

05hr_CRule_06-028_AC-Ag_pt01



Details:

(FORM UPDATED: 07/12/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2005-06

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on ... Agriculture (AC-Ag)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**
- Record of Comm. Proceedings ... **RCP**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt**
- Clearinghouse Rules ... **CRule**
- Hearing Records ... bills and resolutions
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**



State of Wisconsin
Jim Doyle, Governor

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

DATE: July 18, 2006

TO: The Honorable Alan J. Lasee
President, Wisconsin State Senate
Room 220, South, State Capitol
PO Box 7882
Madison WI 53707-7882

The Honorable John Gard
Speaker, Wisconsin State Assembly
Room 211 West, State Capitol
PO Box 8952
Madison WI 53708-8952

FROM: Rodney J. Nilsestuen, Secretary 
Department of Agriculture, Trade and Consumer Protection

SUBJECT: Technical Rule Changes
(Clearinghouse Rule #06-028)

The Department of Agriculture, Trade and Consumer Protection 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.

SUMMARY:

Background

The Department of Agriculture, Trade and Consumer Protection (DATCP) administers almost 90 rule chapters, covering a wide variety of different subjects. From time to time, DATCP does routine "housekeeping" amendments to update and correct current rules. At the June 28, 2006 Board meeting, the department will ask the Board to approve a final draft "housekeeping" rule. This rule makes non-substantive and minor substantive changes to a number of current rule chapters.

Agriculture generates \$51.5 billion for Wisconsin

Rule Content

Small Business Enforcement Discretion

Under s. 895.59, Stats. (created by 2003 Wisconsin Act 145), state agencies are required to adopt rules describing the discretion they may exercise when enforcing regulations against small businesses. This rule describes the discretion that DATCP may exercise when enforcing regulations against small businesses. DATCP already exercises enforcement discretion, as described in this rule.

Technical Changes to Current Rules

This rule makes the following minor technical changes to rules administered by DATCP:

- Conforms fertilizer tonnage fee (agricultural chemical cleanup surcharge) to the current statute. The department is already charging the (lower) statutory fee, not the obsolete (higher) fee that appears in the current rule (ATCP 40).
- Updates technical standards that are incorporated by reference in current commercial feed rules (ATCP 42). The updates refer to the latest edition (2006) of the official publication of the Association of American Feed Control Officials.
- Updates current standards for the professional certification of agricultural engineering practitioners. DATCP coordinated these revisions with the United States Department of Agriculture (NRCS) and county land conservation departments, including practitioners who serve federal, state and county conservation programs.
- Clarifies DATCP's meat holding order and condemnation authority (ATCP 55).
- Eliminates an inconsistency between rules related to the legal "shelf life" of smoked fish (one rule says 17 days, the other says 21 days). This rule makes the standard 21 days.
- Changes current dairy plant rules (ATCP 80) to make them consistent with current federal standards. This includes minor technical changes related to pasteurization standards, thermometers and temperature readings, as well as updates to technical standards incorporated by reference (ATCP 80 Appendix). The updates refer to the latest editions of the *3-A Sanitary Standards and Accepted Practices* published by the 3-A Sanitary Standards, Inc.
- Updates technical standards that are incorporated by reference in current weights and measures rules (ATCP 92). The updates refer to the latest editions (2006) of current weights and measures handbooks published by the National Institute of Standards and Technology.

- Clarifies that local weights and measures inspectors must be civil service employees (conforms rule to current statute).
- Eliminates minor obsolete accounting provisions in ATCP 105 related to the calculation of cigarette “cost” for purposes of the Unfair Sales Act (“minimum markup law”).
- Clarifies the relationship between the home improvement code (ATCP 110) and the basement waterproofing code (ATCP 111), both of which apply to basement waterproofing services.
- Conforms car rental notice requirements (ATCP 118) to current statute.
- Clarifies prohibition against misleading charity claims in coupon book schemes (ATCP 131).
- Repeals current rules related to dairy cattle grades (ATCP 158), because the rules are obsolete and no longer used.
- Corrects typographical errors and cross-references, eliminates obsolete provisions, conforms rules to current statutes, creates clarifying notes, and makes other non-substantive drafting and organizational changes to current rules.

Fiscal Estimate

DATCP already exercises small business enforcement discretion, as described in this rule, so the effect will be minimal. Fines and forfeitures are paid to the state school fund, not DATCP. Other provisions of this rule will have no fiscal effect on DATCP or local units of government. A fiscal estimate is attached.

Public Hearings

DATCP held one public hearing on this rule on April 13, 2006 in Madison, WI. No one appeared at this hearing and no written comments were received.

Changes from Hearing Draft

DATCP made the following changes to this rule:

- Technical changes and clarifications, including editorial changes suggested by the Legislative Council Rules Clearinghouse.
- Amended ch. ATCP 118 relating to notice requirements for car rentals and notice of rental liability to conform to current statute.
- Deleted the creation of ATCP 97.04(4)(c) and (note) relating to license requirements for public warehouse keepers.

The Honorable Alan Lasee
The Honorable John Gard
July 18, 2006
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Response to Rules Clearinghouse

The Legislative Council Rules Clearinghouse made several minor editorial comments on the proposed rule. DATCP incorporated all Clearinghouse suggestions in the final draft rule.

Business Impact

DATCP already exercises small business enforcement discretion, as described in this rule. The current exercise of discretion prevents unnecessary costs to small businesses. The codification of DATCP's current enforcement policy will not change that policy, or have a major additional impact on business. The other provisions of this rule will have no significant effect on business. A business impact analysis is attached.



State of Wisconsin
Jim Doyle, Governor

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

PUBLIC NOTICE

FINAL DRAFT RULE TO LEGISLATURE

The Department of Agriculture, Trade and Consumer Protection announces that it is submitting the following rule for legislative committee review, pursuant to s. 227.19, Stats.:

CLEARINGHOUSE RULE #: **06-028**

SUBJECT: **Technical Rule Changes**

ADM. CODE REFERENCE: **ATCP 1, 11, 13, 17, 29, 40, 42, 50, 55, 69, 70, 80, 81, 82, 85, 88, 92, 105, 111, 113, 118, 131, 134, 155, 158**

DATCP DOCKET #: **05-R-03**

Dated this 19th day of July, 2006.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND
CONSUMER PROTECTION

By 
 Rodney J. Nilsestuen
Secretary

Agriculture generates \$51.5 billion for Wisconsin

**PROPOSED ORDER OF THE STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION
ADOPTING RULES**

1
2 The state of Wisconsin department of agriculture, trade and consumer protection proposes the
3 following order to repeal ATCP 13.01(2), 70.03(4)(b)(note), 80.02(3)(e), 80.54(1)(a)(note),
4 155.01(1)(note), (3)(note) and (4)(note) and ch. ATCP 158; to renumber ATCP 13.01(3) to (7);
5 to amend ATCP 13.02(1)(intro.), 17.01(1)(c), 17.03(2)(note), (4)(b)(intro.) and (4)(b)(note),
6 40.06(2)(f) and (3), 42.16(1)(b) and (2)(b), 42.32(2)(b), 42.40(4)(b), 42.44(6)(a), 42.54(1)(a),
7 55.14(2)(a) and (3)(a)(intro.), 69.02(1)(a), (b)(intro.), (c) and (d)(intro.), 70.03(4)(b),
8 70.22(1)(g)(intro.) and (2), 80.44(2) table 2, 80.50(2)(f) and (3)(d), 80.54(1)(a), 81.02(2) and (3),
9 82.06(1)(note), 85.01(3) and (9), 88.02(4)(note) and (5)(note), 88.06(2)(note), 92.02(1) and
10 (note), 92.06(1)(a), (1)(b), (2) and (3)(note), 92.08(1), 92.22(1)(b) and (note), 105.07(1)(b)16.,
11 111.06, 113.01(1) and (3), 113.02, 118.02(2), 131.07(2)(a), 134.02(1m), 134.09(2)(c)(note), and
12 155.01(1), (3) and (4); to repeal and recreate ch. ATCP 50 Appendix E, and ch. ATCP 80
13 Appendix A; and to create ch. ATCP 1 subch. VII, ATCP 29.26(1)(b)(note), and 29.52
14 (9)(c)(note); relating to small business enforcement discretion and technical changes to various
15 rules.

**Analysis Prepared by the Department of Agriculture,
Trade and Consumer Protection**

This rule makes technical changes to a number of current rules administered by the Department of Agriculture, Trade and Consumer Protection (“DATCP”), related to a variety of topics. This rule also describes the discretion that DATCP may exercise in the enforcement of regulations against small business.

