

1997-98 SESSION
COMMITTEE HEARING
RECORDS

Committee Name:

Senate Committee on
Agriculture and
Environmental
Resources
(SC-AER)

Sample:

- Record of Comm. Proceedings
- 97hrAC-EdR_RCP_pt01a
- 97hrAC-EdR_RCP_pt01b
- 97hrAC-EdR_RCP_pt02

- Appointments ... Appt
-
- Clearinghouse Rules ... CRule
- 97hr_SC-AER_CRule_97-043_pt02
- Committee Hearings ... CH
-
- Committee Reports ... CR
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- Executive Sessions ... ES
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- Hearing Records ... HR
-
- Miscellaneous ... Misc
-
- Record of Comm. Proceedings ... RCP
-



Fax Cover Letter

NELSON agri-Center
 217 N. Center Ave.
 Viroqua, WI 54665

Phone (608) 637-2192
 Fax (608) 637-7978

Attention: Randy Romanski

Subject: Committee on Agriculture + Environmental Resources

Pages: 6

From: Ray Kanis

Comments: Please share the following with
the respective senators.

Thank you

****If you do not receive this fax in good condition, please call (608) 637-2192.**



217 N. Center Ave., Viroqua, WI 54665 • Phone: (608) 637-2192 • Mill: (608) 637-2195 • Fax: (608) 637-7978

The Honorable Senator Alice Clausing
Wisconsin Senate Committee on
Agriculture and Environmental Resources
Rm. 308, 100 N. Hamilton
Madison, WI 53708

Dear Senator Alice Clausing,

I am faxing this letter to you urging your support for SB 275, the amendments to the Wisconsin Grain Dealer law, and how it will effect my feed and grain business.

Nelson Mill & Agri-Center is a Retail Hardware, Feed and Farm Supply business. We have been in business for 45 years and we are located in Viroqua, Wisconsin. Our customer base is about a 30 mile radius, we service about 350 feed and grain customers and we are a Class B grain dealer. We manufacture 8,000 - 10,000 tons of protein and grain mixes per year. Farmers bring in their grains to be stored for use in their own grain mixes.

This bill, when passed will allow me to purchase grains from my customers in my trade area and to resell a portion of that grain on to the terminal grain markets or to other grain and feed dealers. Currently I can only purchase grains from my customers that I can use in the manufacturing of feed unless I register as a Class A dealer. To do this would cost me a considerable amount of additional money. Presently I can not justify this additional cost. Furthermore, because I can not purchase and resell my customer's surplus grains, it limits their opportunity to have a local competitive market.

By being able to sell a portion of my purchases of customer's grain to terminal grain markets or other grain or feed dealers, I believe that this will give me an opportunity to grow my grain business and eventually enable me to be able to afford to become a Class A grain dealer.

I urge you to support the passage of SB 275, it will definitely be a benefit to my customers!

Respectfully,

A handwritten signature in cursive script that reads "Roy G. Kanis".

Roy G. Kanis

9-30-97

Dear Alice Clausing,

I purchased the Gerald McCoolley property that is in the proposed atrazine ban.

We were aware of the controversy when we bought the property one year ago. We have three small children. We do not feel there is a health risk when farmers field apply atrazine. I request this area not be put in an atrazine ban.

Thank you for your consideration
Yours truly
Jack Crough

PETER GRAIN, INC.



5976 Corlad Road
Athens, WI 54411

PHONE: 800-765-0155
715-257-7121
FAX: 715-257-7699

The Honorable Senator
Wisconsin Senate Committee on
Agriculture and Environmental Resources
Madison, WI 53708

Dear Senator

Currently the Wisconsin Grain Dealers law requires that I must provide the Department of Agriculture with an AUDITED financial statement whenever my annual grain purchases are greater than \$2,000,000.00. These types of audits are very expensive when compared to a reviewed audit which is required when purchases are less than \$2,000,000.00.

(I estimate the difference to be about 4 to 5 times greater.) While this threshold requirement may be justifiable for grain dealers that are very large, there are severe disadvantages for me when grain prices sky-rocket, such as last year, and then return to the current levels. (Last year's prices were 2 to 3 times higher than are current prices.)

Bumper crops can also create a similar situation. These additional grain purchases are an abnormality that may result in my passing over the \$2,000,000.00 limit. But then the following year, when yields return to normal and my purchases are less than \$2,000,000.00, I still must provide an audited financial statement.

SB 275, provides the mechanism that takes these types of occurrences of an exceptional price or yield into consideration. It allows for these one time occurrences without costing grain dealers like myself significant amounts of capital for very little, if any, benefit. These savings in operating costs then can be passed on to my customers in the terms of better prices.

