

Wisconsin Department of Agriculture, Trade and Consumer Protection

Business Impact Analysis¹

Rule Subject: Seed Potato Certification and Grading
Adm. Code Reference: ATCP 156
Rules Clearinghouse #: Not yet assigned
DATCP Docket #: 04-R-08

This rule repeals and recreates current rules related to Wisconsin's certified seed potato program, a voluntary program for the certification and grading of seed potatoes in this state. The program is jointly administered by the Wisconsin department of agriculture, trade and consumer protection ("DATCP") and the university of Wisconsin college of agricultural and life sciences (the "college"). This rule updates and clarifies current certification standards and procedures.

Participation is Voluntary

Seed potato certification and grading is voluntary, and is done at the request of the seed potato grower. The college inspects seed potatoes for disease pathogens, and certifies seed potatoes in appropriate categories based on predicted disease-free reliability. DATCP inspects and grades college-certified seed potatoes for other measures of quality.

Seed potatoes are labeled with their certification and grade classifications, so that buyers know what they are getting. Certification and grade classifications affect purchase decisions and sale prices. DATCP and the college charge fees to cover the cost of requested grading and certification services.

Although participation is voluntary, the program is important for seed potato growers and commercial potato growers alike. Certification and grading adds value to seed potatoes, and makes it easier for seed potato growers to sell their seed potatoes to commercial growers. The program also allows commercial growers to buy seed potatoes with confidence, and reduces the risk of catastrophic disease and financial loss. Most, if not all, Wisconsin potatoes are grown from certified seed.

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

Businesses Affected

This rule applies to seed potato growers who wish to produce and sell *certified* seed potatoes (participation is voluntary, and there is nothing to prohibit the sale or use of uncertified seed potatoes). It also applies to laboratories and greenhouses that provide propagative material used to grow certified seed potatoes. Many of these businesses may qualify as “small businesses.”

This rule does *not* apply to any of the following:

- Producers who grow potatoes only for processing or fresh market use, and not for seed.
- Producers who grow potatoes for seed, but do not wish to have their seed potatoes certified and graded (participation is voluntary).
- Home gardens.

Key Rule Provisions

This rule creates a clearer, more up-to-date framework for the seed potato certification program administered by the college. This rule modernizes Wisconsin’s certified seed potato rule to address changing industry practices and standards. Among other things, this rule:

- Clarifies and updates certification standards and procedures. This rule reflects current national and international standards. The college may grant limited written variances in some cases, if special conditions warrant.
- Modernizes the system for classifying certified seed potatoes.
- Expands the number of sources from which growers may obtain propagative material for certified seed potatoes, while minimizing disease risk.
- Clarifies approval of laboratories and greenhouses that provide propagative material used to produce certified seed potatoes.
- Recognizes new laboratory testing capabilities.
- Clarifies responses to findings of bacterial ring rot.
- Provides for certification reciprocity between states, provided that other states apply equivalent standards. Seed potatoes certified in another state must be labeled accordingly.
- Modernizes requirements for certified seed potato labeling, shipping and handling, based on current industry needs.

- Provides a mechanism by which a seed potato grower may obtain informal and formal review of an adverse certification decision by the college.
- Prohibits fraudulent sales of uncertified seed as certified seed.
- Provides greater consistency between Wisconsin and other states, while maintaining high Wisconsin standards.

This rule does not substantially alter current standards or procedures for DATCP quality inspection of seed potatoes. However, it clarifies the respective roles of DATCP and the college, and spells out grading standards and procedures with greater clarity.

Business Impact

This rule will assist the Wisconsin potato industry, including seed potato growers. This rule is not expected to have a significant adverse impact on seed potato growers or other sectors of the Wisconsin potato industry. *Participation is voluntary.*

This rule will harmonize Wisconsin certified seed potato rules with rules in other states, so that Wisconsin seed potato growers can continue to export certified seed potatoes. This rule will also make it easier for Wisconsin seed potato growers to acquire propagative material from reliable sources outside this state.

This rule makes minor changes related to certification application, certification procedure, recordkeeping, and certified seed potato handling and labeling. However, none of these changes will have a significant adverse impact on seed potato growers.

This rule generally provides more workable certification standards for seed potato growers. In a very small number of cases, this rule may prevent certification of seed potato lots that are currently eligible for certification. However, the new standards are designed to prevent the introduction and spread of potato diseases. Effective disease control is important for the entire potato industry.

Small Business Impact

Some of the businesses affected by this rule are “small businesses.” This rule will not have a significant adverse impact on small business. Participation is voluntary, and this rule will not increase the cost or difficulty of participation. This rule will, in various ways, facilitate participation.

Steps to Assist Small Business

This rule is designed to benefit seed potato growers and other participants in Wisconsin's potato industry, including small businesses. This rule does not establish separate standards or procedures for small business, because disease risk is the same for large and small businesses.

Conclusion

This rule will benefit seed potato growers and other participants in Wisconsin's potato industry. This rule will not impose additional costs on seed potato growers and may reduce some of their costs. This rule will accommodate changes in the potato industry, and will not have any significant adverse effect on seed potato growers or other businesses.

Dated this _____ day of _____, 2005

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By _____
Janet Jenkins, Administrator
Trade and Consumer Protection Division