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Docket No. 95-147

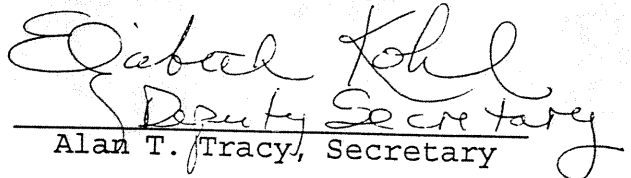
STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

NOTICE OF SUBMISSION OF PROPOSED RULES TO
PRESIDING OFFICERS OF EACH HOUSE OF THE LEGISLATURE

NOTICE IS HEREBY GIVEN, pursuant to s. 227.19(2), Stats., that the State of Wisconsin Department of Agriculture, Trade and Consumer Protection is submitting a final draft of proposed Clearinghouse Rule Number 94-156 to the presiding officer of each house of the legislature for standing committee review. The proposed rule repeals portions of chapter ATCP 30 Appendix A; and creates portions of chapter ATCP 30 Appendix A relating to atrazine use restrictions.

Dated this 22nd day of December, 1995.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE
AND CONSUMER PROTECTION

By 
Alan T. Tracy, Secretary



State of Wisconsin
Tommy G. Thompson, Governor

Department of Agriculture, Trade and Consumer Protection

Alan T. Tracy, Secretary

801 West Badger Road • PO Box 8911
Madison, Wisconsin 53708-8911

Date: December 22, 1995

To: The Honorable Brian Rude
President, Wisconsin State Senate
Rm. 239S, State Capitol
Madison, WI 53702

The Honorable David Prosser
Speaker, Wisconsin State Assembly
Rm. 211W, State Capitol
Madison, WI 53702

From: Alan T. Tracy, Secretary *E. Kehl for*
Department of Agriculture, Trade and Consumer
Protection

Re: Proposed Amendments to ch. ATCP 30, Wis. Adm. Code,
relating to atrazine statewide use-rates and atrazine
prohibition areas. Clearinghouse Rule No. 95-147

In accordance with ss. 227.19 (2) and (3), Stats., The Department of Agriculture, Trade and Consumer Protection (DATCP) hereby transmits the above rule for legislative committee review. We are enclosing three copies of the final draft rule, together with the following report. Pursuant to s. 227.19 (2) Stats., a notice of this referral will be submitted to the Revisor of Statutes for publication in the administrative register.

1. SUMMARY; EXPLANATION OF NEED FOR RULE.

In order to protect Wisconsin groundwater, current rules, under ch. ATCP 30, Wis. Adm. Code, restrict the use of atrazine pesticides on a statewide basis. Current rules also prohibit the use of atrazine in areas where groundwater contamination has been found, in one or more wells, at levels at or above state enforcement standards. Based on new groundwater data, this rule prohibits atrazine use on an additional 36,500 acres of land statewide by adding 12 new prohibition areas and expanding 2 others.

DATCP hopes to have these rules in effect prior to the 1996 growing season. In order to have the rules in effect by April 1, 1996, DATCP must submit final draft rules to the Secretary of State and Revisor of Statutes by February 12, 1995 (earlier if possible). If the legislative review committees extend their review beyond that date, the department will consider whether to adopt emergency rules for the 1996 growing season.

Honorable Brian Rude
Honorable David Prosser
December 22, 1995
Page 2

Groundwater Law

Under the Wisconsin groundwater law, ch. 160, Stats., the Department of Natural Resources (DNR) adopts numerical standards for contaminants in groundwater. For each contaminant substance, DNR adopts an enforcement standard ("red light") and a lower preventive action limit ("yellow light"). Current standards are contained in ch. NR 140, Wis. Adm. Code. The current enforcement standard for atrazine and its metabolites is 3.0 parts per billion (ppb), and the current preventive action limit is 0.3 ppb.

DATCP is required to take regulatory action to limit pesticide contamination of groundwater. If pesticide contamination exceeds the enforcement standard ("red light") at any location, DATCP must ordinarily prohibit applications of that pesticide at that location. If contamination does not exceed the enforcement standard, DATCP may not ordinarily prohibit pesticide applications unless DATCP finds that lesser actions will be ineffective in controlling groundwater contamination. However, DATCP must take other regulatory steps which are designed, to the extent technically and economically feasible, to minimize pesticide contamination of groundwater and maintain compliance with the preventive action limit ("yellow light"). This rule is designed to carry out the department's obligations under the groundwater law.

Atrazine Use Rates

DATCP first adopted statewide atrazine rules in 1991, and has updated those rules annually. The current rules limit the amount of atrazine that may be applied to agricultural fields to a maximum of 0.75 to 1.5 lbs. per acre per year, depending on soil type and frequency of atrazine use. (This compares to a maximum of 2.5 lbs. per acre allowed under the new federally approved atrazine label). Persons applying atrazine every year may apply no more than 1.0 lbs. per acre per year (0.75 lbs. on coarse soils). Under current rules, an additional 0.5 lbs. per acre is allowed on medium/fine soils where no atrazine was used the previous year. This rule does not change the enforcement statewide application rate for atrazine.

Atrazine Prohibition Areas

Ch. ATCP 30 currently directs the department to prohibit atrazine use on a localized basis, where appropriate under the groundwater law. Atrazine prohibition areas are established where atrazine contamination equals or exceeds the current standard. Current rules prohibit atrazine use in 80 designated areas. These

Honorable Brian Rude
Honorable David Prosser
December 22, 1995
Page 3

include several large prohibition areas, such as those encompassing the lower Wisconsin River valley and much of Dane and Columbia counties.

Based on new groundwater data, this rule establishes 12 new prohibition areas throughout the state, and enlarges two others. This will prohibit the use of atrazine on an additional 36,500 acres statewide. The rule includes maps describing each of the 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.

Annual Report

Under current rules, the department must report annually to the Board of Agriculture, Trade and Consumer Protection. In its report, the department must indicate the results of statewide groundwater testing for atrazine, including all results exceeding the enforcement standard or preventive action limit. The report must also discuss the results of the department's investigations related to atrazine in groundwater, significant trends or developments related to atrazine in groundwater, and other information which the department considers relevant to the regulation of atrazine.

Based on groundwater test results and other relevant information, the department must annually evaluate its restrictions on the use of atrazine. As part of its annual report to the board, the department must recommend further restrictions on atrazine use which the department considers necessary. This may include recommendations for statewide restrictions or prohibitions, atrazine management areas or atrazine prohibition areas.

If, as part of its annual report, the department recommends further restrictions on the use of atrazine, the department must offer draft rules to implement its recommendations. If the board declines to adopt final draft rules, or approves final draft rules that differ from the department's hearing draft rules, the department must identify each modification as part of the department's report to the legislature under s. 227.19, Stats. Except in an emergency, the department must transmit its final draft rules to the legislature by January 1 of each year.

Honorable Brian Rude
Honorable David Prosser
December 22, 1995
Page 4

2. RELATED BACKGROUND

This proposed atrazine rule is one in a series of steps taken by DATCP to address atrazine contamination of groundwater. Other steps include the following:

Surveys of Pesticide Use

In 1985, DATCP conducted a statewide pesticide use survey. The survey indicated that atrazine was the most widely used pesticide in Wisconsin. In the spring of 1990, the department also conducted an in-depth pesticide use survey in the lower Wisconsin River valley to determine atrazine management practices. In 1990, the department conducted a statewide pesticide use survey that was designed to follow up on the 1985 survey. The 1990 survey showed that the use of several pesticides, including atrazine, had declined substantially since 1985. A pesticide use survey will be conducted in 1996 which will further detail trends in pesticide use.

Groundwater Monitoring and Surveys

Starting in 1986, DATCP established 50 groundwater monitoring sites throughout Wisconsin. Thirty-five of these sites were used to monitor potential atrazine contamination. Monitoring wells were located in sensitive areas where pesticide contamination was most likely to occur. Monitoring was designed to determine whether atrazine contaminants would reach groundwater as a result of normal use practices (as opposed to spills or illegal practices). This study showed that, in sandy irrigated areas and at historical atrazine use rates, there was substantial risk that atrazine would leach to groundwater at levels exceeding state enforcement standards.

In 1988, DATCP conducted a statewide dairy well survey. This was the first statewide statistically designed groundwater study in Wisconsin. The primary pesticide detected was atrazine. Based on the dairy well survey, the department estimated that 9 to 15% of wells on Wisconsin dairy farms were contaminated with atrazine. An estimated 5 to 9% of dairy farm wells contained atrazine at levels exceeding the preventive action limit.

Based on the results of the dairy well survey, DATCP launched a rural well testing program, under which rural farm and non-farm well owners could have their wells tested at nominal cost. Under this program, DATCP tested over 2,100 wells throughout the state. Although this program was not designed as a random statistical survey, the results were consistent with the random statistical

Honorable Brian Rude
Honorable David Prosser
December 22, 1995
Page 5

survey of dairy wells. This program was subsequently expanded by the State Laboratory of Hygiene.

To date, DATCP and the Lab of Hygiene have analyzed groundwater samples for atrazine from 15,159 wells. In the last year, 495 test samples, drawn from 479 wells, were analyzed. Fifty-eight percent of these wells (291 wells) had detectable amounts of atrazine, 38 percent (188 wells) were above the preventive action limit, and 13 percent (65 wells) exceeded the enforcement standard. The department developed this rule in response to these new exceedences of the groundwater standard for atrazine. Increased sampling in areas of known contamination may account for the increase in detection frequency of these samples over previous surveys which were more random in nature.

The department completed a geographically random survey of 289 wells across the state to help evaluate the atrazine rule. This is the first time that statistically reliable information has been gathered for atrazine and its metabolites on a statewide basis. Preliminary results show that 12% (plus or minus 4%) of all private drinking wells contain some residues of atrazine. Ten percent (plus or minus 4%) of wells exceed the preventive action limit of 0.3 ppb and 1.7% (plus or minus 1%) exceed the enforcement standard of 3.0 ppb. The average concentration of atrazine residues is 1.2 ppb in wells with a detection.