I urge you to support the passage of SB 275, It will be of benefit to my farmers as well as my business.

Respectfully,

A handwritten signature in cursive script that reads "Robert Peter". The signature is written in dark ink and is positioned below the typed name.

Robert Peter

Statement given by Ed Seefelt to DATCP at the Atrazine hearing in Madison, Wisconsin, on September 30, 1997 regarding Atrazine rule changes

I am opposed to the proposed changes in ATCP 30 that would allow the re-use of Atrazine in banned areas

1. The present language calls for three consecutive groundwater samples to be taken from well sites in the prohibition area that exceeded the enforcement standard. Each of the three readings must fall below the degradation level for that chemical before the ban is lifted and the use of that chemical is re-authorized. That part of the language we find acceptable provided the degradation or substance-specific level has been selected from scientific data and not arbitrarily as was the case for the 50% level for Atrazine.

What isn't acceptable in this proposal is that there is no specific language that tells us when and how to re-institute the ban, if the level of contamination begins to rise after re-use, before it reaches the enforcement level. The purpose of the second level (degradation level) is to prevent the level of contamination from again reaching the enforcement standard and creating a yo-yo effect.

2. Section #3 of the DATCP review entitled, **rule modification after public hearing**, states that testimony suggested that the 50% level would be under-protective for pesticides with a low enforcement standard (e.g. 1 part per billion or less), and over-protective for pesticides with a high enforcement standard (e.g. 100 parts per billion or more). The department believes that the 50% figure is the appropriate figure for Atrazine. Using the department's logic, the enforcement standard for Atrazine of 3.0 ppb is closer to 1 ppb than 100ppb and therefore the 50% level is not appropriate for Atrazine because, "it would be under-protected for pesticides with a low enforcement standard." Therefore the PAL would seem to be an appropriate degradation level for Atrazine.
3. Finally, I believe the research protocol is wrong. What the department intends to do is to establish substance-specific degradation levels for each chemical studied. They will use an arbitrary level such as the 50% level for Atrazine and test its validity by varying the application rates of the pesticide at the test well sites. They are trying to find the appropriate level for a given pesticide and they're using an arbitrary level as the **constant** and the application rates as the **variable**. The sought after level should be the **variable** and the application rate should be the **constant**. The present protocol will not give them the information they are seeking. It will tell them only what the proper application is for the level they have predetermined. We're not attempting to discover what rate of application is least contaminating for a given level.

That is a different question. We're trying to discover what the degradation level is for a chemical with a given enforcement standard.

Submitted by Edward R. Seefelt
1534 Cty T
Amherst Jct WI 54407
1 715 677 3805

NOTES FOR OCTOBER 1ST HEARING

Clearinghouse Rule 97-043- (proposed by DATCP:

- These proposed rules spell out “generic” criteria for repealing “site-specific” pesticide prohibition areas. Permanent rules will follow to address the specific criteria for specific pesticides (i.e. atrazine or cyanazine)
- Under the rule, DATCP may repeal a site-specific pesticide prohibition area if at least three consecutive groundwater samples drawn from wells in the area taken at least six months apart are well below the established enforcement standard for that pesticide.
- If DATCP determines by *credible scientific evidence* that renewed pesticide use is not likely to cause a new violation of the enforcement standard, DATCP can repeal the prohibition area.
- Tests must continue to be conducted in the area in subsequent years to determine possible pesticide contamination relapses.

QUESTIONS:

1. What is the enforcement standard for a pesticide like atrazine and how does it compare to the preventive action limit (PAL)?
2. Which of those standards are likely to be used as the measuring stick for testing results on site specific violations? For instance, if DATCP tests for atrazine, under which criteria, the PAL or enforcement standard, will the decision be made to lift the prohibition area?
3. Shouldn't the criteria be based on the more stringent PAL level? Perhaps the PAL is the best trigger?
4. How does DATCP determine *credible scientific evidence* when looking at whether a prohibition area should be rescinded? What is the process for determining this scientific evidence?
5. Wasn't a Pesticide Use Survey supposed to be completed so we would have a better understanding of the use of pesticides like atrazine? If such a study has been completed, can DATCP release this data so the committee can have a better understanding of pesticide uses?
6. Why is DATCP working to repeal pesticide prohibition areas when the EPA is in the process of phasing out triazine compounds like atrazine and cyanazine? Wouldn't it make more sense to wait until EPA has made a determination? It could save everybody a lot of time and effort.
7. How does the timing between AG 31 (this rule) coincide with the release of pesticide specific regulations like AG 30 (atrazine rules)? Do we have to wait for AG 30 before we proceed with AG 31?
8. It seems odd that we will again allow atrazine use in areas that have proven to be susceptible to atrazine contamination already. Doesn't it make more sense to continue the prohibition areas to protect the local water supplies?
9. Support concept
10. Use PAL
11. Are atrazine ^{use} levels up or down?

