

## Chapter ATCP 139

### CONSUMER PRODUCT SAFETY

ATCP 139.01	Definitions.
ATCP 139.02	Labeling of hazardous substances.
ATCP 139.03	Hazardous substances; special labeling requirements.
ATCP 139.04	Banned products; general.
ATCP 139.05	Children's products; general.
ATCP 139.055	Banned children's products.
ATCP 139.06	Exemptions for small packages, minor hazards, and special circumstances.

ATCP 139.07	Poison labeling requirements.
ATCP 139.08	Antifreeze and extremely flammable contact adhesives; labeling.
ATCP 139.09	Strong sensitizers.
ATCP 139.10	Testing for hazardous substances.
ATCP 139.12	Unfair methods of competition and unfair trade practices.

**Note:** Chapter Ag 72 was renumbered chapter ATCP 139 under s. 13.93 (2m) (b) 1., Stats., Register, April, 1993, No. 448.

**Note:** This chapter is adopted under authority of ss. 93.07 (1), 100.20 (2), 100.37 (2) and 100.42 (2), Stats. Violations of this chapter are subject to the penalties and remedies provided under s. 100.20 (6), 100.26 (1), (3) or (6), 100.37 (8), 100.38 (7), 100.42 (4) or 100.43 (4), Stats.

**ATCP 139.01 Definitions.** In addition to definitions under ss. 100.37 and 100.42, Stats., the following shall apply in the interpretation and enforcement of this chapter:

(1) "Children's product" means a consumer product, toy or other article designed or intended primarily for children 12 years of age or under.

(1m) "Department" means the state of Wisconsin department of agriculture, trade and consumer protection.

(2) "Federal act" means the federal hazardous substance act of 1960, as amended (15 USC 1261 et. seq.), and regulations adopted thereunder (16 CFR Part 1500).

(2m) "Infant walker" means a mobile unit that enables a child to move on a horizontal surface when propelled by the child sitting or standing within that mobile unit. "Infant walker" includes products commonly known as "baby walkers," "baby-bouncers" or "walker-jumpers."

(3) "Neck area" means the area one inch above and below the seam between the body of a garment and the collar or hood.

(5) "Upper outerwear" means clothing, such as jackets and sweatshirts, that is generally intended to be worn over other garments.

**History:** Cr. Register, January, 1978, No. 265, eff. 2-1-78; am. (intro.), cr. (3) and (5), Register, August, 1999, No. 524, eff. 9-1-99; CR 09-002: renum. (1) to be (1m), cr. (1) and (2m) Register August 2009 No. 644, eff. 9-1-09.

#### ATCP 139.02 Labeling of hazardous substances.

(1) The labels of hazardous substances shall contain all labeling information required under s. 100.37 (1) (h), Stats., except as modified or exempted under this chapter. Hazardous substances or articles for which additional or supplemental labeling is required under this chapter, shall be labeled in conformity with such requirements.

(2) The signal words, the statement of the principal hazard or hazards, and instructions to read carefully any cautionary information that may appear elsewhere on the label, shall be placed together on the main panel of the label within the borders of a square or rectangle with or without a borderline. Suitable contrast with the background shall be achieved by distinctive topography or color or both. The signal word and statement of hazard shall be in capital letters. Cautionary information, whether appearing on the main panel or elsewhere on the label, shall appear together separately and apart from other wording or designs.

(3) If the product is highly toxic the label shall contain in addition to the signal word, the word "POISON" and the skull and crossbones.

(4) The signal word, and the word "POISON" if required, shall be of a size bearing reasonable relationship to other type on the main panel, but shall not be less than 18 point type. The size of the statement of hazard shall not be less than 12 point type, unless label space on the container requires a smaller type size. If a smaller type size is required, the size shall be no smaller than necessary and in no event less than 6 point type.

(5) All label information required under s. 100.37 (1) (h), Stats., and this chapter, may appear on the main panel. Label information not specifically required to appear on the main panel under sub. (2), may be placed on the main panel or elsewhere on the label with distinctive contrast achieved by typography, color, or layout. The name and place of business of the manufacturer, packer, distributor, or seller may appear separately on the same or a different panel. The type size used shall bear a reasonable relationship to other printing on the panel and be no smaller than 10 point type unless available label space requires a reduction in type size, in which event it shall be reduced to no less than 6 point type, unless an exemption has been granted under the federal act or by a permit from the department because of limited label space.

