

## SEED TREATMENT REQUIREMENTS

The sections of Pesticide Use and Control, s. ATCP 29 Wis. Adm. Code, referenced below may be viewed at <http://datcp.wi.gov/>

A treatment to a seed or seedling for purposes of post-planting protection is considered as a seed treatment under ATCP 29.57(1).

### **STORAGE: ATCP 29.52(7) & 29.57(4)**

A person who stores pesticide-treated seed in bulk shall post warning signs on every bulk bin or storage area where that seed is stored. The warning signs need to be at least 8 ½ inches by 11 inches and need to state the following, “DANGER. THE SEED IN THIS STORAGE AREA HAS BEEN TREATED WITH PESTICIDE”. The sign shall remain posted as long as the pesticide-treated seed remains in storage.

### **PROHIBITED ACTS: ATCP 29.57(3)**

No person may use or mix pesticide-treated seed for food, feed or oil. Also, no person may expose pesticide-treated seed to access by birds or other animals. This means that people controlling pesticide-treated seed must sweep up or recover any spilled seed.

### **SPILLS: ATCP 29.48(1) & 29.50(5)**

A person must take appropriate measures to contain a pesticide spill, recover spilled pesticides, and clean surfaces exposed to the spilled pesticide. ATCP 29.50(5) states that it is a violation to use leaking pesticide application equipment. These two rules would be the most likely to be quoted if excessive pesticide residues are observed at a seed treatment site.

### **MIXING ACTIVITIES: ATCP 29.45**

Generally speaking, mixing and loading of pesticides at dealership locations need to be conducted over a spill containment surface. However, there is an exemption for mixing and loading application equipment if it is adjacent to the site of application. Seed treating equipment typically meets the requirements of the exemption. Good Management Practices should be implemented at these sites. Containing spillage of concentrates and conducting activities over an impermeable surface should be emphasized. The impermeable surface will allow for the recovery of spilled seed and pesticide product and accumulated pesticide residues.

### **DISPOSAL ISSUES: ATCP 29.57(5)**

Generally the pesticides used to treat seed are not classified as hazardous materials. Therefore items such as clothes or seed contaminated by contacting these pesticides are referred to as a “solid waste.” These solid waste items can be discarded through your trash disposal service, commonly called the “dumpster.” Another option to consider if

you are collecting a lot of waste is to collect the solid waste and dispose of it through the Clean Sweep Program. For more information regarding this option contact the Department of Agriculture, Trade and Consumer Protection (DATCP), Clean Sweep Program Specialist at (608) 224-4545.

### **LABELING: CH. 94.38 WI STATUTES & ATCP 20.08**

The seed law requires the following information to be included with the label for pesticide-treated seed: 1) A conspicuous disclosure that the seed has been treated, 2) The name of the substance used to treat the seed, or a description of the treatment used. The label may use the commonly-accepted name, chemical name, or abbreviated chemical (generic) name of the substance used to treat the seed, 3) If the seed is treated with a pesticide, all signal words (e.g. Caution, Warning, Danger and Danger-Poison) and precautionary statements required for that pesticide.

### **CERTIFICATION & LICENSE: ATCP 29.25 & 29.31(7)**

Individuals making pesticide-seed treatments only need to be certified and licensed when they are making a commercial for hire application. Generally speaking, this is when a customer requests that a company treat seed that is owned and controlled by the customer. The regulations covering these applications are similar to those covering other commercial for-hire pesticide applications.

When an employer requests that an employee treat seed which is owned or controlled by the company, the employee is considered to be making a commercial not for hire application and would not be required to be certified and licensed.

If the pesticide being applied in this scenario is a restricted-use pesticide, then the applicator must be certified in category 4.0, and obtain an individual license. However, the application of the restricted use pesticide would still not be recognized as a commercial for hire application.

### **RECORDKEEPING: ATCP 29.21 & 29.33**

On the day of a pesticide application, a commercial pesticide applicator is required to create a record which includes: 1) first and last name of applicator, 2) name and address of customer, 3) the crop, commodity or site pesticide was applied to, 4) specific location of the application site e.g. a drawing, 5) month, day, year and approximate start and end time of application, 6) brand name or common name of the product(s) and EPA registration number, 7) the concentration and total quantity of each pesticide applied or the amount of pesticide applied per unit area, and 8) mixing and loading location Records must be kept for two years.

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To discuss any questions you may have concerning regulations regarding the general use of pesticides or pesticide-seed treatments, you can contact DATCP at (608) 224-4500.