Statutory Authority

Statutory Authority: ss. 93.07(1), 92.05(3)(c), 92.14(8), 93.50(2)(f), 94.72(13)(a), 95.197(2), 95.71(8), 97.09(4), 97.20(4), 97.22(8), 97.41(2) and (5), 98.03(2), 98.18(2), and 895.59, Stats.

Statutes Interpreted: ss. 92.05, 92.14, 94.72, 95.197, 95.71, 97.20, 97.22, 97.41, 98.03, 98.18, 93.50, and 895.59, Stats.

DATCP has broad authority under 93.07(1) to adopt rules needed to implement laws under its jurisdiction. Under s. 895.59, Stats. (created by 2003 Wisconsin Act 145), DATCP is required to adopt rules describing the discretion that it may exercise in enforcement of its regulations against small businesses. DATCP has specific authority, under the provisions cited above, to adopt rules related to each of the topics addressed by this rule.

Rule Content

Small Business Enforcement Discretion

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- Updates current standards for the professional certification of agricultural engineering practitioners. DATCP coordinated these revisions with the United States Department of Agriculture (NRCS) and county land conservation departments, including practitioners who serve federal, state and county conservation programs.
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- Clarifies prohibition against misleading charity claims in coupon book schemes (ATCP 131).
- Repeals current rules related to dairy cattle grades (ATCP 158), because the rules are obsolete and no longer used.
- Corrects typographical errors and cross-references, eliminates obsolete provisions, conforms rules to current statutes, creates clarifying notes, and makes other non-substantive drafting and organizational changes to current rules.

Pursuant to s. 227.21, Stats., DATCP has requested permission from the Attorney General and the Revisor of Statutes to incorporate updated technical standards by reference.

Fiscal Estimate

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- 1
2 (2) The department may consider relevant factors in its exercise of discretion under sub.
- 3 (1), including any of the following that may be relevant:
- 4 (a) The nature and seriousness of the violation.
- 5 (b) The difficulty and cost of compliance for a small business, as compared to other
- 6 businesses.
- 7 (c) The financial capacity of a small business, as compared to other businesses.
- 8 (d) The compliance options available, including options for achieving voluntary
- 9 compliance.
- 10 (e) The nature, extent and seriousness of actual or potential harm to the public.
- 11 (f) The immediacy of potential harm, and the likelihood of continued harm if no action is
- 12 taken.
- 13 (g) The willfulness of the violation, and the likelihood that the violation will continue if
- 14 no action is taken.
- 15 (h) Past history of compliance or noncompliance by the small business.
- 16 (i) The level of public interest and concern.
- 17 (j) Whether the small business has had a reasonable opportunity to understand and
- 18 comply with the rules.
- 19 (k) Fairness to the small business and other persons, including competitors and the
- 20 public.
- 21 (L) Whether the small business has voluntarily disclosed the violation.
- 22 (3) An exercise of discretion under sub. (1) may include a decision to forego formal
- 23 sanctions, or to seek reduced sanctions for a small business as compared to other businesses.

1 **NOTE:** Fines and civil forfeitures are determined and imposed by courts, not by the
2 department.

3
4 **SECTION 2.** ATCP 13.01(2) is repealed.

5 **SECTION 3.** ATCP 13.01(3) to (7) are renumbered to (2) to (6):

6 **SECTION 4.** ATCP 13.02(1)(intro.) is amended to read:

7 ATCP 13.02(1)(intro.) **AUTHORITY.** Pursuant to s. 95.21 (9), stats., the department may
8 approve, ~~upon recommendation of the council on local rabies control programs,~~ the rabies
9 control program of a county, city, village or town. A local rabies control program shall include:

10 **SECTION 5.** ATCP 17.01(1)(c) is amended to read:

11 ATCP 17.01(1)(c) ~~Global positioning system~~ Geographic coordinates, if the location has
12 no street address and no township, range and section numbers.

13 **SECTION 6.** ATCP 17.03(2)(note) is amended to read:

14
15 **NOTE:** For example, information that was required of license holders and was open to
16 public inspection prior to the effective date of the livestock ~~facility~~ premises
17 registration law, s. 95.51, Stats., remains open to public inspection. But premises
18 registration information required for the first time under s. 95.51, Stats., or this
19 chapter must be kept confidential.

20
21 **SECTION 7.** ATCP 17.03(4)(b) and (4)(b)(note) are amended to read:

22 ATCP 17.03(4)(b) The department may not disclose aggregate information under par. (a)
23 that does any of the following, unless that information qualifies for disclosure under sub. (2) or
24 (3):

25 1. Discloses the street address, section number, ~~global positioning system~~ geographic
26 coordinates of any premises, or the identity of any registrant.

27 2. Makes it possible to deduce with certainty the street address, section number, ~~global~~
28 ~~positioning system~~ or geographic coordinates of any premises, or the identity of any registrant.

1 **NOTE:** For example, the department may not disclose a detailed map that permits readers
2 to deduce with certainty the street ~~addresses~~ address, section ~~numbers~~ number or
3 ~~global positioning system~~ geographic coordinates of any premises, or the
4 identities of registrants whose premises are portrayed by points on the map.
5 However, the department may disclose less detailed maps.

6
7 **SECTION 8.** ATCP 29.26(1)(b)(note) is created to read:

8 **NOTE:** According to s. 94.715(2)(dm), Stats., school boards must ensure that persons
9 making pesticide applications to public school grounds are certified under s.
10 94.705, Stats.

11
12 **SECTION 9.** ATCP 29.52(9)(c)(note) is created to read:

13 **NOTE:** According to s. 94.715(2)(g), Stats., school boards must ensure that warning
14 signs are posted for pesticide applications to public school grounds.

15
16 **SECTION 10.** ATCP 40.06(2)(f) is amended to read:

17 ATCP 40.06(2)(f) An agricultural chemical cleanup surcharge of ~~86~~ 63 cents per ton.

18 **SECTION 11.** ATCP 42.06(3) is amended to read:

19 ATCP 42.06(3) SINGLE-INGREDIENT FEEDS. Product names for single-ingredient
20 commercial feeds shall be consistent with the feed ingredient definitions specified in the ~~2004~~
21 2006 official publication of the association of American feed control officials.

22 **SECTION 12.** ATCP 42.16(1)(b) is amended to read:

23 ATCP 42.16(1)(b) Paragraph (a) does not apply to a commercial feed which is defined as
24 a single ingredient feed product by the ~~2004~~ 2006 official publication of the association of
25 American feed control officials.

26 **SECTION 13.** ATCP 42.16(2)(b) is amended to read:

27 ATCP 42.16(2)(b) The official name of that ingredient as stated in the ~~2004~~ 2006 official
28 publication of the association of American feed control officials.

29 **SECTION 14.** ATCP 42.32(2)(b) is amended to read:

1 ATCP 42.32(2)(b) The official name of that ingredient as stated in the ~~1998~~ 2006 official
2 publication of the association of American feed control officials.

3 **SECTION 15.** ATCP 42.40(4)(b) is amended to read:

4 ATCP 42.40(4)(b) By a testing procedure published in the ~~2004~~ 2006 official publication
5 of the association of American feed control officials.

6 **SECTION 16.** ATCP 42.44(6)(a) is amended to read:

7 ATCP 42.44(6)(a) The dog or cat food, when fed in recommended amounts, meets all
8 nutrient requirements established in applicable pet nutrient profiles specified in the ~~2004~~ 2006
9 official publication of the association of American feed control officials.

10 **SECTION 17.** ATCP 42.54(1)(a) is amended to read:

11 ATCP 42.54(1)(a) The non-protein nitrogen ingredients are identified in the ~~2004~~ 2006
12 official publication of the association of American feed control officials.

