

Clearinghouse Rule 01-114

STATE OF WISCONSIN)	
) ss.	Clearinghouse Rule
DEPARTMENT OF AGRICULTURE,)	No. 99-168
TRADE & CONSUMER PROTECTION)	Docket No. 01-R-01

CERTIFICATION:

I, James E. Harsdorf, Secretary of the State of Wisconsin, Department of Agriculture, Trade and Consumer Protection, and custodian of the department's official records, hereby certify that on April 23, 2002, the department adopted the attached rule affecting ATCP 30, Wis. Adm. Code, relating to pesticide product restrictions.

I further certify that I have compared the attached copy to the original on file in the department, and that the attached copy is a complete and accurate copy of the original.

Signed and sealed at Madison, Wisconsin, this 23 day of April, 2002.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By James E. Harsdorf
James E. Harsdorf
Secretary

Clearinghouse Rule 01-114
DATCP Docket No. 01-R-01

**ORDER OF THE STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION
ADOPTING, AMENDING OR REPEALING RULES**

The state of Wisconsin department of agriculture, trade and consumer protection adopts the following order to repeal portions of ATCP 30 Appendix A; and to create portions of ATCP 30 Appendix A; relating to pesticide product restrictions.

**Analysis Prepared by the Department of
Agriculture, Trade and Consumer Protection**

Statutory authority: ss. 93.07(1), 94.69(1), 160.19(2), and
160.21(1), Stats.

Statutes interpreted: ss. 94.69, 160.19(2) and 160.21(1),
Stats.

In order to protect Wisconsin groundwater, current rules under ch. ATCP 30, Wis. Adm. Code, restrict the statewide rate at which atrazine pesticides may be applied. Current rules also prohibit the use of atrazine in areas where groundwater contamination levels attain or exceed state enforcement standards. Based on new groundwater test data, this rule expands a current atrazine prohibition area and merges two others into a larger prohibition area.

Atrazine Prohibition Areas

Current rules prohibit the use of atrazine where atrazine contamination of groundwater equals or exceeds the current groundwater enforcement standard under ch. NR 140, Wis. Adm. Code. Current rules prohibit atrazine use in 103 designated areas, including major prohibition areas in the lower Wisconsin river valley and much of Dane and Columbia counties.

This rule enlarges one current prohibition area and merges two others into a larger prohibition area. This will increase the statewide acreage of atrazine prohibition areas by about 11,300 acres. This rule includes maps describing the revised prohibition areas.

Within every prohibition area, atrazine applications are prohibited. Atrazine mixing and loading operations are also prohibited unless conducted over a spill containment surface which complies with s. ATCP 29.45, Wis. Adm. Code.

SECTION 1. The cover page of ATCP 30 Appendix A is repealed and recreated in the form attached.

SECTION 2. Prohibition area maps numbered 96-29-01, 98-01-01 and 00-01-01 contained in ATCP 30 Appendix A, are repealed.

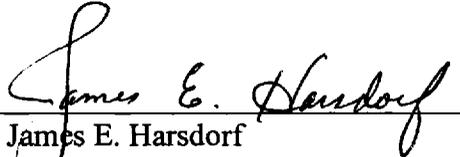
SECTION 3. The attached prohibition area maps, numbered 02-29-01, and 02-01-01 are created in ATCP 30 Appendix A.

EFFECTIVE DATE. The rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, as provided under s. 227.22(2)(intro.), Stats.

