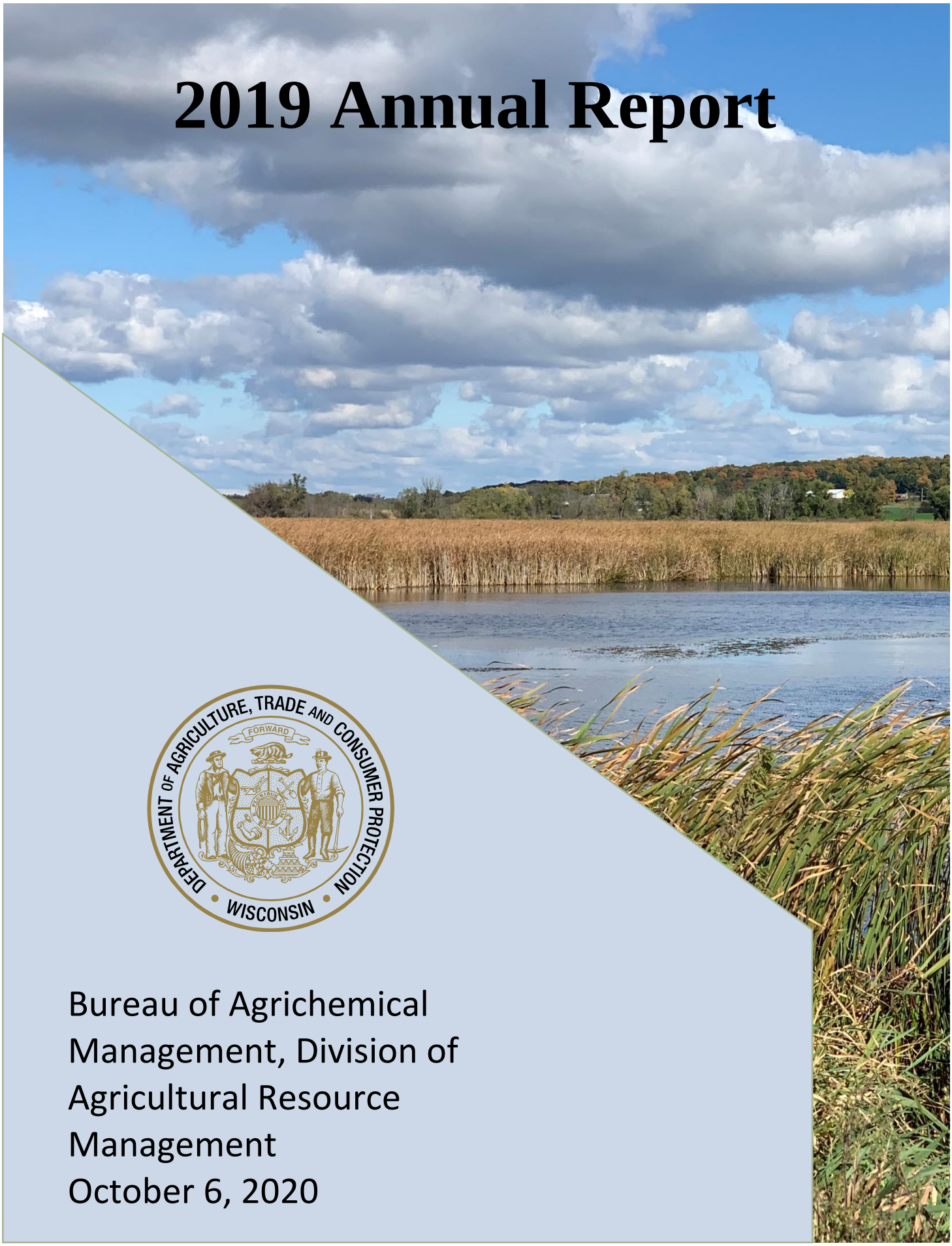
2019 Annual Report



Bureau of Agrichemical Management, Division of Agricultural Resource Management
October 6, 2020

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Mission, Vision, and Values

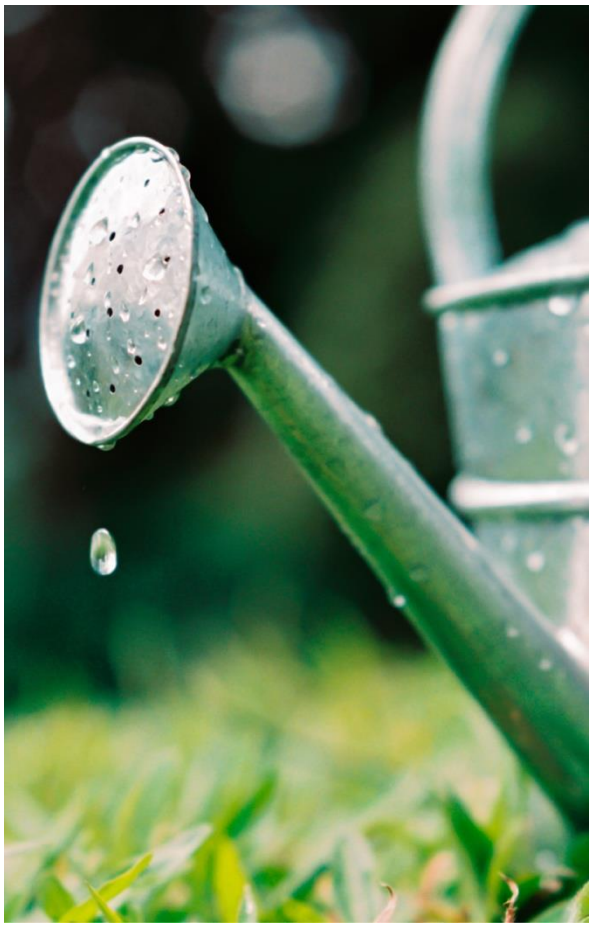
Bureau Highlights

The Bureau of Agrichemical Management (ACM) administers Wisconsin's regulatory and enforcement programs associated with commercial animal feeds, fertilizers, pesticides, and other plant production and pest control materials used in agricultural, urban, and industrial settings.

