

# **05hr\_CRule\_04-140\_AC-Ag\_pt02**



Details:

(FORM UPDATED: 07/12/2010)

## **WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS**

### **2005-06**

(session year)

### **Assembly**

(Assembly, Senate or Joint)

### **Committee on ... Agriculture (AC-Ag)**

#### **COMMITTEE NOTICES ...**

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**
- Record of Comm. Proceedings ... **RCP**

#### **INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL**

- Appointments ... **Appt**
- Clearinghouse Rules ... **CRule**
- Hearing Records ... bills and resolutions
  - (**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)
  - (**sb** = Senate Bill)                            (**sr** = Senate Resolution)
  - (**ajr** = Assembly Joint Resolution)
  - (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

## Napralla, Erin

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**From:** Rep.Ott  
**Sent:** Thursday, June 16, 2005 2:28 PM  
**To:** Rep.Nerison; Rep.Ainsworth; Rep.Petrowski; Rep.Kestell; Rep.Suder; Rep.WilliamsM;  
Rep.Loeffelholz; Rep.Towns; Rep.Gronemus; Rep.Vruwink; Rep.Ziegelbauer; Rep.Sinicki;  
Rep.Molepske; Rep.Parisi; Ziegelbauer, Bob  
**Cc:** Patrosky, Mark; Loomans, Scott; Redell, Carol; Scott, Katie; Emerson, Anne; Hilgemann,  
Luke; Junck, Linda; 'Narveson, Linda'; Langan, Casey; Shea, Heather; Cross, William;  
Anderson, John; Kostelic, Luanne; George, Mary Beth; Christopher, Marc; Whitmore, Lori;  
Parrott, Douglas; Polzin, Cindy; Peterson, Eric; Smyrski, Rose; Kraak, Maureen  
**Subject:** Clearinghouse Rule Referred to Assembly Committee on Agriculture  
**Attachments:** 04-140.pdf

The following Clearinghouse Rule has been referred to the Assembly Committee on Agriculture for a 30 day review period:

**Clearinghouse Rule 04-140:** Relating to the manufacture and distribution of fertilizer and soil or plant additives.

A copy of the rule is attached. Please contact my office if you have any questions or would like to request a hearing on this rule.

The initial 30 day deadline for committee review is Monday, July 18, 2005.



04-140.pdf (3 MB)

*(\*Please note before printing the document is 78 pages long)*

DATE: June 16, 2005

TO: Erin Napralla

Committee on Agriculture

FROM: Patrick E. Fuller, Assembly Chief Clerk

RE: Clearinghouse Rules Referral

The following Clearinghouse Rule has been referred to your committee.

### **CLEARINGHOUSE RULE 04-140**

AN ORDER to repeal and recreate chapter ATCP 40, relating to the manufacture and distribution of fertilizer and soil or plant additives.

Submitted by **Department of Agriculture, Trade and Consumer Protection.**

Report received from Agency on **June 13, 2005.**

To committee on **Agriculture.**

Referred on **Thursday, June 16, 2005.**

Last day for action - **Monday, July 18, 2005.**

Under section 227.19 (4) of the Wisconsin Statutes, your committee has 30 days to take action or get an extension. The day **after** the official referral date is day one of your review period. Therefore, the 30th day should fall four weeks and two days after the referral date. For example, for Clearinghouse Rules referred on a Monday, a Wednesday would be your 30th day. For Clearinghouse Rules referred on a Tuesday, a Thursday would be your 30th day. For Clearinghouse Rules referred on a Wednesday, a Friday would be your 30th day. For Clearinghouse Rules referred on a Thursday or Friday, your 30th day would fall on a weekend. Therefore, your time would expire on the next working day (Monday) as provided for in s. 990.001 of the Wisconsin Statutes. Also, if the 30th day falls on a legal holiday, time would expire on the next working day.

Section 227.19 **requires** you to notify each member of your committee that you have received this Clearinghouse Rule. Although some committee chairs choose to do so, you are not required by law or rule to send a copy of the text of the rule to each member at this time. Instead, your notice could state that members should contact you if they wish to receive a hard copy of the rule. Another option would be to email the rule to members. **(Please note that the text of Rules beginning with the prefix "01" is available online in the Clearinghouse Rules infobase in FOLIO.)** Please put a copy of your official notification memo in the rule jacket.

Three copies of the Clearinghouse Rule and its accompanying documents are contained in the jacket. If you wish to have your Legislative Council attorney review the Clearinghouse Rule, send him/her a copy. I only need one copy remaining in the jacket when you report it out of committee at the end of the review period.

