

AGRICULTURAL PESTICIDE APPLICATIONS COMPLIANCE CHECKLIST

All of the elements in this checklist must be addressed to legally operate as a commercial pesticide application business in Wisconsin. 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 and other animals, unwanted plants (weeds), fungi, or microorganisms like bacteria and viruses.

Agricultural pesticide applications to control pests on agricultural commodities include those affecting:

1. Agricultural field and vegetable crops, or pests on noncrop agricultural lands.
2. The production of agricultural fruit crops, including small fruits, tree fruits and nuts.
3. Agricultural animals such as livestock, poultry or horses, and pests other than birds and rodents in places where animals are confined.
4. Greenhouse or nursery plants.

- 1. **Commercial Pesticide Application Business License:** Business shall be licensed annually, includes sole proprietors. Wis. Admin. Code § ATCP 29.20(1).
- 2. **Commercial Pesticide Applicator Certification:** Each individual who uses pesticides or who “directs the use” as a supervisor, shall be certified within the appropriate pesticide applicator certification category. Applicators certify in different categories for different types of applications. Wis. Admin. Code § ATCP 29.26, 29.8 and 29.31(1)-(16).
- 3. **Individual Commercial Applicator Licenses:** Each individual who applies pesticides or is “directing the use” of a pesticide as a supervisor shall be licensed annually. Wis. Admin. Code § ATCP 29.25(1).
- 4. **Storage and Transportation of Pesticide [And Fertilizer]:** Store and transport according to state requirements. Wis. Admin. Code § ATCP 29.40, 29.45, 29.47 and ATCP 33.
- 5. **Use and Disposal of Pesticide:** Properly use and dispose of pesticides. Wis. Admin. Code § ATCP 29.40, 29.45, 29.47, and ATCP 33.
- 6. **Advanced Notice for Bees:** Provide specific application information to individuals requesting advance notification of pesticides highly toxic to bees. Wis. Admin. Code § ATCP 29.51(1).
- 7. **Advanced Notice of Aerial Applications:** Provide specific application information to individuals requesting advance notification of aerial applications. Wis. Admin. Code § ATCP 29.51(2).

- 8. **Worker Protection Standard (WPS):** Before a pesticide application is made, provide WPS information to agricultural establishments employing workers, and to your employees performing handler tasks. Wis. Admin. Code § ATCP 29.51(5) and 29.61.
- 9. **Warning Signs at Application Sites:** Post the appropriate warning sign for pesticide applications. Wis. Admin. Code § ATCP 29.52.
- 10. **Atrazine Use Restrictions:** Comply with Wisconsin timing, application rate and location restrictions on the use of pesticides containing atrazine. These limitations are not found on pesticide labels. Wis. Admin. Code § ATCP 30.
- 11. **Soil Fumigants:** Use soil fumigants according to the pesticide label directions and the requirements of Wis. Admin. Code § ATCP 30.22, ATCP 29.
- 12. **Post-Application Information:** After making a pesticide application, specific information must be provided to the customer in a timely manner. Wis. Admin. Code ATCP 29.22.
- 13. **Pesticide Application Records:** Businesses / applicators shall complete records for all pesticide applications, and keep them for two years. Atrazine records must be kept three years. Wis. Admin. Code § ATCP 29.21(1), 29.33(1) and ATCP 30.30(5).
- 14. **Chemigation Systems:** Design and operate agricultural chemigation systems according to specific requirements. Wis. Admin. Code § ATCP 29.54.
- 15. **Fertilizer Application, Required Customer Information:** Provide the customer with specific fertilizer application information. Wis. Admin. Code § ATCP 40.08.
- 16. **Avoid Damaging Sensitive Crops and Areas:** You may choose to search for sensitive crops, beehives and other properties near the application site by using DriftWatch https://datcp.wi.gov/Pages/Online_Services/DriftWatch.aspx.

STATE AND FEDERAL PESTICIDE REGULATIONS

Pesticide regulations are administered at the federal and state level. The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) is the state agency delegated by United States Environmental Protection Agency (EPA) to implement pesticide regulations in Wisconsin.

Federal Law

The EPA administers the national pesticide law. Pesticides must be registered by the EPA and include an EPA Registration number and an EPA Establishment number on their label. Additionally, these products must be licensed for use within the State of Wisconsin.

No person may use a pesticide contrary to label directions or for an unlabeled purpose.

The directions for use specifically listed on the label must be followed. The applicator should evaluate the product for effectiveness on the pest s/he is managing. If you require assistance interpreting a label, contact DATCP at (608) 224-4547.

Follow label directions – The Label Is “The Law”.

Wisconsin Law

The DATCP is the state agency delegated by EPA to implement pesticide regulations in Wisconsin. DATCP enforces Wisconsin’s pesticide laws under Wis. Stat. § 94.67 to Wis. Stat. § 94.71, Plant Industry (the Wisconsin Pesticide Law). Wisconsin Administrative Codes Related to agricultural pesticide use include:

- Ch ATCP 29, Pesticide Use and Control
- Ch ATCP 30, Pesticide Product Restrictions
- Ch ATCP 33, Fertilizer and Pesticide Bulk Storage
- Ch ATCP 40, Fertilizer and Related Products

All state statutes and administrative codes may be read in their entirety at the Wisconsin Legislature - Folio Site Directory web site: <https://docs.legis.wisconsin.gov/>

Contacts

Department of Agriculture, Trade & Consumer Protection (DATCP)
Division of Agricultural Resource Management
PO Box 8911 Madison, WI 53708-8911
datcppesticideinfo@wi.gov
<http://datcp.wi.gov>

Bulk pesticide & fertilizer storage: 608-224-4518

Certification and licensing: 608-224-4548

Pesticide rule interpretation: 608-224-4551

Schedule an applicator certification exam:
<http://pestexam.datcp.wi.gov> or
608-224-4548

DATCP Environmental Enforcement Specialists:
https://datcp.wi.gov/Pages/Programs_Services/EnforcementInspection.aspx

A searchable database of licensed applicators, businesses, dealers and registered pesticides is available at: <https://www.kellysolutions.com/wi/>

Report suspected pesticide violations:
608-224-4500

<p>Report Spills</p> <p>800-943-0003</p> <p>Wisconsin’s 24-hour Spill Emergency Hotline</p>

COMMERCIAL PESTICIDE APPLICATOR CERTIFICATION

Ch. ATCP 29.29 and 29.31 Wis Adm Code and s. 94.715(2)(dm) Wis. Stats

Commercial applicators demonstrate competence in the use and handling of pesticides by passing a written closed book certification exam. Individuals shall be competent in the use and application of pesticides in each certification category relevant to their pesticide use. Certification is valid for five years, and additional category certifications expire simultaneously with the initial category expiration date.

Who needs to be certified?

Individuals who use or direct the use of:

1. Any pesticide as an independent contractor for hire,
2. A restricted use pesticide, or
3. Any pesticide on school grounds.

Permit and Pesticide Label Requirement for Certification

Federal and/or state government agencies (e.g., US Fish and Wildlife Service, Wisconsin Department of Natural Resources) can require pesticide applicator certification and licensing as a condition of their permit. Some non-restricted use pesticide labeling statements require commercial certification and licensing. If the product label or labeling language indicates, "...individual certification and licensing is required..." you MUST obtain certification and individual licensing prior to using that product.

CERTIFICATION CATEGORY DESCRIPTIONS

There are 20 commercial pesticide applicator certification categories. A brief description of the types of pesticide use a certified individual may make under each category follow.

Field and Vegetable Pest Control (1.1)

Control pests affecting agricultural field and vegetable crops, or to control pests on noncrop agricultural lands e.g. Conservation Reserve land.

Fruit Crop Pest Control (1.2)

Control pests affecting the production of agricultural fruit crops, including small fruits, tree fruits and nuts.

Livestock and Poultry Pest Control (1.3)

Do either of the following:

1. Control pests on agricultural animals such as livestock, poultry or horses.
2. Control pests other than birds and rodents in places, other than human habitations, where agricultural animals are confined.

Forest Pest Control (2.0)

Control pests in forests, forest nurseries, Christmas tree plantations and tree seed producing areas.

Turf and Landscape Pest Control (3.0)

Control pests affecting turf or landscape areas. This includes applications to trees in landscaped areas, e.g. to control Emerald Ash Borer. This category does not cover terrestrial mosquito applications, treating water bodies or perimeter barrier applications made on a building or structure to prevent or discourage pests from entering.

"Use" a pesticide means to mix or load a pesticide, apply a pesticide, or engage in any of the following activities which is related to the mixing, loading or application of a pesticide:

- (a) Activities which the pesticide label requires of the mixer, loader or applicator.
- (b) Handling an open pesticide container, other than an empty container that has been triple-rinsed or cleaned according to the pesticide label.
- (c) Cleaning or rinsing an open pesticide container, pesticide application equipment, or a mix or nurse tank.
- (d) Disposing of a pesticide or pesticide rinsate.
- (e) Aerating or ventilating spaces treated with a pesticide.

