

# 2007 Annual Report

## AGRICHEMICAL MANAGEMENT



## BUREAU



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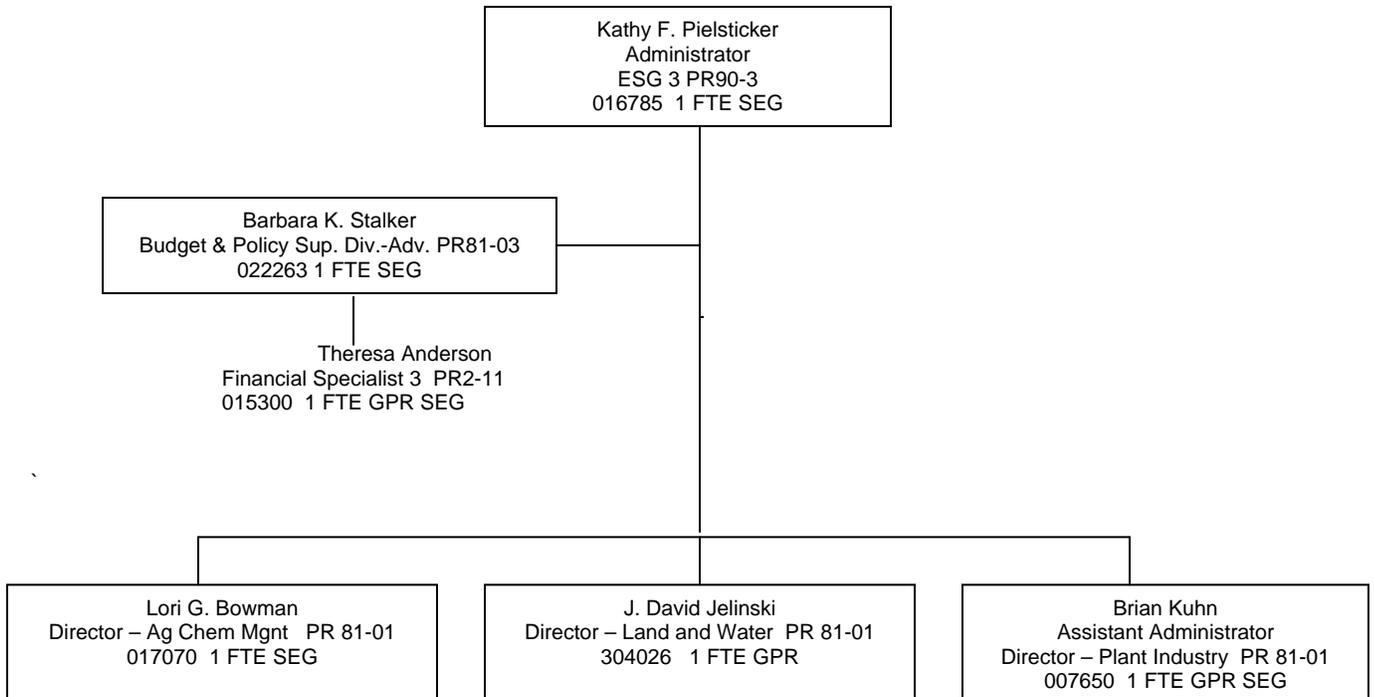
# Agricultural Resource Management Organizational Chart

Board of Agriculture, Trade, and Consumer Protection

Rod Nilsestuen, Secretary

Randy Romanski, Deputy Secretary

Division of Agricultural Resource Management



Note: Organization Chart effective July 2008

## Executive Summary

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The Agrichemical Management Bureau (ACM Bureau) administers Wisconsin's regulatory and enforcement programs associated with commercial animal feeds, fertilizers, pesticides and other plant production and pest control materials used in agricultural, urban and industrial settings. The mission of the ACM Bureau is to protect human health and the environment, promote agriculture, and assure a fair marketplace by mitigating risks and preserving the benefits of regulated products.

The ACM Bureau funds, manages and enforces 12 highly interrelated programs: Fertilizer, Commercial Feed, Pesticides and Pesticide Use (general), Pesticide Special Registrations, Pesticide Applicator Certification and Licensing, School Integrated Pest Management, Endangered Species and Habitat, Landscape Registry, Agrichemical Containment and Remediation, Groundwater Protection, Clean Sweep, and Worker Protection.

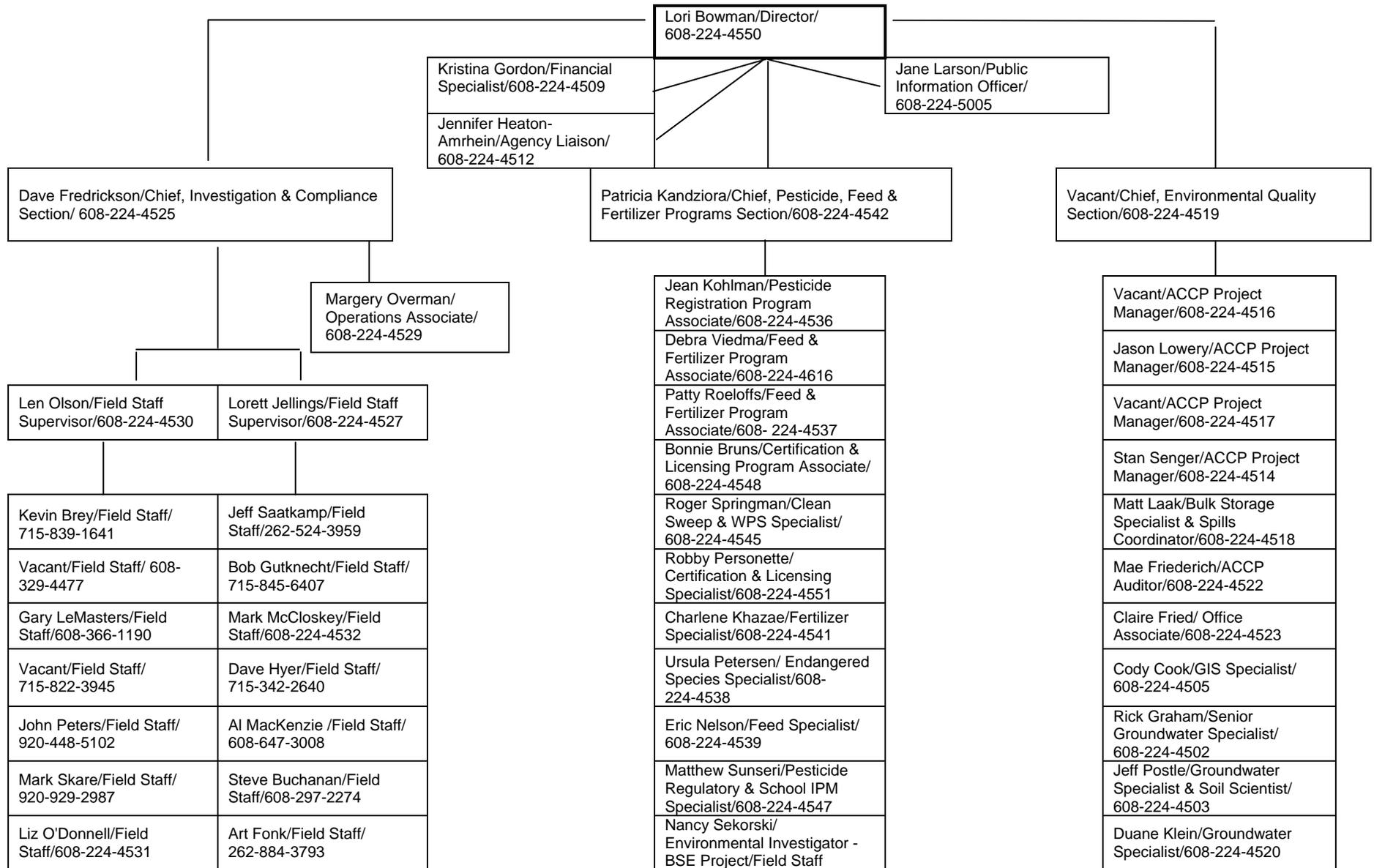
2007 was a busy and productive year for the ACM Bureau. During 2007, the Bureau's program and compliance staff:

- ★ Issued 12,775 licenses;
- ★ Certified 4,986 pesticide applicators (total of 27,539 certified applicators);
- ★ Managed 254 remediation cases at agrichemical facilities;
- ★ Responded to 45 agrichemical spills (a 25 percent increase over 2006);
- ★ Reimbursed over \$2.6 million in eligible clean-up costs to responsible parties;
- ★ Conducted 740 routine feed, fertilizer, and pesticide inspections (a 46 percent increase over 2006);
- ★ Investigated 207 complaints and took 196 enforcement actions;
- ★ Registered 10,835 pesticide products; and
- ★ Provided \$710,400 in grants to municipalities to collect and dispose of agrichemicals and hazardous household waste.

Other notable activities and accomplishments of the ACM Bureau during 2007 include meetings of a Task Force to provide recommendations on how to manage land contaminated from the historic use of lead arsenic pesticides in orchards; administration of the statutory Agricultural Chemical Cleanup Program (ACCP) surcharge reductions; implementation of the new agri-chemical containment regulations and completion of the statewide groundwater survey.

Fees collected from the agrichemical industry are the primary source of funding for the ACM Bureau and its programs. The U.S. Environmental Protection Program and the U.S. Food and Drug Administration also provide some funding. The ACM Bureau recognizes this important partnership with industry and the federal government and works hard to maximize the use of this funding for the benefit of the industry, consumers, and the environment.

# Agrichemical Management Bureau Organizational Chart and Contact List



## Financial Overview

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The Agrichemical Management Bureau (ACM Bureau) is structured as one integrated program with multiple components. Programs are centrally coordinated through individual program specialists located in the Pesticides, Feed and Fertilizer Programs (Programs) and Environmental Quality (EQ) Sections.

Environmental enforcement specialists (EES) located throughout the state implement these programs in the field. These field personnel and associated supervisory and management staff comprise the Compliance and Investigation (Compliance) Section, which also coordinates most formal enforcement actions for the Bureau. The ACM Bureau's three sections strive to coordinate daily program activities to provide uniform regulation and enforcement, while assuring appropriate specialized knowledge in each program area.

### Revenue Sources

Because of its closely related regulation and enforcement activities, the Bureau largely combines its funds for the programs. Four sources fund the Bureau:

- Agrichemical Management Fund (ACM Fund)
- Agricultural Chemical Cleanup Program Fund (ACCP Fund)

- Federal Grants (FED)
- Gifts, Grants and Special Projects

The ACM Fund and the ACCP Fund are comprised of many industry fees, as detailed later in this report. Both funds are considered segregated revenues (SEG), which means that these revenues are

maintained separately from other state revenues and are to be used for specified purposes. Federal funding covers portions of several federal programs that the Bureau implements and the Bureau can also receive direct contributions for special projects. Each of these funding sources identifies how the funds can be used. The following sections of this report will provide more information on each revenue source.

### Fiscal Years and Fee Periods Covered in this Report

This section of the report covers the state fiscal year 2006-07 which ran from July 1, 2006

through June 30, 2007. Federal grants run on different cycles (October 1 through September 30) than the state fiscal year; this report covers those portions of the federal grants that occurred during the state fiscal year. Program-specific sections of the report reflect calendar year activities.

