

STATE OF WISCONSIN)
) ss.
 DEPARTMENT OF AGRICULTURE,)
 TRADE AND CONSUMER PROTECTION)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Nicholas J. Neher, Administrator, Agricultural Resource Management 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 creating rules relating to residential and landscape applications of pesticides in Wisconsin, Chapter Ag 29.153 and Ag 29.154, Wis. Adm. Code, were duly approved and adopted by the Department on November 11, 1992.

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 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 11th day of November, 1992.



Nicholas J. Neher

 Nicholas J. Neher, Administrator
 Agricultural Resource Management Division

RECEIVED

NOV 12 1992
 9:10 am
 Revisor of Statutes
 Bureau

ORDER OF THE STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION
ADOPTING RULES

The Wisconsin department of agriculture, trade and consumer protection adopts this order to repeal Ag 29.01(49) and Ag 29.15(11), to amend Ag 29.15(10)(a), and to create Ag 29.153 and Ag 29.154, related to residential and landscape applications of pesticides.

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

Statutory Authority: ss. 94.69(4), (5) and (9), Stats.
Statutes interpreted: ss. 94.69(4), (5) and (9), Stats

This rule establishes notice and information requirements related to residential and landscape applications of pesticides.

Current Rules

Currently, under s. Ag 29.15(11), Wis. Adm. Code, a commercial applicator who applies pesticides to a residential structure or residential landscape must provide certain information to residents upon request, before making the application. The applicator must also provide specific information to residents at the time of application, regardless of whether that information is requested. Under s. Ag 29.15(7), if the pesticide label prescribes a time interval for safe re-entry following application, the applicator must also post the treated area with warning placards.

The current notice requirements under s. Ag 29.15(11) do not apply to landscape applications other than residential landscape applications. Nor do they require notice to neighbors or the public at large. The current placarding requirement under s. Ag 29.15(7) applies only to certain pesticides (those for which a re-entry interval is required), and does not apply to most pesticides used in landscape applications.

Rule Reorganization

This rule establishes separate requirements for (1) commercial applications to residential structures, and (2) landscape applications. The requirements for residential structures are essentially identical to current requirements, with only minor changes. However, the rule establishes major new requirements related to landscape applications, including but not limited to residential landscape applications.

Landscape Applications Covered

This rule defines "landscape" to mean turf areas, including turf areas in and around residential premises, public or commercial facilities, parks, workplaces, care facilities, recreational areas and public lands. "Landscape" includes trees, shrubs and other vegetation growing within turf areas. "Landscape" does not include utility or transportation right-of-way areas, greenhouses, nurseries, or areas used for agricultural production, forest production or commercial turf production.

"Landscape application" means the application of a pesticide to a landscape. "Landscape application" does not include any of the following applications:

1. To trees by means of injection.
2. By sub-soil injection.
3. For forest pest control.
4. For public health pest control.
5. For regulatory pest control.
6. For abatement of pests (e.g., gypsy moth) under s.

94.02, Stats.

The mandatory requirements of the rule apply only to landscape applications made by commercial applicators. The rule does not impose mandatory requirements on applications made by homeowners and other non-commercial applicators.

Landscape Applications; Information to Persons Requesting Applications

Under this rule, whenever a commercial applicator contracts to perform a landscape application for any person (e.g., a homeowner) the applicator must offer to provide that person with the following pre-application information upon request:

1. The common chemical or brand name of each pesticide that may be applied.
2. The pesticide label of each pesticide that may be applied.
3. The date on which the application will be made.
4. The name, business address and telephone number of a person who can provide further information about the application.

Upon completing a landscape application for any person (e.g., a homeowner), a commercial applicator must provide that person with all of the following information, whether or not requested:

1. The name and business address of the individual who made or supervised the application, and the individual's license number if any.
2. The common chemical or brand name of each pesticide actually applied.
3. Notice that a copy of the pesticide label is available upon request for each pesticide actually applied. Upon request, the commercial applicator shall provide a copy of the pesticide label free of charge to the person who contracted for the pesticide application.
4. The concentration and total quantity of each pesticide actually applied, or the amount of pesticide active ingredient applied per unit area and the total area treated.
5. Any pertinent post-application precautions stated on the pesticide label, including precautions related to re-entry or use of treated areas.
6. The date and approximate time of application.

