

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

November 15, 2018

The Board of Agriculture, Trade and Consumer Protection (“Board”) met on **November 15, 2018**, at the Department of Agriculture, Trade and Consumer Protection (“Department”), 2811 Agriculture Drive, Board Room, Madison, WI. 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 11:05 a.m.

Members Present

Greg Zwald, Paul Palmby, Miranda Leis, Paul Bauer, Dean Strauss, Dennis Badtke, Andy Diercks

Minutes

Motion

Greg Zwald moved, and Dean Strauss seconded, a motion to approve the September 20, 2018, Board minutes. Motion approved.

Aldo Leopold Conservation Award Presentation

Secretary Harsdorf and Kevin McAleese, President of the Sand County foundation, presented David Geiser, owner of Gold Star Dairy, with the Aldo Leopold Conservation Award.

This is the 11th year that the Aldo Leopold Conservation Award has been presented in Wisconsin. The publicly and privately sponsored award is also presented in 15 other states. This year’s award celebrates an individual, family and business that exemplifies the spirit of Leopold’s Land Ethic. Kevin McAleese thanked DATCP and Governor Walker for bestowing additional prestige on this award, and reminded Board members about this year’s award banquet in the Wisconsin Dells. Secretary Harsdorf thanked the foundation and partners for making the award possible, and David and Deb Geiser for leading by example of innovative land and resource management. Secretary Harsdorf also thanked the Geisers for opening up their farm to share their knowledge. The Secretary remarked that there was stiff competition for this year’s award, which speaks highly of the quality of the farmers in Wisconsin. The Secretary presented the award, along with a framed plaque of a statement from Governor Walker. David Geiser stated that they are honored to be associated with such an award.

Wisconsin Agricultural Statistics Services (Report)

Greg Bussler, State Statistician, updated the Board on the recent production and price reports.

Wisconsin Dairy Task Force 2.0 (Report)

Dr. Mark Stephenson, Director of Dairy Policy Analysis at the University of Wisconsin – Madison, provided the Board with an update on the Dairy Task Force 2.0.

The Task Force is broadly representative of the dairy industry in the state. There are 31 members with broad representation across the Wisconsin dairy industry. The Task Force has identified nine topic areas and nine subcommittees to address. All have met. The broad themes of the nine committees, in ranked order of preference, are as follows: 1) research and innovation; 2) regulatory certainty; 3) rural communities; 4) market access; 5) price volatility and profitability; 6) consumer confidence and perception; 7) educated work force and management of time and money; 8) access to capital; and 9) next generation transfers and transition. Subcommittee ideas are being generated, and will be coming to the full Task Force in 2019. The full Task Force is scheduled for a December 13, 2018 meeting, and the subcommittees will meet again in 2019. Recommendations may be made for individual facility solutions, state level solutions to industry problems, and national level solutions. Potential proposals that may be pursued and supported are not yet developed to the point where they can be identified. The Secretary thanked the group for their volunteer efforts to serve in this effort to preserve a vital state industry. Dr. Stephenson thanked DATCP for its support.

Public Appearances

Kristine Hillmer, President of the Wisconsin Restaurant Association (WRA), on behalf of the WRA, appeared before the Board to comment in support of ATCP 75. WRA has a vested interest in making sure food is safe and that inspections are fairly conducted. WRA has actively participated in helping to bring ATCP 75 in substantial accord with federal requirements. They have staff who are leaders in helping with innovation. Consumers are keenly interested in safety, and public access to inspection records. Consumer education is key and databases provide an important tool. The WRA does not support letter grades or scores, which can alter perceptions for the wrong reasons and cause real economic harm to the establishment. The WRA does support a pass/fail system, where the restaurant is closed until problems are corrected. This will help consumers feel confident in their dining choices. Condensing a multi-hour inspection into a grade is not complex enough. An “A” grade gives a false sense of security that a restaurant will not cause a food safety outbreak. Even the best restaurant can have an outbreak. Inspectors are pitted against operators in a grading system. Non-critical items can reduce a score. Restaurants in Milwaukee fear potential retaliation if they do not support the letter grading system. WRA would like to commend the City of Milwaukee for a recent reduction in food safety violations; however, WRA thinks the reduction is not based on the grading system. Industry experts have not come to consensus that grading is a good practice. WRA provided a letter stating that the National Restaurant Association (NRA) also does not support letter grading.

