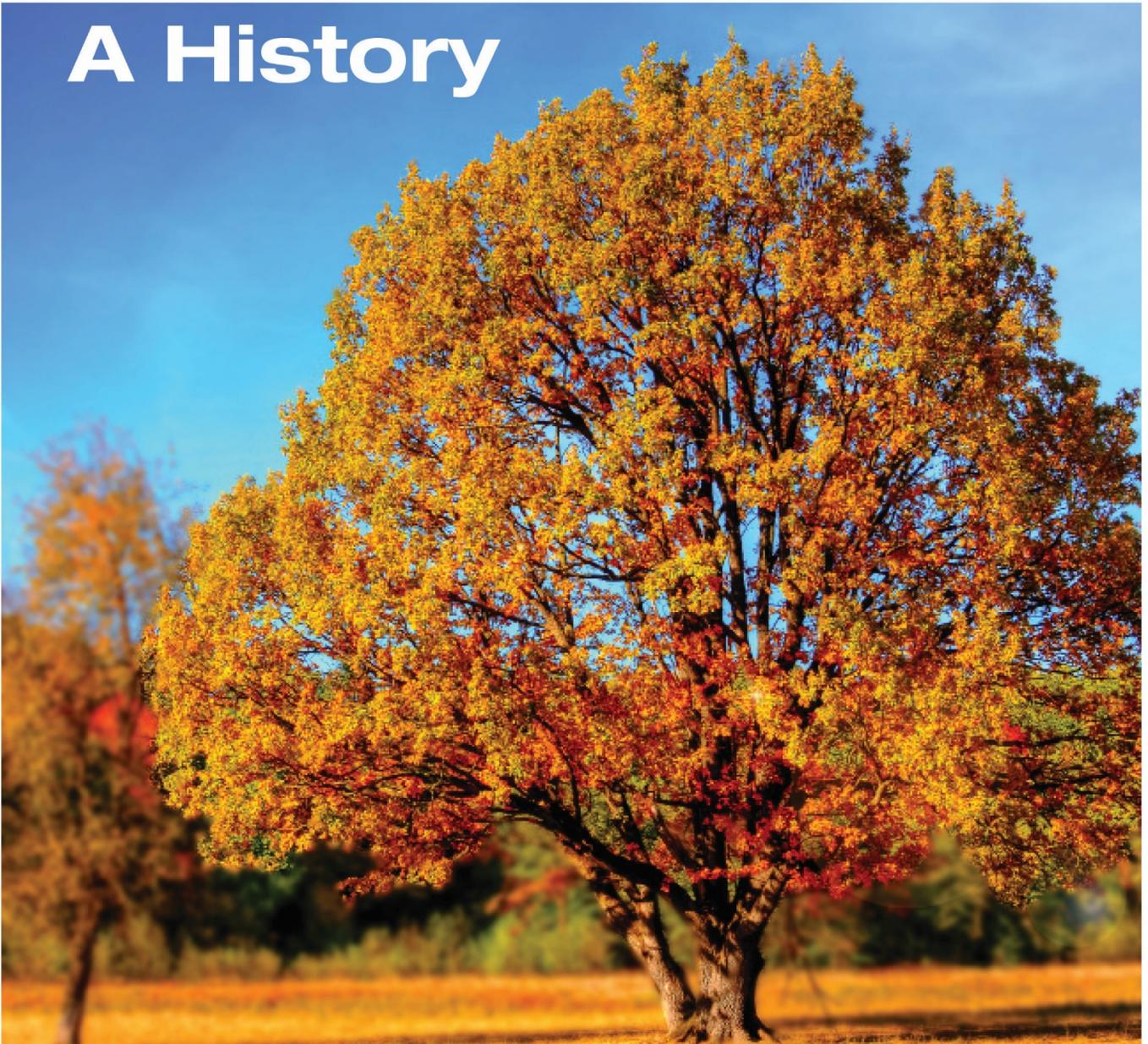




Wisconsin Department of Agriculture,  
Trade and Consumer Protection

# A History



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# 1) Introduction

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This is a short outline history of the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP). It is not a history of the department's accomplishments, although the department is a recognized national leader in many areas. It is a history of the department's identity and mission as defined and formed by Wisconsin state law.

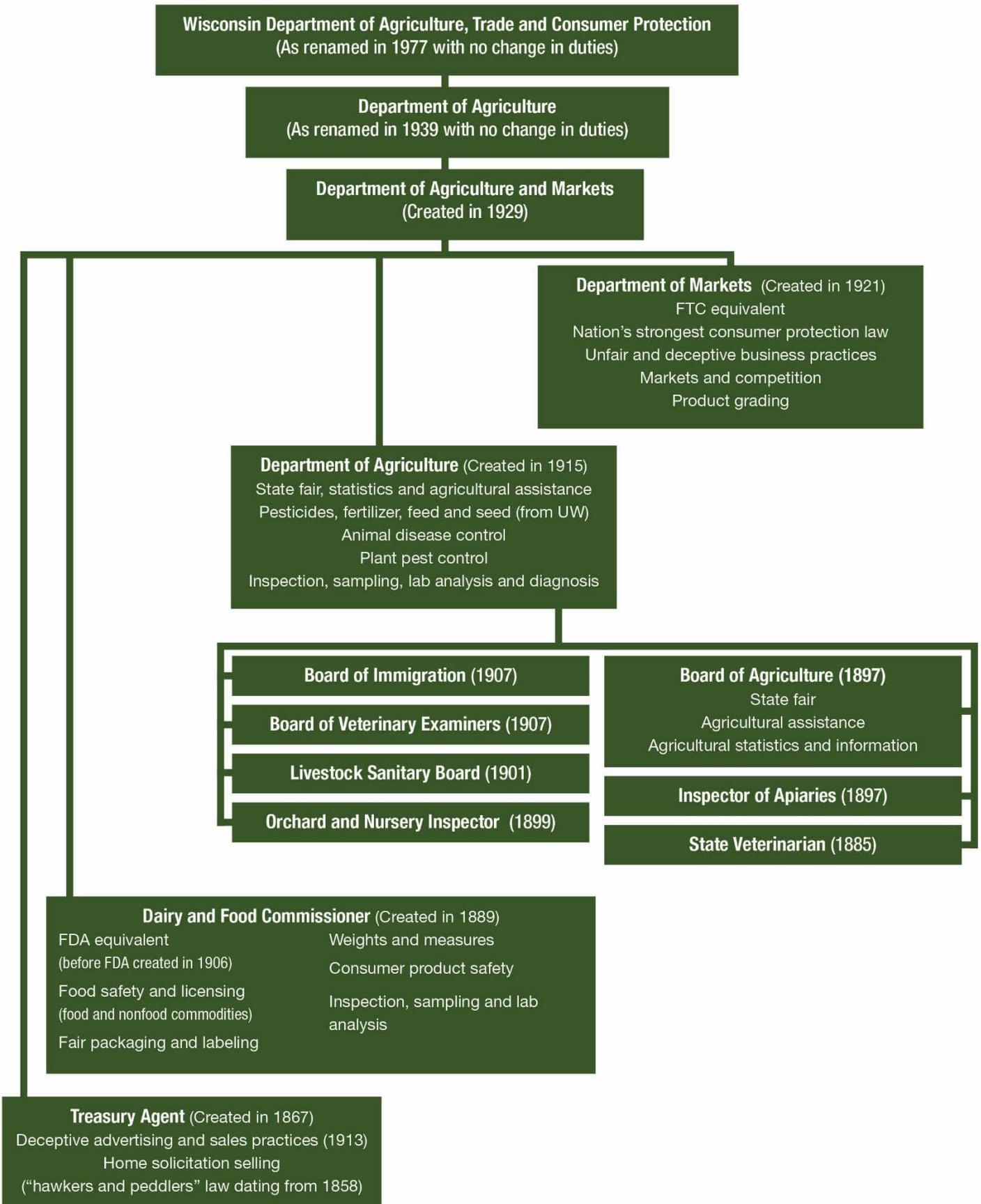
You will learn that the department has deep roots in three separate, yet interconnected, worlds:

- (1) Agriculture and the land
- (2) Business and commerce
- (3) Producers and consumers

The department's history reflect a pervasive and growing interplay between these worlds. In response to this interplay over nearly 180 years, the Wisconsin Legislature has shaped the department into the agency as it exists today.

The evolving formation of the department is recorded in Wisconsin's statute books. Laws do not tell the whole story of the department, but they tell a great deal. Laws created the department and its mission. Laws define its authority. Laws assigned its mission. The law also provides evidence of the political, economic, and social forces that motivated legislative action. Through the process of excavating these laws from the old Wisconsin statute books, we can trace the department's "family tree." Careful analysis also uncovers some key turning points in the department's history, reveals how the past continues to shape the emerging future.

## 2) DATCP Family Tree



### 3) Early Laws: 1839-1867

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#### Summary

From 1839 to 1867, Wisconsin enacted its first laws on subjects such as agriculture, food safety, business practices, and consumer fraud. Some of these laws were enacted by the Territory of Wisconsin, even before Wisconsin became a state in 1848. There were, as yet, no state agencies in existence to administer these laws.

#### Key Developments

<b>1839:</b>	<p>The Wisconsin Territorial Legislature, sitting for the first time in Madison (population 150), prohibited the fraudulent sale of adulterated food:</p> <ul style="list-style-type: none"><li>• The hand-written legislation read as follows: "...if any person shall knowingly sell any kind of diseased, corrupted or unwholesome provisions, whether for meat or drink, without making the same fully known to the buyer, he shall be punished by imprisonment in the county jail not more than six months, or by fine, not exceeding one hundred dollars." (Wisconsin Territorial Statutes, p. 350.)</li><li>• The Legislature also authorized the Governor to appoint inspectors in each county to inspect meat, food, and other commodities. The inspectors were authorized to inspect and certify the grade, wholesomeness, quantity and proper packing of food. (Wisconsin Territorial Statutes, p. 126.)</li></ul>
<b>1839:</b>	<p>The Wisconsin Territorial Legislature enacted a law to standardize weights and measures and ensure their accuracy (Wisconsin Territorial Statutes, p. 175). Weights and measures standards were originally kept by the Treasurer of the Territory.</p>
<b>1848:</b>	<p>Wisconsin became a state.</p>
<b>1853:</b>	<p>The Legislature appropriated \$1,000 annually to the state agricultural society, a non-governmental organization dedicated to promoting Wisconsin agriculture (ch. 70, Laws of 1853).</p> <ul style="list-style-type: none"><li>• The society was required to use the funds "...to promote and improve the condition of agriculture, horticulture, and the mechanical, manufacturing and household arts in the state, either for the payment of premiums, at the annual cattle shows and fairs of the society, or in the purchase and distribution of choice seeds, cuttings, plants or tubers, which have been tested and adapted to the soil and climate of this state, or to the prosecution of scientific investigations and experiments, and the collection and diffusion of information tending to develop the natural and agricultural resources of Wisconsin."</li><li>• The society was directed to "collect, arrange, and collate all the information in their power in relation to the nature, origin, and preparation of soils, the cultivation and growth of crops, the breeding and management of stock, the application and character of manures and fertilizers, the introduction of new cereal and other grains, and other agricultural subjects, and report the same together with a statement of their own proceedings to the Governor of the state in the month of January of each year, to be by him laid before the Legislature."</li></ul>
<b>1856:</b>	<p>The Legislature authorized the creation of county agricultural societies (ch. 74, Laws of 1856).</p> <ul style="list-style-type: none"><li>• Two years later, the Legislature appropriated \$100 to each county agricultural society that raised a matching amount (ch. 53, Laws of 1858).</li></ul>

