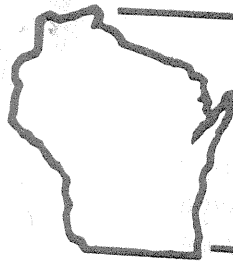


95-147
34 c



WISCONSIN FERTILIZER & CHEMICAL ASSOCIATION

WFCA

2317 International Lane, Suite 115, Madison, WI 53704-3129
BETSY AHNER, Executive Director

Phone: 608-249-4070 FAX: 608-249-5311

February 23, 1996

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Senator Robert Welch
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Representative Glenn Grothman
State Capitol
PO Box 8952
Madison, WI 53708

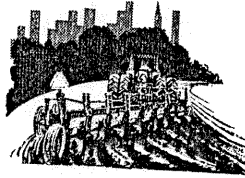
Gentlemen,

I am writing to you on behalf of the 450 members of the Wisconsin Fertilizer and Chemical Association. We are an association of retailers and applicators of agricultural chemicals and fertilizer. Our purpose is to promote the responsible use of these materials through education and to work for a favorable business climate for our members and their customers.

As you are probably aware, a great deal of controversy is being generated by Atrazine Rule, ATCP 30. The Department of Agriculture, Trade and Consumer Protection (DATCP) has proposed a Lancaster, Wisconsin site for an atrazine prohibition area, even though a second test at this site has shown the atrazine level has dropped below the Wisconsin Enforcement Standard (ES). In addition, other wells in the area have either no atrazine detected, or the detection level is below the ES.

DATCP presently has no mechanism in place to rescind atrazine prohibition areas, even if it appears the original contamination was from a "point source" rather than field usage. While DATCP plans to develop a procedure to allow the withdrawal of a prohibition area, their staff has indicated these rule changes won't take effect until the 1998 growing season, at the earliest.

Chairman:
Agriculture Committee



Member
Environment & Utilities
Government Operations
Natural Resources
Rural Affairs

Al Ott

State Representative • 3rd Assembly District

February 26, 1996

Mr. Alan Tracy, Secretary
Department of Agriculture, Trade and Consumer Protection
2811 Agriculture Drive
INTER-DEPARTMENTAL MAIL

Dear Secretary Tracy:

I'm writing to inform you of action taken by the Assembly Committee on Agriculture relating to Clearinghouse Rule (CR) 95-147. Please find enclosed a copy of the committee record and the motion adopted by the committee requesting modifications to the rule.

I look forward to hearing from you as soon as possible, preferably by February 29, 1996, regarding our request to the Department for modifications to CR 95-147. Please feel free to contact me if you have any questions.

Sincerely,

Alvin R. Ott
State Representative
3rd Assembly District

ARO:kjm



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

BOARD OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

REVISED AGENDA

For Meeting in Madison, Wisconsin
DATCP Board Room
2811 Agriculture Drive

March 12, 1996

*See attached
letters re: atrazine*

The Board of Agriculture, Trade and Consumer Protection will meet on Tuesday, March 12, 1996, at 9:00 a.m. at the above location.

The proposed agenda for the meeting is shown below. Additional items not contemplated at the time the agenda was prepared may be discussed and acted upon if the Board determines that immediate action is necessary. Such matters may arise under any of the following agenda items: Board Member Matters, Secretary's Report, or Miscellaneous Business.

The Board will adjourn for lunch at or about 12:30 p.m. in Conference Room 172 and may reconvene at or about 1:15 p.m. to continue its business.

ORDER OF BUSINESS:

- 9:00
1. Call the Meeting to Order
 2. Approve Minutes of January 30, 1996 Meeting
 3. Agenda Additions Authorized by Law
 4. Board Member Matters
 5. Secretary's Report
 6. Wisconsin Agricultural Statistics Report

(over)

- 9:30 7. Public Appearances
- 10:00 8. Status Report on Plat Review Program Automation
- 10:30 9. ATCP 42 - Commercial Feed - Final Draft Rule
- 11:00 10. ATCP 123 - Telecommunications and Cable Television Services -
Technical Change to Final Draft Rule
- 11:30 11. ATCP 116 - Work Recruitment Schemes - Revised Final Draft Rule
- 12:00 12. Atrazine in Groundwater; Follow-up Survey of Contaminated Wells
- 12:30 LUNCH
- 1:15 13. 1996 Atrazine Rule Amendments; Response to Legislative Committee Action
- 1:45 14. Alternative Herbicide (Triazine) Strategy
- 2:15 15. Department Strategic Plan Update - Regulatory Philosophy
- 2:45 16. Department Fee Review
- 3:00 17. Miscellaneous Business
- 18. Board Schedule and Procedures
- 3:15 19. Adjourn



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: February 29, 1996

TO: Board of Agriculture, Trade and Consumer Protection

FROM: Alan T. Tracy, Secretary *E. K. [unclear]*
Nicholas J. Neher, Administrator, *N. J. Neher for NSN*
Agricultural Resource Management Division

SUBJECT: Legislative Review of the 1996 Atrazine Rule Amendments

Following approval of the proposed 1996 changes to the Atrazine Rule, Ch. ATPC 30, at the January 30, 1996 Board meeting, the rule was sent to the legislature for its review. The rule was subsequently referred by the presiding officers of the Assembly and Senate to the Assembly Committee on Agriculture and the Senate Committee on Transportation, Agriculture and Local Affairs respectively, for review and action.

The Assembly Committee on Agriculture, chaired by Representative Alvin Ott, held a hearing on the proposed rule changes on February 8, 1996. The committee subsequently passed the attached motion which:

- Requests the department to delete the proposed Prohibition Area (96-22-01) located in the Town of North Lancaster in Grant County, and to review all existing (80) and proposed prohibition areas by December 31, 1996 and report the results of the review to the committee.
- Objects to the creation of Prohibition Area 96-22-01 if the department does not agree to the above recommendation.

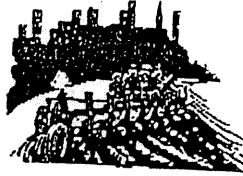
The committee is now awaiting the department's response to their request.

The Senate Committee on Transportation, Agriculture and Local Affairs, chaired by Senator Alan Lasee, also held a hearing on the department's atrazine rule proposal on February 14, 1996. The committee subsequently did not take formal action on the rule. However, Senator Lasee has indicated that he will provide recommendations on the rule to the department in the near future. We will provide you with a copy of these recommendations as soon as we receive them.

The Board should consider action at the March 12, 1996 meeting on the request for rule modification made by the Assembly Committee on Agriculture. Following are several options for your consideration:

1. **Make no change to the January 30, 1996 Board decision approving inclusion of the Grant County Prohibition Area 96-22-01 as part of the rule.** This board action would be reported back to the Assembly Committee on Agriculture. The committee would then have two days to report their formal objection to the presiding officer of the Assembly who would have five working days to refer the objection to the Legislature's Joint Committee for the Review of Administrative Rules (JCRAR) for resolution. The JCRAR would then have 30 days to either uphold or reject the Assembly Committee on Agriculture's objection. JCRAR can subsequently meet with the department, hold a public hearing or simply meet themselves and make a decision. If JCRAR upholds the objection, the Grant County prohibition area would not be enacted. If JCRAR rejects the objection, the prohibition area would subsequently become effective. This entire process does not effect the remainder of the rule proposal which will be submitted to the revisor of statutes and become effective on May 1, 1996.
2. **Agree to the Agriculture committee's request.** This would result in the Grant County Prohibition Area being dropped from the atrazine rule proposal. This would also commit the department to reviewing all 80 existing Prohibition Areas as well as the 13 remaining proposed new or expanded 1996 Prohibition Areas and conducting additional field investigations during 1996. We have already begun this review.
3. **Agree to the Agriculture committee's request for review, but request that the committee remove their objection to the Grant County Prohibition Area.** In this case, the committee would have to again meet and vote on whether or not to remove their objection.

