

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB133)

Received: **05/7/99**

Received By: **traderc**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Schug**

This file may be shown to any legislator: **NO**

Drafter: **traderc**

May Contact:

Alt. Drafters:

Subject: **Agriculture - pesticides**

Extra Copies:

Pre Topic:

LFB:.....Schug -

Topic:

Pesticide sales and use reporting system

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	traderc 05/16/99	gilfokm 05/17/99	martykr 05/19/99	_____	lrb_docadmin 05/19/99		
/2	traderc 06/2/99	gilfokm 06/2/99	martykr 06/3/99	_____	lrb_docadmin 06/3/99		

FE Sent For:

<END>

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/1	traderc 05/16/99	gilfokm 05/17/99	martykr 05/19/99	_____	lrb_docadmin 05/19/99		

FE Sent For:

*12-6-2-99
mg

km 6/3

kg 6/3

<END>

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1?	traderc	1-5-17-99 Kmg	<i>[Signature]</i> 12/18	<i>[Signature]</i> Kmg			

FE Sent For:

<END>

Tradewell, Becky

From: Schug, David
Sent: Friday, May 07, 1999 3:07 PM
To: Tradewell, Becky
Subject: RE: DATCP amendments

You are correct-- here goes...

Paper 210 Drainage Alt 5 and Alt 6

Paper 211 AgChem Alt 4

Paper 212 Pesticide Motion 216 and Motion ~~216~~

#213 Export

Motion 444 The wording in the motion is misleading and is based on alternative 3, which discusses Federal revenues in addition to the amount provided in Chapter 20.115(3)(m). Thus, \$1 of marketing GPR 115(3)(a) should lapse for every \$1 in federal funding received above the amount of funding provided in 20.115(3)(m). (We are thinking of a two-line appropriation with GPR and PR-F listed as well as a net amount provided).

#214 price reform Alt 1

#215 nursery Alt 2c (includes technical changes in Alt 1), Motion 214, Motion 231 (I made an error in calculating Alt 2c. The position total change to base is really 1.00 and not 2.00 as written.

#216 weights Alt 2 and Alt 3, Motion 215 (add towns with cities and villages)

#217 LPG Alt 5

#218 grain Alt 2 and Alt 3

#219 web page Alt 2

#220 electronic Alt 3

#221 fair aids Alt 1

All summary items for which no papers were written were approved, except for #20, consumer protection assessment. That item is still outstanding.

Motion 661 also was approved.

I am faxing over the above motions. Besides the pending consumer protection assessment item, that should do it for DATCP.

David

Senator Burke

AGRICULTURE, TRADE AND CONSUMER PROTECTION

**Pesticide Sales and Use Reporting System
[Paper #212]**

paper

Motion:

Move the following:

1. **Funding.** Create a continuing appropriation and provide DATCP \$250,000 SEG from the agricultural management fund in 1999-2000 and 3.0 two-year project positions for (a) the development of a pesticide sales and use database reporting system and (b) testing of a pilot version of the reporting system. Further, provide \$150,000 SEG from the environmental management account of the environmental fund in 1999-2000 to contract for consultants to assist in the development of the pesticide sales and use reporting system.

new 2 steps

2. **Agency Responsibilities.** Provide that in cooperation and coordination with the UW-Madison College of Agricultural and Life Sciences, UW Environmental Toxicology Center, the Department of Natural Resources Bureau of Enterprise Information Technology and Applications, the Department of Health and Family Services Division of Health, the Department of Administration Division of Technology Management, the Wisconsin State Cartographer's Office, the Wisconsin Geological and Natural History Survey, representatives of the pest management industry, agricultural, environmental, medical and public health institutions and advocacy groups, school districts, municipal governments, and other interested parties, DATCP: (a) develop and administer a pilot program within 12 months, which tests the pesticide sales and use reporting system; (b) develop a program that offers training and technical assistance to database users and to pesticide users required to report the data by January 1, 2002; (c) establish and maintain a pesticide sales and use database system by December 31, 2002, that provides a systematic method for collecting, retaining, analyzing and publicly disseminating data related to pesticide sales and use in the state; and (d) report to each appropriate standing committee of the Legislature on the necessity of continuing, revising or repealing provisions regarding the partial confidentiality of agricultural pesticide users. Require the database system to be integrated with statewide geographic information system mapping. Require DATCP to issue, no later than March 1 of each year, an annual report which includes a summary and analysis of the types, quantity and area of pesticides applied and sold during the previous calendar year. Require DATCP to include funding for the full ongoing operation of the system in the Department's 2001-03 budget request to the Governor.

