



State of Wisconsin
Governor Tony Evers

Department of Agriculture, Trade and Consumer Protection
Secretary Randy Romanski

DATE: September 19, 2024

TO: Board of Agriculture, Trade and Consumer Protection

FROM: Randy Romanski, Secretary

SUBJECT: ATCP 29, Public Hearing on Scope Statement - Rule Changes to Update Alignment to Federal Regulations (Pesticide Use and Control)

PRESENTED BY: Kelly Martinson, Program and Policy Analyst, Division of Agricultural Resource Management

REQUESTED ACTION:

At the September 19 Board meeting, the Department will request approval to hold a preliminary public hearing on the Statement of Scope, regarding ch. ATCP 29 (Rule changes to update alignment of Administrative Code Chapter ATCP 29 to revisions within Title 40 of the U.S. Code of Federal Regulations, Part 171).

SUMMARY:

On August 1, 2024, the Joint Committee for Review of Administrative Rules (JCRAR) requested DATCP to hold a preliminary public hearing and comment period on Scope Statement SS 082-24, which was published in the Wisconsin Administrative Register No. 823A4 on July 22, 2024. This scope replaces SS 045-24, originally published in Register No. 821A2 on May 13, 2024. That scope contained language that did not match the version of the scope signed by the Secretary and approved by the Governor. The Legislative Reference Bureau (LRB) published the approved version of the scope under the new Scope Statement number, SS 082-24. Because of this change, the previously scheduled preliminary hearing was cancelled, and the Department proposes to hold a preliminary hearing on the correct version of the scope SS 082-24 on Monday September 30, 2024, at 9:00AM.

The department proposes to amend ATCP 29 to update pesticide categories for commercial and private applicators, update minimum age requirements to get certified for commercial and private applicators, update pesticide core standards descriptions for commercial and private applicators, update recordkeeping requirements for commercial applicators, and update recordkeeping requirements for Restricted Use Dealers. As per Wisconsin Statute Section 94.705, DATCP has statutory authority over pesticides (certification requirements and standards). Wisconsin Statute Section 94.705(2) requires that the department adopt standards at least equal to, but not exceeding, Federal Standards.

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