	<ul style="list-style-type: none"> <li>• County agricultural societies used the funds for county fair premiums and other expenses.</li> </ul>
<b>1856:</b>	The Legislature prohibited false weights and measures in the sale of any commodity (ch. 88, Laws of 1856).
<b>1858:</b>	<p>The Legislature enacted the hawkers and peddlers law (ch. 50, Revised Statutes of 1858):</p> <ul style="list-style-type: none"> <li>• The law included the following provisions: <ul style="list-style-type: none"> <li>○ “No person shall be allowed to travel from place to place, within this state, for the purpose of carrying to sell, or exposing to sale, any goods, wares or merchandise...unless he shall have obtained a license as a hawker or peddler...”</li> <li>○ “Every person desiring to obtain a license as a hawker or peddler shall apply to the secretary of state....”</li> <li>○ “Every such applicant, before he shall be entitled to a license, shall pay to the state treasury the following duties: if he intends to travel on foot, the sum of ten dollars; if he intends to carry his goods with a single horse...thirty dollars;...with any vehicle or carriage drawn by two horses...forty dollars;...with more than two horses drawing any sort of carriage...fifty dollars.”</li> <li>○ There was a \$25 fine for operating as a hawker or peddler without a license.</li> <li>○ The Legislature took pains to note: “This chapter shall not authorize the sale...of...any immoral or obscene book, paper, or pamphlet, or playing cards.”</li> <li>○ The Legislature amended and updated the hawkers and peddlers law at least a dozen times before 1900.</li> </ul> </li> </ul>

## 4) Early Agencies: 1867-1929

### Summary

Just two years after the Civil War, the Legislature created the department's first predecessor agency, the Treasury Agent, to enforce the hawkers and peddler's law. From 1867 to 1929, the Legislature created other predecessor agencies and programs to meet the needs of a growing state.

Many of these programs pertained to agriculture and food production – activities which engaged a large share of the state's population. In 1873, two out of every three Wisconsin residents lived on a farm or in a town with no more than 200 inhabitants.

In regard to several subject matter areas, such as dairy and food regulation, Wisconsin was a leader. Wisconsin was also active in promoting national pure food legislation.

### Key Developments

<b>1867:</b>	<p>The Legislature created the office of Treasury Agent to enforce the hawkers and peddlers law (ch. 176, Laws of 1867).</p> <ul style="list-style-type: none"> <li>• Decades later, the treasury agent was also assigned to enforce the Fraudulent Advertising Law, enacted in 1913. To this day, the Fraudulent Advertising Law is one of the state's most important consumer protection laws.</li> <li>• The Governor appointed the Treasury Agent for a 2-year term.</li> </ul>
<b>1879:</b>	<p>The Legislature prohibited fraudulent misbranding of food (ch. 248, Laws of 1879):          “Every person who shall compound or put up for sale any food, drug or liquor, in casks, boxes, bottles or packages, with any label, mark or device whatever, so as and with intent to mislead or deceive as to the true name, nature, kind, and quality thereof, shall be liable to a penalty of and not to exceed five hundred dollars for the first offense, and for every offense after the first offense shall be punished by imprisonment in the state prison for not less than one year nor more than ten years.”</p>
<b>1885:</b>	<p>The Legislature created the office of State Veterinarian (ch. 467, Laws of 1885) to promote the health of livestock and domestic animals. The State Veterinarian, appointed by the Governor, had no significant regulatory authority.</p>
<b>1889:</b>	<p>The Legislature created the office of <b>Dairy and Food Commissioner</b> to enforce state food laws (ch. 452, Laws of 1889).</p> <ul style="list-style-type: none"> <li>• The Legislature directed the Dairy and Food Commissioner “...to enforce all laws that now exist, or that may hereafter be enacted in this state regarding the production, manufacture or sale of dairy products, or the adulteration of any article of food or drink or drug; and...to inspect any article of food or drink or drug, made or offered for sale within this state which he may suspect or have reason to believe to be impure, unhealthful, adulterated or counterfeit, and to prosecute, or cause to be prosecuted, any person...engaged in the manufacture or sale of any adulterated or counterfeit article...of food or drink or drug, contrary to the laws of this state.”</li> <li>• The Governor appointed the Commissioner for a 2-year term.</li> <li>• The Commissioner was authorized to enter “any creamery, factory, store, salesroom or other place or building” where food or drink was manufactured, prepared or offered for sale; to open any package or container; and to take samples for inspection and analysis.</li> <li>• The Commissioner was later assigned to enforce state weights and measures laws (1911) and hazardous substance labeling laws (1927).</li> <li>• Excerpts from the Commissioner's first annual report (1890):</li> </ul>

	<ul style="list-style-type: none"> <li>○ “...the entire field of human food is comprehended by the scope of the duties of this office....”</li> <li>○ “The sole objective of the department is to give the buyer exactly what he pays for, thus protecting his pocketbook and his health, and at the same time place the manufacturers of spurious goods in such a position that they are unable to displace honest products by misrepresentation.”</li> <li>○ “[The consumer's] health and longevity should be protected at any cost.”</li> <li>○ “Unless one has given the matter careful consideration, no conception of the magnitude of the work can be estimated.”</li> </ul> <ul style="list-style-type: none"> <li>● Among the Commissioner’s top priorities: <ul style="list-style-type: none"> <li>○ Establish a laboratory, and a systematic inspection and sampling program.</li> <li>○ Hire an attorney and develop a systematic enforcement program.</li> </ul> </li> <li>● The Commissioner compiled and distributed 15,000 copies of the state’s food laws. However, the Commissioner was concerned that <p>“...the laws are weak in many respects. No decisions by the courts have been passed upon them. No attempt has been made, prior to the creation of [this] office, to administer them.... The most important work, for the first two years, is to test the laws that already exist, and formulate new ones.”</p> </li> <li>● In 1889, Wisconsin’s Dairy and Food Commissioner was elected as the first president of the newly formed National Association of Dairy and Food Commissioners. The primary goal of the association was to promote a national pure food bill, which was ultimately enacted as the landmark Federal Food and Drug Act of 1906 - the act which created the FDA.</li> <li>● By 1920, the Dairy and Food Commissioner was responsible for licensing a wide range of food production and distribution facilities, including: <ul style="list-style-type: none"> <li>○ Bakeries (ch. 230, Laws of 1903)</li> <li>○ Butter and cheese factories (ch. 597, Laws of 1915)</li> <li>○ Soda water beverage manufacturers (ch. 562, Laws of 1917)</li> <li>○ Cold storage warehouses (ch. 428, Laws of 1917)</li> <li>○ Confectioneries (ch. 648, Laws of 1917)</li> <li>○ Milk condensaries (ch. 651, Laws of 1919)</li> <li>○ Canning factories (ch. 651, Laws of 1919)</li> </ul> </li> </ul>
<b>1895:</b>	<p>The Legislature enacted Wisconsin’s first fertilizer law (ch. 87, Laws of 1895).</p> <ul style="list-style-type: none"> <li>● The new law was aimed at preventing fraud in the sale of fertilizer. • The new law was aimed at preventing fraud in the sale of fertilizer.</li> <li>● The law was initially administered by the UW College of Agriculture’s agricultural experiment station.</li> </ul>
<b>1897:</b>	<p>The Legislature created a Board of Agriculture to take over certain functions of the state agricultural society (ch. 301, Laws of 1897).</p> <ul style="list-style-type: none"> <li>● The Board’s primary responsibility was to run the Wisconsin State Fair it was the predecessor of the current State Fair Park Board. The Board was also directed “to promote the interests of agriculture, dairying, horticulture, manufactures and the domestic arts.”</li> <li>● The Board consisted of 12 members appointed by the Governor.</li> </ul>

