



2022 ANNUAL REPORT

BUREAU OF AGRICHEMICAL
MANAGEMENT

ABSTRACT

In 2022, the Bureau of Agrichemical Management moved forward in a number of areas, including increased reliance on digital assets and methods, and a transition out of COVID-19 restrictions.

Bureau of Agrichemical Management

Overview

Part of the Wisconsin Department of Agriculture, Trade and Consumer Protection’s (DATCP) Division of Agricultural Resource Management, 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. The report provides a financial overview, program statistics, and enforcement and compliance actions.

Mission

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

Financials

ACM’s financial information includes data from the state fiscal year (FY) 2022, which is from July 1, 2021 through June 30, 2022. ACM’s cooperative agreement with the United States Environmental Protection Agency (EPA) operates from October 1, 2021, through September 30, 2022. This report covers those portions of the federal grants that occurred during the state fiscal year. The Wisconsin Department of Natural Resources’ (DNR) environmental fund provides \$750,000 to support Clean Sweep Program grants to local governments. The revenue and expenses for these grants are not included in this section.

The primary sources of revenue for ACM include industry fees for licenses, permits, registrations, and tonnage under the feed, fertilizer, soil and plant additive, 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.

Agrichemical Management Fund

The ACM fund is the primary source of funding for the regulatory, investigative, and enforcement aspects of ACM. This includes staff, supplies and services, and the laboratory. Table 1 shows the ACM fund balance sheet resulting from industry fee revenue and ACM expenditures. Expenditures for “other programs” includes ACM support for Division of Animal Health inspectors and Discovery Farms. Revenue continued to decrease in FY 2022, compared to historic revenue amounts, as a result of implementing RevEx (more information on page 5) fee changes.

In addition to industry fees, ACM programs are supported by funding through a cooperative agreement with the EPA. This cooperative agreement is used to implement, investigate, and enforce pesticide use laws and regulations. In FY 2022, ACM received \$667,811 in funding via their cooperative agreement with the EPA. Table 1 highlights the ACM funding situation.

Table 1: FY 2022 ACM Fund Balance Sheet

	Revenue		Expenditures	Ending Balance
Opening Balance	\$12,982,624	ACM Programs	(\$7,267,842)	
Revenue Total	\$8,310,509	Other Programs	(\$802,300)	
Total	\$21,293,133	Total	(\$8,070,142)	\$13,222,991

Agricultural Chemical Cleanup Program Fund

The Agricultural Chemical Cleanup Program (ACCP) fund is used to provide reimbursement payments for agricultural chemical spill cleanups. Table 2 shows the money collected and deposited into the ACCP fund from industry surcharges. The balance amount continues to decrease, as no surcharges were collected in FY 2022 due to the surcharge holiday. In FY 2022, the program used the existing cash balance to fund reimbursement payments, as shown in Table 2. The surcharge holiday will continue until the fund balance drops below \$1,500,000. At the current rate of reimbursements, the fee holiday is anticipated to potentially end in 2024.

Table 2: FY 2022 ACCP Fund

	Revenue	Expenditures	Total
Opening Balance	\$4,536,578		
Total Revenue	\$8,241		
Reimbursements		(\$1,186,995)	
Other		(\$0)	
Closing Balance			\$3,357,824

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.

Table 3: FY 2022 ACM Fund Expenditures for Non-ACM Programs

Non-ACM Program	Amount
DATCP Division of Animal Health	(\$455,700)
UW Discovery Farms	(\$252,700)
DATCP Ag in the Classroom	(\$93,900)
Total	(\$802,300)

ACM is 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 4: FY 2022 Non-ACM Program Revenue

ACM Program	Revenue
DNR Environmental Fund	\$1,775,267
UW Fertilizer Research Council	\$428,138
UW Nutrient Management Program	\$234,741
UW Lime Research Program	\$16,801
DATCP Weights and Measures	\$180,397
Total	\$2,635,344

Direction for the Coming Year

The revenue and expenditure (RevEx) project that commenced in 2018 continued into 2022 to help mitigate surpluses from fees. Revenue has continued to drop in multiple accounts, and the holiday will continue until the ACCP fund balance is sufficiently lowered to restart the tiered surcharge structure. Future accruals will occur more slowly as a result of these fee changes.

ACM was previously moving documents from shared network storage locations to a SharePoint platform for the last few years as part of a large-scale optimization project. SharePoint serves as document storage while also providing some automation features such as workflows that route documents or alerts to staff. ACM was able to use SharePoint to move to paperless routing for many tasks and set up shared libraries to quickly address the needs of ACM programs and other programs within the agency.

