



2021 Annual Report

Bureau of Agrichemical Management

Wisconsin Department of Agriculture, Trade and Consumer Protection



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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.

Due to COVID-19 pandemic precautions, DATCP employees were able to tele-commute, which has now evolved into hybrid mix of telecommuting and working in the office. This annual report highlights the continued pandemic response-related projects and routine regulatory, environmental, and enforcement work. The report also 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) 2021, which is from July 1, 2020 through June 30, 2021. Federal grants operate October 1, 2020 through September 30, 2021. 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 2021, compared to historic revenue amounts, as a result of implementing RevEx (more info on page 5) fee changes.

In addition to industry fees, ACM programs are supported by a federal grant from the U.S. Environmental Protection Agency (EPA). This pesticide grant is used to implement, investigate, and enforce pesticide use laws and regulations. In FY 2021, the EPA grant was \$483,989.

	Revenue		Expenditures	Ending Balance
Opening Balance	\$13,392,233	ACM Programs	(\$7,430,391)	
Revenue Total	\$7,810,282	Other Programs	(\$789,500)	
Total	\$21,202,515	Total	(\$8,219,891)	\$12,982,624

Agricultural Chemical Cleanup Program Fund

The Agricultural Chemical Cleanup Program (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. The balance amount continues to decrease, as no surcharges were collected in FY 2021 due to the surcharge holiday. In FY 2021, 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.

	Revenue	Expenditures	Total
Opening Balance	\$5,479,414		
Total Revenue	\$15,681		
Reimbursements		(\$958,517)	
Other		(\$0)	
Closing Balance			\$4,536,578

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.

Non-ACM Program	Amount
DATCP Division of Animal Health	(\$442,900)
UW Discovery Farms	(\$252,700)
DATCP Ag in the Classroom	(\$93,900)
Total	(\$789,500)

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.

ACM Program	Revenue
DNR Environmental Fund	\$1,689,079
UW Fertilizer Research Council	\$366,334
UW Nutrient Management Program	\$211,305
UW Lime Research Program	\$13,212
DATCP Weights and Measures	\$159,720
Total	\$2,439,650

Direction for the Coming Year

The revenue and expenditure (RevEx) project that commenced in 2018, continued in 2021, 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 surcharges. Future accruals will occur more slowly as a result of these fee changes.

Continuing Covid-19 Adaptations

ACM regularly seeks continuous improvement projects to streamline processes and better serve Wisconsinities. Numerous projects have accelerated throughout the COVID-19 pandemic. These adaptations included an increased digital footprint, decreased reliance on hard copy documentation for inspections, and improvement in online pesticide applicator testing options.

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 2021 continued to be critical to ACM operations, supporting increased responsiveness to COVID-19 challenges and telecommuting concerns:

- **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.
- **Timesheets** – ACM staff collect timesheet data for an Environmental Protection Agency (EPA) grant. Formerly, this was also a heavily paper-driven process, requiring an office assistant to re-enter data that was approved via a lengthy email process. Deployed in 2019, this solution eliminates paper, automates reminders, and allows for electronic approvals by management.
- **Program-specific solutions** – A number of ACM programs have started to use SharePoint to develop forms for both internal and external use. These forms collect data immediately, eliminating paper submissions that require data-entry into other systems. Clean Sweep grants, landscape registry complaints, and dealer records inspections all have some content using SharePoint solutions.

Strategic Plan

In 2021, the ACM management team finalized the bureau's strategic plan for 2021-2025. The development of the new strategic plan began in November of 2020, with the goal of developing strategic goals and objectives to guide and focus ACM activities over the next three to five years. The strategic planning team included a bureau-wide team of 14 managers and staff.

This strategic plan will guide 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.

