



## Fiscal Estimate Narratives

DATCP 2/28/2008

LRB Number	07-2281/1	Introduction Number	AB-0836	Estimate Type	Original
<b>Description</b> Pesticide use by railroads, granting rule-making authority, and making an appropriation					

### Assumptions Used in Arriving at Fiscal Estimate

#### I: Analysis and Review of Each Plan

There are 10 common carriers that control and/or own over 4,600 railroad miles of track. Assuming that each common carrier controls and/or owns 460 railroad miles of track; and of that track mileage, they develop and submit a pesticide usage plan for their total mileage of track (460), there would be 10 plans submitted on an annual basis.

Initially, the information submitted would be reviewed for completeness. However, a more in-depth review of this information would occur on a complaint driven basis or compliance action investigation.

Review of the submitted information to ensure they are complete:

- A. Dates, times and places where pesticides will be applied.
- B. An evaluation that the pesticides listed are registered for legal use in Wisconsin.
- C. Current ingredient statements are included.
- D. Statements about short and long term human effects are included.
- E. Use information pertaining to each pesticide product is included.
- F. Training and contact information for each commercial applicator for-hire is submitted.

Projecting an average time to review each plan for completeness would take 15 hours. This would include any amendments to an individual plan, or the recall of a plan for a compliance investigation. If a compliance action were to occur, verification of the information about the short and long-term human effects would be the most time-consuming, limiting factor. This is due in part because the information about inert ingredients is not readily or widely available, and may be a trade secret. The railroads can use any information sources they choose, without citing the source and they are required to manipulate any scientific information into lay terms to comply with the plan requirements. DATCP would have to locate the information source(s), analyze the information against available toxicity data and reports and ensure the plan's wording is accurate. This is not a typical work for DATCP, as it involves health data interpretation that is the responsibility of EPA in registering pesticides. This portion of the plan verification process would necessitate collaborating with other state and federal agencies; product manufacturers and labelers; legal and medical professionals; and university researchers.

#### II: Compliance and Enforcement of Each Plan

For the purpose of this estimate, acknowledging that railways run through urban and rural areas, we are assuming each adjacent landowner owns one square mile of property. One mile of railroad track equals 5,280 linear feet. One square acre of property will be 208 linear feet on edge. Assuming that the properties bordering each side of the railroad track are in a perfect square, there are 208.71 linear feet per owner, and 25.2 parcels individually owned on each side of a mile of track (50.4 parcels for both sides).

At this rate there are 231,840 one acre parcels adjacent to railroad track in Wisconsin. Estimating one tenth of a percent (0.1%) of the 231,840 parcel owners initiate a pesticide misuse complaint with the DATCP, that would translate into over 231 complaints per calendar year for railroad right-of-way pesticide applications alone. Currently, DATCP averages 4 complaints per calendar year that are related to pesticide misuse in or within a railroad right-of-way environment.

An increase in pesticide misuse complaints is expected to result from the increase in public awareness resulting from individual company planning requirements, which includes railroads being required to make the plans available to the public. This increase would require additional investigatory time, confirmation of laboratory results, and preparation for prosecution.

### Long-Range Fiscal Implications

### **I: Analysis and Review of Each Plan**

If on an annual basis the DATCP were to receive 10 pesticide usage plans, the time to review those plans would take 150 hours, or 15 hours per plan. This translates into an annual cost of \$5,400.00 (2007 – \$36.00/hour) or \$540.00 per plan.

### **II: Compliance and Enforcement of Each Plan**

In the instance of railroad right-of-way pesticide applications, a pesticide misuse complaint takes approximately 75 hours per complaint. A breakout of this time is as follows: Investigatory time – 30 hours; Case processing time – 45 hours. To investigate 231 additional pesticide misuse complaints (0.1% of the estimated total landowners along rail right-of-way), DATCP would need an additional 17,325 hours per year, or approximately 8.3 FTE positions. In addition to the increased time requirements, DATCP would incur an additional \$3300.00 charge per complaint. This additional charge is based on current (2007) laboratory fees of \$1100.00 per sample. For prosecution, DATCP must analyze at least three individual samples. These samples may be foliage, soil or water samples. The type of samples submitted is dependent upon the type of misuse allegation. Overall enforcement costs based on an additional 231 complaints per year would cost approximately \$1,386,000.00 per year or \$6000.00 per compliance action.

### **III. Overall Cost for Implementation and Maintenance**

Total cost for 10 plans and 231 related complaints: \$1,391,400.00

Total time for 10 plans and 231 related complaints: 17,475 hours or 8.4 FTE

IV. The Department estimates 0.5 FTE will be needed for rule making, resulting in a one-time cost of \$37,440.00.

## Fiscal Estimate Worksheet - 2007 Session

Detailed Estimate of Annual Fiscal Effect

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> <b>07-2281/1</b>		<b>Introduction Number</b> <b>AB-0836</b>	
<b>Description</b> Pesticide use by railroads, granting rule-making authority, and making an appropriation			
<b>I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):</b>  \$37,440.00 for rule making.			
<b>II. Annualized Costs:</b>		<b>Annualized Fiscal Impact on funds from:</b>	
		Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>			
	State Operations - Salaries and Fringes	\$629,100	\$
	(FTE Position Changes)	(8.4 FTE)	
	State Operations - Other Costs	762,300	
	Local Assistance		
	Aids to Individuals or Organizations		
	<b>TOTAL State Costs by Category</b>	<b>\$1,391,400</b>	<b>\$</b>
<b>B. State Costs by Source of Funds</b>			
	GPR		
	FED		
	PRO/PRS	1,391,400	
	SEG/SEG-S		
<b>III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</b>			
		Increased Rev	Decreased Rev
	GPR Taxes	\$	\$
	GPR Earned		
	FED		
	PRO/PRS (PRO)	1,391,400	
	SEG/SEG-S		
	<b>TOTAL State Revenues</b>	<b>\$1,391,400</b>	<b>\$</b>
<b>NET ANNUALIZED FISCAL IMPACT</b>			
		State	Local
	NET CHANGE IN COSTS	\$1,391,400	\$
	NET CHANGE IN REVENUE	\$1,391,400	\$
<b>Agency/Prepared By</b>		<b>Authorized Signature</b>	<b>Date</b>
DATCP/ Robby Personette (608) 224-4551		Barb Knapp (608) 224-4746	2/28/2008