

24  
50  
24-14-56

### Assembly Hearing Slip

(Please print plainly)

Date: 2-8-96

Bill No. ATCP 30

Or Subject ATCP 30

(Name) Russ Weisner

(Street Address or Route Number) 2317 Int. Ln. #109

(City & Zip Code) Madison. 53704

(Representing) WI Ag. Inv. & Dev. Corp

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for Information only:

Neither for nor against:

Please return this slip to a messenger promptly.  
Assembly Sergeant at Arms:  
Room 411 West  
State Capitol  
Madison, WI 53702

### Assembly Hearing Slip

(Please print plainly)

Date: 2/8/96

Bill No. Clearinghouse rule 95-147

Or Subject Clearinghouse rule 95-147

(Name) Reg David Brandemuhl

(Street Address or Route Number)

(City & Zip Code)

(Representing)

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for Information only:

Neither for nor against:

Please return this slip to a messenger promptly.  
Assembly Sergeant at Arms:  
Room 411 West  
State Capitol  
Madison, WI 53702

### Assembly Hearing Slip

(Please print plainly)

Date: 2-8-96

Bill No. Clearinghouse Rule 95-147

Or Subject Clearinghouse Rule 95-147

(Name) Wm. E. Reid

(Street Address or Route Number) 7447 Ardmore Rd

(City & Zip Code) Shoreland Wis 53813

(Representing)

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for Information only:

Please return this slip to a messenger promptly.  
Assembly Sergeant at Arms:  
Room 411 West  
State Capitol  
Madison, WI 53702

**Assembly Hearing Slip**

(Please print plainly)

Date: 2-8-96

Bill No. \_\_\_\_\_

Or Subject Attizine law

(Name) Emil Giese

(Street Address or Route Number) 119031 S. Aluma Rd

(City & Zip Code) Alma Center, Wis

(Representing) \_\_\_\_\_

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for Information only:

Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

*Note I want to  
speech after  
Emil Giese.*

**Assembly Hearing Slip**

(Please print plainly)

Date: \_\_\_\_\_

Bill No. \_\_\_\_\_

Or Subject ATCP 30 Attache Role

(Name) Deane Lautenberg

(Street Address or Route Number) N 9577 Coast Rd E

(City & Zip Code) Alma Center 54611

(Representing) \_\_\_\_\_

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for Information only:

Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

**Assembly Hearing Slip**

(Please print plainly)

Date: 2/8/96

Bill No. Roll 95-147

Or Subject ATTIZINE RULE

(Name) NICK NEHER

(Street Address or Route Number) gem Wendenbrook

(City & Zip Code) \_\_\_\_\_

(Representing) WIS DEPT OF AG TRADE  
& CONSUMER PROTECTION

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for Information only:

Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

X

### Assembly Hearing Slip

(Please print plainly)

Date: 2-8-96

Bill No. Rule 95-147

Or Subject \_\_\_\_\_

Walter Taylor  
(Name)

6729 Bodgar Rd Lancaster  
(Street Address or Route Number)

WI 53613  
(City & ZIP Code)

Myself  
(Representing)

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for Information only:   
Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

### Assembly Hearing Slip

(Please print plainly)

Date: 8/6/96

Bill No. \_\_\_\_\_

Or Subject Clearinghouse Rule 95-147

Benjamin T. Kurten  
(Name)

122 State Street Suite 200  
(Street Address or Route Number)

Madison WI 53703  
(City & ZIP Code)

Wisconsin's Environmental Decade  
(Representing)

Speaking In favor:  WBT

Speaking against:

Registering In favor:

Registering against:

Speaking for Information only:   
Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702



~~ATRAZINE RULE~~

ATRAZINE Rule  
scenario - Sec. Jacey

It goes to JACIL - would not allow  
Dept to implement Grant Co PH  
for a period of time which may go  
beyond atrazine use time (2) - set  
them another year

| DATE | TIME | LOCATION | ACTIVITY |
|------|------|----------|----------|
|      |      |          |          |
|      |      |          |          |
|      |      |          |          |



ATRAZINE Rule

Ned L.

March 12th - Ag Board

Bd. has to be involved

Ned + Jim Wardenbrock

-mtg. w/ Jackson Cty.

-rolls on Monday - Mar. 4th

-experimental atrazine use  
up there

## ATRAZINE TESTIMONY

I wish to thank you for letting me appear in opposition to Clearinghouse Rule 95-147.

I am William Pink, a farmer with land in the proposed ban area. The atrazine bill, as written, is worse than killing a person in this state. You would probably get 15 years or so of actual prison time. The bill, as written, puts an economic blight on the value of the property forever.

I don't understand why this legislature is so interested in regulating farmers out of farming. Doesn't agriculture constitute a large part of the state economy? This ban would make it more expensive for chemicals and create more hardships on already stressed farmers.

Mr. Taylor and I attended the hearings in Monroe and the Ag. Board meetings in November and December. The other farmers in the area submitted letters asking not to be included in the ban areas and agreed to let samples be taken from their wells.

At the November meeting, the Ag. Board asked for additional tests which were conducted by the department. You have the area and results.

Mr. Taylor and I were led to believe that the most recent tests would be used. The department asked for a ban which the Ag. Board agreed with after much discussion. Two members voted against it

and two members apologized for the way they voted. The Board was more politically concerned, rather than worried about the economic or moral issues.

I am requesting that this area be kept out of the ban area and the wells monitored since the most recent test was below the ban level.

Thank you.

*Am. E. Bink*

Bill Langenberg

670

Ag 161

WISCONSIN ADMINISTRATIVE CODE

original form, or as a metabolic or a degradation or waste product, may decrease the quality of groundwater.

History: Cr. Register, September, 1965, No. 357, eff. 10-1-85.

Ag 161.02 Groundwater test results: use by department. (1) USE OF OFFICIAL GROUNDWATER TEST RESULTS. An official groundwater test result is presumed to be reliable for purposes of regulatory or enforcement action under this chapter whether or not the department collected or analyzed the official groundwater sample.

(2) USE OF UNOFFICIAL GROUNDWATER TEST RESULTS. A regulatory or enforcement action under this chapter may be based on a groundwater test result which is not an official groundwater test result only if the department determines that the unofficial groundwater test result is reliable for purposes of the regulatory or enforcement action.

Note: If an unofficial groundwater sample is not determined to be reliable for purposes of regulatory or enforcement action under this chapter, the department may nevertheless: 1. Refer the unofficial groundwater test result to the department of natural resources, with or without a recommendation for official sampling and testing.

2. Inform affected persons of the unofficial groundwater test result.

3. Refer the unofficial groundwater test result to state or local health authorities, and to county agricultural extension agents.

4. Initiate further investigation or research related to the unofficial groundwater sample result.

(3) MEMORANDUM OF UNDERSTANDING. Pursuant to ss. 160.21 (2) (e) and 160.27, Stats., the department shall enter into a memorandum of understanding with the department of natural resources to ensure the reliability of official groundwater test results used by the department for purposes of regulation and enforcement under this chapter. The memorandum of understanding shall govern the reporting and certification of natural groundwater test results to the department by the department of natural resources. It shall also govern the collection, handling and analysis of official groundwater samples by the department of natural resources or its designated agents. The memorandum of understanding shall include:

(a) Standards for the collection of official groundwater samples, including standards related to:

1. Collection equipment and containers.

2. Collection procedures.

3. Collection records.

(b) Standards for the handling of official groundwater samples, including:

1. Temperature conditions under which samples are to be kept.

2. Time periods within which samples are to be analyzed.

3. Chain of custody requirements.

(c) Standards for the analysis of official groundwater samples, including:

Register, September, 1965, No. 357

AGRICULTURE, TRADE & CONSUMER PROTECTION 671

Ag 161

1. Required quality assurance programs for laboratories engaged in the analysis of official groundwater samples under this chapter.

2. Control sample requirements.

3. Required analytical methods.

4. Required confirmation of analytical results.

5. Instrument calibration and maintenance requirements.

6. Required analytical worksheets and documentation.

7. Chain of custody requirements in the laboratory.

8. Requirements for the timely reporting of analytical results.

9. Continuing sample custody requirements.

10. Access to laboratory records by the department and the department of natural resources.

(d) Contract requirements applicable to designated agents engaged in the collection or analysis of official groundwater samples under this chapter.

(e) Reports and certifications required to accompany official groundwater samples and test results obtained by designated agents of the department of natural resources.

(1) Standards for the reporting and certification of official groundwater test results to the department by the department of natural resources.

(4) DEPARTMENT CONTRACTS WITH AGENTS DESIGNATED TO COLLECT OR ANALYZE OFFICIAL GROUNDWATER SAMPLES. Every person or entity designated to collect or analyze an official groundwater sample as the agent of the department, rather than as the agent of the department of natural resources, shall first enter into a written contract with the department. Contracts shall include specific standards for the collection, handling and analysis of official ground water samples, to ensure the reliability of official groundwater test results used by the department for purposes of regulation and enforcement under this chapter. Agents contracting directly with the department shall be held to the same requirements which are applicable to agents designated by the department of natural resources pursuant to a memorandum of understanding under sub. (3).

History: Cr. Register, September, 1965, No. 357, eff. 10-1-85.

Ag 161.03 Points of standards application. (1) To determine whether an enforcement standard or preventive action limit for a fertilizer substance or pesticide substance has been attained or exceeded, the concentration of the fertilizer substance or pesticide substance shall be measured at a point of standards application. Except as otherwise provided in this section, points of standards application for fertilizer substances and pesticide substances include:

(a) A community water system covered under ch. N.R. 111.

(b) A private water supply, high capacity water system, school water system or public water system covered under ch. N.R. 112.

Register, September, 1965, No. 357

### Well Sampling Program

Most residents of rural Wisconsin rely on ground water for their supply of drinking water. By state law, The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) is charged with protecting this resource from contamination by agricultural chemicals such as pesticides and fertilizer. The department monitors this valuable resource by collecting samples of drinking water for laboratory analysis.

We would like to collect a sample from your water supply as part of this program.

### Why Should I Participate?

There are benefits to participating in this program. Testing your drinking water can determine if the water is safe for drinking and preparing food.

If pesticides are found, it may be possible to identify the source(s) of contamination. If so, the chances for further contamination of area ground water can be reduced.

