

ADMINISTRATIVE RULES FISCAL ESTIMATE AND ECONOMIC IMPACT ANALYSIS

Type of Estimate and Analysis

Original Updated Corrected

Administrative Rule Chapter, Title and Number

Ch. ATCP 20, SEED LABELING AND SALE

Subject

Non-commercial seed distribution

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

The Department of Agriculture, Trade and Consumer Protection ("Department") administers Wisconsin's seed law under ss. 94.38 to 94.46, Stats. The seed law regulates the labeling and sale of agricultural seed. The law applies to nearly all seed sold for sowing purposes, including crop seed, vegetable seed for home gardens, lawn and turf seed, flower seed, and native species seed. The law does not apply to tree or shrub seeds.

This rule will apply essential parts of the licensing and labeling regulation to non-commercial distributors of seed.

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 rule will not affect businesses (small or large).

- This rule will only affect the nonprofit organizations involved in seed exchanges or seed libraries. It will allow for the noncommercial distribution of seed with minimum labeling and licensing.

Local Governments

- This rule will not impact local governments. Local governments will not have any implementation or compliance costs.

Utility Rate Payers

- The rule will have no effect on utility rate payers.

Department Bureau of Plant Industry

- The Bureau of Plant Industry will be able to absorb costs related to inspections and compliance work in its current budget, based on the small number of nonprofit seed distributors that are expected to be affected.

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

Implementation of this rule will help protect Wisconsin's seed industry by applying minimum labeling requirements to all seed being distributed at a non-commercial level. Organizations distributing seed at a seed exchange will be educated on the Federal Plant Variety Protection (PVP) Act.

This rule will assist in stopping the spread of restricted and prohibited noxious weed seeds.

If this rule is not enacted, Wisconsin's seed industry could suffer losses due to PVP seed being sold without permission. The environment and public could also suffer from the spread of restricted and prohibited noxious weed seeds.

Long Range Implications of Implementing the Rule

In the long-term, implementation of this rule will benefit the environment, the citizenry, and businesses that purchase and plant seed in Wisconsin. By creating minimum restrictions regarding the noncommercial distribution of seed, the potential for spreading restricted and prohibited noxious weed seeds is reduced and PVP seeds are better protected. The public is also made aware of what they are receiving which can also protect them.

Compare With Approaches Being Used by Federal Government

The Federal Government regulates the interstate movement of seed and does not currently regulate local noncommercial seed sharing.

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

This rule has been created in part via cooperation of a national effort to streamline seed laws through the Recommended Uniform State Seed Law (RUSSEL) developed by Association of American Seed Control Officials (AASCO). RUSSEL was developed and is maintained by AASCO as a "model" law for states and federal programs. RUSSEL is intended to help states develop their laws and to provide consistency among state seed law to ease interstate movement of seed.

Comments Received in Response to the Public's Economic Impact and DATCP Response

No comments were received in response either to the posting on the Department external website or the statewide administrative rules website.

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