 penalty for unregistered 25(b) products found in the marketplace

Fertilizer

- License period changed to October 1-September 30
- Product permits will have to be added, maintained or discontinued every year when license is renewed
- Fee holiday for ACCP license and tonnage surcharges for 2018 license year. Variable surcharges in 2019 and beyond.

Soil and Plant Additives

- License period changes to October 1-September 30, with licenses issued April 1, 2017 extended to September 30, 2018.
- Tonnage reporting year changes from January 1-December 31 to July 1-June 30.
- Product permits will have to be added, maintained or discontinued every year when license is renewed.

Commercial Animal Feed

- Tonnage fee structure changed
 - \$0.25/ton for production or distribution over 200 tons/year, beginning with tonnage reporting for January 1, 2018-December 31, 2018
 - New minimum \$50 fee for production or distribution less than 200 tons/year, beginning with tonnage reporting for January 1, 2018-December 31, 2018
 - Tonnage fees now required for sales into or within Wisconsin
 - No longer need to indicate on sales receipt or invoices whether the tonnage fee was paid
- Exempt buyers and exempt buyers credit eliminated
- Out-of-state sales credit eliminated

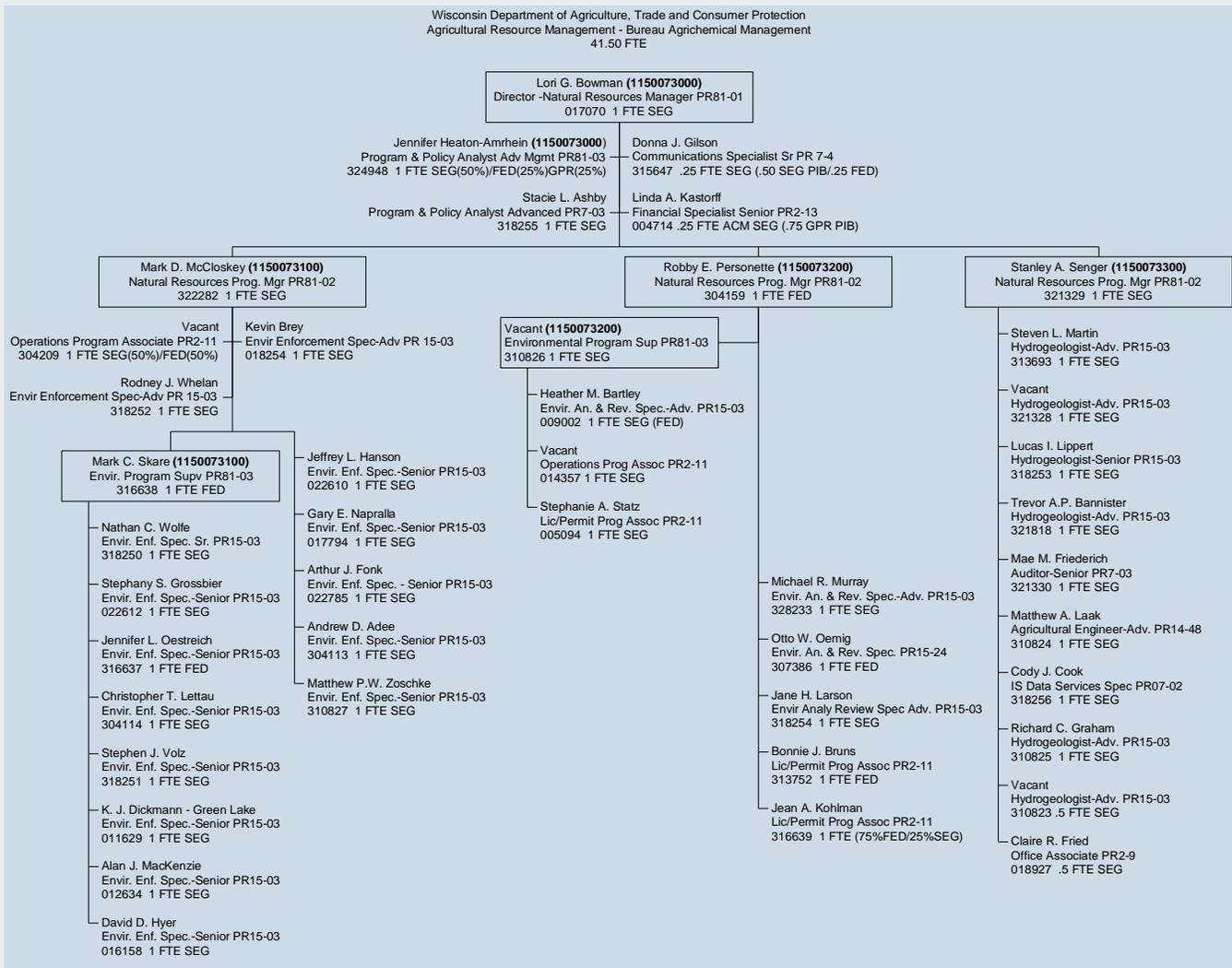
Reorganization

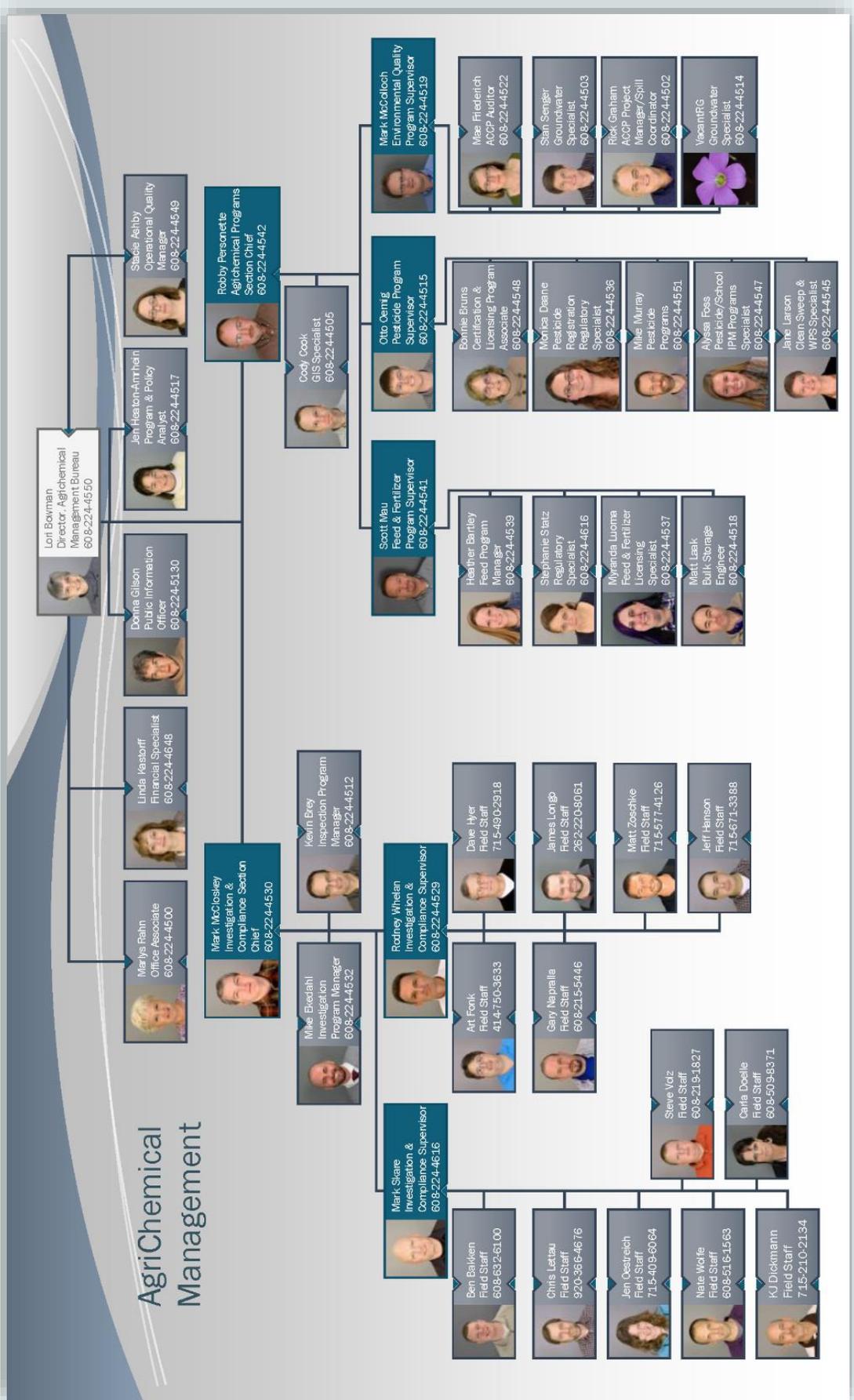
In 2017, the ACM Bureau completed a reorganization of our staffing structure. The Bureau management team identified a need to evaluate the Bureau's structure and personnel as part of strategic planning, to ensure we are best able to serve industry and the public. This reorganization was a direct result of management's evaluation of the Bureau's current and future needs. Instead of three sections, the Bureau is now made up of two sections: the Investigation and Compliance Section and the Agrichemical Programs Section.