During 2019, priority work included implementing a strategic plan, completing the revenue and expenditure (RevEx) project, and implementing our groundwater monitoring and protection programs as part of the Governor's "Year of Clean Drinking Water" declaration. These projects, in addition to routine regulatory, environmental, and enforcement work, are highlighted in this annual report. The report also provides a financial overview, program statistics, and enforcement and compliance actions.

Mission

Protect human health and the environment, promote agriculture and assure a fair marketplace by mitigating risks and preserving the benefits of regulated products.



Financial Overview

This financial overview covers the state fiscal year 2018-2019, which ran from July 1, 2018 through June 30, 2019. Federal grants operate on a different cycle (October 1, 2018 through September 30, 2019) than the state fiscal year; this report covers those portions of the federal grants that occurred during the state fiscal year. The Department of Natural Resources' (DNR) environmental fund supports the Clean Sweep Program grants to local governments ($750,000 annually) and the revenue and expenses for these grants are not included in any of the five tables found below.

The primary sources of revenue for ACM are industry fees for licenses, permits, registrations, and tonnage under the feed, fertilizer, soil and plant additive (SPA), lime, and pesticide programs. In addition, a federal grant provides some funding to cover annual pesticide program expenses. ACM recognizes these important partnerships with industry and the federal government and works hard to maximize the use of this funding for the benefit of the industry, consumers, and the environment.

Financial Highlights

REVENUES

$8,008,667	ACM FUND
$598,135	GRANTS
$876,670	ACCP FUND

EXPENSES

$5,964,601	ACM PROGRAMS
$815,300	OTHER PROGRAMS
$973,350	ACCP FUND

Agrichemical Management Fund (ACM Fund)

The ACM fund is the primary source of funding for all the regulatory, investigative, and enforcement aspects of ACM - including staff, supplies and services, and the regulatory laboratory. Table 1 shows the ACM fund balance sheet resulting from industry fee revenue and ACM expenditures. Revenue continued to be reduced in FY 2019 compared to historic revenue amounts, as a result of implementing RevEx fee changes.

In addition to industry fees, ACM programs are also supported by a federal grant from the U.S. Environmental Protection Agency (EPA). The EPA pesticide grant is for implementing, investigating, and enforcing federal pesticide use laws and regulations. In FY 2019, the EPA grant was $598,135.

Table 1: ACM Fund Balance Sheet, FY 19

	Revenue		**Expenses**	**FY 19 Ending Balance**
Opening Balance	$11,883,157	ACM Program	($5,964,601)	
Revenue Total	$8,008,667	Other Programs	($815,300)	
Total	$19,891,824	**Total**	($6,779,901)	$13,111,922

Agricultural Chemical Cleanup Program Fund (ACCP Fund)

The ACCP fund is used to make reimbursement payments for agricultural chemical spill cleanups. Table 2 shows the money collected and deposited into the ACCP fund from industry surcharges. Revenue amounts continue to be reduced, as the statutory surcharge holiday is in effect in FY 2019. Moving forward there will be no to very little revenues to the fund and the program will use the existing cash balance to fund reimbursement payments, as can be seen in

Table 2. Per the current statutes, the surcharge holiday will continue until the fund balance drops below $1,500,000.

Table 2: ACCP Fund, FY 19			
	Revenue	**Expenditures**	**Total**
Opening Balance	$6,551,061		
Total Revenue	$876,670		
Reimbursements		($973,350)	
Other		($0)	
Closing Balance			$6,454,381

Revenue Collected for Other Agencies and Programs

The ACM fund is statutorily required to support several programs that are not part of ACM. Table 3 shows non-ACM programs that are supported by fees paid into the ACM fund.

ACM is also directed by statute to collect fees for several other agencies and distribute the funds to them each year. Table 4 shows the fee revenue collected on behalf of – and transferred to – other agencies and non-ACM programs.

Table 3: ACM Fund Expenditures for Non-ACM Programs, FY 19	
Non-ACM Program	**Amount**
DATCP Division of Animal Health	($471,600)
UW Discovery Farms	($249,800)
DATCP Ag in the Classroom	($93,900)
Total	($815,300)

Table 4: Non-ACM Program Revenue, FY 19	
Program	**Revenue**
DNR Environmental Fund	$1,633,185
UW Fertilizer Research Council	$365,654
UW Nutrient Management Program	$205,326
UW Lime	$9,662
DATCP Weights and Measures	$166,611
Total	$2,380,438

Direction for the Coming Year

To help minimize large annual surpluses and ongoing fund balances in the ACM and ACCP Funds, ACM worked with industry stakeholders on a project to comprehensively review and adjust revenues and expenditures to ensure in the future, fee levels and revenues are appropriate and properly aligned with bureau expenses. The project resulted in statutory changes that adjusted fees and surcharges. The initial changes to the fees and surcharges took effect in 2018 and continued in 2019. As expected, revenue did drop in multiple accounts. The ACCP fund balance will diminish over time as the surcharge holiday will continue until the fund balance is sufficiently lowered through reimbursements to restart the surcharges. The ACM fund balance will build more slowly as a result of those fee changes.

Strategic Plan

From May through August 2015, the ACM management team undertook a planning process to identify strategic goals and objectives that will help guide and focus the bureau's activities over the next three to five years. The strategic plan helps the bureau use its limited financial and human resources in the most critical areas and on the most important tasks as it strives to meet its mission as efficiently and effectively as possible in the future.

As a result of the planning process, ACM adopted three strategic goals. All staff, programs, sections, and management in the bureau will use the annual work planning process to help align their work activities to meet these goals over the next three years. Progress was made towards each strategic goal in 2019.

ACM will begin the process the strategic planning process in 2020 with development of a new strategic plan in 2021.

Goal 1: Operational Excellence

ACM staff will enhance its operational functions through effective programs, efficient use of resources, expanded use of technology, and process improvements.