Dated this 23 day of April, 2002.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

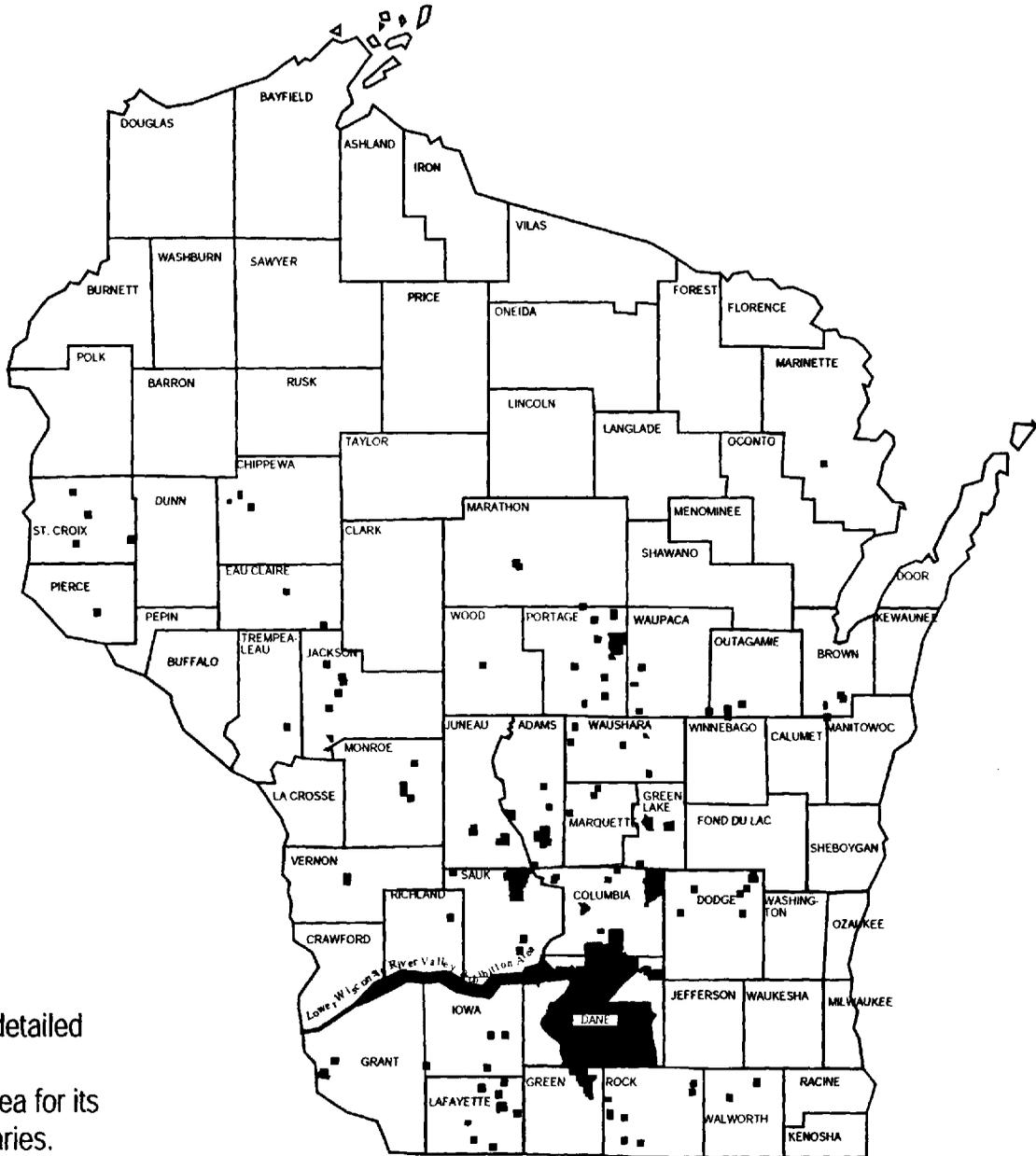
By


James E. Harsdorf
Secretary

Chapter ATCP 30

Appendix A

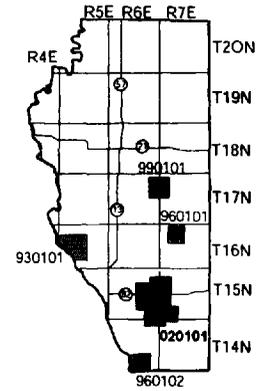
Atrazine Prohibition Areas



Refer to the detailed map of each prohibition area for its exact boundaries.