Jay Ellingson, Senior Director of Food Science, on behalf of KwikTrip, appeared before the Board. Ellingson stated that KwikTrip supports ATCP 75 and continued private-public collaboration. Ellingson also stated that KwikTrip's initial minor concerns were resolved by four extensive meetings on the rule. Ellingson asked the Board to support the proposed changes to ATCP 75. Ellingson stated that KwikTrip, as a Wisconsin-based company, finds the collaboration of industry and the government to be very important. Ellingson stated that KwikTrip has a strong relationship with DATCP food safety programs, and participates on the Food Safety Advisory Board. Ellingson stated that food safety is important to KwikTrip and DATCP, and KwikTrip would like to continue to work together to improve food safety and collaboration.

Judy Domaszek, on behalf of the Wildwood Wildlife Park, appeared before the Board on behalf of ATCP 10. Domaszek stated that she represents the second largest zoo in Wisconsin. Domaszek asked that the exemption status for zoos and aquariums be addressed, as this exemption has affected her business every year for the last five years. Domaszek stated that the ATCP 10 exemptions do not currently apply to the Wildwood Wildlife Park because it is accredited with the Zoological Association of America (ZAA). Domaszek included in the packet an explanation of the comparison between ZAA and American Zoological Association (AZA). Domaszek asked that as part of the ATCP 10 revisions, the exemptions be made more inclusive to organizations such as ZAA. Domaszek stated that, alternatively, AZA could be removed from the exemptions and instead the exemption could be based on the regulatory agency – USDA licensed facilities - instead of AZA. Domaszek stated that the AZA is not a regulatory agency, and all zoos are licensed by USDA.

Michelle Kussow, on behalf of the Wisconsin Grocers Association (WGA), appeared before the Board to ATCP 70 and 75. Kussow stated that WGA represents about 1,000 members in the grocery industry. Kussow stated that WGA's initial concerns with the rule change were addressed by changes in the rules over four meetings. Kussow stated that WGA supports uniformity in food inspection, and does not support a letter grading system. Kussow stated that WGA feels that requests for individual retailer support for the grading system during inspections could create a fear of retaliation. Kussow stated that anything less than an "A" will send a consumer down the road, and they will never come back. Kussow stated that when an inspector has the power to assess a grade on a store, and asks for support, retailers report that they say they support the grading system for fear of receiving a bad grade. Kussow stated that the grading system publicly shames businesses and does not serve an educational purpose. Kussow stated that WGA has collaborated with DATCP for decades, toward the common goal of providing safe food for Wisconsin communities. Kussow asked for support of the rules as proposed.

Karen Grade, on behalf of herself, appeared before the Board to ATCP 75. Grade stated that the grading system has more of an impact on ethnic and small operators. Grade stated she is a former health inspector for the City of Milwaukee. Grade stated that these smaller operators are getting beat up by the grading system. Grade stated that there is some problem with the grading system and language barriers for some. Grade stated that many operators don't want to post the grades. Grade stated that other communities have an "A" scale set at a grade of 90 to 100, and next year the Milwaukee "A" scale will be change to a grade of 80 to 100, which will result in fewer "A"

grades. Grade stated that a new computer system initiated last year is more risk-based and identifies new violations (Health Space). Grade stated that she does not feel that the small operators she previously shut down will have the money to pay for more educated staff. Grade stated that if operators are shut down, the highest grade they can get is a "C". Grade stated that if a customer sees a "C" you will know the company has been shut down. Grade stated that an "A" is not indicative of good food. Grade stated, for example, rat infestation is only a deduction of 2 points and could still result in an A. Grade stated that, in her personal opinion, giving the grades upsets operators and creates adversarial relationships between the city and the operator. Grade stated that the grading system is not fair to many of the operators.