3. **Criteria for System Development.** Require DATCP to develop administrative rules necessary for the consistent submission and dissemination of accurate pesticide sales and

use data. The criteria shall include: (a) technical assistance for those submitting pesticide sales and use data; (b) specific deadlines for submitting pesticide sales and use data; (c) methods for reviewing and analyzing the accuracy of the reported data; and (d) mechanisms for the Department to make the reported data available to the public (including via an internet website and via compact and floppy disks).

4. Reporting of Nonhousehold and Industrial Pesticide Sales. In designing and maintaining the pesticide sales and use reporting system, the Department would require nonhousehold and industrial pesticide manufacturers, distributors and retailers of pesticides in the state to report the following information:

- (a) The date of sale, brand name and amount of pesticide products sold to each purchaser in the state;
- (b) The name, address and nine digit zip code of each pesticide purchaser;
- (c) Any license or pesticide applicator certification number of the purchaser.

5. Reporting of Pesticides Applied by Commercial Applicators. In designing and maintaining the pesticide sales and use reporting system, DATCP would require individual and commercial nonhousehold pesticide applicators to report the following information:

- (a) Type of pesticide applied, brand name, EPA-registered pesticide product name, federal registration number, manufacturer and active ingredients;
- (b) Name and certification number of the applicator;
- (c) Date, time and amount of pesticide applied;
- (d) How the product was applied, including any additives and the type of applicator device;
- (e) Rate of application, including location and acreage of pesticide applications including the street address, township, county, nine digit zip code, section, range, base and meridian where the product was applied and any adjacent waterways and municipalities;
- (f) Type of site to which the product was applied and purpose of the application;
- (g) Specific crop, commodity, plant, animal, structure, equipment and material to which the pesticide was applied;
- (h) Weather conditions during application;
- (i) Name of person who prepared the report and relationship to applicator.

6. Partial Confidentiality of Agricultural Pesticide Users. Notwithstanding state public records law, dealer, pesticide applicator, or self reported information about pesticide sales or use for private agricultural purposes that would reveal the owner or specific property where a pesticide was applied will be treated as confidential, upon the written request of the landowner, unless the information is requested by:

- (a) State or local government for any investigation, subject to existing confidentiality requirements;
- (b) A governmental agency that has made provisions to protect the confidentiality of the information;
- (c) A researcher or medical doctor who presents a valid need for the information and who has made provisions to protect the confidentiality of the information;

(d) A state agency or public water supply system for water assessment, subject to existing confidentiality requirements.

The confidentiality provisions would sunset on July 1, 2001, or upon passage of the 2001-03 biennial budget, whichever is later.

7. **Reporting of Household Pesticide Sales and Use.** Require DATCP to collect data on the sale, use and result of use of household pesticides in the state. Require only licensed manufacturers of household pesticides and household pesticide products to report to DATCP the amount of household pesticides sold in Wisconsin. Allow DATCP to purchase household pesticide product sales information from commercial marketing information firms.

Note:

While DATCP currently collects some information on pesticides sold and used in the state, estimates on use are primarily compiled through use surveys rather than through reporting requirements. The database requirements of the motion would place reporting requirements on local units of government, businesses and commercial pesticide applicators that may use pesticide products. Neither retailers nor homeowners would be required to submit sales or purchase information to DATCP. The motion would reduce the balances of the environmental fund by \$150,000 and the agrichemical management fund by \$250,000 on a one-time basis. A permanent funding source would be recommended by DATCP in its 2001-03 biennial budget request.

[Change to Base: \$400,000 SEG and 3.0 project positions]

Representative Albers

passed

AGRICULTURE, TRADE AND CONSUMER PROTECTION

Pesticide Sales and Use Reporting System
[Paper #212]

Motion:

Move to amend Motions #216 and #313 to require that the statewide-geographic information system mapping be approved by the Wisconsin Land Council and the Land Information Board.



State of Wisconsin
1999 - 2000 LEGISLATURE

SOON

LRBb0275/1

RCT:.....
Kmg

LFB:.....Schug - Pesticide sales and use reporting system

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

DNote

the development and

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 375, line 18: after that line insert:

3 "SECTION 189e. 20.115 (7) (uc) of the statutes is created to read:

4 20.115 (7) (uc) *Pesticide sales and use reporting system administration.* From

5 the agrichemical management fund, as a continuing appropriation, the amounts in

6 administration of the schedule for the pesticide ^{sales and} use ~~and~~ reporting system under s. 94.695.

