



State of Wisconsin
Governor Tony Evers

Department of Agriculture, Trade and Consumer Protection
Bradley M. Pfaff, Secretary

Application for a Wisconsin Pesticide Experimental Use Permit

Introduction

A pesticide experimental use permit is required for anyone who wishes to conduct an experiment using an unregistered pesticide or a pesticide for a use that it is not registered for. There are two types of experimental use permits: Federal experimental use permits issued by the EPA and State experimental use permits issued by the state where the testing will be conducted. Section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) grants the EPA authority to issue experimental use permits for pesticides.

EPA Requirements

The EPA generally requires an experimental use permit if an experimental pesticide will be used on 10 acres of land or greater, or 1 acre of water or larger. Certain exceptions to this rule include the testing of pesticide for indoor uses, field testing swimming pool sanitizers and disinfectants, and testing certain microbial pesticides. Also a federal experimental use permit may be required in situations where acreage limitations do not accurately reflect whether the testing is to be considered small-scale or large-scale.

For more information on applying for an EPA experimental use permit please see [Pesticide Registration Manual: Chapter 12 - Applying for an Experimental Use Permit](#).

Wisconsin Experimental Use Permits

Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) also has the authority to issue experimental use permits under FIFRA section 5 (f) and [ATCP 29.71](#), Wis. Adm. Code. DATCP may issue experimental use permits for up to 10 acres in size for terrestrial uses and up to 1 acre in size for aquatic uses.

Restrictions and Conditions

Under ATCP 29.71 (5) DATCP may impose conditions on experimental use permits that they issue. Permit conditions may include limits on the amount of pesticide used, the method of use, the size and location of application sites, and the disposal of unused pesticides and pesticide containers. Experimental use permits issued by DATCP can have an expiration date of up to 2 years from the date of issuance. DATCP may require the holder of an experimental use permit to submit reports related to shipment or use of the pesticide under the experimental use permit. DATCP may not issue an experimental use permit authorizing the sale, purchase, shipment, and use of a pesticide, of DDT or its isomers and metabolites.

The department may summarily suspend or revoke an experimental use permit if the department finds any of the following:

- a. Information contained in the permit application is false or misleading.
- b. Permit conditions or limitations have been violated.

- c. The pesticide use poses an unreasonable risk to persons, property, or the environment.

Renewal Requests

DATCP may renew an experimental use permit for up to 2 years from the date of issuance but the application is reviewed as if it were a for a new permit.

Timeline

DATCP will grant or deny the permit application within 60 business days after receiving a complete application.

Process Overview

DATCP is required to review the application and conduct an environmental assessment of the proposed action. There is a **minimum 5 day public comment period** where the public will have the opportunity to request to review the application (appropriately marked confidential materials are withheld from public review) and to make comments on the proposed use. At the close of the comment period, all comments are reviewed and a decision is made to grant or deny the permit application at that time.

Exemptions

If a person has an experimental use permit from the EPA they are exempt from needing a Wisconsin experimental use permit under ATCP 29.71 (11) (b) (3) as long as the testing entity provides the department with a copy of the federal permit and notifies the department of the test locations before conducting the tests.

Additionally a testing entity would be exempt if they comply with ATCP 29.71 (11) copied below:

(a) The following entities may conduct preliminary screening tests under par. (b) without an experimental use permit:

1. A state or federal agency.
2. An accredited college or university.
3. A pesticide registrant.

(b) The following tests are considered preliminary screening tests under par. (a) if they are solely designed to determine whether a substance has value as a pesticide for specific purposes:

1. Laboratory or greenhouse tests.
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.

(c) No raw agricultural commodities, food, or feed involved in a screening test under par. (b) may be consumed by humans or other animals, except laboratory or experimental animals which are used in the test and are not used for food or feed. The agricultural commodities, food,

and feed shall be disposed of in a manner that minimizes exposure to human beings and the environment.

(d) The exemption under par. (a) does not apply to a pesticide or pesticide use which is specifically prohibited under this chapter, or for which a federal registration has been denied, suspended, or canceled.

If a testing entity's experiment is exempt from needing an experimental use permit from the EPA (less than 10 acres of land or 1 acre of water), but is too large to be considered exempt from a Wisconsin experimental use permit (more than ½ acre plots exceeding 5 acres total), then they will need to apply for a Wisconsin experimental use permit.