The Investigation and Compliance Section now has two Environmental Program Supervisors, who supervise the field-based Environmental Enforcement Specialists. The Agrichemical Programs Section has three working Environmental Program Supervisors managing three work units: Fertilizer/Feed/Containment Unit, the Pesticide Unit, and the Environmental Quality Unit.

This new structure offers better support for the Bureau's current and future needs. This structure allows better utilization of management time and expertise, as each member of the management team has a more reasonable number of direct reports to supervise. In addition, Unit Supervisors act as a technical back-up resource to the programs in their unit. Section Chiefs and the Bureau Director are better positioned to utilize their time on strategic planning and policy development.

2015 ACM Organization Chart





AgriChemical Management

Containment

The Agrichemical Containment program requires the use of approved containment structures to help prevent spills of pesticides and fertilizers from contaminating soil and groundwater. Fertilizers and pesticides stored in bulk quantities at agricultural chemical storage facilities must comply with agency bulk storage rules, ch. ATCP 33 Wis. Adm. Code. Generally, these rules apply to bulk storage of fertilizers and pesticides where the products are being stored for distribution. The term “bulk” refers to more than 55 gallons of liquid or 100 pounds of dry fertilizer or pesticide. An example where the bulk storage rules do not apply is when bulk product is stored on a farm for the owner’s end use and the farmer does not engage in further distribution of those products.

Program Activities

The containment program has emphasized inspections at bulk facilities over the last several years, but the program also oversees the compliance for mixing and loading of non-bulk pesticides under ch. ATCP 29.

In 2017, new construction plans were submitted continuously throughout the year, with 34 plan reviews on 17 projects. To help ensure construction was being performed in compliance with project plans, DATCP continued construction observation activities, where engineering staff from the Bureau of Land and Water Resources Management (LWRM) assisted the Bureau of Agrichemical Management in spot-checking construction of new containment structures (for which plans were submitted and reviewed). Performing these spot observations allows the department to point out any errors or deficiencies of pre-pour construction. This allows the contractor to bring the project into compliance with the engineer’s design and state requirements.



Program Highlights

- 189 Inspections Conducted
- 4 Containment Investigations Performed²
- 43 Verbal and 17 Written Warnings Issued³
- 34 Engineering Plans Reviewed for 17 Different Projects

² Containment investigations are performed when DATCP receives information that a person required to comply with the bulk rules is operating without having secondary containment or a mix/load pad, or DATCP staff observes out- of-containment bulk storage, or if construction of facility structures was performed without plans or without meeting plan specifications.

³ A warning may be counted once for multiple violations observed during one inspection. The violations noted in the summary list above do not generally warrant the use of a written warning.

In 2017, nine of the 58 facilities where sumps were inspected had a sump that was found to be leaking. All of the sump failures were at facilities where the sump was installed prior to the minimum design standards and 2006 rule revision.

Direction for the Coming Year

The Bureau is emphasizing retesting sumps that failed the prior year, thus ensuring they remain liquid-tight or requiring sump replacement if the sump fails again within a two-year period.

The Bureau has also taken action to create public resources to educate industry on the proper methods of managing bulk fertilizer secondary containment rinsate. The inadequate management of such rinsate was by far the most observed containment violation in 2017.

Common Rule Violations (in descending order of frequency)

- Improper management of rinsate originating in fertilizer secondary containment structure
- Lack of or inadequate spill response plan
- Inadequate maintenance of mixing and loading pads



The most frequent violations for which written warnings were issued in 2017 were (in descending order of frequency):

- Pad inadequately constructed or maintained to contain and allow recovery of spillage
- Spillage, rinsate or precipitation on pad or in structure not recovered by end of day
- Sump not liquid-tight
- Storage containers, shut-off valves or sight gauges not within secondary containment



Clean Sweep

Wisconsin Clean Sweep offers grants to local governments for the collection and disposal of agricultural waste (AW), household hazardous waste (HHW) and unwanted prescription drugs (Rx). Farms (both active and inactive), households, and certain businesses, classified as “Very Small Quantity Generators (VSQGs)”, are eligible to use Clean Sweep services. The grant funds are appropriated from the Environmental Fund (Wisconsin Stat. ch. 93.55). Of the \$750,000 available, \$475,000 is allocated for HHW, \$200,000 for AW and \$75,000 for Rx. Grant recipients are required to provide a 25 percent match of the total project costs.

Table 6: Clean Sweep Total Waste Collected

Program Activities

In 2017, 57 counties, nearly 20 cities, villages and towns, 6 tribal nations and 2 sewerage districts were beneficiaries of one or more of the 33 HHW, 27 AW, and 32 Rx grants awarded. Some grantees were multi-municipal partnerships, while others focused on the needs of one city or village.

Clean Sweep -- HHW (lbs)	2,166,369
Clean Sweep -- Ag & Ag Business (lbs)	140,925
Clean Sweep -- Rx (lbs)	38,513
Clean Sweep -- VSQG (lbs)	310,416
Total	2,656,223

Total Waste Collected

The amount of all hazardous waste collected through Clean Sweep-supported events in 2017 increased 5.5 % from the previous year. This percentage increase would likely be higher as data from two grants is not yet available at the time of this report. Table 6 shows the total pounds of waste collected by category in 2017.

Since Clean Sweep began in the early 1990s, projects have collected 4 million pounds of AW, nearly 26.5 million pounds of HHW (which was added to Clean Sweep in 2003) and 377,000 pounds of Rx (which was added in 2008).

Agricultural and Ag Business Waste

In 2017, 864 farmers and 7 agricultural businesses brought nearly 141,000 pounds of AW, 17% more than 2016. Businesses that bring in agricultural pesticides pay half of the disposal cost and DATCP pays the other half. The Clean Sweep collections are still taking in old pesticides such as DDT (212 pounds), lindane (40 pounds), and 93 pounds of arsenic-containing pesticide.