- **TIN – Technology Infrastructure Needs**: Project to continue to make administrative processes more efficient and to ensure programs are meeting statutory and rule requirements. The bureau's IT committee meets monthly to review technology needs and provide information and recommendations to the management team. Technology updates are distributed biweekly, addressing system updates, program solutions, and hints for end-users.
- **Technology**: Implement technology effectively in the office and the field by identifying and deploying the most appropriate tools for each function and providing adequate training on how to use them. The bureau continues to utilize SharePoint as a document management system and to improve operations with workflows and automated processes. In 2019, ACM added sites to automate grant timekeeping, allow drivers to submit monthly vehicle records electronically, and libraries to systematically retain inspection and investigation documents.
- **Work Planning and Program Evaluations**: Continue the work planning and program evaluation processes to identify and implement key program and process improvements. The bureau's management team met in December 2019 to review work planning. The bureau continues to emphasize planning for IT, outreach, legal, and laboratory services in annual work plans. ACM management is working closely with the Bureau of Laboratory Services (BLS) related to the laboratory's capacity to maintain current services, especially with the addition of the hemp program. The hemp laboratory program work in 2019 resulted in a 12-week period in which BLS was not able to process pesticide program samples. The resulting backlog of work and workplanning to address the laboratory capacity concerns will be addressed in 2020 and 2021 as BLS is developing efficiencies within the program and adjusting staffing.

Goal 2: Stakeholder Collaboration

ACM will increase its collaboration with its internal staff, partners, and external stakeholders to maintain credibility and enhance program success.

- **Relevancy**: Strengthen the relevancy of the ACM's programs and activities.
- **Communication**: Enhance communication with internal and external stakeholders.
- **Collaboration**: Identify new and enhance existing collaborative initiatives with industry and other partners.

Goal 3: Workforce and Employee Development

ACM will recruit, invest in, develop and manage its workforce to ensure skilled, adaptable employees who can lead critical programs and who have opportunities to grow professionally.

- **Organization**: The bureau completed a reorganization in 2017.
- **Training**: Identify training needs and pursue opportunities to enhance skills, improve knowledge, and develop staff professionally. ACM staff continue to attend local and national training opportunities.
- **Recruitment**: Partner with human resources and use every available resource to identify, recruit, and hire the most qualified people. In addition, the bureau evaluates all vacant positions to determine if the position needs to be restructured to ensure current and future needs are met. Nearly all vacant positions were restructured before recruitment and hiring. In total five positions were hired in 2019.
- **Retention**: Foster a culture where it is expected and advantageous for employees to identify and pursue personal and professional growth and enrichment opportunities.

Organizational Chart

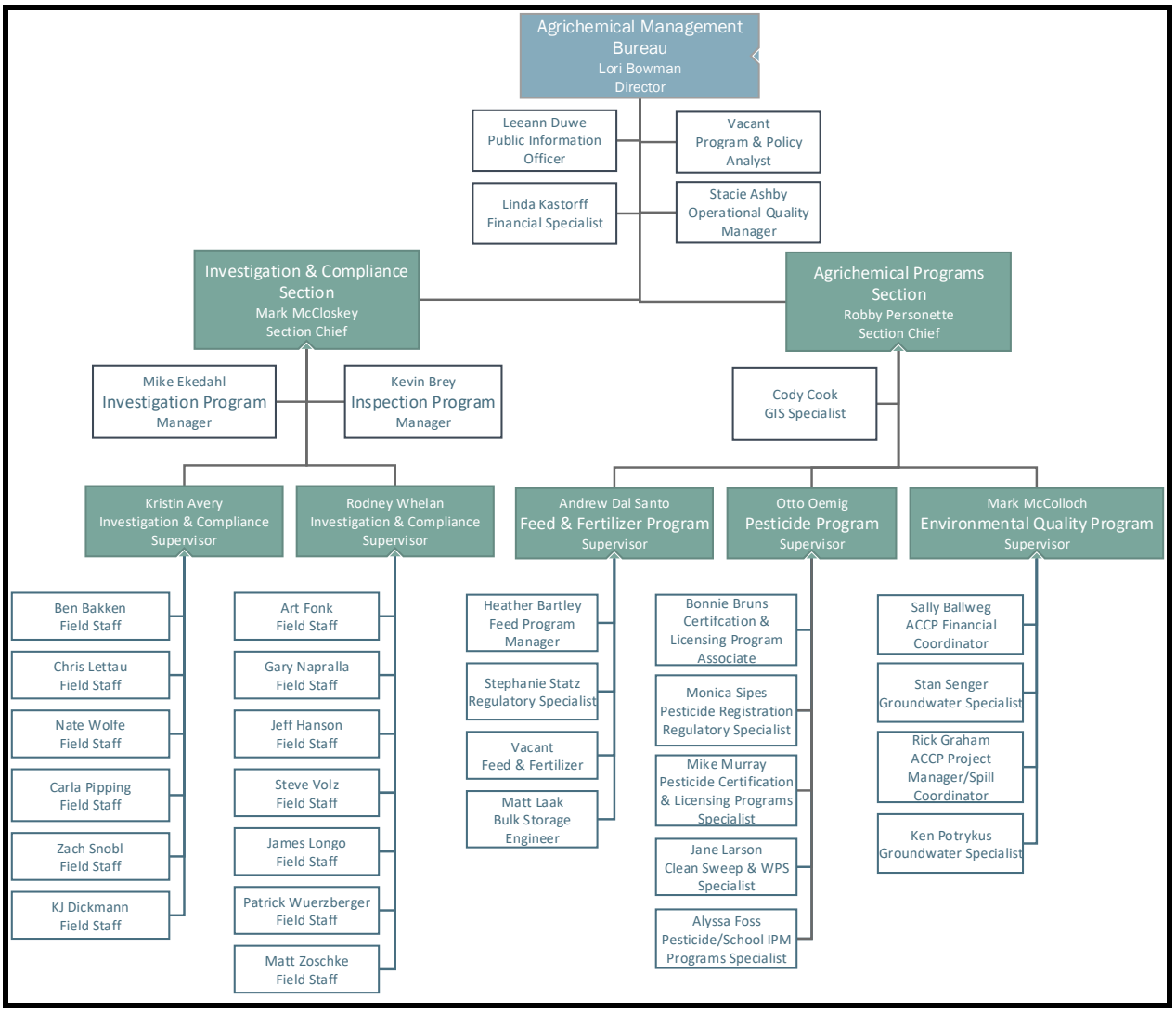


Figure 1 2019 Bureau Meeting, Milford Hills

Agrichemical Programs Section

The Agrichemical Programs Section consists of three units: Environmental Quality; Feed, Fertilizer and Containment; and Pesticides. Each unit is led by a unit supervisor. Program supervisors run specific programs along with licensing or grant management staff, depending on the program.