SharePoint solutions started prior to 2022 continued to be critical to ACM operations, supporting increased responsiveness to the remaining COVID-19 challenges:

- E-fleet – Drivers of state vehicles formerly submitted paper documentation for mileage and entered information into a Department of Administration (DOA) application. The division improved this to a paperless process with automated reminders, electronic approvals, and data entry completion by the drivers themselves in 2019, eliminating the need for anyone to process mailed mileage logs.
- Electronic Inspection Submittal and Review Process – In 2021, ACM began moving inspection submittal, review, and approval to SharePoint. In 2022, the entire inspection documentation process moved to SharePoint, and investigations documentation began transitioning to SharePoint.

Strategic Plan

ACM continued implementation of the 2021-2025 strategic plan. The strategic plan guides the bureau's use of financial and human resources in critical areas and on important tasks as it strives to meet its mission. Implementing this strategic plan will help the bureau continuously improve and meet its mission and regulatory responsibilities more efficiently and effectively in the future.

The strategic plan includes three strategic goals:

- Maintain established connections with stakeholder groups to reinforce existing trust in the bureau. These connections will support stakeholders as their industries evolve, grow our partnership base, and ensure ACM provides proactive and relevant information to our partners and stakeholders.
- Optimize ACM operational functions through effective programs, and efficient use of resources (including technology) to support the mission of the bureau.
- Recruit, invest in, and develop the ACM workforce to provide employees with appropriate professional and technical skills to lead critical programs and have opportunities to grow professionally.

ACM's annual work planning process will use this strategic plan to align work activities to meet these goals over the next three to five years. The strategic plan will be re-evaluated at least annually as part of this process, and updates will be made as needed.

Quality Management

In 2022, ACM conducted process audits of 13 program areas. The process audits evaluated current program standard operating procedures and program processes against statutory and administrative code duties and obligations. These audits identified potential areas of improvement for internal processes in program. Program evaluations will proceed beginning later in 2023. Program evaluations examine programs through surveys and discussions with external stakeholders, review of potential tools

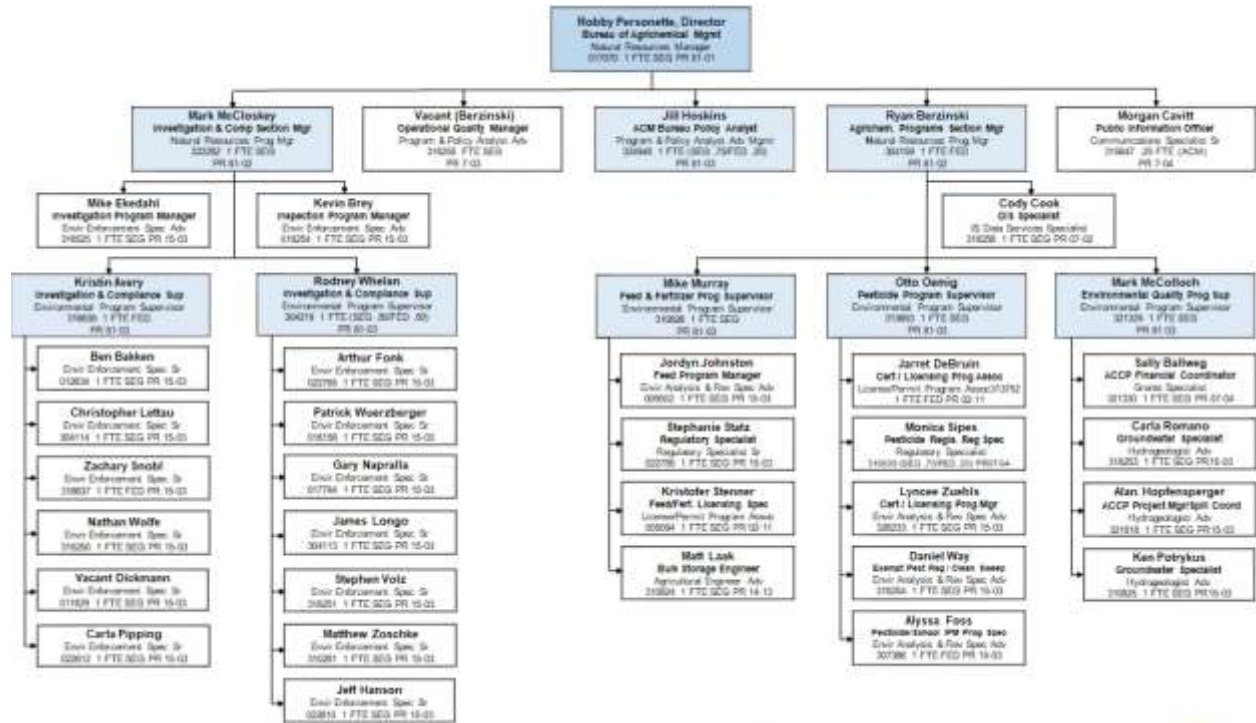
and technology, and bureau-wide processes to assess the effectiveness and efficiency of bureau activities and identify potential improvements.

