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TO: Members, Assembly Committee on Agriculture
FROM: Rep. Scott Krug
RE: AB 154; use of certified seed potatoes in planting potatoes and providing a penalty
DATE: April 8th, 2025

Wisconsin stands as the nation's third-largest potato producer, with over 65,225 acres planted in 2024, yielding 26.04 million cwt and generating \$320 million in economic value. As a top-5 seed potato-producing state, Wisconsin certified over 9,600 acres of seed potatoes valued at \$75 million annually, supported by the Wisconsin Seed Potato Certification Program (WSPCP), a national leader in ensuring disease-free, high-quality seed potatoes for Wisconsin and the U.S. since 1913.

Maintaining clean, pathogen-free seed is vital for the potato industry. Current law mandates certified seed potato use for plantings of five or more acres, with limited waivers issued by the Department of Agriculture, Trade and Consumer Protection (DATCP). However, recent violations by bad actors jeopardized the integrity of Wisconsin's seed potato industry, revealing weaknesses in enforcement mechanisms and penalties.

Senate Bill 164 strengthens existing law by enhancing DATCP's enforcement authority, increasing penalties, and allowing targeted mitigation efforts. This legislation is modeled after Wisconsin's successful late blight statute and developed in collaboration with DATCP, the Wisconsin Potato & Vegetable Growers Association, and industry stakeholders.

Key provisions include:

- DATCP authority to impose geographic planting restrictions on waived seed potatoes.
- Mandatory destruction of noncompliant acreage at the grower's expense if ordered by DATCP.
- Substantially increased penalties of up to \$5,000 per acre per violation, ensuring stronger deterrence.

Protecting Wisconsin's potato industry is essential for our agricultural economy and national food security. I urge your support for Senate Bill 164 to safeguard our seed potato supply and maintain Wisconsin's leadership in potato production.



PATRICK TESTIN

STATE SENATOR

DATE: April 8th, 2025

RE: **Testimony on Assembly Bill 154**

TO: The Assembly Committee on Agriculture

FROM: Senator Patrick Testin

Thank you Chairman Tranel and members of the committee for accepting my testimony on Assembly Bill 154.

Wisconsin is the nation's third largest potato-producing state. In 2024, Wisconsin's total planted potato acreage was valued at \$320 million. Wisconsin is also a top-5 seed potato producing state, with over 9,600 acres of seed potatoes certified in 2024 and valued at \$75 million annually.

Since 1913, the Wisconsin Seed Potato Certification Program (WSPCP) has been a national leader in inspecting and certifying Wisconsin seed potatoes. The key objective of the program is to maintain clean, varietally-pure, pathogen-free tissue culture of potatoes in vital support of the potato industry in Wisconsin and across the U.S.

To protect the viability of Wisconsin's commercial potato industry and the availability of clean, pathogen-free seed in Wisconsin, current law requires any person that plants five or more acres of potatoes to plant certified seed potatoes.

During the 2023 growing season, a couple of bad actors planted seed potatoes in violation of Wisconsin's seed potato laws and the penalties and authority available under current law to deter these actions were not effective. The planting of these potentially harmful seed potatoes in close proximity to Wisconsin's valuable seed potato acres not only put that current seed crop at risk, but also posed a risk for future commercial acres potentially impacting the availability of clean, viable seed for future growing seasons.

As such, we are proposing AB154, which will provide DATCP with additional enforcement authority and penalties for violations of Wisconsin's current seed potato laws. This legislation is modeled after Wisconsin's late blight statute, which was similarly updated in 2017 has worked very well to help control and prevent the spread of late blight in Wisconsin's commercial potato crops.

I ask for your support and am happy to take any questions.

ASSEMBLY AGRICULTURE COMMITTEE HEARING – April 8, 2025
TESTIMONY IN SUPPORT OF AB 154 – Use of Certified Seed Potatoes

TAMAS HOULIHAN

Wisconsin Potato & Vegetable Growers Association

Good afternoon, Chairman Tranel and members of the Committee. My name is Tamas Houlihan, and I am the Executive Director of the Wisconsin Potato & Vegetable Growers Association. With me today are Jeff Suchon, a member of the Wisconsin Seed Potato Improvement Association and a Wisconsin seed potato grower, and Brooke Babler, Program Director for the Wisconsin Seed Potato Certification Program.

On behalf of the WPVGA, I urge you to **support** Assembly Bill 154. The Wisconsin Potato & Vegetable Growers Association (WPVGA) has represented Wisconsin potato and vegetable growers since 1948. Our growers strive to grow food sustainably and are committed to providing families across America with high quality, healthy food.

