

# Clearinghouse Rule 95-147

STATE OF WISCONSIN )  
 ) ss.  
DEPARTMENT OF AGRICULTURE, )  
TRADE AND CONSUMER PROTECTION )

Clearinghouse Rule  
No. 95-147

## CERTIFICATION:

I, Alan T. Tracy, Secretary of the State of Wisconsin Department of Agriculture, Trade and Consumer Protection, and custodian of the department's official records, hereby certify that the attached rulemaking order relating to atrazine use restrictions was signed and adopted by the department on March 12, 1996.

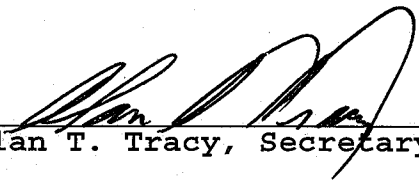
I further certify that I have compared the attached copy to the original on file in the department, and that the attached copy is a complete and accurate copy of the original.

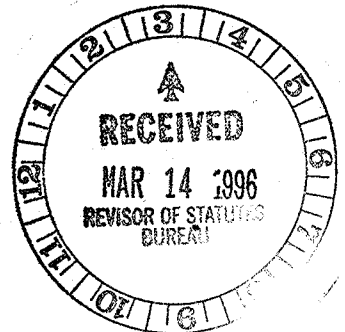
Signed and sealed this 12th day of March, 1996.

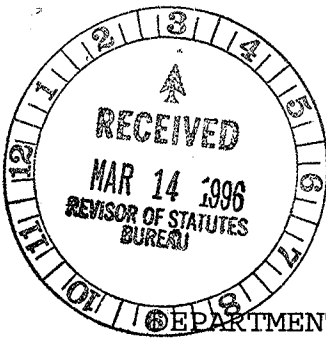
STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE, TRADE  
AND CONSUMER PROTECTION



By

  
Alan T. Tracy, Secretary





Final Draft  
03/06/96

ORDER OF THE STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION  
ADOPTING, AMENDING OR REPEALING RULES

1 The state of Wisconsin department of agriculture, trade and  
2 consumer protection proposes the following order to repeal  
3 portions of chapter ATCP 30 Appendix A, and to create portions of  
4 chapter ATCP 30 Appendix A relating to atrazine use restrictions.

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Analysis Prepared by the Department of  
Agriculture, Trade and Consumer Protection

Statutory authority: ss. 93.07(1), 94.69(9), 160.19(2), and  
160.21(1), Stats.

Statutes interpreted: ss. 94.69, 160.19(2) and 160.21(1),  
Stats.

In order to protect Wisconsin groundwater, current rules under  
ch. ATCP 30, Wis. Adm. Code, restrict the statewide rate at which  
atrazine pesticides may be applied. Current rules also prohibit  
the use of atrazine in areas where groundwater contamination  
levels attain or exceed state enforcement standards.

Based on new groundwater test data, this rule expands the number  
of areas in which atrazine use is prohibited.

Atrazine Prohibition Areas

Current rules prohibit the use of atrazine where atrazine  
contamination of groundwater equals or exceeds the current  
groundwater enforcement standard under ch. NR 140, Wis. Adm.  
Code. Current rules prohibit atrazine use in 80 designated  
areas, including major prohibition areas in the lower Wisconsin  
river valley and much of Dane and Columbia counties.

This rule repeals and recreates 2 current prohibition areas to  
expand those areas, and creates 11 new prohibition areas,  
resulting in a new total of 91 prohibition areas throughout the  
state. The rule includes maps describing each of the new and  
expanded prohibition areas.

Within every prohibition area, atrazine applications are prohibited. Atrazine mixing and loading operations are also prohibited unless conducted over a spill containment surface which complies with ss. ATCP 29.151(2) to (4), Wis. Adm. Code.

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1           **SECTION 1.** The cover page to Appendix A to ch. ATCP 30 is  
2 repealed and recreated in the form attached.

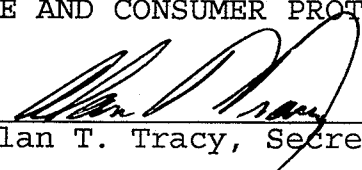
3           **SECTION 2.** Prohibition area maps numbered 93-23-01, and 95-  
4 39-01, contained in Appendix A to ch. ATCP 30, are repealed.

5           **SECTION 3.** The attached prohibition area maps, numbered 96-  
6 01-01, 96-01-02, 96-14-01, 96-18-01, 96-23-01, 96-25-01, 96-29-  
7 01, 96-33-01, 96-39-01, 96-50-01, 96-54-01, 96-63-01 and 96-70-01  
8 are created in Appendix A to ch. ATCP 30.

9           **SECTION 4. EFFECTIVE DATE.** The rules contained in this  
10 order shall take effect on the first day of the month following  
11 publication in the Wisconsin administrative register, as provided  
12 under s. 227.22(2) (intro.), Stats.

Dated this 12th day of March, 1996.

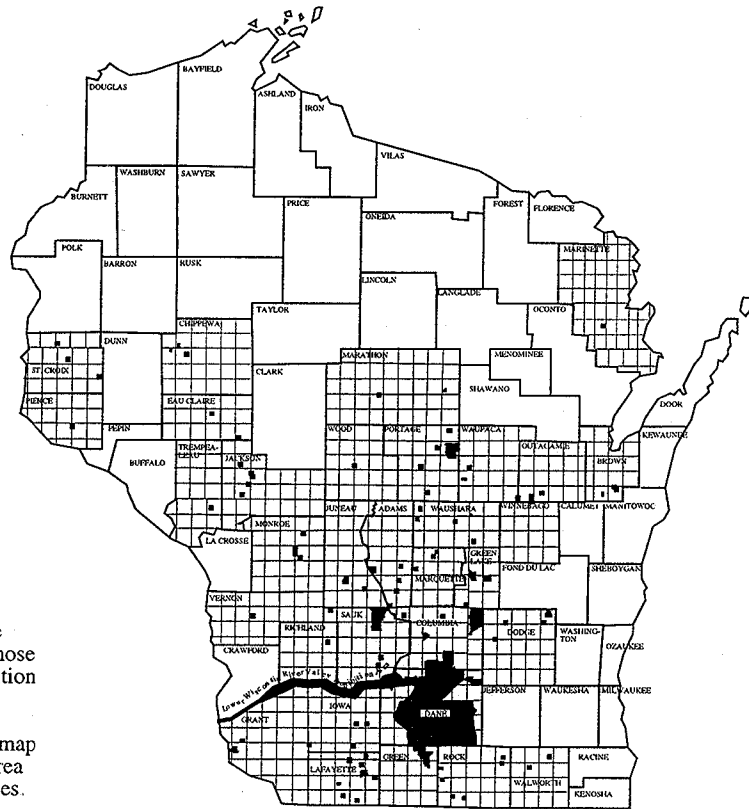
STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE,  
TRADE AND CONSUMER PROTECTION

By   
Alan T. Tracy, Secretary

# Chapter ATCP 30

## Appendix A

### Atrazine Prohibition Areas



Township and Range lines are shown for those counties with prohibition areas.

