



2023 ANNUAL REPORT

- BUREAU OF AGRICHEMAL MANAGEMENT -  
WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE  
AND CONSUMER PROTECTION

## *Bureau of Agrichemical Management*

### **Overview**

Part of the Wisconsin Department of Agriculture, Trade and Consumer Protection's (DATCP) Division of Agricultural Resource Management, the Bureau of Agrichemical Management (ACM) administers Wisconsin's regulatory and enforcement programs associated with commercial animal feeds, fertilizers, pesticides, and other plant production and pest control materials used in agricultural, urban, and industrial settings. This report provides a financial overview, program statistics, and enforcement and compliance actions.

### **ACM's Mission**

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

### **Financials**

ACM's financial information includes data from the state fiscal year (FY) 2023, which is from July 1, 2022 through June 30, 2023. ACM's cooperative agreement with the United States Environmental Protection Agency (EPA) operates from October 1, 2022, through September 30, 2023. This report covers those portions of the federal grants that occurred during the state fiscal year. The Wisconsin Department of Natural Resources's (DNR) environmental fund provides \$1 million to support Clean Sweep Program grants to local governments. This is an increase of \$250,000 from previous years and was allocated under the State of Wisconsin budget. The revenue and expenses for these grants are not included in this section.

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

### **Agrichemical Management Fund**

The ACM fund is the primary source of funding for the regulatory, investigative, and enforcement aspects of ACM. This includes staff, supplies and services, and laboratory functions. Table 1 shows the ACM fund balance sheet resulting from industry fee revenue and ACM expenditures. Expenditures for "other programs" includes ACM support for the Division of Animal Health inspectors and Discovery Farms.

In addition to industry fees, ACM programs are supported by funding through a cooperative agreement with the EPA. This cooperative agreement is used to implement, investigate, and enforce pesticide use laws and regulations. In FY 2023, ACM received \$628,266 in funding via their cooperative agreement with the EPA. Table 1 highlights the ACM funding situation.

**Table 1: FY 2023 ACM Fund Balance Sheet**

	Revenue		Expenditures	Ending Balance
Opening Balance	\$12,787,000	ACM Programs	\$7,403,000	N/A
Revenue Total	\$8,381,000	Other Programs	\$743,000	N/A
Total	\$21,168,000	Total	\$8,146,000	\$13,022,000

**Agricultural Chemical Cleanup Program Fund**

The Agricultural Chemical Cleanup Program (ACCP) fund is used to provide reimbursement payments for agricultural chemical spill cleanups. Table 2 shows the money collected and deposited into the ACCP fund from industry surcharges. The balance amount continues to decrease, as no surcharges were collected in FY 2023 due to the surcharge holiday. In FY 2023, the program used the existing cash balance to fund reimbursement payments, as shown in Table 2. The surcharge holiday will continue until the fund balance drops below \$1,500,000. At the current rate of reimbursements, the fee holiday is anticipated to end in 2024 or 2025.

**Table 2: FY 2023 ACCP Fund**

	Revenue		Expenditures	Ending Balance
Opening Balance	\$3,359,000	Reimbursements	\$906,000	N/A
Total Revenue	\$143,000	Other	\$0	N/A
Total	\$3,502,000	Total	\$906,000	\$2,596,000

**Revenue Collected for Other Agencies and Programs**

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

**Table 3: FY 2023 ACM Fund Expenditures for Non-ACM Programs**

Non-ACM Program	Amount
DATCP Division of Animal Health	\$392,900
UW Discovery Farms	\$255,700
DATCP Ag in the Classroom	\$93,900
Total	\$742,500

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

**Table 4: FY 2023 Non-ACM Program Revenue**

ACM Program	Revenue
DNR Environmental Fund	\$1,725,899
UW Fertilizer Research Council	\$375,310
UW Nutrient Management Program	\$242,715
UW Lime Research Program	\$13,712

DATCP Weights and Measures	\$150,455
Total	\$2,508,091

**Updates on Ongoing and 2023 Initiatives**

The revenue and expenditure (RevEx) project that commenced in 2018 continued to mitigate surpluses from fees through 2023. The ACCP surcharge holiday will continue until the ACCP fund balance is sufficiently lowered to restart the tiered surcharge structure ([ACCP Fund and Surcharges](#)). Accruals will continue to occur more slowly as a result of this tiered surcharge structure.

ACM’s large-scale optimization project involving moving documents from shared network storage locations to a SharePoint platform is ongoing. SharePoint serves as document storage while also providing some automation features such as workflows that route documents or alerts to staff. ACM continues to use SharePoint to move to paperless routing for many tasks and to utilize shared libraries to quickly address the needs of ACM programs and other programs within the agency.