The department conducted a study to measure changes in pesticide concentrations in wells that had previously exceeded an enforcement standard. 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 the wells as is and about 25% have installed new wells at an average cost of \$6,500. The remainder drink bottled water, haul water, or use water treatment. Sampling results show that 84% of the wells have gone down in concentration and 16% have gone up. 43% of the wells are still above the enforcement standard and 57% are now below the standard.

Education for Pesticide Users

In order to improve pesticide management practices on Wisconsin farms, DATCP coordinated the development of a "Nutrient and Pesticide Best Management Practices" technical bulletin in July 1989. This widely used bulletin has helped establish sound management practices for atrazine and other agricultural pesticides.

Honorable Brian Rude
Honorable David Prosser
December 22, 1995
Page 6

Because of the huge number of farmers using atrazine, voluntary compliance is critical to the success of any groundwater management program. Evidence suggests that Wisconsin farmers have already cut back substantially on their use of atrazine. One study, by University of Wisconsin Professor Peter Nowak, indicates that farmers have scaled back atrazine use in direct response to DATCP rules and that compliance with the rules is very high. Sound information and education, coordinated with UW-Extension and county soil and water conservation offices, will help continue the trend toward more judicious pesticide use.

Mixing and Loading Sites and Other "Point-Sources"

The highest levels of pesticide contamination in groundwater are often associated with spillage and soil contamination at pesticide mixing and loading sites. In order to prevent such contamination of groundwater, DATCP adopted s. ATCP 29.151, Wis. Adm. Code, relating to pesticide mixing-loading operations. These rules currently require spill containment pads and other safeguards to prevent groundwater contamination. DATCP has also adopted major rules related to other potential "point-sources" of contamination, including pesticide bulk storage facilities (ch. ATCP 33) and chemigation units (s. ATCP 29.152).

Under the agricultural chemical cleanup program, ch. ATCP 35, the department may direct responsible persons to clean up soil and groundwater contaminated with pesticides (e.g., at pesticide mixing-loading sites). The program also appropriates funds to reimburse responsible persons for a portion of eligible cleanup costs. This program will help to eliminate "point-sources" of pesticide contamination in groundwater, and to remedy existing contamination before it gets worse.

Future Groundwater Surveys; Rule review

The current atrazine rules require DATCP to conduct two statistically designed surveys of groundwater as a component of efforts to evaluate the atrazine rule and to monitor contamination trends. The first survey was completed in 1994 and the second survey will be completed in 1996. Current rules also require the department to review the efficacy of the rules on an annual basis and to perform a comprehensive review after the second evaluation survey is completed.

It should be noted that, even if atrazine use were banned statewide, some level of contamination would continue in the groundwater as a result of past use. Thus, groundwater surveys will not definitively prove the success or failure of the atrazine rule, at least in the short run. Nor will they

Honorable Brian Rude
Honorable David Prosser
December 22, 1995
Page 7

distinguish contamination resulting from new versus prior applications of atrazine. However, when combined with controlled scientific research and monitoring studies, groundwater surveys will provide important information about groundwater contamination and the state's response to it.

4. RULE MODIFICATIONS AFTER PUBLIC HEARING

On August 8, 1995, the DATCP Board authorized public hearings on this rule. Four hearings were held in September, 1995, in Viroqua, Stevens Point, Wisconsin Dells and Monroe.

The DATCP Board approved a final draft rule on December 12, 1995. The final draft rule includes the following modifications from the hearing draft:

- The final draft creates 12 new prohibition areas but excludes the proposed prohibition area which joined two existing prohibition areas in the Towns of Springville and Jackson in Adams County because extensive sampling did not confirm exceedences of atrazine standards in groundwater.
- The final draft reduces the prohibition area in the Town of Lomira, Dodge County from 8 to 4 square miles to reflect lower contamination findings from additional investigations.
- The final draft changes the Green County prohibition area to use the Sugar River as a boundary rather than roads because the Sugar River is a significant groundwater discharge point.

5. HEARING TESTIMONY

Public hearings were held from September 18-21, 1995 in Viroqua, Stevens Point, Wisconsin Dells, and Monroe. Written comments were also accepted for inclusion in the hearing record. APPENDIX A contains a summary of hearing testimony along with a list of persons attending, testifying or submitting written comments for the hearing record.

6. RESPONSE TO RULES CLEARINGHOUSE COMMENTS

The Legislative Council Rules Clearinghouse made no comments on the hearing draft rule.

Honorable Brian Rude
Honorable David Prosser
December 22, 1995
Page 8

7. **FISCAL ESTIMATE:**

A fiscal estimate on the proposed rule is attached as **APPENDIX B.**

8. **REGULATORY FLEXIBILITY ANALYSIS:**

No comments were received during the public comment period on the draft regulatory flexibility analysis. A copy of the final analysis is attached to this rule report as **APPENDIX C.**

9. **ENVIRONMENTAL IMPACT STATEMENT:**

In accordance with s. 1.11, Stats. and ch. ATCP 3, Wis. Adm. Code, DATCP prepared an environmental impact statement (EIS) on the proposed atrazine rule see **APPENDIX D.** The EIS contains a description and discussion of the proposed rule; background information on atrazine, including sections on the chemistry, toxicology, and use of atrazine and summaries of the findings of atrazine in groundwater; a discussion of the environment and persons affected by the proposed rule; and the significant economic and social effects of the proposed action. The EIS also discusses and compares possible alternative actions.

The EIS finds that promulgation of the proposed rule will have no significant adverse environmental impacts. Alternative herbicides, because of differences in mobility and persistence, generally have less potential to contaminate groundwater as compared to atrazine. The major effect the proposed rule is expected to have on the environment is a decrease in groundwater contamination by atrazine across the state and within the PAs. This reduction in groundwater contamination will benefit both the natural and human environments.

Several alternative regulatory strategies have been considered by DATCP staff. These include taking no action, regulating use on a site specific basis in the recharge areas around contaminated wells, gradually phasing-out atrazine use in Wisconsin, and allowing only the most economically important uses of atrazine. The phase-out and economic use options may provide greater protection of groundwater than the proposed rule but may also lead to greater economic hardship for farmers who desire to continue using atrazine.

Comments on the draft EIS were solicited during the public comment period and at the hearings. Changes to the draft EIS were made based on hearing comments and changes reflected in the final draft rule. A copy of the final EIS is enclosed with this report.

PROPOSED 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
2 consumer protection proposes the following order to repeal
3 portions of chapter ATCP 30 Appendix A, and to create portions of
4 chapter ATCP 30 Appendix A relating to atrazine use 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 80 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 12 new prohibition areas,
resulting in a new total of 92 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
2 repealed and recreated in the form attached.

3 SECTION 2. Prohibition area maps numbered 93-23-01, and 95-
4 39-01, contained in Appendix A to ch. ATCP 30, are repealed.

5 SECTION 3. The attached prohibition area maps, numbered 96-
6 01-01, 96-01-02, 96-14-01, 96-18-01, 96-22-01, 96-23-01, 96-25-
7 01, 96-29-01, 96-33-01, 96-39-01, 96-50-01, 96-54-01, 96-63-01
8 and 96-70-01 are created in Appendix A to ch. ATCP 30.

9 SECTION 4. EFFECTIVE DATE. The rules contained in this
10 order shall take effect on the first day of the month following
11 publication in the Wisconsin administrative register, as provided
12 under s. 227.22(2)(intro.), Stats.

Dated this _____ day of _____, 19____.

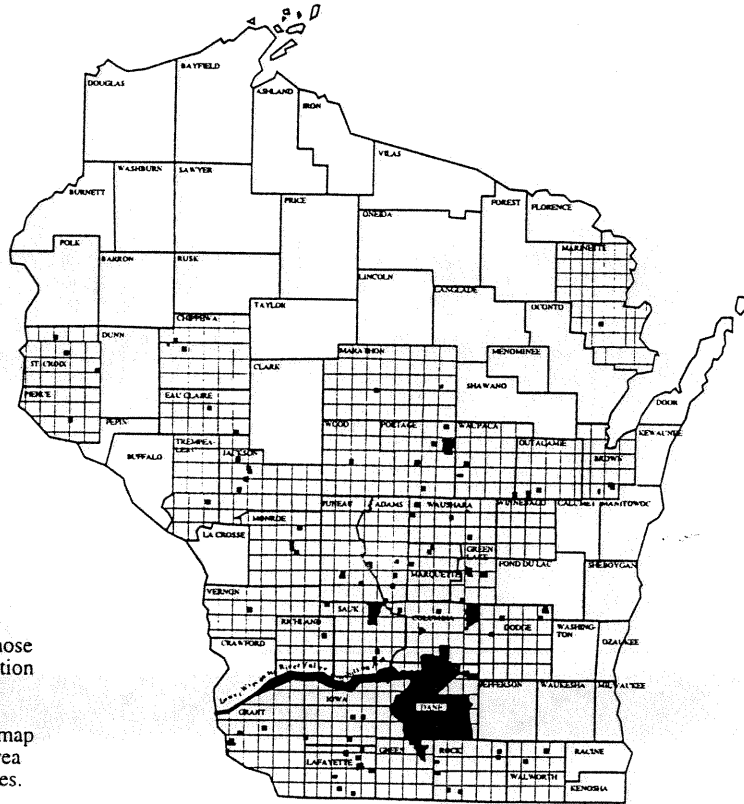
STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By _____
Alan T. Tracy, 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.

1996 Rule
Final Draft

Guide to PA numbers

PA 95-01-01

- Consecutive prohibition area number for that county for the year it was adopted or modified.
- County number - see table.
- The growing season for which the prohibition area was adopted or modified.

In the above example, the prohibition area was created or modified for the 1995 growing season, is in Adams County, and is the first prohibition area in Adams County adopted or modified for that year.