7 SECTION 189g. 20.11⁵ (7) (ue) of the statutes is created to read:

8 20.11⁵ (7) (ue) ^{(E) sales and} *Pesticide use ~~and~~ reporting system development.* From the

9 environmental fund, the amounts in the schedule to contract for assistance in

10 developing the pesticide ^{sales and} use ~~and~~ reporting system under s. 94.695."

11 ✓ 2. Page 952, line 6: after that line insert:

1 **SECTION 1942m.** 94.695 of the statutes is created to read:

2 **94.695 Pesticide sales and use reporting system.** (1) DEFINITIONS. In this
3 section:

4 (a) "Household pesticide" has the meaning given in s. 94.681 (1) (a).

5 (b) "Industrial pesticide" has the meaning given in s. 94.681 (1) (b).

6 (c) "Municipality" means a city, village or town.

7 (d) "Nonhousehold pesticide" has the meaning given in s. ~~94.681~~ ^{94.681} (1) (c).

8 (2) RESPONSIBILITIES OF THE DEPARTMENT. The department shall do all of the
9 following:

10 (a) Develop and, beginning no later than January 1, 2003, administer a
11 pesticide sales and use reporting system that provides a systematic method for
12 collecting, retaining ¹analyzing and disseminating data related to pesticide sales and
13 use in this state and that is integrated with statewide geographic information
14 systems.

15 (b) Develop and, beginning no later than the first day of the 13th month
16 beginning after the effective date of this paragraph [revisor inserts date],
17 administer a pilot program to test the pesticide sales and use reporting system.

18 (c) Beginning no later than January 1, 2002, provide training and technical
19 assistance to persons required to report under the system in par. (a) and to persons
20 who wish to use the data collected under the system.

21 (d) No later than March 1 annually, beginning in 2004, submit ~~to~~ ^{to} the
22 legislature under s. 13.172 (2) ~~a~~ a report on the system in par. (a), including a
23 summary and analysis of the types and quantity of pesticides sold and [✓]applied during
24 the previous calendar year and the areas to which those pesticides were applied.

1 (3) CONSULTATION. The department shall consult and coordinate with all of the
2 following in discharging its responsibilities under sub. (2):

3 (a) The college of agricultural and life sciences of the University of
4 Wisconsin-Madison.

5 (b) Employees of the University of Wisconsin ^S system who are knowledgeable in
6 the area of environmental toxicology.

7 (c) The subunit of the department of natural resources that provides
8 information technology support.

9 (d) The subunit of the department of health and family services that
10 administers health laws.

11 (e) The division of technology services ⁱⁿ of the department of administration.

12 (f) The state cartographer.

13 (g) The geological and natural history survey.

14 (h) Representatives of the pest management industry, of agricultural,
15 environmental, medical and public health institutions and advocacy groups, of
16 school districts and of local governments.

17 (i) Other interested persons.

18 (4) ^A RULE-MAKING. The department shall promulgate rules for the pesticide
19 sales and use reporting system in sub. (2) (a), including rules to ensure the consistent
20 submission and dissemination of accurate pesticide sales and use data. The
21 department shall provide for all of the following in the rules:

22 (a) Technical assistance for persons submitting pesticide sales and use data.

23 (b) Deadlines for submitting pesticide sales and use data.

24 (c) Methods for reviewing and analyzing the accuracy of the reported pesticide
25 sales and use data.

1 (d) Mechanisms by which the department will make the reported pesticide
2 sales and use data available to the public, including through the ^Iinternet and
3 computer media.

4 (5) REPORTING OF SALES OF NONHOUSEHOLD AND INDUSTRIAL PESTICIDES. Under the
5 pesticide sales and use reporting system in sub. (2) (a), the department shall require
6 manufacturers, distributors and dealers of industrial pesticides and nonhousehold
7 pesticides to report all of the following information:

8 (a) The date of sale, brand name and amount of each industrial pesticide and
9 nonhousehold pesticide sold to each purchaser in this state.

10 (b) The name, address and 9-digit zip code of each purchaser under par. (a).

11 (c) The number of any license or certification under ss. 94.67 to 94.71 held by
12 each purchaser under par. (a).

