

Wisconsin Department of Agriculture, Trade and Consumer Protection

Regulatory Flexibility Analysis

Rule Subject: **Obsolete language and statutory alignment**

Adm. Code Reference: **ATCP 21, ATCP 29, ATCP 35**

Rules Clearinghouse No.:

DATCP Docket No.: **22-R-05**

Rule Summary

The Department of Agriculture, Trade and Consumer Protection (Department) has conducted a comprehensive review of chs. ATCP 21, ATCP 29, and ATCP 35. The proposed rules remove obsolete language and better align with statute.

Presently, ch. ATCP 21 contains references to a pest common name that has been changed by the Entomological Society of America and is now obsolete, and contains outdated pest infestation levels and outdated diagnostic techniques.

Chapter ATCP 29 contains obsolete language regarding licensing of pesticide manufacturers and labelers.

Chapters ATCP 29 and ATCP 35 each refer to incorrect fees and surcharges that were changed in statute by the 2017 Wisconsin Act 59.

The objective of the proposed rule is to review chs. ATCP 21, 29, and 35 with regard to recent statutory changes, current diagnostic techniques, and inclusive language. This proposed rule change will ensure compliance with industry standards and Wisconsin statutes, including necessary updates resulting from 2017 Wisconsin Act 59.

Small Businesses Affected

The Department expects the proposed rule to have no adverse impact on small businesses, which may include:

- Businesses such as nurseries and loggers that transport or import articles regulated by the spongy moth quarantine,
- Beekeepers,
- Pesticide manufacturers and labelers credentialed or otherwise regulated by the Department,
- Pesticide dealers and distributors of restricted-use pesticides,
- Commercial pesticide applicators credentialed or otherwise regulated by the Department,
- Responsible persons requesting reimbursement through the Agricultural Chemical Cleanup Program (ACCP)

Reporting, Bookkeeping and other Procedures

The proposed rule revisions do not create new reporting, bookkeeping or other procedures required for compliance. The proposed rule eliminates obsolete language, corrects terminology, and aligns administrative rule with statutes.

Professional Skills Required

The proposed rule revisions do not create any new professional skill requirements for compliance with the rule.

Accommodation for Small Business

No accommodations for small business will be necessary for the proposed rule revisions.

Conclusion

These proposed rule revisions do not have an economic impact on small business, as defined in s. [227.114 \(1\)](#), Stats.

Dated this 5th day of October, 2022.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By _____
Brian Weigel, Administrator,
Division of Agricultural Resources Management