

AQUATIC PESTICIDE REGULATION IN WISCONSIN

and update on aquatic 2,4-D label changes



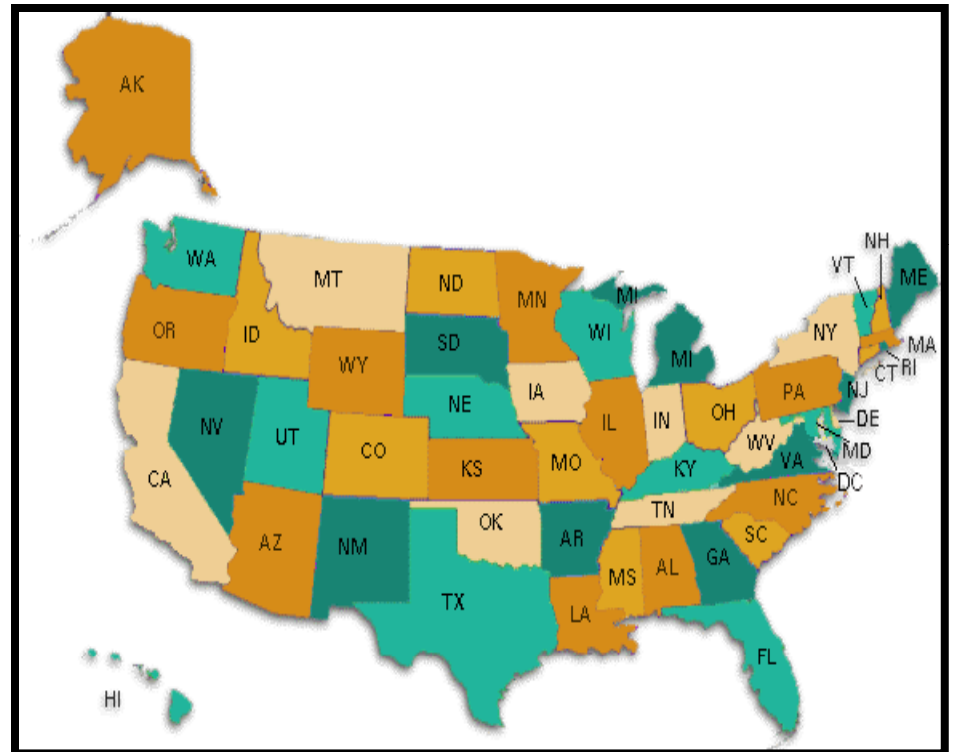
Matthew Sunseri

Pesticide/IPM Specialist

Wisconsin Department of Agriculture,
Trade & Consumer Protection (WDATCP)

Today's overview

- Pesticide regulations
 - Federal
 - State
- Product label
 - Questions to ask
- 2,4-D label changes



Courtesy National Pesticide Information Center

What is a pesticide?

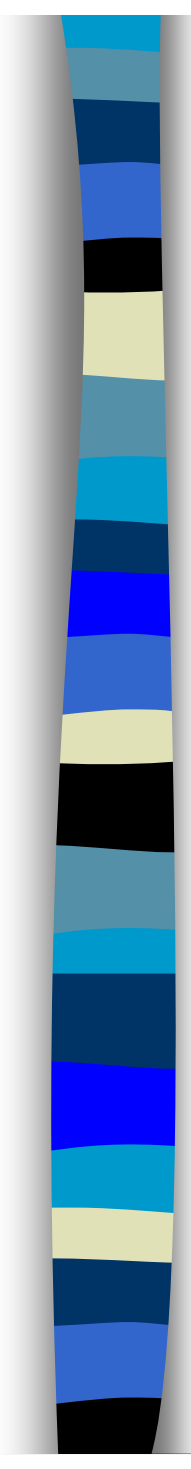
- At least one ingredient that:
 - Prevents
 - Destroys
 - Repels
 - or Mitigates any pest
 - Regulates plant growth
 - Dries out plants
 - Causes leaves to fall off
- Pesticide claims





Roles of the U.S. Environmental Protection Agency (EPA) in pesticide regulation

- Registration of pesticides at the federal level
 - Evaluation of toxicity, health effects, environmental impact
 - Product label review and EPA registration number
 - Search federal registrations at ppis.ceris/purdue.edu
- Authorize special uses and experimental uses
- Periodic evaluation
- Enforcement at national and regional level
 - Federal Insecticide, Fungicide and Rodenticide Act (FIFRA)
 - Code of Federal Regulations (CFR), Title 40, Parts 150 to 189
- Learn more at www.epa.gov/pesticides