Definition from ATCP 29.01(41)

"Direct the use of a pesticide" means to select or control the use of a pesticide, where the selecting or controlling individual has supervisory authority over the person using the pesticide.

Definition from ATCP 29.01(14)

Greenhouse and Nursery Pest Control (3.1)

Control pests affecting greenhouse or nursery plants.

Seed Treatment Pest Control (4.0)

Control pests on seeds used for planting or propagation, other than planter box treatments.

Aquatic and Mosquito Pest Control (5.0)

Do either of the following:

1. To control pest in standing or running surface water, or below the *high water mark*. (e.g. retention ponds on corporate office properties or lakes)
2. To control mosquitoes in water, or on land.
Trainees cannot be registered to make applications in Category 5.0.

In 1914, the Wisconsin Supreme Court defined the **ordinary high water mark** as "the point on the bank or shore up to which the presence and action of the water is so continuous as to leave a distinct mark either by erosion, destruction of terrestrial vegetation or other easily recognized characteristic." Source WI DNR

Antifouling Paint (5.1)

Use antifouling paint pesticides to preserve and protect boat hulls, buoys, and other materials against damage from marine plant and animals such as barnacles, algae, and tube worms.

Rights-of Way and Natural Areas (6.0)

Maintain lands in rights of way (e.g. under electric power lines) and to restore or maintain the ecological integrity of natural areas. Does not include applications to control mosquitoes.

Industrial, Institutional, Structural and Health-Related Pest Control; General (7.1)

Control pests in or around residential, institutional and industrial establishments, schools, grain elevators or like structures, and the areas within 10 feet immediately adjacent to those facilities. Includes spot applications in landscapes greater than 10 feet from a structure to prevent or discourage structural pests such as ants and hornets, from entering that building. However, when this type of application is made, this is considered a "landscape setting" and all landscape posting and landscape registry requirements apply. Does not include applications to control mosquitoes or termites.

Fumigation: Spaces and Commodities (7.2)

Use fumigant pesticides to control pests in industrial, institutional or structural settings, or for health-related purposes. It includes individuals who apply fumigants by means of general, spot, tarpaulin, chamber, vehicle or in-transit fumigation, or who aerate or ventilate fumigated spaces. It does not include the use of soil fumigants.

Termite Control (7.3)

Individuals who use or direct the use of pesticides to prevent or control termites.

Wood Preservation (7.4)

Preserve and protect wood or wood-based materials against damage from insects, fungi, surface molds and mildew, marine crustaceans, shipworms and other pests. Note that use of antifouling paint pesticides to preserve and protect boat hulls and similar objects requires certification in the Antifouling Paint Certification Category (5.1).

Sewer Root Control (7.5)

Use metam sodium or other fumigants to control root growth in sewers.

Companion Animal Pest Control (11.0)

Do either of the following:

1. Control pests on companion animals, such as dogs or cats.
2. Control pests in places, other than human habitations, where companion animals are confined.

Pesticide Mixer and Loader (24.0)

Individuals certified in this category may only mix and load pesticides for application by others.

Supplemental Certification Categories ch. ATCP 29.29 Wis. Adm. Code

Applicators that need to certify in a supplemental category must first certify in a base category specific to the site where they will apply pesticides. For example, to apply a fungicide to corn from a helicopter, you must certify in both Category 1.1 Field and Vegetable and the supplemental Category 9.9 Aerial.

Aerial Applicator (9.9)

Use aircraft to make pesticide applications.

Chemigation (26.0)

Use a chemigation system to make agricultural or non-agricultural pesticide applications. Includes use of urban pesticide misting systems.

Soil Fumigation (25.0)

Use soil fumigants for agricultural or non-agricultural uses.

Reciprocal Commercial Applicator Certification & Licensing ch ATCP 29.25 & 29.26 Wis. Adm. Code

An individual who has certified by passing a closed book commercial applicator exam in another state within the past five years may seek reciprocal certification from Wisconsin if 1) the individual has never had his certification suspended or revoked, and 2) the other state's certification standards are equivalent to Wisconsin's. A reciprocal certification and license expires on Dec. 31 of the year in which it is issued.

Private Pesticide Applicator Certification. ch. ATCP 29.27 Wis. Adm. Code

Individuals who use restricted-use pesticides on property that they or their employer own, control, or rent may certify as a private applicator. Individuals must certify as a commercial pesticide applicator if they 1) are paid to apply pesticides to more than 500 acres/year of land they do not control, 2) make applications for more than three agricultural producers, or 3) make applications for non-agricultural purposes.

Trainee Registration. ch ATCP 29.32 Wis. Adm. Code

A licensed pesticide application business may register an employee as a trainee for a 30 day time period. DATCP expects the trainee to take the certification exam during or immediately after the 30 day trainee timeframe. An employer may not register a trainee more than once in the same category. Trainee registration cannot be issued to an individual who has failed a certification exam. A trainee cannot:

1. Use any pesticide except under the direct on-site supervision of a certified and licensed pesticide applicator.
2. Direct the use of pesticides.
3. Engage in any category of pesticide use that is not identified in the trainee registration.
4. Use restricted-use pesticides.
5. Make aquatic & mosquito pesticide applications.
6. Use soil fumigants, or apply pesticides by aircraft or chemigation.

HOW TO BECOME A CERTIFIED COMMERCIAL PESTICIDE APPLICATOR

Wis. Admin. Code § ATCP 29.26

Obtain certification training materials in the appropriate pesticide certification category. Training from the University of Wisconsin – Extension Pesticide Applicator Training Program (PAT) is required.

Self-study. Contact the University of Wisconsin PAT to order a training manual.

OR

Live training. Pre-register to attend a training session. Dates and locations are available on a limited basis. This includes training materials and the certification exam is offered at the training session.

University of Wisconsin
Pesticide Applicator Training
Department of Agronomy
1575 Linden Drive
Madison, WI 53706-1597
<http://ipcm.wisc.edu/PAT>
(608) 262-7588
PATprogram@mailplus.wisc.edu

Pass the DATCP certification exam. DATCP does not offer training. Study before your exam. Schedule your certification exam online <http://pestexam.datcp.wi.gov/> or call (608) 224-4548.

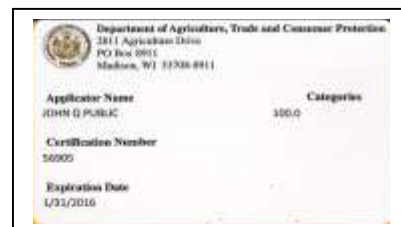
The test evaluates your practical knowledge for the safe and effective use of pesticides. There is a specific exam for each of the 20 commercial pesticide applicator certification categories. To pass you must score at least 70 percent on a written, multiple choice closed-book exam. You have 90 minutes to complete the exam. Certification is valid for five years after passing the exam. All certifications expire at the same time.

Retesting Applicants Who Do Not Pass the Certification Exam

If you do not pass your first exam, you may retest after a 24-hour waiting period. Individuals failing a second or third retake exam must wait 30 days before testing again. If you fail the exam four times within a 6-month period, you must wait 6 months to retest.

Certification Card

Commercial applicators shall carry their certification card when engaged using pesticides. The card identifies the applicators name, certification number, certification category, and certification expiration date. Cards are issued upon passing the exam.



Commercial Certification Categories			
1.1	Field & Vegetable	7.1	Structural
1.2	Fruit	7.2	Space & Commodity Fumigation
1.3	Livestock & Poultry	7.3	Termite
2.0	Forestry	7.4	Wood Preservation
3.0	Turf & Landscape	7.5	Sewer Root
3.1	Greenhouse & Nursery	9.9	Aerial Application
4.0	Seed Treatment	11.0	Companion Animal
5.0	Aquatic & Mosquito	24.0	Mixer & Loader
5.1	Antifouling Paint	25.0	Soil Fumigation
6.0	Right of Way and Natural Area	26.0	Chemigation

If you apply restricted use pesticides in Indian Country you must obtain federal certification from the Environmental Protection Agency (EPA). To learn more visit <https://www.epa.gov/pesticide-applicator-certification-indian-country>.

INDIVIDUAL COMMERCIAL APPLICATOR LICENSES

Wis. Adm. Code § ATCP 29.25

Who needs a license?

A [certified pesticide applicator](#) must have a license to use or direct the use of:

1. Any pesticide as an independent contractor for hire, or as an employee of an independent contractor for hire.
2. A restricted-use pesticide.

Commercial applicators must be 16 years old.

Individual licenses are valid for one calendar year, January 1 through December 31, and are not transferable. Applicators shall carry their license when involved in commercial pesticide work.

