

**BOARD OF AGRICULTURE, TRADE AND CONSUMER PROTECTION
MINUTES**

March 3, 2022

The Board of Agriculture, Trade and Consumer Protection (Board) met in the DATCP Boardroom, 2811 Agriculture Drive, Madison, WI 53718 and via zoom on **March 3, 2022**. The meeting was preceded by public notice as required by Wis. Stat. § 19.84.

Call to Order

Board Vice Chair Andy Diercks called the meeting to order at 9:00 a.m.

Members Present

Paul Bauer, Andy Diercks, Dr. Clare Hintz, Doug Rebout, Dan Smith, Paul Palmby, and Carla Washington.

Not present: Miranda Leis, Patty Edelburg

Minutes

Motion

A motion was made by Paul Bauer and seconded by Doug Rebout to approve the January 27, 2022 DATCP Board minutes. Motion was approved unanimously.

Public Appearances

The following made public appearances in front of the Board today:

Jill Ann Makovec

Re: Dane County 75th Alice in Dairyland Finals

Kaitlyn Riley

Re: Dane County 75th Alice in Dairyland Finals

Sean Burke

Re: Consumer Protection

Laurie Seale (virtual)

Re: Farm Raised Deer

Scott Goetzka

Re: Farm Raised Deer

Pete Hardin

Oregon, WI

Re: Fraudulent Dairy Products

Dr. Robert Bradley
Middleton, WI
Re: Fraudulent Butter

**Karen Timberlake, Secretary-designee
Wisconsin Department of Health Services**

Secretary, Randy Romanski introduced Secretary-designee Karen Timberlake from the Wisconsin Department of Health Services (DHS) to the Board. The DHS mission is to protect and promote the health and safety of Wisconsinites, they employ over 6,100 employees and have an annual budget of \$15 billion. DHS consists of many departments, the Office of the Secretary, legal counsel, policy initiatives and budget, Inspector General, and the Office of Health Equity. Under each department, DHS carries out their mission through their Divisions, such as the Division of Public Health that promotes healthy behaviors through the state; the Division of Medicaid Services regulates affordable health care, long-term care for adults and children, and nutritional assistance; the Division of Care and Treatment Services supports mental health and substance use programs; the Division of Quality Assurance regulates and licenses over 40 different programs, including facilities and caregivers; and the Division of Enterprise Services supports financial management, IT, and personnel relations.

DHS and DATCP are connected through many programs, such as the Food Share program which supports pandemic food assistance to over 700,000 members and the Farm to School program that ensures children get the nutrition they need to grow and develop. The Departments are also connected through food safety in which we investigate outbreaks and alert the community to prevent further illness, water quality and groundwater standards, and One Health that connects people, animals, plants and the environment.

Another large issue that DHS has been managing is the COVID-19 response. As of March 2020 approximately 15 million COVID tests have been completed, 9.2 million vaccine doses administered, 2 million booster doses administered, and 1,000 contract staff have been placed in hospitals and LTC facilities.

**ATCP 76 Safety, Maintenance, and Operation of Public Pools and Water Attractions
Division of Food and Recreational Safety
Hearing Draft Rule**

Caitlin Jeidy, Program Policy Analyst from the Division of Food and Recreational Safety presented the Hearing Draft Rule for Wis. Admin. Code ch. ATCP 76, to the Board. Ms. Jeidy gave a brief overview and requested the Board approve the Hearing Draft Rule.

Motion

A motion was made by Doug Rebout and seconded by Paul Bauer to approve the Hearing Draft Rule for Wis. Admin. Code ch. ATCP 76. Motion was approved unanimously.

**ATCP 21 Plant Inspection and Pest Control
Division of Agricultural Resource Management
Hearing Draft Rule**

Shahla Werner, Plant Protection Section Manager from the Division of Agricultural Resource Management presented the Hearing Draft Rule for Wis. Admin. Code ch. ATCP 21, to the Board. Ms. Werner gave a brief overview and requested the Board approve the Hearing Draft Rule.

