



## STRUCTURAL PESTICIDE APPLICATIONS

This document outlines regulations specific to structural pesticide applications. General rules relevant to structural and other types of pesticide applications, such as certification, licensing and record keeping are found at [https://datcp.wi.gov/Pages/Programs\\_Services/PesticidesFertilizersCertificationLicensing.aspx](https://datcp.wi.gov/Pages/Programs_Services/PesticidesFertilizersCertificationLicensing.aspx)

### **Commercial Applications to Residential Structures** Wis. Adm. Code § ATCP 29.55

Structural applicators must provide both customers and residents specific pieces of information. Remember, a customer is not always the same as a resident; e.g. you may be hired by a landlord (the customer) and also need to leave information onsite for the tenant (the resident). Familiarize yourself with the rule's definitions and terms.

### **Definitions**

1. “*Common area*” means an area in a residential structure that is accessible to residents but is not part of any individual dwelling unit.
2. “*Dwelling unit*” means that portion of a residential structure that is used, or designed for use, as a residence by a household.
3. “*Resident*” means any person residing in a residential structure.
4. “*Residential application*” means the application of a pesticide, other than a germicide, sanitizer, or disinfectant, to a residential structure. “Residential application” does not include an individual’s application of a pesticide to a dwelling unit in which that individual resides, provided that the individual does not apply the pesticide to other dwelling units or common areas in the residential structure.
5. “*Residential structure*” means a structure used wholly or in part as a human residence, and includes all facilities and furnishings pertaining to that structure. “Residential structure” includes a residential structure occupied on a rental basis, and also includes a mobile home. “Residential structure” does not include any of the following:
  - a) A hotel, motel or similar premises occupied on a transient basis.
  - b) A hospital, nursing home or similar facility occupied by persons receiving medical care or related services.
  - c) A prison, jail or other place of detention.

### **Pre-Application Information to Residential Customers** Wis. Adm. Code § ATCP 29.55(2)

Before making the first residential application for the customer, a commercial applicator must provide a written notice offering to provide pre-application information. The offer shall be repeated at least annually if there is a continuing contract for more than one year. The information below must be offered and if requested by the customer, the following pre-application information shall be provided in writing:

1. The brand name, product name or common chemical name of each pesticide that may be applied.
2. A copy of the pesticide label for each pesticide that may be applied.
3. The date on which the pesticide application will be made. The date may be orally communicated, rather than in writing, if the requester agrees to oral notification.
4. The name, business address and telephone number of a person who can provide further information about the pesticide application.

**Notice to Residents Requirement** Wis. Adm. Code § ATCP 29.55(3)

Commercial applicators and landlords shall provide the information identified below in writing to residents at the time of the application. This information is the same information that applicators must provide to their customer.

1. The name and address of the person making the application and a telephone number at which residents can obtain further information about the application.
2. The first and last name of each individual making the application and if the application is one for which the individual must be licensed, the individual's license number.
3. The brand name, product name or common chemical name of the pesticide applied.
4. The concentration and total quantity of each pesticide applied, or the amount of pesticide product applied per unit area and the total area treated.
5. Any pertinent post-application precautions stated on the pesticide label. If the label prescribes a restricted entry interval, the person making the application must also post a warning sign at each entrance to each treated area.
6. The month, day, year and approximate starting and ending time of the pesticide application.
7. Notice that a copy of the pesticide label is available upon request. The person making the residential application must provide a copy of the pesticide label to each resident who requests a copy, but may first require the requester to pay reasonable copying and postage costs if the requester is not the customer who contracted the application.
8. A specific description of the location of the pesticide application site. The description shall contain sufficient information and detail so that the location of the pesticide application can be readily determined.

The applicator shall leave the information with an adult resident of the dwelling unit, or prominently post the information at the entrance to the dwelling unit.

A person making a residential application to any common area within a residential structure, or making a perimeter barrier application, shall provide the information by posting clearly legible notices in common entryways or other conspicuous locations so that all residents are likely to see the notices

**Pesticide Application Record and Information to Customer** Wis. Adm. Code § ATCP 29.22 & 29.33

An application record must be created for each application, and must be kept for two years. After the application is completed you must provide the customer specific pesticide application information in writing. Details are found at <https://datcp.wi.gov/Documents/HTCGenAppRecordExample.pdf>

**Recording the Specific Application Location**

You may design your own method of recording a pesticide application, provided the record is legible and meets the intent of the rule. The written record must be understandable, accurate and detailed enough so someone who did not observe the application would be able to locate the site using only your record.

