

THE DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION'S  
PROPOSED ORDER TO ADOPT PERMANENT RULES

---

PROPOSED ORDER

The Wisconsin Department of Agriculture, Trade and Consumer Protection proposes an order *to repeal* ATCP 29.29 (5), 29.31 (12) (b) (1); *to amend* ATCP 29.15 (8), 29.25 (3) (c), 29.26 (2), 29.26 (4), 29.26 (5) (a) (3), 29.27 (4), 29.27 (5) (a) (3), 29.27 (8), 29.29 (1) (b), 29.29 (3), 29.29 (4), 29.30 (3) (a), 29.31 (3) (b) (3) and (3) (b) (4), 29.31 (4) (b) (3), 29.31 (5) (b) (7), 29.31 (8), 29.31 (8) (a) (2), 29.31 (8) (b) (3), 29.32 (4) (f) (4), 29.33 (3); *to repeal and recreate* ATCP 29.29 (1) (b), 29.29 (3) (a), (b), (c), (d), (e), (f), and g); *and to create* ATCP 29.27 (2) (a), 29.29 (1) (b) (1), (2), and (3), 29.29 (1) (c), (d), (e), and (f), 29.29 (3) (h), 29.30 (1) (e) and (f), 29.30 (3) (h), (i), and (j), 29.30 (6) (f) and (g), 29.30 (9) (f), 29.31 (4) (b) (11), 29.31 (10) (b) (10), 29.31 11 (b) (5), 29.31 (12) (1) (b) (1), (2), (3), (4), (5), (6), and (7), 29.31 (14) (b) (6); *relating to* pesticide use and control.

---

Analysis Prepared by the Department of Agriculture, Trade and Consumer Protection

*Statutes Interpreted:* ss. 94.705, 94.705 (2), 94.705 (3)

*Statutory Authority:* ss. 94.705, 94.705 (2), 94.705 (3)

### *Explanation of Agency Authority*

Section 94.705, Stats. Pesticides; Applies to certification requirements and standards.

Section 94.705 (2), Stats. The department shall, by rule, adopt standards for the training and certification of private and commercial applicators, at least equal to but not to exceed federal standards adopted under the federal act. In the adoption of the standards, separate categories of pesticide use and application may be established for certification purposes depending on the specific types of pesticides used, the purposes for which they are used, types of equipment required in their application, the degree of knowledge and skill required and other factors which may warrant the creation of different categories. The standards shall provide that individuals to be certified must be competent with respect to the use and application of pesticides in the various categories of pesticide use and application for which certification is desired. For commercial applicators, competence in the use and handling of pesticides shall be determined on the basis of written examinations.

Section 94.705 (3), Stats. Certified commercial applicators, including nonresident commercial applicators, shall maintain records of amounts, dates, types, places, and uses of all pesticides as prescribed by the department. Records shall be kept for 2 years and shall be open to and available for inspection at all reasonable times by the department or cooperating governmental enforcement agencies.

### *Related Statutes and Rules*

40 CFR 171.1 (a) This part establishes Federal standards for the certification and recertification of applicators of restricted use pesticides, and requirements for pesticide applicator certification plans administered by State, Tribal, and Federal agencies. The standards address the requirements for certification and recertification of applicators using restricted use pesticides, requirements for certified applicators supervising the use of restricted use pesticides by noncertified applicators, and requirements for noncertified persons using restricted use pesticides under the direct supervision of a certified applicator.

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. §§ 136-136y, particularly sections 136a(d), 136i, and 136w.

### *Plain Language Analysis*

In 2017, the Environmental Protection Agency (EPA) updated existing federal regulations concerning the certification of applicators of restricted use pesticides. This was the first significant update to this federal rule since 1974. EPA states that “The final revised regulation will ensure Federal certification program standards adequately protect applicators, the public, and the environment from risks associated with use of restricted use pesticides”. Wisconsin is authorized under 7 U.S.C. § 136i and an EPA approved Wisconsin Pesticide Applicator Certification Plan to issue pesticide applicator certifications which authorize the use of restricted use pesticides. This certification plan has conditional approval until 1/1/2028, after which time, EPA will evaluate if Wisconsin is meeting these updated standards.