Refer to the detailed map of each prohibition area for its exact boundaries.

1996 Rule  
Final Draft

#### Guide to PA numbers

PA 96-01-01

- Consecutive prohibition area number for that county for the year it was adopted or modified.
- County number - see table.
- The growing season for which the prohibition area was adopted or modified.

In the above example, the prohibition area was created or modified for the 1995 growing season, is in Adams County, and is the first prohibition area in Adams County adopted or modified for that year.

Adams	01	Jackson	27	Richland	53
Ashland	02	Jefferson	28	Rock	54
Barron	03	Juneau	29	Rusk	55
Bayfield	04	Kenosha	30	St Croix	56
Brown	05	Kewaunee	31	Sauk	57
Buffalo	06	La Crosse	32	Sawyer	58
Burnett	07	Lafayette	33	Shawano	59
Calumet	08	Langlade	34	Sheboygan	60
Chippewa	09	Lincoln	35	Taylor	61
Clark	10	Manitowoc	36	Trempealeau	62
Columbia	11	Marathon	37	Vernon	63
Crawford	12	Marinette	38	Vilas	64
Dane	13	Marquette	39	Walworth	65
Dodge	14	Menominee	40	Washburn	66
Door	15	Milwaukee	41	Washington	67
Douglas	16	Monroe	42	Waukesha	68
Dunn	17	Oconto	43	Waupaca	69
Eau Claire	18	Oneida	44	Waushara	70
Florence	19	Outagamie	45	Winnebago	71
Fond du Lac	20	Ozaukee	46	Wood	72
Forest	21	Pepin	47		
Grant	22	Pierce	48		
Green	23	Polk	49		
Green Lake	24	Portage	50		
Iowa	25	Price	51		
Iron	26	Racine	52		

# Adams County

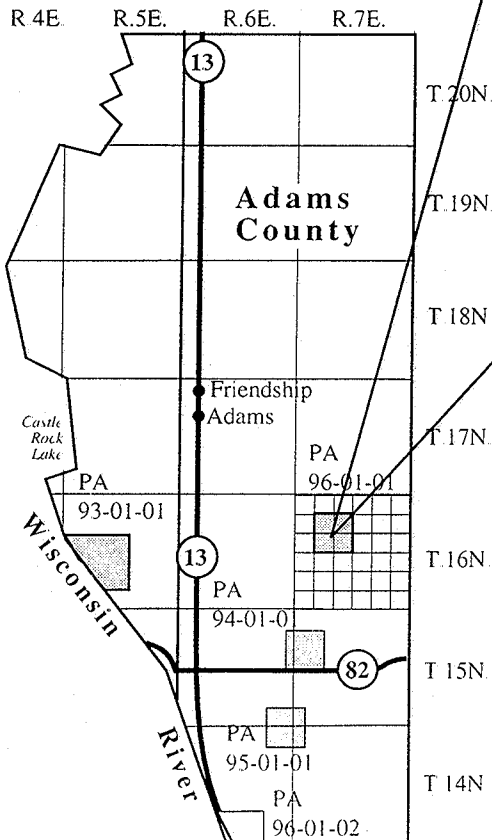
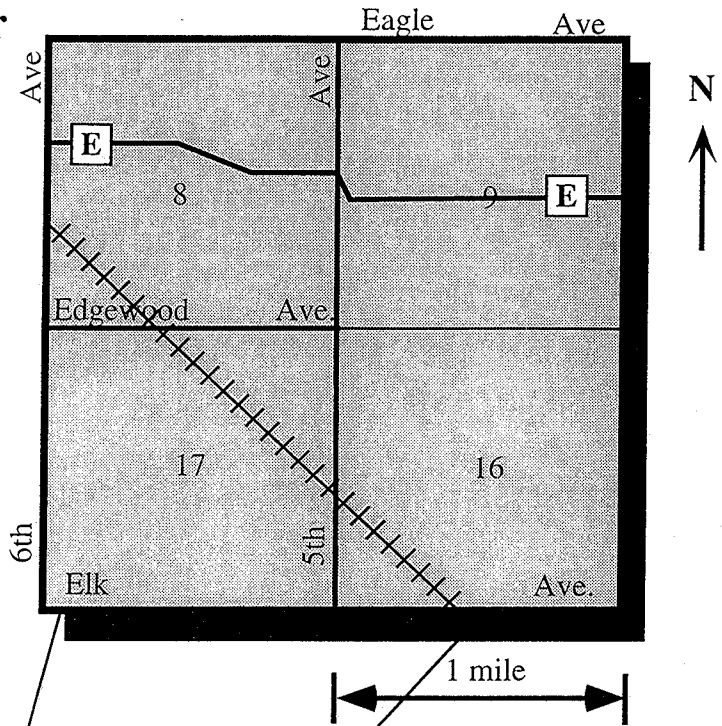
## Town of New Chester

### T. 16 N. R. 7 E.

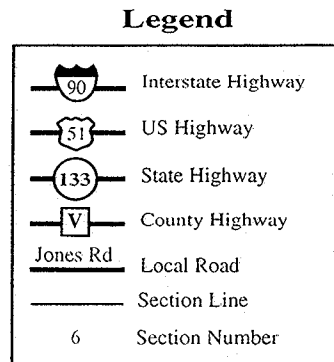
### PA 96-01-01

All uses of atrazine are prohibited on lands within the shaded region shown on the map.

It includes:  
all of sections 8, 9, 16  
and 17 in T.16N.R.7E.

