

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

**September 24, 2020**

The Board of Agriculture, Trade and Consumer Protection (Board) met via videoconference on **September 24, 2020**. The meeting was preceded by public notice as required by Wis. Stat. § 19.84.

**Call to Order**

Board Chair Miranda Leis called the meeting to order at 9:08 a.m.

**Members Present**

Miranda Leis, Paul Bauer, Andy Diercks, Patty Edelburg, Kurt Hallstrand, Paul Palmby, Doug Rebout, Dan Smith and Carla Washington.

**Minutes**

Paul Palmby stated there is a typo in the July 23, 2020 minutes under his Board Member update where the minutes indicate hacks, the correct word should be packs.

**Motion**

A motion was made by Doug Rebout and seconded by Patty Edelburg to approve the July 23, 2020 DATCP Board minutes as amended. Motion was approved unanimously.

**Public Appearances**

No public appearances.

**CEO Joaquin Altoro  
Wisconsin Housing and Economic Development Association**

Secretary Randy Romanski introduced Joaquin Altoro, Chief Executive Officer of the Wisconsin Housing and Economic Development Association (WHEDA) to the Board.

Mr. Altoro spoke to the Board about what WHEDA does and how they connect the dots with other agencies. WHEDA is a quasi-governmental organization where the Governor appoints the head of the organization, who is then confirmed by the legislature. However, WHEDA does not receive public dollars.

WHEDA partners with banks to help them get over the hump in a lending opportunity, with single family first time home buying loans. We come in with low interest low down payment loans to banks and banks offer those to their borrowers. Second, WHEDA provides loan tax credits to allow builders to build multi-unit properties. By administering tax credits it allows equity to purchase properties, which results in affordable rental units in the community. WHEDA also contributes to economic development by providing guarantees to banks and participating with

banks in lending to low and moderate income communities. Finally, WHEDA provides crop loan guarantees and are in conversations with DATCP and WEDC to find ways to help in innovation in farming.

**Wisconsin Agricultural Statistics Survey Update**  
**Greg Bussler**

Greg Bussler, State Statistician from the USDA National Agricultural Statistics Service presented to the Board his September 24, 2020 Agricultural statistics on the September Crop Production Report, Milk Production, Wisconsin Farm Production Expenditures, July Prices Received, Land Values and Cash Rent, Honey Bee Colonies, Milk Production, Chicken and Eggs, Crop Progress as of September 6, 2020, Small Grain Summary, and Upcoming Surveys. See Mr. Bussler's report which is included in the Board meeting packet for more specific details.

**Budget Update**  
**Division of Management Services**

Jason Gherke, Financial Director in the Division of Management Services, provided a budget update to the Board.

The Department's budget submittal highlights are as follows:

1. To appropriate \$108 million dollars, which is a 1.3 % increase over the current fiscal year.
2. GPR is \$30 million, slightly up from the current fiscal year.

The increases are due to funding salary and fringe costs, staff pay progression, and reclassifications. We are also requesting full funding of lease costs in next biennium.

The Department's requested non-standard items are as follows:

1. 3 FTE project positions for hemp.
2. \$100,000 GPR to be permanently provided for mental health assistance to farmers.
3. \$7 million in bonding authority for the Land and Water Program runoff projects.
4. Minor state language modifications:
  - a. Farmland Preservation – to make other implementation projects eligible to funding.
  - b. Agricultural Development – there are funds available that we wish to provide as grants.

Overall, the Department's budget increase request is slightly higher than the last fiscal biennium.

**ATCP 21 – Exotic Plant Pests**  
**Preliminary Public Hearing**  
**Division of Agricultural Resource Management**

Brian Kuhn, Bureau Director from the Division of Agricultural Resource Management presented the Preliminary Public Hearing Notice for Wis. Admin. Code ch. ATCP 21, to the Board. Mr. Kuhn gave a brief overview and requested the Board approve the Preliminary Public Hearing Notice.

**Motion**

A motion was made by Andy Diercks and seconded by Paul Palmby to approve the Preliminary Public Hearing Notice for Wis. Admin. Code ch. ATCP 21. Motion was approved unanimously.