(6) Collapsible metal tubes containing hazardous substances shall be labeled so that all label information required under this chapter shall appear as close to the dispensing end of the container as possible.

(7) Unpackaged hazardous substances intended or in a form suitable for use in or around the household or by children shall be labeled so that all label information labeling is impractical because of the size or nature of the article, the labeling information required under this chapter shall be displayed by means of a tag or other suitable material which is securely affixed to the article so that the labeling will remain attached through all conditions of merchandising and distribution to the ultimate consumer.

(8) Any article that represents more than one type of hazard shall be labeled with an affirmative statement of each hazard, including precautionary measures, instructions, or other steps to be taken in dealing with the hazard. Label information referring to one hazard may be combined with parallel information concerning additional hazards if the resulting statement contains all information needed for dealing with each type of hazard presented.

(9) When any accompanying literature, whether by printed word, picture, design, or combination thereof, includes or contains any direction for use of a hazardous substance, such literature shall contain all information required under sub. (1).

(10) Any article, substance or product labeled in accordance with the federal act meets the labeling requirements of this chapter.

**History:** Cr. Register, January, 1978, No. 265, eff. 2-1-78; corrections in (1) and (5) made under s. 13.93 (2m) (b) 7., Stats., Register, April, 1993, No. 448.

**ATCP 139.03 Hazardous substances; special labeling requirements.** Hazardous substances identified under this section present special hazards requiring supplemental label statements to protect the public, and the following label statements for substances and articles as specified shall supplement labeling required under s. ATCP 139.02.

(1) (a) Charcoal briquettes and other forms of charcoal in containers for retail sale and intended for cooking or heating shall be labeled with a color contrasting heavy borderlined statement as follows:

WARNING: Do Not Use for Indoor Heating or Cooking Unless Ventilation is Provided for Exhausting Fumes to Outside. Toxic Fumes May Accumulate and Cause Death.

If packaged in bags, the statement shall appear in the upper 25% of both front and back panels of the bag, at least 2 inches below the seam and 1 inch from other reading material.

(b) The statements shall appear in type size as follows: The signal word "WARNING" in letters at least three-eighths of an inch in height and the remaining text at least three-sixteenths of an inch in height.

(2) Diethylene glycol and products containing 10% or more by weight of diethylene glycol shall be labeled with the signal word "WARNING" and the statement "HARMFUL IF SWALLOWED".

(3) Ethylene glycol and products containing 10% or more by weight of ethylene glycol shall be labeled with the signal word "WARNING" and the statement "HARMFUL OR FATAL IF SWALLOWED".

(4) Benzene and products containing 5% or more by weight of benzene shall be labeled with the signal word "DANGER" and the statement "VAPOR HARMFUL", the word "POISON", and the skull and crossbones symbol. If the product contains 10% or more by weight of benzene, it shall bear the additional statement of hazard "HARMFUL OR FATAL IF SWALLOWED" and the statements "IF SWALLOWED, DO NOT INDUCE VOMITING. CALL PHYSICIAN IMMEDIATELY".

(5) Toluene, xylene, or petroleum distillates such as kerosene, mineral seed oil, naphtha, gasoline, mineral spirits, stoddard solvent, and related petroleum distillates, and products containing 10% or more by weight of such substances shall be labeled with the signal word "DANGER" and bear the additional statement of hazards "VAPOR HARMFUL, HARMFUL OR FATAL IF SWALLOWED", and the statements "IF SWALLOWED, DO NOT INDUCE VOMITING. CALL PHYSICIAN IMMEDIATELY".

(6) Methyl alcohol (methanol) and products containing 4% or more by weight of methyl alcohol shall be labeled with the signal word "DANGER", the additional word "POISON", and the skull and crossbones symbol. The statement of hazards shall include "VAPOR HARMFUL" and "MAY BE FATAL OR CAUSE BLINDNESS IF SWALLOWED". The label shall also bear the statement "CANNOT BE MADE NON-POISONOUS".