As a result of the planning process, ACM has adopted 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

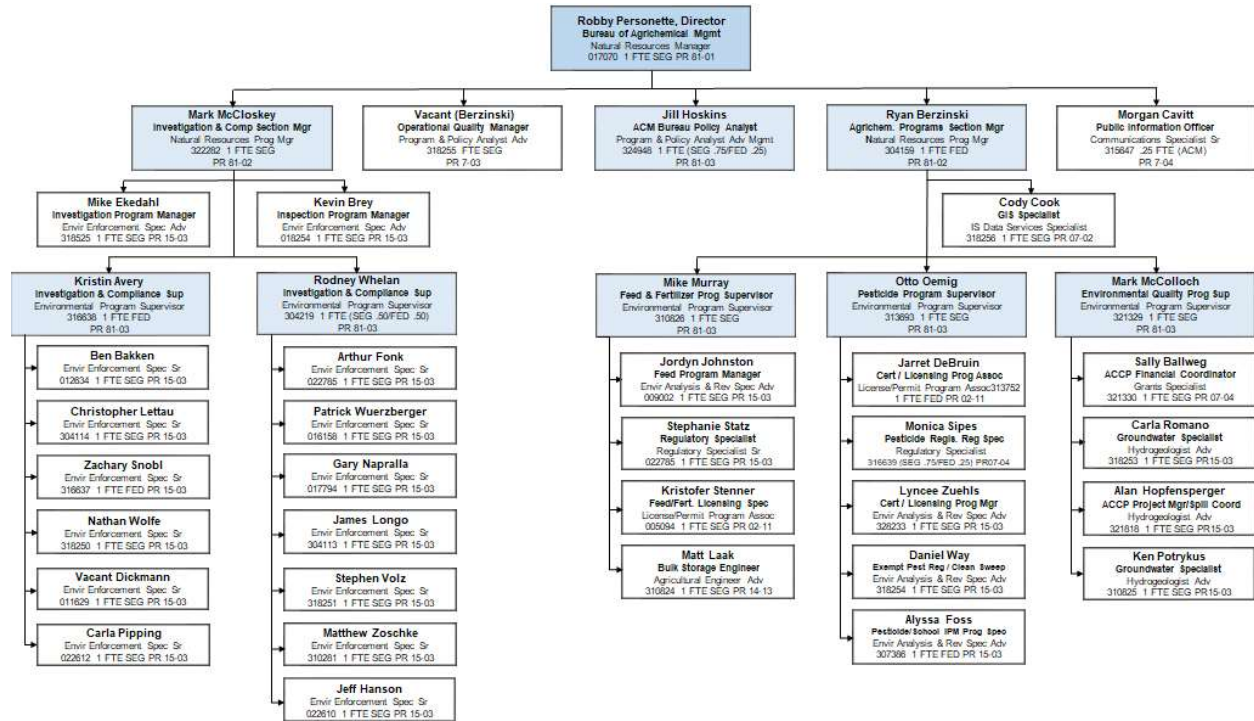
In December 2021, ACM implemented an Operational Quality Management program to assess compliance, consistency, effectiveness, and efficiency of individual ACM programs and bureau-wide activities. Quality Management supports the second strategic goal to optimize ACM operational functions through effective and efficient programs. The Quality Management program comprises process audits and program evaluations. Process audits are an examination of internal processes, existing tools and technology, workflows, and documentation to address compliance with statutory duties and consistency in the performance of those duties. 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

ACM continued efforts to update the current Case Tracking System, incorporating use of the Customer Relationship Management (CRM) tool. Each agrichemical program is working closely with developers and integrators to conduct discovery and transition existing tasks and procedures into the new CRM tool. Meetings will continue in the following year to elaborate on scope and processes to ensure the new CRM tool supports bureau operations and enables more efficient operations.

Organization Chart

ACM is separated into two sections: Agrichemical Programs, and Investigation and Compliance. Each of these sections has its own units, and each unit manages multiple programs. An overview of each section, and highlights from FY21 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 manage specific programs along with licensing or grant management staff, depending on the program.

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 2021 and the preceding four years.