Another 248 businesses or VSQGs of hazardous waste brought in more than 310,000 pounds of waste. These VSQG businesses pay the full disposal cost of their hazardous waste; therefore, the weight is not included in total collected pounds under the grant.

Household Hazardous Waste

The program served nearly 65,000 residents in the proper disposal of 2.16 million pounds of HHW. Clean Sweeps locally advertise their collections and encourage the public to purchase less hazardous products or buy smaller amounts of hazardous products.

Grant funds cannot pay for the disposal of latex paint because it's not a hazardous waste, so not all collections accept it. For those that do, they report the collection total but that amount is excluded from hazardous waste totals. In 2017, Clean Sweeps collected just over 1.475 million pounds of latex paint.

Unwanted Prescription Drugs

Clean Sweep funded 32 Rx grants. The amount of unwanted prescription drugs taken in by Clean Sweep-supported boxes or events was 38,513 pounds - a decline of just over 5,000 pounds. Some of the grants were to purchase a drug drop box so no drug totals were reported for the grant.

The Wisconsin Department of Justice coordinates two state-wide drug take backs and no-cost disposal for Wisconsin law enforcement. All of the Rx grant recipients participate in the WDOJ take back. Many of the drugs collected through Clean Sweep grants are also counted in the DOJ collection total.

Table 7: Top Five HHW Clean Sweep Products Collected 2017

Product	Pounds Collected
Lead paint/oil paint	809,000
Solvents/thinners	312,000
Pesticides	306,000
Aerosol cans	143,000
Waste oil/filters	111,000

Direction for the Coming Year

Online applications and final report process are needed for Clean Sweep. The department moved to a new financial system which streamlined the purchase requisition/purchase order process for the grants.



Fertilizer Spill, Columbia County

Program Updates

Expansion of Groundwater Monitoring Well Network

The ACM Bureau monitors shallow groundwater around the state at agricultural fields equipped with field edge monitoring wells. Samples collected from this network of wells helps the Bureau evaluate pesticide and nitrate impacts to groundwater resulting from routine agricultural uses of pesticides on cropland. In 2017, ACM received a cost-share grant from EPA to offset contractor costs for adding up to 12 new monitoring wells at field monitoring sites.

Staff from the Bureau planned and supervised the installation of nine new wells at field sites in Adams, Portage and Waushara Counties. The wells were initially tested for a variety of pesticide compounds and nitrate, and will be tested routinely in ongoing pesticide surveillance efforts. The analytical results will be shared with growers and EPA to better inform local pesticide management practices and national pesticide labelling efforts.



Left: Sun setting on a job well-done: three new monitoring wells with protective bumper posts installed next to a potato field.



Above: Drill rig with operator installing a new well.



Above: Drill rig and two newly installed monitoring wells.

Right: Drill rig with monitoring well in tree line along field edge.



Landscape Pesticide Registry

During 2017, the Wisconsin Landscape Pesticide Registry website was updated to improve the process individuals use to register properties, and to enhance the ability of commercial pesticide application businesses to identify registered properties. The requirements for providing advanced notification of landscape pesticide applications to the individuals listing properties on the registry did not change.

The Department created a new online process for participants to register properties using the MyDATCP portal. The public began using the new online registration process in December 2017. The open enrollment period was shortened due to implementation of the new system. Next year the Department expects a return to the traditional open enrollment period of November 1 to February 1. Both existing and new participants were required to create a MyDATCP account and enter all their notification address information. In future years, participant data will be available in MyDATCP, simplifying the enrollment process.

An interactive map showing the location of properties registered on the 2018 Landscape Registry was also developed using GIS web mapping technology. Users can zoom to a specific city or address and look for yellow circles that identify properties listed on the registry. The combination of the new website and mapping program increased the accuracy of address data listed in the Registry. The official dataset of registered addresses and participants is posted online as a sortable spreadsheet and as a PDF file. The web map is for reference purposes only.

The web map, list of registered addresses and general information about the Registry is posted at

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

Participants sign up for the Registry is on the MyDATCP website

https://mydatcp.wi.gov/Home/BrowseService/SG_d7c9053b-82c1-e211-b39f-0050568c06ae?Key=Services_Group

The Landscape Registry allows Wisconsin residents to be notified 12 hours before commercial pesticide application businesses apply pesticides to neighboring landscapes. This includes application to turf, ornamentals, trees, shrubs, lawns and mulched areas, or to control adult mosquitoes. Homeowners and renters must annually sign up if they want to know in advance when a business is going to apply pesticides to neighboring properties. Participants list addresses that they want to be notified about, and businesses check that list against their lists of customers. The annual registry is valid between March 15 of the current year and March 14 the following year.

Commercial and Private Pesticide Applicator Certification

The Department certifies individuals, via written examination or reciprocal equivalency, to use and/or direct the use of pesticide containing products. Certification is available for both commercial and private pesticide applicators. Commercial pesticide applicator certification is required for individuals making pesticide applications for-hire, or to any public school property, or to their own commercial property if they are using a restricted use pesticide (RUP). Private pesticide application certification is required only if individuals are applying restricted use pesticides on property that they and/or their employer owns, rents or controls, and the pesticide is used for the production of an agricultural commodity. Commercial applicators must pass an exam with a score of 70% or more, while private applicators must score 50% or higher.

In 2017 there were approximately 19,000 certified commercial pesticide applicators and about 12,300 certified private pesticide applicators. Approximately 5,000 commercial certification exams, and 2,200 private certification exams were proctored throughout the year. The majority of testing occurs between January and the end of June. Certifications are valid for five years, although if an applicator adds certification categories during the five-year period, all certifications will expire at the original five year expiration date. At the end of 2017, only 30% of the commercial applicators and 57% of the private applicators had been certified longer than 5 years.

Reciprocal certification may be granted to an out-of-state resident who is certified in that state to make pesticide applications for-hire, or to any government or public school property. Currently, there are approximately 450 individuals who are issued reciprocal commercial certification annually. Out of state residents may take the Wisconsin certification exam rather than seek reciprocity.

Certification Trends

During 2017 the department continued to see an increase in the number of commercial certification exams and a decrease in the number of private exams proctored. This trend is expected to continue.