Chairman:
Agriculture Committee



Member:
Environment & Utilities
Government Operations
Natural Resources
Rural Affairs

Al Ott

State Representative • 3rd Assembly District

February 26, 1996

Mr. Alan Tracy, Secretary
Department of Agriculture, Trade and Consumer Protection
2811 Agriculture Drive
INTER-DEPARTMENTAL MAIL

Dear Secretary Tracy:

I'm writing to inform you of action taken by the Assembly Committee on Agriculture relating to Clearinghouse Rule (CR) 95-147. Please find enclosed a copy of the committee record and the motion adopted by the committee requesting modifications to the rule.

I look forward to hearing from you as soon as possible, preferably by February 29, 1996, regarding our request to the Department for modifications to CR 95-147. Please feel free to contact me if you have any questions.

Sincerely,

Alvin R. Ott
State Representative
3rd Assembly District

ARO:kjm

Assembly

Clearinghouse Rule 95-147

January 2, 1996

February 8, 1996

Record of Committee Proceedings

Relating to atrazine use restrictions.
Submitted by Department of Agriculture, Trade
and Consumer Protection.

Referred to committee on Agriculture.

PUBLIC HEARING HELD

Present: (14) Representatives Ott, Ward,
Ainsworth, Zukowski, Otte,
Skindrud, Hahn, Olsen,
Gronemus, Baldus, Reynolds,
Springer, Wilder and
Dueholm.

Absent: (0) None.

Appearances For the Rule

• None

Appearances Against the Rule

• Rep. David Brandemuehl
• William Pink, Lancaster, WI
• Walter Taylor, Lancaster, WI
• Emil Giese, Alma Center, WI
• Jerome Laufenberg, Alma Center, WI

Appearances for Information Only

• Nick Neher and Jim Vandenbrock, DATCP
• Russ Weisensel, WI Agri-Business Council and
American Crop Protection Assn.

Registrations For the Rule

• Benjamin Kurten, WI Environmental Decade

Registrations Against the Rule

• None

February 22, 1996

EXECUTIVE SESSION HELD

Present: (9) Representatives Ott, Ward,
Ainsworth, Zukowski,
Skindrud, Olsen,
Gronemus, Reynolds and
Dueholm.

Absent: (5) Representatives Otte, Hahn,
Baldus, Springer and Wilder.

Moved by Representative Skindrud, seconded by
Representative Olsen that the Assembly Committee

on Agriculture request the Department of Agriculture, Trade and Consumer Protection to modify CR 95-147 by deleting, from Appendix A, proposed Prohibition Area (PA) 96-22-01, located in the Town of North Lancaster, Grant County, and by committing itself to reviewing all existing and proposed prohibition areas by December 31, 1996 and reporting the results of its review to the Assembly Committee on Agriculture. Further, Move that if the Department does not agree to make the above modification, the Assembly Committee on Agriculture objects to that part of CR 95-147, Appendix A, creating PA 96-22-01, by reason of it being arbitrary and capricious.

Ayes: (9) Representatives Ott, Ward, Ainsworth, Zukowski, Skindrud, Olsen, Gronemus, Reynolds, Dueholm.

Noes: (0) None.

Absent: (5) Representatives Otte, Hahn, Baldus, Springer and Wilder.

Motion carried: Adoption of motion
ADOPTION OF MOTION: Ayes 9, Noes 0, Absent 5

Kimberly J. Markham

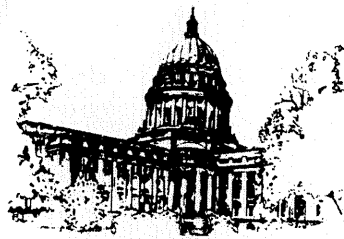
Kimberly J. Markham, Committee Clerk

February 21, 1996
Revised February 26, 1996

Motion - Clearinghouse Rule 95-147

Move that the Assembly Committee on Agriculture request the Department of Agriculture, Trade and Consumer Protection to modify Clearinghouse Rule 95-147 by deleting, from Appendix A, proposed Prohibition Area (PA) 96-22-01, located in the Town of North Lancaster, Grant County, and by committing itself to reviewing all existing and proposed prohibition areas by December 31, 1996 and reporting the results of its review to the Assembly Committee on Agriculture. Further,

Move that, if the Department does not agree to make the above modification, the Assembly Committee on Agriculture objects to that part of Clearinghouse Rule 95-147, Appendix A, creating PA 96-22-01, by reason of it being arbitrary and capricious.



Senator ALAN J. LASEE

President Pro Tempore 1st Senate District

March 5, 1996

Mr. Alan Tracy
Secretary
Department of Agriculture, Trade
and Consumer Protection
Post Office Box 8911
Madison, Wisconsin 53708

Dear Secretary Tracy:

I am writing with regard to Ch. ATCP 30, Wis. Adm. Code, Atrazine Pesticides; Use Restrictions. The purpose of this letter is to express my support for the development of procedures in this rule for the repeal of atrazine prohibition areas when it is found that a ban on the use of atrazine is no longer needed to prevent groundwater contamination at a specific site. First, I would like to thank your staff, Ned Zeulsdorf and Jim VandenBrook, for appearing at the February 14, 1996 hearing of the Senate Committee on Transportation, Agriculture and Local Affairs to provide information regarding Clearinghouse Rule 95-147 and the Department's atrazine program in general.

Testimony at the February 14 hearing pointed out that Ch. ATCP 30, contains provisions for the creation of atrazine prohibition areas in response to the detection of atrazine groundwater contamination at levels in excess of the enforcement standard, but does not contain provisions for the repeal of such areas if it is later determined that the use of atrazine may be resumed in an area without adversely affecting groundwater. This is not good public policy. Society accepts the regulations imposed on individuals by government because the regulations protect the common interests of society or the particular interests of certain members of society. Government regulation should never be more restrictive than is necessary to protect these interests and at any time that they cease to serve a necessary function they should be repealed.

The agricultural community of Wisconsin has accepted the restrictions imposed on the use of atrazine by Ch. ATCP 30 because of the need to protect groundwater. Testimony at the February 14 hearing established that atrazine is an economical and cost effective tool and that restrictions that require farmers to use alternatives impose a substantial economic burden. In these times when small farms are struggling to survive, we should be looking for ways to reduce economic

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COMMITTEES:

CHAIR, Transportation, Agriculture & Local Affairs
State Government Operations & Corrections
Human Resources, Labor, Tourism,
Veterans & Military Affairs

Mr. Alan Tracy
March 5, 1996
Page 2

burdens on farmers wherever possible. The testimony also raised serious questions about whether certain of those restrictions are necessary to protect groundwater, in light of recent well test results. However, there is no mechanism in the rule to ensure that these new well tests will lead to a reevaluation of the existing atrazine prohibition areas and the repeal of any prohibition areas that are not needed.

