

2010 Wisconsin Lakes Convention

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WDATECP

- Who are we?
- Who/what do we regulate?
- Who are our partners?

Highlights of Presentation

- ATCP 29 Rule Revision
 - What is it?
 - Where are we in the process?
 - What has been proposed?
- Pesticide Applications for Aquatic Invasive Plant Control

ATCP 29

- What is it?
 - Rule that governs pesticide use and control.
- Who does it affect?
 - All persons and companies that make commercial pesticide applications.
 - All persons/companies that manufacture/label pesticide products.

ATCP 29 (cont.)

- Last major revision.
 - June 1998
 - Technical revisions
2001 and 2006
- Why revise?
 - Changes in business practices and methods.
 - Legislative requirements.
 - Federal and state law changes.

What is the process?

1. Rule Planning:

Division schedules advisory council meeting to seek input on the proposed rule.

2. Developing the rule:

Division presents key issues and background information to the advisory council and obtains advisory council recommendations.

What is the process ? (cont.)

3. Hearing of Draft Rule:

Division holds public hearings. Typically, held in Madison, Milwaukee, Green Bay, and Eau Claire.

4. Final Draft Rule:

Division and Office of Legal Counsel complete a tentative final draft rule after considering comments from public hearing and the Rules Clearinghouse.

What is the process ? (cont.)

5. Legislative Review:

Rule reviewed by legislative committees.

The Assembly review committee holds a public hearing.

What is the process ? (cont.)

6. Rule Adopted:

Division and Office of Legal Counsel complete final rulemaking order and related documents for signature by DATCP Secretary.

Legislative Reference Bureau publishes final draft rule in the Wisconsin Administrative Register.

Rule takes effect, typically, on the first day of the month commencing after the date on which the rule is published in the Wisconsin Administrative Register.

Where are we in the current process?

Preparing to submit Draft Rule proposal to Board for acceptance.

Upon acceptance by Board, public hearing (3 locations, E.C., G.B., Madison) of Draft Rule will commence.

Suggestions Received

1. Can DATCP require merchants to display outreach material (pertaining to aquatic use requirements/permit) for all non-restricted use aquatic pesticide products?
 - a. DATCP would have no way of enforcing the outreach material requirement.
 - b. If DATCP were to require it for products used within an aquatic environment, it would be required for all sites/types of applications.

2. Can DATCP raise the minimum passing score on the commercial Aquatic certification exam from 70% to something higher (e.g., 75%)?

If the exam score is raised for the Aquatic applicator exam, the minimum passing score for all categories would be raised.

Suggestions Received (cont.)

3. Can DATCP address Aquatic pesticide application equipment and individual applicator safety standards?
 - a. No change is necessary. Current regulations (ATCP 29.50) address this.
 - b. Also, safety requirements are dictated by product label (e.g., long sleeve shirts, shoes with socks, eye protection, etc.).

4. Can DATCP address/reference the NR 107 posting requirements for aquatic applications?

Within ATCP 29.52 – Warning Signs at Application Sites – DATCP will insert a note referencing the NR 107 posting requirement.

Foreseeable Changes

Major changes:

None

Minor changes:

Electronic Information to Customers.

Applicator records contents lined up with
Business record requirements.

Certification and Licensing Requirements for Aquatic Plant Control

When is certification/licensing required?

- If pesticides are used on public school property.
- Anyone who makes applications for-hire.
- If a pesticide product requires a person to be certified within a specific certification category.
- Anytime a restricted-use product is used.
- If other government agencies require it as a condition for issuance of a permit.

Miscellaneous

Track rule status and location in rule proceeding process:

<http://www.legis.state.wi.us>

<http://www.datcp.state.wi.us>

Type ATCP 29 in the search box.

DATCP Contact Information

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