



**DATE:** December 7, 2010

**SUBJECT:** Commercial Applicator use of N-Serve (Active Ingredient: Nitrapyrin)

Background:

N-Serve [active ingredient: Nitrapyrin] is registered as a nitrogen stabilizer [EPA Reg. No. 62719-20]. This product delays nitrification of ammoniacal and urea nitrogen fertilizer compositions in the soil by controlling the nitrification process.

N-Serve may be injected/mixed with the following products:

- Anhydrous ammonia.
- Liquid fertilizers – such as aqua ammonia or other liquid ammoniacal or urea nitrogen fertilizers.
- Liquid manure.
- Granular ammonium and urea.
- Tank mixed with several preplant incorporated herbicides registered for use on corn, sorghum and wheat.

N-Serve may be applied to corn via the following application methods and timeframes:

- preplant
- at-plant row
- band injection
- at-plant row broadcast
- postplant

N-Serve may be applied to sorghum and wheat via the following application methods and timeframes:

- preplant
- at-plant row
- band injection
- at-plant row broadcast

Concerns:

In Wisconsin, an extensive amount of N-Serve/Anhydrous ammonia applications are made where the product, N-Serve, is mixed with anhydrous ammonia and then injected into the soil. Due to the complexity of mixing N-Serve with anhydrous ammonia, and the specialized equipment needed in the filling of anhydrous ammonia tanks, the application of these mixtures are typically performed by a dealer/supplier specializing in the delivery/application of anhydrous ammonia.

Initially, DATCP had viewed the above application type, N-Serve/Anhydrous ammonia, as an application of a pesticide treated article rather than a fertilizer/pesticide mixture. Thus, a person making a commercial application (e.g., custom applicator, cooperative employee, etc.) of an N-Serve/Anhydrous ammonia mixture was not required to obtain individual commercial certification and licensing. Additionally, the employer of said individual was not required to obtain a commercial pesticide application business license.

However, after a more extensive review of the current N-Serve product label, and random observations of N-Serve/Anhydrous ammonia mixture pesticide applications, DATCP consulted with the Office of Enforcement and Compliance Assurance, EPA-Headquarters, as to how enforcement of applications using N-Serve/Anhydrous ammonia should be treated. Specifically, did EPA still consider these applications of a treated-article, or are they now considered more traditional, fertilizer-pesticide mixture applications?

The response from the Office of Enforcement and Compliance Assurance, EPA-Headquarters stated that N-Serve-- when mixed with anhydrous ammonia then injected into the soil--was not the application of a pesticide treated article, but rather a traditional fertilizer-pesticide mixture application. This decision was based upon the definition of a pesticide treated article, found within 40 CFR, part 152.25.

Due to this interpretation, the DATCP has determined that all persons who inject or make applications of an N-Serve/Anhydrous ammonia mixture fall under the definition of a commercial applicator for-hire [Wisconsin Statute § 94.67(7)]. These persons need to be certified as commercial pesticide applicators and hold an active Individual Commercial Pesticide Applicator For-Hire license. Additionally, their employer must hold an active commercial pesticide application business license.