Claire Evers, on behalf of the City of Milwaukee Health Department, appeared before the Board to ATCP 75. Evers provided handouts and read a prepared statement. Evers stated that the city program is effective. Evers stated that the rate for priority violations increased from 2014 to 2017. Evers stated that the city developed an FDA supported intervention system. Evers stated that the FDA recognizes the efficacy of grading systems and awarded the city a \$350K grant for five years to establish the program. Evers stated that these programs are used worldwide. Evers stated that the packet of information provided to the Board explains the grading process. Evers stated that the city worked with a university to develop an algorithm that would translate the six page report to a grade. Evers stated that the grade results in no change in the process of inspection, and the city still inspects annually. Evers explained that instead of posting the current "How did we do?" placard to direct the consumer to the online report, the operator receives a grade placard. Evers stated that 54 operators issued statements of support, and that over 100 individuals signed an anonymous petition recently distributed in the community. Evers stated that early findings from the first six months of the program include a drop in violation rates from 4.2 violations to 3.4 violations per inspection, and that the system is working. Evers stated that the city expects that there will be even greater reductions in violations after full implementation in 2019. Evers stated that the grading program is working, because operators care. Evers stated that, in the past, operators may have just paid their fines, but operators are engaged under the new grading system, with a spotlight on food safety. Evers stated that she supports removal of the prohibition on grades or scores from ATCP 75, and recognition of the initial success of the program in the City of Milwaukee.

A question was asked about contaminated food that comes into the restaurant, and whether such food would be impacted by the grading system. Evers stated no, but the grading would help with actions at the facility that contribute directly to food borne illness.

A question was asked about how grades are distributed. Evers stated that 70 to 80 percent of establishments received an "A." Evers said the city has been told that an effective system would yield 60 to 70 percent "A" grades.

A question was asked about how to get an "A", "B", or "C". Evers stated that violations range from priority, to middle of the road, and core. Evers stated the scoring is based on a 100 point system: 79-100 is an "A"; 78-60 is a "B"; below 60 is a "C" and can warrant a temporary closure of the establishment. Evers stated that under the old system, there were violations that occurred

year after year. Evers stated that the grading system allows the operator to earn points back the faster they make corrections, and they don't earn points back for the repeated violations.

There was a question as to why the city needs a grading system when nobody else in the state has one. Evers stated that nationwide, 80 cities around the country do this, although there are no others in Wisconsin. Evers stated that the city wanted to respond to increasing violations, and looked at this system as a successful example from other locations in the U.S. and Canada.

There was a question as to whether a lower grade means a consumer has a higher chance of getting a bad meal, where the grade is posted, and why Milwaukee needs a different standard from the rest of the state. Evers stated that right now the posting is voluntary for the 2018 pilot year, but the requirement to post the grade starts in January 2019. Evers stated that Milwaukee was proactive, going to FDA to obtain grant funding to help develop this program based on other grading systems around the country.

There was a question about collaborating with DATCP, and whether other programs around the nation are harmonized with and supported by state agencies. Evers stated that DATCP has been invited to the food safety committee meetings. Evers stated that opposition was not heard until last January after implementation. Evers stated that other programs nationwide are endorsed by their state boards, and that over time restaurant associations supported the grading programs. Evers stated that the program improves communication between inspector and operator.

There was a question as to the impact on consumers in adjacent municipalities if they develop a different grading system. Evers stated that the inspection criteria is based on the Wisconsin food code and won't change. Evers stated that if a municipality develops a different grading system, it may be enforced differently, but this is already happening with inspections under the same food code. Evers stated that for any system developed, the categories should explain what they mean.

