



State of Wisconsin  
Scott McCallum, Governor

**Department of Agriculture, Trade and Consumer Protection**  
James E. Harsdorf, Secretary

## PUBLIC NOTICE

### FINAL DRAFT RULE TO LEGISLATURE

The Department of Agriculture, Trade and Consumer Protection announces that it is submitting the following rule for legislative committee review, pursuant to s. 227.19, Stats.:

CLEARINGHOUSE RULE #: 01-076  
SUBJECT: **Plant Inspection and Pest Control**  
ADM. CODE REFERENCE: ATCP 21  
DATCP DOCKET #: 00-R-17

Dated this 14 day of May, 2002.

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE, TRADE AND  
CONSUMER PROTECTION

✓ By James E. Harsdorf  
James E. Harsdorf  
Secretary



State of Wisconsin  
Scott McCallum, Governor

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**Department of Agriculture, Trade and Consumer Protection**

James E. Harsdorf, Secretary

DATE: May 6, 2002

TO: The Honorable Fred Risser  
President, Wisconsin State Senate  
Room 220 South, State Capitol  
P.O. Box 7882  
Madison 53707-7882

The Honorable Scott R. Jensen  
Speaker, Wisconsin State Assembly  
Room 211 West, State Capitol  
P.O. Box 8952  
Madison 53708-8952

FROM: ✓ James E. Harsdorf, Secretary *James E. Harsdorf*  
Department of Agriculture, Trade and Consumer Protection

SUBJECT: **Plant Inspection and Pest Control; Final Draft Rule  
(Clearinghouse Rule #01-076)**

The Department of Agriculture, Trade and Consumer Protection is transmitting this rule for legislative committee review, as provided in s. 227.19(2) and (3), Stats. The department will publish a notice of this referral in the Wisconsin Administrative Register, as provided in s. 227.19(2), Stats.

This rule affects plant inspection and pest control programs in Wisconsin. This rule repeals current import controls on Japanese beetle, and updates scientific terminology and statutory references.

**Japanese Beetle; Repeal of Import Controls**

The Department of Agriculture, Trade and Consumer Protection administers plant pest control rules under ch. ATCP 21, Wis. Adm. Code. Current rules include import controls designed to prevent the spread of Japanese beetles into Wisconsin. Persons who import certain plants, soil and other materials from areas infested with Japanese beetle must have those materials inspected and certified by a pest control official in the state or province of origin. The inspector must certify that the import shipment is free of Japanese beetle. The importer must pay for the inspection and certification.

Despite these import controls, the Japanese beetle has now infested Wisconsin and over half of all U.S. states. Because Wisconsin is now infested, its current import controls may serve no useful purpose and may unnecessarily impede interstate commerce. Wisconsin's current import restrictions are not consistent with the U.S. Domestic Japanese Beetle Harmonization Plan adopted by the National Plant Board. That plan recommends regulation of imports to states that are not yet infested, but does *not* recommend regulation of imports to states (like Wisconsin) that are already infested.

Consistent with the national harmonization plan, this rule repeals current Japanese beetle inspection and certification requirements for materials imported into Wisconsin. This repeal will not affect the natural spread of the Japanese beetle in Wisconsin. The department will continue to inspect and certify export shipments from Wisconsin to non-infested states that require such inspection and certification.

### **Taxonomic Name Changes**

The department currently regulates honeybee shipments, under ch. ATCP 21, Wis. Adm. Code, to prevent the spread of honeybee pests in this state. Two of these pests have undergone taxonomic name changes. The International Committee on Systematic Bacteriology (1993) has changed the scientific name of the pathogen, American foulbrood. The scientific journal, *Experimental and Applied Acarology* (2000), has changed the scientific name of the Varroa mite. This rule updates those pest names. The name changes will not change the regulation of honeybee shipments.

### **State Pest Control Programs**

Current DATCP rules under ch. ATCP 29, Wis. Adm. Code, regulate the use of pesticides in this state. The department and its agents are currently exempt from these rules when engaged in state pest control programs under s. 94.02, Stats., or ch. ATCP 21, Wis. Adm. Code. This rule clarifies that the department and its agents are also exempt when engaged in state pest control programs under s. 94.01, Stats.