### How Are the Results Used?

All sample results are, by state law, public records; they are not confidential. The department cannot withhold sample results from any interested party.

If your drinking water contains unsafe levels of pesticide contaminants, the department will conduct an investigation attempting to identify the source of the contamination, determine whether any department regulations have been violated, and determine if any action is needed to prevent further ground water contamination. One possible action is to prohibit further use of the pesticide on lands surrounding the well. The department has established about 90 atrazine prohibition areas based on water sample results.

This investigation may also involve collecting and analyzing soil samples from your land. Any sampling results from your property will be provided to you.

If we find significant levels of pesticide contamination in your property's soil, the contaminants will have to be removed from the soil to prevent them from moving through to

the groundwater and causing further contamination.

Soil cleanups generally involve excavating the contaminated soil and spreading it on agricultural fields. The costs for this activity are relatively low.

### What Are My Responsibilities?

You may incur some responsibilities depending on the results of this well test. In some extreme cases, the soil or ground water contamination may be so severe as to require more extensive action. This could include hiring an environmental consultant and cleaning up ground water. These costs may reach tens of thousands of dollars. An agricultural chemical cleanup fund will be available to cover a significant portion of these costs. To date, groundwater cleanup has been necessary only at a few farm supply dealerships. No farm site has required the cleanup of groundwater itself.

If you have any questions, please call our office at 608/224-4500.

2/13/96

The landowners in the Upper Trempealeau River Watershed Project in Jackson County were told the water samples <sup>results</sup> taken from their wells were for their own knowledge.

The Jackson County Land Conservation Department staff were under the impression these sample results were confidential information and told county landowners such.

There were landowners who would not have participated in this sampling had they known the results were public information. As supervisor of the Land Conservation Department I share in the responsibility of making sure this should not have occurred.

Gaylord Olson  
Jackson County - Land Conservation Dept.  
County Conservationist

\* Ask Dept. to review procedures  
used to see if they enforced and  
the result was farmers being  
put in prohibition area

## WEED CONTROL OPTIONS WITHOUT ATRAZINE OR BLADEX

R. Gordon Harvey<sup>1</sup>

Many herbicides are registered for use in corn which could substitute for atrazine in Wisconsin corn production systems. Potential benefits of many of these treatments compared to atrazine include 1) reduced carryover potential, 2) reduced likelihood of ground water contamination, and 3) improved control of atrazine tolerant or resistant species. Unfortunately, these alternatives often 1) require more applications per year, 2) are more expensive, 3) are more likely to cause corn injury, 4) are more likely to drift off-site and cause injury to adjacent crops, 5) are less effective overall in controlling a broad spectrum of weed species, and 6) result in reduced corn yield. Wisconsin atrazine use restrictions are more severe than in any other state. Thus, Wisconsin corn producers are at an economic disadvantage compared to corn producers in other states. But what is the magnitude of this economic disadvantage?

A three-year field study was initiated at the University of Wisconsin Arlington Agricultural Research Station in 1993 to identify the best alternatives for weed management practices which include atrazine. Results of this study also demonstrated the potential cost of atrazine use restrictions to Wisconsin corn producers. Most of the treatments included in the study utilized Clarity for broadleaf weed control. Clarity and other formulations of dicamba (e.g. Banvel and Marksman) are currently the most widely used atrazine substitutes in Wisconsin. Several other alternative treatments were included as well. Each year, plots were harvested and corn yield determined. Approximate chemical costs were determined by a survey of dealer prices. Actual costs may vary depending upon container size, date of purchase, and region of state. For this analysis, application costs were assumed to be \$6.00 per acre. This cost will also vary depending if growers apply herbicides themselves, or depend upon custom application. Crop value was estimated by multiplying the corn yield by a price of \$2.50 per bushel. Of course crop value will vary depending upon the price farmers can get for their crop. Net return was calculated by subtracting chemical and application costs from crop value. Net returns of alternative treatments were compared to net returns from a tank-mix combination of atrazine at 1.5 lb ai/A plus a soil-applied grass herbicide (Partner at 3.1 lb/A was used as a representative soil-applied grass herbicide).

Net returns from all 13 alternative treatments included in the three-year study were lower than from the atrazine plus Partner standard (Table 1). The reason was obvious. All alternatives were more expensive and resulted in numerically lower corn yields. Only three alternative treatments did not have a significantly lower corn yield (based on 90% confidence level), and those three treatments had significantly lower

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<sup>1</sup>Professor, Department of Agronomy, University of Wisconsin--Madison.

late-season weed control (data not shown) suggesting that the observed numerical yield differences were probably real. In fact, only the 7DAP application of Harness plus Clarity did not result in significantly lower late-season weed control. Thus when a sequential application of Partner PRE followed by Clarity EP was used, the loss in net return relative to the standard atrazine treatment was \$37 per acre. Applying the two products together PRE reduced the application cost but also resulted in a \$53 per acre loss in net return due to a lower corn yield. The most economical method of applying Partner plus Clarity was as a delayed preemergence treatment seven days after planting (7DAP) which resulted in a loss of only \$21 per acre. The least loss in net return resulted from the tank-mixed application of Prowl and Clarity 7DAP. Many growers may hesitate to use this treatment, however, due to potential for crop injury. Timing of this treatment may be particularly critical, since net return was reduced \$52 and \$47 per acre, respectively, when the chemicals were applied seven days early or late.

Neither Bladex or Extrazine were included in the three-year study described above. Yet both products are often used as substitutes for atrazine. In order to determine the relative benefits of those products, results were combined from all studies conducted over the past 26 years at the Arlington Agricultural Research Station. All treatments summarized included normal use rates of alachlor (either Lasso, Microtech, or Partner), Dual or Prowl (Table 2). Atrazine, Bladex and Extrazine rates were approximately 1.5, 2.0 and 2.0 lb ai per acre, respectively. Yields were adjusted to 1993 through 1995 levels. When averaged together, the net returns for 216 atrazine treatments, 123 Bladex treatments, and 42 Extrazine treatments were \$385, \$365 and \$375 per acre. Thus, substituting Bladex and Extrazine for atrazine resulted in \$20 and \$10 per acre reductions in net returns, respectively. As a result of a DuPont and EPA agreement, both Bladex and Extrazine will be phased out over the next few years. Thus, other alternatives will be needed.

Numerous new corn herbicides are being developed to substitute for atrazine combinations. Results of a 1995 study with two of them are summarized in Table 3. The examples demonstrate two options for maintaining net value. Basis was registered for use by growers in 1995, and was promoted as a low cost weed management system. While it provided excellent weed control, it also caused slight corn injury and resulted in a lower corn yield than a handweeded standard. Despite the low price, the net return may be less than desired due to the lower yield. EXP-31130A is an experimental, low-rate, soil-applied herbicide being developed by Rhone-Poulenc, Inc. This broad spectrum herbicide was extremely effective in university trials conducted around the corn belt in 1995. If registered for commercial use as anticipated in 1997, this product might result in corn yields more comparable to atrazine treatments. But, most new herbicides are more expensive than older chemicals like atrazine. It is unrealistic to expect that a new product like EXP-31130A will not reduce net returns relative to standard atrazine containing treatments as a result of higher product cost.

Summary: Wisconsin corn producers are being penalized economically relative to corn producers in other states due to the state's atrazine use restrictions. The magnitude of this penalty will vary depending upon

whether or not a producer operates within an atrazine prohibition area, and upon the severity of weed infestations on the producer's farm. It is unlikely that this penalty can be eliminated until either Wisconsin atrazine use restrictions are withdrawn, or until similar rules are enacted nationwide. Results of University of Wisconsin research confirms what was intuitively obvious. Restricting use of the least expensive and most effective product must result in a reduction in net economic return to the crop producer!

Table 1. Comparison of herbicide treatments included in 1993 to 1995 field corn weed control study conducted at the University of Wisconsin Arlington Agricultural Research Station.

| Treatment               | Cost           |         | Corn yield | Crop value | Net return | Loss in net return w/o atrazine |
|-------------------------|----------------|---------|------------|------------|------------|---------------------------------|
|                         | Chem.          | Applic. |            |            |            |                                 |
|                         | ---- \$/A ---- | bu/A    |            |            |            | ----- \$/A -----                |
| Nontreated              | 0              | 0       | 79         | 198        | 198        | -238                            |
| Atrazine + Partner      | 18             | 6       | 184        | 460        | 436        | 0                               |
| Partner/Clarity-split   | 24             | 12      | 174        | 435        | 399        | -37                             |
| Partner + Clarity-PRE   | 24             | 6       | 165        | 412        | 383        | -53                             |
| Partner + Clarity-7DAP  | 24             | 6       | 178        | 445        | 415        | -21                             |
| Partner + Clarity-14DAP | 24             | 6       | 169        | 423        | 393        | -43                             |
| Dual + Clarity - 7DAP   | 27             | 6       | 180        | 450        | 417        | -19                             |
| Frontier + Clarity-7DAP | 30             | 6       | 173        | 432        | 397        | -39                             |
| Harness + Clarity-7DAP  | 27             | 6       | 176        | 440        | 407        | -29                             |
| Prowl + Clarity - PRE   | 23             | 6       | 165        | 412        | 384        | -52                             |
| Prowl + Clarity - 7DAP  | 23             | 6       | 182        | 455        | 426        | -10                             |
| Prowl + Clarity - 14DAP | 23             | 6       | 167        | 418        | 389        | -47                             |
| Broadstrike + Dual-PRE  | 25             | 6       | 173        | 432        | 401        | -35                             |
| Accent + Beacon - POST  | 19             | 6       | 169        | 422        | 398        | -38                             |
| Clarity/Accent - split  | 43             | 12      | 180        | 450        | 395        | -41                             |
| LSD(10%) -              | --             | --      | 8          | 20         | 20         | 20                              |



State of Wisconsin  
Tommy G. Thompson, Governor

Department of Agriculture, Trade and Consumer Protection  
Alan T. Tracy, Secretary

2811 Agriculture Bldg.  
Madison, Wisconsin 53704-

PO Box 1000  
Madison, WI 53708-

Dear Walter;

You asked me to circle the area on the map that I believe contaminated your well. I cannot determine the exact area that contributes water to your well without installing a series of groundwater monitoring wells to determine the direction of groundwater flow. We drew the prohibition area as we did, a four square mile area centered around your well, to include all lands that could contribute water to your well. We are confident that the zone of contribution to your well is included in this area. Please call me if you want to discuss this matter.