Apply for an individual license either by:

- 1) Submitting an electronic application and payment at <https://mydatcp.wi.gov/>
OR
- 2) Mailing a completed paper application form and fee. The license application form is available at: https://datcp.wi.gov/Pages/Licenses_Permits/CommercialApplicator.aspx

Do not commercially use pesticides until the license is issued.

Applicators should inform DATCP of address changes that occur during the license period.

Are there any exemptions for the individual license?

Yes, a license is not required for any of the following:

1. A health practitioner who uses or directs the use of a pesticide as part of a medical treatment which that practitioner is licensed to provide in this state.
2. A veterinarian affiliated with a veterinary clinic whose operator holds a permit under Wis. Adm. Code § ATCP 29.23, who uses or directs the use of a pesticide as part of a veterinary treatment which the veterinarian is licensed to provide in this state.
3. An animal technician affiliated with a veterinary clinic whose operator holds a permit under Wis. Adm. Code § ATCP 29.23, who uses a pesticide as part of veterinary treatment which that technician is certified to provide under Wis. Stats. § Ch. 453.
4. A laboratory researcher who uses or directs the use of pesticides only in the laboratory as part of a bona fide laboratory research project.
5. An individual who only uses or directs the use of germicides, sanitizers or disinfectants.
6. An employee of a pesticide application business licensed under Wis. Adm. Code § ATCP 29.20, who applies pesticides only to property owned or controlled by that pesticide application business, and who applies no restricted-use pesticides.



COMMERCIAL PESTICIDE APPLICATION BUSINESS LICENSE

Wis. Adm. Code § ATCP 29.20

Summary

- Required when a business (*person*), including sole proprietor, makes commercial pesticide applications. Needed for applying any general use pesticides and restricted use pesticides directly or through an employee
- The license is valid for one calendar year, January 1 through December 31.

A license is required for each location that a business:

- Operates at as a pesticide applicator for hire. e.g. takes pesticide application orders, subcontracts pesticide applications.
- Mixes and loads a total of at least 1,500 pounds of pesticide active ingredient (AI); either at one site, or a group of sites within ½ mile of one another. For example, Roundup Pro has 4 pounds AI per gallon therefore mixing 375 gallons equals 1,500 pounds of AI.

"*Person*" means an individual, corporation, partnership, cooperative association, limited liability company, trust or other organization or entity. "Person" includes a county or local government entity, but does not include a state or federal government entity.

Definition from ATCP 29.01(26)

Licensing Process

Send DATCP a complete license application form and license fee prior to applying pesticides. A business must employ certified and licensed applicators, or subcontract applications with another licensed pesticide application business. The individual applicators or subcontracting businesses must be identified on the license application form. When a business operates out of multiple locations, separate licenses are required for each location.

Licenses are not transferable to another person or premise location. Notify DATCP when a new business location is added or when there are significant changes to your current license, such as moving to a new location.

Pesticide application business license applications are available at:

https://datcp.wi.gov/Pages/Licenses_Permits/Business.aspx

ADVANCED NOTICE OF A PESTICIDE APPLICATION

Specific individuals shall be provided information before a pesticide application is made. Notification depends on the type and location of the application. Talk with your customer about sensitive areas near the application site.

Pesticides Highly Toxic to Bees Wis. Admin. Code § ATCP 29.51(1)

Beekeepers can request advance notification prior to the application of any pesticide labeled “Highly Toxic to Bees” or containing the active ingredient methomyl. Beekeepers operating bee yards up to 1 ½ miles from an application site may request advance notice from the landowner. The person who owns or controls the application site is responsible for giving each beekeeper written or oral notice at least 24 hours prior to the application. The applicator may provide the notice on behalf of a landowner. The notice must include the date and time of the planned application, the brand or common name of the pesticide to be applied and the location of the application site. If the application date is changed after the notice was issued, the beekeeper must be notified of the change.

Aerial Application Wis. Admin. Code § ATCP 29.51(2) and 29.53(2)

An individual may request in writing advance notice of aerial applications to land immediately adjacent to their residence. At least 24 hours prior to the aerial application, the person who controls the application site shall notify each resident who requested notice. The applicator may provide the notice on behalf of a landowner. Notice is not required if the application site is ¼ mile from the adjacent parcel on which the requester resides. The notice must include the date and time of the planned application, the brand or common name of the pesticide to be applied and the location of the application site. If the application date is changed after the notice was issued, the beekeeper must be notified of the change.

Landscape Registry / Landscape Application Wis. Adm. Code § ATCP 29.51(6), 29.56(7) and 29.56(8)

DATCP compiles an annual registry of individuals requesting advance notice of landscape pesticide applications to specific properties. People may request advance notice for any property on the block where that individual lives, and on immediately adjacent blocks. Tenants may request notice for landscape applications to the rental property where they live to receive notice of applications that the landlord contracts for. Before making any landscape application, a business must give at least 12 hours advance notice to every individual who is currently registered to receive notice of that specific property. The Landscape Registry is available as a searchable on-line database.

<http://datcpservices.wisconsin.gov/landreg/index.jsp>.

Pre-Application Information to Customers

Before a pesticide is applied the customer is required to receive written information.

- **Landscape applications.** A written offer to provide pre-application information is required, and the information shall be provided if requested. Wis. Adm. Code § ATCP 29.51(4) and 29.56(2)(b).
- **Residential applications.** A written offer to provide pre-application information is required, and the information shall be provided if requested. Wis. Adm. Code § ATCP 29.51(3) and 29.55(2).

Applications Affecting Agricultural Workers / Worker Protection Standard. Wis. Adm. Code § ATCP 29.51(5), 29.61 and 40 CFR 170.

Persons employing agricultural workers, or applying pesticides to places where agricultural workers are employed must provide advanced notice.

DriftWatch

DriftWatch™ host a website meant to help identify the location of sensitive crops and beehives. Use of DriftWatch is voluntary. The site includes organic crops, grapes, fresh market fruits, vegetables, beehives and other crops. Growers can register their sites of a half-acre or more on a Google Maps™ interface. Pesticide applicators can check DriftWatch™ before applications, and take additional steps beyond their normal procedures to prevent drift. For more information visit the DATCP website:

https://datcp.wi.gov/Pages/Online_Services/DriftWatch

Requesting Advanced Notice of Applications of Pesticides Labeled “Highly Toxic to Bees”

ch. ATCP 29.51(1) Wis Adm Code

Example Request

[*Month/Day/Year*]

Request expires at the end of the calendar year

To: [*Name of individual landowner or person who controls the application site*]

From: [*Name of Beekeeper, Contact Address, Phone Number, email*]

I am requesting advanced notice of the application of any pesticide labeled “Highly Toxic to Bees” or containing the active ingredient methomyl. I operate a bee yard located within 1 ½ miles from your sites listed below, and I am requesting advanced notice as per Chapter ATCP 29.51(1) Wis Adm Code. The rule text is excerpted on reverse side.

Notify me at least 24 hours in advance of each relevant pesticide application throughout this calendar year. The term pesticide includes insecticides, herbicides, fungicides and other substances designed or intended for use in preventing, destroying, repelling or mitigating any pest, or as a plant regulator, defoliant or desiccant (*as defined by Wis. Stats 94.67(25)*).

I want advanced notice of pesticide applications made to these sites:

[List each site individually. Be specific e.g. street address, GPS coordinates, township/range/section, map with sites identified or another description that the property owner will understand.]

Notice may be written or oral; and shall include:

- The intended date and time of application
- Brand or common name of the pesticide to be applied
- The location of the application site

If the pesticide application date changes after you notify me, contact me with the new date of application.

My bee yard is located at [*insert specific location of each bee yard.*]

The best way to contact me is [*insert method e.g. phone, email.*]

Thank you for your cooperation,

[Name of beekeeper]

Suggestion - Keep a copy of this letter and it's transmittal for your records.

For information about state pesticide and apiary regulations contact the Department of Agriculture, Trade and Consumer Protection (DATCP), Division of Agricultural Resource Management:

- Pesticide Program (608) 224-4500 or datcppesticideinfo@wisconsin.gov
- State Apiarist (608) 224-4572 or liz.meils@wisconsin.gov

Excerpted text from ch. ATCP 29 Wis Adm Code, Pesticide Use and Control

ATCP 29.51 Advance notice of pesticide applications.

(1) PESTICIDES HIGHLY TOXIC TO BEES.

(a) At least 24 hours before a pesticide labeled "Highly Toxic to Bees" or containing the active ingredient methomyl is applied to any site, the person who owns or controls that application site shall notify each beekeeper who has made a request under par. (b) during the same calendar year.

(b) A beekeeper who owns a honeybee colony located within 1 1/2 miles of a pesticide application site under par. (a) may request notice of pesticide applications under par. (a). The beekeeper shall make the request in writing to a person who owns or controls the application site. The request shall include the beekeeper's name, address, and telephone number, if any, and the specific location of each of the beekeeper's bee yards.