	<ul style="list-style-type: none"> <li>• The Board published a record of its annual meeting, which included lectures on significant agricultural topics.</li> <li>• In 1901, the Legislature authorized the Board to collect and report agricultural statistics (ch. 79, Laws of 1901).</li> </ul>
<b>1897:</b>	The Legislature created the office of State Inspector of Apiaries (ch. 150, Laws of 1897). The Inspector of Apiaries was appointed by the Governor and was responsible for controlling honeybee diseases and pests.
<b>1899:</b>	The Legislature created the office of <b>State Orchard and Nursery Inspector</b> (ch. 180, Laws of 1899). The Orchard and Nursery Inspector was appointed by the Governor and was responsible for controlling orchard and nursery pests.
<b>1901:</b>	The Legislature created the <b>State Livestock Sanitary Board</b> (ch. 440, Laws of 1901). <ul style="list-style-type: none"> <li>• The Board, which was separate from the State Veterinarian, had regulatory and enforcement authority to control animal diseases.</li> <li>• Board membership was specified by law.</li> </ul>
<b>1901:</b>	The Legislature enacted Wisconsin's first commercial feed law (ch. 377, Laws of 1901). <ul style="list-style-type: none"> <li>• The new law was aimed at preventing the adulteration and misbranding of commercial feed.</li> <li>• The law was initially administered by the UW College of Agriculture, agricultural experiment station.</li> </ul>
<b>1907:</b>	The Legislature created the State Board of Immigration (ch. 407, Laws of 1907). <ul style="list-style-type: none"> <li>• The Board's mission was to collect and publish information to attract immigrants and business to Wisconsin.</li> <li>• The Board consisted of the Secretary of State, the Dean of the UW College of Agriculture, and the president of the State Board of Agriculture.</li> </ul>
<b>1907</b>	The Legislature created the State Board of Veterinary Examiners (ch. 334, Laws of 1907). <ul style="list-style-type: none"> <li>• The Board was responsible for licensing and regulating veterinarians.</li> <li>• Board members were appointed by the Governor.</li> </ul>
<b>1909</b>	The Legislature enacted Wisconsin's first commercial seed law (ch. 173, Laws of 1909). <ul style="list-style-type: none"> <li>• The new law was aimed at halting the sale of adulterated and misbranded agricultural seed.</li> <li>• The law was initially administered by UW College of Agriculture, agricultural experiment station</li> </ul>
<b>1911</b>	The Legislature enacted Wisconsin's first pesticide law (ch. 325, Laws of 1911). <ul style="list-style-type: none"> <li>• The new law was aimed at regulating the sale and labeling of pesticides.</li> <li>• The law was initially administered by UW College of Agriculture, agricultural experiment station.</li> </ul>
<b>1911</b>	The Legislature assigned the Dairy and Food Commissioner to enforce state weights and measures laws for food and nonfood commodities (ch. 566, Laws of 1911). The Dairy and Food Commissioner: <ul style="list-style-type: none"> <li>• Maintained Wisconsin's official weights and measures standards.</li> <li>• Certified the accuracy of local weights and measures standards.</li> <li>• Inspected and certified weighing and measuring devices for accuracy.</li> <li>• Enforced fair packaging and labeling laws, and laws prohibiting fraudulent weights and measures.</li> <li>• Assisted local weights and measures programs.</li> </ul>

<p><b>1913</b></p>	<p>The Legislature enacted the Fraudulent Advertising Law (ch. 510, Laws of 1913). The Fraudulent Adverting Law, now known as the Fraudulent Representations Law, broadly prohibited deceptive advertising and sales practices. To this day, it is one of the state’s most important consumer protection laws.</p> <ul style="list-style-type: none"> <li>• The Legislature assigned the Treasury Agent to enforce the law, beginning in 1925 (ch. 264, Laws of 1925).</li> </ul>
<p><b>1915</b></p>	<p>The Legislature created a Department of Agriculture (ch. 413, Laws of 1915).</p> <ul style="list-style-type: none"> <li>• The new department combined the functions of the following predecessor agencies, which were abolished: <ul style="list-style-type: none"> <li>○ Board of Agriculture (replaced by a State Fair Advisory Board attached to the new Department of Agriculture)</li> <li>○ Board of Immigration</li> <li>○ Board of Veterinary Examiners</li> <li>○ Livestock Sanitary Board</li> <li>○ State Veterinarian</li> <li>○ Inspector of Apiaries</li> <li>○ Orchard and Nursery Inspector</li> </ul> </li> <li>• The Department of Agriculture was headed by a full-time Commissioner, appointed by the Governor for a 4-year term.</li> <li>• Excerpt from the first biennial report of the Department of Agriculture (1917):  “Because of the important and fundamental place which agriculture occupies among the industries of the state, the legislature deemed it wise to set aside a special part of the agricultural work of the state in a department separate from the college of agriculture and state experiment station. It has been an important duty of the Commissioner to select, define and establish the field of work which the Department of Agriculture is to handle.... [A]gricultural control and regulatory work...including the control of diseases among animals and crops and the enforcement of inspection laws...has been adopted as the field of work for the Department of Agriculture. It is a work distinct and separate from...that of the experiment station and the college. The importance of this line of work is so great, and the need for a distinct type of worker....is so important that the establishment of a separate department to handle this work was a most necessary step....”</li> </ul>
<p><b>1917</b></p>	<p>The Legislature transferred the following regulatory programs from the UW College of Agriculture to the new state Department of Agriculture (ch. 593, Laws of 1917):</p> <ul style="list-style-type: none"> <li>• Commercial feed</li> <li>• Fertilizer</li> <li>• Seed</li> </ul>
<p><b>1919</b></p>	<p>The Legislature created the position of state humane agent in the Department of Agriculture to assist local enforcement with animal cruelty laws (ch. 359, Laws of 1919).</p>
<p><b>1921</b></p>	<p>The Legislature created a powerful new <b>Department of Markets</b> (ch. 571, Laws of 1921). The impetus came from the agricultural sector, but the powers of the new department went far beyond agriculture:</p> <ul style="list-style-type: none"> <li>• The new department was the state equivalent of the Federal Trade Commission (FTC).</li> <li>• The department had sweeping authority to protect farmers, consumers, and honest competitors against unfair, deceptive, and anticompetitive business practices.</li> <li>• Under Wisconsin’s “Little FTC Act,” the department was authorized to:</li> </ul>