Case Tracking Technology Updates

DATCP continues to transition to the Customer Relationship Management (CRM) application to manage multiple databases. ACM finalized the discovery process in preparation for design and development of CRM specific to ACM purposes, which will replace the Case Tracking System once fully implemented. Each agrichemical program is working closely with developers and integrators to support design and development. Implementation is anticipated to potentially begin as early as fourth quarter calendar year 2023.

Organization Chart

ACM is separated into two sections: Agrichemical Programs, and Investigation and Compliance. Each of these sections has multiple units and each unit manages multiple programs. An overview of each section, and highlights from FY 2022, are provided in the remainder of this report.



Agrichemical Programs Section

The agrichemical programs section consists of the following units:

- Environmental Quality
- Feed, Fertilizer, and Containment
- Pesticides

Each unit is led by a supervisor and contains multiple programs. Program supervisors oversee specific programs along with directly managing program specific subject matter experts, licensing or grant management staff.

Environmental Quality Unit

The environmental quality unit includes the following program areas:

- Surface and Groundwater Monitoring
- Agricultural Chemical Cleanup
- Pesticide Product Restrictions

Surface and Groundwater Monitoring Programs

These program areas perform routine monitoring for pesticides and nitrate to evaluate the occurrence of agrichemicals in surface and groundwater. This includes the following monitoring programs:

- Targeted
- Field-edge
- Surface Water
- Exceedance Well
- Groundwater Restrictions

More information about each program and annual reports are available at

https://datcp.wi.gov/Pages/Programs_Services/SurfaceGroundwaterMonitoring.aspx.

Table 5 provides the sample collection for ground and surface water in 2022 and the preceding four years.

Table 5: Number of Surface and Groundwater Samples Collected

	2018	2019	2020	2021	2022
Groundwater	294	290	209	285	294
Surface water	140	105	69	121	125

In 2021, ACM received a \$50,000 supplemental grant from the EPA to install seven additional monitoring wells at existing field edge groundwater monitoring sites in Adams, Iowa, Sauk, and Waushara counties. Wells were installed at various depths adjacent to existing wells to further evaluate the vertical extent of agrichemical migration in underlying aquifers. Three wells were installed at depths exceeding 100 feet. Samples were collected from these wells along with other field edge monitoring wells. Results for samples collected from all field edge monitoring wells will be summarized in a separate, program specific, annual report.

Multi-Agency Review of Groundwater Quality Standards

In 2022, staff continued to support the DNR rulemaking process. The DNR is responsible for creating new standards within Wis. Admin. Code, ch. NR 140. When DATCP detects pesticides in groundwater samples, the data is shared with the DNR and the Wisconsin Department of Health Services (DHS) so new standards can be considered.

DATCP submitted lists of pesticides for consideration to DNR, and the DNR submitted a list of compounds to DHS on March 2, 2018. Additional pesticides were also included on the “cycle 11” list submitted to DHS on September 19, 2019. DHS responded with recommendation standards for the cycle 10 list on June 21, 2019, and the cycle 11 list on November 19, 2019. On February 23, 2022, DNR's Natural Resources Board considered and did not approve the cycle 10 list. The scope statement for cycle 10 expired on March 3, 2022. Any future rulemaking conducted by the DNR will take place under a new scope statement. ACM Program staff will continue to assist the DNR with technical advice and data support for rulemaking efforts for pesticides with proposed groundwater standards. The status of the combined agencies efforts to draft new standards under Wis. Admin. Code, ch. NR 140 can be found on the DNR’s website (<https://dnr.wi.gov/topic/Groundwater/NR140.html>) and DATCP’s website (https://datcp.wi.gov/Pages/Programs_Services/GroundwaterStdsPesticides.aspx).

ACM Program staff published fact sheets in for all pesticides under consideration for review of groundwater standards: These fact sheets are available to view on DATCP’s website.

DHS considers a proposed standard to be a Drinking Water Health Advisory. The following is a list of pesticides with DHS established health advisories.