Rule changes are needed to update alignment of Wisconsin Administrative Code Chapter ATPC 29 (ATCP 29) to revisions within Title 40 of the U.S. Code of Federal Regulations, Part 171 (40 CFR Part 171). The EPA regulates pesticides nationwide, including certification of competency of pesticide applicators under 40 CFR Part 171. The Wisconsin Department of Agriculture, Trade, and Consumer Protection (the Department) maintains primacy providing certification and licensing of pesticide applicators under ATPC 29 in a co-regulatory relationship with the EPA. To maintain primacy, the Department must address specific areas where 40 CFR Part 171 and ATPC 29 are no longer aligned.

This rule is proposing all of the following:

- Update pesticide categories/category descriptions for commercial and private applicators
- Update minimum age requirements to get certified for commercial and private applicators
- Update pesticide core standards descriptions for commercial and private applicators
- Update recordkeeping requirements for commercial applicators
- Update recordkeeping requirements for Restricted Use Pesticide Dealers

For-hire pesticide applicators require three things before making a commercial pesticide application: 1. Certification in a specific category. 2. Individual Commercial Applicators License (ICAL) and 3. The business which they work for must hold a current Pesticide Business License (PBL).

To become certified applicators start by purchasing training materials from the [University of Wisconsin Pesticide Applicator Training Program](#). The applicator studies the materials and then when they are ready for their exam they schedule and take a closed book exam through the Department. After passing the exam applicators are granted certification in that category for 5 years. Applicators renew their certification by retesting.

Private applicators are individual agricultural producers who use restricted use pesticides. No certification is required for agricultural producers to use general use pesticides on land they or their employer own or control. Private applicators obtain training materials from the University of Wisconsin Pesticide Applicator Training Program (PAT), often times through their local University of Wisconsin extension office (UWEX). The local UWEX administers the exam and sends the exam to the Department. The Department then scores and issues the private applicator certification allowing that individual to purchase and use restricted use pesticides on their operation.

#### **Update pesticide categories/category descriptions for commercial and private applicators**

Currently Wisconsin has 20 commercial and 6 private pesticide applicator categories. The majority of the proposed changes are minor updates to the category standards that applicators are being tested on currently. Where the Department is proposing a change is splitting up the Aquatic and Mosquito category. In the past 5 years, the Department has seen considerable growth in this category moving from being the fifth most common category to now in the top three certification categories. This is due to the increase of terrestrial mosquito applications to backyard spaces. In the past, this category made sense to be combined as majority of mosquito applications targeted the larval stage of mosquitoes – therefore being an aquatic application. Due to a shift in control practices over time and to adjust to the needs of industry, the Department is proposing splitting these two categories up to be separate. The majority of our counter parts in our region have these categories split up (MI, IL, MN, and OH).

#### **Update minimum age requirements to get certified for commercial and private applicators**

Currently, Wisconsin has no minimum age for obtaining pesticide applicator certification. Commercial applicators must be 16 years old to obtain an individual commercial applicators license. From 2015 to 2024 the Department certified an average of 28.8 individuals per year who were under the age of 18 at the time of their certification as private or commercial pesticide applicators. The youngest applicator certified in the last 10 years was 13 years old who became certified as a private applicator allowing them to apply restricted use pesticides. Most commercial pesticide application businesses do not hire individuals under the age of 18 to make pesticide applications. One factor cited was liability insurance policy restrictions for individuals under the age of 18.

#### **Update pesticide core standards descriptions for commercial and private applicators**

Currently several pesticide applicator certification core standards descriptions are high level and lack specificity. In order to comply with changes to the federal rule, an increased level of specificity is



required. The Department views this as mostly a formality with little impact on pesticide applicators as most of these standards that are proposed to be added have been included in the study and exam materials for many years.

#### **Update recordkeeping requirements for commercial applicators**

Current commercial applicator record requirements are found in ATPC 29.33. The proposed rule would add one additional element to existing recordkeeping requirements for commercial applicator records:

- The certification number of the individual making the pesticide application.

#### **Update recordkeeping requirements for Restricted Use Pesticide Dealers**

Current recordkeeping requirements for restricted use pesticide dealers is found under ATPC 29.15 (8). The proposed rule contains additional reporting requirements for restricted use pesticide dealers. The proposed rule would add four additional elements to existing recordkeeping requirements for Restricted Use Dealer records:

- The certification expiration date
- The certification categories relevant to the pesticide sold.
- The state, tribe, or federal agency that issued the certification.
- Any applicable emergency exemption and state special local need registration numbers.

#### ***Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations***

As part of the approval process for the current Wisconsin Pesticide Applicator Certification Plan and after extensive back and forth with EPA staff, the Department was able to determine that the items identified in the rule change would bring ATPC 29 into alignment with revisions within 40 CFR Part 171.

