

Ag 29

Filed April 18, 1973  
1:30 pm


STATE OF WISCONSIN            )  
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DEPARTMENT OF AGRICULTURE)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

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 adopting rules relating to pesticide use and control, Wis. Adm. Code chapter Ag 29, was duly adopted by this department on April 12, 1973.

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 12th day of April, 1973.

  
Secretary of Agriculture

ORDER OF THE DEPARTMENT OF AGRICULTURE  
ADOPTING RULES

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

1. Section Ag 29.01(13) of the Wis. Adm. Code is amended to read:

Ag 29.01(13) "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.

2. Section Ag 29.03(5) (a) of the Wis. Adm. Code is amended to read:

Ag 29.03(5) (a) Treatment of beef cattle, swine, goats (except dairy goats), sheep and pets for mange and lice; treatment of sheep for fleeceworms; and spot treatment of such animals, including dairy cattle and goats, for the protection of flesh and flesh wounds against insect infestation.

3. Section Ag 29.04(1) (b) of the Wis. Adm. Code is amended to read:

Ag 29.04(1) (b) Strychnine or products containing strychnine sold or purchased for use as a pesticide.

4. Sections Ag 29.04(5) (a), (b) and (c) of the Wis. Adm. Code are adopted to read:

Ag 29.04(5) (a) Permits for the use of Sodium Fluoroacetate (1080) may be issued only to commercial applicators registered with the department under section Ag 29.08(3) or public officials engaged

in pest control. Except in emergency cases permits may not be granted for uses other than the control of rats or mice. Emergency permits may be granted only for use by or under the direction of public officials. The pesticide may be purchased and used only by the permit holder and may not be sold or given by him to any other person. The use of Sodium Fluoroacetate (1080) in any outdoor location is prohibited except for public health emergencies under emergency permit.

(b) In addition to data required under subsection (2), requests for emergency permits shall include the following information:

1. Description of site (land fill, dump, banks of ditches or sidings, or other) and area surrounding the site (residential, open, farmland, or other).
2. Type of wildlife frequenting the site.
3. Type of bait or form in which the pesticide will be used.
4. Method of application.
5. Method of disposal of carcasses of rats or mice.

(c) The following conditions shall apply to the use of Sodium Fluoroacetate (1080) under permit:

1. All buildings or portions thereof in which the pesticide is to be used shall be completely closed and sealed off against access by all persons, other than those engaged in the control work, and non-target animals. Control work within building shall be carried on in such a manner as to prevent the contamination of the building or its contents. All remaining and unconsumed pesticides used in the building shall be completely removed after use in any building before the building is opened up for further use.

2. In outdoor applications, the pesticide shall at all times be kept under cover or applied in such a manner as to prevent a hazard to humans or non-target animals, including birds or fish.

3. Carcasses of rats and mice killed by the use of the pesticide shall be picked up immediately after such death and disposed of by burning or burial.

4. Records of each use of the pesticide shall be maintained for a period of one year and made available for inspection by the department on request. Such records shall include a description or designation of the place or area at which the pesticide was used, the form in which it was used (type of bait, solid or liquid), method of application (placement of bait or bait containers), and disposition of carcasses.

5. Section Ag 29.04(6) (a) and (b) of the Wis. Adm. Code is adopted to read:

Ag 29.04(6) (a) No person shall openly display strychnine or products containing strychnine for sale at any business location, or sell or offer to sell such products to any person who does not have a purchaser's permit from the department. Persons selling such products shall maintain a record of each sale, to include the date of sale, the name and address of purchaser, the purchaser's permit number, and the quantity of each product sold. Such records shall be maintained for a period of two years and be made available to the department for inspection on request.

(b) No permits may be issued for the purchase or use of strychnine or products containing strychnine for purposes other than those for which they have been registered, except under emergency conditions under emergency permit.

6. Section Ag 29.08(1) of the Wis. Adm. Code is amended to read:

Ag 29.08(1) Retail dealers of restricted use and use by permit only pesticides in Wisconsin shall register with the department, and upon request submit to the department records of the amounts and kinds of such pesticides sold during the preceding calendar year. Other retail dealers of pesticides shall upon request submit to the department records of the amounts and kinds of pesticides sold during the preceding calendar year.

7. Section Ag 29.10(6) of the Wis. Adm. Code is adopted to read:

Ag 29.10(6) No person shall sell or distribute any pesticide which is not registered with the department, or sell or distribute any poison at retail with instructions for its use in the formulation of a pesticide unless the poison is registered with the department as a pesticide.

8. Sections Ag 29.12(1), (2), (3), (5), and (6) of the Wis. Adm. Code are amended to read:

Ag 29.12 Application, use and disposal of pesticides. (1)  
No person shall use, store, transport or display pesticides contrary to label directions, or in a careless or reckless manner. Any use, storage, transportation, or display is careless or reckless if the person knows or ought to know it creates a risk and probability of injury or damage to other persons or their property or wild animals other than those declared pests under Ag 29.13 and NR 80.

(2) No person shall apply to or cause a pesticide to enter waters of the 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, algaeciding, 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 for the protection of persons, animals or property.

(3) No person shall fill pesticide spray equipment, including mix or nurse tanks, from any waters of the state, except public water supplies, farm ponds and wells, or clean any pesticide spray equipment in such waters. This does not prohibit the filling of tanks used for water supply only from waters of the state, provided no pesticide containers are carried on the tank vehicle. Pesticide spray equipment shall not be filled or cleaned adjacent to public surface waters where, because of the slope or other condition of the bank, spray materials could readily enter the water in case of overflow, leaks or other causes, or rising waters could reach the filling or cleaning area and become contaminated as a result of prior surface contamination or other reasons.

(5) No person shall apply a pesticide by aircraft unless the aircraft meets the requirements of and is operated according to the 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.

9. Section Ag 29.12(8) of the Wis. Adm. Code is adopted to read:

Ag 29.12(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.

10. The following Chapter note is added at the end of Wis. Adm. Code Chapter Ag 29:

NOTE: See Wis. Adm. Code Chapter NR 80 for pesticide rules of the Wisconsin Department of Natural Resources.

The rules contained herein shall take effect as provided in section 227.026, Wis. Stats.

Dated: April 12, 1973

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE

By Donald E. Wilkinson  
Secretary of Agriculture