

3. The type of bait or the form in which the sodium fluoroacetate (1080) will be used;
4. The method of application; and
5. The method of disposal of carcasses of rats or mice.

(c) The following conditions shall apply to all permits for the use of sodium fluoroacetate (1080) under this section, and to all emergency permits for its use under s. Ag 29.06:

1. All buildings or portions of buildings in which the pesticide is to be used shall be completely closed and sealed off against access by all non-target animals and persons other than those engaged in the control work. Control work within a building shall be carried on in such a manner as to prevent the contamination of the building or its contents. All remaining and unconsumed pesticide used in the building shall be completely removed from the building before the building is opened for further use.

2. Outdoor applications shall be made using tamper-proof bait boxes designed and secured to prevent a hazard to humans or non-target animals, including birds or fish.

3. Carcasses of rats and mice shall be picked up promptly after being killed by the pesticide, to prevent access to the carcasses by humans or other animals. Carcasses shall be disposed of at a landfill site approved by the department of natural resources.

4. Records of each use of the pesticide shall be maintained for a period of 2 years and be made available to the department upon request, for inspection and copying. Records shall include the date and time of application, and a description of the site at which the pesticide was used, the form in which it was used, the method of application, and the site used for the disposal of carcasses.

(5) PERMITS FOR USE OF STRYCHNINE AND CHLORDANE; SPECIAL REQUIREMENTS. (a) Special permits for the use of strychnine may be granted only for uses for which the product is registered, and only for applications below ground or for use in the control of rats and mice.

(b) Special permits for the use of chlordane may be granted only for uses for which the product is registered, and only for use by certified applicators. Permits shall not authorize the sale or purchase of chlordane in container quantities of less than one gallon.

(6) PROHIBITIONS. (a) No person may use any pesticide for which a permit is required under this section unless and until a permit has been received in writing from the department, or use the pesticide contrary to the terms and conditions specified in the permit.

(b) No person may openly display sodium fluoroacetate (1080), strychnine or chlordane for sale, or sell or offer to sell them to any person who does not have a permit from the department. Persons selling sodium fluoroacetate (1080), strychnine or chlordane shall make a record of each sale, to include the date of sale, the name and address of the purchaser, the purchaser's permit number, and the quantity of the pesticide sold. Records shall be kept for a period of 2 years and be made available to the department upon request, for inspection and copying.

Ag 29

(c) No permit holder purchasing any sodium fluoroacetate (1080), strychnine or chlordane may resell or give the pesticide to persons who do not have a permit.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

Ag 29.05 Pesticides for limited purposes only. (1) The following pesticides may be purchased, sold or used in Wisconsin only for the purposes specified in this section, except for emergency use under permit as provided in s. Ag 29.06, or experimental use under permit as provided in s. Ag 29.07:

(a) Aldrin may be used only for foundation treatment below ground to control termites and for root treatment of nonfood trees at planting.

(b) Benzene hexachloride may be used only to treat trees for the control of pine root collar weevil, pine tip weevil and balsam gall midge, at an application rate not to exceed ¼ pound per acre.

(c) Chromium in any pesticide formulation may be used only for pressure treatment of lumber for protection against termites and decay producing fungi.

Note: The department has proposed an amendment to (c) which would permit the use of potassium dichromate for the preservation of composite milk samples.

(d) Dieldrin may be used only for foundation treatment below ground to control termites.

(e) Heptachlor may be used only for foundation treatment below ground to control termites, and for registered uses in the treatment of seeds.

(f) Lindane (gamma isomer of benzene hexachloride) may be used only for:

1. The 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 animals, including dairy cattle and goats, for the protection of flesh and flesh wounds against insect infestation.

2. Seed treatment.

3. Treatment of yard and non-commercial garden ornamentals.

4. Household uses for which the product is registered.

5. Medicinal use by physicians or persons acting under their direction.

(g) Mercury in any pesticide formulation may be used only in the manufacturing of paints and to control winter turf disease on golf tees and greens.

(2) The limitations under sub. (1) do not apply to the purchase, sale or use of pesticides as laboratory standards or educational exhibits, or for laboratory research.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

Ag 29.06 Emergency use permits. (1) **PERMITS; AUTHORIZATION.** The department may issue emergency use permits authorizing the purchase, sale, distribution and use of pesticides, other than DDT and its isomers and metabolites, for purposes not otherwise permitted under ss. 94.67

7. A statement requiring persons using the product to comply with all applicable directions, restrictions and precautions found on the product label, and accompanying supplemental labeling.

8. The expiration date of the state registration.

9. Any other labeling required by the department.

(5) **USE RESTRICTIONS; USE BY CERTIFIED APPLICATORS ONLY.** The department may, as a condition to registering any pesticide product or use to meet a special local need, classify the product for use only by certified applicators. A product shall be classified for use only by certified applicators if:

(a) It is identical or similar in composition to a federally registered product for which all or similar uses have been restricted to use by certified applicators under the federal act;

(b) It meets the criteria for classification as a restricted-use pesticide under the federal act; or

(c) The department determines that the restricted-use classification is necessary to prevent unreasonable hazards to persons, property, wild animals or the environment.

