

## Chapter Ag 29

## PESTICIDE USE AND CONTROL

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Note: See Wis. Adm. Code chapter NR 80 for pesticide rules of the department of natural resources.

**Ag 29.01 Definitions.** (1) "Pesticide review board" means the board created under section 15.195 (1), Wis. Stats.

(2) "Department" means the state of Wisconsin department of agriculture.

(3) "Limited use pesticide" means a pesticide, the unrestricted or uncontrolled use of which may create such a serious hazard to persons or property, or the environment, that it may be registered, purchased, sold or used only as provided in these rules.

(4) "Experimental use pesticide" is a pesticide in any stage of testing or development, except screening for pesticidal activity, and includes pesticides registered for certain uses but under testing or development for use other than those for which registered. The screening for pesticidal activity exception is limited to the testing of chemicals, prior to use for experimental purposes, in test plots of less than  $\frac{1}{4}$  acre per test to ascertain biological effect on specific pests, hosts or sites.

(5) "Pesticide registration" means the registration of pesticides with the department under section 94.68, Wis. Stats.

(6) "Commercial applicator" is a person using or applying pesticides in the performance of pest control work for hire.

(7) "Retail dealer" is a person engaged in the sale of pesticides to consumers at retail.

(8) "Distributor" is a person engaged in the sale of pesticides for resale and includes persons selling at both wholesale and retail.

(9) "Storage" means the keeping or holding of pesticides, other than pesticides on display, at any location at which pesticides are held for distribution, sale, use or disposal, and except for storage as used in section Ag 29.11 (1), excludes pesticides held on residential property for use in and about the home.

(10) "Display" means the exposure or holding open to public view of pesticides in any sales room or business area from which sales are made and to which the public has access.

(11) "Pesticide" is as defined in section 94.67, Wis. Stats., and for purposes of use, storage, transport, disposal and display under these rules, includes seeds, seed pieces and other plant parts treated with a pesticide.

(12) "Pesticide drift" means the drifting or movement of pesticide particles by wind or air currents onto property beyond the boundaries of the immediate area treated with pesticides.

(13) "Pesticide overspray" means the direct application of pesticides in any form or in any manner onto property beyond the boundaries of the area treated with pesticides, by the failure to control the direct flow or application of pesticides and confine them to the immediate area to be treated.

**History:** Cr. Register, October, 1970, No. 178, eff. 11-1-70; renum. (5) to (12) to be (6) to (13); cr. (5) and am. (6) as renum. Register, April, 1972, No. 196, eff. 5-1-72; am. (13), Register, May, 1973, No. 209, eff. 6-1-73; r. (3) and (5), renum. (4) to be (3) and recr., renum. (6) to (13) to be (4) to (11) and cr. (12) and (13), Register, August, 1975, No. 236, eff. 9-1-75.

**Ag 29.02 Limited use pesticides; classification; use restrictions.**

(1) **CLASSIFICATION.** Pesticides included in this section are classified as limited use pesticides and, except for such uses as may be authorized under emergency or special permit control under subsections (2) and (3), or section Ag 29.03, may be registered, purchased, sold or used only for limited purposes as provided under subsection (4). This does not apply to the registration, purchase, sale or use of limited use pesticides as laboratory standards or exhibits by educational institutions, or for research and experimental purposes other than in the research or experimental use of DDT and its isomers or metabolites for which a permit is required under s. 134.67, Stats.

(2) **LIMITED CATEGORY; EMERGENCY PERMIT REQUIRED.** The registration, purchase, sale and use of the following limited use pesticides is prohibited, except for use under emergency permit as provided in section Ag 29.03, or in the case of DDT and its isomers and metabolites, emergency or experimental uses authorized by the pesticide review board under section 134.67, Wis. Stats.:

- (a) DDT (dichloro diphenyl trichloroethane).
- (b) DDD (TDE) (dichloro diphenyl dichloroethane).
- (c) Endrin (hexachloroepoxyoctahydro-endo-dimethanonaphthalene).
- (d) Cadmium.
- (e) Thallium sulfate.