Environmental Quality Unit

Overview

To meet its statutory obligation in protecting the groundwater resources within the state, the Environmental Quality (EQ) Unit performs routine monitoring to evaluate the occurrence of agrichemicals in surface water and groundwater. All samples are analyzed by DATCP's Bureau of Laboratory Services for nitrate and 100 pesticide compounds. Information about monitoring programs and services follows.

Targeted Sampling Program – Tests groundwater from private wells in specific agricultural areas around the state to determine if pesticides are present and at what level. DATCP uses a targeted approach annually to select private drinking water wells considered at an elevated risk to be affected by agricultural chemicals.

Field-Edge Monitoring Program – This program tests shallow groundwater from monitoring wells installed in or near cropped fields where pesticides are known to be applied. DATCP collaborates with growers around the state to install and maintain these wells. Testing is often conducted multiple times through a growing season to evaluate agricultural practices that may affect groundwater quality.

2 Mark McColloch, Environmental Quality Unit Supervisor

Surface Water Sampling Program – Performed in collaboration with the Wisconsin Department of Natural Resources (DNR) stream sampling programs, this program provides pesticide analyses on select stream samples collected by DNR. Stream samples collected are tested to evaluate impacts to surface water resulting from pesticide uses across the state.

Exceedance Well Sampling Program – This program tests private wells around the state where groundwater quality standards as set by the state were exceeded at one time. Testing helps the agency evaluate effectiveness of control measures implemented in areas where pesticides once exceeded standards.

Statewide Survey – This survey consists of testing approximately 400 rural drinking water wells for nitrogen and pesticides. The survey is statistically designed to provide a snapshot of water quality at the time of the sampling and measure changes in water quality over time. The survey is performed every 5 to 10 years. Five statewide surveys have been conducted to date. The most recent survey was performed in 2016. Results for these programs are evaluated and DATCP uses the information to develop and implement management strategies and regulatory responses for the protection of groundwater.

During 2019, information gathered from DATCP's programs was shared with the NR 151 Technical Advisory Committee, the Nitrate Working Group, and the Water Quality Task Force. Together with data

gathered by other agencies along with other information obtained from interagency meetings, public meetings, and public hearings recommendation were made to legislative bodies. Recommendations were then used to enact legislation to address drinking water and groundwater issues.

The EQ Unit also assists other program areas within the Agrichemical Programs Section by providing technical information related to environmental assessments and impact statements, and technical assistance in the review and issuance of pesticide registrations and special pesticide product registrations. In addition to collecting and analyzing groundwater samples, program responsibilities include monitoring the sales and use of prohibited or restricted-use pesticide products (such as atrazine, isoxaflutole, simazine, etc.).

Agricultural Chemical Cleanup Program (ACCP)

ACCP – Remediation

Case managers assigned to cleanup cases work closely with the responsible person (RP) and consultants hired by the RP to ensure cleanups are completed in accordance with environmental regulations and in a cost effective and timely manner. Cleanup cases are opened when DATCP is notified of subsurface contamination by the person or entity responsible for the property or facility. Cases are also opened in response to contamination discovered by DATCP. An average of 30 RII's were performed annually between 2003 and 2007, but since 2007 less than 10 were performed annually. Corrective action may also be undertaken in response to discovery by the Department of Natural Resources (DNR) or the Department of Health Services (DHS), or other responsible persons. Once a remediation case is opened, corrective actions may take several years to complete before the case is closed. Due to complex issues, including multiple sources for contamination and contamination beneath structures, investigation and cleanup are often completed in multiple phases may that take years to complete. Old cases have also been re-opened to remove contamination left in place when old buildings or containment structures are removed Because subsurface contamination from historic use at most agronomy facilities have been evaluated or investigated, new cases are typically opened in response to new releases.

ACCP – Spills

ACCP staff oversee investigation and cleanup of agrichemical spillage, and monitoring of drinking water wells that might be affected by spillage. The Environmental Quality (EQ) Unit Spill Coordinator responds to an average of 40 spill responses each year. Environmental Enforcement Specialists investigate reported spills within their assigned territories, and work the Spill Coordinator and Responsible Person (RP) to clean up the spill in a timely manner. Corrective actions at spill sites include collection of spilled material, and may include excavation of contaminated soil for landspreading or transportation off-site for landfill disposal. EES staff collect soil samples to ensure contaminated soil has been removed to the extent practicable, and prepare reports to document the cleanup response. Most cases are closed after the spill has been cleaned up and contaminated soil disposal has been documented. However, additional investigation may include evaluation of potential impacts to nearby drinking water wells. If significant subsurface contamination is left in place, the spill may be closed with a continuing obligation, which includes registry at a DNR database that tracks properties with known

contamination left in place. The Spill Coordinator also works closely with DNR on spill response investigations. DNR's Spill Environmental Response Tracking System (SERTS) is used for spill reporting and case tracking by both agencies. DNR also provides a Bureau for Remediation and Redevelopment Tracking System (BRRTS) number, assigned when the spill is closed in SERTS.

ACCP – Reimbursement

The ACCP Reimbursement program reimburses a responsible person (RP) for a portion of eligible cleanup costs. The discharge site maximum was increased from $400,000 to $650,000 for eligible costs incurred on or after July 1, 2017. The program financial coordinator processes reimbursement applications for costs incurred for investigation and corrective action at long-term remediate and spill sites. Applications are reviewed in close coordination with ACCP case managers to ensure clean-up is performed in a cost effective and timely manner. The reimbursement process begins when an application for reimbursement for a spill or cleanup project is submitted by a RP. The financial coordinator reviews supporting documentation submitted with the application to ensure costs are eligible in accordance with ATCP 35 requirements. The department is required to acknowledge receipt of the application within 10-days, and has 90 days to review the applications and provide a written decision on cost eligibility. Following review, the departments recommends an amount for reimbursement and seeks approval from the Agricultural Chemical Cleanup Council (ACCC), a six-member advisory council composed of farmers and members of the regulated community. The department then makes reimbursement payments at the end of each quarter through the state of Wisconsin's financial accounting system.