The identical process is happening simultaneously in the Senate. Keep track of their action on the rule.

For assistance with the Clearinghouse Rule process, please consult Kay Inabnet (6-5550) or your Legislative Council attorney. If you wish to learn more on this subject, read *Review of Administrative Rules* which is part of the Legislative Council's Wisconsin Legislator Briefing Book series, section 227.19 of the Wisconsin Statutes or part 2 of the *Administrative Rules Procedures Manual* written by the Revisor of Statutes Bureau and the Wisconsin Legislative Council staff.





684-6783

Loretta Jellings  
Fertilizer and Pesticide Specialist  
Wisconsin Department of Agriculture, Trade & Consumer Protection  
PO Box 8911  
Madison, WI 53708-8911

July 14, 2005

Dear Ms. Jellings:

The Organic Trade Association's National Organic Fertilizer Task Force wants to thank the Wisconsin Department of Agriculture, Trade and Consumer Protection for working with OTA and compliments DATCP on how well it has incorporated the concerns and needs of the organic industry into the revisions of Wisconsin's fertilizer regulations.

The proposed DATCP rules remove many of the barriers previously preventing the use of organic inputs; however, as OTA interprets the new rules, organic inputs will be allowed for use solely for organic crop production, presenting a barrier to the sales of these products. DATCP has confirmed that organic inputs must state on their label, "This product is intended for use according to an approved organic system plan."

In OTA's eyes, these statements indicate that DATCP will regulate who is eligible to use organic input products, disallowing use of these products for farmers who are not certified organic but transitioning to organic, gardeners, lawn and turf specialists and anyone who would choose to use these input products. OTA feels that regulation of the purchases of these products unnecessarily limits the marketing of organic inputs. We suggest re-wording the proposed labeling to read a phrase such as, "This product may be used as a part of an approved organic system plan."

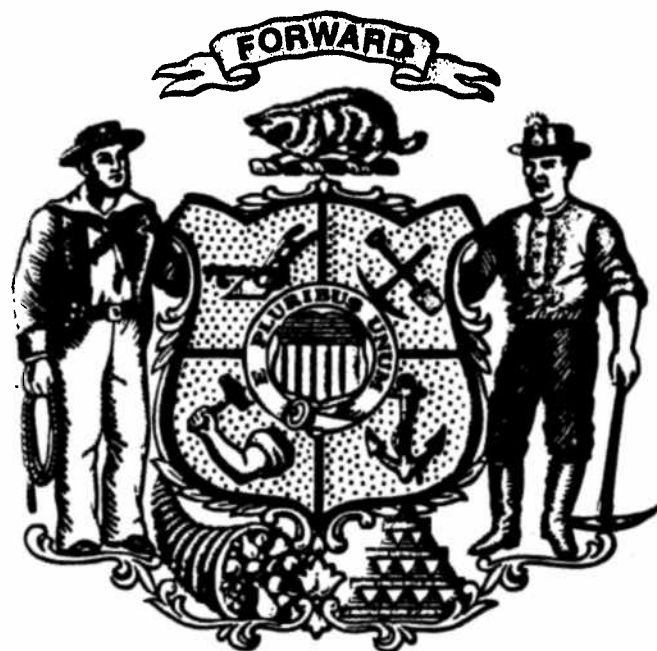
We appreciate your attentiveness to the concerns of the organic input industry and thank you for your consideration of these comments.

Respectfully,

Katherine DiMatteo  
Executive Director

7/19/05  
\*Received from  
Zieglerbauer's office.  
He was contacted by  
constituents on the  
rule.  
Committee jurisdiction  
was ended.

Headquarters: 60 Wells Street, P.O. Box 547, Greenfield, MA 01302 USA • (413) 774-7511  
fax: (413) 774-6432 • e mail: info@ota.com • web site: www.ota.com





Al Ott

State Representative • 3rd Assembly District

July 21, 2005

Secretary Rod Nilsestuen  
Department of Agriculture, Trade & Consumer Protection  
P.O. Box 8911  
Madison, WI 53708-8911

Dear Secretary Nilsestuen,

This letter is to inform you that the following clearinghouse rule has been reported out of the Assembly Committee on Agriculture:

Clearinghouse Rule #04-140

A public hearing was not held and no action was taken on the rule

Please feel free to contact my office if you should have any questions.

Sincerely,

Al Ott  
State Representative  
Chair, Assembly Committee on Agriculture