

Clearinghouse Rule 98-118

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

Clearinghouse Rule
No. 98-118

CERTIFICATION:

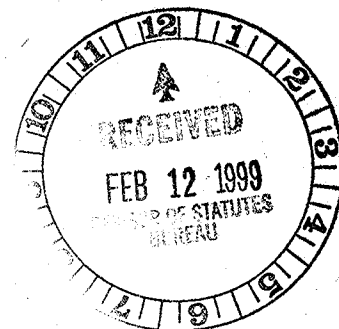
I, Ben Brancel, Secretary of the State of Wisconsin Department of Agriculture, Trade and Consumer Protection, and custodian of the department's official records, hereby certify that the attached rulemaking order relating to groundwater protection was signed and adopted by the department on February 12, 1999.

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 February, 1999.

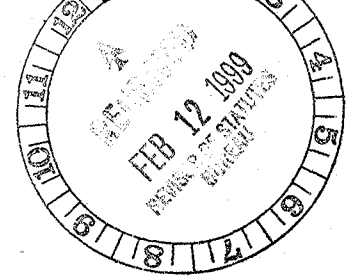
STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By Ben Brancel
Ben Brancel, Secretary



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4-1-99



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
- 2 adopts the following order to repeal portions of chapter ATCP 30 Appendix A, and to