Assembly Bill 5: (Brandemuehl bill)

- This bill repeals a specific atrazine prohibition area in the town of North Lancaster in Grant County.
- The prohibition area was included in a larger bill last session that set out several other prohibition areas, but the AG committees and JCRAR objected to this specific part of the rule.
- As a result, the other prohibition areas went into affect, but this one did not. Farmers can still use atrazine in this area until this bill is passed or it dies.
- DATCP and enviros hate this bill!!!

COMMENTS:

1. This bill sets a bad precedent by statutorily designating an area that has shown at least one test above the enforcement standard as an atrazine use area rather than a prohibition area.
2. This amounts to micro-managing our state's groundwater laws by letting the legislature designate what areas should not be prohibition areas. Shouldn't this be left up to DATCP?
3. Perhaps, rather than changing the statutes to address this one specific area, the Department should continue its work on the aforementioned Clearinghouse Rule to set up standards that may be appropriate state wide.

Senate Bill 234: (Breske bill)

- This bill discontinues the tax on owners of domestic mink.
- Currently, the proceeds from this tax are used for research on mink.

QUESTIONS:

1. Doesn't the mink industry still want to conduct research on mink?
2. Why should mink farmers be granted this tax exemption?

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- This bill makes several changes to laws regulating grain dealers.
- It changes some of the auditing provisions for grain dealers who sell more than \$2 million worth of grain in a year.
- Let's see who testifies on this bill before we formulate an opinion on the bill.

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Oct. 1, 1997

State Senator Alice Clausing, Chair
Agriculture and Environmental Resources
100 North Hamilton, Room 308
Madison, WI 53707-7882

Dear Senator Clausing:

I'm Writting this letter in regards to the proposed atrazine ban proposed for North Lancaster Township, Grant County WI. I Rent ground and buildings from Wm Pink, some of which lies in the proposed area. From all of the information that I have told and what I have read about this area, I feel that a ban would be the wrong action to take and would be damaging to the farmers affected by such ban. I personally limit the amount of the product that I use, I have it professionally applied by my local agronomy center with the uses of state of the art equipment that is calibrated several times a year, and ran by only state certified custom applicaters, and I am also a state licenses private applicator, we are not dummys out here that don't know what we are doing, I also have a college education in agriculture. I personally split my weed control over two Passes about a Month apart, thus reducing the risk of contaminating water and using only the products necessary to control the weed pressure that is present. I have also considered going to satalite guided spray application to futher reduce my spray usage.

As you can see, farmers have items available to them now that wasn't available in the past to made chemical applications safe and enviromentally friendly. So if Atazine was contaminating water, which I highly dispute in this case, the new methods of application and product blends prevent it from being a problem in the future. This is not to mention the economic effects This ban would have on us farmers.

Thank you for your time
Jim Rech *Jim Rech*
Dairy Farmer
Lancaster, WI 53813

JAMES B. HALFERTY
ATTORNEY AT LAW
108 SOUTH MADISON STREET
LANCASTER, WISCONSIN 53813

PHONE 723-4075

October 1, 1997

State Senator Alice Clausing, Chair
Agriculture & Environmental Resources
100 North Hamilton, Room 308
Madison, WI 53707-7882

RE: Assembly Bill 5 as Amended

Dear Senator Clausing:

I live in the Town of North Lancaster, Grant County. I own 83 acres of land all of which is in the proposed atrazine ban in that township. I am not a farmer. Most of my land is not farmed but is in conservation reserve or managed forest.

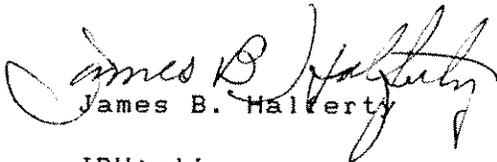
I am writing to request that you and your committee support passage of Assembly Bill 5 as amended. My reasons are as follows: First, the proposed ban is based on a sample that appears not to be representative of the conditions in the area. Second, Mr. Taylor, owner of the well tested is a meticulous and careful farmer. I am personally acquainted with his farming ability and practice because he lives next to me. I am certain that he is not and has not over used any chemical.

My well was recently tested and the tests showed no atrazine, and no other chemical except a slightly elevated level of nitrates which was well within state and federal tolerances.