I have also faxed the letter I wrote to Mr. Pink about laboratory variability. I mailed a copy to you yesterday.

Thank you for your continued interest in your groundwater quality.

Sincerely,

Sincerely,

Gary LeMasters  
Soil Scientist/Groundwater Specialist  
AGRICULTURAL RESOURCE MANAGEMENT DIVISION  
608/266-0541



Oliver  
Jackson Co.

### GROUNDWATER INVESTIGATION FORM

INVESTIGATION NUMBER: 09-10-93-01-413

GW SPECIALIST: BobGutknecht/JeffPostle

**SECTION 1: BACKGROUND INFORMATION (also see enclosed summary report):**

T22N R04W Sec. 18 SE SW Town of Alma EXISTING PA#: \_\_\_\_\_  
WUWN: \_\_\_\_\_

**SECTION 2: PHYSIOGRAPHIC DESCRIPTION OF THE SITE**

Gently rolling terrain. Area in the immediate vicinity of the Oliver residence is relatively flat with the ground surface sloping to the north. Groundwater assumed to be flowing north toward the South Branch of the Trempeleau River. The area assumed upgradient and side gradient of the Oliver property is largely agricultural - cornfields.

**SECTION 3: PESTICIDE USE HISTORY**

Nobody was home at the time of my visit. This location is a private home/hobby farm. It does not appear as if active farming is taking place from this location.

**SECTION 4: WELL CONSTRUCTION INFORMATION**

WELL TYPE (check one):  drilled(assumed)  
 driven  dug

**SECTION 5: LOCATION OF PESTICIDE MIXING/LOADING AREAS AND SPILL/POINT SOURCE HISTORY**

unknown

(over)

ARM-ACM-189 (07/27/93)

**SECTION 6: CONCLUSIONS**

*CONCLUSION (check all that apply)*

- |                                     |                             |                          |                              |
|-------------------------------------|-----------------------------|--------------------------|------------------------------|
| <input type="checkbox"/>            | suspect point/spill source  | <input type="checkbox"/> | request follow-up assistance |
| <input checked="" type="checkbox"/> | suspect nonpoint/use source |                          |                              |
| <input type="checkbox"/>            | suspect backsiphon          |                          |                              |
| <input type="checkbox"/>            | unknown/undetermined        |                          |                              |

**SECTION 7: DISCUSSION**

Suspect nonpoint/use source:

Nobody was home at the time of my visit on September 10, 1993 at 12:20pm. This is a private home and what appears to be a hobby farm. It did not appear as if this was an active farm involved in actively growing crops.

I stopped at the Joe Laufenberg farm to ask directions to the Oliver residence. Laufenberg's is a large farm that appears to be in general disarray. Oils spills were noted. Equipment and "parts" were in assorted locations on the farm.

The area is relatively flat. The site is surrounded by agricultural fields - cornfields. The general area is rolling with some high hills.

Oliver's telephone number: 715/964-7803

February 18, 1996

Senator Alan Lasee, Chair  
Senate Committee On Agriculture  
P.O. Box 7882  
Madison, WI

Dear Senator Lasee:

County and State agencies have abandoned or ignored all statutory proceedings, policies, and ethics in using water samples obtained from my family farm in a most misleading, inappropriate, and fraudulent manor for the soul purpose of putting my farm in a State controlled Prohibition Area.

This outrageous dictatorial and arbitrary action caused my family (wife and four children) great and unnecessary economic damage.

I feel that my constitutional rights have been seriously violated. Immediate action should be taken to correct this situation, to prevent any further injurious suffering by my family.

The laws and regulations of this state must be applied to all- including state agencies and other employees without exception.

The blatant disregard of State policies and procedures by employees of the state and/or it's agencies, including Jackson County Land Conservation Department, and the Department of Natural Resources, etc., constitutes a reckless disregard of individuals rights, which are guaranteed to each of us by the State and Federal constitutions.

Please see the attached two page report that is purported to be a "thorough, competent, and statutorily correct investigation". Gentleman, if this type of investigation is all that is required to destroy the economic stability of an American farm family - may God have mercy on all of us.

I pray that you possess the wisdom to do what's right according to the constitution of the State of Wisconsin.

Respectfully,



John Oliver, Alma Center, WI

CC: Senator Gary Drzewiecki  
Senator David Zien  
Senator Joseph Andrea  
Senator Alice Clausing

Representative Al Ott, Chair  
Representative David Ward  
Representative John Ainsworth  
Representative Robert Zukowski  
Representative Clifford Otte

Representative Richard Skindrud  
Representative Eugene Hahn  
Representative Luther Olsen  
Representative Barbara Gronemus  
Representative Alvin Baldus  
Representative Martin Reynolds  
Representative Thomas Springer  
Representative Michael Wilder  
Representative Robert Dueholm

original form, or as a metabolic or a degradation or waste product, may decrease the quality of groundwater.

History: Cr. Register, September, 1965, No. 357, eff. 10-1-65.

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Note: If an unofficial groundwater sample is not determined to be reliable for purposes of regulatory or enforcement action under this chapter, the department may nevertheless:

1. Refer the unofficial groundwater test result to the department of natural resources, with or without a recommendation for official sampling and testing.
2. Inform affected persons of the unofficial groundwater test result.
3. Refer the unofficial groundwater test result to state or local health authorities, and to county agricultural extension agents.
4. Initiate further investigation or research related to the unofficial groundwater sample result.

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  3. Collection records.
- (b) Standards for the handling of official groundwater samples, including:
  1. Temperature conditions under which samples are to be kept.
  2. Time periods within which samples are to be analyzed.
  3. Chain of custody requirements.
- (c) Standards for the analysis of official groundwater samples, including:
  1. Temperature conditions under which samples are to be kept.
  2. Time periods within which samples are to be analyzed.
  3. Chain of custody requirements.

Register, September, 1965, No. 357

1. Required quality assurance programs for laboratories engaged in the analysis of official groundwater samples under this chapter.

2. Control sample requirements.

3. Required analytical methods.

4. Required confirmation of analytical results.

5. Instrument calibration and maintenance requirements.

6. Required analytical worksheets and documentation.

7. Chain of custody requirements in the laboratory.

8. Requirements for the timely reporting of analytical results.

9. Continuing sample custody requirements.

10. Access to laboratory records by the department and the department of natural resources.

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(e) Reports and certifications required to accompany official groundwater samples and test results obtained by designated agents of the department of natural resources.

(f) Standards for the reporting and certification of official groundwater test results to the department by the department of natural resources.

(4) DEPARTMENT CONTRACTS WITH AGENTS DESIGNATED TO COLLECT OR ANALYZE OFFICIAL GROUNDWATER SAMPLES. Every person or entity designated to collect or analyze an official groundwater sample as the agent of the department, rather than as the agent of the department of natural resources, shall first enter into a written contract with the department. Contracts shall include specific standards for the collection, handling and analysis of official groundwater samples, to ensure the reliability of official groundwater test results used by the department for purposes of regulation and enforcement under this chapter. Agents contracting directly with the department shall be held to the same requirements of regulation applicable to agents designated by the department which are pursuant to a memorandum of understanding under sub. (3).

History: Cr. Register, September, 1965, No. 357, eff. 10-1-65.

Ag 161.03 Points of standards application. (1) To determine whether an enforcement standard or preventive action limit for a fertilizer substance or pesticide substance has been attained or exceeded, the concentration point of fertilizer substance or pesticide substance shall be measured at a point of standards application. Except as otherwise provided in this section, points of standards application for fertilizer substances in this section include:

- (a) A community water system covered under ch. NR 111.
- (b) A private water supply, high capacity water system, school water system or public water system covered under ch. NR 112.

Register, September, 1965, No. 357

## WEED CONTROL OPTIONS WITHOUT ATRAZINE OR BLADEX

R. Gordon Harvey<sup>1</sup>

Many herbicides are registered for use in corn which could substitute for atrazine in Wisconsin corn production systems. Potential benefits of many of these treatments compared to atrazine include 1) reduced carryover potential, 2) reduced likelihood of ground water contamination, and 3) improved control of atrazine tolerant or resistant species. Unfortunately, these alternatives often 1) require more applications per year, 2) are more expensive, 3) are more likely to cause corn injury, 4) are more likely to drift off-site and cause injury to adjacent crops, 5) are less effective overall in controlling a broad spectrum of weed species, and 6) result in reduced corn yield. Wisconsin atrazine use restrictions are more severe than in any other state. Thus, Wisconsin corn producers are at an economic disadvantage compared to corn producers in other states. But what is the magnitude of this economic disadvantage?

A three-year field study was initiated at the University of Wisconsin Arlington Agricultural Research Station in 1993 to identify the best alternatives for weed management practices which include atrazine. Results of this study also demonstrated the potential cost of atrazine use restrictions to Wisconsin corn producers. Most of the treatments included in the study utilized Clarity for broadleaf weed control. Clarity and other formulations of dicamba (e.g. Banvel and Marksman) are currently the most widely used atrazine substitutes in Wisconsin. Several other alternative treatments were included as well. Each year, plots were harvested and corn yield determined. Approximate chemical costs were determined by a survey of dealer prices. Actual costs may vary depending upon container size, date of purchase, and region of state. For this analysis, application costs were assumed to be \$6.00 per acre. This cost will also vary depending if growers apply herbicides themselves, or depend upon custom application. Crop value was estimated by multiplying the corn yield by a price of \$2.50 per bushel. Of course crop value will vary depending upon the price farmers can get for their crop. Net return was calculated by subtracting chemical and application costs from crop value. Net returns of alternative treatments were compared to net returns from a tank-mix combination of atrazine at 1.5 lb ai/A plus a soil-applied grass herbicide (Partner at 3.1 lb/A was used as a representative soil-applied grass herbicide).

