



State of Wisconsin
Governor Scott Walker

Department of Agriculture, Trade and Consumer Protection
Ben Brancel, Secretary

DATE: April 1, 2016

TO: The Honorable Mary Lazich
President, Wisconsin State Senate
Room 220 South, State Capitol
Madison, WI 53707-7882

The Honorable Robin Vos
Speaker, Wisconsin State Assembly
Room 211 West, State Capitol
Madison, WI 53708-895

FROM: Sandy Chalmers, Assistant Deputy Secretary

SUBJECT: **Chs. ATCP 30, 40, 42, 50, 75 Appendix, 90, 91, 92, 93, 94, 105, 127, 134, 141 Minor and Technical Changes to Multiple Department Chapters; Final Draft Rule**

Introduction

The Department of Agriculture, Trade and Consumer Protection (Department) is transmitting this rule for legislative committee review, as provided in s. 227.19 (2) and (3), Stats. The Department will publish notice of this referral in the Wisconsin Administrative Register, as provided in s. 227.19 (2), Stats.

Rule Content

This rule makes minor or technical changes to a number of current Department rules. This rule does all of the following:

Pesticide Use and Control

Removes date references that are no longer necessary and updates cross references to Department chapters.

Fertilizer and Related Products

Incorporates by reference the most recent edition of the current rule standard concerning fertilizers.

Commercial Feed

Updates the technical standards in the current rule to the most recent versions and reinserts a paragraph that was inadvertently removed during prior rulemaking.

Agriculture generates \$88 billion for Wisconsin

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Soil and Water Resource Management Program

Updates several sections to reference the current versions of technical standards.

Wisconsin Food Code Appendix

Corrects a spelling and spacing error.

Fair Packaging and Labeling; Selling Commodities by Weight, Measure or Count; Weights and Measures; Flammable, Combustible and Hazardous Liquids;

- Corrects small grammatical errors.
- Updates the technical references to cite the current National Institute of Standards and Technology (NIST) Handbook and American Society for Testing and Materials (ATSM) fuel standards.
- Amends notes to reference website addresses and form numbers.
- Removes obsolete notes.

Petroleum and Other Liquid Fuel Products

Updates the technical references to cite the current NIST Handbook and ATSM fuel standards and amends notes to reference current website addresses and form numbers.

Sales Below Cost

Corrects a grammatical error.

Direct Marketing

Corrects a grammatical error.

Residential Rental Practices

Removes an obsolete note.

Cherry Marketing Order

Removes a note and set of brackets that were added during previous rulemaking to correct the inadvertent removal of language from a subsection.

Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations

The technical rule changes proposed in this rule will not create any disparities between Wisconsin rules and federal statutes and regulations.

Comparison with Rules in Adjacent States

The technical rule changes proposed in this rule will not create any disparities between Wisconsin and the adjacent states.

Summary of Factual Data and Analytical Methodologies

This rule does not depend on any complex analysis of data. This rule merely makes minor technical changes to current rules.

Analysis and Supporting Documents Used to Determine Effect on Small Business

Because this rule makes minor technical changes, no significant analysis or documentation was required to determine that the proposed rule will have no impact on small businesses.

Changes to Hearing Draft in Response to Public Hearings and Rules Clearinghouse Comments

The Department did not receive any written comments from the general public to the Hearing Draft, and no persons appeared at the public hearing held on February 17, 2016, to receive testimony or comments concerning the Hearing Draft.

The Department made several minor edits to the Hearing Draft to conform to form, style, and placement requirements, in response to comments received from the Rules Clearinghouse. Minor changes were also made due to notification from one of the Divisions that several of the standards incorporated into certain portions of the rule were recently updated. These standards were included in earlier rule making drafts.

Effect on Small Business

This rule will not have any impact on small businesses or other business. This rule makes minor technical changes that will not have any impact on business standards, costs, or operations. See the complete *Final Regulatory Flexibility Analysis* that accompanies this rule.