Adams	01	Jackson	27	Richland	53
Ashland	02	Jefferson	28	Rock	54
Barron	03	Juneau	29	Rusk	55
Bayfield	04	Kenosha	30	St. Croix	56
Brown	05	Kewaunee	31	Sauk	57
Buffalo	06	La Crosse	32	Sawyer	58
Burnett	07	Lafayette	33	Shawano	59
Calumet	08	Langlade	34	Sheboygan	60
Chippewa	09	Lincoln	35	Taylor	61
Clark	10	Manitowoc	36	Trempealeau	62
Columbia	11	Marathon	37	Vernon	63
Crawford	12	Marquette	38	Vilas	64
Dane	13	Marquette	39	Walworth	65
Dodge	14	Menominee	40	Washburn	66
Door	15	Milwaukee	41	Washington	67
Douglas	16	Monroe	42	Waukesha	68
Dunn	17	Oconto	43	Waupaca	69
Eau Claire	18	Oneida	44	Waushara	70
Florence	19	Outagamie	45	Winnebago	71
Fond du Lac	20	Ozaukee	46	Wood	72
Forest	21	Pepin	47		
Grant	22	Pierce	48		
Green	23	Polk	49		
Green Lake	24	Portage	50		
Iowa	25	Price	51		
Iron	26	Racine	52		

Adams County

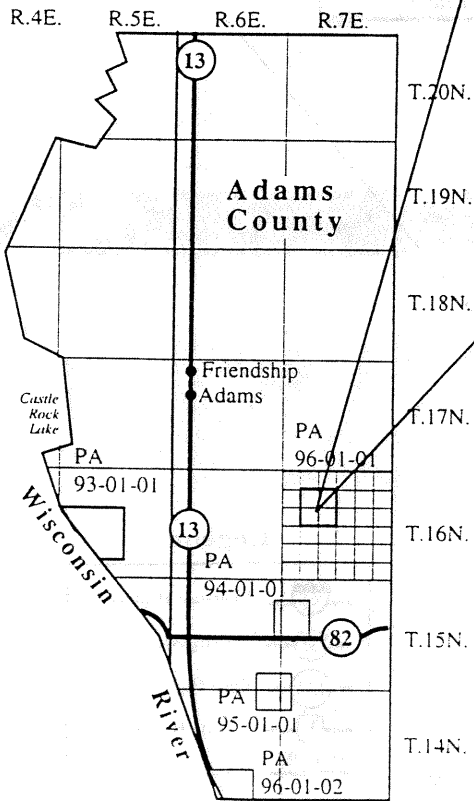
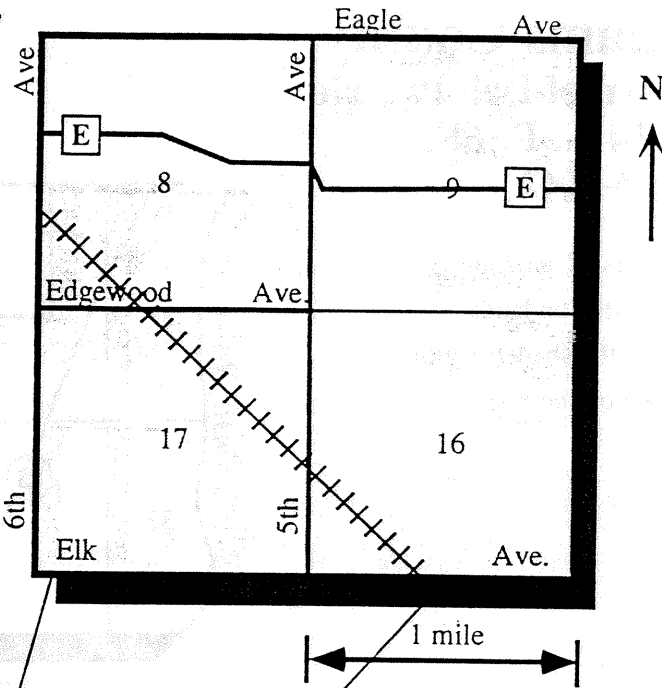
Town of New Chester

T. 16 N. R. 7 E.

PA 96-01-01

All uses of atrazine are prohibited on lands within the shaded region shown on the map.

It includes:
all of sections 8, 9, 16
and 17 in T.16N.R.7E.



There are five atrazine prohibition areas in Adams County. Refer to the detailed map of each area for its specific location.

Legend

	Interstate Highway
	US Highway
	State Highway
	County Highway
	Local Road
	Section Line
	Section Number

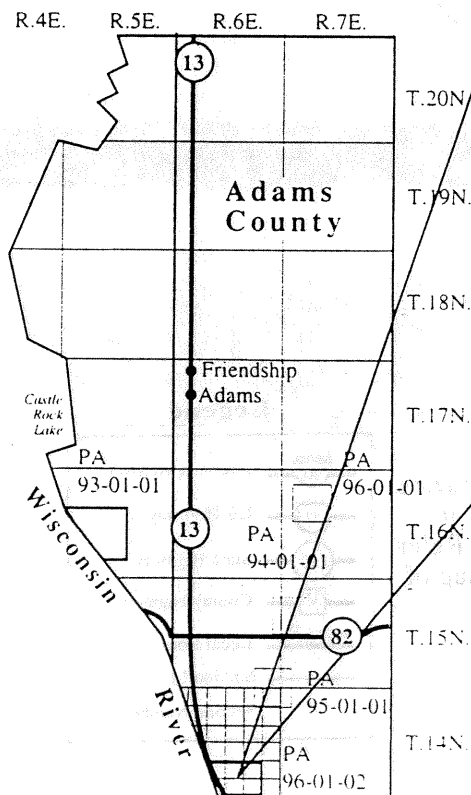
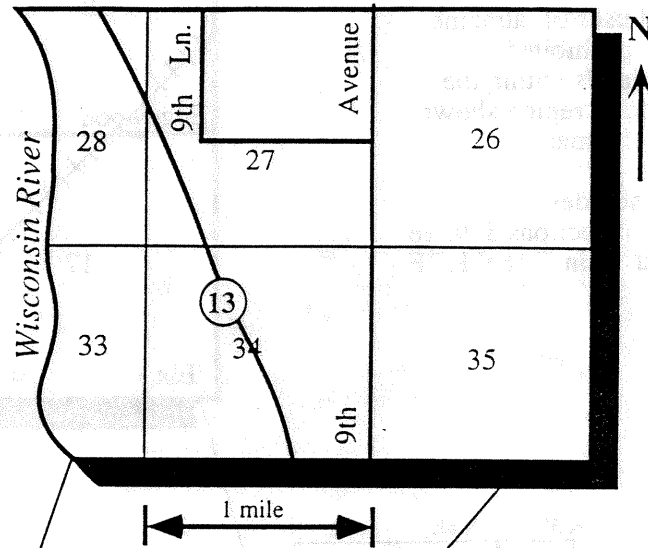
Adams County

Town of Dell Prairie

T. 14 N. R. 6E.

PA 96-01-02

All uses of atrazine are prohibited on lands within the shaded region shown on the map.



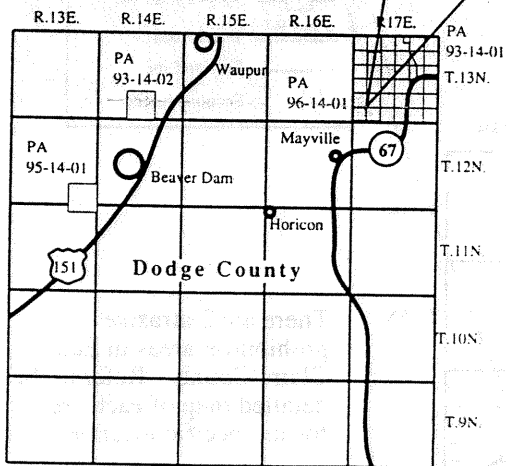
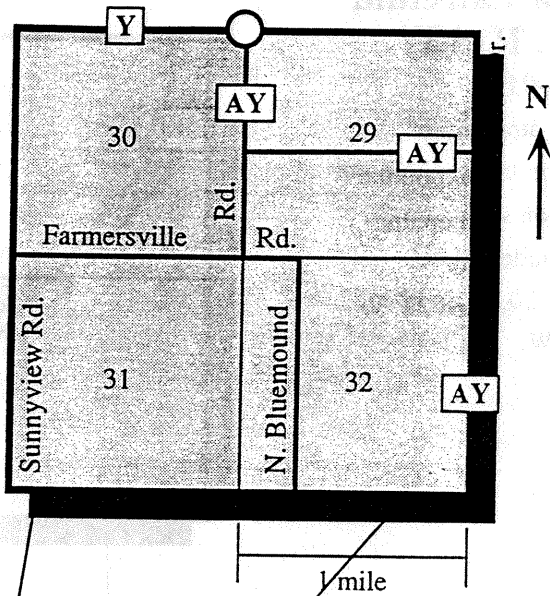
There are five atrazine prohibition areas in Adams County. Refer to the detailed map of each area for its specific location.

Legend

	Interstate Highway
	US Highway
	State Highway
	County Highway
	Local Road
	Section Line
	Section Number

Dodge County
Town of Lomira
T. 13 N. R. 17 E.
PA 96-14-01

All uses of atrazine are prohibited on lands within the shaded region.



Legend

	Interstate Highway
	US Highway
	State Highway
	County Highway
	Local Road
	Section Line
	Section Number

There are 4 atrazine prohibition areas in Dodge County. Refer to the detailed map of each area for its specific location.