- 3 create portions of chapter ATCP 30 Appendix A, of chapter ATCP 30 relating to
- 4 pesticide product restrictions.

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 98 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 3 new prohibition areas, resulting in a new total of 101 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.

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 ATCP 30 is repealed and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

3 **SECTION 2.** Prohibition area maps numbered 95-50-01, and 96-14-01,
4 contained in Appendix A to ch. ATCP 30, are repealed.

5 **SECTION 3.** The attached prohibition area maps, numbered
6 99-01-01, 99-11-01, 99-14-01, 99-14-02, and 99-50-01 are created in Appendix A to
7 ch. ATCP 30.

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

Dated this 12 day of Feb, 1999.

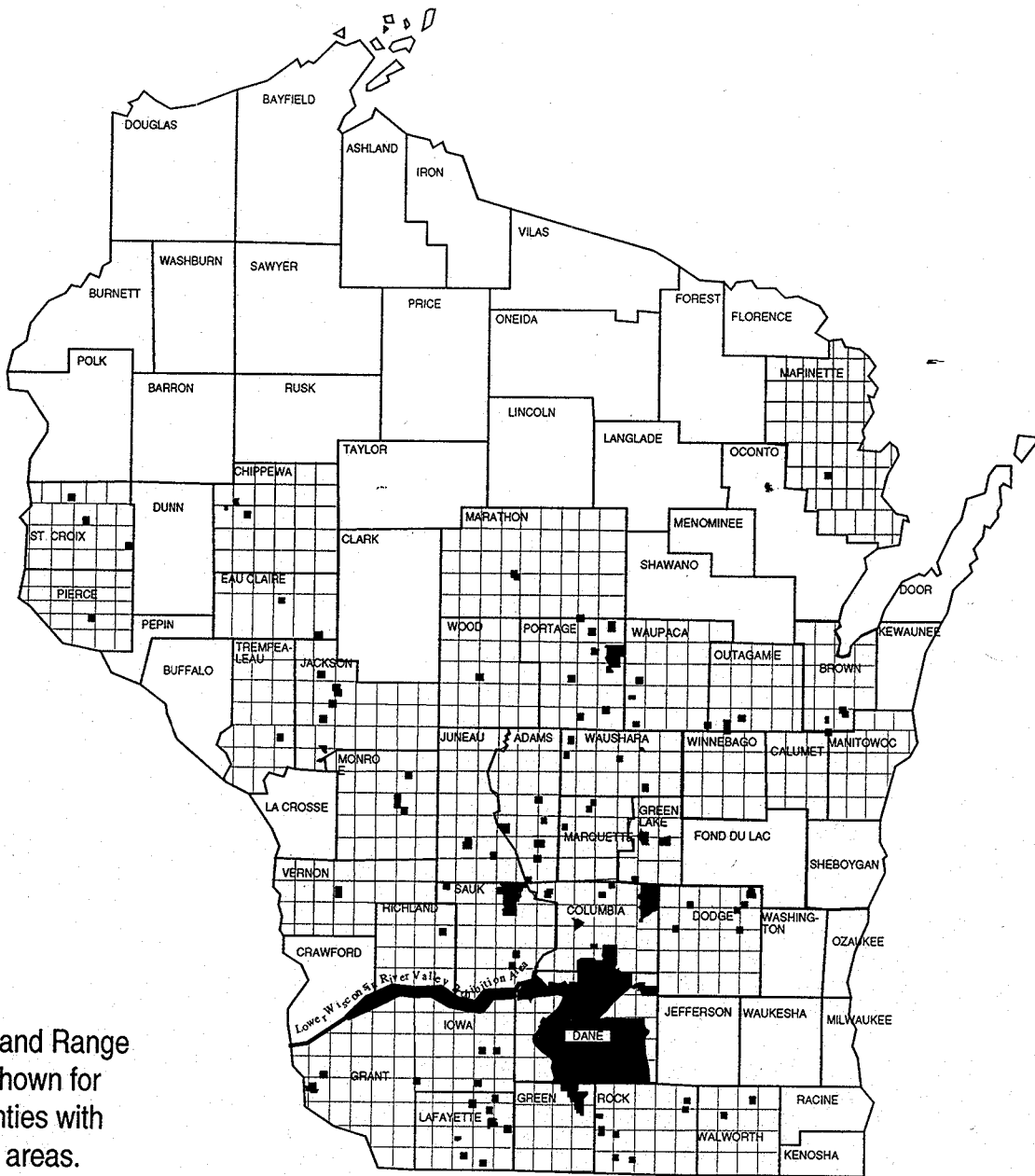
STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