#### ***Summary of Comments Received during Preliminary Comment Period and at Public Hearing on Statement of Scope***

No comments were received during the preliminary comment period nor at the public hearing.

#### ***Comparison with Rules in Adjacent States***

All States that certify pesticide applicators including Illinois, Iowa, Michigan and Minnesota are either in the process of or have completed updating their rules to match new Federal standards. The current status for each of these states as of 7/1/2025 is the following. Iowa is currently on the final steps of implementing the new rule changes. All applicators are projected to be certified/trained to the new standards within the date range 1/1/2027-1/1/2029. Illinois is currently working on updating requirements and expects the regulatory changes to be completed by 12/31/2026 with complete implementation of the changes by 12/31/2030. Minnesota has implemented their rule change which went into effect in August of 2024. They plan to fully implement these changes by end of 2027. Michigan is in the early stages of rule changes and are hoping to meet with their legislative liaison within the next year to start the process and work on law revisions between 2027 and 2028 depending on the department and legislative objectives.

- Michigan
  - Regulation 636 Pesticide applicators: [229\\_10209\\_AdminCode.pdf](#)
  - Act 451 – Part 83 Pesticide Control [mcl-451-1994-II-2-83.pdf](#)
- Illinois
  - IL Pesticide Act: [Illinois General Assembly - ADMINISTRATIVE CODE](#)
  - Structural Pest Control: [Illinois General Assembly - ADMINISTRATIVE CODE](#)

- Minnesota
  - Chapter 18B Pesticide Control: [Ch. 18B MN Statutes](#)
  - Chapter 1505 Pest and Disease control: [1505 - MN Rules Chapter](#)
- Iowa
  - Chapter 206 Pesticides: [206.pdf](#)

#### *Summary of Factual Data and Analytical Methodologies*

The Department formed a Rule Advisory Committee to collect feedback and comments on this proposed rule change. The ATCP 29 – Pesticide Use and Control - Rule Advisory Committee was made up of twelve diverse industry stakeholders. These included members of fruit and vegetable growers' associations, grain producers, pesticide applicators, and environmental groups. The rule advisory committee allowed the Department to obtain varied viewpoints and advice to aid the Department in developing effective rule language. The rule advisory committee also aided the Department in anticipating issues that could occur with revised language.

#### *Analysis and Supporting Documents used to Determine Effect on Small Business or in Preparation of an Economic Impact Analysis*

The Department relied on the following information when preparing the Economic Impact Analysis and Effect on Small Business. All statutes and rules cited in this document. Feedback from the ATCP 29 – Pesticide Use and Control - Rule Advisory Committee. Pesticide applicator certification statistics. The Agrichemical Management Bureau's Annual Report which can be found at the following web address: (<https://datcp.wi.gov/Pages/Publications/AgrichemicalManagementBureau.aspx>). EPA's Economic Analysis in the original proposed rule change document found at the following web address: <https://www.federalregister.gov/documents/2017/01/04/2016-30332/pesticides-certification-of-pesticide-applicators>. Wisconsin Pesticide Applicator Certification Plan which can be found at the Certification Plan and Reporting Database (CPARD). See <https://cpardpub.epa.gov/ords/cpardpub/f?p=164:1>

See the attached Fiscal Estimate and Economic Impact Analysis and the Regulatory Flexibility Analysis for more details.

#### *Fiscal Estimate and Economic Impact Analysis*

The Fiscal Estimate and Economic Impact Analysis is attached.

#### *Effect on Small Business*

The Department's Regulatory Review Coordinator may be contacted by:  
 Email at [Bradford.Steinel@wisconsin.gov](mailto:Bradford.Steinel@wisconsin.gov)  
 Telephone at (608) 224-5024

The Regulatory Flexibility Analysis is attached.

#### *Department Contact Person*

Rose Thrun  
 Division of Agricultural Resource Management  
 Department of Agriculture, Trade and Consumer Protection

P.O. Box 8911  
Madison, WI 53708-8911  
(608) 224-4509  
[Rose.thrun@wisconsin.gov](mailto:Rose.thrun@wisconsin.gov)

*Place Where Comments are to Be Submitted and Deadline for Submission:*

Comments must be received on or before October 27, 2025 to be included in the record of rule-making proceedings. Submit comments:

**By mail to:**

Rose Thrun  
Division of Agricultural Resource Management  
Department of Agriculture, Trade and Consumer Protection  
P.O. Box 8911  
Madison, WI 53708-8911