Landscape Applications; Posting Placards

Under the rule, whenever a commercial applicator makes a landscape application, other than a golf course application, the commercial applicator must post placards around the treated area. The placards must state "PESTICIDE APPLICATION" and "PLEASE KEEP OFF". Placards must include a telephone number which any person may call to obtain information from the commercial applicator about the landscape application. Placards must also include the department's telephone number. The placards must comply with specific size, color, format and construction requirements set forth in the rule. The dimensions of each placard must be at least 4 inches by 5 inches.

The placards must be posted at the time of application, and may not be removed until sunset of the following day. Placards must be posted at regular intervals around the treated area. A placard must be posted at least every 300 feet along the perimeter of the treated area. If the treated area is more than 2,000 sq. ft., but the perimeter of the treated area is less than 1,200 ft., at least 4 placards must be posted. If the treated area is less than 2,000 sq. ft., only one placard is required.

Landscape Applications; Applicator to Provide Information Upon Request

Under the rule, if any person (e.g., a neighbor or passerby) asks a commercial applicator for any of the following information related to a landscape application made by that commercial applicator, the commercial applicator must provide the information to the requester in writing:

1. The business name and business address of the commercial application business.
2. The common chemical or brand name of each pesticide applied, and the EPA registration number of that pesticide.
3. The concentration and total quantity of each pesticide applied, or the amount of pesticide active ingredient applied per unit area and the total area treated.
4. The date and approximate time of application.
5. Any post-application precautions stated on the pesticide label, including precautions related to re-entry into or use of treated areas.
6. A copy of the pesticide label for each pesticide applied. The commercial applicator may require the requester to pay reasonable copying and postage costs before providing the label copy.

Registry of Persons Requesting Advance Notice of Landscape Applications

Under the rule, if any person registers annually with the department, commercial application businesses must give that person advance notice before making landscape applications to specified properties on that person's block or any neighboring block. Persons seeking advance notice must register with the department before March 1 of each year, and must specify the addresses of properties for which they request notice.

The department must compile an annual registry based on registrations received by March 1, and must distribute free copies of the registry to commercial application businesses who have applicators certified in the category of ornamental and turf pest control (and to other commercial applicators upon request). The registry takes effect on April 1 and remains in effect until the following April 1.

No commercial application business may make a landscape application to any property unless the commercial application business gives notice to all persons on the current registry who have requested advance notice of applications to that property. The commercial application business may give notice by telephone, or may mail or deliver notice to the registrant's address as listed in the registry. Notice must give the name, business address and telephone number of the commercial application business, the address of the landscape to be treated, the

scheduled date and time of application, and the possible pesticides to be applied.

Landscape Applications to Golf Courses

Under the rule, golf courses are exempt from certain notice and information requirements which apply to other landscape applications. However, a golf course must post conspicuous all-weather signs at the point of registration, at the first tee of every 9 holes, and at points of public access to the course. The signs must comply with specifications in the rule, and must state: "PESTICIDES ARE PERIODICALLY APPLIED TO THIS GOLF COURSE. YOU MAY CONTACT THE GOLF COURSE SUPERINTENDENT FOR FURTHER INFORMATION."

If a person requests a golf course superintendent for information about pesticide applications, the superintendent must indicate that the following information is available, and must provide the information in writing upon request:

1. A general description of the types and amounts of pesticides commonly used on the golf course.
2. An identification of pesticide applications made to the course within the preceding week, including the common chemical or trade names of the pesticides and the areas to which they were applied.
3. A copy of the pesticide label for any pesticide applied to the course during the preceding week. The superintendent may charge a reasonable copying and postage fee before providing the label.

