

1997-98 SESSION
COMMITTEE HEARING
RECORDS

Committee Name:

Senate Committee on
Agriculture and
Environmental
Resources
(SC-AER)

Sample:

- Record of Comm. Proceedings
- 97hrAC-EdR_RCP_pt01a
- 97hrAC-EdR_RCP_pt01b
- 97hrAC-EdR_RCP_pt02

- Appointments ... Appt
-
- Clearinghouse Rules ... CRule
- 97hr_SC-AER_CRule_97-113_pt03
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- Committee Hearings ... CH
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- Executive Sessions ... ES
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- Hearing Records ... HR
-
- Miscellaneous ... Misc
-
- Record of Comm. Proceedings ... RCP
-

To: The Honorable Senator Alice Clausing

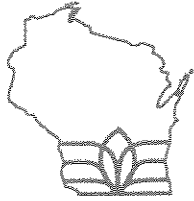
Senator Clausing claim writing you in regards to the Ag. + Environmental Resources Committee which you chair. This is in regards to Clearing House Rule 97-113 (DATCP30) that would hopefully effect my family operation + family.

At present we are operating a family grain farm that has the heart of the operation in sections 20-17 + 16 in Marcellon Township. This area at present is a Atrazine Prohibited Area. We Farm 325 acres of land in this area and have found it difficult + expensive to control the weeds that compete with our grain crops. We are good stewards of the soil + good neighbors, the area was put in the program 10 yrs ago when a home owner applied some products to a weed patch + contaminated a well on the property approx 10 yrs ago - since that time that well as well as other wells in the area have been tested + show no signs of Atrazine in the water sample. We are still told by the Dept. of Ag that there is no ruling to repeal this prohibition area, claim of the belief if a problem does exist then it should be treated as such, when a problem has been cleaned up, with no residual problems that area should be released.

As a farmer claim no problem with you + your committee increase these areas as long as good science has proved they are a problem. When it is scientifically proven to be cleaned up they should also be allowed to be removed.

Thank you for your consideration

Cal Dalton
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Wisconsin Agribusiness Council, Inc.

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January 28, 1998

To: Senate Committee on Agriculture and Environmental Resources

From: Russel R. Weisensel, Director, Legislative Affairs

While we believe the Wisconsin standards for atrazine are too restrictive, we strongly support the **Clearing House Rule 97-113** which would allow the state, with certain strict criteria, to rescind some atrazine prohibition areas.

We need to remember that atrazine has been widely used in our state for some 30 years. Wisconsin had no groundwater law until 1984, no atrazine groundwater standards until 1988, and no atrazine rule until March, 1991. Since then we've added numerous restrictions on this product. The application rate has been severely curtailed. (Even in eastern Wisconsin counties where little or no atrazine has been detected.) Our rates are lower than those in other states. Atrazine may only be applied by certified (trained) applicators/farmers. Strict regulations are in place for mixing and loading of atrazine. Fall applications are prohibited. These strict regulations will, in some areas of Wisconsin, allow atrazine to be used without impairing the quality of our groundwater.

Using the PAL as the trigger for repeal of an atrazine prohibition area is unrealistic, particularly here for we are the only state which includes metabolites to calculate an enforcement standard (ES).

A logical trigger for repeal could be 3 tests below the ES (1 test gets you in - 3 tests get you out). This however we do not support for the variability of test results would likely cause a yoyo effect. The trigger at 50% of the ES will both provide some relief for a few areas which probably should never have been in a prohibition area, while still protecting our groundwater and our health.

If all the water you consumed contained atrazine at 50% of the Wisconsin ES, you would need to consume 42,000 gallons daily for a life time to consume the amount of atrazine **which caused no health effects on any test animal.**

Nationally, based on current test data, the EPA changed its atrazine reference dose, the formula used in animal studies to assess risk. **Minnesota, noting this change, has since established 20ppb as its health risk for private wells.** Wisconsin not only maintains the current enforcement standard at 3ppb, our DNR included atrazine metabolites in calculating this enforcement standard. Neither the EPA, nor any other state has this restrictive formula. Minnesota also **does not** consider atrazine to be a possible carcinogen! (See attached)

Now, via the internet, more compelling evidence from an internal panel of EPA toxicologists reinforces the Minnesota conclusion. See attached excerpts from an October 17, 1997 release.

The EPA panel has concluded that atrazine poses no cancer risk at a low level of exposure and that the EPA has overstated atrazine risks!

-more-

EPA sources say this information “*could push the agency to relax its current drinking water and water quality limits for atrazine*” and “*may alter the decision to include atrazine and other triazines*” for inclusion in mandated state management plans (SMP).

Since this EPA panel now feels that atrazine “*is more suitable for a non-linear risk assessment model*” and given the fact **that Wisconsin atrazine regulations are even more strict than those of the EPA**, it would seem prudent for our state to immediately re-assess the toxicity of this herbicide and the regulations which govern its use here.

In spite of all the negative publicity on atrazine, and the fact that Wisconsin has more than 1 million acres in atrazine prohibition areas, our farmers still use this valuable tool on 51 percent of their corn acres (1996 data). The reasons are clear. (See the attached list) In the past 10 years over 20 herbicides have included atrazine to improve weed control and lower the cost to the farmer. The benefit of this herbicide is also described in the attached excerpts from research hear at the UW-Madison.

Given the ample safety factors in Wisconsin’s groundwater standards, we must not penalize any farmer growing corn in our state where the use of atrazine does not result in residue levels exceeding enforcement standard.



Excerpts From:

Health Risk Limits for Groundwater Jan. 1996

Minnesota Rules

The Minnesota Department of Health has adopted permanent rules defining health risk limits for 120 contaminants that have been found in Minnesota groundwater.¹ This fact sheet explains the health risk limits, how they were developed, and how they are used, and includes the table of Health Risk Limits.

Background

The 1989 Minnesota Groundwater Protection Act directed the Minnesota Department of Health (MDH) to develop health risk limits for substances found to degrade groundwater through groundwater quality monitoring.

The Minnesota Department of Health uses health risk limits for several public health protection purposes.

1. Advice for Private Wells. Because private well drinking water supplies are not regulated for contamination, HRLs are used to evaluate contaminated wells and provide advice to consumers and well owners about the suitability of their water supply for consumption and other uses.

Revisions to the Health Risk Limits Rules

The rules include a provision for updating the health risk limits to keep them current. As more toxicologic studies are completed and evaluated, updated data on reference doses and cancer potency slope factors may be added to the USEPA databases. The USEPA may change an RfD or slope factor due to new scientific data. Sometimes the USEPA removes an RfD or slope factor while they consider new data. This provision for revising HRLs can permit MDH to add a health risk limit, change a health risk limit, or remove a health risk limit as data about a chemical change.