Pesticide Product Restrictions Program

Non-Atrazine Containing Products:

Under Wis. Admin. Code § ATCP 30 DATCP has the authority to place increased restrictions on the use of certain pesticide products. Under this rule, pesticides like DDT, endrin, chlordane and dinoseb, and metals like cadmium are prohibited pesticides in the state. The rule further limits certain products for specific uses (like bat control), or restricts application methods or timing, or specifies other management practices for specific pesticides. The rule provides increased restrictions on uses of aldicarb and atrazine, two pesticides known to have caused groundwater contamination through past use.

Atrazine Containing Products:

The Field Edge Monitoring Program Manager works with the ACM management team to develop annual program work plan activities that include groundwater monitoring efforts, marketplace inspections, and pesticide use observations that are necessary to provide continual monitoring and compliance with the pesticide management practices as required by ATCP 30.

Emerging Issues Program

Finally, the EQ Unit also manages an Emerging Issues Program to evaluate how emerging issues intertwine with groundwater program areas. This program explores and evaluates groundwater issues that are on the forefront of mainline activity. Some of the more recent issues have included the oversight and review of the pesticide active ingredient isoxaflutole, and the impacts of that active ingredient on groundwater.

Fertilizer, Feed and Containment Unit

Containment Program

The Containment Program regulates the storage and handling of bulk fertilizer, pesticide, and non-bulk pesticide, with the goal to protect against groundwater contamination resulting from both chronic and acute fertilizers and pesticides spillage at storage and handling facilities. Staff reviews the design and construction of such facilities, the ongoing inspection of such facilities, as well as investigations into facilities that are not complying with the fundamental environmental protection sections of the various rules and statutes. Facilities submit plans to the department via USPS, e-mailed PDF format drawings, or both. Staff may inspect a construction or alteration of a containment facility. Containment structure construction observations are performed by conservation engineering staff in the Bureau of Land and Water Resources.

4 Andrew Dal Santo - Feed, Fertilizer and Compliance Unit Supervisor

Feed Program

Feed License and Tonnage – ACM licenses about 1,500 commercial feed and pet food companies. Each location requires its own license, in exchange for a license fee, and in return each is given a license card to display at each licensed site; however, the licenses are all connected to the legal entity. Each year, these feed companies distribute over seven million tons of feed in Wisconsin, which includes feed for Wisconsin's livestock and poultry industry, as well as pet food. At license renewal time, feed licensees must report and pay inspection fees on each ton of feed distributed during the previous calendar year.

Feed Certificates of Free Sale – The feed program also issues around 300 certificates of free sale annually to companies exporting feeds and feed ingredients. Companies submit an application, fee, and label of the feed they wish to export to be issued a certificate of free sale. The certificate of free sale confirms that the company is licensed and legally able to sell in Wisconsin the feed or feed ingredient being exported.

Feed Inspections and Sampling – The feed program routinely inspects feed mills for compliance with good manufacturing practices, and collects samples to ensure the nutrients in the feeds are present at the levels guaranteed on the label. Approximately 70 inspections are completed annually. Feed program staff collect 500-600 feed samples each year, and send those samples to DATCP's Bureau of Laboratory Services for analysis.

Fertilizer Program

Licensing – The fertilizer, soil and plant additive (SPA), and lime licenses are annual and not transferable. A license is required for each business location and each mobile unit used for manufacturing or distributing fertilizer, SPA, or lime. Licenses are directly related to the entity and location (premise). Each application submitted requires a license fee and is issued its own license card. Renewal licensees require the license fees and surcharges, inspection fees and surcharges, and tonnage report. Approximately 800 fertilizer, 200 SPA, and 100 lime licenses are issued annually.

Tonnage – The fertilizer and SPA programs have a tonnage reporting requirement that involves the reporting of tons of fertilizer distributed and submitting inspection fees and surcharges collected during the previous fiscal year (July 1-June 30). The fertilizer tonnage is directly related to the entity and only one tonnage report should be received for each licensed entity. The lime programs also has a tonnage reporting requirement that involves the reporting of tons of lime distributed during the previous calendar year and submitting inspection fees collected. Approximately 1.8 million tons of fertilizer, 100,000 tons of SPAs, and about one million tons of lime are reported as distributed in Wisconsin annually.

Permits – Permits are issued for some fertilizer and all SPA products. The Fertilizer Program issues a permit for products under 24% NPK after an applicant has paid the permit fee and met all labeling requirements. Permit applications can be filed any time during the year for new products. Permits are non-transferable and remain in effect until substantial changes are made in the product formulation, label or advertising; the licensee must apply for an amended permit at that time. The fertilizer program has approximately 2,320 fertilizer products permitted, with about 500 permitted annually.

All SPA products require a permit. The SPA program issues a permit to an applicant that has paid a permit fee and met all the necessary labeling requirements. The SPA permit does not have a renewal period; permits are non-transferable and remain in effect until substantial changes are made in the product formulation, label, or advertising; the licensee must apply for an amended permit at that time. The SPA program has approximately 701 products permitted, with about 200 products permitted annually.

Fertilizer Sampling – The fertilizer program includes sampling to ensure the fertilizer meets the label guarantees and economic value. Samples are sent to DATCP's Bureau of Laboratory Services for analysis. Approximately 300-400 samples are collected and analyzed annually.

Pesticides Unit

Certification and Licensing Programs

Commercial Pesticide Applicator Business Licensing, Records, and Notifications

Businesses that apply pesticides on a for-hire basis must obtain a pesticide business license (PBL) and must employ individuals who are licensed as an individual commercial applicator (ICAL). Currently, over 2,400 business sites hold a PBL. To obtain licensure, companies must submit a completed application with all required fees, and list all individual commercial pesticide applicators for hire and their ICAL number. If the company is subcontracting its pesticide application work, the company must list the company's name and that company's PBL number.

5 Otto Oemig, Pesticide Unit Supervisor

Pesticide Restricted Use Dealers and Distributors Licensing and Sales Records

A restricted use pesticide (RUP) license is required of any business that sells or distribute RUPs, either into the state or within the state. Currently, there are approximately 420 businesses licensed as RU dealers. RUPs can only be sold to individual pesticide applicators certified to apply restricted use pesticides, licensed pesticide application businesses, or other licensed RUP dealers. ACM's Investigation and Compliance Section completes an average of 40 dealer record inspections of pesticide businesses who sell RUPs each year.