13 (6) REPORTING OF CERTAIN PESTICIDE APPLICATIONS. Under the pesticide sales and
14 use reporting system in sub. (2) (a), the department shall require commercial
15 applicators and private applicators to report all of the following for each pesticide
16 application:

17 (a) The type of pesticide applied and its brand name, the name of the pesticide
18 as registered under the federal act, the pesticide registration number assigned to the
19 pesticide under the federal act, the manufacturer of the pesticide and the pesticide's
20 active ingredients.

21 (b) The name and certification number, under s. 94.705, of the ^{person applying the pesticide}applicator.

22 (c) The date, ^{and of the application}time, and ^{the}amount of pesticide applied.

23 (d) How the pesticide was applied, including any additives used and the type
24 of application device used.

25 (e) The rate of application ^{of the pesticide}.

1 (f) The street address, including 9-digit zip code, and the county of the place
2 at which the pesticide was applied, the location of the application by section,
3 township, range and meridian and an identification of any bodies of water or
4 municipalities adjacent to that location.

5 (g) The size of the area to which the pesticide was applied.

6 (h) The type of site to which the pesticide was applied and the purpose of the
7 application.

8 (i) A description of the crop, commodity, plant, animal, structure, equipment
9 or material to which the pesticide was applied.

10 (j) The weather conditions during the application.

11 (k) The name of the person preparing the report and that person's relationship
12 to the applicator. *person applying the pesticide*

13 (7) REPORTING OF HOUSEHOLD PESTICIDE SALES AND USE. Under the pesticide sales
14 and use reporting system in sub. (2) (a), the department shall collect data on the sale,
15 use and result of use of household pesticides. The department may only require
16 manufacturers and labelers required to be licensed under s. 94.68 to report on the
17 amount of household pesticides sold. The department may purchase information
18 concerning sales of household pesticides from marketing information businesses.

19 (8) LIMIT ON DISCLOSURE OF CERTAIN INFORMATION. (a) Except as provided in par.
20 (b) or (c), upon written request by a property owner, the department shall treat as
21 confidential information about pesticide sale or use for private agricultural purposes
22 if the information would reveal the property to which a pesticide was applied or the
23 name of the property owner.

24 (b) Paragraph (a) does not apply if the information is requested by any of the
25 following:

1 ^A 1. State or local government for any investigation, subject to any existing
2 confidentiality requirements.

3 2. A governmental agency that makes provisions to protect the confidentiality
4 of the information.

5 3. A researcher or physician who shows a valid need for the information and
6 who makes provisions to protect the confidentiality of the information.

7 4. A state agency or public water supply system for water quality assessment,
8 subject to any existing confidentiality requirements.

9 (c) Paragraph (a) does not apply after July 1, 2001, or the day after publication
10 of the 2001-03 biennial budget, ^{act} whichever is later." ^{after}

11 ^{3.} Page 1399, line 17: after that line insert:

12 ⁽¹⁾ PESTICIDE SALES AND USE REPORTING SYSTEM.

13 (a) *Report on confidentiality provisions.* No later than January 1, 2001, the
14 department of agriculture, trade and consumer protection shall submit a report to
15 the appropriate standing committees ^{of the legislature} in the manner provided under section 13.172

16 (3) of the statutes, on the necessity of continuing, revising or eliminating the
17 ^{provisions concerning} confidentiality of agricultural pesticide use under section 94.695 (8) of the statutes,
18 as created by this act. ^{of the statutes}

19 (b) *Budget request.* In submitting the request under section 16.42 for the
20 2001-03 biennial budget bill, the department of agriculture, trade and consumer
21 protection shall include funding for the full, ongoing operation of the pesticide sales
22 and use reporting system under section 94.695 of the statutes, as created by this act.

23 (c) *Integration with statewide geographic systems.* The department of
24 agriculture, trade and consumer protection ^{shall} consult with the Wisconsin land council

insert.

1 and the land information board to ensure that, no later than January 1, 2003, the
2 pesticide sales and use reporting system under section 94.695 of the statutes, as
3 created by this act, is integrated with statewide geographic information systems." •

4

(END)

Note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0275/1dn

RCT: h...
hmg

David Schug:

This is the pesticide sales and use reporting system draft. Please note that some of the terms used in the draft are defined in s. 94.67 of the statutes.