### **Hearings**

The department held one public hearing on this rule in Madison, on August 21, 2001. No one attended the hearing or sent written comments.

Honorable Fred Risser  
Honorable Scott R. Jensen  
May 6, 2002  
Page 3 of 3

## **Response to Rules Clearinghouse Comments**

The Legislative Council Rules Clearinghouse commented that the department should repeal the definition of Japanese beetle as the term is only used in ATCP 21.11, which is being repealed. The department modified the final draft rule to address this comment.

### **Fiscal Estimate**

The department does not expect this rule to have any fiscal impact on the department or other units of government. A fiscal estimate is attached.

### **Small Business Analysis**

The department does not expect this rule to have a significant impact on small businesses in Wisconsin. Under current rules, out-of-state businesses shipping into Wisconsin have incurred costs for Japanese Beetle inspection and certification. This rule eliminates those costs. To the extent that out-of-state importers passed on the costs to nurseries receiving import shipments in Wisconsin, this rule will decrease costs to Wisconsin nurseries.

Clearinghouse Rule 01-076  
DATCP Docket No. 00-R-17

**PROPOSED ORDER OF THE STATE OF WISCONSIN DEPARTMENT OF  
AGRICULTURE, TRADE AND CONSUMER PROTECTION AMENDING  
RULES**

- 1 The state of Wisconsin department of agriculture, trade and consumer protection
- 2 proposes an order to repeal ATCP 21.01(9) and 21.11; and to amend ATCP 21.01(2) and
- 3 (15) and 29.56(1)(e)4; relating to plant inspection and pest control.

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**Analysis Prepared by the Department  
of Agriculture, Trade and Consumer Protection**

Statutory Authority: ss. 93.07(1) and (12), 94.01(1) and 94.76(1), Stats.

Statutes Interpreted: ss. 93.07(12) and (13), 94.01, and 94.76, Stats.

This rule repeals current import controls designed to prevent the spread of Japanese beetles into this state. Despite the current import controls, Wisconsin is now infested with Japanese beetle. The current import controls therefore serve no purpose, and may unnecessarily impede interstate commerce. This rule also updates scientific terminology and statutory references in current rules.

**Japanese Beetle: Repeal of Import Controls**

The Department of Agriculture, Trade and Consumer Protection (DATCP) administers plant pest control rules, under ch. ATCP 21, Wis. Adm. Code. Current rules include import controls designed to prevent the spread of Japanese beetles into Wisconsin. Persons who import certain plants, soil and other materials from areas infested with Japanese beetle must have those materials inspected and certified by a pest control official in the state or province of origin. The inspector must certify that the import shipment is free of Japanese beetle. The importer must pay for the inspection and certification.

Despite these import controls, the Japanese beetle has now infested Wisconsin and over half of all U.S. states. Because Wisconsin is now infested, its current import controls may serve no useful purpose and may unnecessarily impede interstate commerce. Wisconsin's

current import restrictions are not consistent with the U.S. Domestic Japanese Beetle Harmonization Plan adopted by the National Plant Board. That plan recommends regulation of imports to states that are not yet infested, but does *not* recommend regulation of imports to states (like Wisconsin) that are already infested.

Consistent with the national harmonization plan, this rule repeals current Japanese beetle inspection and certification requirements for materials imported into Wisconsin. This repeal will not affect the natural spread of the Japanese beetle in Wisconsin. DATCP will continue to inspect and certify export shipments from Wisconsin to non-infested states that require such inspection and certification.

### **Taxonomic Name Changes**

DATCP currently regulates honeybee shipments, under ch. ATCP 21, Wis. Adm. Code, to prevent the spread of honeybee pests in this state. Two of these pests have undergone taxonomic name changes. The International Committee on Systematic Bacteriology (1993) has changed the scientific name of the pathogen, American foulbrood. The scientific journal, *Experimental and Applied Acarology* (2000), has changed the scientific name of the Varroa mite. This rule updates those pest names. The name changes will not change the regulation of honeybee shipments.

