

NR 80

Filed April 20, 1973
9:30 am

STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) SS

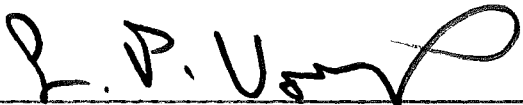
TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, L. P. Voigt, Secretary of the Department of Natural Resources, and custodian of the official records of said Department, do hereby certify that the annexed rules and regulations relating to the use of pesticides were duly approved and adopted by this Department on March 22, 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 TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at Pyare Square Building in the City of Madison, this 19th day of April 1973.

(SEAL)



L. P. Voigt, Secretary

STATE OF WISCONSIN NATURAL RESOURCES BOARD

IN THE MATTER OF amending NR 80.01 (3), :
(5), (6), (7), (8); NR 80.02 (2), (4)(b); :
NR 80.03(2), (3), (4), (8), (10), (11), (12); :
and creating NR 80.01 (12); NR 80.02 (5), :
(6), (7), (8), (9), (10), (11), (12) of :
the Wisconsin Administrative Code pertain- :
ing to the use of pesticides :

M-8-73

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES

BOARD AMENDING AND CREATING RULES

Pursuant to authority vested in the State of Wisconsin Natural Resources Board by section 29.29(4), Wisconsin Statutes, the Natural Resources Board hereby amends and creates rules as follows:

SECTION 1. NR 80.01 (3) of the Wisconsin Administrative Code is amended to read:

(3) "Use by permit only pesticide," is one which in certain usages is a serious hazard to wild animals other than those target pests it is intended to control. The following is a list of such pesticides:

- | | | |
|---------------|----------------|-----------------------------|
| (a) DDT | (d) Aldrin | (g) Lindane |
| (b) DDD (TDE) | (e) Dieldrin | (h) BHC |
| (c) Endrin | (f) Heptachlor | (i) Alkyl mercury compounds |

SECTION 2. NR 80.01 (5) of the Wisconsin Administrative Code is amended to read:

(5) "Forest land" means an urban or rural land principally devoted to the growing of trees for wood products or ornamental purposes but excluding nurseries, fruit growing trees or area primarily occupied by cut and piled wood.

SECTION 3. NR 80.01 (6) of the Wisconsin Administrative Code is amended to read:

(6) "Noncrop land" means an urban or rural land not normally used for growing agricultural produce, lawns, shrubbery, or flowers. All areas within buildings and their exterior surfaces are excluded.

SECTION 4. NR 80.01 (7) of the Wisconsin Administrative Code is amended to read:

(7) "Agricultural land" means a land devoted primarily to the growing of crops, pasture and agricultural products other than forest trees or shrubs but including nurseries.

SECTION 5. NR 80.01 (8) of the Wisconsin Administrative Code is amended to read:

(8) "Applications" means the use of a pesticide in any manner whatsoever but excluding pesticide manufacturing or formulating processes.

SECTION 6. NR 80.01 (12) of the Wisconsin Administrative Code is created to read:

(12) "Waters of the state," has the meaning designated in chapter 144.01, Wisconsin Statutes.

SECTION 7. NR 80.02 (2) of the Wisconsin Administrative Code is amended to read:

(2) No use by permit only pesticide may be used without first obtaining a permit from the secretary of the department or his designated agent who will act after recommendation by the pesticide review board. The information to be furnished for obtaining such permit shall be the same as the requirements set forth under subsection (1) above for filing notice. Justification for the

issuance shall be based on situations where the use is necessary in the basic interest of human health, preservation of our forests, preservation of crops on agricultural lands, or for research and experimental purposes.

SECTION 8. NR 80.02 (4)(b) of the Wisconsin Administrative Code is amended to read:

(4)(b) Pesticides employed to destroy or control starlings, pigeons (rock doves), house sparrows, red-winged blackbirds, and bronzed grackles except on agricultural lands be applied only by commercial applicators registered under Wis. Adm. Code Chapter AG 29 or by authorized government officials.

SECTION 9. NR 80.02 (5) of the Wisconsin Administrative Code is created to read:

(5) Pesticides, seeds, seed pieces or other plant parts treated with a pesticide stored or held at outdoor locations, including loading or application sites, shall be covered or otherwise protected or secured to prevent public access or serious injury to wild animals other than those it is intended to control.