I recognize that there are areas, such as the lower Wisconsin River valley, where it is necessary to ban the use of atrazine indefinitely because of soil conditions that are very prone to groundwater contamination by this pesticide. I am also aware that, in other locations or other soils, it may be possible that, once well tests show no or reduced levels of atrazine, it may be possible to resume use of this valuable agricultural tool without threatening renewed groundwater contamination. This is particularly so since the renewed use will be subject to the state-wide restrictions on the use of atrazine that are contained in Subch. I of Ch. ATCP 30, while the use that caused the original contamination most likely was not. In these cases, prohibition areas should be repealed to allow farmers to use this economical and effective tool.

At the February 14 hearing, your staff indicated that the ATCP Board has directed the Department to undertake the revision of Department's rules regarding pesticides. They indicated that this will include a review of atrazine prohibition areas and well test data in those areas and the development of a procedure for the review and possible repeal of prohibition areas. I strongly support this effort. I view it as an overdue correction of a gross oversight in the original atrazine control program. It is hard to understand how a program can have been created that allows for restrictions to be imposed on a site-specific basis with no consideration for the removal of the restrictions when they can no longer be shown to be needed. I urge the Department to move expeditiously on this project and to develop a rule that will balance the protection of the environment with the protection of the economic interest of individual farmers.

If you wish to discuss this issue further, please do not hesitate to contact me.

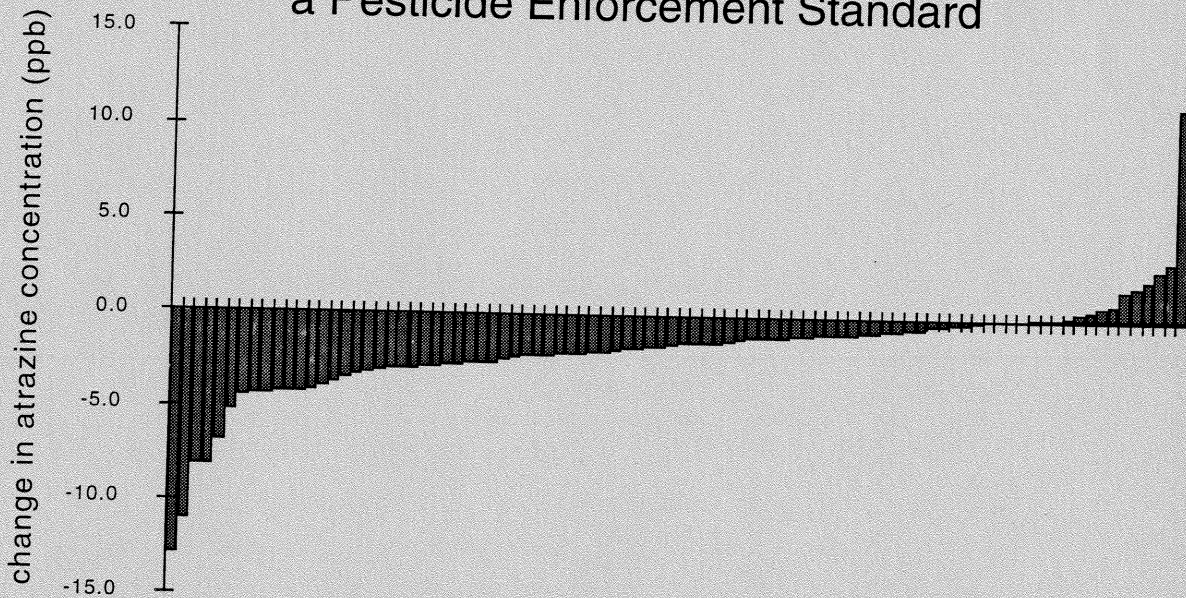
Sincerely,



ALAN J. LASEE
Chairman
Senate Committee on Transportation,
Agriculture and Local Affairs

Exceedence Survey

Resampling Wells that Previously Exceeded
a Pesticide Enforcement Standard



RESAMPLING WELLS THAT PREVIOUSLY EXCEEDED A PESTICIDE ENFORCEMENT STANDARD

Final Report - February 1996

by Jeff Postle¹

Abstract

DATCP conducted a study to measure changes in pesticide concentrations in wells that had previously exceeded an enforcement standard. One-hundred-twenty-two (122) wells were resampled in this program. Most of these wells are in Atrazine Prohibition Areas. Sampling results for atrazine show that 84% of the wells have decreased in concentration and 16% have increased. Forty-three percent of the wells are still above the atrazine enforcement standard and 57% are now below. Well owners with previous exceedences were interviewed to determine what changes, if any, they had made to their water supplies in response to the exceedence. About 50% of the well owners continue to use their contaminated well and about 25% have installed new wells at an average cost of \$6,300. The remainder drink bottled water, haul water, or use water treatment.

¹ Groundwater Specialist, Agricultural Resource Management Division

Introduction

There has been considerable interest in Wisconsin to determine how the levels of atrazine and other pesticides in contaminated wells are changing over time. It was of particular interest to look at these changes in wells that have exceeded a pesticide enforcement standard (ES) and where atrazine prohibition areas (PAs) have been created.

There has also been an interest to find out what well owners have done when they receive a Health Advisory that recommends they discontinue using the water for drinking and cooking. (A Health Advisory is issued when a private well exceeds an ES.) To answer these questions, DATCP designed a program to offer a resample to all well owners whose well had previously exceeded an ES for a pesticide. This program did not include wells that were contaminated by a known point-source.

Objectives

- 1) To resample wells in Wisconsin that had previously exceeded an enforcement standard for a pesticide. The purpose of sampling these wells was to determine how the levels of contamination have changed over time.
- 2) To determine what changes well owners have made to their water supplies in response to the well exceeding an enforcement standard.

Materials and Methods

Well Selection

A list of 375 wells that had exceeded an ES for a pesticide was generated from the DATCP-Groundwater Unit database. Wells contaminated by a known point-source were then eliminated from this list, leaving 195 candidate wells for sampling. Well owners from this list were contacted to determine if the original well was still in service and if they wanted a resample. After eliminating the 41 wells that had been abandoned and 32 where owners declined, 122 wells were sampled in this program. Of these wells, 111 had had an exceedence of atrazine, seven had had an exceedence of triazine, and four had had an exceedence of alachlor.

Well Owner Interview

Well owners were interviewed by phone and asked a number of questions about their water supply. The main purpose of this interview was to find out what changes they had made to their water supply after being notified that it was not safe for drinking or cooking. If the well owner had drilled a new well, the costs of the new well and any financial assistance that was received were recorded.

Well Sampling and Sample Analysis Procedures

All wells were sampled according to standard procedures. Wells were purged for at least five minutes and samples were kept in chilled containers during shipment to the

DATCP Laboratory. Each sample was analyzed for atrazine, deethylatrazine, deisopropylatrazine, diaminoatrazine, alachlor, alachlor ethane sulfonic acid (ESA), cyanazine, metolachlor, metribuzin, and nitrate-nitrogen (NO₃-N).

Sampling Dates

The 122 wells in this program were sampled between June and September, 1995.

Results and Discussion

Well Owner Survey

A phone interview was conducted with 195 well owners whose well water had exceeded an enforcement standard. The purpose of this interview was to determine what changes, if any, the well owners have made to their water supply after being advised to not use the water for drinking or cooking purposes.

