

Ag 29

STATE OF WISCONSIN)
DEPARTMENT OF AGRICULTURE) SS

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

I, Donald E. Wilkinson, Secretary of Agriculture, and custodian of the official records of the State of Wisconsin Department of Agriculture, do hereby certify that the annexed order renumbering, amending and creating rules relating to pesticide use and control, Wis. Adm. Code chapter Ag 29, was duly adopted by this department on March 30, 1972.

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand at Madison, Wisconsin, this 30th day of March, 1972.


Secretary of Agriculture

Docket No. 975.

ORDER OF THE DEPARTMENT OF AGRICULTURE
RENUMBERING, AMENDING AND CREATING RULES

Pursuant to authority vested in the Department of Agriculture by sections 93.07 (1) and 94.69, Wis. Stats., the Department of Agriculture hereby renumbers, amends and creates rules as follows:

1. Sections Ag 29.01 (5) to (12) of the Wisconsin administrative code are renumbered Ag 29.01 (6) to (13).

2. Section Ag 29.01 (5) of the Wisconsin administrative code is created to read:

Ag 29.01 (5) "Use by permit only pesticide" is a pesticide which may be used only under department permit, as specified in these rules, because of special hazards involved in its use or precautions which may be required under certain conditions of use for the protection of man or his environment, or other useful animals and wildlife. It may include pesticides which under ordinary conditions of use do not create any peculiarized hazard but which may create a hazard when used for certain purposes or under certain conditions.

3. Section Ag 29.01 (6) of the Wisconsin administrative code, as renumbered, is amended to read:

Ag 29.01 (6) "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 ex-

ception is limited to the testing of chemicals, prior to use for experimental purposes, in test plots of less than 1/4 acre per test to ascertain biological effect on specific pests, hosts or sites.

4. Section Ag 29.02 (intro. par.) of the Wisconsin administrative code is amended to read:

Ag 29.02 Prohibited use pesticides. The following pesticides are declared to be prohibited use pesticides and their registration, possession, purchase, sale and use are prohibited, except for use as laboratory standards, exhibits by educational institutions, or for research and experimental purposes, or emergency use under permit as provided in these rules; 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.:

5. Sections Ag 29.02 (4) to (7) of the Wisconsin administrative code are created to read:

Ag 29.02 (4) Cadmium, as used in any pesticide formulation, after July 1, 1973.

(5) Chromium, as used in any pesticide formulation, after July 1, 1973.

(6) Mercury, as used in any pesticide formulation, after July 1, 1973, except for human medicinal use.

(7) Thallium sulfate.

6. Section Ag 29.03 (5) (c) of the Wisconsin administrative code is amended to read:

Ag 29.03 (5) (c) Ornamental and forestry uses, in amounts

not to exceed 1/4 pound per acre.

7. Sections Ag 29.03 (5) (d) and (e) of the Wisconsin administrative code are created to read:

Ag 29.03 (5) (d) Household uses for which product is registered.

(e) Medicinal use by physicians or persons acting under their direction.

8. Sections Ag 29.04 to Ag 29.11 of the Wisconsin administrative code are renumbered Ag 29.05 to Ag 29.12.

9. Section Ag 29.04 of the Wisconsin administrative code is created to read:

Ag 29.04 Use by permit only pesticides; permits. (1) The following pesticides are declared to be use by permit only pesticides and may be registered, purchased, sold or used only under department permit as specified in these rules:

(a) Sodium Fluoroacetate (1080).

(b) Strychnine compounds after July 1, 1972.

(c) 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.

(2) Requests for permits shall be in writing, except in emergencies, and shall specify:

(a) Name and formulation of pesticide for which permit is requested and purposes for which it will be used.

(b) Where and when it is to be used and in what quantity.

(c) Special controls or precautions which will be exercised in its use.

(d) Name and address of applicant for permit, including name and address of applicator if different from applicant.

(e) Any other information requested by the department concerning proposed use.

(3) Permits shall be issued in writing and shall be effective only upon receipt of the permit by the applicant and in accordance with conditions and limitations set forth therein and for the time period specified. Verbal permits granted in emergencies shall be confirmed in writing.

(4) Permits will be issued only when, in the judgment of the department, the proposed use will not create a special hazard and that adequate controls can be established, as set forth in the permit, which will assure the pesticide can be used with relative safety and without undue hazard to the public. As a condition to the issuance of permits the department may require that use by permit only pesticides be used only by or under the direct and immediate supervision of qualified personnel.

10. Section Ag 29.12 (2) of the Wisconsin administrative code, as renumbered, is amended to read:

Ag 29.12 (2) No person shall apply to or cause a pesticide to enter public or ground waters of this state directly or through sewage systems. This does not apply to persons engaged in fish management or the treatment of waters under the supervision or rules of the Department of Natural Resources, the use of use by permit only pesticides for the treatment of sewers for insect or rodent control by or under the supervision of qualified government officials or pest control operators, or under department

permit, or to chemicals accepted and registered for use in root control in sewage lines or in the cleaning, sanitizing, algae-ciding, slimiciding, or disinfection of toilets, urinals, sewers, sinks, swimming pools, food processing equipment, dishes, utensils, hospital equipment, walls, floors, or other surfaces or materials in any building or area where such uses are necessary.

11. Section Ag 29.13 of the Wisconsin administrative code is created to read:

Ag 29.13 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.

The renumbering, amendment and creation of rules contained herein shall take effect as provided in section 227.026, Wis. Stats.

Dated: March 30, 1972.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE

By /s/ Donald E. Wilkinson
 Secretary of Agriculture