Health Risk Limits for Groundwater and Toxicologic Endpoints

Chemical or Substance	CAS RN	Health Risk Limit ug/L	Toxicologic Endpoint
Acenaphthene	83-32-9	400	liver
Acetone	67-64-1	700	kidney
Alachlor	15972-60-8	4	cancer
Aldicarb	116-06-3	1	nervous system
Allyl chloride (3 chloropropene)	107-05-1	30	nervous system
Anthracene	120-12-7	2000	---
Antimony	7440-36-0	6	---
Atrazine	1912-24-9	20	cardiovascular system
Barium	7440-39-3	2000	cardiovascular system
Benzene	71-43-2	10	cancer

Atrazine Prepacks

Many of today's popular herbicides are prepacked with atrazine. Some are even touted as "atrazine alternatives". Here is a list of the more popular atrazine prepacks. (Home and garden products not listed)

Year	Brand	Manufacturer	Atrazine prepacked with:
1997	Basis Gold	DuPont	rimsulfuron and nicosulfuron
1997	Bicep II Magnum	Novartis	s-metolachlor
1997	Bicep Lite II Magnum	Novartis	s-metolachlor
1997	Bromox-at	Microflor	bromoxynil
1997	Fultime	Zeneca	acetochlor
1997	MON 58420	Monsanto	glyphosate and acetochlor
1997	Moxy-at	Terra	bromoxynil
1996	Shotgun	Platte (UAP)	2,4-D
1995	Bicep Lite II	Novartis	metolachlor
1995	Harness Xtra	Monsanto	acetochlor
1995	Surpass 100	Zeneca	acetochlor
1994	Guardman	BASF	dimethenamid
1994	Harness Xtra 5.6L	Monsanto	acetochlor
1992	Bicep Lite	Novartis	metolachlor
1991	Bicep II	Novartis	metolachlor
1991	Contour	AmCy	imazethapyr
1990	Simazat	Drexel	simazine
1989	Buctril-atrazine	Rhone-Polanc	bromoxynil
1989	Bullet	Monsanto	alachlor
1989	Laddock	BASF	bentazon
1987	Marksman	BASF	dicamba
1986	Extrazine	DuPont	cyanazine
1986	Lariat	Monsanto	alachlor
1985	Conquest	DuPont	cyanazine
1983	Ramrod-atrazine	Monsanto	propachlor
1983	Sutazine	Zeneca	butylate
1982	Lasso-atrazine	Monsanto	alachlor
1979	Bicep	Novartis	metolachlor

WEED CONTROL OPTIONS WITHOUT ATRAZINE OR BLADEX

R. Gordon Harvey¹

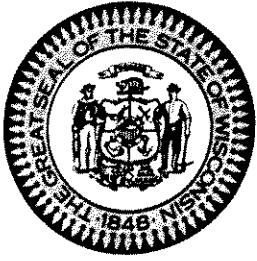
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Excerpts:

whether or not a producer operates within an atrazine prohibition area, and upon the severity of weed infestations on the producer's farm. It is unlikely that this penalty can be eliminated until either Wisconsin atrazine use restrictions are withdrawn, or until similar rules are enacted nationwide. Results of University of Wisconsin research confirms what was intuitively obvious. Restricting use of the least expensive and most effective product must result in a reduction in net economic return to the crop producer!

Table 1. Comparison of herbicide treatments included in 1993 to 1995 field corn weed control study conducted at the University of Wisconsin Arlington Agricultural Research Station.

Treatment	Cost		Corn yield	Crop value	Net return	Loss in net return w/o atrazine
	Chem.	Applic.				
	---- \$/A ----	----	bu/A	-----	-----	----- \$/A -----
Nontreated	0	0	79	198	198	-238
Atrazine + Partner	18	6	184	460	436	0
Partner/Clarity-split	24	12	174	435	399	-37
Partner + Clarity-PRE	24	6	165	412	383	-53
Partner + Clarity-7DAP	24	6	178	445	415	-21
Partner + Clarity-14DAP	24	6	169	423	393	-43
Dual + Clarity - 7DAP	27	6	180	450	417	-19
Frontier + Clarity-7DAP	30	6	173	432	397	-39
Harness + Clarity-7DAP	27	6	176	440	407	-29
Prowl + Clarity - PRE	23	6	165	412	384	-52
Prowl + Clarity - 7DAP	23	6	182	455	426	-10
Prowl + Clarity - 14DAP	23	6	167	418	389	-47
Broadstrike + Dual-PRE	25	6	173	432	401	-35
Accent + Beacon - POST	19	6	169	422	398	-38
Clarity/Accent - split	43	12	180	450	395	-41
LSD(10%) -	--	--	8	20	20	20



DAVID BRANDEMUEHL

*State Representative
49th Assembly District*

CR 97-113

January 28, 1998

Thank you Chairperson Clausing and committee members for giving me this opportunity to testify in support of clearinghouse rule 97-113, relating to atrazine use restrictions.

I am specifically interested in the provisions of this rule allowing for the repeal of an atrazine prohibition area. Currently, a "prohibition may remain in effect indefinitely unless the department of agriculture... is shown, and determines, that resumption of the pesticide use is not likely to cause a renewed or continued violation of the enforcement standard." In other words, it is nearly impossible to get a prohibition repealed, regardless of the scientific evidence that may be available.

Since the department currently has the authority to instigate a ban based on one test of one well while ignoring relevant data, I believe that it is only appropriate for the state to have a process in place to allow further evidence to be submitted and a repeal considered.

An atrazine ban has serious financial implications. Thus, farmers deserve to have these decisions based solely on reliable, consistent data.

In recent DATCP tests, atrazine levels have dropped nearly 50% throughout most of Wisconsin. I strongly believe this is a direct result of widespread farmer compliance with our strict groundwater rules.

When atrazine was first introduced, it was often misused because little was known about its effects. Today, farmers have a much better understanding of the need to use herbicides sparingly and prevent groundwater contamination. They deserve the opportunity to prove that it would be possible to reestablish atrazine use in some areas without threatening groundwater standards.

Under CR 97-113, the department will be able to repeal or modify an atrazine prohibition if at least 3 consecutive groundwater samples taken from wells that previously exceeded the enforcement standard are now at 50% or lower of the enforcement standard. If wells consistently test at or below this level, it should be sufficient evidence that atrazine contamination is no longer a problem.

The proposed rule would not jeopardize Wisconsin's strict groundwater standards, but rather, it would allow credible, scientific evidence to prevail. The repeal process proposed in CR 97-113 is appropriate and deserves your support.

Thank you.



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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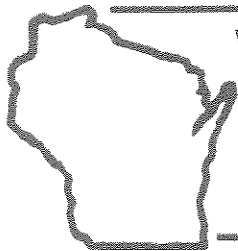
Testimony to the Senate Agriculture and Environment Committee January 28, 1998.

