

**8-24-2015 Experimental Use Permit Exemption Interpretation of Ownership of Test Plots**

**Background:** This document clarifies what Wisconsin Department of Agriculture Trade and Consumer Protection considers to be ownership of test plots by the testing entity as stated in the exemption criteria for experimental use permits for pesticides in ATCP 29.71(11)(b)(2)

**Subject:** Experimental use permit exemptions. Clarification of the term “owned” as it appears in ATCP 29.71(11)(b)(2) “Field tests, other than field tests of microorganisms produced or modified by recombinant DNA techniques, conducted on test plots *owned* by the testing entity. No individual test plot may exceed 1/2 acre, nor may the combined area of all the test plots exceed 5 acres.”

**Question:** What does the department consider to be included in the “ownership of test plots” as stated in ATCP 29.71(11)(b)(2) and can rented or leased ground that is under the control of the testing entity be considered owned?

**Answer:** Wisconsin Department of Agriculture Trade and Consumer Protection considers “ownership of test plots” to include management of all experimental activities associated with these test plots including experimental design, test entries, planting, in-season crop management, harvesting, and any post-season activities that are required, even if the deed to the land that the test plots reside on is not titled in the testing entity’s name. The testing entity must be renting or leasing the land upon which the tests plots reside until the conclusion of all field aspects of the experiment including any post-season activities that are required.

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