My biggest question about the motion is who is intended to be covered by point 5, Reporting of Pesticides Applied by Commercial Applicators. I find the descriptions of the different pesticide applicators in s. 94.67 to be very confusing. I have drafted proposed s. 94.695 (6) to apply to commercial applicators and private applicators. A private applicator is, basically, a farmer or a farmer's employee who uses a pesticide for an agricultural purpose. A commercial applicator is a person who uses a pesticide, directly or through an employee, except that a commercial applicator does not include a private applicator or a person who applies a household pesticide in or around the person's home. "Commercial applicator for hire" is narrower than "commercial applicator" because "commercial applicator for hire" excludes businesses and other entities that are not pest control businesses but that use their own employees to conduct pest control. *I am not certain whether all applicators covered by sub. (6) are required to be certified under s. 94.705. It is possible that "any" should be added to sub. (6).*

It is inappropriate, in drafting, to refer to an agency subunit by name, unless the subunit is one of the few created specifically in the statutes, because the statutes generally allow state agencies to reorganize themselves and to change the names of their subunits. That is why the list of entities with which DATCP must work looks somewhat different than the list in the motion.

I was not certain how to handle the requirement that the system be integrated with "statewide geographic information system mapping". There is not any reference in the statutes that is quite like that. However, see the proposed treatment of s. 16.966 (3) in the budget and see s. 16.967. Note that both the land information board and the land council cease to exist on September 1, 2003.

I added a start date for DATCP's annual reports, see proposed s. 94.695 (2) (d). Is that OK? I also added a due date for the recommendation concerning the confidentiality requirements so that the report would be received in time for the legislature to act before the sunset date. OK?

In the part of the draft about reporting concerning household use (s. 94.695 (7)), I included labelers in addition to manufacturers because labelers are also licensed under s. 94.68. Please let me know if that is a problem.

Please do not hesitate to contact me with questions. This may be one of those drafts that we need to sit down and discuss.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: Becky.Tradewell@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb0275/1dn
RCT:kmg:km

May 18, 1999

David Schug:

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It is inappropriate, in drafting, to refer to an agency subunit by name, unless the subunit is one of the few created specifically in the statutes, because the statutes generally allow state agencies to reorganize themselves and to change the names of their subunits. That is why the list of entities with which DATCP must work looks somewhat different than the list in the motion.

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Please do not hesitate to contact me with questions. This may be one of those drafts that we need to sit down and discuss.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: Becky.Tradewell@legis.state.wi.us

6/1

Per David Schueg:

- ✓1. Page 1, line 10- should be a continuing appropriation.
- ✓2. Page 4, lines 15-18 - applications of nonhousehold pesticides and industrial pesticides
- ✓3. Page 4, line 23- Not all are certified
- ✓4. Page 6, lines 17-22- in consultation with all of the agencies ~~under~~ on p. 3



State of Wisconsin
1999 - 2000 LEGISLATURE

SOON

LRBb0275# 2
RCT:kmg:km

rmy

LFB:.....Schug - Pesticide sales and use reporting system

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

1 At the locations indicated, amend the bill as follows:

2 1. Page 375, line 18: after that line insert:

3 "SECTION 189e. 20.115 (7) (uc) of the statutes is created to read:

4 20.115 (7) (uc) *Pesticide sales and use reporting system administration.* From
5 the agrichemical management fund, as a continuing appropriation, the amounts in
6 the schedule for the development and administration of the pesticide sales and use
7 reporting system under s. 94.695.

8 SECTION 189g. 20.115 (7) (ue) of the statutes is created to read:

9 20.115 (7) (ue) *Pesticide sales and use reporting system development.* From the
10 environmental fund, ^{as a continuing appropriation,} the amounts in the schedule to contract for assistance in
11 developing the pesticide sales and use reporting system under s. 94.695.".

1 **2.** Page 952, line 6: after that line insert:

2 “**SECTION 1942m.** 94.695 of the statutes is created to read:

3 **94.695 Pesticide sales and use reporting system. (1) DEFINITIONS.** In this
4 section:

5 (a) “Household pesticide” has the meaning given in s. 94.681 (1) (a).

6 (b) “Industrial pesticide” has the meaning given in s. 94.681 (1) (b).

7 (c) “Municipality” means a city, village or town.

8 (d) “Nonhousehold pesticide” has the meaning given in s. 94.681 (1) (c).

9 **(2) RESPONSIBILITIES OF THE DEPARTMENT.** The department shall do all of the
10 following:

11 (a) Develop and, beginning no later than January 1, 2003, administer a
12 pesticide sales and use reporting system that provides a systematic method for
13 collecting, retaining, analyzing and disseminating data related to pesticide sales and
14 use in this state and that is integrated with statewide geographic information
15 systems.