Good afternoon. My name is Michael Lemcke. I am the Chief of the Department of Natural Resources Groundwater Section within the Bureau of Drinking Water and Groundwater. I am appearing today for informational purposes.

Overall the Department of Agriculture Trade and Consumer Protection is accomplishing a very laudable goal in designing a recision process for the repeal of Atrazine prohibition areas. However, from reading the proposed rule it is unclear as to its intent in regards to meeting the Groundwater Preventive Action Limit (PAL) for atrazine. Clearly 160.19(2)(b) states. state "If a regulatory agency proposes a rule under par. (a) which is not designed to meet the PAL, the agency must include a statement to that effect in its rule, along with summary of the rationale for the proposed rule." Similarly in the Generic Pesticide Rule ATCP 31.07(1) states " Except as otherwise provided under s. 160.23, Stats., or s. 160.25, Stats., the site-specific response shall be designed to minimize the concentration of the pesticide substance where technically and economically feasible and to restore and maintain compliance with the preventive action limit at the point of standards application.....".

Given the above information as background, what is the Department of Agriculture, Trade and Consumer Protection's intent regarding meeting the PAL?

The Department of Natural Resources believes that DATCP's intent is to meet the atrazine Preventive Action Limit when implementing its rule. The Department also believes that DATCP needs to clarify this in the proposed ATCP 30, Wis. Adm. Code, so that it is clear to the legislature, state agencies, and more importantly to the farmers who will be trying to get their lands out of a prohibition area.



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January 28, 1998

Testimony in support of Clearinghouse Rule 97-113 (DATCP 30)
By: Betsy Ahner, Executive Director, WFCA

The Wisconsin Fertilizer and Chemical Association supports the establishment of a procedure for the repeal or modification of existing prohibition areas.

1. It simply isn't fair that such a restriction can be placed on farmland, never to be removed.
2. Since 1991 application rates are much lower than they were in preceding years. We feel that this lower level will prevent many of the problems that resulted from higher use levels previous to that.
3. Atrazine is less expensive than alternative products and while some farmers may elect not to use it, many others still view it as a valuable tool.
4. A number of new and existing products registered for use in Wisconsin contain atrazine along with other compounds.
5. The WFCA is working with the DATCP to conduct a study that will provide information on the affect that the reintroduction of atrazine will have in a PA.
6. Our members and their customers also drink the water and are very careful in how they handle and use atrazine.

We urge you Senators to support this rule.

This list of products containing atrazine is from the 12th Edition of the Crop Protection Reference Book published by C & P Press, New York, NY.

Atrazine

- *AAtrex 4L (Ciba) p. 511
- *AAtrex Accu-Pak (Ciba) p. 517
- *AAtrex Nine-O (Ciba) p. 523
- *Atrazine 4L (UAP) p. 2011
- *Atrazine 90 WDG (UAP) p. 2018

Atrazine + Acetochlor

see under Acetochlor + Atrazine

Atrazine + Alachlor

see under Alachlor + Atrazine

Atrazine + Bentazon Sodium Salt

- *Laddok S-12 (BASF) p. 328

Atrazine + Bromoxynil Octanoate

- *Buctril + atrazine (Rhone-Poulenc)
p. 1563

Atrazine + Butylate

- *Sutazine + (Zeneca) p. 2335

Atrazine + Cyanazine

- *Extrazine II 4L (Du Pont) p. 953
- *Extrazine II DF (Du Pont) p. 959

Atrazine + Dicamba Potassium Salt

- *Marksman (Sandoz) p. 1894

Atrazine + Dimethenamid

- *Guardsman (Sandoz) p. 1886

Atrazine + Imazethapyr Ammonium Salt

- *Contour (Cyanamid) p. 137

Atrazine + Metolachlor

- *Bicep (Ciba) p. 546
- *Bicep II (Ciba) p. 553
- *Bicep Lite (Ciba) p. 560

Atrazine + Propachlor

- *Ramrod + Atrazine DF (Monsanto)
p. 1482

ATCP 30.01

(23) "Surface soil" means the soil ordinarily moved in tillage, or its equivalent in uncultivated soil, ranging in depth from 4 to 10 inches.

History: Cr. Register, March, 1991, No. 423, eff. 4-1-91; renum. (19) to (22) to be (20) to (23), cr. (19), Register, March, 1992, No. 435, eff. 4-1-92; am. (12), Register, March, 1993, No. 447, eff. 4-1-93.

ATCP 30.05 General restrictions and requirements for use of atrazine. (1) **PROHIBITION ON NON-CROP USES.** Atrazine product may only be used on agricultural crops. For purposes of this chapter, agricultural crops include forestry crops and tree plantations. No atrazine product may be used on non-crop application sites such as railroad, power line and road rights of way and industrial sites.

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

(3) **USE OF ATRAZINE WITH IRRIGATION.** The following restrictions apply to the use of atrazine product with irrigation:

(a) Except as provided under s. ATCP 30.35 (2), no person may apply atrazine product through an irrigation system.

(b) No person may apply irrigation water to any site to which atrazine product has been applied on or after April 1, 1991 for a 2-year period following the application of atrazine product, unless the application of irrigation water is conducted in accordance with an irrigation management program that does not cause the field moisture capacity in the root zone of the soil being irrigated to be exceeded.

(4) **USE AND MIXING-LOADING BY CERTIFIED APPLICATORS AND MIXER-LOADERS ONLY.** (a) Atrazine product may only be applied by a certified private applicator or by a person who is certified as a commercial applicator in the appropriate pesticide use category under s. ATCP 29.16.

(b) Atrazine product may only be mixed or loaded by a certified private applicator or by a person who is certified as a commercial applicator or mixer-loader in the appropriate pesticide use category under s. ATCP 29.16.

Note: Section ATCP 29.151 prohibits mixing or loading of atrazine or other pesticides within 100 feet of any well or surface water unless the mixing or loading occurs over a spill containment pad that is constructed in compliance with the rule's specifications. Section ATCP 29.15 (1) and (5) prohibit the disposal of atrazine or other pesticides, pesticide containers including empty containers, pesticide spray solutions and pesticide rinsates in a manner inconsistent with label directions.

(5) **RECORDKEEPING.** (a) Every person who applies atrazine product shall keep a record of every application of atrazine product. The record shall be completed on the day of application and include the following:

1. The name of the individual who applied the atrazine product.
2. The name and address of the person for whom the atrazine product was applied, if different from the person who applied the atrazine product.
3. The location of the site where the atrazine product was applied.
4. The date and time of the application.
5. The brand name of the atrazine product.

