

Pesticide Use by Railroads in Wisconsin

PURPOSE

Wis. Stat. § 94.697 establishes pesticide safety requirements for railroads making pesticide applications along the railway in Wisconsin. The law defines “railway” as a person that owns or operates any railroad, or part of a railroad, as a common carrier in Wisconsin. The law protects railroad company employees by ensuring access to pesticide information, safety training, and notification of pesticide application.

WHO MUST COMPLY?

Railroad companies that own or operate railroad rights-of-way in Wisconsin and apply pesticides for vegetation management and maintenance purposes.

EMPLOYEE NOTIFICATION

Railroads must provide employees with information regarding pesticide applications before work is performed in treated areas.

Information must be displayed at a central location 48 hours before an application is made and must include:

- ✓ Location and description of the area to be treated
- ✓ Approximation date and time of the application
- ✓ Product name and active ingredient(s)
- ✓ EPA registration number
- ✓ Restricted entry interval (REI), when applicable
- ✓ Emergency medical contact information
- ✓ Where to access pesticide label information

All information must be posted for 30 days after the date of application.

All individuals who directly supervise employees working in a treated area must be able to provide a description of where the central location information is accessible.

EMPLOYEE TRAINING

Railroads must provide annual pesticide safety training to employees who may work in treated areas.

Training topics must include:

- ✓ Pesticide exposure prevention
- ✓ Restricted entry intervals
- ✓ Personal protective equipment
- ✓ Pesticide safety practices
- ✓ How to read a pesticide label
- ✓ Emergency procedures and reporting requirements

The railroad must keep a record of each training. Record must include the date of training, who was trained, who the trainer was, and the employer of the trainer.

EMPLOYEE RIGHTS

Employees have the right to:

- ✓ Receive pesticide safety information
- ✓ Access pesticide application records and labels
- ✓ Participate in required safety training
- ✓ Report pesticide-related outcome

WHAT IS A PESTICIDE?

A pesticide is any substance used to control or repel a pest or to prevent the damage that pests may cause. Pests can be insects, mice, unwanted plants (weeds), fungi, or microorganisms like bacteria and viruses.

The term “pesticide” includes insecticides, herbicides, fungicides, and other substances used to control pests.

PUBLIC INFORMATION

On the railroad’s public internet site, the railway company must make available a way to provide answers to pesticide-use related questions, including a telephone number and any toll-free number maintained by the department to provide information about pesticide use.



1.800.858.7378 npic@oregonstate.edu
Call, email, or chat Mon-Fri

WHY ARE PESTICIDES USED ALONG RAILROADS?

Pesticides help:

- ✓ Control unwanted vegetation
- ✓ Maintain track visibility
- ✓ Reduce fire hazards
- ✓ Improve operational safety
- ✓ Protect railroad infrastructure

REPORTING POSSIBLE PESTICIDE EXPOSURE

If you suspect that a railroad worker has been exposed to pesticides, follow any necessary procedures including company policy and contact medical assistance.

Contact our department as soon as possible at (608) 224-4500. If after hours or on weekends, please leave a message with the following information:

- ✓ Date, time, and location of incident
- ✓ Pesticide product(s) used
- ✓ Name of medical facility or doctor
- ✓ Your name and contact number

QUESTIONS AND ANSWERS

Q. What is a restricted entry interval (REI)?

A. An REI is the time after the end of a pesticide application when entry into the treated area is restricted. Depending on the pesticide product used, REI’s can range from four hours to five days after a pesticide application was made.

The REI is listed on the pesticide label under the “Agricultural Use Requirements” heading in the “Directions for Use” section, or next to the applicable crop or application method.

Q. If we apply two different pesticides and each has a different restricted entry interval, which one should be followed?

A. Follow the longest restricted entry interval.

Q. How long must the railroad keep training records?

A. The rule does not specify, so it is up to the discretion of the railroad. As a suggestion, in Wisconsin, most pesticide records are kept for at least three years.

Q. Who can be a trainer for the pesticide safety training?

A. The rule does not specify the trainer’s qualifications. We suggest using someone who is a licensed and certified pesticide applicator or who is qualified to teach federal Worker Protection Standard.

Wisconsin Department of Agriculture, Trade and Consumer Protection

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