

**State of Wisconsin Department of Agriculture, Trade and Consumer
Protection**

Business Impact Analysis

Rule Subject: Pesticide Product Restrictions

Adm. Code Reference: ATCP 30

Rules Clearinghouse #: Not Yet Assigned

DATCP Docket #: 9-R-13

Rule Summary

The Department of Agriculture, Trade and Consumer Protection (“DATCP” or “department”) regulates the manufacture, sale, and use of pesticides. Under Ch. ATCP 30, use of the pesticide atrazine is prohibited whenever local groundwater testing shows that atrazine has attained or exceeded the state enforcement standard under ch. NR 140, Wis. Adm. Code. Chapter ATCP 30 Appendix A (“Atrazine Prohibition Areas”) contains maps showing locations in the state where atrazine cannot be used.

Atrazine use is currently prohibited in approximately 100 designated areas around the state, including areas in the lower Wisconsin River Valley and much of Dane and Columbia Counties. Many of the maps in ch. ATCP 30 Appendix A, which show these prohibition areas, were created in the 1990’s. Since then, there have been numerous changes that affect Wisconsin maps, including the addition of new highways and streets, modifications to the names of roadways, and changes to other surface features.

In the past year, DATCP has created updated maps of all prohibition areas using computer mapping technology now used throughout the department. The boundaries of the Atrazine Prohibition Areas in Appendix A are ***not changed*** by the proposed rule. The new mapping technology provides a slightly different appearance than the maps they replace, but they contain the same prohibition areas with updated street and highway names, along with any other surface features that may have changed over time. The updated maps contain more accurate information than the maps presently in use.

Business Impact

This rule will have a positive impact on the Wisconsin agricultural community because the rule revises maps that are becoming outdated due to the passage of time. Using updated maps that contain correct street names, new roadways, and other mapped features reduces confusion for users of atrazine and makes it easier to prevent the inadvertent applications of that pesticide where it is prohibited due to its detection in groundwater.

Accommodations for Small Businesses

This rule does not have any significant adverse impact on small business, so there is no special accommodation for small business needed under this rule.

Conclusion

This rule will assist the agricultural community, including many small businesses, by providing improved, updated maps to maintain an established pesticide use program. This rule will have no adverse impact on affected businesses. Because this rule has no significant adverse impact on small business, it is not subject to the small business delayed effective date under s. 227.22(2)(e), Stats.

Dated this ____ day of _____, 2011.

By _____
John Petty, Administrator
Agricultural Resource Management Division