(7) Turpentine, including gum turpentine, gum spirits of turpentine, sulfate wood turpentine, and destructively distilled wood turpentine and products containing 10% or more by weight of such turpentine shall be labeled with the signal word "DANGER" and the statement of hazard "HARMFUL OR FATAL IF SWALLOWED".

(8) When a substance or mixture of substances labeled for use in or as a fire extinguisher are toxic, the containers shall be labeled with the signal word "CAUTION" or "WARNING" and the statement of hazard "DANGEROUS GAS FORMED WHEN USED TO EXTINGUISH FLAMES OR ON CONTACT WITH HEAT".

(9) Regardless of whether sub. (8) applies, any substance or mixture of substances labeled for use as a fire extinguisher, that if applied to an electrical fire, would subject the user to the likelihood of electrical shock shall be conspicuously labeled "CAUTION: DO NOT USE ON ELECTRICAL WIRES". All such substances or mixtures of substances shall also bear the additional statements "USE IN AN ENCLOSED PLACE MAY BE FATAL" and "DO NOT ENTER AREA UNTIL WELL VENTILATED AND ALL ODOR OF CHEMICAL HAS DISAPPEARED".

(10) Lawn darts and similar sharp-pointed articles not intended for toy use and marketed solely as a game of skill for adults, shall bear the following statement on the front panel of the carton, and on any accompanying literature in contrasting color within a borderline and in letters at least one-quarter inch high on the main panel of the container and at least one-eighth inch high on all accompanying literature:

WARNING: Not a toy for use by children. May cause serious or fatal injury. Read instructions carefully. Keep out of reach of children.

(11) When the only hazard of a product in a self-pressurized container is that the contents are under pressure, the following statement shall be set forth on the front panel of the container:

WARNING: CONTENTS UNDER PRESSURE

Do not puncture or incinerate container. Do not expose to heat or store at temperatures above 120°F. Keep out of reach of children.

The word "CAUTION" may be substituted for the word "WARNING". A practical equivalent may be substituted for the statement "KEEP OUT OF THE REACH OF CHILDREN."

**History:** Cr. Register, January, 1978, No. 265, eff. 2-1-78.

**ATCP 139.04 Banned products; general.** The following consumer products or hazardous substances present an unreasonable hazard to public health and safety that cannot be adequately cured by product labeling, and are banned from sale or distribution in this state pursuant to s. 100.37 (2) or 100.42 (2), Stats., or both ss. 100.37 (2) and 100.42 (2), Stats.:

(1) Extremely flammable mixtures intended primarily for application to interior masonry walls and floors as a water repellent treatment.

(2) Carbon tetrachloride and mixtures containing it, excluding unavoidable manufacturing residues of carbon tetrachloride in other chemicals that under reasonably foreseeable conditions of use do not result in an atmospheric concentration of carbon tetrachloride greater than 10 parts per million.

(3) Firework devices, including but not limited to cherry bombs, M-80 salutes, silver salutes, and other large firecrackers, aerial bombs and other fireworks designed to produce audible or smoke effects, and kits and components intended to produce such fireworks, if the audible or smoke effect is produced by a charge of more than 16.2 milligrams of flammable or explosive pyrotechnic composition. This subsection does not apply to fireworks authorized for sale or use as provided under s. 167.10, Stats.

(4) Liquid drain cleaners containing 10% or more by weight of sodium or potassium hydroxide or sulfuric acid, except that this subsection shall not apply to such liquid drain cleaners if

packaged in accordance with a standard for special packaging of such articles under s. 100.43, Stats., or under the federal poison prevention packaging act of 1970 (15 USC 1471-76).

(5) Products containing soluble cyanide salts, excluding unavoidable manufacturing residues of cyanide salts in other chemicals that under reasonable and foreseeable conditions of use will not result in a concentration of cyanide greater than 25 parts per million.

(6) Paint or other similar surface-coating materials, intended for household use or packaged in a form suitable for household use, which contain lead or lead compounds in which the weight of lead metal (Pb) exceeds 0.06% of the weight of the total non-volatile content of the paint or the weight of the dried paint film. This subsection does not apply to artists' paints and related materials.

(7) Garments containing asbestos other than garments having a bona fide application for personal protection against thermal injury and so constructed that the asbestos fibers will not become airborne under reasonably foreseeable conditions of use.

(8) Fire extinguishers containing substances which are or become highly toxic when used according to label directions to extinguish a fire.