There was a question regarding the point system that is used to develop the grade. Evers stated that the base inspection is the same and the placard is not new but contains different information. Evers stated that the old placard did not say that someone had passed an inspection, but referred to a website, and that the old system does not have set criteria for shutting someone down.

There was a question about major violations, and correction, and a statement that having the same violation year after year would not work in the dairy industry. Evers stated that priority violations are supposed to be corrected on site, and the city hopes the system will sustain corrective action.

There was a question as to how grades are described to the consumer? Evers stated that they don't say that an "A" means the food is safe, that "B" means unsatisfactory and "C" means the facility needs improvement. Evers stated that every violation is scored; a facility starts at 100 and goes down from there.

There was a question as to low grades. Evers stated that one operator who was shut down still supports the program and issued a statement of support, because he learned so much in the

process. Evers stated that the grade is based not on one inspection but on averaging over three years, and that the most recent inspection has most power on your grade.

There was a question of how the grade gives an operator more information about how to improve, and if they are already inspecting, educating and providing feedback, what is different. Evers stated that operators are being more proactive, asking for checklists and asking for past inspection reports. Evers stated that operators who have a "C" know what they need to do to improve their grade.

Michael Murphy, on behalf of the City of Milwaukee, appeared before the Board to #10 ATCP 75. Murphy stated that he had been asked to notify the Board that the former health inspector who spoke was an employee who had been involuntarily terminated. Murphy stated that they were not informed the time for public comment had changed. Murphy stated that the Milwaukee County Council voted unanimously for this grading program. Murphy stated that the former inspection system is less transparent and contributes to more risk of food borne illness. Murphy stated that the Milwaukee Health Department wants to align with the FDA model food code, and increase focus on active managerial controls. Murphy stated that the city has a grant, and to ban the program – which has been under planning since 2014 - would be harmful. Murphy stated that the city has reached out to the public and has worked with the University of Wisconsin in Milwaukee. Murphy stated that early evidence shows reduction in critical violations that had previously not decreased for years. Murphy stated that this is a win for operators and consumers, helps the city advance food safety practices, and reduces foodborne illnesses. Murphy urged the Board to support this broadly supported consumer-friendly program, to allow more evidence to be gathered as to the program's efficacy. Murphy stated that the program has been in place for just one year, and they would like a chance to demonstrate it can work.

There was a question as to the \$350,000 spent under the grant, and why it was not collaborative. Murphy stated that the city did create a collaborative committee to get other participation. Murphy stated that the only thing they are doing different here is posting a grade. Murphy stated that grading works for Milwaukee, though it may not work for a small community in Wisconsin. Murphy stated that when operators get an "A" business goes up. Murphy stated that he thinks it is better for the city to control the messaging than a service like Yelp.

There was a question as to tweaking and improving the program, and who is ultimately in charge of all the aspects. Murphy stated that after reviewing criticism of the program, the city has made about 90% of the changes that the WRA recommended, but that the WRA does not like the grade. Murphy stated that in an anonymous survey of operators, a letter grade was preferred. Murphy stated that, going forward, they would continue the advisory committee but the process would be regulated through the Common Council.

There was a question as to ethnic restaurants not performing as well under the grading system. Murphy stated that the city rejects that comment and said that ethnic restaurants don't have different standards. Murphy stated that the city has not identified that ethnic restaurants perform with any statistical difference, or higher rates of "C" grades. Evers stated that this question is more appropriate for the city, not him as a legislator.

Lindy Wiedmeyer, on behalf of the City of Milwaukee Health Department, appeared before the Board to #10. She did not wish to speak; she favored in part and opposed part of the proposal.

