

State of Wisconsin



2009 Assembly Bill 314

Date of enactment: **May 12, 2010**
Date of publication*: **May 26, 2010**

2009 WISCONSIN ACT 286

AN ACT *to create* 94.697 of the statutes; **relating to:** pesticide use by railroads.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 94.697 of the statutes is created to read:
94.697 Railroad pesticide use. (1) DEFINITION. In this section "railroad" means a person that owns or operates any railroad or part of a railroad as a common carrier in this state.

(2) INFORMATION REQUIRED. (a) No later than 48 hours before applying a pesticide to a right-of-way that a railroad owns or maintains, the railroad shall provide pesticide safety information at a central location accessible to employees of the railroad. A railroad shall include all of the following in the safety information provided under this paragraph:

2. The location and description of the area to be treated.
3. The name of the pesticide, its active ingredients, and its registration number under the federal act.
4. The approximate time and date that the pesticide is to be applied.
5. Any restricted entry interval specified on the pesticide labeling.
6. A description of where the information required to be on the pesticide label under the federal act or under ss. 94.67 to 94.71 is available for review.
7. Emergency medical contact information.

(b) A railroad shall keep the information under par. (a) posted at the location accessible to employees of the railroad for at least 30 days after the day of application.

(c) No later than 48 hours before applying a pesticide to a right-of-way that a railroad owns or maintains, the railroad shall provide all of the following to each individual who directly supervises employees who work in the area to be treated:

1. The information described in par. (a) 2. to 6.
2. A description of the central location where the railroad provides the pesticide safety information to employees under par. (a).

(e) A railroad shall make available to the public on its Internet site a description of how to obtain answers to questions about pesticide use by the railroad, including a telephone number for the railroad and any toll-free number maintained by the department to provide information about pesticide use.

(3) WORKER PROTECTION. A railroad shall provide pesticide safety training annually to its employees who work along railroad rights-of-way and in rail yards and to other employees who, due to the nature of their employment, work in areas to which pesticides have been applied and shall keep records, for each training session, of the date, the employees attending, and the name of the trainer and the trainer's employer. In the training under this subsection, a railroad shall include information about restricted entry intervals, requirements for personal pro-

* Section 991.11, WISCONSIN STATUTES 2007-08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

protective equipment, how to read pesticide labels, and incident and complaint reporting.
