

Ag 29

Filed July 18, 1975
2:40 p.m. B. L. Paulson

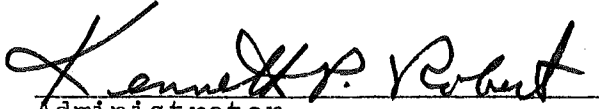
STATE OF WISCONSIN)
)SS
DEPARTMENT OF AGRICULTURE)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Kenneth P. Robert, Administrator, Plant Industry Division, and custodian of the official records of said Division do hereby certify that the annexed order repealing, amending and adopting rules relating to pesticide use and control, Wis. Adm. Code Chapter Ag 29, was duly adopted by the department on July 16, 1975.

I further certify that said copy has been compared by me with the original on file in the 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 16th day of July, 1975.



Administrator
Plant Industry Division

ORDER OF THE STATE OF WISCONSIN DEPARTMENT OF AGRICULTURE
REPEALING, AMENDING & 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 repeals, amends and adopts rules as follows:

1. Section Ag 29.01(3) of the Wis. Adm. Code is repealed.

2. Section Ag 29.01(4) of the Wis. Adm. Code is renumbered section Ag 29.01(3) and recreated to read:

Ag 29.01(3) "Limited use pesticide" means a pesticide, the unrestricted or uncontrolled use of which may create such a serious hazard to persons or property, or the environment, that it may be registered, purchased, sold or used only as provided in these rules.

3. Section Ag 29.01(5) of the Wis. Adm. Code is repealed.

4. Sections Ag 29.01(6) through (13) of the Wis. Adm. Code are renumbered sections Ag 29.01(4) through (11), respectively.

5. Sections Ag 29.01(12) and (13) of the Wis. Adm. Code are adopted to read:

Ag 29.01(12) "Pesticide drift" means the drifting or movement of pesticide particles by wind or air currents onto property beyond the boundaries of the immediate area treated with pesticides.

(13) "Pesticide overspray" means the direct application of pesticides in any form or in any manner onto property beyond the boundaries of the area treated with pesticides, by the failure to control the direct flow or application of pesticides and confine them to the immediate area to be treated.

6. Section Ag 29.02 of the Wis. Adm. Code is repealed and recreated to read:

Ag 29.02 Limited Use Pesticides; Classification; Use Restrictions. (1) CLASSIFICATION. Pesticides included in this section are classified as limited use pesticides and, except for such uses as may be authorized under emergency or special permit control under sections (2) and (3), or section Ag 29.03, may be registered, purchased, sold or used only for limited purposes as provided under sub. (4). This does not apply to the registration, purchase, sale or use of limited use pesticides as laboratory standards or exhibits by educational institutions, or for research and experimental purposes other than in the research or experimental use of DDT and its isomers or metabolites for which a permit is required under s. 134.67, Wis. Stats.

(2) LIMITED CATEGORY; EMERGENCY PERMIT REQUIRED. The registration, purchase, sale and use of the following limited use pesticides is prohibited, except for use under emergency permit as provided in section Ag 29.03, 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.:

- (a) DDT (dichloro diphenyl trichloroethane).
- (b) DDD (TDE) (dichloro diphenyl dichloroethane).
- (c) Endrin (hexachloroepoxyoctahydro-endo-dimethanonaphthalene).
- (d) Cadmium.
- (e) Thallium sulfate.

(3) SPECIAL PERMIT CATEGORY; SPECIAL PERMIT REQUIRED. (a) The following limited use pesticides may be used or purchased for use only under a special department permit, as provided in this

subsection:

1. Sodium Fluoroacetate (1080).
2. Strychnine or products containing strychnine sold or purchased for use as a pesticide.
3. 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.

(b) Requests for a special permit shall be submitted in writing, except in emergencies, and shall specify:

1. Name and address of applicant for permit, including name and address of applicator if different from applicant.
2. Name and formulation of pesticide for which permit is requested and purposes for which it will be used.
3. Where and when the pesticide is to be used and in what quantity.
4. Special controls or precautions which will be exercised in the use of the pesticide.
5. Any other information requested by the department concerning proposed use.

