



Using Soil Fumigants in Wisconsin: EPA and State Requirements

The U.S. Environmental Protection Agency has requiring safety measures for soil fumigants to protect agricultural workers and people in nearby buildings. The new measures apply to methyl bromide, chloropicrin, dazomet, metam sodium, metam potassium and iodomethane. **In some cases, the EPA regulations conflict with Wisconsin regulations. In those cases, you must follow the more stringent requirement.**

Wisconsin has its own requirements for products containing chloropicrin and metam sodium. These requirements are detailed in ATCP 30. Other Wisconsin-specific requirements are contained in ATCP 29. Here is a summary of Wisconsin requirements that are in addition to EPA requirements.

USING CHLOROPICRIN AND METAM SODIUM PRODUCTS IN WISCONSIN

Application sites	<ul style="list-style-type: none"> ✓ For products containing chloropicrin or metam sodium, ATCP 30 requirements are different from EPA requirements regarding distances to hospitals, nursing homes, jails and prisons, and day care centers. These are sites that are difficult to evacuate if necessary, so they receive special consideration. To decide which requirements to follow, look at the chart on the last page of this document.
Agricultural application	<ul style="list-style-type: none"> ✓ When applying products containing chloropicrin or metam sodium to an agricultural site, you must cover the site with a tarp or other impermeable barrier immediately after application, <i>unless</i>: <ul style="list-style-type: none"> • You inject the product beneath the soil surface, or • You apply the product using chemigation ✓ You can apply metam sodium by knife rig injection only if the soil temperature is 75 degrees F or lower, at a depth of 5-6 inches. ✓ If you use chemigation to apply chloropicrin or metam sodium, you must meet all the requirements of ATCP 29.54. In addition: <ul style="list-style-type: none"> • You must provide 72-hour written notice to the county public health agency and to residences within ¼ mile. Written notice must include location, when application will begin, brand name, notice that anyone experiencing eye irritation can alleviate it by leaving the area, and availability of pre-application information. • If someone asks for pre-application information, it must include a copy of the label, metam sodium and chloropicrin toxicology manifestations from <i>Recognition and Management of Pesticide Poisonings</i>, and scheduled application date. • You <i>may not apply</i> metam sodium by chemigation if the air temperature exceeds 80 degrees F, the soil temperature at 5-6 inches exceeds 70 degrees F, or more than ¾ inch of rain is forecast within 6 hours after application.
Monitoring and reporting	<ul style="list-style-type: none"> ✓ When applying products containing chloropicrin or metam sodium to an agricultural site, a certified applicator must inspect the site within an hour of sunset on the day of application. ✓ Check the treated area and surrounding area for gas odors and follow up if volatilized gases might lead to significant drift: <ul style="list-style-type: none"> • Irrigate the site with ¼ to ½ inch of water if possible.

- Notify DATCP (608-224-4500).
 - Notify Wisconsin Emergency Management (1-800-943-0003) if it appears that significant pesticide drift may reach homes, apartments, or public buildings nearby.
- Recordkeeping** ✓ If you apply products containing chloropicrin or metam sodium, you must keep these records for at least two years, and they must be available for DATCP to inspect and copy:
- Records for commercial pesticide applications under ATCP 29.21 and 29.33 (see page X).
 - Record of the time of post-application inspection, results, and any follow-up action.
 - If you used knife rig injection or chemigation, records of the soil temperature 5-6 inches below the surface at the time of application.

USING ALL SOIL FUMIGANTS IN WISCONSIN

- Product registration** ✓ You can use only soil fumigants and other pesticides that are registered in Wisconsin. This is in addition to EPA registration. A list of products registered in Wisconsin is available at <http://www.kellysolutions.com/wi/pesticideindex.asp>.
- Certification and licensing** ✓ If you are certified and licensed as a commercial or private pesticide applicator in Wisconsin, you may need supplementary certification for soil fumigation and other special application methods.
- ✓ *Under the new EPA regulations, certified applicators who supervise soil fumigant applications will be required to take special training from product manufacturers, even if you are currently certified in Wisconsin to do soil fumigation. If you take and pass your Wisconsin recertification exam now, rather than waiting until your certification expires, you will not have to complete this additional special training.*
- ✓ If you are certified to mix and load pesticides that someone else will apply, even if they are to be used as soil fumigants, you do not need the special training or certification for soil fumigation.
- Recordkeeping** ✓ As an individual commercial applicator, commercial applicator business, or private applicator, you must record applications on the day you make them, and keep the records at least two years. Records must include:
- Applicator's name
 - Customer's name and address
 - Crop, commodity or site where the pesticide was applied
 - Location of application
 - Date, starting and ending times of application
 - Brand name, product name, or common chemical name of product and EPA registration number
 - Location where the pesticide was mixed or loaded (unless it was applied directly from a prepackaged container or from equipment with capacity of 5 gallons or less liquid or 50 pounds or less dry.)
 - Either concentration and total amount applied, or amount applied per unit and total area treated
- Customer information** ✓ Commercial application businesses must provide the following information in writing to customers within 30 days after pesticide applications:
- Applicator's name and telephone number, and the license number of the person who or supervised the application

- Crop, commodity or site where the pesticide was applied
- Location of application
- Date, starting and ending times of application
- Brand name, product name, or common chemical name of product and EPA registration number
- Either concentration and total amount applied, or amount applied per unit and total area treated
- Post-application label precautions for the customer
- Free copy of the label, or a notice that it is available

Landscape applications – golf courses

- ✓ Golf courses may use soil fumigants as part of their landscape pesticide applications. In these cases, applicators must follow Wisconsin regulations for landscape applications in addition to the EPA regulations.
- ✓ You must offer pre-application information to your customers – golf course managers. This includes:
 - Brand name, product name, or common chemical name of each pesticide that you may be using
 - Copies of labels for each product
 - Date when you will make the application
 - Name, business address and phone number of someone who can provide more information
- ✓ After the application, you must also provide this information:
 - Applicator's name and telephone number, and the license number of the person who or supervised the application
 - Site where the pesticide was applied
 - Location of application
 - Date, starting and ending times of application
 - Brand name, product name, or common chemical name of product and EPA registration number
 - Either concentration and total amount applied, or amount applied per unit and total area treated
 - Post-application label precautions for the customer
 - Free copy of the label, or a notice that it is available
 - Signage – For information about necessary signage, see DATCP fact sheet *Using Soil Fumigants in Wisconsin: What Signs Do You Need?*