16 (b) Develop and, beginning no later than the first day of the 13th month
17 beginning after the effective date of this paragraph [revisor inserts date],
18 administer a pilot program to test the pesticide sales and use reporting system.

19 (c) Beginning no later than January 1, 2002, provide training and technical
20 assistance to persons required to report under the system in par. (a) and to persons
21 who wish to use the data collected under the system.

22 (d) No later than March 1 annually, beginning in 2004, submit to the legislature
23 under s. 13.172 (2) a report on the system in par. (a), including a summary and

1 analysis of the types and quantity of pesticides sold and applied during the previous
2 calendar year and the areas to which those pesticides were applied.

3 (3) CONSULTATION. The department shall consult and coordinate with all of the
4 following in discharging its responsibilities under sub. (2):

5 (a) The College of Agricultural and Life Sciences of the University of
6 Wisconsin–Madison.

7 (b) Employees of the University of Wisconsin System who are knowledgeable in
8 the area of environmental toxicology.

9 (c) The subunit of the department of natural resources that provides
10 information technology support.

11 (d) The subunit of the department of health and family services that
12 administers health laws.

13 (e) The division of technology services in the department of administration.

14 (f) The state cartographer.

15 (g) The geological and natural history survey.

16 (h) Representatives of the pest management industry, of agricultural,
17 environmental, medical and public health institutions and advocacy groups, of
18 school districts and of local governments.

19 (i) Other interested persons.

20 (4) RULE MAKING. The department shall promulgate rules for the pesticide sales
21 and use reporting system in sub. (2) (a), including rules to ensure the consistent
22 submission and dissemination of accurate pesticide sales and use data. The
23 department shall provide for all of the following in the rules:

24 (a) Technical assistance for persons submitting pesticide sales and use data.

25 (b) Deadlines for submitting pesticide sales and use data.

1 (c) Methods for reviewing and analyzing the accuracy of the reported pesticide
2 sales and use data.

3 (d) Mechanisms by which the department will make the reported pesticide
4 sales and use data available to the public, including through the Internet and
5 computer media.

6 (5) REPORTING OF SALES OF NONHOUSEHOLD AND INDUSTRIAL PESTICIDES. Under the
7 pesticide sales and use reporting system in sub. (2) (a), the department shall require
8 manufacturers, distributors and dealers of industrial pesticides and nonhousehold
9 pesticides to report all of the following information:

10 (a) The date of sale, brand name and amount of each industrial pesticide and
11 nonhousehold pesticide sold to each purchaser in this state.

12 (b) The name, address and 9-digit zip code of each purchaser under par. (a).

13 (c) The number of any license or certification under ss. 94.67 to 94.71 held by
14 each purchaser under par. (a).

15 (6) REPORTING OF CERTAIN PESTICIDE APPLICATIONS. Under the pesticide sales and
16 use reporting system in sub. (2) (a), the department shall require commercial
17 applicators and private applicators to report all of the following for each pesticide
18 application: *of an industrial pesticide or nonhousehold pesticide*

19 (a) The type of pesticide applied and its brand name, the name of the pesticide
20 as registered under the federal act, the pesticide registration number assigned to the
21 pesticide under the federal act, the manufacturer of the pesticide and the pesticide's
22 active ingredients.

23 (b) The name and ^{only} certification number, under s. 94.705, of the person applying
24 the pesticide.

25 (c) The date and time of the application and the amount of pesticide applied.

1 (d) How the pesticide was applied, including any additives used and the type
2 of application device used.

3 (e) The rate of application of the pesticide.

4 (f) The street address, including 9–digit zip code, and the county of the place
5 at which the pesticide was applied, the location of the application by section,
6 township, range and meridian and an identification of any bodies of water or
7 municipalities adjacent to that location.

8 (g) The size of the area to which the pesticide was applied.

9 (h) The type of site to which the pesticide was applied and the purpose of the
10 application.

11 (i) A description of the crop, commodity, plant, animal, structure, equipment
12 or material to which the pesticide was applied.

13 (j) The weather conditions during the application.

14 (k) The name of the person preparing the report and that person's relationship
15 to the person applying the pesticide.

16 **(7) REPORTING OF HOUSEHOLD PESTICIDE SALES AND USE.** Under the pesticide sales
17 and use reporting system in sub. (2) (a), the department shall collect data on the sale,
18 use and result of use of household pesticides. The department may only require
19 manufacturers and labelers required to be licensed under s. 94.68 to report on the
20 amount of household pesticides sold. The department may purchase information
21 concerning sales of household pesticides from marketing information businesses.