Trisha Pugal, President and CEO, on behalf of the Wisconsin Hotels & Lodging Association, appeared before the Board to the Restaurant Grading System. Pugal stated that the Association represents over 600 properties statewide, and over 35 in the Milwaukee areas. Pugal stated that lodging properties often have numerous components to their operations. Pugal stated that with the multiple specializations, operators work closely with the WRA to tap its expertise. Pugal stated that inspectors can have varying processes but use the same tool to grade. Pugal stated that this makes it difficult to avoid an unbalanced impact. Pugal stated that asking operators for a letter of support is coercive, and that the Association opposes such tactics. Pugal stated that the Association respects DATCP and their partners who work to provide food safety with a proactive approach.

Mike Kniffin, on behalf of the Roundy's Supermarkets, appeared before the Board to ATCP 75. He did not wish to speak, and supported the proposal.

Animal Health (Report)

Dr. Darlene Konkle, Interim State Veterinarian, provided the Board with recent Animal Health topics.

Konkle provided a handout with a timeline of the bovine tuberculosis situation. Konkle stated that the process began September 28, with notification from USDA of a TB positive cow identified at a slaughter facility with a strong trace to a dairy premises in Dane County. Konkle stated that DATCP conducted a whole herd test (caudal fold skin test), with an objective of seeing if the herd was infected. Konkle stated that on October 29, two cows were identified as positive, confirming TB affected status for the herd; the two positive cows, removed directly from the herd, confirmed the herd status as TB affected. A total of 48 animals from the Dane County herd reacted to the skin test, and were removed from the herd to slaughter or rendering. The final animals were removed on November 15, 2018. Konkle stated that testing will identify prevalence in the herd, and that the division is working with USDA APHIS and the herd owner, identifying contact herds and traces to look for potential spread over the last five years. Konkle stated that this is a collaborative effort with many stakeholders, both public and private. Konkle stated that they will continue to work to mitigate disease risk. Konkle stated, as perspective, two to eight herds are identified on average, each year, nationally. Konkle stated that they do not yet know the strain of TB in the herd. Konkle stated DATCP is also communicating with the public by providing information on the DATCP website. Konkle stated that next steps will be taken in concert with APHIS and the herd owner, and that a possible outcome is whole herd depopulation, or test and removal protocol over several months to years. Konkle stated that pasteurization of the milk will kill the organism, meat is inspected at slaughter, and that the system is designed to identify those animals and remove them from the food chain.

There was a question about reaching out to industry partners sooner, and a statement that with such a multinational scope to the industry, getting people involved in the process much faster would help improve success of the process. There was a comment that industry leaders wanted the information faster, regardless of what farm it is. Providing a heads up would have helped. Chief Legal Counsel responded that identifying too early could potentially cause confusion where evidence is not finalized, yet.

Agrichemical Management Bureau (Report)

Lori Bowman, Director of the Agrichemical Management Bureau (ACM), and Jennifer Heaton-Amrhein, Program and Policy Analyst for the Division of Agricultural Resource Management (ARM), provided the Board with information on the final implementation of the bureau's long-term project working with industry and stakeholders to review current revenues and expenditures with the ACM and Agricultural Chemical Cleanup Program (ACCP) Funds.

Bowman provided a handout and left copies for the public, regarding an update on a long-term project. Bowman stated that the ACM revenue stream comes through fees and surcharges for licensing, tonnage payments from industry. Bowman stated that the two funds they tried to address are the ACM fund and the Ag Chem Cleanup (ACCP) fund. Bowman stated that they addressed these in the RevEx project, a comprehensive review of revenues and expenditures to be sure that fees were being assessed and spent equitably, effectively and appropriately. Bowman stated that in a yearlong project, they worked on five working groups with 60 individuals, over 10 meetings, and generated a final report that was incorporated into the last biennial budget. Bowman stated that they wanted to reduce revenue by reducing fees, and in this first full year of implementation, they have saved \$2.7M that they did not collect. Bowman stated that most of the money saved was pass through fees collected from farmers, and that in 2019, they expect another \$650K reduction in revenues. Bowman stated that this reduction in cash balances will not affect program operations. Bowman stated that the fee structures for pesticide products, which used to be the most complicated in the nation, has moved to a single fee structure. Bowman stated that the new structure has received positive feedback, and has reduced industry administrative burden. Bowman stated that we are now in a surcharge holiday; the statute now has an on/off switch and on May 1st of each year, they look at fund balance to determine fees for programs. Bowman stated that based on projected balances, they will be on a fee holiday for quite some time. Bowman stated that the program is in final implementation, has been successful, and that the program will use their new authority to adjust as they need to. Bowman stated that they will continue to evaluate implementation of a new IT system.

