

Ag 17

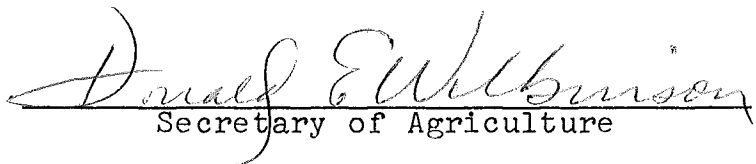
STATE OF WISCONSIN)
) SS
DEPARTMENT OF AGRICULTURE)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

I, Donald E. Wilkinson, Secretary of Agriculture, and custodian of the official records of the State of Wisconsin Department of Agriculture, do hereby certify that the annexed order adopting rules relating to sampling and analysis of fertilizer, Wis. Adm. Code section Ag 17.02, was duly adopted by this department on August 2, 1971.

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand at Madison, Wisconsin, this 2nd day of August, 1971.


Secretary of Agriculture

Docket No. 918.

ORDER OF THE DEPARTMENT OF AGRICULTURE
ADOPTING RULES

Pursuant to authority vested in the Department of Agriculture by sections 94.64 (9) and 227.025, Wis. Stats., the Department of Agriculture hereby adopts rules as follows:

Section Ag 17.02 of the Wisconsin administrative code is adopted to read:

Ag 17.02 Sampling and analysis. (1) Names and definitions for fertilizer or fertilizer materials are those adopted by the Association of American Plant Food Control Officials and published in the Official Publication of the Association of American Plant Food Control Officials, No. 24, 1970-1971. Copies may be obtained from the secretary of the Association of American Plant Food Control Officials, Department of Biochemistry, Purdue University, Lafayette, Indiana 47907. Copies are on file at the offices of the department of agriculture, secretary of state, and revisor of statutes.

(2) The methods of taking official samples shall be the methods adopted by the Association of American Plant Food Control Officials and published in the Inspectors Manual of the Association of American Plant Food Control Officials, Second Edition, 1971. Copies may be obtained from the secretary of the Association of American Plant Food Control Officials, Department of Biochemistry,

Purdue University, Lafayette, Indiana 47907. Copies are on file at the offices of the department of agriculture, secretary of state, and revisor of statutes.

(3) The methods of analysis shall be the official methods adopted by the Association of Official Analytical Chemists and contained in the 1970 Methods Manual, Eleventh Edition, published by the Association of Official Analytical Chemists, P. O. Box 540, Benjamin Franklin Station, Washington, D. C. 20044. Copies may be obtained from the association and are also on file in the offices of the department of agriculture, secretary of state, and revisor of statutes.

The rules contained herein shall take effect as provided in section 227.026, Wis. Stats.

Dated: August 2, 1971.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE

By /s/ Donald E. Wilkinson
Secretary of Agriculture



State of Wisconsin \ DEPARTMENT OF AGRICULTURE



April 2, 1971

The Honorable Robert W. Warren
Attorney General
State Capital
Madison, Wisconsin

Dear Mr. Warren:

On February 26, 1971, following Chapter 227 procedures, the department adopted Chapter Ag 17 regulating the sale of fertilizer and prescribing enforcement tolerances. The rules, which become effective April 1, 1971, were duly filed with the Secretary of State and the Revisor of Statutes and published in the Administrative Register for March 1971. Section Ag 17.02, as originally adopted by the department, was omitted from the rules as published, however, because this section proposed to incorporate by reference the following items:

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- (1) Definitions for fertilizer and fertilizer material contained in the Official Publication of the Association of American Plant Food Control Officials, number 24, 1970-71.
(2) Methods of taking official samples as prescribed by the Association of Plant Control Officials and published in the Inspector's Manual of the Association of American Fertilizer Control Officials, Second edition, 1970.
(3) Methods of analysis of fertilizer prescribed by the Association of Official Analytical Chemists and contained in the 1970 Methods Manual, 11th edition, published by the Association of Analytical Chemists.

While material referred to in (1) above is quite clearly substantive in nature, items referred to in paragraphs (2) and (3) are perhaps more informative than substantive as they relate to the procedure to be followed by the department in sampling and testing fertilizer. Items (2) and (3) could possibly be handled as a footnote similar to the note following section Ag 87.06 (Grade A Cottage Cheese Rules).