There appears to be no reason to impose the ban particularly when one considers that the levels of atrazine in Mr. Taylor's well always met federal standards.

Thank you for your attention to this matter.

Yours very truly,


James B. Halferty

JBH:vli

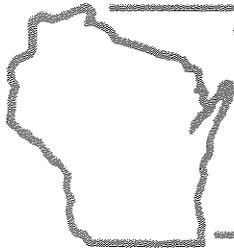
10-1-97

Dear Senator Clausen and committee members

I am Am. E Birt a land owner in the proposed 2400 acre atypical prohibition area in Hunt County. From the facts that the Dept of ag. have and the D+R report dated Dec 6, 1996 pertaining to this well, it looks like a good source and not field usage. Still the atypical usage rules as they are now for field usage I feel that my water supply and my neighbors should be safe. Since no one either residential or farmer are clamoring for this prohibition area I am requesting this area to be left out of a prohibition area.

Thank you

Am. E Birt



WISCONSIN FERTILIZER & CHEMICAL ASSOCIATION

WFCA

2317 International Lane, Suite 115, Madison, WI 53704-3129 Phone: (608) 249-4070 Fax: (608) 249-5311
BETSY AHNER, Executive Director

BOARD OF DIRECTORS:

JOE NAGEL, President (98)
Spirifland Agri-Service
1214 County Highway D
Almond, WI 54909
Phone: (715) 366-2500

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American Cyanamid
505 S Dewey St, Ste 211
Eau Claire, WI 54701
Phone: (715) 838-9300

RICH LUDT, Treasurer (98)
Valent U.S.A. Corporation
7162 Bressco Lane
Verona, WI 53593
Phone: (608) 833-7162

CHUCK KIEFER, Secretary (99)
Genex/Land O'Lakes
P O Box 64089
St. Paul, MN 55164
Phone: (612) 451-5337

JOHN ANNEN (00)
Cottage Grove Cooperative
203 W. Cottage Grove Road
Cottage Grove, WI 53527
Phone: (608) 251-9010

FRANK MASTERS (98)
Twin State Eng. & Chem. Company
3631 Poizin Road
Janesville, WI 53545
Phone: (608) 755-1003

DENNIS NICOLAJ (98)
Farmers Cooperative Supply & Shipping
136 East Elm Street
West Salem, WI 54689
Phone: (608) 786-1100 ext. 207

TOM SANDAHL (98)
IMC Agribusiness
169 Stark Street
Randolph, WI 53956
Phone: (414) 326-6062

DAN UMINSKI (00)
Mark II Agronomy
7211 Fortune Drive
Middleton, WI 53562
Phone: (608) 836-6040

RANDY VOLLBATH (99)
Cisen's Mill
RR 1, Box A23
Aurora, WI 54923
Phone: (414) 361-4854

RUSS WALHUS (00)
Ag-Chem Equipment
5720 Smetana Drive
Minnetonka, MN 55343
Phone: (612) 933-9006

KEITH KELLING, Advisor
UW-Dept. of Soil Science
1525 Observatory Drive
Madison, WI 53706
Phone: (608) 263-2795

JOHN WEDBERG, Advisor
UW-Dept. of Entomology
237 Russell Labs
Madison, WI 53706
Phone: (608) 262-3226

October 1, 1997

Subject: In support of AB 5 as amended

In support of establishing a procedure to reintroduce atrazine use to selected prohibition areas in Wisconsin.

The mere mention of the reintroduction of atrazine into an area where it is now prohibited, frightens area residents. We are conditioned, by widely publicized horror stories and misinformation, to believe that any chemical that will kill weeds or bugs is bad and threatens our lives and well being. The world becomes a frightening place when we believe, that the crystal clear water we drink, is a cocktail of undetected and dangerous chemicals. Some people would have us believe that atrazine is one of these chemicals.

However, over thirty years of scientific study have debunked much of the fearful misinformation circulated about this chemical. Atrazine has been proven to be non-estrogenic, it does not mimic estrogen. Atrazine is not genotoxic, it does not damage genetic material. Atrazine does not affect fertility, and does not cause malformations or other adverse effects in developing offspring.

What Atrazine does do, is cause an increased incidence of mammary tumors in female Sprague-Dawley rats. Ironically, more than 50% of the Sprague-Dawley females usually develop tumors as they age, even if they never have a nibble of Atrazine. These tumors develop because of a unique deficiency in the control of the reproductive cycles of the rats. Humans do not have this deficiency, so the Sprague-Dawley mammary tumor response is not directly relevant to humans and is not a reliable indicator of human reaction to Atrazine.