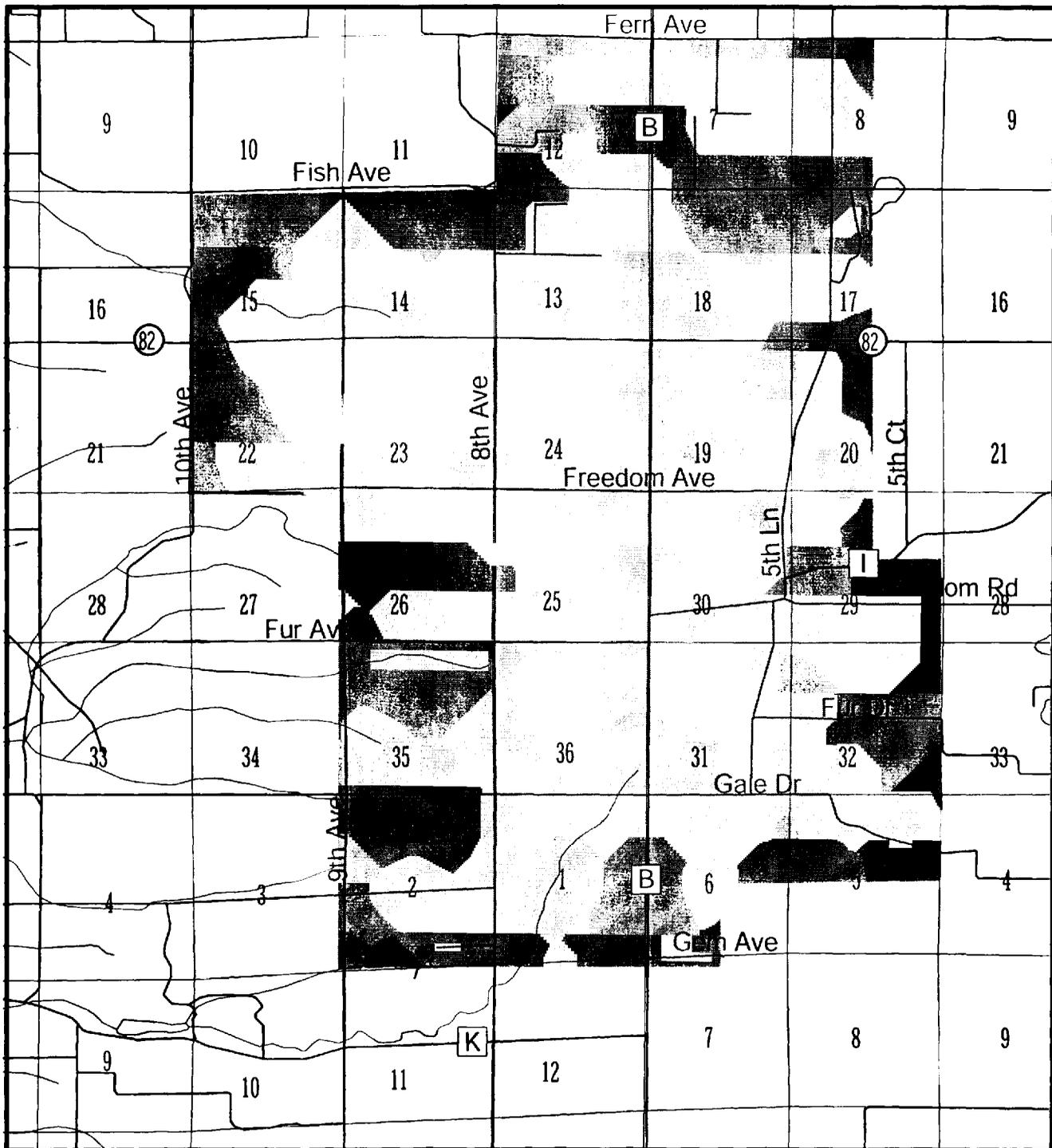
Adams County, Towns of Dell Prairie, Jackson, New Haven & Springville

T14-15N R6-7E PA 02-01-01*



All uses of atrazine are prohibited on lands within the shaded regions. There are five prohibition areas in Adams County. Refer to each map for specific locations.