13 **SECTION 18.** ATCP 50, Appendix E is repealed and recreated to read:

**AGRICULTURAL ENGINEERING CERTIFICATION
APPENDIX E**

EMPLOYEE:		OFFICE:		Original	Revised	Revised
SIGNATURE:		TITLE:				
CONCURRED BY:		TITLE:				
DELEGATED BY:		TITLE:				
CERTIFIED BY:		TITLE:				

STD. CODE	PRACTICE	SUB-PRACTICE	CONTROLLING FACTORS	UNITS	JOB CLASS					MAX APPROVAL LIMIT and CERTIFICATION RATING
					I	II	III	IV	V	
560	ACCESS ROAD		GRADE DRAINAGE AREA VELOCITY	% ACRES F.P.S.	10 10 4	ALL 20 6		160 10	ALL ALL	
575	ANIMAL TRAILS AND WALKWAYS		GRADE	%	ALL					
360	CLOSURE OF WASTE IMPOUNDMENT		NUMBER	EACH	ALL					
362	DIVERSION		DRAINAGE AREA	ACRES	10	20	40	160	ALL	
432	DRY HYDRANT		WATER SOURCE LIFT (STATIC HEAD) NOMINAL DIAMETER	-- FEET INCHES	POND 5 4	POND 10 4	POND 15 6	STREAM ALL ALL	ALL ALL ALL	
396	FISH PASSAGE	DAM REMOVAL		--	ALL					
410	GRADE STABILIZATION	EARTHEN	DRAINAGE AREA	ACRES	20	80	320	640	2000(c)	
350	SEDIMENT BASIN (EXCEPT FOR ANIMAL WASTE)	EMBANKMENTS (HAZARD CLASS "3" ONLY)	EFFECTIVE HEIGHT (a) STORAGE (b)	FEET AC. FT.	10 5	15 15	20 30	25 50	35 85	
378	POND (EMBANKMENT)		CONDUIT (SINGLE)	INCHES	12	18	24	36	48	
587	STRUCTURE FOR WATER CONTROL	BOX DROP TO CULVERT	(STOR. VOL.)X(EFF. HT.) NET DROP	-- FEET	500 2*	1000 3*	1500 4*	2000 4	3000 6	
552	IRRIGATION REGULATING RESERVOIR	CULVERT TOEWALLS	WEIR CAPACITY	C.F.S.	100*	200*	300*	400	500	
		CHUTES	NET DROP	FEET	2*	3*	4*	3	4	
			WEIR CAPACITY	C.F.S.	100*	200*	300*	300	300	
			NET DROP	FEET	4	6	8	10	12	
			CAPACITY	C.F.S.	50	100	200	250	300	
412	GRASSED WATERWAY		DRAINAGE AREA	ACRES	50	200	600	1300	ALL	
561	HEAVY USE AREA PROTECTION		AREA IRRIGATED	SQ. FT.	10000	30000	ALL			
442	IRRIGATION SYSTEM, SPRINKLER		AREA IRRIGATED	ACRES	20	40	80	ALL		
449	IRRIGATION WATER MANAGEMENT									
447	IRRIGATION SYSTEM, TAIL WATER RECOVERY		PUMP CAPACITY	GPM	300	500	1000	ALL		
430	IRRIGATION WATER CONVEYANCE AA (Aluminum) DD (Plastic)		CAPACITY (< 50 PSI) CAPACITY (≥ 50 PSI)	GPM GPM	500 300	1000 500	2500 1500	5000 3500		
468	LINED WATER OR OUTLET		DESIGN CAPACITY (d)	C.F.S.	10	30	100	150	ALL	

STD. CODE	PRACTICE	SUB-PRACTICE	CONTROLLING FACTORS	UNITS	JOB CLASS					MAX APPROVAL LIMIT				
					I	II	III	IV	V	PLNG	DESIGN	CONST		
634	MANURE TRANSFER		PUMPED	A.U.	100	300	ALL							
			GRAVITY	A.U.	100	300	ALL							
			RECEPTION TANK (e)	FEET	150	250	400							
				EACH	STAND DRAW	ALL								
719	MILKING CENTER WASTEWATER TREATMENT SYSTEM		FREQUENT HAUL	EACH	ALL									
			RIDGE AND FURROW	EACH	ALL									
			CONSTRUCTED WETLAND	EACH	ALL									
			SUBSURFACE ABSORPTION	EACH	ALL									
			BUFFER	EACH	ALL									
			OBSTRUCTION REMOVAL	EACH	LAND	STREAM	ALL							
			DESIGN VELOCITY	F.P.S.	2	4	6	8	10					
582	OPEN CHANNEL		DESIGN VELOCITY	F.P.S.	2	4	6	8	10					
			DESIGN CAPACITY	C.F.S.	100	200	300	500	1000					
516	PIPELINE		LENGTH	FEET	300	1000	2500	5000	ALL					
			PRESSURE	P.S.I.	25	50	100	200	300					
			SURFACE AREA	ACRES	1/2	1	ALL							
521A	POND SEALING OR LINING, FLEX., MEM. LINING		AREA TREATED	ACRES	1/4	1/2	1	2	ALL					
521C	POND SEALING OR LINING, BENTONITE TREAT.		AREA TREATED	ACRES	1/4	1/2	1	2	ALL					
533	PUMPING PLANT		PROPELLER CAPACITY	GPM	500	2000	7500							
			STATIC HEAT CENTRIFUGAL	Ft.	5	10	15							
			CAPACITY	GPM	500	1000	1500	2000	3500					
			STATIC HEAD	Ft.	50	100	200	300	350					
			TURBINE CAPACITY	GPM	500	1000	1500	2000	3000					
			STATIC HEAD	Ft.	50	100	200	350	500					
			LENGTH	MILES	0.5	ALL								
			ROOF SIZE (EACH)	SQ. FT.	1500	300	ALL							
			WALL HT. (STANDARD)	FEET	2*	4*	5*	6*	8*					
			WALL HT. (NON-STD.)	FEET	2	4	5	6	8					
350	SEDIMENT BASIN, LIVESTOCK		CONTRIBUTING AREA	SQ. FT.	10000	30000	ALL							
			NUMBER	EACH	ALL									
725	SINKHOLE TREATMENT		AREA	ACRES	0.5	ALL								
572	SPOIL SPREADING		ESTIMATED FLOW	G.P.M.	ALL									
574	SPRING DEVELOPMENT	LAKESHORES	WAVE HEIGHT	FEET	0	0	1	2	3					
			CAPACITY (f)	C.F.S.	100	300	1000	2000	5000					
			VELOCITY (f)	F.P.S.	2	4	6	8	10					
			CHANNEL MODIFICATION	FEET	100	300	500	1000	ALL					
			FISH HABITAT	FEET	100	300	500	1000	ALL					
606	SUBSURFACE DRAIN		PIPE SIZE	INCHES	4	6	8	12	ALL					
607	SURFACE DRAINAGE, FIELD DITCH		DRAINAGE AREA	ACRES	10	20	50	100	ALL					
608	SURFACE DRAINAGE, MAIN OR LATERAL		DESIGN CAPACITY	C.F.S.	2	4	6	8	10					
			DESIGN VELOCITY	F.P.S.	100	200	300	5000	1000					
600	TERRACE	UNDERGROUND OUTLET	EMBANKMENT HEIGHT	FEET	2	3	ALL							
			EMBANKMENT HEIGHT	FEET	3	4	6	8	ALL					

STD. CODE	PRACTICE	SUB-PRACTICE	CONTROLLING FACTORS	UNITS	JOB CLASS						MAX APPROVAL LIMIT	
					I	II	III	IV	V	PLNG	DESIGN	CONST
620	UNDERGROUND OUTLET		PIPE SIZE	INCHES	4	6	8	12	150000	3000000		
313	WASTE STORAGE FACILITY	STRUCTURAL FACILITIES	DESIGN STORAGE VOLUME	CU. FT.	5000	25000	75000					
			PREQUALIFIED (g)	EACH	ALL, subject to design capacity							
			WALL HT. (STANDARD)	FEET	2*	4*	6*	8*	10*			
			WALL HT. (NON-STD.) (c)	FEET	2	4	6	8	10			
			EFFECTIVE HEIGHT (a)	FEET	10	15	20	25	ALL			
			DESIGN CAPACITY	CU. FT.	60000	200000	500000	1M	2M			
635	WASTEWATER TREATMENT STRIP		DESIGN CAPACITY	CU. FT.	60000	200000	500000	1M	2M			
			DESIGN CAPACITY	CU. FT.	60000	200000	500000	1M	2M			
			DESIGN CAPACITY	CU. FT.	60000	200000	500000	1M	2M			
			DESIGN CAPACITY	CU. FT.	60000	200000	500000	1M	2M			
638	WATER AND SEDIMENT CONTROL BASIN		DESIGN CAPACITY	CU. FT.	60000	200000	500000	1M	2M			
			CONTRIBUTING AREA	SQ. FT.	5000	10000						
			CONTRIBUTING AREA	SQ. FT.	5000	10000						
642	WATER WELL		VOLUME	G.P.D.	200	300						
			EMBANKMENT HEIGHT	FEET	5	10	15					
			STORAGE (b)	AC. FT.	5	10	15					
614	WATERING FACILITY (402)		DIAMETER	INCHES	4	6	8	12	ALL			
			ESTIMATED DEPTH	FEET	---	100	200	300	ALL			
			NUMBER	EACH	ALL							
351	WELL DECOMMISSIONING		ESTIMATED DEPTH	FEET	100	300	500	ALL				
			ESTIMATED DEPTH	FEET	10	25	ALL					
			ESTIMATED DEPTH	EACH	ALL							
657	WETLAND RESTORATION		SURFACE AREA	ACRE	1/2	1	ALL					
			DRAIN DIAMETER	INCHES	6	12	ALL					
			DEPTH	FEET	4	6	ALL					
			DRAINAGE AREA	ACRES	80	160	320	640	ALL			
			EFFECTIVE HEIGHT (a)	FEET	4	6	10	ALL				
			DRAINAGE AREA	ACRES	20	40	80	160	300			
			STORAGE (b)	AC. FT.	5	15	30	50				

