

DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION NOTICE OF PROPOSED GUIDANCE DOCUMENTS

Pursuant to section 227.112 of the Wisconsin Statutes, the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) is hereby accepting comments on the proposed guidance document:

Temporary and Emergency Grain Storage

LOCATION OF PROPOSED GUIDANCE

Proposed guidance document may be reviewed by accessing:

[https://datcp.wi.gov/Pages/About Us/GuidanceDocuments.aspx](https://datcp.wi.gov/Pages/About%20Us/GuidanceDocuments.aspx)

SUBMITTING PUBLIC COMMENTS

Public comments on proposed or adopted guidance document may be submitted by accessing:

[https://datcp.wi.gov/Pages/About Us/GuidanceDocuments.aspx](https://datcp.wi.gov/Pages/About%20Us/GuidanceDocuments.aspx)

DEADLINE FOR SUBMISSION

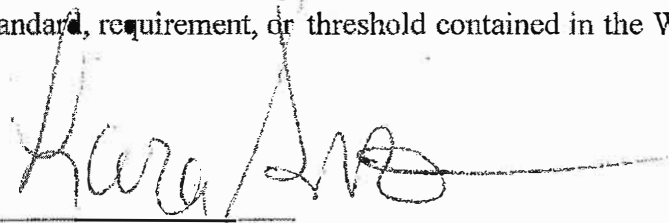
The comment period will run no fewer than 21 days after the publication of this document in the Administrative Register.

AGENCY PUBLICATION

The attached guidance document contains statements or interpretations of law under the following applicable provisions of federal law or the applicable state statutory or administrative code provisions: Wis. Stat. ch. 126, Wis. Admin. Code, ch. 99.

CERTIFICATION

Pursuant to the authority delegated to me by the Secretary, I have reviewed the attached guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.



Lara Sutherlin
Administrator

Division of Trade and Consumer Protection



Wisconsin Department of Agriculture, Trade and Consumer Protection

Choose an item.

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GUIDANCE DOCUMENT

Temporary and Emergency Grain Storage

This guidance document is based on Wis. Stat. ch. 126 and chapter(s) ATCP 99 Wis. Admin. Code. This document is intended solely as guidance, and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations, and is not finally determinative of any of the issues addressed.

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

November 8, 2019

Lara Sutherland - Administrator, Division of Trade and Consumer Protection

DATE

Contributors:



State of Wisconsin
Department of Agriculture, Trade and Consumer Protection

Temporary and Emergency Grain Storage

State Licensed Grain Warehouse Keepers

Things to consider when storing grain in temporary and emergency structures, Ag bags, or ground piles:

- Only company owned, and no depositor grain, can be stored in free flowing uncontained ground piles {Wis. Stat. s. 126.25}.
- All storage structures used to store depositor grain must be added to your licensed storage capacity before you begin storing depositor grain in those structures {Wis. Stat. s. 126.26(10)}. This includes all temporary storage, ag bags, and rented/leased offsite or farm storage.
- Storage must be adequate to maintain the quality and quantity of grain stored for depositors {Wis. Stat. s. 126.34(3)}. While there are no specific requirements, **best practices include:**
- Using a concrete or asphalt base surface sufficient to sustain use of heavy machinery and that slopes away from the center or has no low points where water can pool.
- Using aeration and a puncture resistant cover, preferably white.
- Monitoring the temperature of the grain periodically over the time it remains in storage.
- Putting only good quality, low moisture grain in these structures.
- For Ag Bags, clearing and mowing dirt ground surfaces to prevent puncturing.

Grain Producers/Depositors

Things for producers to consider and questions to ask:

- Does the business you intend to store grain with have a grain warehouse keeper license?
- Where in the facility will your grain be stored?
- Does it appear that storage structures are adequate to maintain the quality of grain stored? (see best practices above)
- Be aware of all storage charges, discounts, and deductions before you deliver or sell your grain.
- Be sure to obtain proper scale tickets, receipts, settlement sheets, and monthly storage statements.
- If you are selling your grain rather than storing your grain, make sure the buyer holds a grain dealer license.
- Once you sell your grain, you must receive payment within 7 days of the date delivered and sold, unless you have entered into a proper deferred payment contract. See <https://docs.legis.wisconsin.gov/document/statutes/126.19>.