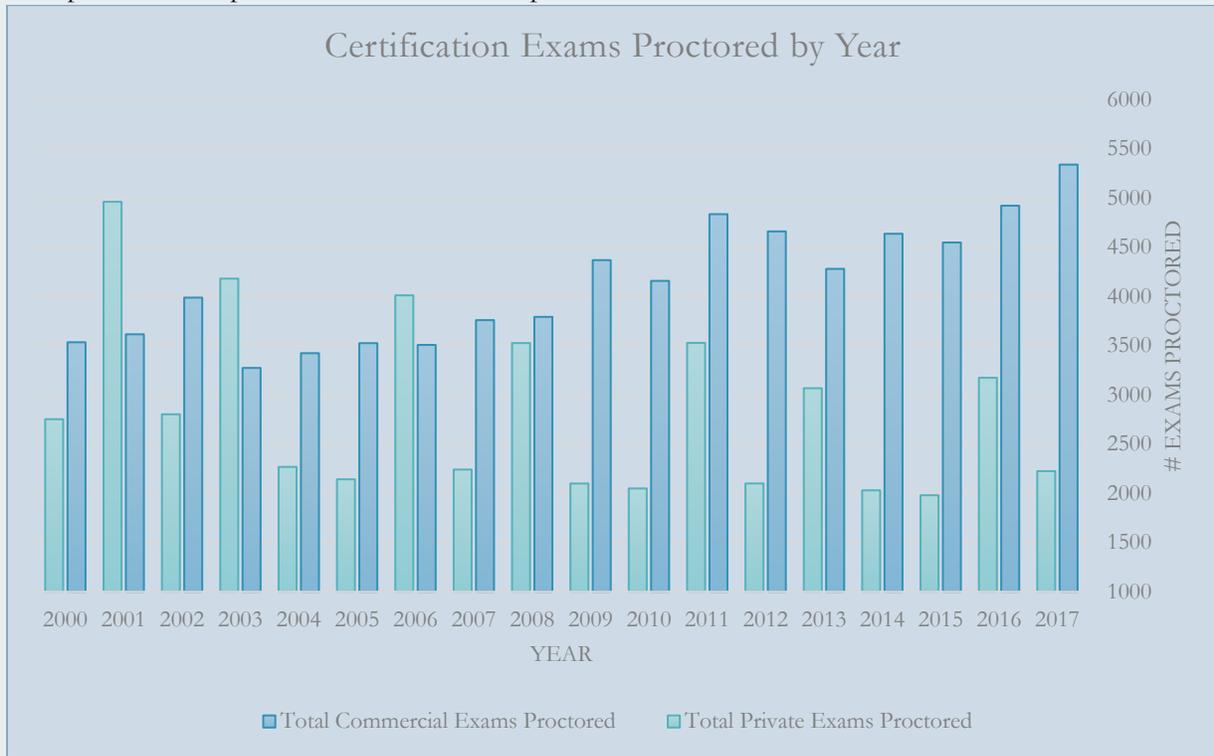


Chart 1 Exams Proctored by Year

Tables 8 and 9 compare the number of private and commercial certifications issued during 2007 and 2017. As new pests need to be controlled and new pesticide use patterns emerge, a corresponding fluctuation of individuals certifying in the different categories occurs. 13 of the 20 commercial categories have grown over the last decade, while only two of the six private categories increased. The table does not include the additional 20% of commercial and 1% private exams where the individuals did not pass and failed to certify.

Private Category		Number of Certifications 2007	Number of Certifications 2017	Change 2017 vs 2007
General Farming	100.0 / 101.0	13,527	11,452	84%
Fruit Crop	112.0 / 113.0	486	631	130%
Greenhouse & Nursery	104.0 / 105.0	386	187	48%
Chemigation	109.0	94	40	43%
Fumigation by Private Applicator	107.0	47	39	83%
Aerial Application	111.0	0	1	100%
Total		14,540	12,350	85%

Table 8: Number of Certifications

Commercial Category		Number Certifications 2007	Number Certifications 2017	Change 2017 vs 2007
Turf & Landscape	003.0	5,641	7,550	134%
Field & Vegetable	001.1	2,143	3,184	149%
Structural	007.1	1,790	2,638	147%
Right of Way & Natural Area	006.0	1,099	1,906	173%
Aquatic & Mosquito	005.0	657	1,527	232%
Forestry	002.0	318	632	199%
Seed Treatment	004.0	182	354	195%
Greenhouse & Nursery	003.1	112	240	214%
Termite	007.3	215	212	99%
Space & Commodity Fumigation	007.2	222	205	92%
Livestock & Poultry	001.3	124	100	81%
Aerial	009.9	58	86	148%
Wood Preservation	007.4	97	85	88%
Soil Fumigation	025.0	80	75	94%
Mixer & Loader	024.0	53	56	106%
Fruit	001.2	29	47	162%
Antifouling Paint	005.1	12	24	200%
Chemigation	026.0	8	15	188%
Sewer Root	007.5	11	9	82%
Companion Animal	011.0	11	5	45%
Total		12,862	18,950	147%

Table 9: Commercial Applicators

Pesticide licensing has increased over time as well

The number of licensed pesticide application businesses, licensed commercial applicators and restricted use pesticide dealers has increased similar to the number of certification exams proctored.

Table 10: Pesticide Application Businesses

LICENSE TYPE	2004	2010	2017	Change since 2004
Pesticide Application Business location license	1,362	1,996	2,385	175%
Individual Commercial Applicator license	6,772	7,480	8,887	131%
Restricted-Use Dealer license	344	386	445	129%

2017 Pet Food Sampling Project

During March and April 2017, DATCP collected 100 samples of canned and dry dog and cat foods from 22 companies. All samples were collected and purchased at retail pet food locations.

Analysis for each sample included nearly the full array of required nutrients in the AAFCO dog and cat nutrient profiles for maintenance and for growth and reproduction. In addition, the label guarantees were compared to the sample results. Label guarantees can be, and often are, different from the AAFCO nutrient profile requirements for certain nutrients. Only nutrients that were both analyzed and guaranteed were assessed for this component of the project.

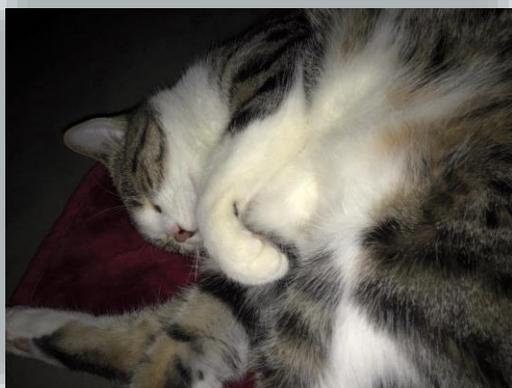
Overall, 85% of samples met the analytical comparison to the AAFCO nutrient profiles. Of the 15 samples that failed to meet the corresponding AAFCO nutrient profile, 10 samples failed to meet only 1 analyte. Generally speaking, the samples that failed did so by a small margin, falling short of the required nutrient amount by tenths or even hundredths of a unit. Notable observations of the individual analytes include:

- In one sample, the mineral iron failed to meet the nutrient profile requirements by 15.5 mg/kg.

- One canned dog food sample exceeded the calcium maximum by about 26%; however, the sample was still within the AAFCO nutrient profile's calcium to phosphorus ratio (Ca:P) maximum, 2:1.
- Two samples failed to demonstrate any presence of Vitamin A at all, whereas one sample tested double the maximum limit for Vitamin A.

The 2017 pet food study demonstrated pet food diets are meeting the nutritional requirements of the species and life stage for which they are intended. Research of other pet food studies demonstrate that the nutritional adequacy of pet foods is not of the greatest concern, but rather the presence of ingredients not listed, or listed ingredients not present in the diet, in addition to labeling violations that relate to buying trends. An example of this would be the analysis of vegetarian or vegan canine diets for animal DNA, when those products claim no animal products or animal by-products are within the ingredients of the diet. When resources allow, future pet food projects may focus on other potential areas of concern and not nutritional adequacy.

Read the full text of the summary report: <https://datcp.wi.gov/Documents/PetFoodSamplingReport2017.pdf>.



Compliance and Enforcement

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.

The section has 14 Environmental Enforcement Specialists (EES), an Investigation Program Manager, two Supervisors and a Section Chief who conduct and oversee activities associated with inspections and investigations for the ACM Bureau. In 2017, there was a reorganization of the section and five positions were filled. Three new EES staff, a new Investigation Program Manager and a Supervisor position were successfully recruited.

Program Activities

In 2017, the section conducted a total of 132 investigations. The 132 investigations include the following types of cases: 107 pesticide, 7 animal feed, 4 remediation, 5 containment, 6 license enforcement, and 3 fertilizer.