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.

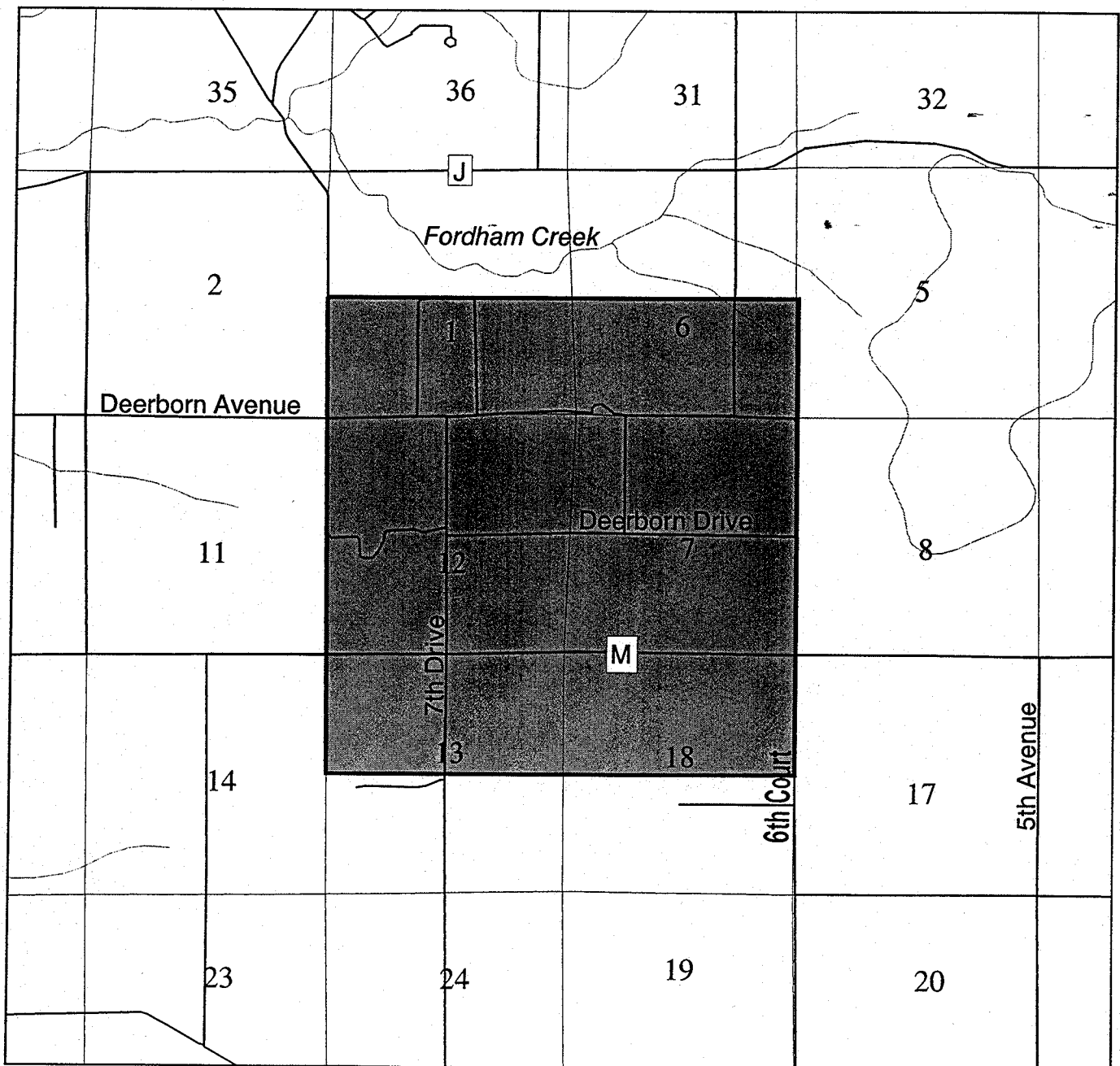
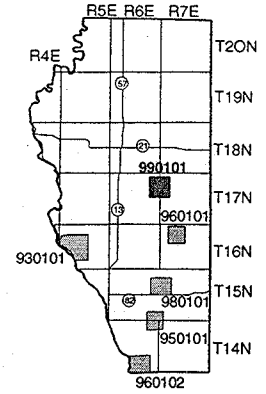
Refer to the detailed map of each prohibition area for its exact boundaries.