(9) Vinyl chloride monomer as an ingredient or propellant in self-pressurized products intended or suitable for household use.

(10) Butyl nitrite, isobutyl nitrite, secondary butyl nitrite, tertiary butyl nitrite, and mixtures containing butyl nitrite, isobutyl nitrite, secondary butyl nitrite, or tertiary butyl nitrite.

(11) Flammable substances containing butane, propane, mixtures of butane and propane, or other gaseous hydrocarbons when used or intended for use as refrigerants in motor vehicles whose mobile air conditioners, as defined under s. 100.45 (1) (b), Stats., were not designed and manufactured to use flammable refrigerants.

(12) All lawn darts banned under 16 CFR 1306.

**History:** Cr. Register, January, 1978, No. 265, eff. 2-1-78; cr. (10), Register, February, 1986, No. 362, eff. 3-1-86; emerg. cr. (11), eff. 10-9-96, cr. (11), Register, June, 1997, No. 498, eff. 7-1-98; CR 09-002: r. and recr. (title) and (intro.), am. (6), cr. (12) Register August 2009 No. 644, eff. 9-1-09.

#### ATCP 139.05 Children's products; general. (1)

Electrically operated toys intended for use by children and powered by household current, shall be considered as hazardous substances subject to labeling requirements under s. 100.37 (1), Stats., to include directions for use for the protection of children from electrical, mechanical or thermal hazards.

(2) Toys or other articles intended for use by children which, under reasonable and foreseeable conditions of use or abuse by children in the age group for which they were designed or intended, may cause personal injury or illness through electrical shock, fire, burns, bodily cuts, punctures or wounds, or which otherwise present an unreasonable risk of harm or injury because of electrical, mechanical or thermal hazards associated with their construction, design or use shall, for purposes of s. 100.37 (2) (e) and (5), Stats., be considered hazardous substances and subject to holding order and summary ban procedures.

**History:** Cr. Register, January, 1978, No. 265, eff. 2-1-78; emerg. cr. (4), eff. 5-24-93; cr. (4), Register, May, 1994, No. 461, eff. 6-1-94; renun. ATCP 139.05 (3) (intro.) to (e) to be ATCP 139.055 (intro.) to (5), Register, August, 1999, No. 524, eff. 9-1-99; CR 09-002: r. and recr. (title), r. (4) Register August 2009 No. 644, eff. 9-1-09.

**ATCP 139.055 Banned children's products.** The following children's products, which present a serious and unreasonable hazard to child health and safety that cannot be adequately cured by product labeling, are banned from sale or distribution in this state pursuant to s. 100.37 (2) or 100.42 (2), Stats., or both ss. 100.37 (2) and 100.42 (2), Stats.:

(1) Toy rattles that are banned under 16 CFR 1500.18(a)(1).

**Note:** 16 CFR 1500.18(a)(1) bans toy rattles that contain internal or external rigid wires, sharp protrusions, or loose small objects that may cause laceration, puncture wound, aspiration, ingestion or other injury.

(2) Toys that are banned under 16 CFR 1500.18(a)(2).

**Note:** 16 CFR 1500.18(a)(2) bans toys that have noise-making components which may be dislodged by the operation of the toy or deliberately removed by a child, and which may cause laceration, puncture wound, aspiration, ingestion or other injury.

(3) Dolls, stuffed animals or similar toys that are banned under 16 CFR 1500.18(a)(3).

**Note:** 16 CFR 1500.18(a)(3) bans dolls, stuffed animals or similar toys that have internal or external components which may cause laceration, puncture wound injury, or other injury.

(4) Lawn darts and similar sharp-pointed toys that are banned under 16 CFR 1500.18(a)(4).

**Note:** 16 CFR 1500.18(a)(4) bans lawn darts and similar sharp-pointed toys that are usually intended for outdoor use, and which may cause puncture wound injury.

(5) Infant walkers that are banned under 16 CFR 1500.18(6), or that fail to comply with the stair-fall protection standard in the "Standard Consumer Safety Specification for Infant Walkers," ASTM F977-07, published by ASTM International (2007).

**Note:** 16 CFR 1500.18(6) bans infant walkers which have exposed parts capable of amputating, crushing, lacerating, fracturing, bruising, or causing hematomas or other injuries to fingers, toes, or other parts of a young child's anatomy.

