



**FROM:** Pesticide Certification and Licensing Program

**SUBJECT:** Interpretation – Notice to resident, commercial structural pesticide applications at assisted living and similar medical care facilities

**DATE:** July 31, 2017

---

At the time of a pesticide application, commercial pesticide applicators are not required to provide notice to residents to individuals living at an assisted living facility or similar operation which provides medical care. A commercial applicator is only required to provide application information to their customer as per Wis. Admin Code ch. ATCP 29.22, in this cast the assisted living facility management.

**Background:**

The Wisconsin Department of Health Services (DHS) states: “Assisted Living Facilities are for individuals who need some level of care monitoring services but choose to live in a setting without 24-hour access to nursing services.” The DHS website identifies numerous other types of facilities which provide medical care: <https://www.dhs.wisconsin.gov/guide/find.htm>.

Assisted living facilities and similar operations offer a range of medical care assistance. These types of facilities are not considered a residential structure because of the exclusion in the definition of Residential Structure within Wis. Admin Code ch. ATCP 29.55(1)(e)(2), “...hospital, nursing home, or similar facility occupied by persons receiving medical care or related services.” Therefore the notice to resident requirement in ATCP 29.55(3) is not required.

**Regulations:**

ch ATCP 29.22 Wis Adm Code, Commercial application business; information to customers  
ch ATCP 29.55(1)(d) Wis Adm Code, Resident  
ch ATCP 29.55(1)(d) Wis Adm Code, Residential application  
ch ATCP 29.55(1)(e) Wis Adm Code, Residential structure  
ch ATCP 29.55(3) Wis Adm Code, Notice to residents.