Violations may result in actions ranging from verbal warnings to a court action invoking 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 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. Table 11 shows the number and type of enforcement actions taken during 2017. Chart 2 shows the rate of cases that documented violations.

Table 11: Compliance Actions Taken in 2017 (Not limited to only 2017 investigations)

Action Taken	Number of Actions
Verbal Warning	41
Warning Notice – Investigator	55
Warning Notice – Office	18
Administrative Order	0
Compliance Conferences	23
Civil Forfeiture Action Submitted to DA	32
Criminal Action Submitted to DA	1
Referred to US EPA	0
Total	170

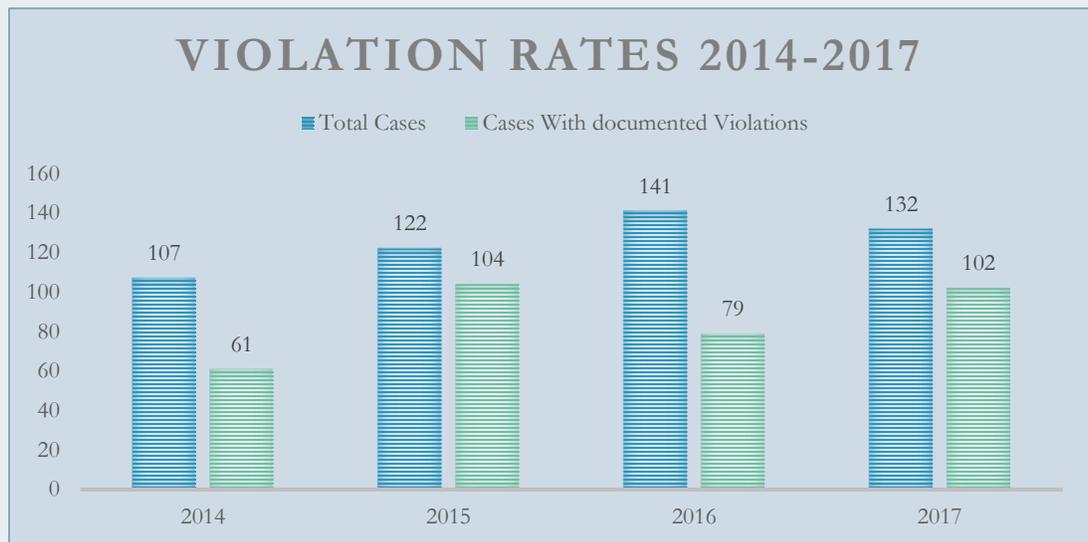


Chart 2: Violation Rates 2014-2017

In 2017, 33 cases were delivered to county district attorney offices for prosecution. These cases may include investigations from previous years. The Department assigns the highest response priority to complaints involving alleged human exposure to pesticides. In 2017, the section investigated 22 complaints involving alleged pesticide drift, with 17 of the complaints involving agricultural applications and 5 involving non-agricultural applications. Chart 3 shows the types of pesticide investigations in 2017.

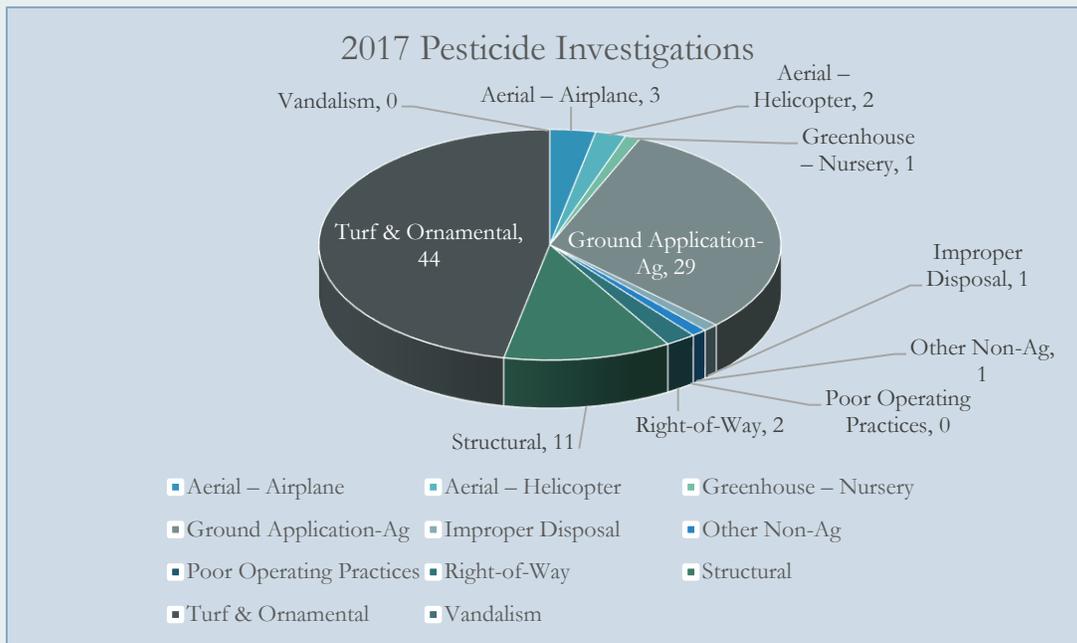


Chart 3: 2017 Pesticide Investigations

Interesting Cases 2017

1. As the result of an anonymous complaint, DATCP completed an investigation involving a Clark county firm and determined that a licensed feed manufacturing site had distributed an adulterated feed product to customers. Specifically it was found the firm was formulating lactating goat feeds that contained the animal drug monensin, which is not approved for lactating goats. The defendant met with DATCP to discuss the substantiated violations and agreed to a stipulated settlement that required the defendant to pay a civil forfeiture totaling \$3,500.
2. As the result of a complaint, DATCP completed an investigation involving a Lafayette County firm operating as a bulk agrichemical storage facility on a farm being used for commercial distribution of bulk liquid pesticides and fertilizer products. The resulting investigation found the facility did not have a compliant secondary containment structure; failed to mix bulk pesticide or fertilizer over a mixing and loading pad; failed to have a written discharge response plan; and failed to have a license to manufacture fertilizer. The defendant met with DATCP to discuss the violations and agreed to pay a civil forfeiture of \$1,423.
3. As the result of a worker protection inspection (WPI) at a Green Lake County greenhouse establishment, DATCP completed an investigation and determined the facility had not posted a restricted entry intervals (REI) signs at a central location, had not trained agriculture workers, and had failed to post EPA warning signs at treated areas. The defendant met with DATCP to discuss the substantiated violations and agreed to pay a forfeiture totaling \$1026.
4. DATCP conducted an atrazine use survey to a property located within an atrazine prohibition area in Chippewa County. DATCP found that an area facility had made commercial pesticide applications of atrazine products in the prohibition area and also found record violations. The defendant met with DATCP to discuss the substantiated violations and agreed to pay a forfeiture totaling \$3,000.
5. As the result of a complaint, DATCP completed an investigation and determined that a Racine County firm made commercial pesticide applications using commercial applicators that were not certified or licensed. The defendant met with DATCP to discuss the substantiated violations and agreed to pay a forfeiture totaling \$1045.