### **State Pest Control Programs**

Current DATCP rules under ch. ATCP 29, Wis. Adm. Code, regulate the use of pesticides in this state. DATCP and its agents are currently exempt from these rules when engaged in state pest control programs under s. 94.02, Stats., or ch. ATCP 21, Wis. Adm. Code. This rule clarifies that DATCP and its agents are also exempt when engaged in state pest control programs under s. 94.01, Stats.

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1           **SECTION 1.** ATCP 21.01 (2) and (15) are amended to read:

2           ATCP 21.01 (2)“American foulbrood” means ~~Bacillus~~ *Paenibacillus* larvae and  
3           related pathogens.

4           (15) “Varroa mite” means ~~*Varroa jacobsoni*~~ *Varroa destructor*

5           **SECTION 2.** ATCP 21.01 (9) is repealed.

6           **SECTION 3.** ATCP 21.11 is repealed.

7           **SECTION 4.** ATCP 29.56 (1)(e) 4 is amended to read:

8           ATCP 29.56 (1)(e) 4. Pesticide applications made by the department or its agent .

9 pursuant to s. 94.01 or 94.02, Stats., or ch. ATCP 21.

1 **EFFECTIVE DATE.** The rules contained in this order shall take effect on the first  
2 day of the month following publication in the Wisconsin administrative register, as  
3 provided under s. 227.22(2) (intro), Stats.

4 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

State of Wisconsin  
Department of Agriculture  
Trade and Consumer Protection

By \_\_\_\_\_  
James E. Harsdorf, Secretary

# Wisconsin Department of Agriculture, Trade and Consumer Protection

## Final Regulatory Flexibility Analysis

**Rule Subject:** Plant Inspection and Pest Control  
**Adm. Code Reference:** ATCP 21  
**Rules Clearinghouse #:** 01-076  
**DATCP Docket #:** 00-R-17

### Rule Description

The proposed revisions modify ch. ATCP 21 and s. 29.56, Wis. Adm. Codes with the statutory authorization from ss. 93.07(1) and (12), and 94.01(1), Stats. The major focus of the rule revision concerns the elimination of the Japanese beetle import restrictions. Minor changes include the update of scientific names of honeybee pests and insertion of a previously omitted statutory reference.

Removal of the Japanese beetle import restrictions allows for unrestricted movement of plants, soil and other materials that may harbor Japanese beetles. Japanese beetles have infested Wisconsin despite the import regulations. The continued regulation of imported items will not deter the natural spread of Japanese beetle in Wisconsin. Furthermore, continued import restrictions may serve no purpose other than to encumber interstate commerce.

### Small Businesses Affected by this Rule

A "small business," as defined in s. 227.114(1)(a), Stats., means a business entity, including its affiliates, which is independently owned and operated and not dominant in its field, and which employs fewer than twenty-five full time employees or which has gross annual sales of less than \$2,500,000. Many nursery growers are classified as small businesses. They import and export plants, soil and other materials that may transport Japanese beetles. The current rule places the expense of inspection and certification on out-of-state small businesses. The removal of this rule will reduce the cost to these small businesses.

### Effects on Small Business

Repeal of this rule will not incite federal quarantine, but rather, will allow for compliance with the U. S. Harmonization Plan on Japanese Beetle Regulations, published by the National Plant Board. The plan suggests uniform state regulatory standards for Japanese beetle, and considers regulation of shipments from infested to non-infested states. Wisconsin is already listed in the U. S. Harmonization Plan as infested. Therefore, certification recommendations in the plan apply to Wisconsin nurseries.



Under the plan, certification protocol allows for a variety of approved treatments that control Japanese beetle and growing practices that exclude Japanese beetle. The National Plant Board developed this plan in cooperation with the regulated industry. The goals are to reasonably mitigate pest risk to an acceptable level for the effective interstate movement of nursery stock.

