

1977 Assembly Bill 556

Date published: October 21, 1977

CHAPTER 106, Laws of 1977

AN ACT to amend 94.71 (2) and 140.77 (1); to repeal and recreate 20.115 (1) (i), 94.67, 94.676, 94.68, 94.70 (1), (2) (c) and (3) and 94.71 (1); and to create 94.69 (11) and (12), 94.70 (2) (e), 94.705, 94.706 and 94.71 (3) (c) of the statutes, relating to certifying applicators of restricted-use pesticides, licensing manufacturers and labelers of pesticides, granting rule-making authority and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Statement of purpose. The legislature finds the need to update the regulation of the use and application of pesticides. It is the intent of the legislature that the state's regulations shall not exceed any federal standards adopted under the federal insecticide, fungicide, and rodenticide act or regulations issued under that act.

SECTION 2. 20.115 (1) (i) of the statutes is repealed and recreated to read:

20.115 (1) (i) *Pesticide control.* All moneys received under s. 94.68 for licensing manufacturers and labelers and s. 94.705 (1) (d) and (4) (c) for licensing certified commercial applicators under ss. 94.67 to 94.71.

SECTION 3. 94.67 of the statutes is repealed and recreated to read:

94.67 Pesticides; definitions. In ss. 94.67 to 94.71:

(1) "Active ingredient" means any ingredient which will:

(a) Prevent, destroy, repel or mitigate pests;

(b) Accelerate or retard the rate of growth or rate of maturation or otherwise alter the behavior of ornamental or crop plants or the product of the plants through physiological action;

(c) Cause the leaves or foliage to drop from a plant; or

(d) Artificially accelerate the drying of plant tissue.

(2) "Agriculture commodity" means any plant or part of a plant, animal or animal product produced by a person primarily for sale, consumption, propagation or other use by humans or animals.

(3) "Animal" means all vertebrate and invertebrate species, including but not limited to persons and other mammals, birds, fish and shellfish.

(4) "Certified applicator" means a person certified by the department to use or supervise the use of restricted-use pesticides as a private or commercial applicator.

(5) "Certified commercial applicator" means a person, whether or not a certified private applicator with respect to some uses, certified to use or supervise the use of

restricted-use pesticides for any purpose or on any property other than as a certified private applicator.

(6) "Certified private applicator" means a person certified to use or supervise the use of restricted-use pesticides for purposes of producing any agricultural commodity on property owned or rented by him or her or his or her employer, or on property of another person if used without compensation other than the trading of goods or services between producers of agricultural commodities on an exchange basis.

(7) "Commercial business location" means any place where a certified commercial applicator operates from on a regular basis.

(8) "Dealer" means a person engaged in the sale of pesticides to consumers.

(9) "Defoliant" means any pesticide labeled, designed or intended for use in causing the leaves or foliage to drop from a plant with or without causing abscission.

(10) "Desiccant" means a pesticide labeled, designed or intended for use in artificially accelerating the drying of plant tissue.

(11) "Distributor" means a person engaged in the sale of pesticides for resale and includes a person who sells at wholesale or retail.

(12) "Environment" includes water, air, land and all plants and persons and other animals living in or on the water, air or land and the interrelationships which exist among them.

(13) "Federal act" means the federal insecticide, fungicide, and rodenticide act, as amended (7 USC 136 et. seq.) and regulations issued under that act.

(14) "Fungus" means any non-chlorophyll-bearing plant of a lower order than mosses and liverworts (thallophyte), including but not limited to rusts, smuts, mildews, molds and yeasts except those on or in persons or other animals and those on or in processed food, beverages or pharmaceuticals.

(15) "General-use pesticide" means a pesticide, for which certain or all of its uses are classified as being for general use under the federal act or rules of the department and available for general use or application by persons who are not required to be certified private or commercial applicators. If certain uses of a pesticide are classified for general use and other uses are classified for restricted use "general-use pesticide" refers only to those uses classified for general use.

(16) "Inert ingredient" means an ingredient which is not an active ingredient.

(17) "Ingredient statement" means a statement which contains the name and percentage of each active ingredient and the total percentage of all inert ingredients in the pesticide; and if the pesticide contains arsenic in any form, a statement of the percentages of total and water soluble arsenic, calculated as elementary arsenic.