Register, March, 1994, No. 459

6. The name of the labeler of the atrazine product, or the federal environmental protection agency registration number (EPA Reg. No.) for the atrazine product.

7. The rate of application and size of the total area treated.

8. The location of the site, if other than the site of application, where the atrazine product was loaded into the application equipment or nurse tank.

9. A map of the field as required under s. ATCP 30.10 if the field is subdivided into smaller application sites and different amounts of atrazine product are applied to the different sites.

(b) Every record of an atrazine product application under par. (a) shall be retained for 3 years after the application date. The record shall, at the request of the department, be made available for inspection and copying by the department.

History: Cr. Register, March, 1991, No. 423, eff. 4-1-91; am. (3) (a), Register, March, 1994, No. 459, eff. 4-1-94; correction in (5) (a) 9. made under s. 13.93 (2m) (b) 7, Stats., Register, March, 1994, No. 459.

ATCP 30.10 Maximum application rates. Except where further restricted under subchs. II and III, the amount of atrazine active ingredient applied to any application site during any calendar year may not exceed the maximum amount specified for that site under this section.

(1) Except as provided under sub. (3), if at least one-fourth of the surface soil at the application site is a coarse soil, the maximum amount is 0.75 lb. per acre per calendar year.

(2) Except as provided under sub. (3), if less than one-fourth of the surface soil at the application site is a coarse soil, the maximum amount is 1.0 lbs. per acre per calendar year.

Note: The following table summarizes s. ATCP 30.10 (1) and (2). See subchapters II and III for additional local restrictions.

Table 1
Atrazine Application Limits (Statewide)

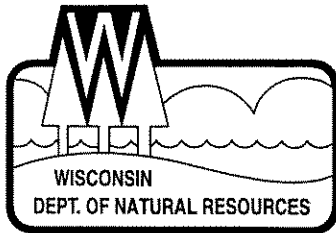
Surface Soil Texture	Maximum annual amounts (lbs. of atrazine active ingredient per acre per year)	
	Atrazine applied previous year	Atrazine NOT applied previous year
Coarse	0.75	0.75
Medium/Fine	1.0	1.5

(3) If a rescue treatment is needed for a field of seed corn or sweet corn, the total amount of atrazine applied to that field in that calendar year may not exceed the following applicable amounts:

(a) 1.5 lbs. per acre per calendar year if at least one-fourth of the surface soil is a coarse soil.

(b) 2.0 lbs. per acre per calendar year if less than one-fourth of the surface soil is a coarse soil.

Note: The following table summarizes s. ATCP 30.10 (3). See subchapters II and III for additional local restrictions.



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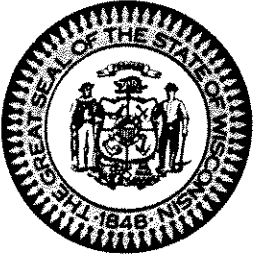
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DAVID BRANDEMUEHL

State Representative
49th Assembly District

CR 97-113

January 28, 1998

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I am specifically interested in the provisions of this rule allowing for the repeal of an atrazine prohibition area. Currently, a "prohibition may remain in effect indefinitely unless the department of agriculture... is shown, and determines, that resumption of the pesticide use is not likely to cause a renewed or continued violation of the enforcement standard." In other words, it is nearly impossible to get a prohibition repealed, regardless of the scientific evidence that may be available.

Since the department currently has the authority to instigate a ban based on one test of one well while ignoring relevant data, I believe that it is only appropriate for the state to have a process in place to allow further evidence to be submitted and a repeal considered.

An atrazine ban has serious financial implications. Thus, farmers deserve to have these decisions based solely on reliable, consistent data.

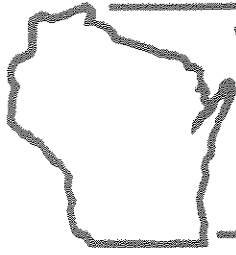
In recent DATCP tests, atrazine levels have dropped nearly 50% throughout most of Wisconsin. I strongly believe this is a direct result of widespread farmer compliance with our strict groundwater rules.

When atrazine was first introduced, it was often misused because little was known about its effects. Today, farmers have a much better understanding of the need to use herbicides sparingly and prevent groundwater contamination. They deserve the opportunity to prove that it would be possible to reestablish atrazine use in some areas without threatening groundwater standards.

Under CR 97-113, the department will be able to repeal or modify an atrazine prohibition if at least 3 consecutive groundwater samples taken from wells that previously exceeded the enforcement standard are now at 50% or lower of the enforcement standard. If wells consistently test at or below this level, it should be sufficient evidence that atrazine contamination is no longer a problem.

The proposed rule would not jeopardize Wisconsin's strict groundwater standards, but rather, it would allow credible, scientific evidence to prevail. The repeal process proposed in CR 97-113 is appropriate and deserves your support.

Thank you.



WISCONSIN FERTILIZER & CHEMICAL ASSOCIATION

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January 28, 1998

Testimony in support of Clearinghouse Rule 97-113 (DATCP 30)

By: Betsy Ahner, Executive Director, WFCA

The Wisconsin Fertilizer and Chemical Association supports the establishment of a procedure for the repeal or modification of existing prohibition areas.

1. It simply isn't fair that such a restriction can be placed on farmland, never to be removed.
2. Since 1991 application rates are much lower than they were in preceding years. We feel that this lower level will prevent many of the problems that resulted from higher use levels previous to that.
3. Atrazine is less expensive than alternative products and while some farmers may elect not to use it, many others still view it as a valuable tool.
4. A number of new and existing products registered for use in Wisconsin contain atrazine along with other compounds.
5. The WFCA is working with the DATCP to conduct a study that will provide information on the affect that the reintroduction of atrazine will have in a PA.
6. Our members and their customers also drink the water and are very careful in how they handle and use atrazine.

We urge you Senators to support this rule.

This list of products containing atrazine is from the 12th Edition of the Crop Protection Reference Book published by C & P Press, New York, NY.

Atrazine

- *AAtrex 4L (Ciba) p. 511
- *AAtrex Accu-Pak (Ciba) p. 517
- *AAtrex Nine-O (Ciba) p. 523
- *Atrazine 4L (UAP) p. 2011
- *Atrazine 90 WDG (UAP) p. 2018

Atrazine + Acetochlor

see under Acetochlor + Atrazine

Atrazine + Alachlor

see under Alachlor + Atrazine

Atrazine + Bentazon Sodium Salt

- *†Laddok S-12 (BASF) p. 328

Atrazine + Bromoxynil Octanoate

- *Buctril + atrazine (Rhône-Poulenc)
p. 1563

Atrazine + Butylate

- *Sutazine + (Zeneca) p. 2335

Atrazine + Cyanazine

- *Extrazine II 4L (Du Pont) p. 953
- *Extrazine II DF (Du Pont) p. 959

Atrazine + Dicamba Potassium Salt

- *Marksman (Sandoz) p. 1894

Atrazine + Dimethenamid

- *Guardman (Sandoz) p. 1886

Atrazine + Imazethapyr Ammonium Salt

- *Contour (Cyanamid) p. 137

Atrazine + Metolachlor

- *Bicep (Ciba) p. 546
- *Bicep II (Ciba) p. 553
- *Bicep Lite (Ciba) p. 560

Atrazine + Propachlor

- *Ramrod + Atrazine DF (Monsanto)
p. 1482

ATCP 30.01

(23) "Surface soil" means the soil ordinarily moved in tillage, or its equivalent in uncultivated soil, ranging in depth from 4 to 10 inches.