<b>Financial Highlights</b>	
<b>Revenues</b>	
★	\$6,514,423 -- ACM Fund
★	\$3,481,090 -- ACCP Fund
★	\$664,081 -- Federal Funds
★	\$126,661 -- Gifts and Grants
★	\$710,400 – Clean Sweep
★	\$1,799,691 – Other
<b>Expenses</b>	
★	\$5,628,269 – Operations
★	\$2,086,189 – Reimbursements
★	\$664,081-- Federal Funds
★	\$126,661 -- Gifts and Grants
★	\$630,118 – Clean Sweep (remaining \$80,282 from recycling fund spent in FY08)
★	\$1,799,691 – Forwarded to other agencies

**Agrichemical Management Fund (ACM Fund)**

The ACM Fund is the primary source of funding for the regulatory, investigative and enforcement aspects of the ACM Bureau. The ACM Fund is comprised of fees collected from most of the agricultural, commercial and industrial segments regulated by the Bureau. This includes

revenues from licenses, permits, registrations and tonnage fees under the feed, fertilizer, soil and plant additive, lime, and pesticide programs. The Recycling Fund supports Clean Sweep grants to local governments.

Table 1  
**FY 2006-07 AGRICHEMICAL MANAGEMENT FUND**

SOURCE	FEE	FY 06-07 REVENUE
Opening Balance		\$ 4,221,265
Feed License	\$25	\$ 32,012
Feed Tonnage	\$0.23/ton	\$ 855,741
Fertilizer License	\$30	\$ 20,460
Fertilizer Permits	\$25 one time	\$ 8,791
Fertilizer Tonnage	\$0.30/ton	\$ 416,359
Lime License	\$10	\$ 880
Pesticide Application Business	\$70	\$ 121,029
Pesticide Dealer-Restricted Use	\$60	\$ 21,900
Pesticide Individual Applicator	\$40	\$ 262,038
Pesticide Reciprocal Certification	\$75	\$ 25,785
Pesticide Registration* Household sales \$0-24,999	\$141	\$ 748,589
Pesticide Registration* Household sales \$25,000-74,999	\$626	\$ 231,620
Pesticide Registration* Household sales \$75,000 plus	\$1,376	\$ 419,680
Pesticide Registration* Industrial sales \$0-24,999	\$221	\$ 164,645
Pesticide Registration* Industrial sale \$25,000-74,999	\$766	\$ 62,046
Pesticide Registration* Industrial sales \$75,000 plus	\$2,966	\$ 252,110
Pesticide Registration* Non-household \$0-24,999	\$226	\$ 944,283
Pesticide Registration* Non-household \$25,000-74,999	\$796	\$ 234,024
Pesticide Registration* Non-household \$75,000 plus	\$2,966 + 0.2%	\$1,347,450
Soil & Plant Additive License & Permits	\$25 annual license \$100/1x permit	\$ 11,705
Soil & Plant Additive Tonnage	\$0.25/ton	\$ 9,438
Veterinary Clinic Permit	\$25/2 yr	\$ 75
Interest on ACM Fund and Miscellaneous		\$ 273,598
Late Fees		\$ 50,287
Total Revenue		\$6,514,545
Program Expenditures (see individual programs)		\$(6,161,747)
Ag in Classroom Grant		\$( 100,000)
Lapse to General Fund		\$(1,537,800)
FY 06-07 Ending Balance		\$ 2,936,263

\* Pesticide registrations are deposited by statute to each fund, but the breakdown between fee levels is not recorded in the financial system. The breakdown shown here is based on apportioning the actual payments, including penalty fees, based on the estimated sales levels reported at the time of product registration.

The ACM Fund does not direct fee revenues to specific programs. Revenues deposited into the ACM Fund cover the combined costs of the ACM programs.

Only a portion of the revenues collected by the Bureau are deposited in the ACM Fund. Other portions of fees and surcharges are deposited to the ACCP Fund and still others forwarded to other agencies. Tables 1 through 3 detail the various industry fee rates and the total revenues collected by the Bureau.

The ACM Bureau last adjusted the agrichemical fees at the start of 2003; the product sources upon which these fees are based have remained reasonably stable in recent years.

**Agricultural Chemical Cleanup Program Fund (ACCP Fund)**

The ACCP Fund consists of industry surcharges (fees) to pay reimbursements for agricultural chemical spill cleanups under s. 94.73, Wis. Stats. These surcharges are set by rule with maximum levels dictated by statute.

Table 2  
**FY 2006-07 AGRICULTURAL CHEMICAL CLEANUP FUND**

SOURCE	SURCHARGE	FY 06-07 REVENUE
Opening Balance		\$2,843,494
Fertilizer License	\$20 if no pesticide license	\$ 7,140
Fertilizer Tonnage	\$0.63/ton**	\$ 870,635
Pesticide Application Business	\$55	\$ 95,010
Pesticide Dealer-Restricted Use	\$40	\$ 14,760
Pesticide Individual Applicator	\$20	\$ 130,630
Pesticide Registration* Non-household \$0-24,999	\$5	\$ 21,165
Pesticide Registration* Non-household \$25,000-74,999	\$170	\$ 49,980
Pesticide Registration* Non-household \$75,000 plus	1.1% of sales	\$2,092,940
Interest on ACCP revenues		\$ 198,830
Revenue in FY07--transferred in FY08		\$ 12,959
Total Revenues		\$3,494,049
Expenditures (ACCP Reimbursements)		\$(2,086,189)
FY 06-07 Ending Balance		\$4,251,354

\*Pesticide registrations are deposited by statute to each fund, but the breakdown between fee levels is not recorded in the financial system. The breakdown shown here is based on apportioning the actual payments based on the estimated sales levels reported at the time of product registration.

\*\*The fertilizer tonnage surcharge is for the previous year's fertilizer sales.

**Other Industry Fees**

In addition to the fees paid to the ACM and ACCP Funds, the Bureau collects fees directed to other state agencies or programs.

Table 3 shows the FY 2006-07 fees collected for other agencies. Actual transfers may differ based on collection dates and transfers in prior or subsequent fiscal years.

Table 3  
**FY 2006-07 OTHER AGRICHEMICAL REVENUES AND USES**

SOURCE	FEE AND AGENCY	FY 06-07 REVENUE
Fertilizer Tonnage	\$0.10 DNR 0.10 UW Research 0.10 UW Extension 0.02 Weights & Measures	\$ 138,186 \$ 138,186 \$ 137,305 \$ 27,697
Feed Tonnage	\$0.02 Weights & Measures	\$ 74,394
Lime Tonnage	\$0.0125 UW Research	\$ 14,678
Pesticide Registration* Household sales \$0-24,999	\$124 DNR	\$ 595,180
Pesticide Registration* Household sales \$25,000-74,999	\$124 DNR	\$ 45,880
Pesticide Registration* Household sales \$75,000 plus	\$124 DNR	\$ 37,820
Pesticide Registration * Industrial sales \$0-24,999	\$94 DNR+\$5 for some wood preservatives	\$ 68,497
Pesticide Registration* Industrial sale \$25,000-74,999	\$94 DNR+\$170 for some wood preservatives	\$ 21,384
Pesticide Registration * Industrial sales \$75,000 plus	\$94 DNR+1.1% for some wood preservatives	\$ 28,877
Pesticide Registration* Non-household \$0-24,999	\$94 DNR	\$ 369,044
Pesticide Registration* Non-household \$25,000-74,999	\$94 DNR	\$ 27,636
Pesticide Registration* Non-household \$75,000 plus	\$94 DNR	\$ 30,644
Pesticide Well Compensation	\$150 DNR	\$ 20,550
Soil & Plant Additive Tonnage	\$0.10 DNR 0.10 UW Res. (included in fertilizer tonnage)	\$ 3,733 ---
<b>TOTALS</b>		<b>\$1,779,691</b>
DNR		\$1,387,431
UW		\$ 290,169
Weights and Measures		\$ 102,091

\* Pesticide registrations are deposited by statute to each fund, but the breakdown between fee levels is not recorded. The breakdown shown here is based on registration records for each fee level.

**When and How Paid**

Industry fees for the ACM and ACCP Funds and the other agencies are assessed as one fee and apportioned to the various funds as defined by statute. For example, when DATCP collects the fertilizer tonnage fees, the industry is assessed \$1.25 per ton and the fee is then split among the UW,

DNR, DATCP's Weights and Measures program, and the ACM and ACCP Funds, as shown in Tables 1 through 3.

The various programs pay fees at different times of the year. Fertilizer tonnage and license fees are due in August of each year, pesticide licenses and registrations are due

in December and feed fees are due in February. Table 4 shows the payment dates for all fees and the period for which this fee is paid. Generally, permits, licenses and registrations are paid prospectively, while tonnage fees are submitted after each year's sales. Pesticide registrations

represent a cross between these, since the license (registration) fee is based on an estimate of the licensing year sales. Upon renewal for the next licensing year, companies reconcile the actual sales total with the estimate to ensure they paid the proper fees.

Table 4  
**AGRICHEMICAL FEE PAYMENT DATES**

SOURCE	DUE DATE	FOR PERIOD
Feed License	2/28/07	3/1/07-2/28/08
Feed Tonnage	2/28/07	Calendar 2006
Fertilizer License	8/14/06	8/15/06-8/14/07
Fertilizer Permits	Prior to distribution	Until product or label changes
Fertilizer Tonnage	8/14/06	7/1/05-6/30/06**
Lime License	12/31/06	Calendar 2007
Lime Tonnage	2/1/07	Calendar 2006
Pesticide Application Business	12/31/06	Calendar 2007
Pesticide Dealer-Restricted Use	12/31/06	Calendar 2007
Pesticide Individual Applicator	12/31/06	Calendar 2007
Pesticide Reciprocal Certification	Prior to work in Wisconsin	End of same calendar year
Pesticide Manufacturer (Product Registration)	12/31/06 estimate 12/31/07 final	Calendar 2007 (amount due based on sales 10/06-9/07)*
Pesticide Well Compensation	12/31/06	Calendar 2007
Soil & Plant Additive License	3/31/07	4/1/07-3/31/08
Soil & Plant Additive Permit	Prior to distribution	Until product or label changes
Soil & Plant Additive Tonnage	3/31/07	Calendar 2006
Veterinary Clinic Permit	12/31/06	Calendar 2007 and 2008

\* The basis for a pesticide manufacturer license fee (more commonly known as product registration), changed effective in 2004 to an estimated fee paid at the start of the year and a final reconciliation paid at the end that year.

\*\*The fertilizer tonnage surcharge is for the previous year's fertilizer sales.

### Federal Grant Funds

The Bureau receives grants from three federal agencies:

- Environmental Protection Agency (EPA)
- Department of Agriculture (USDA)
- Food and Drug Administration (FDA)

The EPA grant is the most significant of these grants (See Table 5). The ACM Bureau acts as EPA's agent for implementing, investigating and enforcing federal pesticide laws and regulations. The EPA grant includes several components, some of which are awarded based on an allocation formula (base), while other parts

are awarded on a competitive basis (supplemental). The USDA grant provides funding for inspection of restricted-use pesticide records on farms. Our cooperative efforts with FDA, including the inspection contract and the Bovine Spongiform Encephalopathy (BSE) expansion grants, provides funds for inspection of certain higher risk medicated feed producing establishments and allows for monitoring of the effected industries, including feed manufacturers, ingredient transporters and ruminant animal feeders, which are all regulated by the BSE Feed Ban

Table 5  
**FEDERAL GRANT FUNDING DURING STATE FY 2006-07**

GRANTING AGENCY	PURPOSE	STATE FY 06-07 TOTAL
Environmental Protection Agency	Pesticide regulation and enforcement, applicator certification and special projects	\$336,932
Food and Drug Administration	Medicated feed mill inspections	\$ 97,192
Food and Drug Administration	BSE Expansion grant	\$202,230
Department of Agriculture	Restricted-use pesticide recordkeeping	\$ 27,727

**Gifts, Grants and Special Projects**

By statute, the Department may collect fees from the public or industry for laboratory tests completed by DATCP for programs under s. 93.06(1p), Wis. Stats. The Department may also cooperate with other state agencies and compensate or be compensated by these agencies for

services performed, as is done with the federal grants under s. 93.06(11), Wis. Stats. Section 20.115(8)(g), Wis. Stats., allows the Department to accept gifts and grants to carry out the program activities or special projects for which the grants are made. The following gifts and grants listed in Table 6 were received in Fiscal 2007.