Net returns from all 13 alternative treatments included in the three-year study were lower than from the atrazine plus Partner standard (Table 1). The reason was obvious. All alternatives were more expensive and resulted in numerically lower corn yields. Only three alternative treatments did not have a significantly lower corn yield (based on 90% confidence level), and those three treatments had significantly lower

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<sup>1</sup>Professor, Department of Agronomy, University of Wisconsin--Madison.

late-season weed control (data not shown) suggesting that the observed numerical yield differences were probably real. In fact, only the 7DAP application of Harness plus Clarity did not result in significantly lower late-season weed control. Thus when a sequential application of Partner PRE followed by Clarity EP was used, the loss in net return relative to the standard atrazine treatment was \$37 per acre. Applying the two products together PRE reduced the application cost, but also resulted in a \$53 per acre loss in net return due to a lower corn yield. The most economical method of applying Partner plus Clarity was as a delayed preemergence treatment seven days after planting (7DAP) which resulted in a loss of only \$21 per acre. The least loss in net return resulted from the tank-mixed application of Prowl and Clarity 7DAP. Many growers may hesitate to use this treatment, however, due to potential for crop injury. Timing of this treatment may be particularly critical since net return was reduced \$52 and \$47 per acre, respectively, when the chemicals were applied seven days early or late.

Neither Bladex or Extrazine were included in the three-year study described above. Yet both products are often used as substitutes for atrazine. In order to determine the relative benefits of those products, results were combined from all studies conducted over the past 26 years at the Arlington Agricultural Research Station. All treatments summarized included normal use rates of alachlor (either Lasso, Microtech, or Partner), Dual or Prowl (Table 2). Atrazine, Bladex and Extrazine rates were approximately 1.5, 2.0 and 2.0 lb ai per acre, respectively. Yields were adjusted to 1993 through 1995 levels. When averaged together, the net returns for 216 atrazine treatments, 123 Bladex treatments, and 42 Extrazine treatments were \$385, \$365 and \$375 per acre. Thus, substituting Bladex and Extrazine for atrazine resulted in \$20 and \$10 per acre reductions in net returns, respectively. As a result of a DuPont and EPA agreement, both Bladex and Extrazine will be phased out over the next few years. Thus, other alternatives will be needed.

Numerous new corn herbicides are being developed to substitute for atrazine combinations. Results of a 1995 study with two of them are summarized in Table 3. The examples demonstrate two options for maintaining net value. Basis was registered for use by growers in 1995, and was promoted as a low cost weed management system. While it provided excellent weed control, it also caused slight corn injury and resulted in a lower corn yield than a handweeded standard. Despite the low price, the net return may be less than desired due to the lower yield. EXP-31130A is an experimental, low-rate, soil-applied herbicide being developed by Rhone-Poulenc, Inc. This broad spectrum herbicide was extremely effective in university trials conducted around the corn belt in 1995. If registered for commercial use as anticipated in 1997, this product might result in corn yields more comparable to atrazine treatments. But, most new herbicides are more expensive than older chemicals like atrazine. It is unrealistic to expect that a new product like EXP-31130A will not reduce net returns relative to standard atrazine containing treatments as a result of higher product cost.

**Summary:** Wisconsin corn producers are being penalized economically relative to corn producers in other states due to the state's atrazine use restrictions. The magnitude of this penalty will vary depending upon

whether or not a producer operates within an atrazine prohibition area, and upon the severity of weed infestations on the producer's farm. It is unlikely that this penalty can be eliminated until either Wisconsin atrazine use restrictions are withdrawn, or until similar rules are enacted nationwide. Results of University of Wisconsin research confirms what was intuitively obvious. Restricting use of the least expensive and most effective product must result in a reduction in net economic return to the crop producer!

**Table 1.** Comparison of herbicide treatments included in 1993 to 1995 field corn weed control study conducted at the University of Wisconsin Arlington Agricultural Research Station.

| Treatment               | Cost         |         | Corn yield | Crop value | Net return | Loss in net return w/o atrazine |
|-------------------------|--------------|---------|------------|------------|------------|---------------------------------|
|                         | Chem.        | Applic. |            |            |            |                                 |
|                         | --- \$/A --- | bu/A    |            |            |            | ----- \$/A -----                |
| Nontreated              | 0            | 0       | 79         | 198        | 198        | -238                            |
| Atrazine + Partner      | 18           | 6       | 184        | 460        | 436        | 0                               |
| Partner/Clarity-split   | 24           | 12      | 174        | 435        | 399        | -37                             |
| Partner + Clarity-7DAP  | 24           | 6       | 165        | 412        | 383        | -53                             |
| Partner + Clarity-7DAP  | 24           | 6       | 178        | 445        | 415        | -21                             |
| Partner + Clarity-14DAP | 24           | 6       | 169        | 423        | 393        | -43                             |
| Dual + Clarity - 7DAP   | 27           | 6       | 180        | 450        | 417        | -19                             |
| Frontier + Clarity-7DAP | 30           | 6       | 173        | 432        | 397        | -39                             |
| Harness + Clarity-7DAP  | 27           | 6       | 176        | 440        | 407        | -29                             |
| Prowl + Clarity - PRE   | 23           | 6       | 165        | 412        | 384        | -52                             |
| Prowl + Clarity - 7DAP  | 23           | 6       | 182        | 455        | 426        | -10                             |
| Prowl + Clarity - 14DAP | 23           | 6       | 167        | 418        | 389        | -47                             |
| Broadstrike + Dual-PRE  | 25           | 6       | 173        | 432        | 401        | -35                             |
| Accent + Beacon - POST  | 19           | 6       | 169        | 422        | 398        | -38                             |
| Clarity/Accent - split  | 43           | 12      | 180        | 450        | 395        | -41                             |
| LSD(10%) -              | --           | --      | 8          | 20         | 20         | 20                              |



Giese  
Jackson Co.

**GROUNDWATER INVESTIGATION FORM**

INVESTIGATION NUMBER: 09-10-93-02-413

GW SPECIALIST: Bob Gutknecht/Jeff Postle

**SECTION 1: BACKGROUND INFORMATION (also see enclosed summary report):**

T22N R05W Sec. 12 NE SE Town of Hixton  
WUWN: \_\_\_\_\_

EXISTING PA#: \_\_\_\_\_

**SECTION 2: PHYSIOGRAPHIC DESCRIPTION OF THE SITE**

Gently rolling terrain to bluffs. Groundwater is assumed to be flowing toward the south branch of the Trempeleau river south southwest of the Giese farm. The area is largely agricultural - cornfields.

**SECTION 3: PESTICIDE USE HISTORY**

Nobody was home at the time of my visit. ✓

**SECTION 4: WELL CONSTRUCTION INFORMATION**

WELL TYPE (check one):  drilled  driven  dug

**SECTION 5: LOCATION OF PESTICIDE MIXING/LOADING AREAS AND SPILL/POINT SOURCE HISTORY**

unknown ✓

(over)

**ARM-ACM-189 (07/27/93)**

**SECTION 6: CONCLUSIONS**

*CONCLUSION (check all that apply)*

- suspect point/spill source
- suspect nonpoint/use source
- suspect backsiphon
- unknown/undetermined

request follow-up assistance

**SECTION 7: DISCUSSION**

**Suspect nonpoint/use source:**

Nobody was home at the time of my visit on September 10, 1993 at 12:30pm. The farm appeared to be relatively clean and well maintained.

The area is relatively flat with the ground surface sloping slightly to the north.

The site is surrounded by agricultural fields - cornfields.

I attempted to contact Giese by telephone on October 1, 1993 at 10:30 am - no answer.

Giese telephone number: 715/964-1413

Oliver's telephone number: 715/964-7803

February 19, 1996

To Members of Committee:

I would like to bring to your attention a disservice done to both my surrounding neighbors and myself which has caused both emotional and financial stress, apparently a sample of my well water was taken on 2/22/93 unbeknown to me and also a investigation was done also unknown to me. I am in a Prohibition Area, without question this contamination was caused by a sprayer tank running over. There are several other reasons to support this theory:

1. The rotation of crops in this area
2. How quick the well water cleared up
3. Few amounts of acres of corn grown in area

The investigation report I have since read shows the creditability of the investigation should definity be questioned. The report suggests my well is surrounded by corn fields, which without question is not true in any sense. If the gentlemen would have looked for any evidence of a spill they would have found two brown areas of my lawn which did not grow any grass of any sort for several years until I put new soil on top, thus supporting evidence there was a spill. I wish I could have talked to these gentlemen and helped them conduct a complete investigation and not just give their opinion without any knowledge about my farm. I hope you will take a good look at this disservice which affects so many people with an unfair investigation that has cost me with emotional and financial stress that was highly unnecessary.

Respectfully,



Emil Giese, Alma Center, WI

Donald C. Faustling  
Notary Public  
Jackson County  
Comm. Exp. 1-12-97



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

November 8, 1995

Emil Giese  
Rt 1  
Alma Center, WI 54611

EX526

Dear Mr. Giese,

On September 6, 1995 I collected a water sample from your well. The sample was tested for atrazine and its breakdown products, alachlor (Lasso) and its breakdown product ESA, metolachlor (Dual), nitrate-nitrogen, and several other agricultural chemicals. Below is a list of the results for your water sample.

| Compound                | Concentration<br>parts per billion | Drinking Water<br>Advisory Level<br>parts per billion |
|-------------------------|------------------------------------|---|
| Alachlor                | No Detect                          | 2.0   |
| Alachlor ESA            | No Detect                          | 20.0  |
| Atrazine                | 0.41                               |   |
| Deethyl atrazine        | No Detect                          |   |
| Deisopropyl atrazine    | No Detect                          |   |
| Diamino atrazine        | No Detect                          |   |
| Total atrazine residues | 0.41                               | 3.0   |
| Metolachlor             | No Detect                          | 15.0  |
| Nitrate-N               | 7.33 ppm                           | 10 ppm  |

Your drinking water is below the drinking water advisory levels set by the Wisconsin Department of Natural Resources for the compounds tested and is considered safe to drink. You may want to have your water retested periodically to monitor for changes in the level of nitrate-N. This test can be done at the State Laboratory of Hygiene (608/262-1293) or a private laboratory.

