

Chapter Ag 29

PESTICIDE USE AND CONTROL

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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 ¼ 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; renun. (5) to (12) to be (6) to (13); cr. (6) and am. (6) as renun. Register, April, 1972, No. 196, eff. 5-1-72; am. (13), Register, May, 1973, No. 209, eff. 6-1-73; r. (3) and (5), renun. (4) to be (3) and recr., renun. (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 section 134.67, Wis. 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:

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; renun. Ag 29.11 to be Ag 29.12; (2) as renun. 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; renun. 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; renun. from Ag 29.13 to be Ag 29.11, Register, August, 1975, No. 236, eff. 9-1-75.

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

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