• Clothianidin	1,000 µg/l
• Dacthal, Dacthal MTP, Dacthal TPA	70 µg/l
• Glyphosate,	10,000 µg/l
• Glyphosate AMPA	10,000 µg/l
• Imidacloprid	0.2 µg/l
• Isoxaflutole, Isoxaflutole DKN,	3 µg/l
• Isoxaflutole BA	800 µg/l
• Sulfentrazone	1,000 µg/l
• Thiamethoxam	120 µg/l
• Thiencarbazone-methyl	10,000 µg/l
• Metalaxyl	800 µg/l
• Chlorantraniliprole	16,000 µg/l
• Flumetsulam	10,000 µg/l
• Fomesafen	25 µg/l
• Hexazinone	400 µg/l
• Saflufenacil	460 µg/l

Agricultural Chemical Cleanup Program

The Agricultural Chemical Cleanup Program (ACCP) helps cleanup pesticide and fertilizer spills in an effort to prevent these spills/releases from contaminating groundwater, and reimburses the responsible person (RP) for eligible cleanup costs. ACCP works with the RP for the spill and consultants the RP hires to ensure cleanups are completed in accordance with environmental regulations and standards, and in a cost effective and timely manner.

Corrective action often includes an investigation and removal of contaminated soil. For cases where residual contamination remains, groundwater monitoring is often performed for several years to evaluate natural attenuation as a final remedial response. Groundwater monitoring may be required for an extended period of time at some sites, particularly sites where contaminants adsorb to fine grained, low permeability soil.

The environmental quality unit spill coordinator responds to an average of 35 spill responses each year. The spill coordinator also works closely with the DNR on spill response investigations. Agrichemical spills

reported to the DNR Emergency Hotline are then transferred to the DATCP Spill Coordinator. The spill coordinator contacts the Environmental Enforcement Specialist (EES) assigned to the territory where the spill occurred. The EES mobilizes to the site, often within a few hours after the spill was reported. Upon arrival at the spill site, EES staff meet with the RP to discuss the appropriate spill response. Spill clean-up methods range from collecting the spilled product using hand tools, to using absorbent material, or vacuum trucks and street sweepers. Occasionally, contaminated soil is also removed as part of the spill response. EES staff then collect soil samples to document that the spill response has been cleaned up to the extent practical. The EES prepares a report to document the cause of the spill and the corrective action(s) taken.

The ACCP reimburses for a portion of eligible cleanup costs. The discharge site maximum is \$650,000 for eligible costs incurred on or after July 1, 2017. The Agricultural Chemical Cleanup Council, a six-member advisory council composed of farmers and members of the regulated community, review, and make recommendations to DATCP regarding reimbursements. Table 6 details ACCP case numbers for 2022 and the preceding four years.

Table 6: Number of Cases Managed

	2018	2019	2020	2021	2022
ACCP					
Applications received	22	34	23	45	28
Open cases	122	124	124	120	119
Long-term cases – new	6	7	8	11	6
Long-term cases – closed	11	5	14	21	10
Long-term cases – total closed	617	622	636	657	657
Spill Cases					
New	39	39	32	24	28
Closed – same year	30	33	24	8	0
Closed each year – total	50	41	32	17	14
Total closed cases	1,245	1,286	1,318	1,335	1,363

The Agrichemical Cleanup Council (ACCC) plays a key role for the ACCP reimbursement program. Following review of each reimbursement application, ACM staff recommends to the council an amount for reimbursement and seeks approval during quarterly meetings. The council also advises ACM staff on proposed rule changes, fees, and surcharges to fund reimbursement for cleanup. By rule, the council must include two farmers, two pesticide dealers or commercial applicators, one environmental consultant, and one agricultural chemical manufacturer or wholesaler. All council members are appointed by the DATCP Board for two-year terms. To ensure council member terms overlap, three appointments are made each year. Current members may be reappointed to serve another term or new members may be recruited.