Adams County

Towns of Adams & Lincoln

T17N R6-7E PA 99-01-01

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

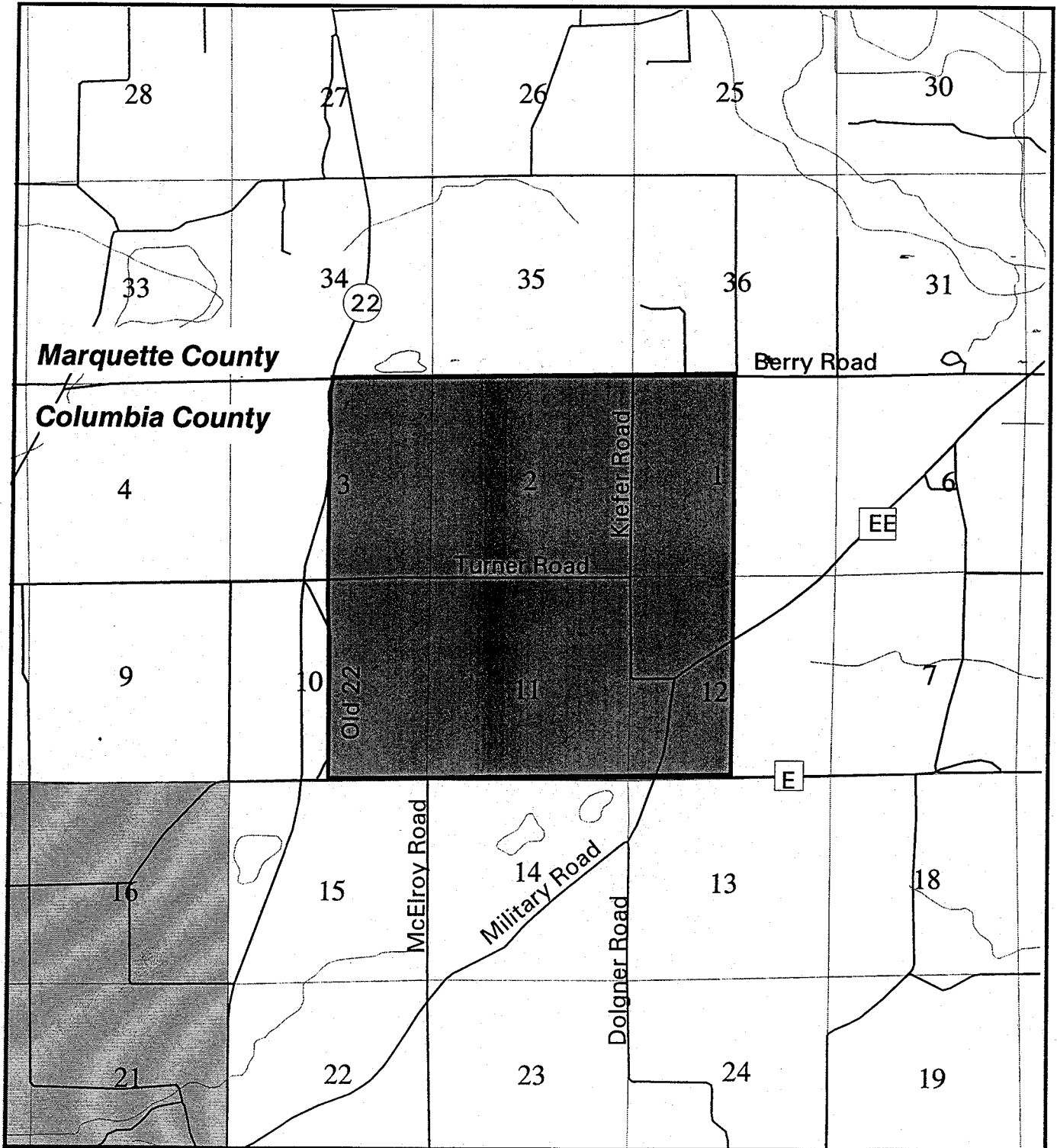
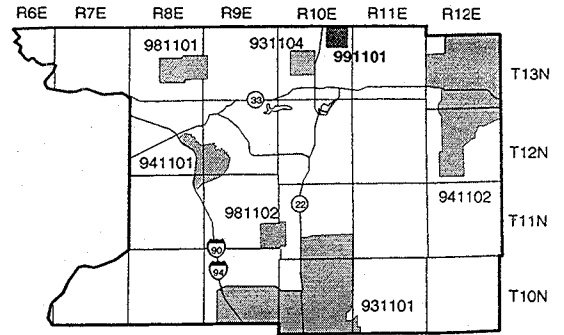