	<ul style="list-style-type: none"> <li>○ Prohibit unfair business practices by industry-wide rules, or by orders directed to individual businesses. Violations were subject to strong penalties and a strong private remedy.</li> <li>○ Conduct investigations and hold investigative hearings.</li> <li>○ Subpoena witnesses and evidence.</li> <li>● The new department had broad concurrent jurisdiction with other agencies: <ul style="list-style-type: none"> <li>○ Monopolies and anti-trust (Attorney General)</li> <li>○ Deceptive advertising and sales practices (Treasury Agent)</li> <li>○ Fraudulent weights and measures (Dairy and Food Commissioner)</li> <li>○ Deceptive food advertising and labeling (Dairy and Food Commissioner)</li> <li>○ Deceptive labeling of agricultural commodities, feed, seed, fertilizer, and pesticides (Agriculture)</li> <li>○ Commodity grading (Agriculture)</li> </ul> </li> <li>● The department also had broad authority to: <ul style="list-style-type: none"> <li>○ Create grading standards and regulate the distribution of commodities.</li> <li>○ Organize and regulate markets.</li> <li>○ License bonded warehouses to store agricultural products.</li> <li>○ Establish labels and trademarks for food and other products.</li> <li>○ Obtain and publish market information.</li> </ul> </li> <li>● The Wisconsin State Journal editorialized in 1921 that the powerful new legislation “creates a dictatorship of all private business.” An opposing legislator stated that “Even the Czar in his palmiest days did not have the authority given to the...department by this bill....”</li> <li>● The “Little FTC Act” became the cornerstone of Wisconsin’s general trade regulation and consumer protection program. Today, Wisconsin’s law is still one of the most powerful state consumer protection laws in the nation.</li> <li>● The new department was headed by a Commissioner of Markets, appointed by the Governor. The commissioner was required to have “...a general understanding of the distribution of products.”</li> </ul>
<b>1923</b>	The Legislature transferred the state’s pesticide control program from the UW College of Agriculture to the state Department of Agriculture.
<b>1927</b>	The Legislature assigned the Dairy and Food Commissioner to enforce the newly enacted State Caustic Alkali or Acid Law (ch. 211, Laws of 1927). This law was the precursor of modern hazardous substances laws. The law required safety labeling of hazardous substances sold to consumers.

## 5) Consolidation: 1929-1937

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### Summary

In 1929, the Legislature merged overlapping state agencies to create a powerful new Department of Agriculture and Markets. This was the direct predecessor of the current department. It regulated the entire food chain, from land to the consumer. It had jurisdiction over nearly every business in the state. It also had sweeping authority to halt unfair business practices and protect consumers.

### Key Developments

<b>1929</b>	<p>The Legislature created the new <b>Department of Agriculture and Markets</b> (ch. 479, Laws of 1929):</p> <ul style="list-style-type: none"><li>• The new department combined the functions of the following predecessor agencies, which were abolished:<ul style="list-style-type: none"><li>○ <b>Treasury Agent</b> (created in 1867)<ul style="list-style-type: none"><li>▪ Hawkers and peddlers law (first enacted in 1858)</li><li>▪ Fraudulent Advertising Law (first enacted in 1913)</li></ul></li><li>○ Dairy and Food Commissioner (created in 1889)<ul style="list-style-type: none"><li>▪ State equivalent of FDA (before FDA was created in 1906)</li><li>▪ Food adulteration, misbranding, and deceptive advertising (laws beginning in 1839)</li><li>▪ Weights and measures (laws beginning in 1839)</li><li>▪ Food establishment licensing (beginning with bakeries in 1903)</li><li>▪ Hazardous household substances (1927)</li><li>▪ Authority to inspect food establishments</li><li>▪ Authority to inspect, sample, and analyze</li></ul></li><li>○ <b>Department of Agriculture</b> (created in 1915 by combining several prior agencies)<ul style="list-style-type: none"><li>▪ State fair, statistics, and agricultural assistance (laws beginning in 1897)</li><li>▪ Pesticide, fertilizer, feed, and seed (laws transferred from UW in 1917 and 1923)</li><li>▪ Plant pest control (laws beginning in 1899)</li><li>▪ Animal disease control (laws beginning in 1885)</li><li>▪ Inspection, sampling, lab analysis, and diagnosis</li><li>▪ Quarantine and condemnation authority</li><li>▪ Authority to collect and report information</li></ul></li><li>○ Department of Markets (created in 1921)<ul style="list-style-type: none"><li>▪ Sweeping authority to prohibit unfair and deceptive business practices</li><li>▪ Strongest consumer protection law in the nation</li><li>▪ Jurisdiction over nearly all business and commerce</li><li>▪ Industry-wide rulemaking power</li><li>▪ Broad investigative powers, including subpoena powers</li><li>▪ Grading standards and trademarks for food and food commodities</li><li>▪ Authority to regulate food marketing and distribution</li><li>▪ Authority to establish labels and trademarks for Wisconsin food products</li></ul></li></ul></li><li>• The new Department of Agriculture and Markets was headed by 3 full-time commissioners (like the Public Service Commission today). The Commissioners were</li></ul>
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	<p>appointed by the Governor. The law did not require appointees to come from any specific background.</p> <ul style="list-style-type: none"> <li>• Excerpts from the new department’s first biennial report (1931): <ul style="list-style-type: none"> <li>○ “The powers and duties of the Department of Agriculture and Markets relate to every phase of the agricultural industry of Wisconsin, from the time the seed is selected for planting to the time the finished product is absorbed by the consumer. In addition, its jurisdiction extends into business and industry, insofar as it has the power to prosecute practices which interfere with free and fair competition.”</li> <li>○ “...the department as now organized will be much better able to cope with these problems than the individual departments that existed in the past.”</li> </ul> </li> </ul> <p>“...all matters concerning research and education will be left with the College of Agriculture, and it is the duty of the Department of Agriculture and Markets to attend to the enforcement of all laws of control and regulatory measures.”</p>
<b>1933</b>	<p>The Legislature required public warehouses to be licensed and bonded (ch. 456, Laws of 1933). The Department of Agriculture and Markets was assigned to administer the law.</p>