**By email to:** [Rose.thrun@wisconsin.gov](mailto:Rose.thrun@wisconsin.gov)

---

**RULE TEXT**

- 1 SECTION 1. ATCP 29.15 (8) is amended to read:
- 2 ATCP 29.15 (8) RESTRICTED-USE PESTICIDES; SALES RECORDS. A person required to be
- 3 licensed under sub. (1) shall keep legible records of all restricted-use pesticides which that person sells or
- 4 distributes in this state. The person shall retain the records for at least 2 years, and shall make them
- 5 available to the department for inspection and copying upon request. The person shall keep all of the
- 6 following records related to each sale or distribution of a restricted-use pesticide:
- 7 (a) The pesticide brand name.
- 8 (b) The identity of the pesticide manufacturer or labeler.
- 9 (c) The pesticide registration number assigned by the federal environmental protection agency.
- 10 (d) The amount of the pesticide sold or distributed.
- 11 (e) The date of the sale or distribution.
- 12 (f) The first name, last name, and address of the purchaser or intended recipient and the commercial
- 13 application business license number, restricted use dealer license number, and applicator license and
- 14 certification number, if any, of the purchaser or intended recipient.



(g) The certification expiration date.

(h) The certification categories relevant to the pesticide sold.

(i) The record of the state, tribe, or federal agency that issued the certification.

(j) The record of any applicable emergency exemption and state special local need registration numbers.

(k) The first name, last name, and address of the person to whom the seller delivered custody of the pesticide, if other than the purchaser or intended recipient.

SECTION 3. ATCP 29.25 (3) (c) is amended to read:

ATCP 29.25 (3) (c) The department may not issue a license under sub. (1) to an individual who is less than ~~16~~ 18 years old.

SECTION 4. ATCP 29.26 (2) is amended to read:

ATCP 29.26 (2) The department may certify an individual commercial applicator in one or more categories under s. ATCP 29.31. The department may not issue certification under this subsection to an individual who is less than 18 years old. An individual certified in any category may do any of the following:

SECTION 5. ATCP 29.26 (4) is amended to read:

ATCP 29.26 (4) SPECIAL APPLICATION METHODS OR CATEGORIES; SUPPLEMENTARY CERTIFICATION. No individual commercial applicator may ~~use aircraft, chemigation, or soil fumigation to control mosquitoes or use aircraft, chemigation, or soil fumigation to apply pesticides under~~ s. ATCP 29.31 for which that individual is certified unless that individual is also certified under s. ATCP 29.29 to apply pesticides by that method or category.

SECTION 6. ATCP 29.26 (5) (a) (3) is amended to read:

ATCP 29.26 (5) (a) (3) A statement indicating that the individual is certified under s. 29.29 to apply pesticides by means of aerial application, chemigation, ~~or soil fumigation, or non-soil fumigation or mosquito application~~-if that is the case.

SECTION 7. ATCP 29.27 (2) (a) is created to read:

ATCP 29.27 (2) (a) The department may not issue a certification under this subsection to an individual who is less than 18 years old.

SECTION 8. ATCP 29.27 (4) is amended to read:

ATCP 29.27 (4) SPECIAL APPLICATION METHODS: SUPPLEMENTARY CERTIFICATION. No private applicator may use aircraft, chemigation, or soil fumigation to apply restricted-use pesticides unless that private applicator is also certified under s. ATCP 29.29 to apply pesticides by that method.

SECTION 9. ATCP 29.27 (5) (a) (3) is amended to read:

ATCP 29.27 (5) (a) (3) A statement indicating that the individual is certified under s. ATCP 29.29 to apply restricted-use pesticides as private applicator by means of aerial application, chemigation, or soil fumigation, if that is the case.

SECTION 10. ATCP 29.27 (8) is amended to read:

ATCP 29.27 (8) APPLYING FOR CERTIFICATION. An individual agricultural producer may contact the University of Wisconsin-Extension ~~agent in the county where the producer resides~~ educator in a county that provides exam proctoring to arrange for training and evaluation under sub. (7).

SECTION 11. ATCP 29.29 (1) (b) is repealed and recreated to read:

ATCP 29.29 (1) (b) Labeling. Labeling Requirements and restrictions specific to aerial application of pesticides including:

SECTION 12. ATCP 29.29 (1) (b) (1), (2), and (3) are created to read:

ATCP 29.29 (1) (b) (1) Spray volumes.

(2) Buffers and no-spray zone.

(3) Weather conditions specific to wind and inversion.

