

1983 Assembly Bill 245

Date of enactment: May 2, 1984  
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1983 Wisconsin Act 397

AN ACT to create 20.370 (2) (cd), 94.707 and 144.788 of the statutes, relating to the prohibition of the sale, distribution or use of 2,4,5-T and silvex, creating a study, making an appropriation and providing penalties.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

|   | 1983-84 | 1984-85 |
|---|---------|---------|
| 20.370 Natural resources, department of |         |         |
| (2 ) ENVIRONMENTAL STANDARDS            |         |         |
| (cd) Solid waste management--           |         |         |
| 2,4,5-T and silvex GPR A                | 0       | 0       |

SECTION 1g. 20.370 (2) (cd) of the statutes is created to read:

20.370 (2) (cd) *Solid waste management — 2,4,5-T and silvex.* The amounts in the schedule for the collection and disposal of products prohibited from use under s. 94.707.

SECTION 1m. 94.707 of the statutes is created to read:

**94.707 Distribution and sale of 2,4,5-T and silvex prohibited.** (1) PROHIBITION. No person may distribute, sell, offer for sale or use any pesticide product containing 2,4,5-trichlorophenoxyacetic acid (2,4,5-T) or 2-(2,4,5-trichlorophenoxy) propionic acid (silvex).

(2) **EXEMPTION.** The prohibition under sub. (1) does not apply to a person using or possessing a pesticide product containing 2,4,5-trichlorophenoxyacetic acid (2,4,5-T) or 2-(2,4,5-trichlorophenoxy) propionic acid (silvex) according to the terms and conditions of an experimental use permit issued under the federal act or rules of the department.

SECTION 1p. 144.788 of the statutes is created to read:

**144.788 Collection and disposal of products containing 2,4,5-T and silvex.** (1) **AUTHORIZATION.** The department is authorized to establish facilities for the collection and disposal of pesticide products prohibited from use under s. 94.707. The department may establish the location of these facilities and the dates and times when the facilities are open.

(2) **RESTRICTIONS.** The department shall restrict the persons who may use any facility established under sub. (1) so that:

(a) No person who is regularly engaged in the business of manufacturing, selling, distributing or transporting pesticides may use the facility.

(b) No person who is a certified commercial applicator under s. 94.705 (1) (d) or a certified nonresident commercial applicator under s. 94.705 (4) (c) may use the facility.

(c) No person who is licensed under s. 144.44 (4) or 144.64 may use the facility.

**SECTION 1r. Nonstatutory provisions; study.** The department of agriculture, trade and consumer protection shall conduct a study to determine the amount of pesticide products containing 2,4,5-trichlorophenoxyacetic acid (2,4,5-T) or 2-(2,4,5-trichlorophenoxy) propionic acid (silvex) which are held within this state. The department of agriculture, trade and consumer protection shall report the results of this study to the legislature and to the department of natural resources on or before January 1, 1985.

**SECTION 1s. Nonstatutory provisions; position authorization.** The authorized FTE positions for the department of natural resources are increased by -0- GPR positions on January 1, 1985, to be funded from the appropriation under section 20.370 (2) (cd) of the statutes, as created by this act, to collect and dispose of products prohibited from use under section 94.707 of the statutes, as created by this act, and to administer section 144.788 of the statutes, as created by this act.

**SECTION 2. Nonstatutory provisions; implementation.** It is the sense of the legislature, inasmuch as 2,4,5-T and silvex are already under a temporary ban by federal law and this act merely continues the existing ban and makes it permanent within this state, no administrative action will be required within this state to inform farmers, gardeners, wholesalers and retailers of the ban of 2,4,5-T and silvex but that adequate public notice of the continuing ban will be given by the publication of this act and by reports concerning this act as may be published by the news media within this state.

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