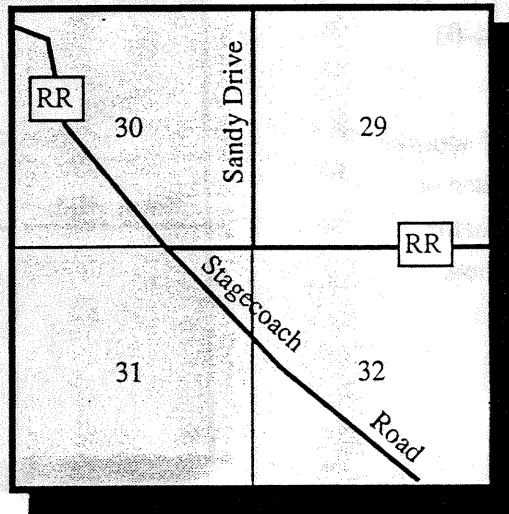
Eau Claire County

Town of Fairchild

T. 25 N. R. 5 W.

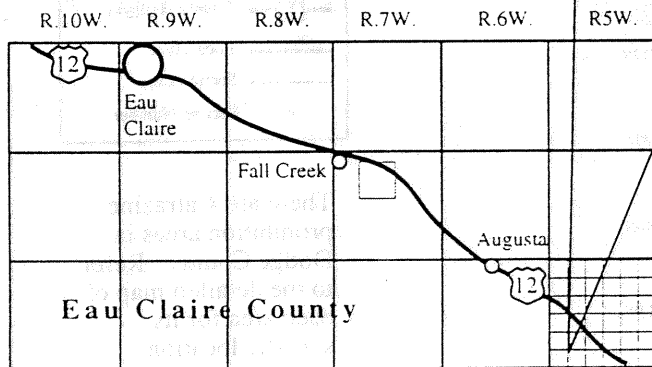
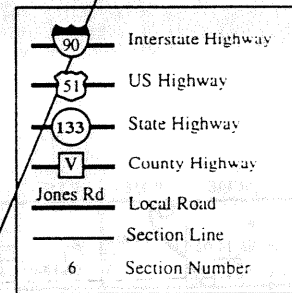
PA 96-18-01

All uses of atrazine are prohibited on lands within the shaded region shown on the map. It includes all of sections 29, 30, 31 and 32 T. 25 N. R. 5 W.



1 mile

Legend



There are 2 atrazine prohibition areas in Eau Claire County. Refer to the detailed map of each area for its specific location.

Grant County

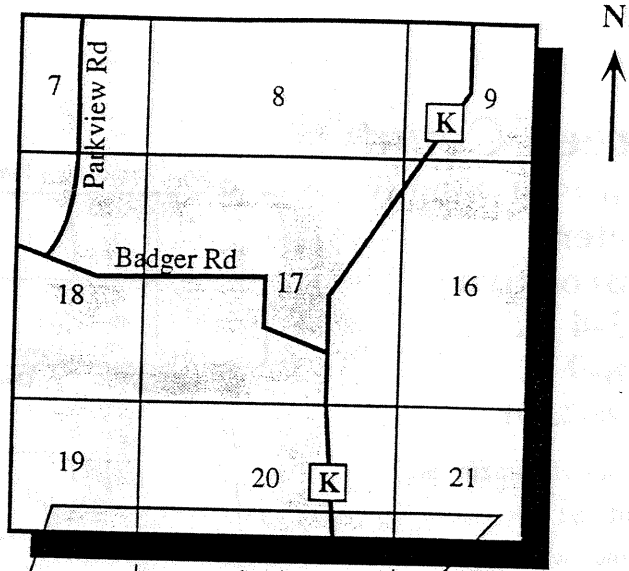
Town of North Lancaster

T. 5 N. R. 3 W.

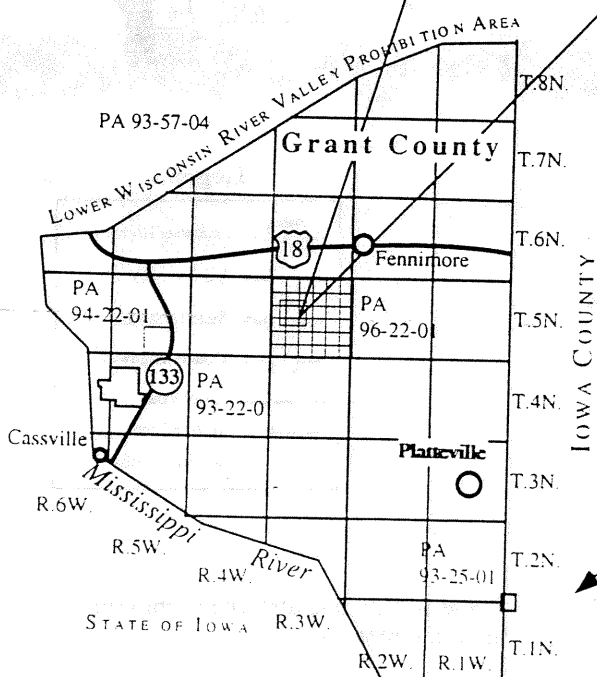
PA 96-22-01

All uses of atrazine are prohibited on lands within the shaded region shown on the map.

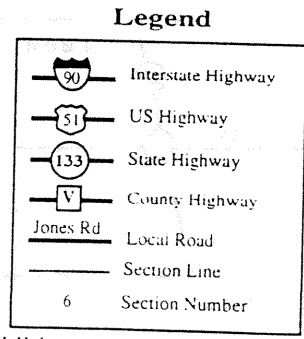
It includes the following portions of T.5N., R.3W.:
 the SE 1/4 of section 7,
 the S 1/2 of section 8,
 the SW 1/4 of section 9,
 the W 1/2 of section 16,
 all of section 17,
 the E 1/2 of section 18,
 the NE 1/4 of section 19, the N 1/2 of section 20,
 and the NW 1/4 of section 21.



1 mi.



This PA is in both Grant and Iowa counties. It's detailed map is included with the other PAs in Iowa County

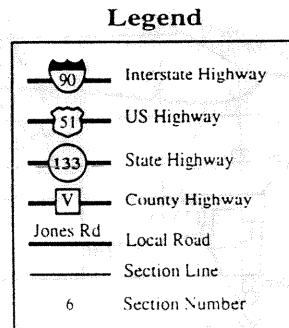
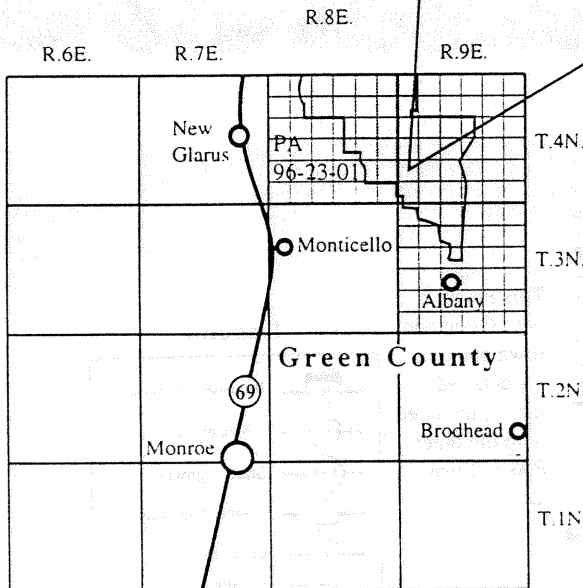
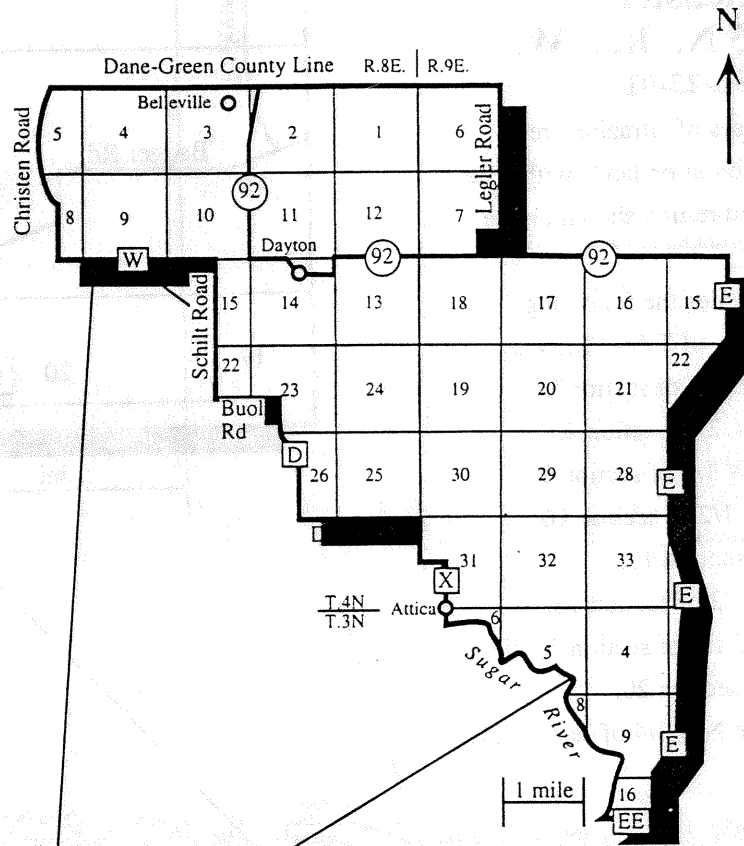


There are four atrazine prohibition areas in Grant County in addition to the Lower Wisconsin River Valley Prohibition Area. Refer to the detailed map of each area for its specific location.

Green County Towns of Albany, Exeter, & Brooklyn T. 3-4 N. R. 8-9 E. PA 96-23-01

All uses of atrazine are prohibited on lands within the shaded region shown on the map.

NOTE: This PA is modified from PA 93-23-01.