(c) A notice under par. (a) may be written or oral. The notice shall include the intended date and time of application, the brand or common name of the pesticide to be applied, and the location of the application site. If the application date changes after the notice is issued, the person who owns or controls the application site shall issue a corrected notice as soon as reasonably possible before the application occurs.

(d) Paragraph (a) does not apply to an emergency application needed to control a sudden pest outbreak if, because of the emergency circumstances, there is not enough time for notice under par. (a). The person who owns or controls the application site shall give notice under par. (a) as soon as reasonably possible before or after the emergency application. The notice shall include a brief explanation of the circumstances constituting the emergency.

(e) Any person may give a notice under par. (a) on behalf of the person who owns or controls the application site.

Tips for Reducing Pesticide Impacts on Pollinators and wildlife

- Follow all requirements on pesticide product labels, including precautions designed to protect pollinators.
- If not specified on the label,
 - Do not apply between the hours of 8:00 am – 6:00 pm when crops are in bloom.
 - Apply when wind speed is between 3 and 10 mph.
- Be aware of any honey bee hives in the area that could be affected by spraying.
- Implement an Integrated Pest Management plan which uses cultural, mechanical, and biological pest controls.
- Take care when planting treated seeds to prevent dust that could affect bees.
- Where possible, leave a border of untreated vegetation between treated areas and areas where wildlife may be present, including down-gradient aquatic habitats. Follow all label requirements related to buffer areas.
- Do not apply if heavy rain is expected within 24 to 48 hours as the pesticide may wash away from the treated area and into water bodies.
- Consider the characteristics of the application site (soil texture, slope, organic matter) before applying the pesticide. Be aware of the geology and the relative depth of the groundwater in your area.
- Keep pesticides out of storm drains and gutters.
- Use a low pressure, large droplet sprayer, and apply close to the crop canopy or the ground. For ground boom applications, apply using a nozzle height of no more than 2 feet above the ground or crop canopy, unless a greater height is required for efficacy or safety.
- Maintain application equipment in good working order. Check equipment for leaks and malfunctions before use. Calibrate equipment regularly.
- Rinse pesticide application equipment and pesticide containers on a solid surface that does not drain to waterways.
- If a spill occurs, contain and clean it up immediately.

Commercial Pesticide Application Records and Information to Customer

ATCP 29.21, 29.22, 29.33, 29.55, 29.56 and ATCP 30.30(5)

An application record must be created for each application, and kept for two years. After the application is completed you must provide the customer specific pesticide application information in writing. The information shall be provided immediately for 1) applications where the customer must be informed of post application safety precautions, 2) landscape applications and 3) structural residential applications; other application types require the information be provided within 30 days. If you want to provide this information electronically, the customer must consent to electronic notification prior to the application.

The table identifies required data for the pesticide application record and the information to customer. You may create a single document to record both the application record and information to customer by including all the content from both columns. Provide one copy to your customer and keep one copy for your records. Keep the record for two years, for applications of pesticides containing atrazine keep the records for three years.

Applicator Records ATCP 29.33(3)(a) to (h) and Business Records ATCP 29.21(2)(a) to (h)		Information to Customer ATCP 29.22(1) to (9)	
Legible	<input type="checkbox"/>	Legible	<input type="checkbox"/>
		Applicator or business phone number	<input type="checkbox"/>
Applicator name (first & last)	<input type="checkbox"/>	Applicator name (first & last)	<input type="checkbox"/>
		Applicator license number	<input type="checkbox"/>
Customer name	<input type="checkbox"/>		
Customer address	<input type="checkbox"/>		
The crop, commodity or site to which the pesticide applied	<input type="checkbox"/>	The crop, commodity or site to which the pesticide applied	<input type="checkbox"/>
The specific location of application site	<input type="checkbox"/>	The specific location of application site	<input type="checkbox"/>
Date (month, day, year)	<input type="checkbox"/>	Date (month, day, year)	<input type="checkbox"/>
Start and stop time	<input type="checkbox"/>	Start and stop time	<input type="checkbox"/>
Pesticide brand name or product name or chemical name	<input type="checkbox"/>	Pesticide brand name or product name or chemical name	<input type="checkbox"/>
EPA registration number (EPA Reg. No.)	<input type="checkbox"/>	EPA registration number (EPA Reg. No.)	<input type="checkbox"/>
Amount applied (concentration & total quantity applied OR rate & total area treated)	<input type="checkbox"/>	Amount applied (concentration & total quantity applied OR rate & total area treated)	<input type="checkbox"/>
Location of mix/load site (if other than the business location)	<input type="checkbox"/>		
		Post-application precautions (e.g. pre-harvest interval, REI, irrigation restrictions)	<input type="checkbox"/>
		Copy of pesticide label is given or notice that a free copy is available upon request	<input type="checkbox"/>
How is written information provided to the customer?		<input type="checkbox"/> Paper	<input type="checkbox"/> Electronic

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. A written record must be understandable, accurate and detailed enough so someone who did not observe the application can locate the site using only your description; e.g. identify if the entire turf area was treated, only the flower beds or an ash tree was treated. You may use maps and diagrams to record application locations.

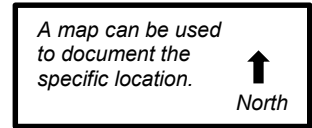
Additional recordkeeping requirements for fertilizer applications are mandated by ATCP 40.08

EXAMPLE PESTICIDE APPLICATION RECORD AND INFORMATION TO CUSTOMER

Customer Name _____
Address _____
City _____ State ____ Zip _____
Phone: _____

Date of Application ____ / ____ / ____
Mo / Day / Year
Start Time _____ A.M. or P.M.
End Time _____ A.M. or P.M.

Specific Location of Application Site & Exceptions:
(e.g. entire turf area, corn, behind kitchen stove, spot spray invasive buckthorn)



Location of the Mix & Load site if not loaded at a licensed business location
Required for mixing & loading into application equipment having a total capacity of more than 5 gallons liquid pesticide or 50 pounds dry pesticide

Pesticide Product(s) Applied

Name _____ EPA# _____ Concentration _____ Total quantity Applied _____
or
Name _____ EPA# _____ Pesticide applied per area _____ Total area treated _____

Choose one of these methods to document the amount applied:

Concentration and Total Quantity of Pesticide Applied
Examples:
• Liquid 2% solution 2 gallons applied
• Granular 0.15% 4 pounds applied

Pesticide Applied Per Unit Area and Total Area Treated
Examples:
• Liquid 3 pints per acre 5 acres
• Granular 2.75 pounds per 1,000 sq. ft. 2,500 sq. ft.

*Example:
Triplet SF Selective Herbicide. EPA REG # 228-312. Application rate 1.1 fl oz per 1000 sq ft. Total area treated 1,800 sq ft*

Post Application Precautions

Must be provided in time for the customer to take the necessary precautions. Include all relevant precautionary statements on the pesticide label; e.g. Do not enter treatment areas until spray has dried, 12 hour Restricted Entry Interval (REI), 15 day harvest interval.

Applicator(s)

First Name _____ Last Name _____ Individual Applicator License Number _____
e. g. John Doe, Individual Applicator License Number 123456- CA

Business Name 234 Main St, City, WI. Zip Phone (123) 456-7890 mybusiness@email.com

Free Copy of the Pesticide Label(s) is Available Upon Request

The record must be legible

*Example covers requirements of ATCP 29.21, 29.22 and 29.33
Fertilizer applications have different record keeping requirements, see ATCP 40*

STORING AND TRANSPORTING PESTICIDES AND FERTILIZERS

Wis. Adm. Code § ATCP 29.40, 29.45, 29.47, and ATCP 33

A person storing or transporting pesticides must do all of the following:

1. Store and transport pesticides according to label directions. Avoid reasonably foreseeable and preventable hazards to person, property and the environment.
2. Secure pesticides and pesticide containers against access by children, the general public, domestic animals and wild animals.
3. Keep pesticides adequately separated from food, feed and other products so that the pesticides will not contaminate or be mistaken for those products.
4. Clean pesticide residues from storage areas and transport vehicles before reusing those storage areas or transport vehicles for other purposes.
5. Immediately take appropriate measures to contain and recover spills and clean surfaces exposed to spilled pesticide.
6. Protect pesticide containers and labels from damage or destruction.
7. When removing pesticide containers from their outer shipping containers inspect to ensure that the pesticide is intact, properly sealed, and that labels are legible.

Suggestion – Only purchase the amount of pesticide you need. Pesticides stored for a long time may be less effective, and may pose an environmental or safety hazard. Store pesticides in their original containers. Do not store pesticide in unmarked containers.

Who needs a secondary containment area (dike) or mixing loading pad?