**VE 1-11 – Veterinarians and Veterinary Technicians  
Statement of Scope  
Division of Animal Health**

Melissa Mace, Executive Director of the Veterinary Examining Board presented the Statement of Scope for Wis. Admin. Code chs. VE 1-11, to the Board. Ms. Mace gave a brief overview and requested the Board approve the Statement of Scope.

**Motion**

A motion was made by Kurt Hallstrand and seconded by Patty Edelburg to approve the Statement of Scope for Wis. Admin. Code chs. VE 1-11. Motion was approved unanimously.

**ATCP 16 – Dog Sellers  
Statement of Scope  
Division of Animal Health**

Dr. Darlene Konkol, Division Administrator from the Division of Animal Health presented the Statement of Scope for Wis. Admin. Code ch. ATCP 16, to the Board. Dr. Konkol gave a brief overview and requested the Board approve the Statement of Scope.

**Motion**

A motion was made by Paul Bauer and seconded by Carla Washington to approve the Statement of Scope for Wis. Admin. Code ch. ATCP 16. Motion was approved unanimously.

**Data Privacy Task Force Update  
Division of Trade and Consumer Protection**

Lara Sutherlin, Division Administrator for the Division of Trade and Consumer Protection presented a Data Privacy Task Force update to the Board.

In October 2019, DATCP convened a Data Privacy and Security Advisory Committee to discuss the issues surrounding data privacy, data security and data breach. The Advisory Committee had four objectives: to identify and research possible changes to Wisconsin state law, to determine the efficacy of consumer data privacy initiatives, to consider how best to protect and secure information received by public and private entities in Wisconsin, and to determine the business community's readiness to adopt potential regulatory enhancements.

Over the course of nine months, the committee listened to presentations by several data privacy and security experts, received public comments, participated in large and small group activities and discussions, and conducted independent research and study. The committee's work unveiled the differences that exist between desired approaches by industry, regulators, and consumers.

On September 1, 2020, DATCP released its final report to its membership, stakeholders, and the public. In its report, the committee details important information on the current legislative landscape, consumer needs, and regulatory challenges. The report is designed to serve not as a mandate or directive, but as a tool to assist and support lawmakers, regulators, businesses, and all those interested in efforts to improve Wisconsin's data privacy and security.

### **Agricultural Enterprise Area Update Division of Agricultural Resource Management**

Wednesday Jordan, Environmental Analysis and Review Specialist from the Division of Agricultural Resource Management, presented the Agricultural Enterprise Area (AEA) update to the Board. The AEA enterprise areas are community led, important to local agricultural identity and economy, and support community farmland and environmental protection goals. Currently there are 40 AEAs located in 112 towns and the Bad River Reservation, which cover 27 counties and 1,388,667 acres across the state. We want to reinvest in our AEAs and our Co-operator projects by providing flexibility for counties to put together a program that encourages participation while accommodating the needs of the community and LWRM plan goals.

The AEA evaluation team met on August 12, 2020 to review three AEA petitions and one EA modification petition received during this petition cycle. The team recommended the designation of the Cicero Blackmour AEA in Outagamie County, Town of Westford AEA in Dodge County, and the St. Marie AEA located in Green Lake. The team conditionally recommended the designation of the modification to the Town of Grant AEA, Dunn and Chippewa Counties if more information is provided. After designation of the three successful petitions there will be 43 AEAs in the state totaling 1,475,280 acres. The AEAs are located in portions of 28 counties, 119 towns and the Bad River Reservation.

The AEA Program Goals for 2021 are to investigate new opportunities for reinvestment of AEAs by exploring DNR Surface Water Grants with watershed protection goals, creating a partnership with Something Special from Wisconsin by branding program AEAs, and expanding the Co-operator grant program. We will also be expanding our educational and outreach materials for counties, updating the AEA Petition Process, and developing new relationships with dairy producers to promote and expand our program.

### **Overview by the Standards Oversight Council**

Perry Lindquest, Chair, Matt Krueger, Treasurer and Kate Brunner Manager of the Standards Oversight Council (SOC) presented an overview to the Board.

The SOC is a collective partnership among conservation agencies to develop and maintain Wisconsin's technical standards for soil and water conservation practices. Federal, state, and local agencies, as well as private sector entities rely on the same technical standards to implement conservation programs. SOC uses teams of agency and private sector experts to reach consensus among different interests in developing the standards. This results in technical standards that are science-based, usable, and effective.