Table 6  
**GIFTS AND GRANTS**

SOURCE	PURPOSE	AMOUNT
DATCP and UW (providers for EPA)	School Turf and Lawn IPM Demo	\$ 1,399
Department of Health & Family Services (provider for EPA)	Environmental Public Health Tracking grant	\$120,262
Lakeshore Natural Resource Partnership	Phragmites grant	\$ 5,000

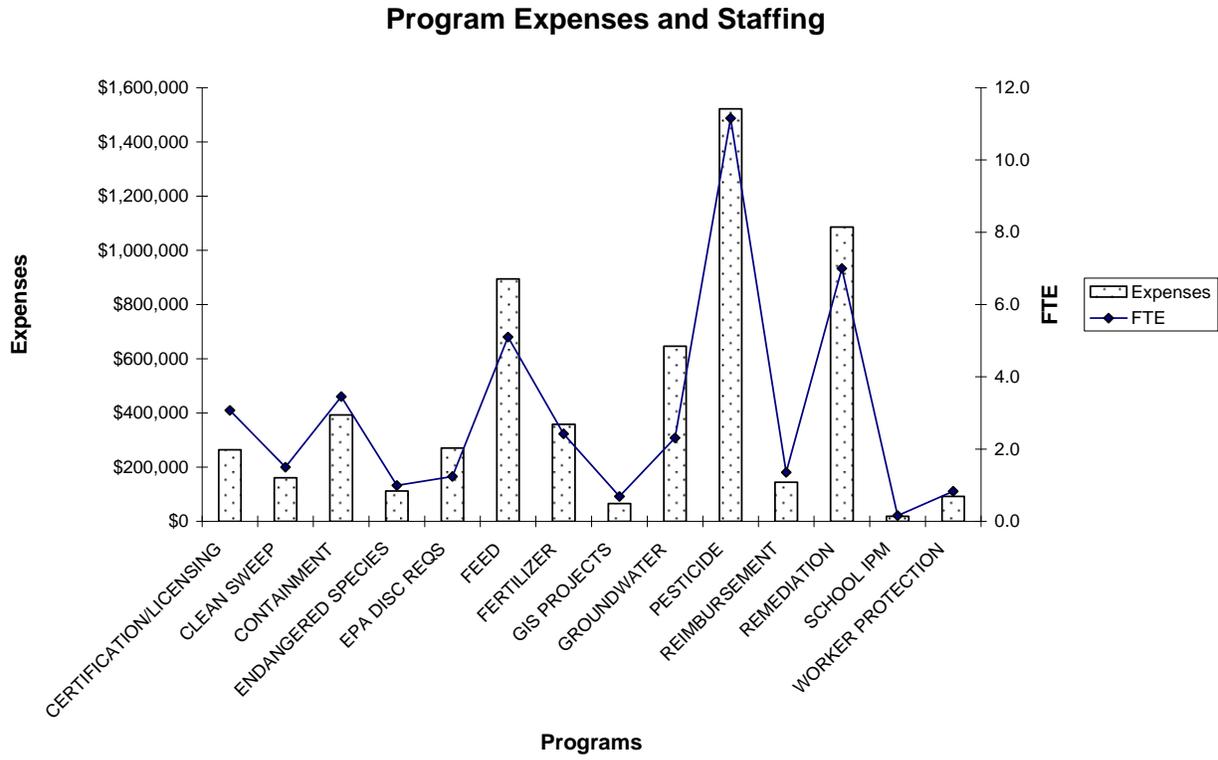
**FY 2006-2007 Program Expenditures**

Each ACM program's activities and expenses are discussed in more detail in a separate section of this report. The program costs reported for each program are based on time reports kept by staff, multiplied by their respective salary/fringe costs and combined with each program's laboratory expenses. Supply and service costs that are not uniquely related to a single agrichemical program (such as lab expenses) are prorated across all these programs based on agrichemical staff hours spent in each individual program.

Many staff work in multiple programs on any given day and throughout the year, so if 10 percent of agrichemical staff hours are spent on feed program activities, 10 percent of building rent, office supplies, phone charges, computer expenses, and other similar costs are attributed to the total cost of the feed program shown in this report.

Chart 1 shows the distribution of time and expenses across all programs.

Chart 1



# Agricultural Chemical Cleanup Program

The Agricultural Chemical Cleanup Program (ACCP) directs the cleanup of pesticide and fertilizer spills to minimize contamination of surface water, groundwater and the surrounding environment by ensuring that spill cleanups are conducted effectively and in a timely manner. The program also provides reimbursement for a portion of eligible cleanup costs incurred by the responsible persons.

The program, established in 1994 by s. 94.73 Wis. Stats. and administered under ch. ATCP 35, Wis. Adm. Code, addresses both one-time spills resulting from incidents such as fires and traffic accidents, and long-term spills resulting from facilities' daily handling practices.

## Staff and Funding

ACCP staff includes hydrogeologists and engineers who manage the technical aspects of the cases; environmental enforcement specialists who respond to spills, investigate contamination complaints and provide oversight on field activities; an auditor who reviews reimbursement applications and an office associate who provides administrative support. During fiscal year 2006-2007, the program required \$1,377,437 for the salary of 8.7 full-time staff, supplies and laboratory costs. The Agricultural Chemical Management Fund supported these expenses. The ACCP Fund finances only the ACCP reimbursements.

## Program Activities

**Remediation:** In calendar year 2007, the program closed 42 cases and initiated 28 new cases, bringing the total number of active cleanup cases to 254 (see Table 7). In addition, staff responded to 45 spills, closed 32 of them, and closed 16 spill cases from previous years. Remaining open spill

cases will be closed following completion of investigative and remedial actions and land spreading of contaminated soil.

**Reimbursement:** During calendar year 2007, we received 96 applications for reimbursement, totaling \$3,134,131.25. The number of applications submitted in 2007 was up 11% from 2006, which was up 30% from 2005. We expect to see the annual

number of applications submitted to continue to increase because of a deadline that went into place in 2000, which requires all costs eligible for reimbursement to be submitted within three years from when they were paid. Staff met with the Agricultural Chemical Cleanup Council four times during the year to review reimbursement

applications and recommend reimbursement payments. The ACCP Fund paid a total of \$2,621,945.19 in reimbursements in CY 2007. Due to the timing difference between when an application is submitted and when reimbursement is made, this amount includes applications that were received at the end of 2006. Similarly, applications received at the end of 2007 will receive reimbursement in early 2008.

## Emerging issues

Bureau management and ACCP staff established the Historic Lead Arsenate Pesticide Contamination Task Force in 2006, and it continued to meet during 2007 (and concluded in January 2008). The Task Force provided program staff direction on how to handle issues related to contamination from past applications of lead arsenate pesticide to Wisconsin orchards. The Task Force completed its work in January 2008 and released its final report

### ACCP Highlights

- ★ 28 new ACCP cases initiated; 254 total active cases
- ★ 45 new spill responses
- ★ 42 ACCP and 48 spills cases closed
- ★ \$2.6 million reimbursed

and recommendations in May 2008. The Bureau will implement the Task Force recommendations as staffing and budget allow.

In 2007, the Bureau opened ATCP 29 and 40, to adjust the ACCP surcharges. However, the Legislature reduced the ACCP surcharges 30% by statute through the biennial budget process. The reduced ACCP surcharges were effective beginning July 1, 2007 for fertilizer and December 1, 2007 for pesticides. ATCP 29 and ATCP 40

will be revised via a technical rule change in 2008 to adjust the rules' surcharges to match the lower statutory surcharges.

The 2007-2009 biennial budget also provided the department statutory authority to develop a pollution prevention grant program. The statute requires the department to write rules for the program prior to issuing any grants. This rule-making process will begin in 2008

Table 7  
**ACCP REMEDIATION AND REIMBURSEMENT ACTIVITIES 2003-2007\***

Activity	2003	2004	2005	2006	2007
New long-term (LT) cases	39	30	28	31	28
Total active LT cases	283	280	274	268	254
LT cases closed	23	33	35	42	42
Total closed LT cases	238	271	305	348	390
New Spill cases	37	46	49	36	45
Spill cases closed same year	21	30	30	23	32
Total spill cases closed each year	29	48	48	40	48
Total closed spill cases	633	681	729	768	816
Applications Received	85	91	67	87	97
Applications Reviewed	73	101	71	83	102
Payments (\$)	3,200,159	2,874,438	2,129,092	1,757,087	2,621,945

\*Older numbers have changed from previous years' annual reports and are updated based on improved tracking capabilities. Numbers will differ slightly from those reported in the financial section of the report due to program records being kept on a calendar year, rather than fiscal year basis.

# Agrichemical Containment

The **Agrichemical Containment** (Containment) program helps prevent spills of bulk pesticides and fertilizers from contaminating soil and groundwater through the use of approved containment structures. If a spill of a bulk pesticide or fertilizer were to occur, a containment structure would catch the release so that it could be easily recovered.

The program, authorized under s. 94.645 and 94.67-71, Wis. Stats. and administered under ch. ATCP 29 and 33, Wis. Adm.

Code, includes bulk storage regulations and loading area containment requirements for non-bulk pesticide handling.

The Containment program relies on inspections, warnings, complaints and orders to ensure compliance with the statutes and rules. Industry recognizes the importance of properly designed containment systems and compliance with major rule provisions is relatively high.

The **Environmental Partners** program is a subset of the Containment program and operated cooperatively with Ambassadors from the Wisconsin Crop Production Association. The goal of the Environmental Partners program is to encourage facilities to voluntarily exceed the containment rule requirements and reduce the amount of agrichemicals that escape into the environment. During 2007, DATCP staff conducted Environmental Partners assessments at three agrichemical dealerships in the state.

## Staff and Funding

The Containment and Environmental Partners programs are funded by the ACM Fund and the EPA grant. During FY 2007,

inspection of containment facilities and enforcement of containment regulations required 4.2 FTE staff time and \$491,349 in staff and supplies.

## Program Activities

Table 8 below summarizes inspections and enforcement actions completed by DATCP's containment program over the last five years. DATCP's emphasis in 2007 was to educate facilities about the revised bulk storage rules that went into effect on November 1, 2006. DATCP created a

specific inspection form for this purpose and staff made a point of talking to facility managers and not taking enforcement action, except in cases of egregious violations of those parts of the rules that did not change during the revision process. DATCP attempted a "2007 Bulk

Rule Inspection" at all 356 bulk facilities in the state, and completed 316 of them (89 percent). The most significant problem found at facilities during these inspections was how facilities manage rain water and rinsate that collects on mixing and loading pads and in secondary containment structures.

