



CORRESPONDENCE/MEMORANDUM

STATE OF WISCONSIN

Department of Agriculture, Trade and Consumer Protection

Bureau of Agrichemical Management

DATE: October 7, 2010

SUBJECT: Commercial Applicator use of Instinct (Active Ingredient: Nitrapyrin)

Background:

Instinct [active ingredient: Nitrapyrin] is registered as a nitrogen stabilizer [EPA Reg. No. 62719-583]. This product delays nitrification of ammoniacal and urea nitrogen fertilizer compositions in the soil by controlling the nitrification process.

Instinct may be applied to corn fields via the following application methods/timeframes:

- preplant incorporated
- preemergence
- at-plant row
- band injection

Instinct may be injected/mixed with the following products:

- Anhydrous ammonia.
- Liquid fertilizers – such as aqua ammonia or other liquid ammoniacal or urea nitrogen fertilizers.
- Pesticides - herbicides or insecticides in water or nitrogen-containing mixtures.
- Liquid Manure

Concerns:

Several instances have occurred where a person (e.g., a co-op worker or a farmer) has mixed Instinct with liquid manure, and another person (e.g., custom manure hauler) has spread or injected the Instinct-manure mixture on/in corn fields.

Initially the application of an Instinct – manure mixture was considered an application of a pesticide treated article and not a fertilizer – pesticide mixture. Thus, a person making an application of an Instinct – manure mixture was not required to obtain individual commercial certification and licensing. Also, the employer of said individual was not required to obtain a commercial pesticide application business location license.

However, after a more extensive review of the Instinct – manure mixture pesticide applications, DATCP consulted with the Registration Division, Herbicide Branch within the EPA, asking the question, “Is Instinct applied with manure considered the application of a pesticide treated article or a fertilizer – pesticide mix?”

EPA verified that the Instinct-manure mixture is considered a fertilizer-pesticide mix and not a treated article. Therefore, spreading the Instinct-manure mixture is considered a pesticide application.

Due to this interpretation, the DATCP now requires all persons applying an Instinct – manure mixture as an individual commercial pesticide applicator for-hire to be commercially certified and licensed. Additionally, their employer must hold an active pesticide application business location license.