## WEED CONTROL OPTIONS WITHOUT ATRAZINE OR BLADEX

R. Gordon Harvey<sup>1</sup>

Many herbicides are registered for use in corn which could substitute for atrazine in Wisconsin corn production systems. Potential benefits of many of these treatments compared to atrazine include 1) reduced carryover potential, 2) reduced likelihood of ground water contamination, and 3) improved control of atrazine tolerant or resistant species. Unfortunately, these alternatives often 1) require more applications per year, 2) are more expensive, 3) are more likely to cause corn injury, 4) are more likely to drift off-site and cause injury to adjacent crops, 5) are less effective overall in controlling a broad spectrum of weed species, and 6) result in reduced corn yield. Wisconsin atrazine use restrictions are more severe than in any other state. Thus, Wisconsin corn producers are at an economic disadvantage compared to corn producers in other states. But what is the magnitude of this economic disadvantage?

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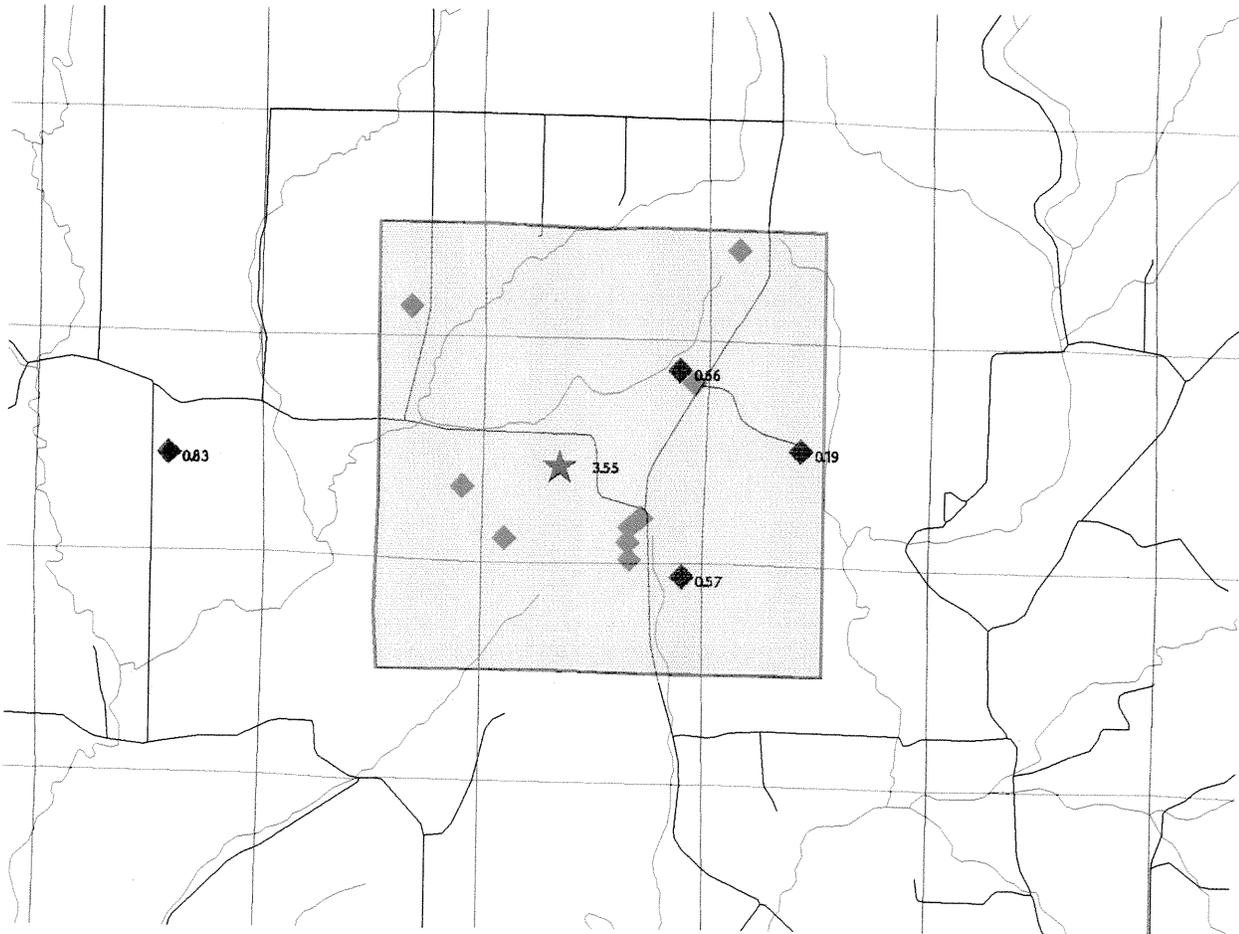
**Summary:** Wisconsin corn producers are being penalized economically relative to corn producers in other states due to the state's atrazine use restrictions. The magnitude of this penalty will vary depending upon

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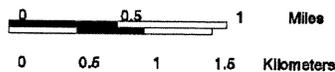
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| LSD(10%) -              | --    | --      | 8                  | 20         | 20         | 20  |

# ATRAZINE SAMPLE RESULTS AROUND PROPOSED PA IN GRANT COUNTY

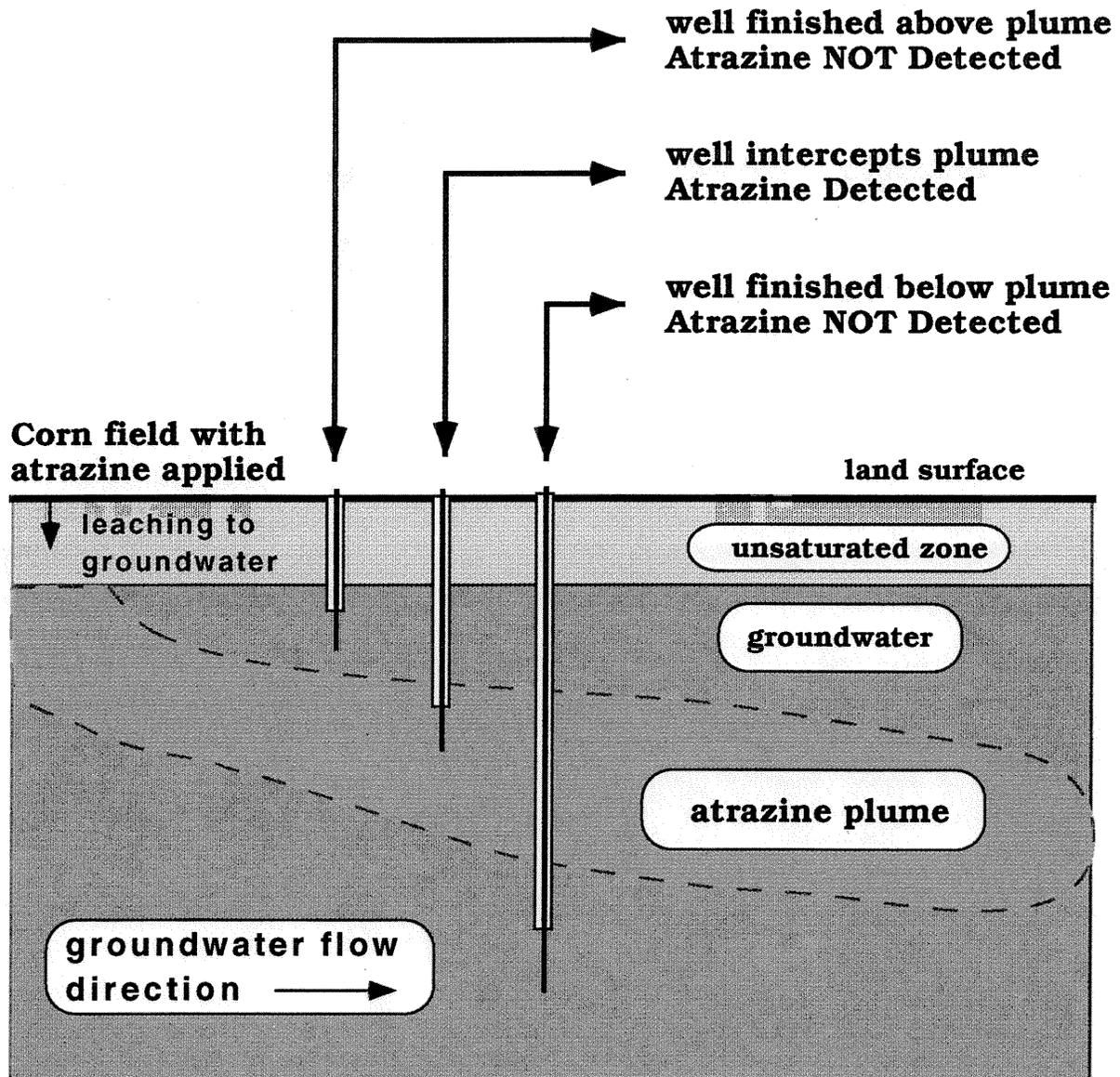


- ◆ Atrazine Not Detected
- ★ Atrazine Detect > 3 PPB (ES)
- ◆ Atrazine Detect > 0.1, < 3 PPB (ES)
- ▭ Proposed Prohibition Area