Program Activity Data

Pesticide Licenses & Certifications	2013	2014	2015	2016	2017
Pesticide Business Location	2,180	2,165	2,285	2,338	2,385
Individual Commercial Applicator	6,170	8,311	8,585	8,799	8,887
Restricted Use Dealer	394	401	406	429	445
Commercial Certifications	3,334	3,716	3,665	3,930	4118
Total Commercial Certifications	13,340	18,873	16,826	17,800	18,950
Private Certifications	3,175	1,959	2,021	3,050	2083
Total Private Certified	15,160	14,897	12,829	12,420	12,350
Manufacturers and Labelers	1,281	1,259	1,295	1,411	1,437
Pesticide Products	12,429	12,617	12,900	13,298	13,355
Landscape Registry Addresses	5,708	5,707	5,000	6,408	5300
Landscape Registry Warning Notices	43	32	28	39	33
24(c) special local need (new)	12	2	6	6	2
Section 18 Emergency Exemption	1	1	1	0	1
Experimental Use Permits	0	0	0	1	0
Special Use Small Mammal Permits	3	6	4	5	3
Feed License	1,298	1,431	1,449	1,338	1,429
Feed Tonnage	4,617,739	4,773,115	5,103,122	5,128,364	7,588,124
Feed Certificates of Free Sale	305	188	270	354	439
Fertilizer License	773	766	796	801	811
Fertilizer Permits (new)	360	443	501	661	582
Fertilizer Tonnage	1,925,279	1,860,000	1799271	1,916,597	1,754,777
Soil and Plant Additive License	146	144	142	197	208
Soil and Plant Additive Permits (new)	125	105	243	268	174
Soil and Plant Additives Tonnage	72,904	174,440	164,629	198,751	98,864
Lime License	110	104	104	98	100
Lime Tonnage	1,027,713	993,000	1,084,942	1,046,402	947,773
Clean Sweep -- HHW (lbs)	2,158,780	2,037,418	2,137,104	2,149,615	2,166,369
Clean Sweep -- Ag & Ag Business (lbs)	118,658	129,960	149,176	126,120	140,925
Clean Sweep -- Rx (lbs)	40,934	62,106	52,127	43,625	38,513
Clean Sweep -- VSQG (lbs)	354,117	352,378	305,045	198,075	310,416

Case Management	2013	2014	2015	2016	2017
ACCP - open cases	172	157	150	138	127
ACCP - new long-term (LT) cases	6	5	8	3	4
ACCP - LT cases closed	18	20	15	15	15
ACCP - total closed LT cases	541	561	576	591	606
Spill cases - new	31	31	48	43	26
Spill cases closed -- same year	24	6	34	17	4
Spill cases closed each year - total	37	6	51	39	32
Spills - total closed cases	1,067	1,073	1,124	1,163	1,195
ACCP applications received	43	41	35	31	23
Containment plan sets reviewed	63	41	42	53	34
Containment plan set projects	30	20	28	28	17

Inspections & Sampling	2013	2014	2015	2016	2017
Pesticide Use Observations	85	78	58	94	90
Commercial Applicator Inspection	53	53	87	55	58
Containment Inspection (Full)	12	11	9	8	11
Containment Inspection (Small/Chemigation)	42	80	85	88	103
Dealer Record Inspection	38	42	38	46	44
Feed Inspection (ATCP 42)	70	60	105	102	60
Feed Inspection (FDA BSE & MFL)	167	170	59	6	6
Feed Surveillance Samples	195	104	631	552	617
Fertilizer Samples	401	556	361	280	293
Groundwater samples	149	143	283	576	276
Surface Water samples	47	111	59	86	88
Marketplace Inspection	204	233	261	236	313
Mix/Load Inspection	23	8	6	18	17
Private Applicator Inspection	26	40	38	27	32
Producer Establishment Inspection	13	15	15	14	14
Sump Test Inspection	37	32	51	55	58
Worker Protection Inspection	31	21	29	35	43

ACM Programs

ACCP - Remediation

Environmental Quality (EQ) unit staff oversees the cleanup of agrichemical contamination within Wisconsin through the Agrichemical Cleanup Program (ACCP), working closely with the responsible person(s) to ensure cleanups are completed consistent with environmental regulations in a cost effective manner. Remediation investigations are triggered by a notification to DATCP from the person or entity responsible for the property or facility, observed contamination by DATCP or other state employees, or other concerned parties. Remediation efforts may also be undertaken as a result of lead arsenate reports from the Department of Natural Resources, the Department of Health Services, or other responsible persons. An average of 30 remediation investigations were performed annually between 2003 and 2007. Since 2007, fewer than 10 remediation investigations have been performed annually. Once a remediation case is opened, the process can take many years to obtain closure due to the complexity of site issues, including multiple contaminated areas and contamination beneath structures. Consequently, the investigation and cleanup can have many phases.

ACCP – Reimbursement

The ACCP Reimbursement program focuses on reimbursing a portion of the eligible cleanup costs. The program auditor receives requests for reimbursement of costs to clean-up spills and remediate clean-up sites, evaluates eligibility for reimbursement, tracks costs and issues payments in close coordination with technical staff. The reimbursement process begins when an application for reimbursement for a cleanup project is submitted by a responsible person. Currently, the auditor creates an Excel workbook for each application and manually links the summary spreadsheet and the individual application workbooks. The department has 90 days to review completed applications and provide a written decision on cost eligibility. The department makes reimbursement payments at the end of each quarter through the state of Wisconsin's financial accounting system.

ACCP – Spills

ACCP staff oversee the investigation and cleanup of agrichemical spillage, and monitor drinking water wells that might be affected by spillage. An average of 40 spill responses are performed annually. Investigation and Compliance section staff are also directly involved in the spill response investigation. Once the spill has been cleaned to satisfactory levels, excavated soil has been documented to be properly land spread (including issuing any required land spreading permits) or disposed of, and wells have been determined to not have been impacted, the case is closed with no further action. If significant soil contamination is left in place the spill may be closed with a DNR GIS registry that tracks properties with known contamination left in place. The EQ unit works closely with DNR on spill response investigations. DNR's Spill Environmental Response Tracking System (SERTS) is used for cross tracking of the spill incident between agencies. DNR also provides a Bureau for Remediation and Redevelopment Tracking System (BRRTS) number, assigned when the spill is closed in SERTS.

Environmental Quality Protection Programs

Agriculture contributes an annual \$88 billion to Wisconsin's economy. Growers use millions of pounds of pesticide products, and millions of tons of fertilizer products annually, to grow a wide variety of crops that are typically produced in one Wisconsin growing season. Wisconsin's groundwater law, chapter 160, Wis. Stats., requires agencies to sample and monitor groundwater for substances related to facilities, activities and practices under their jurisdiction. These substances are those that have a reasonable probability of entering the groundwater resources of the state. Currently there are approximately 750,000 groundwater results tracked within the groundwater database. In addition the program areas track approximately 20,000 surface water sample results. All of this information is gathered and compiled into multiple databases that are used in conjunction with data from the Groundwater Retrieval Network (GRN) database to assess and analyze for pesticide and nitrate impacts to groundwater sources.

Additional responsibilities of the program areas are to determine whether preventive action limits or enforcement standards have been exceeded at points of standards application. Wisconsin's groundwater law further specifies that agencies develop monitoring plans that include provisions for conducting four types of monitoring: problem assessment, regulatory, at-risk and management practice monitoring ([§160.27](#); [§160.05](#)). While the Containment, Remediation and Spills Programs work to protect the state's groundwater resources from point source pesticide and fertilizer discharges, non-point groundwater protection activities are also provided by program areas within the EQ Unit.