Retail Dealers Selling Landscape Pesticides

The mandatory requirements of the rule apply only to landscape applications made by commercial applicators, and do not apply to homeowners and other non-commercial applicators. However, no retail dealer may sell a landscape pesticide to any person, other than a licensed commercial applicator, unless the retail dealer displays both of the following at the point of sale, and offers them free of charge to buyers at the time of sale:

1. Warning placards for voluntary use by homeowners. The warning placards must state "PESTICIDE APPLICATION" and "PLEASE KEEP OFF," and must comply with other specifications contained in the rule.
2. A pesticide application information sheet whose contents are specified in the rule which encourages homeowners to voluntarily post treated areas.

Preemption of County and Municipal Regulations

This rule prohibits counties and municipalities from enacting any law or ordinance related to landscape applications by commercial applicators which conflicts with, or frustrates the

uniform application of any provision of the rule.

SECTION 1. Ag 29.01(49) is repealed.

SECTION 2. Ag 29.15(10) (a) is amended to read:

Ag 29.15(10) (a) Applicator to provide information. A commercial applicator for hire who performs a pesticide application for any person, other than a residential or ~~yard~~ landscape application under ~~sub. (11) s. Ag 29.153 or Ag 29.154,~~ shall provide that person with a written statement containing the information prescribed under par. (b). Except as provided under par. (c), the statement shall be provided to the contracting person before or immediately after the application is made.

SECTION 3. Ag 29.15(11) is repealed.

SECTION 4. Ag 29.153 is created to read:

Ag 29.153 COMMERCIAL APPLICATIONS TO RESIDENTIAL STRUCTURES. (1) DEFINITIONS. As used in this section:

(a) "Common area" means an area in a residential structure that is accessible to residents but is not part of any individual dwelling unit.

(b) "Dwelling unit" means that portion of a residential structure which is used, or designed for use, as a residence by a household.

(c) "Resident" means any person residing in a residential structure.

(d) "Residential application" means the application of a

pesticide, other than a germicide, sanitizer or disinfectant, to a residential structure.

(e) "Residential structure" means a structure that is used wholly or in part as a human residence, and includes all facilities and furnishings pertaining to that structure.

"Residential structure" includes a residential structure occupied on a rental basis, and also includes a mobile home. "Residential structure" does not include any of the following:

1. A hotel, motel or similar premises occupied on a transient basis.
2. A hospital, nursing home or similar facility occupied by persons receiving medical care or related services.
3. A prison, jail or other place of detention.

(2) INFORMATION TO PERSONS REQUESTING RESIDENTIAL APPLICATIONS. (a) Offer to provide pre-application information. If a commercial applicator contracts with any person to make a residential application, the commercial applicator shall offer to provide that person, upon request, with all of the pre-application information under par. (b). The commercial applicator shall renew the offer whenever an existing contract for residential applications is extended or altered.

NOTE: See Appendix A for an example of a pre-application information notice.

(b) Pre-application information; provided upon request. If

a person contracting for a residential application requests any of the following information from the commercial applicator hired to make the application, the commercial applicator shall provide the information to the requester, in writing, before making the application:

1. The common chemical or brand name of each pesticide that may be applied.

2. A copy of the pesticide label of each pesticide that may be applied.

3. The date on which the pesticide application will be made. The commercial applicator may communicate the application date orally, rather than in writing, if the requester agrees to oral notification.

4. The name, business address and telephone number of a person who can provide further information about the pesticide application.

(c) Post-application information. Upon completing a residential application for any person, a commercial applicator shall provide that person with all of the following information in writing:

1. The name and business address of the individual applicator who made or supervised the application, and the applicator's license number if any.

2. The common chemical or brand name of each pesticide actually applied.

3. The concentration and total quantity of each pesticide

actually applied, or the amount of pesticide active ingredient applied per unit area and the total area treated.

4. Any pertinent post-application precautions stated on the pesticide label, including precautions related to re-entry or use of treated areas.

5. The date and approximate time of application.

6. Notice that a copy of the pesticide label is available upon request for each pesticide actually applied. If the person contracting for the residential application requests a copy of the pesticide label, the commercial applicator shall provide that copy free of charge.