## Emerging Issues

Part of the revised bulk rule requires professional design of new or significantly altered mix/load pads and secondary containment structures. DATCP anticipates potential problems getting industry to adequately plan ahead in creating professionally designed structures. Experience from 2007 suggests that industry often provides only three months (September through November) for the combined efforts of planning, design and construction. Such a short time-frame usually leads to rushed planning and

### Containment Highlights

- ★ **316 inspections conducted**
- ★ **8 warnings issued**
- ★ **3 facilities assessed through Environmental Partners program**

improper design. This issue also creates workload problems at DATCP resulting from the requirement to review construction design plans and inspect construction on-

site. It is difficult to meet the plan-review needs of industry if planning, designing and construction are all performed within those three months.

Table 8  
**CONTAINMENT ACTIVITIES 2003-2007**

<b>Activity</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
Full bulk inspections	15	23	21	24	-
Short bulk inspections	82	78	64	79	-
Mix/load inspections	6	8	14	9	0
Sump test inspections	69	72	40	42	-
2007 Bulk Rule Inspections	NA	NA	NA	NA	316
Total Inspections	172	181	139	154	316
Special orders	1	0	5	2	2
Complaints	0	0	4	5	10
Written warnings	27	29	15	15	8

## Clean Sweep

Wisconsin Clean Sweep offers grants to municipalities for the collection and disposal of agricultural (Ag) and household hazardous wastes (HHW). Counties and county-affiliated units such as regional planning commissions are eligible for both grants while cities, villages, towns, and all other entities are eligible for HHW grants. Grants are made available for temporary collections (one-day) or continuous collections (permanent facilities). Grant amounts vary between \$11,500 and \$20,000 depending upon the type of grant request.

Wisconsin Clean Sweep improves environmental and human health protection by collecting unwanted pesticides, agri-chemicals, and household chemicals for safe, legal disposal. Grant funds are used to collect, package, transport, and dispose hazardous wastes at licensed, high temperature incinerators or at fuel blending operations across America. The resulting ash or residue is stored at Subtitle C, hazardous waste landfills. Veolia Environmental Services is the State of Wisconsin's hazardous waste hauler for temporary collections. Municipalities with permanent facilities are allowed to select their own vendor.

### Staff and Funding

In 2007, DATCP spent \$710,400 (full authorization) for direct grant aids to Wisconsin municipalities for clean sweep-related expenses. Of this total, \$196,599 was spent on Ag grants and \$513,801 on HHW grants. The Ag grant total includes

\$9,777 in assistance to businesses for the collection of unwanted agricultural pesticides. In receiving the above grant aids, Wisconsin municipalities provided \$591,629 in matching monies or assistance.

The program was administered by 1.4 FTE staff, with staff and supply costs totaling \$160,248 from the ACM Fund. A Land and Water Resources Bureau staff member helps coordinate clean sweep activities.

### 2007 Clean Sweep Highlights

- ★ **Grant Awards**
  - \$710,400 – DATCP funds
  - \$591,629 – local match
- ★ **Waste Collected (lbs):**
  - 111,783 Farm Chemicals
  - 2,205,144 HHW
  - 25,187 businesses
  - 196,378 Ag plastics
- ★ **Participants:**
  - 29,813 HHW
  - 727 Farms
  - 282 businesses

Responding to interest in increasing funding for grants, DATCP sought and received an increase in the SFY 2007-09 budget of nearly \$300,000 to bring total grant funds to \$1 million.

### Program Activities

In 2007, DATCP funded 22 HHW grants and 19 Ag grants. Counties remain, by far, the

most dominant user of Wisconsin Clean Sweep Program services. Collectively, 42 Wisconsin counties used Wisconsin Clean Sweep Program services and one city, Racine, received grant support.

Ag waste intake dropped again in 2007 to 111,783 pounds (see Table 9)--a drop of nearly 10,000 pounds from 2006. The number of farms participating, however, increased from 512 to 727. Annual Ag waste totals should level off in this range so long as 15 to 20 counties collect Ag wastes annually. The continued decline in Ag wastes reflects the strong success of Clean Sweep in the 1990s and the fact that there are a smaller number of farms that are using pesticides more judiciously, often with

the aid of commercial applicators. Also, it is evident that the use of Roundup-Ready technology has changed the complex of pesticides being used on grain crops and alfalfa. But, this trend could be offset by the amount of land coming out of the Conservation Reserve Program (CRP) and going into corn-based ethanol and requiring more pesticide applications.

The 2007 HHW events collected 2,205,144 pounds (see Table 10) from almost 30,000 participants. HHW waste collected doubled from that collected in 2006 and the number of participants increased by 75% (numerous permanent facilities report all HHW wastes collected whether funded by DATCP or not). This trend is expected to continue, and there remains a clear need for sustained support of HHW collections in Wisconsin.

Also in 2007, 29 businesses or Very Small Quantity Generator (VSQG) program participants used the DATCP pesticide subsidy and 282 businesses used non-pesticide (and non-subsidized) Clean Sweep business services. The business program remains a wise investment for Wisconsin Clean Sweep assuring that a wide universe of hazardous waste generators has access to lower-cost services.

***Prescription Drug Collection*** Beginning in the late fall of 2007, the Department began working on guidelines and procedures for a pilot program to collect prescription drugs from counties and municipalities using Wisconsin Clean Sweep Program rules as an operational and administrative template. The pilot program was designed to collect unwanted drugs, both controlled and non-controlled, from people and not businesses. The program encouraged local governments to try innovative or demonstration methods during the pilot period. Grant funds came from general

Wisconsin Clean Sweep funds as no new dedicated funds were appropriated for this program. Pilot year efforts will be reported in the 2008 Annual Report.

### ***Pesticide Container Chipping***

DATCP continued to work cooperatively with the Wisconsin Crop Production Association (WCPA) by providing oversight to their annual chipping and recycling program for 2 ½ gallon pesticide containers. WCPA collected pesticide jugs for recycling at 60 dealer sites resulting in the chipping of 196,378 pounds of pesticide plastic. This was one of the largest amounts in recent years. In addition, WCPA collected 125 mini-bulks through the Jefferson County Clean Sweep weighing approximately 11,250 pounds.

### ***Emerging Issues***

Wisconsin Clean Sweep is a program on the move. The biennial budget added a prescription drug grant component in the fall of 2007. The issues, characteristics, partnerships, and regulatory environment of chemical collection and drug collection programs are significantly different, requiring staff to develop differing operating protocols and administrative procedures for each service area.

Clean Sweep was scheduled to begin updating ATCP 34, Wis. Admin. Code in 2009 to improve the operational efficiency of chemical collection in both the HHW and Ag collection areas and to address a number of chemical collection issues. However, due to the time required to offer a pilot prescription drug grant program for 2008 and 2009, the program may wait one additional year to update the rule until the drug collection program settles into a comfortable operational mode.

Table 9

**2007 WISCONSIN CLEAN SWEEP: AGRICULTURAL DATA SUMMARY**

<b>Municipality</b>	<b>Farmers Served</b>	<b>Businesses Served</b>	<b>DATCP Pesticide Subsidy</b>	<b>Pounds-Businesses</b>	<b>Pounds-Farmers</b>	<b>County Cost (\$)</b>	<b>Farm Cost (\$)</b>	<b>Business Cost (\$)</b>	<b>DATCP Grant (\$)</b>
Buffalo	15	2	1	4200	2,004	8,166.08	5,000.00	1,225.00	6,225
Calumet*	18	2	0	0	679	0	0	0	0
Dane	7	1	1	245	729	55,110.14	5,000.00	275.63	5,276
Dunn	26	12	1	133	6,855	4,826.95	7,379.97	133.00	7,513
Grant**	68	1	1	315	8,120	0	0	0	0
Iowa**	95	5	1	12	4,112	0	0	0	0
Jefferson	74	43	11	13,420	23,395	11,878.00	11,500.00	2,551.00	14,051
Western Wisconsin Clean Sweep+	82	0	0	0	8,601	95,256.18	24,289.00	0	24,289
Lafayette**	87	2	0	0	9,487	17,484.00	28,000.00	489.00	28,489
Manitowoc*	36	10	0	0	3,702	26,540.00	10,667.00	0	10,667
NWRPC	70	63	2	520	13,401	12,404.00	33,000.00	520.00	33,520
Oneida	19	57	0	0	1,507	6,691.79	6,299.89	0	6,300
Pepin	9	1	0	0	169	2,949.82	2,633.38	0	2,633
Pierce	38	5	1	127	4,842	9,996.03	7,000.00	191.00	7,191
Portage	1	6	2	980	725	2,673.41	1,979.00	770.5	2,750
Racine (City)**	0	1	1	1501	0	0	0	1,436.00	1,436
Racine/Kenosha#	26	5	4	1629	10,542	6,839.00	23,323.25	1,348.88	24,672
St. Croix	14	34	1	69	6,962	4,131.86	11,500.00	137.00	11,637
Walworth#	16	21	0	0	3,411	0	0	0	0
Waukesha	2	2	2	2,036	1,399	3,703.00	3,500.00	700.00	4,200
Wood	24	9	0	0	1,141	4,965.00	5,750.00	0	5,750
<b>Summary</b>	<b>727</b>	<b>282</b>	<b>29</b>	<b>25,187</b>	<b>111,783</b>	<b>\$273,615.26</b>	<b>\$186,821.49</b>	<b>\$9,777.01</b>	<b>\$196,599</b>

\*Calumet/Manitowoc Counties joint program

#Kenosha/Racine/Walworth Counties joint program

\*\*Lafayette, Grant and Iowa Counties conducted a joint program

\*\*\*The Northwest Wisconsin Clean Sweep served Ashland, Bayfield, Burnett, Douglas, Iron, Price, Rusk, Sawyer, Taylor and Washburn Counties

+The Western Wisconsin Clean Sweep served LaCrosse, Monroe, Trempealeau, and Vernon

\*\*The City of Racine offered VSQG services to a farm

Table 10  
**2007 WISCONSIN CLEAN SWEEP: HHW DATA SUMMARY**

<b>Municipality</b>	<b>HHW Residents Served</b>	<b>HHW Pounds Collected</b>	<b>Municipality Match (\$)</b>	<b>DATCP Grant (\$)</b>
Brown	7420	723,183	5,238.97	20,000
Buffalo	160	19,900	8,166.07	5,000
Calumet*	186	13,969	0	0
Dane	6927	818,539	55,110.74	21,591
Dunn	287	19,027	4,826.95	24,720
Grant**	109	6,307	0	0
Iowa**	151	10,962	0	0
Jefferson	566	33,369	11,878.00	22,254
Western Wisconsin Clean Sweep+	2528	161,846	95,256.19	55,212
Lafayette**	138	12,622	28,577.52	45,800
Manitowoc*	897	57,555	26,541.00	33,333
NWRPC***	1401	65,486	12,404.00	55,800
Oneida	591	43,517	6,691.79	25,200
Pepin	88	6,442	2,949.83	6,585
Pierce	337	20,626	9,443.59	22,179
Polk	152	11,677	3,932.51	15,132
Portage	200	6,717	2,673.41	11,221
Racine (City)			7,098.63	22,300
St. Croix	422	31,376	4,131.87	20,800
Walworth#	551	25,927	8,476.05	16,500
Waukesha	4785	19,702	3,703.00	24,300
Waupaca	173	9,466	7,769.55	17,765
Winnebago^	310	23,048	8,179.53	20,959
Wood	559	23,802	4,965.00	27,150
<b>Summary</b>	<b>29,813</b>	<b>2,205,144</b>	<b>\$318,014.2</b>	<b>\$513,801</b>

\*Calumet/Manitowoc Counties joint program

#Kenosha/Racine/Walworth Counties joint program

^Winnebago/Outagamie Fox Valley joint program

\*\*Lafayette, Grant and Iowa Counties conducted a joint program

\*\*\*The Northwest Wisconsin Clean Sweep served Ashland, Bayfield, Burnett, Douglas, Iron, Price, Rusk, Sawyer, Taylor and Washburn Counties

+The Western Wisconsin Clean Sweep served LaCrosse, Monroe, Trempealeau, and Vernon

## Compliance and Investigation

Wisconsin residents expect that pesticides will be used properly, that animal feed products are safe and wholesome and that the seed and fertilizer they purchase will be suitable for use. The Compliance and Investigation (Compliance) Section investigates a wide variety of complaints related to feed, fertilizer, soil and plant additives, seed, lime and pesticides each year, including those related to product distribution, use, disposal and environmental contamination.

