

Wisconsin Department of Agriculture, Trade and Consumer Protection

Environmental Assessment

Rule Subject: Agricultural and Vegetable Seed
Administrative Code Reference: ATCP 20
Rules Clearinghouse #: Not yet assigned
DATCP Docket #: 10-R-08

Purpose and Content of Proposed Rule

Prior to the adoption of 2009 Wis. Act 28, Wisconsin had detailed statutes (See ss. 94.38 through 94.46, Wis. Stats.) that prescribed standards for seed germination and seed labeling. As part of 2009 Wis. Act 28, the Legislature amended the statutes that govern the regulation of seed. The changes adopted as part of 2009 Wis. Act 28 repealed those germination and labeling standards effective January 1, 2011 and gave the department authority to establish standards for germination, labeling, distribution and sale of agricultural seed and vegetable seed by rule.

This rule modifies Wisconsin's agricultural and vegetable seed rule. Among other things, this rule:

- Establishes new rules related to seed labeling;
- Modifies current rules related to standards of germination, analysis, sampling, inspection, and examination;
- Established new rules related to native seeds;
- Incorporates the fees for seed labeler licenses contained in s. 94.43, Stats.
- Makes other minor changes to update, clarify and correct current agricultural and vegetable seed rules.

The standards used for label contents, germination, weed seed and other tolerances as well as the definitions applicable to those standards that were included in the statute have changed substantially since the adoption of the seed law statutes. The primary effect of the rule is to update those standards and definitions to make them consistent with current practice throughout the U. S. and with the standards maintained by the Association of Official Seed Analysts. The standards proposed in this rule, like the statutes that exist through December 31, 2010, have the purpose of maintaining a fair marketplace for purchasers of agricultural seed and vegetable seed labeled, distributed, and sold in Wisconsin.

Who is Affected, and How?

Seed industry

This rule applies to seed producers, labelers, distributors, and wholesalers who must comply with rule standards for germination, labeling, inspection, testing, sampling, examination, and analysis.

Costs to Comply

This rule will have little or no compliance costs. The proposed standards are replacing outdated standards so the costs to comply will be minimal, if any (see Business Impact Analysis attached to this rule).

Small Business Impact

This rule will have little or no compliance costs. The proposed standards are replacing outdated standards so the costs to comply will be minimal, if any (see Business Impact Analysis attached to this rule). Therefore, there will be no adverse impact on small businesses.

Farmers

Farmers will benefit from this rule as a result of the consumer protections offered by seed that meets the standards set forth in the rule. Because the rules will have little or no costs to comply for businesses, the department does not anticipate any additional costs that will be passed along to farmers.

General Public

The general public will benefit from this rule as a result of the consumer protections offered by seed that is labeled properly and meets modern germination standards. Because the rules are expected to have little or no cost to comply for businesses, the department does not anticipate any additional costs that will be passed along to the general public.

Environmental Impact

This rule will prohibit and restrict certain noxious weed seeds, some of which were previously prohibited or restricted under statute. The addition of new prohibited and restricted weed seeds may have a minor positive impact on the environment. The majority of the rule provisions have no environmental impact.

Economic Effects

This rule will have little or no short-term cost increases for affected businesses (see above) when they use the updated seed standards. This rule will not have a significant effect on local markets, on the sale or distribution of seed products, or on the overall economy of this state.

Social and Cultural Effects

This rule will not have significant social or cultural effects.

Alternatives to this Rule

No Action

This rule is designed to implement changes in ss. 94.38 through 94.46, Wis. Stats., adopted as part of 2009 Act 28. Several sections of the existing statute will be repealed as of January 1, 2011. If DATCP does not adopt this rule, regulations and protections that were removed from statute because they were to be established in this rule will no longer exist. The absence of uniform seed standards would have an adverse effect on businesses, farmers, and consumers.

Modify Rule Provisions

DATCP developed this rule in consultation with an industry advisory committee. The committee endorsed the provisions of this rule, which are designed to update and modernize current seed standards.

Controversial Public Issues

DATCP does not anticipate major public controversy related to this rule.

Conclusion

This rule will have a neutral effect on the environment. This rule will have little or no fiscal impact on businesses, but any potential will be greatly outweighed by greater consumer protections and a fair marketplace for businesses. There are no preferable alternatives to this rule. This rule is not a “major action significantly affecting the quality of the environment,” for purposes of s. 1.11, Stats. No environmental impact statement is required under s. 1.11, Stats. or ch. ATCP 3, Wis. Adm. Code.

Signed this _____ day of _____, 2010.

WISCONSIN DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By _____
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