

## 2010 Annual WAA Legislative Summary

### **Chapter NR 40-Invasive Species**

NR 40 Wisconsin's Invasive Species Identification, Classification and Control Rule NR 40, became official September 1, 2009. NR 40 is a WI DNR rule regarding specific invasive species. More information can be found at: <http://dnr.wi.gov/invasives/classification/>.

**Urban Forestry BMPs for Invasive Species in Wisconsin** One of four parallel tracks each focused on a segment of the forest resource and associated user groups. The three other tracks are: Forest Management, Right-of-way, and Recreation. These BMPs are voluntary best management practices designed to help prevent the introduction and spread of invasives. They are not species specific, but meant to be applicable to all UF invasives in general. They were developed by UF stakeholders across Wisconsin. For more information and to view the document: <http://council.wisconsinforestry.org/invasives/>.

**Assembly Bill 436** For opening Stewardship Funds to controlling invasives. Referred to committee on Natural Resources. Updated 3-19-2010

**ANSI A300 Updates** Current A300 Project Notifications and Public Review periods:

- New standard development projects:
  - Part 8 – Root and Root Zone Management
  - Part 9 – Tree Risk Assessment (open till 3/31)
- Revision of existing standards:
  - Part 2 – Fertilization (open till 3/31)
  - Part 5 – Management
  - Part 6 – Transplanting

No public reviews are currently scheduled. Public reviews and other revisions or new ANSI A300 parts may be seen at any time at: <http://www.tcia.org/standards/CurrentProjects.htm>

**ANSI Z133** ASC Z133 (Arboriculture Safety Standard Committee) met 10-13-09. The Committee began the process of reviewing and discussing recommendations for the 2011 standard revision. The next meeting is scheduled for 4/21/2010. For more information, call Janet Huber, at ISA (217) 355-9411 x259 or e-mail [jhuber@isa-arbor.com](mailto:jhuber@isa-arbor.com).

**EAB Emerald Ash Borer:** For the latest Wisconsin EAB information visit the WAA website links and resources area and click on the link <http://www.emeraldashborer.wi.gov/> and also see <http://emeraldashborer.wi.gov/pdf/quarantineIssuesWithEAB08062008.pdf>

**Industry Practices:** OSHA has published an Advance Notice of Proposed Rulemaking. ISA is making an official statement to OSHA on these issues and recommend support of the Z133 standards to OSHA.

**Assembly Bill 3 / Senate Bill 5** An Act to create 94.643 of the statutes; relating to: restrictions on the use and sale of fertilizer containing phosphorus and other turf fertilizer and providing a penalty. Approved by the Governor on 4-14-2009. Effective 4-1-2010. Wisconsin [Act 9](#).

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**Assembly Bill-138** Relating to the appointment and term of service of the secretary of natural resources and board vacancies. Introduced and referred to committee on Natural Resources on 3-9-2009. For details <http://www.legis.state.wi.us/2009/data/AB138hst.html> Passed by Assembly and Senate, vetoed by the Governor on 11-13-2009. Assembly failed to override veto 2-23-2010.

**ASSEMBLY BILL 142** Landscape Architect Bill requiring a license to engage in the practice of landscape architecture. Passed in assembly and referred to committee on Labor. Public hearing held 10-29-09. Passed in Senate 1/19/10. Approved by Governor 2-11-2010. Now Wisconsin [Act 123](#).

**Assembly Bill 316.** Provides for increased penalties and a civil forfeiture option for plant pest violations (e.g. EAB quarantine) and also includes changes that would allow Wisconsin to join the Interstate Pest Control Compact. AB 316 signed into law on 10-7-09. Now Wisconsin [Act 42](#).

**Added new link to Legislative page to Alliance for Community Trees “Hill Leaflet”** Several federal bills. [http://actrees.org/files/Newsletter/leaflet\\_09jun3.html?tag=news](http://actrees.org/files/Newsletter/leaflet_09jun3.html?tag=news) .

**HR 2998** The “American Clean Energy and Security Act of 2009” Introduced in the house on 6-23-09. The senate won't tackle this bill until fall. It includes a tree planting program designed to support strategically planting shade trees to reduce ratepayers' energy demand (see page 367 of [HR 2998](#)). Referred to House subcommittee on Crime, Terrorism, and Homeland Security on 7-23-2009.

**AB-504;** relating to: a Milwaukee County sales and use tax for parks, recreation, and culture. Public hearing by committee on Ways and Means in the Assembly November 12, 2009. Referred to Joint Committee on Finance 1-25-2010. Bill History: <http://www.legis.state.wi.us/2009/data/AB504hst.html>

**SB 624;** Introduced 3-17-2010. This bill will allow a political subdivision to make energy saving and water saving improvements to commercial and industrial premises located within the subdivision. This bill will also allow for the repayment to be made in installments. For details <http://www.legis.state.wi.us/2009/data/SB-624.pdf>.

**AB 649/ SB 450;** These companion bills are known as the “Clean Energy and Jobs Bill”. Introduced on 1-6-2010 to both the House and Senate. These bills are part of the Governor’s Global Warming Task Force. Wisconsin Urban Forestry Council is working with Rep. Fred Clark to broaden references from “private forests” to “forest lands of the state”. Both DNR and Legislation council feel this will give UF legal standing in the bill and eliminate unintended consequences. Bill allows costs associated with energy saving and renewable energy products to be exempted from local tax levy limits. For further information [ASSEMBLY BILL 649](#).

**HR 4509;** The “Small Business Environmental Stewardship Assistance Act” was introduced on Jan 25. Section 2 – Reauthorization of the National Small Business Tree Planting Program allows for the leveraging of federal dollars with non-federal sources to improve the urban and community tree resources. HR 4509 allows for SBA to grant \$50 million annually from 2011 to 2015.

**TREE-äge™;** The Environmental Protection Agency has classified TREE-äge™ as a restricted use pesticide (RUP). In 2009, Wisconsin issued a special pesticide registration that

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allowed the use of TREE-äge™ in Wisconsin. At the time the product was not considered an RUP. The special registration and the special labeling that accompanied the product, expired on December 31, 2009.

As of January 1, 2010 it is illegal to distribute or use TREE-äge™ that has this expired special registration labeling in Wisconsin. The new label bears the identification number EPA Reg. No. 100-1309-74578. The product will be marketed for Syngenta by a company called Arborjet.

**For more information on pesticide applicator certification and licensing, visit**  
<http://www.datcp.state.wi.us/arm/agriculture/pest-fert/pesticides/licenses/index.jsp>

**For requirements for dealers and distributors of restricted use pesticides, visit**  
[http://www.datcp.state.wi.us/arm/agriculture/pest-fert/pesticides/licenses/restricted\\_use.jsp](http://www.datcp.state.wi.us/arm/agriculture/pest-fert/pesticides/licenses/restricted_use.jsp).

Respectfully submitted on 4/14/2010. Larry Axlen