	2017	2018	2019	2020	2021
Groundwater	276	294	290	209	285
Surface water	88	140	105	69	121

In 2021, ACM received a \$50,000 supplemental grant from the EPA to install additional monitoring wells at existing field edge groundwater monitoring sites in Adams, Iowa, Sauk, and Waushara counties. ACM staff obtained bids for drilling services and supervised the installation of seven additional monitoring wells. 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. Results for samples collected from field edge monitoring wells will be summarized in annual reports.

2021 Highlight

Multi-Agency Review of Groundwater Quality Standards

In 2021, staff continued to support the DNR rule making process. DNR is responsible for creating new standards within NR 140. When DATCP detects pesticides in groundwater samples, the data is shared with DNR and the Wisconsin Department of Health Services (DHS) so that new standards can be considered.

DATCP submitted lists of pesticides for consideration to DNR, and DNR submitted a list of compounds to DHS on March 2, 2018 requesting an evaluation for groundwater standards. That list, designated as “cycle 10”, included pesticides, bacteria, metals, volatile organic compounds, and PFAS. 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. Program staff published

the following pesticide fact sheets in June 2020 under consideration for the tenth cycle review of groundwater standards:

- Clothianidin
- Dacthal, Dacthal MTP, Dacthal TPA
- Glyphosate, Glyphosate AMPA
- Imidacloprid
- Isoxaflutole, Isoxaflutole DKN, Isoxaflutole BA
- Neonicotinoids
- Sulfentrazone
- Thiamethoxam
- Thiencarbazone-methyl

Program staff also published the following pesticide fact sheets in December 2021 under consideration for the eleventh cycle review of groundwater standard.

- Metalaxyl
- Chlorantraniliprole
- Flumetsulam
- Fomesafen
- Hexazinone
- Saflufenacil

These fact sheets are available to view on [DATCP's website](https://datcp.wi.gov/Pages/Programs_Services/GroundwaterStdsPesticides.aspx) (https://datcp.wi.gov/Pages/Programs_Services/GroundwaterStdsPesticides.aspx).

In 2020, program staff attended stakeholder meetings and provided support for the DNR's Economic Impact Analysis (EIA). DNR performed an EIA for compounds on the cycle 10 list and solicited comments during 2021. A public hearing for proposed cycle 10 groundwater standards was held on January 6, 2022. 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 will take place under a new scope statement. 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 NR 140 can be found on the [DNR's website](https://dnr.wi.gov/topic/Groundwater/NR140.html) (<https://dnr.wi.gov/topic/Groundwater/NR140.html>) and [DATCP's website](https://datcp.wi.gov/Pages/Programs_Services/GroundwaterStdsPesticides.aspx) (https://datcp.wi.gov/Pages/Programs_Services/GroundwaterStdsPesticides.aspx).

Agricultural Chemical Cleanup Program

The Agricultural Chemical Cleanup Program (ACCP) helps cleanup pesticide and fertilizer spills to prevent them from contaminating groundwater and reimburses for eligible cleanup costs. ACCP works with the person responsible for the spill and consultants they hire to ensure cleanups are completed in accordance with environmental regulations 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. An innovative in-situ treatment technology was completed at two ACCP sites with persistent groundwater pesticide contamination. Bioavailable Absorbent Media (BAM) was injected into the subsurface through a series of small diameter borings spaced in a grid like pattern. BAM is a sustainable, pyrolyzed, recycled cellulosic bio-mass product (>80% fixed carbon) derived from a proprietary blend of recycled organic materials with a high cation exchange. Once BAM is injected into the subsurface, it absorbs contaminants promoting the bio-attenuation of contaminants. Initial post treatment groundwater samples collected from the treatment zone showed significant declines in pesticide concentrations. Groundwater monitoring is underway to evaluate results at two or more years post-treatment.

The environmental quality unit spill coordinator responds to an average of 40 spill responses each year. The spill coordinator also works closely with DNR on spill response investigations. Agrichemical spills reported to the DNR Emergency Hotline are transferred to DATCP Spill Coordinator. The spill coordinator then 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 responsible person to discuss the appropriate spill response. Spill responses range from collecting the spilled product using hand tools to 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. EES then prepares a report to document the cause of the spill, and the corrective action taken.