### Staff and Funding

The Compliance Section has 14 Environmental Enforcement Specialists (EES) who conduct inspections and investigations for the ACM Bureau. Most formal enforcement actions are prepared by office and supervisory staff of this section. While the section includes 18 staff, the FTE time and program costs are included within the totals for each ACM program, based on the time spent conducting these inspections, investigations and compliance activities.

### Program Activities

In 2007, ACM investigated 207 complaints. Pesticide complaints were, by far, the largest area of activity. Of the total complaints, 142 cases involved potential violations of ch. ATCP 29, Wis. Adm. Code, Wisconsin's pesticide use and control rule. There also were five investigations of pesticides or nitrates exceeding health standards in groundwater and 30 new site-remediation cases.

Complaints of pesticide misuse in 2007 were 3 percent higher than in 2006—the third year in a row with increases. Excluding groundwater and remediation cases from the total, there were 172 pesticide, feed,

and fertilizer cases in 2007, 3 more than in 2006. The Section documented violations in 108, or about 52 percent, of the cases investigated in 2007. This compares to the violation rate of 56 percent in 2006. Chart 2 provides a historical summary of cases and violations.

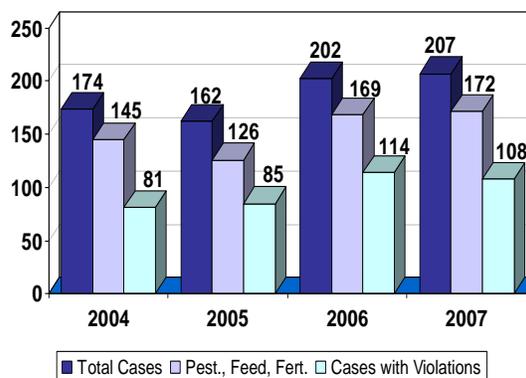
**Compliance and Investigation Highlights**

- ★ **207 complaints investigated**
  - 142 pesticide related
  - 108 violations
  - 52 percent violation rate
- ★ **196 enforcement actions**
- ★ **3 percent increase in pesticide misuse complaints**

Violations may result in actions ranging from verbal warnings issued in the field to court action invoking civil or criminal penalties. Pesticide violations involving federal requirements also can be referred to the EPA for further action. The section made four referrals to EPA this year. Table 11 shows the number and type of

enforcement actions taken during 2007.

Chart 2  
Violation Rates 2003 - 2007



The Division assigns the highest response priority to complaints involving human exposure to pesticides. In 2007, staff investigated five cases involving potential human exposure and found violations in three of these cases resulting in civil forfeiture actions. Out of 37 complaints of

alleged pesticide drift in 2007, investigations documented violations in 14 of them. During 2007, staff responded to eight complaints involving the aerial application of pesticides and determined that violations

occurred in three of these cases. Civil forfeiture actions are pending. Table 12 summarizes case investigations and violation rates for the major categories of pesticide use.

Table 11  
**ENFORCEMENT ACTIONS -- 2007**

Action Taken	Number of Actions
Informational letters	5
Letter of Concern	8
Criminal Action	2
Warning Notice – Investigator	38
Warning Notice – Office	15
Administrative Order	9
Civil Forfeiture Action	65
Referred to US EPA	4
Administrative Conference	50
<b>TOTAL ACTIONS</b>	<b>196</b>

Table 12  
**PESTICIDE VIOLATIONS 2003-2007**

Type of Case	Number of cases (percent with violations)				
	2003	2004	2005	2006	2007
<i>Aerial – Airplane</i>	1 0%	1 100%	1 0%	5 40%	8 38%
<i>Aerial – Helicopter</i>	0 0%	3 0%	3 67%	1 100%	0 0%
<i>Greenhouse – Nursery</i>	1 0%	1 100%	0 0%	3 100%	1 100%
<i>Ground Application-Ag</i>	37 57%	26 54%	30 43%	36 69%	53 62%
<i>Improper Disposal</i>	8 87%	6 100%	2 0%	1 0%	1 100%
<i>Other Non-Ag</i>	19 47%	12 50%	12 62%	16 44%	11 55%
<i>Poor Operating Practices</i>	9 67%	4 50%	8 75%	7 71%	5 80%
<i>Right-of-Way</i>	3 67%	3 0%	0 0%	1 100%	2 0%
<i>Structural</i>	7 100%	12 92%	6 100%	7 86%	10 100%
<i>Turf &amp; Ornamental</i>	51 61%	35 66%	31 66%	33 64%	43 60%
<i>Vandalism</i>	5 60%	1 0%	3 67%	5 60%	6 100%

## Endangered Species Habitat Program

DATCP's Endangered Species Habitat Program (ESHP) assists the U.S. Environmental Protection Agency's (EPA) Endangered Species Protection Program mandated by the federal Endangered Species Act of 1973. The U.S. Fish and Wildlife Service manages this Act and the ESHP works to protect those federally endangered and threatened species found in Wisconsin from pesticide harm.

### Staff and Funding

In 2007, the Endangered Species Habitat Program accounted for 1.1 FTE and \$131,296 in program costs funded through an EPA grant (.1 FTE) and the ACM Fund (1 FTE).

### Program Highlights

#### Outreach and education:

Staff continue to work with landowners, neighbors, operators, managers, resource personnel and the public regarding endangered species information and conservation.

#### Eastern prairie fringed orchid monitoring:

Despite the drought, staff counted almost 800 plants on one owner's site and an additional 300 elsewhere this season. Staff also tested the nearby ditches of two sites surrounded by agriculture and found no pesticide detects at the known harm level.

Hine's emerald dragonfly sampling: The best sites for this species globally are located in Door County near orchard operations. Tests of the waters found no pesticide detects at the known harm level. These sites will be re-sampled in 2008.

Phragmites australis is a tall invasive grass overtaking the Lake Michigan's shores, especially on the exposed lake bed. In 2007, the ACM Bureau received two grants to monitor the aerial use of the herbicide Habitat for reed grass control to assess the potential impacts on endangered and threatened species found in the Lake Michigan shore area. The Bureau

contracted with the University of Wisconsin-Green Bay to conduct the work and an analysis of findings will be publicized in 2008. The project coordinates with U.S. Fish and Wildlife Service which planned and sponsored the aerial sprays in conjunction with Wisconsin DNR and others' ground control efforts.

Pitcher's thistle: One of the species threatened by herbicides along the Lake Michigan shore is Pitcher's thistle or dune thistle, a Midwest endemic dating from the postglacial period. Staff monitored this

species at two sites and found 1,650 plants.

#### Freshwater mussels:

This is the most endangered group of species with two federally endangered species found in the St.

Croix River system. Staff monitored seven sites tested previously for dissolved oxygen, pH, temperature, mussel presence, turbidity, and biotic index based on invertebrate families. The sites all rated "good." Staff will partner with DNR in their sampling and monitoring activities and results at locations where department interests coincide.

Piping Plover: This highly endangered shorebird managed to attempt breeding at five Wisconsin sites on Lake Superior and nine on Lake Michigan this season. It is threatened by many factors including pesticide use in its wintering habitat. Staff assisted with monitoring the species and found none at monitoring sites during spring migration. However, several birds were observed by birders at other sites migration.

EPA's protection program: Staff have begun preparations for this enforceable program to enter the state with county bulletins that detail the locations, species information, and pesticide use instructions. Bulletins may be available in 2009 or 2010.

### Endangered Species and Habitat Protection Highlights

- ★ 3 grants awarded
- ★ 17 sites monitored

## Feed

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The Feed program's purpose is to assure the public and manufacturers that animal feed (including feed ingredients) is unadulterated, meets label guarantees, and is safe and effective. This is accomplished by feed mill inspections and surveillance sampling under authority of the Wisconsin Feed Law (s. 94.72, Wis. Stats.) and ch. ATCP 42, Wis. Adm. Code.

### Staff and Funding

The feed program required 7 FTE staff time. Work includes sampling, performing field investigations, issuing licenses, collecting and auditing tonnage fees, and conducting education and information outreach activities with the industry. The program spent \$1,070,036 in staff, supply and laboratory costs from the ACM Fund and the FDA inspection contract.

### Program Activities

The feed industry's size has been fairly stable, showing little change in the numbers of licensed manufacturers and distributors. During 2007, the department issued commercial feed licenses to 1,340 firms. (See Table 13) These firms distributed a collective 3.6 million tons of commercial feed and feed products, a 3 percent decrease from 2006.

The program continues to monitor compliance through Good Manufacturing Practices (GMP) inspections supported by product sampling. The GMP inspections are a detailed review of systems and practices that are essential to maintain safety of

medicated feeds and medicated feed ingredients. The inspection process evaluates a firm's facilities and equipment, and the receipt, use and distribution of medicated feeds and feed ingredients. During GMP inspections, samples of feeds and components may be collected for analysis. These samples are examined for drug potency and contaminants and also confirm quality guarantees.

### Feed Highlights

- ★ **1340 licenses issued**
- ★ **3.6 million tons sold**
  - **3 percent decrease**
- ★ **383 facilities inspected**
- ★ **111 samples analyzed**
- ★ **14 violations found**
- ★ **BSE expansion grant funded**

### ***Compliance activities and special projects:***

In 2007, staff completed 81 GMP inspections--and collected and analyzed 111 feed samples--at Wisconsin medicated feed producers. The samples assist in the assessment of a facility's ability to produce feeds that are not misbranded or adulterated.

Of the inspections, the program identified 14 firms as suspected of being in violation of Wisconsin's or FDA's feed regulations. The noted violations were similar to violations identified during previous inspection visits and were evenly split between operating outside of the GMPs and improperly labeling medicated feeds. The program identified four of these documented firms as distributors of feeds that were defined as adulterated. The adulterated feeds were either mislabeled by not including adequate directions for use, precautionary statements and other medicated feed information, or the products contained an unapproved drug or another potentially harmful substance. This type of inspection will continue to be a priority in 2008.