Copies of ASTM 977-07 are on file with the department and the legislative reference bureau. Copies may be obtained from ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959, telephone 610-832-9585, website [www.astm.org](http://www.astm.org).

(6) Children's bicycle helmets, manufactured or imported into the United States after March 10, 1999, that do not meet the federal bicycle helmet safety standard under 16 CFR 1203.

(7) Children's clothing, sizes 0 to 16, with drawstrings in the neck area.

(8) Children's upper outerwear, sizes 0 to 16, with a drawstring at the waist or bottom of the garment, unless all the following apply:

(a) Not more than 3 inches of any drawstring is outside the drawstring channel when the garment is expanded to its fullest width.

(b) There is no toggle, knot or other attachment at the free end of any drawstring.

(c) Every drawstring is sewn to the garment at the midpoint of the drawstring channel so the drawstring cannot be pulled out of the channel.

(9) Children's products that contain elemental mercury.

(10) Children's products which contain magnets that do not comply with the mandatory toy safety standards adopted under 15 USC 2056b.

**Note:** 15 USC 2056b adopts the standards established by the "Standard Consumer Safety Specification for Toy Safety," published by ASTM International. The standards are intended to address ingestion hazards in addition to other safety hazards associated with magnets. The standards do not apply to toys in which the magnets are used only as internal components of motors, relays, speakers or other electrical components, provided that magnetism is not part of the play pattern of the toy.

(11) Baby cribs and related enclosures that are banned under 16 CFR 1500.18(13) or (14).

**Note:** 16 CFR 1500.18(13) and 16 CFR 1500.18(14) ban full-size and non-full size baby cribs that do not meet federal standards intended to reduce the risk of injury.

(12) Yo-yo elastic tether toys that do not comply with the mandatory toy safety standards adopted under 15 USC 2056b.

**Note:** 15 USC 2056b adopts the standards established by the "Standard Consumer Safety Specification for Toy Safety," published by ASTM International. The standards are intended to address potential strangulation hazards.

(13) Children's products, containing lead, which are banned hazardous substances under 15 USC 1278a.

**Note:** 15 USC 1278a treats as a banned hazardous substance any children's product that contains more lead than 600 parts per million beginning 180 days after Au-

**Published under s. 35.93, Stats. Updated on the first day of each month. Entire code is always current. The Register date on each page is the date the chapter was last published.**

gust 14, 2008, 300 parts per million beginning on the date that is one year after August 14, 2008, and 100 parts per million beginning on the date that is 3 years after August 14, 2008.

**History:** Renum. from ATCP 139.05 (3) (intro.) to (e), cr. (6) to (8), Register, August, 1999, No. 524, eff. 9-1-99, except (7) and (8), eff. 1-1-00; CR 09-002: r. and recr. Register August 2009 No. 644, eff. 9-1-09.

**ATCP 139.06 Exemptions for small packages, minor hazards, and special circumstances.** The following exemptions are granted from labeling requirements for hazardous substances under s. 100.37 (1), Stats.:

(1) When the sole hazard from a substance in a self-pressurized container is that it generates pressure or when the sole hazard from a substance is that it is flammable or extremely flammable, the name of the component which contributes to the hazard need not be stated.

(2) Fuel in portable customer containers filled by retail vendors for personal or household use are exempt from labeling the name and place of business of the manufacturer, packer or seller.

(3) Common matches, including book matches, wooden matches and safety matches are exempt from labeling requirements insofar as they apply to the product being considered hazardous because of being flammable or extremely flammable.

(4) Paper items, such as newspapers, wrapping papers, toilet and cleaning tissues, and paper writing supplies are exempt from labeling requirements insofar as they apply to the products being considered hazardous because of being flammable or extremely flammable.

(5) Thread, string, twine, rope, cord and other similar materials are exempt from labeling requirements insofar as they apply to the product being considered hazardous because of being flammable or extremely flammable.

(6) Laboratory chemicals intended only for research or investigational and other laboratory uses (except those in home chemistry sets) are exempt from the labeling requirements of placement under s. ATCP 139.02 if all information required by that section and s. 100.37 (1), Stats., appears with the required prominence on the label panel adjacent to the main panel.