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 2021 and the preceding four years. These numbers summarize at a high level the volume of intake, handling, and closure of cases, year over year.

Table 6: Number of Cases Managed					
	2017	2018	2019	2020	2021
ACCP					
Applications received	22	22	34	23	45
Open cases	127	122	124	124	120
Long-term cases – new	4	4	5	8	6
Long-term cases – closed	15	11	5	14	21
Long-term cases – total closed	606	617	622	636	657
Spill Cases					
New	26	39	39	32	24
Closed – same year	4	30	33	24	8
Closed each year – total	32	50	41	32	17
Total closed cases	1,195	1,245	1,286	1,318	1,335

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 Secretary 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 2021:

- **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:** Marv Prestrud of Prairie Farm (member since July 2014)
- **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

Pesticides, like DDT, endrin, chlordane, and dinoseb, and metals, like 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.

- **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 2021, and includes licensing, tonnage, and inspection data.

Table 7: Feed Program Data					
	2017	2018	2019	2020	2021
Licenses issued	1,429	1,544	1,586	1,534	1,570
Tonnage reported	7,588,124	7,156,846	5,859,213	6,015,438	5,131,796
Certificates of free sale issued	439	243	226	328	152
Surveillance samples collected	617	577	576	298	633
Inspections					
Commercial Feed	60	64	92	85	111
FDA BSE & MFL*	6	6	0	0	0

*These contracted inspections were discontinued.

2021 Highlight

Facility Risk Assessments for 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. Assessments are revisited during facility inspections conducted after the initial risk ranking is assigned. The facility's inspection rotation will be adjusted accordingly.

Scoring for Risk Categorization

1. The state program uses three risk categories: low, medium, and high.
2. Feed facilities are assessed against a series of risk factor categories in the risk matrix. The overall risk of a facility is determined by the risk score. Assessments will primarily occur for licensed facilities. A few facilities are exempt from licensure under Wis. Stat. § 94.72(5) (a) 3, but still subject to inspection because they manufacture medicated feed (reference Wis. Admin. Code § ATCP 42.46), thus those few facilities will also require risk assessment. The risk factor categories are:
 - i. Types of processing/manufacturing,
 - ii. Types of feed and feed products,
 - iii. Manufacturing capacity,
 - iv. Manufacturing practices,
 - v. Surveillance sampling compliance, and
 - vi. Investigatory violations.

Inspection Frequency

1. High-risk firms are inspected once every thirty-six (36) month period.
2. Medium-risk firms are inspected once every forty-eight (48) month period.
3. Low risk firms are inspected once every sixty (60) month period.
4. Inspection frequencies are minimum rates. Inspection priority and resources may be directed to high-risk firms, and firms that have compliance issues, as needed.

Fertilizer Program

The Fertilizer Program provides the following services:

- **License:** The program issues about 800 fertilizer, 200 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 1.7 million tons of fertilizer, 100,000 tons of soil and plant additive, and 700,000 tons of 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 3,976 fertilizer products permitted, with approximately 500 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 1,623 products permitted, with approximately 200 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					
	2017	2018	2019	2020	2021
Fertilizer					
Samples collected	293	306	288	0*	304
Licenses issued	811	751	796	694	811
Total permits issued	2,869	3,344	3,701	3,976	3,222
Permits issued – new	582	536	360	235	387
Tonnage reported	1,754,777	1,849,184	1,674,881	1,738,155	2, 434,501
Soil and plant additive					
Licenses issued	208	201	220	214	242
Total permits issued	941	1,165	1,380	1,623	1,311
Permits issued – new	174	269	210	221	190
Tonnage reported	98,864	155,176	111,124	77,940	113,548
Lime					
Licenses issued	100	90	97	72	92
Tonnage reported	947,773	684,550	635,756	721,320	1,270,181
*No samples were collected in 2020 due to COVID					

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 2021 as well as the preceding four years.

