

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 or packaged in a form suitable for use in and around the household, including use on toys or articles intended for use by children, containing lead compounds of which the lead content, calculated as the metal, is in excess of 0.06% of the total weight of the contained solids or dried paint film. This 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.

History: Cr. Register, January, 1978, No. 265, eff. 2-1-78; cr. (10), Register, February, 1986, No. 362, eff. 3-1-86.

ATCP 139.05 Toys and other articles intended for use by children; banned toys and articles. (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.

(3) The following types of toys or other articles intended for use by children present such a mechanical hazard and unreasonable risk of personal injury or illness that the public health and safety can only be protected by keeping such toys or articles out of channels of commerce, and are banned and prohibited from sale in this state:

(a) Any toy rattle containing, either internally or externally, rigid wires, sharp protrusions, or loose small objects that have the potential for causing lacerations, puncture wound injuries, aspiration, ingestion or other injury.

(b) Any toy having noise making components or attachments capable of being dislodged by the operating features of the toy, or of being deliberately removed by a child, and which has the potential for causing laceration, puncture wound injury, aspiration, ingestion or other injury.

(c) Any doll, stuffed animal or similar toy having internal or external components that have the potential for causing laceration, puncture wound or other injury.

(d) Lawn darts and similar sharp-pointed toys labeled or intended for outdoor use by children and having the potential of causing puncture wound injury.

(e) Any article known as a "baby-bouncer", "walker-jumper", or "baby-walker" and any other similar article intended to support very young children while sitting, walking, bouncing, jumping, or reclining, and which has any exposed parts capable of causing amputation, crushing, lacerations, fracture, hematomas, bruises or other injuries to fingers, toes, or other parts of the anatomy of young children.

(4) Toys or other articles intended for use by children which contain elemental mercury are hazardous substances. They present such an unreasonable risk of personal illness that the public health and safety can only be protected by keeping such toys or articles out of the channels of commerce. They are, therefore, banned and prohibited from sale or distribution in this state.

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.

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.

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(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 withstand 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 (H₂SO₄) in a concentration of 10% or more.

(3) Nitric acid or any preparation containing free or chemically unneutralized nitric acid (HNO₃) in a concentration of 5% or more.

(4) Carboic acid (C₆H₅OH), 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 (H₂C₂O₄) 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 (HC₂H₃O₂) 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 (AgNO₃) in a concentration of 5% or more.

(12) Ammonia water and any preparation containing free or chemically uncombined ammonia (NH₃), 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:

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(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.

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.