History: Cr. Register, March, 1991, No. 423, eff. 4-1-91; renum. (19) to (22) to be (20) to (23), cr. (19), Register, March, 1992, No. 435, eff. 4-1-92; am. (12), Register, March, 1993, No. 447, eff. 4-1-93.

ATCP 30.05 General restrictions and requirements for use of atrazine. (1) **PROHIBITION ON NON-CROP USES.** Atrazine product may only be used on agricultural crops. For purposes of this chapter, agricultural crops include forestry crops and tree plantations. No atrazine product may be used on non-crop application sites such as railroad, power line and road rights of way and industrial sites.

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

(3) **USE OF ATRAZINE WITH IRRIGATION.** The following restrictions apply to the use of atrazine product with irrigation:

(a) Except as provided under s. ATCP 30.35 (2), no person may apply atrazine product through an irrigation system.

(b) No person may apply irrigation water to any site to which atrazine product has been applied on or after April 1, 1991 for a 2-year period following the application of atrazine product, unless the application of irrigation water is conducted in accordance with an irrigation management program that does not cause the field moisture capacity in the root zone of the soil being irrigated to be exceeded.

(4) **USE AND MIXING-LOADING BY CERTIFIED APPLICATORS AND MIXER-LOADERS ONLY.** (a) Atrazine product may only be applied by a certified private applicator or by a person who is certified as a commercial applicator in the appropriate pesticide use category under s. ATCP 29.16.

(b) Atrazine product may only be mixed or loaded by a certified private applicator or by a person who is certified as a commercial applicator or mixer-loader in the appropriate pesticide use category under s. ATCP 29.16.

Note: Section ATCP 29.151 prohibits mixing or loading of atrazine or other pesticides within 100 feet of any well or surface water unless the mixing or loading occurs over a spill containment pad that is constructed in compliance with the rule's specifications. Section ATCP 29.15 (1) and (5) prohibit the disposal of atrazine or other pesticides, pesticide containers including empty containers, pesticide spray solutions and pesticide rinsates in a manner inconsistent with label directions.

(5) **RECORDKEEPING.** (a) Every person who applies atrazine product shall keep a record of every application of atrazine product. The record shall be completed on the day of application and include the following:

1. The name of the individual who applied the atrazine product.
2. The name and address of the person for whom the atrazine product was applied, if different from the person who applied the atrazine product.
3. The location of the site where the atrazine product was applied.
4. The date and time of the application.
5. The brand name of the atrazine product.

Register, March, 1994, No. 459

6. The name of the labeler of the atrazine product, or the federal environmental protection agency registration number (EPA Reg. No.) for the atrazine product.

7. The rate of application and size of the total area treated.

8. The location of the site, if other than the site of application, where the atrazine product was loaded into the application equipment or nurse tank.

9. A map of the field as required under s. ATCP 30.10 if the field is subdivided into smaller application sites and different amounts of atrazine product are applied to the different sites.

(b) Every record of an atrazine product application under par. (a) shall be retained for 3 years after the application date. The record shall, at the request of the department, be made available for inspection and copying by the department.

History: Cr. Register, March, 1991, No. 423, eff. 4-1-91; am. (3) (a), Register, March, 1994, No. 459, eff. 4-1-94; correction in (5) (a) 9. made under s. 13.93 (2m) (b) 7, Stats., Register, March, 1994, No. 459.

ATCP 30.10 Maximum application rates. Except where further restricted under subchs. II and III, the amount of atrazine active ingredient applied to any application site during any calendar year may not exceed the maximum amount specified for that site under this section.

(1) Except as provided under sub. (3), if at least one-fourth of the surface soil at the application site is a coarse soil, the maximum amount is 0.75 lb. per acre per calendar year.

(2) Except as provided under sub. (3), if less than one-fourth of the surface soil at the application site is a coarse soil, the maximum amount is 1.0 lbs. per acre per calendar year.

Note: The following table summarizes s. ATCP 30.10 (1) and (2). See subchapters II and III for additional local restrictions.

Table 1
Atrazine Application Limits (Statewide)

Surface Soil Texture	Maximum annual amounts (lbs. of atrazine active ingredient per acre per year)	
	Atrazine applied previous year	Atrazine NOT applied previous year
Coarse	0.75	0.75
Medium/Fine	1.0	1.5

(3) If a rescue treatment is needed for a field of seed corn or sweet corn, the total amount of atrazine applied to that field in that calendar year may not exceed the following applicable amounts:

(a) 1.5 lbs. per acre per calendar year if at least one-fourth of the surface soil is a coarse soil.

(b) 2.0 lbs. per acre per calendar year if less than one-fourth of the surface soil is a coarse soil.

Note: The following table summarizes s. ATCP 30.10 (3). See subchapters II and III for additional local restrictions.



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HEARING TESTIMONY

**PROPOSED CHANGES TO CHAPTER ATCP 30,
ATRAZINE USE RESTRICTIONS RULE
(Clearinghouse Rule No. 97-113)**

before the

SENATE AGRICULTURE AND ENVIRONMENTAL RESOURCES COMMITTEE

January 28, 1998

Chairman Clausing and Committee Members:

My name is Ned Zuelsdorff and I am Director of the Bureau of Agrichemical Management of the Wisconsin Department of Agriculture, Trade and Consumer Protection. Thank you for the opportunity to testify. I am here to speak in support of the proposed changes to Wisconsin's atrazine rule.

The proposed rule creates additional atrazine prohibition areas and establishes a mechanism to allow consideration of repeal of atrazine prohibition areas under certain conditions. While I will summarize the provisions, the attachments describe the proposal in greater detail. This rule does not propose to actually repeal any existing prohibition areas. Repeal of any prohibition area would require a separate rule change, subject to public hearing and legislative review similar to what is taking place today.

The current rule provides a mechanism for the department to impose restrictions on the use of atrazine to protect Wisconsin groundwater. Since 1991, the department has limited the statewide use rate of atrazine to about half that allowed in other states. In addition, atrazine use is prohibited on more than one million acres of land in Wisconsin. These efforts have resulted in the demonstrated improvement of groundwater quality. There is less atrazine in groundwater today.