Table 13  
**FEED PROGRAM 2003 – 2007**

	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
Total Licenses	1260	1,300	1,286	1,270	1,340
Total Tonnage	2,595,140	2,670,004	3,233,068	3,720,000	3,600,000
Number of Federal Inspections (BSE and Medicated Feed)	188	208	192	215	302
Number of GMP Inspections	106	155	131	95	81
Total Number of Inspections	294	363	323	310	383
Number of Samples	159	104	128	124	111

**FDA Inspection Contract:** Firms that use certain types of medications and antibiotics in feed products are required to hold a medicated feed license with the Food and Drug Administration (FDA). The FDA contracts with DATCP to inspect these mills. Staff inspected seven firms in 2007 and found no significant violations. FDA also contracted with the department to inspect feed manufacturers for compliance with 21 CFR 589.2000, Animal Proteins Prohibited from Use in Ruminant Feeds. This federal regulation is commonly known as the Bovine Spongiform Encephalopathy (BSE) Feed Ban. In 2007, staff completed 188 contract inspections. Wisconsin firms continue to demonstrate an excellent working knowledge of the regulation.

**Toxic Response:** The commercial feed specialist serves as DATCP's coordinator for toxic response investigations. These cases involve illness or death of primarily food producing animals from unknown causes. Cases also may be conducted as toxic responses if non-food producing animal deaths of significance occurs. In 2007, staff responded to two toxic response cases.

**Emerging Issues**

**FDA BSE Program Expansion Grant:** BSE continues to be an issue for the livestock and feed industries. To improve

compliance and to enhance the level of consumer and trading partner confidence, FDA offered cooperative agreements (grants) to eight states to expand their BSE surveillance and compliance programs. Funds secured through the grant were used to purchase equipment and supplies to conduct analysis for materials prohibited in ruminant animal feeds. In addition, the grant provided funds for staff training and two positions used exclusively for investigations, sampling and analysis to verify the level of compliance within both the feed industry and ruminant animal feed operations.

**Homeland Security**

Feed program staff will continue to work with other department personnel to develop, test and implement response plans to protect the state's animal industries from potential bio-terrorist attacks and foreign animal disease outbreaks.

**Pet Food**

The Menu Foods national recall of pet foods contaminated with tainted feed ingredients imported from China has drawn attention on regulations intended to control the production and distribution of pet foods and other feed products. The attention has been focused on approval of feed ingredients, reporting of adverse events and process controls to reduce the risk of contamination.

## Fertilizer/Soil or Plant Additives/Lime

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The DATCP is responsible for enforcing the Wisconsin Fertilizer and Soil and Plant Additive laws and rule (s. 94.64 and s.94.65, Wis. Stats. and ch. ATCP 40, Wis. Adm. Code), and the Liming Materials Law and rule (s. 94.66, Wis. States and ch. ATCP 41, Wis. Adm. Code). This program regulates agricultural, household, commercial lawn care, and athletic turf fertilizer and soil or plant additives. The primary goal of the program is to prevent false or misleading claims and guarantees in the distribution of these products.

Manufacturers, labelers and distributors of these products are required to be licensed and product labeling must be approved and/or permitted before distributing products into the state. The label review and permitting process ensures that products sold in this state are efficacious, useful and do not

mislead the consumer. Fertilizer products are also randomly sampled and analyzed to ensure that the products meet their label guarantees, and blending facilities are inspected in order to achieve compliance with the regulations.

### Staff and Funding

The fertilizer, soil and plant additive and lime programs collect revenues as described in the Financial Overview section of this report. The number of licenses, permit applications and tons of products distributed in past years are reported in Tables 14, 15, and 16. In 2007, these programs required 2.7 FTE staff with total staff, supply and lab costs of about

\$424,475. The ACM fund supported the program operations.

### Program Activities

License numbers have remained fairly steady from 2006 to 2007. We continue to see ownership changes through mergers and acquisitions.

The fertilizer licensing year runs from August 15<sup>th</sup> until August 14<sup>th</sup> of the following

year. At the end of the 2006 licensing year, the program sent 639 annual fertilizer license renewal notices to licensed facilities; 626 fertilizer license renewal notices were sent out at the end of the 2007 licensing year.

As shown in Table 14, the program received 401 fertilizer permit applications in 2007 compared to 226 in 2006. The increase in the number of applications received is

attributed to a marketplace inspection effort during the summer months by a student intern. This compliance effort produced a backlog in the permit review process. In addition, many of the applications received were for products that did not require a permit for distribution in Wisconsin.

The number of fertilizer permits issued increased from 76 in 2006 to 84 in 2007. Wisconsin fertilizer manufacturers reported distributing 1,327,455 tons of agricultural and non-agricultural fertilizer in 2006, generating approximately \$1.7 million in tonnage fees. In 2007, 1,403,500 tons of agricultural fertilizer and 57,424 tons of non-agricultural fertilizer were distributed and the

### Fertilizer, Soil and Plant Additives, and Lime Highlights

- ★ 735 total licenses issued
- ★ ~ 2,300,000 tons sold
- ★ 401 permit applications
- ★ 232 samples analyzed
- ★ Label standards not met
  - 22.5% bagged
  - 26% liquid
  - 21% dry bulk

program collected approximately \$1.6 million in tonnage fees.

Table 14

**Fertilizer Program 2003-2007**

Year	Number of Licenses	Permit Applicants	Tons Sold
2003	NA	285	1,225,888
2004	540	253	1,338,695
2005	640	220	1,188,930
2006	639*	226	1,327,455**
2007	626	401	1,460,924

\*The value reported in the 2006 annual report (575) was an error.

\*\*The 1,230,376 tons reported in the 2006 annual report was for agricultural fertilizer only.

The number of soil or plant additive licenses increased slightly from 70 in 2006 to 74 in 2007 (see Table 15). The program also received 155 soil or plant additive permit applications in calendar year 2007 – a substantial increase from 59 in 2006 -- as a result of the marketplace inspection effort.

Table 15

**Soil and Plant Additive Program 2003-2007**

Year	Licenses	Permit Applications	Tons Sold
2003	NA	91	NA
2004	63	99	NA
2005	77	82	10,089
2006	70	59	4,806
2007	74	155	35,044

The number of soil or plant additive permits issued in 2007 increased from 23 in 2006 to 34.

Soil or plant additive tonnage reported for calendar year 2006 was 4,806 tons. Tonnage increased sharply for 2007 to slightly more than 35,000 tons. This anomaly is attributed to a number of large national companies reporting significantly

higher amounts of soil or plant additives sold in 2007, perhaps because of better reporting. The increase in soil or plant additive tonnage will be watched in the next year or two to help spot trends in this market. Soil or plant additive tonnage reports are due March 31<sup>st</sup> of each year for the previous calendar year.

Table 16

**Lime Program 2003-2007**

Year	Number of Licenses	Tons Sold
2003	92	1,147,250
2004	89	1,197,223
2005	92	1,163,760
2006	90	1,162,145
2007	93	NA

Table 16 shows that the number of lime licenses and lime tonnage has remained fairly consistent over the last five years.

In 2007, department's laboratory staff analyzed a total of 232 routine fertilizer samples collected from blending facilities within Wisconsin.

Laboratory analysis indicated that 22.5 percent of the bagged samples did not meet their label guarantees, an increase from 13.4 percent in 2006. Of the liquid samples, 26 percent did not meet their label guarantees; in 2006, 20 percent of liquid samples did not meet the label guarantees. In 2006, 9.9% of bulk fertilizer sampled did not meet their label guarantees, while 21 percent of dry bulk fertilizer samples in 2007 did not meet label guarantees. All label guarantee noncompliance increased in 2007 over 2006 rates. The most prevalent grade of fertilizer sampled in 2007 was 9-23-30.

**Compliance Actions**

The program did not identify any fertilizer blending facilities needing Compliance

Assurance Agreements in 2007, but did identify 16 sites as needing additional sampling to help determine the need for compliance oversight. Of these facilities, two have entered into voluntary Compliance Assurance Agreements for 2008. A third blending facility was identified as requiring compliance assistance for labeling requirements in 2008.

### **Emerging Issues**

Fertilizer program staff continue to provide outreach to the regulated community to ensure compliance with the current rule language.

There has been an increase in fertilizer and soil or plant additive products derived from industrial, agricultural, and municipal waste entering Wisconsin's marketplace. The focus has been to weigh the agricultural and horticultural benefits of re-using these

components against the potential of introducing heavy metals and organic contaminants into the environment.

Fertilizer shortages, inferior fertilizer ingredients, and higher prices were concerns in 2007 that will continue into the 2008 season. This is perhaps the reason why there were increases in the number of fertilizer samples that did not meet the guaranteed nutrient content within acceptable limits in 2007. Laboratory results and market conditions will be monitored in 2008 to determine if this trend continues. The department also provided additional outreach to blending facilities to emphasize the department's fertilizer labeling requirements.

## Pesticide Applicator Certification and Licensing

The DATCP is responsible for administration of the state's pesticide applicator certification and licensing program. The related licenses and permits (See Table 17) include:

- **Business location license**, required for any business making for-hire pesticide applications.
- **Individual commercial applicator license**, required for persons applying any pesticide on a for-hire basis--excluding janitorial use of sanitizers, disinfectants and germicides--and any person using a restricted-use pesticide as a commercial applicator.
- **Veterinary clinic permits**, required if a clinic uses pesticides in animal treatment.
- **Restricted-use pesticide dealer license**, required for pesticide dealers selling restricted-use pesticides.

### Staff and Funding

During 2007, the Certification and Licensing Program required 3 FTE staff, several of whom were limited-term employees who work during critical time periods for re-licensing and certification. In FY 2007, staff and supply costs for this program totaled \$260,882 and were funded through the ACM Fund and EPA Cooperative Agreement.

### Program Activities

Commercial *for-hire* pesticide applicators and handlers must be both licensed and certified, whether they are using restricted-use or general use pesticides. Commercial *not-for-hire* applicators must be certified and licensed only if applying or handling restricted-use pesticides. In 2007, there were 5,685 licensed commercial for-hire applicators, and 1,347 licensed commercial not-for-hire applicators (See Table 18). Of

the commercial not-for-hire applicators, 647 of these license holders were employees of governmental or educational institutions. The licenses must be renewed each year, but the certification exam per category is taken every five years. Commercial applicators can be certified in 20 different application categories.

### Pesticide Applicator Certification and Licensing Highlights

- ★ **27,539 Total Certified Applicators**
  - **14,528 Private**
  - **13,011 Commercial**
  - **4,986 Certified in 2007**
- ★ **9,516 Licenses**
  - **1,721 Business Location**
  - **7,032 Individual Commercial**
  - **379 Restricted Use Dealer**
  - **384 Veterinary Clinic**
- ★ **90 Training Sessions**

Private business location licenses have steadily increased over the past five years. While the increase can be attributed to a number of factors, companies making forestry applications (i.e. gypsy moth), aerial applications (companies making fungicide applications), right of way, and termite applications experienced a 37% combined average increase in growth during this time period.

Private applicators must be certified if applying or handling restricted-use pesticides. Private applicators can be certified in six different categories. A private certification exam also must be taken every five years. The number of certified private applicators has declined 11% in the past

four years. This decline can be attributed to –among other reasons-- fewer applicators using restricted use pesticide products, potentially a result of the increased use of GMO seed, and more private applicators may be subcontracting their pesticide applications.

The number of private applicator training sessions offered annually has also decreased due to lower demand. Also, several counties have consolidated or partnered up with other counties when conducting a training session.

### Emerging Issues

In 2007, the program began providing each individual applicator who took the certification exam specific information about their exam score. This information includes the percentage of questions in particular sections that had been answered correctly. This information will assist the applicator in identifying individual strengths and areas of concern and help the program identify problematic areas needing additional outreach.