Individual Commercial Pesticide Applicator Licensing and Inspections

Persons applying any pesticides on a for-hire basis or applying RUPs for any reason, are required to be licensed as individual commercial applicators. Commercial applicators must be certified within a base category and must submit a completed license application to DATCP with fees and surcharges. An ICAL is valid for one calendar year. When renewing the license, the individual must continue to meet the certification requirements. The Investigation and Compliance Section conducts commercial applicator records inspections each year to verify that pesticide applicators are commercially certified and licensed to apply pesticides, recording the necessary elements of recordkeeping, and providing the required pre- and post-application information to customers.

Commercial and Private Pesticide Applicator Certification

The pesticide applicator certification program certifies individuals, via written examination or reciprocal equivalency, to use and/or direct the use of pesticide containing products. Certification is available for both commercial and private pesticide applicators. Commercial pesticide applicator certification is required if an individual is making pesticide applications for-hire or to any public school property, or to their own commercial property if they are using an RUP. Private pesticide application certification is required only if

an individual is applying a restricted-use pesticide on property that they and/or their employer owns, rents, controls, that is used for the production of an agricultural commodity. Currently there are over 20,000 commercial certifications (an applicator can have more than one certification) and about 12,000 certified private pesticide applicators. Annually, there are over 6,000 individual commercial certification exams, and about 2,000 private certification exams proctored. Commercial applicators must pass the exam with a score of 70% or more, while private applicators attending a training session must score 50% or higher. Both certifications are valid for five years. Although if an applicator adds certification categories during the five year period, all certifications will expire at the original five year expiration date.

Reciprocal Certification

Reciprocal certification is an option for an individual who resides in another state, and applies pesticides in Wisconsin. Reciprocal certification may be granted to an out-of-state resident that is certified in that state to make pesticide applications for-hire, or to any public school property. Currently, there is a reciprocal certification fee of $75 and there are approximately 450 individuals that are issued reciprocal commercial certification annually.

Temporary Certification

Temporary pesticide applicator certification allows an individual to make pesticide applications for-hire while under the direct supervision of an applicator who is certified and licensed. Temporary certification is valid for 30 days and an individual may not register for temporary certification more than once in the same category. A certification number is not generated, and a card is not issued in the current system. Approximately 50 individuals annually apply for temporary certification.

Private Pesticide Applicator Records

The Private Applicator Records (PAR) Inspection program performs inspections of individuals that purchase and/or apply RUPs to determine whether applicable record keeping requirements are being followed. Private applicators must keep a legible record of each RUP application for at least two years; three years if atrazine-containing pesticides are applied. Staff annually completes approximately 30 PAR inspections, chosen from approximately 12,000 certified private applicators. In addition, our environmental enforcement staff also provide training at the private applicator training sessions offered by the University of Wisconsin's Pesticide Applicator Training (PAT) program. These training sessions provide an opportunity for our field staff to speak directly to private applicators on specific pesticide-related topics besides recordkeeping requirements. Staff reach at least 500 private applicators each year through the PAT sessions.

Associated Programs

Landscape Applications, Notifications, and Registry

The landscape registry allows Wisconsin residents to be notified before lawn care and landscape companies apply pesticides to neighboring property. The registry only applies to commercial lawn and landscape pesticide applications. Individuals must specify each of the addresses for which they want to receive notification of pesticide application, and businesses are required to notify individuals at least 12 hours in advance when registered addresses are to be treated with pesticides. The landscape registry is open for registration from November 1 to February 1 each year. Renewal notices are sent to users in early November.

Storage, Transport, and Sale of Pesticides

The storage, transport, and sale of pesticides are monitored through CAR and PAR inspections, RUP dealers' inspections, state marketplace inspections, and pesticide use observations.

Pesticide Handling, Disposal, and Spills

Pesticide handling, disposal, and spills are monitored through CAR and PAR inspections, as well as some functions of the Agricultural Chemical Cleanup Program (ACCP) and the Containment Program.

Additional Pesticide Programs

Clean Sweep Program

The Clean Sweep Program provides grants to municipalities, counties, tribes, and regional planning commissions to help them create and operate local programs for the collection and disposal of agricultural pesticides, farm chemical waste, household hazardous waste, and unwanted prescription drugs. The goal of the Clean Sweep Program is to reduce the health and environmental risks posed by these materials. Administering the Clean Sweep Program requires numerous processes, including a grant application announcement, receipt of grant applications, application scoring and ranking, grant awards, contracts, purchase requisitions/purchase orders, final reports, reimbursements, program reports, and data analysis.

Pesticide Manufacturer and Labeler Licensing, Fees, Records, and Reporting

Pesticide products distributed, sold, or used in Wisconsin must be registered with both EPA and DATCP. Companies that manufacture or label pesticide products must also be licensed with DATCP to sell or distribute their products in Wisconsin, regardless of whether the company is located in Wisconsin or manufactures pesticides here. The person or firm whose name and address is on the pesticide product label is required to obtain this license. A Wisconsin Pesticide Manufacturer and Labeler (PML) license application must be submitted to DATCP at least 15 days prior to distributing pesticide products in Wisconsin.

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) provides for several types of pesticide registrations. The PML license lists two types of products, based on FIFRA classifications. Wisconsin charges a fee to list FIFRA Section 3 products (those products regulated by the EPA) on the state registry. Listing of these products ensures they are properly registered by the EPA or are exempt from registration. The PML license is an annual license from January 1 through December 31 and is not transferable. The PML program licenses approximately 1,400 companies and over 12,000 associated products.

Pesticide Product Special Registrations and Use Authorizations

Pesticide products are registered and labeled for specific uses and must be used according to label directions. Wis. Admin. Code § ATCP 30 provides additional restrictions for certain pesticide products, which include prohibited pesticides; special use permits for pesticides; and pesticide use restrictions and reporting. Under the Pesticide Special Registration Program included in Wis. Admin. Code § ATCP 29, DATCP processes various types of requests for pest control: Federal Section 18 emergency exemptions, Wisconsin emergency use permits and special local need (SLN) registrations. DATCP also receives requests to conduct experimental research with pesticides in Wisconsin. If a request is authorized, pesticide users must obtain, and have in their possession at the time of application, authorized special use

directions to legally use pesticide products for the requested purposes.