(7) Small-arms ammunition packaged in retail containers is exempt from labeling requirements if the container bears the following labeling:

(a) The common or usual name of the ammunition in the container;

(b) The statement "WARNING — KEEP OUT OF THE REACH OF CHILDREN," or its practical equivalent; and

(c) The name and place of business of the manufacturer, packer, seller, or distributor.

(8) Ball point ink cartridges are exempt from labeling requirements insofar as the ink contained therein may be considered a toxic substance, provided:

(a) The ink will emerge only from the ballpoint end under reasonably foreseeable conditions of manipulation or use; and

(b) The cartridge does not have a capacity in excess of 2 grams of ink.

(9) Porous-tip ink-marking devices are exempt from labeling requirements insofar as such requirements would apply because the ink contained therein is a toxic substance, or because the ink contains 10% or more by weight of toluene, petroleum distillates or ethylene glycol; provided the porous-tip ink-marking device is so constructed that:

(a) All the ink is held in an absorbent material within the device;

(b) The ink will emerge only through the porous writing nib under reasonable conditions of manipulation and use, including reasonable foreseeable abuse by children; and

(c) The capacity of the device does not exceed 12 grams of ink.

(10) Containers of dry ink concentrates are exempt from the labeling requirements insofar as such requirements would apply because the dried ink contained therein is a toxic substance or because the ink contains 10% or more by weight of ethylene glycol; provided that:

(a) The single container does not exceed 75 milligrams of dry ink concentrate; and

(b) The dry ink concentrate does not contain over 15% by weight of ethylene glycol.

(11) Containers of paste shoe waxes, paste auto waxes and paste furniture and floor waxes containing 10% or more by weight of toluene, xylene, petroleum distillate or turpentine are exempt from the special labeling requirements under s. ATCP 139.03 (5) and (7), if the viscosity of such products is sufficiently high so that they will not flow from their open containers when inverted for 5 minutes at a temperature of 80°F. Such products are also exempt from a flammability warning statement if flammability is due solely to the presence of solvents with flashpoints above 80°F.

(12) Viscous nitrocellulose - base adhesives containing more than 4% methyl alcohol by weight and containers of 2 fluid ounces or less not exceeding 15% methyl alcohol by weight are exempt from the label statement "Cannot be made non-poisonous."

(13) Cellulose sponges containing 10% but not more than 15% by weight of diethylene glycol are exempt from special labeling requirements under s. ATCP 139.03 (2) if the diethylene glycol is completely absorbed in the cellulose.

(14) Paints, varnishes, lacquers, roof coating, rubber vulcanizing preparations, floor covering adhesives, glazing compounds, and other viscous products containing 10% or more by weight of toluene, xylene, or petroleum distillates are exempt from special labeling requirements under s. ATCP 139.03 (5) and (7), provided the viscosity of the substance or of any liquid that may separate or be present in the container is not less than 100 Saybolt universal seconds at 100°F.

(15) Polishing or cleaning products containing 10% or more by weight of toluene, xylene, or petroleum distillates in a carrier of solid particulate or fibrous composition are exempt from special labeling requirements under s. ATCP 139.03 (5) and (7), if the toluene, xylene, or petroleum distillate is fully absorbed by the solid, semi-solid, or fibrous carrier.

(16) Single-use spot removers consisting of a cotton pad or other absorbent material saturated with a mixture of dry cleaning solvents not exceeding 4.5 milliliters and packaged in sealed foil envelopes are exempt from labeling requirements insofar as they apply to the flammability of such products. Such single-use spot removers saturated with a substance containing not more than 25% methyl alcohol completely held in cotton pads or other absorbent materials are exempt from special labeling requirements of methyl alcohol under s. ATCP 139.03 (6), if the cleaning product in each package does not exceed 4.5 milliliters.

(17) Cigarette lighters containing not more than 10 cubic centimeters of petroleum distillate fuel in a flush-set screwed-type sealed container, are exempt from labeling requirements insofar as they apply to flammability. Cigarette lighters containing not more than 12 grams of butane or isobutane fuel at the time of sale and designed in such a manner that the fuel reservoir will with-

stand a pressure of at least one and one-half times the maximum pressure which will be developed in the container at 120°F., are exempt from the labeling requirements insofar as they apply to flammability and under pressure.