Prohibition Areas

The proposal prohibits atrazine use on an additional 13,000 acres by creating two new atrazine prohibition areas (Columbia and Waupaca Counties) and expanding five existing prohibition areas (Adams, Columbia, Marathon, Rock and Vernon Counties). This proposal is based on recent well tests where atrazine contamination was found to exceed the enforcement standard of 3 ppb.

Process to Repeal Prohibition Areas

The proposal establishes the conditions that must be met before a prohibition area may be considered for repeal. These conditions are consistent with recent amendments to the department's "generic" groundwater rules, ch. ATCP 31. Repeal of a prohibition area would require a finding by the department that all of the following conditions have been met:

1. Atrazine levels in the well(s) originally contaminated above the enforcement standard are at or below 50% of the standard (1.5 parts per billion) in three consecutive tests at specified minimum time intervals.
2. Atrazine levels in surrounding wells also do not exceed 50% of the standard.
3. Credible scientific data show that renewed use of atrazine is not likely to result in renewed contamination and violation of the enforcement standard.

The department developed this rule in consultation with groundwater experts and following review of groundwater testing data from wells in prohibition areas. This review indicated that once atrazine contamination in a prohibition area has fallen below 50% of the standard, there is very little likelihood that it will again exceed the standard.

If a prohibition area is repealed, the department will continue to test wells in the area, including the well originally found to exceed the standard. The rule provides that the department may reinstate a prohibition area before the groundwater standard is violated if testing indicates a trend that contamination may again attain or exceed the standard.

Conclusions

The proposal creates or expands atrazine prohibition areas in response to drinking water wells found to contain atrazine at levels exceeding the enforcement standard where the department has concluded that atrazine use in the area has contributed to the contamination.

The proposal provides a science-based mechanism to repeal existing atrazine prohibition areas while maintaining protection of the groundwater resource. No existing prohibition areas are proposed for repeal. Repeal would require data allowing the department to conclude that groundwater in the prohibition area is in compliance with the groundwater standard for atrazine, and that there is little likelihood that renewed use would cause a renewed violation of the standard. Repeal of any prohibition area would require another rule change, subject to public hearing and legislative review.

The department appreciates your prompt consideration. The rule needs to be published by April 1st for the new prohibition areas to be in place for this years growing season. Thank you.

ATCP 30: Atrazine Use Restrictions

Repeal of Atrazine Prohibition Areas

How will ATCP 30 change?

Rule changes propose establishing 2 new atrazine prohibitions areas and enlarging 5 existing prohibition areas based on atrazine contamination that exceeds the health standard in drinking water wells. Additionally, the proposal establishes an atrazine concentration, as part of a process already established under ATCP 31, that would allow repeal of existing atrazine prohibition areas to be considered. At this time, however, no specific atrazine prohibition areas are proposed for repeal.

What are the repeal steps?

Three steps must be met before the department will consider removing a prohibition area:

REPEAL STEPS	REASON
Step 1: Atrazine levels in all wells that were above the enforcement standard of 3.0 parts per billion in a prohibition area must fall to or below 1.5 parts per billion (see attached chart).	A downward trend of atrazine levels in the well(s) shows that the well(s) will consistently comply with the enforcement standard.
Step 2: Water samples (if any) taken during the same time period from other wells in the prohibition area must show that pesticide levels are at or below 1.5 parts per billion.	These samples show that groundwater in the surrounding area complies with the enforcement standard.
Step 3: Research on test fields shows that renewed use of atrazine, under provisions of the current atrazine rule, will not cause atrazine levels in the well(s) in the prohibition area to rise again above the enforcement standard.	Evidence shows that a total prohibition of atrazine use is not required to protect groundwater.

Why use 1.5 parts per billion as a level to consider repeal rather than the Preventive Action Limit (PAL) of 0.3 parts per billion?

DATCP analysis of many well results shows that when atrazine levels reach 1.5 ppb in an atrazine prohibition area, subsequent tests show concentrations will remain in compliance with the enforcement standard.

Will all atrazine prohibition areas be repealed eventually?

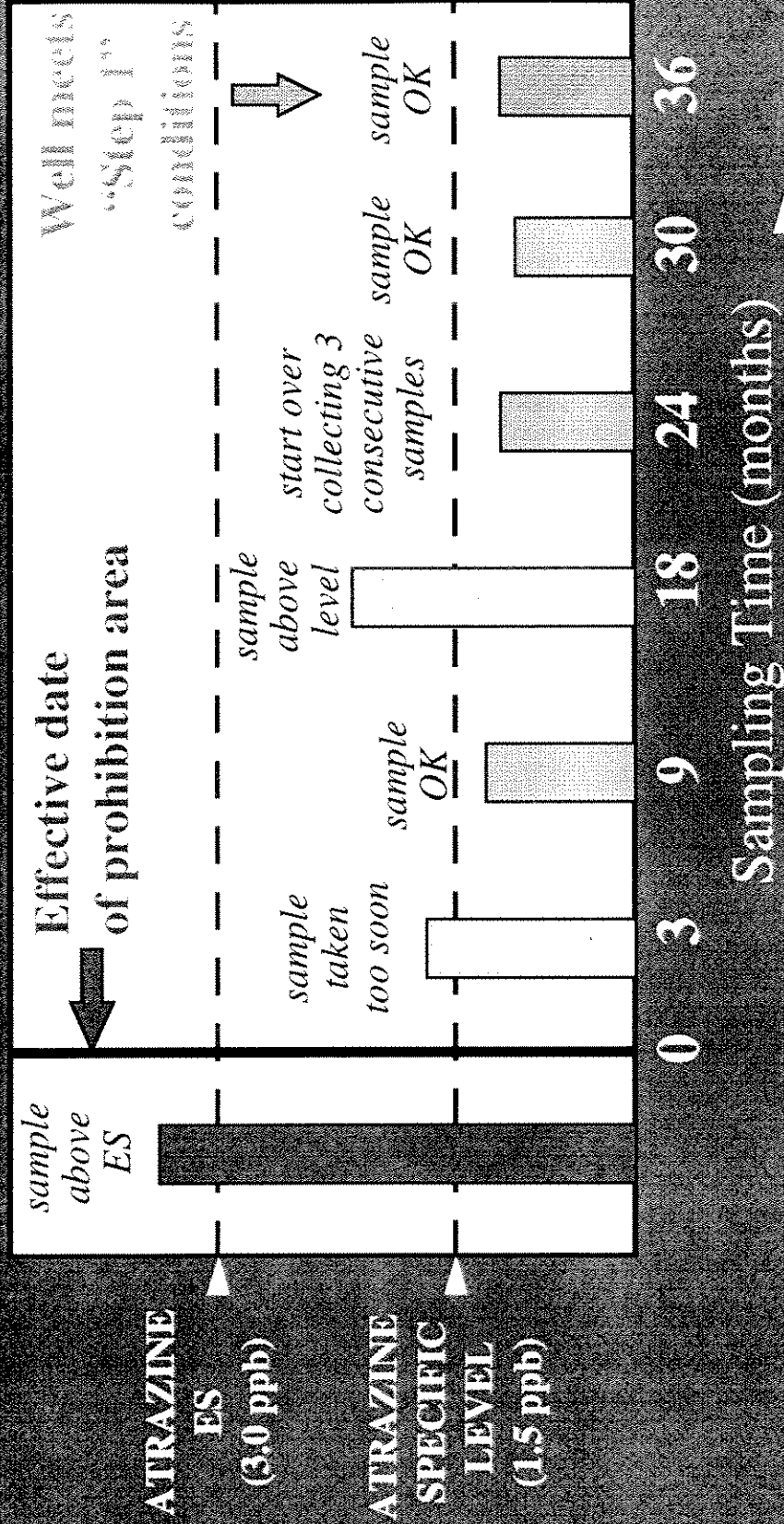
Probably not. Research shows that some prohibition areas, such as the Lower Wisconsin River Valley, are very susceptible to groundwater contamination by atrazine and may never meet the conditions of the three repeal steps.