Agricultural Worker Protection

The agricultural Worker Protection Standard (WPS) is an EPA regulation, adopted in whole in Wisconsin law that requires employers that use pesticides in raising agricultural crops on farms, forests, nurseries, or in enclosed spaces, to protect agricultural workers and pesticide handlers from illness or injury from pesticide use. Wisconsin's WPS inspections are part of the annual cooperative agreement between DATCP and the EPA. The cooperative agreements runs on the federal fiscal year, October 1-September 30. ACM performs approximately 40 WPS inspections each year.

Agricultural Programs Data

Inspections & Sampling	2015	2016	2017	2018	2019
Pesticide Use Observations	58	94	90	70	103
Commercial Applicator Inspection	87	55	58	62	60
Containment Inspection (Full)	9	8	11	9	2
Containment Inspection (Small/Chemigation)	85	88	103	115	117
Dealer Record Inspection	38	46	44	50	85
Feed Inspection (ATCP 42)	105	102	60	64	92
Feed Inspection (FDA BSE & MFL)	59	6	6	6	0
Feed Surveillance Samples	631	552	617	577	576
Fertilizer Samples	361	280	293	306	288
Groundwater samples	283	576	276	294	290
Surface Water samples	59	86	88	140	105
Marketplace Inspection	261	236	313	258	11 (fed only)
Mix/Load Inspection	6	18	17	23	20
Private Applicator Inspection	38	27	32	46	51
Producer Establishment Inspection	15	14	14	11	11
Sump Test Inspection	51	55	58	64	72
Worker Protection Inspection	29	35	43	41	50

Case Management	2015	2016	2017	2018	2019
ACCP - open cases	150	138	127	122	124
ACCP - new long-term (LT) cases	8	3	4	6	7
ACCP - LT cases closed	15	15	15	11	5
ACCP - total closed LT cases	576	591	606	613	616
Spill cases - new	48	43	26	39	39
Spill cases closed -- same year	34	17	4	30	33
Spill cases closed each year - total	51	39	32	50	41
Spills - total closed cases	1,124	1,163	1,195	1,245	1,286
ACCP applications received	39	32	22	22	33
Containment plan sets reviewed	42	53	34	20	19
Containment plan set projects	28	28	17	13	9

Pesticide Licenses & Certifications	2,015	2,016	2,017	2,018	2,019
Pesticide Business Location	2,285	2,338	2,385	2,381	2,408
Individual Commercial Applicator	8,585	8,799	8,887	9,239 (incl. 506 reciprocals)	8,339
Restricted Use Dealer	406	429	445	449	420
Commercial Certifications	3,665	3,930	4,118	5,616	4150 pass + 1248 failed
Total Commercial Certifications	16,826	17,800	18,953	19,883	20,500
Private Certifications	2,021	3,050	2,083	2,675	1,689 pass + 19 fail
Total Private Certified	12,829	12,420	12,352	11,789	12,415
Manufacturers and Labelers	1,295	1,411	1,437	1,438	1,445
Pesticide Products	12,900	13,298	13,355	12,753	12,558
Landscape Registry Addresses	5,000	6,408	5,300	4,521	4,264
Landscape Registry Warning Notices	28	39	33	27	30
24(c) special local need (new)	6	6	2	9	3
Section 18 Emergency Exemption	1	0	1	1	1
Experimental Use Permits	0	1	0	6	4
Special Use Small Mammal Permits	4	5	3	0	0
Feed License	1,449	1,338	1,429	1,544	1,586
Feed Tonnage	5,103,122	5,128,364	7,588,124	7,156,846	5,859,213
Feed Certificates of Free Sale	270	354	439	243	226
Fertilizer License	796	801	811	751	796
Fertilizer Permits (new)	501	661	582	536	360
Fertilizer Tonnage	1,799,271*	1,916,597	1,754,777	1,849,184	1,674,881
Soil and Plant Additive License	142	197	208	201	220
Soil and Plant Additive Permits (new)	243	268	174	269	210
Soil and Plant Additives Tonnage	164,629	198,751	98,864	155,176	111,124
Lime License	104	98	100	90	97
Lime Tonnage	1,084,942	1,046,402	947,773	684,550	635,756
Clean Sweep -- HHW (lbs)	2,137,104	2,149,615	2,166,369	2,199,403	2,094,291
Clean Sweep -- Ag & Ag Business (lbs)	149,176	126,120	140,925	127,960	119,242
Clean Sweep -- Rx (lbs)	52,127	43,625	38,513	37,483	41,395
Clean Sweep -- VSQG (lbs)	305,045	198,075	310,416	311,659	247,402

Feed Tonnage Project

Wisconsin's 2018-19 biennial budget included statutory changes to the annual commercial feed tonnage and inspection fee reporting requirements.

The changes included a minimum fee of $50 for distributions of 0 to 200 tons, elimination of the exempt buyer status license, elimination of all credit reporting, removal of invoice language regarding payment of the fees, and clarification of the responsible entity for reporting.

Over the span of the Tonnage Compliance Assistance Project, the Feed Program conducted a number of webinars and created several documents with the help of industry to assist licensees with the transition to the new requirements. In 2017 and 2018, program staff created a series of new outreach materials to communicate the changes to industry. In addition, the program held a webinar discussing the changes, and made a recording of the webinar available on DATCP's YouTube channel. In 2019, the staff assembled an industry workgroup to assist with development of guidance documents in the form of reporting form instructions, frequently asked questions, and a decision-tree flow chart. In 2020, the program staff will conduct a six-week webinar series to discuss tonnage reporting requirements, among other program requirements, and make the recordings of the webinars available on DATCP's YouTube channel.

In 2020, the program will wrap up their work with the stakeholder workgroup via a final report of the project and one last revision to the tonnage reporting form. The project report details the background of the project and the following challenges:

- Whether grain bank grain it is reportable under the tonnage requirements.
- Reporting of whole grains versus processed grains used in commercial feed.
- The different types of feed within the realm of commercial feed: custom-mixed feed, floor-stock feed, branded feed, and mill-formulated feed.
- Licensure of brokers, jobbers, and wholesalers that are commonly pass-through businesses, involved in the responsibility for distribution of feed to a final destination, in this case, Wisconsin.