(3) NOTICE TO RESIDENTS. (a) Notice required. If a commercial applicator makes a residential application, whether or not the application is a contract application, the commercial applicator shall provide the following information to affected residents at the time of application, in the manner provided under pars. (b) and (c):

1. The name and business address of the individual applicator who made or supervised the application, and the applicator's license number if any.

2. The telephone number of a person who can provide further information about the application.

3. The common chemical or brand name of the pesticide applied.

4. The concentration and total quantity of the pesticide applied, or the amount of pesticide active ingredient applied per

unit area and the total area treated.

5. Any pertinent post-application precautions stated on the pesticide label, including precautions related to re-entry into or use of treated areas. If the pesticide label prescribes a time interval for safe re-entry following application, each treated area shall be prominently posted with one or more warning placards under s. Ag 29.15(7).

6. The date and approximate time of application.

(b) Application to dwelling unit; method of giving notice.

If a commercial applicator makes a residential application in any dwelling unit, the commercial applicator shall leave the information under par. (a) with an adult resident of that dwelling unit, or shall prominently post the information at the entrance to that dwelling unit.

(c) Application to common area; method of giving notice.

If a commercial applicator makes a residential application to any common area within a residential structure, the commercial applicator shall provide the information under par. (a) by posting clearly legible notices in common entryways or other conspicuous locations so that all residents are likely to see the notices.

SECTION 5. Ag 29.154 is created to read:

Ag 29.154 LANDSCAPE APPLICATIONS; NOTICE AND INFORMATION. (1) DEFINITIONS. As used in this section:

(a) "Block" means an area, bounded by 4 streets or some other physical feature, which is the smallest geographic area

used by the U.S. bureau of the census for data collection and tabulation.

(b) "Division" means the agricultural resource management division of the department.

(c) "Dwelling unit" means that portion of a residential structure that is used, or designed for use, as a residence by a household.

(d) "Golf course superintendent" means the person responsible for on-site management of a golf course.

(e) "Landscape" means turf areas, including turf areas in and around residential premises, public or commercial facilities, parks, workplaces, care facilities, recreational areas and public lands. "Landscape" includes trees, shrubs and other vegetation growing within turf areas. "Landscape" does not include utility or transportation right-of-way areas, flower or vegetable gardens, greenhouses, nurseries, or areas used for agricultural production, forest production or commercial turf production.

(f) "Landscape application" means the application of a pesticide to a landscape. "Landscape application" does not include any of the following pesticide applications:

1. To trees by means of injection.
2. By sub-soil injection.
3. For forest pest control as described under s. Ag 29.16(4)(a).
4. For public health pest control as described under s. Ag 29.16(13)(a).

5. For regulatory pest control as described under s. Ag 29.16(14) (a).

6. For abatement of pests as described under s. 94.02, Stats.

(g) "Landscape pesticide" means a pesticide that is labeled for use on landscape.

(h) "Treated landscape" means that portion of a landscape to which a pesticide is applied.

(2) INFORMATION TO PERSONS REQUESTING LANDSCAPE APPLICATIONS. (a) Offer to provide pre-application information.

If a commercial applicator contracts with any person to make a landscape application, the commercial applicator shall offer to provide that person, upon request, with all of the pre-application information under par. (b). The commercial applicator shall renew the offer whenever an existing contract for residential applications is extended or altered.

(b) Pre-application information; provided upon request. If a person contracting for a landscape application requests any of the following information from the commercial applicator hired to make the application, the commercial applicator shall provide the information to the requester, in writing, before making the application:

1. The common chemical or brand name of each pesticide that may be applied.

2. A copy of the pesticide label for each pesticide that may be applied.

3. The date on which the pesticide application will be made. The commercial applicator may communicate the application date orally, rather than in writing, if the requester agrees to oral notification.

4. The name, business address and telephone number of a person who can provide further information about the pesticide application.

NOTE: See Appendix A for an example of a pre-application information notice.