The repeal of the current rule is in agreement with the U.S. Harmonization Plan, and allows for the uninhibited movement of regulated items into Wisconsin. The removal of the import restrictions may impact Wisconsin small businesses by expanding available sources of currently restricted items. In addition, it will reduce the expense of small businesses that import plants, soil and other materials from infested states into Wisconsin.

DATCP already inspects and certifies Wisconsin nurseries for export of regulated items, because Wisconsin is infested with Japanese beetles. Therefore, DATCP will continue to provide export certification services to persons who wish to export regulated materials from Wisconsin to non-infested states. These rule changes will reduce the cost to nurseries in infested state importing into Wisconsin, and increase available sources of nursery stock, soil and other materials to Wisconsin nurseries.

Dated this 11th day of October, 2001.

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE, TRADE &  
CONSUMER PROTECTION

By Nicholas J. Neher  
Nicholas J. Neher, Administrator  
Division of Agricultural Resource Management

JUL 27 2001

LCRC  
FORM 2



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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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**Ronald Sklansky**  
*Clearinghouse Director*

**Richard Sweet**  
*Clearinghouse Assistant Director*

**Terry C. Anderson**  
*Legislative Council Director*

**Laura D. Rose**  
*Legislative Council Deputy Director*

### CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

#### CLEARINGHOUSE RULE 01-076

AN ORDER to repeal ATCP 21.11; and to amend ATCP 21.01 (2) and (15) and 29.56 (1) (e) 4., relating to plant inspection and pest control.

Submitted by **DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION**

06-29-01 RECEIVED BY LEGISLATIVE COUNCIL.

07-26-01 REPORT SENT TO AGENCY.

RNS:REL:jal;ksm

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached      YES       NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached      YES       NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached      YES       NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.15 (2) (e)]

Comment Attached      YES       NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached      YES       NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]

Comment Attached      YES       NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached      YES       NO



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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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**Ronald Sklansky**  
*Clearinghouse Director*

**Richard Sweet**  
*Clearinghouse Assistant Director*

**Terry C. Anderson**  
*Legislative Council Director*

**Laura D. Rose**  
*Legislative Council Deputy Director*

### CLEARINGHOUSE RULE 01-076

#### Comments

**[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

#### **4. Adequacy of References to Related Statutes, Rules and Forms**

The department should repeal the definition of "Japanese beetle" in s. ATCP 21.01 (9). The only provision in ch. ATCP 21 in which the term is used is s. ATCP 21.11, which is being repealed.

**PROPOSED ORDER OF THE STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION  
AMENDING RULES**

- 1 The state of Wisconsin department of agriculture, trade and consumer protection
  - 2 proposes the following order to repeal ATCP 21.11; and to amend ATCP 21.01(2) and
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**Analysis Prepared by the Department of Agriculture,  
Trade and Consumer Protection**

Statutory authority: ss. 93.07(1) and (12), 94.01(1) and 94.76(1), Stats.  
Statutes interpreted: ss. 93.07(12) and (13), 94.01, and 94.76, Stats.

This rule repeals current import controls designed to prevent the spread of Japanese beetles into this state. Despite the current import controls, Wisconsin is now infested with Japanese beetle. The current import controls therefore serve no purpose, and may unnecessarily impede interstate commerce. This rule also updates scientific terminology and statutory references in current rules.

**Japanese Beetle; Repeal of Import Controls**

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Consistent with the national harmonization plan, this rule repeals current Japanese beetle inspection and certification requirements for materials imported into Wisconsin. This repeal will not affect the natural spread of the Japanese beetle in Wisconsin. DATCP will continue to inspect and certify export shipments from Wisconsin to non-infested states that require such inspection and certification.

