

State of Wisconsin
Department of Agriculture, Trade and Consumer Protection

Business Impact Analysis

Rule Subject: Pesticide Product Restrictions
Adm. Code Reference: ATCP 30
Rules Clearinghouse #: Not yet assigned
DATCP Docket #: 07-R-08

Rule Summary

Atrazine is a widely used agricultural herbicide that has been found in groundwater throughout the state. Current DATCP rules under ch. ATCP 30, Wis. Adm. Code, limit atrazine application rates throughout the state to ½ the current federal label rate. The current rules also *prohibit* the use of atrazine where atrazine contamination of groundwater has attained or exceeded the state groundwater enforcement standard under ch. NR 140, Wis. Adm. Code. Current rules prohibit atrazine use in 102 designated areas, including major prohibition areas in the lower Wisconsin River Valley and much of Dane and Columbia counties.

Based on new groundwater sampling data, this rule expands and joins 2 current atrazine prohibition areas in Columbia County. The expansion will increase the total statewide acreage of atrazine prohibition areas by approximately 1,830 acres. By joining 2 prohibition areas, this rule will reduce the total number of prohibition areas from 102 to 101. This rule includes maps describing the revised 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 that complies with s. ATCP 29.45, Wis. Adm. Code.

Businesses Impact:

Farmers:

The changes to ch. ATCP 30, Wis. Adm. Code, will affect small businesses, as defined by s. 227.114 (1)(a), Stats., in Wisconsin. The greatest small business impact of the changes will be on farmers, in the expanded prohibition areas, who currently use atrazine to control weeds in corn. Between 4 and 5 farmers will be affected, depending on their corn acreage and their reliance on atrazine products. Those farmers will no longer be able to use atrazine, however other effective weed control products are available.

The proposed prohibition area contains approximately 1,830 acres. Assuming that 50% of this land is in corn and that 50% of these acres are treated with atrazine, then 457.5 acres of corn will be affected.

Other businesses:

Secondary effects may be felt by distributors and applicators of atrazine herbicides, 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.

Accommodations for Small Businesses

While alternative weed control techniques are available, adoption of these techniques on individual farms will in some cases require some assistance. In the past, this type of assistance has been provided by University of Wisconsin Extension personnel and farm chemical dealers. Also, many farmers have been using crop consultants to scout fields, identify specific pest problems and recommend control measures. The department anticipates that these three groups will continue to be the primary sources of information about areas where atrazine cannot be used and the best alternatives for each situation.

Conclusion

Overall, this rule changes will help to protect and restore groundwater quality in Columbia County. Farmers in the extended prohibition areas will be affected. They will no longer be able to use atrazine herbicides, however alternative weed control techniques are available. The proposed rule changes will not have a significant impact on any other businesses.

Dated this ____ day of _____, 2008.

By

Kathy F. Pielsticker, Administrator
Agricultural Resource Management Division