The last tasks for the stakeholder workgroup will be to review proposed changes to the commercial feed tonnage and inspection fee report form, in light of some program observations made during the 2019 and 2020 renewal seasons, and to review the project report. If the workgroup supports revising the tonnage form, then they will have a third task of reviewing the revised tonnage reporting form instructions. Once those document revisions are complete, the compliance assistance for commercial feed tonnage will transition back to program staff addressing the regular case-by-case basis inquiries from the industry related to feed tonnage.

Figure 6Pesticide Spill Waupaca Co

Investigation and Compliance Section

The Investigation and Compliance Section consists of two programs: Inspections and Investigations that includes 14 environmental enforcement specialists (EESs), led by two supervisors and one section manager. The EESs complete the field work required for each of these programs which then supports the work of the Agrichemical Programs Section.

Interesting Cases

Landscape

As a result of multiple complaints regarding commercial pesticide companies failing to provide the required 12-hour advance notice to participants on the Wisconsin Landscape Registry, DATCP initiated four separate investigations. Three of the four commercial pesticide applicator companies met with DATCP and agreed to a stipulated settlement, which included a civil forfeiture of $500 for having three violations of failing to provide the required 12-hour advance notice. One company's representatives met with DATCP and agreed to a stipulated settlement, which included a civil forfeiture of $1,000 for having more than three violations of failing to provide the required 12-hour advance notice.

Containment

As a result of a short bulk inspection at an agri-chemical facility, it was discovered that the facility constructed a new dry bulk fertilizer building without submitting blueprint plans to DATCP for review and an investigation was initiated. The representatives of the facility met with DATCP to discuss the substantiated violations, and agreed to a stipulated settlement, which included a civil forfeiture of $4,000.

Right of Way

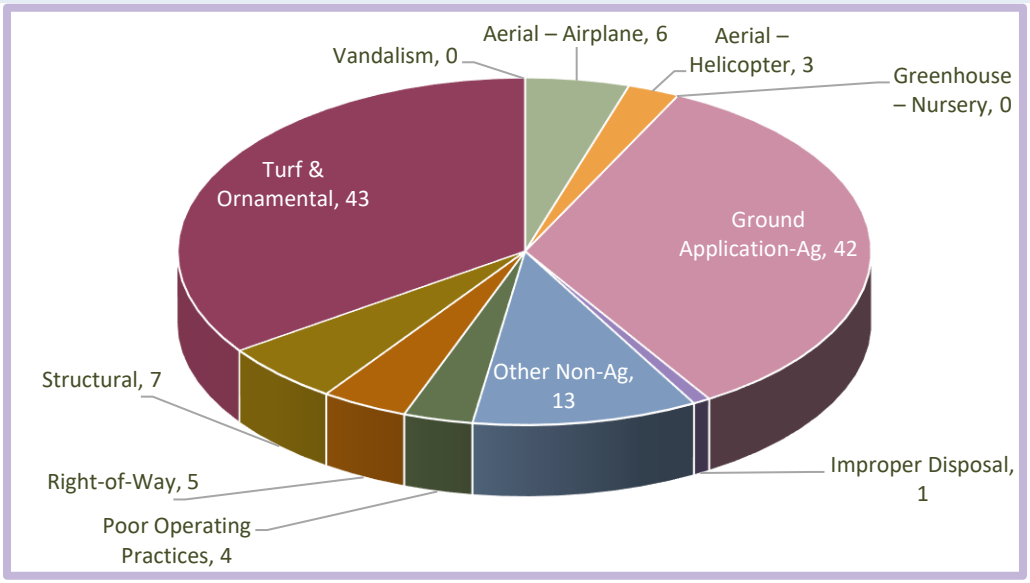
As a result of two separate complaints involving the same railroad company making pesticide applications which, allegedly resulted in two separate cases of drift, DATCP initiated two investigations. Environmental samples were collected as part of both investigations. As a result of subsequent DATCP analysis findings, the railroad company applicator was found responsible for applying pesticide in a manner that resulted in two separate counts of pesticide drift. The railroad company's representatives and their applicator met with DATCP to discuss the substantiated violations. The railroad company and the applicator each agreed to a stipulated settlement, which included a civil forfeiture of $500 for each count, resulting in a combined civil forfeiture totaling $1,000.

Compliance Data

Minor Enforcement by Program	2015	2016	2017	2018	2019
Marketplace Unregistered Products Found	12	23	15	20	19
Worker Protection Written and Verbal Warnings	17	20	26	28	32

Enforcement Cases by Program	2015	2016	2017	2018	2019
Pesticide	99	129	107	112	124
Groundwater Investigations	0	1	0	2	1
Toxic Response	0	0	0	0	0
Remediation	7	1	4	5	5
License/Certification Enforcement	7	5	6	1	5
Feed	5	3	7	3	1
Fertilizer	0	0	3	0	6
Containment	3	1	5	3	5
Worker Protection	1	2	0	2	1
Cases With documented Violations	104	86	103	85	101
Percent Violation Rate	84%	61%	78%	66%	68%

Types of Pesticide Cases	2015	2016	2017	2018	2019
Aerial – Airplane	3	4	3	3	6
Aerial – Helicopter	3	1	2	1	3
Greenhouse – Nursery	2	1	1	0	0
Ground Application-Ag	25	39	29	40	42
Improper Disposal	0	1	1	0	1
Other Non-Ag	6	7	1	8	13
Poor Operating Practices	1	2	0	0	4
Right-of-Way	4	3	2	6	5
Structural	9	24	11	9	7
Turf & Ornamental	43	56	44	27	43
Vandalism	4	0	0	0	0
Totals:	100	138	94	94	124


Aerial – Airplane, 6
Aerial – Helicopter, 3
Vandalism, 0
Greenhouse – Nursery, 0
Turf & Ornamental, 43
Ground Application-Ag, 42
Other Non-Ag, 13
Structural, 7
Improper Disposal, 1
Right-of-Way, 5
Poor Operating Practices, 4