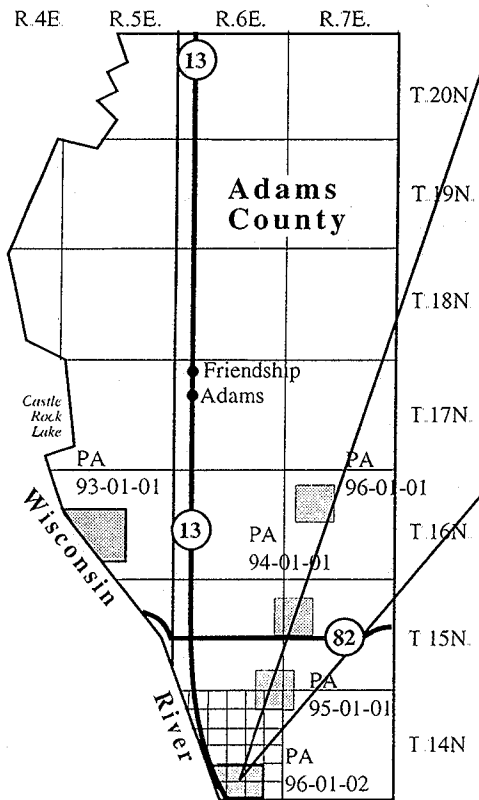
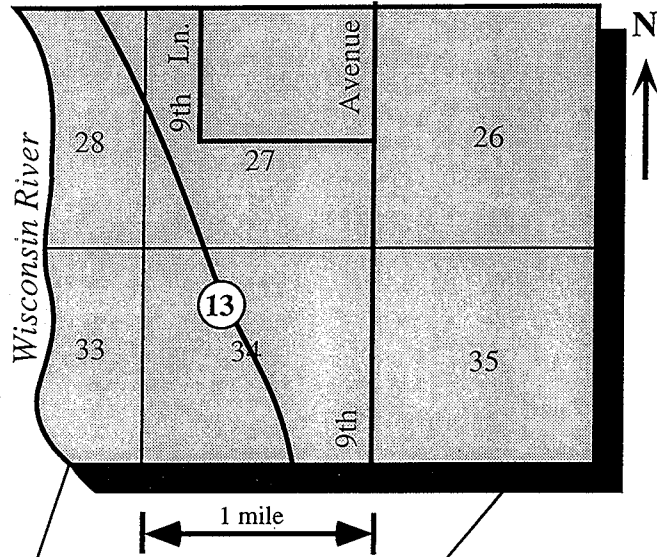


There are five atrazine prohibition areas in Adams County. Refer to the detailed map of each area for its specific location.

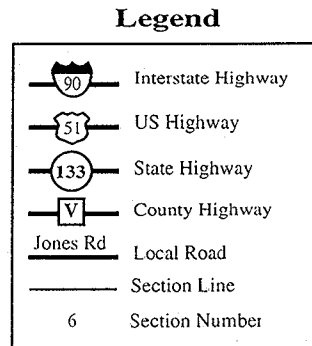


**Adams County  
Town of Dell Prairie  
T. 14 N. R. 6E.  
PA 96-01-02**

All uses of atrazine are prohibited on lands within the shaded region shown on the map.

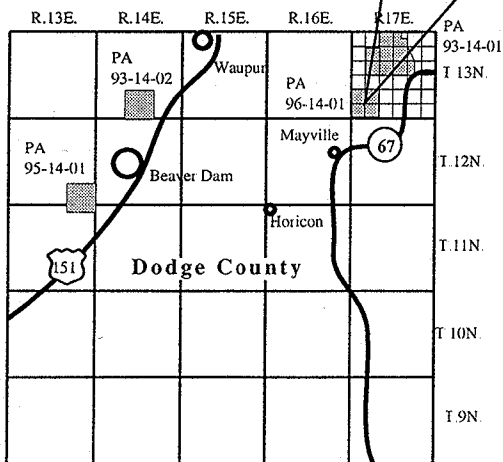
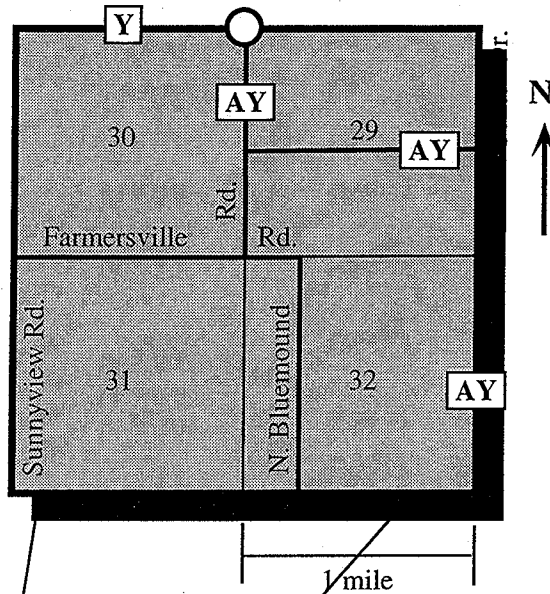


There are five atrazine prohibition areas in Adams County. Refer to the detailed map of each area for its specific location.



**Dodge County**  
**Town of Lomira**  
**T. 13 N. R. 17 E.**  
**PA 96-14-01**

All uses of atrazine  
 are prohibited on  
 lands within the  
 shaded region.



**Legend**

	Interstate Highway
	US Highway
	State Highway
	County Highway
	Local Road
	Section Line
	Section Number

There are four atrazine  
 prohibition areas in  
 Dodge County. Refer  
 to the detailed map of  
 each area for its  
 specific location.

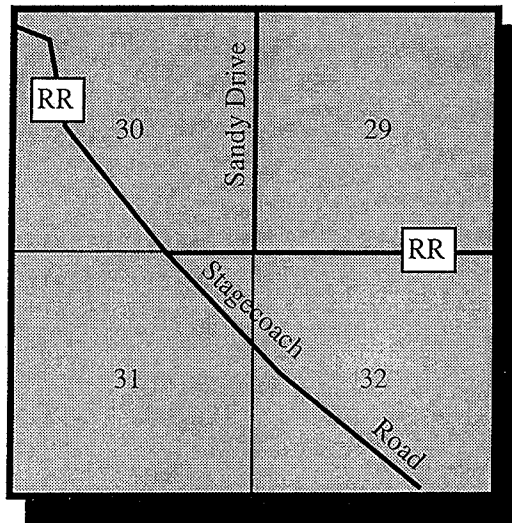
# Eau Claire County

## Town of Fairchild

T. 25 N. R. 5 W.

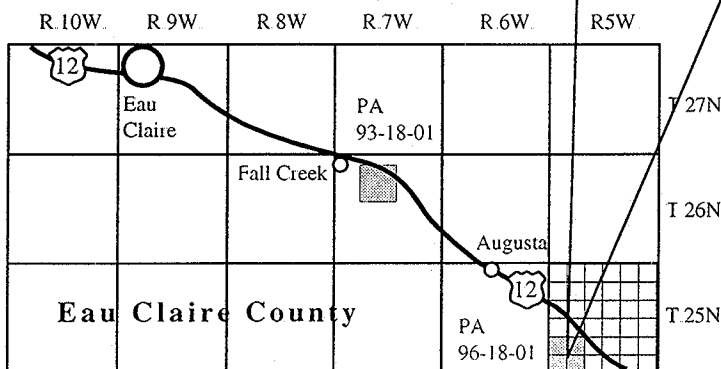
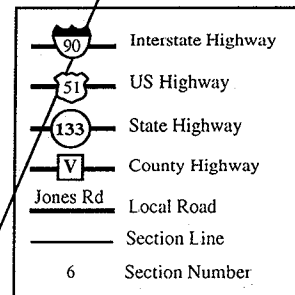
PA 96-18-01

