

(Base) Agency: DATCP - Pesticide Database Study

Recommendations:

Paper No. 212: Burke Motion 1st
Alternative 2 & 3(a,b,c) if motion fails

Comments: If your motion fails, I recommend going with Alternative 2 because it takes the money from the Ag Chem Cleanup Fund rather than GPR. Plus, make DATCP consider specific criteria rather than an open-ended study (i.e. that's why Alternative 3 is needed).

Burke Motion: Tom Dawson, a legitimate expert on agricultural chemicals and laws regulating their use, has spent the last 2 years (on leave from DOJ) working with every interested party in the state in an attempt to get a pesticide database up-and-running. WE DON'T NEED ANOTHER STUDY - it's a waste of money. Tom's done that for us.

Tom Dawson is one of the most honest, hard-working, principled people I know. His only weakness, in my opinion, is that he takes people at their word, trusts them and is naïve to the concept of a political double-cross. That's what I think has happened here. Many of these agricultural groups played along with Tom early on, so they could see what he was up to, and then quietly went about sabotaging his proposal. I'm pretty sure that's why the governor's "study" idea is before us today. It's an easy out for legislators. But, it just stalls the inevitable and wastes money in the process.

You can carry on about the dangers of pesticides, especially for children and older adults. And talk about how it would be nice to know where these chemicals are being applied. Nothing more, nothing less. And then let FB describe the guts of your motion in more depth.

(NOTE: if the committee reduced the Ag Chem Cleanup Fund account by a lot in the previous paper, people might argue that you can't fund your motion. But, if DATCP needs more money for the cleanup fund, they can come back to JFC under 13.10)

prepared by: Barry

Brian 1st
Ward 2nd

27m3



Legislative Fiscal Bureau

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May 4, 1999

Joint Committee on Finance

Paper #212

Pesticide Database Study (DATCP)

[LFB 1999-01 Budget Summary: Page 97, #9]

CURRENT LAW

DATCP is given broad regulatory authority related to pesticide use, packaging and transport. The Department inspects and regulates individuals and businesses that manufacture and distribute pesticides and also administers a pesticide spill cleanup grant program. Through these programs, the Department collects limited information on pesticides sold and used in the state. Specific data is not generally made available to outside groups.

Approximately every five years, the Department publishes a Pesticide Use Survey for Wisconsin's major agricultural commodities; the most recent survey covers 1996 pesticide use in the state. The survey is a joint project between DATCP's Division of Agricultural Resource Management and the Wisconsin Agricultural Statistics Service to collect survey data on the type, rate and amount of pesticides used on certain crops. The Department also conducts other more limited surveys annually.

GOVERNOR

Provide \$35,000 GPR in 1999-2000 in one-time funding for a pesticide database study. Funding would be used for a study on the feasibility of creating a database that records the level of outdoor pesticide use by farmers, other businesses, government and homeowners in the state.

DISCUSSION POINTS

1. The majority of the \$35,000 GPR in one-time funding would be used to contract with a consultant for an estimated 368 hours at \$80 per hour (\$29,400 total) to conduct the pesticide database study, with the assistance of DATCP staff, pesticide users and data users. Remaining funds

would cover travel costs related to examining pesticide databases in existence in New York and California and report preparation and dissemination costs.

2. While there is no language in the bill regarding the proposed pesticide database study, DATCP has indicated it would look at expanding current surveys to include all types of outdoor pesticides and generally evaluate options for making data available to interested persons. According to DATCP officials, the final study report would:

- a. Identify the range of outdoor pesticide uses and user groups;
- b. Identify survey methods currently in use, issues of regional scale and statistical integrity and options for surveying the broad range of users and user groups;
- c. Explain issues of measurement and its impact on data comparability;
- d. Discuss the impacts of confidentiality on pesticide data collection and data integrity;
- e. Identify options for a publicly accessible outdoor pesticide use database; and
- f. Estimate costs for design and implementation of an outdoor pesticide use survey and database.

3. The Department's study outline does not include assessing the feasibility, reliability or cost of using reporting requirements rather than surveys to obtain database information. Nor does it include the study of indoor pesticide use in its scope. Some argue these issues deserve further study in order to determine whether or not they could or should be included in any eventual database or corresponding legislation.

4. However, DATCP officials indicate the study would assess what information currently is being reported and examine how to merge that information with other survey data. Current reporting structures could provide insight as to how to collect pesticide information from sources that do not currently report such information.

5. A 1998 DATCP survey of pesticide use in public and private schools found that of the 36% of public schools and 20% of private schools that responded, 90% of public schools and 56% of private schools use pesticides indoors. Further, 85% of responding schools do not have a pesticide use policy.

6. DATCP currently collects fees for pesticide certifications, licenses and registrations for deposit to the agrichemical management fund. This segregated fund is used for expenses related to pesticide regulation and agrichemical management administration. Therefore, the Committee may wish to consider funding the proposed pesticide database study from the agrichemical management fund in lieu of GPR. The agrichemical management fund has a sufficient balance to cover the proposed one-time funding.

7. Conversely, the pesticide database study could be seen as more useful to the general public than to pesticide users and manufacturers. Also, it could be argued that the use of pesticides contributes to lower food prices and higher quality foods, which benefit the general public as well as increasing production for agricultural pesticide users. Therefore, there is an argument that GPR funding may be appropriate.

8. Some would argue that a feasibility study is unnecessary, that instead funds should be appropriated to begin developing a database. Further, the time spent conducting a study may delay the implementation of a pesticide database. Others are unsure whether such a database could be efficiently implemented and prefer a study to analyze costs and benefits of database creation and upkeep, along with methods for gathering and reporting such information.