ACM would like to thank the following council members who served in 2022:

- Agricultural chemical manufacturer or wholesaler: Frank Masters with Twin State, Inc., of Janesville (member since March 2001)
- Environmental consultant: Benjamin Nelson with Emmons and Olivier Resources, Inc., of Cottage Grove (member since December 2017)
- Farmer: Arch Morton, Jr., of Janesville (member since September 2015)
- Farmer: Kevin Solum of Deer Park (member since July 2022)
- Pesticide dealer or commercial applicator: Jennifer B. Wickman with Cooperative Network of Madison (member since July 2019)
- Pesticide dealer or commercial applicator: Joe Sikora with Insight FS of Jefferson (member since February 2018)

Pesticide Product Restrictions Program

The Pesticide Product Restrictions Program has the authority to place increased restrictions on the use of certain pesticide products. Pesticides, such as DDT, endrin, chlordane, and dinoseb, and metals such as cadmium, are prohibited pesticides in the state. Restrictions can also include limits on certain products for specific uses (like bat control), restrict application methods or timing, or specify other management practices for specific pesticides. The authority also allows increased restrictions on uses of aldicarb and atrazine, two pesticides known to have caused groundwater contamination through past use. Monitoring efforts include groundwater monitoring programs and collection of samples, marketplace inspections, and pesticide use observation inspections.

Feed, Fertilizer, and Containment Unit

The Feed, Fertilizer, and Containment unit includes the following programs:

- Feed
- Fertilizer
- Containment

Feed Program

The Feed Program provides the following services:

- Licensing and tonnage reporting: The program annually licenses approximately 1,550 commercial feed and pet food companies. Each year, these feed companies distribute over 5 million tons of feed in Wisconsin, which includes feed for Wisconsin's livestock and poultry industry and pet food. Feed licensees must report and pay inspection fees on each ton of feed distributed during the previous calendar year.
- Certificates of free sale: The program issues anywhere from 200 - 300 certificates of free sale annually to companies exporting feeds and feed ingredients. Companies submit an application, fee, and label of the feed they want to export and are 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. 2022 brought the introduction of a new request system that will be utilized for all programs that issue certificates of free sale, AccessGov. The program assisted in the development and testing of the system during 2022.
- Inspections and sampling: The 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 100 inspections are completed annually. Feed program staff collect 300 - 600 feed samples each year and send the samples to DATCP's laboratory for analysis.

Table 7 provides feed program data from 2017 to 2022, and includes licensing, tonnage, and inspection data.

Table 7: Feed Program Data

	2018	2019	2020	2021	2022
Feed Program Activity Areas					
Licenses issued	1,544	1,586	1,534	1,570	1,540
Tonnage reported	7,156,846	5,859,213	6,015,438	5,131,796	*
Certificates of free sale issued	243	226	328	152	184
Surveillance samples collected	577	576	298	633	614
Inspections					

Commercial Feed	64	92	85	111	112
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*tonnage reported in respective years is previous years totals

Inspection Prioritization

A facility receives an initial risk assessment using information from the new license application submitted to DATCP and a risk assessment questionnaire completed during an outreach visit by the territory Environmental Enforcement Specialist (EES) subsequent to licensure. With the information provided by the Risk Assessment, past inspection reports, and sampling results, the feed program is able to better assign inspections at an appropriate rate to meet the needs of industry and consumers alike. 57 outreach visits were completed in 2022.

Fertilizer Program

The Fertilizer Program provides the following services:

- License: The program issues about 900 fertilizer, 300 soil and plant additive, and 100 lime licenses annually. Fertilizer, soil and plant additive, and lime licenses are annual and not transferable. A license is required for each business location and mobile unit used for manufacturing or distributing fertilizer, soil and plant additive, or lime.
- Tonnage: The program collects tonnage reports and fees for approximately 2 million tons of fertilizer, 114,000 tons of soil and plant additives, and 700,000 tons of agricultural lime distributed in Wisconsin annually. Each product has a tonnage reporting requirement that involves the reporting of tons of fertilizer distributed and submitting inspection fees and surcharges collected.
- Permits: The program has approximately 3,965 fertilizer products permitted, with approximately 400 permitted annually. Permits are issued for fertilizers less than 24% total NPK (nitrogen, phosphorus, and potassium) and all soil and plant additive products. For soil and plant additives, there are approximately 1,744 products permitted, with approximately 280 products permitted annually.
- Sampling: The program collects samples to ensure the fertilizer meets the label guarantees and economic value. Staff collect approximately 300 - 400 samples each year, which get analyzed by the DATCP. Samples are typically collected in the spring prior to crop planting.

Table 8 details fertilizer programs information, including sampling, permitting and licensing, soil and plant additives, and lime.

