

Wisconsin Department of Agriculture, Trade and Consumer Protection

Final Regulatory Flexibility Analysis

Rule Subject: Mountain pine beetle exterior quarantine
Adm. Code Reference: ATCP 21.22
Rules Clearinghouse #: 16-032
DATCP Docket #: 15-R-01

Rule Summary

This proposed rule will restrict the import of certain pine wood products from states and provinces with infestations of the mountain pine beetle into Wisconsin. Pine products effectively treated to preclude the transmission of the mountain pine beetle will be exempt from the rule or permitted under a compliance agreement.

Businesses Affected

The vast majority of Wisconsin businesses that use pine acquire pine that has been grown in Wisconsin, Minnesota, or Michigan. The mountain pine beetle is not known to exist in Wisconsin or in any state bordering Wisconsin, so this rule is not anticipated to have a significant effect on Wisconsin businesses. There are, however, some businesses that will certainly be at least somewhat affected by this rule and include the following:

1. Wisconsin log home crafters.

Some species of western pine, including lodgepole pine (*Pinus contorta*), are desirable for the construction of log homes. Businesses that use western pine for log home construction may need to switch to Midwestern or southern pine, or non-pine tree species for construction. Continued use of western pine may result in higher material costs as certain treatments would need to be applied to western pine logs in order to prevent mountain pine beetle introductions.

2. Wisconsin importers.

Log Brokers. Brokers of logs from western states and/or Canadian provinces may have to be more selective about the logs they send to Wisconsin and will have additional reporting and bookkeeping requirements if they wish to import western pine logs into Wisconsin. The rule will create an option to enter into a compliance agreement with the Department to make sure that imported logs have been effectively treated to preclude the transmission of mountain pine beetle. Importers will also need

to work with the Department and compliant receiving facilities to ensure the Department is notified prior to the import of regulated articles.

3. Pole manufacturers.

Pole manufactures that occasionally import bark-free Ponderosa pine will be asked to enter into a compliance agreement with the Department. Any additional costs associated with record keeping or notifications would be minimal.

Reporting, Bookkeeping and other Procedures

This rule would create new bookkeeping and notification requirements for businesses that hold a compliance agreement with the Department.

Businesses wishing to import regulated items would need to enter into a compliance agreement with the Department and notify the Department prior to receiving regulated items. Businesses would also need to maintain records of the regulated items received for a 36-month period and make those records available for review by Department personnel.

Professional Skills Required

The skills and abilities needed to comply with reporting and bookkeeping requirements are not expected to exceed those already possessed by the businesses the Department anticipates working with.

Accommodation for Small Business

Most of the businesses affected by this rule are small businesses. Affected businesses will be encouraged to work with the Department's Bureau of Plant Industry to find solutions to negative outcomes this rule may yield. Businesses may work with the Department to enter into a compliance agreement, which will allow the business to import regulated items provided that risks of mountain pine beetle have been mitigated.

Conclusion

This rule will generally have a relatively minor effect on a small number of businesses, including small businesses. This rule will not have a significant adverse effect on small business, and is not subject to the delayed small business effective date provided in s. 227.22(2)(e), Stats.

Dated this _____ day of _____, 2016.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By _____
John Petty, Administrator
Division of Agricultural Resource Management