(3) **SPECIAL PERMIT CATEGORY; SPECIAL PERMIT REQUIRED.** (a) The following limited use pesticides may be used or purchased for use only under a special department permit, as provided in this subsection:

1. Sodium Fluoroacetate (1080).
2. Strychnine or products containing strychnine sold or purchased for use as a pesticide.
3. Any pesticide used for the control of insects or rodents in public sewers, except when used by or under supervision of qualified government officials in the course of their employment, or qualified pest control operators.

(b) Requests for a special permit shall be submitted in writing, except in emergencies, and shall specify:

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regulations of the federal aviation administration and the Wisconsin department of transportation.

(6) No person shall dispose of or hold pesticides or their containers for disposal contrary to directions on the label or in a manner which may contaminate waters of the state or create a hazard to persons or property, including fish or wildlife.

(7) Treated seeds shall be incorporated into the soil during planting and shall not be used for or mixed with any food or feed, or be exposed in such a manner that birds or other wildlife have access to them.

(8) Pesticides and their containers temporarily held at loading and spraying sites in connection with their use shall be secured or guarded in such a manner as to reasonably prevent access thereto by children, the general public or wildlife, or the contamination of waters of the state.

**History:** Cr. Register, October, 1970, No. 178, eff. 11-1-70; renum. Ag 29.11 to be Ag 29.12; (2) as renum. is am., Register, April, 1972, No. 196, eff. 5-1-72; am. (1), (2), (3), (5) and (6) and cr. (8), Register, May, 1973, No. 209, eff. 6-1-73; renum. from Ag 29.12 to Ag 29.10, am. (1), Register, August, 1975, No. 236, eff. 9-1-75.

**Ag 29.11 Declaration of pests.** Under authority of sections 94.67 (1) (a) and 94.69 (1), Wis. Stats., each of the following named forms of plant or animal life or viruses are declared to be a pest and subject to destruction or control by use of pesticides when present under circumstances where they may be injurious to plants, man, domestic animals, other useful vertebrates or invertebrates or other property:

(1) Mammals, other than humans, including but not limited to dogs, cats, moles, bats, wild carnivores, and deer.

(2) Birds, including but not limited to starlings, house sparrows, crows, pigeons, and redwing blackbirds.

(3) Fishes, including but not limited to the jawless fishes such as the sea lamprey, and the bony fishes such as the carp.

(4) Amphibians and reptiles, including but not limited to poisonous snakes.

(5) Aquatic and terrestrial invertebrates, including but not limited to slugs, snails, and crayfish.

(6) Roots and other plant parts growing where not wanted.

(7) Viruses, other than those on or in living man or other animals.

**History:** Cr. Register, April, 1972, No. 196, eff. 5-1-72; renum. from Ag 29.13 to be Ag 29.11, Register, August, 1975, No. 236, eff. 9-1-75.

**Ag 29.15 Standards for certification of applicators of restricted-use pesticides.** (1) **DEFINITIONS.** As used in this section:

(a) "Accident" means an unexpected or undesirable event caused by the use or presence of a pesticide, adversely affecting persons or the environment.

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

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(c) "Calibration of equipment" means the measurement of dispersal or output of application equipment, and the adjustment of such equipment to control the rate of dispersal and droplet or particle size of a pesticide dispersed by the equipment.

(d) "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.

(e) "Commercial applicator" means a person, whether or not a private applicator with respect to some uses, who uses or supervises the use of restricted-use pesticides for any purpose or on any property other than as a private applicator.

(f) "Compatibility" means that property of a pesticide which permits it to be used or combined with another pesticide or chemical without undesirable results being caused by the combination.

(g) "Competent" means qualified to perform functions associated with pesticide application, the degree of capability required being directly related to the nature of the activity and associated responsibility.

