

Wisconsin Department of Agriculture, Trade and Consumer Protection

Business Impact Analysis

Rule Subject: Minor and Technical Rule Changes
Adm. Code Reference: ATCP 3, 10, 12, 21, 29, 30, 31, 33, 40, 50, 51, 55, 60, 70, 75, 90, 92, 103, 118, 123, 124, , 136 and 160.
Rules Clearinghouse #: 08-075
DATCP Docket #: 06-R-13

Rule Summary

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

Electronic Processing of License Applications; Cost Recovery

- Authorizes DATCP to assess a \$3 fee for electronic licensing transactions (in addition to other license fees), to cover DATCP's electronic licensing costs. Electronic processing, if offered, is offered as a voluntary option for license applicants.

Agricultural Chemical Cleanup Program; Surcharge Adjustment

- Reduces current agricultural chemical cleanup program surcharges paid by pesticide and fertilizer license holders, consistent with 2007 Wisconsin Act 20 (biennial budget act). DATCP has already implemented the reduced statutory surcharges (this rule merely conforms current rules to the new statutory amounts).

Atrazine Use Regulations

- Revises the format of current maps showing some of the land areas where application of atrazine pesticides is currently prohibited by rule (this rule does not change the actual prohibition areas).
- Restores a provision inadvertently deleted from the atrazine rule in a prior rulemaking proceeding, when the rule was modified for other reasons. The restored provision allows farmers to apply an additional 0.5 lbs. of atrazine per acre on medium- or fine-textured soils (up to 1.5 lbs. per acre rather than 1.0 lb. per acre), if no atrazine was applied in the preceding year. The restored provision is consistent with how DATCP has always administered the atrazine rule, so there will be no change in actual use practices.

Pesticide Manufacturers and Labelers Fees

- Clarifies that a current rule prohibiting refunds of pesticide license fees does not prohibit certain reimbursements that are authorized by statute and paid as credits against the next year's license fees.

Land and Water Conservation Program

- Updates technical standards incorporated by reference in current land and water conservation rules (ATCP 50). This rule does not substantially alter current standards or requirements.
- Gives DATCP more latitude to extend land and water conservation funding for county cost-share contracts with landowners that were signed, but not completed, during the preceding year (extends signing deadline from December 1 to December 31).
- Extends the current mid-year deadline for counties to file cost-share reimbursement requests with DATCP (from June 1 to July 1).
- Updates current standards for the certification of agricultural engineering practitioners under the land and water conservation program, consistent with current standards published by the United States Department of Agriculture, Natural Resource Conservation Service ("NRCS").
- Updates current standards used by certified soil testing laboratories under the land and water conservation program, consistent with updated standards published by the University of Wisconsin-Extension and University of Wisconsin-Madison.

Meat Inspection

- Corrects erroneous cross-references to federal meat inspection regulations in state meat inspection rules.

Dairy Inspection

- Changes, from 7 days to 14 days, the time period within which dairy plants must report high somatic cell counts in goat milk and take follow-up samples related to high bacterial counts.

Weights and Measures

- Updates technical standards incorporated by reference in current packaging and labeling and weights and measures rules (ATCP 90 & 92), including the latest standards published by the National Institute of Standards and Technology.

Car Rental Notices

- Incorporates statutory provisions requiring car rental companies to notify prospective renters if the rental company may charge the renter's credit card for forfeitures and other costs incurred but not paid by the renter for nonmoving traffic violations (parking tickets).

Fair Premium Aids

- Authorizes DATCP to pay county and district fair premium aids based on total county and district fair premiums paid (current rule requires payment based on total premiums less entry fees).

Other Technical Changes

- Modifies current *notes* to reflect the fact that rules and related documents are now filed with the legislative reference bureau, not the revisor of statutes or secretary of state (the revisor of statutes office was eliminated by 2007 Wis. Act 20).
- Corrects minor errors in current rules.
- Makes minor organizational, drafting and terminology changes.

Business Impact

This rule will not have any significant impact on small business or other business. This rule makes minor and technical “housekeeping” changes that will not have a significant impact on business standards, costs or operations.

Steps to Assist Small Business

This rule does not have a significant impact on small business, and does not make any special exceptions for small business.

Conclusion

This rule does not materially affect small business, and is not subject to the delayed small business effective date provided in s. 227.22(2)(e), Stats.

Dated this _____ day of _____, 2008

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By _____
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