

Chapter ATCP 30

ATRAZINE PESTICIDES; USE RESTRICTIONS

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Note: Chapter Ag 30 was renumbered chapter ATCP 30 under s. 13.93 (2m) (b) 1, Stats., Register, April, 1993, No. 448.

Subchapter I — Definitions; General Restrictions

ATCP 30.01 Definitions. The definitions in s. 94.67, Stats., apply to this chapter, as do the following definitions:

(1) "Atrazine" or "atrazine active ingredient" means the pesticide chemical 2-chloro-4-ethylamino-6-isopropylamino-1,3,5 triazine.

(2) "Atrazine product" means any pesticide containing the active ingredient atrazine as identified on the EPA registered label, either alone or in combination with other pesticides.

(3) "Atrazine management area" means a designated area within the state of Wisconsin in which specific restrictions on atrazine use are created under s. ATCP 30.18.

(4) "Board" means the board of agriculture, trade and consumer protection.

(5) "Coarse soil" means a surface soil containing soil texture classes sand, loamy sand or sandy loam.

(6) "Department" means the Wisconsin department of agriculture, trade and consumer protection.

(7) "Enforcement standard" has the meaning specified in s. 160.01 (2), Stats.

(8) "Field moisture capacity" means the amount of water that can be held by soil, in the root zone of the crop being grown, against the force of gravity.

(9) "Flood plain" means a nearly level alluvial plain bordering a river and subject to flooding unless protected artificially.

(10) "Groundwater" has the meaning specified in s. ATCP 31.01 (6).

(11) "Irrigation" has the meaning specified in s. ATCP 29.01 (28).

(12) "Lower Wisconsin river valley" means the river terraces and flood plain on either side of the Wisconsin river, downstream of the state highway 60 bridge at Prairie du Sac and upstream of the confluence of the Wisconsin and Mississippi rivers.

(13) "Mixer-loader" means a person who mixes pesticide in or transfers pesticide into nurse tanks or application equipment.

(14) "Official groundwater sample" has the meaning specified in s. ATCP 31.01 (7).

(15) "Official groundwater test result" has the meaning specified in s. ATCP 31.01 (8).

(16) "Preventive action limit" has the meaning specified in s. 160.01 (6), Stats.

(17) "Prohibition area" means an area in which application of any atrazine product is prohibited under subch. III.

(18) "Recharge zone" means the land area contributing recharge water to that portion of an aquifer supplying a well.

(19) "Rescue treatment" means an emergency application of atrazine with crop oil, made after crop emergence to control weeds which are reasonably likely to cause crop yield reduction, either because preplanting, preemergence or planned postemergence application of herbicides failed to control weeds or because weather conditions prevented use of planned mechanical operations for weed control.

(20) "River terrace" means an old alluvial plain, ordinarily flat or undulating, bordering a river.

(21) "Root zone" means the mass of soil extending downward to the depth of the roots of the crop being grown.

(22) "Soil texture class" means the soil texture designations sand, loamy sand, sandy loam, loam, silt, silt loam, sandy clay loam, clay loam, silty clay loam, sandy clay, silty clay and clay, as defined in *Soil Taxonomy, Agriculture Handbook No. 436, pages 469 to 472 (U.S. department of agriculture soil conservation service: 1975)*.

Note: A copy of relevant portions of *Soil Taxonomy, Agriculture Handbook No. 436* may be inspected at the central offices of the Department of Agriculture, Trade and Consumer Protection, the Secretary of State and the Revisor of Statutes. This volume is also commonly available in USDA Soil Conservation Service offices throughout the state.

The USDA Soil Conservation Service has prepared soil surveys for most Wisconsin counties. Atrazine users may refer to these surveys to determine the surface soil texture in areas where they wish to apply atrazine. Atrazine users may also use reliable sampling and testing methods to determine soil texture.

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(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.

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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 <u>NOT</u> 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.

Table 2
Rescue Treatments for Seed and Sweet Corn
(Not Field Corn)

Surface Soil Texture	Maximum annual amounts (lbs. of atrazine active ingredient per acre per year) including rescue treatment
Coarse	1.5
Medium/Fine	2.0

History: Cr. Register, March, 1991, No. 423, eff. 4-1-91; am. (intro.), (1) and (2), r. and recr. (3), r. (3) Table 1, Register, March, 1993, No. 447, eff. 4-1-93.