In accordance with the section 227.025, Wis. Stats., consent is requested for the incorporation by reference of items (1) through (3) above. In the alternative, consent is requested for incorporation by reference of item (1), and the footnoting of items (2) and (3), if in the opinion of the Attorney General the latter procedure is considered preferable. The importance of

The State of Wisconsin
Department of Justice
Madison

ROBERT W. WARREN
ATTORNEY GENERAL



May 5, 1971

Mr. G. A. Schueler, Counsel
Department of Agriculture
801 West Badger Road
Madison, Wisconsin 53713

Dear Mr. Schueler:

Re: Adoption of Ag. 1702
Wis. Adm. Code

You request our consent pursuant to sec. 227.025, Stats., for the State Department of Agriculture to adopt sec. Ag. 17.02 (1), (2) and (3), Wis. Adm. Code by incorporating by reference in your proposed rules the adoption of the official Publication of the Association of American Plant Food Control Officials, number 24, 1970-1971 (A.A.P.F.C.O.), Inspectors Manual, Second Edition, 1971 of A.A.P.F.C.O., and Methods Manual, 11th edition (1970) of the Association of Analytical Chemists (A.O.A.C.). You further request consent to amend secs. Ag. 30.09, Ag. 80.052 and Ag. 86.06, Wis. Adm. Code by incorporating by reference the adoption of Standard Methods for the Examination of Dairy Products, 12th edition, 1967, and amend secs. Ag. 80.05(2) and Ag. 107.03(1), Wis. Adm. Code by incorporating by reference the adoption of The Methods Manual, 11th edition, (1970), published by the A.O.A.C.

The above material is considered and utilized essentially by manufacturers, distributors and inspectors of the dairy and fertilizer industries. Therefore, it meets the statutory language of "limited public interest". Copies of these publications are readily available. The State Department of Agriculture has found the Association of American Plant Food Control Officials, Association of Analytical Chemists and American Public Health Association, Inc., to be technical societies of recognized national standing.

If there are any secondary references by incorporation, other than scientific or objective standards, such incorporated substantive references or materials must specifically or conspicuously be deleted. If they are essential or necessary, they must be promulgated as a specific rule as required by ch. 227, Stats. Because these references by incorporation materials are subject to revision or amendment beyond your control, they are only valid as they exist.

Mr. G. A. Schueler
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May 5, 1971

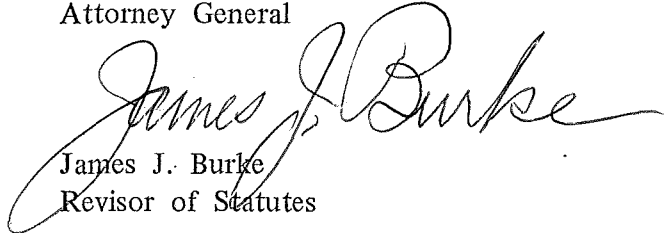
It appears that your proposed rules and amended rules as applied to the dairy and fertilizer interests are of limited public interest, that such incorporation by reference will avoid unwarranted expense, that the above listed documents are publications of technical societies of recognized national standing and that they are readily available.

Accordingly, when these documents are deposited with the Secretary of State, Revisor of Statutes, and Department of Agriculture, I hereby consent to the incorporation by reference the materials described herein to your proposed rules, secs. Ag. 17.02(1), (2), and (3), and amended rules Ag. 30.09, Ag. 80.025, Ag. 80.05(2), Ag. 86.06, and Ag. 107.03 (1), Wis. Adm. Code.

Sincerely yours,



Robert W. Warren
Attorney General



James J. Burke
Revisor of Statutes

RWW/JJB/crm



The State of Wisconsin
Department of Justice
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ROBERT W. WARREN
ATTORNEY GENERAL

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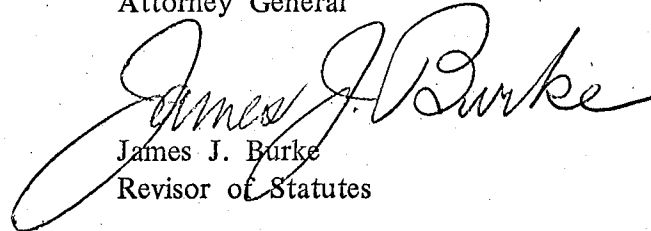
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Robert W. Warren
Attorney General



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