What is a Technical Standard? First state law defines water quality standards in a series of DNR administrative rules. Together they make up the clean water goals we are trying to achieve and defines how we measure water quality. The Nonpoint program is one of the many methods that the state uses to help us meet clean water goals. In NR 151 DNR defines a series of performance standards for urban and agricultural areas. For each performance standard, there are usually many conservation practices that can be used to comply with the performance standard.

Why Technical Standards? We need these standards to set minimum criteria for conservation practices, to protect the state's natural resources, to provide sound basis for public cost-sharing for BMPs, to maintain fairness to program participants, to minimize risks to landowner/manager, conservation professional and taxpayers, and to maintain conservation program credibility.

There are up to six steps in the SOC process, along with multiple ways one can become involved as an expert in their field:

1. Form and support the team
2. Develop and draft the standard
3. Request and consider feedback
4. Conduct broad review
5. Finalize and publish the standard
6. Evaluate the team process

The original SOC Memorandum of Agreement (MOA) was executed in 1997. The purpose of the agreement was to formally commit each agency to participate in the SOC process and to provide financial support for the SOC Manager position. The parties involved originally with this agreement were, DNR, DATCP, USDA-NRCS, UWEX, WI Land & Water, and then DOT and DSPS were added later. The original MOA had a term of three years with the opportunity to extend, which has happened multiple times. The current MOA scope is written to oversee and coordinate an interagency, collaborative process for the development, maintenance and dissemination of Technical Standards that apply to all urban and rural conservation practices in Wisconsin.

### **Legislative and Constituent Services Update Office of the Secretary**

Bradford Steine, Legislative Liaison in the Office of the Secretary, presented a legislative update to the Board. The Department provides information to the Governor's office, legislative service agencies and legislative offices. Most contacts are sent to the Legislative Liaison directly, but sometimes contacts are sent to program staff. The Department has a rapid turnaround time of 1-2 business days even though our goal is to respond within one week of initial contact. Since March 2019, the Department has received 1,057 contacts, which consisted of 23% from the Governor's office, 75% from the legislature, and 2% from other agencies. By Division, TCP has received the most contacts at 36%, OS 18%, DFRS 14%, ARM 12%, DAD 4%, DAH 4%, and contact routed to the wrong agency at 12%.

The impact of COVID-19 has resulted in a significant upward trend in contacts from the Governor's office and legislature. From March to July, DATCP received 381 contacts, where 231 or 61% of those contacts were related to COVID.

The current trends are starting to normalize in the amount of contacts the Department usually receives, COVID-19 contacts are down significantly since August, TCP has had a very busy year compared to rest of agency, and landlord/tenant complaints remain our most frequent contacts.

### **Coronavirus Aid, Relief and Economic Security (CARES) Act Program Update Office of the Secretary**

Deputy Secretary Angela James gave a CARES program update to the Board.

**Farm Support Program.** We are working with DOR to show where all the CARES money is going and have made progress on getting information out on the Farm Support Program. As of now, all \$50 million has been distributed to farmers. The first round of \$42 million was dispersed in a \$3,500 payment to farmers with a gross income between \$35,000 and \$5 million a year. The second round of funding totaling \$8.4 million was open to farmers whose gross income of farming in 2019 was between \$10,000 and \$35,000. These farmers received a \$2,500 payment.

**Food Security Initiative.** The Food Security Initiative received \$15 million by Governor Evers through the CARES Act. The Initiative is comprised of two grants: a \$5 million COVID-19 food Security Network Support Grant which aims to help food banks and food pantries to adapt to infrastructure challenges, for example sanitation requirements, plexiglass and additional cooler space. This funding has been distributed to 17 food banks and other non-profits in Wisconsin. The second grant for \$10 million is for Food Security and Wisconsin Products which will be distributed across two of Wisconsin's largest hunger relief organizations, Feeding Wisconsin and Hunger Task Force.