There are several reasons for this level of detail, including: the record allows one to retrieve a pesticide sample in case of an emergency involving a suspected overexposure to humans or other animals, it enables one to monitor a bait for pest activity and replenish the product when necessary, and it is used by the Department's compliance section to sample treated areas for enforcement purposes. It also provides a record for other technicians to refer to if more than one technician services the same account. Since you are required to provide the same information to your customers, it allows them to avoid the treated area or remove the product if they choose.

Properly documented application records have also proven useful to commercial applicators in cases where people complained to the Department about pesticide misuse. In these situations the field

investigator used the business' record to sample the treated surface and verify the pesticide was used according to label directions.

There is no specific requirement for a floor plan, map or diagram although these are useful. What is required is a description that clearly indicates which areas were treated. For example, if all the baseboards in the kitchen were treated, then the record should state, "*treated baseboards in kitchen.*" If the application occurred in a bathroom for instance, then "*treated baseboards behind toilet and under cabinets*" is sufficient. If a space treatment is performed with a total release fogger, specify the room where the fogger was placed, e.g. living room or bathroom.

To indicate the specific location where a bait station was placed, the description needs to be more specific than "*Placed bait stations in 40,000 square foot warehouse*". The record must be detailed enough to know where each station was placed. If an applicator wants to use a diagram they may do so.

**Rodenticide Bait Stations** Wis. Adm. Code § ATCP 29.58

Required to be labeled with the business name and pesticide used.

**Warning Signs at Application Sites: Restricted Entry Interval (REI)**

**Nonagricultural Areas** Wis. Adm. Code § ATCP 29.52(3) and 29.52(8)

**Residential** Wis. Adm. Code § ATCP 29.55(4)

Definition: "*Restricted entry interval*" means the time after the end of a pesticide application during which entry into the treated area is restricted.

The applicator must post a warning sign at each entrance to the treated area when making a residential application of a pesticide whose label prescribes a restricted entry interval. Warning signs must be at least 8 ½ inches by 11 inches. The applicator must post the warning sign before the application begins, and the sign must not be removed until the REI expires. Posting is the joint responsibility of the applicator, the applicator's employer and the owner of the premise.

Warning signs must comply with all of the following:

1. Each warning sign must be at least 8 ½ inches by 11 inches.
2. The form and content of each warning sign must be identical to that shown. A warning sign may contain supplementary information beyond that shown, if the information is consistent with and does not detract from that shown.
3. Each warning sign must be constructed to resist deterioration and remain legible throughout the required posting period.
4. Warning signs must be posted before the pesticide application begins, and must remain posted for the duration of any restricted entry interval specified on the pesticide label.
5. Warning signs must be posted at the following locations:
  - a) At normal points of access to the application site.
  - b) At ¼ mile intervals along those borders of an outdoor application site that lie within 300 feet of a residence, migrant labor camp, school, playground, day care facility, health care facility, commercial or industrial facility, public recreation area, or other nonagricultural area, except a public road, where individuals are likely to be present during the restricted entry interval specified on the pesticide label. An application site bordering an area identified under this subdivision for less than ½ mile must be posted with at least one sign.
6. If the pesticide label requires a warning sign that is different from the warning sign described above, the warning sign specified on the pesticide label must be used in place of the above warning sign.



A warning sign shall contain the following information:

- All letters shall be at least 1 inch high.
- Letter printing shall contrast with the background color.
- The words “DO NOT ENTER” may be replaced with “NO TRESPASING” or “KEEP OUT”.
- Other words may be added to the sign if they do not detract from or contradict the required words.

Wis. Adm. Code § ATCP 29.52(8)

**Structural Pesticide Applications in a Landscape** Wis. Adm. Code § ATCP 29.56

Pesticide applications made to control structural pests greater than ten feet from a structure are considered a landscape application when the area meets the “landscape” definition in ATCP 29.56(1). The following landscape pesticide applications rules must be complied with, details are found in the landscape compliance document available at <https://datcp.wi.gov>

- Advance Notice to Individuals listed on the Landscape Registry
- Pre–Application Information to Customer
- Post–Application Information to Customer must be provided immediately
- Posting Warning Signs for Landscape Application
- Information Provided Upon Request

A perimeter barrier application made on or within 10 feet of a building or structure to prevent or discourage pests from entering that building or structure is NOT considered a landscape application.

*"Landscape"* means turf, ornamental and mulched areas, and areas being prepared for those purposes, that are located in or around residential premises, public or commercial facilities, parks, workplaces, care facilities, recreational areas and public lands. "Landscape" does not include utility or transportation right-of-way areas, greenhouses, nurseries, or areas used for agricultural production, forest production or commercial turf production.