Table 9: Containment Program Data					
	2017	2018	2019	2020	2021
Inspections					
Full	11	9	2	3	3
Small/chemigation	103	115	117	120	114
Mix/load	17	23	20	8	17
Sump test	58	64	72	63	66
Cases: Containment Plan Sets					
Reviewed	34	20	19	35	23
Projects	17	13	9	19	16

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 2017 through 2021.

Table 10: Pesticide Applicator Licenses and Certifications					
	2017	2018	2019	2020	2021
Licenses Issued					
Pesticide business location	2,385	2,381	2,408	2,381	2,396
Individual commercial applicator	8,887	9,239	8,339	8,142	7,874
Reciprocal	-	506	-	459	466
Restricted use dealer	445	449	420	397	391
Certifications Conducted					
Commercial exams passed	4,118	5,616	4,150	1,453	2,312
Did not pass exam	data not available	data not available	1,982	441	data not available
Temporary commercial applicator certifications (UW PAT online exam) passed*	-	-	-	1,523	1,484
Total commercial certified applicators**	18,953	19,883	20,500	18,200	20,265
Private exams passed	2,083	2,675	1,689	1,491	453
Did not pass exam	data not available	data not available	19	0	data not available
Total private certified applicators**	12,352	11,789	12,415	11,042	9,081

*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 made major adjustments in 2021 after adjustments made during the COVID-19 pandemic. In 2020, DATCP could not hold in-person testing due to public health restrictions. With the help of the University of Wisconsin Pesticide Applicators Program, exams were moved to an online testing model. The temporary certification credentials obtained from passing the online exam were ultimately extended to December 31, 2021. Individuals with certifications that expired in 2020 initially had their certifications extended to October 31, 2020 and then again to December 31, 2021.

Since there were two years of certification to be made up for, DATCP looked at permanent solutions for online exam options. Needing a system that could keep the integrity of the exams,

the program partnered with Pearson Vue. This is a computer based exam, which can be taken at a remote location or at one of Pearson Vues 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 38 applicators received their certification through this format. Indications are online certifications will increase significantly in 2022.

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 nearly 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 more than 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 2021 as well as the preceding four years for comparison.

Table 11: Product Registrations						
	2016	2017	2018	2019	2020	2021
Manufacturers and labelers	1,411	1,437	1,438	1,445	1,544	1,588
Pesticide products	13,298	13,355	12,753	12,558	14,095	13,782
24(c) special local need (new)	6	2	9	3	3	6
Section 18 emergency exemption	0	1	1	1	1	0
Experimental use permits	1	0	6	4	0	0

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 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. 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 2017 to 2021.

	2017	2018	2019	2020	2021
Commercial applicator	58	62	60	62	110
Restricted Use Dealer record	44	50	85	68	60
Pesticide use observations	90	70	103	126	124
Private applicator	32	46	51	45	74
Producer establishment (federal)	14	11	11	8	8
Marketplace	313	258	11 (federal only)	4 (federal only)	4 (federal only)
Worker protection	43	41	50	48	51

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 2021 and the preceding four years.

Table 13: Community Services and Programs					
	2017	2018	2019	2020	2021
Landscape pesticide registry					
Addresses registered	5,300	4,521	4,264	4,454	4,461
Warning notices issued	39	27	30	27	35
Clean Sweep					
HHW (lbs)	2,166,369	2,199,403	2,094,291	3,290,963	2,058,879
Ag and ag business (lbs)	140,925	127,960	119,242	82,435	70,337
Prescription drugs (lbs)	38,513	37,483	41,395	27,023	13,411
VSQG (lbs)	310,416	311,659	247,402	233,956	231,230



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.

Impacts of COVID-19

In 2021, the COVID-19 pandemic continued to affect operations and how staff performed their work. The directive to only perform essential tasks beginning in late March 2020 carried over to the first 6 months of 2021, with some restrictions easing over time. In July 2021, DATCP staff were allowed to return to the office site to conduct work. At the same time, few post-COVID-19 pandemic operational restrictions remained in place. However, responding to pesticide use and commercial feed complaints was considered essential work and generally not impacted by pandemic-related restrictions. Starting in July 2021, investigators returned to standard operating practice, including conducting unannounced inspections at regulated commercial establishments. Prior to July 2021, and as a result of COVID-19 restrictions, all in-field inspections were planned in advance.