9. As there are no specific requirements regarding the pesticide database study in the bill, the Committee may wish to specify a completion date for the study report and require the report be submitted to the appropriate standing committee in each house of the Legislature. The Department believes a feasibility study could be completed within one year of the bill's effective date.

ALTERNATIVES TO BASE

1. Approve the Governor's recommendation to provide \$35,000 GPR in one-time funding for a pesticide database feasibility study.

<u>Alternative 1</u>	<u>GPR</u>
1999-01 FUNDING (Change to Base)	\$35,000
[Change to Bill]	\$0]

2. Provide \$35,000 SEG from the agricultural management fund in one-time funding for a pesticide database feasibility study.

<u>Alternative 2</u>	<u>GPR</u>	<u>SEG</u>	<u>TOTAL</u>
1999-01 FUNDING (Change to Base)	\$0	\$35,000	\$35,000
[Change to Bill]	-\$35,000	\$35,000	\$0]

3. In addition to alternatives 1 or 2, include the six study goals (page 2, point 2 of this paper) identified by DATCP and one or more of the following:

- a. Specify that the study compare the feasibility, cost and reliability of using reporting requirements versus using surveys to obtain database information.
- b. Require the scope of the study to include indoor pesticide use.

c. Require the completed study be submitted to the appropriate standing committee in each house of the Legislature no later than the first day of the 13th month after the effective date of the bill.

4. Maintain current law.

<u>Alternative 4</u>	<u>GPR</u>
1999-01 FUNDING (Change to Base)	\$0
[Change to Bill	- \$35,000]

Prepared by: David Schug

AGRICULTURE, TRADE AND CONSUMER PROTECTION

Pesticide Sales and Use Reporting System
[Paper #212]

Motion:

Move the following:

1. **Funding.** Create a continuing appropriation and provide DATCP \$250,000 SEG from the agrichemical 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.

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 agricultural 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]

MO# _____

BURKE	Y	N	A
DECKER	Y	N	A
JAUCH	Y	N	A
MOORE	Y	N	A
SHIBILSKI	Y	N	A
PLACHE	Y	N	A
COWLES	Y	N	A
PANZER	Y	N	A
GARD	Y	N	A
PORTER	Y	N	A
KAUFERT	Y	N	A
ALBERS	Y	N	A
DUFF	Y	N	A
WARD	Y	N	A
HUBER	Y	N	A
RILEY	Y	N	A

AYE 9 NO 7 ABS 0

AGRICULTURE, TRADE AND CONSUMER PROTECTION

Pesticide Sales and Use Reporting System
Amendment to Motion #216

Motion:

Move to replace the \$400,000 SEG with \$400,000 GPR.

Note:

[Change to Motion #216: -\$400,000 SEG and \$400,000 GPR]

MO#			
BURKE	Y	N	A
DECKER	Y	N	A
JAUCH	Y	N	A
MOORE	Y	N	A
SHIBILSKI	Y	N	A
PLACHE	Y	N	A
COWLES	Y	N	A
PANZER	Y	N	A
GARD	Y	N	A
PORTER	Y	N	A
KAUFERT	Y	N	A
ALBERS	Y	N	A
DUFF	Y	N	A
WARD	Y	N	A
HUBER	Y	N	A
RILEY	Y	N	A

AYE 2 NO 14 ABS 0

AGRICULTURE, TRADE AND CONSUMER PROTECTION

Pesticide Sales and Use Reporting System
[Paper #212]

Motion:

Move the following:

1. **Funding.** Create a continuing appropriation and provide DATCP \$250,000 SEG from the agrichemical 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.

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 Pesticide Sales.** In designing and maintaining the pesticide sales and use reporting system, the Department would require household pesticides under s. 94.681(6) and (7), 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.** In designing and maintaining the pesticide sales and use reporting system, DATCP would require persons who apply household pesticides under s. 94.681(6) and (7) and nonhousehold pesticides 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, if applicable;
- (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.

MO# _____

BURKE	Y	<input checked="" type="radio"/> N	A
DECKER	Y	<input checked="" type="radio"/> N	A
JAUCH	Y	<input checked="" type="radio"/> N	A
MOORE	Y	<input checked="" type="radio"/> N	A
SHIBILSKI	Y	<input checked="" type="radio"/> N	A
PLACHE	Y	<input checked="" type="radio"/> N	A
COWLES	Y	<input checked="" type="radio"/> N	A
PANZER	Y	<input checked="" type="radio"/> N	A
GARD	<input checked="" type="radio"/> Y	N	A
PORTER	<input checked="" type="radio"/> Y	N	A
KAUFERT	<input checked="" type="radio"/> Y	N	A
ALBERS	<input checked="" type="radio"/> Y	N	A
DUFF	Y	<input checked="" type="radio"/> N	A
WARD	<input checked="" type="radio"/> Y	N	A
HUBER	Y	<input checked="" type="radio"/> N	A
RILEY	Y	<input checked="" type="radio"/> N	A

AYE 5 NO 11 ABS 0

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.

MO#			
BURKE	Y	N	A
DECKER	Y	N	A
JAUCH	Y	N	A
MOORE	Y	N	A
SHIBILSKI	Y	N	A
PLACHE	Y	N	A
COWLES	Y	N	A
PANZER	Y	N	A
GARD	Y	N	A
PORTER	Y	N	A
KAUFERT	Y	N	A
ALBERS	Y	N	A
DUFF	Y	N	A
WARD	Y	N	A
HUBER	Y	N	A
RILEY	Y	N	A

AYE 16 NO 0 ABS 0