## 6) Contending Visions: 1937-1977

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### Summary

In the late 1930s, the Legislature altered the character of the department without altering its underlying mission. It made the department more independent by placing it under the direction of a citizen board. But it also gave the department a narrower agricultural image by changing its name and restricting board membership. The department retained all of its sweeping authority related to business and consumer protection, but over time, it received little public recognition for its work in those areas.

### Key Developments

<b>1937:</b>	<p>The Legislature changed the governance of the department by replacing its 3 full-time commissioners with a part-time, 7-member citizen board.</p> <ul style="list-style-type: none"><li>• The board was authorized to appoint a full-time Director (later Secretary) who served at the pleasure of the Board. The Director administered the department, subject to policy direction from the board.</li><li>• In order to insulate the board from partisan politics, the Legislature directed the Governor to appoint board members for staggered 6-year terms.</li><li>• The Legislature dramatically increased agricultural control of the department by requiring that all 7 board members be “actively engaged in agriculture.”</li><li>• The department nevertheless retained all of its major business and consumer protection responsibilities, affecting nearly every business and consumer in the state.</li></ul>
<b>1939</b>	<p>The Legislature changed the name of the department to the Department of Agriculture, dropping the word “Markets” from the name.</p> <ul style="list-style-type: none"><li>• The new name gave the department a narrower agricultural image, even though the department retained all of its major business and consumer protection responsibilities.</li><li>• The 1939 legislation also changed board member qualifications slightly. Board members were required to be “experienced in farming,” rather than “actively engaged in agriculture” as required in the 1937 legislation.</li></ul>
<b>1940:</b>	<p>To protect consumers against home improvement frauds, the department adopted roofing and siding rules under the “Little FTC Act.” The department later expanded these rules to cover all home improvements.</p>
<b>1947</b>	<p>The Legislature created the first food processor security program in the department, to secure food processor payments to farmers (ch. 510, Laws of 1947).</p>
<b>1949</b>	<p>The Legislature created the first dairy plant security program in the department, to secure dairy plant payments to farmers (ch. 487, Laws of 1949).</p>
<b>1949</b>	<p>The department adopted comprehensive safety standards for grade A milk, to protect consumers and facilitate sales of Wisconsin milk in interstate commerce.</p>
<b>1951</b>	<p>The Legislature directed the department to “...advertise Wisconsin and its dairy and other agricultural products by conducting campaigns of education throughout the United States” (ch. 345, Laws of 1951).</p>
<b>1957</b>	<p>The Legislature created the Agricultural Marketing Act (ch. 511, Laws of 1957), authorizing the department to adopt marketing orders for agricultural commodities.</p>

<b>1961</b>	<p>The Legislature transferred State Fair from the department to a newly created Wisconsin Exposition Department (ch. 149, Laws of 1961), which was later re-created as the State Fair Park Board.</p> <ul style="list-style-type: none"> <li>• In 1971, the State Fair Park Board was re-attached to the department for administrative purposes. The board retained independent policy authority over state fair (ch. 125, Laws of 1971).</li> <li>• In 1990, the State Fair Park Board was again removed from the department (1989 Wis. Act 219) and established as an independent agency.</li> <li>• In 1996, the State Fair Park Board was attached for administrative purposes to the newly created Department of Tourism (1995 Wis. Act 27). The Board retained independent policy authority over State Fair.</li> </ul>
<b>1961</b>	<p>The Legislature transferred veterinarian licensing from the department to a Board of Veterinary Examiners (ch. 294, Laws of 1961). The Legislature subsequently attached that board to the Department of Regulation and Licensing, which houses a variety of professional licensing boards.</p>
<b>1965</b>	<p>The Legislature directed the department to promote Wisconsin food and agricultural products in foreign markets (ch. 141, Laws of 1965).</p>
<b>1965</b>	<p>The Legislature established a comprehensive state meat and poultry inspection program in the department (ch. 582, Laws of 1965).</p>
<b>1967</b>	<p>The Legislature enacted the Kellett Reorganization Act. This legislation reorganized nearly all of state government, based on recommendations of the Kellett Commission. The legislation made no organizational or structural changes in the department (except that the “Director” was renamed the “Secretary.”) The Kellett Commission praised the department’s overall management and efficiency.</p>
<b>1969:</b>	<p>The Legislature assigned the department to take over grain inspection at the Port of Superior.</p>
<b>1969:</b>	<p>The Legislature split consumer protection authority, which had been consolidated in the department since 1929, by giving the Department of Justice some concurrent jurisdiction under the Fraudulent Advertising Law (ch. 425, Laws of 1969).</p>
<b>1976:</b>	<p>The Legislature assigned the department to enforce the state’s new Consumer Product Safety Law (ch. 117, Laws of 1975). The law authorized the department to ban or require warning labels on hazardous consumer products.</p>

## 7) Back to the Future: 1977 – the Present

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### Summary

By 1977, the department was at a crossroads. Wisconsin had become a far more urbanized state. Farm families represented 35% of Wisconsin's population in 1920, 10% in 1970, and less than 2% at the start of the 21st Century. Pervasive interactions between consumers, business, agriculture, and the environment demanded a more inclusive vision.

The department enjoyed a very broad statutory mission. However, its name as the Department of Agriculture, its governing structure, and its narrow agricultural image did not reflect the full scope of that mission. As a result of this misperception, the department faced growing challenges to its jurisdiction and influence.