*STANDARD DETAIL DRAWINGS

1. CERTIFICATION IS NOT GRANTED FOR PRACTICES NOT SHOWN.
2. OTHER RESTRICTIONS MAY APPLY AS NOTED
3. TO OBTAIN COPIES OF THE ABOVE REFERENCED PRACTICE STANDARDS, SEE THE USDA-NRCS-WISCONSIN TECHNICAL GUIDE, OR APPENDIX E OF ATCP 50, WISCONSIN ADMINISTRATIVE CODE

FOOTNOTES

- a. DIFFERENCE IN ELEVATION IN FEET BETWEEN THE AUXILIARY SPILLWAY CREST (TOP OF EMBANKMENT IF NO AUXILIARY SPILLWAY) AND THE LOWEST POINT IN THE CROSS SECTION TAKEN ALONG THE CENTERLINE OF THE EMBANKMENT
- b. STORAGE - TOTAL STORAGE CAPACITY AT TOP OF THE DAM IN ACRE-FEET
- c. EFFECTIVE HEIGHT MUST BE LESS THAN 6 FEET
- d. LINED WATERWAY OR OUTLET (468) - THE JOB CLASS WILL BE BASED ON THE 10 YEAR 24 HOUR DURATION PEAK DISCHARGE.
- e. THE MNTC DRAWING Nos. 5.E-33.001 AND 5.E-33.002 AND WISCONSIN STANDARD DRAWINGS IN THE 740 SERIES ARE CLASSIFIED AS NON-STANDARD DRAWINGS.
- f. MAXIMUM DESIGN VELOCITY, AND THE CHANNEL CAPACITY AT THE DESIGN VELOCITY.
- g. PREQUALIFIED STRUCTURES CAN BE FOUND IN CHAPTER 17 OF THE ENGINEERING FIELD HANDBOOK.

1 **SECTION 19.** ATCP 55.14(2)(a) is amended to read:

2 ATCP 55.14(2)(a) The department may issue a holding order to prohibit the sale or
3 movement of any meat or meat food product if the department has reasonable grounds to suspect
4 that the meat or meat food product is unwholesome, adulterated or misbranded, or otherwise fails
5 to meet the standards or requirements of this chapter or ch. 97, Stats. The department may issue
6 a holding order pending further examination or analysis to determine whether the meat or meat
7 food product is unwholesome, adulterated or misbranded, or otherwise fails to meet the standards
8 or requirements of this chapter or ch. 97, Stats.

9 **SECTION 20.** ATCP 55.14(3)(a)(intro.) is amended to read:

10 ATCP 55.14(3)(a)(intro.) If the department finds that meat or a meat food product is
11 unwholesome, adulterated, ~~or~~ misbranded, not inspected and approved according to this chapter
12 or s. 97.42, Stats., or not processed according to this chapter or s. 97.42, Stats., the department
13 may order the owner or custodian to do any of the following:

14 **SECTION 21.** 69.02(1)(a), (b)(intro), (c), and (d)(intro) are amended to read:

15 ATCP 69.02(1)(a) Completed an 18-month cheesemaking ~~apprenticeship~~ internship
16 under a licensed cheesemaker, including at least one month's experience in the complete process
17 of cheesemaking.

18 (b)(intro.) Completed a 12-month cheesemaking ~~apprenticeship~~ internship under a
19 licensed cheesemaker, including at least one month's experience in the complete process of
20 cheesemaking, and complete at least one of the following:

21 (c) Completed a 6-month cheesemaking ~~apprenticeship~~ internship under a licensed
22 cheesemaker, including at least one month's experience in the complete process of

1 cheesemaking, and completed a 4-year dairy-related degree program at an accredited college or
2 university.

3 (d)(intro.) Completed an ~~apprenticeship~~ internship under a licensed cheesemaker,
4 including at least 240 hours experience in the complete process of cheesemaking, and completed
5 department-approved courses in all the following:

6 **SECTION 22.** ATCP 70.03(4)(b) is amended to read:

7 ATCP 70.03(4)(b) The holder of a temporary license may not procure farm products
8 from producers, except as specifically authorized by the department in writing. The department
9 may not authorize a food processing plant operator to procure farm products from producers
10 unless the food processing plant operator complies with ~~s. 100.03~~ subch. VI of ch. 126, Stats.

11 **SECTION 23.** ATCP 70.03(4)(b)(note) is repealed.

12 **SECTION 24.** ATCP 70.22(1)(g)(intro.) is amended to read:

13 ATCP 70.22(1)(g)(intro.) The last date on which the smoked fish may be sold at retail,
14 which shall be not more than ~~17~~21 days after the processing date under par. (f). This paragraph
15 does not apply to any of the following:

16 **SECTION 25.** ATCP 70.22(2) is amended to read:

17 ATCP 70.22 (2) Smoked fish shall not be sold more than ~~17~~21 days after the date of
18 processing unless the smoked fish are exempt under sub. (1)(g).

19 **SECTION 26.** ATCP 80.02(3)(e) is repealed.

1 **SECTION 27.** ATCP 80.44(2), table 2 is amended to read:

TABLE 2
PASTEURIZATION REQUIREMENTS FOR
SELECTED DAIRY PRODUCTS

Product Group	Batch Pasteurization	HTST Pasteurization
(a) Milk, skim milk, or buttermilk	145°F. (63°C.) for 30 minutes	161°F. (72°C.) for 15 seconds
(b) Cream and fluid dairy products having more than 10% milk-fat	150°F. (66°C.) for 30 minutes	166°F. (75°C.) for 15 seconds
(c) Cream for butter	165°F. (74°C.) for 30 minutes	185°F. (85°C.) for 15 seconds
(d) Condensed dairy products including condensed products in group (a) and blends of those products	150°F. (66°C.) for 30 minutes	166°F. (75°C.) for 15 seconds
(e) High total solids products (>16%)	155°F. (69°C.) <u>150°F. (66°C.)</u> for 30 minutes	166°F. (75°C.) for 15 seconds
(f) Frozen dessert mixes	155°F. (69°C.) for 30 minutes	175°F. (80°C.) for 25 seconds or 180°F. (83°C.) for 15 seconds
(g) Egg nog	155°F. (69°C.) for 30 minutes	175°F. (80°C.) for 25 seconds or 180°F. (83°C.) for 15 seconds
(h) Process cheese	150°F. (66°C.) for 30 seconds	-----

2 **SECTION 28.** ATCP 80.50(2)(f) is amended to read:

3 ATCP 80.50(2)(f) The temperature reading on the indicating thermometer at the start ~~and~~
4 ~~end~~ of the pasteurization holding period, and at a specific times time identified as ~~points~~ a point
5 on the ~~recorder~~ temperature recording chart.

1 **SECTION 29.** ATCP 80.50(3)(d) is amended to read:

2 ATCP 80.50(3)(d) The temperature reading on the indicating thermometer at the start
3 ~~and end~~ of each pasteurization run, and at a specific times time identified as points a point on the
4 ~~controller~~ temperature recording chart.

5 **SECTION 30.** ATCP 80.54(1)(a) is amended to read:

6 ATCP 80.54(1)(a) Records related to milk receipts and producer payrolls, as required by
7 s. ATCP ~~100.76~~ 100.32(1). Records under this paragraph shall include milk collection records
8 received from milk haulers under s. ATCP 82.10(10). Records under this paragraph shall be
9 retained for at least 3 years.

10 **SECTION 31.** ATCP 80.54(1)(a)(note) is repealed

11 **SECTION 32.** ATCP 80, Appendix A is repealed and recreated to read:

Chapter ATCP 80

APPENDIX A

3-A SANITARY STANDARDS AND ACCEPTED PRACTICES

The following 3-A standards and 3-A accepted practices establish criteria for the sanitary construction and operation of dairy handling and processing equipment. These standards are published by the “3-A Sanitary Standards, Inc., 1451 Dolley Madison Boulevard, Suite 210, McLean, VA 22101-3850, website www.3-A.org, Telephone: (703) 790-0295, Fax: (703) 761-6284. Copies are on file with the department and the revisor of statutes. Copies may be obtained from “3-A Sanitary Standards, Inc. Online Store” at <http://www.techstreet.com>.

You may also search, order and download standards (in PDF format) by visiting <http://www.3-A.org>.