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### State Pest Control Programs

Current DATCP rules under ch. ATCP 29, Wis. Adm. Code, regulate the use of pesticides in this state. DATCP and its agents are currently exempt from these rules when engaged in state pest control programs under s. 94.02, Stats., or ch. ATCP 21, Wis. Adm. Code. This rule clarifies that DATCP and its agents are also exempt when engaged in state pest control programs under s. 94.01, Stats.

ref.  
21.01(9)

- 
- 1           SECTION 1. ATCP 21.01(2) and (15) are amended to read:
- 2           ATCP 21.01(2) "American foulbrood" means *Bacillus Paenibacillus larvae* and
- 3 related pathogens.
- 4           (15) "Varroa mite" means ~~Varroa jacobsoni~~ Varroa destructor.
- 5           SECTION 2. ATCP 21.11 is repealed.
- 6           SECTION 3. ATCP 29.56(1)(e)4. is amended to read:
- 7           ATCP 29.56(1)(e)4. Pesticide applications made by the department or its agent
- 8 pursuant to s. 94.01 or 94.02, Stats., or ch. ATCP 21.

1           **EFFECTIVE DATE.** The rules contained in this order shall take effect on the first  
2 day of the month following publication in the Wisconsin administrative register, as  
3 provided under s. 227.22(2) (intro.), Stats.

4

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE,  
TRADE AND CONSUMER PROTECTION

By \_\_\_\_\_  
James E. Harsdorf, Secretary

State of Wisconsin  
Department of Agriculture, Trade and Consumer Protection

**NOTICE OF HEARING**

**Rules Related to Plant Inspection and Pest Control**

The State of Wisconsin Department of Agriculture, Trade and Consumer Protection announces that it will hold a public hearing on a proposed rule to amend ch. ATCP 21, and to clarify statutory references in ch. ATCP 29 Wis. Adm. Code, related to plant inspection and pest control. The department will hold one hearing at the time and place shown below. The department invites the public to attend the hearing and comment on the proposed rule. Following the public hearing, the hearing record will remain open until August 24, 2001 for additional written comments.

You may obtain a free copy of this rule by contacting the Wisconsin Department of Agriculture, Trade and Consumer Protection, Agricultural Resource Management, 2811 Agriculture Drive, P.O. Box 8911, Madison, WI 53708-8911, or by calling (608) 224-4574. Copies will also be available at the hearing.

Hearing impaired persons may request an interpreter for this hearing. Please make reservations for a hearing interpreter by August 7, 2001 by writing to Paula Noel, 2811 Agriculture Drive, P.O. Box 8911, Madison, WI 53708, (608) 224-4574. Alternatively, you may contact the Department TDD at (608) 224-5058. Handicap access is available at the hearing.

The hearing is scheduled at:

Tuesday, August 21, 2001, 1:00 until 4:00 p.m.  
Wisconsin Dept. of Agriculture, Trade and Consumer Protection  
Board Room  
2811 Agriculture Drive  
Madison, WI 53704  
Handicapped accessible



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## **Analysis Prepared by the Department of Agriculture, Trade and Consumer Protection**

Statutory Authority: ss. 93.07(1) and (12), 94.01(1).  
Statutes Interpreted: ss. 93.07(12) and (13), 94.01, 94.76 (1) to (4).

This rule repeals current import controls designed to prevent the spread of Japanese beetles into this state. Despite the current import controls, Wisconsin is now infested with Japanese beetle. The current import controls therefore serve no purpose, and may unnecessarily impede interstate commerce. This rule also updates scientific terminology and statutory references in current rules.

### **Background**

#### **Japanese Beetle; Repeal of Import Controls**

The Department of Agriculture, Trade and Consumer Protection (DATCP) administers plant pest control rules under ch. ATCP 21, Wis. Adm. Code. Current rules include import controls designed to prevent the spread of Japanese beetles into Wisconsin. Persons who import certain plants, soil and other materials from areas infested with Japanese beetles must have those materials inspected and certified by a pest control official in the state or province of origin. The inspector must certify that the import shipment is free of Japanese beetle. The importer must pay for the inspection and certification.

Despite these import controls, the Japanese beetle has now infested Wisconsin and over half of all U.S. states. Because Wisconsin is now infested, its current import controls may serve no useful purpose and may unnecessarily impede interstate commerce. Wisconsin's current import restrictions are not consistent with the U.S. Domestic Japanese Beetle Harmonization Plan adopted by the National Plant Board. That plan recommends regulation of imports to states that are not yet infested, but does *not* recommend regulation of imports to states (like Wisconsin) that are already infested.

