



State of Wisconsin  
Governor Tony Evers

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**Department of Agriculture, Trade and Consumer Protection**  
Secretary Randy Romanski

**DATE:** January 30, 2025

**TO:** Board of Agriculture, Trade and Consumer Protection

**FROM:** Randy Romanski, Secretary  
Adam Brock, Administrator - Division Food and Recreational Safety

**SUBJECT: ATCP 75, Retail Food Establishments**

**PRESENTED BY:** James Kaplanek

**REQUESTED ACTION:**

At the January 30, 2025, Board meeting, the Department will ask the Board to authorize public hearings and comment period on the Statement of Scope SS 108-24 for the proposed rule Wis. Admin. Code ch. ATCP 75 (copies attached) related to Retail Food Establishments, as directed by the Joint Committee for Review of Administrative Rules (JCRAR) and pursuant to s. 227.136 (1), Stats., on November 20, 2024.

**SUMMARY:**

The Department proposes to evaluate and consider modifying fees related to licensing and inspection of retail food establishments.

Fees in this rule were last modified in 2008. Over time, standard costs have continued to increase. The associated program revenue no longer has adequate revenue to recover costs. The gap between program license revenue and the cost to the Department to perform its statutory duties has widened considerably.

Due to these factors, for a number of years the fees collected have been inadequate to fully support this program. The Department projects that the retail food establishment licensing program will have a growing deficit even though process changes and technology improvements have been successfully implemented to improve efficiencies.

The proposed rule may consider aligning retail food establishment fees to reflect the cost more accurately to the Department for fulfilling its statutory requirements of providing inspections, investigations, education, compliance, and licensing.

If the Department were to reduce expenditures to the level of current revenues it would result in a failure to fulfill statutory requirements under chs. 93 and 97, Stats.

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### *Next Steps*

If the Board authorizes public hearings for the Statement of Scope for ATCP 75, the Department will publish a public hearing notice in the Wisconsin Administrative Register. The Department will hold public hearings on the following dates and locations listed below.

#### Proposed Hearing Dates and Locations:

**Date:** February 25, 2025

Time: 10:00am to 2:00pm

Location: DNR Service Center  
2984 Shawano Avenue  
Green Bay, WI 54313  
Lake Michigan Room

**Date:** February 26, 2025

Time: 10:00am to 2:00pm

Location: Portage County Public Library  
1001 Main Street  
Stevens Point, WI 54481  
Prairie Meeting Room

**Date:** February 27, 2025

Time: 10:00am to 2:00pm

Location: State Office Building  
718 West Clairemont Avenue  
Eau Claire, WI 54701  
Room 129

**Date:** February 28, 2025

Time: 10:00am to 2:00pm

Location: Department of Agriculture, Trade and Consumer Protection  
Prairie Oaks State Office Building  
2811 Agriculture Drive  
Madison, WI 53718  
Board Room 106

Following the public hearings, the Department will consider all comments and adjust the Statement of Scope if needed. The Statement of Scope will then be presented for the Board's consideration at the next Board meeting and, if approved by the Board, the Department will begin the rulemaking process.



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**NOTICE OF PUBLIC HEARING AND COMMENT PERIOD**

The Wisconsin Department of Agriculture, Trade and Consumer Protection (Department) announces that it will hold public hearings and receive written comments on a Statement of Scope relating to possible revision of ATCP 75, the chapter of Wisconsin Administrative Code dealing with Retail Food Establishments.

The Department will hold four public hearings at the times and places shown below.

**Proposed Hearing Dates and Locations:**

Date: February 25, 2025  
Time: 10:00am to 2:00pm  
Location: DNR Service Center  
2984 Shawano Avenue  
Green Bay, WI 54313  
Lake Michigan Room

Date: February 26, 2025  
Time: 10:00am to 2:00pm  
Location: Portage County Public Library  
1001 Main Street  
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Time: 10:00am to 2:00pm  
Location: State Office Building  
718 West Clairemont Avenue  
Eau Claire, WI 54701  
Room 129

Date: February 28, 2025  
Time: 10:00am to 2:00pm  
Location: Department of Agriculture, Trade and Consumer Protection  
Prairie Oaks State Office Building  
2811 Agriculture Drive  
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The Department invites the public to attend the hearings and comment on the Statement of Scope. Following the public hearings, the hearing record will remain open until March 14, 2025, for additional public comments. Comments may be sent to the Department at the address below, to [james.kaplanek@wisconsin.gov](mailto:james.kaplanek@wisconsin.gov), or to <http://docs.legis.wisconsin.gov/code/comment>

You can obtain a free copy of the Statement of Scope by contacting the Department using the information below. Copies will also be available at the hearing. To view the Statement of Scope online, go to <http://docs.legis.wisconsin.gov/code/comment>.

**Accessibility:**

Hearing impaired persons may request an interpreter for this hearing. Please make reservations for a hearing interpreter by February 15, 2025, by writing to [james.kaplanek@wisconsin.gov](mailto:james.kaplanek@wisconsin.gov), (608) 224-4735. Alternatively, you may contact the Wisconsin Department of Agriculture, Trade and Consumer Protection TDD at (608) 224-5058.

Pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of information material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call James Kaplanek at (608) 224-4735 or e-mail at [james.kaplanek@wisconsin.gov](mailto:james.kaplanek@wisconsin.gov) with specific information on your request at least 10 days before the date of the scheduled hearing. Access for individuals with disabilities is available at the hearing location.

The Department's Regulatory Review Coordinator may be contacted by email: [Bradford.Steinel@wisconsin.gov](mailto:Bradford.Steinel@wisconsin.gov) or by phone at (608) 224-5024

**Department Contact:**

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