Of these 195 well owners:

- * 97 (50%) continue to use the original well
- * 44 (23%) drilled a new well
- * 13 (6.5%) drink bottled water
- * 11 (5.6%) haul water from another source
- * 12 (6%) have installed water treatment systems

- * 2 have deepened their well
- * 2 have connected to municipal water systems
- * 14 use the original well for purposes other than drinking

Of the 44 well owners that drilled new wells, 33 were able to provide information on the cost of the new well. The least expensive well was \$1,750, the highest cost well was \$15,000, and the average cost was \$6,300.

Of the 44 well owners that drilled new wells, 31 received financial assistance:

- * 21 received assistance solely from the State of Wisconsin Well Compensation Program
- * 4 received assistance solely from a pesticide manufacturer
- * 6 received assistance from both the State of Wisconsin and a pesticide manufacturer

On average, the financial assistance to drill a new well covered about two-thirds of the total costs.

Pesticide Sampling

In this program 122 wells that had previously contained pesticide residues above an ES were resampled. Of these wells, 111 had a previous exceedence of total atrazine residues, seven had a previous exceedence of triazine (immunoassay

screening test), and four had a previous exceedence of alachlor.

Atrazine Results. Figure 1 shows the distribution of total atrazine residue concentrations for the 111 wells with previous atrazine exceedences. Of these 111 wells, 48 (43%) are still above the ES and 63 (57%) are now below. The average concentration of the wells that are still above the ES is 5.9 parts per billion (ppb) and the average concentration for the wells that are now below the ES is 1.4 ppb. The overall average for the 111 wells is 3.3 ppb.

Atrazine Trends over Time. Of the 122 wells in this program, 90 have at least one previous total atrazine result using comparable laboratory methods (gas chromatography methods that analyze for atrazine and its three chlorinated metabolites--abbreviated GC3). Results from these wells can be used to look at trends in atrazine concentrations over time. The atrazine and metabolite results from these 90 wells are shown in Table 1.

Because these 90 wells have varying numbers of previous GC3 results, there are several ways to make comparisons between the exceedence program results and previous results. For example, the exceedence survey results could be compared to the highest, lowest, most recent, or average of the previous results.

Figure 2 shows that 76 (84%) of the 90 wells declined in total atrazine concentration and 14 (16%) increased compared to the average of previous GC3 results. For the 76 wells that decreased in concentration, the average decrease was 2.5 ppb. For the 14 wells that increased in concentration, the average increase was 1.9 ppb.

Another comparison was made between the results from the exceedence survey and the **most recent GC3 results**. This comparison shows that 68 of the wells went down by an average of 2.3 ppb. Twenty-one wells went up by an average of 1.4 ppb. One well stayed the same compared to the most recent result.

Using a parametric paired-sample test, the total atrazine concentrations from this sampling program were significantly lower ($\alpha=0.05$) than the average of previous GC3 results and the most recent GC3 results. These data sets were also analyzed using the nonparametric Wilcoxon Signed Rank Test and the results were virtually the same.

Although determining the specific reason why the pesticide concentration in a given well went up or down was beyond the scope of this project, some general comments can be made. Most of the wells that had previously exceeded the atrazine ES are now in PAs. (Wells that are not in PAs either had point-source contamination or have a pending investigation.) For the 76 wells where the atrazine concentration declined (compared to the average of previous results), it is likely that the PAs played a role. In the 14 wells where the atrazine concentration went up, the reasons are less clear. Possible reasons for an increase in concentration include: 1) deeper well that has not yet experienced the effects of the atrazine rule, 2) continued illegal use or spills near the well, 3) natural variability in sample results over time, 4) metabolite contributions from other symmetrical triazine herbicides (primarily cyanazine and simazine), and 5) well located in a newer PA that has not yet affected atrazine levels in groundwater.

Other Pesticide Results. Seven other non-atrazine pesticide compounds were detected in this program. This list (with the number of wells with detects) includes: alachlor (15), alachlor ESA (78), metolachlor (6), metribuzin (5), simazine (2), cyanazine (1), and clomazone (1). No well exceeded an ES for these compounds, although one well exceeded the 20 ppb interim health advisory for alachlor ESA.

Nitrate Results. All 122 wells in the program were sampled for nitrate-nitrogen (NO₃-N). The minimum concentration was 0.6 parts per million (ppm) and the maximum was 49 ppm. The average concentration was 14.6 ppm and the median was 12.0 ppm. Seventy-two of the 122

wells (59%) were above the 10 ppm enforcement standard for NO₃-N and 30 were above 20 ppm. These wells contain nitrate levels considerable higher than the statewide average.

Acknowledgements

Patrick Johnston conducted the phone interviews, collected the samples, entered the sample results, and helped analyze the data. Lisa Morrison generated the list of exceedence wells and designed the well-owner questionnaire. Gary LeMasters helped analyze the data and edited the report. Jane Larson helped design the cover.

Figure 1. Distribution of Total Atrazine Results, DATCP Exceedence Sampling Program.

