

H. 89

Filed 10-1-58
J. J. Burke

JOINT ORDER OF THE CONSERVATION COMMISSION,
THE STATE BOARD OF HEALTH, AND THE WISCONSIN
DEPARTMENT OF AGRICULTURE, ADOPTING, AMENDING
OR REPEALING RULES

Pursuant to authority vested in the Conservation Commission, the State Board of Health, and the Wisconsin Department of Agriculture by sec. 29.29 (4), Wis. Stats., the said agencies hereby jointly repeal and adopt the following rules, applicable to both urban and rural areas:

Secs. H89.01(1), (2), (3) and (4) of the Wisconsin Administrative Code are repealed.

Secs. H 89.01, 89.02, 89.03, 89.04, 89.05 and 89.06 of the Wisconsin Administrative Code are adopted to read:

USE OF TOXIC INSECTICIDES FOR THE DESTRUCTION OF
INJURIOUS INSECTS ON FOREST AND NON-CROP AREAS

H 89.01 Definitions. As used in these rules, the following terms mean:

- (1) Forest Areas. Any area, urban or rural, principally devoted to the growing of trees for wood products or ornamental purposes, but excluding nurseries, fruit growing trees, or areas primarily occupied by cut and piled wood.
- (2) Non-Crop Areas. Non-crop areas are deemed to be either urban or rural areas not normally used for growing agricultural produce, lawns, shrubbery or flowers. All areas within buildings and their exterior surfaces are excluded.
- (3) Rate of Application. The total amount of actual toxicant uniformly applied per unit area and ordinarily expressed in pounds per acre.

H 89.02 Control of Insect Pests. Any person desiring to treat a forest or non-crop area with any toxic insecticide for the control of obnoxious and injurious insect pests shall send notification of intention to treat, in triplicate, to the Conservation Director. In this notification shall be included: description of area to be treated; the interval or calendar period when such treatment shall be made; intent of treatment; and, material to be used, method, and rate of application. This notification shall be submitted at least two weeks in advance of the proposed treatment interval.

Where circumstances surrounding the toxic insecticide applications to be made render the two weeks advance notice impractical, notice may be given the Conservation Director by telegraph or special delivery mail. If any emergency permit is required and justified, such may be issued by telephone or telegraph and subsequently confirmed in writing. If desired, notification-application forms may be obtained from the Conservation Department.

- (1) If the treatment is made with any of the insecticides listed in Section H 89.06 at a rate in excess of one pound per acre, a permit issued by the State Conservation Commission upon approval of the State Board of Health and the State Department of Agriculture shall be obtained except for treatments made during the dormant plant growing season. For purposes of these rules, the State shall be divided into two zones. The north shall include all areas lying north of Highways 54, 10, and 35 between Algoma and Hudson. All areas south of such highways and all cities bisected by such highways shall be the southern zone. In the northern zone, the dormant season shall be from October 1 to April 30. In the southern zone, the dormant season shall be from October 15 to April 15.
- (2) If the treatment is made during the growing season with any of the insecticides listed in H 89.06 at a rate of one pound or less per acre, no permit is necessary; however, notification must be submitted as provided heretofore and the State reserves the right to inspect and supervise any or all such treatment.

89.03 Other Insecticides. If any insecticide other than those listed in Section 89.06 is to be used on forest and non-crop areas at any time of year, a permit for such use shall be obtained from the State Conservation Commission.

89.04 Untreated Strips. Wherever feasible, strips shall be left untreated at the first application to serve as undisturbed sanctuary for wildlife; such strips to be treated at a later date.

89.05 Water Areas. In treating marshy areas or fish-bearing waters where there is danger of damage to fish, a proper permit from the State Committee on Water Pollution shall be obtained.

89.06 Toxic Insecticide list:

- (1) Arsenate of Lead
- (2) Chlordane
- (3) DDT

- (4) Lime Sulphur
- (5) Malathion
- (6) Methoxychlor

The rules and repeals contained herein shall take effect on November 1, 1958, as provided in sec. 227.026 (1), Wis. Stats.

Dated: September 30, 1958.

CONSERVATION COMMISSION

By: /s/ L. P. Voigt
Conservation Director

STATE BOARD OF HEALTH

By: /s/ Carl N. Neupert, M.D.
State Health Officer

WISCONSIN DEPARTMENT OF AGRICULTURE

By: /s/ D. N. McDowell
Director of Agriculture

CERTIFICATE

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

I, L. P. Voigt, Conservation Director, do hereby certify that the foregoing is a true copy of a joint order of the Conservation Commission, and State Board of Health and the Wisconsin Department of Agriculture, adopting, amending or repealing rules relating to use of toxic insecticides for the destruction of injurious insects on forest and non-crop areas, filed the 30th day of September, 1958, in my office, and now on file therein.

In witness whereof, I have hereunto set my hand and affixed the Seal of the Conservation Commission of the State of Wisconsin at the City of Madison, this 1st day of October, 1958.



L. P. Voigt
Conservation Director