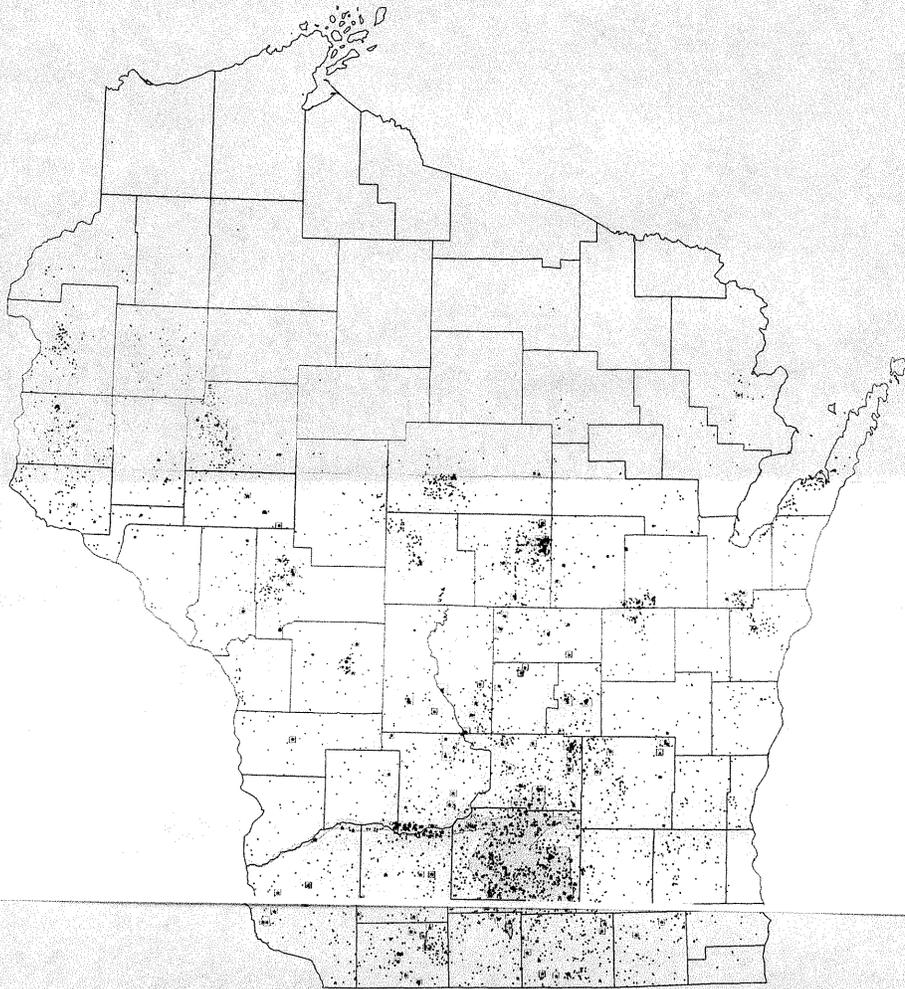


Scale 1:55,000

Wisconsin Dept. of Agriculture, Trade and Consumer Protection.



# ATRAZINE CONTAMINATION IN WISCONSIN WELLS



- ◆ Atrazine Detect > 0.1, < 3 PPB (ES)
- ★ Atrazine Detect > 3 PPB (ES)
- ▨ Proposed Prohibition Area
- ▩ Existing Prohibition Area

0 10 20 30 40 50 Miles  
0 10 20 30 40 50 60 70 80 Kilometers  
Scale 1:1,900,000

Wisconsin Dept. of Agriculture, Trade and Consumer Protection.



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

**TESTIMONY ON  
PROPOSED CHANGES TO CHAPTER ATCP 30,  
ATRAZINE PESTICIDES; USE RESTRICTIONS  
before the  
ASSEMBLY COMMITTEE ON AGRICULTURE**

February 8, 1995

Chairman Ott and Committee Members:

My name is Nicholas J. Neher and I am Administrator of the Agricultural Resource Management Division of the Wisconsin Department of Agriculture, Trade and Consumer Protection.

The department's Agricultural Resource Management Division is responsible for administering the groundwater law (Chapter 160, Wis. Stats) related to pesticides. Proposed revisions to ATCP 30 reflect the department's response to groundwater contamination from the pesticide atrazine. Atrazine is found in 12% of Wisconsin wells and about 2% of Wisconsin wells exceed the health standard for atrazine (see state map). The rule restricts the statewide rate at which atrazine pesticides may be applied. The rule also prohibits atrazine use in areas where groundwater findings have exceeded health standards.

### **GROUNDWATER LAW**

The groundwater law states that "if the concentration of a substance in groundwater attains or exceeds an enforcement standard at a point of standards application (a well), the regulatory agency shall take the following responses unless it can be shown to the regulatory agency that, to a reasonable certainty, by the greater weight of credible evidence, an alternative response will achieve compliance with the enforcement standard at the point of standards application:

1. Prohibit the activity or practice which uses or produces the substance: and
2. Implement remedial actions with respect to the specific site..."

### **DATCP's GROUNDWATER PROTECTION PROGRAM**

The department's Groundwater Protection Program, ATCP 31, outlines the measures to be taken to protect groundwater from pesticide use. Regarding prohibitions against pesticide use, ATCP 31 states that "If... the concentration of a pesticide in groundwater attains or exceeds an enforcement standard, and if the concentration has resulted from or may be affected by a pesticide use, the department shall... prohibit the pesticide use on a site-specific basis unless the department is shown, and determines to a reasonable certainty by the greater weight of credible evidence, that an alternative response will achieve compliance with the

enforcement standard... A prohibition may remain in effect indefinitely unless the department is shown, and determines, that resumption of the pesticide use is not likely to cause renewed or continued violation of the enforcement standard... The department's responsibility to initiate a site-specific prohibition... is not affected by ... contemporaneous findings that concentrations of the same pesticide substance at other points of standards application fall below the standard.

### **BACKGROUND ON ATRAZINE**

Atrazine is a corn herbicide which has been in use in Wisconsin since 1959. Atrazine is often used in combination with a number of other herbicides. In 1994, atrazine was used on about 50% of Wisconsin corn acres which was greater than any other herbicide. Over the years, atrazine application rates have declined. In 1985, use rates of atrazine were 1.6 pounds of active ingredient per acre. In 1994, the use rate has declined to 0.86 pounds per acre.

### **INVESTIGATION OF CONTAMINATION**

Statewide the department has found over 300 wells which exceed the enforcement standard for atrazine. Of these, nearly 200 have been investigated by department staff and determined to be affected by the field use of atrazine. Site investigations include interviews with growers and records checks to determine atrazine use in the area. Investigators also identify spills of atrazine and collect soil samples to confirm possible point sources of contamination. If investigators determine that field use of atrazine has contributed to the contamination in the well, an atrazine use prohibition area surrounding the well is proposed.

Surrounding wells are also sampled to help characterize the extent of contamination. Depending on the movement of the contaminant in groundwater, individual wells may or may not draw water from the contaminant plume. Finding a pattern of detections below the enforcement standard indicates that broad contamination exists and is most likely due to the application of atrazine on agricultural fields rather than spills of the chemical.

The department now has atrazine results on over 15,000 wells statewide. Because of the widespread nature of atrazine contamination, statewide use rates of atrazine have been restricted below Federal EPA label rates and are specified in the atrazine rule. Based on wells which have tested over standards, the atrazine rule now contains 80 atrazine prohibition areas covering about 1.2 million acres. The department proposes an additional 12 prohibition areas for 1996 covering approximately 36,500 acres.

### **ATRAZINE RULE DEVELOPMENT PROCESS**

Annually, the department reviews groundwater test results from private wells around the state. Concentrations of pesticides are compared to standards which are adopted by the Department of Natural Resources based on recommendations from the Department of Health and Social Services. Atrazine has an enforcement standard of 3 parts per billion. This standard includes atrazine and three of its breakdown products.

Investigations are conducted at each well site that exceeds the enforcement standard. Where atrazine use is determined to contribute to the known contamination, an atrazine prohibition area is proposed to a standing technical advisory committee made up of UW researchers, farmers and DNR staff for their review. A single well result over the enforcement standard can prompt a proposed prohibition area if the result is considered reliable. After this review process, a draft rule is presented to the Board of Agriculture, Trade and Consumer Protection. The department has followed this process since 1991. This process has resulted in approximately 12 prohibition areas per year.

### **EVALUATION OF RULE EFFECTIVENESS**

The Board of Agriculture, Trade and Consumer Protection directed the department to evaluate the effectiveness of the atrazine rule and to report the results of that evaluation in 1996. The evaluation was to consist of two statistically designed surveys of groundwater separated by two years. The first survey was completed in summer of 1994 and the second survey will be completed in the summer of 1996. The survey is designed to show whether atrazine concentrations in groundwater have increased or declined. The surveys will look at the effectiveness of both the atrazine prohibition areas and the lower statewide use rates of atrazine. The report will be completed in December of 1996.

In addition to well sampling, the department will evaluate other aspects of its atrazine management strategy through the following components:

- \* A pesticide use survey which will include detailed information about atrazine use patterns
- \* A summary of pesticide and groundwater research projects which look at the environmental fate of atrazine applications and a study of farmer understanding and compliance with the atrazine rule
- \* A summary of over 10 years of monitoring well information from fields receiving atrazine applications
- \* A summary of over 22,000 well tests conducted statewide for atrazine

### **RESCISSION OF ATRAZINE PROHIBITION AREAS**

Currently, the groundwater law puts the burden of proof upon the manufacturer or others to show that renewed use of a pesticide or other substance will not result in contamination above standards. This is a difficult task and no concerted effort has been undertaken by anyone to date.

The Board of Agriculture, Trade and Consumer Protection directed the department to develop a process for elimination of atrazine prohibition areas. The department will develop a generic process for prohibition area rescission and propose them as part of the 1997 Agrichemical Management Rule revisions. Under the proposed process, specific prohibition areas would be eligible to be considered for rescission during the 1998 Atrazine Rule revisions.

