

1969 Senate Bill 124

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**CHAPTER 146, LAWS OF 1969**

AN ACT to amend 29.60 (5) (c); to repeal and recreate 29.29 (4); and to create 15.191 (2), 15.195, 94.69 (8), (9) and (10), 140.05 (15) and 140.77 of the statutes, relating to the use of pesticides, creating a pesticide review board, and granting rule-making power.

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

**SECTION 1.** 15.191 (2) of the statutes is created to read:

CHAPTER 146

15.191 (2) PESTICIDE REVIEW BOARD. The pesticide review board shall have the program responsibilities specified under ss. 29.29 (4), 94.69 (9) and 140.77.

SECTION 2. 15.195 of the statutes is created to read:

15.195 SAME; ATTACHED BOARDS AND COMMISSIONS. (1) PESTICIDE REVIEW BOARD. There is created in the department of health and social services a pesticide review board. The review board shall consist of the secretary of agriculture, the secretary of natural resources and the secretary of health and social services or their designated representatives.

SECTION 3. 29.29 (4) of the statutes is repealed and recreated to read:

29.29 (4) USE OF PESTICIDES. The department of natural resources, after public hearing, may adopt rules governing the use of any pesticide which it finds is a serious hazard to wild animals other than those it is intended to control, and the making of reports thereon. In making such determinations, the department to the extent relevant shall consider the need for pesticides to protect the well-being of the general public. It shall obtain the recommendation of the pesticide review board and such rules are not effective until approved by the pesticide review board. "Pesticide" has the meaning designated in s. 94.67.

SECTION 4. 29.60 (5) (c) of the statutes is amended to read:

29.60 (5) (c) Nothing in this chapter shall prevent the ~~commission~~ department or its ~~deputies~~ wardens from using dynamite or having dynamite in possession near beaver houses or dams for the purpose of removing beaver dams when the beavers are causing damage to property owners, ~~nor shall it be unlawful for any person to use poisoned baits, dynamite or poison gas under rules and regulations which shall be prescribed jointly by the commission and the state department of agriculture, for the destruction of injurious insects, rodents or English sparrows.~~

SECTION 5. 94.69 (8), (9) and (10) of the statutes are created to read:

94.69 (8) To govern the conditions under which containers of pesticides may be transported, stored or disposed of.

(9) To govern the use of pesticides, including their formulations, and to determine the times and methods of application and other conditions of use.

(10) The department shall adopt rules when it determines that it is necessary for the protection of persons or property from serious pesticide hazards and that its enforcement is feasible and will substantially eliminate or reduce such hazards. In making such determination the department shall consider the toxicity, hazard, effectiveness and public need for the pesticides, and the availability of less toxic or less hazardous pesticides or other means of pest control. It shall obtain the recommendations of the pesticide review board and such rules are not effective until approved by the pesticide review board. Such rules shall not affect the application of any other statutes or rule adopted thereunder.

SECTION 6. 140.05 (15) of the statutes is created to read:

140.05 (15) Where the use of any pesticide results in a threat to the public health, the department of health and social services shall take all measures necessary to prevent morbidity or mortality.

SECTION 7. 140.77 of the statutes is created to read:

140.77 PESTICIDE REVIEW BOARD. (1) The pesticide review board created by s. 15.195 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 found necessary and effective in the control of pests and which are not unduly hazardous to man, animals or plants. Pesticide rules authorized by ss. 29.29 (4) and 94.69 are not effective until approved by the review board.

(2) The pesticide review board shall appoint a council not to exceed 6 members of technical or professional experts composed of one representative each from the department of agriculture, department of health and social services, department of natural resources, college of agricultural and life sciences of the university of Wisconsin, water resources center of the university of Wisconsin, school of natural resources of the university of Wisconsin, and in addition 3 public members appointed by the governor and confirmed by the senate for staggered 3-year terms who shall be technical or professional experts in the use of pesticides, one of whom shall be a representative of the pesticide industry, one of whom shall be a representative of the agricultural industry and one of whom shall be a person of broad knowledge and experience in the conservation and wise use of natural resources. The council shall generally assist the review board and shall assist particularly in obtaining scientific data and coordinating pesticide regulatory, enforcement, research and educational functions of the state.

(3) The pesticide review board shall report to the governor and the legislature any pesticide matters it finds are of vital concern for the protection of the health and well-being of people or for the protection of fish, wildlife, plants, soil, air and water from pesticide pollution. Such report may include its recommendations for legislative or other governmental action.

Approved August 19, 1969.

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