Table 17

### LICENSES AND PERMITS 2003-2007

Type of license/permit	2003	2004	2005	2006	2007
Business location license	1,376	1,362	1,305	1,685	1,721
Individual Commercial Applicator license	6,482	6,772	6,921	7,304	7,032
Restricted-Use Dealer license	380	344	343	383	379
Veterinary Clinic permit	299	305	279	373	384

Table 18

### CERTIFICATIONS 2003-2007

	2003	2004	2005	2006	2007
<b>Certified Pesticide Applicators</b>					
Private Certified	4,095	2,210	2,097	3,953	2,202
Private Exams Given	4,187	2,239	2,142	4,011	2,224
Commercial Certified	2,430	2,622	2,636	2,584	2,784
Commercial Exams Given	3,277	3,425	3,536	3,510	3,760
<b>Total Applicators Holding Valid Certifications</b>					
Private	16,865	16,298	15,919	15,101	14,528
Commercial	12,241	12,025	12,607	12,901	13,011
Total	29,106	28,323	28,526	28,002	27,539
<b>Certification training sessions</b>					
Private	200	150	157	74	75
Commercial	14	16	12	13	15
Total	214	166	169	87	90

# Pesticide Programs and Product Licensing

## General Overview

The pesticide programs cover a variety of pesticide activities, including product registration and licensing, worker protection, landscape registry, special registrations and school integrated pest management. The staff and program costs for all the above pesticide programs during FY 2007 totaled 12 FTE and \$1,744,713.

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## Pesticide Registry and Licensing

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Prior to distribution of pesticides for use in Wisconsin, pesticide manufacturers and labelers must be licensed and register their products in the state. Licensing ensures that products offered for sale in the state are properly registered by EPA, and creates a level playing-field for the pesticide industry. License fees are based on the type of product and the amount of product estimated to be sold in the current year. These fees are part of the ACM fund that supports the work of all of the department's pesticide-related programs.

The program requires licensees to calculate product registration fees based on estimated sales for the current licensing year. At the end of a licensing year, the licensee reconciles the fees based on the actual sales for the previous year. The program continues to review the licensing system used to find ways to make this process more efficient for the department and licensees.

## Pesticide Programs Highlights

### Pesticide Registry and Licensing

- ★ 1,206 licenses issued
- ★ 11,227 products registered

### Landscape registry

- ★ 1,047 individuals
- ★ 17,376 addresses
- ★ 29 complaints

### Worker Protection

- ★ 27 inspections
- ★ 6 violations

### Special Registrations

- ★ 7 EPA exemptions
- ★ 9 local use

### School IPM

- ★ 86 percent trained

## Program Activities

Staff renewed or issued pesticides licenses to 1,206 manufacturers and labelers in 2007 and, registered 11,227 pesticide products, a slight increase from 2006's licenses and products. For registration purposes, pesticides are classified as household, industrial, wood preservatives, or non-household products. Most products are registered for household, industrial, or non-household use with sales under \$25,000. Table 19 summarizes licenses and product registrations for the prior five years.

## Emerging Issues:

The department will continue to modify the licensing system to streamline the process for program staff and industry. The program plans to provide extensive outreach

to the industry on the new process as it is implemented.

Table 19  
**LICENSEES AND REGISTERED PRODUCTS 2003 TO 2007**

	2003	2004	2005	2006	2007
Number of Licensees	1,149	1,214	1,149	1,184	1,206
Registered Products	10,748	10,906	10,754	10,835	11,227

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**Landscape Registry**

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Since January 1993, ch. ATCP 29, Wis. Adm. Code, has required posting of landscapes treated with pesticides and advance notification of pesticide applications to neighboring residents who have requested this information. This information provides the public the information they need to be aware of pesticide applications so they may take steps to avoid possible exposure from pesticides to themselves, their children, or their pets.

The names and telephone numbers of persons wishing to be notified of neighboring landscape applications are maintained by the program on an annual registry and provided to all licensed landscape businesses, which are required to provide the notice. No fee is required to be on the registry. Persons may list any property for which they want advance notification on their block of residence or any immediately adjoining blocks.

**Program Activities**

1,047 people applied to be on the landscape registry in 2007. They listed 17,376 addresses for which they requested advance notification of pesticide applications in their neighborhoods, up slightly from 2006. The department received 29 complaints related to non-notification, and sent 14 warning letters. In general, the landscape companies continue to be

cooperative in working with the department to make this program successful.

**Emerging Issues**

The pesticide registry and landscape pesticide notification program continues to be popular with the public. Continued budget constraints make it difficult for the department to continue this service. The Bureau is evaluating electronic registration as a mechanism to streamline this program.

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**Worker Protection**

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The Department enforces regulations issued by the EPA and adopted into ch. ATCP 29, Wis. Administrative Code to protect employees on farms, forests, nurseries, and greenhouses at greatest risk from occupational exposures to agricultural pesticides. The federal Worker Protection Standard (WPS), issued in 1992, covers workers and handlers who apply pesticides or work in treated areas. WPS regulations require employers to provide information on pesticide applications and entry restrictions (REIs). In addition, employers are required to provide workers with pesticide safety training, personal protective equipment (PPE), decontamination supplies, and emergency medical information.

WPS provides protections for migrant labor and seasonal workers in Wisconsin, many of whom are citizens of the state. It can also reduce employer liability by assuring that

workers and handlers have received training on pesticide exposure risks and what can be done to limit exposures. The Bureau's Compliance Section conducts WPS inspections and enforces the Standard under the Bureau's cooperative agreement with the EPA.

**Program Activities in 2007**

During 2007 the program conducted compliance inspections at 27 facilities. The program issued six warning notices and held administrative hearings on two operations. No "for cause" investigations occurred during the year. The most common violations were pesticide safety training and pesticide application communication. Staff noted a higher-than-normal number of problems with inadequate decontamination supplies.

Program staff continued to provide oversight to the cabbage sector in 2007. DATCP has worked closely with cabbage producers (for sauerkraut) for the past two years because of their complex application environment and their extensive use of agricultural workers for transplanting and crop maintenance. Staff conducted five follow-up and new inspections in 2007 resulting in three warning notices. The department notified cabbage producers that it expects higher levels of WPS compliance in 2008.

The program has continued to work on guidance for central posting in non-contiguous areas. The ever-increasing size of agricultural operations and the need for workers to move around from site to site, sometimes on the same day, has created new challenges for WPS. In 2007, the Program Specialist worked with a number of field staff to craft new internal guidance for central posting requirements in non-contiguous settings. This guidance concentrates on the practical aspects of communicating exposure risks as workers move about different field settings.

**Emerging Issues**

Improving the efficiency of WPS performance in Wisconsin is becoming a

major concern as the amount of field time dedicated to WPS compliance inspections diminishes. One of the best strategies to assure that major agricultural sectors get systematic compliance oversight is through annual priority setting. Coupled with this strategy is working closely with professional associations to maximize compliance impact and member communication.

There remains a continuing need for worker-friendly educational materials on WPS and pesticide safety. Many older WPS materials no longer have a look or value of interest to specific audiences, especially non-English speakers. The program needs to develop new educational materials and displays to help keep WPS fresh to professional associations for conferences, workshops, and field days. Minnesota has developed WPS materials for Hmong workers and Wisconsin has distributed materials produced as part of this project. The program is developing a poster display and updating a PowerPoint slide show.

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**Special Registrations**

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The Special Registrations program responds to emergencies and special pest management needs of Wisconsin's agriculture producers and others through emergency exemptions and special local needs registrations. It also allows pesticide manufacturers to test pesticides to gain experimental information on the effectiveness of new pesticides under Wisconsin conditions through experimental use permits. Most of these special registrations pertain to minor food crops, where effective pesticide products have not yet been fully registered or labeled for use in crop management situations involving newly arriving or burgeoning populations of pests.

The program conducts Environmental Assessments for:

1. **Experimental use permits (EUPs)** [Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) Section 5], which permit pesticide testing prior to federal registration. Federal regulations require manufacturers to obtain an EUP if experiments are to be conducted on more than 10 acres nationwide. Manufacturers are required to indicate those states where the product may be used. When a federal EUP is not required, Wisconsin requires a state-issued EUP if the test site is at least 0.5 acres in size or test sites encompass more than five acres total.
2. **Emergency exemptions** [FIFRA Section 18] whereby the Environmental Protection Agency (EPA) establishes temporary food tolerances for use of these pesticide products to prevent significant economic loss, prevent significant health risks posed to humans or other animals, or address crises of imminent threat. EPA may consider emergency exemptions as progress toward full federal registration of products (FIFRA Section 3).
3. **Special local need (SLM) registrations** [FIFRA Section 24(c)], which allow use of pesticides to meet a routine, non-emergency need when other pesticides are not registered for the needed use or may not be effective. Those products intended for application to food crops have already been evaluated by EPA under the Food Quality Protection Act (FQPA) regarding environmental fate concerns and the requested use sites are already approved for labeling. The Department requests that manufacturers add the requested site(s) of application to the use directions for marketing purposes.

## Program Activities

The program manager responded to inquiries and requests from the pesticide industry, university faculty, and crop industries.

DATCP again requested from EPA a renewal of an emergency exemption (Section 18) for Avitec, a bird repellent product containing the active ingredient 9,10-anthraquinone ("AQ"). Avitec is used to treat corn seed to make it unpalatable to Sandhill cranes and help repel them from newly planted fields. The University of Wisconsin-Extension, the product registrant, and the International Crane Foundation provided support for this renewal. The producers foresee this use in the future, as corn acreage increases to meet new market demands for biofuels. The registrant intends to have the product fully labeled for mass marketing in 2009; at that time an emergency exemption would no longer be necessary.

In 2007, the program issued special registrations for:

- one experimental use permit (EUP) [Section 5]
- seven emergency exemptions [Section 18]
- nine special local need registrations (SLNs) [Section 24(c)]

The program revised the online listing of current Wisconsin special registrations for content, format, and ease of use. Users can now:

- Access use directions (labels) for all special registrations (excluding experimental use permits) by clicking on the product name.
- Permanently and directly bookmark the web page.

The program held two workplanning sessions with University of Wisconsin faculty/staff. The sessions allowed for:

- An update of the program's list of university contacts organized by crop specialty
- Sharing of a revised handout summarizing the differences between emergency exemptions and special local needs
- A discussion of expiring special registrations
- A discussion of needs for 2008.

**Previous issues**

All emergency exemptions (Section 18s) for use on soybean plants for control of Asian soybean rust (ASBR) expired in 2007. However, Wisconsin soybean growers will have access to pesticide products for this use because most of the products formerly covered under an emergency exemption in Wisconsin now have or will have "full" or "regular" federal registration (FIFRA Section 3) for this use. Additionally, other products also now have or will have Section 3 registration for this use.

**Emerging Issues**

Endangered species are uniquely addressed on Wisconsin special registration use directions (labels) to provide applicators with practical instructions to protect them. In 2007, the Special Registration began working with the ESHP to determine how to best implement an upcoming change in EPA's national endangered species program, namely the implementation of enforceable Endangered Species Protection Bulletins. This will involve extensive outreach to industry, coordination with EPA, and training for internal partners and other agencies.

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**School Integrated Pest Management**

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The School Integrated Pest Management (IPM) program provides support to Wisconsin's K-12 schools that want to develop customized IPM plans to meet the

individual pest management needs and goals of each school district. The program makes available to schools the regulatory, technical and administrative information necessary to manage pests and use pesticides safely. The program provides IPM training, pest and pesticide consultation, staff workshops, and assistance to parents and guardians interested in their district's pest management practices and is networked with support staff from other agencies. The IPM program also has become a resource to people who work in non-school settings.