There was a question as to why the IT system was not upgraded, with a cash balance. Bowman stated that the RevEx group would support using the cash balance to upgrade the IT system. Bowman stated that this system dates to 1997, and that it would require authority to spend the money, and staffing.

Dr. Steve Ingham, Administrator of the Division of Food and Recreational Safety, presented the Final Draft of Wis. Admin. Code ch. ATCP 70 to the Board. Also present was Troy Sprecher, new Bureau Director.

Ingham asked for approval of a second version of a final draft for ATCP 70. Ingham stated that the first draft was approved in January 2018, but industry raised concerns when it went through the Governor's office, so they pulled the rule back and convened a working group for four intensive meetings. Ingham stated that this final version of ATCP 70, and is separate from ATCP 75. Ingham stated that the biggest issue in ATCP 70 revolves around the definition of wholesale and retail, and that the revised draft is in sync with FDA's definitions of the terms. Ingham stated that the new definitions mean that ATCP 70 will no longer apply to retailers doing a small amount of wholesale, which will now refer to the food code and FDA regulations. Ingham stated that the statement in ATCP 70 related to food processing plants that are sharing a building with a residence was removed, as this was determined to be an overblown issue. Ingham stated that they hope for approval of the final draft so the rule can move to the Governor's office and then on to the legislature.

Motion

Dennis Badtke, moved, and Paul Bauer seconded, a motion to approve the Final Draft of Wis. Admin. Code ch. ATCP 70. Motion approved unanimously.

ATCP 75 – Retail Food Establishments (DHS Rules) (Final Draft)

Dr. Steve Ingham, Administrator of the Division of Food and Recreational Safety, presented the Final Draft of Wis. Admin. Code ch. ATCP 75 to the Board.

Ingham stated that Wis. Admin. Code § ATCP 75.20(7)(b) is the issue that commenters spoke on during public comments. Ingham reiterated that the grading program is an overlay issue on top of inspections, and is a very small part of the rule. Ingham stated that the rule change takes DATCP up to the 2013 FDA food code, and that the 2013 code is silent as to grading.

Ingham stated that the second version updates the definitions of wholesale and retail, and that this is the keystone to changes in the final draft. Ingham stated, for example, for a grocery store that processes a lot of food and moves it to another store, that this is inventory control, not wholesale, as long as it is the same license holder. Ingham stated if they want to send it to another license holder that is wholesale, they still have to follow the wholesale regulations. Ingham stated that another change is that a recall is notified by method of choice. Ingham stated that another change is that a restaurant bringing prepared foods to an employer would use its license and then follow some guidelines for the delivery. Ingham stated that another change is clarification of when a business needs a retail food establishment license. Ingham stated,

regarding retail food establishment grading and DATCP's involvement, that DATCP did not know Milwaukee received a grant until October 4, 2017 when he attended a food safety advisory committee meeting. Ingham stated that this was about five weeks before the hearing draft went out on ATCP 75. Ingham stated that DATCP was not involved in crafting the program. Ingham stated that the initial draft of ATCP 75 was silent as to the food grading program, but DATCP received comments for and against the food grading program. Ingham stated that DATCP's concern is consistency between jurisdictions, and that there is a statutory obligation for uniform standards across the state for licensing, inspection and investigation. Ingham stated that we also have an obligation for education and training to ensure uniform enforcement of the statutes and rules. Ingham stated that the latest version of the rule requires posting of the inspection report on the web-based portal and restricts grading programs. Ingham stated that he does not argue that the city's improvement performance is due to grading, but that it could be due to increased consultations. Ingham stated that an FDA report from the national retail food team looked at 800 restaurants of various types, assessing how they controlled various food risks, and that FDA found that there was no statistically different result for restaurants under grading versus not. Ingham stated that if the rule is approved at this level, the city's concerns can still be reviewed at the next steps.