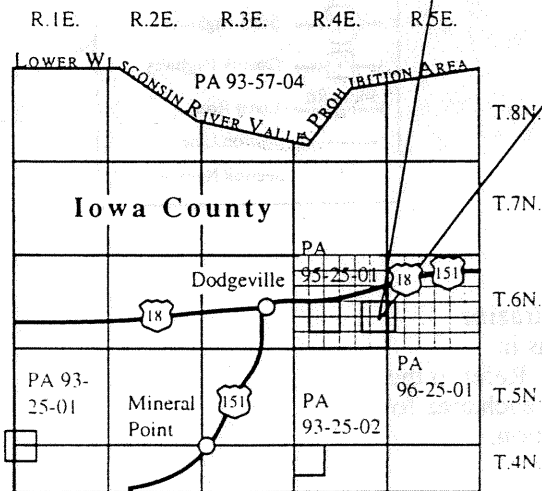
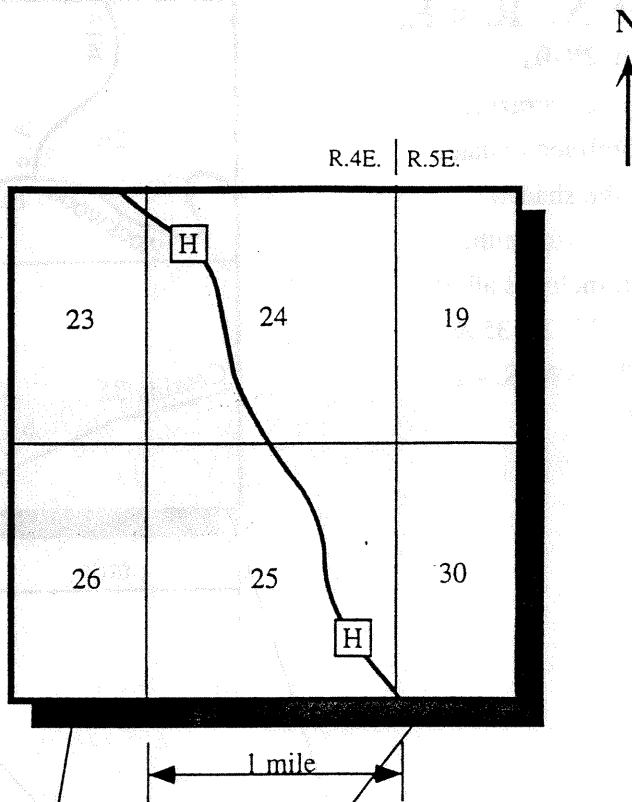
There is only one atrazine prohibition area in Green County.

**Iowa County
Towns of Brigham
and Ridgeway
T. 6 N. R. 4-5 E.
PA 96-25-01**

All uses of atrazine are prohibited on lands within the shaded region shown on the map.

In T.6N., R.4E it includes: the E1/2 of sections 23 and 26, and all of sections 24 and 25.

In T.6N.R.5E. it includes the W1/2 of sections 19 and 30.



Legend

	Interstate Highway
	US Highway
	State Highway
	County Highway
	Local Road
	Section Line
	6 Section Number

There are five atrazine prohibition areas in Iowa County including the Lower Wisconsin River Valley. Refer to the detailed map of each area for its specific location.

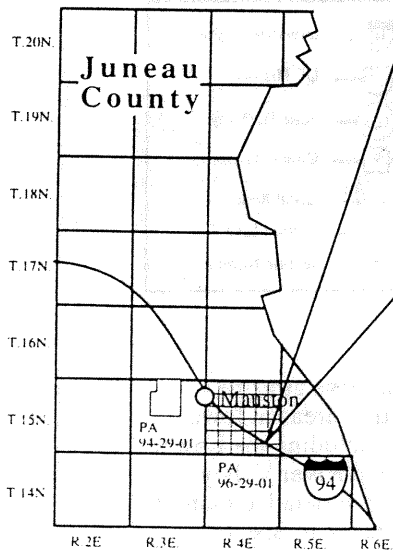
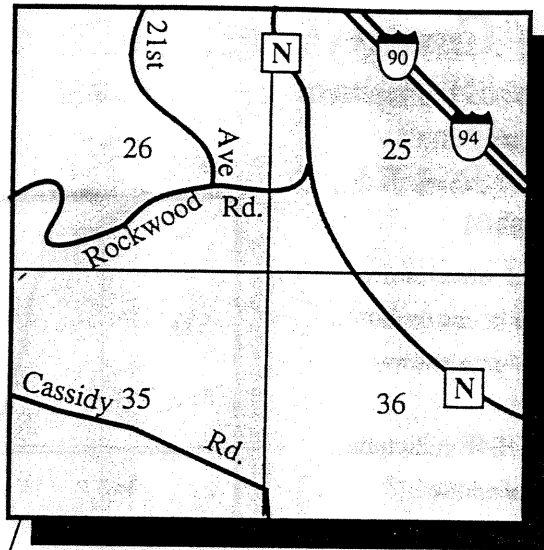
Juneau County

Town of Lemonweir

T. 15 N. R. 4 E.

PA 96-29-01

All uses of atrazine are prohibited on lands within the shaded region shown on the map. It includes all of sections 25, 26, 35 & 36 of T. 15 N. R. 4 E.



Legend

	Interstate Highway
	US Highway
	State Highway
	County Highway
	Local Road
	Section Line
	Section Number

There are two atrazine prohibition areas in Juneau County. Refer to the detailed map of each area for its specific location.

Lafayette County

Town of Fayette

T. 3 N. R. 4 E.

PA 96-33-01

All uses of atrazine are prohibited on lands within the shaded region shown on the map. It includes the following parts of T. 3 N. R. 4 E.:

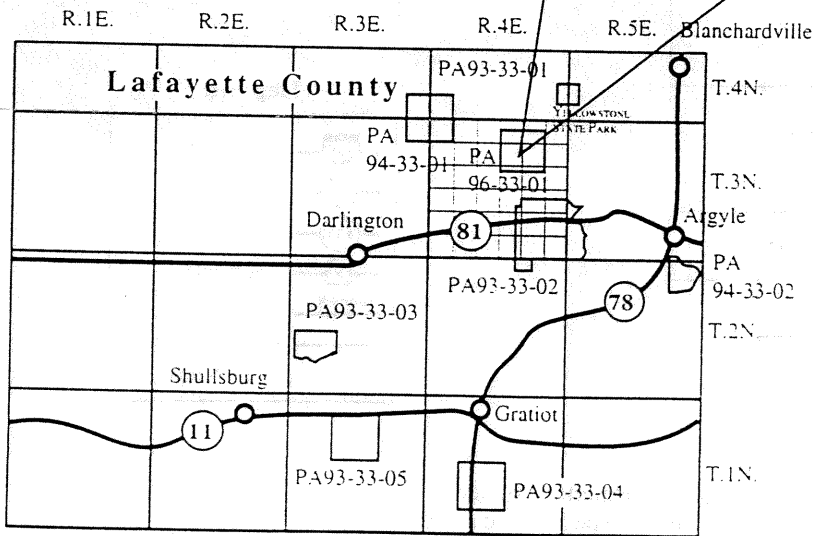
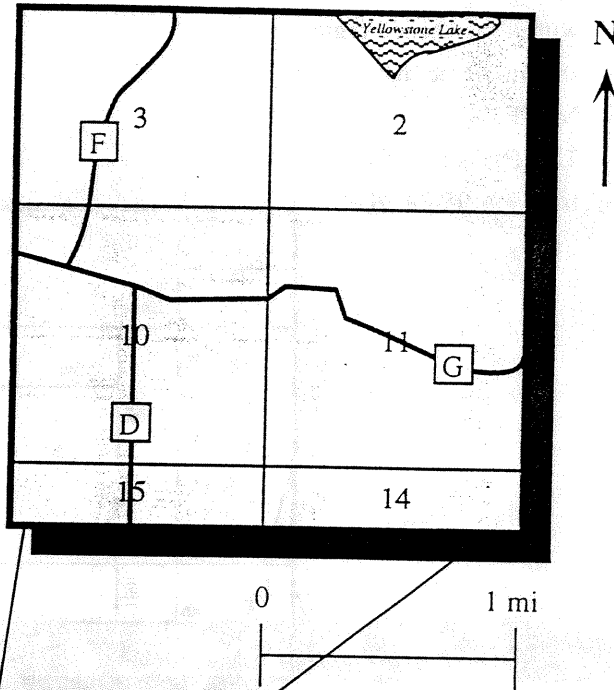
the S 3/4 of sections 2 & 3;

all of sections 10 & 11;

and the N 1/4 of sections 14 & 15.

Legend

	Interstate Highway
	US Highway
	State Highway
	County Highway
	Local Road
	Section Line
6	Section Number



There are 8 atrazine prohibition areas in Lafayette County. Refer to the detailed map of each area for its specific location.

Marquette County

Town of Newton

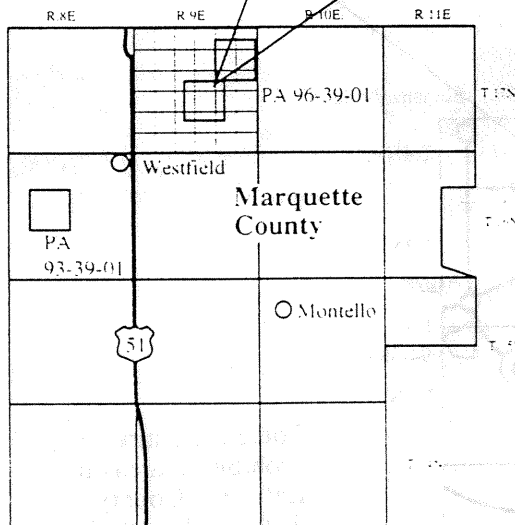
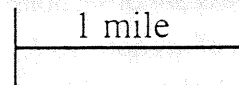
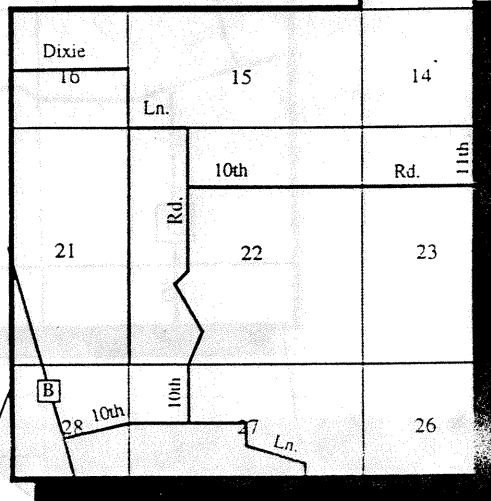
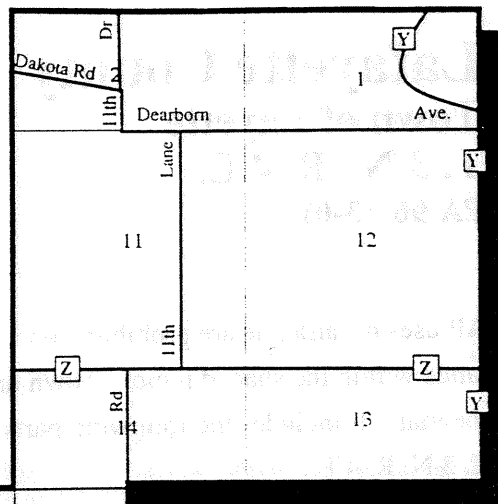
T. 17 N. R. 9 E.