*Note: This PA is an expansion of PA 00-01-01 & PA 98-01-01.



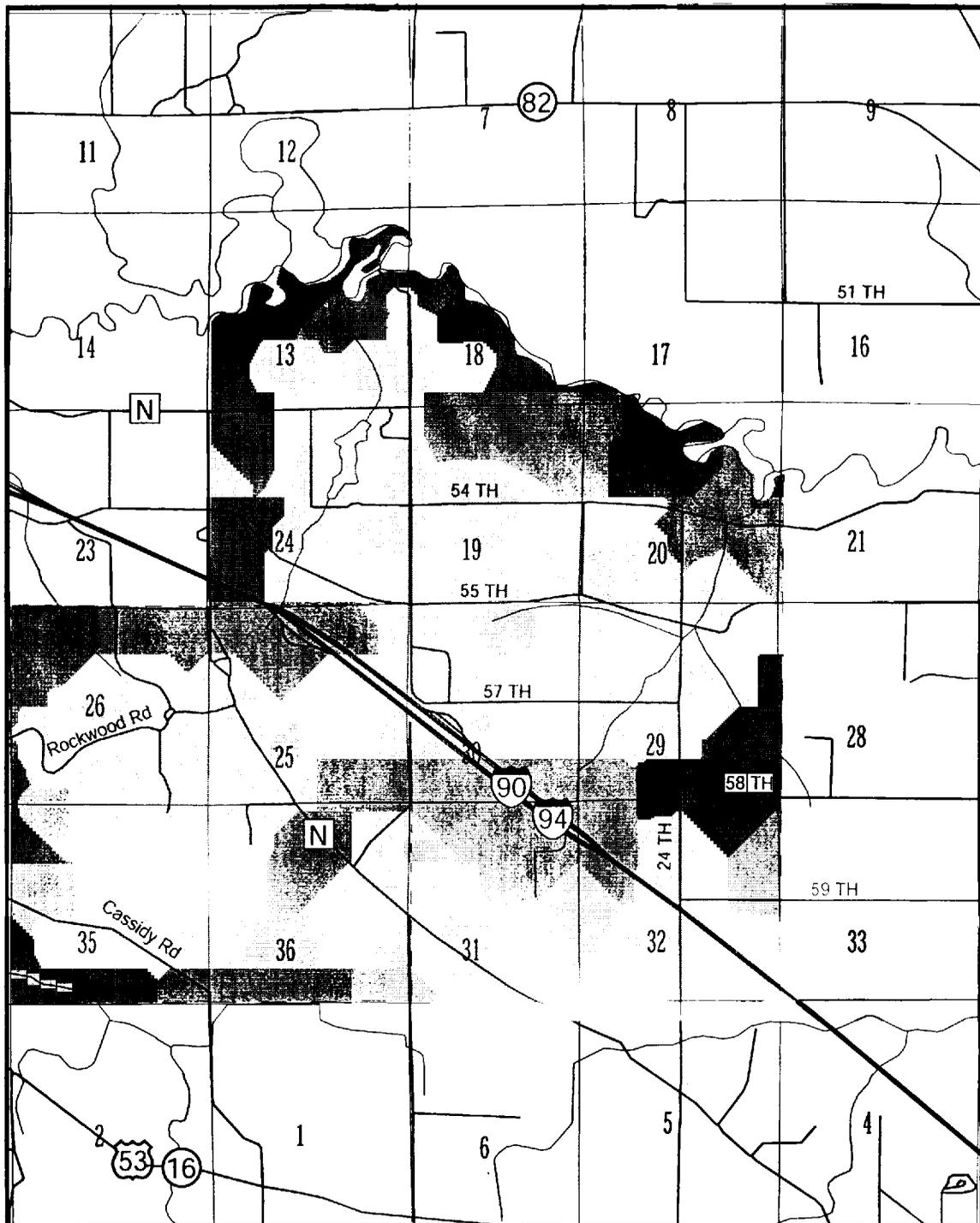
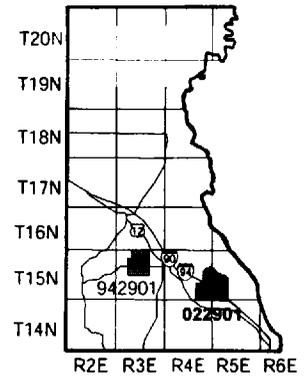
Juneau County