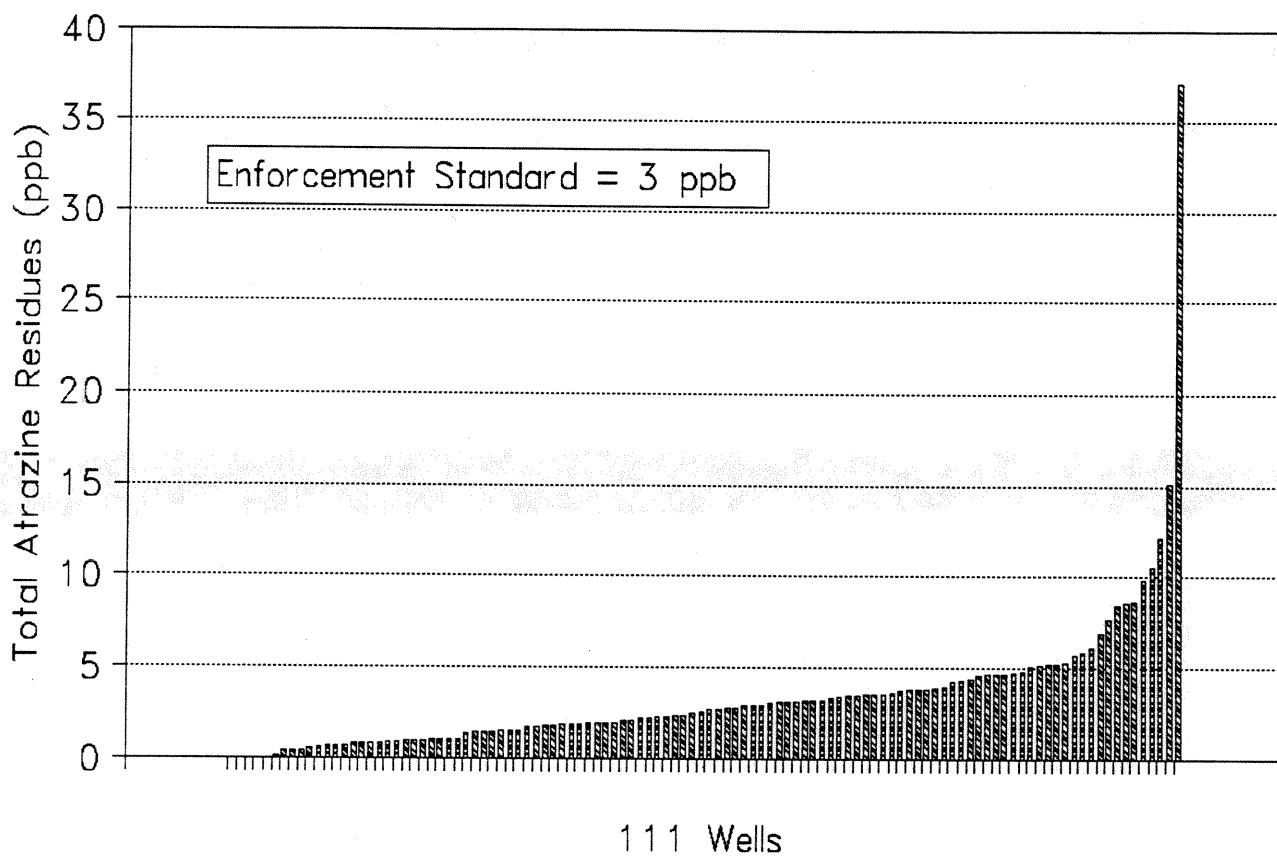


Table 1. Atrazine and Metabolite Results for 90 Wells in the DATCP Exceedence Survey

Collection Date	Total Atrazine	Atrazine	Deethyl Atrazine	Deiso Atrazine	Diamino Atrazine
-----parts per billion-----					
AM522					
10/15/91	5.53	3.39	1.52	.62	0.00
07/21/92	8.66	4.40	2.60	1.00	.66
07/21/92	13.07	7.16	4.30	1.61	0.00
04/29/93	8.36	4.85	3.51	0.00	0.00
04/21/94	12.30	6.64	3.48	1.63	.55
07/25/95*	8.71	4.44	2.42	1.21	.64
AN900					
01/30/92	5.39	1.81	3.58	0.00	0.00
08/10/95*	.95	0.00	0.00	.95	0.00
AN966					
04/18/94	.57	0.00	.57	0.00	0.00
07/18/95*	0.00	0.00	0.00	0.00	0.00
AP938					
10/15/91	4.26	1.42	2.16	.68	0.00
07/21/92	5.70	1.10	1.50	1.40	1.70
07/21/92	6.54	1.74	2.31	1.98	.51
04/21/94	6.17	.83	1.77	2.23	1.34
07/18/95*	2.81	.37	.76	1.12	.56
AV039					
12/15/93	4.04	1.50	2.40	0.00	.14
06/12/95	1.18	.43	.75	0.00	0.00
08/24/95*	1.98	.70	1.28	0.00	0.00
BL878					
10/16/93	4.71	2.20	1.90	.14	.47
08/22/95*	3.56	2.21	1.35	0.00	0.00
BM945					
10/07/92	3.17	1.00	1.50	0.00	.67
08/30/95*	2.07	.61	1.46	0.00	0.00
CI826					
09/24/90	5.11	.23	.21	.87	3.80
03/17/93	.57	.57	0.00	0.00	0.00
05/25/93	5.04	.72	.68	.54	3.10
09/20/95*	.81	.17	0.00	0.00	.64
CK206					
03/09/93	3.69	1.80	.88	.30	.71
06/21/95*	1.05	.70	.35	0.00	0.00
CK495					
05/19/93	3.19	0.00	.51	.38	2.30
09/20/95*	3.12	.16	.48	1.15	1.33

* Exceedence Survey results

Table 1. Atrazine and Metabolite Results for 90 Wells in the DATCP Exceedence Survey

Collection Date	Total Atrazine	Atrazine	Deethyl Atrazine	Deiso Atrazine	Diamino Atrazine
-----parts per billion-----					
DF625					
08/04/93	6.78	6.30	.48	0.00	0.00
09/20/95*	5.07	4.62	.45	0.00	0.00
DH292					
07/03/90	1.36	.60	.36	.11	.29
04/11/94	3.75	3.04	.71	0.00	0.00
06/27/95*	5.29	3.58	1.41	.30	0.00
DH294					
03/27/90	4.70	1.40	1.10	1.00	1.20
10/20/92	2.88	.85	.67	.40	.96
05/11/94	1.24	.60	.64	0.00	0.00
06/21/95*	.89	.41	.48	0.00	0.00
DH368					
06/19/90	6.24	.69	1.60	.55	3.40
12/07/92	12.38	1.00	2.50	.88	8.00
08/02/95*	5.16	.65	1.77	.60	2.14
DH390					
04/20/90	4.39	.42	.64	.43	2.90
12/07/92	6.36	.45	.89	.62	4.40
08/08/95*	1.07	0.00	.35	0.00	.72
DH420					
03/19/90	10.70	3.60	3.90	1.40	1.80
11/03/92	4.89	2.80	1.30	.20	.59
07/11/95*	2.56	.94	1.62	0.00	0.00
DH435					
04/04/90	9.10	3.50	1.80	1.70	2.10
08/15/91	6.31	3.60	1.90	.81	0.00
11/17/92	6.63	2.40	1.40	.93	1.90
08/02/95*	4.67	1.71	1.68	.52	.77
DH499					
06/26/90	6.30	.48	2.10	.12	3.60
07/14/92	4.07	.72	2.82	0.00	.52
07/14/92	5.10	.70	2.50	.20	1.70
08/04/94	2.56	.21	1.63	0.00	.72
07/20/95*	1.09	0.00	1.09	0.00	0.00
DH522					
04/27/90	4.06	1.20	1.20	1.10	.56
11/24/92	2.76	.43	.57	.66	1.10
08/03/95*	3.11	.29	.42	1.43	.97

* Exceedence Survey results

Table 1. Atrazine and Metabolite Results for 90 Wells in the DATCP Exceedence Survey

Collection Date	Total Atrazine	Atrazine	Deethyl Atrazine	Deiso Atrazine	Diamino Atrazine
-----parts per billion-----					
DH574					
03/26/90	9.60	1.20	2.90	1.80	3.70
12/14/92	6.11	.71	1.60	1.00	2.80
05/03/94	5.77	.71	1.79	1.32	1.95
06/29/95*	5.71	.46	1.66	1.28	2.31
DH609					
04/10/90	3.99	.41	1.70	.38	1.50
11/23/92	3.45	.38	1.30	.17	1.60
07/06/94	3.22	.60	1.92	0.00	.70
06/28/95*	3.25	.56	2.02	0.00	.67
DH616					
04/10/90	4.80	1.10	1.20	1.10	1.40
09/29/92	1.66	.42	.43	.24	.57
08/02/95*	.83	.36	.47	0.00	0.00
DH632					
03/30/94	3.04	1.29	.77	.40	.57
06/21/95*	0.00	0.00	0.00	0.00	0.00
DH662					
03/26/90	6.01	2.10	2.40	.74	.77
10/26/92	3.65	1.50	1.40	.21	.54
06/08/94	1.73	.74	.99	0.00	0.00
06/22/95*	1.98	.75	1.23	0.00	0.00
DH669					
03/14/90	3.00	.40	1.30	.36	.94
07/01/94	0.00	0.00	0.00	0.00	0.00
06/22/95*	0.00	0.00	0.00	0.00	0.00
DH717					
03/26/90	1.37	.47	.52	.13	.25
05/03/94	1.47	.60	.86	0.00	0.00
06/29/95*	4.64	.44	1.27	.92	2.01
DH718					
05/03/94	6.58	.60	.79	1.32	3.88
07/14/95*	3.58	.24	.41	.88	2.04
DH719					
03/14/90	4.13	.53	1.10	.90	1.60
07/14/92	1.40	.39	1.01	0.00	0.00
07/14/92	2.80	.34	.79	.37	1.30
06/22/95*	2.35	.25	.98	.34	.79