(h) "Common exposure route" means a likely way by which a pesticide may reach or enter an organism.

(i) "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.

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

(k) "Hazard" means the probability that a given pesticide will have an adverse effect on persons or the environment.

(l) "Non-target organism" means a plant or animal other than the one against which the pesticide is applied.

(m) "Ornamental" means trees, shrubs, and other plantings grown for their decorative effect in or around homes, buildings, parks, streets, or roadways.

(n) "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.

(o) "Practical knowledge" means the possession and comprehension of pertinent facts together with the ability to use them in dealing with specific problems and situations.

(p) "Private applicator" means a person who uses or supervises the use of restricted-use pesticides for purposes of producing any agricultural commodity on property owned or rented by such person or such person's 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.

(q) "Protective equipment" means clothing or any other materials or devices that shield against unintended exposure to pesticides.

(r) "Regulated pest" means a specific organism considered under the federal act or rules of the department to be a pest requiring regulatory restrictions, regulations, or control procedures in order to protect the host, or persons or the environment.

(s) "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.

(t) "Toxicity" means the property of a pesticide to cause any adverse physiological effects.

(2) **GENERAL STANDARDS FOR CERTIFICATION OF COMMERCIAL APPLICATORS.** Commercial applicators of restricted-use pesticides shall as a condition of certification demonstrate practical knowledge of the nature and safe use of pesticides and the principles and practices of pest control, and competency in the safe use, handling and application of pesticides. Practical knowledge and competency shall be determined on basis of written examination and, as appropriate, performance testing in general areas applicable to all commercial applicators as specified under this subsection as well as specific areas applicable to the various categories or subcategories of commercial application as provided in sub. (3). All commercial applicators shall demonstrate practical knowledge and competency in the following general areas:

(a) *Label and labeling comprehension.* The general format and terminology of pesticide labels and labeling; understanding of instructions, warnings, terms, symbols, and other information commonly appearing on pesticide labels; knowledge of use classifications; and prohibitions against the use of pesticides contrary to their labeling.

(b) *Safety.* Safety factors including knowledge of pesticide toxicity, hazards to persons, common exposure routes; common types and causes of pesticide accidents; precautions necessary to guard against injury to applicators and other persons in or near treated areas; the need for and use of protective equipment; symptoms of pesticide poisoning; first aid and other procedures to be followed in case of a pesticide accident; the proper identification, storage, transportation, handling, and mixing of pesticides; and the disposal of pesticides and their containers in accordance with label directions and department rules.

(c) *Environment.* Knowledge of potential environmental consequences resulting from the use or misuse of pesticides influenced by such factors as weather and other climatic conditions; types of terrain, soil or other substrate; presence of fish, wildlife and other non-target organisms; and drainage patterns.

(d) *Pests.* Knowledge of pests including the identification of relevant pests, the common features of pest organisms and characteristics of damage caused by them, and pest development and biology as it may be relevant to problem identification and control.

(e) *Pesticides.* Knowledge of types of pesticides and pesticide formulations; the compatibility, synergism, persistence, and animal and plant toxicity of formulations; the hazards and residues associated with the use of pesticides; factors which influence the effectiveness of or resistance to pesticides; and the mixing and dilution of pesticides.

(f) *Equipment.* Knowledge of types of equipment used in the application of pesticides including their advantages and limitations, and the use, maintenance, and calibration of such equipment.

(g) *Application techniques.* Knowledge of methods, techniques or procedures used in the application of various pesticide formulations, gases, and solutions, including a knowledge of the techniques and rates of application to be used in a given situation; the relationship of discharge and placement of pesticides to proper use; unnecessary use and misuse of pesticides; and the prevention of drift and overspray.

(h) *Supervision.* Knowledge of supervisory standards and requirements applicable to the direct supervision of competent non-certified applicators acting under the instructions and control of certified applicators in the use and application of restricted-use pesticides.