Table 8: Fertilizer Program Data

	2018	2019	2020	2021	2022
Fertilizer					
Samples collected	306	288	0	304	268
Licenses issued	751	796	694	811	876
Total permits issued	3,344	3,701	3,976	3,565	3,965
Permits issued – new	536	360	235	387	400
Tonnage reported	1,849,184	1,674,881	1,738,155	2,434,501	2,007,647
Soil and plant additive					
Licenses issued	201	220	214	242	281
Total permits issued	1,165	1,380	1,623	1,443	1,744
Permits issued – new	269	210	221	190	287
Tonnage reported	155,176	111,124	77,940	113,548	114,871
Lime					
Licenses issued	90	97	72	92	92
Tonnage reported	684,550	635,756	721,320	743,135	1,144,060

Containment Program

The Containment Program regulates the storage and handling of bulk fertilizer, pesticide, and non-bulk pesticide to protect against groundwater contamination resulting from both chronic and acute fertilizers and pesticides spillage at storage and handling facilities.

Staff review the design and construction of these facilities, conduct ongoing inspections of these facilities, and investigate facilities that are not complying with the fundamental environmental protection sections of the various rules and statutes. Containment structure construction observations are performed by conservation engineering staff in the Bureau of Land and Water Resources.

Table 9 outlines the volume of containment inspections and cases addresses in 2022 as well as the preceding four years.

Table 9: Containment Program Data

	2018	2019	2020	2021	2022
Inspections					
Full	9	2	3	3	3
Small	115	117	120	114	103
Mix/load	23	20	8	17	10
Sump test	64	72	63	66	48
Cases: Containment Plan Sets					
Reviewed	20	19	35	23	18
Projects	13	9	19	16	9

Pesticides Unit

The pesticides unit includes the following services and programs:

- Applicator Licensing and Certification
- Inspections and Product Registration
- Community Programs

Applicator Licensing and Certification

Licensing:

- Commercial pesticide business location: Businesses that make pesticide applications on a for-hire basis must obtain a pesticide business license and employ individuals who are licensed as an individual commercial applicator.
- Restricted use dealers and distributors: A restricted use pesticide (RUP) license is required of any business that sells or distributes RUPs, either into or within the state.
- Individual commercial applicator: Anyone applying any pesticides on a for-hire basis must have a license.

Certification:

- Commercial and private applicator: Individuals who commercially apply pesticides and anyone who applies restricted use pesticides must be certified by passing a written examination.
- Reciprocal: For individuals who are properly certified in their state of residence and apply pesticides in Wisconsin.
- 30-day trainee registration (temporary certification): Allows an individual to make pesticide applications for-hire while under the direct supervision of an applicator who is certified and licensed.

Table 10 details pesticide licensing and certification levels from 2018 through 2022.

Table 10: Pesticide Applicator Licenses and Certifications

	2018	2019	2020	2021	2022
Licenses Issued					
Pesticide business location	2,381	2,408	2,381	2,396	2,392
Individual commercial applicator	9,239	8,339	8,142	7,874	7,448
Reciprocal	506	-	459	466	513
Restricted use dealer	449	420	397	391	350
Certifications Conducted					
Commercial exams passed	5,616	4,150	1,453	2,312	5,662
Did not pass exam	data not available	1,982	441	data not available	2,532
Temporary commercial applicator certifications (UW PAT online exam) passed*	-	-	1,523	1,484	N/A
Total commercial certified applicators**	19,883	20,500	18,200	20,265	21,936
Private exams passed	2,675	1,689	1,491	453	3,375
Did not pass exam	data not available	19	0	data not available	data not available
Total private certified applicators**	11,789	12,415	11,042	9,081	10,808

*These exams began in 2020, ended August 2021.

**Applicators can have more than one certification.

Online Commercial and Private Pesticide Applicator Certification

The pesticide applicator certification program continues to partner with Pearson Vue to offer computer-based testing options. This is a computer-based exam, which can be taken at a remote location or at one of Pearson Vue's locations that are located at most technical colleges in Wisconsin. Certification through Pearson Vue is treated the same way as in-person testing at DATCP and applicators are granted the five years of certification. This option generated positive feedback from the industry. Applicators test faster and get results and certification within three days of testing. The Pearson Vue online testing went live in November 2021 and 946 applicators received their certification through this format. Indications are that online certifications will increase significantly in 2023.

Product Registration

Pesticide product registration:

- Pesticide manufacturer and labeler licensing: 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 program licenses over 1,600 companies annually.
- Pesticide product listing: Pesticide manufacturer and labeler licensees must report the pesticide products they are listing for distribution in the U.S. There are two types of pesticide products, based on Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) classifications, Section 3, and 25b (minimum risk) products. 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. Wisconsin also requires that 25b products, which are exempt from EPA registration, are listed but no fees are assessed. There are nearly 13,500 pesticide products listed for distribution each year.