#### **Taxonomic Name Change**

DATCP currently regulates honeybee shipments, under ch. ATCP 21, Wis. Adm. Code, to prevent the spread of honeybee pests in this state. Two of these pests have undergone taxonomic name changes.

#### **State Pest Control Programs**

Current DATCP rules under ch. ATCP 29, Wis. Adm. Code, regulate the use of pesticides in this state. DATCP and its agents are currently exempt from these rules when engaged in state pest control programs under s. 94.02, Stats. or ch. ATCP 21, Wis. Adm. Code.

## **Rule Contents**

### **Japanese Beetle; Repeal of Import Controls**

Consistent with the national harmonization plan, this rule repeals current Japanese beetle inspection and certification requirements for materials imported into Wisconsin. This repeal will not affect the natural spread of the Japanese beetle in Wisconsin. DATCP will continue to inspect and certify export shipments from Wisconsin to non-infested states that require such inspection and certification.

### **Taxonomic Name Change**

The International Committee on Systematic Bacteriology (1993) has changed the scientific name of the pathogen, American foulbrood. The scientific journal, *Experimental and Applied Acarology* (2000), has changed the scientific name of the Varroa mite. This rule updates those pests names. The name changes will not change the regulation of honeybee shipments.

### **State Pest Control Programs**

This rule clarifies in ATCP 29, Wis. Adm. Code, that DATCP and its agents are exempt when engaged in state pest control programs under s. 94.01, Stats.

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## **Fiscal Estimate**

This rule will have no fiscal impact on the department or other units of government. These rule changes eliminate the current Japanese beetle import restrictions. Wisconsin has become infested despite the import restrictions. Therefore, the rule no longer serves a useful purpose. The department currently inspects and certifies Wisconsin nurseries in infested areas, to facilitate export of items that may transport Japanese beetle. This practice of certification to permit Wisconsin nurseries to export to uninfested states will continue. There are no additional costs to local government.

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## **Initial Regulatory Flexibility Analysis**

### **Rule Description**

#### **Plant Inspection and Pest Control**

The Department of Agriculture, Trade and Consumer Protection currently regulates the import of plants, soil and other materials for the presence of Japanese beetle under ch. 94, Stats. and s. ATCP 21.11 Wis. Adm. Code. Despite these import controls, Wisconsin is now infested with Japanese beetle, making continued import control meaningless. Under the present rule, the costs for inspection and certification are born by the out-of-state

business. In an unknown number of cases, the costs of these controls may have been passed through to nurseries in Wisconsin, most of which are small businesses.

The proposed rule changes repeal the import controls on Japanese beetle and will have no impact on nurseries in Wisconsin except as far as they will no longer be subject to any pass-through on inspection and certification costs. The repeal of the import controls on Japanese beetle have no reporting, recordkeeping or procedural impacts on the conduct of the Wisconsin nursery businesses.

#### **Taxonomic Name Change and State Pest Control Programs**

The proposed changes to scientific names of two honeybee pests and the clarification of the department's exemptions from its own rules on pesticide applications in particular situations will have no impact on small businesses in Wisconsin.

#### **Small Businesses Affected by this Rule**

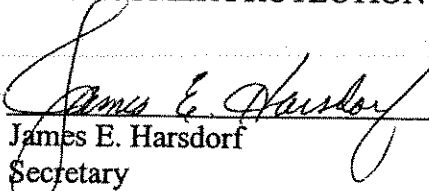
This rule will have little or no effect on nurseries in Wisconsin, most of which are small businesses. Under current rules, out-of-state businesses shipping into Wisconsin have incurred costs for Japanese beetle inspection and certification. This rule eliminates those costs. To the extent that out-of state importers passed on the costs to nurseries receiving import shipments in Wisconsin, this rule will decrease costs to Wisconsin nurseries.

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Dated this 28 day of June, 2001.

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE, TRADE  
AND CONSUMER PROTECTION

By

  
James E. Harsdorf  
Secretary