(i) *Laws and regulations.* Knowledge of state and federal laws and regulations applicable to pesticides and their use and application, including the federal act, ss. 94.67 through 94.71, Stats., Wis. Adm. Code, chapters Ag 29 and NR 80.

(3) **CATEGORIES AND SPECIFIC STANDARDS FOR CERTIFICATION OF COMMERCIAL APPLICATORS.** The various categories and subcategories for the certification of commercial applicators, and the specific standards applicable to each, are as set forth in paragraphs (a) through (j) below. All commercial applicators of restricted-use pesticides shall be certified in the particular category or subcategory of pesticide use and application in which they wish to engage. To be certified in the categories or subcategories specified in this subsection, commercial applicators shall demonstrate by written examination, and as appropriate, performance testing, their competency to engage in the use and application of restricted-use pesticides under such categories or subcategories.

(a) *Agricultural pest control.* 1. **Field And Vegetable Crop Pest Control.** a. This subcategory includes commercial applicators using or supervising the use of restricted-use pesticides to control pests in the production of agricultural field and vegetable crops, and on grasslands and noncrop agricultural lands.

b. Applicators shall demonstrate practical knowledge of crops grown, specific pests affecting those crops, types of pesticides which may be used to control such pests, and the effects of such pesticides on the ultimate use of the crop for food or feed purposes. Practical knowledge shall also be demonstrated concerning soil and water problems; pre-harvest intervals; reentry intervals; phytotoxicity; and the potential for environmental contamination, non-target injury, and community problems associated with the use of restricted-use pesticides in or on agricultural field and vegetable crops, grasslands and noncrop agricultural lands.

2. **Fruit Crop Pest Control.** a. This subcategory includes commercial applicators using or supervising the use of restricted-use pesticides to control pests affecting the production of agricultural fruit crops, including small fruits, tree fruits and nuts.

b. Applicators shall demonstrate practical knowledge of crops grown; specific pests affecting small fruits, tree fruits and nuts, and the types of restricted-use pesticides which may be used to control such pests; soil and water problems; pre-harvest and re-entry intervals; phytotoxicity; and the potential for environmental contamination, non-target injury

and community problems resulting from the use of restricted-use pesticides in agricultural fruit crop areas and on small fruits, tree fruits and nuts.

3. Animal Pest Control. a. This subcategory includes commercial applicators using or supervising the use of restricted-use pesticides to control pests on animals, including beef and dairy cattle, swine, sheep, goats, horses, poultry and livestock, and to places on or in which animals are confined. Veterinarians engaged in the business of applying pesticides for hire, publicly holding themselves out as pesticide applicators, or engaged in large scale use of pesticides are included in this subcategory.

b. Applicators applying pesticides to animals shall demonstrate practical knowledge of such animals and pests which may affect them, the types of pesticides and pesticide formulations which may be used to control such pests, and specific pesticide toxicity and residue potential associated with the use of such pesticides. Practical knowledge shall also be demonstrated concerning relative hazards associated with the use of such pesticides, taking into consideration application techniques, extent of treatment, age of the animal treated, and the effect the use of such pesticides may have on animals and their products.

(b) *Forest pest control.* 1. This category includes commercial applicators using or supervising the use of restricted-use pesticides to control pests in forests, forest nurseries, and tree seed producing areas.

2. Applicators shall demonstrate practical knowledge of forests, forest nurseries, tree seeds, and tree seed production in this state, and pests which may affect forests, forest nurseries, tree seeds, and tree seed production; the types of pesticides which may be used to control such pests; the effects of pesticides on tree or forest products; and the provisions of s. 26.30, Stats., and Wis. Adm. Code, chapter NR 35 as they relate to forest pest control. Practical knowledge shall also be demonstrated of the cyclic occurrence and specific population dynamics of certain pests as a basis for the programming of pesticide applications; relative biotic agents and their vulnerability to pesticides; and pest control methods which will minimize secondary problems associated with the use of pesticides, such as unintended effects on natural aquatic habitats and wildlife. Proper use of specialized equipment shall be demonstrated as it may relate to meteorological factors and adjacent land use.