(18) "Insect" means any of the numerous small invertebrate animals generally having the body segmented, usually belonging to the class insecta, comprising 6-legged, usually winged forms, including but not limited to beetles, bugs, bees and flies and other allied classes of arthropods whose members are wingless and usually have more than 6 legs, including but not limited to spiders, mites, ticks, centipedes and wood lice.

(19) "Label" means the written, printed, or graphic matter on, or attached to, the pesticide or any of its containers or wrappers.

(20) "Labeler" means a person who affixes his or her label to the pesticide or any of its containers or labeling.

(21) "Labeling" means all labels and all other written, printed or graphic matter accompanying the pesticide at any time or the matter to which reference is made on the label or in literature accompanying the pesticide, except current official publications of state agricultural colleges, experiment stations and extension services or any other state or federal agency authorized by law to conduct research in the field of pesticides.

(22) "Nematode" means invertebrate animals of the phylum nemathelminthes and class nematoda, consisting of unsegmented worms with elongated fusiform or saclike bodies covered with cuticle and inhabiting soil, water, plants or plant parts. Nematodes may also be called nemas or eelworms.

(23) "Person of limited English language ability" means a person whose ability to use the English language is limited because of the use of a non-English language in his or her family or in his or her daily surroundings and who has difficulty performing in English as a result of limited English language ability.

(24) "Pest" means any insect, rodent, nematode, fungus, weed or any other form of terrestrial or aquatic plant or animal life or virus, bacteria or other micro-organism, except viruses, bacteria or other micro-organisms on or in living persons or other living animals, declared to be a pest under the federal act or rules of the department.

(25) "Pesticide" means any substance or mixture of substances labeled or designed or intended for use in preventing, destroying, repelling or mitigating any pest, or as a plant regulator, defoliant or desiccant.

(26) "Plant regulator" means any pesticide labeled or designed or intended for use, through physiological action, in accelerating or retarding the rate of growth or maturation, or for otherwise altering the behavior of plants or the produce of the plant, but does not include substances to the extent labeled or designed or intended for use as plant nutrients, trace elements, nutritional chemicals, plant inoculants and soil amendments. The term also excludes nutrient mixtures or soil amendments commonly known as vitamin-hormone horticultural products intended for improvement, maintenance, survival, health and propagation of plants, if they are not labeled, designed or intended for use for pest destruction and are nontoxic and nonpoisonous in the undiluted packaged concentration.

(27) "Produce" or "manufacture" means to manufacture, formulate, prepare, compound, propagate, package, label or process any pesticide.

(28) "Producer" or "manufacturer" means the person who produces or manufactures any pesticide.

(29) "Protect health and the environment" means protection against any unreasonable adverse effects on the environment.

(30) "Registrant" means a person who has registered any pesticide under the federal act or rules of the department.

(31) "Restricted-use pesticide" means a pesticide for which certain or all of its uses are classified as being for restricted use under the federal act.

(32) "Under the direct supervision of a certified applicator" means the use or application of a restricted-use pesticide by a competent person acting under the instructions and control of a certified applicator. A certified applicator shall be available if and when needed, but need not be physically present at the time and place the restricted-use pesticide is being applied, except as otherwise prescribed in pesticide labeling or rules of the department.

(33) "Unreasonable adverse effects on the environment" means unreasonable risk to persons or the environment, taking into account the economic, social and environmental costs and benefits of the use of any pesticide.

(34) "Weed" means any plant which grows where not wanted.

SECTION 4. 94.676 of the statutes is repealed and recreated to read:

94.676 Pesticides; misbranding. A pesticide is misbranded if:

(1) Its labeling bears any statement, design or graphic representation relative to the pesticide, or to its ingredients, which is false or misleading in any particular.

(2) It is an imitation of, or is offered for sale under, the name of another pesticide.

(3) It is contained in a package or other container or wrapping which does not conform to the standards established under the federal act or rules of the department.

(4) Its label does not bear the registration number assigned to each establishment in which it was produced as required under the federal act or rules of the department.

(5) Any word, statement or other information required under the authority of the federal act or ss. 94.67 to 94.71 to appear on the label or labeling is not prominently placed on the label or labeling with conspicuousness, compared with other words, statements, designs or graphic matter in the labeling, and in terms so as to render it likely to be read and understood by the ordinary person under customary conditions of purchase and use.

(6) The labeling does not contain directions or instructions for use which are necessary for effecting the purpose for which the product is intended and which, if complied with, are adequate to protect health and the environment.