Wisconsin is a national leader in potato and vegetable production. Wisconsin ranks *third in the nation* for potatoes. We grow 65,000 acres of potatoes annually and produce 25 million hundredweight.

Wisconsin has had a seed potato law since 1913, and the legislature updated the law most recently in 2017. Our seed potato law requires that commercial potato growers who plant more than 5 acres of potatoes must plant certified seed (2017 WI Act 46). Certified seed potatoes are potatoes that have been certified for purity and freedom from disease by Wisconsin's Seed Potato Certification Program. Seed potatoes are inspected and this certification and planting requirement is critical to protecting the health and high quality of Wisconsin's crop.

For decades, the potato growing industry in Wisconsin and DATCP have worked together to ensure that standards for seed potatoes are met each growing season. This system has worked well. However, last summer, a couple of individuals who did not want to comply with the seed certification requirements, realized that the Department lacked appropriate enforcement authority to compel compliance.

Currently, the Department is limited to assessing a forfeiture of \$150 per acre for each acre of potatoes that is planted in violation of the law. The Department has no authority to assess any penalty for violations of waiver requirements, and no authority to order removal of potatoes planted in violation of the law.

The two separate incidents last summer of individuals violating Wisconsin's standards put thousands of acres of potatoes at risk. We are asking the legislature to pass this bill to provide DATCP with appropriate enforcement authority to help deter bad actors and to continue our tradition of producing high quality potatoes in Wisconsin.

Thank you to Senator Testin and Representative Krug for authoring this legislation and thank you members of the Committee for allowing me to testify today.

ASSEMBLY AGRICULTURE COMMITTEE HEARING – April 8, 2025
TESTIMONY IN SUPPORT OF AB 154 – Use of Certified Seed Potatoes

JEFF SUCHON

Wisconsin Seed Potato Improvement Association

Good afternoon, Chairman Tranel and members of the Committee. My name is Jeff Suchon. I am a member of the WPVGA Board and the Immediate Past President of the Wisconsin Seed Potato Improvement Association Board. I am also the seed farm manager at Bushman Riverside Ranch in Crivitz, Wisconsin, a seed farm owned by a fourth-generation potato grower. We raise 450 acres of seed potatoes, specializing in Silverton Russets, Caribou Russets and other trial varieties. Thank you for holding a hearing today on AB 154, which is very important to Wisconsin potato growers.

The WSPIA was established in 1905 and in 1913 a formal plan for inspection and certification of potato seed was put into place in Wisconsin. The same objectives of “varietal purity” and “freedom from disease” determined from field inspections were part of that original program and remain the backbone of our seed program today.

Wisconsin is one of 16 states in the United States that grows certified seed potatoes. Wisconsin consistently ranks 5th in US seed potato production with just over 9,600 acres of certified seed planted. To put that into perspective, on average, the potatoes produced from those acres alone have an average value of \$67.2 million. Those 9,600 acres also produce enough seed to supply nearly 112,000 acres of commercial potato fields, which, depending on the marketing year, could produce nearly \$627 million dollars. It would be a very large gap in the supply chain if Wisconsin’s seed crop was rejected for disease reasons, even if just for 1 season.

The fundamental goal of Wisconsin’s seed program is to improve the quality and productivity of commercial potato plantings. Meeting this goal requires ample supplies of proven seed stocks from reliable sources. Wisconsin certified seed potatoes are grown and handled in accordance with strict production standards to ensure only the highest quality and we ask that you **support** this legislation today because it is critical to giving Wisconsin the tools to maintain those standards.

When even one or two growers choose to ignore the law and/or don’t care if they get fined a small amount of money, it puts our entire industry at risk. Just a few fields of non-certified, or waiver-approved seed in the wrong locations, can allow viruses and diseases to quickly spread to neighboring fields, effectively destroying the high-valued certified seed. This happened last year and it was very detrimental to our farm and our industry.

I would like to thank Representative Krug and Senator Testin for authoring this important legislation and I urge you to **support** and pass this bill this session.

Thank you for allowing us to testify today.

We would be happy to answer any questions.



State of Wisconsin
Governor Tony Evers

Department of Agriculture, Trade and Consumer Protection
Secretary Randy Romanski

RE: Assembly Bill 154 Relating to: Use of certified seed potatoes in planting potatoes and providing a penalty

April 8, 2025

Chairman Tranel and members of the Assembly Committee on Agriculture:

Thank you for the opportunity to provide information about Assembly Bill 154 related to use of certified seed potatoes in planting potatoes and providing a penalty. My name is Tim Anderson, and I am Administrator of the Division of Agricultural Resource Management at DATCP.

