



AQUATIC AND MOSQUITO PESTICIDE APPLICATIONS

This document outlines pesticide regulations specific to aquatic and mosquito pesticide applications. Regulations relevant to aquatic and mosquito applications and other types of pesticide applicators, such as record keeping and licensing, are found on the DATCP webpage

https://datcp.wi.gov/Pages/Programs_Services/PesticidesFertilizersCertificationLicensing.aspx

DNR PERMITS FOR AQUATIC AND MOSQUITO APPLICATIONS

Applicators must have a Wisconsin Department of Natural Resources (DNR) Aquatic Plant Management Permit to apply pesticides or other chemicals to most Wisconsin waters for the management of aquatic organisms (e.g., plants, fish, and mosquito larvae). The DNR regulates the use of pesticide and other chemicals applied to state waters under Wisconsin Administrative Code § NR 107, Aquatic Plant Management. DNR regulations supplement the pesticide use requirements contained in Wisconsin Administrative Code § ATCP 29 and ATCP 30. DATCP licensed fish farms and other locations may be exempt from this permit. Aquatic Pesticide Use Permits are issued by DNR region offices.

Prior to making the pesticide application contact your regional DNR office to confirm 1) if the site is considered an aquatic environment (standing surface) at the time of application, 2) what permits are necessary and 3) the requirements/conditions for obtaining that permit. DATCP does not determine which water bodies are considered "Waters of the State". Section 283.01(20) of the Wis. Statutes has a specific definition for a waters of the state. It includes public and private features such as lakes, streams, ponds, springs, wells, impoundments, marshes, drainage systems, and other surface or groundwater features.

The DNR also has four general Wisconsin Pest Control Pollutant Discharge Elimination System (WPDES) permits applicable to aquatic and mosquito pesticide applications. These permits relate to authorized pollutant discharges from control activities for the following types of organisms: 1) Aquatic Plants, Algae and Bacteria, 2) Detrimental or Invasive Aquatic Animals, 3) Forest Canopy Pests, and 4) Mosquitoes or Other Flying Insects. The permits cover pesticide applications resulting in a biological pollutant discharge; an excess chemical pollutant discharge into waters of the state located beyond the treatment area boundary; and/or a chemical pollutant residue that remains in waters of the state after completion of the pesticide treatment period. Permits can be issued to lake associations, public health departments, pesticide application businesses, and others. Contact the DNR to determine if a WPDES permit is needed, and visit <http://dnr.wi.gov/topic/wastewater/AquaticPesticides.html>

AQUATIC PESTICIDE APPLICATIONS

A DNR issued Aquatic Plant Management Permit (NR 107) is usually needed to apply pesticides or other chemicals to Wisconsin waters for the management of aquatic organisms, e.g., plants, fish, and mosquito larvae. Give yourself sufficient time to apply for a permit and receive approval. Work directly with the DNR aquatic plant management coordinator prior to submitting your permit application.

Certification Requirements

- For-Hire commercial applicators applying pesticides to standing or running surface water or below the high water mark must be certified in Category 5.0 Aquatic & Mosquito. State pesticide law does not distinguish between waters of the state and privately owned water bodies. If the application is below the high water mark certification in category 5.0 is required, including sites that are not covered by a DNR NR 107 permit. This can include neighborhood ornamental ponds and "water hazard" areas on a golf course.
- Not for-hire applicators may be exempt from certification and licensing if they only apply pesticides to property owned or controlled by their employer and they do not use a restricted use pesticide. However, certification may be required by DNR as part of a NR 107 Chemical Aquatic Plant Control

Permit condition, or by label statements mandating applicator certification as found on some general use aquatic pesticides.

- DNR Permit. NR 107 requires applicator certification when the treatment is made by a for-hire applicator; to an area greater than 0.25 acres; a restricted use pesticide is applied or liquid chemicals are used.
- You may need individual commercial certification within two separate categories (e.g. 6.0 Right-of-Way and Natural Area) in instances when you are controlling non-mosquito pests or vegetation in terrestrial or temporarily dry locations such as waterways.

Notification of Aquatic Applications - Wis. Admin. Code § NR107.04(4)

Persons making aquatic nuisance control applications must provide a copy of the permit application to the appropriate property owners' association, inland lake district and in the case of pesticide applications for rooted aquatic plants, to any riparian property owner adjacent to and within the treatment area. Contact DNR for details.

Posting Warning Signs at Aquatic Application Sites -

Wis. Admin. Code § NR107.08 and ATCP 29.52

Notification is required by aquatic plant management permits, including posting a sign complying with DNR specifications. The sign must identify water use restrictions specific to the pesticide applied, and be posted for a minimum of one day at strategic locations along the shoreline. If the pesticide has a restricted entry interval, additional posting must be done in accordance with ATCP 29.52(3).

Label Required Notification - Individual pesticide products may also mandate notification by posting or other methods. For example, the DMA 4 IVM label mandates that the applicator notify individual public and private water users when an application occurs less than 600 feet from potable water intakes.

TERRESTRIAL MOSQUITO APPLICATIONS

Terrestrial mosquito applications are made on land above the ordinary high water mark of a waterbody, not in an aquatic site. Terrestrial applications typically target adult mosquitoes. Mosquito control applications made within areas meeting the "landscape" definition in ATCP 29.56(1) are also considered a landscape application. The following rules for landscape applications shall be followed, details are found in the landscape compliance document available at

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

- Advance Notice to Individuals listed on the Landscape Registry
- Pre-Application Information to Customer
- Post-Application Information to Customer must be provided immediately
- Posting Warning Signs for Landscape Application
- Information Provided Upon Request

If a person makes pesticide applications for mosquitoes, that person must be certified within the commercial certification Category 5.0 Aquatic and Mosquito. Controlling landscape or structural pests other than mosquitoes (e.g. ticks or boxelder bugs) requires the applicator to be certified in an additional certification category. Applicators certified in Category 3.0 Turf & Landscape and Category 7.1 Structural Pest Control cannot target mosquitos without being certified in Category 5.0 Aquatic & Mosquito.

"Landscape" means turf, ornamental and mulched areas, and areas being prepared for those purposes, that are located in or around residential premises, public or commercial facilities, parks, workplaces, care facilities, recreational areas and public lands. "Landscape" does not include utility or transportation right-of-way areas, greenhouses, nurseries, or areas used for agricultural production, forest production or commercial turf production.

"Landscape pesticide applications" means the application of a pesticide to a landscape.

"Landscape pesticide application" does not include any of the following:

- a) Pesticide applications for the purposes of Forest Pest Control or Termite Control.
- b) A perimeter barrier application made on or within 10 feet of a building or structure to prevent or discourage pests from entering that building or structure.
- c) Mosquito control applications made by a government entity for public health purposes.
- d) Pesticide applications made by the department or its agent under relevant statutes.

MOSQUITO MISTING - URBAN PESTICIDE MISTING SYSTEM AND NON-AGRICULTURAL CHEMIGATION SYSTEMS

Wis. Adm. Code § ATCP 29.54

There are specific certification, design, and operation requirements for pesticide applications to control mosquitoes with a chemigation system. These are mosquito misting and other systems that mix pesticide with irrigation water. An applicator certified in Category 5.0 Aquatic & Mosquito must also be certified in Category 26.0 Chemigation to apply pesticides via a chemigation/misting system. Details are in the chemigation fact sheet available at <https://datcp.wi.gov/Documents/HTCGenChemigation>.