3-A SANITARY STANDARDS

<u>Doc. No.</u>	<u>Title (3-A Sanitary Standards for:)</u>	<u>Effective</u>
01-08	Storage Tanks	11/2001
02-09	Centrifugal and Positive Rotary Pumps	11/1996
04-04	Homogenizers and Reciprocating Pumps	11/1996
05-15	Stainless Steel Automotive Transportation Tanks for Bulk Delivery and/or Farm Pick-Up Service	11/2002
10-04	Milk and Milk Products Filters Using Single Service Filter Media	11/2000
11-06	Plate Type Heat Exchangers	11/2001
12-07	Tubular Heat Exchangers	11/2003
13-10	Farm Milk Cooling and Holding Tanks	11/2003
16-05	Milk and Milk Products Evaporators and Vacuum Pans	8/1997
17-10	Formers, Fillers, and Sealers of Containers for Fluid Products	11/2002
18-03	Multiple-Use Rubber and Rubber-Like Materials Used as Product Contact Surfaces	8/1999
19-05	Batch and Continuous Freezers for Frozen Foods	11/1999
20-23	Multiple-Use Plastic Materials Used as Product Contact Surfaces	11/2004

21-00	Centrifugal Separators and Clarifiers	11/2002
22-08	Silo-Type Storage Tanks	11/2004
23-04	Equipment for Packaging Viscous Products	11/2002
24-02	Non-Coil Type Batch Pasteurizers	11/1989
25-03	Non-Coil Type Batch Processors	11/2002
26-04	Sifters for Dry Products	11/2001
27-05	Equipment for Packaging Dry Products	11/2002
28-03	Flow Meters	11/1995
29-02	Air Eliminators	11/2000
30-01	Farm Milk Storage Tanks	9/1984
31-03	Scraped Surface Heat Exchangers	11/2000
32-02	Uninsulated Tanks	8/1994
33-01	Polished Metal Tubing	11/1994
34-02	Portable Bins for Dry Products	09/1992
35-01	Blending Equipment	11/2003
36-01	Inline Rotor-Stator Mixers	11/2003
38-00	Cottage Cheese Vats	8/1997
39-01	Pneumatic Conveyors for Dry Products	11/2003
40-02	Bag Collectors	11/2002
41-01	Mechanical Conveyors for Dry Products	11/1996
42-01	In-Line Strainers	11/1997
43-00	Wet Collectors for Dry Products	9/1997
44-03	Diaphragm Pumps	11/2001
45-02	Crossflow Membrane Modules	11/2003
46-03	Refractometers and Energy-Absorbing Optical Sensors	11/2002
47-00	Centrifugal and Positive Rotary Pumps for Pumping Cleaning and Sanitizing Solutions	11/1996

49-01	Air Driven Sonic Horns for Dry Products	11/2001
50-01	Level Sensing Devices for Dry Products	11/2001
51-01	Plug-Type Valves	11/1998
52-02	Plastic Plug-Type Valves	11/1998
53-02	Compression-Type Valves	01/2002
54-02	Diaphragm-Type Valves	11/1997
55-01	Boot Seal-Type Valves	11/1996
56-00	Inlet and Outlet Leak-Protector Plug-Type Valves	5/1993
57-01	Tank Outlet Valves	11/1996
58-00	Vacuum Breakers and Check Valves	6/1992
59-00	Automatic Positive Displacement Samplers	11/1993
60-00	Rupture Discs	9/1983
61-00	Steam Injection Heaters	11/1994
62-01	Hose Assemblies	11/1996
63-03	Sanitary Fittings	11/2002
64-00	Pressure Reducing and Back Pressure Regulating Valves	11/1993
65-00	Sight and/or Light Windows and Sight Indicators	11/1994
66-00	Caged-Ball Valves	11/1995
68-00	Ball-Type Valves	11/1996
70-01	Italian-Type Pasta Filata Style Cheese Cookers	11/2002
71-01	Italian-Type Pasta Filata Style Cheese Moulders	11/2002
72-01	Italian-Type Pasta Filata Style Moulded Cheese Chillers	11/2002
73-00	Shear Mixers, Mixers, and Agitators	11/1996
74-02	Sensors and Sensor Fittings and Connections	11/2002
75-00	Belt-Type Feeders	11/1998
78-01	Spray Devices to Remain in Place	11/2003
81-00	Auger-Type Feeders	11/1998

82-00	Pulsation Dampening Devices	11/2002
83-00	Enclosed Cheese Vats and Tables	11/2003
84-00	Personnel Access Ports for Wet Applications	11/2003
85-00	Double-Seat Mixproof Valves	11/2004

3-A ACCEPTED PRACTICES

<u>Doc. No.</u>	<u>Title (3-A Accepted Practices for:)</u>	<u>Effective</u>
603-06	Sanitary Construction, Installation, Testing, and Operation of High-Temperature Short-Time and Higher-Heat Shorter-Time Pasteurizer Systems	12/1992
604-05	Supplying Air Under Pressure for Contact with Product or Product Contact Surfaces	11/2004
605-04	Permanently Installed Product and Solution Pipelines and Cleaning Systems	8/1994
606-05	Design, Fabrication, and Installation of Milking and Milk Handling Equipment	11/2002
607-05	Milk and Milk Products Spray Drying Systems	11/2004
608-02	Instantizing Systems	11/2001
609-03	Method of Producing Steam of Culinary Quality	11/2004
610-01	Sanitary Construction, Installation, and Cleaning of Crossflow Membrane Processing Systems	11/2003
611-00	Farm Milk Cooling and Storage Systems	11/1994

1 **SECTION 33.** ATCP 81.02(2) and (3) are amended to read:

2 ATCP 81.02(2) LICENSE APPLICATION. Application for a biennial cheese grader license
3 shall be made on a form provided by the department. The application shall be accompanied by
4 ~~each applicable~~ the fee and surcharge required under (3). An application shall include all of the
5 information required under this section for licensing purposes.

6 (3) LICENSE FEE. A person applying for a license under sub. (1) shall pay ~~an annual a~~
7 license fee of \$60.

8 **SECTION 34.** ATCP 82.06(1)(note) is amended to read:

9 **NOTE:** Copies of the “3-A Standards” are on file with the department and the revisor of
10 statutes. Copies may be purchased from the ~~International Association of Milk,~~
11 ~~Food and Environmental Sanitarians~~ International Association for Food
12 Protection, 6200 Aurora Avenue, Suite 200 W., Des Moines, IA 50322.

13 **SECTION 35.** ATCP 85.01(3) is amended to read:

14 ATCP 85.01(3) “Butter” ~~means the dairy product defined~~ has the meaning given in s.
15 97.01(12) 97.01(1), Stats.

16 **SECTION 36.** ATCP 85.01(9) is amended to read:

17 ATCP 85.01(9) “Milk” ~~means the dairy product defined~~ has the meaning given in s.
18 97.01(13) 97.01(10)(a), Stats.

19 **SECTION 37.** ATCP 88.02(4)(note) is amended to read:

20 **NOTE:** The “List of Proprietary Substances and Nonfood Compounds,” published
21 semiannually by the United States department of agriculture, is on file with the
22 department and may be obtained from the United States department of agriculture,
23 agricultural marketing service, poultry ~~division, grading branch, 100 stockyards~~
24 ~~road, room 209, South St. Paul, MN 55075~~ programs, grading branch, 1400
25 Independence Avenue, S.W., Room 3938-South Building, Washington, D.C.
26 20250, STOP 0256.

1 **SECTION 38.** ATCP 88.02(5)(note) is amended to read:

2 **NOTE:** The “List of Proprietary Substances and Nonfood Compounds,” published
3 semiannually by the United States department of agriculture, is on file with the
4 department and may be obtained from the United States department of agriculture,
5 agricultural marketing service, poultry ~~division, grading branch, 100 stockyards~~
6 ~~road, room 209, South St. Paul, MN 55075~~ programs, grading branch, 1400
7 Independence Avenue, S.W., Room 3938-South Building, Washington, D.C.
8 20250, STOP 0256.

9 **SECTION 39.** ATCP 88.06(2)(note) is amended to read:

10 **NOTE:** United States consumer grades and sizes are described in “United States
11 Standards, Grades, and Weight Classes for Shell Eggs” under ~~title 7, code of~~
12 ~~federal regulations part 56, subpart C-7~~ CFR 56 (c). A copy may be purchased
13 from the United States department of agriculture, agricultural marketing service,
14 poultry ~~division, grading branch, room 209, 100 stockyards road, South St. Paul,~~
15 ~~MN 55075~~ programs, grading branch, 1400 Independence Avenue, S.W., Room
16 3938-South Building, Washington, D.C. 20250, STOP 0256.

