



State of Wisconsin  
Governor Scott Walker

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**Department of Agriculture, Trade and Consumer Protection**  
Ben Brancel, Secretary

**DATE:** April 11, 2013

**TO:** Bruce Hoesly, Legislative Reference Bureau  
1 East Main Street, Suite 200

**FROM:** Ben Brancel, Secretary

**SUBJECT: Ch. ATCP 70 - Wisconsin Food Processing Plants and Shellfish Shippers and Processors; Final Rule (Clearinghouse Rule #12-037)**

The Department of Agriculture, Trade and Consumer Protection (DATCP) hereby submits the following rule for publication:

**CLEARINGHOUSE RULE #:** 12-037

**SUBJECT:** Shellfish Shippers and Processors

**ADM. CODE REFERENCE:** ATCP 70

**DATCP DOCKET #:** 11-R-5

We are enclosing a copy of the final rule, as adopted by DATCP. We are also providing the following information for publication with the rule, as required by s. 227.114(6), Stats.

#### **Business Impact Analysis (Summary)**

This rule will allow Wisconsin to participate in the Interstate Shellfish Sanitation Conference (ISSC) and will have a positive impact on businesses in Wisconsin. Currently, Wisconsin businesses may receive and process molluscan shellfish from out of state, but may only sell these products within Wisconsin. This rule will allow Wisconsin businesses to expand their markets for shellfish by allowing them to process and sell molluscan shellfish in interstate commerce. This rule may provide an incentive for large wholesalers operating in neighboring states that do not participate in the ISSC to locate molluscan shellfish processing operations in Wisconsin. This rule will primarily benefit large businesses that provide wholesale food products to retail food establishments, restaurants, and other wholesale food industries nationwide. Small businesses are unlikely to participate in this program since current regulations already allow them to receive and sell molluscan shellfish in their local markets. However, a small business that chooses to participate in the program is expected to easily meet program requirements. DATCP would also provide any support and guidance needed for a small business to participate.

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**Comments from Legislative Committees (Summary)**

On January 29, 2013, DATCP transmitted the above rule for legislative committee review. The rule was assigned to the Assembly Committee on Agriculture and the Senate Committee on Energy, Consumer Protection, and Government Reform. Neither committee took action. The Senate referred the rule to the Joint Committee for Review of Administrative Rules (JCRAR) on March 4, 2013 and the Assembly referred it to JCRAR on March 11, 2013. JCRAR took no action on the rule.