SECTION 13. 29.29. (1) (c), (d), (e), and (f) are created to read:

29.29 (1) (c) Application equipment. Understand how to choose and maintain aerial application equipment, including all of the following:

1. The importance of inspecting application equipment to ensure it is in proper operating condition prior to beginning an application.



- 66 2. Selecting proper nozzles to ensure appropriate pesticide dispersal and to minimize drift.
- 67 3. Knowledge of the components of an aerial pesticide application system, including pesticide
- 68 hoppers, tanks, pumps, and types of nozzles.
- 69 4. Interpreting a nozzle flow rate chart.
- 70 5. Determining the number of nozzles for an intended pesticide output using nozzle flow rate chart,
- 71 aircraft speed, and swath width.
- 72 6. How to ensure nozzles are placed to compensate for uneven dispersal due to uneven airflow from
- 73 wingtip vortices, helicopter rotor turbulence, and aircraft propeller turbulence.
- 74 7. Where to place nozzles to produce the appropriate droplet size.
- 75 8. How to maintain the application system in good repair, including pressure gauge accuracy, filter
- 76 cleaning according to schedule, and checking nozzles for excessive wear.
- 77 9. How to calculate required and actual flow rates.
- 78 10. How to verify flow rate using fixed timing, open timing, known distance, or a flow meter.
- 79 (d) Application considerations. The applicator must demonstrate knowledge of factors to consider before
- 80 and during application, including all of the following:
- 81 1. Weather conditions that could impact application by affecting aircraft engine power, take-off
- 82 distance, and climb rate, or by promoting spray droplet evaporation.
- 83 2. How to determine wind velocity, direction, and air density at the application site.
- 84 3. The potential impact of thermals and temperature inversions on aerial pesticide application.
- 85 (e) Minimizing drift. The applicator must demonstrate knowledge of methods to minimize off-target
- 86 pesticide movement, including all of the following:
- 87 1. How to determine drift potential of a product using a smoke generator.
- 88 2. How to evaluate vertical and horizontal smoke plumes to assess wind direction, speed, and
- 89 concentration.
- 90 3. Selecting techniques that minimize pesticide movement out of the area to be treated.
- 91 4. Documenting special equipment configurations or flight patterns used to reduce off-target

pesticide drift.

#### 5. Requirements under ATCP 29.53

(f) Performing aerial application. The applicator must demonstrate competency in performing an aerial pesticide application, including all of the following:

1. Selecting a flight altitude that minimizes streaking and off-target pesticide drift.
2. Choosing a flight pattern that ensures applicator and bystander safety and proper application.
3. The importance of engaging and disengaging spray precisely when entering and exiting a predetermined swath pattern.
4. Tools available to mark swaths, such as global positioning systems and flags.
5. Recordkeeping requirements for aerial pesticide applications including application conditions if applicable.

SECTION 14. ATCP 29.29 (3) is amended to read:

ATCP 29.29 (3) ~~SOIL FUMIGATION BY COMMERCIAL APPLICATION; SUPPLEMENTARY~~ CERTIFICATION. The department may certify an individual commercial or private applicator to make pesticide applications, for which that individual is certified under s. ATCP 29.26 or 29.27, by means of soil fumigation. To be certified as a soil fumigator, an ~~individual commercial~~ applicator shall demonstrate practical knowledge and competency of all of the following:

SECTION 15. ATCP 29.29 (3) (a), (b), (c), (d), (e), (f), and (g) are repealed and recreated to read:

ATCP 29.29 (3) (a) Label and labeling comprehension.

1. Entry-restricted periods for tarped and untarped field application scenarios.
2. Recordkeeping requirements.

(b) Safety

1. Worker safety, notice, posting, and restricted entry interval requirements.
2. Understanding how certified applicators and bystanders can become exposed to fumigants.
3. Air concentrations of a fumigant that require applicators to wear respirators or to exit the work area entirely.