Columbia County

Town of Marcellon

T13N R10E PA 99-11-01

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.

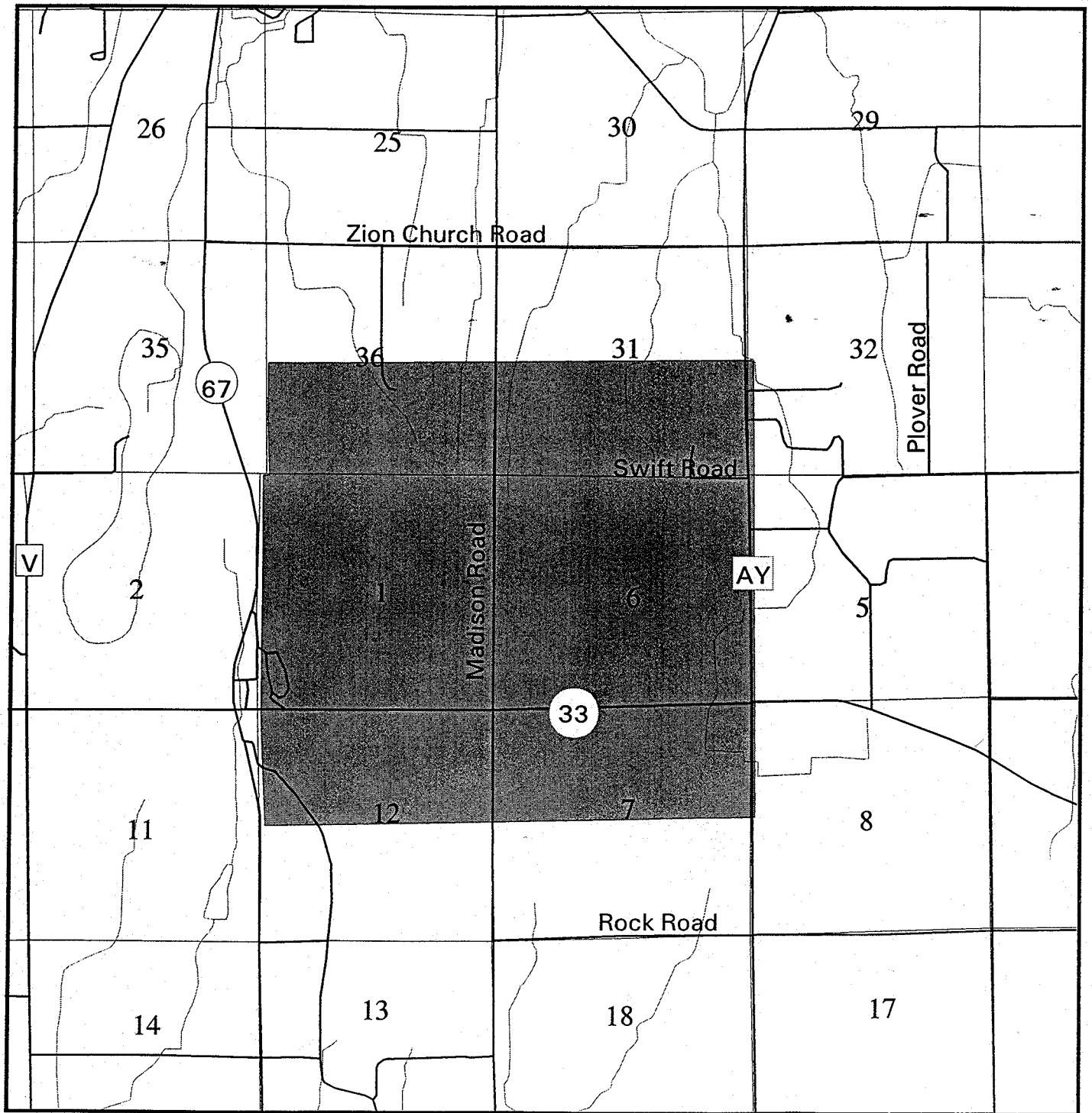
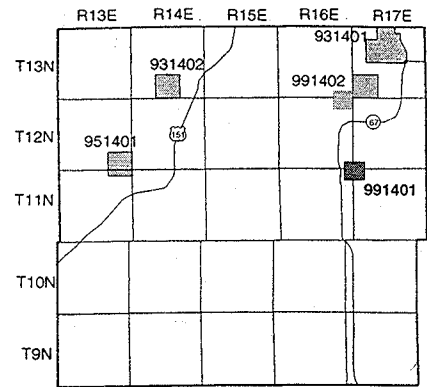