**Program Activities**

The Wisconsin IPM program has reached more than 86 percent of the state's school districts in regional sessions, distribution of the IPM manual and with direct, one-on-one district consultation. The department provides assistance on a variety of pest concerns including bats, pest bird populations, rodents, seasonal insect problems and on pesticide safety and selection issues.

In 2007, the program:

- Continued to respond to public inquiries regarding the Wisconsin School IPM Manual and services provided by the program.
- Provided on-site IPM assessment and assistance to the Downtown Montessori Academy in Milwaukee.
- Presented at the Wisconsin Association of School Business Officials training sessions
- Worked with the Compliance Section on drafting a special order to institute an approved IPM program in a Wisconsin school district as a result of pesticide violations.
- Tracked federal legislative activity regarding school IPM
- Worked to make the School IPM manual available on-line.

**Emerging Issues**

The program emphasizes safe, legal pesticide use and will continue to inspect schools to evaluate compliance with state laws for pesticide use on public school grounds.

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**Pesticide Use**

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Chapter ATCP 29, Wis. Adm. Code, also requires strict compliance with directions on labeling associated with EPA-registered pesticide products including storage, handling, and use. Many of the Compliance Section’s activities (see earlier section in this report) are inspections of these practices and their associated records, as

well as investigations of potential violations of the general label provisions or specific prohibitions contained in Ch. ATCP 29, Wis. Adm. Code.

Chapter ATCP 30, Wis. Adm. Code, includes restrictions for specific pesticides including atrazine, aldicarb, and metam-sodium. The revised Ch. ATCP 30, Wis. Adm. Code took effect August 1, 2007. The rule revision impacts potato growers and state owned tree nurseries that use metam-sodium or chloropicrin to control nematodes or other plant pests and diseases found in soil. Under the rule change, metam-sodium soil fumigant use requirements changed slightly and the use of chloropicrin soil fumigants are now regulated in the same manner as metam-sodium soil fumigants.

# Water Quality Protection through Pesticide Management

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One of the responsibilities of the Environmental Quality (EQ) Section is to implement regulations to protect groundwater from pesticide and nutrient contamination under the groundwater protection rules contained in ch. ATCP 30, Wis. Adm. Code, Pesticide Use Restrictions and ch. ATCP 31, Wis. Adm. Code, Groundwater Protection Program.

Staff identify and analyze problem areas within the state, investigate wells that exceed groundwater standards to identify potential sources of contamination and conduct statewide sampling surveys to characterize groundwater contamination and to evaluate the effectiveness of the department's water quality activities.

The groundwater monitoring program collects and uses sample data to determine which pesticides are contaminating groundwater. As information from these sources becomes available, the department develops regulations to prevent contamination above appropriate groundwater standards. The EQ Section also provides information to the public and to other state and federal agencies involved in water resource protection.

## Staff and Funding

The ACM Fund and the federal EPA grant fund the water quality program. In fiscal year 2007, the program used 3 FTE staff for program activities, with staff, laboratory and

other supply and service costs totaling \$730,902.

## **Funding for research and monitoring**

In 2007, the EQ Section received grants from EPA and the Wisconsin Department of Health and Family Services to assist in conducting a Statewide Groundwater Survey.

## Program Activities

### **Atrazine rule development**

In 2007, well sampling did not reveal any new atrazine contamination above the 3 part per billion enforcement standard.

Therefore, the atrazine rule did not need revision.

Currently, Wisconsin has 102 atrazine prohibition areas covering approximately 1.2 million acres.

### **Monitoring well program**

In 2007, the EQ Section collected 81 groundwater samples from monitoring wells near 28 agricultural fields and analyzed them for pesticides of interest. Table 20 summarizes the number of fields, wells and samples collected for this program from 1998 to

2007. Sample numbers are up in 2007 because of the addition of three sites at infiltration basins and two sites at forest nurseries in 2006.

In 2007, staff detected 11 compounds in groundwater, and found four of these compounds (nitrate, total atrazine, alachlor ESA and metolachlor) at levels above an existing enforcement standard. Table 21 lists the compounds most commonly detected in 2007 and the frequency of detection at the monitoring well sites.

## Water Quality Highlights

- ★ **81 water samples analyzed**
- ★ **5 well incidents investigated**
- ★ **11 compounds detected in water**
  - **4 above existing enforcement standard**
- ★ **Statewide groundwater survey conducted**
- ★ **No new atrazine prohibition areas**

Table 20  
**MONITORING WELLS 1998-2007**

Year	Locations	Wells Sampled	Number of Samples
1998	26	83	79
1999	25	80	31
2000	22	33	37
2001	25	29	29
2002	16	20	20
2003	16	19	19
2004	16	17	17
2005	16	17	17
2006	23	29	58
2007	28	44	81

In 2007 EQ section staff also monitored groundwater at three infiltration basin sites and two forest seedling nursery sites. The purpose of monitoring at the basins is to determine whether pesticide use in residential settings could enter groundwater via the infiltration basins. The purpose of the monitoring at the nurseries is to determine if pesticides used in nursery production could cause groundwater contamination. Tests detected pesticides at both basin and nursery sites but no detections exceeded groundwater standards.

**Groundwater investigations** In 2007, the EQ Section conducted five complaint-based investigations at rural residences with wells exceeding the enforcement standard for nitrate-N, atrazine, alachlor ESA or simazine. Section staff worked with field staff to conduct the investigations to identify potential point and nonpoint source contributions to contamination in the wells.

**Research and monitoring** Due to continuing budget constraints, no new or continuing pesticide research projects were funded in FY06. EQ Section staff continue to participate in the Groundwater Coordinating Committee Joint Solicitation process, helping to review and rank groundwater-related research.

**Monitoring of private wells that have exceeded standards** In 2007, the Environmental Quality Section collected and analyzed groundwater samples from 18

private wells that have historically exceeded pesticide enforcement standards. The main goal of this program is to track how the pesticide levels in these highly-impacted wells are changing over time. Most of these wells are within atrazine prohibition areas and many show declines in atrazine concentration. As of 2007, ten wells are still above the enforcement standard for atrazine.

**Targeted private well sampling** In 2007, EQ Section staff collected groundwater samples from 13 private wells in environmentally sensitive areas. Staff collected groundwater samples from predominately sand or shallow sandstone aquifers in Rock, Green and Jackson Counties. The purpose of this sampling effort was to ensure that these property owners had clean drinking water.

Table 21  
**COMPOUNDS DETECTED AT DATCP MONITORING WELLS SITES IN 2007**

Compound	Detection rate (%)	Over Enforcement Standard (%)
Nitrate	100	82
Alachlor ESA	86	9
Atrazine (TCR)	36	5
Metribuzin	23	0
Metolachlor	5	5
Metolachlor ESA	95	No Standard
Metolachlor OA	73	No Standard
Alachlor OA	55	No Standard
Acetochlor ESA	18	No Standard
Metalaxyl	5	No Standard
Simazine	9	0

**Alachlor ESA Issues** In 2007, EQ Section staff were instrumental in helping DHFS and DNR promulgate a drinking water standard for alachlor ESA, a metabolite of alachlor (Lasso). Staff testified in legislative hearings and provided testimony to support the standard of 20 ug/l. The EQ Section also investigated two alachlor ESA cases. One case resulted in the replacement of a contaminated drinking water well and the

other case initiated well replacement with financial assistance from DNR's Well Compensation Program.

**Statewide Groundwater Study** Program staff spent a significant amount of time planning for the 2007 statewide groundwater survey. The purpose of the survey was to obtain a current and accurate picture of agrichemicals in Wisconsin groundwater and compare this survey with past surveys. Using a stratified random sample of 398 private water supply wells, the Bureau of Laboratory Services tested the well samples (collected by Wisconsin Agricultural Statistics Survey enumerators) for 32 pesticides, pesticide metabolites and nitrate-N. Figure 1 shows the location of the 398 wells sampled in this survey.

### Emerging Issues

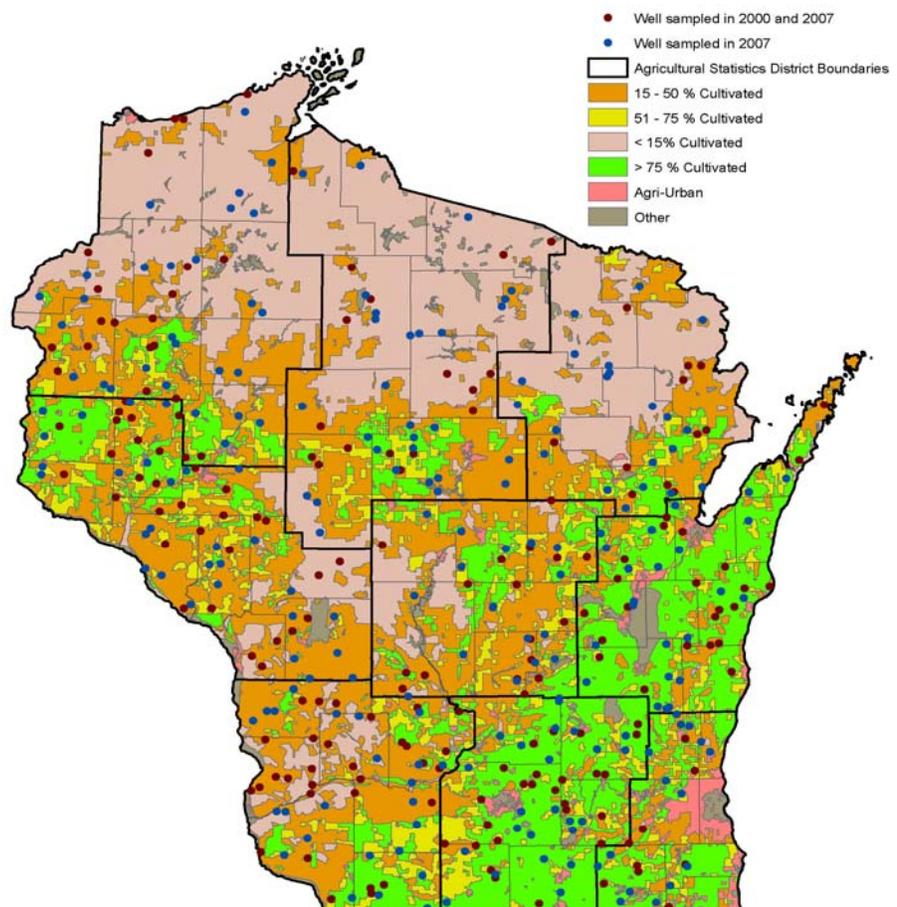
Staff conducted investigations at two well sites in atrazine prohibition areas where total atrazine levels were found to be above the atrazine enforcement standard more than 10 years after the prohibition areas were put in place. Section staff

suspected that the use of simazine, another triazine herbicide which shares two common metabolites with atrazine, was contributing to the continuing exceedances of the atrazine standard in these two wells. Staff documented recent simazine use in both cases near the contaminated wells. The EQ Section will consider actions in 2008 to prevent simazine use from recontaminating wells in atrazine prohibition areas.

Staff also briefed the DATCP Board on nitrate contamination in Wisconsin groundwater.

Figure 1

Sampling Locations and Land Use Categories







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