Groundwater Sampling Program

To meet its statutory obligation in protecting the groundwater resources within the state, the Groundwater Sampling Program utilizes several non-point source monitoring methods. In addition to collecting physical groundwater samples, program responsibilities include monitoring the sales and use of prohibited or restricted-use pesticide products – such as atrazine, isoxaflutole, simazine, etc.; reviewing data and information from the targeted sampling and surface water sampling activities, and the Field Edge Monitoring Program. Upon analysis of this information, the Groundwater Sampling Program develops and implements management strategies and regulatory responses for the protection of groundwater.

The Groundwater Sampling Program assists other program areas within the Agrichemical Programs Section by providing technical information related to environmental assessments and impact statements, and technical assistance in the review and issuance of pesticide registrations and special pesticide product registrations.

Emerging Issues Program

The Emerging Issues Program explores and evaluates groundwater issues that are on the forefront of mainline activity. Some of the more recent issues have included the oversight and review of the pesticide active ingredient isoxaflutole, and the impacts of that active ingredient on a variety of Environmental Quality Protection Program areas.

The Groundwater/Emerging Issues Program Manager works with the ACM management team to develop annual program work plans that include the necessary non-point source groundwater monitoring efforts, along with emerging issues and how those issues intertwine with groundwater program areas.

Targeted Sampling Program

DATCP's Targeted Sampling Program is non-point monitoring the agency performs to meet its statutory obligation to protect groundwater. The agency utilizes a targeted approach to monitor private drinking water wells that are at an elevated risk of being impacted by agricultural chemicals. The Targeted Sampling Program tests private wells located in or near agricultural areas of the state to assess the occurrence of pesticides and nitrate-nitrogen (nitrate) in drinking water. This data is used to inform other pesticide regulatory programs, homeowners, EPA, DNR and other Groundwater Coordinating Council (GCC) member agencies of pesticide and nitrate issues occurring in private water supplies statewide.

Field Edge Monitoring Program

Agricultural management and practice monitoring occurs primarily under the Field Edge Monitoring Program. Under this program, staff monitor groundwater quality in fields where agricultural chemicals and fertilizer are applied in accordance with labeled use rates. Staff collaborate with growers around the state to install and maintain a network of monitoring wells on agricultural fields. Staff sample these wells regularly, and use the data collected from this program to inform a variety of other pesticide regulatory programs, and to inform growers, registrants, EPA, DNR and other agencies about pesticides that pose elevated risks of contaminating drinking water or surface water, or that may cause other environmental concerns.

Surface Water Monitoring

This is a subset of the Field Edge Monitoring Program. The Field Edge Monitoring Program Manager works with DNR to collect and analyze water samples to evaluate potential agricultural chemical impacts to small streams and other surface waters of the State. The data is used to inform other pesticide regulatory programs, EPA, DNR and other Groundwater Coordinating Council (GCC) member agencies of pesticide impacts to surface waters.

Pesticide Product Restrictions Program

Non-Atrazine Containing Products:

Under Ch. ATCP 30, Wis. Admin. Code, the department has the authority to place increased restrictions on the use of certain pesticide products. Under this rule, pesticides like DDT, endrin, chlordane and dinoseb, and metals like cadmium are prohibited pesticides in the state. The rule further limits certain products for specific uses (like bat control), or restricts application methods or timing, or specifies other management practices for specific pesticides. The rule provides increased restrictions on uses of aldicarb and atrazine, two pesticides known to have caused groundwater contamination through past use.

Atrazine Containing Products:

The Field Edge Monitoring Program Manager works with the ACM management team to develop annual program work plan activities that include groundwater monitoring efforts, marketplace inspections and pesticide use observations that are necessary to provide continual monitoring and compliance with the pesticide management practices as required by ATCP 30.

Containment

The Containment Program regulates the storage and handling of bulk fertilizer, pesticide, and non-bulk pesticide, with the goal to protect against groundwater contamination resulting from both chronic and acute spillage of fertilizer and pesticide at storage and handling facilities. Staff reviews the design and construction of such facilities, the 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. Department staff may inspect a construction or alteration of a containment facility. Containment structure construction observations are performed by conservation engineering staff in the Bureau of Land and Water Resources.

Pesticide Manufacturer and Labeler Licensing, Fees, Records, and Reporting

Pesticide products distributed, sold, or used in Wisconsin must be registered with the U.S. Environmental Protection Agency (EPA) and the manufacturer or labeler must be licensed in the state. Companies must be licensed to sell or distribute pesticide products for distribution in Wisconsin, regardless of whether the company is located in Wisconsin or manufactures pesticides here. The person or firm whose name and address is on the pesticide product label is required to obtain this license. A Wisconsin Pesticide Manufacturer and Labeler (PML) license application must be submitted to DATCP at least 15 days prior to distributing pesticide products in Wisconsin.

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), provides for several types of pesticide registrations. The PML license lists two types of products, based on FIFRA classifications. 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 or are exempt from registration. The PML business license is an annual license from January 1 through December 31 and is not transferable. The PML program licenses approximately 1m250 companies and lists almost 13,000 associate products.

Pesticide Product Special Registrations and Use Authorizations

Pesticide products are registered and labeled for specific uses and must be used according to label directions. Ch. ATCP 30, Wis. Admin. Code provides additional restrictions for certain pesticide products, which include prohibited pesticides; special use permits for pesticides; and pesticide use restrictions and reporting. Under the Pesticide Special Registration Program included in ATCP 29, the department processes various types of requests for pest control: Federal Section 18 emergency exemptions, Wisconsin emergency use permits and special local need (SLN) registrations. DATCP also receives requests to conduct experimental research with pesticides in Wisconsin. If a request is authorized, pesticide users must obtain, and have in their possession at the time of application, authorized special use directions to legally use pesticide products for the requested purposes.

Commercial Pesticide Applicator Business Licensing, Records, and Notifications

Businesses that make pesticide applications on a “for hire” basis must obtain a Pesticide Business License (PBL) and must employ individuals who are licensed as an individual commercial applicator (ICAL). Currently, over 2,000 business sites hold PBL. To obtain licensure, companies must submit a completed application with all required fees, and list all individual commercial pesticide applicators for hire and their ICAL number. If the company is subcontracting its pesticide application work, the company must list the company(s) and that company’s PBL number.

Pesticide Restricted Use Dealers and Distributors Licensing and Sales Records

A restricted use pesticide (RUP) license is required of any business that sells or distribute RUPs, either into the state or within the state. Currently, there are over 440 businesses licensed as RU dealers. RUPs can be sold only to individual pesticide applicators certified to apply restricted use pesticides, licensed pesticide application businesses, or other licensed RUP dealers. The ACM Investigation and Compliance Section completes an average of 40 dealer record inspections of pesticide businesses who sell RUPs each year.

Individual Commercial Pesticide Applicator Licensing and Inspections

Persons applying any pesticides on a for-hire basis or applying RUPs for any reason, are required to be licensed as individual commercial applicators. Commercial applicators must be certified within a base category and must submit a completed license application to DATCP with fees and surcharges. An individual commercial applicator license (ICAL) is valid for one calendar year. When renewing the license, the individual must continue to meet the certification requirements. The Investigation and Compliance Section conducts commercial applicator records inspections each year to verify that pesticide applicators are commercially certified and licensed to apply pesticides, recording the necessary elements of recordkeeping, and providing the required pre- and post-application information to customers.