* Exceedence Survey results

Table 1. Atrazine and Metabolite Results for 90 Wells in the DATCP Exceedence Survey

Collection Date	Total Atrazine	Atrazine	Deethyl Atrazine	Deiso Atrazine	Diamino Atrazine
-----parts per billion-----					
DH848					
07/20/90	3.61	.30	1.40	.41	1.50
08/09/95*	1.76	0.00	.32	.94	.50
DH882					
05/16/90	3.01	.47	.54	.30	1.70
11/09/92	1.19	.19	.23	.13	.64
08/03/94	0.00	0.00	0.00	0.00	0.00
08/09/95*	.16	.16	0.00	0.00	0.00
DH884					
05/16/90	2.99	2.20	.65	0.00	.14
09/02/93	30.86	27.00	3.86	0.00	0.00
05/09/94	5.34	4.67	.67	0.00	0.00
08/09/95*	2.02	1.45	.57	0.00	0.00
DH905					
05/26/94	8.83	2.67	3.88	1.22	1.06
07/18/95*	6.13	1.50	1.87	1.72	1.04
DH908					
05/11/90	4.96	2.30	.73	.73	1.20
11/09/92	4.11	1.70	.89	.42	1.10
07/25/95*	1.52	.98	.54	0.00	0.00
DH945					
05/11/90	3.75	.56	.59	1.00	1.60
11/09/92	2.12	.36	.42	.35	.99
07/25/95*	.70	.35	.35	0.00	0.00
10/04/95	.29	.29	0.00	0.00	0.00
01/11/96	.68	.32	.35	0.00	0.00
DI007					
08/10/90	3.55	2.30	.78	0.00	.47
11/03/92	3.25	2.20	.78	0.00	.27
08/09/95*	2.21	1.50	.71	0.00	0.00
DI014					
06/29/90	5.68	.21	.63	1.14	3.70
06/17/93	.97	0.00	0.00	.15	.82
08/10/95*	.41	0.00	0.00	.41	0.00
10/18/95	.48	0.00	0.00	.48	0.00
DI028					
05/30/90	8.40	1.70	1.70	2.30	2.70
12/07/92	5.02	.41	.51	1.70	2.40
07/27/95*	3.41	.15	.32	1.78	1.16
10/18/95	2.42	0.00	0.00	1.51	.91

* Exceedence Survey results

Table 1. Atrazine and Metabolite Results for 90 Wells in the DATCP Exceedence Survey

Collection Date	Total Atrazine	Atrazine	Deethyl Atrazine	Deiso Atrazine	Diamino Atrazine
-----parts per billion-----					
DI042					
10/19/90	2.89	1.50	.66	.40	.33
07/20/95*	3.77	1.37	1.09	.69	.62
DI053					
05/30/90	3.56	1.20	1.90	0.00	.46
10/28/92	13.71	7.20	4.80	.51	1.20
07/20/95*	10.50	5.13	5.37	0.00	0.00
DI189					
06/22/90	4.55	.19	.43	.43	3.50
08/02/95*	4.77	.47	1.31	.83	2.17
DI275					
06/22/90	3.97	.86	1.21	.14	1.76
07/20/95*	2.86	.59	1.61	0.00	.67
DI280					
08/10/90	3.38	.36	1.20	.22	1.60
11/03/92	3.28	.40	1.70	.18	1.00
06/28/95*	1.85	.42	1.43	0.00	0.00
DI281					
05/02/90	4.94	1.80	.94	1.30	.90
12/02/92	4.69	1.10	.89	1.00	1.70
07/20/94	1.20	.34	.42	.45	0.00
06/28/95*	1.89	.30	.46	.55	.58
DI368					
05/02/90	8.53	6.40	1.00	.58	.55
11/24/92	6.40	4.30	1.20	.29	.61
06/29/95*	3.20	2.29	.91	0.00	0.00
DI369					
05/25/94	4.63	3.77	.86	0.00	0.00
06/29/95*	.70	.16	.55	0.00	0.00
DI535					
06/29/90	4.27	1.57	1.40	.53	.77
06/17/93	4.57	1.30	.87	1.10	1.30
09/06/95*	1.46	.46	.41	.59	0.00
DI602					
10/04/90	1.96	1.00	.53	.12	.31
09/07/93	2.28	.84	.51	0.00	.94
09/13/95*	1.55	1.55	0.00	0.00	0.00

* Exceedence Survey results

Table 1. Atrazine and Metabolite Results for 90 Wells in the DATCP Exceedence Survey

Collection Date	Total Atrazine	Atrazine	Deethyl Atrazine	Deiso Atrazine	Diamino Atrazine
-----parts per billion-----					
DI664					
07/25/90	2.93	2.10	.36	.17	.30
09/07/93	1.49	.86	.63	0.00	0.00
09/13/95*	.57	.57	0.00	0.00	0.00
DI752					
07/16/90	14.77	.27	3.67	.92	9.91
11/18/92	9.11	.51	2.80	1.10	4.70
08/16/95*	5.20	.23	2.82	.67	1.48
10/10/95	2.79	.28	2.51	0.00	0.00
01/17/96	7.02	.36	3.33	1.10	2.23
DI819					
09/13/90	6.80	.27	2.40	.43	3.70
04/29/93	.87	0.00	.87	0.00	0.00
08/17/95*	1.58	.18	1.40	0.00	0.00
DJ327					
08/17/90	5.60	.20	1.90	0.00	3.50
09/29/92	2.19	0.00	.89	0.00	1.30
08/02/95*	.75	0.00	.75	0.00	0.00
DJ375					
07/27/90	3.08	.28	.94	.30	1.56
11/17/92	3.92	.57	.86	.49	2.00
08/02/95*	3.53	.62	1.02	.72	1.16
10/03/95	3.11	.57	.95	.73	.85
01/17/96	2.86	.16	1.16	.82	.73
DJ446					
08/17/90	5.07	2.10	1.90	.15	.92
11/17/92	6.09	2.10	2.50	.29	1.20
08/03/95*	3.32	1.28	2.04	0.00	0.00
12/28/95	3.88	1.75	2.13	0.00	0.00
DJ525					
07/20/90	7.91	.43	.88	2.60	4.00
12/01/92	6.07	.27	1.30	1.80	2.70
04/18/94	4.85	.23	1.86	1.45	1.31
07/18/95*	4.20	.17	1.58	1.22	1.23
DJ530					
10/19/90	5.14	.66	1.90	.78	1.80
10/28/92	1.79	.20	.58	.28	.73
10/28/92	1.81	.17	.50	.33	.81
04/26/94	1.89	.57	.78	.54	0.00
07/20/95*	.56	0.00	.56	0.00	0.00

* Exceedence Survey results

Table 1. Atrazine and Metabolite Results for 90 Wells in the DATCP Exceedence Survey