17 **SECTION 40.** ATCP 92.02(1) is amended to read:

18 ATCP 92.02(1) Except as provided in this chapter, weighing and measuring devices
19 shall comply with applicable specifications, tolerances and other technical requirements set forth
20 in the national institute of standards and technology handbook 44 (specification, tolerances and
21 other technical requirements for weighing and measuring devices), 2004 2006 edition.

22 **SECTION 41.** ATCP 92.02(1)(note) is amended to read:

23 **NOTE:** See s. 98.03 (2), Stats. The current edition of the National Institute of Standards
24 and Technology Handbook 44 (Specifications, Tolerances and Other Technical
25 Requirements for Weighing and Measuring Devices) is on file with the
26 department and the revisor of statutes. Copies may be purchased from the U.S.
27 ~~government printing office Washington, D.C. 20402-9325~~ Government Printing
28 Office, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-
29 7954.

1 **SECTION 42.** ATCP 92.06(1)(a) is amended to read:

2 ATCP 92.06(1)(a) The national institute of standards and technology handbook 44
3 (specifications, tolerances, and other technical requirements for weighing and measuring
4 devices), 2004 2006 edition.

5 **SECTION 43.** ATCP 92.06(1)(b) is amended to read:

6 ATCP 92.06(1)(b) The national institute of standards and technology handbook 133
7 (checking the net contents of packaged goods), 2003 2005 edition.

8 **SECTION 44.** ATCP 92.06(2) is amended to read:

9 ATCP 92.06(2) PRICE VERIFICATION SYSTEMS. Inspections of price verification systems
10 shall comply with section 7 “test procedures” from the chapter titled “Examination procedure for
11 price verification,” national institute of standards and technology handbook 130 (uniform laws
12 and regulation in the areas of legal metrology and engine fuel quality), 2004 2006 edition.

13 **SECTION 45.** ATCP 92.06(3)(note) is amended to read:

14 **NOTE:** The standards incorporated by reference in subs. (1) and (2) are on file with the
15 department and the revisor of statutes. Copies may be ~~obtained~~ purchased from
16 the U.S. Government Printing Office, ~~Stop SSOP, Washington, D.C. 20402-0001~~
17 Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-754.

18 **SECTION 46.** ATCP 92.08(1) is amended to read:

19 ATCP 92.08(1) HIRING. A municipality that has a weights and measures program under
20 s. 98.04, Stats., shall hire its inspectors from a list of applicants whose qualifications have been
21 certified by the state or local civil service agency under the rules of the agency. ~~A municipality~~
22 ~~may hire or contract with an inspector who is not a permanent civil service employee, provided~~
23 ~~that an open recruitment or bidding process is used to recruit, evaluate or certify the~~
24 ~~qualifications of prospective inspectors.~~

1 **SECTION 47.** ATCP 92.22(1)(b) is amended to read:

2 ATCP 92.22(1)(b) Comply with applicable requirements contained in the national
3 institute of standards and technology handbook 44 (specifications, tolerances, and other technical
4 requirements for weighing and measuring devices), ~~2004~~ 2006 edition.

5 **SECTION 48.** ATCP 92.22(1)(b)(note) is amended to read:

6 **NOTE:** The national institute of standards and technology handbook 44, ~~2004~~ 2006
7 edition, is on file with the department and the revisor of statutes. You may
8 purchase copies of this handbook from the U.S. Government Printing Office, ~~Stop~~
9 ~~SSOP, Washington, D.C. 20402-0001~~ Superintendent of Document Sales, P.O.
10 Box 371954, Pittsburgh, PA 15250-7954.

11 **SECTION 49.** ATCP 105.07(1)(b)16. is amended to read:

12 ATCP 105.07(1)(b)16. Salaries, fringe benefits and other remuneration, including
13 officers' salaries and payroll taxes, except as allocated under subs. (2)(b)13. and (3)(b)1. and 2.a.
14 ~~If officers or other management personnel receive no remuneration or token remuneration, a~~
15 ~~value shall be placed on their services at a rate no lower than the average labor rate paid in~~
16 ~~Wisconsin by the "Food and Kindred Products Industry", reported by the Wisconsin department~~
17 ~~of workforce development as part of its published earnings and hours data.~~

18 **SECTION 50.** ATCP 111.06 is amended to read:

19 **ATCP 111.06 Interpretation.** A seller under this chapter is also a seller under s. ATCP
20 ~~110.01(4)~~ 110.01(5) and is subject to ch. ATCP 110 ~~home improvement trade practice rules.~~ In
21 the event of any conflict between this chapter and ch. ATCP 110, ~~the provisions of ch. ATCP~~
22 ~~111~~ such that a seller cannot comply with one chapter without violating the other, this chapter
23 shall prevail.

1 **SECTION 51.** ATCP 113.01(1) is amended to read:

2 ATCP 113.01(1) To state or otherwise represent that the gasoline has a specified octane
3 value or rating when such value or rating has been determined by a test method other than one
4 which is recognized by the American Society for Testing Materials International as standard for
5 the industry.

6 **SECTION 52.** ATCP 113.01(3) is amended to read:

7 ATCP 113.01(3) To use any statement, design or device which may induce prospective
8 purchasers to believe that such gasoline is of greater value for motor car use because it contains
9 high octane value components without clearly stating the octane value or rating of the total
10 product advertised, as determined by a method which is recognized by the American Society for
11 Testing Materials International as standard for the industry.

12 **SECTION 53.** ATCP 113.02 is amended to read:

13 **ATCP 113.02 Test methods, standards.** The test methods prescribed in s. ATCP
14 113.01(1) and (3) are set forth in the book “ASTM Manual for Rating Motor Fuels by Motor and
15 Research Methods”, published 1956, copies of which are on file at the offices of the state
16 department of agriculture, trade and consumer protection, ~~secretary of state and~~ revisor of
17 statutes, and which may be obtained from American Society for Testing Materials, ~~1916 Racee~~
18 ~~Street, Philadelphia, Pennsylvania.~~ International, 100 Barr Harbor Dr., P.O. Box C700, West,
19 Conshohocken, PA 19428-2959.

20 **SECTION 54.** ATCP 118.02(2) is amended to read:

21 ATCP 118.02(2) Rental companies that offer or sell a damage waiver shall provide each
22 renter a written notice having the following form and content. The rental company shall provide
23 the notice to the renter as part of the rental agreement, or as a separate document, without other

1 text or markings, before the renter enters into a rental agreement. If a separate document is used,
2 ~~The~~ the rental company shall give ~~the~~ each renter one complete copy of the notice signed by ~~the~~
3 that renter and shall retain one complete signed copy with the company's copy of the rental
4 agreement for a period of six years. The rental company may retain its copy in photographic or
5 electronic form. A rental company that retains its copy in photographic or electronic form shall
6 print that copy for the department upon request. The notice shall:

7 (a) Be printed ~~on the face of a single page 8 1/2 by 11 inches in size,~~ with text in 11-point
8 type, except that title and headings shall be capitalized and in 13-point type bold face; If a
9 separate document is used, it shall be printed on paper 8 1/2 by 11 inches in size.

10 (b) Contain the following information in the following format.

11 **NOTICE ABOUT LIABILITY FOR DAMAGE TO THE RENTAL CAR**

12 The State of Wisconsin requires us to provide the following information about your liability for
13 damage to a rental car and the purchase of a damage waiver.

14 **LIABILITY FOR DAMAGE TO THE RENTAL CAR**

15 The rental agreement makes you and any authorized driver liable for any damage to the rental car
16 caused by an accident, or by intentional, reckless or wanton misconduct, or by theft that you may
17 have intentionally caused. Total liability for any damage is limited to:

18 1) reasonable repair costs, less discounts available to us, or
19 the fair market value of the car, whichever is less, and

20 2) actual and reasonable towing costs, and ~~up to two days~~ for storage costs during the
21 period before you notify the rental company of the damage to the vehicle or for 14
22 days after the damage occurs, whichever period is shorter.

23 **LIABILITY FOR DAMAGE AFTER THE RENTAL CAR HAS BEEN STOLEN**

1 If a person who drives the rental car without your authorization causes damage to the car, you
2 may be liable for the damage as though you or an authorized person was driving the car unless
3 you do all of the following:

- 4 1) Refrain from leaving the ignition key in the car when you are not in the car.
- 5 2) Always keep the ignition key in your possession.
- 6 3) Immediately report to the local police if you learn the car has been stolen, or that an
7 unauthorized person is driving the car.
- 8 4) Cooperate fully with the local police by providing any information you know that
9 may be helpful.

10 **INSURANCE OR CREDIT CARD COVERAGE**

11 Liability for any damage may be covered by your personal insurance policy or credit card
12 agreement. Check your insurance policy or credit card agreement about coverage.

