

Clearinghouse Rule 00-119

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

Clearinghouse Rule
No. 00-119
Docket No. 00-R-1

CERTIFICATION:

I, Ben Brancel, 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 groundwater protection was signed and adopted by the department on March 7, 2001.

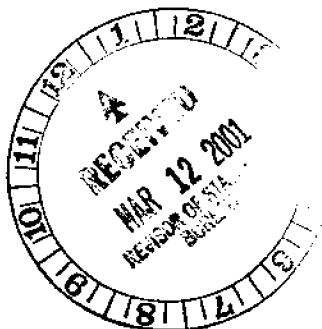
I further certify that I have compared the attached copy to the original on file in the department, and that the attached copy is a complete and accurate copy of the original.

Signed and sealed this 7th day of March, 2001.



STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By Ben Brancel
Ben Brancel
Secretary





**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 consumer protection adopts the
- 2 following order to repeal portions of ATCP 30 Appendix A; and to create portions of ATCP 30
- 3 Appendix A; relating to pesticide product restrictions.

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

Statutory authority: ss. 93.07(1), 94.69(1), 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 a current atrazine prohibition area.

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 103 designated areas, including major prohibition areas in the lower Wisconsin River valley and much of Dane and Columbia counties.

This rule enlarges one current prohibition area. This will increase the statewide acreage of atrazine prohibition areas by about 1,000 acres. This rule includes a map describing the expanded prohibition area.

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 29.45, Wis. Adm. Code.

1 **SECTION 1.** The cover page of ATCP 30 Appendix A is repealed and recreated in the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

3 **SECTION 2.** Prohibition area map numbered 93-11-01, contained in ATCP 30
4 Appendix A, is repealed.

5 **SECTION 3.** The attached prohibition area map, numbered
6 01-11-01 is created in ATCP 30 Appendix A.

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

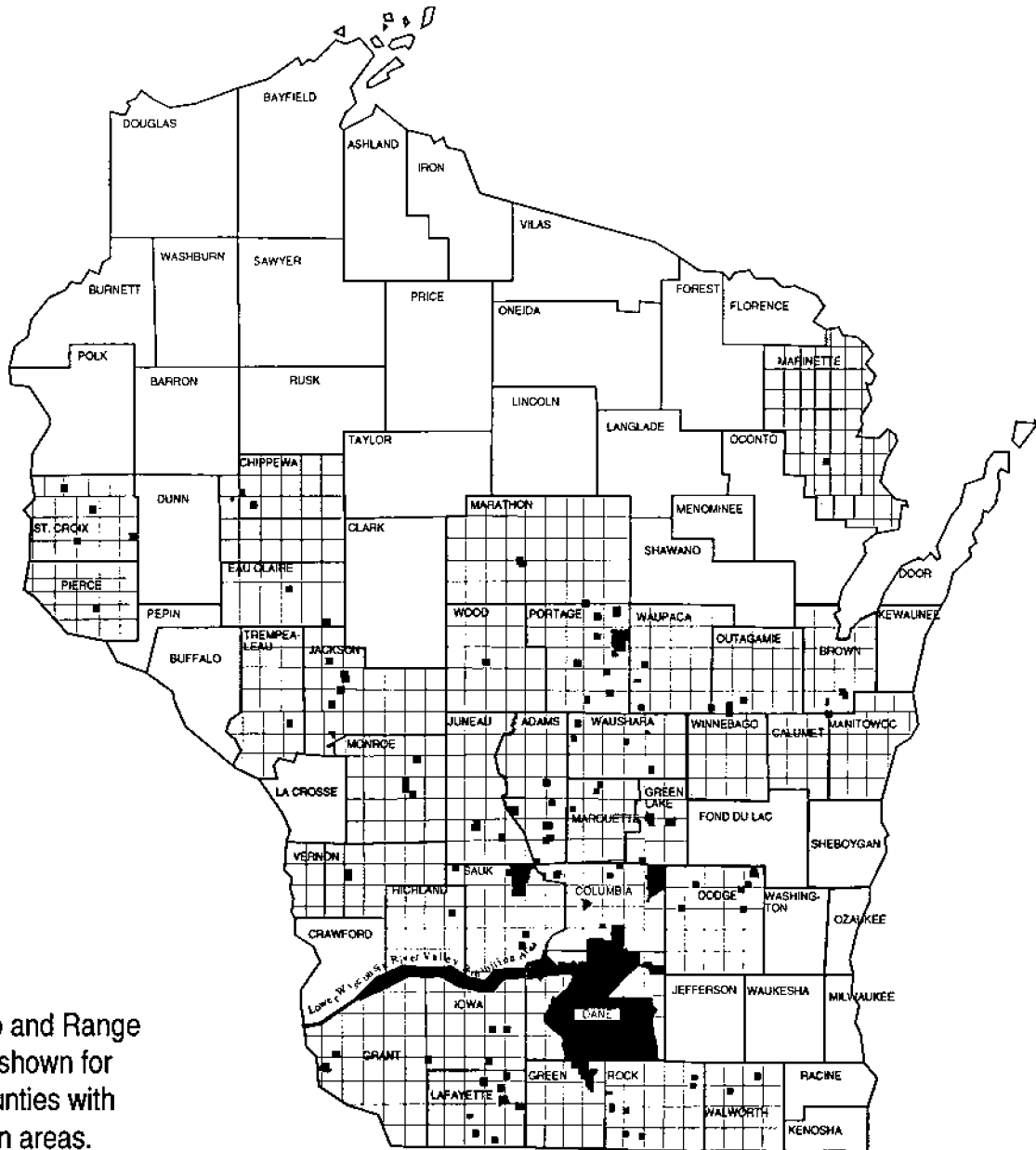
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Dated this 5 day of March, 2001.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By Ben Brancel
Ben Brancel, Secretary