All uses of atrazine are prohibited on lands within the shaded region shown on the map. It includes all of sections 29, 30, 31 and 32 T. 25 N. R. 5 W.



1 mile

### Legend



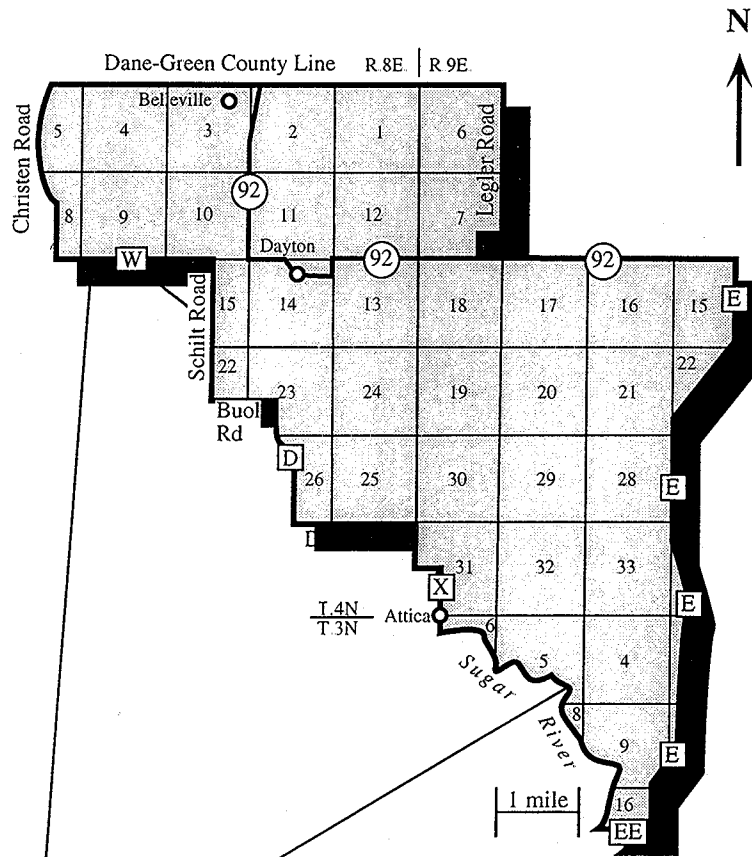
There are 2 atrazine prohibition areas in Eau Claire County. Refer to the detailed map of each area for its specific location.



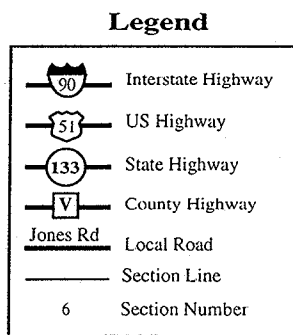
# Green County Towns of Albany, Exeter, & Brooklyn T. 3-4 N. R. 8-9 E. PA 96-23-01

All uses of atrazine are prohibited on lands within the shaded region shown on the map.

NOTE: This PA is modified from PA 93-23-01.



STATE OF ILLINOIS



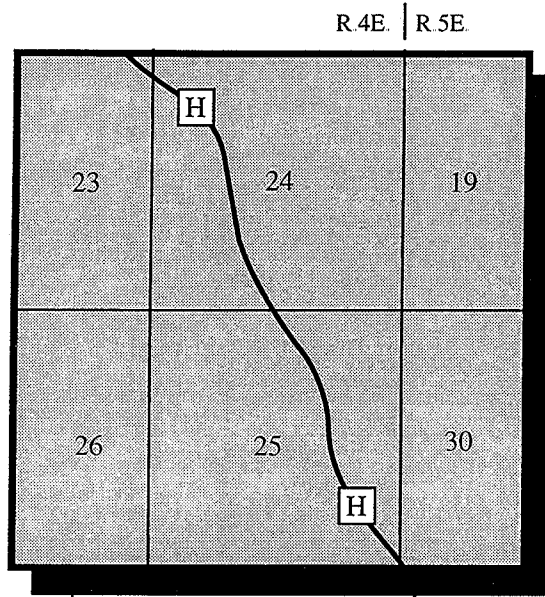
There is only one atrazine prohibition area in Green County.

# Iowa County Towns of Brigham and Ridgeway T. 6 N. R. 4-5 E. PA 96-25-01

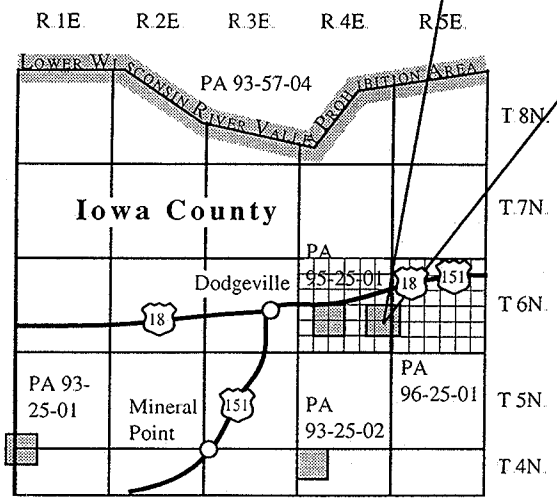
All uses of atrazine are prohibited on lands within the shaded region shown on the map.

In T.6N., R.4E it includes: the E1/2 of sections 23 and 26, and all of sections 24 and 25.

In T.6N.R.5E. it includes the W1/2 of sections 19 and 30.



1 mile



### Legend

	Interstate Highway
	US Highway
	State Highway
	County Highway
	Local Road
	Section Line
	Section Number

There are five atrazine prohibition areas in Iowa County including the Lower Wisconsin River Valley. Refer to the detailed map of each area for its specific location.