PA 96-39-01

All uses of atrazine are prohibited on lands within the shaded region shown on the map.

NOTE:

This PA is modified from PA 95-39-01.



Legend

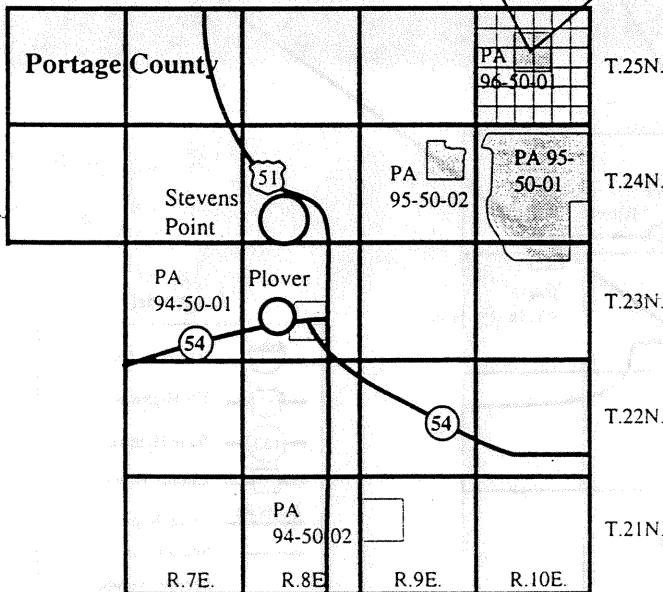
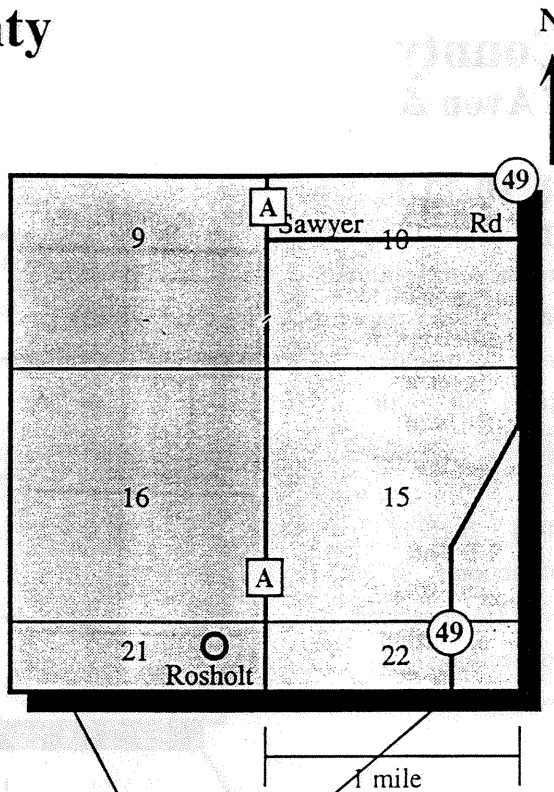
- Interstate Highway
- US Highway
- State Highway
- County Highway
- Local Road
- Section Line
- Section Number

There are 2 atrazine prohibition areas in Marquette County. Refer to the detailed map of each area for its specific location.

Portage County
Town of Alban
T. 25 N. R. 10 E.
PA 96-50-01

All uses of atrazine are prohibited on lands within the shaded region shown on the map. It includes these parts of T.25N., R.10E.:

- The S 3/4 of sections 9 and 10;
- all of sections 15 and 16;
- the N 1/4 of sections 21 and 22.



Legend

- Interstate Highway
- US Highway
- State Highway
- County Highway
- Local Road
- Section Line
- Section Number

There are 5 atrazine prohibition areas in Portage County.
 Refer to the detailed map of each area for its specific location.

Rock County Towns of Avon & Newark

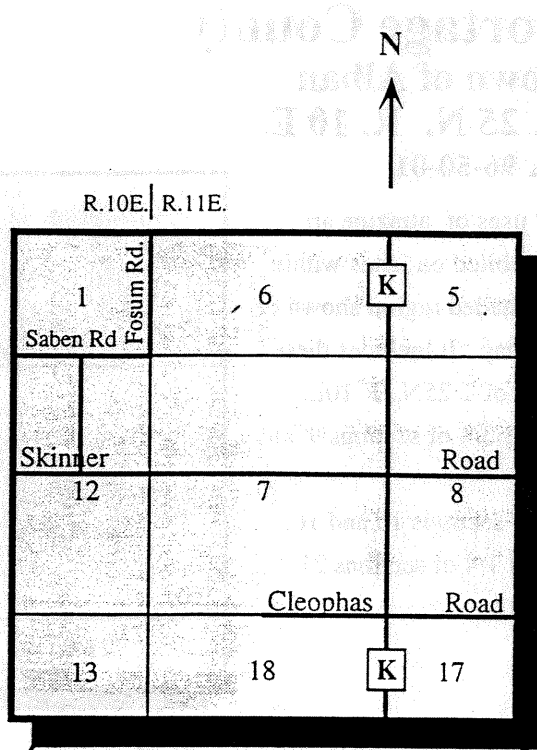
T. 1 N. R. 10-11 E.

PA 96-54-01

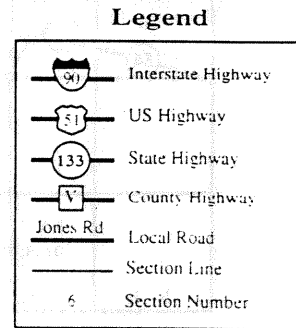
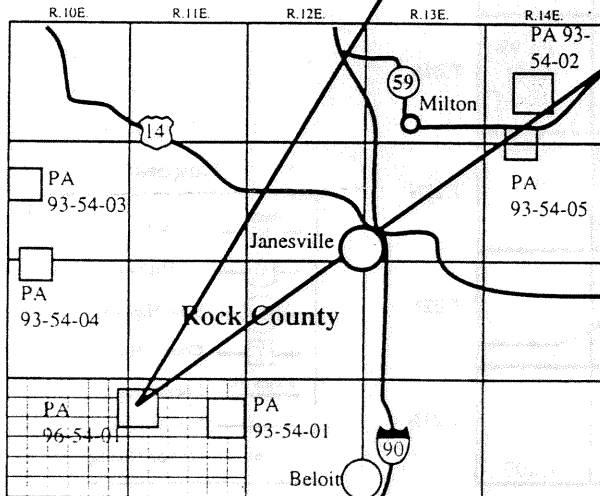
All uses of atrazine are prohibited on lands within the shaded region shown on the map. It includes:

SE 1/4 of section 1, NE 1/4 of section 13 & E 1/2 of section 12, T. 1 N. R. 10 E.;

SW 1/4 of section 5, S 1/2 of section 6, all of section 7, W 1/2 of section 8, NW 1/4 of section 17 and N 1/2 of section 18, T. 1 N. R. 11 E.



1 mile



There are 6 atrazine prohibition areas in Rock County. Refer to the detailed map of each area for its specific location.

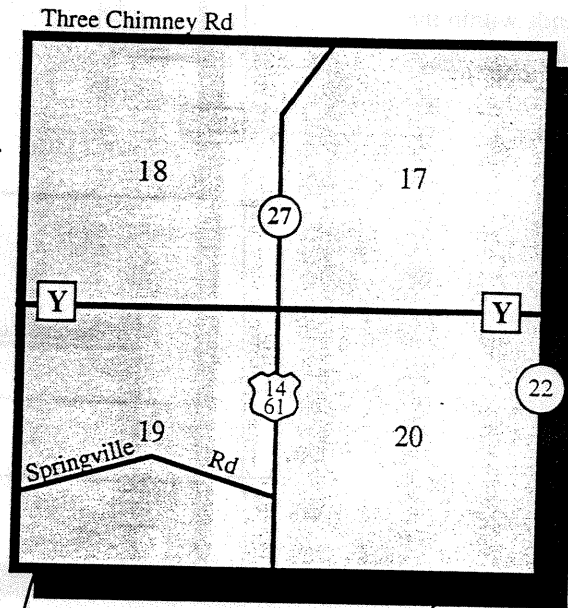
Vernon County

Town of Viroqua

T. 13 N. R. 4 W.

PA 96-63-01

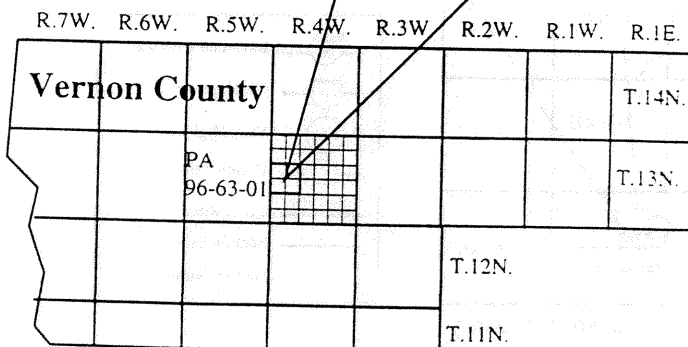
All uses of atrazine are prohibited on lands within the shaded region shown on the map. It includes all of sections 17, 18, 19 & 20 of T. 13 N. R. 4 W.



