



State of Wisconsin
Governor Tony Evers

Department of Agriculture, Trade and Consumer Protection
Secretary-designee Randy Romanski

DATE: September 24, 2020

TO: Board of Agriculture, Trade and Consumer Protection

FROM: Randy Romanski, Secretary Designee
Sara Walling, Administrator, Agricultural Resource Management Division

SUBJECT: Plant Inspection and Pest Control; Requesting Approval for Preliminary Hearing for ATCP 21 Scope Statement ([SS 115-20](#))

PRESENTED BY: Brian Kuhn, Director, Plant Industry Bureau

REQUESTED ACTION:

At the September 24, 2020, Board meeting, the Department of Agriculture, Trade and Consumer Protection (DATCP) will ask the DATCP Board to approve a preliminary public hearing and comment period for the "Statement of Scope", [SS 115-20](#), regarding DATCP rules related to regulating several pests and diseases that impact plants and plant products.

SUMMARY:

The proposed rule considers establishing DATCP quarantine regulations to restrict the movement of regulated items into Wisconsin from areas known to be infested with spotted lanternfly, elongate hemlock scale, and balsam woolly adelgid; considers rescinding quarantines related to restricting the movement of regulated items from areas known to be infested with emerald ash borer, pine shoot beetle and thousand cankers disease; and considers changes to the import regulations for hemlock woolly adelgid and *Phytophthora ramorum*.

The Governor approved scope statement SS 115-20 on August 13, 2020, thereby allowing DATCP to submit this scope statement for publication in the Wisconsin Administrative Register and to seek approval for the preliminary public hearing and comment period for the scope statement, from the DATCP Board.

DATCP filed the attached statement of scope with the Legislative Reference Bureau for publication in the August 24, 2020, issue of the Wisconsin Administrative Register. DATCP also filed a copy with DOA.

If the Board approves the preliminary hearing and comment period, the Department will hold the public hearing on October 16, 2020, via conference call or WebEx and accept written comments until October 23, 2020. Once public comments are considered, DATCP will come back to the Board to request approval of the Scope Statement.

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

NOTICE OF PUBLIC HEARING AND COMMENT PERIOD FOR SS 115-20

Permanent Rule Regarding Plant Inspection and Pest Control

The Wisconsin Department of Agriculture, Trade and Consumer Protection (Department) announces that, pursuant to Wis. Stat. § 227.136 (1), it will hold a preliminary public hearing and comment period on its proposed statement of scope pertaining to Wis. Admin. Code ch. ATCP 21 regarding plant inspection and pest control.

The Department will hold the public hearing at the time and place shown below. The Department invites the public to attend the public hearing on the proposed statement of scope or to provide comments on the proposed statement of scope no later than Thursday October 23, 2020. Written public comments may be sent to Shahla Werner, Division of Agricultural Resource Management, Department of Agriculture, Trade and Consumer Protection, P.O. Box 8911, Madison, WI 53708-8911 or by e-mail to shahla.werner@wisconsin.gov.

Hearing Date and Location:

Thursday, October 16, 2020
Commencing at 1:00 PM
Teleconference Line: 1-855-947-8255, Passcode 71419#

You may obtain a copy of the Statement of Scope for this proposed rule by contacting the Wisconsin Department of Agriculture, Trade and Consumer Protection, Office of the Secretary, P.O. Box 8911, Madison, Wisconsin 53708-8911. You may also obtain a copy by contacting the Plant Protection Section Manager, Shahla Werner at Shahla.Werner@wisconsin.gov or by calling (608) 957-5100. To view the statement of scope online, go to:

https://docs.legis.wisconsin.gov/code/register/2020/776a4/register/ss/ss_115_20/ss_115_20

Hearing-impaired persons may request accommodation for this hearing. Please make reservations by October 14, 2020, by writing, calling, or emailing Section Manager, Shahla Werner.

Dated this ____ day of September, 2020

STATE OF WISCONSIN,
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By _____

Randy Romanski, Secretary-designee