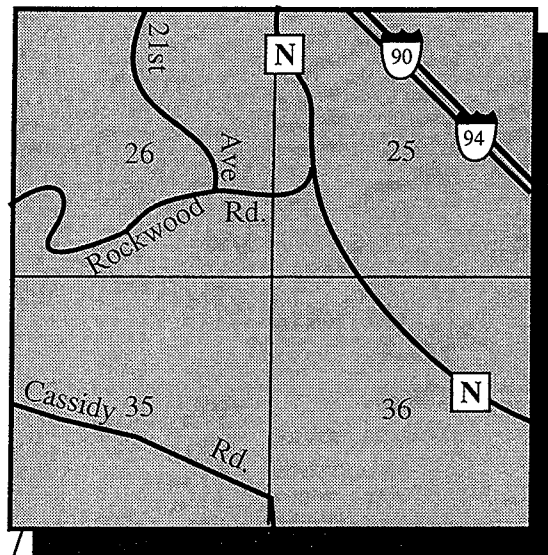
# Juneau County

## Town of Lemonweir

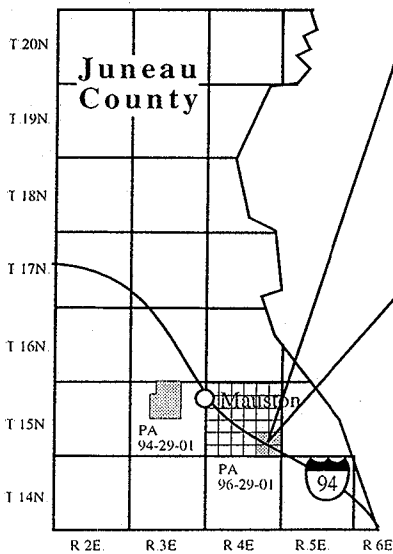
### T. 15 N. R. 4 E.

### PA 96-29-01

All uses of atrazine are prohibited on lands within the shaded region shown on the map. It includes all of sections 25, 26, 35 & 36 of T. 15 N. R. 4 E.



1 mile



### Legend

	Interstate Highway
	US Highway
	State Highway
	County Highway
	Local Road
	Section Line
	Section Number

There are two atrazine prohibition areas in Juneau County. Refer to the detailed map of each area for its specific location.

# Lafayette County

## Town of Fayette

T. 3 N. R. 4 E.

PA 96-33-01

All uses of atrazine are prohibited on lands within the shaded region shown on the map. It includes the following parts of T. 3 N. R. 4 E.:

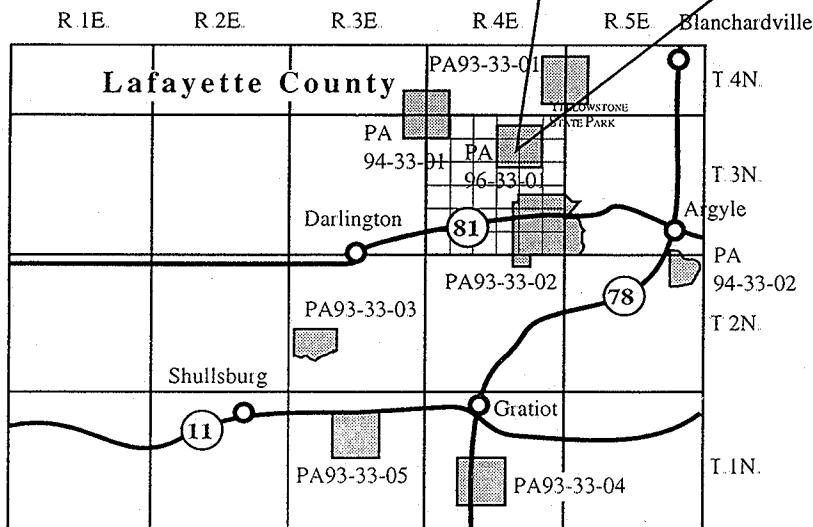
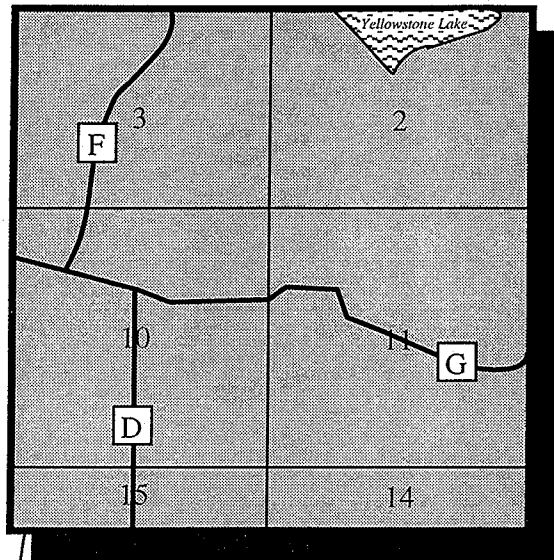
the S 3/4 of sections 2 & 3;

all of sections 10 & 11;

and the N 1/4 of sections 14 & 15.

### Legend

	Interstate Highway
	US Highway
	State Highway
	County Highway
	Local Road
	Section Line
	Section Number



There are 8 atrazine prohibition areas in Lafayette County. Refer to the detailed map of each area for its specific location.