1 mile

Legend

	Interstate Highway
	US Highway
	State Highway
	County Highway
	Local Road
	Section Line
	Section Number



There is 1 atrazine prohibition area in Vernon County.

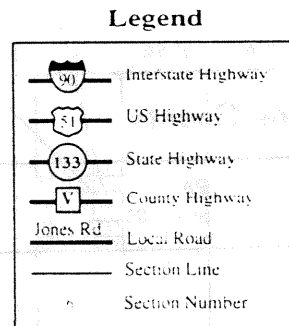
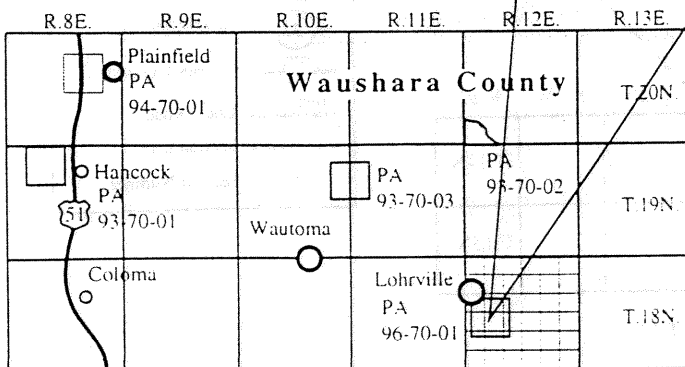
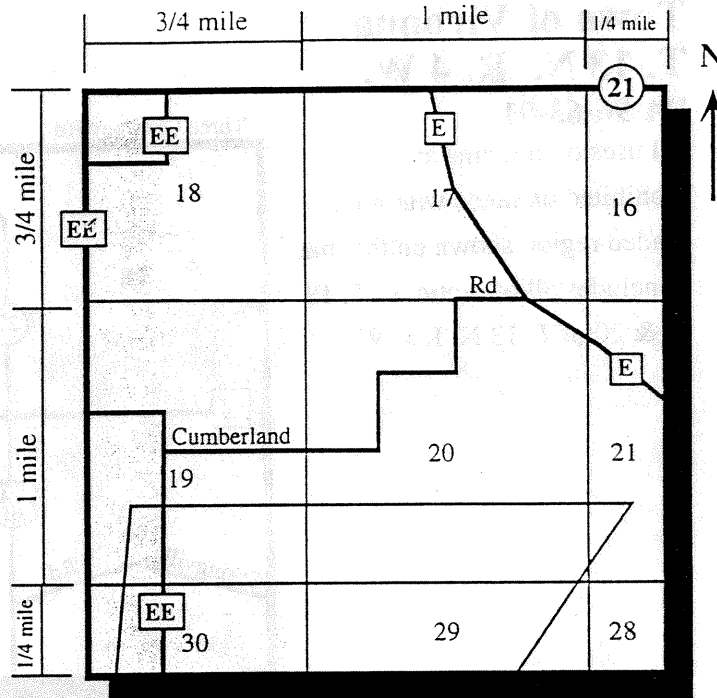
Waushara County

Town of Warren

T. 18 N. R. 12 E.

PA 96-70-01

All uses of atrazine are prohibited on lands within the shaded region shown on the map.



There are 5 atrazine prohibition areas in Waushara County. Refer to the detailed map of each area for its specific location.

APPENDIX A

Summary of Oral Testimony
Proposed Changes to ATCP 30 for 1996

Public hearings were held in Viroqua, Stevens Point, Wisconsin Dells and Monroe. At each hearing we displayed a state map showing all of the data the department has available on atrazine in private water supply wells. We also displayed maps of each proposed prohibition area containing the proposed prohibition area boundary and all sample results for the affected and surrounding areas. A total of 36 people provided oral testimony or filled out appearance cards. Their testimony is tabulated on the following table. The oral testimony is summarized beginning on page 2; each speaker's testimony is presented in more detail beginning on page 4.

**Attendance at Public Hearings
on Revisions for 1996
to ATCP 30, The Atrazine Rule**

	Viroqua Sept. 18 1995		Stevens Point Sept. 19 1995		Wisconsin Dells Sept. 20 1995		Monroe Sept. 21 1995		Subtotals for all Hearings		
Position	Spoke	Registered	Spoke	Registered	Spoke	Registered	Spoke	Registered	Spoke	Registered	Totals by Position
Support	0	0	2	4	1	0	0	0	3	4	7 supported
Oppose	3	5	0	0	3	1	3	0	9	6	15 opposed
Neither	0	3	0	4	0	0	0	5	0	12	12 neither
Other	0	0	2	0	0	0	0	0	2	0	2 other
Subtotal	3	8	4	8	4	1	3	5	14	22	36 total
Totals by Hearing Location	11		12		5		8		36		

General Concerns Expressed in Oral Testimony

Viroqua

The people who provided oral testimony were farmers who use atrazine in the proposed prohibition areas in Eau Claire County and Vernon County.

The affected farmers from Eau Claire County feel that the water sample from their well upon which the prohibition area is based was collected by the department under false pretenses. They claim that they had no idea that by participating in a groundwater survey they could end up losing the use of atrazine. They would never have provided a water sample had they known of this possible outcome.

They use low rates of atrazine and do not feel that their current use is the cause of the problem. They also feel that losing atrazine will mean more trips across the field to achieve adequate weed control; these trips pose a greater risk to them than does the atrazine in their well.

They want the department to retest their well and also test neighboring wells before imposing the prohibition area.

The farmer from Vernon County farms about 80 acres of corn in the proposed PA and estimates that atrazine alternatives will cost an additional \$15-20 per acre. He uses atrazine as a premix with alachlor or dicamba on first year corn after alfalfa. He was not aware of any spills of atrazine in the prohibition area.

Stevens Point

Two people provided oral testimony in support of the proposal. One speaker's well contains levels of atrazine compounds above the enforcement standard. He is concerned about the possible long term health effects of consuming the water.

The other speaker represented Portage County and provided results of additional testing he has done in the county. There may be four additional exceedances of the enforcement standard from this testing. If the screening results are confirmed with official tests, then he will recommend that four additional prohibition areas be adopted for the 1996 growing season.

Two spoke in support of more aggressive regulation of the use of atrazine.

One person wants atrazine banned statewide. In light of the continued discovery of more contaminated wells as more are tested, this is the only reasonable thing to do.

The second speaker believes that the department needs to rethink its entire approach to regulating atrazine. The current approach is crisis management, rather than preventive. A cost/benefit analysis should be conducted, weighing the benefits to agriculture of continued atrazine use versus the benefits to the environment of a statewide ban on further atrazine use.

Wisconsin Dells

One person spoke in support of the proposal and four people spoke in opposition to the proposal.

The supporter of the proposal is a rural homeowner with atrazine in his water. He does not believe that any level of atrazine in his water is acceptable. He is concerned about synergistic effects of pesticides.

The four speakers opposed to the proposed rule all use atrazine in corn production. Atrazine is important to their business because of its low cost, effectiveness, and lack of direct substitutes. They want to retain atrazine in their chemical weed control arsenal. They feel that most farmers do a good job and are as concerned about their drinking water as anyone else. They think the health risks of atrazine have been overstated and that people are overly concerned about its risks. They are concerned about the testing procedures being used by the department and want all contaminated wells retested at regular intervals.

One spoke in opposition to the proposed expansion of a prohibition area that would affect his operation. He uses low rates of atrazine and does not believe that his current use is causing the problem.

One of the speakers quit using atrazine on his farm ten years ago, yet does not want to see its use prohibited.

Monroe

Three people provided oral testimony in opposition to the rule proposal.

Two people grow corn on land in the proposed prohibition area in Grant County. They both feel that the department should do more testing before adopting a prohibition area. They think the prohibition area as proposed is too large. One of them described the department sampling program in which he participated as a witch hunt. He thinks that the department test methods may not always be accurate. The other speaker wants the contaminated well sampled at several times during a year before a prohibition area is established.

The third speaker opposed to the rule proposal represented

agribusiness. He believes there should be more than one contaminated well before a prohibition area is established, the wells should be sampled repeatedly, and the prohibition area should expire if the wells go below the enforcement standard. He also feels that the 1.5 pound per acre statewide rate allowed in the current rule is too low, and that a statewide ban on the use of atrazine is not economically feasible.

**Summary of Oral Testimony
Proposed Changes to ATCP 30 for 1995**

The general message(s) of each person who provided oral testimony at the public hearings is presented in this table.

Hearing Location	Speaker	Farmer Non-Farmer	Position	Reasoning
Viroqua	1	Farmer	Opposed to new PA	<p>He feels victimized by a clever hoax against his family. He was lead to believe that participating in the Atrazine Rule Evaluation Survey would benefit his family. He believed his well would be monitored over a period of years, not just one sample. He is in favor of clean groundwater and safe food supply but feels that the public is being duped by outrageous claims of pesticide risks.</p> <p>He doesn't have a long-term herbicide to go through the season if he loses atrazine. He doesn't like atrazine that much but would like to be able to apply 1/2 pound to get through the season.</p> <p>He wants the department to resample his well next year before imposing the prohibition area. He feels the department's proposal imposes too great a burden on him financially.</p>

Hearing Location	Speaker	Farmer Non-Farmer	Position	Reasoning
Viroqua	2	Farmer	Opposed to new PA	<p>He believes the atrazine rule is regressive and burdensome. Atrazine provides good weed control, keeps his input costs low, and he can control weeds for an entire growing season with one application.</p> <p>He believes that the cancer risks of atrazine are overstated. He sees the atrazine prohibition areas as a compromise between the department and those who want it banned statewide.</p> <p>Eliminating atrazine results in more cultivation or more trips across the field with a sprayer, which increases farmers' risk due to increased machinery time. Losing atrazine on their 300 acres of corn will result in fewer no-till acres, more tillage, more soil erosion. Production costs will increase due to more cultivation and more expensive alternatives, while there will be more crop injury and reduced yields from poorer performance of herbicide alternatives.</p> <p>He recommends a phase-out of atrazine rather than a ban beginning in 1996.</p>
Viroqua	3	Farmer	Opposed to new PA	<p>He has land in the proposed prohibition area in Vernon County. Alternatives will cost \$15-20 more per acre, maybe more. Farmers are still dealing with income levels from 15 years ago and thinks the department is jumping the gun with this proposal.</p> <p>He is not aware of any spills of atrazine in the proposed area.</p>
Stevens Point	1	Non-farmer	Supports the proposal	<p>His house well was tested and contained unsafe levels of atrazine compounds. He was recommended not to drink the water and is concerned about possible long term health effects. He also is concerned about the impact of this on the salability of his house.</p>

