

Wisconsin Department of Agriculture, Trade and Consumer Protection

Initial Regulatory Flexibility Analysis¹

Rule Subject: Clean Sweep Grant Program
Adm. Code Reference: ATCP 34
Rules Clearinghouse #: Not yet assigned
Department Docket #: 12-R-05

Rule Description

Currently under the “clean sweep” program, DATCP distributes grants to county and local governments for hazardous waste collection events and some permanent waste collection sites. DATCP’s popular clean sweep grant program assists counties and other grant recipients by facilitating the disposal of certain hazardous wastes. Farmers, individuals, and certain businesses that choose to use waste collection programs that are funded or partially funded by clean sweep are allowed to dispose of unwanted pesticides and farm chemicals, used pesticide storage containers, specific types of household products (*e.g.*, turpentine, household pesticides, lighter fluid, *etc.*) and unwanted prescription drugs in an economical and convenient fashion.

Under the proposed rule, amendments to ch. ATCP 34 will resolve existing conflicts between the statute and rule concerning the shift in funding amounts for the grants. The proposed rule will update provisions relating to grant evaluation and approval, reduce certain reporting requirements that the department has determined are no longer needed, and increase administrative and operational efficiency by permitting applicants to file electronic applications. The rule will also implement by rule the statutory provision that adds “unwanted prescription drugs” as a type of waste that can be collected under the clean sweep program. *See* s. 93.57, Stats.

Types of Small Businesses Affected

This rule revision itself will not affect *small businesses*. By statute, the department may only award grants under the clean sweep program to *local government entities* for expenses related to the collection of and disposal of unused agricultural pesticides, household waste, and unwanted prescription drugs.

However, clean sweep funds that go to local governments may indirectly assist small businesses that *voluntarily* use local government collection programs to dispose of its hazardous wastes or agricultural chemicals; these local government waste collection programs are partially or in some cases fully funded by “clean sweep.” Businesses such as farms, farm supply stores, seed companies, golf courses, landscaping companies, and cooperatives that generate small quantities of waste pesticides per month typically find that clean sweep collections provide a no- or low-

¹ This analysis include, but is not limited to, a small business analysis (“regulatory flexibility analysis”) under ss. 227.114 and 227.19(3)(e), Stats.

cost method of disposing of agricultural pesticides and other farm chemical waste. Increased administrative efficiency and reduced paperwork for local governments under this proposed rule may encourage counties and municipalities to maintain these programs.

***Proposed Reporting, Bookkeeping and Other Procedures
Required for Compliance with the Rule***

This proposed rule will not create any additional reporting, bookkeeping or other procedures for businesses.

Professional Skills Necessary for Compliance with the Rule

Businesses will not need to hire any professionals or develop additional skills if this proposed rule is enacted.

Conclusion

This proposed rule affects only local governments that seek grants under the clean sweep program and has no direct effect on businesses. However, certain small businesses such as farms, farm supply stores, and other businesses that need to safely dispose of agricultural pesticides will continue to indirectly benefit from the clean sweep grant program's funding of hazardous waste collection services provided by local governments. By reducing clean sweep application requirements and streamlining grant proposal review, this proposed rule encourages local governments to maintain the hazardous waste collection and disposal programs that are popular with small businesses needing to dispose of pesticides and other agricultural chemicals.

Dated this _____ day of _____, 2013.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By _____
John Petty, Administrator
Division of Agricultural Resource Management