

Wisconsin Department of Agriculture, Trade and Consumer Protection

Business Impact Analysis¹

Rule Subject: Livestock Premises Registration
Adm. Code Reference: ATCP 17
Rules Clearinghouse #: 12-024
DATCP Docket #: 11-R-07

Rule Summary

The livestock premises registration program was created after the discovery of bovine spongiform encephalopathy (“mad cow” disease) in the United States in 2003 and was developed to protect animal health and the security of the food chain. The program is authorized under s. 95.51, Stats., and implemented by ch. ATCP 17, Wis. Adm. Code. Under the current premises registration program, a person must register any location at which livestock are kept and provide basic information, such as the name of a person and phone number to contact in an animal disease outbreak or other emergency.

The current rule does not provide for any exemptions to registering a livestock premises. This rule provides a limited exemption if an individual is the member of a recognized religious group that has a sincerely held religious belief opposing certain existing livestock premises requirements required under ch. 95.51, Stats., and ch. ATCP 17, Wis. Adm. Code. In order to meet this exemption, an individual must submit an affidavit swearing or affirming to belonging to an established religious group with a sincerely held religious belief opposing premises registration under s. 95.51, Stats., and also provide the department with information to assist the department in locating livestock due to an animal disease outbreak or other emergency.

This rule changes a premises registration’s expiration date from the third December 31 after it is issued to every third July 31 after July 31, 2013. This change will expedite the renewal process by only having DATCP incur the cost of mailing renewals every three years (instead of at the end of every year), and during a time of year when temporary employees should be available.

Business Impact

Under current law, individuals cannot obtain licenses to operate deer farms, animal markets, and other operations licensed by the department without a valid registration of the premises where livestock animals would be kept. This proposed rule will benefit certain individuals who want to operate these types of businesses but do not want to register their livestock location in the livestock premises program due to religious beliefs opposing the livestock premises program described under s. 95.51, Stats., and ch. ATCP 17, Wis. Adm. Code.

¹ This analysis includes, but is not limited to, a small business analysis (“regulatory flexibility analysis”) under s. 227.114, Stats.

Since there is no fee to register a premises under either the current or proposed rule, this modification should have no *economic* impact on any of the livestock premises registrants. All business operations in the livestock premises program when the rule goes into effect will be affected by this rule for essentially one registration period due to the shift from the expiration date of December 31 to July 31. Under both the current and proposed rule, the registration period will be for three years. However, some registrations end on December 31 of each calendar year under the present rule. Once the proposed rule takes effect, registrants at the time this rule takes effect will have their three-year period modified so that the registrations of all registration will end on the same date, *i.e.*, three years from July 31, 2013.

Businesses Affected by this Rule

This rule affects the following businesses, among others:

- Livestock producers, including dairy, beef, swine, poultry, farm-raised deer, sheep, goat, fish and exotic livestock producers
- Horse owners and stable operators
- Livestock markets, dealers and truckers who keep livestock at a location in Wisconsin
- Slaughter establishments
- Rendering establishments and dead animal processing establishments
- Operators of livestock exhibitions
- Veterinary clinics

Many of those affected are “small businesses” as defined in s. 227.114(1), Stats.

Effects on Small Business

This rule will have a positive effect in terms of encouraging the expansion of small businesses. Certain individuals who have religious objections to the premises registration requirement may obtain an exemption to registration under this rule and be eligible for business licensure for which premises registration is a prerequisite, *e.g.*, deer farms or animal market operations.

This change of the due date to register premises from December 31 to July 31 and the elimination of staggering the due dates will have no negative economic impact on businesses because there is no fee to register, regardless of the date the registration is due.

Steps to Assist Small Business

DATCP or its agent will provide information and assistance to help businesses comply with the change in registration date. DATCP will assist individuals who have sincere religious beliefs

against livestock premises registration to obtain the exemption to be able to lawfully operate businesses that require livestock premises registrations.

Conclusion

Overall, this rule will streamline the renewal process for livestock premises registration by creating one date upon which all premises registration expire, *i.e.*, every third July 31 after July 31, 2013, instead of the third December 31 after a premises registration is issued. The rule also will benefit certain individuals who want to operate a livestock-related business but cannot obtain a DATCP-issued license (*e.g.*, deer farms or animal market operations) because those licenses require an applicant to register the premises at which the livestock will be kept.

Dated this _____ day of _____, 2012

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

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