13 **DAMAGE WAIVER COVERAGE**

14 A damage waiver is **not** insurance coverage. If you purchase a damage waiver for _____ per
15 day, we will waive our right to hold you or any authorized driver liable for damage. Even if you
16 buy a damage waiver, you and any authorized driver will remain liable for damage if any of the
17 following apply:

- 18 1) ~~The damage is caused by you,~~ You cause, or any authorized driver; causes, the
19 damage intentionally or by reckless or wanton misconduct;
- 20 2) The damage occurs while you, or any authorized driver, operates the car in this state
21 while under the influence of an intoxicant or other drug, as described by the laws of this state.
- 22 3) The damage occurs while you, or any authorized driver, operates the car in another
23 state while under the influence of an intoxicant or other drug, as described by the laws of that

1 state.

2 4) The damage occurs while you, or any authorized driver, is engaged in a race, speed, or
3 endurance contest.

4 5) The damage occurs while you or any authorized driver is using, or has directed
5 another to use, the car in the commission of a misdemeanor, or a felony, as defined by s. 939.60,
6 Stats.

7 6) The damage occurs while you are using, or any authorized driver is using, ~~use~~ the car
8 to carry persons or property for hire.

9 7) The damage occurs while you are using, or any authorized driver is using, the car
10 outside the United States and Canada, ~~unless use outside of these countries is~~ except as permitted
11 under the rental agreement.

12 8) The damage occurs while the car is operated on a surface not intended for use by
13 private passenger vehicles.

14 9) You provide us misleading or false information in order to rent the car, which causes
15 us to rent you the car when we would not have otherwise done so, or on terms to which we
16 would not have otherwise agreed.

17 10) You, or an authorized driver who was operating the car when an accident occurred,
18 fail to promptly report, to us and the police, the accident resulting in damage to the car.

19 11) The damage is caused by an unauthorized driver if you did not report a theft to the
20 police within 24 hours after you learned the unauthorized driver took possession of the car, did
21 not cooperate with the police in providing information about the theft, or left the ignition key in
22 the car at the time of the theft.

23 **NOTICE OF RIGHT TO INSPECT DAMAGE**

1 If the car is damaged, we may not collect any amount for the damage unless you, or an
2 authorized driver against whom we claim liability, have been promptly notified of your and your
3 insurers' right to inspect the unrepaired car within two working days after we were notified of the
4 damage. If you request, we must also give you a ~~copies~~ copy of two estimates any estimate we
5 have obtained from ~~a repair shops~~ shop regarding any damage claim. Within 2 working days
6 after receiving that estimate, you may request a second estimate from a competing repair shop
7 and we must give you a copy of the second estimate.

8 **COMPLAINTS**

9 If you have any complaints about our attempt to hold you liable for damages or would like a
10 copy of the state law that fully sets forth your rights and obligations, contact:

11 Wisconsin Consumer Protection Bureau

12 P.O. Box 8911, Madison, WI 53708-8911

13 608-224-4960 (Madison area) or toll-free 1-800-422-7128

14 Date: _____ Renter's Signature _____

15 **SECTION 55.** ATCP 131.07(2)(a) is amended to read:

16 ATCP 131.07(2)(a) That proceeds from the sale of any coupon will be donated to any
17 charity, civic or religious group, or other nonprofit organization unless such representation is
18 true, and the amount to be donated is disclosed ~~as required by s. 100.18 (4), Stats.~~ in one of the
19 following forms:

20 1. The minimum amount stated in dollars.

21 2. The minimum percentage of the gross income.

22 3. The minimum percentage of the net income.

1 **SECTION 56.** ATCP 134.02(1m) is amended to read:

2 ATCP 134.02(1m) “Consumer credit report” has the meaning given for ~~the~~ “consumer
3 report” in 15 USC 1681a(d).

4 **SECTION 57.** ATCP 134.09(2)(c)(note) is amended to read:

5 **NOTE:** The separate written document under par. ~~(b)~~ (c) may be pre-printed.

6 **SECTION 58.** ATCP 155.01(1) is amended to read:

7 ATCP 155.01(1) “Contractor” ~~has the meaning specified~~ means a vegetable contractor as
8 defined in s. ~~100.03(1)(f)~~ 126.55 (14), Stats.

9 **SECTION 59.** ATCP 155.01(1)(note) is repealed.

10 **SECTION 60.** ATCP 155.01(3) is amended to read:

11 ATCP 155.01(3) “Procurement contract” ~~has the meaning specified~~ means a vegetable
12 procurement contract as defined in s. ~~100.03(1)(vm)~~ 126.55 (15), Stats.

13 **SECTION 61.** ATCP 155.01(3)(note) is repealed.

14 **SECTION 62.** ATCP 155.01(4) is amended to read:

15 ATCP 155.01(4) “Producer” ~~has the meaning specified~~ means a vegetable producer as
16 defined in s. ~~100.03(1)(w)~~ 126.55 (16), Stats.

17 **SECTION 63.** ATCP 155.01(4)(note) is repealed.

18 **SECTION 64.** ch. ATCP 158 is repealed.

1 **EFFECTIVE DATE AND INITIAL APPLICABILITY:** This rule takes effect on the first day of
2 the month following publication in the Wisconsin administrative register, as provided under s.
3 227.22 (2) (intro), Stats.

Dated this _____ day of _____, 2006

STATE OF WISCONSIN

DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By _____
Rodney J. Nilsestuen,
Secretary

Wisconsin Department of Agriculture, Trade and Consumer Protection

Business Impact Analysis¹

Rule Subject:	Technical Rule Changes
Adm. Code Reference:	Various
Rules Clearinghouse #:	06-028
DATCP Docket #:	05-R-03

Under s. 895.59, Stats.(created by 2003 Wis. Act 145), agencies are required to describe, by rule, the discretion that they may exercise when enforcing rules against small business. This rule describes the discretion exercised by the Department of Agriculture, Trade and Consumer Protection (“DATCP”). Because DATCP already exercises considerable enforcement discretion, this rule does not constitute a major change in DATCP policy.

This rule makes the following minor technical changes to rules administered by DATCP:

- Conforms fertilizer tonnage fee (agricultural chemical cleanup surcharge) to the current statute. The department is already charging the (lower) statutory fee, not the obsolete (higher) fee that appears in the current rule (ATCP 40).
- Updates technical standards that are incorporated by reference in current commercial feed rules (ATCP 42). The updates refer to the latest edition (2006) of the official publication of the Association of American Feed Control Officials.
- Updates current standards for the professional certification of agricultural engineering practitioners. DATCP coordinated these revisions with the United States Department of Agriculture (NRCS) and county land conservation departments, including practitioners who serve federal, state and county conservation programs.
- Clarifies DATCP’s meat holding order and condemnation authority (ATCP 55).
- Eliminates an inconsistency between rules related to the legal “shelf life” of smoked fish (one rule says 17 days, the other says 21 days). This rule makes the standard 21 days.
- Changes current dairy plant rules (ATCP 80) to make them consistent with current federal standards. This includes minor technical changes related to pasteurization standards, thermometers and temperature readings, as well as updates to technical standards incorporated by reference (ATCP 80 Appendix). The updates refer to the latest editions of the *3-A Sanitary Standards and Accepted Practices* published by the 3-A Sanitary Standards, Inc.

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

- Updates technical standards that are incorporated by reference in current weights and measures rules (ATCP 92). The updates refer to the latest editions (2006) of current weights and measures handbooks published by the National Institute of Standards and Technology.
- Clarifies that local weights and measures inspectors must be civil service employees (conforms rule to current statute).
- Eliminates minor obsolete accounting provisions in ATCP 105 related to the calculation of cigarette “cost” for purposes of the Unfair Sales Act (“minimum markup law”).
- Clarifies the relationship between the home improvement code (ATCP 110) and the basement waterproofing code (ATCP 111), both of which apply to basement waterproofing services.
- Conforms car rental notice requirements (ATCP 118) to current statute.
- Clarifies prohibition against misleading charity claims in coupon book schemes (ATCP 131).
- Repeals current rules related to dairy cattle grades (ATCP 158), because the rules are obsolete and no longer used.
- Corrects typographical errors and cross-references, eliminates obsolete provisions, conforms rules to current statutes, creates clarifying notes, and makes other non-substantive drafting and organizational changes to current rules.

Businesses Affected by the Rule

This rule affects businesses, including small businesses, which are currently regulated by DATCP. Those businesses may include agricultural producers, food processors and food distributors, as well as wholesalers and retailers of a wide variety of other products and services. This rule will not have a significant effect on any of those businesses. This rule merely clarifies current law and policy, and makes minor technical changes to current rules.