Dodge County

Towns of Herman, Hubbard, Theresa, and Williamstown

T11-12N R16-17E PA 99-14-01

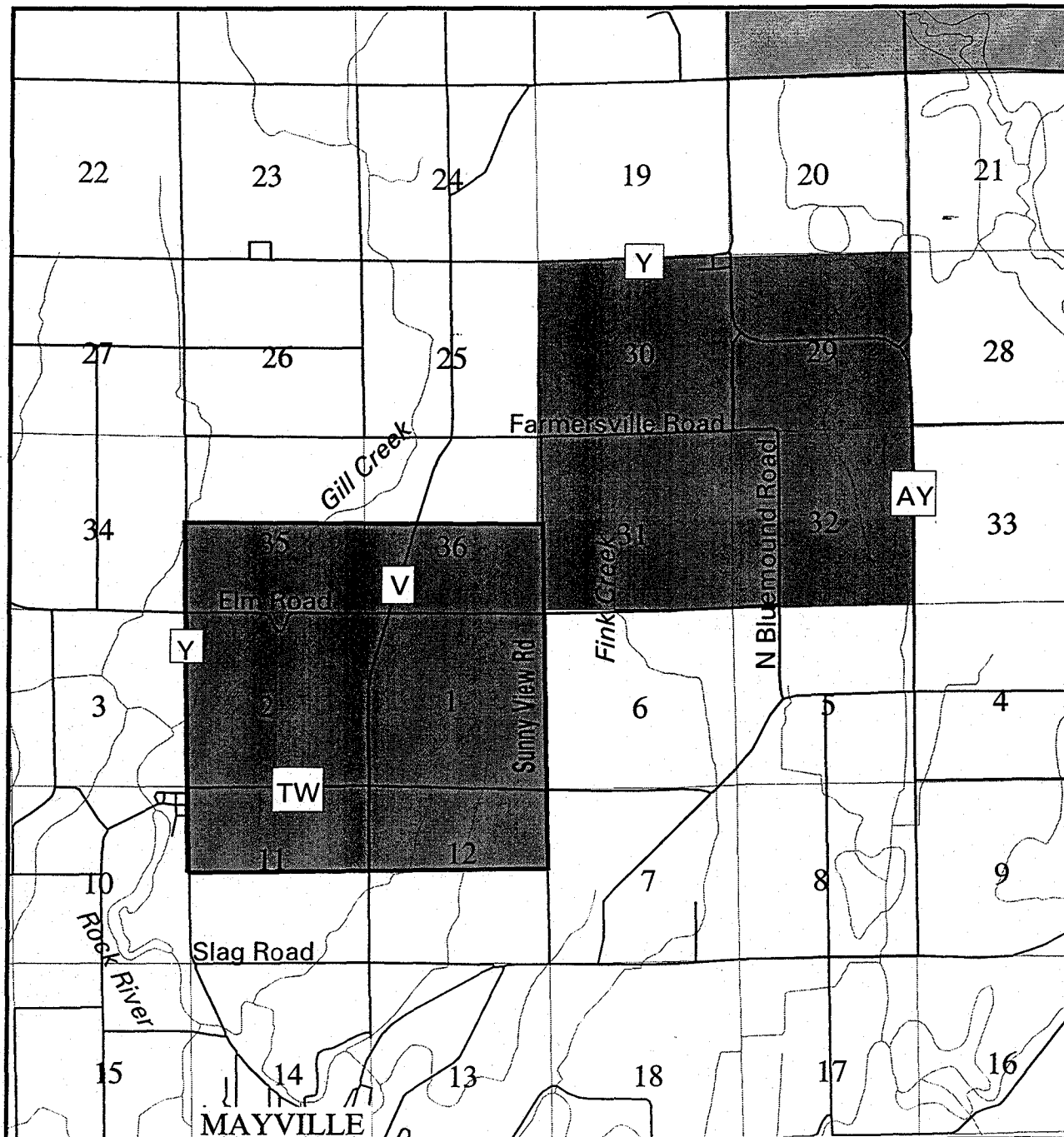
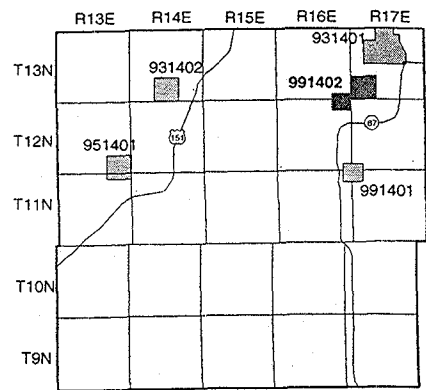
All uses of atrazine are prohibited on lands within the shaded regions. There are five prohibition areas in Dodge County. Refer to each map for specific locations.



Dodge County Towns of Leroy, Lomira, and Williamstown T12-13N R16-17E PA 99-14-02*

