

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 #:

DATCP Docket #: 9-R-13

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 101 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 proposes to create a new atrazine prohibition area in Sauk County and expand and join two existing atrazine prohibition areas in northern Columbia County. The additional atrazine prohibition areas will increase the total statewide acreage of atrazine prohibition areas by approximately 8,640 acres. By adding a new atrazine prohibition area in Sauk County and joining two existing prohibition areas in Columbia County, the number of prohibition areas in Wisconsin will remain at 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 resulting from the changes will be on farmers in the expanded prohibition areas who currently use atrazine to control weeds in corn. Between 20 to 30 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 atrazine prohibition area in Sauk County includes 1,431 acres. Based on information provided by the National Agricultural Statistics Service (NASS), 308 of the 1,431 acres were planted in corn in 2009. Similarly, of the 7,209 acres in the proposed atrazine prohibition area in Columbia County, 1,303 were planted in corn in 2009. Based on these numbers, a total of 1,611 acres of corn could be affected by this proposed rule. The actual number of acres affected will likely be smaller, however, since atrazine is only used on about half of all corn acres statewide.

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. DATCP 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 change will help to protect and restore groundwater quality in Sauk and Columbia counties. Farmers in the prohibition areas will be affected because they will no longer be able to use herbicides containing atrazine. 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 _____, 2010.

By _____
Kathy F. Pielsticker, Acting Administrator

Agricultural Resource Management Division