

Final Regulatory Flexibility Analysis

Clearinghouse Rule CR 14-034 - Natural Resources Board Order SS-04-12

The department's email distribution list compiled specifically for this rule revision was used to solicit comments from small businesses and small business associations. The distribution list is available upon request to the Governor's Office of Regulatory Compliance. Department staff also attended the January 2014 Small Business Environmental Council meeting and provided follow-up information requested by Small Business Environmental Council members.

As part of the information gathering and outreach process, the department sent a letter to 600 licensed retailers and growers and approximately 1,100 licensed growers and dealers from the November 2, 2012 DATCP list of license holders updating them on the process in December, 2012. In the spring of 2013, a series of informal public information sessions about the proposed changes to the rule were held in Madison, Milwaukee, Spooner, Rhinelander, and La Crosse to inform interested parties that the revisions were under development and to solicit informal comments on the potential impact of the rule. Approximately 41 people attended and 52 public comments were received during the discussion period.

For small businesses growing woody plants, a number of years have been invested into the infrastructure to grow particular species. To minimize the economic impact of listing new species that are invasive in Wisconsin, a phase-out period of five years for trees and shrubs, and three years for all other plants once listed as Restricted would both reduce the economic impact and provide a defined period for achieving compliance without using permits for commercial activities. The compliance period would begin once the rule is in effect. Prohibited species would be immediately subject to regulation.

Through staff work with pet stores and other small businesses that had not previously been regulated by the DNR, we learned that personal communication, clear and concise guides to regulated species, and education were important. Ensuring personal contact and taking an "education first" approach is consistent with DNR's policy of stepped enforcement and will be maintained for all taxa groups regulated under the invasive species rule.