- Special registrations and use authorizations: Pesticide products are registered and labeled for specific uses and must be used according to label directions. The program does have the ability to register products for use in Wisconsin to meet specific needs, such as Federal Section 18 emergency exemptions, Wisconsin emergency use permits, and special local need registrations. DATCP also receives requests to conduct experimental research with pesticides in Wisconsin.

Table 11 details the different pesticide product registration that occurred in 2022, as well as the preceding five years for comparison.

Table 11. Product Registrations

	2018	2019	2020	2021	2022
Manufacturers and labelers	1,438	1,445	1,544	1,588	1,649
Pesticide products	12,753	12,558	14,095	13,782	13,344
24(c) special local need (new)	9	3	3	6	2
Section 18 emergency exemption	1	1	1	0	0
Experimental use permits	6	4	0	0	1

Inspections

- Storage, transport, and sale of pesticides: The storage, transport, and sale of pesticides are monitored through inspections and pesticide use observations.
- Pesticide handling, records, disposal, and spills: Pesticide handling, disposal, and spills are monitored through inspections and some functions of the ACCP and containment programs.
- Agricultural Worker Protection Standard (WPS): An EPA regulation adopted into 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. ACM performs approximately 40 WPS inspections each year.
- Private applicator records: Inspections of individuals who purchase and/or apply RUPs to determine whether applicable recordkeeping requirements are being followed. Environmental enforcement staff provide training offered by the University of Wisconsin's (UW) pesticide applicator training program.

Table 12 provides inspection levels for 2018 to 2022.

Table 12: Number of Pesticide Inspections Conducted

	2018	2019	2020	2021	2022
Commercial applicator	62	60	62	110	130
Restricted Use Dealer record	50	85	68	60	64
Pesticide use observations	70	103	126	124	139
Private applicator	46	51	45	74	69
Producer establishment (federal)	11	11	8	8	5
Marketplace	258	11 (federal)	4 (federal)	4 (federal)	12 (federal)
Worker protection	41	50	48	51	58

Community Programs

- Landscape pesticide registry: Allows Wisconsin residents to receive a notification before lawn care and landscape companies apply pesticides to neighboring property.

- 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 (HHW), and unwanted prescription drugs. Funding for these grants is \$750,000 annually from the DNR’s environmental fund. In addition, the program provides limited funding each year to support very small quantity generator (VSQG) waste disposal.

Table 13 provides the volume of landscape pesticide registry use by Wisconsin residents and Clean Sweep Program volume for 2022 and the preceding four years.

Table 13: Community Services and Programs

	2018	2019	2020	2021	2022
Landscape pesticide registry					
Addresses registered	4,521	4,264	4,454	4,461	4,445
Warning notices issued	27	30	27	35	48
Clean Sweep					
HHW (lbs)	2,199,403	2,094,291	3,290,963	2,058,879	3,268,820
Ag and ag business (lbs)	127,960	119,242	82,435	70,337	82,604
Prescription drugs (lbs)	37,483	41,395	27,023	13,411	22,991
VSQG (lbs)	311,659	247,402	233,956	231,230	233,413

Investigation and Compliance Section

The Investigation and Compliance Section performs investigations related to the feed, fertilizer, and pesticide programs. These cases can involve product distribution, storage, use, disposal, or environmental contamination.

Staffing

The section consists of 15 environmental enforcement specialists, two supervisors, and a section manager:

- Environmental enforcement specialists (EES staff) complete inspections and investigational fieldwork that supports the work of the Agrichemical Programs Section.
- Two environmental enforcement specialist staff are classified as advanced and serve as the investigation program manager, and the inspection program manager.
- Two supervisors and a section manager conduct and oversee activities associated with inspections and investigations for ACM program areas.

Starting in FY 2022, investigators returned to standard operating practice after several years of COVID-19 adaptations, including conducting unannounced inspections at regulated commercial establishments. As a result, the section was able to complete the following activities:

- Completed an annual fertilizer assignment that involved the collection of 268 fertilizer samples.
- Completed a federal feed sampling project that involved the collection of 614 feed samples.
- Conducted approximately 51 risk assessments at all locations that held a commercial feed license.

Each EES staff member participated in several job shadowing/mentoring events with their co-workers. These planned events were designed to encourage staff to develop professional relationships with their co-workers and learn the technical skills presented to them so they could utilize each other as resources.

Program Activities

In 2022, the section conducted a total of 122 investigations, with the following types of cases: 109 pesticide, seven animal feed, two containment and four fertilizer, 0 worker protection, and 0 remediation.

Table 14 provides the levels of enforcement of minor issues in unregistered products and worker protection warnings.