- 118 4. Steps to take if a fumigant applicator experiences sensory irritation.
- 119 5. Understanding air monitoring, when it is required, and where and when to take samples.
- 120 6. Buffer zones, including procedures for buffer zone monitoring and who is permitted to be in a
- 121 buffer zone.
- 122 (c) Soil fumigant chemical characteristics.
- 123 1. How fumigants change from a liquid or a solid to a gas.
- 124 2. How fumigants disperse in the application zone.
- 125 3. Compatibility concerns for tanks, hoses, tubing, and other equipment
- 126 4. Potential health and environmental hazards related to fumigants.
- 127 (d) Application. Selecting appropriate application methods and timing, including all of the following:
- 128 1. Application methods, including but not limited to water-run and non-water-run applications, and
- 129 equipment commonly used for each soil fumigant.
- 130 2. Site characteristics that influence fumigant exposure.
- 131 3. Understanding temperature inversions and their impact on soil fumigant application.
- 132 4. Conducting pre-application inspection of application equipment and the site to be fumigated.
- 133 5. Understanding the purpose and methods of soil sealing, including the factors that determine which soil
- 134 sealing method to use.
- 135 6. Calculating the amount of product required for a specific treatment area.
- 136 7. Understanding the use of tarps, including the range of tarps available, how to seal tarps, and labeling
- 137 requirements for tarp removal, perforation, and repair.
- 138 8. Proper soil fumigation methods, including restricted entry intervals, proper use of safety apparatus,
- 139 and other safeguards to protect human health and the environment.
- 140 9. Factors that may determine the need for, or appropriate use of, a soil fumigant.
- 141 (e) Soil and soil factors. Including all of the following:
- 142 1. Influence of soil factors on fumigant volatility and movement within the soil profile.
- 143 2. Factors that influence gaseous movement through the soil profile and into the air.

3. Soil characteristics, including how soil characteristics affect the success of a soil fumigant application, assessing soil moisture, and correcting for soil characteristics that could hinder a successful soil fumigant application.

4. The importance of proper application depth and timing.

(f) Personal protective equipment. Understanding what personal protective equipment is necessary and how to use it properly, including all of the following:

1. Understanding the types of respirators required when using specific soil fumigants and how to use them properly, including medical evaluation, fit testing, and required replacement of cartridges and canisters.

(g) Fumigant management plans and post application summaries. Information about fumigant management plans and when they are required, including all of the following:

1. When a fumigant management plan must be in effect, how long it must be kept on file, where it must be kept during the application, and who must have access to it.

2. The elements of a fumigant management plan and resources available to assist the applicator in preparing a fumigant management plan.

3. The person responsible for verifying that a fumigant management plan is accurate.

4. The elements, purpose and content of a post-application summary, who must prepare it, and when it must be completed.

SECTION 16. ATCP 29.29 (3) (h) is created to read:

ATCP 29.29 (3) (h) Buffer zones and posting requirements. Understanding buffer zones and posting requirements, including all of the following:

1. Buffer zones and the buffer zone period.

2. Identifying who is allowed in a buffer zone during the buffer zone period and who is prohibited from being in a buffer zone period.

3. Using the buffer zone table from the labeling to determine the size of the buffer zone.

4. Factors that determine the buffer zone credits for application scenarios and calculating buffer



zones using credits.

5. Distinguishing buffer zone posting and treated area posting, including the pre-application and post-application posting timeframes for each.

6. Proper choice and placement of warning signs.

SECTION 17. ATCP 29.29 (4) is amended to read:

ATCP 29.29 (4) MOSQUITO CONTROL BY COMMERCIAL APPLICATOR; SUPPLEMENTARY CERTIFICATION. The department may certify an individual commercial applicator to make pesticide applications, for which that individual is certified under s. ATCP 29.26. This category includes individuals who use or the direct use of any pesticides to control adult mosquitoes and larval mosquitoes in any location other than waters of the state. To be certified as a mosquito applicator, an individual commercial applicator shall demonstrate practical knowledge and competency related to all of the following:

(a) Important vectors of disease.

(b) Recognizing the pests and signs of their presence.

(c) Their habitat, lifecycles, biology, and behavior as it may be relevant to problem identification and control.

(d) How to minimize damage to and containment of areas treated.

(e) Acute and chronic exposure of people and pets, and not-target exposures.

SECTION 18. ATCP 29.29 (5) is repealed.

SECTION 19. ATCP 29.30 (1) (e) and (f) are created to read:

ATCP 29.30 (1) (e) Recognizing and understanding the difference between mandatory and advisory labeling language.

(f) Verifying that the labeling does not prohibit the use of product to control the target pest(s).

SECTION 20. ATCP 29.30 (3) (a) is amended to read:

ATCP 29.30 (3) (a) Pesticide exposure and health risks related to different types of pesticides and pesticide applications with customers, agricultural workers and handlers, and other persons.

196 SECTION 21. ATCP 29.30 (3) (h), (i), and (j) ATCP 29.30 are created to read:

197 ATCP 29.30 (3) (h) Precautions to be taken to prevent children from having access to pesticides and  
198 pesticide containers.