### **Secretary's Office Update**

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

Mr. Romanski recognized former DATCP Secretary Don Wilkinson who passed away on August 9<sup>th</sup>. Don's legacy started at DATCP in 1948 as the Marketing Division Chief and eventually DATCP Secretary. He was also fundamental in creating the Alice in Dairyland program. After his time with DATCP, Don served in positions at the federal level including the Administrator of the US Department of Agriculture Agricultural Marketing Service and Governor of the Farm Credit Administration. Don was a WWII veteran, UW graduate and family farmer. We appreciate Don's work in Wisconsin agriculture and DATCP.

**Staff.** All staff will be teleworking until at least December 31<sup>st</sup>. There is a core group of 25 people handling operations in building, but the rest of team is working remotely. We have encouraged staff to think creatively on how to effectively do their jobs in our virtual world.

Hemp. The Hemp State Plan was resubmitted and we expect approval by October 1, 2020.

DATCP participated in a joint virtual press conference on National Farm Safety this week. We are reminding people to be safe and courteous on the roads during fall harvest.

NASDA. Ms. James and Mr. Romanski attended the NASDA annual meeting virtually. The policy amendments that were passed at the meeting included diversity, inclusion, and racial equality in the work place. DATCP was happy to see this passed on a national level because we are currently updating our own diversity policies. The other policy amendments that were passed at the meeting were on meat processing, federal economic development programs, specialty crops such as hemp, and rural broadband.

Wisconsin Agricultural Youth Council. There has been an introduction discussion with the members of the Wisconsin Agricultural Youth Council. We are looking forward to having monthly meetings and plan to have the members present to Board on their last month together.

Agricultural Education and Workforce Development Council. The Wisconsin Agricultural Education Committee provides advice and counsel to state agencies, education institutions and the Wisconsin Legislature on matters related to agricultural education and workforce development. Thank you to Miranda Leis and Paul Palmby for participating.

Broadband. The Public Service Commission (PSC) announced the second round of broadband expansion grants. WEDC and PSC recently launched a broadband technical assistance pilot program and Governor Evers announced \$5 million in CARES funding for broadband expansion. The PSC is working to get these funds out as quickly as possible.

### **Board Member Updates**

**Carla Washington:** Happy about money for broadband even though most of her clients don't have access to a computer. Things are hectic in the work world, but she is still working.

**Andy Diercks:** We are starting to harvest potatoes. We have 8-10 days of harvest yield and quality is decent in the State. Market prices are also good.

**Paul Bauer:** The weather has been wonderful here. We will have a great crop yield and a lot of milk coming in. USDA and their buying programs market support has been wonderful, but there are such distortions in the market with long-term repercussions. We are starting a new plant and the foundation should go in next week. As for COVID there is a few cases in the area, but where it is hitting us now is with the school restrictions by quarantining the whole family.

**Kurt Hallstrand:** We are seeing a lot of work going on in the north and rural areas with broadband, which is needed. We got our corn out and put in piles. Harvest season has gone very well with good summer crops and cattle prices are stable. The forestry market is struggling with a mill closure in Wisconsin Rapids and the price for loggers has gone down.

**Dan Smith:** Things are going well, I've been doing a lot of work on governance issues by changing bylaws to make sure everyone has the ability to participate in virtual meetings. We have been taking a lot of time and working with legal counsel on workplace safety. One cooperative went from 0 to 8 COVID positive tests which raised concerns of having a healthy workplace as fall harvest starts up.

**Doug Rebout:** Our combine started rolling yesterday for soybeans. The corn is drying down and it will not be too long before we start harvesting that.

**Miranda Leis:** I've been in discussions about broadband almost weekly. We are part of the American Connection Project which is taking up the issue of broadband on a national level. There are over 50 unique companies that are part of the coalition, including zoom. I am pleased that we are finally addressing this issue because it is better for both rural and urban America. I am also a part of the Agriculture Education and Workforce Development Council. We had our first meeting a few weeks ago and this group has the potential to highlight how we help develop a good solid workforce in rural areas.

### **Future Agenda Items**

General Counsel Jane Landretti stated that at the next Board meeting Jaron McCallum from PSC and Secretary Peter Barca from DOR will be presenting.

### **Adjournment**

#### **Motion**

A motion to adjourn was made by Kurt Hallstrand and seconded by Paul Bauer, motion approved unanimously. The Board adjourned at approximately 11:50 a.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.