ACM continues to utilize SharePoint to increase efficiency of Bureau operations. In regards to major SharePoint efforts:

1. E-fleet – Drivers of state vehicles formerly submitted paper documentation for mileage and entered information into a Department of Administration (DOA) application. The division continues to utilize the improved, paperless process started in 2019 which involves automated reminders, electronic approvals, and data entry completion by the drivers themselves, eliminating the need for anyone to process mailed mileage logs.
2. The Electronic Inspection Submittal and Review Process initiated in 2021 has been fully implemented. Both ACM’s inspections and investigations are submitted through the internal SharePoint platform contributing to operational efficiency and significant monetary savings.

ACM’s 2022 initiation of First Year Feed and Pesticide Outreach activities performed by the EES staff continued in 2023. During this time, the EES staff were able to meet with businesses new in these industries and provide outreach on regulations and common violations while offering DATCP as a resource ready to assist all businesses. During 2023, 44 First Year Feed Outreaches were completed and 78 First Year Pesticide Outreaches were completed. These activities will continue as means of providing outreach and assistance to industry.

Efforts for streamlining EES activities and reallocating workloads continued:

1. The review and realignment of EES territories was completed to promote future recruitment and efficient distribution of workload amongst the EES staff. Additionally, EES Staff were assigned to quadrants within the state so that they can better assist each other with coverage of activities outside of their own regularly assigned territories.
2. The project committee reviewing Containment Inspections reporting metrics completed their study of time used for various Containment Inspections. Using these figures, the bureau has been able to adjust and more efficiently utilize time allocated towards the different Containment Inspection types.

## **Strategic Plan**

During 2023, ACM continued implementation of the 2021-2025 strategic plan. The strategic plan guides the bureau's use of financial and human resources in critical areas and on important tasks as it strives to meet its mission. Implementing this strategic plan assists the bureau with continuously improving and meeting its mission and regulatory responsibilities more efficiently and effectively.

The strategic plan includes three strategic goals:

- Maintain established connections with stakeholder groups to reinforce existing trust in the bureau. These connections will support stakeholders as their industries evolve, grow our partnership base, and ensure ACM provides proactive and relevant information to our partners and stakeholders.
- Optimize ACM operational functions through effective programs and efficient use of resources (including technology) to support the mission of the bureau.
- Recruit, invest in, and develop the ACM workforce to provide employees with appropriate professional and technical skills to lead critical programs and have opportunities to grow professionally.

ACM's annual work planning process utilizes this strategic plan to align work activities to meet these goals. The strategic plan is re-evaluated at least annually as part of this process, and updates are made as needed.

## **Quality Management**

In 2023, ACM continued to conduct process audits of program areas. These process audits evaluate current program standard operating procedures and program processes against statutory and administrative code duties and obligations. They serve the purpose of identifying potential areas of improvement for internal processes and operational excellence. Program evaluations were initiated on multiple programs in 2023 as well. These evaluations examine programs through surveys and discussions with stakeholders and through review of potential tools, technology, and bureau-wide processes to assess the effectiveness and efficiency of bureau activities and identify opportunities for providing ACM's services to the state more effectively.

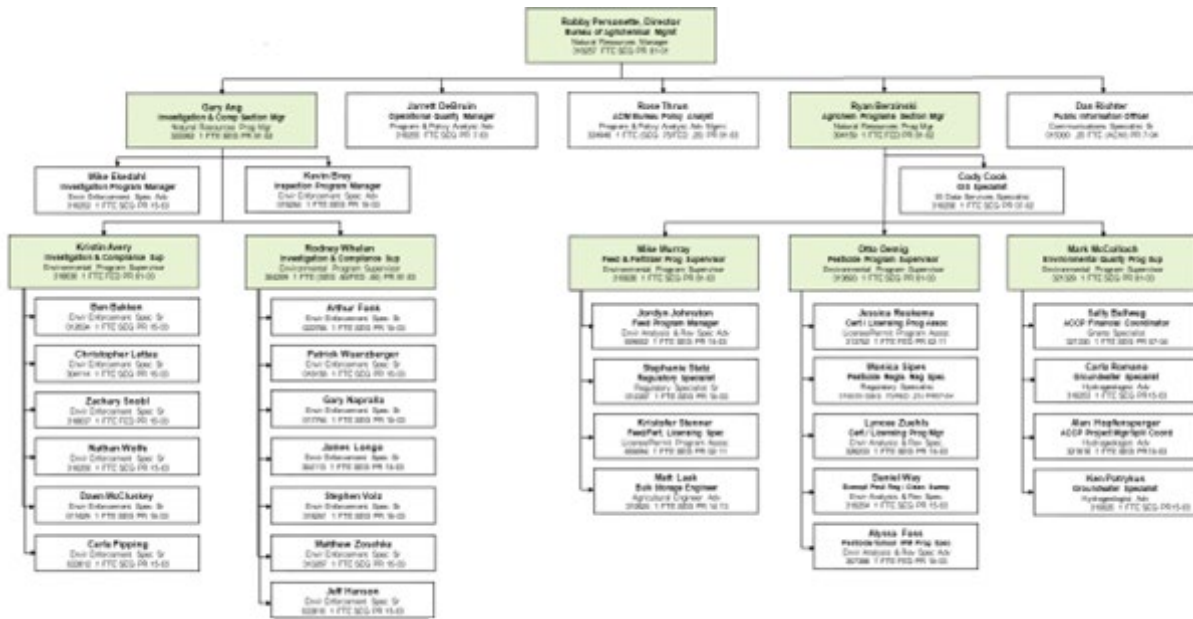
## **Case Tracking Technology Updates: Conversion to a New Licensing System**