199 (i) Laws and regulations. Knowledge of all applicable State, Tribal and Federal laws and regulations,  
200 including understanding the Worker Protection Standard in 40 CFR part 170 and the circumstances where  
201 compliance is required.

202 (j) Relative hazards associated with using pesticides on animals or places in which animals are confined  
203 based on formulation, application technique, age of animal, stress, and extent of treatment.

204 SECTION 22. ATCP 29.30 (6) (f) and (g) are created to read:

205 ATCP 29.30 (6) (f) Specific pesticide toxicity and residue potential when pesticides are applied to animal  
206 product agricultural commodities.

207 (g) The different natures of the risks of acute toxicity and chronic toxicity, as well as the long-term effects  
208 of pesticides.

209 SECTION 23. ATCP 29.30 (9) (f) is created to read:

210 ATCP 29.30 (9) (f) Pre-harvest and restricted entry intervals and entry-restricted periods and areas.

211 SECTION 24. ATCP 29.31 (3) (b) (3) is amended to read:

212 ATCP 29.31 (3) (b) (3) Potential adverse health effects on animals and humans and the associated hazards  
213 with such factors as formulation application techniques, age of animals, and extent of treatment.

214 SECTION 25. ATCP 29.31 (3) (b) (4) is amended to read:

215 ATCP 29.31 (3) (b) (4) Potential adverse effects of pesticide toxicity and residue potential on food and  
216 other uses of animals or their products.

217 SECTION 26. ATCP 29.31 (4) (b) (3) is amended to read:

218 ATCP 29.31 (4) (b) (3) Factors including pest population dynamics and cycles, that may affect the need  
219 for ~~appropriate~~ and to determine the proper use of pesticides.

220 SECTION 27. ATCP 29.31 (4) (b) (11) is created to read:

221 ATCP 29.31 (4) (b) (11) Appropriate responses to meteorological factors and adjacent land use.

222 SECTION 28. ATCP 29.31 (5) (b) (7) is amended to read:

223 ATCP 29.31 (5) (b) (7) Hazards to treated plants and nontarget organisms ~~including like humans, pets,~~  
224 and other domestic animals and reducing phytotoxicity.

225 SECTION 29. ATCP 29. 31 (8) is amended to read:

226 ATCP 29.31 (8) AQUATIC AND MOSQUITO PEST CONTROL.

227 SECTION 30. ATCP 29.31 (8) (a) (2) is amended to read:

228 ATCP (8) (a) (2) Use or direct the use of any pesticide to control larval mosquitoes in waters of the state.  
229 ~~or on land.~~

230 SECTION 31. ATCP 29.31 (8) (b) (3) is amended to read:

231 ATCP 29.31 (8) (b) (3) Potential health and environmental effects of pesticide applications, including  
232 potential downstream effects, and effects on nontarget ~~organisms~~ plants, fish, birds, and beneficial insects.

233 SECTION 32. ATCP 29.31 (10) (b) (10) is created to read:

234 ATCP 29.31 (10) (b) (10) Techniques to minimize runoff and excessive foliage destruction.

235 SECTION 33. ATCP 29.31 (11) (b) (5) is created to read:

236 ATCP 29.31 (11) (b) (5) Knowing pests life cycles, behaviors, and habitats.

237 SECTION 34. ATCP 29.31 (12) (b) (1) is repealed.

238 SECTION 35. ATCP 29.31 (12) (1) (b) (1), (2), (3), (4), (5), (6), and (7) are created to read:

239 ATCP 29.31 (12) (b) (1) Safety

240 a. Worker safety, notice, posting, and restricted entry interval requirements.

241 b. Understanding how certified applicators and bystanders can become exposed to fumigants.

242 c. Air concentrations of a fumigant that require applicators to wear respirators or to exit the work area  
243 entirely.

244 d. Steps to take if a fumigant applicator experiences sensory irritation.

245 e. Understanding air monitoring, when it is required, and where and when to take samples.

246 f. Buffer zones, including procedures for buffer zone monitoring and who is permitted to be in a buffer  
247 zone.