Motion

A motion was made by Paul Bauer and seconded by Paul Palmby to approve the Hearing Draft Rule for Wis. Admin. Code ch. ATCP 21. Motion was approved unanimously.

**Wisconsin Agricultural Statistics Survey Update
Greg Bussler**

Greg Bussler, State Statistician from the USDA National Agricultural Statistics Service presented his March 3, 2022 report to the Board on December Prices Received, Vegetables, Milk Production, Results from the January Livestock Surveys, Farms and land in Farms, 2021 National hemp Report, and other noteworthy items.

**Overview of the Bureau of Weights and Measures
Division of Trade and Consumer Protection**

Joseph Smith, Bureau Director, presented an overview of the Bureau of Weights and Measures to the Board. The Weights and Measures mission is to ensure Wisconsin businesses operate in a fair and safe marketplace, we make sure the consumer receives the correct amount of product, and that businesses adhere to environmental and fire safety regulations. We deliver efficient and effective programs and services to Wisconsin agriculture, consumers, and businesses which in turn provides market confidence and enhances competitiveness and profitability. Our team is responsible for regularly monitoring the accuracy of gas pumps, price scanners, scales, and package weights statewide to ensure that consumers are receiving their money's worth in Wisconsin stores. In 2021, we reorganized and updated our internal operations by adding credentialing to the Licensing and Permitting area and hired a LPO Program Supervisor for region oversight and field support.

**Top Consumer Protection Complaints of 2021 and Year in Review
Division of Trade and Consumer Protection**

Michael Domke, Director from the Bureau of Consumer Protection (BCP) presented the top consumer protection complaints of 2021 to the Board. The BCP consists of four units, Consumer Education and Information, Mediation, Investigation, and Agency Liaisons. In 2021, we worked to resolve more than 11,750 consumer complaints filed with DATCP which resulted in returning more than \$11,151,000 to Wisconsin consumers. The top ten complaint categories were: telemarketing/do not Call list, landlord/tenant, identity theft, home improvement, telecommunications, medical services, motor vehicle repair, auto sales both new and used, motor

vehicle accessory part sales and service, and entertainment and recreation. We also participated in the Voyageurs International Ltd. for the 2020 European tour cancellation, partnered with Washington State to reach a settlement with Brown Paper Tickets, and partnered with Wisconsin DOJ to reach a settlements with StubHub and Berrada Property Management.

The Division of Trade and Consumer Protection Outreach and Engagement **Division of Trade and Consumer Protection**

Lara Sutherlin, Administrator of the Division of Trade and Consumer Protection (TCP) gave the Division's 2021 year in review to the Board. TCP's mission is to ensure fair business practices for buyers and sellers alike by prohibiting fraud, deception, and unfair business practices in the marketplace. We accomplished is through education, regulation, mediation, and enforcement. In 2021, DATCP was able to reach beneficial resolutions to many of its complaints resulting in several settlements that included restitution going back to distressed consumers. For example, we reached a settlement with Voyageurs International, Ltd. and returned \$636,500 to 335 Wisconsin consumers for payments made on a 2020 European tour. We also collaborated in a multistate agreement to settle with Brown Paper Tickets, that required the company to make owed payments to event organizers and refunds to ticket buyers, and we worked with the Wisconsin Department of Justice to reach a settlement with StubHub that issued refunds to more than 8,663 Wisconsin event-goers. Our Division also enhanced its outreach efforts by having more of a community presence by participating in listening sessions in Wausau, Milwaukee, Racine and holding quarterly meetings and partnered with small businesses, large business, organization and federal entities.

2021 Full Year Agricultural Exports Update **Division of Agricultural Development**

Mark Rhoda-Reis, Bureau Director from the Division of Agricultural Development presented the 2021 agriculture export update to the Board. The International Agribusiness Center is dedicated to helping Wisconsin's Food, Forestry and Agriculture Companies grow their business in the state, nationally, and globally through one-on-one technical assistance, trade promotion activities and funding. The contribution of agriculture to the state's economy is \$104.8 billion and exports are an important component of that economic impact.