(18) Containers of dry granular fertilizers and dry granular plant foods are exempt from labeling requirements insofar as they apply to such products as being toxic substances, provided the label bears the additional statement "KEEP OUT OF REACH OF CHILDREN" or its practical equivalent.

(19) Small plastic capsules containing paste composed of powdered metal solder mixed with a liquid flux are exempt from label requirements provided the capsule holds not more than one-half milliliter of the solder mixture, is sold only as a component of a kit, and adequate caution statements appear on the carton of the kit and on any accompanying labeling which bears directions for use.

(20) Chemistry sets and other science education sets intended primarily for use by juveniles and replacement containers of chemicals for such sets, are exempt from the labeling requirements of s. ATCP 139.02 (1), provided the immediate container of each chemical that is hazardous as defined in the statutes and these rules bears on its main panel the name of such chemical, the appropriate signal word for that chemical and the additional statement "READ BACK LABEL BEFORE USING" or "READ SIDE PANEL BEFORE USING", as appropriate, and bears on the back or side panel of the immediate container the remainder of the appropriate cautionary statement for the specific chemical in the container. The front page or cover of the experiment manual or other instruction book or booklet accompanying such set and the main display panel on the outer carton shall bear the following caution statement within the borders of a rectangle and in the type size specified in s. ATCP 139.02:

WARNING: This set contains chemicals that may be harmful if misused. Read cautions on the individual containers carefully. Not to be used for children except under adult supervision.

(21) Fire extinguishers under pressure and designed to withstand a pressure of at least 6 times the charging pressure at 70°F., are exempt from the label requirements insofar as they apply to the pressure hazard.

History: Cr. Register, January, 1978, No. 265, eff. 2-1-78.

**ATCP 139.07 Poison labeling requirements.** The signal word "POISON", instead of any other signal word, shall be printed on the label of the following substances at concentrations indicated:

(1) Hydrochloric acid and any preparation containing free or chemically unneutralized hydrochloric acid (HCL) in a concentration of 10% or more.

(2) Sulfuric acid and any preparation containing free or chemically unneutralized sulfuric acid (H<sub>2</sub>SO<sub>4</sub>) in a concentration of 10% or more.

(3) Nitric acid or any preparation containing free or chemically unneutralized nitric acid (HNO<sub>3</sub>) in a concentration of 5% or more.

(4) Carboic acid (C<sub>6</sub>H<sub>5</sub>OH), also known as phenol, and any preparation containing carboic acid in a concentration of 5% or more.

(5) Oxalic acid and any preparation containing free or chemically unneutralized oxalic acid (H<sub>2</sub>C<sub>2</sub>O<sub>4</sub>) in concentration of 10% or more.

(6) Oxalic acid salts, except ferrous oxalate, and any preparation containing any such salt in a concentration of 10% or more.

(7) Acetic acid or any preparation containing free or chemically unneutralized acetic acid (HC<sub>2</sub>H<sub>3</sub>O<sub>2</sub>) in a concentration of 20% or more.

(8) Hypochlorous acid, either free or combined, and any preparation containing the acid in a concentration that will yield 10% or more by weight of available chlorine.

(9) Potassium hydroxide and any preparation containing free or chemically unneutralized potassium hydroxide (KOH), including caustic potash and vienna paste (vienna caustic), in a concentration of 10% or more.

(10) Sodium hydroxide and any preparation containing free or chemically unneutralized sodium hydroxide (NaOH), including caustic soda and lye in a concentration of 10% or more.

(11) Silver nitrate, sometimes known as lunar caustic, and any preparation containing silver nitrate (AgNO<sub>3</sub>) in a concentration of 5% or more.

(12) Ammonia water and any preparation containing free or chemically uncombined ammonia (NH<sub>3</sub>), including ammonium hydroxide and hartshorn, in a concentration of 5% or more.

History: Cr. Register, January, 1978, No. 265, eff. 2-1-78.