This rule will not have a significant impact on small businesses. DATCP already exercises considerable enforcement discretion, including enforcement discretion related to small business. This rule merely codifies current DATCP policy, and does not constitute a major change in policy.

Accommodation for Small Business

Because this rule creates no regulatory burden for small businesses, it was not necessary for the department to take steps to help small business comply with the rule. The enforcement discretion currently practiced by DATCP, and codified by this rule, benefits small business.

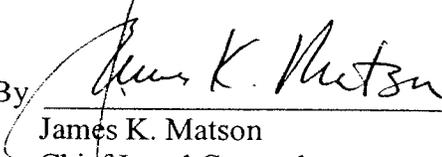
Conclusion

This rule does not have a significant impact on business, small or large. It does not impose additional costs on business, and it does not require additional professional services.

Dated this 8th day of June, 2006

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By


James K. Matson
Chief Legal Counsel

FISCAL ESTIMATE		List both LRB No. and Bill/Adm. Rule No. Chs. ATCP 1, 11, 13, 17, 29, 40, 42, 50, 55, 69, 70, 80, 81, 82, 85, 88, 92, 105, 111, 113, 118, 131, 134, 155, 158
DOA-2048 N(R 10/98) <input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> UPDATED		Amendment No. (If Applicable)
<input checked="" type="checkbox"/> CORRECTED <input type="checkbox"/> SUPPLEMENTAL		
Subject		
Fiscal Effect		<input type="checkbox"/> Increase Costs - May be possible to Absorb Within Agency's Budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
State: <input checked="" type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriation <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Appropriation <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Create New Appropriation		
Local: <input checked="" type="checkbox"/> No local government costs		5. Types of Local Governmental Unit Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others _____ <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
Fund Source Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S		Affected Ch. 20 Appropriations
Assumptions Used in Arriving at Fiscal Estimate The exercise of enforcement discretion may reduce department revenues by a small but indeterminate amount. The other provisions of this rule will have no fiscal effect on the department or local units of government.		
Long - Range Fiscal Implications		

Agency/prepared by: (Name & Phone No.) Karen Schultz (608) 224-5023	Authorized Signature/Telephone No. <i>Barbara Knapp</i> Barbara Knapp (608) 224-4746	Date 7-19-06
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Ruby, Erin

From: Rep.Ott
Sent: Thursday, July 27, 2006 1:29 PM
To: Rep.Ainsworth; Rep.Gronemus; Rep.Hines; Rep.Loeffelholz; Rep.Molepske; Rep.Nerison; Rep.Parisi; Rep.Petrowski; Rep.Steinbrink; Rep.Suder; Rep.Towns; Rep.Vruwink; Rep.WilliamsM; Rep.Ziegelbauer; 'Rep.Ziegelbauer(1)'
Cc: Anderson, John; Bauknecht, Jason; Berken, Nathan; 'Christopher, Marc'; Cross, William; Deering, Bonnie; Emerson, Anne; Gaston, Geoff; Hilton, Stephanie; Holsinger, Eric; Hutkowski, Hariah; Junck, Linda; Kostelic, Luanne; Kraak, Maureen; Langan, Casey; Loomans, Scott; Mueller, Virginia (Legislature); Parrott, Douglas; Patronskey, Mark; Pfohl, Mike; Redell, Carol; Shea, Heather; Whitmore, Lori; Zutz, Toby; Moll, Keeley A DATCP; OBrien, John; Perlich, John H.
Subject: Clearinghouse Rule Referred to Assembly Committee on Agriculture
Attachments: 06-028.PDF

The following Clearinghouse Rule has been referred to the Assembly Committee on Agriculture for a 30 day review period:

Clearinghouse Rule 06-028: Technical Rule Changes.

A copy of the rule is attached. Please contact my office if you have any questions or would like to request a hearing on this rule.

The initial 30 day deadline for committee review is Monday, August 28, 2006.



06-028.PDF (2 MB)

TO: Erin Ruby

Committee on Agriculture

FROM: Patrick E. Fuller, Assembly Chief Clerk

RE: Clearinghouse Rules Referral

The following Clearinghouse Rule has been referred to your committee.

CLEARINGHOUSE RULE 06-028

AN ORDER to to repeal ATCP 13.01 (2), 70.03 (2) (note), (3) (note), and (4) (b) (note), 80.02 (3) (e), 80.54 (1) (a) (note), and 155.01 (1) (note), (3) (note), and (4) (note) and chapter ATCP 158; to renumber ATCP 13.01 (3) to (7); to amend ATCP 17.01 (1) (c), 17.03 (2) (note), (4) (b) and (note), 40.06 (2) (f) and (3), 42.16 (1) (b) and (2) (b), 42.32 (2) (b), 42.40 (4) (b), 42.44 (6) (a), 42.54 (1) (a), 55.14 (2) (a) and (3) (a) (intro.), 69.02 (1), 70.03 (2), (3), and (4) (b), 70.22 (1) (g) (intro.) and (2), 80.44 (2) table 2, 80.50 (2) (f) and (3) (d), 80.54 (1) (a), 81.02 (2) and (3), 82.06 (1) (note), 85.01 (3) and (9), 88.02 (4) (note) and (5) (note), 88.06 (2) (note), 92.02 (1) and (note), 92.06 (1) (a) and (b), (2) and (3) (note), 92.08 (1), 92.22 (1) (b) and (note), 105.07 (1) (b) 16., 111.06, 113.01 (1) and (3), 113.02, 131.07 (2) (a), 134.02 (1m), 134.09 (2) (c) (note), and 155.01 (1), (3), and (4); to repeal and recreate chapter ATCP 50 Appendix E, and chapter ATCP 80 Appendix A; and to create subchapter VII of chapter ATCP 1 and ATCP 29.26 (1) (b) (note), 29.52 (9) (c) (note), and 97.04 (4) (c) and (note), relating to small business enforcement discretion and technical changes to various rules.

Submitted by **Department of Agriculture, Trade and Consumer Protection.**

Report received from Agency on **July 20, 2006.**

To committee on **Agriculture.**

Referred on **Thursday, July 27, 2006.**

Last day for action - **Monday, August 28, 2006.**

Under section 227.19 (4) of the Wisconsin Statutes, your committee has 30 days to take action or get an extension. The day **after** the official referral date is day one of your review period. Therefore, the 30th day should fall four weeks and two days after the referral date. For example, for Clearinghouse Rules referred on a Monday, a Wednesday would be your 30th day. For Clearinghouse Rules referred on a Tuesday, a Thursday would be your 30th day. For Clearinghouse Rules referred on a Wednesday, a Friday would be your 30th day. For Clearinghouse Rules referred on a Thursday or Friday, your 30th day would fall on a weekend. Therefore, your time would expire on the next working day (Monday) as provided for in s. 990.001 of the Wisconsin Statutes. Also, if the 30th day falls on a legal holiday, time would expire on the next working day.

Section 227.19 **requires** you to notify each member of your committee that you have received this Clearinghouse Rule. Although some committee chairs choose to do so, you are not required by law or rule to send a copy of the text of the rule to each member at this time. Instead, your notice could state that members should contact you if they wish to receive a hard copy of the rule. Another option would be to email the rule to members. (**Please note that the text of Rules beginning with the prefix "01" is available online in the Clearinghouse Rules infobase in FOLIO.**) Please put a copy of your official notification memo in the rule jacket.

Three copies of the Clearinghouse Rule and its accompanying documents are contained in the jacket. If you wish to have your Legislative Council attorney review the Clearinghouse Rule, send him/her a copy. I only need one copy remaining in the jacket when you report it out of committee at the end of the review period.

The identical process is happening simultaneously in the Senate. Keep track of their action on the rule.

For assistance with the Clearinghouse Rule process, please consult Kay Inabnet (6-5550) or your Legislative Council attorney. If you wish to learn more on this subject, read *Review of Administrative Rules* which is part of the Legislative Council's Wisconsin Legislator Briefing Book series, section 227.19 of the Wisconsin Statutes or part 2 of the *Administrative Rules Procedures Manual* written by the Revisor of Statutes Bureau and the Wisconsin Legislative Council staff.





Al Ott

State Representative • 3rd Assembly District

August 30, 2006

Secretary Rod Nilsestuen
Wisconsin Department of Agriculture, Trade & Consumer Protection
P.O. Box 8911
Madison, WI 53708-8911

Dear Secretary Nilsestuen,

This letter is to inform you that the following clearinghouse rule has been reported out of the Assembly Committee on Agriculture:

Clearinghouse Rule #06-028
Relating to Small Business Enforcement Discretion and Technical Changes to Various Rules

A public hearing was not held, and no action was taken on the rule.

Please feel free to contact my office if you should have any questions.

Sincerely,

Al Ott
State Representative
Chair, Assembly Committee on Agriculture