A report by the Triazine network states that, "a comprehensive assessment of drinking water in the states where more than 90 % of atrazine is used, showed that 99.9% of the population was not exposed to atrazine above the federal standard." An assessment of the data led the researchers to the conclusion that trace levels of atrazine in drinking water do not pose unreasonable risks to human health or to the environment. In addition, Atrazine residues are seldom detected in food, and the U.S. Food and Drug Administration has never found atrazine above the EPA-established tolerance in any of the food samples tested.

In 1996 Professor Gordon Harvey of the Department of Agronomy at UW-Madison, reported on a three year study he conducted using alternatives to Atrazine. His study of 13 chemicals and combinations of chemicals, showed in every case, costs increased and yields decreased, producing a net loss of return ranging from \$10 to \$52 per acre. For every 100 acres that amounts to a loss of \$1,000 to \$5,200.

Many of these alternative herbicides share the same mechanism of action - blocking the ALS enzyme - and resistance to these herbicides has appeared in some weeds. Weed scientists worry about what the loss of triazines could mean to weed resistance management. ALS herbicides are now widely used on soybeans, which are rotated with corn treated with atrazine. When atrazine is no longer available, use of ALS herbicides increases, with continuous use occurring in some fields. Inevitably, ALS resistance will occur more rapidly, reducing the effectiveness of these herbicides.

Studies also show that atrazine is more effective in fields where conservation tillage is utilized. This is a much promoted method of controlling the run off of surface water into streams and lakes, to decrease the levels of nitrogen and pesticides in the water.

In the last 35 years more than 600 safety, environmental and exposure studies have been conducted on the manufacture and use of Atrazine. The researchers who conducted these tests concluded that, when used as intended, Atrazine poses no adverse health effects to humans through food, drinking water, or handling.

We live daily with a multitude of real risks, yet we do not fear them nearly as much as we fear Atrazine. Hundreds of people die each year from automobile accidents, do we ban automobiles? People are electrocuted from downed power lines or other electrical accidents, do we ban electricity? Children drown in bath tubs, do we ban bathtubs? Why then are we so frightened of a tool that enables farmers to raise our food more cost effectively and profitably?

Establishing a process to allow the use of Atrazine on fields, where it is deemed safe, is not just a warm fuzzy thing to do for our Wisconsin farmers. It is a fair thing to do. The lives and incomes of Wisconsin farmers depend on remaining competitive in national and world markets, where every penny counts.

Citizens For A Better Environment
John Muir Chapter of the Sierra Club
222 South Hamilton Street, Ste 1
Madison, WI 53711
608-256-0565

Statement to the Senate Committee on
Agriculture and Environmental Resources
in Opposition to Clearinghouse Rule No. 97-043
Providing Generic Standards to Repeal Pesticide Prohibition Areas
Submitted on Behalf of
the John Muir Chapter of the Sierra Club
and Citizens for a Better Environment
October 1, 1997

The John Muir Chapter of the Sierra Club and Citizens for a Better Environment oppose Clearinghouse Rule No. 97-043 because it subverts Wisconsin's groundwater law by opening the door to the creation of arbitrary standards. We ask the Committee to return Clearinghouse Rule No. 97-043 to the Department of Agriculture, Trade and Consumer Protection in order to incorporate the Preventive Action Limit as the trigger for any repeal process.

Our organizations have testified on this rule throughout its development and our comments have been very clear. We do not oppose the idea or ultimately the creation of a rule to repeal prohibition areas as long as the process meets the requirements of the groundwater law, ch. 160 Stats. Specifically, the standard that groundwater must meet in order to be considered for repeal should be the Preventive Action Limit (PAL) and not an arbitrary standard to be decided at some future date for each chemical and its metabolites.

The Department of Agriculture, Trade and Consumer Protection has described the numerical standards for contaminants in groundwater as a "red light" (the enforcement standard or ES), and "yellow light" (PAL) approach. Where contamination levels are above the ES, the Department "must ordinarily prohibit applications of the pesticide at that location." *

Where levels fall between the ES and the PAL, "DATCP may not ordinarily prohibit applications of that pesticide at that location unless DATCP finds that lesser actions will be ineffective in controlling groundwater contamination. However, DATCP must take other regulatory steps (emphasis added) 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")."*

In this case, we do not need to speculate what standards might arise from the generic rule before the Committee. The Department has begun to advance a repeal process for atrazine prohibition areas using a level of 50% of the ES. This would create a third, new, non-legislated standard. It

inhibits the attainment of compliance with the PAL. It ignores the intent of the groundwater law in setting a PAL to trigger action and protect public health.