Table 14: Minor Enforcement by Program

	2018	2019	2020	2021	2022
Marketplace unregistered products found	20	19	1	61	120
Worker protection written and verbal warnings	28	32	23	26	53

Table 15 breaks out the levels of enforcement cases by program and type.

Table 15: Enforcement Cases by Program

Program	2018	2019	2020	2021	2022
Pesticide	112	124	115	100	107
Groundwater investigations	2	1	0	0	0
Toxic response (see Note)	0	0	0	0	0
Remediation	5	5	0	9	8
License/certification	1	5	0	0	0
Feed	3	1	3	11	7
Fertilizer	0	6	1	1	4
Containment	3	5	3	3	2
Worker protection	2	1	0	1	0
Cases with documented violations	85	101	84	70	71
Percent violation rate	66%	68%	69%	56%	55%

Note: Toxic responses are now handled as Feed Investigation.

Violations may result in enforcement actions ranging from verbal warnings to a court action with civil or criminal penalties depending on the statutory authorities in specific program areas. All civil or criminal cases conducted by the section are prosecuted by the district attorney's (DA) office in the county where the alleged violation(s) occurred. A majority of the formal enforcement actions are conducted by the section through stipulated settlements, with court documents being prepared by the section.

Table 16 provides the numbers of various enforcement actions taken during 2022.

Table 16: Enforcement Action Taken

Action Type	2022
Verbal warning	22
Warning notice – investigator	50
Warning notice – office	39
Administrative order	1
Compliance conferences	76
Civil forfeiture action submitted to DA	65
Criminal action submitted to DA	0
Referred to EPA	0
Total	212

In 2022, 65 cases were delivered to county district attorney offices for prosecution. These cases include investigations from previous years. DATCP assigns the highest response to complaints involving alleged human exposure to pesticides and commercial feed complaints involving impacts to human food supply species. In 2022, the section investigated 25 complaints involving alleged pesticide drift, with 21 of the complaints involving agricultural applications and four involving non-agricultural applications.

Future Efforts

In 2023, the section will continue with multiple inspection activity types introduced in FY2022.

1. Initiate an inspection type, “First Year Feed Outreach.” EES staff will conduct an on-site visit at business sites that obtained their first commercial feed license. This activity will allow EES staff to introduce themselves, explain our regulations pertaining to the commercial feed industry, discuss the most common violations associated with the commercial feed industry, and offer DATCP assistance as a resource that is welcoming and willing to assist them in the future. ESS staff will also complete a commercial feed assessment at each site visited.
2. Initiate a new inspection type, “First Year Pesticide Outreach.” EES staff will conduct an inspection at business sites that recently obtained their first pesticide commercial application business license. This activity will allow EES staff to introduce themselves, explain regulations, discuss the most common violations associated with the commercial application of pesticides, and offer DATCP as a future resource that is welcoming and willing to assist them in the future.

In 2023, the section will review data for two special projects streamlining EES activities and reallocating workloads.

1. Initiate a project committee to review territory realignment. Territories boundaries have not been evaluated for over 20 years within the Bureau. This project is intended to reassess the current territories with the possibility of distributing workload more evenly among the EES field staff.
2. Initiate a project committee to review Containment inspections reporting metrics. Reporting metrics have not been evaluated for over 20 years within the Bureau. This project is intended to explore two different measures of accountability. One is to establish that all EES field staff are reporting containment inspection activities consistently amongst one another. The other is to verify and possibly adjust the accuracy of work plan hours reported for all containment type inspections completed.

All program specialists within ACM continue to play a role in training opportunities to section staff. The program specialists are essential to the ongoing professional development and training of staff. The provided training opportunities are significant, as about half of the staff have less than six years of experience. ACM also provided training for all of the environmental enforcement specialist staff. Job

shadowing opportunities with more experienced staff and other Bureau staff also remains a priority and serves as an extremely valuable training platform and a team building exercise.

Table 17 details the volume and types of pesticide compliance cases for 2018-2022.

Table 17: Types of Pesticide Cases

Case Type	2018	2019	2020	2021	2022
Aerial – Airplane/Drone	3	6	3	7	6
Aerial – Helicopter	1	3	3	0	0
Greenhouse – Nursery	0	0	0	0	0
Ground Application-Ag	40	42	31	21	28
Improper Disposal	0	1	1	0	1
Other Non-Ag	8	13	3	2	5
Poor Operating Practices	0	4	42	44	40
Right-of-Way	6	5	3	4	0
Structural	9	7	4	1	3
Turf & Ornamental	27	43	25	21	24
Vandalism	0	0	0	0	0
Total	94	124	115	100	107



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