SECTION 10. NR 80.02 (6) of the Wisconsin Administrative Code is created to read:

(6) Pesticides, seeds, seed pieces or other plant parts treated with a pesticide and their containers temporarily held at loading and spraying sites in connection with their use shall be secured in such a manner as to reasonably prevent serious hazard to wild animals or the contamination of waters of the state.

SECTION 11. NR 80.02 (7) of the Wisconsin Administrative Code is created to read:

(7) No person shall use, store, transport or display pesticides, seeds, seed pieces or other plant parts treated with a pesticide contrary to label instructions or in a negligent manner so as to be a serious hazard to wild animals. Any use, storage, transport or display of pesticides, seeds, seed pieces or other plant parts treated with a pesticide in violation of these rules, or any use of a pesticide, seeds, seed pieces or other plant parts treated with a pesticide which a person knows or ought to know creates a high degree of risk and probability of serious injury to wild animals other than those it is intended to control is negligent use.

SECTION 12. NR 80.02 (8) of the Wisconsin Administrative Code is created to read:

(8) No person shall apply to or cause a pesticide, seeds, seed pieces or other plant parts treated with 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 of agriculture permit, or to chemicals accepted and registered for use in root control in sewage lines or in the cleaning, sanitizing, algaciding, 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.

SECTION 13. NR 80.02 (9) of the Wisconsin Administrative Code is created to read:

(9) No person shall fill pesticide spray equipment, including mix or nurse tanks, from any waters of the state except public water supplies, farm ponds, or private 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 pesticides or empty pesticide containers are carried on the tank vehicle. Pesticide spray equipment shall not be filled or cleaned adjacent to waters of the state 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.

SECTION 14. NR 80.02 (10) of the Wisconsin Administrative Code is created to read:

(10) 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 Wisconsin department of transportation.

SECTION 15. NR 80.02 (11) of the Wisconsin Administrative Code is created to read:

(11) 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 serious hazard to wild animals other than those it is intended to control.

SECTION 16. NR 80.02 (12) of the Wisconsin Administrative Code is created to read:

(12) Treated seeds shall be incorporated into the soil during planting and shall not be used or be exposed in such a manner that presents a serious hazard to wild animals or those it is intended to control.

SECTION 17. NR 80.03 (2) of the Wisconsin Administrative Code is amended to read:

(2) Pesticides used in lawn and noncommercial garden areas are exempt from this chapter except for the use of use by permit only pesticides.

SECTION 18. NR 80.03 (3) of the Wisconsin Administrative Code is amended to read:

(3) Use of pesticides on agricultural lands or domestic animals is exempt from the provisions of this chapter except use by permit only pesticides may not be used unless a permit is obtained.

SECTION 19. NR 80.03 (4) of the Wisconsin Administrative Code is amended to read:

(4) Seed treatments using the use by permit only pesticides heptachlor, aldrin, dieldrin, and lindane are exempt from the provisions of this chapter.

SECTION 20. NR 80.03 (8) of the Wisconsin Administrative Code is amended to read:

(8) Treatments made with lindane or BHC at a rate not to exceed 1/4 pound per acre for the control of white pine weevil (tip weevil), pine root collar, weevil or balsam gall midge are exempt from the provisions of this chapter except such treatments may not be made in the immediate vicinity of waters of the state where the material might be introduced into the water.

SECTION 21. NR 80.03 (10) of the Wisconsin Administrative Code is amended to read:

(10) Treatments made for aquatic nuisance control in waters of the state pursuant to section 144.025 (2)(i), Wis. Stats., that are for the control of weeds, algae or swimmers' itch done under the direct supervision of the

department or by permit issued by them are exempt from the provisions of this chapter.

SECTION 22. NR 80.03 (11) of the Wisconsin Administrative Code is amended to read:

(11) Pesticides used under the direct supervision of the department in fish management work pursuant to provisions of section 29.62 and 29.623, Wis. Stats., in waters of the state are exempt from the provisions of this chapter.

SECTION 23: NR 80.03 (12) of the Wisconsin Administrative Code is amended to read:

(12) Any pesticide treatment including use by permit only pesticides used by or under the supervision of a higher education institution for research purposes outdoors is exempt from the provisions of this chapter provided that the area of each treatment does not exceed 1/4 acre (including all replicates).

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on March 22, 1973.

The rules contained herein shall take effect upon publication.

Dated at Madison, Wisconsin April 19, 1973

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By L. P. Voigt
L. P. Voigt, Secretary

(SEAL)