Any level set higher than the PAL and lower than the ES is inadequate. Prohibition areas are created on properties that have already exceeded the PAL and ultimately exceeded the ES. What good does it do to return these areas to chemical use when they are still above the PAL and the Department's statewide use limitations have already failed once?

Specific suggestions:

ATCP 31.08(4)~~1~~ Change the language to specify use of the PAL. "...*reveal no other concentrations of the pesticide substance that exceed the PAL for that pesticide substance.*"

ATCP 31.08(4)~~2~~ Change the language to specify use of the PAL. "...*that the concentration of that pesticide substance has fallen to and remains at the PAL for that pesticide substance.*"
or below

ATCP 31.08(4)3. Clarify this language so that it is clear how this determination will be made. The current language could be interpreted as meaning ^{either} that a single, generic determination will be made or that a determination will be made in the case of each prohibition area. Because of differences in soil and subsurface geology, our organizations believe the determination needs to be made for each area.

This evidentiary burden should fall on the users and manufacturers of the pesticides in question. Credible scientific evidence must be presented to the Department by these parties in order for the Department to make its determination. The Department should not be spending resources to generate this evidence.

We urge the Committee to reject the rule as drafted and return it to the Department requesting that the Department use the existing groundwater standards and specifically the PAL as the level of attainment needed to begin a repeal process. The John Muir Chapter of the Sierra Club and Citizens for a Better Environment thank the Committee for this opportunity to comment on Clearinghouse Rule 97-043.

*Quotes are from August 27, 1997 Memo from Joseph E. Tregoning, Acting Secretary, DATCP to the Honorable Fred Risser and the Honorable Ben Brancel.



Date: October, 1997

To: Wisconsin Senate Committee on
Agriculture and Environmental Resources

From: Lee Craigo
Craigo Grain Company
Monroe, WI

Reference: SB 275, Amendments to Chapter 127
The Grain Dealer and Grain Warehouse Law

I am appearing before you today not only as a Class A Grain Dealer and a Grain Warehousekeeper, but also as the President of the Wisconsin Agri-Service Association. Wisconsin Agri-Service Association has over 550 members, the majority of which operate feed mills and grain elevators throughout Wisconsin.

My wife Karen and I have owned and operated Craigo Grain Company in Monroe since 1967. Craigo Grain Company was started over sixty years ago by my grandfather and father. Karen and I have two sons and we anticipate that, god willing, they may be able to carry on the tradition of Craigo Grain being a family owned and operated business.

Our facility has 750,000 bushel of storage capacity. We buy corn, beans, oats, and wheat from approximately 250 area farmers, which are mostly dairy producers with average sized farms of 200 to 400 acres. Our trade area is within a 30 mile radius of Monroe, with some of our customers located in Illinois. A large portion of the grains we purchase are returned back to the dairy and hog production units located in the immediate area.

We also operate a fleet of four trucks, which we use to pick up and deliver these grains to these area producers.

In 1972 I had the honor to serve the Secretary of Agriculture as a member of the "Cash Grain Council". The Cash Grain Council was formed to draft the first Grain Dealer Law for Wisconsin. It is very satisfying to me to see that this law, with some minor modifications, has withstood the test of time.

I am here today to urge you to support SB 275, the amendments to Chapter 127. These amendments will strengthen the grain law by making it more responsive to today's conditions regarding market conditions and by allowing the grain industry of Wisconsin to be able to grow. These amendments will provide and give feed mills the opportunity to develop a grain market for their area farmer's surplus grains. As a Class A dealer, I firmly believe that this will only be for the betterment of Wisconsin's rural economy.

Thank you!

ATRAZINE RULE TESTIMONY

REP. DAVID BRANDEMUEHL

OCTOBER 1, 1997

THANK YOU CHAIRPERSON CLAUSING AND COMMITTEE MEMBERS FOR GIVING ME THIS OPPORTUNITY TO TESTIFY FOR INFORMATION ON CLEARINGHOUSE RULE 97-043.

I WOULD LIKE TO BEGIN BY COMPLIMENTING THE DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION FOR PROPOSING A REALISTIC WAY TO REPEAL SITE-SPECIFIC PROHIBITIONS. WHEN THE CURRENT GROUNDWATER RULE WAS PROMULGATED THIS ISSUE WAS NOT APPROPRIATELY ADDRESSED.

