

Wisconsin Department of Agriculture, Trade and Consumer Protection

Initial Regulatory Flexibility Analysis

Rule Subject: Wisconsin Vegetable Contractors
Adm. Code Reference: ATCP 101
Rules Clearinghouse #: N/A
DATCP Docket #: 15-R-08

Rule Summary

This rule defines the vegetable procurement practices and financial standards and security for vegetable contractors in Wisconsin. This emergency rule will affect the vegetable contractors' payments to the Agricultural Producer Security Fund. Specifically, it:

- Increases assessments paid by contributing vegetable contractors; and
- Assists the department in achieving the statutory minimum balance for the fund.

An emergency rule is required to meet the statutory obligation to restore the vegetable fund balance to the minimum within a reasonable time. Without this emergency rule, the fund attributable to the vegetable program will remain dramatically underfunded. An emergency rule must be in effect by February 1, 2016, in order to apply to the next license year for vegetable contractors. This emergency rule will be in effect for 24 months per statutory authority given the department in s. 126.88 (2) (b), Stats.

Small Business Affected

This rule will affect small vegetable contractors who participate in the Agricultural Producer Security Fund. It does not affect how they would be regulated by the state nor will it affect levels of protection. For vegetable, it will increase their annual fees.

Reporting, Bookkeeping and other Procedures

The proposed amendments to the emergency rule do not change any of the reporting, bookkeeping, or other procedures for small businesses.

Professional Skills Required

The proposed emergency rule will not change any technical requirements for small businesses and thus there are no new professional skills required for small businesses.

Accommodation for Small Business

Many of the businesses affected by this rule are small businesses. This rule does not make special exceptions for small businesses because the fee is already based on the amount of business that the vegetable contractors conduct. Those who conduct more business pay higher fees.

Conclusion

This rule will generally benefit all affected businesses, including small businesses as it hastens the restoration of the Agricultural Producer Security Fund to the required statutory balance. Negative effects will be few and limited. 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.