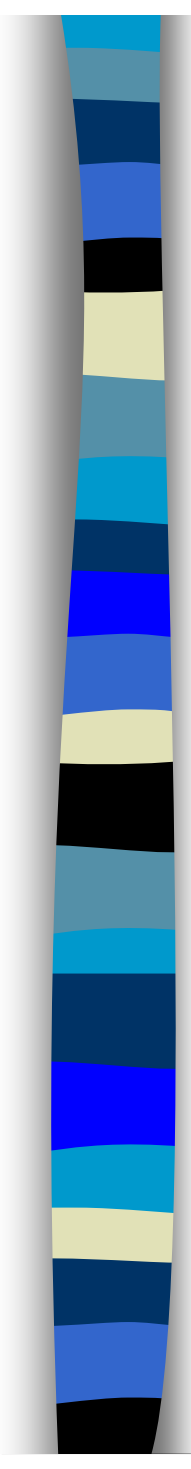
Roles of the Wisconsin Department of Agriculture, Trade and Consumer Protection (WDATCP) in pesticide regulation

■ Pesticide licensing, labeling, and distribution program

- Manufacturers and labelers
 - Must be licensed in order to legally distribute/sell pesticides in Wisconsin
- “Regular” federal registrations
 - **All** pesticides must be licensed in Wisconsin
 - Search Wisconsin listings at www.kellysolutions.com/wi/pesticideindex.asp
- “Special” authorizations
 - for emergency and local pest situations not covered by existing products
- Experimental use permits

■ As program manager:

- Federal registration and state licensing questions and compliance
- Label interpretation
- ATCP 29 rule interpretation
- Health, safety, environmental questions
- Processing special authorization and experimental use requests



Roles of the Wisconsin Department of Agriculture, Trade and Consumer Protection (WDATCP) in pesticide regulation

■ Other pesticide programs

- Applicator certification and licensing; business licensing
- Endangered species
- Worker protection
- Bulk storage and spill containment

■ Other pesticide activities

- Groundwater protection
- Compliance and enforcement – product use, production, distribution, sale, licensing; applicator certification/licensing; business licensing

■ Learn more at www.datcp.state.wi.us/index.jsp

- Click on “Insects and Pesticides button” at top

Certification and licensing for aquatic pesticide applications

■ Required in Wisconsin if:

- Product is classified as “Restricted Use Pesticide”
- Application is made on a “for hire” basis
- Product label requires certification or licensing
- Product is used on school grounds





Certification and licensing for aquatic pesticide applications

■ Appropriate certification categories for aquatic applications

– Aquatic and Mosquito certification

- Commercial Category 5.0
- Examples
 - Custom applicators controlling aquatic pests
 - DNR employees controlling aquatic pests
- Revision of aquatic certification manual and exam

– Aerial application certification

- Commercial Subcategory 9.9

– Right of Way

- Commercial Category 6.0
- Examples
 - Along stream banks or drainage ditches to water's edge (or entire drainage ditch when dry)

Selected Wisconsin regulations

- Wisconsin Statute 94.70 – Pesticides; prohibited acts
 - <http://www.legis.state.wi.us/statutes/Stat0094.pdf>
- Wisconsin Administrative Code ATCP 29 – Pesticide use and control
 - <http://www.legis.state.wi.us/rsb/code/atcp/atcp029.pdf>
 - Commercial application businesses and individual applicators
 - 29.20 to 29.33
 - Storing and transporting pesticides
 - 29.40
 - Selling pesticides
 - 29.41
 - Mixing and loading; spill containment ◀
 - 29.45
 - Mixing or loading near surface waters ◀
 - 29.46
 - Disposal of pesticides and containers
 - 29.47
 - Pesticide use
 - 29.50
 - Warning signs at application sites ◀
 - 29.52





Important questions to answer before choosing and using a pesticide

- Is the product currently registered with EPA and licensed with WDATCP?
- Who does the label allow to use the product?
- Is the product labeled for how and where you want to use it? Does the label prohibit the use?
 - Registered products on market are only intended for labeled uses; other uses, or uses of unregistered products, may be:
 - Illegal
 - Ineffective
 - Harmful
- Does the applicator have proper certification and licensing to make that application, if applicable?