In 1977, the Legislature renamed the department as the Department of Agriculture, Trade and Consumer Protection (DATCP). In a series of actions after 1977, the Legislature reaffirmed the department's historic mission to protect and serve all the people of Wisconsin. The Legislature also strengthened the department's role in protecting the state's land and water resources.

The Legislature authorized the Governor to appoint the DATCP Secretary, and changed the makeup of the DATCP Board. Although the Board was no longer authorized to appoint the Secretary, it retained considerable policy authority.

### Key Developments

<b>1977:</b>	The Board of Agriculture, responding to a consumer protection jurisdictional challenge, unanimously adopted the following resolution: “The State Board of Agriculture as a matter of policy reaffirms that the administration and enforcement of the state's general trade regulation and consumer protection laws are and should remain the exclusive responsibility of the Wisconsin Department of Agriculture. To implement these responsibilities, the department needs additional public visibility for consumer protection activities, clear policy control over all program elements, and added staff.”
<b>1977:</b>	The Board of Agriculture unanimously directed the department to seek a name change from the Legislature, in order to more adequately reflect the full range of department activities. The Board unanimously recommended the name: “Agriculture, Trade and Consumer Protection.”
<b>1977:</b>	The Legislature changed the name of the department to the Department of Agriculture, Trade and Consumer Protection (DATCP). The Legislature also changed the composition of the DATCP Board to include 6 members with an “agricultural background” and one “consumer representative” (ch. 29, Laws of 1977).
<b>1977:</b>	The Legislature enacted a major farmland preservation program, affecting land use throughout the state, and assigned DATCP to administer the program in cooperation with the Department of Revenue (ch. 29, Laws of 1977).
<b>1980:</b>	The Legislature established a grain security program in DATCP to secure grain warehouse and grain dealer payments to farmers (ch. 335, Laws of 1979).
<b>1982:</b>	The Legislature reorganized Wisconsin's soil and water conservation program and assigned DATCP as the lead agency to administer the program (ch. 346, Laws of 1981).
<b>1982:</b>	The Legislature revamped Wisconsin's Agricultural Marketing Act (ch. 283, Laws of 1981). Under the new act: <ul style="list-style-type: none"><li>• DATCP may adopt marketing orders for agricultural commodities at the request of commodity producers. Marketing orders must be approved in a referendum of affected producers.</li><li>• Producers covered by a marketing order must pay assessments to fund market research and development/promotion.</li></ul>

	<ul style="list-style-type: none"> <li>• Marketing orders are administered by semi-autonomous marketing boards chosen by affected producers. DATCP conducts elections and monitors marketing board compliance with legal requirements.</li> <li>• Marketing boards, funded by producer assessments, now perform many marketing functions previously handled by DATCP. One Board, the Milk Marketing Board, has an annual budget of approximately \$32.7 million.</li> </ul>
<b>1984:</b>	The Legislature enacted a landmark groundwater protection law, assigning major responsibilities to DATCP (1983 Wis. Act 410). Subsequent law changes overhauled state pesticide laws and launched major programs to clean up agricultural chemical contamination. Today, DATCP is a recognized national leader in addressing environmental issues related to agriculture.
<b>1988:</b>	The Legislature made sweeping changes to state food safety laws, modernizing DATCP licensing and inspection of dairy farms, dairy plants, food processing plants, food warehouses, grocery stores, and others (1987 Wis. Act 399).
<b>1989:</b>	The Legislature created the Farm Mediation and Arbitration Program in DATCP (1989 Wis. Act 31).
<b>1989:</b>	The Legislature created the Agricultural Diversification and Development Grant Program in DATCP (1989 Wis. Act 31).
<b>1993:</b>	The Legislature “deregulated” telecommunications services by eliminating traditional rate regulation by the Public Service Commission (1993 Wis. Act 496). That left DATCP to regulate unfair subscription and billing practices under the state’s general consumer protection laws. DATCP now regulates subscription and billing practices related to telecommunications, cable TV, satellite TV, video services, and internet access services.
<b>1994:</b>	The Legislature revamped state drainage laws and assigned DATCP to supervise local operation of drainage districts (1993 Wis. Act 456). These water management districts control water and land use in large areas of the state.
<b>1995:</b>	The Legislature transferred responsibility to DATCP for the certification of laboratories that test milk, food, or water for compliance with public health standards (1995 Wis. Act 27).
<b>1995:</b>	The Legislature directed DATCP to register captive deer herds, other than white-tail herds (1995 Wis. Act 79).
<b>1996:</b>	The Legislature re-consolidated consumer protection programs in DATCP by transferring some programs and staff from the Wisconsin Department of Justice (1995 Wis. Act 27). As an administrative agency, DATCP is responsible for program administration, including rulemaking, complaint handling, and investigation. DOJ, a legal services agency, prosecutes court cases at DATCP’s request (as do county district attorneys). The Legislature also added one consumer representative to the DATCP Board, expanding the Board to a total of 8 members.
<b>1996:</b>	The Legislature gave the Governor, rather than the DATCP Board, the power to appoint the DATCP Secretary (1995 Wis. Act 27). Although the Secretary now serves at the pleasure of the Governor, the DATCP Board still approves DATCP rules and policies.
<b>1997:</b>	The Legislature added another agricultural representative to the DATCP Board, thereby expanding the Board to a total of 9 members (1997 Wis. Act 95).
<b>1997:</b>	The Legislature directed DATCP to register fish farms and regulate fish imports (1997 Wis. Act 27).
<b>1998:</b>	The Legislature modernized Wisconsin’s animal cruelty law enforcement framework. Among other things, the legislature authorized and empowered local humane officers certified by DATCP (1997 Wis. Act 192).
<b>1999:</b>	The Legislature transferred part of the rural nonpoint pollution abatement program from the Department of Natural Resources to DATCP and created a Conservation Reserve Enhancement Program (CREP) within DATCP (1999 Wis. Act 9).

