



State of Wisconsin
Jim Doyle, Governor

Department of Agriculture, Trade and Consumer Protection
Rod Nilsestuen, Secretary

DATE: November 11, 2008

TO: Bruce Hoesly, Legislative Reference Bureau
1 East Main Street, Suite 200

FROM: Rodney J. Nilsestuen, Secretary

SUBJECT: Local Agents Regulating Retail Food Establishments for DATCP; Final Rule for Publication (Clearinghouse Rule # 07-093)

The Department of Agriculture, Trade and Consumer Protection (DATCP) hereby submits the following rule for publication:

CLEARINGHOUSE RULE #: 07-093
SUBJECT: Local Agents Regulating Retail Food Establishments for DATCP
ADM. CODE REFERENCE: ATCP 74 and 75, Wis. Adm. Code
DATCP DOCKET #: 07-R-05

We are enclosing a copy of the final draft rule, as adopted by DATCP. We are also providing the following information for publication with the rule, as required by s. 227.114(6), Stats.

Final Regulatory Flexibility Analysis (Summary)

This rule reorganizes and amends the current rules related to local agent agreements. Most of the changes are technical, not substantive. This rule does *not* make any substantive changes nor increase any fees for retail food establishments.

This rule does not affect retail food establishments or other businesses. It only affects local governmental agents that contract with DATCP to license and inspect retail food establishments. In general, this rule will simplify, clarify and streamline the local agent program.

This rule has no adverse impact on retail food establishments, some of which are considered "small businesses" as defined in s. 227.114(1), Stats. This rule does *not* impose any additional fees, costs, compliance requirements, recordkeeping requirements, or other requirements on retail food establishments.

This rule streamlines and clarifies the contract relationship between DATCP and local health departments that choose to license and inspect retail food establishments in their jurisdictional areas. This rule does not increase costs or fees, and will have no adverse effect on retail food establishments or other businesses, and will have no adverse effect on small businesses.

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Comments from Legislative Committees (Summary)

On August 13, 2008, DATCP transmitted the above rule for legislative review. The rule was assigned to the Senate Committee on Public Health, Senior Issues, Long Term Care and Privacy and to the Assembly Committee on Agriculture. The legislative review period expired on September 26, 2008. No hearings were held and neither committee requested any changes to the rule.