Importance of the product label

- Primary resource for using product legally, correctly, and “safely”
- Specifies
 - Who
 - What
 - Where
 - When
 - How and how much
- Allows authorities to regulate product



Product label information

- Restricted use statement
- **Directions for use**
 - Who, what, when, where, how, how much
 - Restrictions
- Signal word
- **EPA registration number**
- Hazards to humans and domestic animals
 - Precautionary statements
 - Personal Protective Equipment
- **Environmental hazards**
- First aid
- Symptoms (?)
- Emergency contact
- Agricultural requirements (WPS)
- Physical/chemical hazards
- Storage/disposal

Restricted Use Pesticide

Due to high acute inhalation toxicity and carcinogenicity.
For retail sale to and use only by Certified Applicators or persons under their direct supervision and only for those uses covered by the Certified Applicator's certification.

Courtesy University of Florida



Courtesy of U.S. Fish and Wildlife Service



Directions for use – Exceptions

- “It is a violation of federal law to use this product in a manner inconsistent with its labeling” or... “The label is the law”.

- **Only exceptions to this statement:**

[Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Section 2(ee)]

- 1) “applying a pesticide at any **dosage, concentration, or frequency** less than that specified on the labeling”, unless prohibited by the labeling.
- 2) “applying a pesticide against any **target pest** not specified on the labeling” if applied to site(s) specified on the labeling, unless the labeling restricts applications to only the pests specified. *Note: efficacy, endangered species.*
- 3) “employing any **method of application** not prohibited by the labeling unless the labeling specifically states that the product may be applied only by the methods specified on the labeling”
- 4) “mixing a pesticide or pesticides with a **fertilizer** when such a mixture is not prohibited by the labeling”
- 5) “any use of a pesticide in conformance with section 5, 18, or 24 of this Act” (**experimental use permits and special authorizations** -- emergency exemptions, special local needs)
- 6) “any use of a pesticide in a manner that the Administrator [EPA] determines to be consistent with the purposes of this Act.”



Pesticide registration update – 2,4-D label changes

- EPA is requiring label changes for products containing 2,4-D
 - **Will affect all 2,4-D products labeled for aquatic weed control**
 - *Navigate, DMA 4, Weedar, etc.*
 - EPA has already accepted revised labels for some aquatic use products
 - New labels could already be in the marketplace or coming soon



Pesticide registration update – 2,4-D label changes

- EPA's periodic evaluation of pesticides
 - Registration Review (current program)
 - http://www.epa.gov/oppsrrd1/registration_review/
 - Reregistration (previous program)
 - <http://www.epa.gov/pesticides/reregistration/index.htm>

- Reregistration Eligibility Decision (RED)
 - Issued for 2,4-D in 2005
 - Reregistration authorized, with substantial label changes including aquatic uses
 - Fact sheet
http://www.epa.gov/oppsrrd1/REDs/factsheets/24d_fs.htm

Pesticide registration update – 2,4-D label changes

■ Old 2,4-D product labels:

– Required the following in order for treated water to be used:

- Setback of 1500 feet from (active) irrigation or potable water intakes
- Water testing



Courtesy of dnr.wi.gov



Pesticide registration update – 2,4-D label changes

■ New 2,4-D product labels:

- More detailed use directions for aquatic uses
 - Canal/ditch
 - Emergent/floating weeds in bodies of water
 - Submerged weeds in bodies of water
 - **Eurasian water milfoil**
- More detailed restrictions/limitations
 - For emergent and submerged weeds, the restrictions are based on what the treated water will be used for:
 - **Irrigation/spray**
 - **Potable (drinking) water**
 - If the site to be irrigated/sprayed is not labeled for 2,4-D use, or if the treated water will be used for drinking water, then the applicator chooses one of three restrictions to comply with in order for the treated water to be used -- **setback distance from functioning (useable) intakes, waiting period, or water testing.** For drinking water use, if the setback restriction is not observed then there is also a **notification and advisory requirement.**

Pesticide registration update – 2,4-D label changes

■ New 2,4-D product labels:

- 24-hour swimming restriction with notification requirement
 - Only for the butoxyethanol ester (BEE) form of 2,4-D



Courtesy of wordpress.com



EPA public comment periods

- EPA invites public comment on regulatory decisions for pesticides
 - Announced in the Federal Register
 - www.epa.gov/fedrgstr
 - To sign up for notifications visit
 - www.epa.gov/fedrgstr/subscribe.htm
 - Mark “epa-pest” to select pesticide topics

Summary

- Read the label first
 - Labels can change
 - Who can use the product, where, how
- Make sure the product is registered with EPA and licensed with WDATCP
 - Status can change
- Certification and licensing
- Follow the label



Contact information



Matthew Sunseri

Pesticide/IPM Specialist

Wisconsin Department of Agriculture, Trade &
Consumer Protection (WDATCP)

(608) 224-4547

matthew.sunseri@wisconsin.gov