A comment was made that allowing some time to evaluate the program may be worthwhile, that a lot of thought has gone into what the city is doing, that it would have helped if DATCP had been involved all along, that the difference between an operator with a low "A" vs a high "B" is likely not that big, and that we can't have multiple versions around the state.

A question was asked about whether it is true that DATCP has no standards to shut down a facility. Ingham stated that there are criteria but they are not numerical, and are based on the sanitarian; there is not a set number that causes a shutdown. Ingham stated that DATCP's first goal is education. Ingham stated that there are standards for shutdown if priority violations cause an imminent danger to public health, if the immediate hazard can't be corrected immediately; however, there is no bright line for shutting someone down. Ingham stated that the City of Milwaukee system likely would also shut down if there is an immediate danger that can't be corrected.

A question was asked if there are communities in the state where a layer like a grading system is added, as it is here. Ingham stated, not to his knowledge. Ingham stated that the program works to minimize variation by county for consistency, and that FDA also helps standardize by working with DATCP technical staff that train other staff.

Chief Legal Counsel commented that the statute allows the city to have a more stringent standard, but they can't conflict.

Motion

Paul Palmby, moved, and Dennis Badtke seconded, a motion to approve the Final Draft of Wis. Admin. Code ch. ATCP 75.

A question was asked, as to whether the Board could alter the rule to allow a voluntary grading program and disallow the mandatory posting. Chief Legal Counsel replied that under Wis. Stat. § 97.41, the local board of health may be stricter.

A question was asked as to options for this disputed section. Chief Legal Counsel stated that options for the Board include: 1) pass as-is and it might be changed later in the process; 2) pass as-is and request further DATCP study to consider a small pilot program that could be stricter but not in conflict; 3) table until next month, allowing time for DATCP to meet with the city; or 4) strike the clause. Chief Legal Counsel expressed concern that DATCP needs to ensure equal protection for citizens statewide.

Motion vote: Motion approved with Paul Bauer and Andy Diercks voting against it. Greg Zwald, Paul Palmby, Dean Strauss and Dennis Badtke voted for it. Miranda Leis abstained.

**ATCP 20, 21, Appendix A, 40, 42, 65, 71, 72, 73, 76, 77, 78, 79, 90, 91, 92, 94, 99, 105, 118, 163, 164, 165, 166 Minor and Technical Changes to Multiple Department Chapters
(Final Draft)**

Paul Dedinsky, Chief Legal Counsel of the Department, tabled the Final Draft of Wis. Admin. Code ch. ATCP 20, 21, Appendix A, 40, 42, 65, 71, 72, 73, 76, 77, 78, 79, 90, 91, 92, 94, 99, 105, 118, 163, 164, 165, 166 Minor and Technical Changes to Multiple Department Chapters to the Board

The technical rule was tabled until next month.

DATCP Board Meeting Dates for 2019

The Board members responded to a survey outlining potential Board meeting dates for 2019. The dates selected due to Board member availability are:

Thursday, February 7, 2019
Thursday, March 28, 2019
Thursday, May 16, 2019
Wednesday, July 10, 2019
Thursday, September 19, 2019
Thursday, November 7, 2019
Thursday, December 12, 2019

DATCP Information Technology Report (Written Report)

Karen Arriola, Chief Information Officer, provided a written Information Technology Report to the Board.

Fiscal Year 2017-18 (FY18) Operating Budget (Written Report)

Jason Gherke, Director – Bureau of Finance, provided a written Report on Fiscal Year 2017-18 (FY 18) Operating Budget.