THE CURRENT RULE STATES THAT A "PROHIBITION MAY REMAIN IN EFFECT INDEFINITELY UNLESS DATCP IS SHOWN, AND DETERMINES, THAT RESUMPTION OF THE PESTICIDE USE IS NOT LIKELY TO CAUSE A RENEWED OR CONTINUED VIOLATION OF THE ENFORCEMENT STANDARD." THIS LANGUAGE IS VAGUE AND OFFERS NO PLACE FOR CREDIBLE SCIENTIFIC EVIDENCE.

UNDER THE PROPOSED RULE, THE DEPARTMENT MAY REPEAL OR MODIFY A PROHIBITION IF AT LEAST 3 CONSECUTIVE GROUNDWATER SAMPLES FROM EACH WELL IN THE AREA SHOW THAT THE ATRAZINE CONCENTRATION HAS STAYED BELOW AN ACCEPTABLE LEVEL.

IN RECENT DATCP TESTS, ATRAZINE LEVELS HAVE DROPPED NEARLY 50% THROUGHOUT MOST OF WISCONSIN. I BELIEVE THIS IS A DIRECT RESULT OF

WIDESPREAD FARMER COMPLIANCE WITH WISCONSIN'S STRINGENT
GROUNDWATER RULES.

WHEN ATRAZINE WAS FIRST INTRODUCED, IT WAS OFTEN MISUSED
BECAUSE LITTLE WAS KNOWN ABOUT ITS EFFECTS. TODAY, FARMERS HAVE A
MUCH BETTER UNDERSTANDING OF THE NEED TO USE HERBICIDES SPARINGLY
AND PREVENT GROUNDWATER CONTAMINATION. THEY HAVE PROVEN THAT IT
WOULD BE POSSIBLE TO REESTABLISH USE IN SOME AREAS WITHOUT
THREATENING GROUNDWATER STANDARDS.

SOME OF THE COMMENTS TO THIS RULE RECOMMEND APPLYING THE
SAME 3-TEST PROCEDURE THAT WOULD BE USED FOR REPEALING A
PROHIBITION AREA TO THE PROCESS THAT PUTS A BAN INTO PLACE. I THINK
THIS IDEA HAS MERIT AND SHOULD BE CONSIDERED.

CURRENTLY, THE DEPARTMENT CAN, AND DOES, INSTIGATE A BAN BASED
ON ONE TEST OF ONE WELL. THE CONTAMINATION MAY BE A DIRECT RESULT
OF AN ISOLATED SPILL, BUT FURTHER EVIDENCE CANNOT BE TAKEN INTO
CONSIDERATION. CONSIDERING THE SERIOUS FINANCIAL IMPLICATIONS OF AN
ATRAZINE BAN, FARMERS DESERVE TO HAVE THESE DECISIONS BASED ON
SCIENTIFIC, CREDIBLE EVIDENCE. ONE TEST OF ONE WELL LEAVES TOO MUCH
ROOM FOR ERROR AND DOES NOT TAKE INTO CONSIDERATION THE INSTABILITY
OF GROUNDWATER.

I ALSO WOULD ENCOURAGE THE DEPARTMENT TO CAREFULLY DEFINE
WHAT WOULD BE CONSIDERED "CREDIBLE SCIENTIFIC EVIDENCE" SO THAT

THERE IS NO QUESTION ABOUT WHAT NEEDS TO BE DONE TO PROVE THAT A
PROHIBITION AREA IS NO LONGER NECESSARY.

I URGE YOUR SUPPORT OF CR 97-043 WITH THE ABOVE MENTIONED
MODIFICATIONS. THANK YOU.

ATRAZINE BILL TESTIMONY

REP. DAVID BRANDEMUEHL

OCTOBER 1, 1997

THANK YOU CHAIRPERSON CLAUSING AND COMMITTEE MEMBERS FOR GIVING ME THIS OPPORTUNITY TO TESTIFY IN SUPPORT OF ASSEMBLY BILL 5, RELATING TO THE USE OF ATRAZINE IN A SPECIFIED AREA IN THE TOWN OF NORTH LANCASTER, GRANT COUNTY.

AS MANY OF YOU ARE AWARE, THIS LEGISLATION IS A RESULT OF A PARTIAL OBJECTION BY LEGISLATIVE COMMITTEES TO CLEARINGHOUSE RULE 95-147 WHICH WOULD HAVE IMPOSED AN UNNECESSARY ATRAZINE BAN.

FOR THOSE OF YOU WHO ARE NEW TO THIS ISSUE, I WOULD LIKE TO TAKE THIS OPPORTUNITY TO REVIEW THE HISTORY OF THIS LEGISLATION.