(c) *Ornamental and turf pest control.* 1. This category includes commercial applicators using or supervising the use of restricted-use pesticides to control pests in the maintenance and production of ornamentals and turf.

2. Applicators shall demonstrate practical knowledge of pesticide problems associated with the production and maintenance of ornamentals and turf; pests which may affect them; the types of pesticides which may be used to control such pests; and the effects, including phytotoxicity, of pest control on ornamentals and turf. Applicators shall also demonstrate practical knowledge of drift, persistence of the pesticide beyond the intended period of pest control, and application methods which will minimize or prevent hazards to persons and the environment.

(d) *Seed treatment pest control.* 1. This category includes commercial applicators using or supervising the use of restricted-use pesticides to control pests on seeds.

2. Applicators shall demonstrate practical knowledge of seeds, the types of seeds that require chemical protection against pests, pests which may affect them, and the types of pesticides which may be used to control such pests. Practical knowledge shall also be demonstrated concerning seed coloration, carriers, and surface active agents which influence pesticide binding and may affect germination. Applicators shall also demonstrate practical knowledge of hazards associated with the handling, sorting, mixing, use and disposal of treated seed.

(e) *Aquatic pest control.* 1. This category includes commercial applicators using or supervising the use of any restricted-use pesticide applied to standing or running water to control pests, excluding applicators engaged in public health related activities under par. (h).

2. Applicators shall demonstrate practical knowledge of various water use situations, including the types of pests to be controlled, and pesticides which may be used to control them. They shall also demonstrate practical knowledge of the potential of downstream effects, secondary effects which may be caused by improper applications, and principles of limited area application. They shall demonstrate practical knowledge of potential pesticide effects on plants, fish, birds, beneficial insects and other organisms which may be present in aquatic environments; and the provisions of ss. 29.62 and 144.025, Stats., and Wis. Adm. Code, chapters NR 20 and NR 107 as they relate to the control of aquatic nuisances, protection of water resources, and control of detrimental fish.

(f) *Right-of-way pest control.* 1. This category includes commercial applicators using or supervising the use of restricted-use pesticides to control pests in the maintenance of public roads, electric powerlines, pipelines, railway right-of-ways or other similar areas.

2. Applicators shall demonstrate practical knowledge of the wide variety of environments involved in this category, the types of pests to be controlled, and the types of pesticides which may be used to control them. They shall also demonstrate practical knowledge of the nature of herbicides and the need for containment of such pesticides within right-of-way areas; the impact right-of-way pesticide applications may have on adjacent areas and communities; and runoff, drift, and excess foliage destruction problems as well as recognition of target organisms.

(g) *Industrial, institutional, structural, and health related pest control.* 1. General Pest Control. a. This subcategory includes commercial applicators using or supervising the use of restricted-use pesticides for the protection of stored, processed, or manufactured products and to control pests in, on, or around food handling establishments, human dwellings, schools, institutions, industrial establishments, warehouses, grain elevators, and any other public or private structures and adjacent areas.

(b) Applicators shall demonstrate practical knowledge of a wide variety of pests and their life cycles; types of pesticides and pesticide formulations which may be used for their control; methods of application that avoid the contamination of food, the damage and contamination of habitat, and the exposure of people and pets to pesticides; and specific factors which may lead to a hazardous condition including continuous



exposure of humans to pesticides. Applicators shall also demonstrate a practical knowledge of environmental conditions affecting the outdoor application of pesticides for health related pest control.