- 248 (2). Non-soil fumigant chemical characteristics.
- 249 a. Chemical characteristics of non-soil fumigants
- 250 b. Specific human exposure concerns for non-soil fumigants.
- 251 c. How fumigants change from a liquid or solid to a gas.
- 252 d. How fumigants disperse in the application zone.
- 253 e. Compatibility concerns for tanks, hoses, tubing, and other equipment.
- 254 f. Potential health and environmental hazards related to fumigants.
- 255 (3) Application. Selecting appropriate application methods and timing, including all of the following:
- 256 a. Site characteristics that influence fumigant exposure.
- 257 b. Conditions that could impact timing of non-soil fumigant application, such as air stability, air
- 258 temperature, humidity, and wind currents, and labeling statements limiting applications under specific
- 259 conditions.
- 260 c. Conducting pre-application of inspection of application equipment and the site to be fumigated.
- 261 d. Understanding the purpose and methods of sealing the area to be fumigated, including the factors that
- 262 determine which sealing method to use.
- 263 e. Calculating the amount of product required for a specific treatment area.
- 264 f. Understanding the basic techniques for calibrating non-soil fumigant application equipment.
- 265 g. Understanding when and how to conduct air monitoring and when it is required.
- 266 h. Factors that may determine the need for, or appropriate use of, a fumigant.
- 267 i. Appropriate procedures for mixing, loading, applying, and disposing of fumigants, to prevent or
- 268 minimize fumigant-related hazards.
- 269 (4) Pest factors. Pest factors that influence fumigant activity, including all of the following:
- 270 a. Influence of pest factors on fumigant volatility.
- 271 b. Factors that influence gaseous movement through the area being fumigated and into the air.
- 272 (5) Personal protective equipment. Understanding what personal protective equipment is necessary and
- 273 how to use it properly, including all of the following:



274 a. Understanding the types of respirators required when using specific non-soil fumigants and how to use  
275 them properly, including medical evaluation, fit testing, and required replacement of cartridges and  
276 canisters.

277 b. Labeling requirements and other laws applicable to medical evaluation for respirator use, fit tests,  
278 training, and recordkeeping.

279 (6) Fumigant management plans and post application summaries. Information about fumigant  
280 management plans and when they are required, including all of the following:

281 a. When a fumigant management plan must be in effect, how long it must be kept on file, where it must be  
282 kept during the application, and who must have access to it.

283 b. The elements of a fumigant management plan and resources available to assist the applicator in  
284 preparing a fumigant management plan.

285 c. The person responsible for verifying that a fumigant management plan is accurate.

286 d. The elements, purpose, and content of a post-application summary, who must prepare it, and when it  
287 must be completed.

288 (7) Posting requirements:

289 a. Distinguishing fumigant labeling-required posting and treated area posting, including the pre-  
290 application and post-application posting timeframes for each.

291 b. Proper choice and placement of warning signs.

292 c. Restricted entry interval requirement.

293 d. Proper posting and notices.

294 SECTION 36. ATCP 29.31 (14) (b) (6) is created to read:

295 ATCP 29.31 (14) (b) (6) Knowing pests life cycles, behaviors, and habitats.

296 SECTION 37. ATCP 29.32 (4) (f) (4) is amended to read:

297 ATCP 29.32 (4) (f) (4) That the trainee is at least ~~16~~18 years old.

298 SECTION 38. ATCP 29.33 (3) is amended to read:

299 ATCP 29.33 (3) RECORD CONTENTS. A pesticide application record under this section shall include  
300 all of the following:

- 301 (a) The first and last name of the individual making the pesticide application.
- 302 (b) The certification number of the individual making the pesticide application.
- 303 (c) The name and address of the customer, if any, for whom the pesticide was applied.
- 304 (d) The crop, commodity, or site to which the pesticide was applied.
- 305 (e) A specific description of the location of the pesticide application site. The description shall contain  
306 sufficient information and detail so that the location of the pesticide application site may be readily  
307 determined.
- 308 (f) The month, day, year, and approximate starting and ending time of the pesticide application. (g) The  
309 brand name, or product name, or common chemical name, and the federal environmental protection  
310 agency registration number, of each pesticide applied.
- 311 (h) At least one of the following:
  - 312 1. The concentration and total quantity of each pesticide applied.
  - 313 2. The amount of pesticide product applied per unit area and the total area treated.
- 314 (i) Each location, other than a business location licensed under s. ATCP 29.20, at which the pesticide was  
315 mixed or loaded. Mixing and loading sites need not be identified if the pesticide is applied directly from a  
316 prepackaged retail container, or is applied with application equipment having a total capacity of not more  
317 than 5 gallons of liquid pesticide or 50 pounds dry pesticide.

---

(END OF RULE TEXT)

---

Dated this 11 day of September, 2025

WISCONSIN DEPARTMENT OF AGRICULTURE,  
TRADE AND CONSUMER PROTECTION

  
By: Randy Romanski, Secretary