(7) The label does not contain a warning or caution statement which may be necessary and which, if complied with, is adequate to protect health and the environment.

(8) The label does not bear an ingredient statement on that part of the immediate container which is presented or displayed under customary conditions of purchase and on the outside container or wrapper of the retail package, if there is one, through which the ingredient statement on the immediate container cannot be clearly read, except that a pesticide is not misbranded under this subsection if:

(a) The size or form of the immediate container, or the outside container or wrapper of the retail package, makes it impracticable to place the ingredient statement on the part which is presented or displayed under customary conditions of purchase; and

(b) The ingredient statement appears prominently on another part of the immediate container, or outside container or wrapper, when authorized under the federal act.

(9) The labeling does not contain a statement of the use classification under which the pesticide is registered under the federal act or rules of the department.

(10) There is not affixed to its container and to the outside container or wrapper of the retail package, if any, through which the required information on the container can be read clearly, a label bearing:

(a) The name and address of the producer, registrant or person for whom produced;

(b) The name, brand or trademark under which the pesticide is sold;

(c) The net weight or measure of the contents subject to variations as authorized under state or federal law; and

(d) The registration number and use classification assigned to the pesticide when required under the federal act.

(11) The pesticide contains any substance or substances in quantities highly toxic to persons, unless the label bears, in addition to other required labeling:

(a) The sign of the "skull and crossbones";

(b) The word "POISON" prominently in red on a background of distinctly contrasting color; and

(c) An antidote statement of a practical treatment, first aid or otherwise, in case of pesticide poisoning.

(12) Its labeling contains statements, claims or directions for use which, if complied with, would violate any laws of this state or the federal act relating to the sale or use of pesticides.

SECTION 5. 94.68 of the statutes is repealed and recreated to read:

94.68 Pesticides; licensing of manufacturers and labelers. (1) No person may manufacture, formulate, package, label or otherwise produce pesticides for sale or distribution in this state, or sell or offer to sell pesticides to purchasers in this state, whether or not the sales are made wholly or partially in this state or another state, without a license from the department. No license may be required of persons engaged only in:

(a) The sale or distribution of pesticides at wholesale or retail in the immediate, unbroken container of licensed manufacturers as manufactured, produced, packaged or labeled by them.

(b) The sale of pesticides or active ingredients to licensed manufacturers for use as a basic ingredient in the manufacture or formulation of another pesticide or for further processing, packaging or labeling.

(c) The blending of fertilizer-pesticide mixtures in accordance with the registered pesticide label at the customer's request for use on property owned, rented or controlled by the customer, or blending mixtures according to registered pesticide label uses for custom application by the blender. The mixtures may not be resold or redistributed.

(d) The sale or application, as certified commercial applicators of pesticides or pesticide-fertilizer mixtures, mixed or blended by them for their own use in the commercial application of pesticides if the pesticides used for mixing and blending were obtained from a licensee under this section.

(2) Applications for a license shall be made on forms prescribed by the department and shall be accompanied by an annual license fee of \$100. Licenses expire on December 31 of each year and are not transferable.

(3) Manufacturers or labelers of pesticides shall submit to the department on request, product samples, copies of labeling or any other data or information which the department requests concerning composition and claims and representations made for pesticides manufactured or labeled by them in this state.

SECTION 6. 94.69 (11) and (12) of the statutes are created to read:

94.69 (11) To register pesticides formulated for distribution and use within this state to meet special local needs as authorized under the federal act and impose fees reasonably calculated to cover the cost of registration.

(12) To exempt any pesticides from the application of ss. 94.67 to 94.71 which are adequately regulated under other state or federal laws or which are of such a character that the regulation of their use is unnecessary for the protection of health and the environment.

SECTION 7. 94.70 (1) and (2) (c) of the statutes are repealed and recreated to read:

94.70 (1) No person may distribute, sell, offer for sale, hold for sale, ship, deliver for shipment or receive for distribution, delivery or sale to any person in this state whether or not the acts or transactions take place in intrastate commerce or between points within this state through any point outside this state, any pesticide:

(a) Which has not been registered as required under the federal act or rules of the department.

(b) About which claims are made, or directions for use are given, which differ in substance from representations made in connection with its registration under the federal act or rules of the department.

(c) Which differs in composition from the composition represented in connection with its registration under the federal act or rules of the department.

