

ADMINISTRATIVE RULES FISCAL ESTIMATE AND ECONOMIC IMPACT ANALYSIS

Type of Estimate and Analysis

Original Updated Corrected

Administrative Rule Chapter, Title and Number

Chapter ATCP 34, Clean Sweep Program

Subject

Clean sweep grant program

Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

Chapter 20, Stats. Appropriations Affected

20.115(7) (va), Stats.

Fiscal Effect of Implementing the Rule

No Fiscal Effect
 Indeterminate

Increase Existing Revenues
 Decrease Existing Revenues

Increase Costs
 Could Absorb Within Agency's Budget
 Decrease Costs

The Rule Will Impact the Following (Check All That Apply)

State's Economy

Local Government Units

Specific Businesses/Sectors

Public Utility Rate Payers

Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

Policy Problem Addressed by the Rule

This proposed rule makes changes to improve the administrative and operational efficiency of the "clean sweep" program (ch. ATCP 34, Wis. Admin. Code), which provides grants to local governments for the collection and safe disposal of agricultural pesticides, farm chemical waste and household hazardous waste. Program funds also are used to collect unwanted prescription and veterinary drugs from individuals. This rule (1) updates provisions related to grant applications, grant evaluation and approval, grant contracts, reporting requirements, reimbursement procedures, selection of hazardous waste handlers, and other matters to keep up with developments in programs relating to the collection of hazardous waste; (2) adds standards for the statutory prescription drug component of the clean sweep program to the rule; (3) amends the rule to resolve existing conflicts between the statute and rule concerning funding amounts for the grants and to take into consideration the overall needs of grant recipients; and (4) reduces paperwork by permitting electronic applications for grants. This rule does not alter the level of available funding for the clean sweep program.

Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

Effects on Specific Businesses and Business Sectors

This proposed rule revision deals with the clean sweep program, which awards grants only to *local government entities* for expenses related to the collection of and disposal of unused agricultural pesticides, household waste, and unwanted prescription drugs. Accordingly, the rule does not directly impact businesses or business sectors. The funding of local governments' waste disposal programs come from other sources besides the clean sweep program, including coverage of their own costs. The proposed rule will continue to benefit certain small businesses such as farmers, farm supply stores, and cooperatives that generate small quantities of waste pesticides per month, since clean sweep collections provide a no- or low-cost method of disposing of agricultural pesticides and other farm chemical waste.

Local Governments

The grants provided under the current clean sweep program assist local governments and tribal nations that are eligible to apply for and receive clean sweep grants. The grants are used to reimburse eligible costs related to the collection and proper disposal of hazardous waste, unused agricultural chemicals, and unwanted prescription drugs. Proposed rule changes would streamline the application process and provide administrative and operational efficiencies. The proposed rule does not change the level of available funding for “clean sweeps.”

Public Utility Rate Payers

This rule will have no impact on utility rate payers as a group.

State’s Economy

While it is difficult to assess the rule’s specific impact on the state’s economy as a whole, the overall impact is expected to be negligible due to the fact that the amount of grant funding available for grants under the clean sweep program will not change the proposed rule.

Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

Benefits

The rule will benefit local governments, as inconsistencies between the statute and rule would be addressed and greater efficiency and streamlining of the grant application process will occur. Since 1990, the program has matured and several current requirements for applications are no longer needed. Final reporting requirements have also been simplified. The rule will also reduce paperwork by permitting electronic submittal for grant applications. The general public benefits from the program as they have a safe no- or low-cost disposal option for household hazardous waste and unwanted prescription drugs. Some local governments will suspend a nominal collection fee because of the grant.

Alternatives

If DATCP takes no action, current rules will remain in effect. However, the current rules are outdated and inconsistent in certain respects. This rule would create permanent rules concerning the prescription drug component of the program and allow for the modernization and streamlining of the “clean sweep” program overall.

Long Range Implications of Implementing the Rule

Long-term, the rule will continue to benefit local governments, farmers, businesses, and the general public. Grant funds provide for the collection and proper disposal of unwanted agricultural pesticides, farm chemicals, household hazardous waste and unwanted prescription drugs. The program will be streamlined for greater efficiency and will remove known conflicts between statute and rule.

Compare With Approaches Being Used by Federal Government

The United States Environmental Protection Agency (EPA) administers the Resource Conservation and Recovery Act (RCRA), which includes regulations affecting the collection, movement, and disposal of hazardous agricultural and household waste. EPA has also adopted universal waste management rules under 40 CFR 273. Wisconsin’s “clean sweep” grantees and vendors must comply with all applicable RCRA and universal waste provisions.