You must have containment to handle and store liquid pesticides (or fertilizers) in containers larger than 55 gallons or dry bulk pesticide in undivided quantities greater than 100 pounds. Store these bulk products according to ATCP 33, Wis. Adm. Code. Portable containment units for minibulk containers are available on the market.

If you immediately anchor to a vehicle, trailer or axles a bulk storage container that can be readily transported when full (definition of a mobile container, e.g. minibulk or tote), the mobile container cannot be parked at the business' location unless a compliant containment pad is on site. If the mobile storage container is parked off site and other than the field of application the following restrictions apply:

1. The person who owns or controls the parking location, or receives the unloaded (bulk) fertilizer or pesticide, is not engaged in the manufacture or distribution of (bulk) fertilizer or pesticide.
2. The (bulk) fertilizer or pesticide is mixed/loaded into application equipment with the consent of the person who owns or controls the parking or mixing/loading location.
3. The mixing/loading from the mobile bulk container does not occur for more than 3 persons or for more than 500 acres, in any calendar year.
4. The mobile bulk container, if unloaded for any person other than the person who owns or controls the parking location, has a capacity of no more than 500 gallons.
5. The mobile bulk container is parked at the location for no more than 7 days.

For assistance contact the DATCP containment specialist at (608) 224-4518.

PESTICIDE USE AND DISPOSAL

Wis. Adm. Code § ATCP 29.40, 29.45, 29.47, 29.50 and ATCP 33

When using pesticides you are responsible for compliance with pesticide regulations and for your own health and safety. It is a violation of state and federal law to use a pesticide contrary to label directions.

A pesticide is any substance or mixture of substances labeled, designed or intended for use in preventing, destroying, repelling, or mitigating any pest, including use as a plant regulator, defoliant, or desiccant. This includes herbicides, insecticides, antimicrobials, fungicides, repellents and more.

USE PESTICIDES CONSISTENT WITH THE PESTICIDE LABEL

No person may do the following: a) Use or direct the use of a pesticide in a negligent manner or in a manner inconsistent with the pesticide labeling, and b) use or direct the use of a pesticide for a purpose for which the pesticide is not registered or labeled.

Review pesticide labels for required personal protective equipment and product labeling restrictions. If you require assistance interpreting a label, contact the Department of Agriculture, Trade and Consumer Protection (DATCP) at (608) 224-4547. Follow label directions – The Label Is “The Law”.

For each of the pesticides you apply:

- Do not exceed the labeled rate, dosage, concentration, or frequency.
- Use the pesticide in compliance with applicable timing, distance, safety restrictions and other label prohibitions.
- Comply with label language specific to minimizing impacts on non-target species such as pollinators, and other sensitive sites.
- Only use the product in locations (crops, animals, sites, geography) authorized by the labeling.
- Use application methods or equipment required by labeling, such as specific nozzle types required for drift reduction.
- Be sure the use is for a purpose the pesticide is registered or labeled.
- Wear the personal protective clothing and equipment required by the label.
- Ensure weather conditions will not negatively impact the application.

Suggestion

- Wash hands with soap and water immediately after using a pesticide. Shower as soon as possible.
- Wash work clothing with a heavy duty detergent and hot water separate from household laundry.

Small Mammal Control Using Strychnine or Sodium Fluoracetate (1080)

A special use permit is required to use baits containing the active ingredients Strychnine or Sodium Fluoracetate (1080) to control Pocket Gophers, Moles, Rats, Mice and other small mammals. A Pesticide Purchase and Use Permit Application for Small Mammal Control must be completed by the business making the pesticide application, and approved by a regional Department of Natural Resources (DNR) wildlife representative.

Bird Control – Aviary Permit

Before making pesticide applications to control of Grackles, Red-Winged Blackbirds, Feral Pigeons, House Sparrows, Starlings, and other birds, a Repel and Destroy Wild Birds Permit Application must be completed by the business making the pesticide application, and approved by a regional Department of Natural Resources (DNR) representative

A flowchart outlining these special permit requirements is found in an appendix of many University of Wisconsin Pesticide Applicator Training Program Certification Training

PESTICIDE MIXING AND LOADING SITE (PAD) REQUIREMENTS

A pad is required when mixing or loading operations occur within 100 feet of a well or surface water OR if a combined total of 1,500 pounds of pesticide active ingredients are mixed or loaded within a single half mile area on an annual basis. A pad is not required if *all* mixing and loading is done in the field.

- Suggestion – Mix only as much pesticide solution as you need. It is better to underestimate than overestimate. Stand up wind when mixing and applying pesticides. Keep pesticide measuring tools separate from household and kitchen tools.

PESTICIDE APPLICATION EQUIPMENT

No person may use pesticide application equipment that is clogged, unclean, leaking or in disrepair. Applicators need to take time to examine their equipment regularly for leaks, worn hoses and similar maintenance issues. Calibrate your equipment as necessary.

BACKFLOW PROTECTION

Regulations require the use of a backflow protection device or fixed air gap when filling pesticide application equipment, or a mix or nurse tank, from a well or discharge outlet.

PESTICIDE SPILLS

Immediately take appropriate measures to contain and recover spills and clean surfaces exposed to spilled pesticide. Report spills to the 24 hour hotline at 800-943-0003.

DISPOSAL OF PESTICIDES AND PESTICIDE CONTAINERS

General provisions: A person holding or disposing of any pesticide or pesticide container must:

- Be consistent with the pesticide label directions for disposal.
- Avoid contaminating waters of the state.
- Not create a hazard to persons, property or the environment.

For information about disposal and recycling options for solid and hazardous wastes, visit <http://dnr.wi.gov/topic/Waste/Hazardous.html>

Properly dispose of pesticide or rinsate. Clean Sweep may be an option.

Dispose of unwanted pesticide and rinsate according to label directions. Ask your local waste management operations about restrictions. DATCP manages an annual grant program for counties and municipalities wishing to collect unwanted pesticides. Businesses with agricultural pesticides may be eligible for up to 50% subsidy on disposal costs. For more information, visit <http://cleansweep.wi.gov>.

Properly dispose of or use rinsate that contains pesticides

Improper use or disposal of leftover pesticide tank mixtures and rinsate can cause serious damage to crops and the environment. Two options are available to properly handle pesticide rinsates: 1) use the tank mix or rinsate in an application following pertinent pesticide label requirements; or 2) dispose of the tank mix or rinsate through a private waste hauler or disposal company in accordance with solid and hazardous waste rules. Rinsate only containing fertilizer (no pesticides) can be used on appropriate sites.

Properly dispose of sludge that contains pesticides

When the dirt is pulled out of a sump it is typically a sludge that contains residue from pesticides and fertilizers that spilled during the season. This sludge can sometimes contain enough pesticide residues that it creates a problem when trying to dispose of it.

Properly manage and dispose of empty pesticide containers (plastic jugs, bags, minibulks)

Empty containers must be triple rinsed or equivalent. Once properly rinsed, you can:

1. Recycle a container for scrap in compliance with applicable law.
2. Reuse a pesticide container that is designed to be reused, in compliance with label directions.
3. Return a container to the pesticide manufacturer or dealer that agreed to receive the container.
4. Temporarily reuse a pesticide container to hold the same pesticide recovered from a leaking or damaged pesticide container.

AGRICULTURAL PESTICIDE APPLICATIONS

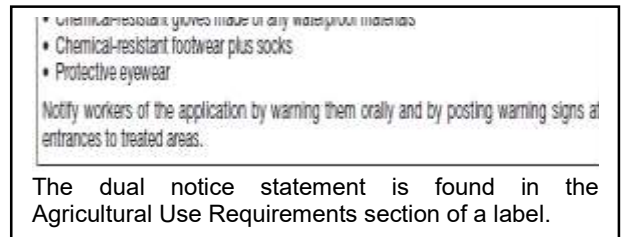
This document outlines pesticide regulations specific to agricultural pesticide applications. Regulations relevant to agricultural applications and other types of pesticide applicators, such as record keeping and licensing, are found on the DATCP website <https://datcp.wi.gov>

WARNING SIGNS AT AGRICULTURAL APPLICATION SITES

The requirement to post a warning sign is dependent the pesticide used, method of application (e.g. chemigation) and presence of workers (e.g. Worker Protection Standard) or the public. Warning signs shall be posted prior to the pesticide application when required. All warning signs shall be intact and fully legible throughout the required posting period. If a pesticide label requires a warning sign that is different from the ATCP 29 required warning sign, the warning sign specified on the pesticide label must be used in place of the state warning sign.

Dual Notice Pesticide Wis. Adm. Code § ATCP 29.52(1)

Posting is the joint responsibility of the applicator, the applicator's employer and the owner of the premise. At sites where a dual notice pesticide is applied 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. For a list of dual notice pesticides visit http://ipcm.wisc.edu/pat/download/download/Dual-Notice_Pesticides.pdf



A warning sign for a dual notice pesticide must be at least 8 ½ inches by 11 inches and 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 TRESPASSING" or "KEEP OUT".
- Other words may be added to the sign if they do not detract from or contradict the required words.

