

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

**November 19, 2020**

The Board of Agriculture, Trade and Consumer Protection (Board) met via videoconference on **November 19, 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 9:02 a.m.

**Members Present**

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

**Minutes**

**Motion**

A motion was made by Paul Bauer and seconded by Carla Washington to approve the September 24, 2020 DATCP Board minutes. Motion was approved unanimously.

**Public Appearances**

No public appearances.

**Secretary Peter Barca  
Wisconsin Department of Revenue**

Secretary Randy Romanski introduced Secretary Peter Barca of the Wisconsin Department of Revenue (DOR) to the Board. The DOR is here to serve the public by providing trainers, educators, economists, analysts, finance professionals and consultants, accountants, auditors, assessors and advisors, enforcement officials and investigators, entertainment providers and volunteers.

The DOR takes in approximately \$18.1 billion a year which consists of 90% of individual income taxes, general sales, and corporate income. The expenditures in 2020 consisted of \$17.5 billion sent back to local governments and individuals for local services, such as school aids, medical assistance, state property tax relief, correctional services, UW System, shared revenue, WI Technical College System, community aids, individual tax relief, and SSI.

Cyber thieves are real and are trying to steal your identifying information and tax returns. The DOR has the most secure computer system available to protect our customers. We also maintain the statewide debt collection program which helps local government collect taxes. This program is having great success, we have over 200 cities around Wisconsin participating and have stopped bad refunds over \$366 million or 12,000 attempts to steal your identity. Another program the

DOR provides is high quality entertaining lottery games that we operate with integrity and maintain security for participants.

As for connecting the dots, DATCP and the DOR Farm Support Program have had two rounds of \$50 million in CARES Act funding. Round one ran from June 15-19, 2020, where nearly 12,000 farmers received a total of \$41.6 million in direct payments. Round two ran from August 10-24, 2020, where more than 3,300 farmers received a total of \$8.4 million in direct payments. This critical funding was received in 71 of Wisconsin's 72 counties.

### **Aldo Leopold Conservation Award**

Secretary Randy Romanski and Lance Irving the National Director from the Leopold Conservation Award Program for the Sand County Foundation introduced and congratulated the 2020 Leopold Conservation Award recipients, John and Melissa Eron from Stevens Point, Wisconsin.

The Leopold Conservation Award honors farmers, ranchers, and foresters for their outstanding achievement in conservation on working land. For the past 14 years, a Wisconsin landowner has been recognized as the Leopold Conservation Award recipient. These land stewards represent some of the best in conservation in our great state.

John and Melissa Eron created a common-sense water and nutrient recycling system where they capture and store runoff water for later use to irrigate crops and return nutrients back into fields to reduce fertilizer use. The Enron's have also hosted field day events to motivate other landowners to adopt conservation practices. They have worked with their county's conservation staff to develop a program that educates youth about native plants and the importance of pollinators. The Enron's understand that the future of agriculture must consider the environment.

### **Jaron McCallum Broadband Update Public Service Commission**

Secretary Randy Romanski introduced Jaron McCallum from the Public Service Commission, to the Board. Mr. McCallum is the State Broadband Director within the Division of Digital Access, Consumer and Environmental Affairs. In his role, he provides leadership in encouraging coordination between partners to promote greater availability, adoption, and affordability of broadband throughout Wisconsin. Broadband is internet access that is always on and faster than the traditional dial-up access. Broadband is necessary because it provides for access to essential services and allows for full participation in our democracy and economy. Broadband can also bridge the rural urban divide, decrease the learning gap, increase community prosperity, economic development and tourism, provide access to economic and educational opportunities, increase property values, health care access, and support agriculture and manufacturing.

Currently, 7.1% or approximately 410,000 people in Wisconsin lack access to at least one fixed broadband service with a speed of 25/3 mbps, compared to the national average of 5.6%. The state is expanding and devoting additional funds to programs intended to bring broadband service to

these people, by providing expansion grants. In 2021 there will be \$24 million available in grants and we are looking to prioritize underserved areas in the state.

**ATCP 134 – Residential Rental Practices  
Final Rule  
Division of Trade and Consumer Protection**

David Woldseth, Policy Analyst in the Division of Trade and Consumer Protection presented the final rule for Wis. Admin. Code ch. ATCP 134, to the Board. Mr. Woldseth gave a brief overview and requested the Board approve the final rule.

**Motion**

A motion was made by Paul Bauer and seconded by Patty Edelburg to approve the final rule for Wis. Admin. Code ch. ATCP 134. Motion was approved unanimously.

**ATCP 21 – Exotic Plant Pests  
Statement of Scope  
Division of Agricultural Resource Management**

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

**Motion**

A motion was made by Doug Rebout and seconded by Carla Washington to approve the Statement of Scope for Wis. Admin. Code ch. ATCP 21. Motion was approved unanimously.