22 **(8) LIMIT ON DISCLOSURE OF CERTAIN INFORMATION.** (a) Except as provided in par.
23 (b) or (c), upon written request by a property owner, the department shall treat as
24 confidential information about pesticide sale or use for private agricultural purposes

1 if the information would reveal the property to which a pesticide was applied or the
2 name of the property owner.

3 (b) Paragraph (a) does not apply if the information is requested by any of the
4 following:

5 1. A state or local government for any investigation, subject to any existing
6 confidentiality requirements.

7 2. A governmental agency that makes provisions to protect the confidentiality
8 of the information.

9 3. A researcher or physician who shows a valid need for the information and
10 who makes provisions to protect the confidentiality of the information.

11 4. A state agency or public water supply system for water quality assessment,
12 subject to any existing confidentiality requirements.

13 (c) Paragraph (a) does not apply after July 1, 2001, or after the day after
14 publication of the 2001–03 biennial budget act, whichever is later.”.

15 **3.** Page 1399, line 17: after that line insert:

16 “(1w) PESTICIDE SALES AND USE REPORTING SYSTEM.

17 (a) *Report on confidentiality provisions.* No later than January 1, 2001, the
18 department of agriculture, trade and consumer protection shall submit a report to
19 the appropriate standing committees of the legislature, in the manner provided
20 under section 13.172 (3) of the statutes, on the necessity of continuing, revising or
21 eliminating the provisions concerning confidentiality of agricultural pesticide use
22 under section 94.695 (8) of the statutes, as created by this act. *The department shall*
consult with the entities under section 94.695(3) of the statutes, as created.

23 (b) *Budget request.* In submitting the request under section 16.42 of the
24 statutes for the 2001–03 biennial budget bill, the department of agriculture, trade

by this act, in preparing the report under this paragraph.

1 and consumer protection shall include funding for the full, ongoing operation of the
2 pesticide sales and use reporting system under section 94.695 of the statutes, as
3 created by this act.

4 (c) *Integration with statewide geographic systems.* The department of
5 agriculture, trade and consumer protection shall consult with the Wisconsin land
6 council and the land information board to ensure that, no later than January 1, 2003,
7 the pesticide sales and use reporting system under section 94.695 of the statutes, as
8 created by this act, is integrated with statewide geographic information systems.”.

9 (END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0275/2
RCT:kmg:km

LFB:.....Schug - Pesticide sales and use reporting system

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 375, line 18: after that line insert:

3 **"SECTION 189e.** 20.115 (7) (uc) of the statutes is created to read:

4 20.115 (7) (uc) *Pesticide sales and use reporting system administration.* From
5 the agrichemical management fund, as a continuing appropriation, the amounts in
6 the schedule for the development and administration of the pesticide sales and use
7 reporting system under s. 94.695.

8 **SECTION 189g.** 20.115 (7) (ue) of the statutes is created to read:

9 20.115 (7) (ue) *Pesticide sales and use reporting system development.* From the
10 environmental fund, as a continuing appropriation, the amounts in the schedule to
11 contract for assistance in developing the pesticide sales and use reporting system
12 under s. 94.695."

1 **2.** Page 952, line 6: after that line insert:

2 “**SECTION 1942m.** 94.695 of the statutes is created to read:

3 **94.695 Pesticide sales and use reporting system. (1) DEFINITIONS.** In this
4 section:

5 (a) “Household pesticide” has the meaning given in s. 94.681 (1) (a).

6 (b) “Industrial pesticide” has the meaning given in s. 94.681 (1) (b).

7 (c) “Municipality” means a city, village or town.

8 (d) “Nonhousehold pesticide” has the meaning given in s. 94.681 (1) (c).

9 **(2) RESPONSIBILITIES OF THE DEPARTMENT.** The department shall do all of the
10 following:

11 (a) Develop and, beginning no later than January 1, 2003, administer a
12 pesticide sales and use reporting system that provides a systematic method for
13 collecting, retaining, analyzing and disseminating data related to pesticide sales and
14 use in this state and that is integrated with statewide geographic information
15 systems.

16 (b) Develop and, beginning no later than the first day of the 13th month
17 beginning after the effective date of this paragraph [revisor inserts date],
18 administer a pilot program to test the pesticide sales and use reporting system.

19 (c) Beginning no later than January 1, 2002, provide training and technical
20 assistance to persons required to report under the system in par. (a) and to persons
21 who wish to use the data collected under the system.