DATCP continues to transition to a Customer Relationship Management application to manage multiple databases. A new version of this application is expected to be implemented sometime in 2024. Shortly after that, ACM will begin the testing phase of the integration of the Case Tracking System database into the newer system. Once this project is complete, ACM will have an upgraded database for licensing and compliance related functions for various programs, promoting internal efficiency and a heightened customer experience.

## **Organization Chart**

ACM is separated into two sections: Agrichemical Programs, and Investigation and Compliance. Each of

these sections has multiple units and each unit manages multiple programs. An overview of each section, and highlights from FY 2023, are provided in the remainder of this report.



## Agrichemical Programs Section

The agrichemical programs section consists of the following units:

- Environmental Quality
- Feed, Fertilizer, and Containment
- Pesticides

Each unit is led by a supervisor and contains multiple programs. Program supervisors oversee specific programs along with directly managing program specific subject matter experts, licensing, or grant management staff.

### Environmental Quality Unit:

The environmental quality unit includes the following program areas:

- Surface and Groundwater Monitoring
- Agricultural Chemical Cleanup
- Pesticide Product Restrictions

### Surface and Groundwater Monitoring Programs

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

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

More information about each program and annual reports are available at [https://datcp.wi.gov/Pages/Programs\\_Services/SurfaceGroundwaterMonitoring.aspx](https://datcp.wi.gov/Pages/Programs_Services/SurfaceGroundwaterMonitoring.aspx).

Table 5 provides the sample collection for ground and surface water in 2023 and the preceding four years.

**Table 5: Number of Surface and Groundwater Samples Collected**

	2019	2020	2021	2022	2023
<b>Groundwater</b>	290	209	285	269	511
<b>Surface water</b>	105	69	121	150	64

DATCP groundwater statewide surveys of agricultural chemicals are typically conducted every five to 10 years in Wisconsin. Prior surveys were completed in 1994, 1996, 2001, 2007, and 2016. In 2023, DATCP and the Wisconsin Field Office of the National Agricultural Statistics Service (NASS) collaborated to conduct another groundwater statewide survey, sampling 380 private potable wells across the state. Water samples were analyzed for nitrate plus nitrite as nitrogen (N) and 106 pesticide compounds by the DATCP Bureau of Laboratory Services. Key findings from the 2023 survey are summarized in the Wisconsin Groundwater Quality report. This report along with prior statewide survey reports and other water quality reports prepared by ACM staff are available at [https://datcp.wi.gov/Pages/Programs\\_Services/GroundwaterReports.aspx](https://datcp.wi.gov/Pages/Programs_Services/GroundwaterReports.aspx).

### Multi-Agency Review of Groundwater Quality Standards

In 2023, no additional work was completed by staff in support the DNR rulemaking process. The DNR is responsible for creating new standards within Wis. Admin. Code, ch. NR 140. When DATCP detects pesticides in groundwater samples, the data is shared with the DNR and the Wisconsin Department of Health Services (DHS) so new standards can be considered.

DATCP submitted lists of pesticides for consideration to DNR, and the DNR submitted a list of compounds to DHS on March 2, 2018. Additional pesticides were also included on the “cycle 11” list submitted to DHS on September 19, 2019. DHS responded with recommendation standards for the cycle 10 list on June 21, 2019, and the cycle 11 list on November 19, 2019. On February 23, 2022, DNR’s Natural Resources Board considered and did not approve the cycle 10 list. The scope statement for cycle 10 expired on March 3, 2022. The scope statement for cycle 11 expired on Sept. 15, 2023. Any future rulemaking conducted by the DNR will take place under a new scope statement. ACM Program staff will continue to assist the DNR with technical advice and data support for rulemaking efforts for pesticides with proposed groundwater standards. The status of the combined agencies efforts to draft new standards under Wis. Admin. Code, ch. NR 140 can be found on the DNR’s website (<https://dnr.wi.gov/topic/Groundwater/NR140.html>) and DATCP’s website ([https://datcp.wi.gov/Pages/Programs\\_Services/GroundwaterStdsPesticides.aspx](https://datcp.wi.gov/Pages/Programs_Services/GroundwaterStdsPesticides.aspx)).