Prescription drugs that are controlled substances are regulated under the federal Controlled Substances Act (21 USC 801 et seq.) and the Controlled Substances Import and Export Act (21 USC 951 et seq.). Wisconsin’s prescription drug “clean sweep” program must comply with these and related federal laws.

In 2009, the U.S. Department of Justice Drug Enforcement Administration proposed a rule (DEA-316A: Disposal of Controlled Substances by Person Not Registered with the Drug Enforcement Administration) seeking options for the safe and responsible disposal of controlled substances in a manner consistent with the Controlled Substances Act (CSA). This federal regulation was enacted on October 9, 2014. The final federal rule will not impact Wisconsin’s current “clean sweep” unwanted prescription drug collection grant program

nor will it affect this proposed rule.

Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Surrounding states also collect unwanted pesticides, household hazardous waste, and unwanted prescription drugs. The agencies involved, their funding sources, and distribution of funds vary greatly. Wisconsin is the only state that has one agency overseeing these types of grants.

Illinois

Illinois offers a grant for agricultural and structural pesticide collections through the Illinois Department of Agriculture. The Illinois Environmental Protection Agency also offers four, one-day collections for household hazardous waste and unwanted drugs, in addition to some county-hosted events. Illinois' Prescription Pill and Drug Disposal fund provides reimbursement to law enforcement agencies for collection, transport and incineration of medicines collected from residential sources.

Iowa

Iowa no longer holds hazardous waste collection days and eliminated the award of grants to fund those one-day collections. Instead, the Iowa Department of Natural Resources offers Regional Collection Centers (RCCs) that are open year-round. These RCCs take household waste but can also accept agricultural waste at their discretion. In addition to main RCCs, there are satellite RCC sites and mobile collections that contract with an RCC and travel within a county for collections. Iowa offers two kinds of funds: (1) reimbursement funds to cover operating expenses/disposal costs, and (2) establishment funds to help a county set up a permanent collection site. Unlike Wisconsin's clean sweep program, Iowa allows its funds to be used to build permanent facilities.

Iowa also offers a pharmaceutical disposal program called TakeAway in which patients or caregivers can bring unwanted or expired medicines to participating TakeAway pharmacies. The pharmacist will dispose of the returned medications (prescription drugs or over-the-counter products) into a waste bin specially designed to safely store discarded pharmaceutical products, along with their packaging. Once filled, the TakeAway system is sealed and shipped to a medication disposal facility where the system and its contents are incinerated at a waste-to-energy facility. Some participating pharmacies also sell TakeAway envelopes. They are pre-addressed, postage pre-paid large envelopes that can be taken into the home, filled with unused and expired medicine, and mailed through the United States Postal Service to the disposal facility. Controlled substances must go to law enforcement or one of the United States Drug Enforcement Administration collections.

Michigan

Michigan offers a clean sweep program for agricultural pesticides through its Department of Agriculture & Rural Development (MDARD). The Michigan Department of Environmental Quality covers household collections, supported by an EPA grant. No grants are given. MDARD will cover the cost of transportation and disposal costs of pesticides collected at household events.

Minnesota

Minnesota enters into cooperative agreements with counties to collect non-agricultural and agricultural waste pesticides. For those counties without a cooperative agreement, the Minnesota Department of Agriculture (MDA) holds collections. Agricultural pesticides are collected every other year and household hazardous wastes are collected each year. MDA pays supplies, transportation and disposal costs and \$0.25/lb. for "reasonable overhead costs." The Minnesota Pollution Control Agency (MPCA) provides stipends to counties for household hazardous waste collections. Stipends cover about ten percent of costs and are determined by different formulas. Minnesota does not offer drug grants. Collections, transportation and disposal are overseen by county law enforcement and counties pay all associated costs.

Public comments including comments in Response to Web Posting

The department solicited comments on the economic impact analysis from interested parties and sought responses by posting both on DATCP's website and also the state's rules website. Three comments were received, but all had to do with revisions to the proposed rule and not to the economic impact analysis. The department reviewed those comments during the public hearing and comment portion of the rulemaking process.

Name and Phone Number of Contact Person

Jane Larson, Clean Sweep Program Manager, DATCP
Telephone: 608-224-4545
E-mail: jane.larson@wisconsin.gov