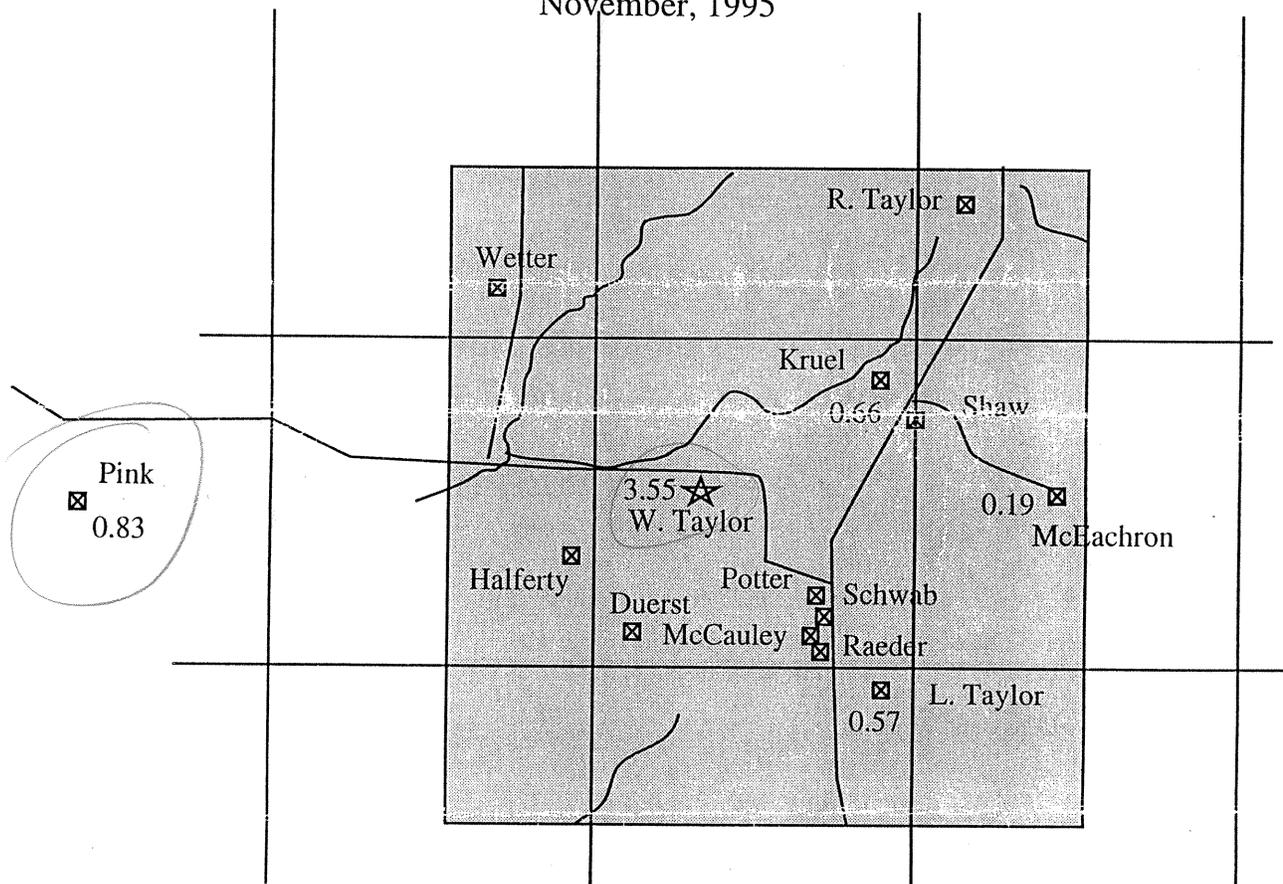
## **CONCLUSION**

**The proposed rule fulfills DATCP's regulatory obligations under the Groundwater Law. We have moved to prohibit atrazine use where reliable test results indicate exceedences of the enforcement standard. In all of the proposed prohibition areas, atrazine field use was determined by department staff to contribute to the documented contamination in a specific well. The proposed rule is a key component of the Department's atrazine management strategy and compliments other groundwater protection efforts in the areas of pesticide storage, handling, and disposal.**

# GRANT COUNTY

## Results of Sampling in Proposed PA

November, 1995



|                | Atrazine | DEA <sup>1</sup> | DIA <sup>1</sup> | DAA <sup>1</sup> | TCR <sup>2</sup> | Alachlor | Alachlor<br>ESA | Nitrate-<br>Nitrogen |
|----------------|----------|------------------|------------------|------------------|------------------|----------|-----------------|----------------------|
| Duerst         | ND       | ND               | ND               | ND               | ND               | ND       | ND              | ND                   |
| Halferty       | ND       | ND               | ND               | ND               | ND               | ND       | ND              | 5.68 ppm             |
| Kruel          | 0.309    | 0.352            | ND               | ND               | 0.661            | ND       | 1.33            | 24.4 ppm             |
| McEachron      | 0.186    | ND               | ND               | ND               | 0.186            | 0.348    | ND              | 6.84 ppm             |
| McCauley       | ND       | ND               | ND               | ND               | ND               | ND       | ND              | 1.71 ppm             |
| Pink           | 0.252    | 0.580            | ND               | ND               | 0.832            | ND       | ND              | 13.0 ppm             |
| Potter         | ND       | ND               | ND               | ND               | ND               | ND       | ND              | ND                   |
| Raeder         | ND       | ND               | ND               | ND               | ND               | ND       | 2.20            | 8.70 ppm             |
| Schwab         | ND       | ND               | ND               | ND               | ND               | ND       | ND              | 3.24 ppm             |
| Shaw           | ND       | ND               | ND               | ND               | ND               | ND       | 3.20            | 5.67 ppm             |
| L. Taylor      | 0.186    | 0.386            | ND               | ND               | 0.572            | ND       | 2.97            | 6.62 ppm             |
| R. Taylor      | ND       | ND               | ND               | ND               | ND               | ND       | 8.48            | 14.4 ppm             |
| Wetter         | ND       | ND               | ND               | ND               | ND               | ND       | ND              | 10.5 ppm             |
| W. Taylor      |          |                  |                  |                  |                  |          |                 |                      |
| July 6, 1994   | 2.06     | 1.49             | ND               | ND               | 3.55             | 0.328    | 2.55            | 17.7 ppm             |
| August 9, 1995 | 1.54     | 1.34             | ND               | ND               | 2.88             | 0.487    | 5.84            | 16.4 ppm             |

<sup>1</sup> DEA = deethylatrazine, DIA = Deisopropylatrazine and DAA = Diaminoatrazine. These are breakdown products of atrazine.

<sup>2</sup> TCR is the sum of atrazine, DEA, DIA and DAA.



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

November 8, 1995

Emil Giese  
Rt 1  
Alma Center, WI 54611

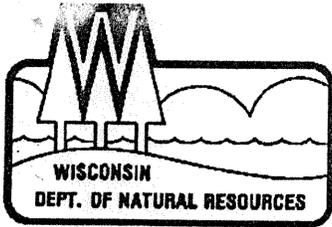
EX526

Dear Mr. Giese,

On September 6, 1995 I collected a water sample from your well. The sample was tested for atrazine and its breakdown products, alachlor (Lasso) and its breakdown product ESA, metolachlor (Dual), nitrate-nitrogen, and several other agricultural chemicals. Below is a list of the results for your water sample.

| Compound                | Concentration<br>parts per billion | Drinking Water<br>Advisory Level<br>parts per billion |
|-------------------------|------------------------------------|---|
| Alachlor                | No Detect                          | 2.0   |
| Alachlor ESA            | No Detect                          | 20.0  |
| Atrazine                | 0.41                               |   |
| Deethyl atrazine        | No Detect                          |   |
| Deisopropyl atrazine    | No Detect                          |   |
| Diamino atrazine        | No Detect                          |   |
| Total atrazine residues | 0.41                               | 3.0   |
| Metolachlor             | No Detect                          | 15.0  |
| Nitrate-N               | 7.33 ppm                           | 10 ppm  |

Your drinking water is below the drinking water advisory levels set by the Wisconsin Department of Natural Resources for the compounds tested and is considered safe to drink. You may want to have your water retested periodically to monitor for changes in the level of nitrate-N. This test can be done at the State Laboratory of Hygiene (608/262-1293) or a private laboratory.



George E. Meyer  
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

101 South Webster Street  
Box 7921  
Madison, Wisconsin 53707  
TELEPHONE 608-266-2621  
TELEFAX 608-267-3579  
TDD 608-267-6897

March 19, 1993

Bureau Code: 3320  
Unique Well Number: EX526

Emil Giese  
Rt #1  
Alma Center WI 54611

SUBJECT: Rural Well Testing Results, Western District, Jackson County,  
T22N, R05W, NE¼ of the SE¼ of Section 12

Dear Mr. Geise:

On February 23, 1993, I collected a water sample from your well to analyze for the presence of atrazine and two of its by-products. The by-products, formed in the soil, are named deethylatrazine and deisopropylatrazine. Current technology indicates that these by-products, also called metabolites, have the same health risks as atrazine.

The results of your test are as follows:

| <u>Parameter</u>    | <u>Concentration*</u> | <u>Drinking Water<br/>Advisory Level*</u> |
|---------------------|-----------------------|---|
| atrazine            | 6.4                   | 3.0                                       |
| deethylatrazine     | 1.4                   | #   |
| deisopropylatrazine | Not Detected          | #   |
| Total               | 7.8                   | 3.0                                       |
| alachlor            | Not Detected          | 0.5                                       |
| metolachlor         | Not Detected          | 15.0                                      |
| cyanazine           | Not Detected          | 12.5                                      |

\* in micro-grams per liter (parts per billion)

# Currently there is no advisory level for the individual metabolites of atrazine.

Because you have chemical concentrations in your water supply that exceed the drinking water health advisory levels, we advise you not to consume the water on a long term basis. Do not use the water for drinking or as the primary ingredient in foods (e.g. soups, beverages, gravy, baby formula). You may continue to bathe, wash foods, dishes, and clothing or water your lawn with the water.

Because of these test results, you may wish to make some modifications in your drinking water supply system. All owners or operators of water systems



State of Wisconsin  
Tommy G. Thompson, Governor

Department of Agriculture, Trade and Consumer Protection

Alan T. Tracy, Secretary

Wisconsin Department of Agriculture,  
Trade and Consumer Protection  
Division of Agricultural Resource Management  
2811 Agriculture Drive  
Mail to: P.O. Box 8911  
Madison, WI 53708-8911



2811 Agriculture Drive  
Madison, Wisconsin 53704-6777  
PO Box 8911  
Madison, WI 53708-8911

November 10, 1995

Doug Oliver  
N8561 Cty F  
Alma, WI 54611

Phone: (608) 224-4502  
FAX: (608) 224-4656  
lemasgs@wheel.datcp.state.wi.us

Gary LeMasters  
Soil Scientist/Groundwater Specialist

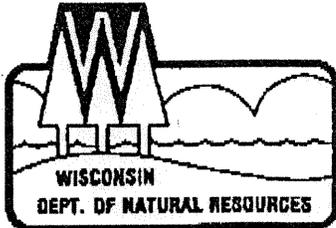
EX534

Dear Mr. Oliver,

On September 6, 1995 I collected a water sample from your well. The sample was tested for atrazine and its breakdown products, alachlor (Lasso) and its breakdown product ESA, metolachlor (Dual), nitrate-nitrogen, and several other agricultural chemicals. Below is a list of the results for your water sample.

| Compound                | Concentration<br>parts per billion | Drinking Water<br>Advisory Level<br>parts per billion |
|-------------------------|------------------------------------|---|
| Alachlor                | No Detect                          | 2.0   |
| Alachlor ESA            | 6.54                               | 20.0  |
| Atrazine                | No Detect                          |   |
| Deethyl atrazine        | No Detect                          |   |
| Deisopropyl atrazine    | No Detect                          |   |
| Diamino atrazine        | No Detect                          |   |
| Total atrazine residues | No Detect                          | 3.0   |
| Metolachlor             | No Detect                          | 15.0  |
| Nitrate-N               | 2.96 ppm                           | 10 ppm  |

Your drinking water is below the drinking water advisory levels set by the Wisconsin Department of Natural Resources for the compounds tested and is considered safe to drink. You may want to have your water retested periodically to monitor for changes in the level of nitrate-N. This test can be done at the State Laboratory of Hygiene (608/262-1293) or a private laboratory.