DHS considers a proposed standard to be a Drinking Water Health Advisory. The following is a list of pesticides with DHS established health advisories:

- Clothianidin 1,000 µg/l
- Dacthal, Dacthal MTP, Dacthal TPA 70 µg/l

• Glyphosate,	10,000 µg/l
• Glyphosate AMPA	10,000 µg/l
• Imidacloprid	0.2 µg/l
• Isoxaflutole, Isoxaflutole DKN	3 µg/l
• Isoxaflutole BA	800 µg/l
• Sulfentrazone	1,000 µg/l
• Thiamethoxam	120 µg/l
• Thiencarbazone-methyl	10,000 µg/l
• Metalaxyl	800 µg/l
• Chlorantraniliprole	16,000 µg/l
• Flumetsulam	10,000 µg/l
• Fomesafen	25 µg/l
• Hexazinone	400 µg/l
• Saflufenacil	460 µg/l
• Cyantraniliprole	10 µg/l
• Norflurazon	15 µg/l

ACM Program staff published fact sheets for all pesticides under consideration for review of groundwater standards. These fact sheets are available to view on DATCP's website: [https://datcp.wi.gov/Pages/Programs\\_Services/GroundwaterStdsPesticides.aspx](https://datcp.wi.gov/Pages/Programs_Services/GroundwaterStdsPesticides.aspx)

### **Agricultural Chemical Cleanup Program**

The Agricultural Chemical Cleanup Program (ACCP) helps cleanup pesticide and fertilizer spills in an effort to prevent these spills/releases from contaminating groundwater and reimburses the responsible person (RP) for eligible cleanup costs. ACCP works with the RP for the spill and consults with the RP hires to ensure cleanups are completed in a timely, cost-effective manner in accordance with environmental regulations and standards.

Corrective action often includes an environmental investigation and removal of contaminated soil. For cases where residual contamination remains, groundwater monitoring is often performed for several years to evaluate natural attenuation as a final remedial response. Groundwater monitoring may be required for an extended period of time at some sites, particularly at sites where contaminants adsorb to fine grained, low permeability soil.

The Environmental Quality Unit Spill Coordinator responds to an average of 35 spill responses each year. The Spill Coordinator also works closely with the DNR on spill response investigations. Agrichemical spills reported to the DNR Emergency Hotline are then transferred to the DATCP Spill Coordinator who will contact the Environmental Enforcement Specialist (EES) assigned to the territory where the spill occurred. The EES mobilizes to the site, often within a few hours after the spill was reported. Upon arrival at the spill site, EES staff meet with the RP to discuss the appropriate spill response. Spill clean-up methods can include the use of hand tools, absorbent material, or vacuum trucks and street sweepers. Occasionally, contaminated soil is also removed as part of the spill response. EES staff then collect soil samples to document that the spill response has been cleaned up to the extent practical. The EES prepares a report to document the cause of the spill and the corrective action(s) taken.



The ACCP reimburses for a portion of eligible cleanup costs. The discharge site maximum is \$650,000 for eligible costs incurred on or after July 1, 2017. The Agricultural Chemical Cleanup Council, a six-member advisory council composed of farmers and members of the regulated community, reviews and makes recommendations to DATCP regarding reimbursements. Table 6 details ACCP case numbers for 2023 and the preceding four years.

**Table 6: Number of Cases Managed**

	2019	2020	2021	2022	2023
<b>ACCP</b>					
Applications received	34	23	45	28	21
Open cases	124	124	120	119	113
Long-term cases – new	5	8	6	3	2
Long-term cases – re-opened	2	7	3	3	7
Long-term cases – closed	4	14	17	10	14
Long-term cases – total closed	622	636	653	663	677
<b>Spill Cases</b>					
New	39	32	24	28	34
Closed – same year	33	24	9	0	0
Closed each year – total	41	32	18	13	18
Total closed cases	1,286	1,318	1,336	1,349	1,367

The Agrichemical Cleanup Council (ACCC) plays a key role for the ACCP reimbursement program. Following review of each reimbursement application, ACM staff recommend to the council an amount for reimbursement and seek approval during quarterly meetings. The council also advises ACM staff on proposed rule changes, fees, and surcharges to fund reimbursement for cleanup. By rule, the council must include two farmers, two pesticide dealers or commercial applicators, one environmental consultant, and one agricultural chemical manufacturer or wholesaler. All council members are appointed by the DATCP Board for two-year terms. To ensure council member terms overlap, three appointments are made each year. Current members may be reappointed to serve another term or new members may be recruited.