(c) Post-application information. Upon completing a landscape application for any person, a commercial applicator shall provide that person with all of the following information in writing:

1. The name and business address of the individual applicator who made or supervised the application, and the applicator's license number if any.

2. The common chemical or brand name of each pesticide actually applied.

3. The concentration and total quantity of each pesticide actually applied, or the amount of pesticide active ingredient applied per unit area and the total area treated.

4. Any pertinent post-application precautions stated on the pesticide label, including precautions related to re-entry or use of treated areas.

5. The date and approximate time of application.

6. Notice that a copy of the pesticide label is available upon request for each pesticide actually applied. If the person contracting for the landscape application requests a copy of the pesticide label, the commercial applicator shall provide that copy free of charge.

(3) POSTING PLACARDS. (a) Requirement. Whenever a commercial applicator makes a landscape application, other than a landscape application to a golf course under sub. (7), the commercial applicator shall post placards in compliance with this subsection. If the pesticide label prescribes a time interval for safe re-entry following application, the applicator shall also post warning placards in compliance with s. Ag 29.15(7).

(b) When posted. The commercial applicator shall post placards at the time of the landscape application. No person may remove a placard until sunset of the day following the application, or until the safe re-entry interval on the pesticide label has expired, whichever is later. The commercial applicator is not required to remove the placards.

(c) Placard size. The dimensions of each placard shall be at least 4 inches by 5 inches.

(d) Placard construction. Each placard shall be attached to a stable supporting device. Placards shall be made of rigid material. The material shall be durable enough so that a placard can be easily read for at least 72 hours after posting, notwithstanding reasonably foreseeable adverse weather.

conditions.

(e) Placard contents. Placards shall be professionally printed with red lettering on a white background, with the contents shown in Appendix B. Each placard shall contain the universal symbol depicting an adult, child and pet in a circle, with a diagonal line across the circle. Each placard shall bear the words, in not less than 36-point type, "PESTICIDE APPLICATION" and "PLEASE KEEP OFF." Each placard shall also bear the words, in not less than in not less than 9-point type, "DO NOT REMOVE UNTIL SUNSET THE DAY FOLLOWING APPLICATION" and "FOR ADDITIONAL INFORMATION ON THIS APPLICATION OR ANY FUTURE APPLICATIONS CALL [name and telephone number of the commercial applicator's business] OR THE DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION AT 608-266-LAWN."

NOTE: See Appendix B for an example of a placard

(f) Placard locations. 1. Placards shall be posted at regular intervals along the boundaries of the treated landscape. If the boundaries of the treated landscape do not correspond to readily identifiable physical or property boundaries, placards shall be posted so that the placards define the boundaries of the treated landscape.

2. Placards shall be posted so that they are clearly visible from the boundaries of the treated landscape. If a driveway, sidewalk or other established vehicle or pedestrian

thoroughfare intersects the boundary of the treated landscape, a placard shall be posted so that it is clearly visible from that point of intersection.

3. Except as provided under subd. 4 or 5, at least one placard shall be posted for every 300 feet of treated landscape boundary.

4. If the area of the treated landscape exceeds 2,000 sq. ft., but the perimeter of the treated landscape is less than 1,200 feet, at least 4 placards shall be posted at regular intervals along the boundary of the treated landscape.

5. If the area of the treated landscape is less than 2,000 sq. ft., only one placard is required for that treated landscape. The placard shall be posted so that it is clearly visible from the most likely point of entry to the treated landscape.

(4) INFORMATION PROVIDED UPON REQUEST. (a) If any person asks a commercial applicator or commercial application business for information about a landscape application made by that applicator or business, the applicator or business shall indicate the following information is available, and the business shall provide the information orally or in writing upon request:

1. The name and business address of the commercial application business.

2. The common chemical or brand name of each pesticide applied, and the EPA registration number of that pesticide.

3. The concentration and total quantity of each pesticide applied, or the amount of pesticide active ingredient applied per

unit area and the total area treated.

