



State of Wisconsin  
Governor Tony Evers

**Department of Agriculture, Trade and Consumer Protection**  
Bradley M. Pfaff, Secretary

## Application for a Wisconsin Pesticide Emergency Use Permit

### Introduction

Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) has the authority under [ATCP 29.70](#) to grant emergency use permits authorizing the purchase, sale, distribution, and use of a pesticide for a purpose not otherwise permitted under [ATCP 29](#) or [ATCP 30](#). Wisconsin emergency use permits are **NOT** Section 18 emergency exemptions from registration. For more information on Section 18 emergency exemption from registration in Wisconsin click [here](#).

### Restrictions and Conditions

DATCP can **ONLY** issue an emergency use permit for a pesticide use that is authorized under the Federal Insecticide Fungicide and Rodenticide Act (FIFRA). This means that the proposed pesticide product must be registered with the Environmental Protection Agency (EPA) and that the intended use is authorized on an EPA approved label. DATCP can only issue a Wisconsin emergency use permit for uses that would otherwise be allowed except for prohibitions or restrictions found in ATCP 29 or ATCP 30. Additionally DATCP cannot issue a Wisconsin emergency use permit for the use of DDT or its isomers or metabolites.

DATCP may impose conditions on an emergency use permit to protect persons, property, and the environment. These may include the following:

- a. Time limits.
- b. Conditions related to the amount of pesticide used, the location and size of the application site, the method of application, and the disposal of pesticide containers and unused pesticides.
- c. Conditions related to the training and qualifications of persons applying the pesticide.
- d. Other conditions which the department considers appropriate.

The department may summarily suspend or revoke an experimental use permit if the department finds any of the following:

- a. Information contained in the permit application is false or misleading.
- b. Permit conditions or limitations have been violated.
- c. The pesticide use poses an unreasonable risk to persons, property, or the environment.

### Timeline

DATCP will grant or deny a Wisconsin emergency use permit application within 20 business days after the department receives a complete application.

## **Process Overview**

DATCP is required to review the application and conduct an environmental assessment of the proposed action. There is a **minimum 5 day public comment period** where the public will have the opportunity to request to review the application (appropriately marked confidential materials are withheld from public review) and to make comments on the proposed use. At the close of the comment period, all comments are reviewed and a decision is made to grant or deny the permit application at that time.

## **Approval Standards**

A complete application must meet the following standards to receive an emergency use permit. DATCP may issue a Wisconsin emergency use permit if the department finds all of the following:

- a. The emergency use is necessary to prevent a serious risk to person's property or the environment.
- b. The benefits from the proposed emergency use outweigh the potential risks which that use may pose to persons, property, and the environment.
- c. There are no effective alternative control measures.

Applications must be submitted electronically to [datcppesticideinfo@wisconsin.gov](mailto:datcppesticideinfo@wisconsin.gov) as well as Alyssa Foss [alyssa.foss@wisconsin.gov](mailto:alyssa.foss@wisconsin.gov) unless otherwise approved by DATCP.

Application requirements are detailed below.

**Wisconsin Emergency Use Permit Application Outline**

- If the space provided is not adequate for your full response, simply add an attachment to the application labeled with the letter that your answer corresponds to. For example, use a separate sheet labeled as “**Attachment A-1**” for the applicant’s complete name and address.

(A) Provide the complete name and address of the applicant, including the complete name and address of the pesticide applicator if different from the applicant.

1. Applicant

- Name: \_\_\_\_\_
- Address: \_\_\_\_\_

2. Applicator

- Name: \_\_\_\_\_
- Address: \_\_\_\_\_

(B) Provide a detailed description of the nature and scope of the emergency warranting the pesticide use, including information on the target pest; label as “**Attachment B**”.

(C) Provide a description of the purpose for which the pesticide will be used; label as “**Attachment C**”.

(D) Provide a detailed description of the potential benefits, adverse effects, and hazards which may result from the use of the pesticide; label as “**Attachment D**”.

(E) Provide a description and analysis of feasible alternative pesticides and control measures that could be utilized to control the pest; label as “**Attachment E**”.

(F) Provide the composition and formulation of the pesticide; or attach a separate sheet labeled as “**Attachment F**”.

(G) Provide the source from which the pesticide is to be purchased or shipped; or attach a separate sheet labeled as “**Attachment G**”.

Purchased                      Shipped

Name: \_\_\_\_\_

Address: \_\_\_\_\_

(H) Provide the amount of pesticide to be used; or attach a separate sheet labeled as “**Attachment H**”.

(I) Provide the site of the pesticide application; or attach a separate sheet labeled as “**Attachment I**”.

(J) Provide the method of pesticide application and any special precautions that will be taken in the use and disposal of the pesticide; label as “**Attachment J**”.

(K) Provide any additional information required by the department. To determine if any additional information is required by the department contact [datcppesticideinfo@wisconsin.gov](mailto:datcppesticideinfo@wisconsin.gov) prior to submitting the application; label as “**Attachment K**”.

**(Note:** In some instances, additional information may be requested after an initial review of the submitted application)