Hearing Location	Speaker	Farmer Non-Farmer	Position	Reasoning
Stevens Point	2	Non-farmer	Supports the proposal	He has been conducting a sampling program in Portage County this summer and has identified four wells that, based on results of a screening test, may contain unsafe levels of atrazine. Therefore, if these results are confirmed by official tests, he will propose an additional four prohibition areas around these wells for the 1996 growing season.
Stevens Point	3	Non-farmer	Supports the proposal with reservations	He believes that the department process is faulty. He believes that the minimization concept is unacceptable, and that we should emphasize clean water. He wants the department to do a cost/benefit analysis of clean groundwater versus continued use of atrazine. He feels that the department's approach to regulating atrazine is reactionary rather than preventive. Our current policy would allow 100% of the wells in Wisconsin to contain some amount of atrazine compounds, as long as no standard were exceeded. He feels this is a flawed policy and wonders what our vision is of Wisconsin groundwater.
Stevens Point	4	Non-farmer	Supports the proposal but favors a statewide ban	This person's home is within an atrazine prohibition area. She feels that in some ways living in the prohibition area is a good thing because the groundwater will have a chance to clean up, but finds it sad that the atrazine contamination has reached these levels. The more wells are sampled, the more are found to be contaminated. Therefore, she supports a statewide ban as the only guaranteed way to stop further contamination.

Hearing Location	Speaker	Farmer Non-Farmer	Position	Reasoning
Wisconsin Dells	1	Non-farmer	Supports the proposal but in favor of statewide ban	He is a rural well owner with traces of atrazine in his drinking water. He doesn't feel that any level of atrazine is acceptable. The chemical companies should be held liable. The department must have strict enforcement to make the atrazine rule work. We should also have monitoring wells in use areas and prohibition areas. He favors a statewide ban on atrazine and is concerned about synergistic effects between atrazine and other contaminants.
Wisconsin Dells	2	Farmer	Opposes the proposal	He is a corn grower and atrazine user who is using it safely and effectively. It is cost-effective and may help avoid weed resistance. It is especially good for use on weed escapes. There are fewer options to atrazine on sweet corn than on field corn. He believes the 3 part per billion enforcement standard is extremely conservative. He wants contaminated wells retested. Farmers don't want their wells contaminated either.
Wisconsin Dells	3	Farmer	Opposes the proposal	He is against expanding the prohibition area in his area. He uses atrazine only for weed escapes but this is a very important use. It the most cost-effective herbicide he uses. He is not convinced that the groundwater standard is worth worrying about. Other risks are greater, and he feels that urban people need to bend as much as farmers in reducing overall risks in the environment.
Wisconsin Dells	4	Farmer	Opposed to the proposal	He farms land that would be included in one of the expanded prohibition areas being proposed and is opposed to this expansion. He has used reduced atrazine rates since 1975. Alternatives to atrazine are more costly, and he believes most farmers are doing a good job. He is concerned about the department's water testing procedures.

Hearing Location	Speaker	Farmer Non-Farmer	Position	Reasoning
Wisconsin Dells	5	Farmer	Opposes the proposal	He is a farmer who no longer uses atrazine but is against further limits on its use. He believes people are overly concerned about atrazine and its risks. Many farmers are well educated about the proper use of atrazine.
Monroe	1	Farmer	Opposes the proposal	He farms in a proposed prohibition area. He feels that the well that was sampled to establish the prohibition area should be resampled.
Monroe	2	Farmer	Opposes the proposal	He farms in a proposed prohibition area. His well is the basis for the proposed prohibition area. He wants a private laboratory to confirm the detections and also wants his well sampled at several different times during the year before the prohibition area is adopted. He feels that the boundaries of the prohibition area should follow the surface features.
Monroe	3	Non-farmer	Opposes the proposal	As a representative of agribusiness, he questions the sampling frequency and the number of wells tested in a proposed prohibition area. More testing should be done and prohibition areas are too big. The department should continue testing. He thinks the statewide application rates should be higher, and that a statewide ban is not economically feasible.



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

1995 Written Testimony on Proposed Amendments to ATCP 30

October 1995

Seventy-three people submitted written testimony on the proposed amendments to Chapter ATCP 30, Wis. Admin. Code. The written record was open until October 13, 1995.

Portage County

Sixty-five people from Portage County submitted testimony on a form provided by the Portage County Planning and Zoning Department.

Five people indicated that they do not support the PAs proposed by Portage County for 1996. (The atrazine PAs proposed by Portage County consist of four 4-square mile PAs and the expansion of one existing PA). Two people provided further comment. One feels that he should be reimbursed if his ability to use atrazine is taken away. Another feels that if used properly, atrazine does not cause problems.

Sixty people indicated that they are in favor of the atrazine PAs proposed by Portage County for 1996. Of these, twenty-one people also provided additional comments. Many of these people have the general opinion that if atrazine use poses a health risk through groundwater contamination, its use should be banned. Some feel economic benefits of atrazine do not justify placing their health at risk. Several people expressed concern for the health of their children that are potentially consuming atrazine. One person feels the producers and users of atrazine should bear the cost of supplying clean water to the people in contaminated areas.

Grant County

Six people submitted written testimony concerning the proposed atrazine PA in the Town of North Lancaster, Grant County.

Four people are against the proposed PA. One person feels that if atrazine is banned, overall herbicide costs on the farm will increase and they will have to make two herbicide applications. She feels that atrazine is no more dangerous than other chemicals they spray.

Two people feel the PA will reduce their property value. Another person feels the well test that led to the proposed PA does not accurately reflect the water quality in the area. One person feels we should concentrate our groundwater protection efforts on the use of chemicals on lawns in urban areas.

Two people submitted written testimony not specifically for or against the proposed PA in Grant County. Both feel more water testing should be done in the area before a PA is implemented. One person feels that a means of lifting the ban should be established if testing shows no present danger.

Vernon County

One couple provided written testimony in opposition to the proposed PA in Vernon County. They feel the cost of producing corn will be much higher using other herbicides. They also wonder whether alternative herbicides are any safer than atrazine.

Dodge County

The Dodge County UW-Extension Agent submitted written testimony in opposition to the proposed PA in the Town of Lomira. He feels that the atrazine contamination in this well is very old and a PA is not justified. He notes that most of the atrazine residues are in the metabolite form and that atrazine has not been used in the area for at least eight years. He also does not agree with the configuration of the PA boundaries around the contaminated well site.

APPENDIX B

1995 Session

LRB or Bill No./Adm. Rule No.

Proposed Amendment ATCP 30

Amendment No. if Applicable

FISCAL ESTIMATE
DOA-2048 (R 10/92)

ORIGINAL
 CORRECTED
 UPDATED
 SUPPLEMENTAL

Subject

Creation of Additional Atrazine 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 Revenues
 Create New Appropriation

Decrease Costs

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 Units Affected:
 Towns Villages Cities
 Counties Others
 School Districts VTAE Districts

Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

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

Assumptions Used in Arriving at Fiscal Estimate

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 12 additional PAs in 1996.

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. 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 will need to be educated on 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 \$2,000.

In total the Department estimates an additional staff impact of 0.1 FTE and \$4,000 in sampling and public information costs. These costs can be absorbed by the Department.

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.

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.

Long-Range Fiscal Implications

None

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

DATCP/Paul Morrison 267-7726

224-4512

Authorized Signature/Telephone No.

Barbara Knapp 6744

Barbara Knapp

224-4746

Date

10/23/95

FISCAL ESTIMATE WORKSHEET

Detailed Estimate of Annual Fiscal Effect
DOA-2047(R 10/94)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

1995 SESSION

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

Amendment No.

Subject

Creation of Additional Atrazine Prohibition Areas

I. One-time Costs or Revenue Fluctuations for State and/or Local Government (do not include in annualized fiscal effect):
None

II. Annualized Costs:		Annualized Fiscal Impact on State funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations-Salaries and Fringes		\$ 4,000	\$ -
(FTE Position Changes)		(0.1 FTE)	(- FTE)
State Operations-Other Costs		4,000	-
Local Assistance			-
Aids to Individuals or Organizations			-
TOTAL State Costs by Category		\$ 8,000	\$ -
B. State Costs by Source of Funds		Increased Costs	Decreased Costs
GPR		\$	\$ -
FED		\$	\$ -
PRO/PRS		\$	\$ -
SEG/SEG-S		\$ 8,000	\$ -
III. State Revenues- Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fees, etc.)		Increased Rev.	Decreased Rev.
GPR Taxes		\$	\$ -
GPR Earned			-
FED			-
PRO/PRS			-
SEG/SEG-S			-
TOTAL State Revenues		\$	\$ -

NET ANNUALIZED FISCAL IMPACT

	STATE	LOCAL
NET CHANGE IN COSTS	\$ 8,000	\$
NET CHANGE IN REVENUES	\$ 0	\$

Agency/Prepared by: (Name & Phone No.)
DATCP Paul Morrison 224-4512

Authorized Signature/Telephone No.
Barbara Knapp 224-4746

Barbara Knapp

Date
10/23/95

APPENDIX C

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 36,500 acres. Assuming that 50% of this land is in corn and that 50% of these acres are treated with atrazine, then 9,125 acres of corn will be affected. This acreage would represent between 45 and 100 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.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE
TRADE & COMMERCE
CHAPTER TRANS 100
SECTION 100.01
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 _____ day of _____, 1995.

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

APPENDIX D