Who May Apply

Experimental use permits can only be issued to either of the following individuals:

- A person who needs the permit to acquire experimental data in this state in order to register a pesticide or pesticide use under the federal act or for a FIFRA section 24(c) special local needs registration (ATCP 29.72).
- A person, other than a pesticide seller or a seller's promotional agent, who needs the permit to perform bona fide scientific research in this state.

Applications must be submitted electronically to Alyssa Foss, alyssa.foss@wisconsin.gov unless otherwise approved by DATCP.

Application requirements are detailed below.

Wisconsin Experimental Use Permit Application Outline

- If the space provided is not adequate for your full response, simply add an attachment to the application labeled with the letter that your answer corresponds to, such as “**Attachment A**” for the applicant’s complete name and address.

(A) The applicant's complete name and address.

- Name: _____
- Address: _____

(B) The complete name and address of each person who will be shipping the pesticide, and the address from which each shipment will originate.

- Name: _____
- Address: _____
- Address of shipment origin: _____

(C) The complete name and address of each person who will receive a pesticide shipment in this state.

- Name: _____
- Address: _____

(D) The complete name and address of each individual who will use or direct the use of the pesticide.

- Name: _____
- Address: _____

(E) The complete name and address of each person on whose property the pesticide will be used.

- Name: _____
- Address: _____

(F) Attach a detailed description of the proposed experimental use labeled as “**Attachment F**” which includes all of the following:

1. The purpose of the experimental use.
2. The amount of pesticide to be used.
3. The target organisms against which the experimental use will be directed.

4. The type of plants, animals, or site to be treated.
5. The location, nature, and size of the site to be treated, and the nature of the surrounding environment.
6. The dates or time periods on or within which the pesticide will be used.
7. The methods by which the pesticide will be applied or used.

(G) The proposed schedule of pesticide shipments, including individual shipment dates and amounts.

- Shipment dates: _____
- Shipment amounts: _____

(H) Attach a detailed description of the pesticide labeled as “**Attachment H**” which including all of the following:

1. The pesticide's chemical composition and formulation type, including the chemical name and percentage by weight of each active and inert ingredient.
2. Relevant chemical and physical properties of the pesticide.
3. Methods used to analyze the pesticide formulation and identify pesticide residues.
4. Available information on pesticide toxicity, including oral, dermal, and inhalation toxicity, lethal concentrations in the aquatic environment, chronic toxicity hazards, and symptoms of toxicity in persons, plants, and animals.
5. Available information on the rate of decline of pesticide residues in target and non-target organisms, raw agricultural commodities, food, feed, and the environment.
6. Potential hazards to persons using the pesticide, and suggested precautions for use.

(I) A description of precautions that will be taken in connection with the experimental use to prevent hazards to persons, property, and the environment. Label the description as “**Attachment I**”.

(J) Attach as “**Attachment J**”, either of the following if the experimental use may cause pesticide residues to occur in raw agricultural commodities, food, or feed:

1. Proof that the proposed experimental use will not result in pesticide residues in excess of tolerances established under the federal act or the federal food, drug and cosmetic act, as amended (21 USC 301 et seq.), or that the pesticide's active and inert ingredients are exempted from the requirement of a residue tolerance in raw agricultural commodities, food, and feed.

2. Certification that no raw agricultural commodities, food, or feed involved in the experimental use will be consumed by humans or other animals, except laboratory or experimental animals not used for food or feed.

(K) Attach as **“Attachment K”** a copy of any permit which the federal EPA has issued for the experimental use under the federal act.

Permit Attached

No current EPA Experimental Use Permit

(L) Attach as **“Attachment L”** the proposed labeling for the experimental use pesticide. Proposed labeling should include all of the following:

1. The prominent statements **“FOR EXPERIMENTAL USE ONLY”** and **“NOT FOR RESALE.”**
2. The name, brand, or trademark of the pesticide.
3. The name and address of the experimental use permit holder.
4. The net contents of the pesticide container.
5. A complete ingredient statement.
6. Appropriate warning or cautionary statements.
7. A restricted entry interval, if appropriate.
8. Directions and conditions for use of the pesticide.
9. Other labeling required by the department.

(M) Other relevant information required by the department. Label as **“Attachment M-1”** and **“Attachment M-2”** respectively.

1. Copy of the current Section 3 specimen label, if the product is federally registered
2. Copy of the current safety data sheet (SDS)