

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

- 1 The state of Wisconsin department of agriculture, trade and consumer protection adopts the
2 following order to amend ATCP 30.31(2); to repeal and recreate the cover page to ch. ATCP 30
3 Appendix A; to repeal a prohibition map in ch. ATCP 30
4 Appendix A; and to create a prohibition map in ch. ATCP 30 Appendix A; relating to pesticide
5 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.

This rule modifies current rules related to the use of atrazine, an agricultural herbicide that has been widely used for many years. Atrazine has been found in groundwater in many areas of the state.

The Department of Agriculture, Trade and Consumer Protection (DATCP) currently regulates atrazine use to protect Wisconsin groundwater. Current DATCP rules do all the following:

- *Specify maximum atrazine use rates.* These rates are about half the rates normally allowed under the federal label.
- *Limit the timing of atrazine applications.* Under current rules, atrazine applications are allowed only between April 15 and July 31.
- *Prohibit atrazine use on 1.2 million acres of land.* Current rules prohibit atrazine use in 102 designated areas where contamination has been found at or above groundwater enforcement standards adopted by the Department of Natural Resources. Atrazine mixing and loading operations are also prohibited unless conducted over a spill containment surface.

This rule makes the following changes to current rules:

- It expands one current prohibition area by 3,200 acres, based on new groundwater test data.
 - It extends, by 2 weeks, the annual time period within which persons may apply atrazine. Under this rule, atrazine may be applied between April 1 and July 31. This change will give farmers more flexibility to apply atrazine earlier in the year. The change is not expected to have a significant adverse effect on the environment.
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1 **SECTION 1.** ATCP 30.31(2) is amended to read:

2 ATCP 30.31(2) **TIMING OF APPLICATION.** No atrazine product may be applied to any site
3 before April ~~15~~1 or after July 31 in any year.

4 **SECTION 2.** Chapter ATCP 30 Appendix A cover page is repealed and recreated in the
5 form attached.

6 **SECTION 3.** Chapter ATCP 30 Appendix A prohibition area map numbered 93-70-03, is
7 repealed.

8 **SECTION 4.** Chapter ATCP 30 Appendix A prohibition area map, numbered
9 04-70-01 is created as attached.

10 **EFFECTIVE DATE.** The rules contained in this order shall take effect on the first day of
11 the month following publication in the Wisconsin administrative register, as provided under s.
12 227.22(2)(intro.), Stats.

Dated this ____ day of _____, _____.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By _____
Rodney J. Nilsestuen, Secretary