Warning signs must comply with all of the following:

1. 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.
2. Each warning sign must be constructed to resist deterioration and remain legible throughout the required posting period.
3. 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.
4. 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.



Stored Pesticide-Treated Seed Wis. Adm. Code § ATCP 29.52(7) and 29.57(4)

A person who stores pesticide-treated seed in bulk shall post a warning sign on every bin or storage area where that seed is stored. A warning sign shall remain posted as long as the pesticide-treated seed remains in storage. The warning sign shall be at least 8 1/2 inches by 11 inches, and shall conspicuously disclose the following statement or its equivalent: "DANGER. THE SEED IN THIS STORAGE AREA HAS BEEN TREATED WITH THE PESTICIDE [name of pesticide] ON [date]."

ATRAZINE USE RESTRICTIONS

Wis. Adm. Codes § ATCP 30 and 31

Wisconsin has imposed limitations on the use of pesticides containing the active ingredient (AI) atrazine to protect Wisconsin's ground and surface water supply. The Wisconsin rules are more restrictive than the Federal product labels. Only certified pesticide applicators may mix, load or use atrazine. Wisconsin atrazine regulations include the following:

Atrazine cannot be applied before April 1 or after July 31.

Atrazine may only be used on agricultural crops.

Atrazine may not be applied to an irrigated field for two years after an atrazine application unless an irrigation scheduling program is used.

Maximum Application Rates

The amount of atrazine active ingredient applied during one calendar year is based on soils and previous atrazine use. Rescue treatments for sweet or seed corn soils may not exceed 1.5 pounds of AI per acre per year on coarse soils, or 2.0 pounds of AI per acre per year on medium/fine soils.

FOR WEED CONTROL IN CORN AND

ACTIVE INGREDIENTS:	% BY WT.
Atrazine: 2-chloro-4-ethylamino-6-isopropylamino-s-triazine	30.0%
Atrazine related compounds	0.5%
Metolachlor: 2-chloro-N-(2-ethyl-6-methylphenyl)- (2-methoxy-1-methylethyl)acetamide	28.9%
INERT INGREDIENTS:	40.6%
TOTAL	100.0%

Parallel Plus contains 2.8 lbs. atrazine active ingredient + related compounds per gallon and 2.7 lbs. metolachlor active ingredient per gallon.

Check your labels for active ingredients

Maximum pounds of atrazine active ingredient (AI) per acre per year		
Field Surface Soil Texture	Atrazine product used on field last year	Atrazine product not used on field last year
Coarse Soils (Any field that is 25% or more sand, loamy sand, sandy loam)	0.75	0.75
Medium/fine Soils (loam, silt, silt loams, sandy clay loam, clay loam, silty clay loam, sandy clay, silty clay, clay, peat, muck)	1.00	1.50

Atrazine Prohibition Areas

The department has established prohibition areas where atrazine may not be used. These prohibition areas are established to protect groundwater. Maps of prohibition area boundaries are available on the DATCP website: https://datcp.wi.gov/Pages/Programs_Services/Atrazine.aspx

Recordkeeping

An application record must be kept for three years for every atrazine application. This is longer than normal two year record keeping requirement.

Set Back Restrictions - Required by the Federal label

Product labels have setback requirements for atrazine applications. They include a minimum of 50 feet from wells and sinkholes, 66 feet from points where field runoff enters intermittent and perennial rivers and streams, 66 feet from standpipes on terraced fields if atrazine is not incorporated or if no-till is not used, and 200 feet from lakes. For additional information visit Syngenta Crop Protection Inc.'s website: http://www.syngentacropprotection.com/Env_Stewardship/waterquality/Using_Atrazine_Protecting_Water_Quality.pdf



PESTICIDE APPLICATION RECORD AND INFORMATION TO CUSTOMER

An application record must be created for each application. The record must be kept for two years, and for three years when using a pesticide containing the active ingredient atrazine. After the application is completed you must provide the customer specific pesticide application information in writing. Additional details are found at:

<https://datcp.wi.gov/Documents/HTCGenAppRecordExample.pdf>

RECORDING THE SPECIFIC APPLICATION INFORMATION

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 is able to locate the site using only your record. You may use maps and diagrams to record application locations.

There are several reasons for this level of detail: the record allows for 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 the effectiveness of their pest control strategy, and it allows the Department's compliance section to sample treated areas for enforcement purposes. A record is also valuable when multiple applicators service the same grower. Because you are required to provide application information to your customers, it allows them to avoid the treated area and know what post application precautions to take.

Properly documented application records have also proven useful to agricultural service providers in cases where complaints of drift or other pesticide misuse are investigated by the Department. In these situations the field investigator will use the business' record to verify if a pesticide was used according to label directions or to sample an off target location to verify if the pesticide can be found offsite.



There is no formal requirement for a map or diagram, however GPS coordinates, maps and air photos can all contribute to accurate application records. What is required is a description that clearly indicates which areas were treated. It is important to differentiate between application blocks, and to develop separate application records when treating multiple locations for a customer. Be specific with all the required application elements. For example, if you make a corn herbicide application between 9:30 am and 9:00 am to a customer's 40 acre field, and then drive to a distant 120 acre field owned by the customer and make an application between 10:30 am and 11:45 am, do not record an application to 160 acres starting at 8:30 am and stopping 11:45 am.

Post Application Precautions

Growers must receive, in writing, all of the relevant post application precautions listed on a pesticide label in time for them to take the necessary actions (electronic is acceptable if the grower agrees in writing to receive electronic communications). This includes, but is not limited to the Restricted Entry Interval (REI), post-harvest interval, forage and grazing restrictions and plant back restrictions. Post application precautions can cover a wide range of other topics.

The applicator/business is responsible for informing the grower not only of what precautions apply at the time of the application, but need to note that other label precautions might apply in the future. It is the business's responsibility to review the pesticide product labels and provide these precautions.

How can this be accomplished? Businesses can, and may need to, provide this information in a variety of ways. Some examples:

- Give the landowner a copy of the label that has the relevant precautions circled/highlighted
- Provide a chart summarizing required information
- Provide a series of documents listing the information (e.g. post application precaution chart and an attachment to the application record stating the required information for WPS notice of applications to agricultural employers, which includes active ingredient(s) (AI), warning notification type, Early Entry Worker PPE requirements) Some of this information can be provided prior to the application season.

Many application businesses summarize this information into a chart which is provided to their customers prior to the growing season. . These charts provide the WPS “Notice of Applications to Agricultural Employers” and post application precautions. These charts often include:

- Pesticides the business uses with product name, EPA Reg #, AI, and Signal Word
- REI
- Pre-harvest interval
- Grazing interval
- Restrictions for planting the next crop on the site(plant back),
- Posting/verbal warning requirements for workers
- PPE requirements for early entry workers
- Other relevant notes such as target pests or the maximum amount of AI or number of applications allowed per year.

The sheer volume of pesticides, post application precautions and WPS requirements make this a difficult task. Regardless, many agricultural services providers update their lists each year.

The UWEX annually produces two publications that outline this information:

- UWEX Publication A3634 Pest Management in Wisconsin Field Crops. 2016 edition:
<http://learningstore.uwex.edu/assets/pdfs/A3646.PDF>
- UWEX Publication A2422 Commercial Vegetable Production in Wisconsin. 2016 edition:
<http://learningstore.uwex.edu/assets/pdfs/A3422.PDF>

These post application precaution charts may, or may not, cover all the relevant pesticide label restrictions applicable to every landowner. ***A business is required to provide their customer the information specific to the customers operation, even if it is not included on a pesticide post application precaution chart the business provides.*** For example, if a business’s chart only identifies that Callisto GT has no crop rotational interval for corn; the business needs to advise the grower that if they rotate to a different crop the Callisto GT label also has a 10 month crop rotational interval for alfalfa, soybeans and other crops.

Examples of documents showing different post application precautions are on the next two pages.