Will DATCP attempt to achieve compliance with the Preventive Action Limit?

Yes. As stated in ATCP 31.07, Wis. Admin. Code, the Department will impose restrictions, to the extent technically and economically feasible, to achieve compliance with the PAL.

ATCP 30: Atrazine Restrictions

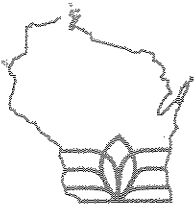
“Step 1” in the atrazine repeal process requires that atrazine levels in all wells that exceeded the enforcement standard (ES) in a prohibition area fall to or below 1.5 parts per billion (ppb).



Corn: Agricultural Chemical Applications,
Wisconsin, 1996 1/

Agricultural Chemical	Area Applied	Appli- cations	Rate per Application	Rate per Crop Year	Total Applied
	Percent	Number	Pounds per Acre		1,000 Lbs
Herbicides:					
2,4-D	2	1.0	0.44	0.44	28
Acetochlor	9	1.0	1.80	1.80	647
Alachlor	15	1.0	1.72	1.72	1,036
Atrazine	51	1.0	0.74	0.75	1,474
Bromoxynil	2	1.0	0.30	0.30	28
Cyanazine	13	1.0	1.35	1.35	707
Dicamba	46	1.0	0.37	0.37	661
Dimethenamid	10	1.0	1.18	1.21	452
Flumetsulam	4	1.0	0.05	0.05	8
Glyphosate	7	1.0	0.80	0.80	204
Halosulfuron	4	1.0	0.04	0.04	5
Metolachlor	21	1.0	1.72	1.72	1,411
Nicosulfuron	22	1.0	0.03	0.03	24
Pendimethalin	15	1.0	1.23	1.24	717
Primisulfuron	3	1.0	0.02	0.02	2
Prosulfuron	1	1.0	0.01	0.01	1
Insecticides:					
Chlorpyrifos	15	1.0	1.07	1.07	636
Phorate	2	1.0	0.97	0.97	73
Tefluthrin	5	1.0	0.08	0.08	16
Terbufos	10	1.0	1.07	1.07	406

1/ Planted acres in 1996 for Wisconsin were 3.90 million acres.



Wisconsin Agribusiness Council, Inc.

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January 28, 1998

To: Senate Committee on Agriculture and Environmental Resources

From: Russel R. Weisensel, Director, Legislative Affairs

While we believe the Wisconsin standards for atrazine are too restrictive, we strongly support the **Clearing House Rule 97-113** which would allow the state, with certain strict criteria, to rescind some atrazine prohibition areas.

We need to remember that atrazine has been widely used in our state for some 30 years. Wisconsin had no groundwater law until 1984, no atrazine groundwater standards until 1988, and no atrazine rule until March, 1991. Since then we've added numerous restrictions on this product. The application rate has been severely curtailed. (Even in eastern Wisconsin counties where little or no atrazine has been detected.) Our rates are lower than those in other states. Atrazine may only be applied by certified (trained) applicators/farmers. Strict regulations are in place for mixing and loading of atrazine. Fall applications are prohibited. These strict regulations will, in some areas of Wisconsin, allow atrazine to be used without impairing the quality of our groundwater.

Using the PAL as the trigger for repeal of an atrazine prohibition area is unrealistic, particularly here for we are the only state which includes metabolites to calculate an enforcement standard (ES).

A logical trigger for repeal could be 3 tests below the ES (1 test gets you in - 3 tests get you out). This however we do not support for the variability of test results would likely cause a yoyo effect. The trigger at 50% of the ES will both provide some relief for a few areas which probably should never have been in a prohibition area, while still protecting our groundwater and our health.

If all the water you consumed contained atrazine at 50% of the Wisconsin ES, you would need to consume 42,000 gallons daily for a life time to consume the amount of atrazine **which caused no health effects on any test animal.**

Nationally, based on current test data, the EPA changed its atrazine reference dose, the formula used in animal studies to assess risk. **Minnesota, noting this change, has since established 20ppb as its health risk for private wells.** Wisconsin not only maintains the current enforcement standard at 3ppb, our DNR included atrazine metabolites in calculating this enforcement standard. Neither the EPA, nor any other state has this restrictive formula. Minnesota also **does not** consider atrazine to be a possible carcinogen! (See attached)

Now, via the internet, more compelling evidence from an internal panel of EPA toxicologists reinforces the Minnesota conclusion. See attached excerpts from an October 17, 1997 release.

The EPA panel has concluded that atrazine poses no cancer risk at a low level of exposure and that the EPA has overstated atrazine risks!

-more-

EPA sources say this information “*could push the agency to relax its current drinking water and water quality limits for atrazine*” and “*may alter the decision to include atrazine and other triazines*” for inclusion in mandated state management plans (SMP).

Since this EPA panel now feels that atrazine “*is more suitable for a non-linear risk assessment model*” and given the fact **that Wisconsin atrazine regulations are even more strict than those of the EPA**, it would seem prudent for our state to immediately re-assess the toxicity of this herbicide and the regulations which govern its use here.