**ATCP 139.08 Antifreeze and extremely flammable contact adhesives; labeling.** (1) Methyl alcohol-base (methanol-base) radiator antifreeze distributed in containers shall bear the following warning statement when the only hazard is that caused by the methyl alcohol content and its flammability:

DANGER — POISON  
(Skull and Crossbones Symbol)  
MAY BE FATAL OR CAUSE BLINDNESS  
IF SWALLOWED  
FLAMMABLE — VAPOR HARMFUL

Contains methyl alcohol (methanol). Cannot be made nonpoisonous. Avoid contact with eyes. Use only in a well-ventilated area. Keep away from heat and open flame. Do not store in open or unlabeled containers.

First aid: In case of contact with eyes, flush thoroughly with water. If swallowed, induce vomiting. Call a physician immediately.

Keep out of the reach of children.

(2) Ethylene glycol-base radiator antifreeze distributed in containers shall bear warning statements as follows, when the hazard is that caused by ethylene glycol and (if present) sodium arsenite:

(a) For ethylene glycol antifreeze containing less than 0.01% by weight of sodium arsenite.

WARNING — HARMFUL OR FATAL  
IF SWALLOWED

Do not drink antifreeze or solution. If swallowed, induce vomiting immediately. Call a physician. Ethylene glycol base. Do not store in open or unlabeled containers. Keep out of the reach of children.

(b) For ethylene glycol antifreeze containing 0.01% but no more than 1% by weight of sodium arsenite.

WARNING — HARMFUL OR FATAL  
IF SWALLOWED

Do not drink antifreeze or solution. If swallowed, induce vomiting immediately. Call a physician. Ethylene glycol base containing sodium arsenite (less than 1%).

Antidote for sodium arsenite: Dimercaprol (BAL) to be administered only by a physician.

Do not store in open or unlabeled containers. Keep out of the reach of children.

(3) (a) Extremely flammable contact adhesive, also known as contact bonding cement, and similar liquid or semiliquid articles having a flashpoint at or below 20°F., when sold in containers of more than one-half pint, when the only hazard foreseeable is that caused by the extreme flammability of the mixture, shall bear the following warning statement:

DANGER  
VAPORS MAY CAUSE FLASH FIRE  
EXTREMELY FLAMMABLE

Vapors may ignite explosively.

Prevent buildup of vapors — open all windows and doors — use only with cross-ventilation.

Keep away from heat, sparks, and open flame.

Do not smoke, extinguish all flames and pilot lights, and turn off stoves, heaters, electric motors, and other sources of ignition during use and until all vapors are gone.

Close container after use.

Keep out of the reach of children.

(b) The placement, type size, necessary prominence, and typography or color for the signal word and warning statement appearing in capital letters in sub. (3) (a), as well as all cautionary information, shall comply with the requirements of s. ATCP 139.02.

(c) If an article has additional hazards, or contains ingredients requiring special labeling under s. ATCP 139.03, appropriate additional front and rear panel precautionary labeling is required.

**History:** Cr. Register, January, 1978, No. 265, eff. 2-1-78.

**ATCP 139.09 Strong sensitizers.** The following substances are considered to be strong sensitizers under s. 100.37 (1) (j), Stats.:

(1) Paraphenylenediamine and products containing it.

(2) Powdered orris root and products containing it.

(3) Epoxy resins systems containing in any concentration ethylenediamine, diethylenetriamine, and diglycidyl ethers of molecular weight of less than 200.

(4) Formaldehyde and products containing 1% or more of formaldehyde.

(5) Oil of bergamot and products containing 2% or more of oil of bergamot.

**History:** Cr. Register, January, 1978, No. 265, eff. 2-1-78; correction in (intro.) made under s. 13.93 (2m) (b) 7., Stats., Register, April, 1993, No. 448.

**ATCP 139.10 Testing for hazardous substances.** Test procedures employed under the federal act shall be the test procedures employed by the department under this chapter in determining whether the substance is a hazardous substance as defined under s. 100.37 (1) (c), Stats.

**History:** Cr. Register, January, 1978, No. 265, eff. 2-1-78; correction made under s. 13.93 (2m) (b) 7., Stats., Register, April, 1993, No. 448.

**ATCP 139.12 Unfair methods of competition and unfair trade practices.** A violation of this chapter is an unfair method of competition and unfair trade practice in business under s. 100.20 (1), Stats., and is hereby prohibited under s. 100.20 (2) (a), Stats.

**History:** CR 09-002: cr. Register August 2009 No. 644, eff. 9-1-09.