Due to public health restrictions in 2021, the section, for the second year in a row, suspended its annual fertilizer sample collection assignments, which normally occur from late March through May. As a result, the section was able to complete the following activities:

- Completed a federal feed sampling project that involved the collection of 400 feed samples.
- Conducted approximately 600 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 that they could utilize each other as resources in the future.

Program Activities

In 2021, the section conducted a total of 124 investigations, with the following types of cases: 100 pesticide, 11 animal feed, three containment and one fertilizer, one worker protection, and nine remediation.

Table 14 provides the levels of enforcement of minor issues in unregistered products and worker protection warnings. Table 15 breaks out the levels of enforcement cases by program and type.

Table 14: Minor Enforcement by Program

	2017	2018	2019	2020	2021
Marketplace unregistered products found	15	20	19	1	61
Worker protection written and verbal warnings	26	28	32	23	26

Table 15: Enforcement Cases by Program

	2017	2018	2019	2020	2021
Pesticide	107	112	124	115	100
Groundwater investigations	0	2	1	0	0
Toxic response (see Note)	0	0	0	0	0
Remediation	4	5	5	0	9
License/certification	6	1	5	0	0
Feed	7	3	1	3	11
Fertilizer	3	0	6	1	1
Containment	5	3	5	3	3
Worker protection	0	2	1	0	1
Cases with documented violations	103	85	101	84	70
Percent violation rate	78%	66%	68%	69%	56%

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 2021.

Table 16: Enforcement Action Taken	2021
Verbal warning	22
Warning notice – investigator	50
Warning notice – office	1
Administrative order	1
Compliance conferences	78
Civil forfeiture action submitted to DA	60
Criminal action submitted to DA	0
Referred to EPA	0
Total	212

In 2021, 60 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 2021, the section investigated 34 complaints involving alleged pesticide drift, with 24 of the complaints involving agricultural applications and 10 involving non-agricultural applications.

Direction for the Coming Year

- In 2022, the section will continue to implement operational practices that are necessary and required that address Covid-19 impacts. The section will also initiate multiple new inspection activity types.
1. Initiate a new inspection type, **“First Year Feed Out Reach”**. 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 relevant 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 Out Reach”**. 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 relevant 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.
 3. Initiate a newer inspection type, **“Pesticide Business Location (PBL) License Check”**. EES staff will conduct an inspection at business sites that have advertised in such a manner that it would appear they are in the business of making commercial for-hire pesticide applications. EES staff will verify if the company has a valid PBL license, which is required of all businesses that commercially apply pesticides. Assuming a company is not found to be holding a valid PBL license, EES staff will initiate an inspection involving that company to inquire if a license is necessary.
 4. Initiate invitations to provide **“Worker Protection Rule Speaking Presentations”**. EES staff will seek out speaking opportunities at food producing establishments to address WPS requirements for the identified establishments. This is a proactive activity that is intended to enhance the exposure to the WPS program and its regulatory requirements for relevant regulated establishments.

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 the 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 2017-2021.

Compliance Data

	2017	2018	2019	2020	2021
Aerial – Airplane	3	3	6	3	7
Aerial – Helicopter	2	1	3	3	0
Greenhouse – Nursery	1	0	0	0	0
Ground Application-Ag	29	40	42	31	21
Improper Disposal	1	0	1	1	0
Other Non-Ag	1	8	13	3	2
Poor Operating Practices (see Note)	0	0	4	42	44
Right-of-Way	2	6	5	3	4
Structural	11	9	7	4	1
Turf & Ornamental	44	27	43	25	21
Vandalism	0	0	0	0	0
Total	94	94	124	115	100

Note: Poor Operating Practices comprise violations that do not involve a release and are generally more administrative in nature (i.e. possessing a valid certification but not an annual license). Bureau practice evolved in 2019 to create a clearer separation between these types.