In spite of all the negative publicity on atrazine, and the fact that Wisconsin has more than 1 million acres in atrazine prohibition areas, our farmers still use this valuable tool on 51 percent of their corn acres (1996 data). The reasons are clear. (See the attached list) In the past 10 years over 20 herbicides have included atrazine to improve weed control and lower the cost to the farmer. The benefit of this herbicide is also described in the attached excerpts from research hear at the UW-Madison.

Given the ample safety factors in Wisconsin’s groundwater standards, we must not penalize any farmer growing corn in our state where the use of atrazine does not result in residue levels exceeding enforcement standard.



Excerpts From:

Health Risk Limits for Groundwater Jan. 1996

Minnesota Rules

The Minnesota Department of Health has adopted permanent rules defining health risk limits for 120 contaminants that have been found in Minnesota groundwater.¹ This fact sheet explains the health risk limits, how they were developed, and how they are used, and includes the table of Health Risk Limits.

Background

The 1989 Minnesota Groundwater Protection Act directed the Minnesota Department of Health (MDH) to develop health risk limits for substances found to degrade groundwater through groundwater quality monitoring.

The Minnesota Department of Health uses health risk limits for several public health protection purposes.

1. Advice for Private Wells. Because private well drinking water supplies are not regulated for contamination, HRLs are used to evaluate contaminated wells and provide advice to consumers and well owners about the suitability of their water supply for consumption and other uses.

Revisions to the Health Risk Limits Rules

The rules include a provision for updating the health risk limits to keep them current. As more toxicologic studies are completed and evaluated, updated data on reference doses and cancer potency slope factors may be added to the USEPA databases. The USEPA may change an RfD or slope factor due to new scientific data. Sometimes the USEPA removes an RfD or slope factor while they consider new data. This provision for revising HRLs can permit MDH to add a health risk limit, change a health risk limit, or remove a health risk limit as data about a chemical change.

Health Risk Limits for Groundwater and Toxicologic Endpoints

Chemical or Substance	CAS RN	Health Risk Limit ug/L	Toxicologic Endpoint
Acenaphthene	83-32-9	400	liver
Acetone	67-64-1	700	kidney
Alachlor	15972-60-8	4	cancer
Aldicarb	116-06-3	1	nervous system
Allyl chloride (3 chloropropene)	107-05-1	30	nervous system
Anthracene	120-12-7	2000	---
Antimony	7440-36-0	6	---
Atrazine	1912-24-9	20	cardiovascular system
Barium	7440-39-3	2000	cardiovascular system
Benzene	71-43-2	10	cancer

Atrazine Prepacks

Many of today's popular herbicides are prepacked with atrazine. Some are even touted as "atrazine alternatives". Here is a list of the more popular atrazine prepacks. (Home and garden products not listed)

Year	Brand	Manufacturer	Atrazine prepacked with:
1997	Basis Gold	DuPont	rimsulfuron and nicosulfuron
1997	Bicep II Magnum	Novartis	s-metolachlor
1997	Bicep Lite II Magnum	Novartis	s-metolachlor
1997	Bromox-at	Microflo	bromoxynil
1997	Fultime	Zeneca	acetochlor
1997	MON 58420	Monsanto	glyphosate and acetochlor
1997	Moxy-at	Terra	bromoxynil
1996	Shotgun	Platte (UAP)	2,4-D
1995	Bicep Lite II	Novartis	metolachlor
1995	Harness Xtra	Monsanto	acetochlor
1995	Surpass 100	Zeneca	acetochlor
1994	Guardman	BASF	dimethenamid
1994	Harness Xtra 5.6L	Monsanto	acetochlor
1992	Bicep Lite	Novartis	metolachlor
1991	Bicep II	Novartis	metolachlor
1991	Contour	AmCy	imazethapyr
1990	Simazat	Drexel	simazine
1989	Buctril-atrazine	Rhone-Polanc	bromoxynil
1989	Bullet	Monsanto	alachlor
1989	Laddock	BASF	bentazon
1987	Marksman	BASF	dicamba
1986	Extrazine	DuPont	cyanazine
1986	Lariat	Monsanto	alachlor
1985	Conquest	DuPont	cyanazine
1983	Ramrod-atrazine	Monsanto	propachlor
1983	Sutazine	Zeneca	butylate
1982	Lasso-atrazine	Monsanto	alachlor
1979	Bicep	Novartis	metolachlor

WEED CONTROL OPTIONS WITHOUT ATRAZINE OR BLADEX

R. Gordon Harvey¹

2/98

Excerpts:

whether or not a producer operates within an atrazine prohibition area, and upon the severity of weed infestations on the producer's farm. It is unlikely that this penalty can be eliminated until either Wisconsin atrazine use restrictions are withdrawn, or until similar rules are enacted nationwide. Results of University of Wisconsin research confirms what was intuitively obvious. Restricting use of the least expensive and most effective product must result in a reduction in net economic return to the crop producer!

Table 1. Comparison of herbicide treatments included in 1993 to 1995 field corn weed control study conducted at the University of Wisconsin Arlington Agricultural Research Station.

Treatment	Cost		Corn yield	Crop value	Net return	Loss in net return w/o atrazine
	Chem.	Applic.				
	---- \$/A ----		bu/A		----- \$/A -----	
Nontreated	0	0	79	198	198	-238
Atrazine + Partner	18	6	184	460	436	0
Partner/Clarity-split	24	12	174	435	399	-37
Partner + Clarity-PRE	24	6	165	412	383	-53
Partner + Clarity-7DAP	24	6	178	445	415	-21
Partner + Clarity-14DAP	24	6	169	423	393	-43
Dual + Clarity - 7DAP	27	6	180	450	417	-19
Frontier + Clarity-7DAP	30	6	173	432	397	-39
Harness + Clarity-7DAP	27	6	176	440	407	-29
Prowl + Clarity - PRE	23	6	165	412	384	-52
Prowl + Clarity - 7DAP	23	6	182	455	426	-10
Prowl + Clarity - 14DAP	23	6	167	418	389	-47
Broadstrike + Dual-PRE	25	6	173	432	401	-35
Accent + Beacon - POST	19	6	169	422	398	-38
Clarity/Accent - split	43	12	180	450	395	-41
LSD(10%) -	--	--	8	20	20	20

97-113

Atrazine

Ned Z.

Favor

Very little possibility contamination would occur again
ERA + Health Dept confirms it is a long-term
carcinogenic

Ken Huber

Favor

Repeats should have been in place in early 1990s

*

Sheri Krause - Rep. Brandemuehl

Favor

Ronald Sengst -

Favor

Keith Ripp -

Favor

Kevin Roche -

Favor

Michael Lencke

ANR

Info

Clarify

ATCP 31.07(1)

160.19(2)(b)

Jim Kazmierczak - WAAA & self

Favor

Betsy Ahner - WFCA

Favor

Russ Weisensel - WAB/ACPA

Favor

Too Strict

WI only state in PAL