Collection Date	Total Atrazine	Atrazine	Deethyl Atrazine	Deiso Atrazine	Diamino Atrazine
-----parts per billion-----					
DJ531					
07/20/90	20.80	5.20	8.80	1.80	5.00
12/01/92	12.60	2.30	4.60	1.90	3.80
08/09/95*	3.82	.80	1.50	.91	.62
DJ535					
07/20/90	3.97	.83	1.40	.44	1.30
12/01/92	3.60	.38	.67	.95	1.60
07/18/95*	1.45	.32	1.13	0.00	0.00
01/11/96	1.71	.42	1.29	0.00	0.00
DJ724					
05/26/93	5.19	.73	.69	.57	3.20
09/20/95*	.78	.22	0.00	0.00	.56
DK748					
08/02/94	3.84	.66	1.53	.60	1.06
08/10/95*	3.83	.61	1.32	.63	1.27
ED243					
08/04/93	3.30	.95	1.29	0.00	1.06
08/30/95*	3.11	.86	1.56	0.00	.69
ED914					
09/08/93	3.62	2.62	1.00	0.00	0.00
08/30/95*	2.76	2.10	.66	0.00	0.00
ET164					
09/06/94	3.37	.31	1.15	.54	1.37
07/11/95*	2.47	.17	.90	.42	.98
ET534					
05/29/92	8.40	7.24	1.16	0.00	0.00
10/06/92	5.28	4.57	.71	0.00	0.00
09/06/95*	0.00	0.00	0.00	0.00	0.00
EW844					
08/04/93	3.04	2.37	.67	0.00	0.00
09/08/93	3.47	2.57	.90	0.00	0.00
08/10/95*	2.20	1.48	.72	0.00	0.00
10/04/95	2.32	1.51	.81	0.00	0.00
01/11/96	2.23	1.47	.76	0.00	0.00
EZ547					
10/16/93	3.67	.81	2.10	.15	.61
08/22/95*	2.73	.94	1.79	0.00	0.00

* Exceedence Survey results

Table 1. Atrazine and Metabolite Results for 90 Wells in the DATCP Exceedence Survey

Collection Date	Total Atrazine	Atrazine	Deethyl Atrazine	Deiso Atrazine	Diamino Atrazine
-----parts per billion-----					
FA516					
05/26/94	3.06	0.00	0.00	2.34	.72
07/18/95*	1.97	0.00	0.00	1.15	.82
FA846					
04/18/94	5.26	.32	1.32	1.97	1.65
07/18/95*	3.48	0.00	.64	1.29	1.55
FB374					
07/28/93	3.80	2.91	.89	0.00	0.00
08/16/95*	2.83	2.04	.79	0.00	0.00
FB884					
08/30/93	8.19	4.00	3.60	0.00	.59
08/22/95*	3.76	1.39	2.37	0.00	0.00
FB905					
12/15/93	3.03	1.10	1.50	.11	.32
08/22/95*	3.83	1.39	2.44	0.00	0.00
FB948					
10/16/93	4.40	1.10	2.20	.20	.90
08/22/95*	2.36	1.09	1.27	0.00	0.00
11/02/95	1.54	.75	.79	0.00	0.00
FC345					
10/13/92	20.28	13.00	4.90	.88	1.50
04/07/93	61.40	40.00	2.30	15.00	4.10
07/20/95*	12.09	7.80	4.29	0.00	0.00
FE017					
10/13/93	9.23	5.70	3.00	.53	0.00
09/20/95*	1.05	.65	.41	0.00	0.00
FF907					
08/18/93	4.85	1.61	1.34	.79	1.11
06/28/95*	5.27	1.26	1.82	.77	1.42
FG080					
07/27/93	5.49	1.30	3.20	0.00	.99
08/16/95*	7.67	1.66	5.26	0.00	.75
FH471					
10/16/93	4.66	.73	3.00	0.00	.93
08/17/95*	4.30	.94	3.36	0.00	0.00

* Exceedence Survey results

Table 1. Atrazine and Metabolite Results for 90 Wells in the DATCP Exceedence Survey

Collection Date	Total Atrazine	Atrazine	Deethyl Atrazine	Deiso Atrazine	Diamino Atrazine
-----parts per billion-----					
FN779					
08/16/94	3.45	.20	.77	.58	1.91
08/08/95*	2.29	0.00	.55	.40	1.34
10/05/95	1.24	.19	.60	.45	0.00
01/12/96	2.62	0.00	.54	.49	1.59
FU376					
05/11/94	1.12	0.00	1.12	0.00	0.00
06/21/95*	1.03	0.00	1.03		
GO888					
12/01/93	3.27	.59	2.20	0.00	.48
08/22/95*	1.69	.48	1.21	0.00	0.00
GQ165					
06/21/94	5.18	1.03	2.80	0.00	1.35
08/03/95*	.92	.31	.61	0.00	0.00
GQ177					
06/22/94	.93	.31	.62	0.00	0.00
07/20/95*	.97	0.00	.43	0.00	.54
GQ184					
06/27/94	3.63	.35	3.28	0.00	0.00
08/16/95*	15.04	2.15	11.35	0.00	1.54
GQ202					
07/06/94	3.55	2.06	1.49	0.00	0.00
08/09/95*	2.88	1.54	1.34	0.00	0.00
GQ231					
07/25/94	8.64	6.21	2.43	0.00	0.00
08/16/95*	5.86	4.05	1.81	0.00	0.00
GQ294					
05/23/94	6.08	1.12	1.92	1.73	1.31
08/08/95*	3.88	.75	1.14	1.05	.94
GQ354					
09/12/94	3.83	1.23	1.56	.32	.73
06/22/95*	4.40	1.36	1.66	.38	1.00
GQ383					
10/11/94	8.01	.96	5.64	0.00	1.41
01/04/95	5.41	.81	3.50	0.00	1.10
08/17/95*	6.89	1.14	4.85	0.00	.90