IN JULY OF 1994, DATCP RAN ONE TEST OF A SHALLOW WELL LOCATED ON A FARM IN NORTH LANCASTER TOWNSHIP, GRANT COUNTY. THE TEST INDICATED AN ATRAZINE LEVEL OF 3.55 PPB, SLIGHTLY ABOVE THE ENFORCEMENT LEVEL OF 3 PPB. SINCE A SPILL IS BELIEVED TO HAVE OCCURRED NEAR THE TESTED WELL, I ASKED DATCP TO RUN MORE TESTS ON THAT PARTICULAR WELL AND THOSE THAT WOULD BE INCLUDED IN THE NEW PROHIBITION AREA.

ONE YEAR LATER, IN AUGUST OF 1995, A SECOND TEST OF THE SAME WELL INDICATED THAT THE ATRAZINE LEVEL HAD DROPPED TO 2.88 PPB, WELL BELOW THE ENFORCEMENT STANDARD. THIRTEEN ADDITIONAL WELLS WERE TESTED IN NOVEMBER OF 1995. NINE INDICATED NO ATRAZINE CONTAMINATION. THE OTHER

FOUR WELLS HAD ATRAZINE LEVELS OF LESS THAN HALF OF THE ENFORCEMENT LEVEL OF 3 PPB. THE HIGHEST READING FROM A WELL IN THE PROPOSED PROHIBITION AREA WAS 0.661 PPB. COMMON SENSE WOULD DICTATE THAT ATRAZINE CONTAMINATION IS NOT A PROBLEM IN THIS AREA.

HOWEVER, DUE TO THE INFLEXIBILITY OF THE CURRENT ATRAZINE RULES AND THE VERY RIGID INTERPRETATION OF THOSE RULES BY DATCP, THEIR BOARD IGNORED THE ADDITIONAL EVIDENCE AND PROPOSED A BAN. BOARD MEMBERS EVEN EXPRESSED DISPLEASURE WITH THEIR OWN ACTIONS, BUT THEY FELT COMPELLED TO IMPOSE A BAN BECAUSE ONE TEST WAS OVER 3 PPB. THE DEPARTMENT HAS CONTINUED TO VIGOROUSLY PURSUE AN ATRAZINE BAN FOR NORTH LANCASTER.

AS A RESULT OF THE DEPARTMENT'S ACTIONS, THE ASSEMBLY AGRICULTURE COMMITTEE PARTIALLY OBJECTED TO CR 95-147 IN ORDER TO PREVENT AN ATRAZINE BAN FROM GOING INTO EFFECT IN THE NORTH LANCASTER AREA. THE DEPARTMENT REFUSED TO RECONSIDER THEIR POSITION ON THIS MATTER AND HAVE REMAINED EXTREMELY RIGID DESPITE LEGISLATORS' OBJECTIONS. THE JOINT COMMITTEE ON REVIEW OF ADMINISTRATIVE RULES THEN UPHELD THE ASSEMBLY OBJECTION AND SUBSEQUENTLY INTRODUCED AB 5 AND SB 20.

SINCE THE BOARD'S DECISION WAS BASED ON ONE TEST OF ONE WELL AND ALL OF THE WELLS IN THE PROPOSED BAN WERE IN COMPLIANCE WHEN THIS RULE WAS WRITTEN, I BELIEVE THE PROPOSED PROHIBITION IS INAPPROPRIATE AND UNJUSTIFIED. IN AN APRIL 4TH MEMO, DAVE STUTE OF THE LEGISLATIVE COUNCIL

PUTS FORWARD THE ARGUMENT THAT THE STATUTORY REQUIREMENT FOR MANDATING A PROHIBITION WAS NOT MET AND THUS DATCP SHOULD NOT HAVE PROCEEDED WITH A PROHIBITION. I URGE YOU TO REFER TO THIS MEMO.

I WOULD LIKE TO MAKE IT VERY CLEAR THAT WE ARE DEALING WITH A SUBSTITUTE AMENDMENT, NOT THE ORIGINAL BILL. THE DRAFTING INSTRUCTIONS WERE MISUNDERSTOOD AND THE ORIGINAL BILLS WOULD PERMANENTLY PROHIBIT ANY ATRAZINE BANS IN THE SPECIFIED AREA. THIS WAS NOT THE INTENT OF THE JOINT COMMITTEE ON RULES OR ME. THUS, WE HAD A SUBSTITUTE AMENDMENT DRAFTED TO SIMPLY PROHIBIT AN ATRAZINE BAN IN THIS ONE PARTICULAR INSTANCE. IF APPROVED, THE AMENDMENT WOULD ALLOW A BAN TO BE IMPOSED AT A LATER DATE IF FUTURE TESTS INDICATE A PROBLEM.

THANK YOU.