

**ADMINISTRATIVE RULES
FISCAL ESTIMATE
AND ECONOMIC IMPACT ANALYSIS**

Type of Estimate and Analysis

Original Updated Corrected

Administrative Rule Chapter, Title and Number

Ch. ATCP 21, Plant Inspection and Pest Control

Subject

EAB Quarantine

Fund Sources Affected

Chapter 20, Stats. Appropriations Affected

GPR FED PRO PRS SEG SEG-S

Fiscal Effect of Implementing the Rule

No Fiscal Effect
 Indeterminate

Increase Existing Revenues
 Decrease Existing Revenues

Increase Costs
 Could Absorb Within Agency's Budget
 Decrease Costs

The Rule Will Impact the Following (Check All That Apply)

State's Economy

Local Government Units

Specific Businesses/Sectors

Public Utility Rate Payers

Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

Policy Problem Addressed by the Rule

In 2017, the United States Department of Agriculture – Animal and Plant Health Inspection Service (APHIS) positively identified EAB in the following counties:

1. Green Lake: Two adult EAB were collected from an APHIS trap on St. Marie Road on August 22, 2017. Subsequently, on August 25, 2017, an adult EAB was collected from a green Department of Natural Resources (DNR) funnel trap at Margaret Dodge Memorial Park in Markesan.

2. Chippewa: APHIS verified EAB for the first time on August 25, 2017, following the collection of 31 EAB larvae from 3 trees in a private resident's yard near Lake Wissota.

3. Waushara: On August 22, 2017, EAB was confirmed after a single EAB adult was collected by APHIS staff from a baited purple panel trap in Hancock.

4. Waupaca: On August 22, 2017, EAB was confirmed by APHIS for the first time after a single adult beetle was collected from a baited APHIS purple panel trap along County Road Q, in the Town of Farmington.

5. Marinette: On August 30, 2017, APHIS confirmed the first detection of EAB from 3 baited purple panel traps in the city of Niagara and the Towns of Wagner and Goodman.

6. Marathon: APHIS confirmed EAB for the first time on October 10, 2017, after EAB larvae were collected by a tree company from a local resident's yard in the Town of Rib Mountain, along the Wisconsin River.

7. Eau Claire: APHIS confirmed EAB for the first time on November 30, 2017, after fifteen EAB larvae were collected by DNR forest health staff from a heavily woodpecker-damaged tree in the boulevard of a parking lot on the UW-Eau Claire campus on Nov. 27. City forestry staff initially

found this and other infested trees in that area, near Water Street and 2nd Avenue.

While EAB has not yet been positively identified in the remaining 23 counties of Wisconsin, they are in close proximity to existing infestations, many of which include larval detections that indicate reproducing populations that were present for years before their detection in 2017. It is therefore likely that remaining counties already contain some level of EAB infestation, and there is little economic or ecological benefit to maintaining their status outside of the EAB quarantine.

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 Incurred)

This emergency rule creates a quarantine for EAB for Ashland, Barron, Bayfield, Burnett, Clark, Chippewa, Dunn, Eau Claire, Florence, Forest, Green Lake, Marathon, Marinette, Iron, Langlade, Lincoln, Menominee, Oconto, Pepin, Pierce, Polk, Price, Rusk, Shawano, Saint Croix, Taylor, Vilas, Washburn, Waupaca, and Waushara Counties. The rule will allow for the intrastate movement of all hardwood species of firewood, nursery stock, green lumber, and other material living, dead, cut or fallen, including logs, stumps, roots, branches and composted and uncomposted chips of the genus *Fraxinus* (Ash wood).

Timber and Wood Products Businesses

This emergency rule may have a positive fiscal impact on persons or companies that deal in any hardwood firewood or ash materials in Ashland, Barron, Bayfield, Burnett, Clark, Chippewa, Dunn, Eau Claire, Florence, Forest, Green Lake, Marathon, Marinette, Iron, Langlade, Lincoln, Menominee, Oconto, Pepin, Pierce, Polk, Price, Rusk, Shawano, Saint Croix, Taylor, Vilas, Washburn, Waupaca, and Waushara Counties. Many of the affected businesses are small businesses. This emergency rule allows for intrastate movement of ash in all counties of the state.

Local Governments

This rule will not have a fiscal impact upon local governments. Local governments will not have any implementation or compliance costs associated with the quarantine created by this emergency rule.

Utility Rate Payers

The rule will have no impact on utility rate payers.

General Public

The rule will not have a fiscal impact on the general public.

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

Benefits

Timber and Wood Products Businesses

This emergency rule may have a positive fiscal impact on persons or companies that deal in any hardwood firewood or ash materials in Ashland, Barron, Bayfield, Burnett, Clark, Chippewa, Dunn, Eau Claire, Florence, Forest, Green Lake, Marathon, Marinette, Iron, Langlade, Lincoln, Menominee, Oconto, Pepin, Pierce, Polk, Price, Rusk, Shawano, Saint Croix, Taylor, Vilas, Washburn, Waupaca, and Waushara Counties. Many of the affected businesses are small businesses. This emergency rule allows for intrastate movement of ash in all counties of the state.

Alternatives

The alternative to this emergency rule is to wait until the federal government issues a statewide quarantine for the Wisconsin. There is uncertainty with when that action would be taken by the federal

government. This emergency rule removes that uncertainty and allows for intrastate movement of ash.

Long Range Implications of Implementing the Rule

Long-term, implementing the rule will benefit business and the general public. The emergency rule will provide additional options for businesses that have been restricted to specific counties in the state based on county by county quarantines. This emergency rule eliminates restrictions that have resulted in seasonal harvesting.

Compare With Approaches Being Used by Federal Government

Under the federal Plant Protection Act, APHIS has responsibility for excluding, eradicating, and controlling serious plant pests, including EAB. APHIS has instituted statewide quarantines on the movement of all ash wood for Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, West Virginia, the District of Columbia, in addition to portions of Alabama, Arkansas, Colorado, Georgia, Kansas, Louisiana, Michigan, Minnesota, Nebraska, New Hampshire, Oklahoma, Texas, Tennessee, and Wisconsin.

APHIS has enacted quarantines for Adams, Brown, Buffalo, Calumet, Columbia, Crawford, Dane, Dodge, Door, Douglas, Fond du Lac, Grant, Green, Iowa, Jackson, Jefferson, Juneau, Kenosha, Kewaunee, La Crosse, Lafayette, Manitowoc, Marquette, Milwaukee, Monroe, Oneida, Ozaukee, Outagamie, Portage, Racine, Richland, Rock, Sauk, Sawyer, Sheboygan, Trempealeau, Vernon, Walworth, Washington, Waukesha, Winnebago, and Wood Counties in Wisconsin. The quarantines include restrictions on the movement of any hardwood (non-coniferous) firewood, ash longs, and other ash products.

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

Surrounding states where EAB has been identified (Illinois, Indiana, Iowa, Minnesota and Michigan) have state and federal quarantines that prohibit the movement of regulated articles out of quarantined areas. A regulated article can only move out of quarantined areas after it is certified by USDA or state officials.