Appendix Table 2. Planting interval for rotational crops (continued)

Herbicide	Alfalfa	Barley	Snap beans	Field corn	Sweet corn	Oats	Peas	Potato	Soybean	Tobacco	Wheat
Laudis	10M	4M	10M	0	0	4M	10M	10M	8M	18M	4M
Liberty 280 SL	180D	70D	180D	0	180D	70D	180D	70D	0	180D	70D
Lorox	4M	4M	4M	4M	4M	4M	4M	4M	0	4M	4M
Lumax EZ ^l	18M	FY	18M	0	0	FY	18M	18M	FY	18M	4.5M
Marvel	18M	4M	0	10M	10M	4M	10M	0	0	18M	4M
Metribuzin	4M	4M	12M	4M	4M	12M	8M	12M	0	12M	4M
Milestone	24M+BA	12M	24M+BA	12M	12M	12M	24M+BA	24M+BA	24M+BA	24M+BA	12M
NorthStar	8M	8M	8M	14D	8M	8M	8M	8M	8M	8M	3-8M ^c
OpTill	4M	9.5M	4M	8.5M	18M	18M	4M	26M	0-1M	9.5M	4M
OpTill PRO	9M	9.5M	4M	8.5M	18M	18M	4M	26M	0-1M	9.5M	4M
Option	60D	60D	60D	7D	7D	60D	60D	60D	14D	60D	60D
Orion	9M	14D	12M	3M	3M	14D	12M	9M	9M	12M	14D
Outlook	FY	4M	FY	0	0	4M	FY	FY	0	FY	4M
Permit	9M	2M	9M	1M	3M	2M	9M	9M	9M	2Y	2M
Poast Plus	0	30D	30D	30D	30D	30D	30D	30D	0	30D	30D
Prefix	18M	4.5M	0	10M	10M	4.5M	10M	18M	0	18M	4.5M
Princep	2Y	2Y	2Y	0	0	2Y	2Y	2Y	FY	2Y	2Y
Prowl	FY	FY	0	FY	FY	FY	0	0	0	0	120D-FY ^c
Pursuit	4M	9.5M	4M	8.5M ⁿ	18M	18M	4M	26M	0	9.5M	3M
Python	4M	4M	4M	0	10.5-18M ^p	4M	4M	12M	0	9M	4M
Raptor	3M	4M	0	8.5M	8.5M	9M	0	9M ^q	0	9M	3M
Realm Q	10M ^r	9M	18M	0	10M	9M	18M	10M	10M	18M	4-9M ^c
Resolve Q	10M	9M	10M	0	10M	9M	10M	1.5M	10M	18M	3-9M ^c
Resource	30D	30D	30D	0	30D	30D	30D	0	0	30D	30D
Select Max	0	30D	0	6-30D	30D	30D	0	30D	0	30D	30D
Sequence	4M	4.5M	0	0	0	4.5M	0	FY	0	FY	4.5M
Sharpen ^v	6M	0	3M	0	2M	0	3M	6M	2-3M	6M	0
Starane	120D	0	120D	0	0	0	120D	120D	120D	120D	0
Status	30D	30D	120D	7D	120D	30D	120D	120D	30D	120D	30D
Steadfast Q	10M	8M	10M	0	10M ^a	8M	10M	10M ^b	15D	10M ^b	4-8M ^c

Abbreviations: 0 = no restriction; M = month; AH = after harvest; D = day; Y = year; NA = not approved; BA = bioassay required; FY = following year; — = no restrictions for rotational crops listed on label

(continued)

^a The hybrids Merit, Carnival, and Sweet Success require 15M.
^b If the soil pH is 6.5 or greater, do not plant for 18M.
^c Use shorter interval for winter wheat, longer interval for spring wheat.
^d Interval of 18 months if soil pH is >7 and organic matter is <1.5%.
^e Crops with an 18M interval also require 30 inches of rainfall; if soil pH is >7.5, the interval is 24M.
^f Interval of 18M if soil pH is >7.5.
^g Also requires a minimum of 15 inches of rainfall.
^h When soil pH is >7.5, soybean rotation interval is 9M, or 4M for sulfonyl-tolerant soybean (STS) varieties.
ⁱ Use shorter interval after 8 oz/a or longer interval after 16 oz/a.
^j Rotational intervals for 1.25 oz/a rate without Optimum GAT or STS soybean. Lesser soybean rotation restrictions may apply. See label for details.
^k Intervals for 4 oz/a rate; use 6M interval if soil tilled before planting.

^l Rotational intervals are for 0.25 oz/a rate.
^m Rotational intervals are for 0.5 oz/a rate.
ⁿ Imidazolinone tolerant corn hybrids have no restrictions.
^o 10M interval for transplant tobacco after 0.3 oz/a FirstRate or less.
^p A 10.5M interval exists for hybrids listed on the supplemental label.
^q Wait 9M if using 0.5 oz/a rate.
^r If less than 15 inches of rain has fallen, extend the interval to 18M.
^s Rotational intervals are for 12 oz/a rate.
^t Only corn or sorghum can be planted FY if applied after June 1.
^u Interval of 18M if <18 inches of rainfall or if soil pH is <6.2.
^v Intervals are for 3 fl oz/a rate and may vary for other rates.
^w If the soil has less than 2% organic matter and less than 15 inches of rain has fallen, do not plant for 18M.
^x For rates over 0.375 oz/a, the interval is 18M.

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Some of these pesticides may be applied to your crops. Be aware of the information listed and possibly additional label restrictions. Call with any questions. [Enter phone number]

The federal **Worker Protection Standard (WPS)** for agricultural pesticides is designed to reduce the risk of employee exposure to pesticides. The WPS requires the following information (Columns A-F) be shared with you, our customers if you employ workers performing hand labor tasks. [Enter company name] will call with the product name(s) being applied, the approximate date, time and the location(s) of the application. For more information regarding WPS please visit: <http://www.epa.gov/agriculture/twor.html>

The Wisconsin Pesticide Use and Control Rule (ATCP 29) requires our business to provide you **post application precautions** which the pesticide label requires of the customer. This information includes the re-entry, forage/grazing, crop harvest intervals and plant back restrictions (see columns D, G, H & I). If you will be replanting with another crop not listed in Appendix Table 2, please contact [enter company name] for subsequent planting restrictions.

A	B	C	D	E	F	G	H	I
Product name	Active Ingredient	EPA Registration Number	Re-entry Interval (REI) (hours)	Notify Worker Method (oral/posting)	Early Entry PPE (see footnote)	Forage/ Grazing Interval (days)	Crop harvest Interval (days)	Subsequent Plant back Interval
2-4-D ESTER LV4	2, 4-D	228-139	12	Either	G, B, H, I	7	No restrictions	See Appendix Table 2
2-4-D ESTER LV6E	2, 4-D	228-95	12	Either	G, B, H, I	7	7	See Appendix Table 2
ACCENT	Nicosulfuron	352-560	4	Either	A, B, C	30	30	See Appendix Table 2
AMBUSH 2E INSECTICIDE	Permethrin	5481-549	12	Either	A, B, C, D	30	See Label	No restrictions
ARCTIC 3.2 EC	Permethrin	1381-187	12	Either	A, B, C	No restrictions	30	No restrictions
ASANA XL	Esfenvalerate	352-515	12	Either	A, B, C, D	21	21	No restrictions
ASCEND	Cytokinin, Giberillic Acid, IBA	9779-335	4	Either	A, B, C	No restrictions	No restrictions	No restrictions
ASSURE II	Quizalofop	352-541	12	Either	A, B, C	Not permitted	No restrictions	See Appendix Table 2
ATRAZINE 4L	Atrazine	1381-158	12	Either	A, B, C	60	No restrictions	See Appendix Table 2
Baythroid XL	Beta-Cyfluthrin	264-840	12	Either	A, B, C, D	7	21	See Appendix Table 2
Extreme	Glyphosate + Imazethapyr	241-405	48	Either	A, B, C, D	30	See Label	See Appendix Table 2
Fusilade DX	Fluazifop-P-butyl	100-1070	12	Either	A, B, C	See Label	60	See Appendix Table 2
Lumax EZ	Mesotrione + S-Metolachlor+Atrazine	100-1442	24	Either	B, F, G, H	45 - sweet corn forage; 60 - other	45	See Appendix Table 2
OPTILL	Saflufenacil + Imazethapyr	7969-280	12	Either	A, B, C, D	Not Permitted	255	See Appendix Table 2

Early Entry Personal Protective Equipment Codes:

A = Coveralls

B = Chemical Resistant Gloves

C = Shoes and Socks

D = Protective Eyewear

E = Waterproof Gloves

F = Coveralls over Long Sleeves & Pants

G = Coveralls over Short Sleeves & Short Pants

H = Chemical Resistant Footwear = Socks

I = Chemical Resistant

J = Long Sleeve Shirt & Pants

K = Headgear Suit

WORKER PROTECTION STANDARD (WPS)

Wis. Admin. Code ATCP 29.51(5) and 29.61 and 40 CFR Part 170

The Environmental Protection Agency (EPA) revised the WPS. The new requirements are being phased in during 2017 and 2018.

What pesticides are covered by WPS?

Pesticide labels with an "Agricultural Use Requirements" statement are covered by the WPS. Specific label language will indicate the precautions relevant to agricultural workers and handlers. The WPS does not cover pesticides applied on pastures, rangeland, or livestock.

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE) and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 12 hours.

Do I need to comply with the WPS?

