

# Wisconsin Department of Agriculture, Trade and Consumer Protection

## Final Regulatory Flexibility Analysis

**Rule Subject:** Technical Rule  
**Adm. Code Reference:** ATCP 21, 29, 30, 33, 35, 40, 42, 49, 50, 71, 90, 91, 92, 94, 105, 123, 127 and 161  
**Rules Clearinghouse #:** 14-047  
**DATCP Docket #:** 14-R-03

### *Rule Summary*

This rule makes minor or technical changes to a number of current DATCP rules. This rule does all of the following:

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

Makes a small change indicating that a responsible state agency, rather than a U.S. department of agriculture official, may now declare an area to be infested with thousand cankers disease.

#### **Pesticide Use and Control**

- Decreases licensing fees and surcharges to be consistent with recent statutory changes.
- Corrects spelling and capitalization errors.
- Changes several notes to provide online resources for certification, training and examination materials.

#### **Pesticide Product Restrictions**

- Corrects incorrect references to subsections and the misspelling of “strychnine.”
- Amends notes to update website addresses.
- Removes outdated reference to treatment of aldicarb from the 1980s.
- Incorporates by reference the most recent edition of the current rule standard concerning pesticide poisonings.
- Modifies the record keeping provision relating to chloropicrin to reflect that soil temperature at the time of application is not required to be kept.

#### **Fertilizer and Pesticide Bulk Storage**

- Incorporates by reference the most recent edition of minimum design standards for concrete agrichemical containment.
- Updates sections relating to the use of tarps for dry fertilizer unloading from railway cars and sections relating to asphalt and concrete block structures.

## **Agricultural Chemical Cleanup Program**

Amends references required by the renumbering of an administrative code chapter relating to the department of natural resources and corrects a statutory reference to “hazardous substance.”

## **Fertilizer and Related Products**

- Decreases various license and tonnage fees and surcharges to be consistent with recent statutory changes.
- Incorporates by reference the most recent edition of the current rule standard concerning fertilizers.

## **Commercial Feed**

Updates the technical standards in the current rule to the most recent versions. Several notes have been modified to add more information about obtaining electronic copies of those publications.

## **Farmland Preservation**

Makes a small change to add language into the zoning section to match language used in the planning section.

## **Soil and Water Resource Management Program**

Updates several sections to reference the current versions of technical standards.

## **Food Warehouse and Bulk Milk Distributors**

Corrects an outdated fee structure relating to the re-inspection of small warehouses which hold non-potentially hazardous foods versus those that hold potentially hazardous foods.

## **Fair Packaging and Labeling; Selling Commodities by Weight, Measure or Count; Weights and Measures; Petroleum and Other Liquid Fuel Products**

Corrects small grammatical errors and updates the technical references to cite the current NIST Handbook and ATSM fuel standards.

## **Sales Below Cost**

Corrects a grammatical error.

## **Electronic Communications Services**

Aligns the rule with recent legislature changes.

**Direct Marketing**

Deletes a note no longer necessary in that section.

**Agricultural Development and Market Promotion**

Amends the “Buy Local” section to reflect a statute change that directs the matching requirement to be an amount at least equal to the grant amount.

*Small Business Affected*

This rule will not have any impact on small businesses or other business. This rule makes minor technical changes that will not have any impact on business standards, costs or operations.

*Reporting, Bookkeeping and other Procedures*

The proposed rule does not create any reporting, bookkeeping or other requirement for small businesses.

*Professional Skills Required*

The proposed rule does not require any profession skill of small businesses.

*Accommodation for Small Business*

This rule has no impact upon small businesses and as a result, no accommodations are needed.

*Conclusion*

This rule will not have any effect on “small business,” and is not subject to the delayed “small business” effective date provided in s. 227.22(2) (e), Stats.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE,  
TRADE AND CONSUMER PROTECTION

By \_\_\_\_\_  
David Meany, Chief Legal Counsel