Chapter ATCP 30
Appendix A
Atrazine Prohibition Areas



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

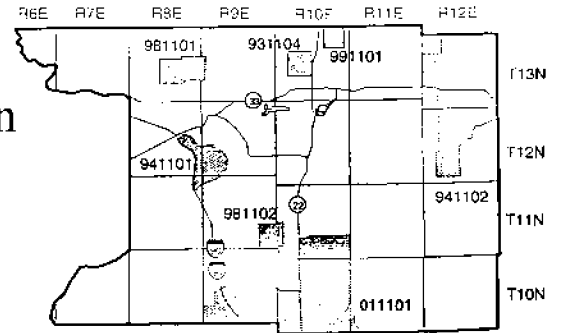
Refer to the detailed map of each prohibition area for its exact boundaries.

Columbia County

Towns of Arlington, Leeds, Hampden
and Lowville

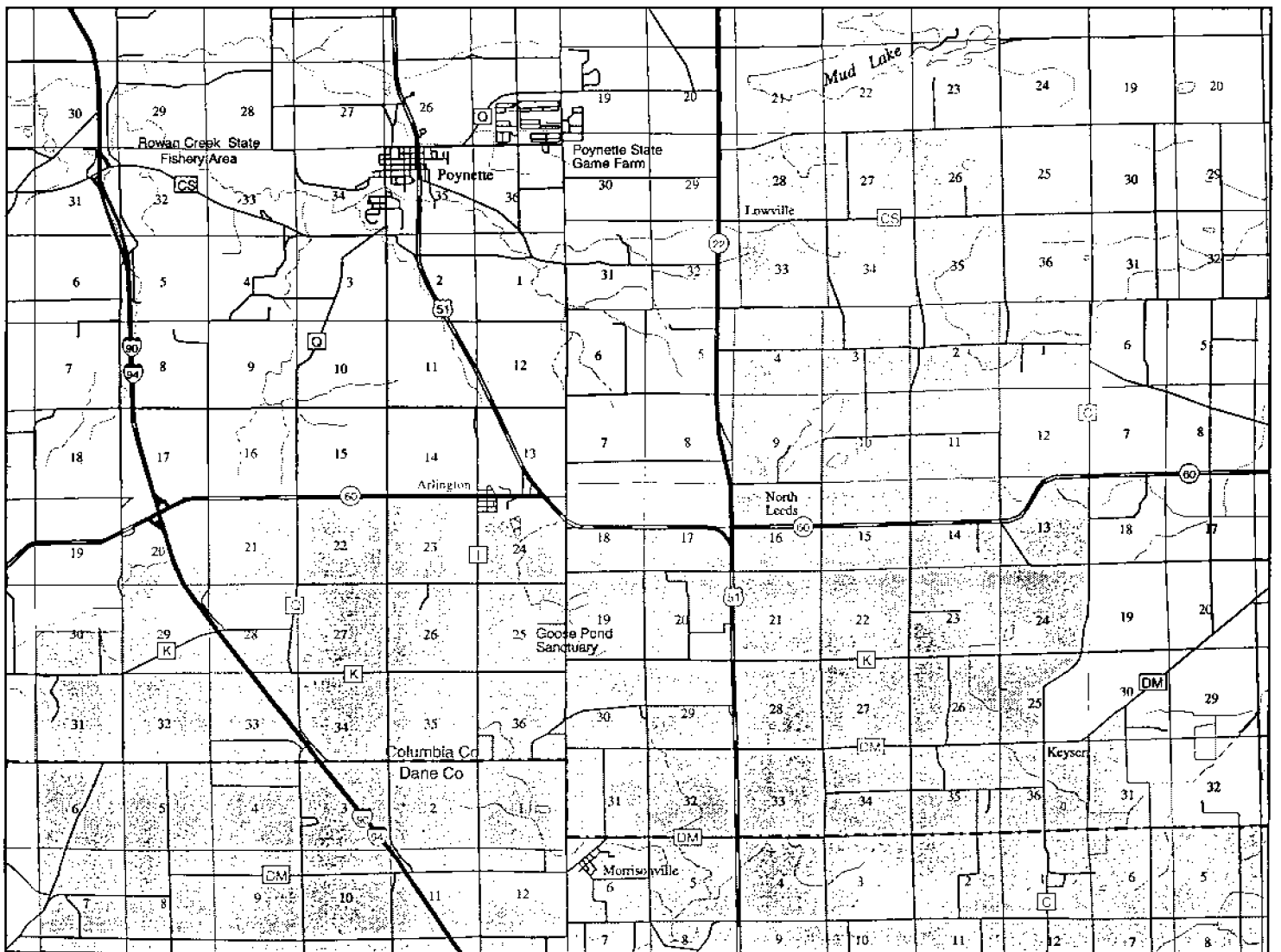
T10N R9-11E

T11N R10E PA 01-11-01*



All uses of atrazine are prohibited on lands within the shaded regions. There are seven prohibition areas in Columbia County. Refer to each map for specific locations.

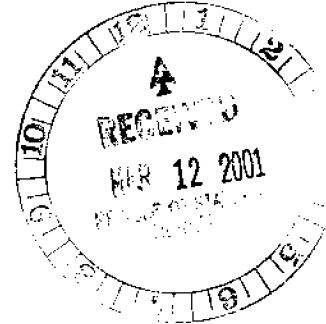
*Note: This PA is an expansion of PA 93-11-01.





State of Wisconsin
Scott McCallum, Governor

Department of Agriculture, Trade and Consumer Protection
Ben Brancel, Secretary



Date: March 7, 2001
To: Gary Poulson - Revisor of Statutes Office
From: Ben Brancel, Secretary
Subject: **Clearinghouse Rule No. 00-119, Chapter ATCP 30
Relating to Pesticide Product Restrictions**

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

Final Draft Regulatory Flexibility Analysis

Businesses Affected:

The amendments to ATCP 30 Appendix A 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 area contains approximately 1,000 acres. Assuming that 50% of this land is in corn and that 50% of these acres are treated with atrazine, then 250 acres of corn will be affected. About three producers would be affected, depending on their corn acreage and their reliance on atrazine products. 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.

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

On December 22, 2000 this department transmitted the above rule for legislative committee review. The rule was referred on January 8, 2001 to the Senate Committee on Agriculture, Environmental Resources and Campaign Finance Reform and to the Assembly Committee on Agriculture. Neither the Assembly Committee on Agriculture nor the Senate Committee on Agriculture, Environmental Resources and Campaign Finance Reform took any action on the rule during their review period.