**Hemp Update  
Division of Agricultural Resource Management**

Brian Kuhn, Bureau Director from the Division of Agricultural Resource Management presented a hemp update to the Board. We just published a new hemp emergency rule (EmR) that became effective on October 29<sup>th</sup>. On October 1, 2020, there was a Congressional action that extended the authority of states to extend the operation of their hemp pilot research programs until September 30, 2021. As a result, DATCP extended the current hemp program which operates under the authority of the 2014 Farm Bill until September 30, 2021. This extension is the reason we created the new EmR that just became effective and we would not have been able to take advantage of the federal extension without the new EmR. In the new EmR we only made minor changes to ensure consistency with state law and for clarity of language. Currently there is language circulating to expand the program to January 1, 2022. Many are pushing for this extension due to September being in the height of harvesting season and efforts are underway in congress to make that happen. In the meantime, USDA is reworking their hemp rule and are looking to make changes to the federal rule.

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

Greg Bussler, State Statistician from the USDA National Agricultural Statistics Service presented his November 19, 2020 Agricultural statistics report on the October Crop Production Report, Milk Production, Prices Received, Small Grains Summary, Grain Stocks, Crop Progress as of November 1, 2020, and 2019 Certified Organic Survey Results, to the Board. See Mr. Bussler's report which is included in the Board meeting packet for more specific details.

**Identifying Karst with Electromagnetic Imaging**  
**Division of Agricultural Resource Management**  
**and United States Geological Survey**

Jennifer Heaton-Amrhein and Rachel Rushmann, from the Division of Agricultural Resource Management, Matt Komisky and Burke Minskey from the United States Geological Survey (USGS) presented to the Board their upcoming project on Aerial Electromagnetic Imaging (AEM).

DATCP is partnering with USGS, NCR and WI Geological Natural History Survey to update maps to implement DATCP's new verification of depth to bedrock technical standard and to meet NR 151.075 Karst Standard.

DATCP's technical standard 01 is the depth to Bedrock Verification Technical Standard which was created to implement NR 151.075. These are areas highly susceptible to groundwater contamination. We followed the Standard Oversight Council process, went through 2 review processes and are currently going through final internal approvals of the standard. The standard will be implemented in ATCP 50.

This project identifies areas of the NW Karst area that are < or > 5ft to bedrock for help in implementing the DNR's NR 151.075. This survey will fill the need to identify or produce better bedrock maps that came out of the Technical Standard process and will define depth of bedrock at 5 foot and 20 foot contours. This process will cover the shaded red area on the map provided in the PowerPoint by having a helicopter fly this area and define 5 foot and 20 foot contours. We will be measuring every 100 feet along the flight paths with a half-mile separation between flight lines.

This project is a cooperative effort between USGS, WHNHS and DATCP by coordinating the AEM data collections and leading the map development. In the future, USGS will use data to help define a better depth to bedrock map and define a relationship between surfaces and water quality. Data will be publicly available so that farmers and stakeholders will be able to access this data.

**Secretary's Office Update**

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

Governor Evers has approved an additional \$10 million to help serve Wisconsinites who are experiencing food insecurity during COVID-19. The Hunger Task Force and Feeding Wisconsin

are each receiving \$5 million in part of the grant funding. This money will be used to purchase food for distribution, food storage and transportation and brings the total funding through the CARES Act to \$70 million for Wisconsin. Clearly, we have all seen that COVID-19 has brought on food insecurity for many people but no one should have to worry about how they will feed themselves or their family.

Eric Ebersberger will serve as DATCP's Assist Deputy Secretary starting on November 23, 2020. Eric holds a master's degree in Water Resources Management, as well as a law degree. He has 25 years of experience in state service spanning two state administrative agencies and one legislative service agency. Most recently, Eric served as a policy advisor to the Secretary of the DNR. Prior to that role, he served in various positions where he supervised budget analysis and administered the agency's water quality programs. We are confident that Eric will be a great addition at DATCP and look forward to working with him.

In October, DATCP's leadership staff attended virtually the 29<sup>th</sup> Annual Tri National Agricultural Accord. This is the first Accord since the execution of the US/Mexico/Canada Agreement. The meeting focused heavily on the ways in which the three countries can continue to strengthen and build the trans-national trading partnerships that were first established during NAFTA. The top priorities agreed upon by the three countries during the Accord include:

- Continue swift implementation and enforcement of USMCA provisions, including:
  - Eliminate the Class 6 & 7 milk classes in Canada
  - Provide additional market access for US dairy products
  - Enhance rules for science-based sanitary and phytosanitary measures
  - Maintain Mexican market access for US cheeses marketed under certain names
- Maintain the robust collaboration between all three countries to prevent African Swine Fever (ASF) in North America using measures such as"
  - Fortifying safeguards to prevent ASF from reaching our shores
  - Working with industry to strengthen biosecurity
  - Conducting surveillance to identify gaps in our defenses against ASF
  - Improving testing capacity and protocols

Delegates also discussed state and provincial responses to COVID-19 and the future of agriculture through innovation, including gene editing and biotechnology.