2. **Fumigation Pest Control.** a. This subcategory includes commercial applicators using or supervising the use of restricted-use pesticides as fumigants for the control of pests in industrial, institutional, structural, or health related pest control application by means of general, spot, tarpaulin, chamber, vehicle, in-transit, or any other form, process, or method of fumigation.

b. Applicators shall demonstrate a practical knowledge of a wide variety of pests and their life cycles; types of pesticides which may be used for their control; methods of fumigation application that avoid the contamination of food or other products or commodities, the damage and contamination of habitat, and the exposure of people and pets to fumigants. Applicators shall also demonstrate practical knowledge of safety apparatus, reentry times, and any other conditions necessary to ensure the safety of persons or property, non-target organisms, and the environment.

3. **Wood Destroying Pest Control.** a. This subcategory includes commercial applicators using or supervising the use of restricted-use pesticides for the control of pests in, on, or around wood products, including the prevention or control of termites, true or false powder post beetles, death watch beetles, carpenter ants, carpenter bees, wood rotting fungi and other pests that may damage or destroy wood.

b. Applicators shall demonstrate practical knowledge of a variety of wood destroying pests and their life cycles; types of pesticides and pesticide formulations which may be used for their control; and methods of application that avoid damage and contamination of habitat and the exposure of people and pets to pesticides. Applicators shall also demonstrate practical knowledge of specific factors which may lead to hazardous conditions, including continuous exposure of humans to pesticides and environmental factors related to the control of wood destroying pests.

(h) **Public health pest control.** 1. This category includes state, federal, or other governmental employes using or supervising the use of restricted-use pesticides to control pests in public health programs for the management and control of pests having medical and public health importance.

2. Applicators shall demonstrate practical knowledge of vector disease transmission as it relates to and influences application programs, the recognition of pests involved and their life cycles and habitats, and the types of pesticides which may be used for their control. Applicators shall also demonstrate practical knowledge of a great variety of environments covered by this category ranging from streams to conditions found in buildings and such non-chemical control methods as sanitation, waste disposal, and drainage.

(i) **Regulatory pest control.** 1. This category includes state, federal and other governmental employes who use or supervise the use of restricted-use pesticides in the control of regulated pests.

2. Applicators shall demonstrate practical knowledge of regulated pests, the pesticides which may be used for their control, and laws relating to the quarantine and regulation of pests. They shall also demonstrate practical knowledge of factors influencing the introduction, spread and population dynamics of regulated pests; the potential impact on the environment of restricted-use pesticide used in suppression or eradication programs; and the provisions of ss. 26.30, 29.62, 144.025, Stats., and Wis. Adm. Code chapters NR 20, 35 and 107 as they relate to the control of regulated pests. The applicator's knowledge shall extend beyond that required by their immediate duties and includes practical knowledge of regulated pests and emergency control measures invoked to control such pests in other areas of the United States.

(j) *Demonstration and research pest control.* 1. This category includes individuals who demonstrate to the public the proper use and techniques of application of restricted-use pesticides or supervise such demonstrations, and extends to extension specialists and county agents, commercial representatives demonstrating pesticide products, and individuals demonstrating methods used in public programs, or who otherwise demonstrate the use and application of restricted-use pesticides or supervise such demonstrations. This category also includes state, federal, commercial and other individuals conducting field research with or on pesticides and in so doing, use or supervise the use of restricted-use pesticides.

2. Applicators in this category shall meet comprehensive standards reflecting a broad spectrum of pesticide uses. They shall demonstrate practical knowledge of pests and pesticides which may be used for the control of pests, population levels occurring in each demonstration situation and of problems which may be encountered in the course of activities associated with demonstration. They shall also demonstrate an understanding of pesticide-organism interactions and the importance of integrating pesticide use with other control methods. Applicators engaged in demonstration pest control work shall demonstrate practical knowledge and competency in all general areas specified under sub. (2) and all the specific areas specified under sub. (3) (a) through (g) which may be applicable to their particular activity. Persons conducting field research or method improvement work with restricted-use pesticides shall demonstrate practical knowledge and competency in all general areas specified under sub. (2). In addition, persons conducting field research or method improvement work with restricted-use pesticides shall demonstrate practical knowledge and competency in all specific areas specified under sub. (3) (a) through (i) which may be applicable to their particular activity, or alternatively, meet the more inclusive requirements of this paragraph.

