

Special Committee on Emergency Management and Continuity of Government
November 12, 2008

Department of Agriculture, Trade and Consumer Protection (DATCP) issues for consideration:

1. **Carcass Disposal Statutory modification** (ch. 95.50, Wis. Stats.):
 - DNR and DATCP have finalized a carcass disposal guidance
 - The guidance outlines carcass disposal methods and discusses advantages and limitations of those methods
 - The guidance cannot be approved as it conflicts with the current ch. 95.50, Wis. Stats.
 - DNR and DATCP support LRB 09-0699, which prohibits a person from transporting or disposing of a diseased carcass in a manner that creates a risk of transmitting disease to humans or animals. A diseased carcass is a carcass from an animal that at the time of death was infected with a contagious or infectious disease, had been exposed to a contagious or infectious disease, or had symptoms of a contagious or infectious disease.

2. **Penalties for nursery and plant quarantine laws** (ch. 94.77, Wis. Stats.)
 - Current penalties for violating laws regulating nurseries and laws related to plant pests are limited to criminal penalties of a fine not to exceed \$200 or imprisonment in the county jail not to exceed 6 months or both.
 - No civil forfeitures are specified in the existing statute.
 - When penalties are small, there is a huge financial pressure for businesses to not comply with quarantine laws (which is of great concern now with Emerald Ash Borer).
 - LRB draft 0323/1 would **increase criminal penalties** to not more than \$1000 for the first offense, and not less than \$500 nor more than \$5,000 or imprisoned not more than 6 months or both for each subsequent offense
 - LRB draft 0323/1 also adds a **civil forfeiture option** of not less than \$200 nor more than \$5000 or, for an offense committed within 5 years of an offense for which a penalty has been assessed under this section, a forfeiture of not less than \$400 nor more than \$10,000.

3. **Interstate Pest Control Compact (IPCC)** (ch. 93.07(19) and ch. 583 (L 1965), Wis. Stats.)
 - The IPCC is a national compact that could provide additional funding to Wisconsin for pest control needs if other funding sources to address those needs are not available.
 - Wisconsin law does not allow WI to enter into this compact unless all surrounding states sign the compact (including Minnesota, Michigan, Illinois and Iowa)
 - All surrounding states except Iowa have signed the compact
 - Iowa has indicated that because the fee structure for joining is based on acreage for specific commodity crops, it is financially impossible for them to join. Fee structure changes are not anticipated which would change their position.
 - DATCP is requesting that the law be changed to remove the requirement for the state of Iowa to enter into the compact as a condition of Wisconsin's participation. Draft language is available from LRB reflecting this change.