



TO: Chair Kazmierski and Members of the Natural Resources Board

FROM: Wisconsin Dairy Alliance
Venture Dairy Cooperative

RE: Comments in Opposition to Proposed Board Order WY-29-19; Agenda Item #4.A.

DATE: August 4, 2022

The Wisconsin Dairy Alliance and Venture Dairy Cooperative appreciate the opportunity to provide written comments on the proposed Board Order WY-29-19, related to aquatic plant management (NR 107). This is agenda Item #4.A. on the Natural Resources Board's August 10 agenda. Our organizations are troubled by the disturbing precedent set by the proposed rule, particularly the new requirement of DNR-approved plans prior to the use of EPA-approved pesticides. **Thus, we respectfully ask the Members of the Natural Resources Board to not approve Board Order WY-29-19, and instead send the rule back to staff.**

Wisconsin Dairy Alliance (WDA) represents modern regulated dairy farms in Wisconsin and works diligently to preserve Wisconsin's heritage as the Dairy State. WDA advocates for the truth by contesting unnecessary regulations that do not protect natural resources.

Venture Dairy Cooperative (VDC) has a mission to positively impact policy at the state and local levels and protect the overall use of technology and innovation in how farmers grow and raise food. VDC works to combat unnecessary regulations, reduce government bureaucracy and advance smart policy to support the future of dairy farmers.

Wisconsin farmers depend on the ability to judiciously use EPA-approved pesticides for crops needed for both food and animal feed. The proposed WY-29-19 imposes a new requirement that requires applicators to obtain a DNR-approved lake management plan prior to applying pesticides to treat for invasive plants in lakes. This new requirement applies even if only EPA-approved pesticides are used and the applicator follows all requirements of the label, as required by law.

In addition, it should be noted that the DNR relies, in part, on very broad statutory authority for this rulemaking. This includes s. 281.11, which grants "necessary powers" to the DNR to regulate "all present and potential sources of water pollution" including agriculture. Moreover, DNR staff points to the need for DNR-approved plans as an important component of Integrated Pest Management (IPM).

However, IPM is not a concept limited to applying herbicides on invasive plants on lakes. Instead, as noted by the EPA,¹ it can be applied to both “agricultural & non-agricultural settings.”

Thus, our organizations are deeply concerned by the precedent set by this rulemaking. In short, if this rule push is successful and DNR is able to require plans before applying herbicides on lakes, it seems plausible (if not likely) that their next step would be to require new DNR-approved plans before applying pesticides onto crops. This could be devastating to Wisconsin farmers.

In light of these concerns, **the Wisconsin Dairy Alliance and Venture Dairy Cooperative respectfully request the Department reject the proposed Board Order WY-29-19 and instead send it back to staff.**

Thank you for your consideration.

¹ Integrated Pest Management (IPM) Principles. <https://www.epa.gov/safepestcontrol/integrated-pest-management-ipm-principles>. (Accessed 3 August 2022)