

Chapter Ag 29

PESTICIDE USE AND CONTROL

Ag 29.01	Definitions (p. 177)	Ag 29.11	Commercial applicators and sellers; record keeping requirements (p. 192)
Ag 29.02	Declaration of pests (p. 180)	Ag 29.12	Storage of pesticides (p. 193)
Ag 29.03	Prohibited pesticides (p. 181)	Ag 29.13	Sale and display of pesticides (p. 194)
Ag 29.04	Pesticides for use by special permit only (p. 181)	Ag 29.14	Removal of pesticides from sale (p. 194)
Ag 29.05	Pesticides for limited purposes only (p. 184)	Ag 29.15	Application, use and disposal of pesticides (p. 195)
Ag 29.06	Emergency use permits (p. 184)	Ag 29.16	Standards for certification of applicators of restricted-use pesticides (p. 198-1)
Ag 29.07	Experimental use permits (p. 185)	Ag 29.17	Authority (p. 198-11)
Ag 29.08	Registration of pesticides to meet special local needs (p. 189)		
Ag 29.09	Licensing of pesticide manufacturers and labelers; filing of reports (p. 191)		
Ag 29.10	Registration of commercial applicators and sellers (p. 192)		

Note: See chapters NR 80 and 107, Wis. Adm. Code for pesticide rules of the department of natural resources. See also chapter NR 181, Wis. Adm. Code, pertaining to disposal of hazardous wastes.

Ag 29.01 Definitions. (1) "Department" means the state of Wisconsin department of agriculture, trade and consumer protection.

(2) "Accident" means an unexpected or undesirable event caused by the use or presence of a pesticide, adversely affecting persons, property or the environment.

(3) "Agricultural commodity" means any plant or part of a plant, or animal or animal product, produced by a person primarily for sale, consumption, propagation or other use by humans or animals, as defined in s. 94.67 (2), Stats.

(4) "Calibration of equipment" means the measurement of dispersal or output of application equipment, and the adjustment of such equipment to control the rate of dispersal and droplet or particle size of a pesticide dispersed by the equipment.

(5) "Certified applicator" means a person certified by the department to use or supervise the use of restricted-use pesticides as a private or commercial applicator, as defined in s. 94.67 (4), Stats.

(6) "Commercial applicator" means a person, whether or not a private applicator with respect to some uses, who uses or supervises the use of pesticides for any purpose on any property other than as a private applicator. The term does not apply to persons applying pesticides other than restricted-use pesticides for household purposes in and around their own homes.

(7) "Compatibility" means that property of a pesticide which permits it to be used or combined with another pesticide or chemical without undesirable results being caused by the combination.

(8) "Competent" means qualified to perform functions associated with pesticide application, the degree of capability required being directly related to the nature of the activity and associated responsibility.

(9) "Common exposure route" means a likely way by which a pesticide may reach or enter an organism.

(10) "Commercial applicator for hire" means a commercial applicator using or applying pesticides in the performance of pest control work as an independent contractor for hire.

(11) "Distributor" means a person engaged in the sale of pesticides for resale and includes a person who sells at both wholesale and retail, as provided in s. 94.67 (11), Stats.

(12) "Display" means the exposure or holding open to public view of pesticides in any sales room or business area from which sales are made and to which the public has access.

(13) "Environment" includes water, air, land and all plants and persons and other animals living in or on the water, air, or land and the interrelationships which exist among them, as defined in s. 94.67 (12), Stats.

(14) "Federal act" means the federal insecticide, fungicide, and rodenticide act, as amended (7 USC 136 et seq.) and regulations issued under that act.

(15) "Immediately adjacent land" means, with respect to the advance notification requirement under s. Ag 29.15 (4) (b), land which is directly contiguous to land on which pesticides may be applied, or which is separated only by a road, railway, or utility right-of-way, or by a government-owned land corridor or waterway having a width of not more than 66 feet.

(16) "New product" means a pesticide product which is not a federally registered product.

(17) "Non-target organism" means a plant or animal other than the one against which the pesticide is applied.

(18) "Ornamental" means trees, shrubs, and other plantings grown for their decorative effect in or around homes, buildings, parks, streets, or roadways.

(19) "Person" means an individual, partnership, corporation, association, and any other business association or entity. The term includes counties, municipalities and townships.

(20) "Pest" means any insect, rodent, nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life or virus, bacteria or other microorganism, except viruses, bacteria or other microorganisms on or in living persons or other living animals, declared to be a pest under the federal act or this chapter.

(21) "Pesticide" means any substance or mixture of substances labeled or designed or intended for use in preventing, destroying, repelling or mitigating any pest, or as a plant regulator, defoliant or desiccant, as defined in s. 94.67 (25), Stats. For purposes of use, storage, transportation, disposal and display under this chapter, the term includes pesticide-fertilizer mixtures and seeds, seed pieces and other plant parts intended for planting or propagation which have been treated with a pesticide.

AGRICULTURE, TRADE & CONSUMER PROTECTION 198-11
Ag 29

2. The time allotted to each topic;
3. The name, address, title and professional qualifications of each instructor;
4. The number of credit hours proposed for the course, in each category or subcategory of pesticide application; and
5. The name, address and telephone number of the person responsible for coordinating the course.

(7) **CERTIFICATION CARDS.** (a) A certification card shall be issued by the department to a private or commercial applicator when the applicator has satisfied all the conditions required for certification. Such certification card shall be carried on the applicator's person while purchasing a restricted-use pesticide or engaging in any phase of the use and application of restricted-use pesticides.

(b) Duplicates of the certification card may be issued by the department to the certified applicator if the applicator's card is lost, stolen, mutilated or destroyed upon payment of costs for duplicating the card.

(8) **SCOPE AND APPLICATION.** (a) This section is applicable to all commercial and private applicators of restricted-use pesticides. It does not apply to persons conducting laboratory type research involving restricted-use pesticides, and physicians or veterinarians using or applying restricted-use pesticides as drugs or medications in the treatment of persons or animals during the course of their normal practice.

(b) This section does not exempt persons certified to use or supervise the use of restricted-use pesticides from other provisions of this chapter as contained in ss. Ag 29.01 to 29.11, or ch. NR 80, Wis. Adm. Code, or other laws or regulations applicable to the use and application of pesticides.

History: Cr. Register, August, 1978, No. 272, eff. 9-1-78; renum. from Ag 29.15 (2) to (6), (8) and (9), cr. (8), Register, March, 1982, No. 315, eff. 4-1-82.

Ag 29.17 Authority. This chapter is adopted under authority of ss. 93.07 (1), 94.69 and 94.705 (2), Stats., and enforced under s. 94.71, Stats.

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

Cr. Ag 29.18
lfb 3-15-82