4. The date and approximate time of application.

5. Any post-application precautions stated on the pesticide label, including precautions related to re-entry into or use of treated areas.

6. A copy of the pesticide label for each pesticide applied. The commercial application business may require the requester to pay reasonable copying and postage costs before providing a copy of a pesticide label.

(b) The department may request information from commercial application businesses employing individual commercial applicators certified in the category of ornamental and turf pest control under s. Ag 29.16(4) regarding the number and nature of requests received under par. (a). A commercial application business may notify the department if the commercial application business receives what it considers to be excessive or harassing requests for information under par. (a). The department may investigate allegations of excessive or harassing requests under par. (a) in order to determine whether this subsection should be amended or repealed.

(c) Within 2 years after the effective date of this subsection, the department shall report to the board of agriculture, trade and consumer protection on the effectiveness and workability of this subsection. The department may recommend that this subsection be amended or repealed if the department finds that this subsection is not effective or workable.

(5) REGISTRY OF PERSONS REQUESTING ADVANCE NOTICE OF LANDSCAPE APPLICATIONS. (a) General. If a person files a complete registration request with the department under par. (b) on or before March 1 of any year, the department shall include that person in the annual registry prepared and distributed to commercial application businesses under par. (c).

(b) Registration request. A registration request shall be postmarked or delivered to the department on or before March 1. The registration request shall include all of the following:

1. The requester's name, address and telephone number.
2. The address of those properties, on the requester's block or immediately adjoining blocks, for which the requester is seeking advance notice of landscape applications under par. (e).

NOTE: A registration request may be submitted to the DATCP Landscape Application Registry, Agricultural Resource Management Division, P.O. Box 8911, Madison, Wisconsin 53707-8911.

(c) Annual registry of persons entitled to notice. - Based on complete registration requests postmarked or received by the department on or before March 1 of each year, the division shall compile and distribute an annual registry of persons entitled to advance notice of landscape applications. The annual registry takes effect on April 1 and remains in effect until April 1 of the following year. The annual registry shall include the name and address of each requester, and the address of those properties specified by the requester under par. (b)2.

(d) Annual registry distributed to commercial application

businesses. Prior to April 1 of each year, the division shall distribute a free copy of the annual registry under par. (c) to every licensed commercial application business that employs individual commercial applicators certified in the category of ornamental and turf pest control under s. Ag 29.16(5). The division shall also provide a free copy of the annual registry to any other commercial applicator who requests a copy.

(e) Advance notice of landscape applications. No commercial application business may make a landscape application to any property unless the commercial application business has given 12 hours advance notice to every person on the current registry under par. (c) who has requested advance notice of landscape applications to that property, provided that the property is located on the block where the requester resides, or on an immediately adjacent block.

(f) Form of notice. A commercial application business may give notice under par. (e) by telephone, or may mail or deliver notice to the requester's address listed in the registry under par. (c). Notice mailed to the requestor's address must be postmarked no less than two business days prior to a landscape application. The notice shall state the name, business address, and telephone number of the commercial application business, the address of the landscape to be treated, and the possible pesticides to be applied.

(g) Rescheduled applications. If a commercial application business gives advance notice of a landscape application under

par. (f), and if that landscape application is subsequently rescheduled to a different date, the commercial application business shall give advance notice of the rescheduled application. Notice of the rescheduled application shall comply with par. (f), and shall be given to each person who received notice of the originally scheduled application.

(6) **LANDSCAPE APPLICATIONS TO GOLF COURSES.** No person may make a landscape application to a golf course unless all of the following conditions are met:

(a) Signs posted. All-weather signs, complying with par. (b), shall be permanently and conspicuously posted at all of the following locations:

1. At or near the place where golfers register to play the course.
2. At or near the first tee of every 9 holes.
3. If the non-golfing public is allowed access to the golf course by means of any road, driveway, sidewalk, path or other established thoroughfare, at every point where that thoroughfare intersects the boundary of the golf course.