ACM would like to thank the following council members who served in 2022:

- Agricultural chemical manufacturer or wholesaler: Frank Masters with Twin State, Inc., of Janesville (member since March 2001)
- Environmental consultant: Benjamin Nelson with Emmons and Olivier Resources, Inc., of Cottage Grove (member since December 2017)
- Farmer: Arch Morton, Jr., of Janesville (member since September 2015)
- Farmer: Kevin Solum of Deer Park (member since July 2022)
- Pesticide dealer or commercial applicator: Jennifer B. Wickman with Cooperative Network of Madison (member since July 2019)
- Pesticide dealer or commercial applicator: Joe Sikora with Insight FS of Jefferson (member since February 2018)

## **Pesticide Product Restrictions Program**

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

## **Feed, Fertilizer, and Containment Unit**

The Feed, Fertilizer, and Containment unit includes the following programs:

- Feed
- Fertilizer
- Containment

### **Feed Program**

The Feed Program provides the following services:

- **Licensing and tonnage reporting:** The program annually licenses approximately 1,550 commercial feed and pet food companies. Each year, these feed companies distribute over 4.5 million tons of feed in Wisconsin, which includes feed for Wisconsin's livestock and poultry industry and pet food. Feed licensees must report and pay inspection fees on each ton of feed distributed during the previous calendar year.
- **Certificates of free sale:** The program issues anywhere from 200-300 certificates of free sale annually to companies exporting feeds and feed ingredients. Companies submit an application, fee, and label of the feed they want to export and are issued a certificate of free sale. The certificate of free sale confirms that the company is licensed and legally able to sell in Wisconsin the feed or feed ingredient being exported. AccessGov, the new certificate request system, was put into production in 2023. The new system prevents incomplete applications and has reduced intake time. With the previous system, requests would be made by a feed company but wouldn't always come through to the program even though the requestor would receive confirmation; AccessGov has eliminated these errant requests.
- **Inspections and sampling:** The program routinely inspects feed mills for compliance with good manufacturing practices and collects samples to ensure the nutrients in the feeds are present at the levels guaranteed on the label. Approximately 100 inspections are completed annually. Feed program staff collect 300-600 feed samples each year and send the samples to DATCP's laboratory for analysis.

Table 7 provides feed program data from 2019 to 2023, including licensing, tonnage, and inspection data.

**Table 7: Feed Program Data**

	2019	2020	2021	2022	2023
<b>Feed Program Activity Areas</b>					
Licenses issued	1,586	1,534	1,570	1,540	1520
Tonnage reported	5,859,213	6,015,438	5,131,796	4,785,035	4,564,711
Certificates of free sale issued	226	328	152	184	246
Surveillance samples collected	576	298	633	614	597
<b>Inspections</b>					
Commercial Feed	92	85	111	112	89

### Inspection Prioritization

A facility receives an initial risk assessment using information from the new license application submitted to DATCP and a risk assessment questionnaire completed during an outreach visit by the territory Environmental Enforcement Specialist (EES) subsequent to licensure. With the information provided by the Risk Assessment, past inspection reports, and sampling results, the feed program is able to better assign inspections at an appropriate rate to meet the needs of industry and consumers alike. Forty-four outreach visits were completed in 2023.

### Fertilizer Program

The Fertilizer Program provides the following services:

- License: The program issues about 900 fertilizer, 300 soil and plant additive, and 100 lime licenses annually. Fertilizer, soil and plant additive, and lime licenses are annual and not transferable. A license is required for each business location and mobile unit used for manufacturing or distributing fertilizer, soil and plant additive, or lime.
- Tonnage: The program collects tonnage reports and fees for approximately two million tons of fertilizer, 114,000 tons of soil and plant additives, and 700,000 tons of agricultural lime distributed in Wisconsin annually. Each product has a tonnage reporting requirement that involves the reporting of tons of fertilizer distributed and submitting inspection fees and surcharges collected.
- Permits: The program has approximately 3,668 fertilizer products permitted, with approximately 400 permitted annually. Permits are issued for fertilizers less than 24% total NPK (nitrogen, phosphorus, and potassium) and all soil and plant additive products. For soil and plant additives, there are approximately 1,663 products permitted with approximately 280 products permitted annually. Businesses voluntarily cancel approximately 300 permits per year.
- Sampling: The program collects samples to ensure the fertilizer meets the label guarantees and economic value. Staff collect approximately 300-400 samples each year, which get analyzed by the DATCP. Samples are typically collected in the spring prior to crop planting.

