

Wisconsin Department of Agriculture, Trade and Consumer Protection

Initial Regulatory Flexibility Analysis

***Rule Subject:* Dairy Product Advertising and Labeling**

***Adm. Code Reference:* ATCP 83**

***Rules Clearinghouse #:* Not yet assigned**

***DATCP Docket #:* 19-R-01**

Rule Summary

Under Wis. Admin. Code ch. ATCP 83 (Dairy Product Advertising and Labeling), the Wisconsin Department of Agriculture, Trade and Consumer Protection (“Department”) spells out requirements for labeling and advertising dairy products as being made from milk produced without the use of synthetic bovine somatotropin (also known as recombinant bovine somatotropin, rBST, synthetic bovine growth hormone, recombinant bovine growth hormone, or rBGH). The labeling requirements are to be based upon affidavits from milk producers stating that the milk producers do not use synthetic bovine somatotropin for the production of milk. Affidavits must be renewed and signed before a notary every year. The objective of the proposed rule is to eliminate the annual renewal requirement for a milk producer’s affidavit.

Small Business Affected

The Department expects the proposed rule to have a positive impact on businesses in general because it will reduce the annual regulatory burden while maintaining the same level of protection against mislabeled dairy products. Dairy plant field representatives report spending a significant amount of time collecting affidavit renewals. In some cases, milk producers must take time away from their work to update the affidavit and have it notarized. The time costs will be dramatically reduced by the proposed rule change.

Recordkeeping requirements

The recordkeeping burden on dairy plants will be dramatically reduced by the proposed rule. The recordkeeping requirements for the Department will also be reduced as field sanitarians will no longer be required to annually verify the milk producer’s affidavit.

Accommodation for Small Business

This rule does not make special exceptions for small businesses because it applies to dairy plants and milk producers of all sizes.

Conclusion

This rule will have little if any effect on “small business” and is not subject to the delayed “small business” effective date provided in Wis. Stat. § 227.22(2)(e).

DATCP will, to the maximum extent feasible, seek voluntary compliance with this rule.