22 (d) No later than March 1 annually, beginning in 2004, submit to the legislature
23 under s. 13.172 (2) a report on the system in par. (a), including a summary and

1 analysis of the types and quantity of pesticides sold and applied during the previous
2 calendar year and the areas to which those pesticides were applied.

3 (3) CONSULTATION. The department shall consult and coordinate with all of the
4 following in discharging its responsibilities under sub. (2):

5 (a) The College of Agricultural and Life Sciences of the University of
6 Wisconsin–Madison.

7 (b) Employees of the University of Wisconsin System who are knowledgeable in
8 the area of environmental toxicology.

9 (c) The subunit of the department of natural resources that provides
10 information technology support.

11 (d) The subunit of the department of health and family services that
12 administers health laws.

13 (e) The division of technology services in the department of administration.

14 (f) The state cartographer.

15 (g) The geological and natural history survey.

16 (h) Representatives of the pest management industry, of agricultural,
17 environmental, medical and public health institutions and advocacy groups, of
18 school districts and of local governments.

19 (i) Other interested persons.

20 (4) RULE MAKING. The department shall promulgate rules for the pesticide sales
21 and use reporting system in sub. (2) (a), including rules to ensure the consistent
22 submission and dissemination of accurate pesticide sales and use data. The
23 department shall provide for all of the following in the rules:

24 (a) Technical assistance for persons submitting pesticide sales and use data.

25 (b) Deadlines for submitting pesticide sales and use data.

1 (c) Methods for reviewing and analyzing the accuracy of the reported pesticide
2 sales and use data.

3 (d) Mechanisms by which the department will make the reported pesticide
4 sales and use data available to the public, including through the Internet and
5 computer media.

6 **(5) REPORTING OF SALES OF NONHOUSEHOLD AND INDUSTRIAL PESTICIDES.** Under the
7 pesticide sales and use reporting system in sub. (2) (a), the department shall require
8 manufacturers, distributors and dealers of industrial pesticides and nonhousehold
9 pesticides to report all of the following information:

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11 nonhousehold pesticide sold to each purchaser in this state.

12 (b) The name, address and 9–digit zip code of each purchaser under par. (a).

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14 each purchaser under par. (a).

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16 use reporting system in sub. (2) (a), the department shall require commercial
17 applicators and private applicators to report all of the following for each application
18 of an industrial pesticide or nonhousehold pesticide:

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20 as registered under the federal act, the pesticide registration number assigned to the
21 pesticide under the federal act, the manufacturer of the pesticide and the pesticide's
22 active ingredients.

23 (b) The name and any certification number, under s. 94.705, of the person
24 applying the pesticide.

25 (c) The date and time of the application and the amount of pesticide applied.

1 (d) How the pesticide was applied, including any additives used and the type
2 of application device used.

3 (e) The rate of application of the pesticide.

4 (f) The street address, including 9–digit zip code, and the county of the place
5 at which the pesticide was applied, the location of the application by section,
6 township, range and meridian and an identification of any bodies of water or
7 municipalities adjacent to that location.

8 (g) The size of the area to which the pesticide was applied.

9 (h) The type of site to which the pesticide was applied and the purpose of the
10 application.

11 (i) A description of the crop, commodity, plant, animal, structure, equipment
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13 (j) The weather conditions during the application.

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8 of the information.

9 3. A researcher or physician who shows a valid need for the information and
10 who makes provisions to protect the confidentiality of the information.

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12 subject to any existing confidentiality requirements.

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21 eliminating the provisions concerning confidentiality of agricultural pesticide use
22 under section 94.695 (8) of the statutes, as created by this act. The department shall
23 consult with the entities under section 94.695 (3) of the statutes, as created by this
24 act, in preparing the report under this paragraph.

1 (b) *Budget request.* In submitting the request under section 16.42 of the
2 statutes for the 2001–03 bicennial budget bill, the department of agriculture, trade
3 and consumer protection shall include funding for the full, ongoing operation of the
4 pesticide sales and use reporting system under section 94.695 of the statutes, as
5 created by this act.

6 (c) *Integration with statewide geographic systems.* The department of
7 agriculture, trade and consumer protection shall consult with the Wisconsin land
8 council and the land information board to ensure that, no later than January 1, 2003,
9 the pesticide sales and use reporting system under section 94.695 of the statutes, as
10 created by this act, is integrated with statewide geographic information systems.”.

11

(END)