(6) **SUSPENSION OR REVOCATION.** The department may summarily suspend or revoke a registration issued under this section if any conditions or requirements under which the product or use was registered is violated, the special local need no longer exists, or continuation of the registration may result in an unreasonable hazard to persons, property, wild animals or the environment. A registration shall be suspended or revoked if at any time it is suspended or disapproved by action of the federal environmental protection agency under the federal act.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

Ag 29.09 Licensing of pesticide manufacturers and labelers; filing of reports. (1) **LICENSE REQUIREMENT.** (a) No person may sell or distribute for sale any pesticide product in this state unless the product label bears the name and address of a licensee under s. 94.68, Stats., who, as the manufacturer, registrant or supplemental registrant of the pesticide product, is responsible for the introduction, sale or distribution of the pesticide product in this state. No license is required of a supplemental registrant if the product label bears the name and address of a licensed manufacturer or registrant, and the name of the supplemental registrant is qualified by appropriate wording such as "Packed for...", "Distributed by...", or "Sold by..." to show that the name of the supplemental registrant is not that of a licensed manufacturer or registrant.

(b) The name and address of the licensee, as it appears on the product label, shall conform to the name and address appearing on the license application. License applications shall include all addresses of licensees which may be used on product labels.

(2) **FILING OF REPORTS BY LICENSEES.** As a condition to the licensing of pesticide manufacturers and labelers under s. 94.68, Stats., persons holding or applying for licenses shall submit to the department upon request copies of pesticide labeling for each pesticide which may be sold or distributed by them in this state, a record of the quantities of each pesticide sold or distributed, the names and addresses of persons from or

Ag 29

to whom pesticides are received or distributed for further manufacturing, packaging, or labeling, and such other information as the department may request concerning pesticides sold or distributed by them in this state.

History: Cr. Register, October, 1970, No. 178, eff. 11-1-70; renum. from Ag 29.08 to be Ag 29.07, Register, April, 1972, No. 196, eff. 5-1-72; renum. from Ag 29.07 to be Ag 29.05, Register, August, 1975, No. 236, eff. 9-1-75; renum. from Ag 29.05 and am., Register, March, 1982, No. 315, eff. 4-1-82.

Ag 29.10 Registration of commercial applicators and sellers. (1) **COMMERCIAL APPLICATORS.** (a) Commercial applicators, including but not limited to those licensed to use and apply restricted-use pesticides under ss. 94.705 (1) (d) and (4) (c), Stats., shall register annually with the department if engaged in:

1. Forest, regulatory, public health or right-of-way pest control, as those categories are defined in s. Ag 29.16, whether or not the applications involve the use of restricted-use pesticides.

2. The use or application of pesticides as a commercial applicator for hire.

(b) Commercial applicators required to register under this subsection may not use or apply pesticides without a valid certificate of registration issued by the department. Certificates shall expire on December 31 of each year, and may be suspended or revoked for violations of any provisions of ss. 94.67 through 94.71, Stats., or this chapter. Certificate authorization may be partially suspended or revoked with respect to the use or application of pesticides by individual employes of a commercial applicator registered under this subsection.

(2) **DISTRIBUTORS AND RETAIL DEALERS.** Distributors and retail dealers of restricted-use pesticides and pesticides for which a use permit is required under s. Ag 29.04, shall register annually with the department. Registrations shall expire on December 31 of each year.

(3) **REGISTRATION PROCEDURES.** Persons required to register under this section shall register on forms furnished by the department, to include the name and address of the applicator or seller and business locations from which sales are made or from which business operations are conducted. Changes in business names or locations shall be reported to the department within 30 days after date of change.

History: Cr. Register, October, 1970, No. 178, eff. 11-1-70; renum. from Ag 29.07 to be Ag 29.08, Register, April, 1972, No. 196, eff. 5-1-72; am. (1), Register, May, 1973, No. 209, eff. 6-1-73; renum. from Ag 29.08 to be Ag 29.06, Register, August, 1975, No. 236, eff. 9-1-75; renum. from Ag 29.06 and am., Register, March, 1982, No. 315, eff. 4-1-82.

Ag 29.11 Commercial applicators and sellers; record keeping requirements. (1) **COMMERCIAL APPLICATORS.** All commercial applicators, whether or not subject to licensing under ss. 94.705 (1) (d) and 4 (c), Stats., or registration under s. Ag 29.10 (2), shall keep a record for a period of 2 years of all pesticide applications, other than applications of germicides, sanitizers and disinfectants. Records of pesticide applications shall be completed on the day pesticides are applied, and be made available to the department for inspection and copying upon request. Records shall include:

(a) The name of the individual using or applying the pesticide and the name and address of the person for whom the pesticide was applied.

- (b) The location of the site where the pesticide was applied.
- (c) The pest or pests against which the pesticide was applied.
- (d) The date and time of application.
- (e) The trade name of the pesticide applied, and either the manufacturer's name or the E.P.A. (federal environmental protection agency) registration number of the pesticide.
- (f) The amount of pesticide used and the total area treated.
- (g) Specific types of crops, agricultural commodities, plants, animals, structures, equipment, materials or sites treated.