(b) Sign size and contents. The dimensions of each sign under par. (a) shall be at least 12 inches by 12 inches. In red lettering of not less than 1/2 inch height on a white background, the sign shall state that **"PESTICIDES ARE PERIODICALLY APPLIED TO THIS GOLF COURSE. YOU MAY CONTACT THE GOLF COURSE SUPERINTENDENT FOR FURTHER INFORMATION."**

(c) Information provided upon request. If any person asks

the golf course superintendent for information about pesticide applications to the golf course, the superintendent or the superintendent's designee shall indicate that the following information is available, and shall provide the information in writing upon request:

1. A general description of the types and amounts of pesticides commonly applied to the golf course.
2. An identification of pesticide applications made to the golf course within the last week prior to the request, including the common chemical or trade names of the pesticides applied and the areas to which those pesticides were applied.
3. A copy of the pesticide label related to any pesticide application under subd. 2. The superintendent may require the requester to pay reasonable copying and postage costs before providing the label.

(7) RETAIL DEALERS SELLING LANDSCAPE PESTICIDES. No retail dealer may sell a landscape pesticide to any person, other than a certified commercial applicator, unless the retail dealer displays both of the following at the point of sale, and offers them to buyers at no additional charge at the time of sale:

(a) Placards. Placards shall be professionally printed on a minimum of 70 weight paper or other rigid material durable enough so that a placard can be easily read for at least 72 hours after posting, notwithstanding reasonably foreseeable adverse weather conditions. The dimensions of each placard shall be at least 4 inches by 5 inches. Placards shall be printed with red

lettering on a white background, with the contents shown in Appendix C. Each placard shall contain the universal symbol depicting an adult, child and pet in a circle, with a diagonal line across the circle. Each placard shall bear the words, in not less than 20-point type, "**PESTICIDE APPLICATION,**" and "**PLEASE KEEP OFF.**"

Note: See Appendix C for an example of a placard.

(b) Notice to customers. Written notice which is identical to the notice contained in Appendix D.

(8) COUNTY AND MUNICIPAL REGULATION PREEMPTED. This section and the law under which it is promulgated are of statewide concern, and uniformly affect every county and municipality. No county or municipality may enact a law or ordinance related to landscape applications by commercial applicators which conflicts with or frustrates the uniform application of any provision of this section.

NOTE: The intent of this section is to establish uniform statewide standards for landscape applications by commercial applicators, including uniform standards related to public notice and posting requirements so that applicators are not subject to differing or conflicting requirements between municipalities.

This section neither prohibits nor authorizes the enactment of county or municipal laws or ordinances governing landscape applications by homeowners.

SECTION 6. The rules contained in this order shall take effect on the first day of the month following publication in the

Wisconsin administrative register, as provided under s.
227.22(2), Stats.

Signed this 11th day of November, 19 92

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By Nicholas J. Neher
Nicholas J. Neher, Administrator
Agricultural Resource Management
Division

RECEIVED

NOV 12 1992

Revisor of Statutes
Bureau

APPENDIX A

NOTE: The following is an example of pre-notification that complies with ss. Ag 29.153(2) and Ag 29.154(2):

Before any pesticides may be applied to your property, Wisconsin's pesticide regulations require that you be notified that you are entitled to receive pre-application information. If you request pre-application information you will be provided with the following information:

- The common chemical or brand name of each pesticide that may be applied
- A copy of the pesticide label for each pesticide that may be applied
- The date on which the pesticide application will be made (this can be given verbally if you give approval)
- A contact name, address and telephone number where you can obtain further information about the pesticide application.

This information will be useful if you are concerned about pesticides that may be applied to your lawn. The common chemical or brand name of each pesticide can be used to obtain additional information on the product's chemical properties.

The pesticide label provides information on the pesticide(s) active ingredient(s), directions for use and environmental and worker protection requirements. The label also contains information on precautions you will need to follow after the application is made including when you may use the treated area.

Regardless of whether you request information prior to any pesticide application, you must receive information about what pesticides were applied following the application. If pesticides are applied to your lawn, a notification sign will be placed in your lawn at the time of application to notify persons that a pesticide application has been made. These signs must remain in place until sunset of the day after the application.