(4) **AERIAL APPLICATORS.** (a) Commercial applicators applying or supervising the application of restricted-use pesticides by fixed or rotary wing aircraft shall, as a condition of certification, demonstrate by written examination practical knowledge of the nature and safe use and handling of pesticides, the principles and practices of aerial pest control, and the effects of aerial pest control on the environment. Applicators shall also demonstrate overall competency in the aerial application of pesticides to prevent drift and overspray.

(b) Commercial applicators applying or supervising the application of restricted-use pesticides by fixed or rotary wing aircraft shall, as a condition of certification, demonstrate practical knowledge and competency

in all general areas under sub. (2) and be certified in the particular categories or subcategories of sub. (3) in which they wish to engage.

(5) **STANDARDS FOR CERTIFICATION OF PRIVATE APPLICATORS.** (a) *Standards of competency.* Private applicators of restricted-use pesticides shall, as a condition of certification, demonstrate competency in the safe use and application of restricted-use pesticides. Competency shall be determined on basis of a showing that they possess practical knowledge of the pest control problems and practices associated with agricultural operations; the proper use, storage, handling, and disposal of restricted-use pesticides and their containers; the legal liabilities and responsibilities of the private applicator; and state and federal laws and regulations applicable to the use and application of pesticides, including ss. 94.67 through 94.71, Stats., the federal act, and Wis. Adm. Code chapters Ag 29 and NR 80. Private applicators shall also demonstrate practical knowledge of supervisory standards and requirements applicable to the direct supervision of competent noncertified applicators acting under their instructions and control. Practical knowledge shall also include the ability to:

1. Recognize common pests to be controlled and damage caused by them.

2. Read and understand labels and labeling information, including the common or generic names of pesticides and the types of pests they are intended to control; use classification and directions for use; methods and timing of application; safety measures and precautions to be taken; pre-harvest and reentry restrictions; and specific disposal instructions and procedures.

3. Apply pesticides in accordance with label instructions and warnings, including the ability to prepare the proper concentration of pesticides to be used under particular circumstances, taking into account such factors as areas to be covered, speed at which application equipment is to be used, the rate of application, and the quantity dispersed during a given period of operation.

4. Recognize local environmental problems and situations to be considered in the safe use and application of pesticides.

5. Recognize poisoning symptoms, antidotes, and procedures to follow in case of a pesticide accident.

(b) *Certification procedures.* The competence of private applicators of restricted-use pesticides shall be determined by training or examination as provided under s. 94.706, Stats., and standards prescribed under par. (a).

(c) *Non-resident private applicators.* Non-resident private applicators shall not use or supervise the use of restricted-use pesticides in this state unless:

1. They are certified under this subsection; or

2. They possess a current and valid certification issued under equivalent laws or programs of another state and are registered with the department under s. 94.705 (4) (c), Stats.

(6) **STANDARDS FOR SUPERVISION OF NONCERTIFIED APPLICATORS.** (a) No person may use or supervise the use of restricted-use pesticides as a private applicator unless certified to engage in such activity, or as a commercial applicator unless certified in the specific category or subcategory in which the restricted-use pesticide is to be applied. Restricted-use pesticides may be used or applied by competent noncertified applicators acting under the direct supervision of a certified applicator in specific categories, subcategories, or areas in which the certified applicator is authorized to act as a private or commercial applicator.

(b) In this subsection a competent noncertified applicator means a person who:

1. Has the ability to understand and follow oral instructions and, except as otherwise provided in this subsection, read and comprehend written instructions including pesticide labels and labeling information;

2. Is at least 16 years of age; and

3. To the satisfaction of the certified applicator under whose supervision the noncertified applicator will be acting, is capable of performing functions associated with the safe use and application of pesticides on basis of prior training or experience, and who can be expected to carry out assignments and instructions in a responsible manner.

