

Wisconsin Department of Agriculture, Trade and Consumer Protection

Final Regulatory Flexibility Analysis

<i>Rule Subject:</i>	Clean Sweep Grant Program
<i>Adm. Code Reference:</i>	ATCP 34
<i>Rules Clearinghouse #:</i>	14-007
<i>Department Docket #:</i>	12-R-05

Rule Summary

General

This proposed rule will modify the clean sweep grant program under ATCP 34 to incorporate a prescription drug clean sweep program and to improve operational and administrative efficiency for the departments and local governments who receive clean sweep grant funds.

Specifically, 2007 Wis. Act 20 authorized DATCP to expand the Clean Sweep Grant Program to include grants for county and local government to collect unwanted prescription drugs. DATCP has implemented a pilot prescription drug program since 2008 and now proposes to develop rules for a permanent program. The proposed rule does not change the level of available funding for clean sweeps.

Amendments to ATCP 34 will resolve existing conflicts between the statute and rule concerning funding amounts for the grants and take into consideration the overall needs of grant recipients. Rule modifications would also reduce paperwork for clean sweep grant applicants and grantees by permitting electronic applications. Rule revisions will also update 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 to programs relating to the collection of hazardous wastes. These changes will improve the administrative and operational efficiency of the Clean Sweep Program.

This rule modifies ch. ATCP 34, Wis. Admin. Code, related to Wisconsin's Clean Sweep Program. The Department of Agriculture, Trade and Consumer Protection ("DATCP" or "department") administers the program pursuant to its authority in Chapter 93, Stats. The Clean Sweep Program is designed to distribute grant funds to counties and municipalities. The funds pay for costs associated with collecting and safely disposing of agricultural pesticides, farm chemical waste and household hazardous waste that might otherwise pose a threat to public health or the environment. Program funds are also used to collect unwanted prescription drugs and veterinary drugs from individuals. This rule does not alter the level of available funding for the Clean Sweep Program.

This rule will:

- Update 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 wastes.
- Add standards for the statutory prescription drug component of the Clean Sweep Program to the rule.
- Amend 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.
- Reduce paperwork by permitting electronic applications for grants. Make changes to improve the administrative and operational efficiency of the Clean Sweep Program.

Small Businesses Affected

This rule revision will have no effect on small business. 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. No changes have been made to the current rule that would impact small businesses. 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.

Reporting, Bookkeeping and other Procedures

The proposed rule does not create any new reporting, bookkeeping or other procedures for small businesses.

Professional Skills Required

The proposed rule does not require any new professional skills by small businesses.

Accommodation for Small Business

This rule revision will have no effect on small business. The rule proposal will continue to benefit certain small businesses such as farmers, agricultural supply companies and cooperatives that generate small quantities of waste pesticides.

Conclusion

This rule will have no effect on small business. Certain small businesses such as farmers, farm

supply stores, cooperatives or other businesses that use agricultural pesticides will continue to use clean sweeps to dispose of unwanted hazardous waste and will benefit from the rule.

Dated this _____ day of _____, 2014.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By _____
John Petty, Administrator
Division of Agricultural Resource Management