

CR 82-73



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STATE OF WISCONSIN)
DEPARTMENT OF AGRICULTURE,) SS.
TRADE & CONSUMER PROTECTION)

JUL 6 1982
3:00 PM
Revisor of Statutes
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TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Kenneth P. Robert, Administrator, Plant Industry Division, State of Wisconsin Department of Agriculture, Trade and Consumer Protection, and custodian of the official records of said Division, do hereby certify that the annexed order amending rules relating to the prohibition of chromium in pesticides, and the exemption of potassium dichromate used for the preservation of milk samples for testing, sections Ag 29.05(1)(c) and 29.11(1)(intro.), Wis. Adm. Code, was duly approved and adopted by the Department on July 6, 1982.

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 TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Department offices in the city of Madison, this 6th day of July, 1982.

Kenneth P. Robert
Kenneth P. Robert
Administrator
Plant Industry Division

9-1-82

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PROPOSED ORDER OF THE STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE
AND CONSUMER PROTECTION
ADOPTING, AMENDING OR REPEALING RULES

1 To amend Ag 29.05(1)(c) and 29.11(1)(intro.), relating to the
2 prohibition of chromium in pesticides, and the exemption of
3 potassium dichromate used for the preservation of milk samples for
4 testing.

Analysis Prepared by the Department of
Agriculture, Trade and Consumer Protection

Existing Chapter Ag 29, Wis. Adm. Code (Pesticide Use and Control) prohibits the use of chromium in pesticides, except as otherwise specifically provided. For many years, the compound potassium dichromate has been used in the dairy industry to preserve milk samples for testing. Since preservatives may be considered pesticides under Chapter Ag 29, the use of potassium dichromate to preserve milk samples may be technically prohibited under the existing Ag 29 language, although it was never the intent or policy of the department to prohibit such use. The proposed amendment would create a specific exemption to the Ag 29 chromium prohibition, to allow for continued use of potassium dichromate in the preservation of milk samples for testing.

The amendments would also correct a minor typographical error in s. Ag 29.11(1), Wis. Adm. Code, which has resulted in an erroneous numerical cross-reference. The typographical correction would have no substantive effect on the rule.

4 Pursuant to authority vested in the State of Wisconsin
5 Department of Agriculture, Trade and Consumer Protection by
6 sections 93.07(1) and 94.69, Stats., the State of Wisconsin
7 Department of Agriculture, Trade and Consumer Protection amends
8 rules interpreting ss. 94.67 through 94.71, Stats., as follows:

1 SECTION 1. Ag 29.05(1)(c) is amended to read:

2 (c) Chromium in any pesticide formulation may be used only in
3 the following forms and for the following purposes:

- 4 1. ~~for~~ For pressure treatment of lumber for protection
5 against termites and decay producing fungi.
- 6 2. In the form of potassium dichromate for the preservation of
7 milk samples for testing. Milk samples treated with
8 potassium dichromate shall not be sold or disposed of for
9 consumption by persons or other animals. No person shall
10 ship or deliver milk sample bottles containing potassium
11 dichromate unless each bottle or the shipping container is
12 labeled with the following:
- 13 a. The statement "NOT FOR SALE OR CONSUMPTION--CONTAINS
14 POTASSIUM DICHROMATE;"
- 15 b. The signal words "DANGER-POISON;" and
- 16 c. A skull and crossbones, or other readily recognizable
17 poison prevention symbol.

NOTE: Milk samples treated with potassium dichromate are classified as hazardous waste under Ch. NR 181, Wis. Adm. Code, and must be disposed of in compliance with that chapter.

18 SECTION 2. Ag 29.11(1)(intro.) is amended to read:

19 (1) COMMERCIAL APPLICATORS. All commercial applicators,
20 whether or not subject to licensing under ss. 94.705(1)(d) and
21 (4)(c), Stats. or registration under s. Ag 29.10~~(2)~~, shall keep a
22 record for a period of 2 years of all commercial applications,
23

1 other than applications of germicides, sanitizers and disinfect-
2 ants. Records of pesticide applications shall be completed on the
3 day pesticides are applied, and be made available to the department
4 for inspection and copying upon request. Records shall include:

5 SECTION 3. The amendments contained in this order shall take
6 effect on the first day of the month following publication in the
7 Wisconsin Administrative Register, as provided in
8 section 227.026(1), Stats.

9 Dated July 6th, 1982.

11 STATE OF WISCONSIN
12 DEPARTMENT OF AGRICULTURE,
13 TRADE AND CONSUMER PROTECTION

14 By K. P. Robert
K. P. Robert, Administrator
Plant Industry Division

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