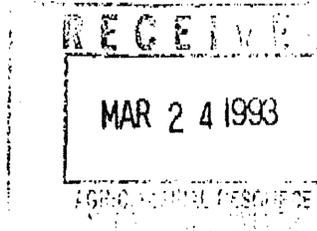


George E. Meyer  
Secretary

March 19, 1993

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

101 South Webster Street  
Box 7921  
Madison, Wisconsin 53707  
TELEPHONE 608-266-2621  
TELEFAX 608-267-3579  
TDD 608-267-6897



Bureau Code: 3320  
Unique Well Number: EX534

Doug Oliver  
N8561 Cty F  
Alma WI 54611

SUBJECT: Rural Well Testing Results, Western District, Jackson County,  
T22N, R04W, SE¼ of the SE¼ of Section 18

Dear Mr. Oliver:

On February 23, 1993, I collected a water sample from your well to analyze for the presence of atrazine and two of its by-products. The by-products, formed in the soil, are named deethylatrazine and deisopropylatrazine. Current technology indicates that these by-products, also called metabolites, have the same health risks as atrazine.

The results of your test are as follows:

| <u>Parameter</u>    | <u>Concentration*</u> | <u>Drinking Water<br/>Advisory Level*</u> |
|---------------------|-----------------------|---|
| atrazine            | 1.6                   | 3.0                                       |
| deethylatrazine     | 1.5                   | #   |
| deisopropylatrazine | Not Detected          | #   |
| <b>Total</b>        | <b>3.1</b>            | <b>3.0</b>                                |
| alachlor            | Not Detected          | 0.5                                       |
| metolachlor         | Not Detected          | 15.0                                      |
| cyanazine           | Not Detected          | 12.5                                      |

\* in micro-grams per liter (parts per billion)  
# Currently there is no advisory level for the individual metabolites of atrazine.

Because you have chemical concentrations in your water supply that exceed the drinking water health advisory levels, we advise you not to consume the water on a long term basis. Do not use the water for drinking or as the primary ingredient in foods (e.g. soups, beverages, gravy, baby formula). You may continue to bathe, wash foods, dishes, and clothing or water your lawn with the water.

Because of these test results, you may wish to make some modifications in your drinking water supply system. All owners or operators of water systems

**ATCP 31.08 Prohibitions against pesticide use. (1) SITE-SPECIFIC PROHIBITION IN RESPONSE TO GROUNDWATER CONTAMINATION WHICH EXCEEDS AN ENFORCEMENT STANDARD.** If, at a point of standards application, the concentration of a pesticide substance in groundwater attains or exceeds an enforcement standard, and if the concentration has resulted from or may be affected by a pesticide use, the department shall, as a site-specific response under s. ATCP 31.07, prohibit the pesticide use on a site-specific basis unless the department is shown, and determines to a reasonable certainty by the greater weight of the credible evidence, that an alternative response will achieve compliance with the enforcement standard. The scope and duration of the site-specific prohibition shall be reasonably designed to achieve and maintain compliance with the enforcement standard at the point of standards application, and at other downgradient points to which the pesticide substance may migrate. A prohibition may remain in effect indefinitely unless the department is shown, and determines, that resumption of the pesticide use is not likely to cause a renewed or continued violation of the enforcement standard. The department's responsibility to initiate a site-specific prohibition under s. 160.25, Stats., and this subsection is not affected by sub. (2), or by contemporaneous findings that concentrations of the same pesticide substance at other points of standards application fall below the enforcement standard.

"the department shall prohibit the pesticide use..."

"unless the dept. is shown"

Burden of proof is not on the department.

|  |              |                |                |
|--|--------------|----------------|----------------|
| Post-It™ brand fax transmittal memo 7671 |              | # of pages • 6 |                |
| To                                       | Emil Geise   | From           | Gary LeMasters |
| Co.                                      |              | Co.            | DATCP          |
| Dept.                                    |              | Phone #        | 608 224 4502   |
| Fax #                                    | 715 964-1011 | Fax #          | 608 224 4656   |

Chairman:  
Agriculture Committee



Member:  
Environment & Utilities  
Government Operations  
Natural Resources  
Rural Affairs

**Al Ott**

State Representative • 3rd Assembly District

**Assembly Agriculture Committee**

**MEMO**

**To: Members of the Assembly Agriculture Committee**

**From: Representative Al Ott, Chair**

**Date: January 2nd, 1996**

The following clearinghouse rule has been referred to the Assembly Agriculture Committee:

**Rule No. 95-147: relating to atrazine use restrictions.**

**The deadline for committee action on this rule is February 1st, 1996. If you would like a copy of the rule, please contact Kim in my office at 266-5831.**



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## DAVID BRANDEMUEHL

State Representative  
49th Assembly District

---

January 10, 1996

Representative Al Ott  
318 North, State Capitol  
Madison, Wisconsin

Dear Representative Ott:

I respectfully request a public hearing for Clearinghouse Rule 95-147, relating to atrazine use restrictions. I believe this issue merits closer attention and review.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in cursive script, appearing to read "David".

David A. Brandemuehl  
State Representative  
49th Assembly District

DAB:slk



## Wisconsin Agribusiness Council

2317 International Lane Suite 109 • Madison, WI 53704-3129 • (608) 249-2323 Fax (608) 249-2797

January 11, 1996

State Representative Alvin Ott  
Chair, Assembly Committee on Agriculture  
318 North, State Capitol, P.O. Box 8953  
Madison, WI 53708-8953

Re: Clearing House Rule 95-147 (ATCP 30 relating to atrazine)

Dear Al:

I'm requesting that you hold a public hearing on this proposed rule change.

ATCP 30 was first promulgated in March of 1991. Amendments to this rule have been enacted each year since then. Until now, except for 1993 when restrictions were imposed state-wide (even in areas where there were no atrazine detections) there has been little opposition or controversy with this rule.

This year farmers from two different areas of the state have legitimate concerns about ATCP 30. A Grant County farmer indicated the Prohibition Area (PA) now proposed for his farm should not be imposed since a retest of his well shows that atrazine residues are now well below the WI Enforcement Standard (ES).

A Jackson County farmer whose well tested 7.8 ppb (parts per billion) in 1993 noted his atrazine residue level is now just 0.41 ppb. The Wisconsin's ES is 3 ppb.

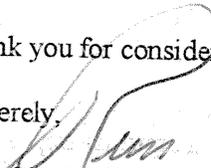
Both farmers felt the original high level readings were from point-source contamination, rather than field use. Given the fact that no other wells in the area had high levels of detection, their points seem very logical.

The DATCP board, in forwarding the rule to the legislature for review, felt they had no legal option except to add the Grant County PA, and noted there is no provision in state law or their administrative rule which allows them to rescind an existing PA. At least 5 of the 7 board members expressed concern over the actions they were forced to take.

A legislative public hearing would allow the DATCP board and the farmers involved to present their reasons as to why changes are needed. You might also consider setting a joint hearing with the Senate Ag Committee. This would be an efficient use of everyone's time.

Thank you for consideration of my request.

Sincerely,

  
Russel R. Weisensei  
Director, Legislative Affairs

cc: selected committee members



**Senator ALAN J. LASEE**  
*President Pro Tempore* 1st Senate District

January 23, 1996

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

Dear Secretary Tracy:

As Chairman of the Senate Transportation, Agriculture and Local Affairs Committee, I am writing to inform you that I have scheduled a public hearing on CHR 95-147, relating to atrazine use restrictions, for Wednesday, February 14, 1996 at 1:30 P.M. in Room 1 of the Lower Level of 119 MLK Blvd.

The initial 30-day review period for CR 95-147 expires on February 1, 1996. This letter will serve to extend the committee's review period by an additional 30 days to February 21, 1996.

If you have any questions, please let me know.

Sincerely,

ALAN J. LASEE  
President Pro Tem  
Wisconsin State Senate

cc: Members, Senate Transportation, Agriculture and Local Affairs Committee  
Chairman Alvin Ott, Assembly Agriculture Committee ✓  
Donna Doyle, Senate Chief Clerk's Office

OFFICE:

6 South, State Capitol  
Madison, WI 53707-7882  
608-266-3512 FAX: 608-266-7038  
Toll-free Hotline: 1-800-362-9472

HOME:

2259 Lasee Road  
De Pere, WI 54115  
414-336-8830

COMMITTEES:

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

Chairman:  
Agriculture Committee



Member:  
Environment & Utilities  
Government Operations  
Natural Resources  
Rural Affairs

Al Ott

State Representative • 3rd Assembly District

January 26, 1996

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

Dear Secretary Tracy:

As Chairman of the Assembly Agriculture Committee, I am writing to notify you that I have scheduled a public hearing on Clearinghouse Rule 95-147, relating to atrazine use restrictions. CR 95-147 was submitted to the Legislature on December 26, 1995.

The hearing will be held at 9:30am in Room 417 North of the State Capitol on Thursday, February 8th, 1996. The initial 30-day review period for CR 95-147 is set to expire on February 1, 1996. This letter will serve as notice that I am extending the committee's review period by an additional 30 days to February 25th, 1996.

Please feel free to contact me if you would like to discuss this further.

Sincerely,

Alvin R. Ott  
State Representative  
3rd Assembly District

ARO:kjm

cc: Chairman Alan Lasee, Senate Transportation, Agriculture and  
Local Affairs Committee