(c) The following standards shall apply to the direct supervision of the work of competent noncertified applicators:

1. The certified applicator shall be physically present during all periods of pesticide use and application by competent noncertified applicators acting under their supervision or, if unable to be physically present, shall provide noncertified applicators with legible and detailed instructions or directions in writing of the manner in which pesticides are to be used, mixed, handled, or applied and of the precautions to be taken to prevent accidents or injury to the applicator, other persons, and the environment. Instructions shall include precise directions as to how the certified applicator may be contacted by telephone or other voice communication during all periods in which pesticides are being used or applied. The pesticide label may be used as part of the instructions or directions to the extent applicable. Noncertified applicators shall have such written instructions or directions in their possession during all periods in which pesticides are used or applied by them.

2. Supervising certified applicators, if not physically present during all phases of pesticide use and application by noncertified applicators acting under their direction, shall at all times be available to receive calls and maintain direct communication with the noncertified applicator and be able physically to reach the site where pesticides are being used or applied within a reasonable period of time.

3. Supervising certified applicators shall be physically present at the site where pesticides are being used or applied if required by the pesticide label or if the noncertified applicator has had no prior experience with the pesticide being used or the specific method by which it is to be used or applied.

(d) Restricted-use pesticides may be used or applied by competent noncertified applicators who, because of limited English language ability, are unable to read or comprehend labels, label information, and instructions written in the English language only if the supervising certified applicator is physically present during all periods of pesticide use and application. Private applicators of limited English language ability certified under s. 94.706 (d), Stats., may not supervise the work of non-certified applicators who are similarly unable to read and understand pesticide labels, label information, and instructions written in the English language.

(e) Ultimate responsibility for the application of restricted-use pesticides by a competent noncertified applicator shall remain with the supervising certified applicator.

(7) **RECORD KEEPING FOR COMMERCIAL APPLICATORS.** All commercial applicators of restricted-use pesticides shall keep a record for a period of 2 years of all applications of restricted-use pesticides. Records of pesticide applications shall be completed on the day pesticides are applied. Such records shall include:

(a) The name and address of the person for whom the pesticide was applied.

(b) The location of the site where the pesticide was applied.

(c) The pest or pests against which the pesticide was applied.

(d) The time the pesticide was applied (month, day, year, hour of the day).

(e) The trade or common name of the pesticide applied, the manufacturer's name, and the E.P.A. (federal environmental protection agency) registration number.

(f) The amount of pesticide used and the total area treated.

(g) Specific types of crops, agricultural commodities, plants, animals, structures, equipment, materials, or sites treated.

(8) **CERTIFICATION CARDS.** (a) A certification card shall be issued by the department to a private or commercial applicator when the applicator has satisfied all the conditions required for certification. Such certification card shall be carried on the applicator's person while purchasing a restricted-use pesticide or engaging in any phase of the use and application of restricted-use pesticides.

(b) Duplicates of the certification card may be issued by the department to the certified applicator if the applicator's card is lost, stolen, mutilated or destroyed upon payment of costs for duplicating the card.

(9) **STATUTORY AUTHORITY; SCOPE AND APPLICATION.** (a) This section is adopted under authority of s. 94.705 (2), Stats., and is applicable to all commercial and private applicators of restricted-use pesticides. It does not apply to persons conducting laboratory type research involving restricted-use pesticides, and physicians or veterinarians using or applying restricted-use pesticides as drugs or medications in the treatment of persons or animals during the course of their normal practice.

(b) This section does not exempt persons certified to use or supervise the use of restricted-use pesticides from other provisions of this chapter

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as contained in sections Ag 29.01 to 29.11, or Wis. Adm. Code chapter NR 80, or other laws or regulations applicable to the use and application of pesticides.

**History:** Cr. Register, August, 1978, No. 272, eff. 9-1-78.