

**ADMINISTRATIVE RULES  
FISCAL ESTIMATE  
AND ECONOMIC IMPACT ANALYSIS**

Type of Estimate and Analysis

Original     Updated     Corrected

Administrative Rule Chapter, Title and Number

Chaps. ATCP 21, 29, 30, 33, 35, 40, 42, 49, 50, 71, 90, 91, 92, 94, 105, 123, 127 and 161

Subject

Technical Rule Changes

Fund Sources Affected

Chapter 20 , Stats. Appropriations Affected

GPR    FED    PRO    PRS    SEG SEG-S

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

Specific Businesses/Sectors

Local Government Units

Public Utility Rate Payers

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

Yes     No

Policy Problem Addressed by the Rule

This rule makes minor or technical changes to a number of current DATCP rules. This rule does all of the following:

**Plant Inspection and Pest Control**

Makes a small change indicating that a responsible state agency, rather than a U.S. department of agriculture official, may now declare an area to be infested with thousand cankers disease.

**Pesticide Use and Control**

- Decreases licensing fees and surcharges to be consistent with recent statutory changes.
- Corrects spelling and capitalization errors.
- Changes several notes to provide online resources for certification, training and examination materials.

**Pesticide Product Restrictions**

- Corrects incorrect references to subsections and the misspelling of "strychnine."
- Amends notes to update website addresses.
- Removes outdated reference to treatment of aldicarb from the 1980s.
- Incorporates by reference the most recent edition of the current rule standard concerning pesticide poisonings.
- Modifies the record keeping provision relating to chloropicrin to reflect that soil temperature at the time of application is not required to be kept.

### **Fertilizer and Pesticide Bulk Storage**

- Incorporates by reference the most recent edition of minimum design standards for concrete agricultural containment.
- Updates sections relating to the use of tarps for dry fertilizer unloading from railway cars and sections relating to asphalt and concrete block structures.

### **Agricultural Chemical Cleanup Program**

Amends references required by the renumbering of an administrative code chapter relating to the department of natural resources and corrects a statutory reference to “hazardous substance.”

### **Fertilizer and Related Products**

- Decreases various license and tonnage fees and surcharges to be consistent with recent statutory changes.
- Incorporates by reference the most recent edition of the current rule standard concerning fertilizers.

### **Commercial Feed**

Updates the technical standards in the current rule to the most recent versions. Several notes have been modified to add more information about obtaining electronic copies of those publications.

### **Farmland Preservation**

Makes a small change to add language into the zoning section to match language used in the planning section.

### **Soil and Water Resource Management Program**

Updates several sections to reference the current versions of technical standards.

### **Food Warehouse and Bulk Milk Distributors**

Corrects an outdated fee structure relating to the re-inspection of small warehouses which hold non-potentially hazardous foods versus those that hold potentially hazardous foods.

### **Fair Packaging and Labeling; Selling Commodities by Weight, Measure or Count; Weights and Measures; Petroleum and Other Liquid Fuel Products**

Corrects small grammatical errors and updates the technical references to cite the current NIST Handbook and ATSM fuel standards.

### **Sales Below Cost**

Corrects a grammatical error.

### **Electronic Communications Services**

Aligns the rule with recent legislature changes.

**Direct Marketing**

Deletes a note no longer necessary in that section.

**Agricultural Development and Market Promotion**

Amends the “Buy Local” section to reflect a statute change that directs the matching requirement to be an amount at least equal to the grant amount.

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)

**Small Businesses**

This rule makes technical housekeeping changes that will have no effect upon small businesses.

**Utility Rate Payers**

The rule will have no impact on utility rate payers.

**Local Governments**

This rule will not impact local governments. Local governments will not have any implementation or compliance costs.

**General Public**

This rule makes technical changes to the existing rules identified above. The proposed rule will not have any economic impact on the general public or the State’s economy different from the impact of the existing rules that are proposed to be amended.

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

**Benefits**

This rule will benefit the public and various business sectors, as described above, by making technical changes to existing rules.

**General Public**

The general public and consumers will benefit from the technical changes in this rule through the clarification and updating of existing rules.

**Alternatives**

This rule makes necessary technical changes in existing rules. If DATCP does not make the proposed technical changes, there will continue to be outdated provisions in existing regulations, inconsistencies between regulations and referenced documents, and certain regulations will lack necessary clarity.

Long Range Implications of Implementing the Rule

Long-term, implementing the rule will benefit businesses and the general public for the reasons stated above.

Compare With Approaches Being Used by Federal Government

The technical changes are proposed to ensure that the specified existing DATCP rules remain consistent with federal statutes and regulations.

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

The housekeeping and technical rules changes proposed in this rule will not create any disparities between Wisconsin and the adjacent states.

Comments Received in Response to Web Posting and DATCP Response

No comments were received in response either to the posting on the DATCP external website or the statewide administrative rules website.