In 2021, the exports for all US dairy, meat, and crop products was 17.6%, and all Wisconsin product exports were up 20.6%. Wisconsin exported nearly \$3.96 billion in agriculture and food products to 143 countries in 2021, which was an increase of 17.5% compared to 2020. Also, all US agricultural and food exports were valued at \$200 billion, was a 20% increase compared to 2020. As for the top 5 market highlights, all markets were up 66%, Mexico was up nearly 63%, and Wisconsin ranked 13th in the US for dairy, meat, and crop product exports.

Communications Overview **Office of the Secretary**

Communications Director Sam Otterson presented a communications overview to the Board. Our team consists of a Communications Director, three Communication Specialists, an Art Director,

and digital communications position that is currently vacant. We work to inform the public, maintain consistent and focused messaging, and serve as a resource to the department by drafting press releases, e-newsletters, maintaining social media, our website and blog, participating in media interviews, and speaking at events. Over the last year, we have grown our online presence, continued to conduct monthly stakeholder calls, handled over 1,000 media contacts and interviews, prepared agency staff for dozens of interviews and speaking engagements, and helped organize and run events at booths and fairs. Our future goals are to continue to highlight DATCP programs and to maintain our high level messaging, communicate more with the industry and stakeholders, and keep staff more informed about our programs and operations.

Wisconsin Farmland Preservation Program Biennial Report Division of Agricultural Resource Management

Katy Smith, Environmental Program Supervisor from the Bureau of Land and Water presented the Wisconsin Farmland Preservation Program 2019-2021 biennial report to the Board. The Farmland Preservation Program provides farmers and local government tools to help ensure that our land remains available and viable for current and future generations of farmers, by preserving farmland, protecting soil and water, and minimizing land use conflicts. Each biennium, DATCP provides a report to the DATCP Board and the Wisconsin Department of Administration. This report contained information on preservation planning, zoning, Agricultural Enterprise Areas, Farmland Preservation agreements and tax credits, conservation compliance, and planning grants.

Office of the Secretary Report

Secretary Randy Romanski presented the Secretary's Office update to the Board:

- The Governor is investing in rural communities. He proposed \$30 million in ARPA funding for rural emergency services.
- Exports. It's great to see record exports for 2021.
- We have a 5 year plan to implement the Wisconsin Initiative for Agriculture Exports. This is the first time we received state funding to develop an exports fund.
- Currently we have two grants available. The Export Extension Grant where projects can receive funds from \$25,000 to \$50,000 for two years, and we are in partnership with WEDC with the International Market Grant that is available to help businesses develop an international portfolio.
- It is Weights and Measures week this week and consumer protection week next week. It was nice of TCP to highlight staff and the record number of inspections they did last year.
- I recently participated in Board member visits with Paul Bauer at Ellsworth Cooperative Creamery and Miranda Leis at Organic Valley.
- Agriculture Youth Council applications are open until end of the month. This is year three for that group and we will have 15 incoming seniors who are the future of Wisconsin agriculture.
- UW is making changes to their farm industry short course program.
- Steve Ingham is retired and the recruitment for his position is ongoing. Sara Walling is also leaving the agency and we wish her well.

2023-2025 DATCP Board Meeting Schedule

Motion

A motion was made by Paul Palmby and seconded by Paul Bauer approve the 2023-2025 DATCP Board meeting schedule. Motion was approved unanimously.

Board Member Updates

The following DATCP Board members commented on industry, business, training and personal agricultural issues that arose since the last Board meeting: Paul Bauer, Andy Diercks, Dr. Clare Hintz, Paul Palmby, Doug Rebout, and Dan Smith.

Future Agenda Items

Paul Bauer requested an agenda item on mislabeling of dairy products.

Adjournment

Motion

A motion to adjourn was made by Doug Rebout and seconded by Paul Bauer. Motion approved unanimously. The Board adjourned at approximately 12:45 p.m.

All reports and any associated documents presented during a Board meeting can be accessed by contacting the Office the Secretary, Legal Counsel at (608) 224-5029.