

ATCP 29: Pesticide Use and Control

WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

We have updated Wisconsin Administrative Rule ATCP 29, and the changes may affect how pesticide manufacturers and applicators do business.

ATCP 29 sets state requirements for using pesticides. Periodically, the rule needs to be updated to cover new research, technology, and uses; to match federal requirements; and to clarify language or remove outdated deadlines and other references. After public hearings and legislative approval, the changes are now in effect. Below is a brief summary of changes. If you have further questions, please call 608-224-4500 or email datcppesticideinfo@wi.gov.

Bulk pesticides	<ul style="list-style-type: none"> ✓ Bulk pesticides are now defined as liquid pesticide in a 55-gallon or larger container, or dry pesticide in undivided quantities more than 100 pounds.
Electronic notification	<ul style="list-style-type: none"> ✓ Businesses may now provide written notifications to customers electronically if the customer agrees. ✓ Electronic notifications may be sent via email or other means acceptable to the customer.
Reporting locations of pesticide applications	<ul style="list-style-type: none"> ✓ When recording the location of a commercial pesticide application, you must provide a specific description of the location in enough detail for someone else to readily find the location.
Spill containment and storage	<ul style="list-style-type: none"> ✓ All spill containment surfaces must be: <ul style="list-style-type: none"> • Liquid-tight • Made of portland cement or other non-absorbent material • Strong enough to withstand all foreseeable loading conditions, including the filled weight of all vehicles, application equipment, or other equipment • Spill containment surfaces constructed before June 1, 2013, may be made of asphalt or other materials approved by the Department of Agriculture, Trade and Consumer Protection. ✓ Spill containment surfaces for liquid pesticides must meet the requirements above <i>and</i>: <ul style="list-style-type: none"> • Have at least one fully functioning pump to remove liquid from the surface of the mixing and loading pad. <ul style="list-style-type: none"> ✓ The pump must either be plumbed or have a readily available hose connection to a storage container that will prevent discharges under all reasonable foreseeable conditions. ✓ The storage container must always have at least 200 gallons of unused capacity. ✓ The pump must either self-activate or be available for immediate activation when needed.

Spill containment and storage (cont.)

- ✓ If the surface drains to a sump area, the area must:
 - ✓ Be able to contain all liquid that drains to it, and be liquid-tight
 - ✓ Have a pump and storage container as described above. Sumps installed after June 1, 2013, must have a capacity of 50 gallons or less.
 - ✓ Have inspection and maintenance records for at least three years.
 - ✓ Be repaired when necessary to good engineering practices and manufacturer specifications, and removed if it cannot be maintained in compliance. Sumps that cannot remain liquid-tight for two years after repair must be removed.
- ✓ Copies of construction standards for sumps at fertilizer and pesticide bulk storage facilities are in [ATCP 33.38](#).
- ✓ Minimum design standards for concrete agricultural containment are available on the [DATCP website](#).
- ✓ Spilled pesticides or materials containing pesticides, such as rinsate, must be stored above ground level.

Veterinary clinics

- ✓ Veterinary clinics no longer need a DATCP permit to use, repackage or prescribe pesticides such as flea and tick repellants as part of veterinary treatments. This change in ATCP 29 reflects a 2009 change in state statute.
- ✓ The rule also clarifies that veterinarians and certified veterinary technicians do not need individual commercial applicator licenses to use pesticides as part of veterinary treatment.

Natural areas

- ✓ The "right-of-way pest control" certification category has been renamed "right-of-way and natural area pest control," to include individuals who apply pesticides or supervise applications to restore or maintain natural areas.
- ✓ A natural area means native, undeveloped or wild land preserved or restored and managed for natural or native features, including parks, forests, and private or public grassland.
- ✓ To be certified in this category, you will need to demonstrate practical knowledge of the variety of environments that might be affected by pesticide applications to natural areas, and to recognized common pests in natural areas.

Pesticide misting in urban areas

- ✓ Non-agricultural uses previously exempt from chemigation requirements are now covered and the rule now defines these uses:
- ✓ "Agricultural chemigation system" means one that mixes pesticides with irrigated water and applies the pesticides with the irrigation water in an agricultural setting.
- ✓ "Non-agricultural chemigation system" means one used to apply pesticides in residential and commercial settings, including urban lawns and gardens.
- ✓ "Urban pesticide misting system" is one that draws water from any source, mixes it with a pesticide, and applies the mixture outdoors and into the air to kill, repel, or control pests.
- ✓ The rule sets standards for urban misting systems, including:
 - Pesticides must be labeled for use in these systems.
 - Rain and wind sensors must be installed to prevent drift and control runoff.
 - A legible copy of the label must be securely attached to the system's reservoir tank or the outside of the system timer.
- ✓ The rule clarifies standards that **all** chemigation systems require:
 - A spring-loaded check valve between the pesticide injection unit and the point where the pesticide is injected into the water supply, with a minimum opening or cracking pressure of 10 pounds per square inch

Pesticide misting in urban areas (cont.)

- A low-pressure switch to shut off power to the system if water pressure drops to the point where the pesticide application no longer complies with label directions.
- Pumping water through the system for at least the flush time of the system after finishing pesticide injection

Perimeter barrier applications

- ✓ The rule now defines "perimeter barrier application" as a pesticide application on or within 10 feet of a building to keep pests from entering.
- ✓ The rule clarifies that the "residential application" notification requirement for perimeter barrier applications has not changed.

Rodenticide bait stations

- ✓ A rodenticide bait station means a tamper-resistant package, container or device that holds a pesticide to control rodents.
- ✓ When using a bait station, commercial applicators must mark it in English with:
 - The name of the person responsible for maintaining it
 - The EPA registration number for all the rodenticide products inside the station
- ✓ This information must be legible the whole time that the station is in use, and can be in the inside or outside of the bait station.

Worker Protection Standard

- ✓ The summary of the federal Worker Protection Standard (WPS) was removed from ATCP 29, because the U.S. Environmental Protection Agency is revising the regulations. This does not change affected businesses' need to comply with WPS. DATCP will provide a summary of the federal rules on request. Information is also available on the [EPA website](#).

Electronic applications

- ✓ Applications for emergency and experimental use permits and for special local needs registrations can be submitted electronically unless the department approves a paper application in advance.