

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis ☒ Original ☐ Updated ☐ Corrected	2. Date August 18, 2023
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) ATCP 90-91-92	
4. Subject Fair packaging and labeling; selling commodities by weight, measure, or count; and weights and measures	
5. Fund Sources Affected ☒ GPR ☐ FED ☐ PRO ☐ PRS ☐ SEG ☐ SEG-S	6. Chapter 20, Stats. Appropriations Affected
7. Fiscal Effect of Implementing the Rule ☒ No Fiscal Effect ☐ Increase Existing Revenues ☐ Increase Costs ☐ Decrease Costs ☐ Indeterminate ☐ Decrease Existing Revenues ☒ Could Absorb Within Agency's Budget	
8. The Rule Will Impact the Following (Check All That Apply) ☐ State's Economy ☒ Specific Businesses/Sectors ☐ Local Government Units ☐ Public Utility Rate Payers ☐ Small Businesses (if checked, complete Attachment A)	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0	
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? ☐ Yes ☒ No	
11. Policy Problem Addressed by the Rule Updates rules to incorporate by reference the most recent versions of relevant NIST Handbooks..	
12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. The department is responsible for regular statewide testing of commercial weights and measures, including the accuracy of gas pumps, price scanners, scales, and package weights. Therefore, any business in the state that uses weights and measures for price determination will be affected by rules incorporating updates to the NIST Handbooks. Requiring accurate weights and measures is meant to ensure that both consumers and businesses receive what each pays for, as well as fair competition between businesses competing for sales.	
13. Identify the Local Governmental Units that Participated in the Development of this EIA. None.	
14. 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) The proposed technical changes to current rules will not have any adverse impact on persons covered by those rules. There will be no adverse impact on business or local government.	
15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule Updating the rules to incorporate by reference the 2023 editions of NIST Handbooks 44, 130, and 133 will keep Wisconsin law up-to-date with recognized national standards. The alternative is to continue applying the 2018 Handbooks, which will eventually lead to Wisconsin weights and measures law being out of line with other states.	
16. Long Range Implications of Implementing the Rule n/a	
17. Compare With Approaches Being Used by Federal Government	

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Not applicable. While NIST is an entity within the United States Department of Commerce, NIST does not promulgate federal regulations, but it instead develops recommended national standards for states to adopt as law. Those standards are developed during annual meetings of the National Conference on Weights and Measures, which involve state and local weights and measures officials, as well as representatives of business and consumer organizations.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)
All neighboring states have Weights and Measures programs.

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ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- ☐ Less Stringent Compliance or Reporting Requirements
☐ Less Stringent Schedules or Deadlines for Compliance or Reporting
☐ Consolidation or Simplification of Reporting Requirements
☐ Establishment of performance standards in lieu of Design or Operational Standards
☐ Exemption of Small Businesses from some or all requirements
☐ Other, describe:

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

☐ Yes ☐ No