# Marquette County

## Town of Newton

### T. 17 N. R. 9 E.

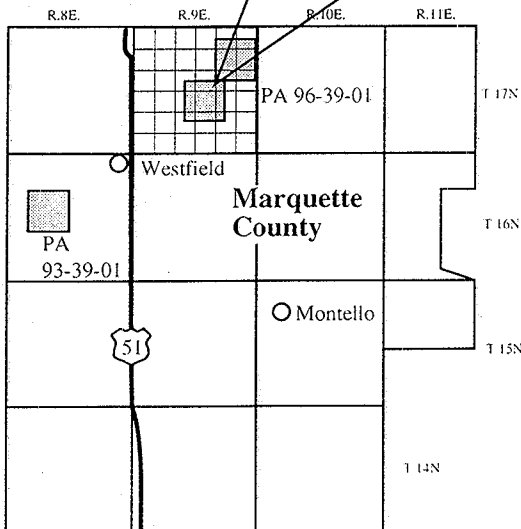
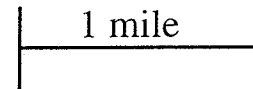
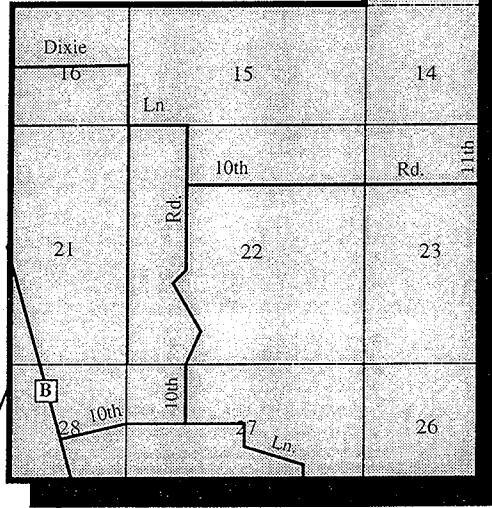
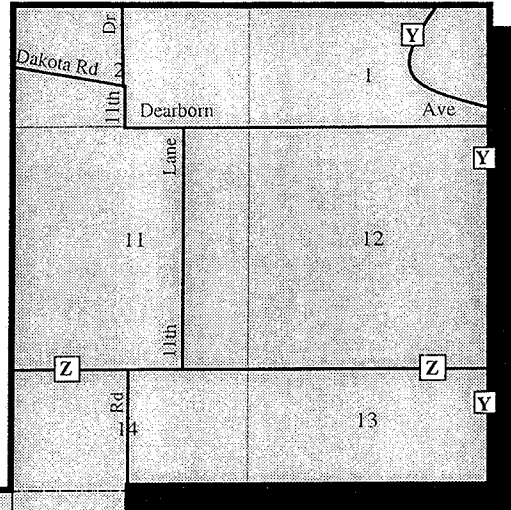
### PA 96-39-01



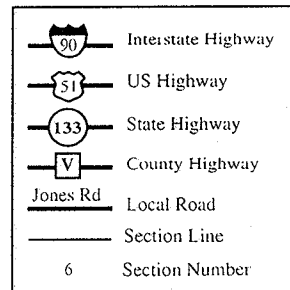
All uses of atrazine are prohibited on lands within the shaded region shown on the map.

NOTE:

This PA is modified from PA 95-39-01.



#### Legend



There are 2 atrazine prohibition areas in Marquette County. Refer to the detailed map of each area for its specific location

# Portage County

## Town of Alban

T. 25 N. R. 10 E.

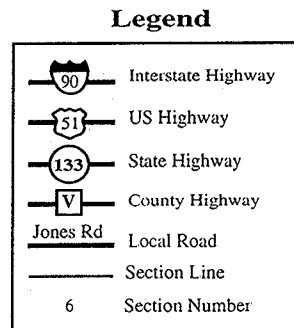
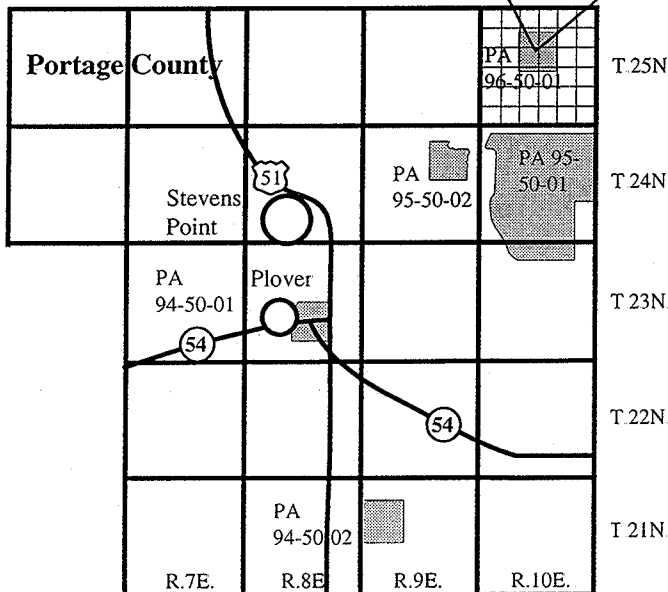
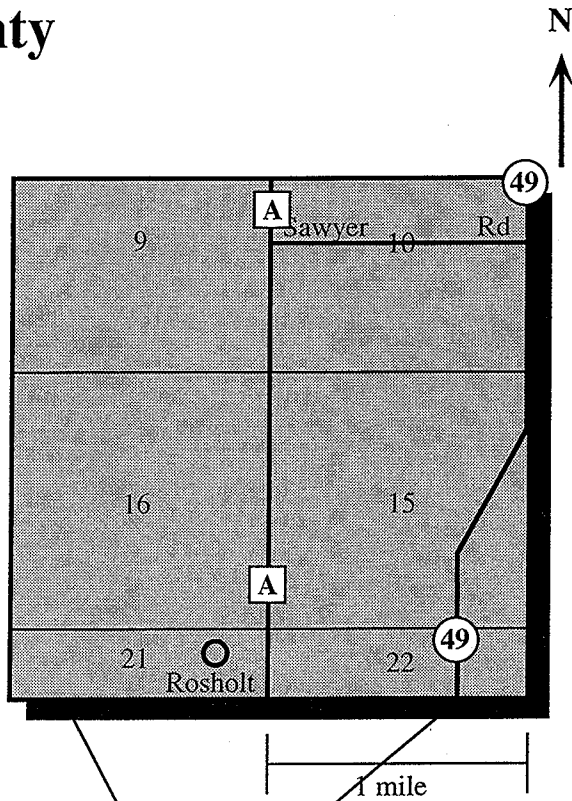
PA 96-50-01

All uses of atrazine are prohibited on lands within the shaded region shown on the map. It includes these parts of T.25N., R.10E.:

The S 3/4 of sections 9 and 10;

all of sections 15 and 16;

