

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date January 17, 2024
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) ATCP 93	
4. Subject Flammable, Combustible, and Hazardous Liquids	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input checked="" type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected 20.115 (1) (t)
7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Could Absorb Within Agency's Budget	
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input checked="" type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$Unknown	
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Policy Problem Addressed by the Rule The Department of Agriculture, Trade and Consumer Protection (department) modifies ch. ATCP 93 in two areas: <ul style="list-style-type: none">• Incorporation of Standards by Reference• Resolution of 2017 Wisconsin Act 108 Issues	
12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. DATCP published the Fiscal Estimate on its website in October and received no comments..	
13. Identify the Local Governmental Units that Participated in the Development of this EIA. Local government does not enforce ATCP 93 and will therefore spend very little, if anything, on these changes.	
14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) The proposed ch. ATCP 93 incorporates by reference approximately 75 standards established by recognized technical societies, as indicated in tables listed in s. 200. Of the 75 standards, 43 have been updated since November 2019, and DATCP intends to adopt the new standards. Depending upon the nature of the entity, a business may need to encumber the cost of purchasing the copyrighted document in which a given standard is published. However, businesses will only need to purchase those publications applicable to their particular needs. Because EPA regulations also incorporate many of the same standards, most business entities already bear this cost. Should all updated standards be purchased, an entity should expect to pay \$7,789 plus shipping and handling costs. Therefore, since the State of Wisconsin must purchase two sets, one for its own use and one for the Legislative Reference Bureau, the state will pay at least \$15,578 plus shipping and handling.	

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The current version of ch. ATCP 93 contains multiple provisions that DATCP believes are not permitted per its Act 108 review. The department has not enforced these provisions since October 2019, and it would therefore have no financial impact.

15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule
The rule will have the most updated standards and the provisions prohibited by statute will be removed.

16. Long Range Implications of Implementing the Rule
If DATCP does not act, the standards will quickly become outdated.

17. Compare With Approaches Being Used by Federal Government
The Federal government also relies on many of the industry standards that DATCP proposes to update and incorporate by reference into the tables in s. 200.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)
All surrounding states have similar programs.

19. Contact Name David A. Woldseth	20. Contact Phone Number 608-224-5164
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ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
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