Towns of Lemonweir & Kildare

T15N R4-5E PA 02-29-01*

All uses of atrazine are prohibited on lands within the shaded regions. There are two prohibition areas in Juneau County. Refer to each map for specific locations.

*Note: This PA is an expansion of PA 96-19-01





State of Wisconsin
Scott McCallum, Governor

Department of Agriculture, Trade and Consumer Protection
James E. Harsdorf, Secretary

DATE: April 12, 2002

TO: Gary Poulson - Revisor of Statutes Office
131 West Wilson Street, Suite 800

FROM: James E. Harsdorf, Secretary *James E. Harsdorf*

SUBJECT: **Pesticide Product Restrictions; Final Draft Rule for Publication**
(Clearinghouse Rule No. 01-114)

The Department of Agriculture, Trade and Consumer Protection (DATCP) hereby submits the following rule for publication:

CLEARINGHOUSE RULE #: 01-114

SUBJECT: **Pesticide Product Restrictions**

ADM. CODE REFERENCE: ATCP 30

DATCP DOCKET #: 01-R-01

We are enclosing a copy of the final draft rule, as adopted by DATCP. We are also providing the following information for publication with the rule, as required by s. 227.114(6), Stats.

Final Regulatory Flexibility Analysis (Summary)

The amendments to ATCP 30 Appendix A will affect small businesses in Wisconsin. Atrazine cannot be used in certain areas of the State where groundwater contamination exceeds the atrazine enforcement standard in s. NR 140.10 Wis. Adm. Code. The greatest small business impact of the rule will be on users of atrazine -- farmers who grow corn. The proposed prohibition area contains approximately 12,000 acres. Assuming that 50% of this land is in corn and that 50% of these acres are treated with atrazine, then 3,000 acres of corn will be affected. Between 10 and 30 producers would be affected, depending on their corn acreage and their reliance on atrazine products. These producers are small businesses, as defined by s. 227.114 (1)(a), Stats. Secondary effects may be felt by distributors and applicators of atrazine pesticides, crop consultants and equipment dealers. Since the secondary effects relate to identifying and assisting farmers in implementing alternative weed control methods, these effects will most likely result in additional or replacement business and the impacts are not further discussed in this document.

Gary Poulson
Revisor of Statutes Office
April 12, 2002
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The maximum application rate for atrazine use in Wisconsin is based on soil texture. This may necessitate referring to a soil survey map or obtaining a soil test. While this activity is routine, documentation would need to be maintained to justify the selected application rate. A map delineating application areas must be prepared if the field is subdivided and variable application rates are used. This procedure is already required under the current atrazine rule.

All users of atrazine, including farmers, will need to maintain specific records for each application. This procedure is already required under the current atrazine rule.

Comments from Legislative Committees (Summary)

On January 31, 2002, DATCP transmitted the above rule for legislative committee review. The rule was assigned to the Senate Committee on Agriculture, Environmental Resources and Campaign Finance Reform and to the Assembly Committee on Agriculture.

- The Senate committee took no action on this rule during the review period.
- The Assembly committee took no action on this rule during their review period.