



State of Wisconsin
Governor Tony Evers

Department of Agriculture, Trade and Consumer Protection
Secretary Randy Romanski

DATE: November 14, 2024

TO: Board of Agriculture, Trade and Consumer Protection

FROM: Randy Romanski, Secretary

SUBJECT: Approval of Statement of Scope for ATCP 29: Pesticide Use and Control

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

REQUESTED ACTION: At the meeting of the Board on November 14, 2024, the Department will request approval of the attached Statement of Scope, regarding Wis. Admin. Code ch. ATCP 29 relating to Pesticide Use and Control.

SUMMARY:

At the September 19 Board meeting, the DATCP Board approved the Department to hold a preliminary public hearing and comment period on the Statement of Scope for ATCP 29 (SS 082-24). The Department held this public hearing on September 30, 2024, with a one-week comment period. DATCP received one comment (in the form of questions) that pertained to the rule itself rather than the Statement of Scope. Therefore, that comment will be considered in the drafting of the rule if the Board approves the Statement of Scope.

As per Wisconsin Stat. § 94.705, DATCP has statutory authority over pesticides (certification requirements and standards). Wisconsin Stat. § 94.705(2) requires that the department adopt standards at least equal to, but not exceeding, Federal Standards. Rule changes are needed to update alignment of Wis. Admin. Code ch. ATCP 29 to revisions within Title 40 of the U.S. Code of Federal Regulations, Part 171. The Department proposes to amend Wis. Admin. Code ch. 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.

The Governor approved the Statement of Scope on April 25, 2024. The Department is requesting approval of the Statement of Scope in order to begin drafting rule revisions.

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