Board Member Reports

Paul Palmby – Stated that except for pumpkins, crops had worst performance ever this year.

Andy Diercks – Stated that the potato crop was also the worst this year. The bad crops should support prices, because there is not a large supply. Rain caused a lot of equipment to get stuck. Five to seven percent of the crop was left in ground due to wetness.

Paul Bauer – Stated that dairy prices and barrel prices are very low, and we will see regionally short milk supply. They are shutting their plant down one day a week for the first time in 25 years. They had a call for class A milk. There is a lot of uncertainty.

Dennis Badtke – Recommended that people talk to their lenders sooner rather than later. Land values in some parts of the state are not necessarily bringing expected prices. They will do another land study by next July. Thanked Kelly Ann for organizing the tour.

Dean Strauss- Stated that this year is one for the books. If you could break even you were doing good. Crops have been fighting mud since late August. It is an interesting year. It is different.

Greg Zwald – Stated that they went to Branson and were surprised on the trip how much corn was still standing in Des Moines, and that 90% of the beans were still standing in Missouri due to wet ground limiting the harvest. He is a berry farmer and more insulated from some trends by selling directly to customers. He appreciated the great tour. He will be gone for the next meeting.

Miranda Leis – Stated that the tour was excellent and echoed congratulations to Geiser for their conservation award. It is her favorite meeting of the year, having grown up in the driftless area, where the conservation ethic was really born. She echoed everyone's comments about a dreary 2018 but the award is a bright spot for the industry. Her dad is 72 and is still involved with dairy, and says that between the prices and weather this is the worst season he remembers. They are looking forward to 2019. Selling a lot of butter and high protein high fat product, but left with a lot of skim because fluid continues to decrease in the country. Increasing the components is good, but the byproduct is now milk. That is hard to deal with. There is pressure in the industry and there are emotional situations on a weekly basis. Lenders have been very cooperative and understanding.

Secretary's Report

Secretary Harsdorf– Secretary Harsdorf stated that she also has heard comments from people who are looking forward to 2019 because 2018 has been such a challenge. At DATCP, we have been spending considerable time on the following: 1) Participated in World Dairy Expo seminars and helped present the cow of the year award; 2) Visited the Splash of Red cranberry tour at Pittsville high school – the only school in the U.S. that offers cranberry science and probably the only crop you can harvest in heavy rain; 3) Toured a number of local businesses and met with the team at National Farm Medicine Center; 4) Visited with the Potato Grower’s Board to tour Alsum; 5) Monitored the U.S. Mexico Canada Trade Agreement developments, and then shortly after went to the Tri National Agricultural Accord Meeting, where there was a very positive discussion on biotech, food safety, and plant and animal diseases. All 3 of our countries are facing similar challenges with workforce, food safety, and plant and animal disease; 6) Accepted Governor Walker’s challenge to participate in the 10 gallon challenge to buy 10 gallons of milk and deliver it to a local food shelter. She challenged Farm Report broadcaster Pam Jahnke and New York Ag Commissioner Richard Ball. 7) Acknowledged the Department’s Partners in Giving program, which helps over 500 organizations, and last year raised over \$24K, and so far this year has raised \$14K. The department is like a family, and they care about each other and have fun together, and it speaks volumes to the team here; 8) Noted that the election will cause changes in staffing, and that staff are committed to a smooth transition so that DATCP mission can be maintained; 9) Mentioned that she was headed to the woods on Saturday and wished everyone safe hunting and travels.

Future Schedule and Agenda Items

The Board is scheduled to meet December 20, 2018, in Madison.

Adjournment

Motion

Dennis Badtke moved, and Andy Diercks seconded, a motion to adjourn. Motion approved unanimously.

The Board adjourned at approximately 3:36 PM

Miranda Leis, Board Chair

Paul Palmby, Secretary

All reports and any associated documents presented during a Board meeting can be accessed by contacting the Office the Secretary, Legal Counsel at (608) 224-5023.