

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

<p>1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected</p>	<p>2. Date 8/10/2022</p>
<p>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) ATCP 21, Plant Inspection and Pest Control ATCP 29, Pesticide Use and Control ATCP 35, Agricultural Chemical Cleanup Program</p>	
<p>4. Subject Removal of obsolete language and resolve statutory conflicts</p>	
<p>5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S</p>	<p>6. Chapter 20, Stats. Appropriations Affected</p>
<p>7. Fiscal Effect of Implementing the Rule <input checked="" type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Could Absorb Within Agency's Budget</p>	
<p>8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input checked="" type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)</p>	
<p>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0.00 Because these changes are technical, to conform to changes already implemented in Statute or to comply with industry standards, there is no cost to businesses to implement or comply.</p>	
<p>10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>11. Policy Problem Addressed by the Rule Presently, ATCP 21 contains references to a pest common name that has been changed by the Entomological Society of America and is now obsolete, and contains outdated pest infestation levels and outdated diagnostic techniques. ATCP 29 contains obsolete language regarding licensing of pesticide manufacturers and labelers. ATCP 29 and ATCP 35 each refer to incorrect fees and surcharges that were changed in statute by the 2017 Wisconsin Act 59. ATCP 35 contains gendered language regarding licensees. The objective of the proposed rule is to review chapters ATCP 21, 29, and 35 with regard to recent statutory changes, current diagnostic techniques, and inclusive language. This project will propose rule language to ensure statutory compliance, including necessary updates resulting from 2017 Wisconsin Act 59.</p>	
<p>12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. The Department expects the proposed rule to have minimal, if any, impact on small businesses, including: - Businesses such as nurseries and loggers that transport or import articles regulated by the spongy moth quarantine, - Beekeepers, - Pesticide manufacturers and labelers credentialed or otherwise regulated by the department, - Pesticide dealers and distributors of restricted-use pesticides, - Commercial pesticide applicators credentialed or otherwise regulated by the Department, - Responsible persons requesting reimbursement through the Agricultural Chemical Cleanup Program</p>	
<p>13. Identify the Local Governmental Units that Participated in the Development of this EIA. Because local governmental units will not be impacted by proposed rule changes to ATCP 21, ATCP 29, and ATCP 35, they were not involved in the development of this EIA.</p>	
<p>14. 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</p>	

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Incurred)

Proposed changes to ATCP 21, ATCP 29, and ATCP 35 are not anticipated to have any impacts on public utility rate payers, local units of government, businesses, or the state's economy as a whole.

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

These proposed rule revisions clarify terminology and standards for Wisconsin's nursery industry and beekeepers. This also aligns agency rules to state statutes, which reduces the possibility for confusion or error related to pesticide licensing, and assessment of fees and surcharges.

Clarifying spongy moth regulations will benefit Wisconsin's nursery industry, which generates \$2.85 billion in revenue per year and supports over 52,000 Wisconsin jobs, according to a study published in the Journal of Environmental Horticulture published in 2010.

Removing obsolete apiary rules will benefit Wisconsin's beekeepers, who play an integral role in pollinating Wisconsin's crops valued at \$213 million, and producing honey, valued at \$5.5 million in 2021.

Updating agency language to be consistent with the 2017 Act 59 (the 2017-2019 biennial budget Act) provides clearer understanding of pesticide-related revenues and expenditures. Positive impacts to business have been realized through the implementation of statutory changes resulting from the implementation of 2017 Wisconsin Act 59, which reduced compliance costs for businesses and consumers. This proposed rule change will bring agency rules into compliance with the current statutes.

The alternative is to do nothing, which allows continued mis-alignment of agency rules with state statute and industry standards.

16. Long Range Implications of Implementing the Rule

Over the long-term, implementation of these rule changes will continue to benefit Wisconsin's nursery industry, beekeepers, pesticide manufacturers and labelers, pesticide dealers and distributors, commercial pesticide applicators, and those responsible persons requesting reimbursement through the ACCP. Benefits of these changes to improve consistency and clarify regulations will continue to benefit Wisconsin's agricultural industry.

17. Compare With Approaches Being Used by Federal Government

The technical rule changes proposed in this rule will not create any disparities between Wisconsin rules and federal statutes and regulations.

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

Illinois: the proposed rule's technical changes are not applicable to Illinois rules or statutes.

Iowa: the proposed rule's technical changes are not applicable to Iowa rules or statutes.

Michigan: the proposed rule's technical changes are not applicable to Michigan rules or statutes.

Minnesota: the proposed rule's technical changes are not applicable to Minnesota rules or statutes.

19. Contact Name

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20. Contact Phone Number

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ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
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