Table 8 details fertilizer programs information from 2018 to 2023, including sampling, permitting and licensing, soil and plant additives, and lime.

**Table 8: Fertilizer Program Data**

	2019	2020	2021	2022	2023
<b>Fertilizer</b>					
Samples collected	288	0	304	268	274
Licenses issued	796	694	811	876	720
Total permits issued	3,701	3,976	3,565	3,965	3,668
Permits issued – new	360	235	387	400	473
Tonnage reported	1,674,881	1,738,155	2, 434,501	2,007,647	2,318,906
<b>Soil and plant additive</b>					
Licenses issued	220	214	242	281	277
Total permits issued	1,380	1,623	1,443	1,744	1,663
Permits issued – new	210	221	190	287	289
Tonnage reported	111,124	77,940	113,548	114,871	73,557
<b>Lime</b>					
Licenses issued	97	72	92	92	88
Tonnage reported	635,756	721,320	743,135	1,144,060	1,115,661

**Containment Program**

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

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

Table 9 outlines the volume of containment inspections and cases addresses in 2023 as well as the preceding four years.

**Table 9: Containment Program Data**

	2019	2020	2021	2022	2023
<b>Inspections</b>					
Full	2	3	3	3	3
Small	117	120	114	103	106
Mix/load	20	8	17	10	12
Sump test	72	63	66	48	52
<b>Cases: Containment Plan Sets</b>					
Reviewed	19	35	23	18	40
Projects	9	19	16	9	20

## Pesticides Unit

The pesticides unit includes the following services and programs:

- Applicator Certification and Licensing
- Product Registration
- Inspections
- Community Programs

### **Applicator Certification and Licensing**

Certification:

- Commercial and private applicators: Individuals who commercially apply pesticides and anyone who applies restricted use pesticides must be certified by passing a written examination.
- Reciprocal applicator: For individuals who are properly certified outside of Wisconsin in their state of residence and apply pesticides in Wisconsin in settings which require certification and licensure.
- 30-day trainee registration (temporary certification): Allows an individual to make pesticide applications for-hire while under the direct supervision of an applicator who is certified and licensed.

Licensing:

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

Table 10 details pesticide licensing and certification levels from 2019 through 2023.

**Table 10: Pesticide Applicator Licenses and Certifications**

	2019	2020	2021	2022	2023
<b>Licenses Issued</b>					
Pesticide business location	2,408	2,381	2,396	2,392	2,368
Individual commercial applicator	8,339	8,142	7,874	7,448	7,828
Reciprocal	-	459	466	513	419
Restricted use dealer	420	397	391	350	381
<b>Certifications Conducted</b>					
Commercial exams passed	4,150	1,453	2,312	5,662	5,100
Did not pass exam	1,982	441	data not available	2,532	2,165
Total commercial certified applicators**	20,500	18,200	20,265	21,936	22,897

Private exams passed	1,689	1,491	453	3,375	2,045
Did not pass exam	19	0	data not available	data not available	53
Total private certified applicators**	12,415	11,042	9,081	10,808	11,860

\*These exams began in 2020, ended August 2021.

\*\*Applicators can have more than one certification.

### Online Commercial and Private Pesticide Applicator Certification

The pesticide applicator certification program continues to partner with Pearson Vue to offer computer-based testing options. This is a computer-based exam that can be taken at a remote location or at one of Pearson Vue’s locations, which include most technical colleges in Wisconsin. Certification through Pearson Vue is treated the same way as in-person testing at DATCP and applicators are granted the five years of certification. This option generated positive feedback from the industry. Applicators test faster and get results and certification within three days of testing. The Pearson Vue online testing went live in November 2021. Since then, approximately 3,000 applicators have received their certification through this format. Indications are that the rate of certifications obtained through online testing will continue to grow.

### Product Registration

Pesticide manufacturer and labeler licensing:

- Pesticide products distributed, sold, or used in Wisconsin must be registered with both EPA and DATCP. Companies that manufacture or label pesticide products must also be licensed with DATCP to sell or distribute their products in Wisconsin, regardless of whether the company is located in Wisconsin or manufactures pesticides here. The program licenses over 1,600 companies annually.