(2) **DISTRIBUTORS AND RETAIL DEALERS.** Distributors and retail dealers of pesticides, whether or not subject to registration under s. Ag 29.10 (2), shall keep records of the amounts and kinds of pesticides sold. Records shall be kept for a period of 2 years, and be made available to the department for inspection and copying upon request.

History: Renum. from Ag 29.15 (7) and am., Register, March, 1982, No. 315, eff. 4-1-82.

Ag 29.12 Storage of pesticides. (1) Pesticides shall be stored in accordance with temperature and moisture requirements and other precautionary storage instructions contained on the product label, and in a manner which will assure that original labels on the containers are protected from damage or destruction and kept in readable condition.

(2) Pesticides and their containers while in storage shall be kept in separate rooms or areas, adequately separated from areas used for the storage or display of food, feed, seed, livestock remedies, drugs, plants, and other products or materials so as to prevent possible contamination of those products or materials which could result from volatilization of pesticides, the leakage or breakage of pesticide containers, or other causes.

(3) Indoor rooms or areas used for the storage of pesticides shall be protected and secured in such manner that they are not readily accessible to children or the general public.

(4) Pesticides and pesticide containers stored at outdoor locations, including loading or application sites, shall be kept in a fenced or walled enclosure, secured against entry by children or the general public. Pesticides and pesticide containers shall be covered or otherwise protected and secured to avoid damage to or destruction of product labels, and to prevent hazards to persons, property or wild animals. This subsection does not apply to pesticides or containers temporarily held at loading and application sites in connection with their use, subject to s. Ag 29.15 (8).

(5) Pesticides removed from original shipping containers prior to storage shall be inspected to assure that caps, lids or other sealing devices on the container are tight or secure, and that the container is sound and unbroken. Defective containers, if not fully repaired, shall be destroyed or disposed of in accordance with label directions or in a landfill site approved by the Wisconsin department of natural resources.

(6) Hypochlorite sanitizers held in storage for sale or distribution shall be stored in such a manner that the oldest stocks will be used to replace stock which has been sold.

(7) Bins or areas used for storage of pesticides shall be maintained in a clean condition and be thoroughly inspected and cleaned prior to use for any other purpose.

History: Cr. Register, October, 1970, No. 178, eff. 11-1-70; renum. from Ag 29.08 to be Ag 29.09, Register, April, 1972, No. 186, eff. 5-1-72; renum. from Ag 29.09 to Ag 29.07, Register, August, 1975, No. 236, eff. 9-1-75; renum. from Ag 29.07 and am. (2) to (5), Register, March, 1982, No. 315, eff. 4-1-82.

Ag 29.13 Sale and display of pesticides. (1) No pesticide shall be sold or displayed which is not labeled, or on which the label is illegible in any respect.

(2) Pesticides labeled with the precautionary signal words, "POISON", "DANGER" or "WARNING", and packaged in glass or non-rigid containers, or in containers the caps, lids or dispensing devices of which are not equipped with a protective seal or covering, shall be displayed at a height of not less than 42 inches above the floor or otherwise protected to assure they are out of the reach of children.

(3) Any pesticide before being sold or displayed shall be examined to assure that caps, lids or other sealing devices on the container are tight or secure and that the container is sound and unbroken. Defective containers shall not be placed on display.

(4) Pesticides and their containers, while on display, shall be adequately separated from food, feed, seed, livestock remedies, drugs, plants, or other products or materials displayed or offered for sale, so as to prevent possible contamination of those products or materials which could result from volatilization of pesticides, the leakage or breakage of pesticide containers, or other causes. Under no circumstances shall pesticide containers which have been opened be displayed for sale.

(5) No person may sell a pesticide for uses other than those specifically set forth on the original product label, or supplemental labeling supplied by the manufacturer or registrant for new registered uses and furnished to the purchaser at the time of sale.

(6) No person may sell or distribute any poison or chemical at retail with instructions for its use in the formulation of a pesticide unless it is registered as a pesticide.

History: Cr. Register, October, 1970, No. 178, eff. 11-1-70; renum. from Ag 29.09 to be Ag 29.10, Register, April, 1972, No. 196, eff. 5-1-72; cr. (6) Register, May, 1973, No. 209, eff. 6-1-73; renum. from Ag 29.10 to be Ag 29.08, Register, August, 1975, No. 236, eff. 9-1-75; renum. from Ag 29.08 and am. (2), (4), to (6), Register, March, 1982, No. 315, eff. 4-1-82.

Ag 29.14 Removal of pesticides from sale. (1) The department may by summary order direct the removal from sale of pesticides which are adulterated or misbranded, or held or offered for sale in violation of these rules. Notice of any removal order shall be given to the manufacturer, distributor or registrant whenever recall of the pesticide or other corrective action is appropriate, unless the removal order was served directly on them. The notice shall include the reasons for the order and such instructions as may be necessary to accomplish the recall or removal of such products from sale.