(d) Unless it is in the registrant's, manufacturer's or packer's unbroken immediate container and labeled as required under the federal act or rules of the department.

(e) Which has not been colored or discolored as required under the federal act or rules of the department.

(f) Which is adulterated or misbranded, or violates any other provision of the federal act or ss. 94.67 to 94.71 or rules of the department.

(2) (c) Persons using or possessing a pesticide in accordance with the terms and conditions of an experimental use permit issued under the federal act or rules of the department.

SECTION 8. 94.70 (2) (e) of the statutes is created to read:

94.70 (2) (e) Any person shipping a substance or mixture of substances only in the conduct of screening tests to determine its usefulness or value as a pesticide or its toxicity or other properties and from which the person does not expect to receive any pest control benefit from its use.

SECTION 9. 94.70 (3) of the statutes is repealed and recreated to read:

94.70 (3) No person may:

(a) Detach, alter, deface or destroy, in whole or in part, any label or labeling required under the federal act or under ss. 94.67 to 94.71 or rules under ss. 94.67 to 94.71, or add any substance to or take any substance from any pesticide in a manner that may defeat the purposes of the laws.

(b) Use for personal advantage or reveal, other than to federal or state agencies, the courts, physicians, pharmacists or other persons requiring the information for the performance of their duties, any information relative to formulas acquired in the administration of ss. 94.67 to 94.71 which may be confidential under the federal act or otherwise constitute a trade secret.

(c) Advertise pesticides registered for restricted-use as a registrant, manufacturer, wholesaler, dealer, retailer or other distributor without disclosing that the pesticides are classified as restricted-use pesticides.

(d) Use or make available for use any restricted-use pesticide contrary to its labeling or other restrictions or exemptions imposed on its use under the federal act or the laws of this state.

(e) Claim falsely to be a certified private or commercial applicator in one or more uses of restricted-use pesticides.

(f) Use or supervise the use of restricted-use pesticides as a certified applicator in categories of pesticide use and application for which no certification has been obtained.

(g) Use any pesticide in a manner inconsistent with its labeling except as authorized by the department.

(h) Use any pesticide under an experimental use permit contrary to the provisions of the permit.

(i) Fail to maintain records or file reports as required under ss. 94.67 to 94.71 or rules under ss. 94.67 to 94.71 or falsify records or reports or any application filed with the department.

(j) Violate any other provisions of ss. 94.67 to 94.71 or orders or rules issued under ss. 94.67 to 94.71.

SECTION 10. 94.705 and 94.706 of the statutes are created to read:

94.705 Pesticides; certification requirements and standards. (1) CERTIFICATION REQUIREMENTS; FEES. (a) No person may use or supervise the use of a restricted-use pesticide unless certified to use or supervise the use of the pesticide as a certified private or commercial applicator as provided in this section. No certification may be required of competent persons using or applying restricted-use pesticides only under the direct supervision of a certified applicator.

(b) Applications for certification shall be submitted on forms prescribed by the department and shall specify the category of pesticide use and application for which

application for certification is made. Certifications shall be valid for a period of 5 years from date of issuance or renewal, unless terminated or suspended by the department for failure to comply with the terms and conditions of its issuance or for violation of ss. 94.67 to 94.71 or rules or orders issued under ss. 94.67 to 94.71. Certifications may be changed or amended during the 5-year period for which issued by the addition of other categories of pesticide use and application for which the applicator was not certified at the beginning of the certification period, but all the changes or amendments shall expire concurrently with the end of the 5-year base certification period.

(c) All certified applicators may be granted an additional 5 years of certification upon the expiration date of their original certification. If significant changes have occurred in the development of new pesticides, uses or labeling during this time period the department may require that a certified private applicator obtain certification under one of the certification options under s. 94.706 as a condition of recertification. If significant changes have occurred in the development of new pesticides, uses or labeling during this time period, certified commercial applicators may be subject to a written examination approved by the department as a condition of recertification.

(d) Certified commercial applicators shall be subject to a \$10 annual licensing fee payable at the time of application and an additional fee of \$10 for each application for any pesticide category addition to the certification during the 5-year period for which it is issued. Each commercial business location that employs or from which a commercial applicator operates shall be subject to a \$25 per year licensing fee. Each location shall be required to have at least one certified commercial applicator employed. All licenses, unless otherwise designated by the department, expire on December 31 of each year. No licensing fees shall be charged to certified private applicators.