Pesticide product listing:

- Pesticide manufacturer and labeler licensees must report the pesticide products they are listing for distribution in the U.S. There are two types of pesticide products, based on Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) classifications: Section 3 and 25b (minimum risk) products. Wisconsin charges a fee to list FIFRA Section 3 products (those products regulated by the EPA) on the state registry. Listing of these products ensures they are properly registered by the EPA. Wisconsin also requires that 25b products, which are exempt from EPA registration, are listed but no fees are assessed. There are currently over 13,000 pesticide products listed for distribution each year.

Special registrations and use authorizations:

- Pesticide products are registered and labeled for specific uses and must be used according to label directions. The program does have the ability to register products for use in Wisconsin to meet specific needs, such as Federal Section 18 emergency exemptions, Wisconsin emergency use permits, and special local need registrations. DATCP also receives requests to conduct experimental research with pesticides in Wisconsin.

Table 11 details the different pesticide product registration that occurred in 2023, as well as the preceding four years for comparison.

**Table 11. Product Registrations**

	2019	2020	2021	2022	2023
Manufacturers and labelers	1,442	1,550	1,669	1,649	1602
Pesticide products	12,502	12,874	13,264	13,340	13,074
24(c) special local need (new)	3	3	6	2	7
Section 18 emergency exemption	1	1	0	0	0
Experimental use permits	4	0	0	1	2

### Inspections

Storage, transport, and sale of pesticides:

- Monitored through inspections and pesticide use observations.

Pesticide handling, records, disposal, and spills:

- Monitored through inspections and some functions of the ACCP and containment programs.

Agricultural Worker Protection Standard (WPS):

- An EPA regulation adopted into Wisconsin law that requires employers that use pesticides in raising agricultural crops in farm, forest, nursery, or in enclosed space settings to protect agricultural workers and pesticide handlers from illness or injury from pesticide use.
- Wisconsin's WPS inspections are part of the annual cooperative agreement between DATCP and the EPA.
- ACM performs approximately 40 WPS inspections each year.

Private applicator records:

- Inspections of individuals who purchase and/or apply RUPs to determine whether applicable recordkeeping requirements are being followed. Environmental enforcement staff provide training offered by the University of Wisconsin's (UW) pesticide applicator training program.

Table 12 provides inspection levels for 2019 to 2023.

**Table 12: Number of Pesticide Inspections Conducted**

	2019	2020	2021	2022	2023
Commercial applicator	60	62	110	130	136
Restricted Use Dealer record	85	68	60	64	63
Pesticide use observations	103	126	124	139	134
Private applicator	51	45	74	69	65
Producer establishment (federal)	11	8	8	5	5
Marketplace	11 (federal)	4 (federal)	4 (federal)	12 (federal)	12 (federal)
Worker protection	50	48	51	58	45

## Community Programs

Landscape pesticide registry:

- Allows Wisconsin residents to receive a notification before lawn care and landscape companies apply pesticides to neighboring property. This list is made available publicly to assist commercial pesticide application businesses to notify members of the registry prior to the application of pesticides.

Clean Sweep Program:

- Provides grants to municipalities, counties, tribes, and regional planning commissions to help them create and operate local programs for the collection and disposal of agricultural pesticides, farm chemical waste, household hazardous waste (HHW), and unwanted prescription drugs. Funding for these grants is \$1,000,000 annually from the DNR's environmental fund. In addition, the program provides limited funding each year to support very small quantity generator (VSQG) waste disposal.

Table 13 provides the volume of landscape pesticide registry use by Wisconsin residents and volume of Clean Sweep Program waste collections for 2023 and the preceding four years.

**Table 13: Community Services and Programs**

	2019	2020	2021	2022	2023
<b>Landscape pesticide registry</b>					
Addresses registered	4,264	4,454	4,461	4,445	4,319
Warning notices issued	30	27	35	48	21
<b>Clean Sweep</b>					
HHW (lbs.)	2,094,291	3,290,963	2,058,879	3,268,820	3,121,217
Ag and ag business (lbs.)	119,242	82,435	70,337	82,604	74,369
Prescription drugs (lbs.)	41,395	27,023	13,411	22,991	20,626
VSQG (lbs.)	247,402	233,956	231,230	233,413	252,479

## Investigation and Compliance Section

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

Staffing

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

- Environmental Enforcement Specialists (EES staff) complete inspections and investigational fieldwork that supports the work of the Agrichemical Programs Section.
- Two environmental enforcement specialist staff are classified as advanced and serve as the Investigation Program Manager and the Inspection Program Manager.
- Two supervisors and a section manager conduct and oversee activities associated with inspections and investigations for ACM program areas.



Each EES staff member participated in several job shadowing/mentoring events with their co-workers. These planned events were designed to encourage staff to develop professional relationships with their co-workers and learn the technical skills presented to them so they could utilize each other as resources.

