

Wisconsin Department of Agriculture, Trade and Consumer Protection

Regulatory Flexibility Analysis

Rule Subject: Technical Rule
Adm. Code Reference: ATCP 20, 21 Appendix A, 40, 42, 65, 71, 72, 73, 76, 78, 79, 90, 91, 92, 94, 99, 105, and 118
Rules Clearinghouse #: 18-019
DATCP Docket #: 17-R-07

Rule Summary

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

Plant Inspection and Pest Control

- Adds the state of Maryland to a section specific to the thousand cankers disease of walnut trees infested area; repeals Appendix A, Areas Infested by Hemlock Woolly Adelgid; and amends the rule to clarify which geographic areas are subject to import controls for this disease.

Fertilizer and Related Products

- Changes the expiration date of a license to a later date, lowers the fee for the agricultural chemical cleanup surcharge, and updates referenced publications to the most recent versions.

Commercial Feed

- Updates the referenced publications and technical standards to the most recent versions.

Milk and Milk Products

- Corrects references to federal regulations.

Food Warehouses and Milk Distributors

- Corrects references to federal regulations.

Hotels, Motels and Tourist Rooming Houses

- Replaces a specific term to make the language of the rule consistent with the Department's use of permits and licenses.
- This rule was previously under the Department of Health Services (DHS).

Bed and Breakfast Establishments

- Replaces a specific term to make the language of the rule consistent with the Department's use of permits and licenses.
- This rule was previously under the Department of Health Services (DHS).

Safety, Maintenance, and Operation of Public Pools and Water Attractions

- Replaces a specific term to make the language of the rule consistent with the Department's use of permits and licenses.
- This rule was previously under the Department of Health Services (DHS).

Laboratory Certification

- Replaces a specific term to make the language of the rule consistent with the Department's use of permits and licenses.
- This rule was previously under the Department of Health Services (DHS).

Recreational and Educational Camps

- Replaces a specific term to make the language of the rule consistent with the Department's use of permits and licenses.
- This rule was previously under the Department of Health Services (DHS).

Campgrounds

- Replaces a specific term to make the language of the rule consistent with the Department's use of permits and licenses.
- This rule was previously under the Department of Health Services (DHS).

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

- Corrects small grammatical errors.
- Updates the technical references to cite the current NIST Handbook and ASTM fuel standards.
- Amends notes to reference website addresses and form numbers.
- Removes obsolete notes.

Grain Dealers and Grain Warehouse Keepers

- Removes the requirement for a notary.

Sales Below Cost

- Adds provision allowing for electronic notice.

Car Rentals; Customer Notices

- Grammatical corrections.

Small Businesses Affected

This rule will not have any impact on small businesses or other businesses. This rule makes minor or technical changes that will not have an impact on operating 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 new professional skills for 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 Wis. Stat. § 227.22(2) (e).

Dated this _____ day of _____, 2019.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By: _____
Angela James, Assistant Deputy Secretary