<b>1999:</b>	The Legislature transferred the Wisconsin veterinary diagnostic laboratory from DATCP to the University of Wisconsin (1999 Wis. Act 9). The DATCP Secretary sits on a laboratory oversight board. DATCP continues to administer state animal health and disease control programs.
<b>1999:</b>	The Legislature made important changes to the state meat inspection program, incorporating federal program changes under state law (1999 Wis. Act 9).
<b>1999:</b>	The Legislature authorized DATCP and the Department of Health and Family Services to adopt uniform food safety regulations for grocery stores, restaurants, and other retail food establishments, based on the federal model food code (1999 Wis. Act 9). DATCP and DHS subsequently adopted uniform rules.
<b>2001:</b>	The Legislature created a major new agricultural producer security program to replace existing programs for grain, dairy, and vegetable producers (2001 Wis. Act 16).
<b>2001:</b>	The Legislature created a major new telemarketing “No Call” program (2001 Wis. Act 16). DATCP adopted rules and established a telemarketing “No Call” list.
<b>2001:</b>	The Legislature created an ethanol grant program in DATCP, to promote the production of ethanol fuel from corn (2001 Wis. Act 16).
<b>2002:</b>	The Legislature enacted major new captive wildlife legislation (2001 Wis. Act 56). The new law transferred captive white-tail deer herd registration from the Department of Natural Resources to DATCP, and strengthened DATCP and DNR cooperative authority to address diseases that affect both wild and domestic animals.
<b>2003:</b>	The Legislature transferred the interstate milk shipper certification program from the Department of Health and Family Services to DATCP (2003 Wis. Act 33).
<b>2004:</b>	The Legislature enacted a Livestock Facility Siting Law to govern local approval of new and expanded livestock facilities, assigning to DATCP the responsibility of administering the law (2003 Wis. Act 235).
<b>2004:</b>	The Legislature enacted a Livestock Premises Registration law to improve food safety and disease control, assigning to DATCP the authority to administer the law (2003 Wis. Act 229).
<b>2007:</b>	The Legislature enacted a Buy Local grant program and assigned DATCP to administer the program.
<b>2009:</b>	The Legislature created a major new Working Lands program and assigned DATCP to implement the program in cooperation with county and local governments (2009 Wis. Act 28). The legislation overhauled and strengthened Wisconsin’s 30-year old farmland preservation program, created a new agricultural enterprise area program, and created a new program for the purchase of agricultural conservation easements.
<b>2009:</b>	The Legislature directed DATCP to implement a major new program for the licensing and regulation of dog sellers and dog facilities (2009 Wis. Act 90). Among other things, DATCP must establish standards for the humane care of dogs at licensed facilities.
<b>2009:</b>	The Legislature enacted major new Bio-Fuel legislation to promote the production and use of renewable fuels (2009 Wis. Act 401). DATCP must monitor compliance with state bio-fuel sales goals, and must work with an advisory council to identify sustainable bio-mass and bio-fuel production strategies.
<b>2013:</b>	The Division of Food and Recreational Safety’s application to participate in the USDA’s Cooperative Interstate Shipment program was accepted.
<b>2013:</b>	DATCP merged the DSPS storage tank and fuel quality programs with its weights and measures program. State inspectors were cross-trained, inspection processes were streamlined, and fuel quality testing was centralized at a new Fuel Quality Laboratory in Madison.
<b>2015:</b>	2015 Wisconsin Act 55 transferred the Veterinary Examining Board to DATCP from the Department of Safety and Professional Services. The Veterinary Examining Board defines professional standards and regulatory policies for veterinarians and veterinary technicians. The Board determines the education and experience required for obtaining a credential, develops

	and evaluates credentialing examinations, and establishes and enforces standards of professional conduct.
<b>2016:</b>	The Division of Food Safety (DFS) became the Division of Food and Recreational Safety with the transfer of recreational business oversight from the Department of Health Services. The transfer included regulation of restaurants and vending machines, hotels and other lodging, campgrounds and recreational/educational camps, and public swimming pools.

## 8) DATCP Today

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**TODAY**, the Department of Agriculture, Trade and Consumer Protection:

- Protects the food chain from land to consumer:
  - Land and water resources
  - Bio-security (animal diseases, plant pests and human pathogens)
  - Commercial feed (including potential food adulterants)
  - Pesticides and agricultural chemicals (including potential food adulterants)
  - Commodity procurement
  - Food processing, storage, testing, and distribution
  - Retail food processing and sale
- Protects consumers and honest competitors:
  - Plentiful, safe, and wholesome food
  - Honest business climate and fair competition
  - Fair advertising and selling practices
  - Fair packaging and labeling
  - Accurate weights and measures
  - Safe consumer products
  - Security for agricultural producers
  - Telemarketing (including the Wisconsin “No Call” List)
  - Landlord-tenant practices
  - Electronic communication services (telecommunications, cable TV, satellite TV, video services, internet access services, etc.)
  - Motor vehicle repair
  - Mail and e-mail solicitations
  - Itinerant sales
  - Home improvements
  - Price comparison advertising
  - Pyramid schemes
  - Work recruitment schemes
  - Referral selling schemes
  - Mobile home parks
  - Food advertising, labeling, and sales practices
  - Agricultural procurement practices
  - Wholesale price discrimination
  - Environmental regulation of consumer products
  - Price gouging in emergencies
- Supports Wisconsin agriculture:
  - Facilitation of sound land use planning and zoning, to help avoid land use conflicts
  - Help ensuring safe, wholesome, marketable products
  - Agricultural development, innovation, and marketing assistance
  - Assist with agricultural marketing boards
  - Information, statistics, and farmer assistance
  - Innovative, diversified, and environmentally responsible agriculture

- Grading programs for various commodities, including grain (mainly at the Port of Superior), butter, cheese, eggs, fruits, vegetables, and certified seed potatoes
- Has powerful fact-finding and compliance tools:
  - Consumer hotline, complaints, and inquiries (about 150,000 annually)
  - Information and education
  - Clear rules that protect millions of Wisconsin residents every day
  - Licensing and certification (over 100,000 individuals and businesses).
  - Inspection, sampling, lab testing, and diagnosis
  - Investigation and subpoena authority
  - On site holding orders, quarantines, and condemnation orders
  - Civil and criminal court enforcement
- Works with others to find solutions:
  - Consumers
  - Businesses of all kinds
  - Agricultural producers and landowners
  - Natural resource users
  - Federal, state, and local officials
  - University of Wisconsin and other educational institutions
  - Citizen advisory councils
  - Community organizations
  - News media