(2) CERTIFICATION STANDARDS. Notwithstanding s. 140.77, the department shall, by rule, adopt standards for the training and certification of certified private and certified commercial applicators, at least equal to but not to exceed federal standards adopted under the federal act. In the adoption of the standards, separate categories of pesticide use and application may be established for certification purposes depending on the specific types of pesticides used, the purposes for which they are used, types of equipment required in their application, the degree of knowledge and skill required and other factors which may warrant the creation of different categories. The standards shall provide that individuals to be certified must be competent with respect to the use and application of pesticides in the various categories of pesticide use and application for which certification is desired. For commercial applicators competence in the use and handling of pesticides is to be determined on the basis of written examinations.

(3) RECORDS; REPORTS. Certified commercial applicators, including nonresident commercial applicators, shall maintain records of amounts, dates, types, places and uses of all restricted-use pesticides as prescribed by the department. Records shall be kept for 2 years and shall be open to and available for inspection at all reasonable times by the department or cooperating governmental enforcement agencies.

(4) LICENSING AND CERTIFICATION; EXEMPTIONS. (a) Persons engaged only in the use or application of restricted-use pesticides in the performance of their duties as public employes and employes of public or private educational or research agencies authorized by law to conduct educational programs, research or studies in the field of pesticides shall be subject to all certification requirements but are exempt from the payment of licensing fees.

(b) Nonresident commercial applicators shall be exempt from certification requirements under this section if they possess current and valid certification under equivalent laws or programs of another state. This exemption applies only to categories of certification for which nonresident applicators are certified in another state.

(c) Nonresident applicators shall be licensed annually with the department if they are commercial applicators and registered annually with the department if they are

private applicators before they begin any work in this state. Nonresident applicators shall be subject to all other laws of this state relating to pesticide use and application. Certified nonresident commercial applicators shall be subject to an annual licensing fee of \$10 payable at the time of application. All licenses and registrations expire at the end of each calendar year and may be suspended or revoked for a violation of the pesticide laws or rules of this state.

(d) Private applicators, certified as commercial applicators because of their incidental commercial work which they may perform on an occasional basis, shall be exempt from the commercial business location license requirements under sub. (1) (d).

94.706 Pesticides; private applicators; certification. (1) PRIVATE APPLICATORS. Resident private applicators shall be certified to use restricted-use pesticides under one of the options specified under pars. (a) to (d).

(a) *Certification by training session.* A private applicator may attend a pesticide applicator training session approved by the department. The training shall cover all areas of competency necessary to comply with standards under the federal act. No person seeking certification under this paragraph may be required to take a written examination in order to obtain certification. Upon successful completion of the training session the applicator shall be granted certification for 5 years.

(b) *Certification by examination.* A private applicator may take a written examination approved by the department including all areas of competency necessary to comply with the federal act. Certification for 5 years shall be granted to the applicator upon successful completion of the examination. A private applicator may engage in a self-study program using training materials available in training sessions under par. (a). Written examinations shall be given at a designated department office, county extension office or at a site approved by the department.

(c) *Certification for emergency use.* A person may apply for an emergency use certification. Only one emergency use certification shall be granted to a person. Thereafter, certification under par. (a) or (b) is necessary. The department shall conduct a specific evaluation of the applicant's ability to use and apply the pesticide safely and correctly and make any other evaluations deemed necessary by the department. The department shall notify the dealer by telephone that the applicant has been granted an emergency use certification. Written notice of the applicant's responsibility and liability shall be sent by the department to the dealer and the applicant. This certification shall be valid for a one-time specific use only. The department's evaluation shall be conducted at a designated department office, any university of Wisconsin extension office or at any other site approved by the department.

(d) *Certification for persons of limited English language ability.* Persons of limited English language ability shall receive the training necessary to permit them to use and apply restricted-use pesticides. The department shall conduct an oral evaluation of each person to determine competency. Certification under this paragraph shall be required for use of each restricted-use pesticide. Each certificate shall state the specific restricted-use pesticide the person is certified to use or apply.

SECTION 11. 94.71 (1) of the statutes is repealed and recreated to read:

94.71 (1) PENALTIES. (a) 1. Any person who violates ss. 94.67 to 94.71 or any rules or orders issued under ss. 94.67 to 94.71 shall forfeit not less than \$100 nor more than \$500 for the first violation and not less than \$200 nor more than \$1,000 for any subsequent violation within 5 years.