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

*Note: This PA is an expansion of PA 96-14-01



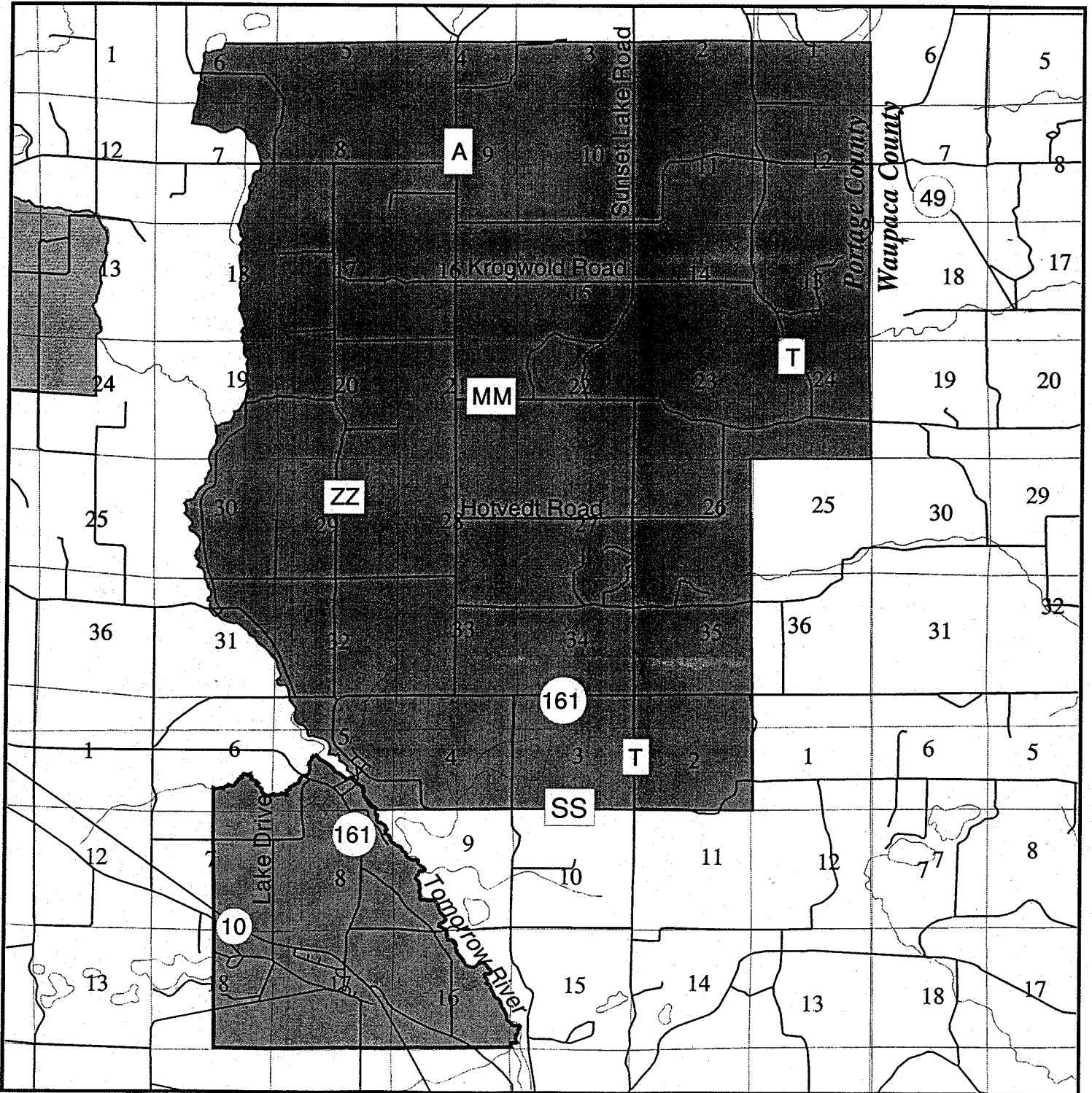
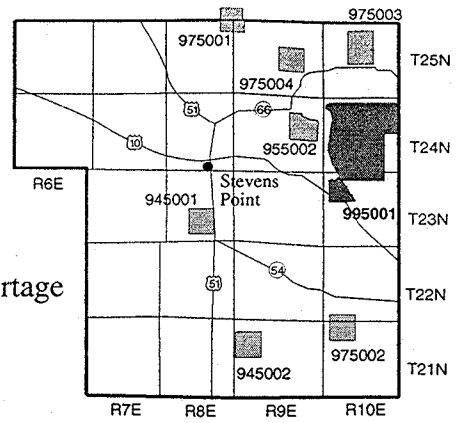
Portage County

Towns of Amherst & New Hope

T23-24N R10E PA 99-50-01*

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

***Note:** This PA is an expansion of PA 95-50-01.



STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE & CONSUMER PROTECTION

Chapter ATCP 30, Wis. Adm. Code
Use of Atrazine

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 13,000 acres. Assuming that 50% of this land is in corn and that 50% of these acres are treated with atrazine, then 3,250 acres of corn will be affected. This acreage would represent between 20 and 50 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.

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.

Dated this 19th day of November, 1998.