ATCP 30.11 Annual report and recommendations. (1) ANNUAL REPORT. The department shall provide the board with an annual report which includes state groundwater test results under sub. (2) and the department's recommendations under sub. (3). If the department recommends that the use of atrazine be further restricted or prohibited, the department shall submit draft rules to implement its recommendations, according to sub. (4).

(2) GROUNDWATER TEST RESULTS. The annual report under sub. (1) shall indicate the results of statewide groundwater tests for atrazine and its metabolites. The report shall indicate all groundwater test results that equal or exceed the preventive action limit for atrazine, and all results that equal or exceed the enforcement standard for atrazine. The report shall also discuss the results of the department's investigations related to atrazine in groundwater, significant trends or developments related to atrazine in groundwater, and other information which the department considers relevant to the regulation of atrazine.

(3) RECOMMENDATIONS. Based on groundwater test results and other relevant information, the department shall annually evaluate its restrictions on the use of atrazine. As part of its annual report under sub. (1), the department shall recommend further restrictions on atrazine use which the department considers necessary, pursuant to ch. ATCP 31 and this chapter. This may include recommendations for any of the following:

- (a) Statewide restrictions or prohibitions against the use of atrazine.
- (b) Atrazine management areas under subch. II.
- (c) Atrazine prohibition areas under subch. III.

(4) RULES. If the department recommends further restrictions on the use of atrazine under sub. (3), the department shall submit proposed hearing draft rules to implement its recommendations. If the board declines to adopt final draft rules, or approves final draft rules that differ from the department's hearing draft rules, the department shall identify each rule modification to the legislature, as part of the department's report under s. 227.19 (2), Stats. Except in an emergency, the department shall transmit its final draft rules for legislative committee review under s. 227.19, Stats., by January 1 of each year.

History: Cr. Register, March, 1993, No. 447, eff. 4-1-93.

Subchapter II — Atrazine Management Areas

ATCP 30.18 Creation of atrazine management areas. (1) AUTHORITY. In addition to any other restrictions under

this chapter or ch. ATCP 31, the department may, by rule, restrict the use of atrazine product in atrazine management areas designated according to this section.

(2) CRITERIA. The department shall create an atrazine management area whenever it determines that supplementary atrazine use restrictions are appropriate in that area to prevent or minimize atrazine contamination of groundwater. The department may consider the following factors, among others, in determining whether to create atrazine management areas:

- (a) The frequency of atrazine detections in reliable groundwater test samples taken from a geographically proximate area.
- (b) The frequency of atrazine detections over the preventive action limit or over the enforcement standard in reliable groundwater samples taken from a geographically proximate area.
- (c) The finding of an elevated mean or median concentration of atrazine in reliable groundwater samples taken from a geographically proximate area, as compared to statewide concentrations.
- (d) Results of analysis of reliable groundwater samples from monitoring wells in areas with known atrazine use histories.
- (e) The uniformity of hydrogeologic characteristics in a geographically proximate area.
- (f) Research results indicating susceptibility of the groundwater to atrazine contamination in a geographically proximate area.
- (g) Technical or economic factors which are specific to a geographically proximate area.

(4) DETERMINING BOUNDARIES. An atrazine management area may encompass land areas which, in the department's judgment, are susceptible to atrazine contamination of groundwater based on the factors identified under sub. (2). The boundaries of the atrazine management area shall be sufficient to minimize the concentration of atrazine in groundwater where technically and economically feasible or regain and maintain compliance with the preventive action limit, if technically or economically feasible, as provided in s. 160.23, Stats. Boundaries of atrazine management areas may include any of the following:

- (a) Mapped boundaries between soil types or other hydrogeologic features.
- (b) Groundwater or surface water divides such as watershed boundaries.
- (c) Legal land description boundaries including political boundaries.
- (d) Public roads.

(5) SCOPE OF RESTRICTIONS. The department may impose any of the following restrictions in an atrazine management area:

- (a) Prohibitions against the use of atrazine product, subject to s. ATCP 31.08.

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(b) Limitations on the purpose for which atrazine product may be used, including limitation on the crops and target pests for which atrazine product may be used.

(c) Limitations on the rate at which atrazine product may be applied.

(d) Limitations on the time or frequency of atrazine product use.

(e) Limitations on the method of atrazine product use.

(f) Reporting or permit requirements applicable to the use of atrazine product.

