

### Summary of ATCP 29 Public Comments

The ATCP 29 rule revision public hearings were held on February 21, 2012, in Appleton and February 29, 2012, in Madison. The public comment period remained open until March 30, 2012. Table 1 summarizes the number of people that attended the hearing, submitted testimony or registered their comments.

<b>Table 1 – Attendance at the Public Hearings and Written Comments Submitted</b>				
	<b>Number of People that Attended Hearings</b>	<b>Number of Registration/Comment Cards Submitted at Hearings</b>	<b>Number of People Who Spoke at Hearings</b>	<b>Mailed or Emailed Comments</b>
<b>Appleton Public Hearing</b>	13	12	8	-
<b>Madison Public Hearing</b>	17	15	4	-
<b>Written Comments Submitted</b>	-	-	-	18
<b>Total</b>	30	27	12	18

Table 2 summarizes comments provided at both public hearings and the written comments submitted to the department. If an individual's submittal referenced multiple sections of ATCP 29, each thought was separately tallied in Table 2. The DATCP response column outlines what if any actions were taken to address public comments in the final rule language.

<b>Table 2 – Summary of Public Comments Received</b>						
<b>Proposed Change</b>	<b>Support Proposal</b>	<b>Support Proposal with Changes</b>	<b>Oppose Proposal</b>	<b>Total Comments</b>	<b>Alternatives Suggested</b>	<b>DATCP Response</b>
<b>Legislative Council Rules Clearinghouse Comments</b>					Suggested edits for 1) form, style and placement in administrative code, and 2) clarity, grammar, punctuation and use of plain	DATCP revised rule text to incorporate all suggested edits.

					language.	
<b>Proposed Change</b>	<b>Support Proposal</b>	<b>Support Proposal with Changes</b>	<b>Oppose Proposal</b>	<b>Total Comments</b>	<b>Alternatives Suggested</b>	<b>DATCP Response</b>
<b>Veterinary Clinics Applying Pesticides</b>	-	-	-	-	-	No change, except that “animal technician” was amended to read “veterinary technician” to be consistent with Ch. 453, Stats.
<b>Urban Pesticide Misting System</b>	-	-	-	-	-	No change to proposal
<b>Perimeter Barrier Applications</b>	1	-	-	1	-	No change to proposal
<b>Worker Protection Provisions</b>	-	-	-	-	-	No change to proposal
<b>Applying Pesticides to Natural Areas; Applicator Certification</b>	1	14	-	15	<ul style="list-style-type: none"> <li>• Create a new certification category for natural areas</li> <li>• Instead of Turf and Landscape Category (3.0), put into Right of Way Category (6.0)</li> <li>• Add natural area certification to both 3.0 and 6.0 categories</li> </ul>	The department amended the rule so that natural area applications will be added to Category 6.0 (Right-of-Way) and not be added to Category 3.0 (Turf & Landscape).

Proposed Change	Support Proposal	Support Proposal with Changes	Oppose Proposal	Total Comments	Alternatives Suggested	DATCP Response
<b>Electronic Notifications</b>	1	6	-	7	<ul style="list-style-type: none"> <li>• Allow verbal consent for providing notice.</li> <li>• Language was suggested for line (11 p.14-16) ATCP 29.22 to reduce the specificity required for describing the application location.</li> <li>• How can we know ensure customer agreed to electronic notice?</li> </ul>	The proposed language for 29.22 was modified. Businesses need to obtain written customer consent in order to send certain pesticide-related notifications electronically.
<b>Pesticide Bait Station</b>	1 (name only)	15	9	25	<ul style="list-style-type: none"> <li>• Rename “pesticide bait station” to be “rodenticide bait station”.</li> <li>• Allow information to be placed inside station to reduce weathering, increase tamper resistance and reduce visibility.</li> <li>• Contact info should be placed on outside of bait station and EPA registration # on inside.</li> <li>• Options for 1) name, contact and EPA registration # or 2) 24 hour contact phone info.</li> <li>• Create DATCP website posting manufacturer data for rodenticides, antidotes, pictures, etc.</li> </ul>	<p>DATCP change the term to “Rodenticide Bait Station.” This better matches industry terminology and will reduce confusion with other types of bait stations, such as those for bees.</p> <p>The proposed labeling information will be allowed to be placed on the exterior or interior of the station. Adding the new labeling will improve the public’s access to rodenticide information compared to the current rule.</p>

Proposed Change	Support Proposal	Support Proposal with Changes	Oppose Proposal	Total Comments	Alternatives Suggested	DATCP Response
<p><b>Pesticide Mixing and Loading Sites; Spill Containment.</b>  Commenter questioned whether catch basin requirements were being changed by the proposed rule.</p>	1	-	-	1	None	DATCP is not changing catch basin volume requirement that exist in. s. ATCP 29.45(5).
<p><b>Other Proposed Changes and Public Comments</b></p> <p>General concern voiced over use of pesticides under power lines.</p> <p>Question concerning how DATCP interprets a label restriction for a certain group of rodenticides.</p>	-	-	-	2	<p>None</p> <p>None</p>	<p>Pesticides may be used under power lines in order to prevent tree growth or for other like reasons. This question does not directly relate to the proposed rule.</p> <p>The 50 ft. rodenticide distance limit is a mandated a label requirement that EPA recently reassessed and agreed to change. This question does not directly relate to the proposed rule.</p>