In early October we received confirmation that a Taylor County mink farm tested positive for COVID-19. In November, a positive was confirmed on a second farm also in Taylor County. Between the two farms approximately 5,400 mink have died. We do not believe there is an epidemiological link between the two farms because there has been no movement of moving animals between farms. We believe the most effective way to protect animals and human health with the resources we currently have is through a combination of enforcement action, strategic testing, and strong communication in industry. We are continuing to communicate with partners within mink industry, USDA, CDC, DNR, DHS, local veterinarians to share information and best practices to prevent the spread of the virus.

Unfortunately, our Consumer Protection team is seeing that even during a pandemic fraud still exists. We continue to see COVID-19 vaccine trial imposter scams. Scammers are creating fake

websites to steal personal information or money. Pet scams, where scammers are selling a puppy online, but after the victims pay for the puppy, there is no pet. We are also seeing similar scams for RV sales.

### **Board Member Updates**

**Carla Washington:** Personally, I am in the same boat as everyone else with feeling COVID fatigue. I am still working in the office and happy with the consumer protection updates. The federal eviction moratorium, which was intended to be a benefit, has had an unintended consequence because landlords now are hesitant to rent to people that have evictions on their record and are now considered as high risk. Not all the landlords are following that moratorium.

**Andy Diercks:** We had a problem with several employees with COVID about a month ago, but now things are good. As long as the restaurants stay open the french fry producers are happy and both the potato and soybean crops were good this year.

**Paul Bauer:** COVID is dictating life, all 3 plants struggle with absences because entire families are being sent home if one member has come into contact with or tested positive for COVID. This takes a toll on management. The CDC guidance is not conducive to understanding a dairy plant because every county and health inspector has a different view on how things should work. On the dairy industry side, we expect to see a huge drop in farms after the first of the year. Dollars from the CARES Act propped up farmers this year, but 15% of farmers are asking to defer tax payments which will result in large tax bills that will be difficult to pay off. On a volume standpoint, crops are excellent and milk base is up. We also just hired 30 people and we need 30 more.

**Kurt Hallstrand:** The logging industry continues to struggle with the closing of the mill, but Ag harvesting is good, and cattle prices are steady. Wisconsin continues to grow in the beef cow/calf industry. The Cattleman's group is putting on a feed lot program to educate membership on how to finish cattle and selling because there is a need for more harvesting. Consumers want off the farm beef.

**Dan Smith:** We have been working with 14 business sectors in 2 different states on COVID related workplace issues and IT security. I also have been working with different coops on governance compliance. We conducted our annual meeting virtually this week and are looking forward to working with the new administration as we move through the holidays and 2021.

**Doug Rebout:** We finished harvesting corn on election day and had a very good corn and soybean crop. The fall was excellent with no major breakdowns. As for the Governor's Climate Change Task Force, we are wrapping up and the agriculture part turned out good. I was happy with the people on the subcommittees and we came up with good recommendations. Around our farm, there have been a few cases of COVID, but we are getting through it even with COVID fatigue.

**Patty Edelburg:** There are not a lot of changes on the local level, except we finished the DATCP Watershed grant. On the National level, we are dealing with administration changes, but continue to work on issues in agriculture, fur trade deals, rural broadband, and climate change. We are also

working on legislative ideas on climate change. It is convention season, but all conventions will be virtual.

**Miranda Leis:** We are also feeling COVID fatigue in our schools and workplace. If 2020 has a silver lining it was the weather conditions in producer pools and the milk supply was good. Also, with people eating out less they are buying organic milk and butter to treat themselves. In the office we have been dealing with production issues with employee health in an operational environment. On the farm, it was a great weather year and we finished up harvest in record time. We even had time to do fall field cleanup work. This year was fabulous for getting things done.

### **Future Agenda Items**

General Counsel Jane Landretti stated that Secretary Emilie Amundsen from the Department of Children and Family will present at the December Board meeting. Also, Jeff Hickens from the Department of Public Instruction will give the Board a FFA update.

The Secretary's Office is planning a COVID-19 update at the December meeting and will include the results from the employee survey.

Andy Diercks requested an update on the DNR nitrate rules.

Paul Bauer requested an update from the Dairy Task Force.

### **Adjournment**

#### **Motion**

A motion to adjourn was made by Andy Diercks and seconded by Kurt Hallstrand, motion approved unanimously. The Board adjourned at approximately 11:55 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.