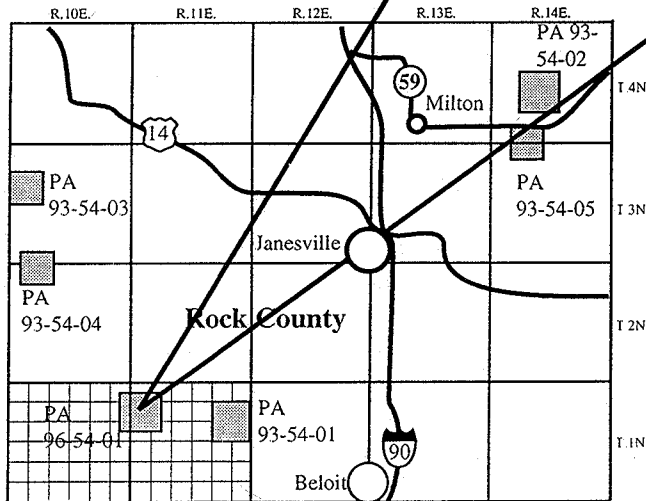
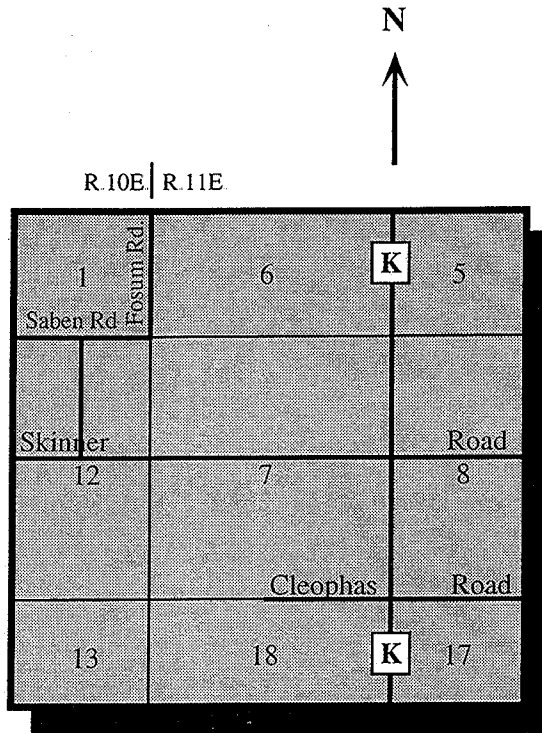
the N 1/4 of sections 21 and 22.



There are 5 atrazine prohibition areas in Portage County. Refer to the detailed map of each area for its specific location.

**Rock County  
Towns of Avon &  
Newark  
T. 1 N. R. 10-11 E.  
PA 96-54-01**

All uses of atrazine are prohibited on lands within the shaded region shown on the map. It includes:  
SE 1/4 of section 1, NE 1/4 of section 13 & E 1/2 of section 12, T. 1 N. R. 10 E.;  
SW 1/4 of section 5, S 1/2 of section 6, all of section 7, W 1/2 of section 8, NW 1/4 of section 17 and N 1/2 of section 18, T. 1 N. R. 11 E.



**Legend**

- Interstate Highway
- US Highway
- State Highway
- County Highway
- Local Road
- Section Line
- 6 Section Number

There are 6 atrazine prohibition areas in Rock County. Refer to the detailed map of each area for its specific location

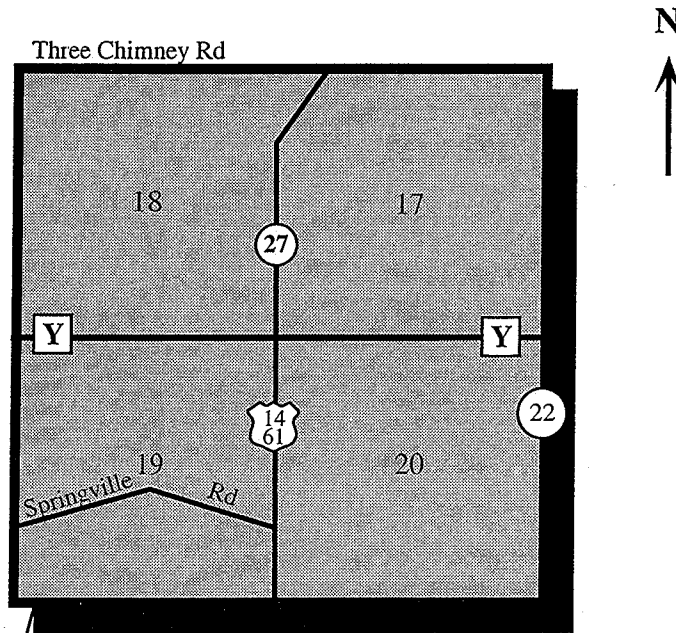
# Vernon County

## Town of Viroqua

### T. 13 N. R. 4 W.

PA 96-63-01

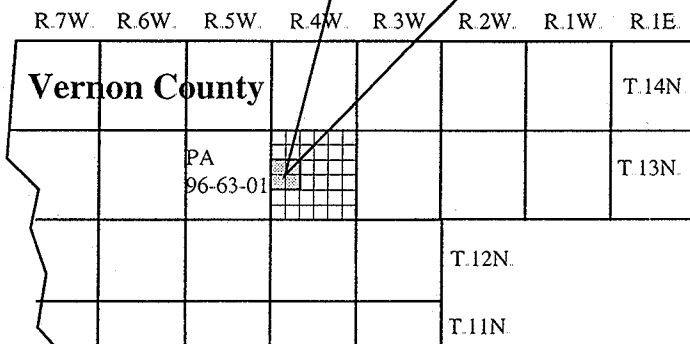
All uses of atrazine are prohibited on lands within the shaded region shown on the map. It includes all of sections 17, 18, 19 & 20 of T. 13 N. R. 4 W.



1 mile

#### Legend

- Interstate Highway
- US Highway
- State Highway
- County Highway
- Local Road
- Section Line
- Section Number



There is 1 atrazine prohibition area in Vernon County.