Commercial and Private Pesticide Applicator Certification

The pesticide applicator certification program certifies individuals, via written examination or reciprocal equivalency, to use and/or direct the use of pesticide containing products. Certification is available for both commercial and private pesticide applicators. Commercial pesticide applicator certification is required if individuals are making pesticide applications for-hire or to any public school property, or to their own commercial property if they are using an RUP. Private pesticide application certification is required only if individuals are applying restricted-use pesticides for agricultural production on property that they and/or their employer owns, rents or controls. Currently there are nearly 19,000 commercial certifications (an applicator can have more than one certification) and over 12,000 certified private pesticide applicators. Annually, there are approximately 5,000 individuals who take the commercial certification exam, and about 2,000 who take the private certification exam. Commercial applicators must pass the exam with a score of 70% or more, while private applicators must score 50% or higher. Both certifications are valid for five years. Although if an applicator adds certification categories during the five year period, all certifications will expire at the original five year expiration date.

Reciprocal Certification

Reciprocal certification is required of an individual who resides in another state, and applies pesticides in Wisconsin. Reciprocal certification may be granted to an out-of-state resident who is certified in that state to make pesticide applications for-hire, or to any public school property. Currently, there is a reciprocal certification fee of \$75 and there are approximately 450 individuals who are issued reciprocal commercial certification annually.

Temporary Certification

Temporary pesticide applicator 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 is valid for 30 days and an individual may not register for temporary certification more than once in the same category. A certification number is not generated, and a card is not issued in the current system. Approximately 50 individuals annually apply for temporary certification.

Private Pesticide Applicator Records

The Private Applicator Records (PAR) Inspection Program performs inspections of individuals who purchase and/or apply RUPs to determine whether applicable record keeping requirements are being followed. Private applicators must keep a legible record of each RUP application for at least two years, or three years if atrazine-containing pesticides are applied. Staff annually complete approximately 30 PAR inspections, chosen from approximately 12,000 certified private applicators who have purchased pesticides from approximately 2,100 dealers.

Landscape Applications, Notifications, and Registry

The Landscape Registry allows Wisconsin residents to be notified before lawn care and landscape companies apply pesticides to neighboring property. The registry applies only to commercial lawn and landscape pesticide applications. Individuals must specify each of the addresses for which they want to receive notification of pesticide application, and lawn and landscape companies are required to notify individuals at least 12 hours in advance when registered addresses are to be treated with pesticides. The Landscape Registry is open for registration from November 1 to February 1 each year. Renewal notices are sent to users in early November.

Storage, Transport, and Sale of Pesticides

The storage, transport and sale of pesticides are monitored through CAR and PAR inspections, RUP dealers' inspections, state marketplace inspections, and pesticide use observations.

Pesticide Handling, Disposal, and Spills

Pesticide handling, disposal, and spills are monitored through CAR and PAR inspections, as well as some functions of the ACCP and the Containment programs within the Agrichemical Programs Section.

Agricultural Worker Protection

The agricultural Worker Protection Standard (WPS) is an EPA regulation, adopted in whole in Wisconsin law, that requires employers to protect workers and handlers who apply pesticides, or work in pesticide treated areas. Wisconsin's WPS inspections are part of the annual cooperative agreement between DATCP and the EPA. The cooperative agreements runs on the federal fiscal year, October 1-September 30. ACM performs between 30 and 40 WPS inspections each year.

Clean Sweep Program

The Clean Sweep Program provides grants to municipalities, tribes and regional planning commissions to help them create and operate local programs for the collection and disposal of household hazardous waste. The goal of the Clean Sweep Program is to reduce the health and environmental risks posed by hazardous wastes, unwanted chemicals, and unwanted prescription drugs. Administering the Clean Sweep Program requires numerous processes, including a request for proposal, receipt of grant applications, application scoring and ranking, grant awards, contracts, purchase requisitions/purchase orders, final reports, reimbursements, program reports and data analysis.

Feed license and tonnage

The ACM Bureau licenses about 1,400 commercial feed and pet food companies. Each location requires its own license, in exchange for a license fee, and in return each is given a license card to display at each licensed site. Each year, these feed companies distribute about 7.6 million tons of feed in Wisconsin, which includes about 7.3 million tons of feed for Wisconsin's livestock and poultry industry, and nearly 300,000 tons of pet food. At license renewal time, feed licensees must report and pay inspection fees on each ton of feed distributed during the previous calendar year.

Feed certificates of free sale

The Feed Program also issues over 300 certificates of free sale annually to companies exporting feed ingredients or products. Companies submit an application, fee and label of the product they wish to export in order to be 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 product being exported.

Feed inspections and sampling

The Feed Program includes inspections of licensed feed mills for good manufacturing practices and sampling of feed to ensure the feed meets the label guarantees and does not contain prohibited substances. Approximately 70 are completed annually. Samples are sent to the DATCP Bureau of Laboratory Services for analysis. Approximately 500-600 samples are collected and analyzed annually.

Fertilizer license

Fertilizer, soil and plant additive (SPA) 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, SPA, or lime. Approximately 800 fertilizer, 200 SPA and 100 lime licenses are issued annually.

Fertilizer tonnage

The Fertilizer and SPA programs have a tonnage reporting requirement that involves the reporting of tons of fertilizer distributed and submitting inspection fees and surcharges collected during the previous fiscal year (July 1-June 30). The fertilizer tonnage is directly related to the entity and only one tonnage report should be received for each licensed entity. The lime program also has a tonnage reporting requirement that involves the reporting of tons of lime distributed during the previous calendar year and submitting inspection fees collected. Approximately 1.8 million tons of fertilizer; 100,000 tons of SPAs; and 1 million tons of lime are reported distributed in Wisconsin annually.

Fertilizer permits

Permits are issued for some fertilizer and all SPA products. The Fertilizer Program issues a permit for products under 24 NPK after an applicant has paid the permit fee and met all labeling requirements. Permit applications can be filed any time during the year for new products. Permits are non-transferable and remain in effect until substantial changes are made in the product

formulation, label or advertising; the licensee must apply for an amended permit at that time. The Fertilizer Program has approximately 2320 fertilizer products permitted, with about 500 permitted annually.

All SPA products require a permit. The SPA Program issues a permit to an applicant who has paid a permit fee and met all the necessary labeling requirements. The SPA permit does not have a renewal period. Permits are non-transferable and remain in effect until substantial changes are made in the product formulation, label or advertising; the licensee must apply for an amended permit at that time. The SPA program has approximately 701 products permitted, with about 200 products permitted annually.

Fertilizer sampling

The Fertilizer Program includes sampling to ensure the fertilizer meets the label guarantees and economic value. Samples are sent to the DATCP Bureau of Laboratory Services for analysis. Approximately 300-400 samples are collected and analyzed annually. In 2017 fertilizer had an 89% pass rate.

Investigation and Compliance Section

The Investigation and Compliance Section supports the functions of the program staff in the Bureau, and is responsible for compliance and enforcement related to the following programs: ACCP, Containment, Feed, Fertilizer, Groundwater, Lime, and Pesticides. The section has 14 environmental enforcement specialists (EES), located throughout the state, who conduct inspections and investigations in all of these program areas for the ACM Bureau. The section typically conducts approximately 750 inspections and 130 investigations annually.

Enforcement activities also fall within the scope and responsibilities of the Investigation and Compliance Section. Enforcement actions are taken in response to the discovery of violation(s) of Wisconsin statutes and/or administrative rules and include warnings, special orders such as quarantines, holding orders, administrative cases (whether stipulated or contested), and court actions.

Bureau of Laboratory Services (Support Service)

The Bureau of Laboratory Services analyzes animal feed, fertilizer, vegetation, soil and water samples collected during various ACM Bureau monitoring, survey, inspection and investigation activities. BLS is an accredited laboratory and is the official enforcement laboratory for all of the Bureau's programs.



**WISCONSIN DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION**

Division of Agricultural Resource Management

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