2. Any commercial applicator, dealer or distributor who knowingly violates any provision of ss. 94.67 to 94.71 or any rules or orders issued under ss. 94.67 to 94.71 may be fined not more than \$5,000 or imprisoned not more than one year in the county jail or both. Other persons, including private applicators who knowingly violate

ss. 94.67 to 94.71 or any rules or orders issued under ss. 94.67 to 94.71 may be fined not more than \$1,000 or imprisoned not more than 30 days or both.

(b) Certified applicators shall be responsible for the acts of persons who are their employes or acting under their supervision and engaged in the use or application of pesticides.

SECTION 12. 94.71 (2) of the statutes is amended to read:

94.71 (2) SEIZURES. If the department has reasonable cause to believe that any pesticide is in violation of ~~the provisions of~~ ss. 94.67 to 94.71, it may deliver to the owner or custodian ~~thereof of the pesticide~~ an order prohibiting the sale or movement of ~~such the~~ pesticide until an analysis or examination has been completed. Such holding order shall not be effective for more than ~~14~~ 60 days from the time of delivery thereof. The pesticide described in any ~~such~~ holding order shall not be sold or moved for any purpose without the approval of the department. If the department, after analysis or examination, determines that the pesticide described in ~~such the~~ order is not in violation of ~~any of the provisions of~~ ss. 94.67 to 94.71, it shall promptly notify ~~by registered mail~~ the owner or custodian ~~thereof of the pesticide~~ and ~~such the~~ notice shall terminate the holding order. If the analysis or examination shows that the pesticide is in violation of ~~the provisions of~~ ss. 94.67 to 94.71, the owner or custodian ~~thereof of the pesticide~~ shall be so notified ~~by registered mail within the effective time of the holding order; upon~~. Upon receipt of ~~such~~ notice the owner or custodian ~~may~~ shall dispose of the pesticide only in a manner authorized by the department; ~~the~~. The owner or custodian may within 10 days of receipt of ~~such~~ notice petition for a hearing as provided in s. 93.18.

SECTION 13. 94.71 (3) (c) of the statutes is created to read:

94.71 (3) (c) In addition to other enforcement procedures, the department may, as deemed necessary to protect health and the environment, by summary order and without prior notice or hearing prohibit the use, application or sale of pesticides in violation of ss. 94.67 to 94.71 or rules issued under ss. 94.67 to 94.71. The order shall be in writing, have the force and effect of an order issued under s. 93.18, and is subject to right of hearing before the department, if requested within 10 days after date of service. Any party affected by the order may request a preliminary or informal hearing pending the scheduling and conduct of a full hearing. Hearings, if requested, shall be conducted as expeditiously as possible after receipt of a request for a hearing. Enforcement of the order shall not be stayed pending action on the hearing.

SECTION 14. 140.77 (1) of the statutes is amended to read:

140.77 (1) The pesticide review board created by s. 15.195 (1) shall collect analyze and interpret information, and make recommendations to and coordinate the regulatory and informational responsibilities to the state agencies, on matters relating to the use of pesticides, particularly recommendations for limiting pesticide use to those materials and amounts ~~thereof of pesticides~~ found necessary and effective in the control of pests and which are not unduly hazardous to persons, animals or plants. Pesticide rules authorized by ss. 29.29 (4) and 94.69, except pesticide rules issued under s. 94.705 (2), are not effective until approved by the review board.

SECTION 15. **Cross reference changes.** In the sections listed below in column A, the cross references in column B are changed to the cross references shown in column C:

A	B	C
Statute sections	Old Cross References	New Cross References
97.01 (10)	94.67 (1)	94.67 (25)
100.42 (1)(i)	94.67 (1)	94.67 (25)
100.43 (1)(i)	94.67 (1)	94.67 (25)

SECTION 16. **Effective date.** This act takes effect on the day following publication with the following exceptions:

(1) Certification requirements as a condition to the use or supervision of the use of restricted-use pesticides and penalty provisions applicable to using or supervising the

use of pesticides take effect October 21, 1977, or the date provided in the federal act, whichever is later.

(2) The licensing of manufacturers and labelers takes effect January 1, 1978.

(3) Certifications issued to certified private or commercial applicators take effect October 21, 1977, and remain valid until December 31, 1982.

(4) Licensing of nonresident applicators takes effect October 21, 1977, and remains valid until December 31, 1978.