(c) No permit shall be effective unless received from the department in writing. Permits will be issued only when, in the judgment of the department, adequate controls can be established 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 the pesticide be used only by or under the direct and immediate supervision of government officials engaged in pest control work, commercial ap-

plicators, or other qualified personnel. No person shall use a pesticide for which a special permit is required without a permit in writing from the department or use such pesticide contrary to terms and conditions specified in the permit.

(d). 1. Special permits for the use of sodium fluoroacetate (1080) may be granted only for the control of rats or mice. Other uses of sodium fluoroacetate (1080) are prohibited except in public health emergencies under emergency permit as provided in section Ag 29.03. Requests for emergency permits shall, in addition to data required under paragraph (b), include the following information:

- a. Description of site (land fill, dump, banks of ditches or sidings, or other) and area surrounding the site (residential, open, farmland, or other).
- b. Type of wildlife frequenting the site.
- c. Type of bait or form in which the pesticide will be used.
- d. Method of application.
- e. Method of disposal of carcasses of rats or mice.

2. The following conditions shall apply to the use of sodium fluoroacetate (1080) under special or emergency permit:

- a. 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 from the building before it is opened up for further use.

b. 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.

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

d. 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.

(e) 1. No person shall openly display sodium fluoroacetate (1080), or 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 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.

2. No permit holder purchasing sodium fluoroacetate (1080) or strychnine or products containing strychnine under a permit may resell or give them to persons who do not have a permit.

3. 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 permit.

(4) SPECIFIC USE CATEGORY; USE FOR LIMITED PURPOSES. The following limited use pesticides may be registered, sold and used only for the purposes specified in this subsection, except for research or experimental purposes, or emergency use under permit, as provided in these rules:

(a) Aldrin (hexachlorohexahydro-endo, exo-dimethanonaphthalene).

1. Control of termites (*Reticulitermes* Spp.) in structural pest control.

2. Seed treatment.

3. The treatment of tree roots at time of planting.

(b) Benzene hexachloride (1,2,3,4,5,6-hexachloro-cyclohexane).

1. Treatment of trees for the control of pine root collar weevil, pine tip weevil and balsam gall midge, not to exceed 1/4 pound per acre.

(c) Dieldrin (hexachloroepoxyoctahydro-endo, exo-dimethanonaphthalene).

1. Structural pest control as provided under subsection (a)1.

2. Seed treatment.

(d) Heptachlor (heptachlorotetrahydro-4, 7-methanoindene).

1. Structural pest control as provided under subsection (a)1.

2. Seed treatment.

(e) Lindane (gamma isomer of benzene hexachloride).

1. 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.

2. Seed treatment.

3. Yard and non-commercial garden ornamentals.
4. Household uses for which product is registered.
5. Medicinal use by physicians or persons acting under their direction.

(f) Chromium used in any pesticide formulation is limited to:

1. Pressure treatment of lumber for protection against termites and decay producing fungi.

(g) Mercury used in any pesticide formulation is limited to:

1. Paint manufacturing processes.
2. Turf disease control on golf course tees and greens.
7. Sections Ag 29.03 and Ag 29.04 of the Wis. Adm. Code are repealed.
8. Section Ag 29.05 of the Wis. Adm. Code is renumbered section Ag 29.03 and amended to read:

Ag 29.03 Emergency Use Permits. The department may authorize the registration, purchase, sale and use of limited use pesticides under emergency permit for purposes otherwise prohibited under these rules, when necessary in an emergency situation to control the outbreak or spread of plant or animal diseases or pest infestations which threaten substantial destruction of property or to control epidemic diseases of humans which can be controlled only by the use of limited use pesticides.

9. Sections Ag 29.06 through 29.13 are renumbered sections Ag 29.04 through 29.11, respectively.

10. Section Ag 29.10(1) of the Wis. Adm. Code as renumbered is amended to read:

Ag 29.10(1) No person shall use, store, transport or display pesticides contrary to label directions, or in a careless or reck-

less manner. Any use, storage, transportation, or display, including use resulting in pesticide overspray or drift, is careless or reckless if the person knows or ought to know it creates a risk, hazard, or probability of injury or damage to other persons or their property or wild animals other than those declared pests under section Ag 29.11 and Wis. Adm. Code Chapter NR 80.

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

Dated: July 16, 1975.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE

By Kenneth P. Robert
Administrator
Plant Industry Division