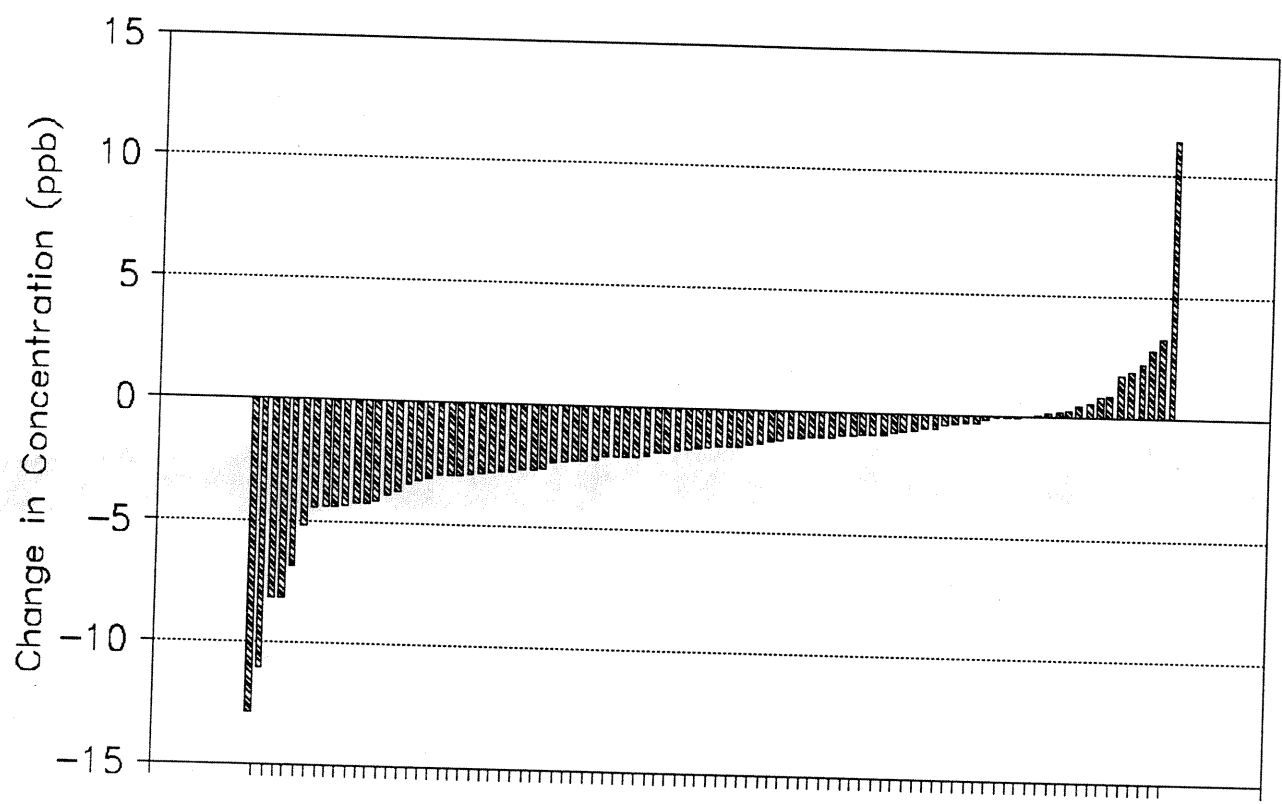
* Exceedence Survey results

Table 1. Atrazine and Metabolite Results for 90 Wells in the DATCP Exceedence Survey

Collection Date	Total Atrazine	Atrazine	Deethyl Atrazine	Deiso Atrazine	Diamino Atrazine
-----parts per billion-----					
GS406					
08/17/94	3.95	1.40	2.20	0.00	.35
08/24/95*	2.91	1.42	1.49	0.00	0.00
GS410					
09/19/94	3.15	.89	1.60	0.00	.66
08/30/95*	2.34	.86	1.48	0.00	0.00
HN567					
10/19/94	3.00	.75	1.50	.13	.62
08/24/95*	1.48	.37	1.11	0.00	0.00

* Exceedence Survey results

Figure 2. Changes in Total Atrazine Concentrations, DATCP Exceedence Sampling Program.



90 Wells with Previous Results



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

March 19, 1996

The Honorable Alvin Ott
Chairman, Assembly Committee on Agriculture
Wisconsin Assembly
P.O. Box 8953
Madison, WI 53708

Re: Clearinghouse Rule 95-147, Atrazine Use Restrictions

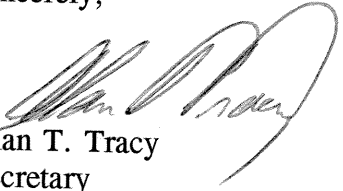
Dear Chairman Ott:

I am writing to inform you of the action taken by the Board of Agriculture, Trade and Consumer Protection on March 12, 1996 in response to the request for modification of Clearinghouse Rule (CR) 95-147 made by the Assembly Committee on Agriculture.

The Board voted to retain the proposed Prohibition Area 96-22-01, located in the Town of North Lancaster, Grant County, as part of CR 95-147, contrary to the rule modification requested by your committee. The Board also directed the department to review all existing and proposed prohibition areas by December 31, 1996 and report the results of that review to the committee.

The department has already begun the review of prohibition areas. Please contact me if you need further clarification of the Board's action.

Sincerely,


Alan T. Tracy
Secretary



WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

One East Main Street, Suite 401; P.O. Box 2536; Madison, WI 53701-2536
Telephone (608) 266-1304
Fax (608) 266-3830

DATE: March 25, 1996
TO: MEMBERS OF THE ASSEMBLY COMMITTEE ON AGRICULTURE
FROM: David J. Stute, Director
SUBJECT: Atrazine in Groundwater Regulation--Minnesota Versus Wisconsin

During the course of the Assembly Committee on Agriculture's consideration of Clearinghouse Rule 95-47, relating to atrazine use restrictions, a question was raised why the State of Minnesota permits up to 20 parts per billion of atrazine in groundwater, while the enforcement standard for atrazine under ch. 160, Stats., Wisconsin's groundwater protection law, is three parts per billion. This memorandum responds to that question.

As detailed in a February 16, 1996 memorandum to the Committee, Wisconsin's groundwater protection law is largely keyed to requirements of federal law--so-called "federal numbers." In the case of atrazine, the three parts per billion limit under the groundwater protection law is the maximum contaminant level allowed by the National Revised Primary Drinking Water Regulations. [It also is the maximum concentration of atrazine allowed in water supplied by public water systems under ch. NR 809, Wis. Adm. Code.]

By contrast, Minnesota does not have a comprehensive groundwater protection law linked to a general federal standard. Under s. 103H.201, Minn. Stats., Minnesota's Commission of Health may promulgate health risk limits for substances degrading groundwater. Minnesota considers atrazine to be a systemic toxicant and, under its statute, adopts health risk limits which are derived from U.S. Environmental Protection (EPA) risk assessment methods using a reference dose, a drinking water equivalent and a relative source contribution factor [s. 103H.20 (1) (c), Minn. Stats.].

According to Larry Gust, Minnesota Department of Health, Minnesota relies upon EPA's Integrated Risk Information System (IRIS). Minnesota previously had a three parts per billion health risk limit for atrazine. However, EPA raised the IRIS reference dose from .005 milligrams per kilogram of body weight to .035 milligrams, in January 1993, a seven-fold increase. This change thus enabled Minnesota to revise its health risk limit for atrazine and the current limit, found at s. 4717.7500 subp. 6a, Minn. Rules, is 20 parts per billion.

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Although Minnesota has adopted an atrazine health risk limit of 20 parts per billion, it is not clear what is the effect of that decision. First of all, under the terms of the Federal Drinking Water Act, all public water supplies in Minnesota may not exceed the three parts per billion maximum contaminant level specified in the National Revised Primary Drinking Water Regulations. Second, it does not appear that Minnesota has an established regulatory program, similar to Wisconsin's, to control the use of substances found in Minnesota groundwater in excess of the health risk limits.

According to Janice McFarland of Ciba-Giegy, the principal manufacturer of atrazine, the EPA initiated a special review in November 1994 of all triazine herbicides, including atrazine. A preliminary decision from that special review may occur at some time in 1997, according to Ms. McFarland. During that review, it is possible that the seven-fold increase in the IRIS reference dose may be factored in and eventually lead to a change in the "federal number" for atrazine which Wisconsin uses under ch. 160, Stats. However, until such time as the federal number for atrazine changes, Wisconsin will be tied to the current three parts per billion (unless Wisconsin's underlying groundwater protection law is revised).

Please contact me at the Legislative Council Staff offices if you wish further discussion of this topic.

DJS:lah;ksm