

STATE OF WISCONSIN
CONSERVATION DEPARTMENT

Madison
July 22, 1963

WCD 89

Mr. James J. Burke
Revisor of Statutes
321 Northeast
C A P I T O L

Filed July 24 1963
J.P. Voigt

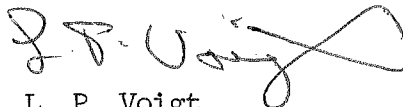
Dear Mr. Burke:

Enclosed herewith are three copies, including one certified copy, of State Conservation Commission Order No. G-973.

You will note this order takes effect September 1, 1963.

Kindly publish it in the Administrative Register accordingly.

Very truly yours,



L. P. Voigt
Conservation Director

Enc.

Filed June 27, 1963

BOARD OF CONSERVATION COMMISSION, THE STATE BOARD OF HEALTH AND THE WISCONSIN DEPARTMENT OF AGRICULTURE, FORESTRY AND HOBBYING

Whereas a charity located in the Conservation Commission, the State Board of Health, and the Wisconsin Department of Agriculture by sections 29.04 (1) and 29.04w (2) (a) and (b), Wis. Stats., the said agencies of the State of Wisconsin hereby repeal and adopt rules as follows:

- Sections H 89.01 to H 89.04, inclusive, are repealed.
- Sections W 89.01 to W 89.07, inclusive, are adopted as read.

ORDER OF THE CONSERVATION COMMISSION, THE STATE BOARD OF HEALTH, AND
THE WISCONSIN DEPARTMENT OF AGRICULTURE REPEALING AND ADOPTING RULES

Pursuant to authority vested in the Conservation Commission, the State Board of Health, and the Wisconsin Department of Agriculture by sections 29.29 (4) and 227.014 (2) (a) and (b), Wis. Stats., the said agencies of the State of Wisconsin hereby repeal and adopt rules as follows:

Sections H 89.01 to H 89.06, inclusive, are repealed.

Sections WCD 89.01 to WCD 89.07, inclusive, are adopted to read:

Chapter WCD 89 - USE OF TOXIC INSECTICIDES FOR THE DESTRUCTION
OF INJURIOUS INSECTS ON FOREST AND NON-CROP AREAS

Note: Adopted jointly by the Conservation Department, the State Board of Health and the State Department of Agriculture.

WCD 89.01 Definitions. As used in these rules, the following terms mean:

- (1) FOREST AREAS. Any area, urban or rural, principally devoted to the growing of trees for wood products or ornamental purposes, but excluding nurseries, fruit growing trees, or areas primarily occupied by cut and piled wood.
- (2) NON-CROP AREAS. Non-crop areas are deemed to be either urban or rural areas not normally used for growing agricultural produce, lawns, shrubbery or flowers. All areas within buildings and their exterior surfaces are excluded.
- (3) RATE OF APPLICATION. The total amount of actual toxicant uniformly applied per unit area and ordinarily expressed in pounds per acre, or in reference to shade trees or other trees treated individually, in weight of actual toxicant per tree.
- (4) DESCRIPTION OF AREA TO BE TREATED. The description for rural areas shall be by township, range, section and forty; for urban areas, by the legal descriptive system in common use.

WCD 89.02. Control of insect pests. Any person desiring to treat a forest or non-crop area with any toxic insecticide for the control of obnoxious and injurious insect pests shall send notification of intention to treat, in triplicate, to the conservation director. In this notification shall be included: description of area to be treated; the interval or calendar period when such treatment shall be made; purpose of treatment; and, material to be used, method, and rate of application. This notification shall be submitted at least 2 weeks in advance of the proposed treatment interval. Where circumstances surrounding the toxic insecticide applications to be made render the 2 weeks advance notice impractical, notice may be given the conservation director by telegraph or special delivery mail. If any emergency permit is required and justified, such may be issued by telephone or telegraph and subsequently confirmed in writing. If desired, notification-application forms may be obtained from the conservation department.

- (1) If the treatment is made with any of the insecticides listed in section WCD 89.06 at a rate in excess of one pound per acre, a permit issued by the state conservation commission upon approval of the state board of health and the state department of agriculture shall be obtained except for treatments made during the dormant plant growing season. For purposes of these rules, the state shall be divided into two zones. The north shall include all areas lying north of Highways 54, 10, and 35 between Algoma and Hudson. All areas south of such highways and all cities bisected by such highways shall be the southern zone. In the northern zone, the dormant season shall be from October 1 to April 30. In the southern zone, the dormant season shall be from October 15 to April 15.
- (2) If the treatment is made during the growing season with any of the insecticides listed in section WCD 89.06 at a rate of one pound or less per acre, no permit is necessary; however, notification must be submitted as provided heretofore and the state reserves the right to inspect and supervise any or all such treatment.

WCD 89.03. Other insecticides. If any insecticide other than those listed in section WCD 89.06 is to be used on forest and non-crop areas 'at any time of the year', a permit for such use shall be obtained from the state conservation commission except as provided in WCD 89.07.

WCD 89.04. Untreated strips. Wherever feasible, strips shall be left untreated at the first application to serve as undisturbed sanctuary for wildlife; such strips to be treated at a later date.

WCD 89.05. Water areas. In treating marshy areas or fish-bearing waters where there is danger of damage to fish, a proper permit from the state committee on water pollution shall be obtained.

WCD 89.06. Toxic insecticide list:

- | | |
|----------------------|------------------|
| (1) Arsenate of Lead | (4) Lime Sulphur |
| (2) Chlordane | (5) Malathion |
| (3) DDT | (6) Methoxychlor |

WCD 89.07. Exemptions. The following exemptions shall apply only if adequate safety precautions for the protection of persons and property are followed in each case.

- (1) Treatments made in such manner that the insecticide is not applied to exterior surfaces, placed in or on surface waters or sprayed into or through the atmosphere in the process of application are exempt from all requirements of this chapter.
- (2) Dipping of tree roots in insecticide preliminary to tree planting, the application of materials such as aldrin on tree roots below the surface of the ground as trees are planted by a tree planting machine, and injection of insecticides into trees and plants are exempt from all requirements of this chapter.

- (3) Treatments made with Lindane at a rate not to exceed 4 ounces per acre for the control of tip weevil are exempt from the requirements of this chapter except for requirements contained in WCD 89.05.
- (4) Treatments made with DDVP at a rate not to exceed 1/10 pound per acre, or Dibrom (Naled) at a rate not to exceed 25/100 pound per acre, when used for fogging for mosquito control are exempt from the requirements of this chapter except for requirements contained in WCD 89.05.

The rules and repeals contained herein shall take effect on August 1, 1963, as provided in sec. 227.026 (1), Wis. Stats.

Dated: May 28, 1963.

CONSERVATION COMMISSION

By: L. P. Voigt
Conservation Director

STATE BOARD OF HEALTH

By: Carl N. Neupert, M.D.
State Health Officer

WIS. DEPARTMENT OF AGRICULTURE

By: D. W. McDowell
Director of Agriculture

CERTIFICATE

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

I, L. P. Voigt, Conservation Director, do hereby certify that the foregoing is a true copy of a joint order of the Conservation Commission, and State Board of Health and the Wisconsin Department of Agriculture, adopting, amending or repealing rules relating to use of toxic insecticides for the destruction of injurious insects on forest and non-crop areas, filed the 11th day of June, 1963, in my office, and now on file therein.

In witness whereof, I have hereunto set my hand and affixed the Seal of the Conservation Commission of the State of Wisconsin at the City of Madison, this 11th day of June, 1963.

L. P. Voigt
Conservation Director