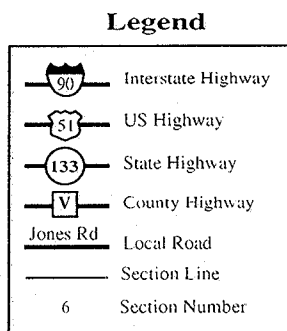
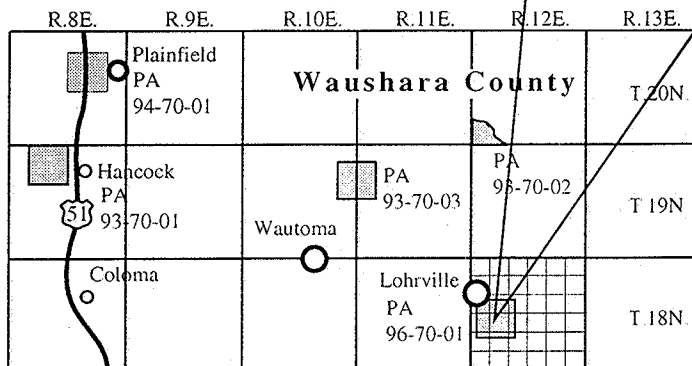
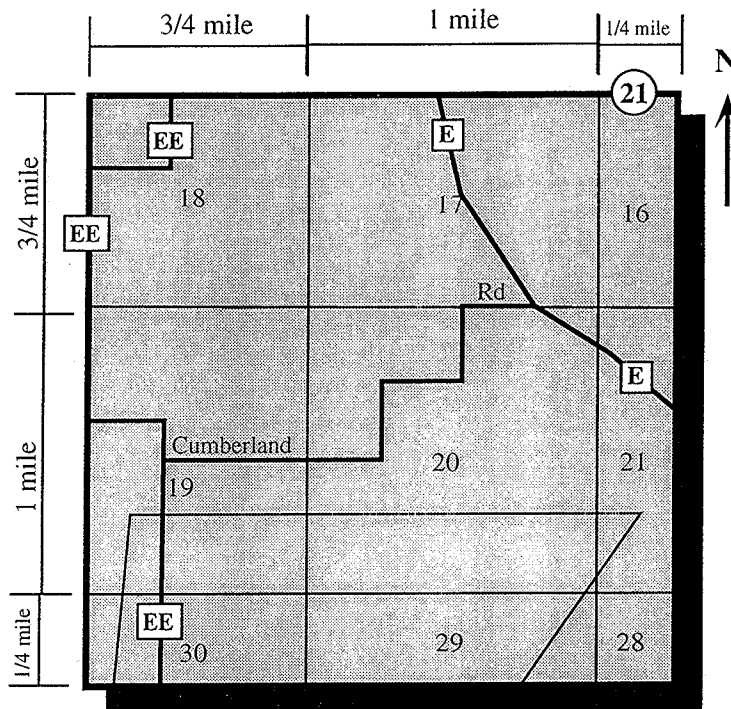
# Waushara County

## Town of Warren

T. 18 N. R. 12 E.

PA 96-70-01

All uses of atrazine are prohibited on lands within the shaded region shown on the map.



There are 5 atrazine prohibition areas in Waushara County. Refer to the detailed map of each area for its specific location.



State of Wisconsin  
Tommy G. Thompson, Governor

## Department of Agriculture, Trade and Consumer Protection

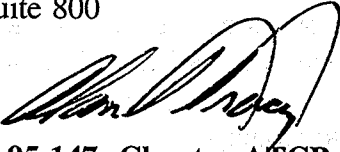
Alan T. Tracy, Secretary

2811 Agriculture Drive  
Madison, Wisconsin 53704-6777

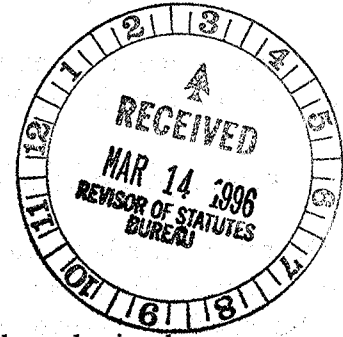
PO Box 8911  
Madison, WI 53708-8911

Date: March 12, 1996

To: Gary Poulson - Revisor of Statutes Office  
131 W. Wilson Street, Suite 800

From: Alan T. Tracy, Secretary 

Subject: Clearinghouse Rule No. 95-147, Chapter ATCP 30  
Relating to Atrazine Use Restrictions



The Department of Agriculture, Trade and Consumer Protection hereby submits the following information for filing with the above rule.

### Final Regulatory Flexibility Analysis

#### Businesses Affected:

The amendments to the atrazine rule will affect small businesses in Wisconsin. The greatest small business impact of the rule will be on users of atrazine -- farmers who grow corn. The proposed prohibition areas contain approximately 34,000 acres. Assuming that 50% of this land is in corn and that 50% of these acres are treated with atrazine, then 8,500 acres of corn will be affected. This acreage would represent between 40 and 90 producers, depending on their corn acreage. These producers are small businesses, as defined by s. 227.114 (1)(a), Stats. Secondary effects may be felt by distributors and applicators of atrazine pesticides, crop consultants and equipment dealers. Since the secondary effects relate to identifying and assisting farmers in implementing alternative weed control methods, these effects will most likely result in additional or replacement business and the impacts are not further discussed in this document.

Specific economic impacts of alternative pest control techniques are discussed in the environmental impact statement for this rule.

#### Reporting, Recordkeeping and Other Procedures Required for Compliance:

The maximum application rate for atrazine use in Wisconsin is based on soil texture. This may necessitate referring to a soil survey map or obtaining a soil test. While this activity is routine, documentation would need to be maintained to justify the selected application rate. A map delineating application areas must be prepared if the field is subdivided and variable application rates are used. This procedure is already required under the current atrazine rule.

Gary Poulson  
March 12, 1996  
Page 2

All users of atrazine, including farmers, will need to maintain specific records for each application. This procedure is already required under the current atrazine rule.

Atrazine cannot be used in certain areas of the State where groundwater contamination exceeds the atrazine enforcement standard in s. NR 140.10 Wis. Adm. Code.

Professional Skills Required to Comply:

The rule affects how much atrazine can be applied and on which fields. Because overall use of atrazine will be reduced in the State, alternative weed control techniques may be needed in some situations. These techniques may include different crop rotations, reduced atrazine rates, either alone or in combination with other herbicides, or combinations of herbicides and mechanical weed control measures.

While alternative weed control techniques are available, adoption of these techniques on individual farms will in some cases require assistance. In the past this type of assistance has been provided by University Extension personnel and farm chemical dealers. In recent years many farmers have been using crop consultants to scout fields, identify specific pest problems and recommend control measures. The department anticipates these three information sources will continue to be used as the primary source of information, both on whether atrazine can be used and which alternatives are likely to work for each situation.

**Comments From Legislative Committees**

The rule was referred to the Senate Committee on Transportation, Agriculture, and Local Affairs and to the Assembly Committee on Agriculture on January 2, 1996. The department received comments from both committees.

The Senate Committee did not suggest changes to the rule but did encourage department efforts to develop a process for the rescission of atrazine prohibition areas when there is no longer a need for these restrictions. The Assembly Committee requested the deletion of Prohibition Area (PA) 96-22-01, located in the Town of North Lancaster, Grant County. In addition, the Assembly Committee requested the department review all existing and proposed prohibition areas by December 31, 1996 and report the results of this review to the Committee.

The department is committed to development of a process to rescind atrazine prohibition areas where renewed atrazine use will not result in groundwater contamination above the enforcement standard. The rule has been modified to eliminate Prohibition Area (PA) 96-22-01. The department has also begun the review of existing and proposed prohibition areas and will report the findings of this review to the Assembly Committee on Agriculture.