Yes, a commercial pesticide handling establishment (custom applicators or their employers) that uses pesticides in the production of agricultural plants on a farm, forest, nursery, or greenhouse, and is doing any of the following tasks:

- Mixing, loading, transferring, or applying pesticides, handling opened containers of pesticides
- Acting as a flagger
- Cleaning, handling, adjusting, or repairing the parts of mixing, loading, or application equipment that may contain pesticide residues
- Assisting with the application of pesticides
- Adjusting or removing coverings, such as tarps, used in fumigation, or check air concentration levels, entering a treated area outdoors after application of any soil fumigant to adjust or remove soil coverings, such as tarpaulins
- Performing tasks as a crop advisor during pesticide applications, and before any inhalation exposure level or ventilation criteria listed in the labeling has been reached or one of the WPS ventilation criteria has been met during any restricted-entry interval
- Disposing of pesticides or pesticide containers.

What provisions of the WPS do I need to comply with?

Notice of applications to agricultural employers. Commercial pesticide handling establishments must make sure that their customer - the operator of the farm, forest, nursery, or greenhouse - knows certain information about the pesticide before it is applied on the establishment. Customers must have this information to protect their employees as required by the WPS. State and federal law require that WPS information be provided to the agricultural producer prior to making the pesticide application. Information may be provided in writing or orally. If the pesticide is not applied as scheduled, the customer must be informed of the corrected time and date of the application by making the correction before the application takes place or as soon as practicable thereafter. Commercial pesticide handling establishments must provide farm establishments or growers the following information so they can provide it to the workers and handlers on their establishment:

1. Specific location and description of the area to be treated.
2. Time and date the application is scheduled.
3. Pesticide product name, EPA registration number and active ingredient.
4. Restricted entry interval (REI).
5. Whether the pesticide label requires both oral notification and posting.
6. Other label specific requirements for protecting workers and others such as personal protective equipment (PPE) needed for early entry workers or for crop advisors who may be scouting an area under REI.

A custom applicator can request WPS information from growers they contract pesticide applications with. The grower must provide relevant precautions for entering pesticide treated areas on their operation.

Decontamination supplies. Commercial pesticide handling establishment employers (Employers) must provide supplies so that their handlers can wash pesticides and residues from their hands and bodies. Accessible decontamination supplies located within a quarter mile of all handlers shall include:

- Enough water for routine and emergency whole-body washing and eye flushing (about 3 gallons for each handler) Emergency eye flush water must be immediately available if the pesticide label calls for protective eyewear.
- Soap in sufficient quantity to meet the handlers' needs
- Single-use towels in sufficient quantity to meet the handlers' needs
- A clean change of coveralls for use by each handler

Employers must provide water that is safe and cool enough for washing, eye flushing, and drinking. Tank-stored water that also is used for mixing or diluting pesticides cannot be used for washing.

Employers must provide handlers with the previously mentioned supplies at each mixing site and at the place where protective equipment is removed at the end of a task. Worker decontamination supplies must not be located in areas being treated or under an REI. Supplies for handler decontamination may be in the treated area in which the handler is working, as long as the materials are stored in sealed containers.

Knowledge of labeling and site-specific information.

Equipment safety. Equipment used for mixing, loading, transferring, or applying pesticides must be inspected and repaired or replaced as needed. Only appropriately trained and equipped handlers may repair, clean, or adjust pesticide-handling equipment that contains pesticides or pesticide residues.

Personal protective equipment (PPE). Employers must provide handlers with the PPE required by the pesticide labeling for each task. Handlers must also be provided with a pesticide-free work area for storing personal clothing, as well as for changing into and out of PPE for each task. Employers must make sure PPE is worn and used correctly, and make sure respirators fit correctly, and that handlers do not wear or take home used PPE.

Employers must take steps to prevent heat illness. Train handlers to recognize, prevent, and treat heat illness, especially while PPE is being worn.

PPE cleaning and maintenance. Employers must make sure that PPE:

- To be reused is cleaned, inspected, and repaired before each use or replaced as needed;
- That is not reusable or cannot be cleaned is disposed of properly; and
- Should be washed, hung to dry, and stored separately from personal clothing and away from pesticide areas.

Replacing respirator purifying elements. Employers must replace dust/mist filters when breathing becomes difficult, if the filter is damaged or torn, when the respirator label or pesticide label requires it, or at the end of each day's work period in the absence of any other instructions. Cartridges or canisters designed to remove vapors must be replaced when odor, taste, or irritation is noticed; when the respirator label or pesticide label requires it; or at the end of each day's work period in the absence of any other instructions.

Disposal of PPE. Employers must discard coveralls and other clothing that are heavily contaminated with an undiluted pesticide having a DANGER or WARNING signal word, according to directions on the pesticide label. Federal, state, and local laws must be followed when disposing of PPE that cannot be cleaned correctly.

For additional information about WPS contact the department at (608) 224-4545 or visit the EPA website at <https://www.epa.gov/pesticide-worker-safety/agricultural-worker-protection-standard-wps>

CHEMIGATION

URBAN PESTICIDE MISTING, AGRICULTURAL AND NON-AGRICULTURAL

Wis. Adm. Code § ATCP 29.54

A chemigation system is a device or system which mixes pesticides with irrigation water drawn from any source, and which applies the pesticides with the irrigation water. There are specific certification, design, and operation requirements for pesticide applications with a chemigation system. State code defines these systems as either:

- "Agricultural chemigation system" means a chemigation system that mixes pesticide with irrigated water and applies the pesticides with the irrigation water in an agricultural setting.
- "Non-agricultural chemigation system" means a chemigation system that is used to apply pesticides in a non-agricultural setting, including to urban lawns and gardens. For example a lawn irrigation system that applies pesticides, fertilizers and irrigation water.
- "Urban pesticide misting system" means a non-agricultural chemigation system that draws water from any source, mixes the water with a pesticide and applies the mixture outdoors and into the air to kill, repel, or otherwise control pests in an urban setting, including a residential or commercial area. These systems may be referred to as mosquito misters.

Chemigation System Design Wis. Admin. Code § ATCP 29.54(3) – (13)

Chemigation systems must comply with manufacturer's specifications, prevent pesticides from contaminating waters of the state and prevent unreasonable hazards to persons, property and the environment. Systems must meet code requirements designed to address:

- Water supply protection
- Construction materials
- Pesticide injection into the system
- Pesticide supply tank
- Preventing backflow
- Flow interrupter; pesticide supply line
- Flow sensor; injection line
- Check valve, pesticide injection line
- Interlock between water pump and pesticide injection unit
- Water pressure failure, automatic shut-off
- Purging a chemigation system

Applicator Certification Wis. Admin. Code § ATCP 29.29(2)

When pesticides are applied by a chemigation system targeting any pest, the applicator must obtain supplemental certification in Category 26.0 Chemigation. The applicator must also be certified a base certification category relevant to the target site or pest. For example, to make agricultural chemigation applications, certification is required in both an agricultural certification category and Category 26.0 Chemigation. Wis. Admin. Code § ATCP 29.29(2).

Observation Wis. Admin. Code § ATCP 29.54(16) An applicator certified in the Category 26.0 Chemigation is required to observe chemigation applications at all times when chemigation overspray or drift may affect sensitive nontarget areas. For other chemigation operations, the applicator must be present at least hourly, and comply with any additional observation requirements on the pesticide label.

Chemigation Operating Plan Wis. Admin. Code § ATCP 29.54(14) – (17)

An operating plan must be developed and followed for the chemigation system. The plan must identify sensitive nontarget areas, methods for preventing overspray and drift, backflow prevention, calibration monitoring procedures, flush time for the system and safety procedures for individuals who operate, monitor and repair the system. The operation plan must be available at the chemigation site.

Chemigation Warning Sign Wis. Adm. Code § ATCP 29.52(4) and 29.54(17)

Posting warning signs according to the requirements of Wis. Admin. Code § ATCP 29.54(17) is mandatory for all chemigation systems. Additionally, it may be necessary to post warning signs as required under Wis. Admin. Code ATCP 29.52 for pesticides having a restricted entry interval, or ATCP 29.56(3) for landscape applications, including mosquito control in a landscape.

Posting chemigation warning signs is mandatory if any portion of the application site is located within:

1. 100 feet of a public road.
2. 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 area where individuals are likely to be present during the operation of the chemigation system.

Warning signs shall be posted before chemigation begins, and shall remain posted until chemigation is completed and treated surfaces have dried. Warning signs may remain posted indefinitely if they are intact and fully legible during all required posting periods. The form and content of each warning sign shall be identical to that shown. Supplementary information may be included if it is consistent with and does not detract from the requirement.

Warning signs shall be posted at regular intervals along the border between the application site and any road or area identified, and at normal points of access to the application site. At least one warning sign shall be posted for each 1/4 mile of border. At least one warning sign shall be posted at each application site.