Wisconsin is the number three potato producing state in the country based on acres planted, with annual planting around 68,000 acres and production valued at over \$430,000,000, annually according to 2023 WASS data. Wisconsin is also part of the State National Harmonization Program for seed potatoes which specifies minimum phytosanitary standards to enhance uniformity and quality in seed potatoes shipped between states. Recently, there has been an increase in virus load in the certified seed potato production system which is a threat to the potato industry.

Currently, Wisconsin law says a person who plants five or more acres of potatoes in a year may only use seed potatoes that are certified by the College of Agricultural and Life Sciences at UW-Madison or equivalent, unless a waiver has been granted by DATCP. Any person who violates the certification requirement is subject to a \$150 penalty plus \$150 for each acre planted in violation. They must also allow DATCP inspection and must retain records regarding the planted seed potatoes or face a maximum penalty of up to \$200 if they violate the record keeping requirement.

If enacted, this bill would allow DATCP to include additional restrictions to waivers such as clear geographic limitations, if appropriate, on where a person may plant waived seed potatoes which could help mitigate risk and protect the potato industry in WI and other potato producing states.

There is currently no defined or enforceable remedy for violating a DATCP waiver authorizing the planting of uncertified seed potatoes. In the past, if a DATCP waiver was violated, resulting in increased risk to seed potato producers in the area there was no mechanism, beyond a financial penalty, to address the violation; provisions in this bill remedy this. The bill provides additional authority to DATCP to order the person to remove and destroy any potatoes in violation of the law or take action to coordinate the removal and destruction of the potatoes in violation. The department would incur expenses associated with staff time spent investigating and documenting violations.

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Department of Agriculture, Trade and Consumer Protection
Secretary Randy Romanski

The potato industry has stated that the current monetary penalties are insufficient to deter people from planting uncertified seed potatoes and the industry advocates for increasing penalty amounts. This bill would significantly increase the monetary penalty for violations and may act as a deterrent to planting uncertified seed potatoes, thus mitigating risk to the industry.

Overall, adding a remedy to waiver violation, adding a provision to allow destruction of crops planted in violation, and increasing penalty amounts to deter the planting of uncertified seed potatoes are all viewed by industry as risk mitigation tools to protect the industry from uncertified and potentially high virus seed potatoes. DATCP views this proposed legislation to be protective of the Wisconsin Potato Industry as a whole.

We would like to thank the bills authors, the WI Potato and Vegetable Growers Association and the WI Seed Potato Improvement Association Board of Directors for seeking DATCP's input on this proposal.

Thank you for the opportunity to provide information on AB 154 I would be happy to answer any questions committee members may have.

Testimony on 2025 Assembly Bill 154

Assembly Committee on Agriculture

April 8, 2025

Thank you, Chair Tranel and Committee Members for the opportunity to testify on 2025 Assembly Bill 154. On behalf of the Wisconsin Farm Bureau Federation, we would like to express our support for this important legislation and appreciate the bill's authors, Senator Testin and Representative Krug, as well as those in co-sponsorship, for your willingness to work with agriculture industry stakeholders to address this issue.

This legislation provides essential protections for Wisconsin's potato farmers. Our state is a global leader in potato production, generating over 1.6 million tons annually and ranking third in the nation. Seed potatoes are not only a vital input for our own state's farmers, but also a key component of national and international supply chains. Ensuring their health, traceability, and integrity is critical to maintaining both the quality and reputation of Wisconsin-grown potatoes.

Assembly Bill 154 takes a practical and proactive approach by providing the Department of Agriculture, Trade and Consumer Protection (DATCP) with clear authority to investigate and contain potential threats to certified seed potato crops. Whether through disease, mislabeling, or other biosecurity risks, the consequences of unchecked problems in seed stock could jeopardize an entire season's harvest—not just for one grower, but for the broader industry. This legislation helps safeguard a high-value commodity while promoting accountability and best practices across the supply chain.

Moreover, this bill provides certainty for growers who make significant investments in seed quality and crop health. By enabling swift action when issues arise, SB 154 supports a fair marketplace for producers and ensures Wisconsin's seed potato certification program continues to be a gold standard. We urge the committee to support this commonsense legislation that protects farmers, maintains export relationships, and strengthens the long-term resilience of one of Wisconsin's most successful agricultural sectors.