You may obtain general information regarding pesticide product or pesticide regulations by contacting the Wisconsin Department of Agriculture, Trade and Consumer Protection at (608) 266-LAWN.

APPENDIX B

NOTE: The following is an example of placard contents that comply with s. Ag 29.154(3)(e):

**PESTICIDE
APPLICATION**



**PLEASE
KEEP
OFF**

DO NOT REMOVE UNTIL SUNSET
THE DAY FOLLOWING APPLICATION
FOR ADDITIONAL INFORMATION ABOUT THIS APPLICATION
OR ANY FUTURE APPLICATIONS CALL [INSERT
NAME & TELEPHONE NUMBER OF APPLICATION BUSINESS]
OR THE DEPARTMENT OF AGRICULTURE, TRADE AND
CONSUMER PROTECTION AT (608)266-LAWN

APPENDIX C

NOTE: The following is an example of placard contents that comply with s. Ag 29.154(7) (a):



NOTE: See s. Ag 29.154(7)(b).

PESTICIDE APPLICATION INFORMATION SHEET

Pesticides are any compound used to control a pest. Pests include many insects, fungus, weeds, rodents and plant diseases. Types of pesticides include insecticides, fungicides, herbicides and rodenticides. All pesticides have labels that give the user information on how to use the product and what you can expect the pesticide to control. **It is important that you read and follow all label directions.** This information sheet gives you information on proper practices for the handling, use, storage and disposal of pesticides.

Before You Use A Pesticide

- Read The Label
 - Does the pesticide control the pest problem?
 - Is the site or plant you intend to treat listed on the pesticide label?
 - What type of protective clothing or equipment is required?
 - What type of application equipment is needed?
 - Are there weather conditions when application should not be made?
- Buy only the amount of pesticide that you will need. Pesticides stored for long periods of time may degrade or become less effective.
- Do not mix up more of the dilute solution than is needed. It is better to under-estimate the amount you need and make up additional solution as needed than to have to dispose of unneeded spray solution.

During Application

- Always wear the protective equipment required by the label. At a minimum, wear a long sleeve shirt, long pants, socks and shoes when applying pesticides.
- Do not wear cotton or leather shoes, boots, hats or gloves when handling pesticides. Leather absorbs pesticides and it may be difficult to rid the leather of pesticide residues.
- Avoid spraying on days when pesticides may drift from the application site. Stand up wind when mixing and applying pesticides. Keep children and pets out of the area being treated until the time period specified on the pesticide label.
- Do not apply pesticides at a rate higher than allowed on the product label.
- If you are applying pesticides to a food crop, check the label to see how many days you must wait before harvesting the crop.

After Using a Pesticide

- Wash your hands with soap and water immediately after applying a pesticide. Shower as soon as possible.
- Wash all clothing worn during the application after each use. Wash these cloths separately from household laundry. Use a heavy duty detergent and hot water.
- Keep pesticide measuring tools separate from household and kitchen measuring tools.
- Store pesticides in their original containers. Do not store dilute pesticide solutions in unmarked containers. Keep pesticides away from food, feed, seed and fertilizer and out of the reach of children and pets.
- Dispose of empty pesticide containers in accordance with the label directions.

Posting

- Wisconsin's pesticide regulations require commercial pesticide applicators to place signs in landscape areas that have been treated with pesticides. Posting is used to notify persons that a pesticide application has been made. Additional information regarding the application may be obtained by contacting the pesticide application firm.
- Posting of landscape pesticide applications made by do-it-yourself applicators is encouraged. Signs may be obtained from retail landscape pesticide dealers in Wisconsin. It is recommended that you post one sign per boundary to your property and at the points of entry (i.e. near sidewalks, driveways etc.).

You can get additional information regarding pesticide use from your local county extension agent. If you have questions regarding pesticide regulations contact the Wisconsin Department of Agriculture, Trade and Consumer Protection at (608) 266-2295.