By Nicholas J. Neher
Nicholas J. Neher, Administrator
Agricultural Resource Management
Division

FISCAL ESTIMATE

DOA-2048 (R 10/94)

- ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No. / Adm. Rule No.
Proposed Amendment
ATCP 30
Amendment No. (If Applicable)

Subject Creation of Additional Atrazine Prohibition Areas and Creation of Procedures to Repeal Prohibition Areas

Fiscal Effect

State: No State Fiscal Effect
Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation

Increase Costs - May be possible to Absorb Within Agency's Budget Yes No

- Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing

Decrease Costs

Revenues

Create New Appropriation

Local: No local government costs

1. Increase Costs
 Permissive Mandatory
 2. Decrease Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory
 4. Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Unit Affected:

- Towns Villages Cities
 Counties Others _____
 School Districts WTCS Districts

Fund Source Affected

- GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations s.20.115(7s)

Assumptions Used in Arriving at Fiscal Estimate

State Government

The rule will be administered by the Agricultural Resource Management (ARM) Division of the Department of Agriculture, Trade and Consumer Protection (DATCP). The following estimate is based on enlarging 2 existing prohibition areas (PAs), and creating 3 additional PAs.

Administration and enforcement of the proposal will involve new costs for the department. Specialist and field investigator staff time will be needed for inspections and enforcement in the new PAs (0.1 FTE, cost approximately \$4,000). Enforcement activities will be conducted in conjunction with current compliance inspections but at increased levels to ensure compliance with the additional prohibition areas. Compliance activities will be especially important in the first few years as growers, commercial applicators, dealers, and agricultural consultants in the PAs require education to comply with the new regulations.

Soil sampling conducted in the additional PAs to determine compliance with the rules will require an estimated \$2,000 in analytical services. In addition, a public information effort will be needed to achieve a high degree of voluntary compliance with the rule. Direct costs to produce and distribute the informational materials will be \$4,000.

(Continued on page 2)

Long - Range Fiscal Implications

Agency/prepared by: (Name & Phone No.)

DATCP
Jim Vanden Brook (608) 224-4501

Authorized Signature/Telephone No.

Barbara Knapp
Barbara Knapp (608) 224-4746

Date

11/13/98

Assumptions Used in Arriving at Fiscal Estimate (Continued)

State Government

Total Annual Costs: \$10,000

The Department anticipates no additional costs for other state agencies. Water sampling programs within the Department of Natural Resources and local health agencies may receive short term increased interest by individuals requesting samples.

On Local Units of Government

The rule does not mandate that local government resources be expended on sample collection, rule administration or enforcement. The rule is therefore not expected to have any fiscal impact on local units of government. County agricultural agents will likely receive requests for information on provisions of the rule and on weed control strategies with reduced reliance on atrazine. This responsibility will probably be incorporated into current extension programs with no net fiscal impact.

FISCAL ESTIMATE WORKSHEET

1998-SESSION

Detailed Estimate of Annual
Fiscal Effect
DOA-2047 (R10/94)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No/Adm.Rule No.
ATCP 30

Amendment No.

Subject

Creation of Additional Atrazine Prohibition Areas and Expansion of Existing Prohibition Areas

I. One-time Cost or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

II. Annualized Cost:

Annualized Fiscal Impact on State funds from:

A. State Costs by Category	Increased Costs	Decreased Costs
State Operations - Salaries and Fringes	\$ 4,000	\$ -
(FTE Position Changes)	(0.1 FTE)	(- FTE)
State Operations - Other Costs	\$ 6,000	-
Local Assistance		-
Aids to Individuals or Organizations		-
TOTAL State Costs by Category	\$ 10,000	\$ -
B. State Costs by Source of Funds	Increased Costs	Decreased Costs
GPR	\$	\$ -
FED		-
PRO/PRS		-
SEG/SEG-S	\$ 10,000	-
III. State Revenues - <small>Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</small>	Increased Rev.	Decreased Rev.
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS		-
SEG/SEG-S		-
TOTAL State Revenues	\$	\$ -

NET ANNUALIZED FISCAL IMPACT

	<u>STATE</u>	<u>LOCAL</u>
NET CHANGE IN COSTS	\$ <u>10,000</u>	\$ <u>0</u>
NET CHANGE IN REVENUES	\$ <u>0</u>	\$ <u>0</u>

Agency Prepared by: (Name & Phone No.) DATCP Jim Vanden Brook - (608) 224-4501	Authorized Signature/Telephone No. <i>Barbara Knapp</i> Barbara Knapp (608) 224-4746	Date 11/13/98
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