(6) **ATRAZINE MANAGEMENT PLAN.** For each atrazine management area established under this subchapter, the department shall also establish an atrazine management plan. The atrazine management plan shall include all of the area in the atrazine management area, and any additional area determined by the department as necessary to achieve the purposes of the atrazine management area. The atrazine management plan shall contain:

(a) A delineation of the boundaries of the area subject to the plan.

(b) A groundwater monitoring program.

(c) An information and education program.

(d) A schedule for review of the effectiveness of the prohibitions and restrictions in the atrazine management area.

(e) Any other provisions deemed appropriate by the department.

History: Cr. Register, March, 1991, No. 423, eff. 4-1-91; am. (1), r. (3), Register, March, 1993, No. 447, eff. 4-1-93.

Subchapter III — Prohibition Areas

ATCP 30.25 Creating prohibition areas. The department may prohibit use of atrazine products in any manner authorized under ss. 94.67 to 94.71, Stats., or under ch. 160, Stats., including the following:

(1) **SITE-SPECIFIC PROHIBITIONS.** The department may prohibit the use of atrazine products on a site-specific basis under ss. ATCP 31.07 and 31.08 (1) and (2).

(2) **STATEWIDE OR REGIONAL PROHIBITIONS.** The department may prohibit the use of atrazine products on a statewide or regional basis under s. ATCP 31.08 (3).

History: Cr. Register, March, 1991, No. 423, eff. 4-1-91.

ATCP 30.26 Mixing and loading prohibited. No person may mix or load any atrazine product in a prohibition area identified under s. ATCP 30.30 unless the mixing and loading is conducted over a spill containment surface which complies with s. ATCP 29.151 (2) to (4).

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92; correction made under s. 13.93 (2m) (b) 7, Stats., Register, March, 1994, No. 459.

ATCP 30.30 Prohibition areas. No person may apply any atrazine product in any of the following prohibition areas:

(1) The lower Wisconsin river valley except that atrazine may be applied to medium- and fine-textured soils in Township 9 North, Range 1 West, sections 27, 28, 29, 30, 31, 32, 33 and 34 and Township 9 North, Range 2 West, sections 25, 26, 27, 28, 32, 33, 34, 35 and 36 in compliance with ss. ATCP 30.05 through 30.10.

(2) Any of the prohibition areas identified in Appendix A.

History: Cr. Register, March, 1991, No. 423, eff. 4-1-91; r. and recr. Register, March, 1992, No. 435, eff. 4-1-92; r. and recr. Register, March, 1993, No. 447, eff. 4-1-93; am. (1), Register, March, 1994, No. 459, eff. 4-1-94.

ATCP 30.35 Exemptions. (1) **RESEARCH EXEMPTION.** Notwithstanding any provision of this chapter, the department may issue a written permit authorizing the use of atrazine for bona fide research purposes. An applicant for a research permit shall apply to the department in writing. The application shall describe the proposed research, and the amounts and locations of proposed atrazine applications. The department may require an applicant to file other information which the department considers necessary for its review of the application.

(2) **LAND SPREADING SOILS AND WATER.** (a) Notwithstanding any provision of this chapter, the department may issue a written permit authorizing any person to land spread soils or water containing residues of atrazine or its metabolites in order to remedy soil or water contamination. The amount of atrazine and atrazine metabolites applied to a site by means of land spreading may not exceed the amount of atrazine active ingredient permitted under s. ATCP 30.10.

(b) A person applying for a permit under par. (a) shall submit a written application to the department describing the proposal to land spread soils or water containing residues of atrazine or its metabolites. The department may require an applicant to file other information which the department considers necessary for its review of the application.

(c) The department shall grant or deny a permit application under par. (b) within 30 days after the department receives a complete application.

History: Cr. Register, March, 1991, No. 423, eff. 4-1-91; renum. to be (1), cr. (2), Register, March, 1993, No. 447, eff. 4-1-93; am. (2) (a) and (b), Register, March, 1994, No. 459, eff. 4-1-94.

ATCP 30.40 Review of provisions. Five years from April 1, 1991, the department shall provide a report to the board evaluating the provisions of this chapter and the need for modifications. The evaluation shall be based on groundwater and related data available to the department. Subject to the availability of funds, the evaluation shall include the results of 2 statistically designed surveys of atrazine in Wisconsin groundwater conducted 2 and 4 years after April 1, 1991. The department shall provide the board with an interim report on each groundwater survey when that survey is completed.

History: Cr. Register, March, 1991, No. 423, eff. 4-1-91.