### Program Activities

In 2023, the section conducted a total of 144 investigations, with the following types of cases: 116 pesticide, 13 animal feed, 12 containment, and two worker protection. No fertilizer or remediation investigations were conducted.

Table 14 provides the levels of enforcement of minor issues in unregistered products and worker protection warnings.

**Table 14: Minor Enforcement by Program**

	2019	2020	2021	2022	2023
Marketplace unregistered products found	19	1	61	120	149
Worker protection written and verbal warnings	32	23	26	53	47

Table 15 breaks out the levels of enforcement cases by program and type.

**Table 15: Enforcement Cases by Program**

Program	2019	2020	2021	2022	2023
Pesticide	124	115	100	109	127
Groundwater investigations	1	0	0	0	0
Toxic response	0	0	0	0	0
Remediation	5	0	9	8	7
License/certification	5	0	0	0	0
Feed	1	3	11	7	14
Fertilizer	6	1	1	4	1
Containment	5	3	3	2	13
Worker protection	1	0	1	0	2
Cases with documented violations	101	84	70	71	117
Percent violation rate	68%	69%	56%	55%	71%

Violations may result in enforcement actions ranging from verbal warnings to a court action with civil or criminal penalties depending on the statutory authorities in specific program areas. All civil or criminal cases conducted by the section are prosecuted by the district attorney's (DA) office in the county where the alleged violation(s) occurred. A majority of the formal enforcement actions are conducted by the section through stipulated settlements, with court documents being prepared by the section. In 2023, 100 cases were delivered to county district attorney offices for prosecution. These cases include investigations from previous years. DATCP assigns the highest response to complaints involving alleged human exposure to pesticides and commercial feed complaints involving impacts to human food supply species.

Table 16 provides the numbers of various enforcement actions taken during 2023.

**Table 16: Enforcement Action Taken**

Action Type	2023
Verbal warning	173
Warning notice – investigator	179
Warning notice – office	44
Administrative order	6
Compliance conferences	103
Civil forfeiture action submitted to DA	113
Criminal action submitted to DA	0
Referred to EPA	0
Total	618

Table 17 details the volume and types of pesticide compliance cases for 2019-2023.

**Table 17: Types of Pesticide Cases**

Case Type	2019	2020	2021	2022	2023
Aerial – Airplane/Drone	6	3	7	6	5
Aerial – Helicopter	3	3	0	0	0
Greenhouse – Nursery	0	0	0	0	0
Ground Application-Ag	42	31	21	28	23
Improper Disposal	1	1	0	1	3
Other Non-Ag	13	3	2	5	14
Poor Operating Practices	4	42	44	40	40
Right-of-Way	5	3	4	0	1
Structural	7	4	1	3	7
Turf & Ornamental	43	25	21	24	35
Vandalism	0	0	0	0	0
Total	124	115	100	107	128

## Future Efforts

### Digital Submission of Sample Collection Records

DATCP’s Bureau of Laboratory Services is in the process of implementing a new data management system which includes the implementation of digital record creation and submission for Sample Collection Record documents. Previously, this process was done via paper. Moving forward, it will allow for a more efficient process for submission of Sample Collection Records, improving department functions and decreasing lead time on sample processing. This digital submission process is completing development, and implementation is expected to begin in 2024.

### Licensing for Commercial Pesticide Applicators and Businesses and Dealers or Distributors of RUPs

During the 2024 renewal season (beginning in 2023), the Pesticides Unit was able to reduce lead time by

more than 15 business days for licensing for commercial pesticide application businesses and individuals, and dealers or distributors of restricted-use pesticides. The Unit plans to continue improving processes and further reduce lead time in the future. Several new methods of providing outreach to industry members were implemented as part of the licensing process during the 2023-2024 renewal season as well. These will continue through the 2024 licensing season and will be evaluated to promote efficaciousness.

### **Soliciting Industry Feedback**

ACM is working actively to increase efforts in soliciting feedback from industry during 2024 and coming years. Insight from industry stakeholders is highly valued, and ACM recognizes the importance of these partnerships. Moving forward, ACM plans to increase the accessibility for industry to provide feedback on ACM's functions, outreach, and involvement with industry. While formal processes are under development for collecting feedback, industry members should always feel welcome in reaching out to members of ACM to provide insight. The formal processes being developed will include, but are not limited to, surveys which allow industry to share how ACM can be of assistance to stakeholders. Visit the link below for the opportunity to provide feedback to ACM now.

[Survey for Bureau of Agrichemical Management Customers](#)



**Wisconsin Department of Agriculture, Trade and Consumer Protection**  
Division of Agricultural Resource Management  
Bureau of Agrichemical Management  
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